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Congressional Record

PROCEEDINGS AND DEBATES OF THE SEVENTIETH CONGRESS SECOND SESSION

SENATE

MONDAY, *January 28, 1929*

Rev. James W. Morris, D. D., assistant rector of the Church of the Epiphany, Washington, D. C., offered the following prayer:

Let us pray.

O God, our Father, Thou alone hast immortality; for Thou alone art from everlasting to everlasting. Thou alone hast neither beginning of days nor end of life. And Thou only art wise. To Thee alone belong the secrets of eternal time, from inscrutible beginnings to mysterious end. Thou, too, art the blessed and only Potentate, King of Kings, and Lord of Lords, in whose hand our breath is and whose are all our ways.

Eternal, All-Wise, Almighty God, graciously hear the prayers of the frail creatures of Thy hand. Impress us not only with life's uncertainties but also with its swift and solemn certainties. Save us from futilities that darken our brief day. Challenge us with high duties that once and once only are ours. Grant us to test the things for which we strive and the forces that rule our life by our high calling in Christ Jesus.

Give us grace so to serve Thee in our generation that at last we may be gathered to our fathers, having the testimony of a good conscience, in the communion of Thy holy church, in the confidence of a certain faith, in the comfort of a reasonable, religious, and holy hope in favor with Thee our God, and in perfect charity with the world. For the sake of Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (S. 3453) to confer jurisdiction upon the Court of Claims to hear and determine the claim of Clara Percy, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 11854) for the relief of John W. Leich, alias John Leach, in which it requested the concurrence of the Senate.

FINAL ASCERTAINMENT OF ELECTORS

The VICE PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, a certified copy of the final ascertainments of the electors for President and Vice President from the State of Nevada at the election held November 6, 1928, which was ordered to lie on the table.

EXPENSES OF ADMINISTRATION OF SETTLEMENT OF WAR CLAIMS (S. DOC. NO. 211)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation, fiscal year 1930, for the War Department, for expenses of administration of settlement of war claims, act of 1928, amounting to $100,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SENATOR FROM NEW MEXICO

Mr. BRATTON presented the credentials of BRONSON CUTTING, chosen a Senator from the State of New Mexico for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

THE CANVASSING BOARD OF THE STATE OF NEW MEXICO.

To all to whom these presents shall come, greeting:

This is to certify that BRONSON CUTTING was duly and regularly elected in accordance with law to the office of United States Senate (6-year term beginning March 4, 1929) at the general election held in the said State of New Mexico on the 6th day of November, in the year 1928, as shown by the returns of said election on file in the office of the secretary of state, and as declared and determined by the State canvassing board, consisting of the governor, the secretary of state, and the chief justice of the State of New Mexico.

In testimony whereof, we have hereunto set our hands and caused to be affixed the great seal of the State of New Mexico this 3d day of December, A. D. 1928, and of the independence of the United States the one hundred and fifty-second.

R. C. DILLON,
Governor of New Mexico.
FRANK W. PARKER,
Chief Justice of New Mexico.
[SEAL.]
JENNIE FORTUNE,
Secretary of State of New Mexico.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Keyes	Sheppard
Barkley	Frazier	King	Shipstead
Bayard	George	La Follette	Shortridge
Bingham	Gerry	McKellar	Simmons
Black	Gillett	McMaster	Smith
Blaine	Glass	McNary	Smoot
Blease	Glenn	Mayfield	Steiwer
Borah	Goff	Moses	Stephens
Bratton	Gould	Neely	Swanson
Brookhart	Greene	Norbeck	Thomas, Idaho
Bruce	Hale	Norris	Thomas, Okla.
Burton	Harris	Nye	Trammell
Capper	Harrison	Oddie	Tydings
Caraway	Hastings	Overman	Vandenberg
Copeland	Hawes	Phipps	Wagner
Couzens	Hayden	Pine	Walsh, Mont.
Curtis	Heflin	Reed, Pa.	Warren
Dale	Johnson	Robinson, Ind.	Waterman
Dill	Jones	Sackett	Watson
Edge	Kendrick	Schall	Wheeler

Mr. NORRIS. I desire to announce that my colleague the junior Senator from Nebraska [Mr. HOWELL] is still absent on account of illness. I will let this announcement stand for the day.

Mr. WALSH of Montana. I wish to announce that the senior Senator from Louisiana [Mr. RANSDELL] is absent on account of illness.

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present.

PERSONAL EXPLANATION—SPANISH-AMERICAN WAR

Mr. BORAH. Mr. President, I desire to occupy the attention of the Senate just a moment. During the debate on the peace treaty a colloquy took place in the Senate with reference to the Spanish-American War. It came up purely in the way of illustration and as an incident of the debate. Some erroneous impressions seem to have been drawn by the Spanish people and the Spanish Government from that debate.

I think I can speak for all those who took part in the colloquy to the effect that there was no intention of reviving the question of the responsibility for the destruction of the *Maine*, nor in any wise assessing or reassessing or imputing any responsibility to the Spanish people or the Spanish Government. A careful reading of the debate, I believe, will disclose that fact.

I desire to say further that I am sure I express the views of the American people and of the American Government when I say that it is our desire to live upon terms of cordial friendship with the Spanish Government and the Spanish people, and, furthermore, that we entertain for them the highest respect and the most sincere good feeling.

Mr. JOHNSON. Mr. President, may I very cordially reaffirm what has been said by the Senator from Idaho? The

query which probably has given rise to the unfortunate situation was in fact one which was propounded by me, during the course of the debate upon the multilateral peace treaty, to the Senator from Idaho, the chairman of the Foreign Relations Committee. The propounding of the query was in an academic sense entirely and because in reading the multilateral treaty some curiosity had been aroused in my mind as to events that had transpired in the past and what effect the treaty might have had upon those events.

It seemed to me that the treaty, if it had been in force at the time of the Spanish-American War, would have precluded such a war on our part. Solely because that was the opinion I held, I asked the question of the Senator from Idaho whether in his opinion that was the case? That was all there was to the incident. Behind it there was no thought in my mind, none in his, none in the minds of those who participated in the discussion, other than a mere construction of what the treaty might have done in days gone by.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a joint memorial of the Legislature of the State of Arizona, praying for the immediate passage of legislation to protect the southwest section of the country from the foot-and-mouth disease, which was referred to the Committee on Agriculture and Forestry.

(See joint memorial printed in full when presented to-day by Mr. ASHURST.)

The VICE PRESIDENT also laid before the Senate a concurrent resolution of the Legislature of the State of Indiana, indorsing and approving the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which was ordered to lie on the table.

(See concurrent resolution printed in full when presented to-day by Mr. WATSON.)

Mr. OVERMAN presented a petition of sundry citizens of Tryon, N. C., praying for the continuance of the present immigration law with the national origins quota provision contained therein to become operative on July 1, 1929, which was referred to the Committee on Immigration.

Mr. ASHURST presented the following joint memorial of the Legislature of the State of Arizona, which was referred to the Committee on Agriculture and Forestry:

HOUSE OF REPRESENTATIVES,
NINTH STATE LEGISLATURE, REGULAR SESSION.

House Joint Memorial 1

Whereas there exists within the State of California at the present time an epidemic of that highly infectious disease, affecting man and all cloven-hoof animals, known as the foot-and-mouth disease; and

Whereas it has been reported by reliable authority that the present as well as similar outbreaks of the past have been introduced into the United States by the importation of garbage from foreign countries, specific instances being as follows:

(1) During the month of February, 1924, introduced at Vallejo, Calif., by garbage from a United States naval transport.

(2) During the month of September, 1925, introduced into a Texas seaport by garbage from a tramp steamship.

(3) During the month of January, 1929, introduced into the port of San Pedro, Calif., by garbage from a United States naval transport: And, therefore, be it

Resolved by the House of Representatives of the Ninth State Legislature of the State of Arizona (the State Senate concurring), That the Congress of the United States be memorialized, petitioning that immediate and adequate legislation be enacted by said Congress to protect this section of the country from the present recurrence and future recurrence of this dread infection; and be it further

Resolved, That copies of this memorial, suitably engrossed, be transmitted to the Secretary of the Interior, the Speaker of the House of Representatives in Congress, and to each of the Representatives in Congress from the State of Arizona.

Mr. WATSON presented the following concurrent resolution of the Legislature of the State of Indiana, which was ordered to lie on the table:

STATE OF INDIANA,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I, Otto G. Fifield, secretary of state of the State of Indiana, and being the officer who under the constitution and laws of said State is duly constituted the custodian of the public records of the State of Indiana and the keeper of all books and papers thereto pertaining, and being empowered to authenticate exemplifications of the same, do hereby certify that an exemplified copy, carefully compared by me with the original of the same now in my official custody as secretary of state, and found to be a full, true, and correct copy of enrolled concurrent resolution indorsing and urging the passage of the cruiser bill now pending in Congress, is as follows, to wit:

"SECTION 1.

"*Be it resolved by the House of Representatives of the State of Indiana (the State Senate concurring)*, That the General Assembly of the State of Indiana hereby indorses and approves of the cruiser bill now pending in Congress, and recommends and urges that this bill be promptly enacted into law, and that the cruiser-building program be entered upon at once and carried to a speedy conclusion.

"SEC. 2. The secretary of state is hereby directed to transmit a certified copy of this resolution at once to the President of the United States Senate, to the Speaker of the National House of Representatives, and to each of the Senators and Representatives in Congress from the State of Indiana.

"JAMES M. KNAPP,
"*Speaker of the House of Representatives.*
"EDGAR D. BUSH,
"*President of the Senate.*

"Approved: January 23, 1929.

"HARRY G. LESLIE,
"*Governor of the State of Indiana.*"

And I hereby further certify, that the herein exemplification is in due form and made by me as the proper officer, and is entitled to have full faith and credit given it in every court and office within the United States.

In witness whereof I have hereunto set my hand and affixed the seal of the State of Indiana, at the city of Indianapolis, this 23d day of January, A. D. 1929.

[SEAL.] OTTO G. FIFIELD, *Secretary of State.*

FERTILIZER AT MUSCLE SHOALS

Mr. BLACK. Mr. President, I ask unanimous consent to have referred to the Committee on Agriculture and Forestry and printed in the RECORD a statement by W. F. McFarland, of Florence, Ala., concerning nitrogen as a fertilizer and the failure of the farmer to derive benefit from the plant at Hopewell, Va.

There being no objection, the statement was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

W. F. MCFARLAND COAL CO.,
Florence, Ala., January 26, 1929.

Senator HUGO BLACK,
Washington, D. C.

DEAR SENATOR: You will remember that in the debates on Muscle Shoals legislation during the last session of Congress the statement was made many times that the synthetic process for the fixation of air nitrogen was much cheaper and more practical than the cyanamid process, and that the farmers would get an abundance of cheap nitrogen as soon as the synthetic-ammonia manufacturers entered the fertilizer field.

The synthetic-ammonia plant at Hopewell, Va., is now offering their product to the fertilizer mixers. We have not been able to get the price of ammonia f. o. b. Hopewell, but the cost delivered to the International Agricultural Corporation, a fertilizer mixer at Florence, Ala., is $3.07 per unit. The unit in fertilizer parlance is 1 per cent of the short ton, or 20 pounds of pure plant food.

The price per pound of ammonia is, therefore, $0.1535. Expressed in nitrogen: 20 pounds of ammonia equals 16.5 pounds of nitrogen. Therefore, $0.1535 for ammonia equals $0.186 for nitrogen.

The cash retail price of Chilean nitrate quoted by the International Agricultural Corporation at Florence is on the basis of $0.20256 per pound of nitrogen. This company has not quoted the retail unit price of synthetic ammonia, but it is safe to assume that at least a margin of $0.01656 per pound will be added to their cost, making the retail price to the farmer the same as Chilean nitrate.

I would suggest that the above information, after being verified by Doctor Cottrell, of the Nitrogen Research Laboratory at Washington, could be used effectively in furthering the Muscle Shoals cause.

Doctor Cottrell, testifying before the House Military Affairs Committee at various times during the long Muscle Shoals hearings, indicated that the farmer would get relief from high nitrogen prices when the synthetic-ammonia people entered the fertilizer field.

It now looks as if the operation of the Muscle Shoals plant is the only hope of the farmer for cheaper fertilizer.

It has been repeatedly said that this plant is obsolete, but it appears to me that the most obsolete feature of the fertilizer business is the American method of obtaining nitrogen for our farmers.

According to the United States Commerce Department report for 1927, the power required per ton of nitrogen by German manufacturers, using the cyanamid process, is 9,090 kilowatt-hours. At 2 mills per kilowatt-hour, this amount of power would cost $18.80, or 0.0094 mill per pound of nitrogen. At this rate the power cost to manufacture the 310 pounds of nitrogen contained in a ton of Chilean nitrate, costing the farmer $62.79, would be only $2.91.

* * * * * * *

W. F. MCFARLAND.

REPORTS OF COMMITTEES

Mr. SMOOT, from the Committee on Finance, submitted a report (No. 1543) to accompany the bill (S. 5452) to amend the trading with the enemy act so as to extend the time within which claims may be filed with the Alien Property Custodian, heretofore reported by him from that committee, without amendment, and passed.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (S. 5228) to provide for the improvement and preservation of the land and buildings of the Abraham Lincoln National Park or Reservation, reported it with amendments and submitted a report (No. 1544) thereon.

Mr. HEFLIN, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 5474) authorizing the Director of the Census to collect and publish certain additional cotton statistics, reported it without amendment and submitted a report (No. 1545) thereon.

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (H. R. 9737) for the relief of Herman C. Davis, reported it with an amendment and submitted a report (No. 1546) thereon.

Mr. BLACK, from the Committee on Claims, to which was referred the bill (H. R. 11064) for the relief of F. Stanley Millichamp, reported it with an amendment and submitted a report (No. 1547) thereon.

He also, from the same committee, to which was referred the bill (H. R. 8968) to allow credit in the accounts of William A. Schoenfeld, reported it without amendment and submitted a report (No. 1548) thereon.

Mr. STEPHENS, from the Committee on Claims, to which were referred the following bill and joint resolution, reported them each without amendment and submitted reports thereon:

A bill (S. 4819) for the relief of Roy M. Lisso, liquidating trustee of the Pelican Laundry (Ltd.) (Rept. No. 1549); and

A joint resolution (H. J. Res. 135) for the relief of special disbursing agents of the Alaska Railroad (Rept. No. 1550).

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 5582) to promote the safety of travelers and employees upon railroads by compelling common carriers engaged in interstate commerce to use in passenger-train service cars of steel or steel underframe construction, and prohibiting under certain conditions the use of wooden cars, and for other purposes; to the Committee on Interstate Commerce.

By Mr. BROOKHART:

A bill (S. 5583) authorizing the Iowa-Nebraska Amortized Free Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Sioux City, Iowa; to the Committee on Commerce.

By Mr. GOFF:

A bill (S. 5584) granting an increase of pension to Laura B. Strider (with accompanying papers); to the Committee on Pensions.

By Mr. SACKETT:

A bill (S. 5585) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio; to the Committee on Commerce.

A bill (S. 5586) granting a pension to Pricy Riley; to the Committee on Pensions.

By Mr. THOMAS of Idaho:

A bill (S. 5587) granting a pension to George Pierce; to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A bill (S. 5588) granting a pension to Margaret Campion (with accompanying papers); and

A bill (S. 5589) granting a pension to Margaret Kenney (with accompanying papers); to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 5590) granting war-risk insurance to Ernest L. McDowell; to the Committee on Finance.

By Mr. DALE:

A bill (S. 5591) granting an increase of pension to Nancy A. Sawyer (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A joint resolution (S. J. Res. 205) proposing an amendment to the Constitution of the United States relative to aliens; to the Committee on the Judiciary.

DRAFTING OF NATIONAL RESOURCES IN WAR TIMES

Mr. REED of Pennsylvania. Mr. President, the members of the Senate have heard for several years much discussion of the proposal to draft all of the resources and man power of the Nation in case of war. The American Legion has taken a leading part in urging the adoption of some such proposal. The Senator from Kansas [Mr. CAPPER] in the last Congress introduced a bill providing for such action in case of war. The problem involves so many angles, and is capable of so much mistaken action if we should act in haste, that it seems to me wise to consider it deliberately in peace time rather than hurriedly in the next emergency. I therefore take great pleasure in submitting now, at the request of the American Legion, a joint resolution providing for the appointment of a commission to consider and recommend legislation along that line, which I ask may be referred to the Committee on Military Affairs.

The VICE PRESIDENT. The joint resolution will be read by title.

The joint resolution (S. J. Res. 204) to promote peace and to equalize the burdens and to minimize the profits of war was read twice by its title and referred to the Committee on Military Affairs.

AMENDMENT TO NICARAGUAN CANAL RESOLUTION

Mr. HAWES submitted an amendment intended to be proposed by him to the joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal, which was, on page 4, in line 19, after the words "Chief of Engineers," to insert "and such civilian engineers as the President deems advisable."

The amendment was ordered to lie on the table and be printed.

HOUSE BILL REFERRED

The bill (H. R. 11854) for the relief of John W. Leich, alias John Leach, was read twice by its title and referred to the Committee on Military Affairs.

PROPOSED CONSIDERATION OF BRIDGE BILLS

Mr. FLETCHER. Mr. President, there are a number of bridge bills on the calendar which have recently been reported. Some of them are Senate bills, and it is quite important to have them sent over to the House of Representatives. They are formal bills, they are all framed according to the regular form, and have been reported on favorably by the Commerce Committee. I ask unanimous consent that we may consider those bridge bills and let them be sent to the House of Representatives.

Mr. JONES. Has morning business been closed, Mr. President?

The VICE PRESIDENT. Morning business has not been closed. Concurrent and other resolutions are now in order. Morning business is about to be closed.

CERTAIN UNITED STATES PROPERTY AT NEW YORK CITY

Mr. WAGNER. Mr. President, I submit the concurrent resolution which I send to the desk, and I ask that it may be adopted. The resolution proposes the recall of a bill from the President.

The VICE PRESIDENT. The clerk will read the resolution.

The concurrent resolution (S. Con. Res. 32) was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the joint resolution (S. J. Res. 171) entitled "Joint resolution granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid transit railway."

Mr. WAGNER. I ask for the adoption of the resolution.

The VICE PRESIDENT. Is there objection?

The concurrent resolution was considered by unanimous consent and agreed to.

AWARD OF GOLD MEDALS—AMENDMENT OF TITLE

Mr. BINGHAM. Mr. President, on Saturday the Senate agreed to amendments to a Senate bill which had been acted on by the House, but through inadvertance the title of the bill was not amended. I am presenting at this time and ask unanimous consent for the immediate consideration of a concurrent resolution directing that the title of the bill be amended so as to be correct.

The VICE PRESIDENT. The concurrent resolution will be read.

The concurrent resolution (S. Con. Res. 33) was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 4338) entitled "An act to authorize the President to award, in the name of Congress, gold medals of appropriate design to Albert C. Read, Elmer F. Stone, Walter Hinton, H. C. Rodd, J. L. Breese, and Eugene Rhodes," the Secretary of the

Senate is hereby authorized to amend the title thereof, so as to read: "An act to authorize the President to award, in the name of Congress, gold medals of appropriate design to John H. Towers, Albert C. Read, Elmer F. Stone, Walter Hinton, H. C. Rodd, J. L. Breese, and Eugene Rhodes."

INVESTIGATION OF ELECTION OF SENATOR FROM PENNSYLVANIA, 1926

Mr. SHORTRIDGE submitted the following resolution (S. Res. 310), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate Resolution 68, agreed to on December 17, 1927, authorizing the Committee on Privileges and Elections to investigate the election of a Senator from the State of Pennsylvania in 1926, hereby is continued in full force and effect until the end of the first regular session of the Seventy-first Congress.

INVESTIGATION OF APPOINTMENTS OF POSTMASTERS IN PRESIDENTIAL OFFICES

Mr. MOSES submitted the following resolution (S. Res. 311), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate Resolution 193, agreed to on May 3, 1928, authorizing the Committee on Post Offices and Post Roads to investigate the choice of postmasters in presidential offices, hereby is continued in full force and effect until the end of the first regular session of the Seventy-first Congress.

POINTS OF HISTORIC INTEREST IN THE NATIONAL CAPITAL

Mr. MOSES submitted the following resolution (S. Res. 312), which was referred to the Committee on Printing:

Resolved, That the pamphlet, Points of Historic Interest in the National Capital, with accompanying illustrations, be printed as a Senate document, and that 10,000 additional copies be printed for the use of the Senate document room.

FEDERAL FARM LOAN SYSTEM

Mr. BLEASE. I submit a resolution which I ask may be referred, with the accompanying papers, to the Committee on Banking and Currency, and that the accompanying matter be printed in the RECORD.

The resolution (S. Res. 313) was referred, with the accompanying papers, to the Committee on Banking and Currency, as follows:

BANKING AND CURRENCY

Whereas it appears that certain members of the Federal Farm Loan Bureau of the Treasury Department and officers of certain district Federal land and intermediate credit banks, comprising what is known as a branch of the Federal farm loan system, established by act of Congress in 1916, and as amended, in the present dilemma to fortify the said banks against the financial losses resulting from foreclosure of farm mortgages and the mismanagement of the affairs of said banks, did recently cause to be issued, or did issue, orders to the national farm loan associations, which now own the capitalization of the said district Federal land banks, which would amend the Federal farm loan act, and provides that such associations and farmer owners would assume liabilities in excess of the 10 per cent limit of individual farm loans established by act of Congress; and

Whereas Congress did establish said 10 per cent maximum limit only after most exhaustive investigation and hearings on the part of its committees, fullest discussion on the floor of the House of Representatives and of the Senate, prior to the passage of said act; and

Whereas it is contrary to legal or orderly procedure for any bureau or board, established by act of Congress for the purpose of supervising or administration of the affairs of any branch of the Federal Government, to thus assume to usurp the legislative prerogatives of Congress by increasing the percentage of liability any farmer borrower shall be obliged to pay in the settlement of losses of any Federal land bank; and

Whereas the increased liability limit constitutes extortionate usury in the form of overcharges against said farmer-borrowers and national farm loan associations; and

Whereas the Federal farm loan act was enacted for the purpose of relieving and not burdening the American farmer with debt and excessive charges and commissions; and

Whereas it appears that the members of the Federal Farm Loan Bureau, as individuals and working through their appointees in the Federal land banks, did resort to unfair and unjust methods and practices in securing the indorsement of the proposed agreement to increase the liability limit; and

Whereas it appears that partisan political pressure has been brought to bear upon certain national farm loan association representatives, who have been threatened by said members of the bureau or their appointees in the event of their failure to comply with the illegal proposal; and

Whereas the very fact that the members of the Federal Farm Loan Bureau now resort to this illegal contravention of an act of Congress to bolster up the tottering financial condition existing in certain district Federal and intermediate credit banks constitutes confession of the deplorable financial condition of certain banks; and

Whereas the interests of American bondholders of securities issued under the supervision of the said Federal Farm Loan Bureau, on the part of the district Federal and intermediate-credit banks, in excess of $1,500,000,000 is now in open jeopardy by reason of the critical financial condition of such banks, and the faith and confidence of the American investor may be impaired if remedies are not quickly brought to the rescue; and

Whereas both the interest of American agriculture and of the investing public are now at stake; and

Whereas thousands of farmers would be overburdened by payment of excessive liabilities to said banks under the illegal proposed plan, and other thousands deprived of membership and service by reason of not wishing to affiliate with banks so near bankruptcy as to require excessive liability assumption on the part of stockholding members; and

Whereas it appears that for several years an alleged fiscal agency, or agent, has operated under the official sanction of the said bureau, in behalf of certain Federal and intermediate credit banks, the aggregate contributions from the funds of said banks having totaled in excess of $500,000, said money representing funds which belonged to the farmer-owners and should have been distributed to them as dividends or profits; and

Whereas it appears that much of this money was employed in publicity or propaganda purposes, some of which was used to secure legislative amendments to the farm loan act in keeping with the viewpoint of said members of the bureau and land-bank staffs, contrary to the wishes of the farmer owners; and

Whereas neither the Federal Farm Loan Bureau of the Treasury nor the fiscal agency or agent has transmitted either to the farmer-owners of the land banks or to Congress a financial statement of the condition of the banks or the agency under their supervision comparable to that issued freely by both National and State banking institutions; and

Whereas the consolidated resources of the Federal land and intermediate credit banks is money which justly belongs to the thousands of farmers who have jointly contributed to the treasuries of said banks, and is not the property of any supervising dictator or appointee; and

Whereas it now appears that in excess of $80,000,000 such undivided profits have accrued in the treasuries of said banks, which should be used to reduce interest rates which farmer borrowers are obliged to pay on their farm loans; and

Whereas the financial condition of several of the Federal land and intermediate credit banks is acknowledged to be critical by members of the Federal Farm Loan Bureau and the bank officers, who have resorted to an illegal and extortionate method to repay losses; and

Whereas the subject of just and economical financing of American agriculture now constitutes one of the outstanding problems of the hour, the proper solving of which may free millions of farmers from the excessive extortion which has prevailed, and permit thousands to participate of the financial service intended in the Federal farm loan act: Therefore be it

Resolved, That the President of the Senate be, and is hereby, authorized and directed to appoint a committee to investigate fully into the affairs of the said Federal Farm Loan Bureau of the Treasury Department, of financial condition and administrative methods involved in operation of the 12 district Federal land banks and 12 district intermediate credit banks, constituting branches of the Federal farm loan system, said committee to consist of two members each of the majority and minority parties represented in the membership of the Senate, namely, two Republican and two Democratic Members, said committee to carry on an exhaustive and thorough nation-wide investigation concerning:

(a) Procedure employed by members of the Federal Farm Loan Bureau and of their appointees, members of the staffs of the said Federal land and intermediate credit banks, in securing indorsement of the agreement to increase the liability to be assumed by national farm loan associations and farmer-borrower stockholding owners of said banks, in excess of that legal maximum established in the farm loan act;

(b) The percentage of extortionate usury which would be exacted of the said associations and farmer owners as result of such excessive liability limit;

(c) Whether undue or unjust methods were employed to secure such indorsement of said associations, their officers, or farmer owners, and if political pressure or partisanship is and/or has been employed in supervision and administration of said banks, either by members of Federal Farm Loan Bureau or their appointees, officers of said banks, in relation with affairs of the said associations and loan business of farmer owners;

(d) If interest of farmer-owners and of the bondholders of Federal land and intermediate credit banks are in jeopardy, requiring special remedial measures or financial assistance;

(e) Actual financial condition of the Federal land and intermediate credit banks, and intelligent financial statement of the financial subjects under control of the Federal Farm Loan Bureau, and of the transactions, since inception, of the so-called fiscal agency, or agent,

that will permit the farmer-owner and public to understand clearly the real status of the system;

(f) Relief that will insure to farmer-owners not assuming in excess of their proportionate legal liability of the losses involved in failure of certain banks to pay profit, either as result of mismanagement or foreclosure of farm-mortgage loans;

(g) Whether money or moneys of fiscal agency or agent have been devoted to publicity or propaganda purposes, and who handled and received same, and for what specific purpose or purposes;

(h) Whether dishonest and improper methods have been resorted to in the examination of the financial affairs of the local national farm-loan associations on the part of members of the Federal Farm Loan Bureau, or by their appointees, the examiners;

(i) Whether what is commonly known as political patronage methods have been introduced in the supervision or administration of the affairs of any acts of certain members of the bureau or of the district banks; and

(j) Public hearings to be held in one or more localities of each of the 12 districts constituting the area of the 12 Federal land bank districts, public notice of which has been provided not less than two weeks prior to said hearing.

For the purposes of this resolution, such committee or subcommittee is authorized to hold public hearings and to sit and act at such times and places as it deems necessary or proper; to, require, if necessary, by subpœna or otherwise, the attendance of witnesses; to require the production of books, papers, communications, documents, reports, and other evidence; and to employ counsel, expert and other assistants. The cost of stenographic service to report such hearings shall not exceed 25 cents per hundred words. The chairman of the committee or subcommittee, or any member thereof, may sign subpœnas and administer oaths to witnesses; and every person duly summoned before said committee or subcommittee who shall refuse or fail to obey the process of said committee or subcommittee, or appears or refuses to answer questions pertinent to the investigation, shall be punished as prescribed by law.

The cost of the aforementioned investigation and continued investigations shall be paid out of the contingent fund of the Senate, on vouchers of the committees or subcommittees, duly signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate, and shall not exceed the sum of $100,000.

The committee or subcommittee shall make a final report to the Senate as to its findings, together with such recommendations for legislation as it deems advisable, prior to adjournment of the regular session of the Seventy-first Congress.

The accompanying papers were ordered to be printed in the RECORD and referred to the Committee on Banking and Currency, as follows:

FEDERAL LAND AND INTERMEDIATE CREDIT BANK REFERENCES IN CONGRESSIONAL RECORD

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1928—		
Dec.	5	62–65
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MALENA, GA., *January 19, 1929.*

Hon. COLE L. BLEASE,
Washington, D. C.

MY DEAR SENATOR: In your investigation of the Columbia Land Bank would you please investigate the loan made to John Sheffield, of this place? He has been dead four years and his family have been required to pay rent and also keep up the payment to the land bank. I would be glad if you would find out what became of the cotton we paid for rent. Did the land bank get it? If so, what did they do with it? And I would like to know what became of John Sheffield's stock in the land bank, and why it does not pay any dividend. I think that the local attorney for the land bank is working on both sides, as he has accepted a fee from the heirs of John Sheffield, which I have been advised is unlawful. Please get Ben Tillman's pitchfork after these fellows. Any information you wish I will gladly give, as I and my mother have been unable to find what use the rent cotton was put to.

We shall look for you to investigate this matter, for we know that what you do will be well done.

Yours,

JOHN SHEFFIELD, Jr.

P. S.: You may make any use of this letter you please, for the facts stated can be supported by written evidence, bill, and receipt.

J. S., Jr.

REEVESVILLE, S. C., *January 26, 1929.*

Hon. COLE L. BLEASE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I know that you are well informed as to the depressed agricultural conditions in South Carolina. You know the coastal section was visited last year by a tropical storm which took very heavy toll from the farmers. I do not know the exact percentage of farmers whose farms are mortgaged in our State, but I do know that it runs very high—80 to 85 per cent, I think.

These mortgages are largely owned by the joint-stock land bank, Federal land bank, and large insurance companies. A great many of them in our section have already been taken over by the mortgagees, and unless our products bring a more remunerative price than they have in the past several years the Federal land bank and the joint-stock land bank will own the balance of them, unless there is some outside help. Is it possible to stay this interest from five to eight years and give the farmers time to get back on their feet? You know we were all caught by the gradual inflation and sudden deflation by the Government, and it is next to impossible to pay an inflated debt with a deflated dollar.

You extended the foreign debt for 30 years without interest and 30 years more at a very low rate of interest—3 per cent, I think—while we, a part of your own Government, are paying 6½ to 7 per cent, and if we miss our payment we are closed out and put in the woods. It looks to me that we, a part of your own Government, should have some consideration along this line.

I know you are very busy and I am sorry to trouble you with these matters, but they are of a serious nature, and I would like to have your valuable cooperation. As you know, I have a very high regard for your opinion in all business matters, governmental and otherwise.

With kind regards I am,

Yours very sincerely,

A. R. JOHNSTON.

WASHINGTON, D. C., *January 28, 1929.*

Dr. A. R. JOHNSTON,
Reevesville, S. C.

MY DEAR DOCTOR: Yours of January 26 received.

I thank you for the same. However, I am thoroughly familiar with the conditions mentioned therein and I have been trying for months to get relief for our farmers, as you will notice by reference to the CONGRESSIONAL RECORD, and even this morning, before I received your letter, I was preparing an additional statement to insert in the CONGRESSIONAL RECORD to-day.

I am inclosing copy of resolution introduced by me December 14, 1928. I am going to keep up the fight, but whether I can get any assistance or not, even from southern Senators, is very doubtful, as so far I have been unable to do so; not one has lifted his voice to help me in the matter. I shall insert your letter along with others which I have in to-morrow's CONGRESSIONAL RECORD and mail you a copy.

I notice in your letter you say, "You extended the foreign debt, etc." I beg to say that you are very much mistaken. You should have said "Congress," for if I had had my way every dollar of foreign indebtedness would have been collected dollar for dollar with full rate of interest.

I thank you very much for your kind personal reference to myself, and with my kindest regards and very best wishes, I am

As ever,

COLE L. BLEASE.

[Inclosure]

S. J. Res. 178, Seventieth Congress, second session

IN THE SENATE OF THE UNITED STATES

December 13 (calendar day, December 14), 1928

Mr. BLEASE introduced the following joint resolution, which was read twice and referred to the Committee on the Judiciary:

Joint resolution (S. J. Res. 178) to instruct officials of the Federal Farm Loan Board and subsidiaries not to foreclose any mortgage on real estate which is or will become due and payable prior to October 1, 1929

Resolved, etc., That the officials of the Federal Farm Loan Board and all subsidiaries thereof be, and are hereby, directed to advise and instruct all of the officials of all banks under their control not to foreclose any lien or mortgage held by them upon any real estate which is or will become due and payable prior to October 1, 1929.

FARMERS' PRODUCE EXCHANGE,
GENERAL OFFICE,
Beaufort, S. C., January 19, 1929.

Senator COLE L. BLEASE,
Washington, D. C.

Re: Federal intermediate credit bank, Columbia, S. C.

DEAR SENATOR: I would like very much for you to take up the matter of the Federal loan bank and ascertain from them as to how legitimate,

honest working farmers in our section can compete with operation of farms by the Federal intermediate bank, Columbia, S. C.

It appears to us in this community very unjust competition, and would like very much to know if this is the general practice of all Federal intermediate banks operated by the Government.

Anything you can do for us in remedying the conditions that we are confronted with under the present times will be greatly appreciated.

I am,

Yours very truly, R. V. BRAY.

WASHINGTON, D. C., *January 21, 1929.*

Mr. R. V. BRAY,

Farmers' Produce Exchange, Beaufort, S. C.

DEAR MR. BRAY: Senator BLEASE has your letter of January 19 relative to the Federal Land and Intermediate Credit Bank of Columbia, S. C.

The Senator is not fully clear as to your statement or question, "How legitimate, honest, working farmers in our section can compete with operation of farms by the Federal intermediate credit bank, Columbia, S. C."

Do you mean that the intermediate credit bank or that the land bank is actually operating or leasing or renting out farms in your section? If so, the Senator will appreciate your kindness very much in furnishing him with affidavits to this effect, as the information would be valuable and important in his fight.

With assurances of the Senator's esteem and good wishes, I am

Very respectfully,

JOHN D. LONG, *Secretary.*

FARMERS' PRODUCE EXCHANGE,
GENERAL OFFICE,
Beaufort, S. C., January 26, 1929.

Senator COLE L. BLEASE,

Washington, D. C.

In re: Letter John D. Long, secretary, January 21, 1929.

MY DEAR SENATOR: With further reference to the above and my letter of the 19th, Federal intermediate credit bank activities in this section.

In the last paragraph of Mr. Long's letter he suggested that I furnish you with sworn affidavits in reference to the above.

It is matter of record at the courthouse in this county that the Federal Intermediate Bank of Columbia has foreclosed, more than two years ago, on the property of one James R. Bellamy. It is also a matter of record that Mr. Bellamy does not own one cent's worth of property, but in spite of this, in 1928, he operated to full capacity a farm of more than 200 acres, the said acreage the property of the Federal intermediate bank, formerly Bellamy's, and every penny to cover these operations was furnished by the said intermediate bank and without any security whatsoever.

Likewise, this year 1929, he is carrying on the same operations in the same manner, being furnished from the same source, and using the same lands as heretofore.

In addition to this, it is also a matter of record that the farm of one E. B. Mitchell, of Lobeco, S. C., 12 miles north of Beaufort, was also taken over by the Federal intermediate bank, said farm being one of the best in the county and containing some 600 or more acres now.

Mr. Bellamy informed the writer some weeks ago that he had been instructed by the Intermediate Bank of Columbia to take charge of and operate this last-mentioned farm of E. B. Mitchell's under the same condition as he has operated the other bank farm, and the writer knows from his own observation that these lands have been plowed and is now ready for seed. Just what acreage is going to be planted on this farm the writer would not like to state, but in the next three weeks I can furnish you with facts as to acreage actually planted on the last-mentioned farm and affidavits, too, if necessary.

Now, Senator, we farmers of this section do not feel we are receiving a square deal from our Government when they go into the trucking industry in competition to us, especially inasmuch as they advise against overproduction, and we appeal to you for relief.

Feeling that any assistance you can render us will be gladly and willingly given, want to thank you in advance.

I ask that unless it becomes necessary that you withhold my name, but at the same time please understand should you have to use my name, then do so.

Cordially yours,

R. V. BRAY.

[Extracts from communication received from secretary-treasurer of a national farm loan association]

RAISING ILLEGAL LIABILITY LIMIT MEANS EXTORTIONATE PRACTICES

As you may well know by this date, there has been going on throughout the country a united effort on the part of members of the Federal Farm Loan Bureau, working through their appointees, the officers and directors of the district Federal land banks, a campaign to secure the indorsement on the part of the local national farm loan associations of an increased liability limit above that provided in the act by Congress. If this method is effected, it means that hundreds of millions of dollars will be saddled onto the farmers as individuals or as members of these associations instead of being spread, as the law clearly provides, throughout the 12 banks.

FARM FINANCE THREATENED WITH USURY

Since Congress established an upper limit at which money may be loaned, as well as the maximum limit of liability which any farmer borrower would assume, namely, 10 per cent of his loan, it is very evident that it was the intent to avert the very hardship which the Farm Loan Board now imposes in carrying on this secret campaign.

Their purpose is plain. It is well known in financial circles, particularly in the ranks of the staffs of the land banks and associations, that a great crisis, which borders closely on a national scandal, now lurks behind the scene, as it has for many months past. Two or three of the Federal land banks are so near bankruptcy and failure that it is delicate to even mention this fact in certain circles; this is a fact in spite of the paid propaganda which certain members of the Farm Loan Board have either themselves issued or had lackies on Washington newspapers print for them. If this were not the instance, why should they secretly endeavor to secure indorsement by any association of farmers to an increased liability limit than provided by law, which is illegal and usurious and far in excess of that provided by Congress? If they have nothing to fear, why is it that they seek the dark corners and work in dank cellars instead of getting up and out into God's sunshine? Why is it that such men as Farm Loan Commissioner Eugene Meyer gives out to newspaper men statements that he has "cleaned up" the system "quietly," when he well knows that at the same time his appointees are rushing up and down the land endeavoring to frighten and browbeat local farm organizations into accepting a plan which the farmers well know is not to their interest and which, if imposed, will work a real hardship upon the farmer and the agricultural industry as a whole? Why these and other conditions which everyone conversant with the system knows to exist?

LEGALIZED HIGHWAY ROBBERY WOULD FOLLOW

Prior to either the House or the Senate enacting the Federal farm loan act, in 1916, it is well and generally known that exhaustive investigations were carried on both abroad and at home. Scarcely a sentence was permitted to enter that original act without hours, nay, weeks, of thoughtful consideration. No parts received greater attention than those divisions which have to do with safeguarding the interests of the farmer and farming industry the Congress sought to serve in this manner; no part of the act was so thoroughly discussed pro and con as the rate of interest to be charged, the amortization limits, and the liability limits which borrowers would receive and assume. The section which alludes to this legalized limit of liability is the crux of the whole act; upon this the Federal farm loan system rests, whether a chariot of destruction or an army of service.

Just as each individual farmer is legally forced to assume and pay for shares of stock in the system to the extent of 5 per cent of the amount of his loan, or $50 per $1,000 borrowed, so likewise, to safeguard the system, he is, under the same process of an act of Congress, forced to assume a liability equal to not exceed 10 per cent, or $100 per $1,000 borrowed.

It would be exactly as reasonable for the members of the Federal Farm Loan Board to now pretend to secure indorsement of the banks and the associations to a proposed plan to force every new borrower to purchase $100, instead of $50, per $1,000 as capital stock, as it is now for them through some foxy manner to secure an amended agreement for the farmer to assume a greater liability than imposed under the sections of the farm loan act. If they continue to carry on in the same manner they have in the past, they have ample brass and audacity to endeavor to do this, but they have not as yet enforced their illegal impositions as regards liabilities.

ILLEGAL PROPOSED AGREEMENT

As is well known, in recent months, certain Federal land-bank officers have transmitted through the United States mails, addressed to officers of national farm-loan associations, a proposed amendment for the organization to consider and adopt, which would increase the liability assumed far above the legal 10 per cent limit. With this plan I neither concur nor shall become party to; it would constitute legalized highway robbery of the rankest type, while parading as a servant and helpmate of farmers.

As you probably realize, until quite recently, as per the provisions of the farm loan act, losses incurred by Federal land banks, whether as the result of mismanagement on the part of their directors and officers, or giant contributions to fiscal agencies, or contributions to sustain and feed the members of the Farm Loan Bureau, or as the result of foreclosure of farm mortgages—all this was and should be paid from the proceeds of the bank, associations to bear equal proportionate share.

UNFAIR ASSESSMENT OF LIABILITIES

However, if the proposal of the Farm Loan Board and of the various Federal land bank officers were effected, as the politicians hope and pray, this burden would be unjustly and unequally vested upon certain parties not intended to come within the scope of the act.

For example, there are two Western States. For many months past all the farmers of the land bank district have been obliged, under the legal workings of the farm loan act, to contribute excessive sums, either directly or in the form of reduced participation dividends in the earnings of the land bank, as the result of one farming State's agricultural industry being on the rocks. There was no serious complaint of doing this obviously legal liability assuming on the part of anyone. There were strong and urgent complaints that the officers of the land bank—hand picked by the Farm Loan Board—did not do everything they might to relieve the situation and did not exercise the best business judgment in face of a crisis. But no one complained of paying the bill of their mismanagement. We simply charged that off as part of belonging to the system.

The land bank, not the farm loan associations of that State, was held financially responsible for the losses incurred in that State. Had those associations paid their own bills out of their own tills, they would have been defunct long since. But we all helped them to pay, assuming our liability on the legal basis of 10 per cent of the amount of our loans.

Now, times are very poor in our own district. Our farmers now feel the bite in the rope of financial shortage and crop failure. The jest is that the State we helped out is not as yet on its feet and can not help us in our hour of need. Not only must we carry our own load, but theirs as well. But that is contemplated and provided for in the farm loan act under the mutual measure which makes farmer borrowers brothers, bearing each other's burdens.

In face of the fact that Congress established the utmost upper limit of liability which any farmer borrower could assume, officers of the land bank recently prepared and submitted to the associations a plan which calls for the local associations and farmer borrowers assuming liabilities far in excess of that 10 per cent legal limit. Invoked, it would constitute wholesale usury. However, this is the plan the land bank asks us to sign, and I understand that the Farm Loan Board is not content with it and that they will submit still another which would work even more real hardship upon the farmers.

WHOLESALE FORECLOSURES

Last May I read with great interest the subject matter placed in the RECORD from Mr. Putnam, of Harmonsburg, Pa., with reference to foreclosure methods resorted to in certain land-bank districts, and his mention of the wholesale campaign of taking farms away from farmers.

Well, we have more than 300 such farms in this district now, which represent a liability against each of the associations. Deficiency judgments now entered against the associations by the land bank aggregate about $20,000. This is an average of nearly $600 per judgment. If spread out over the more than 300 farms, it represents about $52 per farm. The farms taken over represent a total valuation of approximately $1,500,000, or average about $5,800 each. As we have seen, under the legal status of the farm loan act, as provided in the act of Congress, the sum that each of the associations would be required to assume to remit these losses would not exceed about $52.

Now, let us consider, contrasted with this legal plan, the illegal and usurious plan suggested by the Farm Loan Board and the officials of the Federal land bank.

Slightly more than one-third of the 300 farms have been sold on the auction block to date. The disposal of same represented a total loss to the land bank and to the associations of more than $65,000, or an average loss of about $640 per farm foreclosed upon. If we work under the legal plan of assuming our share of the losses on the basis of not to exceed 10 per cent of the loans, which Congress provided, and these are equalized over the land bank district, it means that we would assume only $52 as the upper limit of the loss, but if we adopt the plan suggested by the land bank and Farm Loan Board we would assume losses aggregating $640. What that five hundred and ninety-odd dollars would mean if kept in the pockets of the farmer few can realize unless they are on intimate terms with the farmer and his family. It means the difference between an education for the boys and girls, clothes for father and mother and children, a living instead of an existence for the entire family.

However, our land bank officials still have some 200 farms to dispose of. How great the mounting losses will become, no prophet would be bold enough to proclaim; but it will be large enough to demonstrate their administration as a flat failure. It should be noted that the president of this bank holds his position only because of political pull, against the wishes of the farmers and associations, and is forced down our throats by the present Farm Loan Board. He is recognized as unfit for any position in the bank, and has been accused and never denied, dishonest acts on many occasions. In fact, he kept on the payroll of the bank officers who had confessed to illegal manipulations, long after they had confessed—this long after the farmer-elected directors had protested.

MISSTATEMENTS AND TWISTED PRESENTATION

Certain officers of the joint-stock land banking system have been prosecuted and given prison sentences for using the United States mails in an improper and fraudulent manner. It should be noted that this was done at the instance of the members of the Farm Loan Board. Whether justice was meted out or not, I can not say.

However, I do not think officers of the land bank have misused the same mails in transmitting to associations a fabrication of misstatements relative to this proposed amended liability agreement. In view of the fact that it would aggregate a considerable sum of money, whether we were to consider it from the standpoint of individual associations, or from a nation-wide standpoint, it therefore seems, constitutes fraudulent use of the mails. A monetary value would be secured with which land bank and Farm Loan Board members would be able to cover up the large losses resulting as a direct aftermath of their mismanagement.

Not only did land-bank officials use the mail to transmit untruths, but their traveling representatives did so in addresses. For example, one of their lawyers, questioned before a conference of association officials, as to the association, would be liable for the full amount of foreclosed loans, replied they would not. Experienced title attorneys present, who has investigated the matter, quickly replied that the attorney of the bank had stated an untrue reply, and that the association, by signing the proposed agreement, would not be released, but be held tightly to suffer excessive share of the losses resulting. This is only one of several examples that might be stated to reveal the double-dealing methods resorted to in the present campaign to "save the faces" of the political manipulators of the loan system.

Below I hand you a copy of the proposed agreement sent to our association by the officials of the Federal land bank, which I am advised is quite similar to that transmitted through the mails to associations in other parts of the country, in the nation-wide campaign of the Farm Loan Board:

(The usual legal paragraphs head the agreement, which then continues:)

Witnesseth:

That whereas, under the provisions of section 25 of the Federal farm loan act as amended, said association is liable for the payment in cash or by the substitution of an equal amount of Federal farm-loan bonds of any unpaid balance on any defaulted loan indorsed by said association and held by said bank under the provisions of said act; and

Whereas the amount of this liability has heretofore been determined at the time of the sale of property on foreclosure by crediting the sum for which the property sells at foreclosure sale on the judgment, the unpaid balance of the judgment, if any, being entered by the clerk of the court as a deficiency judgment against the associations; and

Whereas experience has shown that property at foreclosure sale seldom brings the amount for which it might be sold if the sale were not forced, and for that reason the sum entered as a deficiency judgment against the association does not truly represent the loss to the bank; and

Whereas the true measure of the loss to the bank in cases where the bank acquires the property is ascertained at the time of the sale of the property by the bank after foreclosure; and

Whereas the docketing of the deficiency judgment against the association is a source of embarrassment to the association and an impediment to the business of said association in procuring applications for loans to be made by said bank, because prospective applicants are unwilling to assume a stockholder's liability incident to membership in said association when there are unsatisfied judgments of record against the association:

Now, therefore, it is agreed by and between the parties hereto that it shall not be necessary to join the association as a defendant in the foreclosure of any loan indorsed by it in order to fix its liability but that until such time as the bank disposes of the property, whereupon the association shall be credited with the sum for which the property is sold, and the association shall be liable to the bank for any unpaid balance.

ILLEGAL LIABILITY LIMIT IS ESTABLISHED

It is further agreed that where the bank takes title by deed in order to avoid foreclosure, either directly to the bank or by deed to the association, that the association shall remain liable as indorser for the full amount of the loan until such time as the bank disposes of the property, whereupon the association shall be credited with the sum for which the property is sold and the association shall be liable to the bank for the unpaid balance.

The association agrees that where any property subject to mortgage has been conveyed to the association that the association will, upon request from the bank, convey it to the bank.

THE ASSOCIATION HOLDS ALL OF THE BAG

The association agrees that the extension of time of any borrower or borrowers upon obligations which are indorsed by the association shall not release the association as indorser, and that all extensions

shall be deemed to be granted at the association's request and for the purpose of protecting the association in its indorsement, and that the liability of the association shall not be terminated thereby, nor shall any notice to the association of such extension be necessary. The notices to the association, as provided for by section 25 of the farm loan act, are hereby expressly waived.

WHY IT IS ILLEGAL

From a casual reading of the above-proposed agreement it is obvious that the association would assume a liability far in excess of that provided by act of Congress, and the specific statement is made in the last sentence above that the association waives the protection thus provided.

It is equally obvious that this constitutes an illegal method of carrying out the business of the Federal farm loan system, and which one would scarcely expect the supervising officers to become partners to, even in their present hour of saving a wrecked farm loan system.

PROHIBITION PARALLEL

Congress has simply been smoking, so hot has its Halls been, with recent prohibition discussions. To select a popular parallel let us assume that the present staff of the Prohibition Unit were to mail people in all States an amendment to that act which would legalize the use of alcoholic drinks possessed of several degrees more "kick" than at present established in the act. Would that be considered either legal or ethical?

Or suppose that the Federal Reserve Board were to submit, through their branch banks the suggestion that national-bank members of the association were to assume liabilities in excess of that established by law. Would such a campaign be carried on quietly, secretly, while the head of the system was handing out propaganda to the effect that "everything is quiet and prosperous along the line"?

UNJUST TREATMENT OF FARMERS

Only farming is called upon to suffer under such political mismanagement of its financial affairs. Only during such transactions—shady as they are—are Senators able to remain quietly seated and not even consider the advisability of an investigation for the purpose to correcting the ills that now, as long since, beset the Federal farm loan system.

Had Senator BLEASE'S proposal to investigate the system been carried out last May this might have been averted. Farmers might have been saved the untold millions they must now pay. It is worthy of note that the land banks made no move to suggest the illegal liability limit until after the Senate had adjourned and the Senate Committee on Banking and Currency had properly killed the proposed investigation. Another Teapot Dome subject for future historians to set down in nasty colors.

[Extracts from circular distributed to farm organization leaders]

THE COMING SCANDAL—THE STORY OF A GREAT FARM TRAGEDY

A huge political intrigue that is actually being faced to-day in 476,000 American farm homes and that is likely to be suppressed to-morrow by the secret bureaus in Washington because it tells the truth.

If you want the inside secrets of the great farm problem, read The Coming Scandal, by Xeno W. Putnam, Harmonsburg, Pa. Price 50 cents, postpaid.

$1,181,248,120 IN FEDERAL FARM LOAN BONDS

Issues by 12 land banks have been advertised and marketed, in part through the United States mails, as based upon first-lien mortgages against farm property worth at least double their face. The mortgages that underwrite $385,000,000 of these bonds, issued by 4 Federal land banks, and for which the 12 land banks are responsible, are not first liens.

Wherever bonds that have been issued against them have been sold as such they have been fraudulently sold and the money taken for them has been obtained under false pretense.

The whole story of this fraud and the official proof of it is told in The Coming Scandal.

While avoiding a congressional investigation, the ex officio chairman of the Farm Loan Board recently stated that he knew of nothing materially wrong with the land banks. Within his term of office two land-bank cashiers have committed suicide; there have been confessed defalcations; a dead loss to one land bank of $1,300,000 has been disclosed by the farm loan commissioner to the House Banking and Currency Committee; $8,000,000 foreclosures face another land bank; the 12 land banks are now water-logged with some $16,000,000 of farms taken over.

For the benefit of agriculture the Sixty-fourth Congress in 1916 passed the Federal farm loan act.

For the benefit of their own confederates bureaucratic politics passed an amendment which canceled in many parts the one enacted by Congress.

One hundred and twenty-eight thousand farmers, in 10 States, have been sandbagged by the pseudo law out of almost $23,000,000 in farm equities, which, under every right of property, belonged to them absolutely, and 10 States were defrauded by that amount of agricultural working capital to which, by every legal right, they were entitled.

Just how this was done, and how the fraud has been made continuing in spite of the heavy penalties provided in the congressional law, is fully explained in The Coming Scandal.

To administer and protect their new farm banking system, Congress created one more Federal bureau, equipped it with its official machinery, and fixed the salary of all its important officers. But bureaucratic politics soon created a new executive, over the heads of Congress and the President, at a salary greater than the Federal Government pays the Chief Justice of the United States Supreme Court or any Federal officer, the President alone excepted. And the farmers are compelled to pay that salary—the 476,000 farmers who have borrowed money through their own banks. They are still paying it.

The Coming Scandal tells exactly how this was done and who did it. It also tells who is getting that salary.

$1,275 REWARD

And all expenses will be paid for breaking up a home that now belongs to an industrious farmer, for scattering his family, for sending his boys to the gang, and his daughters to the streets.

The above reward is now posted in more than 750 courthouses in 10 States by the direction of a Federal bureau. In some of these the reward has been doubled. In all of them the requirements are the same.

Has such a reward been posted in the courthouse of your county? For the wrecking of your home? The Coming Scandal will tell you if you wish to know.

A REWARD FOR FRAUDULENT INSURANCE—LEGITIMATE POLICIES PENALIZED BY LAND BANK ORDERS

The Federal farm loan act entitles a farmer to a loan up to 50 per cent of the value of his land, plus 20 per cent of the value of his buildings.

Some of the land banks require that an insurance policy be carried upon the buildings equal to the total loan upon buildings and land.

You may get a full legal allotment of your loan if you can obtain an insurance policy on a fraudulently high valuation, and can get away with it. Otherwise, you can go to prison or with only a fraction of the loan to which, under the act, your property is entitled. The Coming Scandal gives the facts and the proofs complete.

WHY?

On 28 days within the last 11 weeks of the congressional session which closed on May 29, 1928, the Federal farm loan system held the Senate floor from a few minutes to as many hours each day.

It cost the Government more than $5,000 just to print the report of this determined effort to force an official investigation of the system in the CONGRESSIONAL RECORD.

What the desperate attempt of the secret powers to resist this investigation cost and how much of the expense was paid out of the farmers' land banks is another matter.

With a very few exceptions not one mention was made of this desperate fight in behalf of, and against, the farmers' banks by that boasted sponsor of liberty and fearlessness, and freedom of speech—the American press.

Only a handful of the 333 farm publications, with a claimed circulation of some 27,000,000, told their people of Senate Resolution No. 167, or of what a secret bureau was doing to their land banks.

That silence cost the farm loan members (the farmers) more than $1,500,000 in foreclosures; it burdened agriculture with a few hundred more abandoned farms; it broke up homes, perhaps sent a few discouraged sons of the soil to the gangs and farm daughters to the streets; it crowded still more into the ranks of the great army of unemployed job hunters in the back yards of industry. Perhaps it cost some of the land banks a few of the rewards they had posted.

Wouldn't you think it worth while to know about these things and the remedy for them if you knew that this was soon to happen to your home? The answer is in The Coming Scandal.

DID YOU EVER WONDER WHY POLITICS

For the past eight years has been earnestly talking in behalf of farm relief and is still just talking?

Why Muscle Shoals, with all of its endless fertilizer possibilities for the farmer, has thus far only produced a harvest of barren regrets in the garden of great expectations?

Why Boulder Dam, with its immense opportunities for power achievement, never has been permitted to reach the achieving stage?

Why the Federal farm loan system takes the cleanest of its service out of such vile-smelling pork barrels?

Why farm loan officials conceal their accounts and records from their own stockholders as though the first belonged to America's secret service division in time of war and the second to her bitterest enemy?

Why the annual reports of the Farm Loan Board to Congress are now suppressed until the adjournment of Congress, even though they are announced as ready months before?

Why so many suicides among land-bank officials, so many defalcations, so many millions of losses, so many foreclosures, so many abandoned farms taken over, so many lapsed dividends, and so much secrecy about the dividends waterlogging the system, if everything is as good and prosperous as its officials announce?

Why it is not permitted any friend of the system to offer constructive criticism without being branded a sworn enemy to the system and a traitor to the farmer?

THE COMING SCANDAL

Answers all of these questions and it tells the remedy. The writer speaks from the knowledge gained by six years of determined and very much obstructed research, and he gives you official proof of his statements.

His inquiry began both in faith and friendship for the system. It has continued in friendship for it and in the sustaining faith that it may yet be saved.

WHAT'S WHERE

In a recent circular announcement of The Coming Scandal the writer promised that the book would establish the following reasons why the public should demand and should be given a complete investigation of the Federal farm loan system, doing business and with the public.

First. That more than $1,000,000,000 of farm loan bonds have been sold to the public under false pretenses; that these bonds are not entirely secured by first lien farm mortgages; that more than $350,000,000 of those mortgages are not first liens.

For the keeping of that promise see Chapter II.

Second. That 128,000 farmers in 10 States have been forcibly robbed of $23,000,000 in good commercial credits by four land banks with the official sanction of the Federal Farm Loan Board.

Chapter II also covers the keeping of this promise.

Third. That the ex-officio chairman of the Federal Farm Loan Board, and a member of the President's Cabinet, during a recent effort of the board to prevent investigation, stated that he knew of no unusual condition existing in the banks; that at the time that statement was made board members knew of losses amounting to millions, of embezzlements, of account juggling, of conditions that have led to suicides, to resignations, to indictments, confessions, and imprisonments.

The promised evidence of this will be found in Chapter IV.

Fourth. That a $1,275 reward has been publicly posted by four land banks and the Farm Loan Board for the breaking up of families and homes.

Read Chapter XIII for this and reread Chapter II.

Fifth. That rewards for fraudulent fire insurance policies have been offered by land banks and with Farm Loan Board authority. That honesty among borrowers has been penalized by these land banks and boards.

Chapter III gives the evidence directly from official records and literature.

Sixth. That farmers who are in debt have been compelled by a political trick, arranged by the land banks and with the board's sanction, to pay a higher salary than the United States Government pays to any officer, the President alone excepted. That Members of the Congress, which had itself fixed the salaries, have declared this one wholly unauthorized and unnecessary.

Flappers of the law, Chapter IX, tells how this was done and who did it.

Seventh. That invisible government has hushed the press and kept the knowledge of gigantic frauds from the knowledge of the people.

The story of this appears in Chapter VI.

Eighth. That the silence has been costing the people millions of dollars in money, in criminality, in congested employment channels, in ruined homes, and in abandoned farms.

Read Chapter VIII if you wish to know.

Ninth. That farm loan officials have been protecting embezzlements and robbery of the farmers with fraudulent bank examinations, concealed banking accounts, threats, public indorsements, suppressed reports, and jumbled figures.

Read Chapter V for the evidence, and also Chapter VI.

Tenth. There are several other charges not made in the circular—and the remedy.

Read all of the other chapters and find the whole of them, then write and tell your Congressman, or the author, whether you think an investigation of the Federal farm loan system is needed.

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[Extract from Kansas City Weekly Star]

URGE LAND BANK PLAN—REORGANIZATION OF INSTITUTION HERE BEFORE BOARD THURSDAY

WASHINGTON.—Approval of a plan for the reorganization of the Kansas City Joint Stock Land Bank, which has been in a receivership since May 4, 1927, will be sought here Thursday from the Federal Farm Loan Board.

Massey Holmes, of Kansas City, attorney for the bondholders' protective committee, and Herman Langworthy, receiver, arrived here Monday to prepare for the hearing. Walter S. McLucas, of Kansas City, chairman of the bondholders' committee, and others interested in the reorganization, will arrive later in the week.

The bondholders' committee will submit the plan for the reorganization of the bank formerly headed by Walter M. Cravens. The stockholders also will be represented at the hearing.

"If the plan is approved," Mr. Langworthy said, "the Kansas City bank will be reorganized and continue to operate."

[Extract from address delivered in United States Senate Chamber by CHARLES CURTIS, of Kansas]

CHARLEY ALWAYS IS RIGHT

Under the syndicate arrangement adopted for selling farm-loan bonds it looks as if brokers get the premiums and that the land banks are getting no particular advantage from the tax exemptions of their securities.

LET FARMERS RUN THEIR OWN BANKS

Would it not therefore be better to let the farmers themselves manage these banks exactly as the law intends? The only change necessary for this would be to give the farmers the entire responsibility for the system and oblige them to operate on their own unquestionably good credit.

IT IS THE SECRET OF SOUND FINANCE

This is the secret of the soundness and success of innumerable borrowers' banks of various kinds, among which failures are rarer than among ordinary banks. The 65,000 cooperative credit societies, with 15,000,000 members and $7,000,000,000 of annual business in the world, are based on this idea of using their own credit and of imposing upon members a liability that is either unlimited or else severe enough to be felt. The cooperative bank with unlimited or limited liability has proved its worth wherever tried, in country, town, or city, for encouraging thrift and extending credit in large or small amounts.

IT WORKS EVERYWHERE BEST

The same idea prevails in all true building and loan associations among the 7,269 with 3,858,612 members and $1,769,142,175 assets in the United States. Any member getting a loan must subscribe for shares up to its full amount. His payments are made not on the mortgage but on the shares. When the shares mature he may turn them in and have his debt canceled. The maturing of the shares depends upon his payments and also upon the association's profit and loss. All his credits could be wiped out by a loss, consequently he is liable to the full amount of his mortgage. Profits would hasten the extinction of his debt; and so he is as deeply interested as are nonborrowing members. As a result these associations can operate even on savings with safety, although the borrowers participate in the management.

THE GERMANS DO NOT HAVE POLITICAL WET NURSES TO RUN THEIR LAND BANKS

The landschafts, started 150 years ago, are composed entirely of borrowers. They now number 23, with about $1,000,000,000 of bonds; and none of them ever defaulted an obligation. The borrowers elect all the officers and appraisers, every one of whom must also be a borrower. The borrowers' payments go into a sinking fund, in which the cash on hand, together with the unpaid principal of the loans, must equal outstanding bonds. If this fund becomes impaired in the old landschafts, any member may be assessed without limit for the deficiency. In some of the newer landschafts the liability is limited to the mortgage or some portion of it. But the basic idea in all is that the borrowers have the direct management, use their own credit, and assume liability large enough to be felt.

Nearly all American districts established under State laws for sanitary, mining, or agricultural drainage embody landschaft features. Their bonded indebtedness amounts to millions of dollars. The bonds are not instruments of the State or Federal Government. They are obligations only of the districts. But through the district's right to levy assessments they are secured by the collective ability of the owners of the benefited property and so are easily marketed at reasonable interest rates, although these beneficiaries of the issue also elect the managers.

With these successful instances of borrowers' banks here and in foreign countries, Congress should not hesitate or delay in placing the Federal land banks under the management and the responsibility of the farmers. By so doing the farmers, and not rich investors, would get the advantage of all premiums on the bonds.

[Extracts from letter from a secretary-treasurer of a farm loan association]

NEITHER SAFE NOR VERY HAPPY!

The Farm Loan Board is now carrying on a national joke contest. They wish to know whether farmers are "safe or sorry." As for the first, surely they are not overly safe if they depend upon the present type of political manipulators to safeguard their interests any more than the folks are who have dipped into their pockets and bought more than $1,500,000,000 of the bonds issued under the direction of that board. Most of the farmers are terribly sorry that they ever got into the system, and they are in more an even sadder time unless Congress steps in and helps them out. This is the crying child of the new era of "farm relief." Already the farmers have been "relieved" too severely by the politicians; now for a piece of real farm relief by putting the land banks into the hands of the farmers, who now fully own them.

If you can read the following advertisement which land bank officials are running in farm papers without breaking into a smile, you are as hard as flint:

"SAFE OR SORRY?

"It hurts to lose hard-earned money. Better to take a conservative return in interest than to risk the principal. Thousands of farmers appreciate the stability of income, marketability, ready collateral, and tax exemption of Federal land bank bonds. Interest is paid twice yearly. The public, including farmers, have expressed their confidence in these bonds by purchasing more than a billion and a half dollars' worth in the last 12 years. They are mutually guaranteed by the 12 cooperative Federal land banks, which have capital, legal reserve, and undivided profits in excess of $80,000,000.

"TO FIT ANY POCKETBOOK

"Federal land bank bonds are issued in denominations of $40, $100, $500, $1,000, $5,000, and $10,000. They can be turned into cash upon short notice and are excellent collateral upon which to borrow.

"Price and current rate will be gladly quoted upon request to the nearest Federal land bank."

Even Will Rogers, the famous wit, would not be able to go this bunch one better, for they open right up by saying that "It hurts to lose hard-earned money." What sort of a joke are they trying to play on the thousands of farmers who are now, as for months, nay, years past, lost money by having their land banks run by politicians instead of the rightful representatives, selected and elected by the farmer owners.

My, but they do play up that "Legal reserve and undivided profits in excess of $80,000,000"! Wonder what the real facts would be if they paid up the losses they have suffered by reason of foreclosure of farm mortgage and mismanagement of their officers?

The land banks have went and hired themselves a jokesmith!

But they can't get much of a laugh out the farmers they have served (?).

[Extract from a farm owner who foresees critical days ahead for agriculture if financial agencies are not kept free from domination of politicians and centralized administration]

THE MENACE OF THE MONEY MASTERS

Fluid finance, placed in the hands and under the control of men of honest vision, may well become a blessing to mankind; if vested under the control of selfish interests, the opposite may easily become a great menace.

Let us consider, for example, the present control of money in the United States. Appearing in the Sunday New York Times, there was recently a financial statement that boasted of the fact that "284 banks hold 73 per cent of the total deposits." In part, the article said:

"There were at the close of 1928 approximately 23,000 commercial banks in the United States, with total deposits of $36,750,000,000. Of these banks 284 had deposits of $20,000,000 and upward, with aggregate deposits of $26,822,752,000, or 73 per cent of the deposits of all.

"These 284 banks, as tabulated by Financial Age, in their order according to their deposit standing on December 31, and compared with their standings one year and five years ago, show the great trend of consolidations into large units. Of the larger banks on the list there are 61 which have deposits ranging from $100,000,000 to more than $1,000,000,000, and 54 which have deposits from $50,000,000 to $100,000,000.

CENTRALIZED FINANCE IS AT HAND

"The banks having deposits of $100,000,000 and upward, of which 24 are in New York City, are as follows, with the deposits—in thousands of dollars:

National City Bank, New York	$1,349,024
Chase National Bank, New York	1,126,782
Guaranty Trust Co., New York	771,825
Bank of Italy Association, San Francisco	698,436
National Bank of Commerce, New York	672,944
American Exchange Irving Trust Co., New York	611,151
Bankers Trust Co., New York	584,088
Continental National Bank & Trust Co., Chicago	536,635
Equitable Trust Co., New York	530,844
Bank of Manhattan Co., New York	463,695
First National Bank, New York	$450,361
New York Trust Co., New York	393,966
Illinois Merchants Trust Co., Chicago	374,541
First National Bank, Boston	351,172
Manufacturers Trust Co., New York	319,130
Bank of America, N. A., New York	317,073
Union Trust Co., Cleveland	310,292
Lost Angeles First National Trust & Savings Bank, Los Angeles	308,078
First National Bank, Chicago	297,941
Central Union Trust Co., New York	297,398
Hanover National Bank, New York	286,513
Philadelphia National Bank, Philadelphia	279,295
People's Wayne County Bank, Detroit	274,205
Corn Exchange Bank, New York	265,259
Security, Trust, and Savings Bank, Los Angeles	263,953
Chatham Phenix National Bank and Trust Co., New York	263,761
Seaboard National Bank, New York	251,578
American Trust Co., San Francisco	249,418
Cleveland Trust Co., Cleveland	242,550
Marine Trust Co., Buffalo, N. Y.	216,337
Chemical National Bank, New York	206,281
National Park Bank, New York	191,643
Farmers Loan & Trust Co., New York	191,282
Old Colony Trust Co., Boston	191,000
National Shawmut Bank, Boston	174,042
Bank of New York & Trust Co., New York	160,849
Mellon National Bank, Pittsburgh	157,082
Bank of United States, New York	156,782
First National Bank, Detroit	150,995
Guardian Trust Co., Cleveland	147,186
First Wisconsin National Bank, Milwaukee	146,173
United Security Bank & Trust Co., San Francisco	144,917
Industrial Trust Co., Providence, R. I.	143,337
Union Trust Co., Pittsburgh	141,946
Merchants National Trust & Savings Bank, Los Angeles	137,362
First National Bank, St. Louis	137,336
Fidelity Union Trust Co., Newark, N. J.	135,516
Manufacturers & Traders Peoples Trust Co., Buffalo, N. Y.	132,053
Wells Fargo Bank & Union Trust Co., San Francisco	129,595
National Bank of Republic, Chicago	125,617
Foreman National Bank, Chicago	119,361
The San Francisco Bank, San Francisco	118,630
Anglo & London Paris National Bank, San Francisco	118,380
Atlantic National Bank, Boston	117,355
Public National Bank & Trust Co., New York	115,415
First Trust & Savings Bank, Chicago	115,117
Central Trust Co. of Illinois, Chicago	114,549
State Bank & Trust Co., New York	109,163
California Bank, Los Angeles	107,354
Citizens National Trust & Savings Bank, Los Angeles	103,325
Crocker First National Bank, San Francisco	101,447
Total	17,699,235

The above tabulation clearly demonstrates that, of the 61 banks listed above, the deposits of these institutions equal approximately 48 per cent of the aggregate deposits of the entire commercial banking systems of the United States, both national and State banks.

WATCHMAN, WHAT OF THE NIGHT?

Clearly does this demonstate that Congress should exercise the greatest of discretion in consideration of all financial subjects, and that the crux of solving the muted agricultural problem is that of safeguarding the farmer's finance, since he must needs depend upon the controlled arteries of money for his liquid aid. The Federal farm loan system should be vested in control of governmental supervising agency, or one commissioner, with clerks to assist, and the actual management vested in hands of the directors of national farm loan associations and Federal land banks elected by farmer owners, as are national banks. Otherwise, centralized finance will smother the farmer.

[Extract from Sunday New York Times, January 20, 1929]

NORTH DAKOTA SEES WANE OF SOCIALISM

By Herbert Lefkovitz, editorial correspondent of the New York Times

ST. PAUL, January 18.—North Dakota's experiment in State socialism has almost run its course. It is 14 years since A. C. Townley started "taking around" his typewritten sheets containing the millennial program with which, it was confidently expected, North Dakota would set the example for the world. It is 12 years since a fascinated and excited legislature nailed the seven major articles of faith to the flagstaff of the capitol at Bismarck.

STATE-OWNED LAND BANK SOCIALISTIC SURVIVOR

Now about all that remains are a State bank, which does only a rural credit business; a State mill and elevator, which are the subjects of endless controversy; and a few of the supplementary minor items, such as State hail insurance, State fire insurance on public buildings, and State bonding of public officers. As for the Non-Partisan League, which began as a bipartisan league, it has become merely the name of one faction of the Republican Party in North Dakota.

HANDICAPS OF SOCIALISM OUTLINED BY FORMER LEADER IN HIS VALEDICTORY ADDRESS

North Dakota has just inaugurated a new governor in keeping with the seriousness with which politics are taken in North Dakota. The process there is a little more extended than in most places. There is, of course, the usual weighty address or message of the new governor, but it is also required that the departing chief leave some formal report of his stewardship.

The farewell message of Governor Maddock is an example of the chastened spirit. In 1917 there was no believer so fiery or zealous as Walter Maddock. He was a sort of general whip and floor leader for Mr. Townley. Twelve years later he says:

"I do not consider that the management of the (State) mill and elevator has reached anything like perfection, but great improvements have been made and more can be made, and now, with a better public appreciation of the work being done, it will be much easier to accomplish all that the institution was intended to accomplish. There are handicaps in public or State ownership of any industrial plant that are hard to overcome, and we may look for a bright future when a farmer-owned cooperative organization such as the Farmers' Union has developed to a degree capable of taking over the operation of the mill and elevator with proper State control."

NO "BRIGHT FUTURE" FOR SOCIALISM

The new governor, George F. Shafer, classifies as a conservative. In other words, as an independent voters' association Republican. He has forebodings for State ownership similar to those of Mr. Maddock except that he does not call them a "bright future." North Dakota has been considering how grain storage may be improved in the State.

GOVERNMENT CONTROL GETS THE GATE

Governor Shafer makes it clear that he will entertain no plan for new State-owned elevators. He announces his opposition to State ownership of private business "as a matter of principle." He predicts that "should the State expand its program of State-owned elevators, it would not only result in a greatly increased State debt by many millions of dollars, but it would involve the people in endless political controversy over the questions of management."

DEBTS ARE ONLY BENEFACTION OF POLITICAL MANIPULATORS

The 1915 program is almost a complete ruin. Nothing is left of the State creamery except debts. The grain grading law was twice passed and twice invalidated by the United States Supreme Court. Although the income tax remains, the attempt to apply single-tax principles to farm lands has been abandoned. The project to mine the coal on State lands was postponed and now is forgotten.

POLITICAL BOODLERS WRECK LAND BANK SYSTEM

Adversity overtook North Dakota in the agricultural depression of 1921 and for this and other reasons the State building loan fund is out some $400,000. The State bank, which was to dominate the financial system of North Dakota, and the State mill and elevator, which were to be the nucleus of a great terminal market, continue, but unpretentiously.

It was the original plan to place this ambitious system of State-owned business under commission rule. The legislators, accordingly, created the industrial commission consisting of the governor, the commissioner of agriculture and labor, and the attorney general. With the gradual abandonment of the program, this commission has become almost nonexistent and for several years its activities have been confined practically to operation of the State bank.

NO RESPONSE TO GROWING CRITICISM

In 1925 the most important of its industrial responsibilities was removed when the late Gov. A. G. Sorlie decided that full control should be placed in his hands. The legislature consented to this arrangement, but the affairs of the mill showed no improvement and in 1927, in response to growing criticism, a fact-finding commission was appointed by the legislature to investigate and report on the situation.

INACTION IN FACE TO CRISIS—A STRIKING PARALLEL TO THE HANDLING OF THE FEDERAL FARM LOAN SYSTEM'S POLITICAL SICKNESS BY UNITED STATES SENATE

A special session of the legislature assembled in 1928, received a report from this commission that the mill and elevator had been badly mismanaged, and then adjourned without taking action.

SIMILAR TO THE SENATE, RADICALS WOULD PUT AND KEEP GOVERNMENT IN PRIVATE BUSINESS

Nevertheless there does persist in North Dakota some lingering hope that a great public-owned terminal grain system is yet possible. It is held by the more radical wing of the Non-Partisan League and has caused a well-marked division in the organization.

The Non-Partisan League is the left wing of the Republican Party of the State, but it also has divisions to the left and right. The more conservative group, as represented by the Farmers' Union of North Dakota, is in alliance with Governor Shafer to oppose this idea.

[NOTE.—The President to be has said much about bureaucratic forms of government, as especially related to his forthcoming administration, most of which is true. What will he do about the most striking illustration of all—the Federal farm loan system—whereby hundreds of thousands of farmers have had their own capital stock taken away from them and their 12 Federal land banks operated by the political puppets of Mellon, Meyer, et al.? Will Herbert Hoover do more than talk about this? Other Republicans—Harding and Coolidge—said a great deal, but did even less when given the opportunity of correcting the criminal methods of their own unfaithful appointees. However, the following extracts from an article printed in the Sunday New York Times of January 21, 1929, may show what Hoover really thinks (when speaking for publication), even though it does not forecast what he may do when Mellon dominates the Treasury Department's illegal confiscation of farm-owned land banks.]

[From Sunday New York Herald-Tribune, January 21, 1929]

HOOVER IS AGAINST "BIG BROTHER" IDEA—POLICY OF INTERVENTION WILL NOT PREVAIL HERE, HE TELLS ARGENTINE ECONOMIST—DISAPPROVES BUREAUCRACY—WARNS OF DANGERS OF GOVERNMENT CONTROL

Herbert Hoover is quoted as having disapproved of the "big brother" idea among nations and as having warned of the dangers of intervention and of bureaucracy in an interview with Alejandro E. Bunge, Argentine economist and engineer, who talked with the President elect on his visit to Argentina.

He quotes Mr. Hoover as follows:

"The importance of social experiments in a nation in development, such as ours, is illustrated by the examples of interventions of the Government in the public services and in the industries in the United States, or their systems of education or the manner of recruiting leaders in creative economic action."

Señor Bunge quotes Mr. Hoover as having said that the experience of the United States in connection with governmental control of industries was a complete failure, particularly in the case of Government operation of railroads. The interview continues:

"Our experience regarding the intervention of the State in the public services and in industries was extended to other countries. Will it not be advantageous for them and for those which have not yet made such experiments to know that the result of ours was a complete failure?

BUREAUCRACY CRUSHES INDIVIDUAL INITIATIVE

"Bureaucracy creates a spirit of submission in the daily life and penetrates the spirit of the people, not with the manner of a strong resistance to what is bad but in the manner of a timid acceptance of an irresistible power. In addition, competition is incompatible with bureaucracy because the former exists only in a free atmosphere of action and reaction. And without competition there is no progress in creative business. New methods, new ideas, are a projection of a spirit of adventure or of individual initiative and of individual enterprise; without adventure, without risk, there is no progress. No governmental administration can undertake risks with the money of its taxpayers.

OTHER TASKS FOR GOVERNMENT

"Among the examples of governmental incompetence to direct business which our country has to offer few are perhaps so eloquent as the history of our railways, facts already universally known. Bureaucracy endeavors always to develop its influence and its power until it converts itself into the master of the souls and of the thoughts of the people.

IF THIS BE TRUE, TURN LAND BANKS BACK TO LEGAL OWNERS—THE FARMERS

"In my country everyone now considers it obvious that it is not a function of the Government to administer industries, but that there are a thousand other tasks for it: To compile and distribute economic information, to investigate economic and scientific problems, indicate the road to progress, and inspire and aid the industrialists in the reduction of bad methods and of waste in the use of raw materials.

FOR DIVERSIFIED LEADERSHIP

Mr. Hoover is then quoted by Señor Bunge as having said that the new era just beginning was one undoubtedly of "industrial self-government"; also as having said that there was nothing more pernicious for a society than to recruit its leaders from a single governing social group.

WOULD PROTECT FARMERS FROM POLITICAL LAWYERS OF FEDERAL LAND BANKS

On page 4476 of the RECORD, March 12, 1928, was published the shameful story of the illegal and confiscatory method employed by Federal land banks, with the consent and knowledge of the supervising Federal Farm Loan Board, whereby millions of farmers had been made to pay extortionate fees when being moved off their farms. This was the result of an exhaustive survey made by Xeno W. Putnam, Harmonsburg, Pa., former secretary-treasurer of the Crawford County (Pa.) National Farm Loan Association, which he founded, and which he has endeavored for the past few months to free from the grip of the fee-grabbing attorney who shoves local farmers off farms for the Baltimore Federal Land Bank.

It is of interest to note that at least one State has taken action to free farmers of their extortionate charges, which in many instances have aggregated one-half of a loan of $2,000 to $3,000—or payments of a fee of from $1,000 to $1,500 to the land-bank attorney.

New Jersey is the State that may boast of this honor; and if the proposed mortgage laws are passed, as indications seem ripe now, it will no longer be possible for attorneys of the Springfield (Mass.) Federal Land Bank to wax fat off extortionate fees charged in foreclosure cases as in the past. Thus we see how local State governments are

under the necessity of passing acts to secure simple justice for their people who unfortunately come within the scope of a bureaucratic Federal Farm Loan Board's grip.

[Extract from article appearing in Farm and Fireside, New York]

VITAL BANK FACTS ARE WITHHELD FROM OWNERS

By Huston Thompson, former member of the Federal Trade Commission, in an interview with Mrs. Gertrude Mathews Shelby, specialist in cooperative credit and writer

Farmers who own the stock of the 12 Federal land banks of the Federal farm loan system are worse off than stockholders in any other reputable enterprise in the United States.

OWNERS DEPRIVED OF PROPERTY RIGHTS

In any normal corporation the holder of securities automatically receives by mail an annual financial statement which deals with that enterprise and no other.

Farmers who own stock in the 12 district Federal land banks receive no annual report without solicitation. If they send to the Federal Farm Loan Bureau or the Superintendent of Documents in Washington for information they receive a pamphlet of some 50 pages, addressed, as required by statute, to Congress, not to the stockholders.

[NOTE.—Eugene Meyer, farm loan commissioner, under the orders of Secretary of the Treasury Mellon, made the world's record for long-distance withholding of the annual report last year. It was dated and should have been filed with the Senate not later than January, 1928. However, after the Senate adopted a resolution demanding the report late in May, it was released only after Congress had adjourned. No comment is necessary.]

JUMBLED FIGURES, AND NOT FACTS, STATED

This report contains a consolidated statement of the assets and liabilities of the 12 district Federal land banks, in which the figures are lumped. It does not give separately financial statements showing the exact condition of each land bank, although complete separate statements are necessary to judge the welfare of the system.

Since the farm loan is so organized that the liabilities or losses of 1 bank are in the end the liabilities and losses of the other 11, every stockholder has a right to demand this information. Every investor in farm loan bonds would be protected by such publicity.

EXPERTS CAN NOT UNDERSTAND THE GARBLED FIGURES

This annual report of the Federal Farm Loan Bureau to Congress covers not only the billion and a half dollar Federal land bank system, the 12 intermediate credit banks, but also includes the annual statements of some 50 joint-stock land banks.

All three are discussed in the report to the confusion of any but an expert in farm credits. Even for such an expert or an accountant the information given is wholly inadequate.

FARMER CAN NOT KNOW WHAT IS GOING ON

If this report is not sufficient for such an expert to comprehend, the stockholder on the farm may conclude that he is not supposed to understand it.

Yet here is the predicament shared by close to 500,000 farmers: To get his loan he was compelled under the act to purchase stock in the land bank of this district. This was justifiable because farmer stockholders were guaranteed control. They were not permitted complete self-management as in all true cooperatives, but they were assured the right to elect the majority of the directors of the land bank in which they owned stock.

RIGHTS TAKEN AWAY FROM FARMER OWNERS

In 1923, upon the recommendation of the Federal Farm Loan Bureau, the law was amended. Without the full knowledge of Congress stockholders were deprived of majority control, having thereafter the right to elect only the minority of each land bank board.

FARMERS NOW OWN ALL BANK STOCK

To create the farm-loan system farmers pooled lands worth about $3,000,000,000 as security for half as many loans. They put up hard cash in addition, one-fifth the amount of their loans as capital stock. They assumed liabilities to the extent of 10 per cent of their loans in addition. Yet the dissemination of essential information was not assured, nor were stockholders encouraged to feel that they owned their banks and had free rein in their local farm loan associations.

NOT TREATED FAIRLY LIKE OTHER BANK-STOCK OWNERS

When they became members of the system, bought stock, and received their loans, they were given no certificates of stock. Individually they had nothing except a receipt for money paid to show that they had actually invested in the system.

Upon the advice of the Federal Farm Loan Bureau the local associations generally employed nonstockholders, bankers, or business men as secretary-treasurers. Secretaries were not primarily disposed to make a business of disseminating even such information as they received about Federal farm loan affairs.

The stockholders have been prohibited by the Federal Farm Loan Bureau from supporting out of the funds of their own local associations a national federation through which they could voice organized opposition to anything they considered either a neglect or an abuse of power.

WHEN IGNORANCE IS BLISS TO POLITICIANS

Without the general knowledge of the farmers who foot the bill expenses of the Federal Farm Loan Bureau in Washington have swelled to enormous proportions. If stockholders sent to Washington for the annual report, they would not have found it in this item nor any statement of the expenses of the fiscal agent, his staff, and the offices for which farmers pay rent.

THE FARMER "PAYS THE FREIGHT" FOR THE POLITICIAN'S RIDE

Farmers pay many hundreds of employees throughout the system who are political appointees, yet as stockholders have no uncontested way of finding out what it costs to maintain this huge force, including some 600 appraisers and examiners constantly traveling over the immense districts.

GIVE THE FARMERS A SQUARE DEAL

Under such conditions it may be seen that the importance of information about all and every expenditure is greater than in the case of stockholders in ordinary corporations.

Uncle Sam is morally in the position of trustee for those whom Congress has deprived of power to help themselves.

The Federal Farm Loan Bureau can be a model in the matter of giving stockholders essential information. In language a layman could understand it might render a model service. In this great cooperative credit pool the bonds are all sold through a syndicate. An annual report should provide stockholders and bond buyers with a record of all agreements under which these bonds are distributed. It should furnish a list of the investment houses participating in the sale of each and every issue. It should give the exact report of commissions or bonuses received. A separate statement of the assets and liabilities of each bank should supplement the present consolidated statement in the annual report.

SUGGESTED BUSINESSLIKE REPORT TO STOCKHOLDERS

Additional information should cover the following points for each land bank for each fiscal year:

1. Gross earnings.
2. Deductions: Interest; commissions and expenses of sale of bonds; operating expenses.
3. Net earnings.
4. Disposition of net earnings: Dividends paid; carried to reserve account; carried to suspense account; undivided profits.
5. Dividend rate for each dividend payment.
6. Amount of stock upon which each dividend rate was paid.

PRIVATE CORPORATIONS ADVISE STOCKHOLDERS—WHY NOT FARM LOAN?

Prof. W. Z. Ripley considers the financial and general reports of the United States Steel and General Electric Corporations the best in the country.

Why should not stockholders of the Federal farm-loan system get treatment equal to that furnished by the security holders of these private corporations?

Certainly no right of control or management to which corporations are entitled should be denied to cooperative enterprises capitalized entirely with farmers' money.

EVERY TAXPAYER HAS SOMETHING AT STAKE NOW

So long as politically appointed men run a system which controls a lending power too vast to realize, extending over the entire country, every ordinary citizen has something at stake. If we are to marry political control of lending power, we must guard against the development of the danger of government by secrecy.

[Article appearing in Farmers' National Magazine]

THE SAD STORY OF THE FARM LOAN SYSTEM

No movement in the history of the world was ever instituted with more unselfish ideas and ideals than was the Federal farm loan system when placed upon the statute books of the United States by Congress in 1916. When President Wilson signed that act, he and his administration gave to the American farmer possible freedom from their ancient enemy—financial want. Properly administered, agriculture might have been adequately assisted, as were commerce and industry. The Federal farm loan act was widely heralded as "the American farmers' declaration of independence," since it offered freedom from the intolerable credit conditions and liberation from the shackles of private money lenders, who were exacting as high as 10 and 12 per cent interest and making farm-mortgage loans for only a short term of years with extortionate renewal commissions and fees.

WHAT REPUBLICAN CORRUPTION DID

For the first four or five years, although the Federal Farm Loan Bureau of the Treasury was officered by a majority of commissioners

not even mildly conversant with the needs of agriculture, since they entirely lacked previous contact with the industry—in spite of this handicap they energetically set about establishing the system as contemplated in the act. The fact that they selected as officers of the district Federal land banks men of their own viewpoint, not acquainted with agriculture, soon manifest itself in the failure or utter neglect of the banks to adequately serve farming interests.

Then in 1920 the Harding administration, with its blighting influence, its corruption, and its contravention to American ideals and ideas, was swept into power. By this time the Federal farm loan system was something to brag about, although it had been given to the American farmer by the Democratic administration over the protest, bitter and narrow, on the part of many Republican Congressmen and Senators, yet it was now a great system, holding forth the glittering promise of political patronage. And there were such a vast herd of "worthies" to be paid that this army was soon sweeping down and upon the Federal farm loan system, and many were the gang that became entrenched in soft jobs at fancy prices. The beginning of the end was now in sight.

EIGHT YEARS OF RUINOUS RULE

The Republicans, in eight terrible years of ruinous rule—the Harding and Coolidge administrations—have emasculated this farm credit system, have withheld its full benefits, and have even turned it to uses hostile to the interests of the great basic industry it was intended to serve. This record is not one that patriotic Americans will wish taught to their children; it is one of the sad stories of political plunder run mad, plucking plums from the farmers' pudding.

Under the ruinous administration the Federal land banks were soon obliged to adopt a policy of writing off their books 100 per cent of all foreclosed loans—and there were utterly thousands of these. This policy, in turn, forced a vast volume of land on the auction block; it meant forced sale of farm lands in such huge quantities as to depress land values throughout the country. Had men of vision, intelligence, and a heart been in charge of the affairs of the Federal Farm Loan Bureau, and had their appointees in the 12 district Federal land banks scattered over the country been men of similar experience, this great system might easily have been used to stabilize farm land values. But actually it forced a "land panic" from which neither agriculture nor the farmer has as yet been able to either extricate the industry nor himself. In thousands of communities he is now in a helpless, hopeless condition, and there can be no lasting nor permanently assured farm relief until the Federal farm loan system has been plucked wholeheartedly from the pillaging crew of politicians and vested under the control of the farmer owners. Farmers by the thousands, seeing the equities in their land shrink or disappear entirely, abandoned the soil. This policy of the Federal Farm Loan Bureau and its dummies in the Federal land banks, either directly or indirectly, cost hundreds of millions in losses to farm families, many of whom were absolutely "shoved" off their land.

DISHONESTY RULES IN FEDERAL LAND BANKS

Then, in 1923, through underhanded and dishonest methods, control over the 12 district Federal land banks was stolen from the farmer owners, who have paid for the capitalization of these banks and were rightful owners of same exactly as stockholders own our National and State banks. At the time these 12 banks were capitalized at approximately $61,000,000 of hard-earned, crop-made money by the farmers themselves not one cent of this capital had been contributed by a single member of the Federal Farm Loan Bureau nor a political appointee in any Federal land bank. The original farm loan act of 1916, passed by a Democratic Congress and signed by a Democratic President, had promised these farmers that when they had repaid to the treasury of their land bank the money advanced for the purposes of establishing them that the said bank and its functions should be turned over to the farmer owners. This, remember, is entirely American and is the basic foundation of all sound banking in this country. To do otherwise would be contrary to the Constitution, which makes full provision for the safeguarding of personal property rights.

However, in 1923, through as underhanded and dishonest a political trick as was ever effected upon any particular class of people, control over the 12 Federal land banks was stolen from the farmer owners. These land banks were capitalized, remember, with $61,000,000 of farmer-contributed money. However, "Judge" Charles E. Lobdell, former county politician from Kansas, acting as farm loan commissioner, prepared an amendment to the fundamental farm loan act which was a virtual revision of its workings and intent and as un-American a piece of legislative business as was ever "put over."

WHO THE HEROES (?) WERE AND ARE

There was Congressman STRONG of Kansas, who introduced the bill in the House, where it was lobbied through by the Federal Farm Loan Bureau gang, assisted by alleged "pressure" which appeared to come from "back home," but which was really staged by the very men whom the board has named and were at the time "eating from the crib" at the expense of the farmer they deprived of property-right control. The Senate never even considered this radical plan to deprive the farmer of his voting power of the capital-stock shares which he had paid for in accordance with the provisions of the Federal farm loan act.

But this outrage against American agriculture and decent methods of considering and passing important legislation was consummated in the Senate by administration hacks. In a conference between the two Houses on the intermediate credits act the Strong bill was concealed within as Title III. At the eleventh hour of the session the intermediate credits act was reported. The Senate imagined it "was extending the farmer further financial assistance; the true purport of vicious Title III was not explained—that it took away powers granted by the Federal farm loan act without discussion, without even proper report (by Senator Charles McLean, Republican) that informed the Senate of the hidden clauses, the bill indefensibly became law, and the farmer stockholders were robbed of their power to vote their own land-bank shares!

Instead of the farmer owners of the 12 district Federal land banks having a clear majority of the directors to administer their own banks, they were given a reduced minority. To each land bank the stockholders now have the right to elect only three directors—one-half the number the original farm loan act provided them. The Government appoints, as before, three directors outright; the seventh, holding the balance of power, is supposed (and that is good—supposed) to be one of the three candidates voluntarily selected by the farmer stockholders. But do not overlook the little joker provided in the vicious amendment—the Farm Loan Board "selects"—the word is and has been trickily used—the leading candidate. Actually, the board names the seventh man. This steal of power was characterized by the Northwestern Stockman and Farmer as the "commission, by act of public legislation, of wholesale grand larceny." And the term is none too strong; it constitutes the greatest public steal of privately owned property ever effected and stands as a disgrace to American legislative acts.

TAKE CARE OF THE FRIENDS OF POLITICIANS

If any person is interested in knowing just why certain Members of the United States Senate are ever watchful that nothing is ever done to strengthen the farm loan act to provide superior service to the American farming interest and why said men are ever bending over backward to keep the system wholly under the domination of politicians, let us briefly investigate the interesting relation between some of these Senators and the men who constitute the officers of the Federal farm loan system.

For friends and relatives of influential Republicans, many of them absolutely unfitted for their particular tasks, incompetent in the extreme, have been appointed to important positions and kept there long after their incompetence has been known.

Glaring cases of favoritism in loans to certain States and certain individuals have been frequently brought to light. Enormous losses have resulted in the affairs of certain banks as a direct result of this favoritism dictating financial business.

There is, for example, a man by the name of Oran Layton, a Federal land bank examiner. He is a nephew of Senator CHARLES CURTIS, of Kansas, Vice President elect. Then there is that man who brought shame to the whole Federal farm loan system and who has "resigned" (instead of going to prison), ex-President H. C. Arnold, of the Federal Land Bank of Columbia, S. C., also ex-deputy warden of the Atlanta Penitentiary (whether he remained inside the cells or outside we haven't been advised, but he was at least in Atlanta). Arnold never had a minute's banking experience, even in a tiny 4-corner country bank, and held his position long after his incompetency was known, thanks to Republican political pull and pressure exercised by some of the men who deliver the most heart-rending addresses on the floor of the United States Senate and who tote a white lily palm in each hand when it comes to consideration of crime and corruption. We would neglect the opportunity of mentioning a vital fact did we forget to mention A. F. Cardon, chief reviewing appraiser of the Federal Farm Loan Bureau. He is a son-in-law of Senator SMOOT, of Utah. Further comment is unnecessary regarding this.

INEFFICIENCY KEEPS INTEREST RATE UP

Despite the fact that every other form of banking had rendered to borrowers lowered interest rates and that the provisions of the farm loan act are so elastic as to permit of almost immediate reduction of interest rate to the farmer borrowers, the interest rate had been kept at a high figure. This in face of the fact that publicity and propaganda widely broadcast by the board boasts of a $60,000,000 surplus in the land banks, or an average of $5,000,000 surplus in each bank.

Everyone who is conversant with and takes an intelligent interest in world affairs well knows that the United States now, as for months past, has been blessed by a prosperity in many lines, not including agriculture, which stands as an unsurpassed record in history. Lower and lower interest rates have characterized the trend in high-finance circles; never did industry, the railroads, commerce, or ordinary business secure financial assistance at better rates and terms.

It would be obvious that a strong centralized and consolidated nation-wide system of finance, such as the farm loan system now is, or should be, would be in a position to reap a few of the blessings thus prepared and made available by general trends in national affairs. Yet

the fact is that more than 20 foreign countries, every one of which has faced and now faces financial "hard times," provide their farmers with funds at lower rates than does or has the Federal farm loan system. Yet this same system is the greatest in the world, whether measured by the total number of farmers served or the aggregate of loans closed. Senator CURTIS is right when he advises that the farmer has not secured the savings which he should as a result of the consolidated system, and the reason is that politicians are reaping the fruits which the farmer should harvest.

BEST OF SECURITY OFFERED

The American farmer offers the best security in the world for his loans. This same farmer is the pride of the world as an efficient producer. On our meadows are produced the largest crops of wheat, corn, rye, etc. In our pastures graze the world's champion cows, steers, and sheep.

Given a real farm loan system, and with the gigantic resources and intelligent experience which stands back of our agricultural industry, it would seem that the opportunities for securing capital at the lowest possible interest rates were excellent. Yet the farmer now, with this system in operation, pays a larger sum for his money than any other American business man, unless we wish to include those who depend upon pawnshops and usurious loan agencies in cities.

THE GRIP OF BIG BANKING

The reason is plain to those who have investigated the subject even in a casual manner. The functions of the Federal farm loan system are under the complete domination of New York banking houses. Within a stone's throw of Wall Street we may see the great, towering buildings which house the real headquarters of the Federal farm loan system. Here are the men who dictate who shall and who shall not act as farm loan commissioner, and here may be heard the "master's voice," which tells the officials what to and what not to do with respect to the intimate business of the system. Just as President Harding listened to and responded to the blanket list of names to be appointed as members of the farm loan bureau, so also had President Coolidge consistently played safe by naming only Wall Street's men to supervise, administer, and ruin the farmers' banking system.

EASY PICKINGS

Ex-Farm Loan Commissioner "Judge" Lobdell decided that he wished some easy pickings. It is of interest to note that prior to political pull transforming him from the plains of Kansas to a high office in Washington he received not to exceed one-fourth the annual salary that he later received as member of the Farm Loan Board. But this easy money did not long satisfy him; he soon had visions of greener pastures, where the grass was longer and the work not so irksome. Therefore, using the political functions of his alleged supervisory office, he sent out a call to the presidents of the 12 district Federal land banks to hie themselves down to Washington for the purpose of holding what has since become one of their popular "conferences," and at which much dirty work has been done contrary to the best interests of agriculture.

At this little session "Judge" Lobdell had himself appointed—before he was even out of the job of farm loan commissioner—to act as a fiscal agent of the 12 land banks. The salary to be $25,000 per year, or more than twice that he received as member of the board. Likewise handsome "expenses" were voted to him and his fiscal (pistol) agency.

$100,0000 PER YEAR PORK

Such brief statements of the workings of the fiscal agency as have since been permitted to make their way out into information reveal the fact that in excess of $100,000 per year has been contributed out of the farmer-owned land banks into the Lobdell agency. This money was expended, according to the statement, for propaganda and publicity purposes—one of the strangest facts being that more than $3,000 in a single year was contributed by the banks for publicity agency purposes alone in excess of what the same statement shows as expended, though through some tricky figure-recording system the total balance would indicate that all the money was expended for the purpose contributed by the land banks. This is but one of the several peculiar systems of bookkeeping adopted by Lobdell, which, we must remember, he originated also in the Farm Loan Board's affairs, and that he was chief originator of the plan whereby the board had a secret bank account in one of the Washington national banks, a record of which has never been made public nor the exact purpose of such fund ever explained.

LOBDELL GETS THE GATE

But poor Lobdell has got the gate. This will cause hundreds of honest and industrious officers of national farm loan associations to weep copious tears when they remember how Lobdell has treated every single man in the system who revealed the slightest intent of carrying out the high purposes of the farm loan act; how Lobdell sent his lackey, Dan J. Coughlin, around the country to blackjack every secretary-treasurer in carrying on what Coughlin was pleased to term an examination but which was more truly a persecution. It should be remembered that Coughlin is Lobdell's man Friday, imported along with his trunks from Kansas, and that Coughlin, under the guise of serving as a Federal examiner, has performed many dirty pieces of work for Lobdell and other members of the Farm Loan Board, the very recitation of which is so loud in odor as to cause a polecat to crawl under the barn for relief.

Poor, poor Lobdell! After farming the farmers for nearly 13 years—is 13 unlucky?—he is now obliged to get out and work. Let us hope that he gets an honest job, and that he will not feel under the necessity of carrying such tricky methods as he employed while a member of the Farm Loan Board.

But now poor Lobdell is out. But he should not be permitted to "get away with it," to employ a popular street phrase. He should forthwith be subpœnaed before the proper Senate committee and obliged to give, under oath, accounting of every cent that he has drawn from the 12 Federal land and intermediate credit bank treasuries, and to whom he paid, and for what purpose he paid the money. Lobdell has collected and expended in excess of $500,000 as official agent—he has never rendered a satisfactory account of this—although much had been boasted about holding an "examination" (by Farm Loan Board examiners—probably Coughlin did the trick), but this is only propaganda vaporizing which gets no one anywhere, much less Lobdell.

The investigation into the affairs as handled by Lobdell should date back to the time when he, as a member of the Farm Loan Board, so forgot the high duties and responsibilities of that office as to deduct certain commissions from receipts of farm loan bond sales and establish a secret and private account in the Franklin National Bank in Washington. Although this account was shown to have totaled more than $70,000, Lobdell gave a school-boy's excuse of an accounting of less than $50,000 of it, and that accounting was satisfactory to no one. Even Lobdell himself was uncertain about what and why he expended money.

One illegal phase of this bank account was revealed before the Senate Committee on Banking and Currency, namely, that Coughlin, while receiving compensation as an "examiner," going up and down the land doing Lobdell's dirty work, also received money from the secret account. Even Judas was paid only from one treasury!

THE SAME OLD BUNK FLOWS FREELY

Despite the fact that certain members of the conservatives among Republican administration circles would have us believe that the Federal farm loan system is ideal and that Utopia was reached when certain members of the board had the "can tied to them," when President Coolidge "fired them," and replaced them with Meyer's crew, this is far from the fact.

The truth is that the entire system is now so near bankruptcy that illegal practices have been resorted to in order to pump enough life into the system to keep it from passing out as the result of political manipulation on the part of inexperienced and dishonest officials.

Men, mostly on Meyer's pay roll, travel up and down the land and proclaim to anyone who will listen, and such unsuspecting parties as may be near, that Meyer is the most wonderful banker in the world; that he would and could receive $100,000 a year in a private bank; that Meyer is making a great sacrifice to stay on as farm loan commissioner.

The acid test of horse sense reveals this as plain bunk. If Meyer were the greatest banker in the world, Meyer would be in a bank; if Meyer could secure so easily $100,000 a year in a private bank, that is exactly where Meyer would now repose, as for months past. And what obligation does Meyer feel that he is under to the farmer or the country that he should make any sacrifice? These simple propositions blast such childish propaganda as is now employed to reveal Meyer as great, as king of Utopia.

Meyer, remember, made such a failure of the old War Finance Corporation that Congress was obliged to foot losses running into the millions. If Meyer stays on much longer as dominator and dictator of the farm loan system, Congress will need to authorize still another big dip into that fund that Mellon guards so carefully—when prohibition is talked—but expends so freely when tax refunds are being made to wealthy corporations (that contributed freely to the Republican Campaign funds).

TURN THE BANKS OVER TO OWNERS

If Meyer and Mellon were anywhere near so great as they would have an unsuspecting world believe, long since they would have taken a definite move to turn the 12 Federal land banks over to their rightful owners, the farmers, who were legally forced to subscribe to the capitalization and assume all the liabilities of same. They would not for a split second wish anyone save the rightful owners to manage these banks; they would not desire that partisan politics dictate entirely, as now, in the supervision and the administration of these banks.

Meyer does not know where else to get work, so Meyer is farm loan commissioner. That's the plain, unbiased truth, and don't let the nigger in any woodpile fool you.

REDUCED FARM LOANS NOW MADE

Now, as for many months past, fewer and fewer farm loans are being made. In hundreds of counties four to five farms are having the Federal farm loan mortgage foreclosed against them by Federal land banks

to every loan that is being made. If Meyer is such a wonderful banker, and if he is so good in administrative work and in selection of officers to pluck the land bank business, why is this the case?

Back in 1927 the administration prevented farmers from obtaining $90,000,000 to lend at a low rate. All farmers received that year was $62,000,000, as compared with $157,000,000 in 1926, the smallest since 1922.

During the period of the war the Treasury purchased—to keep them off the market and out of the way of Liberty bond sales, and not because farm loan bonds could not be advantageously sold—$100,000,000 of farm loan bonds.

In 1927 some one, disregarding agriculture's dire need, advised the Treasury to sell that $100,000,000 of farm loan bonds. Under counsel, the Federal land banks did not issue nor endeavor to sell new bond issues that would conflict with Treasury sales, proceeds of which went into the Public Treasury. That meant there were $90,000,000 less to lend to the farmers. Depression reigned supreme throughout the land; only one who urgently needed, was worthy, and had the security to offer, received a loan to the 10 or 12 who applied for loans.

Who was the smart Alec who advised this procedure? Was his name Mellon, Meyer, or Lobdell? Whoever he was, he was a Judas to American agriculture, which means to all American interests. The fact that he was shortsighted means little; the fact that, under the present political system, one man, or a few men, are thus able to jeopardize the interests of all farmers, clearly demonstrates that we need a change in method of operation and dictation of the affairs of the Federal farm loan system.

Had the system been, as it should be, in the hands of farmer-directors of the 12 district Federal land banks, it is unthinkable that any farmer—bright enough to go under cover when it rains—would have permitted any such policy of the Treasury dumping bonds onto a market and ruining the sale of bonds required to finance farming. What did the political manipulators of the land banks care about farmers? They got theirs, anyhow!

WHAT WILL HOOVER DO?

As a political campaigner, Herbert Hoover had much to say about bureaucracies, and what he thought of them parallels human experience and represents a characterization of the story of the Farm Loan Bureau.

Hoover has made a solemn promise to the American people. Can he defend the actions of this board during the two previous administrations? Can he now permit petty politicans to manipulate a billion and a half dollar enterprise—one of the greatest banking institutions in the world—to the exclusion of the people this system was created to serve, and whose industry it should sustain and foster?

Although Eugene Meyer has already had his propagander write a nice little story about how he "quietly cleaned up the farm loan system," same appearing in the papers in time for the returned tourist to read upon his return from South America! If Herbert Hoover can keep Meyer in the job he now occupies more than 15 minutes after he takes up the business of President, then it will clearly indicate that his promises are not fulfilled. One of the first bureaus that requires a "dry cleaning" is the Farm Loan Bureau. Men who are at least acquainted with farming should be given the task of supervising, the management of the banks should be placed in the hands of the farmers, and the whole system operated as intended—as an American—not a Russianized banking system.

WHO WILL PAY THE LOSSES?

During the more than five years that the politicians have been manipulating the farmer-owned land banking system, the banks have sustained losses which range into the millions. Most of these losses may be charged to mismanagement and crookedness on the part of the officers. The United States Government made a payment to the American railroads, after politicians had nearly wrecked them during the war; the Congress should provide, in a similar manner, for repayment to the farmers who have been pillaged by as dishonest a lot of officeholders. If the politicians are to run the people's business, then the Government should stand the bill—not the farmers.

A committee should be named for the specific purpose of carrying on an intensive and thorough investigation of the Federal farm loan system; an accounting of the losses should be listed and Congress authorized repayment to the farmers of this sum. Then they should quickly kick out of office the political plunderers and put in their stead honest, intelligent, experienced farm representatives, of which there is an abundant number now ready to take over the land banks.

NEW JERSEY PLANS TO REPLACE OLD MORTGAGE LAWS WITH NEW ONES—COMMISSION HAS NUMBER OF RECOMMENDATIONS FOR CORRECTING THE ARCHAIC CONDITION

The mortgage laws revision commission of the State of New Jersey will submit to the 1929 session of the legislature a number of measures for enactment, according to Atwood C. Wolf, secretary. "These are practically all devised to afford temporary relief from existing conditions pending a final and complete revision and recodification of all real estate mortgage laws—statutes and decisions, which to-day are considered archaic and cumbersome, the legacies of the old common law of the State," says Mr. Wolf in a statement on the work of the commission.

"The greatest evil, delay in the foreclosure of mortgages in default, has long been considered as a most deterrent influence."

SHERIFF GETS A BIG COMMISSION

Nor has this delay of six to nine months for foreclosure been the only matter considered for immediate relief. Sheriff's costs for crying off the sale have always been considered as most excessive, and more frequently than not those costs have had to come out of the mortgage principal, obviously at the expense of the investor. Heretofore sheriff's fees have been assessed at 2½ per cent on the first $5,000 and 2 per cent on all above that sum. This for a mere administrative act.

NOT MORE THAN $50 FOR SHERIFF

The members of the commission all felt, after holding a series of open hearings, that these fees were highly excessive and that the county and State should not be the chief beneficiaries at the expense of the unfortunate property owner.

WILL PUT BRAKE ON TRICKY LAWYERS

Some 23 specific items have been so far considered. These include practically every question that will tend to improve and modernize the mortgage law situation, such as a statutory short form of mortgage, photostatic recording processes, elimination of all redemption periods, decentralization of courts having jurisdiction in foreclosures, substitution of a flat-fee system for the ancient and archaic costs and allowance method, revisions of counsel fees, the method of service upon absent or nonresident defendants, and many others.

The mortgage laws commission, although it may not complete its work for two or three years, has already accomplished a great deal. The six members have been chosen from various parts of the State of New Jersey and all are experienced lawyers or brokers.

Communications or inquiries should be addressed to either the secretary, Counselor Atwood C. Wolf, Jersey City, or to the chairman, Edward West, at Camden. Suggestions or constructive criticisms will be welcomed, Mr. Wolf said.

The other members of the commission are William J. Egan, Newark; Alfred S. March, New Brunswick; John E. Siracusa, Atlantic City; and William J. Blair, Asbury Park.

CLARA PERCY

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3453) to confer jurisdiction upon the Court of Claims to hear and determine the claim of Clara Percy, which were to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $5,000, to Clara Percy, on account of the death of her husband, Elmer Charles Percy, who was struck and fatally injured by a United States Government truck in Balboa, Canal Zone.

Amend the title so as to read: "An act for the relief of Clara Percy."

Mr. ROBINSON of Indiana. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 12236) to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion of the naval ammunition depot, Lake Denmark, N. J., July 10, 1926.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14800) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. W. T. FITZGERALD, Mr. ELLIOTT, and Mr. GREENWOOD were appointed managers on the part of the House at the conference.

BOULDER DAM

Mr. PHIPPS. Mr. President, the senior Senator from Nevada [Mr. PITTMAN], who is unable to be here to-day, recently gave out a short interview to a newspaper man from the West relating to Boulder Dam legislation. I think it would be of great interest to the Members of the Senate, and I therefore ask unanimous consent to have it printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

The rumors that are floating around to the effect that Arizona will not ratify the Boulder Dam legislation are simply an hysterical expression of either fear or hope and have no foundation in fact. I have not the slightest doubt that Arizona's Legislature, which is now in session, will authorize the execution of the tri-State agreement authorized by Congress in the fourth section of the Boulder Dam act.

I am frank to say that this opinion is not based upon any private information within my possession, but is, in my opinion, supported by the logic of the situation.

The act is materially different from the bill opposed in the past and opposed at the last preceding session of Congress by the Arizona Senators and Congressmen and the Arizona commission. I must confess that even those who are in sympathy with the demands of Arizona—and I was one of them—have been astonished at the great concessions that were obtained by the Arizona Senators in the Senate and subsequently approved by the House of Representatives.

Arizona demanded some form of compensation in lieu of taxation that might be lost if the United States Government constructed the dam and power house instead of private capital. Nevada joined in this demand, and I had the honor to introduce the amendments which provided for such compensation. The compensation is to come out of any annual surplus that may arise over and above the amount annually due the Government for amortization. The fact that $25,000,000 of Government money is to be paid back out of the 62½ per cent of such surplus warrants me in believing that there will be a substantial annual surplus. It is estimated that the States of Arizona and Nevada will each receive between $400,000 and $600,000 annually by virtue of such provision.

It is possible, if not probable, that in the event others than the United States Government build the power house such power house will be subject to regular and uniform tax assessments of Arizona and Nevada. This compensation, in such case, will be in addition to the compensation above referred to.

Arizona and California each demanded 4,600,000 acre-feet of water. By the act California is restrained from taking out of the Colorado River in excess of 4,400,000 acre-feet of water. This will leave 3,800,000 acre-feet out of the main stream subject to perpetual use by Arizona, which, together with the reserved waters of her tributaries, will give her more water than she originally demanded.

The Congress of the United States has authorized a tri-State agreement between Arizona, California, and Nevada which will absolutely protect Arizona in exclusive beneficial use of the waters of the Gila River and its tributaries, and protects forever the waters of the Gila River and its tributaries from any diminution whatever by allowance of water which would be made by treaty or otherwise to the United States of Mexico.

It appears therefore that Arizona has substantially obtained from Congress its material demands, and there would appear to be no legitimate excuse to further oppose the legislation. In fact, it is reasonable to believe that, in the circumstances, if Arizona still, after all these concessions, attempts to prevent the construction of these necessary works, she will be defeated in such opposition by the ratification of a 6-State agreement in which Utah will participate.

Utah undoubtedly should be satisfied. Every amendment to the bill offered by the Senators from Utah while the bill was pending in the Senate at this session was adopted and is now a part of the act. These concessions were made to Utah upon the understanding that if such amendments were agreed to the bill would be satisfactory to the State of Utah.

In such event the act would be ratified anyway after six months; but the residents of all the seven interested States, most of whom have been sympathetic with Arizona, believe that Arizona has won its fight and are anxious for it to join with the rest of them in the ratification of the 7-State agreement and the pending act.

The legislators of Arizona will realize that all legislation is a compromise and that their State has been remarkably successful in the matter of congressional compromise. Their Senators and Congressmen and their former governor and their commission are to be congratulated upon the splendid fight they made and the success of their efforts.

The Legislature of Nevada will undoubtedly in a few days authorize the execution of the tri-State agreement provided for in section 4 of the act. This action will undoubtedly be followed by similar action by California. The matter will then be up to Arizona, and I am satisfied that the generous spirit of its legislators and their intelligence will justify them in following the same course without delay.

PROPOSED AMENDMENT OF THE RULES

Mr. JONES. Under the head of further morning business, pursuant to notice that I gave on Saturday last, I desire to make a motion. It is written out in the form of a resolution, but, as a matter of fact, it is a motion to amend a paragraph of the rules. I ask that it may be read.

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read the resolution (S. Res. 309) submitted by Mr. JONES on January 26, as follows:

Resolved, That Rule XXXVIII of the Standing Rules of the Senate, relating to proceedings on nominations in executive session, be, and the same is hereby, amended by adding an additional paragraph, as follows:

"7. Hereafter nominations shall be considered in open executive session unless the Senate, in closed executive session, shall by a two-thirds vote determine that any particular nomination shall be considered in closed executive session, and in that case paragraph 2 of of this rule shall apply to such nomination and its consideration."

Mr. JONES. Mr. President, pursuant to the rules, this is a motion which may be considered without going to a committee. I am going to ask that it may lie on the table, and I expect to call it up at the next meeting of the Senate when we have a morning hour. Then, probably, the question will be raised as to whether it should go to the Rules Committee, but that question may be considered at that time.

Mr. SMOOT. Mr. President, with that statement I have no objection at all, but I do think that an amendment to amend the rules so important as this would be if adopted should go to the Rules Committee for report.

Mr. JONES. I wish to say to the Senator that I am inclined to think that practically every Senator has his mind made up with reference to a matter of this kind, but, as I have stated, I am not asking action on the motion this morning. However, when we next have a morning hour, I shall ask for such action. Of course, if a majority of the Senate deems it wise and proper, I recognize that this motion can be referred to the Committee on Rules by a majority vote of the Senate. So I merely give this notice in order that every Senator may make up his mind in the meantime as to whether or not to send the motion to the Committee on Rules or vote on it directly.

Mr. McKELLAR. I hope the Senator will call his motion up at a very early day.

Mr. JONES. I shall do so the first time we have a morning hour in the Senate.

Mr. DILL. I hope the motion will not go to the Rules Committee of the Senate, because if it does we shall never hear of it again.

Mr. SMOOT. That is the Senator's opinion.

Mr. CARAWAY. Mr. President, I very much hope the Senate will adopt the motion of the Senator from Washington, because I want to relieve some Senator of the necessity of violating his oath every time we have an executive session. Of course, there is no secrecy about executive sessions. There is somebody here who runs out and makes a full report, either in order that he may have an advantage or to put somebody else at a disadvantage, and only half the truth is told. While I do not presume it hurts the conscience of whoever does it, I want to relieve him of the necessity of having to do it.

Mr. JONES. Mr. President, I take it that the resolution or motion will be printed.

The VICE PRESIDENT. It will be printed and lie on the table.

Mr. JONES. I desire to have it printed, so that every Senator may examine it.

ORDER OF BUSINESS

Mr. FLETCHER. I renew my request for unanimous consent to consider the bridge bills on the calendar. I know that the Senator from New Jersey [Mr. EDGE] is anxious to get up the joint resolution in which he is interested, and I am with him in connection with that measure, but I think these bridge bills ought to be disposed of, because there are some of them which must be sent over to the House. It will only take a minute to consider them.

Mr. CURTIS. Mr. President, if they are only bridge bills in the regular form and no discussion will take place on them, I hope that unanimous consent will be given.

Mr. FLETCHER. There will be no discussion at all.

The VICE PRESIDENT. Is there objection to the request of the Senator from Florida?

Mr. EDGE. Mr. President, I have no intention of objecting. I simply wish to state at this time, in accordance with notice heretofore given, that when the calendar is called in the ordinary way if there is objection to the consideration of Senate Joint Resolution 117 I shall move to take it up. I am not objecting, however, to the request of the Senator from Florida.

Mr. REED of Pennsylvania. The request of the Senator from Florida would begin with Calendar No. 1538 and extend to Calendar 1559, as I understand.

Mr. FLETCHER. Yes.

The VICE PRESIDENT. The Senator from Pennsylvania is correct if consent be given to the consideration of the bills referred to by the Senator from Florida.

Mr. BLEASE. Mr. President, I should like to ask what objection there is to going on with the calendar and let the bills referred to by the Senator from Florida come up in their regular order? I do not know whether they are going to involve any discussion or not. There are Senators here who have some very important bills on the calendar, and the bills referred to by the Senator from Florida may take up the morning hour.

Mr. FLETCHER. It will only take a few moments to consider them. There is no objection to them, they are in the regular form, and have been reported by the Commerce Committee.

Mr. BLEASE. I do not see that a bridge bill is any more important than any other bill, and I object.

Mr. FLETCHER. Very well; when we consider the calendar we may find some other bill taken up which will consume the morning hour.

The VICE PRESIDENT. Morning business is concluded. The calendar under Rule VIII is in order.

Mr. EDGE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Order of Business No. 785, being the joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal. I make this request because on Saturday we completed the calendar; and, in view of the fact that objection has been made to the consideration of all the bills on the calendar preceding Senate Joint Resolution 117—and they have been passed over many times—I ask unanimous consent for the immediate consideration of the joint resolution.

The VICE PRESIDENT. Is there objection?

Mr. DILL. I object.

The VICE PRESIDENT. Objection is made. The calendar, under Rule VIII, is in order.

Mr. EDGE. Mr. President, I move that the Senate proceed to the consideration of Senate Joint Resolution 117.

Mr. CURTIS. Mr. President, as I understand, that motion is not now in order.

The VICE PRESIDENT. The motion will not be in order until the joint resolution is reached on the calendar and objection is made at that time.

PROHIBITION OF WAR

The VICE PRESIDENT. The call of the calendar will proceed.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war was announced as first in order.

Mr. BRUCE. I move that the joint resolution be indefinitely postponed.

Mr. DILL. Mr. President, I hope the Senator from Maryland will not make that motion.

Mr. BRUCE. I most assuredly will. It draws no distinction whatever as between wars, whether for self-defense or otherwise.

Mr. JONES. Mr. President, I was going to ask that the joint resolution go over, but I see that the Senator from North Dakota [Mr. FRAZIER], who introduced it, is now present.

Mr. BRUCE. It is nothing but a sickly moonbeam, and I move that it be indefinitely postponed.

Mr. NORRIS. Mr. President, a parliamentary inquiry. Does not an objection put the joint resolution over under the rule? I do not care to take it up; I am not in favor of the joint resolution; but I hope the Senator from Maryland will not make his motion. I should like to have the joint resolution go over.

The VICE PRESIDENT. A motion to postpone indefinitely should follow a motion adopted by the Senate to proceed to the consideration of the joint resolution.

Mr. BRUCE. The joint resolution has come up on the call of the calendar time and time again, but no effort has been made to discuss it or to secure its passage.

The VICE PRESIDENT. The only motion in order at the present time is a motion to proceed to the consideration of the joint resolution, and then, if that motion should be carried, a motion to indefinitely postpone the joint resolution would be in order.

Mr. BRUCE. If the Senator from North Dakota will promise to take up the joint resolution and explain it and make some effort to secure its enactment, I will withdraw my motion.

Mr. FRAZIER. Mr. President, I am not prepared to make the motion to take up the resolution at this time, but I will be glad to have it go over.

The VICE PRESIDENT. Objection is made, and the joint resolution will be passed over.

BILLS PASSED OVER

The bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1728) placing service postmasters in the classified service was announced as next in order.

Mr. BLEASE. I ask that that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1266) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety was announced as next in order.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 759) to give the Supreme Court of the United States authority to make and publish rules in common-law actions was announced as next in order.

Mr. SACKETT. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2464) to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes, was announced as next in order.

Mr. EDGE. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1093) to prevent the sale of cotton and grain in future markets was announced as next in order.

Mr. SMOOT. Over.

The VICE PRESIDENT. The bill will be passed over.

WITHDRAWAL OF MARINES FROM NICARAGUA

The joint resolution (S. J. Res. 57) requesting the President to immediately withdraw the armed forces of the United States from Nicaragua was announced as next in order.

Mr. BRUCE. I move that the joint resolution be taken up for consideration, with a view to moving its indefinite postponement.

The VICE PRESIDENT. The question is on the motion of the Senator from Maryland to proceed to the consideration of the joint resolution.

Mr. HEFLIN. Mr. President, that joint resolution will consume a good deal of time if it is taken up now. I am willing to have it go over.

Mr. FLETCHER. Let it go over.

The VICE PRESIDENT. The motion of the Senator from Maryland is not debatable.

Mr. FLETCHER. I understood the Senator from Maryland to say that his idea was to move to postpone the measure indefinitely.

Mr. BRUCE. It is.

Mr. FLETCHER. Then there is no need to take it up.

Mr. NORRIS. I make the point of order that the motion to postpone indefinitely is not in order under this call.

The VICE PRESIDENT. It is not in order until the Senate has voted to take up the joint resolution.

Mr. BRUCE. I moved that the measure be taken up for consideration with a view to making a motion to postpone it indefinitely.

Mr. HEFLIN. Let it go over.

The VICE PRESIDENT. The Senator from Maryland moves that the Senate proceed to the consideration of Senate Joint Resolution 57.

The motion was rejected.

The VICE PRESIDENT. The Secretary will state the next bill on the calendar.

BILLS, ETC., PASSED OVER

The bill (S. 2679) to limit the period for which an officer appointed with the advice and consent of the Senate may hold over after his term shall have expired was announced as next in order.

Mr. BRUCE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1263) to amend section 4 of the interstate commerce act was announced as next in order.

Mr. BRUCE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 173) expressing it as the sense of the Senate that Andrew W. Mellon should resign as Secretary of the Treasury was announced as next in order.

Mr. JONES. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 1748) relating to the qualifications of jurors in the Federal courts was announced as next in order.

Mr. BRUCE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3151) to limit the jurisdiction of district courts of the United States was announced as next in order.

Mr. BAYARD and Mr. BRUCE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 8298) authorizing acquisition of a site for the farmers' produce market, and for other purposes, was announced as next in order.

Mr. BRUCE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 25) to declare the 11th day of November, celebrated and known as Armistice Day, a legal holiday, was announced as next in order.

The VICE PRESIDENT. This joint resolution is reported adversely.

Mr. FLETCHER. I move that it be indefinitely postponed.

SEVERAL SENATORS. Let it go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 1729) extending the classified civil service to include postmasters of the third class, and for other purposes, was announced as next in order.

Mr. BLEASE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 742) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. KING and Mr. BRATTON. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1995) placing certain employees of the Bureau of Prohibition in the classified civil service, and for other purposes, was announced as next in order.

Mr. BRUCE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1215) for the relief of Helen F. Griffin was announced as next in order.

The VICE PRESIDENT. This bill is reported adversely.

SEVERAL SENATORS. Let it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2901) to amend the national prohibition act, as amended and supplemented, was announced as next in order.

Mr. BRUCE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

PROPOSED NICARAGUAN CANAL

The joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal was announced as next in order.

Mr. EDGE. Mr. President, I move that the Senate proceed to the consideration of this joint resolution.

The VICE PRESIDENT. The question is on the motion of the Senator from New Jersey.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

The VICE PRESIDENT. The amendment of the committee will be stated.

The joint resolution had been reported from the Committee on Interoceanic Canals with an amendment to strike out all after the resolving clause and to insert:

That the President is hereby authorized to cause to be made, under the direction of the Secretary of War and the supervision of the Chief of Engineers, a full and complete investigation and survey for the purpose of revising and bringing down to date the report of the Isthmian Canal Commission transmitted to the Congress December 4, 1901, and for the purpose of collecting the additional information and data necessary in order to ascertain (1) the most practicable route for an interoceanic ship canal by way of the San Juan River and Great Lake of Nicaragua or by way of any route over Nicaraguan territory, including a suitable harbor at each of the termini thereof; (2) the feasibility and approximate cost of the construction and maintenance of such canal; and (3) the cost of acquiring all private rights, privileges, and franchises, if any, pertaining to such route. The investigation and survey shall be made upon the basis of a canal having a capacity sufficient for the convenient passage of vessels of such tonnage and draft as may reasonably be anticipated.

SEC. 2. The Chief of Engineers, under the direction of the Secretary of War, shall establish and maintain during the investigation and survey thereafter such stations as he deems necessary for gauging the water supply available for the operation of the canal.

SEC. 3. The Chief of Engineers, under the direction of the Secretary of War, shall also make an engineering survey and an investigation for the purpose of determining the possibilities and cost of enlarging the Panama Canal to the extent which may be necessary to meet the future needs of interoceanic shipping.

SEC. 4. The Government of Nicaragua having by treaty with the Government of the United States, signed at Washington on August 5, 1914, and duly ratified as required by the laws of both of said Governments and proclaimed June 24, 1916, granted in perpetuity to the Government of the United States, forever free from taxation or other public charge, the exclusive proprietary rights necessary and convenient for the construction, operation, and maintenance of an interoceanic canal, by way of the San Juan River and the Great Lake of Nicaragua, or by way of any route over Nicaraguan territory, the details of the terms upon which such canal shall be constructed, operated, and maintained to be agreed to by the two Governments.

The President of the United States is hereby authorized and empowered to enter into negotiations for an agreement upon the details of the terms under which such canal may be constructed, operated, and maintained: *Provided*, That nothing contained in this resolution shall be construed to bind the United States to build said Nicaraguan canal.

SEC. 5. The Senate of the United States having incorporated in its resolution advising and consenting to ratification of the treaty with Nicaragua, as aforesaid, a declaration "that in advising and consenting to the ratification of the said convention as amended such advice and consent are given with the understanding, to be expressed as a part of the instrument of ratification, that nothing in said convention is intended to affect any existing right of any of the said named States," namely, Costa Rica, Salvador, and Honduras, the President is authorized and empowered to enter into negotiations with said States and determine whether they, or any of them, have any interest in said proposed canal.

SEC. 6. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $150,000, to be expended by the Secretary of War for the purposes of this resolution and to remain available until expended; and there are hereby authorized to be appropriated such additional sums as may be necessary for such purposes.

SEC. 7. The President is requested to report to the Congress as soon as practicable, not later than two years, the results of the investigation and survey, together with such recommendations in connection therewith as he deems advisable.

Mr. EDGE. Mr. President, I shall speak very briefly to the resolution, from the simple fact that on previous occasions I have explained it, and I believe its object is familiar to every Member of the Senate.

However, as the joint resolution is now officially before the Senate, permit me again to assure Senators that the measure in no way, shape, form, or manner commits the Senate to any future interoceanic canal policy. It simply provides for securing such information as it is absolutely necessary and essential for the Senate and the Congress to have before they can determine upon a future policy.

Mr. DILL. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Washington?

Mr. EDGE. I yield.

Mr. DILL. If this joint resolution is passed, how many employees will be required to carry out its purpose?

Mr. EDGE. The joint resolution provides that the Engineering Department of the War Department shall make the surveys necessary to determine the cost and possibility of suggested improvements to the Panama Canal, and at the same time make a similar survey as to the proposal to build a Nicaraguan canal over the route where we have paid $3,000,000 for the right of way.

As to the number of employees necessary, that would be a matter of detail in the Engineering Corps of the War Department. They naturally, in the ordinary way, would send a staff of engineers to the Nicaraguan route, or from Panama to the Nicaraguan route—engineers already being in Panama—to secure the information required under the terms of the joint resolution.

Mr. DILL. Does the Senator think it will require any additional employees?

Mr. McKELLAR. If it does, I call attention to the fact that $150,000 is appropriated in the joint resolution, and it is limited to that amount.

Mr. EDGE. The joint resolution does not provide for the employment of anyone now outside of the service; and, as the Senator from Tennessee has stated, the limit of money to be expended under the terms of the joint resolution is $150,000 and the time limit for securing the information is two years.

Mr. DILL. How was this amount of $150,000 arrived at?

Mr. EDGE. It was arrived at through an estimate made by the War Department.

Mr. DILL. How much of it is to be spent on the Panama Canal and how much of it on the Nicaraguan route?

Mr. EDGE. There has been absolutely no attempt to make that division. That is a technical engineering matter which must be left to the War Department. The total amount esti-

mated for was budgeted by the Budget officers and approved by the President of the United States.

Mr. DILL. Has this joint resolution passed the House?

Mr. EDGE. The joint resolution has not been considered in the House. One of the reasons why I want to have it considered in the Senate as early as possible is so that it can have consideration in the House.

Mr. DILL. The Senator does not think the joint resolution will pass the House at this session, does he?

Mr. EDGE. I am concerned with its consideration and disposition by the Senate, at least so as to give sufficient time in the House for its further consideration there.

Mr. DILL. Will the Senator answer another question? How nearly are we using the facilities of the Panama Canal at this time?

Mr. EDGE. The Governor of the Panama Canal in his last report—the report up to June 30, 1928—stated that the use of the Panama Canal had now reached 50 per cent of its facilities. The business through the Panama Canal which I set forth in an address I made to the Senate several weeks ago has more than doubled each 5 years of the 15 years the canal has been open to traffic. No one anticipates that the same proportion will continue after the third cycle of five years; but it has continued for the three 5-year periods through which we have passed. But, even if it continues in a considerably reduced proportion, it is estimated by the Governor of the Canal Zone and by engineers that we will have reached the limit of the present mechanical facilities within from 12 to 20 years. It is also estimated by engineers that it will require approximately that time to construct a new canal, and a considerable portion of that time to install a third set of locks, which has been proposed, at the Panama Canal.

Again, from the time necessary for construction must be deducted the years necessary for surveys, which is all this joint resolution calls for. The longer we put off the surveys, the nearer will we come to the time when we will reach the maximum capacity of the canal.

Mr. DILL. When was the last survey made?

Mr. EDGE. The last survey made of the proposed Nicaraguan canal was contained in the report transmitted to the President and Congress in 1901, 27 years ago.

Mr. DILL. What additional information is necessary now that was not given in that survey?

Mr. EDGE. From an engineering standpoint, I am informed—and it sounds very reasonable to me—that the method of construction has to a great extent changed during a period of 27 years. While it is reasonable to assume that the topography of the country of Nicaragua has not greatly changed in that time, unless through earthquake or volcanic eruption, methods of constructing canals has undergone considerable change. There has been much agitation in recent years of the feasibility of a sea-level canal. Of course that was more or less investigated during the period when the Isthmian Canal Commission made the survey in Nicaragua some 27 years ago; but it is reasonable to assume that with the great development in construction work, the Senate, the Congress, and the country would not be satisfied to proceed to a decision in so important a matter upon a survey made 27 years ago. Further than that, if I may answer the Senator's question a little further, if he wants information—and I am sure he does——

Mr. DILL. I do.

Mr. EDGE. The route of the canal proposed through Nicaragua has never been definitely established. Our right-of-way privilege permits us to follow any route through the country that would seem best adapted, not necessarily the route which was suggested in the Isthmian Canal Commission's report. There have been some suggestions that a different route might be followed in some sections of the distance the canal must traverse, and perhaps thus lessen the expense. So all of that makes absolutely compulsory, if we are to act intelligently, a further survey of the Nicaraguan canal route.

Mr. DILL. How much can the facilities of the Panama Canal be enlarged?

Mr. EDGE. That, again, is a matter that the new Governor of the Panama Canal Zone, Colonel Burgess, in personal conference with him during the holiday, has suggested the engineers be given power to ascertain.

Mr. DILL. That is what I can not understand about this legislation—why, when we have not yet determined the additional facilities possible at Panama, we should be asked to enter upon preparations for the building of a Nicaraguan canal. It is admitted that only 50 per cent of the facilities of the Panama Canal are now being used, that they can be enlarged, and yet we are asked here to combine an investigation as to the enlargement of the Panama Canal with getting the necessary data for the building of a new canal.

Mr. EDGE. Mr. President, I think I can answer that in a very few moments.

We are faced, obviously, with the necessity of increasing canal facilities. We have two proposals, both very general. One of them is to install a third set of locks in the Panama Canal. As I understand, that is a mechanical suggestion that has never been tried, a mechanical suggestion that would require considerable study and investigation on the part of the engineers, both as to cost and available water supply. At the same time we have possessed for 14 years a right of way across Nicaragua for a second interoceanic canal. We paid $3,000,000 for that right of way. We have never acted upon it. Now, I repeat, when we are faced with the necessity of increasing canal facilities, it would seem to be a matter of ordinary good common sense and business judgment to investigate both possibilities to bring about that increase and not merely to investigate one and be unable to tell Congress what could be done with the other, especially in view of the fact that we have already made the investment.

Mr. COPELAND. Mr. President——

Mr. DILL. What is the estimated cost of the Nicaraguan canal?

Mr. EDGE. That is purely a guess. The cost of a Nicaraguan canal as given by the Isthmian Canal Commission 27 years ago, as I recall, was something under $200,000,000.

Mr. McKELLAR. Seventy million dollars.

Mr. EDGE. At the same time the estimated cost of completing the Panama Canal—for Senators will recall that it had already been undertaken by the French—was considerably more than that. In other words, if we can base the cost to-day on the cost 27 years ago, it would have cost less to construct the Nicaraguan canal at that time than it did to complete the Panama Canal. How much it will cost in addition because of the recognized increase in the cost of construction——

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from New Jersey yield to the Senator from New York?

Mr. EDGE. As soon as I finish my sentence. How much additional it will cost because of the well-known increase in the cost of construction I am unable to tell the Senator. I yield to the Senator from New York.

Mr. COPELAND. My own predisposition has been, as apparently has been that of the Senator from Washington, to enlarge the Panama Canal. I went through that canal last year, and after a discussion of the matter with the officials it seemed to me that it would be possible to enlarge the facilities materially. The water is there, and all that is necessary might be done. But this proposal of the Senator from New Jersey is to have a survey, to find out how feasible and practicable and economical would be the building of a canal through Nicaragua. It would seem to me, as I view it, that it would be very wise for the Senate to have this information in order that the matter then might be settled on its merits when we come to consider the question of increased canal facilities, whether we would decide that we should enlarge the canal at Panama or build this in preference. For that reason I have been inclined to support the proposal of the Senator from New Jersey to have this survey made.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. EDGE. I yield.

Mr. McKELLAR. The Senator from Washington asked about the cost of the proposed canal, and my answer might probably mislead him. The lowest limit of cost, as fixed in the report at the time referred to, 27 years ago, was seventy millions, and the highest was one hundred and forty millions. Of course, it would take more now.

Mr. DILL. What did the Panama Canal cost?

Mr. McKELLAR. It cost $370,000,000.

Mr. DILL. Why did they spend $370,000,000 if they could have built a canal through Nicaragua for $70,000,000?

Mr. McKELLAR. We all remember, or have read, at any rate, that there was a great fight over a choice between these two routes. The Panama Canal indisputably cost a great deal more than it would have cost to build a canal in Nicaragua.

Mr. EDGE. Mr. President, supplementing what the Senator from New York has just stated, my mind is entirely open as to the advisability of enlarging the Panama Canal or building the Nicaraguan canal, or both; but I contend that it is impossible for the Senate intelligently to decide either of those questions until they have the information. To me it is inconceivable that anyone should object to securing information.

Mr. DILL. But this resolution does not provide how much is to be spent on studying the conditions in Panama and how much on studying the conditions in Nicaragua. We are to appropriate a lump sum, $150,000, for the engineers and let

them spend it as they see fit, with no assurance that we will get the information.

Mr. EDGE. It directs the engineers to get the information with respect to both projects. For us arbitrarily to say that $50,000 should be spent at one place and $100,000 in another would seem to me a very unusual procedure.

Mr. DILL. Does the Senator think we are in such dire need of another canal across the Central American part of the continent that we should go ahead with preparations to build such a canal with conditions on our inland waterways as they are?

Mr. EDGE. The two are very intimately related, but that one is dependent upon the other I do not think is true. The Senator uses the words "dire need." I do think it is essential that we should receive this information, and the sooner the better. As far as the inland waterways are concerned, I have just as much interest in the development of the inland waterways as the Senator from Washington, or any Senator from his section of the country, or any other section of the country. But does it not occur to the Senator that if the Mississippi River improvements continue to be made, and the inland waterways up through that northwestern section have that much more traffic carried over them, we should in time build the Nicaraguan canal, so that the people of the Northwest would have open to them through the Gulf of Mexico a new market at certainly lower transportation costs than via a coast route? As a matter of providing a feeder or output from the great Northwest, from a purely selfish standpoint they should be in favor of a Nicaraguan canal.

Mr. DILL. As soon as this canal was built tolls would be charged on it, and it would not be of any value to us. So I do not see any reason for building another canal.

Mr. EDGE. Of course the question of tolls would be a matter for Congress to decide. We have taken no advantage of our right to fix tolls on the Panama Canal, and the tolls are the same to all. Over $20,000,000 collected in tolls last year netted an interest of 7½ per cent to the taxpayers of this country.

Mr. DILL. All at the expense of the commerce of the part of the country that sends traffic through the canal.

Mr. HAWES and Mr. WHEELER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New Jersey yield; and if so, to whom?

Mr. EDGE. I think the Senator from Missouri first rose.

Mr. HAWES. Mr. President, I am rather interested in the fact that there is no provision in the bill for the employment of civilian engineers, but that the framers of the legislation have placed this survey entirely in the hands of the Chief of Army Engineers. We have in the United States over 200,000 civilian engineers. They have a great national organization of 20,000 members of high ethical standards and great experience. Each of our State colleges is graduating civilian engineers each year. In the original work on the Panama Canal, if I am not mistaken, civilian engineers were called in with the Army engineers. In the original draft of this bill I notice that a board of engineers was provided for. I would like to know why civilian engineers are to be eliminated in making this survey.

Mr. EDGE. I direct the attention of the Senator from Missouri to the fact that the original resolution to which he refers, simply recites that the sundry civil bill of March 2, 1895, made provision for the work being under the direction of the Board of Engineers. So far as the proposal before the Senate is concerned, it has always been provided that the Army engineers should furnish the information. In that connection, I am sure the Senator will be interested in a letter I have received from the very organization of which I assume he speaks, the American Engineering Council. The letter is from their Washington office, 26 Jackson Place, is addressed to me, and reads:

AMERICAN ENGINEERING COUNCIL,
Washington, D. C., January 11, 1929.

Hon. WALTER E. EDGE,
United States Senate, Washington, D. C.

MY DEAR SENATOR EDGE: I am glad to advise you that American Engineering Council has indorsed Senate Resolution 117, authorizing an investigation and survey for the Nicaraguan canal. I refer to your resolution now pending before the Senate.

You may make such use of this indorsement as in your judgment will aid you in accomplishing the purpose you have in mind. If there is any way in which we can be of direct assistance, please feel free to command us.

Sincerely yours,

L. W. WALLACE,
Executive Secretary.

Mr. HAWES. I will say to the Senator that in the flood-control work the Chief of Army Engineers and the Army engineers do not seem to want the cooperation or assistance of civilian engineers, and in a matter of this magnitude, a project of such great interest, I am sure the American people would be better satisfied if somewhere the President were given authority to place some civilian engineers on this work, cooperating with the Army engineers.

I can not quite understand the situation. We train our lawyers in this country and we use them in public service. We use them as district attorneys and judges. We train our doctors and we use them in the Health Service and we use them in the Army. We have painters who can paint the Capitol dome. But nowhere is the civilian engineer permitted by the Army engineer to cooperate in any of these projects. He is eliminated. He is the one scientific man in America who is eliminated from public service.

Mr. EDGE. Mr. President, there may be, and undoubtedly is, a great deal in what the Senator contends; but we have not eliminated the private engineer. We have provided an appropriation of $150,000, to be expended under the direction of the Secretary of War, for the purpose of ascertaining the facts and making a survey, and he may expend the money in any manner he sees fit, proper, and wise. So that under this resolution the Secretary of War unquestionably could employ the services of a consulting or of any other type of engineer.

Mr. HAWES. Would the Senator object to an amendment which would provide that a portion of this board should consist of civilian engineers?

Mr. EDGE. I would, Mr. President, for the reason that I want this survey to cost the Government as little as possible. I communicated with the Secretary of War and the Secretary of the Navy. We first provided, I think, $250,000. They investigated further, and later came to the committee saying that they felt that $150,000 would be sufficient to enable them to secure the information the committee desired. In view of the terms of their budget recommendation I do not feel that we should enlarge the cost to the Government.

Mr. HAWES. Was the Chief of Engineers consulted in the preparation of this resolution?

Mr. EDGE. Not by me, but I have no doubt he was consulted; he naturally would be as the head of that division of the War Department. I may say to the Senator that I have discussed with the Chief of Engineers the feasibility of this resolution and he is very enthusiastic to undertake it.

Mr. HAWES. I will say to the Senator that I am sympathetic with the program, but I am entirely opposed to the adoption of this resolution when this great army of civilian engineers is barred from public service.

Mr. EDGE. Why does the Senator take the position that they would be barred from public service?

Mr. HAWES. Because of the experience we have had in such matters in the Mississippi Valley.

Mr. EDGE. They are not legally barred, as far as the terms of this resolution are concerned.

Mr. HAWES. Why can we not write in the resolution a provision that civilian engineers shall be represented, so that there will be no doubt about it? I am sure that would satisfy the American people better.

Mr. EDGE. I have no deep-seated objection to that, except that I felt that the resolution in its present form would provide that opportunity without making it mandatory.

Mr. HAWES. It does seem a little strange, when the Senator's State and my State are issuing diplomas to engineers, and those engineers are receiving high positions in private concerns, and in the construction of private works, why they should be eliminated in a pioneering investigation of this kind.

Mr. EDGE. I take exception to the word "eliminated." They are not eliminated under the terms of the joint resolution.

Mr. HAWES. Mark my prediction, under its terms they will be eliminated. Civilian engineers were employed on the Panama Canal, in the original work.

Mr. EDGE. That is quite true, but does the Senator recall whether any legislation made it mandatory that civilian engineers should be employed?

Mr. HAWES. No; but this would place the whole matter in the hands of the Chief of Engineers. We know that the Chief of Engineers would not put on that board a civilian engineer if he could possibly avoid it.

Mr. EDGE. If the Senator will prepare an amendment I will consider it.

Mr. WHEELER. Mr. President——

Mr. EDGE. I yield to the Senator from Montana.

Mr. WHEELER. I was just going to ask the Senator this question, Whether the Army has not plenty of engineers, so that they could do the work without employing any outside engineers?

Mr. EDGE. I do not doubt that in the slightest degree. I assume they have an ample force to do this work, because

they have made no suggestion of any kind to the effect that they were not prepared to carry out the direction of the resolution.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. EDGE. I yield.

Mr. BRUCE. Are there any treaty or other provisions for the neutralization of the Panama Canal in time of war?

Mr. EDGE. The Panama Canal?

Mr. BRUCE. Yes. I do not know that there are, and in that event might not a sea-level canal through Nicaragua be of the very greatest degree of value as an alternative in time of war in case the Panama Canal were seized by a hostile force?

Mr. EDGE. Mr. President, I dwelt on that point at considerable length several weeks ago. I think it is a most important safety insurance, one might say, for the Government to have two interoceanic canals. But I will say further that as far as this resolution is concerned we do not attempt a decision as to that.

Mr. BRUCE. I did not know whether the Senator had taken up that topic.

Mr. McKELLAR. Mr. President, if I may have the attention of the Senator from Maryland just a moment, the Senator is entirely right about that. As we all know, the Panama Canal was built under what is known as the Hay-Pauncefote treaty, which corrected or modified the old Clayton-Bulwer treaty of 1852. In this matter, if the Nicaragua Canal is built, it is not bound in any way by any treaty obligations or complications of any kind.

ELECTRIC-CURRENT RATES IN CANADA AND THE UNITED STATES

Mr. NORRIS. Mr. President, a few days ago, I think last Saturday, I made some remarks called forth by an article in Barron's Financial Weekly, and in that address I made some comparisons in accordance with a suggestion in that article. Since I spoke the other day I have obtained some additional figures, which I think ought to be added to what I presented at that time.

Mr. EDGE. Mr. President, will the Senator permit an interruption?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from New Jersey?

Mr. NORRIS. I yield.

Mr. EDGE. I, of course, have no means of knowing, but I had some impression from discussions with Senators who have not been entirely friendly to the proposed Nicaragua Canal legislation that they were only going to speak very briefly and would permit a vote before 2 o'clock. I am just wondering, if that is true, whether it is not possible to have that matter disposed of, now that we have had half an hour or more of discussion, and if we may have a vote on it before 2 o'clock?

Mr. NORRIS. I am not going to take the time until 2 o'clock, I will assure the Senator.

A comparison that fits in exactly, it seems to me, with those which I made the other day comes from Jamestown, N. Y. Jamestown has a municipally owned electrict-light plant which has been in operation about 34 years. It is claimed in the article from which I expect to quote that they are giving to the people of Jamestown the cheapest electric-light rates that are given to any municipality in the State of New York.

I want to read from an article in the November, 1928, issue of a magazine called Public Ownership, written by Mr. Samuel A. Carlson, who is a former mayor of Jamestown, N. Y., and president of the New York State Conference of Mayors. After giving some history in regard to the origin of the municipal plant at Jamestown and stating that it has been in operation for 34 years, he said:

> Current was then sold for domestic purposes and commercial purposes at a lower rate than had been offered by any private company, while at the same time yielding a profit. Since that time two more bond issues—

He had spoken of an original bond issue of $32,000.

> Since that time two more bond issues have been made for extensions and development to meet the increasing demand of the people for this service, with the result that the plant to-day represents an investment of $1,760,755.90, and has a cash surplus on hand of $355,966.

He has a little footnote at that point, in which he says:

> The superintendent of the plant, Mr. Melvin Swanson, informs me that in January, 1928, the lighting department had a surplus of half a million dollars of accumulated profits after giving the people of Jamestown the lowest rates in the State.

I quote again from the main article:

> Which added to the plant investment brings its assets up to $2,116,721. Deducting the outstanding indebtedness of $204,000 there remains for the people a clear equity of $1,912,721.

Quoting from further on in the article:

> The Jamestown plant generates power from coal and successfully competes with water power generated from Niagara Falls and supplied by a private syndicate, which succeeded in acquiring the franchise rights from the original private company to whom the city had granted a franchise prior to the establishment of the municipal plant.

Here we have a municipally owned plant, operating with coal, that must be shipped in on the railroad, in competition with a private plant which gets its power from Niagara Falls.

Often when these comparisons are made, particularly with some of the hydroelectric commission rates in Canada, those opposed to municipal ownership of public utilities say that we are unfair because we compare the rates here with a publicly owned corporation in Canada that gets its power so cheap from Niagara Falls. In the comparison I am now making the reverse is true. The privately owned company operating in Jamestown gets its current from Niagara Falls.

The municipally owned plant gets its current from a coal-operated plant, which coal it has to buy and it is not the cheapest coal in the world either because it has to be shipped in. Jamestown is not located at the mouth of a coal mine. Jamestown is not far from Niagara Falls. It is within transmission distance; I think probably less than 100 miles away.

The article then continues:

> The charges of this company for electric service—

Referring to the private company now. The private company gets its electricity from Niagara Falls and operates not only within the city limits but outside. The municipally owned company is handicapped by the laws of the State of New York in that it is not permitted to sell electricity outside of the municipal corporation limits.

> The charges of this [private] company for electric service, just outside of the city limits, are nearly double the rates charged by the municipal plant, although the private company is compelled as a result of the municipal competition to sell at the same low rates within the city.

This is another illustration that will demonstrate that the private companies can sell current in this country for much less than they are now charging. They are compelled to do so where they meet the competition of publicly owned plants, and this is an illustration of it. In the city of Jamestown, N. Y., the private company is selling electricity within the city limits of Jamestown at the low rate of 4.5 cents per kilowatt-hour, because that is the rate fixed by the municipal plant, and yet just outside of the city limits, where the municipal plant can not compete, it is charging practically double that rate.

Mr. President, I have here a list of a large number of municipalities in the State of New York, which list is contained in the article from which I am quoting. I ask unanimous consent to include this table at this point in my remarks without reading.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The table is as follows:

Jamestown: First 50 kilowatt-hours	$0.04½
Albany: First 200 kilowatt-hours	.08
Amsterdam: First 100 kilowatt-hours	.10
Auburn: First 40 kilowatt-hours	.10
Batavia: First 50 kilowatt-hours	.07
Beacon: Flat rate	.12½
Binghamton: Flat rate	.15
Buffalo: First 60 kilowatt-hours	.06
Cohoes: First 100 kilowatt-hours	.07½
Corning: First 20 kilowatt-hours	.10
Cortland: First 500 kilowatt-hours	.09
Dunkirk:	
First 10 kilowatt-hours	.06
Next 25 kilowatt-hours	.04
Elmira: First 20 kilowatt-hours	.08
Fulton: First 50 kilowatt-hours	.10
Glen Cove: First 300 kilowatt-hours	.10
Gloversville: First 150 kilowatt-hours	.09
Hornell: First 50 kilowatt-hours	.11
Hudson:	
First 10 kilowatt-hours	.12
Next 35 kilowatt-hours	.11
Ithaca:	
First 10 kilowatt-hours	.15
Next 40 kilowatt-hours	.14
Kingston: First 50 kilowatt-hours	.11
Little Falls: First 30 kilowatt-hours	.09
Lockport: First 60 kilowatt-hours	.10
Mechanicville: First 15 kilowatt-hours	.12
Middletown: First 200 kilowatt-hours	.11
Mount Vernon: First 800 kilowatt-hours	.11
Newburgh: Flat rate	.11
Niagara Falls: First 40 kilowatt-hours	.05
North Tonawanda: First 30 kilowatt-hours	.07
Norwich: First 100 kilowatt-hours	.17
Olean: First block	.08
Oneida: First block	.11
Oneonta: First 300 kilowatt-hours	.13
Oswego: First 300 kilowatt-hours	.05
Plattsburg: First 30 kilowatt-hours	.13

Rochester: Flat rate	$0.08
Rome: First 50 kilowatt-hours	.10
Salamanca: First 50 kilowatt-hours	.06
Saratoga Springs: First 100 kilowatt-hours	.10
Schenectady: First 30 kilowatt-hours	.10
Syracuse: First 25 kilowatt-hours	.07½
Sherill: First 50 kilowatt-hours	.08
Troy: First 300 kilowatt-hours	.08
Utica: First 30 kilowatt-hours	.08¼
Watertown: First 50 kilowatt-hours	.09
Yonkers: Flat rate	.11

Mr. WAGNER. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from New York?

Mr. NORRIS. I yield.

Mr. WAGNER. I want to say to the Senator that we had a hearing in Albany, when I was a member of the New York State Senate, upon proposed legislation which was intended to give to municipalities the power to issue bonds for the purpose of constructing their own lighting plants. There we had present the mayors of every municipality which had engaged in the business of generating and distributing to its residents electricity. In every instance the proof presented clearly established that the consumer was charged by the municipality a price lower than was charged by the private companies which the municipally owned company supplanted.

While I am on my feet I may say to the Senator that I was very much interested in the disparities in rates between the Canadian company and the Niagara Falls, N. Y., company, to which the Senator called attention the other day. We have time and time again in New York called attention to this disparity in our efforts to prevent the private exploitation of the St. Lawrence River potential water power. We have called attention to the fact that initially the State of New York made a blunder in Niagara Falls in not itself constructing the plant and using itself the diversion of the water of Niagara Falls to generate electricity. It would be enjoying, I am sure, cheaper rates than are now charged by the Niagara Falls Electric Co. That is the basis of our fight in New York, to prevent private interest—and has been at issue in several campaigns—from securing the control of the water power at the St. Lawrence River, when harnessed, but to preserve it for public ownership and control.

Mr. NORRIS. There is no doubt about what the Senator from New York has said, and I thank him for his interruption.

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Maryland?

Mr. NORRIS. I yield.

Mr. BRUCE. When the Senator from New York is making that comparison, may I ask if he makes due allowance in the matter of the municipally owned plant for taxes, and due allowance for depreciation, and due allowance for the fact that a municipal plant's deficit is very often covered up by the municipal tax rates?

Mr. NORRIS. Mr. President, I am very glad to yield to Senators, but I do not want to yield for the purpose of other Senators engaging in debate during the course of my remarks.

Mr. BRUCE. May I ask the Senator under what order we are proceeding? I thought we were proceeding under Rule VIII, and if so, I think the Senator from Nebraska has considerably exceeded his five minutes.

Mr. NORRIS. I am not limited to five minutes.

Mr. BRUCE. Under Rule VIII?

The PRESIDENT pro tempore. The joint resolution now before the Senate was taken up on motion.

Mr. BRUCE. Oh, I did not know that.

Mr. NORRIS. Mr. President, I have discussed the tax question, and I have laid tables and documents and statistics before the Senate by the volume. I am not going into the question of taxes now, but it is very easily disposed of. So far as taxes are concerned, they will never make a greater difference in the price of electricity to the consumer than to exceed a few mills on a kilowatt hour.

Now, reading further from this article, I wish to call attention to what the city of Jamestown did. Senators will remember that it had issued bonds in the amount of nearly $2,000,000 all together. It is now practically out of debt, only about $250,000 of the bonds being left, while the citizens are getting the benefit of this low rate. This article states:

> All bonds have been paid out of the revenues. There has never been any tax levy for any purposes whatever in connection with the plant. If the city did not have competition and had exclusive sale of current and sold the same at the same rate at which the competing private company charges outside of the city, beyond municipal competition, there would be sufficient profit to wipe out all taxes for city and school purposes. In other words, the people save enough as the result of present low rates, through municipal ownership, to pay these taxes.
>
> * * * * * * *
>
> The saving to the people in low rates exceeds $5,000,000 during the last 20 years.

That is easily computed, and is an almost mathematical deduction. In Jamestown, however, a private company, getting its current from Niagara Falls, went into court and tried to obtain an injunction against the municipal company fixing such a cheap rate for electricity which they produced from coal that the private company claimed it was below the cost of production. It actually commenced a lawsuit. This article further states:

> Some time ago the private company tried to persuade the city officials to enter into a contract by the terms of which the private company offered to furnish lighting for street purposes at a lower rate than now supplied by the city, but with the stipulation that the city bind itself not to make any further enlargement in the capacity of the municipal plant. There were many citizens and some members of the city council who were captivated by this alluring proposition and urged its acceptance on the part of the city. But the friends of the municipal ownership, however, were able to discern the scheme back of this proposition, which meant in reality crippling municipal service and placing the city eventually at the mercy of the private company.
>
> One of the leading newspapers of the city advocated this scheme, and there has been a continuous effort to mold public sentiment against the public plant.
>
> So successful—

I am now quoting from an editorial in one of the newspapers published in Jamestown:

> So successful has been the management of the municipal plant that those in control decided upon a considerable reduction in rates, and then a strange thing happened. The private power company that has been in competition with the municipal plant filed a petition with the utility commission of the State insisting that the municipal plant must raise its rates.

There you have it—the private company in competition with the municipal company went before the commission and filed a petition demanding that the municipal plant be compelled to increase its rates. The article continues:

> This is such an astonishing procedure that it has led the Jamestown Journal, in a long editorial in its issue of August 14, to declare that this is—
>
> "Probably one of the most unique and unusual proceedings that has ever claimed the attention of the Public Service Commission of New York. It is a proceeding to compel a corporation (municipality) to raise electric light rates."
>
> The editorial then goes on to state:
>
> "The proceeding is brought by the Niagara Power Co. against the city of Jamestown. The Niagara company contends that the rates are below cost, hence impose an unlawful burden on the taxpayers, of which this company is one, and incidentally makes competition impossible without being confiscatory of its property."
>
> * * * * * * *
>
> On the specific question as to whether the reduced rates proposed by the municipal plant are sufficient to meet all costs of operation, maintenance, capital charges, sinking fund, etc., the representatives of the city contend that in spite of the lower rates in effect during 1927 the plant earned a net profit of $162,336.43.

That is in one year under the low rate which the private company said was confiscatory.

Mr. DILL. Mr. President, will the Senator from Nebraska yield to me?

Mr. NORRIS. I yield.

Mr. DILL. I was not in the Chamber during the beginning of the Senator's remarks, and I desire to ask him what percentage of the business has the municipal plant?

Mr. NORRIS. It has most of the business, I judge from what I have read, although I can not give specific figures as to that.

Mr. DILL. Do the returns of the other company show a deficit?

Mr. NORRIS. Oh, no; it is one of the Power Trust companies of the United States.

Mr. DILL. I thought, possibly, that it was one of those the trust was sustaining in order to compete with the municipally owned plant.

Mr. NORRIS. No; there is not anything to indicate that they ever had a deficit.

The profit that I have just read was over and above all charges required by the city charter. And that was the profit in 1927, just a year ago.

> Furthermore, the plant now has on hand the sum of $481,060.76 to provide for the extension, improvement, and betterment of the plant and its equipment. Thus all reasonable contingencies are provided for.
>
> The city further replies to the contention of the private power company that the taxpayers of the city of Jamestown have not contributed one single dollar toward the erection, improvement, or operation of the

plant. The initial costs and a portion required for improvements and extensions have been met by bond issues, it is true, but the principal and interest of such bond issues have been paid out of the earnings of the plant itself and such earnings have been paid entirely by the consumers of the current sold by the plant.

* * * * * * *

Another notable and very significant feature in the recent development of the Jamestown plant is reported to us by the superintendent [of the plant], Mr. Melvin O. Swanson.

He says:

That at a special meeting of the board of public utilities held on October 18 it was decided to advertise for bids for a new 12,500-kilowatt turbogenerating unit. This unit, when installed, will be the largest in the plant, and will more than double the present generating capacity.

Mr. Swanson, the superintendent, continues:

This equipment will be purchased from revenues, and it is planned to expend well over half a million dollars in enlargements.

This money—

Says the superintendent—

we have saved during the last four or five years, and we now have sufficient capital on hand so that we can proceed immediately with the authorization and purchase of the equipment and extensions to the buildings.

Mr. DILL. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. DILL. For how many years has this municipal plant been in operation?

Mr. NORRIS. It has been in operation for 34 years.

Mr. DILL. When it started was there a private plant then furnishing electricity to the city?

Mr. NORRIS. Yes; and there still is.

Mr. DILL. Does it own its own power site?

Mr. NORRIS. The municipal plant?

Mr. DILL. Yes.

Mr. NORRIS. Yes; it has a steam plant, as I have already told the Senate.

The article continues:

Thus the Jamestown municipal plant not only reduced rates to the lowest in the State of New York, but it has paid for itself out of earnings, accumulated a sufficient surplus each year to pay for extensions and improvements, and is at the present moment adding new equipment that is doubling the capacity of the plant. And it has all been paid for out of the earnings at rates so low that the private power companies that are competing with the plant have been compelled to resort to the most desperate measures in trying to protect themselves from the extremely low rates made possible by the success of the municipal plant.

Mr. President, I want to give a sort of summary of what has been accomplished by this plant. From the operation of the lighting plant we find the following deducible facts:

In the year 1927 this plant generated practically 20,000,000 kilowatt-hours more than was developed in the year 1917, 10 years before.

Since 1917 it has just about doubled the number of poles, amount of wire, and the number of street lights.

It had over three times as many consumers in 1927 as in 1917.

During the past three years it has averaged over 90 per cent of all new connections. In other words, out of every 100 electrical connections made by the city of Jamestown the municipality has secured 90 of them. That shows, I take it, that they are getting 90 per cent of the new business in the city, showing that the people of Jamestown are satisfied with the operation of their own plant.

The net gain in profits for the year 1927 was approximately fifteen times the profits of the year 1917, and still they have been cutting the rate down lower and lower.

The municipal plant investment in the year 1927 was over five times the investment of 1917.

The total bonds outstanding is less in dollars and cents than the profits of one year.

The total cash receipts or collections in the year 1927 were over five times the collections in 1917, and it should be noted that the $715,076.77 includes the repayment of loans in the amount of some $185,000 and does not represent only cash receipts from current sold.

Speaking of loans, some one will say, "What business have they to loan money? To whom did they loan money?" The answer is that this municipal plant loaned to the city more than $125,000; so that they not only kept up the plant, they not only kept down the rate, but they made money enough to loan to the city more than $100,000.

The cash in the bank at the close of business in the year 1927 was approximately $235,416.16. In 1917, at the close of business that year, they had only $174.78 in bank. They have demand loans—here it comes—in the amount of $120,550, which they consider the same as cash or bills receivable, for it is money loaned on demand to the city council. So this really gives a balance of $355,966.16, with some contingent liabilities outstanding in the form of payments yet to be made on buildings, condensers, and turbine equipment; but all of those contingent expenses put together are less than $25,000. All of these extensions and improvements to the entire plant have been made out of the earnings of the plant itself, for even the bonds outstanding are being retired as rapidly as the issue calls for without taxing the citizens one penny.

That synopsis was taken from the records in December, 1927.

There is one other comparison that I neglected to make the other day of these rates right along the Canadian border.

In the city of Detroit the private company supplying the consumers in domestic service charges them 10 cents per kilowatt-hour for the first 30 hours and 4 cents for the next 120 hours. Just across the line from Detroit is Windsor, getting its electricity from the publicly owned hydroelectric commission of Canada; and the consumers in Windsor, just across the river, pay 2½ cents for the first 60 kilowatt-hours and 1¼ cents for all over that; and yet the electricity that supplies the city of Windsor comes from Niagara Falls and is carried over transmission lines 248 miles.

These few remarks, Mr. President, ought to have been made the other day when I was comparing rates; and I add them now because they were neglected at that time.

PROPOSED NICARAGUAN CANAL

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal.

Mr. DILL. Mr. President, I regret that I can not agree with the Senator from New Jersey [Mr. EDGE] in his desire to have passed at this time this joint resolution looking to the construction of another canal across Central America.

I have no desire to hold up any legislation that I think is not detrimental to the best interests of the country; but, Mr. President, as far as I can understand the Senator from New Jersey has given no reason why this action will be necessary for many years to come.

I note in the report that the figures are given showing the increase in tonnage of the Panama Canal from 1915 to 1927; and the Senator said that he thinks about 50 per cent of its facilities are now being used. It never has been my privilege to visit the Panama Canal, but I have had considerable information of an authoritative nature on the subject; and I am told by those who claim to know that no ship can enter the canal before 6 o'clock in the morning, and no ship can enter the canal after 2 o'clock in the afternoon, for the reason that there is no night shift on the canal, and therefore the canal can be used only about eight hours of the day.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. DILL. Yes.

Mr. McKELLAR. I will give the Senator the exact information that he desires about it. This is from the report of the Governor of the Panama Canal Zone, on page 17 of his last year's report:

The schedules outlined above for dispatching vessels through the canal require the Atlantic locks to be operated from 7 a. m. to 11 p. m. daily, and the Pacific locks from 6.50 a. m. to 10.50 p. m. daily. Lengthening the hours of transit necessarily would prolong the hours of lock operation, which would mean added difficulties and increased costs of operation not only at the locks but for other divisions of the canal as well. Increase of traffic may eventually make an extension of operating hours advisable, but under present conditions it is not warranted.

So they do have two shifts; they operate the canal on one side from 7 in the morning until 11 at night, and on the other side from 6.50 in the morning until 10.50 at night.

They say that it will be very much more expensive. The increase in the transit of ships is from 1,000 to about 5,500. The traffic has been growing by leaps and bounds; and it is believed by those who are best posted, and if the Senator will examine the authorities I have heretofore given it will be found, that within 10 years, even running three shifts, using every moment of the 24 hours of the day, they can not put through the Panama Canal the ships that will offer there.

Mr. DILL. The Senator makes a wild statement that is not based on the best judgment of those who have computed the commerce; and until we do find ourselves pressed for additional facilities it seems to me that we could well afford to let this matter rest.

Mr. EDGE. Mr. President, will the Senator yield for a question?

Mr. DILL. I yield to the Senator.

Mr. EDGE. I do not want to take the Senator's time, because I am naturally very anxious that we shall reach a vote; but the Senator suggests that we can well afford to allow the matter to wait. Will the Senator state what possible harm could follow the securing of information, and then, so far as an actual decision upon the part of Congress is concerned for construction, allow that to wait until the time when it would seem wise? What objection can there possibly be to getting information?

Mr. DILL. I think there are a good many objections. I mentioned one of them the other day. I will mention it again.

I notice in this joint resolution that it is proposed that the Chief of Engineers may establish stations and maintain them along the proposed route. I am one of those who believe that the Government is continually finding excuses for keeping the marines in Nicaragua, and I think this will be just another excuse to have some more boys down there and keep them there permanentiy. So far as I am concerned, I am not going to give my consent to doing anything that will give any additional excuse or reason why American boys should be kept in Nicaragua. They have had the election down there that it was intended to have, and still the marines stay in Nicaragua, with no suggestion, even, that they shall be withdrawn.

I started to call attention to the fact that in the report there is printed a letter from the Secretary of the Navy listing the different investigations that have been had regarding this canal. This is not any unknown, undeveloped, unstudied subject.

They list the fact that in 1872 Captain Lull, of the United States Navy, made an investigation and report.

In 1876 there was an investigation by the Interoceanic Canal Commission.

In 1884 Civil Engineer Menocal, of the United States Navy, made an investigation.

In 1895 there was an investigation by the Nicaragua Canal Board.

From 1897 to 1899 there was an investigation by the Nicaraguan Canal Commission.

In 1901 there was an investigation by the Isthmian Canal Commission.

Mr. McKELLAR. And there have been no reports or investigations since; for 27 years.

Mr. DILL. No; there have been none since, because we built the Panama Canal. The Panama Canal has taken care of all the needs of commerce and I believe it will continue to do so.

The Senator from Tennessee, in answer to the suggestion that they were not using the canal as many hours as they can, read the hours that the shifts were working on the two sides. At any rate, they evidently are not running the canal even to 50 per cent of its capacity, because the canal is in actual use only about 50 per cent of the time it is now open; and I repeat that there are many other waterways in this country, there are many other improvements in this country, that need attention far more than the building of a new canal in Central America; and I am especially opposed to anything being done until it becomes absolutely necessary that will necessitate or give reason or color of excuse for keeping the marines in that part of the world.

I note in this report that there is some discussion of the fact that what it is really desired to determine is what it is going to cost to build a sea-level canal; and that is going to be far different from building the canal for which estimates were made, as explained by the Senator from New Jersey and the Senator from Tennessee, of $70,000,000 to $200,000,000. If you are proposing now to build a sea-level canal, you are proposing to involve the country in an expenditure of tremendous sums of money.

Mr. EDGE. Mr. President, we are not proposing to build any canal. We are proposing to get the information as to whether a sea-level canal or a lock canal is feasible.

Mr. DILL. But the report says it has already been determined. The Secretary of the Navy, in his report, says that it has already been determined that it is feasible. The Secretary of the Navy, in fact, practically says that no investigation is needed, but that they have not any objection to it if we want to make more investigations.

Mr. EDGE. Does the Senator refer to the Nicaraguan canal or the Panama Canal when he makes that statement?

Mr. DILL. This is about the Nicaraguan canal.

Mr. EDGE. I very much doubt any commission ever having reported that a sea-level canal at Nicaragua was feasible. I have never heard it.

Mr. DILL. Oh, well, now, the Senator takes my own argument. I said that this joint resolution was looking to a sea-level canal, which would involve a tremendous expenditure, and the Senator then said that he did not know about that. Now he comes back and says that the reason for it is to get a sea-level canal.

Mr. EDGE. The Senator from New Jersey did not say anything of the kind. The Senator says we need the information; and I have yet to hear from the Senator from Washington any good reason why the Senate should not have the information.

Mr. DILL. I think we had better find out how much we can enlarge the Panama Canal and what that will cost.

Mr. McKELLAR. That is provided for in this very joint resolution.

Mr. DILL. Oh, yes; and, using that as an excuse, you try to tie on Nicaragua.

Mr. McKELLAR. Not at all. I will say to the Senator that so far as bringing the marines out of Nicaragua is concerned, there is a joint resolution here, introduced by the Senator from Alabama [Mr. HEFLIN], to have that done. I shall be delighted to join with him in vote for that joint resolution and having the marines brought out. I do not believe that they ought to remain there any more than the Senator from Washington does. It is a shame that we have kept them there this long. We hope we have done some good with them, but they certainly ought to come out.

Mr. DILL. Of course, if the Senator will help get that joint resolution passed before we attempt to pass the Nicaraguan joint resolution, I will confess that one of my reasons would be removed.

Mr. McKELLAR. I shall be very happy to do it.

Mr. DILL. But you can not let this joint resolution pass in the hope that you will pass the joint resolution to take out the marines.

In this letter from the Secretary of the Navy, speaking of these various commissions that have made the investigations, the Secretary says:

> All of those who have made sufficient study of the problem to qualify them to form an opinion agree that an interoceanic canal across Nicaragua is feasible and there is general agreement as to the route which the canal should take. The route determines the terminal ports and the prospective use of the canal would determine the extent of the harbor facilities to be provided.
>
> The report of the Isthmian Canal Commission of 1901 shows what rights, privileges, and franchises, if any, were held and owned by any individuals, partnerships, associations, or corporations in respect of the construction of such a canal and what work was done by each or any of the above up to the date of submission of the report. Any subsequent concessions or franchises could be ascertained from the Department of State or by that department from the Nicaraguan and Costa Rican Governments.

These are statements made by the Secretary of the Navy, showing that it is entirely unnecessary to have any new commission, with its employees, go down into Nicaragua and establish stations, such as they would do under this resolution, and when somebody might create some kind of disturbances it would be necessary to have an army of marines down there.

Mr. McKELLAR. Mr. President, let me explain to the Senator exactly what this means. Under the Bryan treaty we agreed to pay $3,000,000 for the Nicaraguan route, and we have already paid it and we own a route there, but it was left indefinite, it has never been surveyed, and we have no particular route. A tentative suggestion has been made that it goes through the lake of Nicaragua and along the San Juan River, but there has been nothing definite about it; and what we want to do, under this resolution, is really to locate our property; and in order to locate our property there, survey it and locate it, and see what we have, tentatively, at least, we are obliged to have the necessary stations. There is no way around it.

Mr. DILL. I do not doubt at all what the Senator says, that if we go in to get this information and locate this route, we will have stations, and this $150,000 is only a beginning. In fact, this resolution called for $500,000 when it was originally introduced, and I think at least that much will be expended before we get through with it. Then the Bureau of the Budget suggested that it be cut to $250,000 and now it has been cut down to $150,000. After they go down there and work for a year or two, they will come back and say, "We have gotten the work started and we have this money invested in the investigation, and we will have to have some more." Then, when we have spent three or four hundred thousand dollars and located this route, and determined all these details about a sea-level canal, we will be told that we have an investment of $3,000,000, which we paid for our route, and that we have paid out all this other money, and will have to have this canal pretty soon, and therefore we should begin to build it.

Once that is done, it will become necessary for the Government's interests to be protected. It is within the memory of all of us here how, when the Panama Canal was built, we saw fit and found it necessary to have a Republic of Panama formed, which would be dominated by the United States Government, and just as certainly as we ever go down to put this proposed canal through Nicaragua, there will be a strip of country along the canal that will be practically dominated and controlled by the American Government. A large part of the purpose behind this is the exploitation of Nicaragua. A large part of the sentiment behind this is being built up by those who hope to profit by the exploitation of the resources of Nicaragua, and the floating of the American flag over that part of Central America.

Until conditions have developed at Panama which show that there is necessity, at least a pressing need, for additional canal facilities, I think we ought to use our money for investigation and study and survey purposes in connection with the waterways of our own country of a domestic nature.

I want now to read further from the letter of the Secretary of the Navy:

The Isthmian Canal Commission stated "The Republics of Nicaragua and Costa Rica are untrammeled by any existing concessions or treaty obligations and are free to grant to the United States the rights necessary for the attainment of these ends" (November 16, 1901, Report, p. 174). The Bryan-Chamorro treaty of August 5, 1914, between the United States and Nicaragua assures to the United States in perpetuity the exclusive right to build this canal.

So there is no new right we need to acquire. We have gotten those rights, and we have paid for them. There is no need for sending a lot of men down there now, unless it be preparatory to actually building the canal. If we are going to propose the building of a sea-level canal, we must have a revision in cost that will not stop at a few millions; it will run up to probably a billion or several billions of dollars, rather than the amount that has been suggested here.

I say, further, that the Secretary of the Navy reports there is no need for this investigation. I read further from his letter:

The Navy Department considers that previous boards and commissions have made exhaustive studies of the proposed Nicaraguan canal and have ascertained that a canal is feasible. Practicable routes have been investigated and, subject to minor changes, the most practicable route has been ascertained. The Navy Department, however, sees no objection to the proposed legislation which will authorize an investigation and survey for the purpose of bringing up to date the information obtained by the Isthmian Canal Commission and for collecting additional information.

So that the report of the Secretary of the Navy, after setting out the fact that we have all the information we really need to have, then says that they are not going to object to it if Congress wants to pass it. But it is clear from their report that the Secretary of the Navy believes that we have all the really needful information, except what might be needed to determine whether we are going to build an ocean-level canal or not, and if that is what is in the minds of those who want to build this canal, then they must prepare the country for enormous appropriations, and for the spending of amounts of money such as have never been spent on any great waterway of this kind.

The Secretary goes on:

The Navy Department further sees no objection to the amendment intended to be proposed by Senator EDGE which will authorize an engineering survey and investigation for the purpose of determining the possibility and cost of enlarging the Panama Canal to the extent which may be necessary to meet the future needs of interoceanic shipping.

In other words, before we have determined to what an extent we can enlarge the Panama Canal, or what it will cost to enlarge it, we are to set up an investigation of building an ocean-level canal in Nicaragua. It seems to me we ought to be reasonable and sane in our spending of money looking to the building of a great waterway of this kind. Certainly after the number of investigations we have already had, we will not be without information when the time comes when there is really need for a new canal.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER (Mr. KENDRICK in the chair). Does the Senator from Washington yield to the Senator from New Jersey?

Mr. DILL. I yield.

Mr. EDGE. In view of the fact it is apparent that the Senator is not going to permit a vote, I want to set his mind at rest so far as the possibility of a sea-level canal in Nicaragua is concerned, speaking, of course, from a layman's standpoint. My best judgment based on some information is that the cost would be absolutely prohibitive to build a sea-level canal in Nicaragua. But it has been discussed so often in the press of the country and in other ways that while the engineers are considering the feasibility of a lock canal and as to the best location, the information necessary for the building of a waterway on sea level might just as well be ascertained; but if the Senator has lurking in his mind the idea that there is some hidden effort to put the Government to billions of dollars of expense to build a sea-level canal, it is entirely his own imagination. Nevertheless, I repeat, there is no reason in the world why the Senate of the United States should not have the full information.

Mr. DILL. Mr. President, I was led to discuss the sea-level canal largely because, when I demonstrated from the report of the Secretary of the Navy, that the information at present available in the reports made shows that the other canal is feasible, the Senator rose and pointed out that no commission had yet declared a sea-level canal was feasible. When the Senator suggested that, I was led to think that the purpose of this resolution was to determine the feasibility of a sea-level canal, and the cost, and the other attendant facts that would have to be determined.

Mr. EDGE. I am afraid the Senator is permitting his imagination to influence his line of argument on that particular phase of the subject.

Mr. DILL. I secured the idea from the Senator from New Jersey when I mentioned the fact that the Secretary of the Navy had already reported that it was feasible. The Senator then rose and insisted that nobody had ever stated whether a sea-level canal was feasible or not feasible, and he wanted to get the informatiton.

Mr. EDGE. Is there any objection to getting the information?

Mr. DILL. No; but why rush it; why be in such a hurry. What is the reason? The Panama Canal is not yet used to 50 per cent of its capacity.

Mr. McKELLAR. Oh, more than that.

Mr. DILL. Suppose more than 50 per cent is used. Apparently the volume can be increased. What is the reason for the tremendous pressure that would make us rush this information on the Nicaraguan situation?

Mr. SMITH. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. SMITH. May I ask the Senator if the sea-level feature was not one of the grounds upon which former Senator Morgan, of Alabama, stressed the advisability of using Nicaragua as against Panama? Of course, I have not read up on the matter lately, but my impression all along was that the tremendous advantage of a sea-level canal, everything else being equal, was so manifest to everyone that he did not see why, at such an extraordinary additional cost, we accepted Panama in place of Nicaragua.

Mr. McKELLAR. Mr. President, the Senator is entirely right about that. That is exactly what occurred. Senator Morgan was firmly of the opinion that a sea-level canal could be built there, and that if it could it would manifestly be to the interest of the United States to build it there.

Mr. DILL. Then my suggestion was not so wild when I said that the purpose back of this may be to build a sea-level canal, to which the Senator from New Jersey took such strong exception and talked about the awful expense that was being suggested.

Mr. EDGE. If it could be done, it would be very much better done that way.

Mr. DILL. I am certain that if the intention is not to build a sea-level canal there is plenty of information on the subject available now.

Mr. EDGE. The Senator speaks of the urgency, of the haste demonstrated, in endeavoring to get this information now, as if we were not faced with the necessity of making decision certainly within a reasonably short time. Was it urgent when the Panama Canal Commission was appointed some 28 or 29 years ago and reported 27 years ago? There was not much knowledge and not a great deal of argument, but there was no fixed sentiment whatever in the country for the building of any canal. Now we have a canal, and now we are faced with the constant problem of administering the canal, and it becomes a pertinent question for Congress to deal with.

Mr. DILL. The Senator knows that for many years there was a great demand for a canal to connect the two oceans, and the question of whether it should be a canal across the Isthmus of Panama or across Nicaragua was a debated question, and naturally a commission to study that was necessary. But I repeat, I have not seen any reason for the urgent action which the Senator from New Jersey keeps insisting upon. I do not know who it is who is calling upon the Senator from New Jersey to rush this matter through. I do not know anybody who can not get his ships through from the Pacific to the Atlantic. Is there some

great organization that fears that one of these days they will not be able to get their ships through the canal? There ought to be some showing that there is a public demand of some kind before we embark upon a program that will cost literally hundreds and hundreds of millions of dollars.

Mr. EDGE. Does the Senator think a report of the Governor of the Panama Canal should be given any consideration whatever?

Mr. DILL. I think the report of the Governor of the Panama Canal does not show any particular demand for building a new canal yet.

Mr. HAWES. Mr. President, I send to the desk an amendment to the resolution, which I ask to have read.

The PRESIDENT pro tempore. Without objection, the amendment will be received and will lie upon the table.

Mr. HAWES's amendment was to strike out all after the resolving clause and to insert:

That the President is hereby authorized to appoint a Nicaraguan canal commission to be composed of five members, three of whom shall be officers in the Corps of Engineers of the United States Army, and two shall be eminent civilian engineers. The civilian engineers shall be paid such compensation as the President may direct. The President shall designate one of the members to act as chairman.

SEC. 2. The Nicaraguan canal commission appointed under authority of this act shall make a full and complete investigation and survey for the purpose of revising and bringing down to date the report of the Isthmian Canal Commission transmitted to the Congress December 4, 1901, and for the purpose of collecting the additional information and data necessary in order to ascertain (1) the most practicable route for an interoceanic ship canal by way of the San Juan River and the Great Lake of Nicaragua or by way of any route over Nicaraguan territory, including a suitable harbor at each of the termini thereof; (2) the feasibility and approximate cost of construction and maintenance of such canal; and (3) the cost of acquiring all private rights, privileges, and franchises, if any, pertaining to such route. The investigation and survey shall be made upon the basis of a canal having a capacity sufficient for the convenient passage of vessels of such tonnage and draft as may reasonably be anticipated.

SEC. 3. The Nicaraguan canal commission shall establish and maintain during the investigation and survey thereafter such stations as it deems necessary for gauging the water supply available for the operation of the canal.

SEC. 4. The Nicaraguan canal commission shall also make an engineering survey and an investigation for the purpose of determining the possibilities and cost of enlarging the Panama Canal to the extent which may be necessary to meet the future needs of interoceanic shipping.

SEC. 5. The Government of Nicaragua having by treaty with the Government of the United States, signed at Washington on August 5, 1914, and duly ratified as required by the laws of both of said Governments and proclaimed June 24, 1916, granted in perpetuity to the Government of the United States forever free from taxation or other public charge, the exclusive proprietary rights necessary and convenient for the construction, operation, and maintenance of an interoceanic canal, by way of the San Juan River and the Great Lake of Nicaragua, or by way of any route over Nicaraguan territory, the details of the terms upon which such canal shall be constructed, operated, and maintained to be agreed to by the two Governments.

The President of the United States is hereby authorized and empowered to enter into negotiations for an agreement upon the details of the terms under which such canal may be constructed, operated, and maintained: *Provided*, That nothing contained in this resolution shall be construed to bind the United States to build said Nicaraguan canal.

SEC. 6. The Senate of the United States having incorporated in its resolution advising and consenting to ratification of the treaty with Nicaragua, as aforesaid, a declaration "that in advising and consenting to the ratification of the said convention as amended such advice and consent are given with the understanding, to be expressed as a part of the instrument of ratification, that nothing in said convention is intended to affect any existing right of any of the said named states," namely, Costa Rica, Salvador, and Honduras, the President is authorized and empowered to enter into negotiations with said States and determine whether they, or any of them, have any interest in said proposed canal.

SEC. 7. There is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum of $150,000, to be expended by the Nicaraguan canal commission for the purposes of this resolution and to remain available until expended; and there are hereby authorized to be appropriated such additional sums as may be necessary for such purposes.

SEC. 8. The President is requested to report to the Congress, as soon as practicable, not later than two years, the results of the investigation and survey, together with such recommendations in connection therewith as he deems advisable.

Mr. WHEELER. I was not here when the discussion started, and I want to ask the Senator with reference to how long it will be before the Panama Canal will be used to its capacity.

Mr. DILL. Nobody knows. There are different estimates. It is said that it is now used to about 50 per cent of its capacity, and the facilities at the Panama Canal, it is admitted, can be greatly enlarged. To the part of the resolution relating to the Panama Canal I have no objection, and if the Senator will amend the resolution so as to make it provide simply for the spending of money to find out what it will cost to enlarge the Panama Canal I will withdraw any objection I have to the resolution. What I object to is the part of it providing that we shall go into Nicaragua and start upon the Nicaraguan canal.

Mr. EDGE. In other words, the Senator does not want us to investigate the reason for having made an investment of $3,000,000.

Mr. DILL. That was investigated and decided upon long before we made the investment of $3,000,000, as the Senator well knows. No administration and no Congress would have appropriated $3,000,000 if the matter had not been sufficiently investigated.

Mr. EDGE. But since we have made the investment the Senator does not want us to follow it up and make a completed investigation?

Mr. DILL. When we are ready to build a Nicaraguan canal, and actually consider it, it will be plenty of time to make the necessary borings and do the necessary investigating work.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, House bill 11526, the cruiser bill.

Mr. HALE. Mr. President——

Mr. DILL. Mr. President, I still have the floor. I do not lose the floor merely because the hour of 2 o'clock has arrived.

The PRESIDENT pro tempore. The Senator from Washington is correct. He is entitled to the floor.

Mr. DILL. Mr. President, as I was saying when the hour of 2 o'clock arrived, when the time comes that we are in real need of additional facilities for ships to cross from one ocean to the other I shall be glad to assist in the passage of a joint resolution to appropriate the necessary funds for the purpose indicated. If the present joint resolution were confined to learning whatever facts it is necessary to know with reference to the enlargement of the Panama Canal, I should be glad to favor it, but my objection is to tying up with a clearly desirable request, namely, the securing of information about Panama, an undesirable plan to start on an investigation of the facts as to a sea level in Central America.

Mr. President, I understand the cruiser bill is the unfinished business and should come before the Senate at 2 o'clock. I do not care to occupy the time of the Senate in discussing the canal resolution any further during the time when the unfinished business should be before the Senate.

CONSTRUCTION OF CRUISERS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

Mr. WALSH of Montana, Mr. HEFLIN, Mr. HALE, and Mr. JOHNSON addressed the Chair.

The PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. HALE. Mr. President, will the Senator yield to enable me to submit a unanimous-consent request?

Mr. HEFLIN. Mr. President, I had addressed the Chair twice and was standing in my place before the Senator from Washington [Mr. DILL] had concluded and yielded the floor. I wonder if there is anything wrong with the eyesight of the Chair?

The PRESIDENT pro tempore. The Chair will have it examined. Meantime the Senator from Montana is recognized.

Mr. BINGHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Burton	George	Hastings
Barkley	Capper	Gerry	Hawes
Bayard	Caraway	Gillett	Hayden
Bingham	Copeland	Glass	Heflin
Black	Couzens	Glenn	Johnson
Blaine	Curtis	Goff	Jones
Blease	Dale	Gould	Kendrick
Borah	Dill	Greene	Keyes
Bratton	Edge	Hale	King
Brookhart	Fletcher	Harris	La Follette
Bruce	Frazier	Harrison	McKellar

McMaster	Phipps	Smith	Wagner
McNary	Pine	Smoot	Walsh, Mass.
Mayfield	Reed, Pa.	Steiwer	Walsh, Mont.
Moses	Robinson, Ind.	Stephens	Warren
Neely	Sackett	Swanson	Waterman
Norbeck	Schall	Thomas, Idaho	Watson
Norris	Sheppard	Thomas, Okla.	Wheeler
Nye	Shipstead	Trammell	
Oddie	Shortridge	Tydings	
Overman	Simmons	Vandenberg	

Mr. McKELLAR. I desire to announce that the junior Senator from Tennessee [Mr. TYSON] is unavoidably detained because of necessary absence from the city. I will let this announcement stand for the day.

The PRESIDENT pro tempore. Eighty-one Senators having answered to their names, a quorum is present. The Senator from Montana [Mr. WALSH] has the floor.

Mr. HALE. Mr. President, will the Senator from Montana yield to me to enable me to submit a unanimous-consent request?

Mr. WALSH of Montana. I yield to the Senator for that purpose.

Mr. HALE. I desire to submit the following unanimous-consent request, that after the hour of 2 o'clock on Wednesday, January 30, 1929, no Senator shall speak more than once or longer than 15 minutes upon the bill H. R. 11526, or more than once or longer than 10 minutes upon any amendment offered thereto.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request made by the Senator from Maine?

Mr. WHEELER. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. SWANSON. Mr. President, let us see if we can not reach an agreement by yielding to any Senator who wants further time for debate.

Mr. BORAH. Mr. President——

Mr. HALE. Has the Senator from Idaho any suggestions to offer?

Mr. WALSH of Montana. I understood there was objection to the request of the Senator from Maine.

The PRESIDENT pro tempore. The junior Senator from Montana [Mr. WHEELER] objected.

Mr. HALE. Would the Senator offer any suggestion that would meet his views about a unanimous-consent agreement?

Mr. WHEELER. I may do so later, but not at this particular time.

Mr. SWANSON. Would the Senator agree to limit debate beginning next Friday?

Mr. WHEELER. I would not agree at this particular time to any specific time to vote upon the measure.

Mr. HALE. I had hoped very much that we could get some kind of an agreement.

The PRESIDENT pro tempore. May the Chair suggest to the junior Senator from Montana that the unanimous-consent proposal of the Senator from Maine is not to fix a time to take a vote but merely to limit debate.

Mr. HALE. I hope very much that we may reach some kind of an agreement. Otherwise we shall have to hold night sessions, and many Senators do not like to have that done.

Mr. NORRIS. Mr. President, the Senator, in my judgment, is too early with his request. Those who have favored the bill have had unlimited time to debate it.

Mr. HALE. Everyone has had unlimited time.

Mr. NORRIS. Yes; but the time has been taken by those who favor the bill. Let the debate run on a while. Let those who want to make extended speeches—and I am not one of them, I will say to the Senator—make them, and then we can reach an agreement, I think, without any trouble to limit debate. The Senator, after he has been listening to long speeches by those who favor the bill, ought not to ask that a limitation be put on those who are opposed to the measure. I shall not consent to it at this time.

Mr. HALE. I thought my proposal would give Senators ample opportunity to be heard, but if the Senator thinks not, perhaps we can arrange differently.

Mr. NORRIS. We ought to do like we usually do—let debate run along until everyone has had an opportunity to present his views.

Mr. HALE. In the meanwhile, I give notice that to-morrow I shall ask the Senate to remain for a night session, and I shall be obliged to continue that plan unless we can make some arrangement for an early termination of the debate.

The PRESIDENT pro tempore. Objection is made to the unanimous-consent request submitted by the Senator from Maine. The Senator from Montana [Mr. WALSH] has been recognized.

Mr. HALE. Mr. President, will the Senator yield again?

The PRESIDENT pro tempore. Does the Senator from Montana yield further to the Senator from Maine?

Mr. WALSH of Montana. I yield.

Mr. HALE. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 12 o'clock noon to-morrow.

The PRESIDENT pro tempore. Is there objection? The Chair hears none and it is so ordered.

Mr. WALSH of Montana. Mr. President, it is perfectly evident that the construction of the cruisers contemplated by the bill under consideration looks to a war primarily with Great Britain and secondarily with Japan. No one has intimated any likelihood even of the most remote nature of a clash with any other country, rendering it prudent to expend a quarter of a billion dollars for the extension of our Naval Establishment. No one has ventured the opinion that, as it stands, it is not adequate to meet any contingencies that may arise out of any controversy in which our country may become involved with any other, save only the two mentioned.

It is not to be understood that any fears have been expressed or even felt of the prospect of war, so far as the future can at present be foreseen with either of those powers with which we are now happily on the most amicable terms. With the one we have an unbroken record of peaceful and friendly relations, and with the other 115 years have gone by since the specter of war last divided us, during all of which time, so little was a resumption of hostilities to be expected, that 3,000 miles of common frontier has remained unfortified by either nation.

Some acute differences have meanwhile arisen between the United States and Great Britain, but they have all been adjusted by pacific means, and no reason is apparent for doubting that, except in a contingency to be adverted to, the same sensible course will not be pursued as to future controversies. Indeed it must be conceded that with the ever-increasing intimacy and magnitude of the commercial ties between the two countries, the cordiality induced by reciprocal travel, the amelioration of the relations between the racial stocks making up the population of the British Isles, so called, and a multitude of other considerations, including the gratifying decay of the war spirit and the attenuation of the bonds between the units of the British Empire, the purpose of the people of the two great English-speaking nations to avoid armed conflict is being constantly strengthened and that the probability of such an unspeakable catastrophe to both nations grows more and more remote. Nevertheless it might as well be admitted on both sides of the Atlantic that the two countries are to-day engaged in competitive naval construction.

Without going into the details of the exchanges taking place at the Geneva conference, no one can be deceived into the belief that each side, in the attitude it took, was not contemplating war with the other.

It has been said in the debate on the pending bill that the Navy of Great Britain makes a force equal to the combined navies of the world, exclusive of that of the United States. On the other hand, our Navy surpasses in its entirety that of any other nation save only Great Britain. Disregarding the contingency of a war between these two great powers, it is difficult to understand why either of them should maintain a naval establishment even approaching in magnitude those now supported by them. On both sides of the water it is offered that navies even larger than those maintained are necessary or desirable to protect commerce. But, except that war is in progress and thus commerce is interfered with, it has no occasion to call for assistance from ships of war. Piratical operations are no longer to be feared on the high seas, nor for that matter in inland waters, save only where government is inefficient or chaos reigns in consequence of revolution or other untoward conditions, as in China, where the situation is met by the use of fighting craft of the lowest grade. British merchant ships go everywhere unmolested when the nations are at peace, and so do those of the United States. The commerce of either is likely to be interrupted in the event of the prevalence of a war in which it is a neutral, when it ought to have a navy adequate to the protection of its neutral rights. Having such a contingency in mind, it will have regard to the naval equipment of a possible antagonist.

Both nations are now abundantly provided as against any other. Expansion in anticipation of such interference is entirely unjustifiable. It is unnecessary for present purposes to consider how perfectly the British Empire is safeguarded against a hostile movement on the part of any nation so far as her navy can afford protection, but her supremacy on the seas—again disregarding the United States—would seem to be so well established as to remove all ground for apprehension in that regard. Our country is fortunately so situated that the idea of the landing

on our shores of a hostile force approaches the chimerical. The argument mainly relied upon in Great Britain in support of the policy of a navy without an equal is that it is absolutely essential that commerce through her ports be uninterrupted that a constant food supply may reach her people—that if the regular flow of foodstuffs from beyond her borders were cut off by a superior naval force her people would be speedily reduced to starvation. On our side it is with truth represented that, with a naval establishment inferior to that of Great Britain, when that country is at war, we carry on trade with foreign countries only as she permits us; that, pursuing her policy of starving her enemy by shutting off, or attempting to shut off, all access to it by water, she is perfectly regardless of the rights of neutrals under international law.

The English contention is not without force; indeed, it is so substantial in character that many Americans, with very little reflection on the position in which it puts the United States, accept it unreservedly and subscribe to the view that Great Britain must, of necessity, maintain the position she has occupied for over three centuries as "mistress of the seas."

History but too well justifies the American claim that our trade is carried on when Britain is a belligerent only by her sufferance, and that she is ruthless in the restrictions she imposes and entirely regardless of the principles of international law generally recognized, and even declared by her own courts.

The War of 1812 was the direct consequence of the oppressive acts of the British Admiralty during the Napoleonic wars, acts of such an aggravating character that in indignation at the patience exhibited by the President, James Madison, a more quick-tempered citizen declared he could not be kicked into a fight. When that peace-loving President was eventually reluctantly impelled to recommend to Congress that war be declared he summarized the principal grievance in the following paragraph:

> Under pretended blockades, without the presence of an adequate force, and sometimes without the practicability of applying one, our commerce has been plundered in every sea, the great staples of our country have been cut off from their legitimate markets, and a destructive blow aimed at our agricultural and maritime interests. In aggravation of these predatory measures they have been considered as in force from the dates of their notification, a retrospective effect being thus added, as has been done in other important cases, to the unlawfulness of the course pursued. And to render the outrage the more signal these mock blockades have been reiterated and enforced in the face of official communications from the British Government declaring as the true definition of a legal blockade "that particular ports must be actually invested and previous warning given to vessels bound to them not to enter." (Messages and Papers of the Presidents, vol. 1, p. 501.)

I disclaim any purpose in referring to this unpleasant page in the history of our relations with Great Britain to foment or revive any ill will toward that country. I entertain the most fervent hope that the amity that has so long subsisted may never be disturbed. As heretofore stated, a breach therein would, in my judgment, be unspeakably calamitous.

Mention was made of the primary cause of the last armed conflict between the two nations with intent to make clear that our commerce suffered similarly and our dignity as a Nation was in like manner affronted when Great Britain was again confronted by powerful enemies on the Continent in the World War. So grave were her offenses, so serious was the situation precipitated by them, that the London Observer in a recent number (I quote from its issue of December 2, 1928), said:

> Friction on the subject of neutral rights at sea was so acute during the first half of the World War that had the Germans been more judicious, America might have come into the conflict on the other side.

Were it not that the overwhelming sentiment of America was, even from the beginning, with the allied powers, the repeated indignities inflicted before Germany entered upon her campaign of frightfulness might have culminated in armed resistance as those suffered a century before did.

Events transpiring since have contributed to obscure the general recollection of the course pursued by the British admiralty that drew from our Government repeated and vigorous protest, the effect of which our ambassador, Walter Hines Page, with engaging frankness, but with little credit to the fidelity with which he represented our Government, tells in his book on the stirring times of his service in London, he did what he could to nullify.

In an appendix to the note of Secretary Lansing to Mr. Page of date October 21, 1915, are listed some of the graver infractions of our rights on the seas with reference to specific instances to sustain each general charge.

Among the offenses thus listed are (I quote from the schedule):

> (1) Vessels whose cargoes and papers have been of such character as to require but brief time for examination, have been held in British ports, according to this Government's information, for prolonged periods, in some instances for more than a month, and then released without the institution of prize court proceedings.

As indicative of the character of the interference thus complained of, I quote from the appendix as to the first case listed, as follows:

> The steamer *Chester*, which sailed from Baton Rouge for Rotterdam with a cargo of illuminating oil, was taken into Falmouth September 21, 1914, and held until November 4 of that year.
>
> (2) Vessels have been held until they have * * * reconsigned their cargoes to a consignee in a neutral country designated by the British Government.

Under this heading reference is made to a ship held in a British port for nearly a month, the greater part of the cargo of which, loaded in New York under the supervision of the British consul general, was fresh fruit, the whole consigned to a Netherlands house, the shippers being compelled to reconsign to the Netherlands Overseas Trust.

> (3) Detentions have been made without evidence amounting to probable cause.

This charge is supported by reference to a number of cases, including that of the ship *Annam*, en route to a Swedish port, which was detained at Kirkwall in April, 1915, on "suspicion" that a part of her cargo, which consisted of food products, was destined for Germany.

> (4) Vessels have been held, according to statements of the British Government, because of the manner in which shipments have been consigned.

Instances are cited in which the mere fact that cargoes destined for neutral ports were consigned "to order" were regarded as justifying seizure.

> (5) Goods have been seized by the British Government on the ground, as this Government has been informed, that the country to which they were shipped had not prohibited their export.

Copper shipped to Sweden was held because that country had not prohibited the reexportation of that metal; on the other hand, though Italy had prohibited the export of copper, seizures of consignments to that country were repeatedly made.

> (6) The British authorities have repeatedly seized articles classified as contraband, articles classified as conditional contraband, as well as noncontraband goods, shipped to Scandinavian countries, to the Netherlands, and to Italy, then neutral, although the reexportation of such commodities from these countries had been forbidden.

Under this heading reference is made to the case of the American ship *Joseph W. Fordney*, carrying a cargo of cattle fodder, taken within 4 miles of the coast of Norway and brought into Kirkwall, the exportation of commodities of that character being prohibited by Sweden to a port of the country to which the ship was destined.

> (7) Detentions have been made pending assurances that embargoed goods would be allowed to pass through a neutral country to Great Britain's allies.

A cargo of cotton from Galveston to Gothenberg, Sweden, for transshipment to Moscow was held up for a month, and the ship carrying it required to go around the North Cape with it to Archangel.

> (8) From time to time this Government has been informed of the seizure of cargoes on the ground that consignees have been known to trade with the enemy or because they were suspected of doing so.

A consignment of rubber on a Swedish ship was detained because the consignee was "regarded with grave suspicion."

> (9) Vessels have been seized and brought into port and have been required by the British authorities to pay pilotage, harbor, unlading, warehouse, storage, or other dues, costs, and expenses in advance of a judicial determination of the validity of the seizure of vessel or cargo.

This charge is likewise supported by reference to specific instances.

> (10) Detentions of vessels proceeding from European ports.

Reference is made to the particularly aggravating circumstances of the seizure of the goods of Americans en route from a European port to the United States.

Mr. SHIPSTEAD. Mr. President, will the Senator yield for a moment before he goes any further?

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Montana yield to the Senator from Minnesota?

Mr. WALSH of Montana. I do.

Mr. SHIPSTEAD. The Senator has enumerated many violations of our neutrality, many grievances that were filed with the British Foreign Office. Many of these grievances grew out of the so-called doctrine of continuous voyage and ultimate destination. As I remember Lord Grey's letter to Mr. Page, in answering the protests that were made he made the charge that that doctrine had been initiated by the Government of the United States at the time of the Civil War, and quoted decisions of United States prize courts upholding the doctrine of continuous voyage and ultimate destination. Will the Senator discuss that phase of the British point of view?

Mr. WALSH of Montana. Mr. President, as stated later, of course it need not be said that to all of these complaints of infractions of our rights as neutrals some kind of a plausible answer was made by the British Government; and much reliance was placed upon the doctrine of continuous voyage said to have been developed by this Government and by our courts during the Civil War.

The doctrine of continuous voyage, even if extended to its utmost limits, can not possibly account for more than a small number of these cases. But even some American newspapers have attempted to excuse or extenuate or justify many of these seizures by stating that we did the same thing in the Civil War; that we paid no attention to international law; and in that connection reference is made to the development of the doctrine of continuous voyage.

The fact about the matter is that the doctrine of continuous voyage, as laid down by the Supreme Court of the United States, was laid down in accordance with the decisions of the English prize courts; and the decisions of the English prize courts upon cases coming before them during the Napoleonic wars were referred to by the Supreme Court of the United States for the elaboration of the continuous-voyage doctrine.

Mr. SHIPSTEAD. It was originally an English doctrine?

Mr. WALSH of Montana. It was an English doctrine. It was adopted by our Supreme Court. I might say in that connection that in the negotiations which gave rise to the Washington treaty for the adjustment of claims between this country and Great Britain after the war, in 1870 or 1871—I have forgotten which date—Great Britain recognized the correctness of and accepted the doctrine of continuous voyage as elucidated by the Supreme Court of the United States, although very vigorous protest was voiced by other European nations, but never by Great Britain. So that our Government during the late war never objected in the slightest degree to the application of the doctrine of continuous voyage. That is to say, if goods were going to a neutral port merely as a cover for running a blockade of an enemy port, our Government never made any complaint at all about those things.

Mr. SHIPSTEAD. Was not that doctrine the sole basis for the rationing or the practical licensing of our commerce by Great Britain and France when they were at war? They took the standpoint that everything that went to neutral ports, to Holland or to the Scandinavian countries, was intended to be shipped to Germany.

Mr. WALSH of Montana. Exactly. They supervised all of our shipments to all the countries of northern Europe.

Mr. SHIPSTEAD. And, in fact, rationed food supplies to all the neutral countries of Europe.

Mr. WALSH of Montana. So they did.

Mr. SHIPSTEAD. So, as a matter of fact, our commerce and the commerce of the entire neutral world was dominated and absolutely controlled by belligerents.

Mr. WALSH of Montana. And they rationed it to such an extent that I was told when I was in Stockholm that they were obliged there to rely on bread made in very considerable part of the bark of trees; and the wife of one of the leading officers of the Government, whom I sat next to at dinner, told me that her youngest child had lost two years of growth by reason of malnutrition consequent upon the inability to get food in Sweden during the war.

Mr. SHIPSTEAD. So this question of control of commerce in time of war involves the question of starving the population not only of belligerent or enemy countries but also of the entire civilized world.

Mr. WALSH of Montana. Of all neutral countries through which any possible economic advantage might inure to the enemy country.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. WALSH of Montana. I yield.

Mr. KING. I think it is fair to say, however, that when the United States entered the war we were exceedingly solicitous in preventing shipments from the United States, of foodstuffs or otherwise, destined for neutral countries, from reaching, through those neutral countries, Germany; and we sought, as I recall, to interdict shipments to neutral countries until we got an agreement from them that those shipments should not go through to Germany.

Mr. WALSH of Montana. The Senator is quite right; but a little confusion may arise from his statement. We put restrictions upon our own people. Of course we had a perfect right to do that. We would not allow shipments to go out of this country to neutral countries except as we permitted it; but, of course, that is an undoubted exercise of the right of sovereignty. That is quite a different thing from having goods seized by a belligerent, contrary to our will, when the goods are upon the high seas. Of course we are at liberty to put any restrictions we choose upon the export of goods from our own country during a time of war.

Mr. BROOKHART. Mr. President, after we entered the war did we acquiesce in the principle contended for by Great Britain?

Mr. WALSH of Montana. We did; and not only that, but we went on and helped the British carry out just exactly that policy—a circumstance to be adverted to directly.

It may be recalled that no little embarrassment to American industry and trade resulted from the inability to get dyestuffs from Germany.

The appendix includes a long list of ships, over 300 in number, laden, in the main, with agricultural products, consigned to Scandinavian ports, that were either diverted by British authorities into Kirkwall or were ordered therein by their owners in anticipation of such direction.

Without further reference to the document mentioned, I ask that the note of Secretary Lansing of October 21, 1915, and the appendix thereto, be printed as a supplement to my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit A.)

Mr. WALSH of Montana. On the 31st day of December, 1914, I gave to the Senate information concerning the seizure of copper aggregating 19,350 tons, the property of American citizens or shipped by them, taken from 31 ships, 4 destined to Holland, 14 to Italy, and 13 to Sweden. Of the aggregate, 9,350 tons were piled up at Gibraltar. My attention was called at the time to the seizure of $57,000 worth of sausage casings, shipped from Chicago to Copenhagen, which port, being of a neutral country, of course, the British Government had no right to blockade—a principle which the English prize courts themselves have announced—nor had it any right to treat such a commodity as contraband.

Mention of that particular case, and of the detention of cargoes consigned to Scandinavian ports, prompts notice of paragraph 20 of Mr. Lansing's note, as follows:

(20) Moreover, it is an essential principle which has been universally accepted that a blockade must apply impartially to the ships of all nations. This was set forth in the declaration of London, is found in the prize rules of Germany, France, and Japan, and has long been admitted as a basic principle of the law of blockade. This principle, however, is not applied in the present British "blockade," for, as above indicated, German ports are notoriously open to traffic with the ports of Denmark, Norway, and Sweden. So strictly has this principle been enforced in the past that in the Crimean War the judicial committee of the privy council, on appeal, laid down that if belligerents themselves trade with blockaded ports they can not be regarded as effectively blockaded. (*The Franciska*, Moore, P. C., 56.) This decision has special significance at the present time, since it is a matter of common knowledge that Great Britain exports and reexports large quantities of merchandise to Norway, Sweden, Denmark, and Holland, whose ports, so far as American commerce is concerned, she regards as blockaded.

The concluding sentence of the paragraph just quoted recalls like comment in the message of President Madison, heretofore referred to, as follows:

It has become, indeed, sufficiently certain that the commerce of the United States is to be sacrificed, not as interfering with the belligerent rights of Great Britain, not as supplying the wants of her enemies, which she herself supplies, but as interfering with the monopoly which she covets for her own commerce and navigation. She carries on a war against the lawful commerce of a friend that she may the better carry on a commerce with an enemy, a commerce polluted by forgeries and perjuries, which are for the most part the only pasaports by which it can succeed. (Messages and Papers of the Presidents, vol. 1, p. 502.)

The Lansing note of October 21, 1915, was in the nature of a review of repeated protests on the part of our Government, dating from shortly after hostilities began. As early as December 26, 1914, Secretary Bryan—whose pacific disposition

has been so often commented on, and whose reputation as a man of peace rests upon the firmest foundation—sent a vigorous note to Page, with instructions to communicate it in substance to the British Foreign Office, in which he said:

The Government of the United States has viewed with growing concern the large number of vessels laden with American goods destined to neutral ports in Europe which have been seized on the high seas, taken into British ports, and detained sometimes for weeks by the British authorities. * * *

Articles listed as absolute contraband, shipped from the United States and consigned to neutral countries, have been seized and detained on the ground that the countries to which they were destined have not prohibited the exportation of such articles. Unwarranted as such detentions are, in the opinion of this Government, American exporters are further perplexed by the apparent indecision of the British authorities in applying their own rules to neutral cargoes. For example, a shipment of copper from this country to a specified consignee in Sweden was detained because, as was stated by Great Britain, Sweden had placed no embargo on copper. On the other hand, Italy not only prohibited the export of copper but, as this Government is informed, put in force a decree that shipments to Italian consignees or "to order," which arrived in ports of Italy can not be exported or transshipped. The only exception Italy makes is of copper which passes through that country in transit to another country. In spite of these decrees, however, the British Foreign Office has thus far declined to affirm that copper shipments consigned to Italy will not be molested on the high seas. Seizures are so numerous and delays so prolonged that exporters are afraid to send their copper to Italy, steamship lines decline to accept it, and insurers refuse to issue policies upon it. In a word, a legitimate trade is being greatly impaired through uncertainty as to the treatment which it may expect at the hands of the British authorities. * * *

Not only is the situation a critical one to the commercial interests of the United States but many of the great industries of this country are suffering because their products are denied long-established markets in European countries, which, though neutral, are contiguous to the nations at war. Producers and exporters, steamship and insurance companies are pressing, and not without reason, for relief from the menace to trans-Atlantic trade which is gradually but surely destroying their business and threatening them with financial disaster.

In a later note of date March 30, 1915, Mr. Bryan, referring to an order in council proclaiming a blockade, said:

But the novel and quite unprecedented feature of that blockade, if we are to assume it to be properly so defined, is that it embraces many neutral ports and coasts, bars access to them, and subjects all neutral ships seeking to approach them to the same suspicion that would attach to them were they bound for the ports of the enemies of Great Britain and to unusual risks and penalties.

It is manifest that such limitations, risks, and liabilities placed upon the ships of a neutral power on the high seas, beyond the right of visit and search and the right to prevent the shipment of contraband already referred to, are a distinct invasion of the sovereign rights of the nation whose ships, trade, or commerce is interfered with.

Another order in council subjected to seizure any goods of enemy origin. Touching this order, Secretary Lansing wired to Ambassador Page on July 15, 1915, to the effect that he is instructed—

to reiterate the position of the Government of the United States as set forth in the department's instruction of March 30, 1915, with respect to the order in council mentioned, the international invalidity of which the Government of the United States regards as plainly illustrated by the present instance of the seizure of American-owned goods passing from the neutral port of Rotterdam to a neutral port of the United States merely because the goods came originally from territory in the possession of an enemy of Great Britain.

In that case a ship carrying goods of an American citizen bought in Belgium was overhauled, brought into London, and required to discharge the freight mentioned because, forsooth, it was produced in Germany.

It is not to be understood that the British Government admitted its wrongdoing in any of its acts complained of or confessed the illegality of the general course pursued by it. When, after prolonged delay, it replied to the challenge of our State Department, it usually had some plausible excuse to offer, not infrequently advancing for its departure from the practice sanctioned by international law that the American Government had during our Civil War in like manner introduced innovations in the law in respect to the rights of neutrals, particularly with respect to "continuous voyages." American journals have reiterated the claim so made as though it were an accepted and indisputable fact, whereas the truth is that even with respect to the doctrine of "continuous voyage" our Supreme Court but followed rules long since established by the English prize courts.

It is not without significance in this connection that the English Government has effected a settlement with all but a very few of the American claimants alleging damages by reason of illegal seizures or detentions, while the prize court adjudications sustaining them on evidence of a substantial character have been notably few.

It was the long train of lawless and exasperating encroachments upon our rights to carry on commerce with neutral nations, briefly referred to, as well as our historic attitude touching trade with neutrals, that induced President Wilson to enunciate a guarantee of the "freedom of the seas" as one of the ends to be attained through the treaty of peace terminating the World War, a feature of the celebrated 14 points from which Great Britain withheld her approval.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. WALSH of Montana. Certainly.

Mr. SHIPSTEAD. With all the protests that were made by the American ambassador during that time—and he was constantly protesting at the request of his Government——

Mr. WALSH of Montana. And according to his book, the English Government did not pay any attention to the protests.

Mr. SHIPSTEAD. Does the Senator know of a single instance when a protest on the part of the Government of the United States was successful in any way?

Mr. WALSH of Montana. I have not followed the matter in detail, but I presume that a good many of the ships which were turned into Kirkwall and were sent to London and held there without any just cause were afterwards released. Whether that was due to a wired protest or not, of course, I do not know.

Mr. SHIPSTEAD. I meant a protest made on the basis of certain principles involved which were never yielded to by the British Government.

Mr. WALSH of Montana. I do not think that the illegality of the seizures upon established principles of law was ever acknowledged. I might say that my information is that the negotiations have resulted in an agreement, which may reach the Senate, providing that the balance of the claims shall be offset against the claims of Great Britain arising out of obligations incurred by the Navy for supplies and one thing or another of that kind.

Mr. BORAH. Mr. President, as I understand, in the adjustment of these neutral claims, the adjustment agreement provides that neither Government recedes from the position which it took during the war.

Mr. WALSH of Montana. That is my understanding.

Mr. SHIPSTEAD. The fact remains that we did not enforce our rights as neutrals at the time.

Mr. WALSH of Montana. We did not.

Mr. WHEELER. If we had, we would have gone to war with Great Britain.

Mr. WALSH of Montana. We did not because meanwhile the German submarine campaign was inaugurated, and American lives were lost, and, of course, everybody very properly said, "This matter of loss of property, the seizure of some ships, is a trifling thing compared with the destruction of human lives," and all public thought was directed against, not the breaches of our rights by Great Britain but the graver breach of our rights by Germany. So the public lost sight of the former entirely.

Mr. SHIPSTEAD. The fact that food made contraband and was being rationed to neutral countries in order to keep it out of Germany was used as an excuse by the German Government for opening its submarine campaign, which finally got us into the war.

Mr. WALSH of Montana. That was offered by them as a reason why Great Britain was not observing the principles of international law, and there was no reason why they should.

Mr. SHIPSTEAD. If the Senator will permit me further, that might lead to the conclusion that if a nation does not protect its rights as a neutral between belligerents in time of war, one of the belligerents may accuse the Government of the United States of not maintaining its neutrality, and may therefore act in such a way that we will be brought into the war, as we were in the last war.

Mr. WALSH of Montana. We were in that situation in the last war, and we were in that situation in the early part of the nineteenth century. France was continually complaining that we did not resist the breaches by Great Britain, and Great Britain was complaining because we did not resist the encroachments of our rights by the French Government, and for a long time it was a question as to whether we should go into the war upon the side of France or upon the side of Great Britain.

Mr. DILL. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. DILL. If we had attempted to enforce our rights against England, undoubtedly it would have led to war.

Mr. WALSH of Montana. Undoubtedly; and the sentiment of the country at that time was against our going to war against Great Britain, the sympathies of the people of this country being generally with the Allies rather than with Germany.

Mr. DILL. Her orders practically forbade our ships going into the North Sea.

Mr. WALSH of Montana. That was the effect of them.

Mr. SHIPSTEAD. Permit me to ask the Senator another question on which I would like to have his opinion. Has the Senator any idea that the fact that the Allies were piling up their paper in our banks here, to the amount of about $5,000,000,000 when we entered the war, had anything to do with our failing to insist upon our rights as a neutral in protecting our commerce?

Mr. WALSH of Montana. I presume that was a consideration that withheld us in coming to conclusions with Great Britain about these infractions.

Mr. SHIPSTEAD. I ask these questions in order to bring out all of the possible factors that may get a nation into war and that may enter into the question of enforcing our neutrality and our rights as neutrals.

I shall not disturb the Senator further, except to say that if Germany had borrowed money here as the Allies did, there would possibly have been some incentive on our part to maintain our rights and insist upon our rights for the protection of the commerce we had with Germany. If I am not mistaken, the financing of the Allies in this country reached such a stage that on the 5th of March, 1917, Mr. Page, American ambassador to Great Britain, wrote a letter to President Wilson in which he said he thought that there would be a financial crash and panic unless we went into the war; that the Morgans could not finance the Allies any longer; that the proposition was too much for private banking concerns; and that the United States Government had to go into the war in order to help finance the Allies.

Mr. BORAH. Is that letter public?

Mr. SHIPSTEAD. Yes; it is in Mr. Page's letters.

Mr. BORAH. Is that the purport of the letter?

Mr. SHIPSTEAD. Yes.

Mr. OVERMAN. Let us get the letter.

Mr. McKELLAR. Mr. President, before the Senator from Montana proceeds, will he state whether he takes the position that as neutrals in time of war we should not have a sufficient Navy to protect our commerce?

Mr. WALSH of Montana. No; I take the contrary position. I have just stated that each nation ought to have a navy adequate for the protection of its commerce——

Mr. McKELLAR. At any time?

Mr. WALSH of Montana. When it is a neutral.

Mr. McKELLAR. That would mean a navy adequate to protect its commerce and trade at any time.

Mr. WALSH of Montana. Yes.

Mr. McKELLAR. I agree with the Senator entirely about that.

Mr. WALSH of Montana. Lest any misapprehension should arise with respect to that, I want to call attention to the fact that in determining the size of the Navy we must take into consideration the navy of a possible antagonist, and if the possible antagonist will only reduce its navy, we may reduce ours likewise.

Mr. McKELLAR. Indeed, but when the possible antagonist is continuing to build its navy while we are not building, it seems to me it would leave us in the attitude of not being able to protect our trade and commerce should war arise and we remain neutral.

Mr. WALSH of Montana. Before I get through I shall have something to say upon that question.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. NORRIS. I think it would be more enlightening to the Senate, if I might make the suggestion, if both the Senator from Montana and the Senator from Tennessee would state clearly, because this is a practical question, to what antagonist they refer.

Mr. WALSH of Montana. I have endeavored to state. I stated in the initial sentence in this address that we are building in contemplation of a war primarily with Great Britain, and secondarily with Japan.

Mr. NORRIS. That makes it plain. I would like to know whether the Senator from Tennessee has the same idea.

Mr. WALSH of Montana. I do not know why we should use any cryptic language in discussing this matter.

Mr. NORRIS. Nor do I. That is why I asked the question.

Mr. WALSH of Montana. I would like to get it down to a concrete proposition. We do not need our Navy to protect our commerce when the world is at peace. We need a navy to protect our commerce only when there is war, and our Navy is now altogether adequate to protect our commerce against any country in the world except one of these two.

Mr. NORRIS. I agree with the Senator in his reference to the Navy in time of peace, although that is a direct contradiction of the position taken by the chairman of the committee, the Senator from Maine [Mr. HALE], and by the ranking Member on the other side, the Senator from Virginia [Mr. SWANSON], who both proclaimed many times, in the course of their able arguments, that we needed a navy in time of peace just the same as in time of war.

Mr. McKELLAR. Fortunately in the Senate we can take our own positions, and we are very fortunate indeed if we can defend the position which we ourselves take without having to subscribe to the views of some one else.

Mr. NORRIS. We very seldom get all to agree, that is true.

Mr. McKELLAR. That is very hard to do.

Mr. BRUCE. Mr. President, if we did not have a navy in time of peace we would not have any in time of war, because we do not have time to prepare for war after a war starts.

Mr. NORRIS. That is true, but the use of the Navy in time of peace has been advocated as an absolute necessity.

Mr. WALSH of Montana. The intensity of feeling in the United States concerning the outrages to which our commerce was subjected in the war in which Britain was engaged against the Central Powers is not unappreciated by those who have given thought to the matter among her subjects.

In the article in the London Observer, heretofore referred to by its able editor, J. L. Garvin, also the editor of the revised Encyclopedia Britannica, is the following highly significant paragraph:

> But behind the naval question is the political question. The two countries will have to face together an old problem in new form—the "freedom of the seas." If you can settle that, you will settle everything. If you can not settle that, you will settle nothing. The traditional British practice of interception and search as regards neutral vessels in time of war never can be exercised in the future in the case of the United States. Nothing is more absolutely certain than this. American conviction on this point has never changed for a century and a half. What they felt when they were first an independent nation of 4,000,000 they feel now when they are a nation of 120,000,000, far richer, head for head, than any other people that has existed and with a vigour quite equal to their numbers.

It is the memory of the wrongs so perpetrated, the determination to prevent a repetition of them, and the dread of a conflict should Britain attempt in some future war in which she may be involved to pursue what is referred to in the Garvin article as her "traditional practice" that give strength to the demand for the pending legislation to expand our Navy and to the conviction, in which I share, that entire parity, so far as that can be secured, as between the navies of the two countries should obtain. It is the very general belief on this side of the water that if the United States had a Navy substantially equal in strength to that of Great Britain our rights would be respected by her; in other words, that a navy equal to hers would contribute materially to, if it would not be a guaranty of the preservation of peace between the two countries.

For myself, I can not think there is any likelihood whatever of a war between the United States and Great Britain, except it be precipitated by what has thus been appropriately referred to as her "traditional practice." I can think of no reason why this country should maintain a navy such as is contemplated by the pending bill except in anticipation of the pursuit of such "traditional practice." And the attitude taken at the late naval conference at Geneva by the representatives of Great Britain affords abundant ground for the belief that it is her purpose, or was at that time, to adhere to her "traditional practice."

It was a most reasonable expectation on the part of the people of the United States that our Government having, when it occupied a commanding position in 1922 freely consented, indeed proposed, to make enormous sacrifices in order to arrest competitive building and to bring about parity as between the United States and Great Britain, and actually did abandon its naval construction program pursuant to the only partially effective agreement arrived at, and scrapped ships representing an investment of approximately $300,000,000, some similar disposition would be exhibited by her when, through building permitted by the treaty, the situation of the two nations was reversed. That expectation was rudely dispelled, and dispelled in such manner as to leave the unpleasant impression that the Eng-

lish people, at least so far as the present ministry speaks for them, propose to preserve the command of the seas, not only to enable them to continue their "traditional practice" but to satisfy the pride with which they once sang "Britannia Rules the Wave."

I am, as heretofore stated, wedded to the idea of parity as between the United States and Great Britain, but I should like to see that parity attained by scaling down, rather than by building up. As indicated, it is my opinion that neither nation stands in need of any such naval establishment as it now maintains except to meet the contingency of war with the other. I am eager, however, to see initiated another attempt to reach an agreement for limitation of naval armament, failing which I am prepared to vote for the construction of not only 15 cruisers but for any other additions to our naval force required to put past doubt that it is at least equal in strength to the British Navy.

Mr. BRUCE. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. COUZENS in the chair). Does the Senator from Montana yield to the Senator from Maryland?

Mr. WALSH of Montana. I yield.

Mr. BRUCE. Does not the Senator think if we would only become a party to some general disarmament conference, say some disarmament conference held under the auspices of the League of Nations, at which the pressure of all the civilized powers of the world would be brought to bear both on our country and on Great Britain, that there would be infinitely more chance of some understanding being arrived at with reference to naval disarmament or reduction of naval armament between the United States and Great Britain, than by means of the conferences we have been holding?

Mr. WALSH of Montana. That is a question upon which I do not feel competent to give an answer. There are many who contend that if we were to put the matter of naval limitation into a general conference for the limitation of all armament, it would take an indefinite length of time to work it out, and that we would not get the necessary agreement concerning naval limitation. On the other hand, it is argued that we can not take one of these separately from the other and that we can not go forward with the naval conference unless at the same time we consider the question of a reduction of land armaments.

Mr. BRUCE. Then does not the Senator think it is probably true that if this country and Great Britain would enter into a general disarmament conference, it would bring some pressure to bear with reference to land armaments that we would not otherwise be able to bring to bear? In other words, in the adjustment of naval armaments between Great Britain and the United States, the two countries might agree on a radical reduction of military armaments on land.

Mr. WALSH of Montana. Of course, the Senator understands that the conference for the consideration of general disarmament resumes its sessions in the month of April next.

Mr. BRUCE. I know that is so, and I am looking forward to that with hope.

I am in accord with the Senator from Idaho on the necessity of the restatement of the rules governing the rights of belligerents and neutrals on the high seas, and shall support his amendment, but, to my mind, action such as is contemplated by it looking to a conference should be accompanied by a proposal from our Government to have declared as the basic principle of such restatement, the immunity from seizure of private property on the sea.

Mr. SHIPSTEAD. Mr. President, will the Senator yield once more?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. WALSH of Montana. I yield.

Mr. SHIPSTEAD. The Senator is arguing apparently in anticipation of a controversy arising between the United States and Great Britain about the rights of a neutral in time of war and control of the seas. If I heard the Senator correctly, he also intimated that unless an agreement in settlement of this controversy could be entered into, he agreed with the Senator from Idaho and would vote for cruisers. Is that correct?

Mr. WALSH of Montana. I do not recall just exactly what the Senator from Idaho said, but the Senator has quite accurately stated my attitude.

Mr. SHIPSTEAD. Does the Senator mean to say that this controversy would not be settled under article 2 of the so-called peace pact or Kellogg treaty, where the nations agree they will settle any controversy by peaceful means?

Mr. WALSH of Montana. Article 2 of the peace pact does not provide for the settlement of any controversy.

Mr. SHIPSTEAD. Is it article 3?

Mr. WALSH of Montana. Article 2 simply provides that the signatories will not go to war.

Mr. SHIPSTEAD. That they will renounce war as a national policy?

Mr. WALSH of Montana. No; that is the first paragraph. The second paragraph provides that the signatories will not seek the settlement of any controversy between them except by peaceful means, and accordingly one of the peaceful means of settling this controversy is the meeting of the general disarmament conference to take place in April, or any other arrangement that might be effected for the purpose of securing naval disarmament or a reduction of naval armament.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. BARKLEY. The Senator stated that article 2 of the treaty provides that the signatories will not seek the settlement of any controversy between them except by peaceful means.

Mr. WALSH of Montana. Article 2 contemplates every controversy that may possibly arise between two nations and they agree they will not seek a settlement of that controversy except by peaceful means; in other words, that they will not go to war about it.

Mr. BARKLEY. The Senator does not understand that section of the treaty to mean that the question of the size of the Navy of either Great Britain or the United States is such a controversy that they agree to settle it by peaceful means? In the very nature of things it is settled by peaceful means. The building of a ship is a peaceful pursuit although the object of building it may not be always peaceful. The very act of building up a navy is a peaceful pursuit. I do not understand that section 2 of the Kellogg treaty contemplates a controversy over the size of the different navies.

Mr. BRUCE. Mr. President, I remind the Senator of the exact language of article 2 which, as I recollect it, is that solution or settlement of any dispute or controversy with any nation, whatever its nature or origin, shall never be sought except by pacific means.

Mr. WALSH of Montana. I think the Senator is quite accurate.

Mr. SHIPSTEAD. I was trying to bring out under what article of the peace treaty we intend to use these cruisers? If a question of controversy over the rights of neutrals or the right of our commerce in time of war becomes a controversy of international importance, and if we can settle it under article 2 of the peace treaty, what are the cruisers for? That is one question I have not had answered satisfactorily.

Mr. WALSH of Montana. Mr. President, Madison took the position in his recommendation to Congress that Great Britain had actually made war upon the United States by seizing our vessels upon the high seas without any justification whatever.

Mr. SHIPSTEAD. And I think she had.

Mr. WALSH of Montana. If she had done that, then Great Britain had violated the Kellogg pact and we were in position to take any steps we saw fit. We were released from the obligations of section 2. Whenever Great Britain makes war upon us or any other nation makes war upon us, the obligations of the treaty are at an end.

Mr. SHIPSTEAD. Then an interference with our commerce would be an act of war.

Mr. WALSH of Montana. Many acts might be in the nature of interference with commerce that would not be war.

Mr. SHIPSTEAD. For instance, she might establish a blockade and interfere with our commerce.

Mr. WALSH of Montana. I would not undertake to say what particular circumstances would amount to waging war against the United States. It could be very readily understood that Great Britain might seize one of our ships and bring it to port and we protest and she immediately let it go. That would not be an act of war.

Mr. SHIPSTEAD. Does the Senator think that the controversies with Great Britain which came up at the beginning of the war could have been settled under the terms of the peace pact?

Mr. WALSH of Montana. That is what we have done. We have not made war upon Great Britain. We have settled that controversy or are about to settle it by peaceful means.

Mr. SHIPSTEAD. The fact remains that we did not protect our commerce. We did settle the question, but we did not protect our commerce. We permitted interference to continue.

Mr. WALSH of Montana. That is what I am trying to show.

Mr. SHIPSTEAD. I want to find out how that can be stopped.

Mr. WALSH of Montana. I shall likewise endeavor to show that. I am endeavoring to show it can only be stopped by a navy equal to that of our antagonist, and I am suggesting the means by which the navies can be brought to a parity without increasing them, and that is by reducing them.

Great Britain, she asserts, must maintain a navy superior to any other to assure an uninterrupted supply of food to her people in time of war. If her ships could sail the seas without molestation, the need of a navy is reduced to a minimum. The United States needs a great navy, one equal to that of Great Britain, it is maintained, that her tremendous and constantly increasing foreign commerce may not be jeopardized when other nations become belligerents. But if American ships and others carrying American goods may proceed upon their voyages without fear of capture or detention, the problem of an American Navy becomes a relatively simple one. It would render easy the negotiation of an agreement for the limitation of naval armament by making needless overgrown establishments. It would meet the issue of competition in naval construction by removing the occasion for the use of a huge navy.

It ought to be comforting to the people of Great Britain to have removed the peril of having their food supply cut off and to their vast shipping interests to be assured that their ventures run no more risk of confiscation or harassment in time of war than in time of peace.

The advantages to Britain of the policy proposed are beyond calculation. Whether they are balanced by those that accrue from her ability to sweep the commerce of her enemy from the sea in time of war, considering the enormous burden of building and maintaining a navy adequate to that end, is for the people of that country to determine.

There are some reasons, hereafter to be adverted to, for believing that her attitude with respect to the question may, were it again presented, undergo some change. As to the United States, the proposal is not new; indeed, it may be regarded as the historic desire of this country to see accepted the policy expressed in it. Franklin proposed the insertion in the first treaty with Great Britain of a provision that all merchants or traders with their unarmed vessels employed in commerce, exchanging products of different nations, and thereby rendering the necessary conveniences and comforts of human life more easy to obtain and more general, should be allowed to pass freely unmolested. His effort was fruitless, but in the treaty of 1785 between the new Republic and Prussia, the principle was recognized, expressed in almost the identical language of Franklin. President Monroe and President Pierce each formally in official communications urged acceptance of the principle. The policy embodied in Franklin's proposal became the subject of world-wide consideration in the period immediately following the Crimean War. The treaty of Paris, by which it was brought to a close, pledged the signatories thereto to the four following principles, namely:

1. Privateering is and remains abolished.
2. The neutral flag covers enemy's goods, with the exception of contraband of war.
3. Neutral goods, with the exception of contraband of war, are not liable to capture under enemy's flag.
4. Blockades, in order to be binding, must be effective; that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy. (Moore's Digest of International Law, vol. 7, p. 562.)

Pursuant to the treaty, the other powers not signatories, including the United States, were invited to subscribe to the declarations thus made. The American Secretary of State, Hon. William L. Marcy, signified the willingness of our Government to join, provided the declaration abolishing privateering should be amended by adding thereto the following:

And that the private property of subjects and citizens of a belligerent on the high seas shall be exempt from seizure by the public armed vessels of the other belligerent, except it be contraband. (Id. p. 565.)

In the voluminous diplomatic correspondence which ensued and in the discussions occasioned by the American proposal, it came to be known as the "Marcy amendment." The treaty between the United States and Italy entered into in 1871 contains the following provision:

The high contracting parties agree that, in the unfortunate event of a war between them, the private property of their respective citizens and subjects, with the exception of contraband of war, shall be exempt from capture or seizure, on the high seas or elsewhere, by the armed vessels or by the military forces of either party, it being understood that this exemption shall not extend to vessels and their cargoes which may attempt to enter a port blockaded by the naval forces of either party. (Holls, Peace Conference at The Hague, p. 309.)

The American delegates to the First Hague Conference, under instructions, sought at its sessions to obtain consideration for the subject of the immunity of private property at sea, being prepared to support the principle, but without success. The effort was repeated at the Second Hague Conference when Hon. Joseph Choate, a member of the delegation, with the eloquence and forensic skill for which he was justly celebrated, made an appeal on behalf of the United States for the consideration of the policy so long advocated by his country and its acceptance by the assembled nations. There was reason to believe that at that time the opposition of Great Britain had been to some degree mollified. The subject was referred to at some length in the instructions of Sir Edward Grey to the British delegates who were directed not to offer any objection to the discussion of it at the conference. A copy of what was said in that regard is, with the consent of the Senate, printed as a further appendix to these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit B.)

Mr. WALSH of Montana. Though, according to Colonel House, he was authorized by Mr. Wilson to say to the representatives of the British Government that if they did not accept the principle of the freedom of the seas they could "count upon the certainty of our using our present equipment to build up the strongest navy that our resources permit, and as our people have long desired," the President was evidently obliged to recede from his insistence on specific provision with respect thereto in the treaty, as he felt obliged to yield in other particulars in which his interest was profound and his hopes high.

Conceivably he had it in mind that proceeding with the construction of the "strongest navy" an adjustment could be effected with Great Britain or an accord arrived at. House leaves the impression that Wilson believed that the situation would be met by the organization of the League of Nations, but that seems improbable inasmuch as the fourteen points contemplated both the league and the guaranty of the freedom of the seas.

It is realized now that the occasion which brought forth the treaty of Versailles was most inopportune for the dispassionate consideration of the subject of the inviolability of private property at sea. The pressure exerted by the English Admiralty to bring about economic ruin in Germany was believed to have been so important a factor in finally reducing the Central Powers to submission, our Navy had joined so unreservedly with that of Great Britain in restraining trade through neutral ports likely to advantage in any wise the enemy, that the proposal had no fair chance at the conference whose work culminated in that treaty.

The development of aviation and the improvement in the construction of submarines, of whose deadly work such harrowing memories are retained, operate to present the question in quite a different light to the British public. Their fleet no longer affords the protection from attack it once did. A recent press dispatch carries the significant information that the project to tunnel the channel is about to be authorized by the House of Commons, the opposition of the military authorities, heretofore obdurate, having been withdrawn, presumably because of the relative ease with which the islands, as well as the fleet guarding them, may otherwise be made the object of attack.

It is not unimportant in this connection either that the position of Britain and the United States in the financial world has been reversed and that in the unfortunate event of the continuation of the rivalry in naval construction even now in progress, our resources are such that the cost may be met without serious embarrassment, English opinion as expressed in the London press invites a renewal of the proposal that the inviolability of private property at sea be incorporated by treaty in the law of nations. The Economist lately said:

either another world war or the abolition of the institution of "sea power" in its traditional form by free and friendly agreement between ourselves, the latest possessors, and the Americans, the next aspirants.

Modern forms of communication, the Saturday Review thinks, have modified the power residing in blockade, the abolition of which it asserts—

would completely solve the problem of our overseas communications.

And it adds:

While the weapon of blockade is a danger to ourselves it has lost its value in our own hands.

I quote a few expressions from the Observer article, of which mention has been made, but the whole of it is so informative, it is written in such a generous spirit that I ask that it be printed as an additional appendix to my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit C.)

Mr. WALSH of Montana. Among other things it says—referring to the difference in the situation of the two countries at odds:

> We are only 20 miles from Europe, not 3,000. Worse. In the air age we are no longer an island at all in the old sense. The great thing is to end the friction, and the way to do it is to let America have her head * * *. The financial and technical resources of the United States are such that they could construct and sustain bigger fleets than any other two nations to-day could equip and support. We repeat again, the more utterly free the Americans feel to build as they like the less they will like to build * * *. What we could not accept under the practical conditions of 10 years ago we can accept now. Why? Because the imports of food and raw material, which are the very blood and life of the nation, would be secure in all circumstances, so far as sea power is concerned.

The epigrammatic statement of the Observer to the effect that—

> In the air age we are no longer an island—

has confirmation in the remark of General Groves, of the English air force, that—

> we can no longer command the narrow seas and home waters of Europe, nor can we insure, as in the past, the safe passage of our shipping through the Mediterranean.

The blunt criticism by Lord Lee of Fareham of the delegates to the Geneva Conference for their failure to arrive at an accord is an item not lightly to be disregarded in this connection, nor is the serious and generally friendly manner in which the bizarre proposal of Congressman BRITTEN was commented on by the press and statesmen of England.

I am mindful of the fact that I am occupying much the same field as that exploited in his usual masterly manner on Thursday last by the senior Senator from Idaho. The amendment then offered by him has my hearty concurrence, but I propose to supplement it in a manner which no doubt will have his concurrence, by adding to the first paragraph the clause—

> on the basis of the inviolability of private property thereon—

so that the amendment will read:

> First. That the Congress favors a restatement and recodification of the rules of law governing the conduct of belligerents and neutrals in war at sea, on the basis of the inviolability of private property thereon.

I send such an amendment to the desk, Mr. President.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table.

Mr. WALSH of Montana. In what has been said the attitude of Great Britain only has been considered. Should she be sympathetic or at least not immovable in opposition, there is little reason to fear hostility to the principle from any other quarter. The maritime nations to which the subject is of such importance as possibly to give rise to opposition are few—the United States, Great Britain, France, Italy, and Japan. The lesser powers, both maritime and interior, may all be counted on for support of the principle. Italy is already committed to it. At the First Hague Conference, Count Nigra, representing that country and speaking to the American proposal for a pact guaranteeing the immunity from seizure of private property at sea, referred to the treaty of 1871 between his country and the United States as indicating the policy of Italy and added that the Government of that country did not only proclaim its respect for private property on the high seas diplomatically but had sanctioned the principle in its laws.

There is little doubt that Japan's interest as well as her inclination would align that power with the United States in support of the principle associated with the name of Franklin. There is no reason to imagine any refractory disposition on the part of France. If Britain acquiesces an agreement would be assured that would pave the way for a further accord limiting naval armaments that would relieve all the nations concerned from the tremendous burden of taxation borne and otherwise to be borne for the construction and maintenance of huge navies. Two hundred and fifty million dollars for 15 cruisers is a relatively small sum when the vast resources of our Government are considered, but on almost any other basis it is stupendous. It means an amount which, added to the cost of maintaining them during the 20-year period of their life, at least equals the cost of the construction of the Panama Canal, regarded at the time that work was entered upon as the greatest engineering project of all time.

I am prompted to say a word in conclusion on the view so persistently advanced, with no little asperity at times, that there is some incongruity in approving the Kellogg-Briand treaty and then passing the bill before us. I do not share that view. The sponsors for the cruiser bill in the Senate are no less attached to the cause of peace than are the rest of us who may vote against the measure. They equally harbor the hope of an agreement for the limitation of naval armament. The difference is a difference of view as to how most certainly to arrive at an agreement fair and just to the United States. Not a few of those who will support the bill take that course, convinced that by so doing they aid in bringing about a conference and in getting satisfactory results from it, and that to defeat the bill will encourage the belief abroad that there is no purpose on the part of our Government in any event to build, or that should any purpose be entertained by the executive branch it can be circumvented through the spontaneous or incited opposition of the Congress. I confess that my disposition was at first to support the bill, sharing the belief that to proceed to build would lead, and that no other course would lead, to an accord, but on reflection I have convinced myself that another effort to agree may bring results, and I am eager that the trial should be made. After all it will, in all probability, make no difference whether we begin to build, if we must, this year or next year.

Mr. SHIPSTEAD. Mr. President, I should like to ask the Senator one question, and I might as well ask it here as at any other time.

A great deal has been said about obtaining an agreement on naval limitation. Very many people say that that can be made only on the basis of a naval alliance with Great Britain. The Senator from Montana, I take it, as well as the Senator from Idaho, does not have any agreement like that in his mind when he talks of an agreement for limitation of armament.

Mr. WALSH of Montana. I would not consider that as an agreement for a limitation of armament.

Mr. SHIPSTEAD. It has been claimed that there was in fact an alliance by which we guaranteed the status quo in the Pacific so far as Japan and Great Britain are concerned. I am not sure that I am convinced of that; but very many eminent men say that the treaty we made is in fact a naval alliance guaranteeing the status quo.

Mr. WALSH of Montana. Well, let us consider the thing. We had a conference at Geneva in 1927 looking to a reduction in the naval armaments of both countries, and of Japan as well. Has anybody even intimated that those people were there engaged in negotiating a treaty in the nature of an alliance between the United States and Great Britain?

Mr. SHIPSTEAD. Not at that time.

Mr. WALSH of Montana. Have they since?

Mr. SHIPSTEAD. Not so far as we know. I know, however, that very many people in this country, and, I think, also in England, have looked upon the Kellogg peace treaty as the forerunner of a movement to get an alliance later for the limitation of armament, and, based upon some kind of a guaranty of other nations' territorial and other possessions, in fact, to guarantee the status quo, and that that shall be used as a basis.

Mr. WALSH of Montana. I hope the Kellogg-Briand treaty will operate, as I think it will, as an indication of the spirit of these people who have a desire to reduce armaments. I do not know that it will cultivate that spirit, but I hope it will have such an effect.

Mr. BRUCE. Mr. President, may I ask the Senator from Montana to what point of time is he looking forward as a point of time at which some agreement may be arrived at in relation to the reduction of British and American armaments?

Mr. WALSH of Montana. I should think by the time we assemble a year from now to pass appropriation bills.

Mr. BRUCE. Does the Senator mean after the next general disarmament conference has been held?

Mr. WALSH of Montana. That will be in April. I do not see any reason why, if we went at it, we should not arrive at an accord by some time during the summer, if we could do so at all.

Mr. BRUCE. Yes. Then, if we did arrive at an accord that would mean, of course, that Great Britain would have to reduce her naval armament to bring it down to a level of parity with ours. Does the Senator think she would ever do that?

Mr. WALSH of Montana. She would have to do practically what we did, or offered to do, in 1922. She would come forward and say, as we did then, "We are sitting on top of the world. We are ready to scale down."

Mr. BRUCE. She would have to reciprocate our generous conduct of 1921?

Mr. WALSH of Montana. Yes; and my belief is that if we could get an agreement in the first place for the immunity of private property at sea there would be no difficulty about that matter—in other words, that the occasion would be removed.

Mr. BRUCE. I see; I have the Senator's idea.

Mr. NORRIS and Mr. SHORTRIDGE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Montana yield; and if so, to whom?

Mr. WALSH of Montana. I yield first to the Senator from Nebraska. Then I will yield to the Senator from California.

Mr. NORRIS. Mr. President, the last answer to the Senator from Maryland rather incites me to ask this question.

The real point in the agreement with regard to a limitation of cruisers, even though other countries were invited in, is an agreement between the United States and Great Britain. If we could agree with Great Britain, there would not be any difficulty. There is not any other nation that is coming so near to either one in point of armament, at the present time at least, that they would be considered to any great extent.

Mr. BRUCE. Mr. President——

Mr. NORRIS. Just let me finish. But the agreement in regard to the freedom of the seas, of course, must have the acquiescence of other nations besides these two.

Mr. WALSH of Montana. Of course.

Mr. NORRIS. So it has always seemed to me that the United States and Great Britain might very well consistently, without taking into consideration any other nation, take up the cruiser question and practically settle it; but the other proposition involved in the amendment to which the Senator has alluded would require a conference and an agreement on the part of a good many other nations.

Mr. WALSH of Montana. It would require at least the acquiescence of all maritime nations.

Mr. NORRIS. Yes.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Maryland?

Mr. WALSH of Montana. I agreed to yield first to the Senator from California.

Mr. SHORTRIDGE. Mr. President, I did not have the benefit of listening to the Senator's address, except to his concluding remarks. May I ask the Senator this question: With the information he has, does he think that Great Britain, for example, will ever agree to a reduction of her naval forces?

Mr. WALSH of Montana. I think that if we made an agreement for the inviolability of private property at sea she would be very glad to agree.

Mr. SHORTRIDGE. Then, that depends upon a precedent agreement in respect to private property?

Mr. WALSH of Montana. Exactly.

Mr. SHORTRIDGE. May I ask the Senator—it is not to engage in controversy, but to get his present view—remembering the address of the Senator from Idaho [Mr. BORAH], is the Senator from Montana of the present view that Great Britain will ever enter into any agreement in respect of contraband limiting permissible commerce to foodstuffs?

Mr. WALSH of Montana. I have quoted from leading London papers indicating a desire to reach an agreement with us about all these matters.

Mr. SHORTRIDGE. And may I infer that the Senator thinks that we would succeed in getting such an agreement?

Mr. WALSH of Montana. I have no very definite opinion on the subject. I want to try, at least.

Mr. SHORTRIDGE. Well, I will express my own view later.

Mr. WALSH of Montana. I see no reason why we should not try. I now yield to the Senator from Maryland.

Mr. BRUCE. I thank the Senator. I am much obliged to him; but we have passed the point on which I desired to question him.

Mr. FLETCHER. Mr. President, I wish to ask the Senator if he has any reason to believe that the causes of the failure of the Geneva conference have in any wise disappeared, or that we may be any more successful in the future than we were in the last effort?

Mr. WALSH of Montana. I have been suggesting something that I think will make it easier to arrive at an agreement; but, even if that should not be arrived at, I rather suspect that even in Great Britain there is as keen a disappointment over the failure of it as there is in the United States, and that a further conference, like a conference between this body and the House, might result in something.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Kentucky?

Mr. WALSH of Montana. I do.

Mr. BARKLEY. My understanding has been that one of the stumblingblocks that prevented an agreement between the United States and Great Britain in 1927 was the difference in the viewpoint of the two nations as to the particular type of cruiser necessary for the defense of each nation. For instance, Great Britain was willing to reduce cruisers of a larger tonnage because a smaller tonnage was more serviceable to her; whereas the United States was not willing to reduce larger cruisers, because that type of cruiser was more serviceable to this country than the smaller cruisers.

Mr. WALSH of Montana. Yes.

Mr. BARKLEY. Has the Senator any information that would lead to the belief that at the coming April conference these two points may be solved with any greater degree of certainty than was possible in 1927?

Mr. WALSH of Montana. I have not if the same negotiators come together again holding exactly the same views; I should expect the deadlock to continue. The Senator will remember, however, that the idea of Lord Lee was that it was a mistake to try to get naval officers to agree upon a limitation of armaments that would put a good many of them out of business.

Mr. BARKLEY. I am not entirely out of sympathy with that viewpoint.

Mr. WALSH of Montana. And his proposition was that if civilians were appointed to take up this matter, possibly some better results would be attained.

Mr. BARKLEY. Does the Senator think that the attitude assumed by these negotiators was contrary to the settled convictions in the two countries represented?

Mr. WALSH of Montana. I am not prepared to say. I am prepared to say, however, that the people in this country looked quite confidently to an agreement in which, of course, the interests of the United States would be entirely safeguarded.

Mr. BARKLEY. Of course, then, they were disappointed that it was impossible to reach an agreement?

Mr. WALSH of Montana. Quite so.

Mr. WHEELER. Mr. President, is it not a fact that the British press has changed its attitude a great deal with reference to this matter since the conference failed?

Mr. WALSH of Montana. I am not prepared to say.

Mr. BROOKHART. Mr. President, I should like to ask the Senator a question or two with regard to the doctrine of parity with Great Britain.

If we had a parity on the seas, would we not then have in all respects a very great advantage over Great Britain, since we have 3,000 miles of open line along the Canadian border, where we could easily triumph on the land?

Mr. WALSH of Montana. Of course, each country, by reason of its peculiar situation, has advantages. The United States has advantages in many ways. It is not dependent to any very appreciable extent upon other countries for its food supplies, for instance. Great Britain has a very decided advantage in her naval bases all over the world.

Mr. BROOKHART. Is not the fact of our long open line on the Canadian border a very powerful guaranty for peace with Great Britain all the time, regardless of the naval question?

Mr. WALSH of Montana. I so regard it, because if we were unfortunately involved in a war which would embrace Canada we have 120,000,000 people over here, and they have about ten or twelve million over there; so that it probably would not take very long for us to appropriate Canada. That undoubtedly is a guarantee of peace.

Mr. BROOKHART. Are we not in better shape to maintain our rights than England would be by merely maintaining a defensive attitude and an armament that would defend us against aggression?

Mr. WALSH of Montana. As I have indicated heretofore, I do not feel the least apprehension about any nation coming over here and assailing our territory. If we get into war with Great Britain, it will be because of these depredations upon our commerce when she is at war.

Mr. BROOKHART. Then if we build submarines and airships sufficient to defend our various territories, we can take care of our rights?

Mr. WALSH of Montana. But that would not help us at all if depredations were made upon our commerce in the Mediterranean Sea, for instance; or, I might add, as in the late war, our commerce with the Scandinavian countries.

Mr. BROOKHART. If our commerce were attacked in the Mediterranean Sea and we were at war with Great Britain and had these 15 cruisers, we would not dare send one of them to the Mediterranean Sea.

Mr. WALSH of Montana. The Senator perhaps is better advised about that; but I am not sufficient of a naval expert to venture any opinion on that subject.

Mr. BROOKHART. The submarines and the airships together would surely get them if we did. It would not be a safe place to send them at all.

Mr. FRAZIER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from North Dakota?

Mr. WALSH of Montana. I yield.

Mr. FRAZIER. In view of the attitude of Great Britain toward our commerce in the early part of the World War, does the Senator think, had it not been for the fact that the German submarines made attacks on some of our commerce and caused the death of American citizens, that there would have been justification for the United States going to war with Great Britain?

Mr. WALSH of Montana. I do not like to say what would justify our going to war. I have no hesitancy in saying that upon all accepted principles we would be justified.

Mr. FRAZIER. Does the Senator remember the statement of Colonel House that was published in some of the magazines, that if it had not been for the unmerciful submarine activities of Germany the United States might have found itself on the side of the Central Powers instead of on the side of the Allies?

Mr. WALSH of Montana. That might possibly have happened.

Mr. BRUCE. But the Senator from Montana does not agree with that, I am sure, because he has just referred to the very powerful sentiment running in this country in favor of Great Britain and the Allies.

Mr. WALSH of Montana. At all times.

Mr. BRUCE. In the first place, because of our natural attachment to the British and our full sympathy with the cause of the Allies generally.

Mr. WALSH of Montana. So that whether the United States was justified or not, I do not think there was any very great likelihood at any time that we would have gone to war against the Allies.

EXHIBIT A

THE SECRETARY OF STATE TO AMBASSADOR W. H. PAGE

DEPARTMENT OF STATE,
Washington, October 21, 1915.

SIR: I desire that you present a note to Sir Edward Grey in the sense of the following:

(1) The Government of the United States has given careful consideration to Your Excellency's notes of January 7,[1] February 10,[1] June 22,[1] July 23,[1] July 31 (2),[1] August 13,[2] and to a note verbale of the British Embassy of August 6,[2] relating to restrictions upon American commerce by certain measures adopted by the British Government during the present war. This Government has delayed answering the earlier of these notes in the hope that the announced purpose of His Majesty's Government "to exercise their belligerent rights with every possible consideration for the interest of neutrals" and their intention of "removing all causes of avoidable delay in dealing with American cargoes" and of causing "the least possible amount of inconvenience to persons engaged in legitimate trade," as well as their "assurances to the United States Government that they would make it their first aim to minimize the inconveniences" resulting from the "measures taken by the allied governments," would in practice not unjustifiably infringe upon the neutral rights of American citizens engaged in trade and commerce. It is, therefore, a matter of regret that this hope has not been realized; but that, on the contrary, interferences with American ships and cargoes destined in good faith to neutral ports and lawfully entitled to proceed have become increasingly vexatious, causing American shipowners and American merchants to complain to this Government of the failure to take steps to prevent an exercise of belligerent power in contravention of their just rights. As the measures complained of proceed directly from orders issued by the British Government, are executed by British authorities, and arouse a reasonable apprehension that, if not resisted, they may be carried to an extent even more injurious to American interests, this Government directs the attention of His Majesty's Government to the following considerations:

(2) Without commenting upon the statistics presented by His Majesty's Government to show that the export trade of the United States has increased in volume since the war began further than to point out that the comparative values fail to take into account the increased price of commodities resulting from a state of war or to make any allowance for the diminution in the volume of trade which the neutral countries in Europe previously had with the nations at war, a diminution which compelled them to buy in other markets, I will pass directly to the matters which constitute the specific complaints of this Government.

(3) First. The detentions of American vessels and cargoes which have taken place since the opening of hostilities have, it is presumed, been pursuant to the enforcement of the orders in council, which were issued on August 20 and October 29, 1914, and March 11, 1915, and relate to contraband traffic and to the interception of trade to and from Germany and Austria-Hungary. In practice these detentions have not been uniformly based on proofs obtained at the time of seizure, but many vessels have been detained while search was made for evidence of the contraband character of cargoes or of an intention to evade the nonintercourse measures of Great Britain. The question, consequently, has been one of evidence to support a belief of—in many cases a bare suspicion of—enemy destination or occasionally of enemy origin of the goods involved. Whether this evidence should be obtained by search at sea before the vessel or cargo is taken into port, and what the character of the evidence should be, which is necessary to justify the detention, are the points to which I direct your excellency's attention.

(4) In regard to search at sea, an examination of the instructions issued to naval commanders of the United States, Great Britain, Russia, Japan, Spain, Germany, and France from 1888 to the beginning of the present war shows that search in port was not contemplated by the Government of any of these countries. On the contrary, the context of the respective instructions shows that search at sea was the procedure expected to be followed by the commanders. All of these instructions impress upon the naval officers the necessity of acting with the utmost moderation—and in some cases commanders are specifically instructed—in exercising the right of visit and search, to avoid undue deviation of the vessel from her course.

(5) An examination of the opinions of the most eminent text writers on the laws of nations shows that they give practically no consideration to the question of search in port outside of examination in the course of regular prize court proceedings.

(6) The assertion by His Majesty's Government that the position of the United States in relation to search at sea is inconsistent with its practice during the American Civil War is based upon a misconception. Irregularities there may have been at the beginning of that war, but a careful search of the records of this Government as to the practice of its commanders shows conclusively that there were no instances when vessels were brought into port for search prior to instituting prize court proceedings, or that captures were made upon other grounds than, in the words of the American note of November 7, 1914, "evidence found on the ship under investigation and not upon circumstances ascertained from external sources." A copy of the instruction issued to American naval officers on August 18, 1862, for their guidance during the Civil War is appended.

(7) The British contention that "modern conditions" justify bringing vessels into port for search is based upon the size and seaworthiness of modern carriers of commerce and the difficulty of uncovering the real transaction in the intricate trade operations of the present day. It is believed that commercial transactions of the present time, hampered as they are by censorship of telegraph and postal communications on the part of belligerents, are essentially no more complex and disguised than in the wars of recent years, during which the practice of obtaining evidence in port to determine whether a vessel should be held for prize proceedings was not adopted. The effect of the size and seaworthiness of merchant vessels upon their search at sea has been submitted to a board of naval experts, which reports that—

"'At no period in history has it been considered necessary to remove every package of a ship's cargo to establish the character and nature of her trade or the service on which she is bound, nor is such removal necessary. * * *

"The facilities for boarding and inspection of modern ships are in fact greater than in former times, and no difference, so far as the necessities of the case are concerned, can be seen between the search of a ship of 1,000 tons and one of 20,000 tons—except possibly a difference in time—for the purpose of establishing fully the character of her cargo and the nature of her service and destination. * * * This method would be a direct aid to the belligerents concerned in that it would release a belligerent vessel overhauling the neutral from its duty of search and set it free for further belligerent operations."

(8) Turning to the character and sufficiency of the evidence of the contraband nature of shipments to warrant the detention of a suspected vessel or cargo for prize proceedings, it will be recalled that when a vessel is brought in for adjudication courts of prize have heretofore been bound by well-established and long-settled practice to consider at the first hearing only the ship's papers and documents, and the goods found on board, together with the written replies of the officers and seamen to standing interrogatories taken under oath, alone and separately, as soon as possible and without communication with or instruction by counsel, in order to avoid possibility of corruption and fraud.

(9) Additional evidence was not allowed to be introduced except upon an order of the court for "further proof," and then only after the cause had been fully heard upon the facts already in evidence or when this evidence furnished a ground for prosecuting the inquiry further. This was the practice of the United States courts during the War of 1812, the American Civil War, and the Spanish-American War, as is evidenced by the reported decisions of those courts, and has been the practice of the British prize courts for over a century. This practice has been changed by the British prize court rules adopted for the present war by the order in council of August 5. Under these new rules there is no longer a "first hearing" on the evidence derived from the ship, and the prize court is no longer precluded from receiving extrinsic evidence for which a suggestion has not been laid in the preparatory evidence. The result is, as pointed out above, that innocent

[1] Special supplement, July, 1915, pp. 60, 65, 141, 157, 162, 163.
[2] Supra, pp. 63, 64.

vessels or cargoes are now seized and detained on mere suspicion while efforts are made to obtain evidence from extraneous sources to justify the detention and the commencement of prize proceedings. The effect of this new procedure is to subject traders to risk of loss, delay, and expense so great and so burdensome as practically to destroy much of the export trade of the United States to neutral countries of Europe.

(10) In order to place the responsibility for the delays of vessels and cargoes upon American claimants, the order in council of October 29, 1914, as pointed out in the British note of February 10, seeks to place the burden of proof as to the noncontraband character of the goods upon the claimant in cases where the goods are consigned "to order" or the consignee is not named or the consignee is within enemy territory. Without admitting that the onus probandi can rightfully be made to rest upon the claimant in these cases, it is sufficient for the purposes of this note to point out that the three classes of cases indicated in the order in council of October 29 apply to only a few of the many seizures or detentions which have actually been made by British authorities.

(11) The British contention that in the American Civil War the captor was allowed to establish enemy destination by "all the evidence at his disposal," citing the *Bermuda* case (3 Wall. 515), is not borne out by the facts of that case. The case of the *Bermuda* was one of "further proof," a proceeding not to determine whether the vessel should be detained and placed in a prize court, but whether the vessel, having been placed in prize court, should be restored or condemned. The same ruling was made in the case of the *Sir William Peel* (5 Wall. 517). These cases, therefore, can not be properly cited as supporting the course of a British captor in taking a vessel into port, there to obtain extrinsic evidence to justify him in detaining the vessel for prize proceedings.

(12) The further contention that the greatly increased imports of neutral countries adjoining Great Britain's enemies raise a presumption that certain commodities, such as cotton, rubber, and others more or less useful for military purposes, though destined for those countries, are intended for reexportation to the belligerents, who can not import them directly, and that this fact justifies the detention for the purpose of examination of all vessels bound for the ports of those neutral countries, notwithstanding the fact that most of the articles of trade have been placed on the embargo lists of those countries, can not be accepted as laying down a just or legal rule of evidence. Such a presumption is too remote from the facts and offers too great opportunity for abuse by the belligerent, who could, if the rule were adopted, entirely ignore neutral rights on the high seas and prey with impunity upon neutral commerce. To such a rule of legal presumption the Government can not accede, as it is opposed to those fundamental principles of justice which are the foundation of the jurisprudence of the United States and Great Britain.

(13) Before passing from the discussion of this contention as to the presumption raised by increased importations to neutral countries, this Government directs attention to the fact that His Majesty's Government admit that the British exports to those countries have also materially increased since the present war began. Thus Great Britain concededly shares in creating a condition which is relied upon as a sufficient ground to justify the interception of American goods destined to neutral European ports. If British exports to those ports should be still further increased, it is obvious that, under the rule of evidence contended for by the British Government, the presumption of enemy destination could be applied to a greater number of American cargoes, and American trade would suffer to the extent that British trade benefited by the increase. Great Britain can not expect the United States to submit to such manifest injustice or to permit the rights of its citizens to be so seriously impaired.

(14) When goods are clearly intended to become incorporated in the mass of merchandise for sale in a neutral country, it is an unwarranted and inquisitorial proceeding to detain shipments for examination as to whether those goods are ultimately destined for the enemy's country or use. Whatever may be the conjectural conclusions to be drawn from trade statistics, which, when stated by value, are of uncertain evidence as to quantity, the United States maintains the right to sell goods into the general stock of a neutral country, and denounces as illegal and unjustifiable any attempt of a belligerent to interfere with that right on the ground that it suspects that the previous supply of such goods in the neutral country, which the imports renew or replace, has been sold to an enemy. That is a matter with which the neutral vendor has no concern and which can in no way affect his rights of trade. Moreover, even if goods listed as conditional contraband are destined to an enemy country through a neutral country, that fact is not in itself sufficient to justify their seizure.

(15) In view of these considerations, the United States, reiterating its position in this matter, has no other course but to contest seizures of vessels at sea upon conjectural suspicion and the practice of bringing them into port for the purpose, by search or otherwise, of obtaining evidence, for the purpose of justifying prize proceedings, of the carriage of contraband, or of breaches of the order in council of March 11. Relying upon the regard of the British Government for the principles of justice so frequently and uniformly manifested prior to the present war, this Government anticipates that the British Government will instruct their officers to refrain from these vexations and illegal practices.

(16) Second. The Government of the United States further desires to direct particular attention to the so-called "blockade" measures imposed by the order in council of March 11. The British note of July 23, 1915, appears to confirm the intention indicated in the note of March 15, 1915, to establish a blockade so extensive as to prohibit trade with Germany or Austria-Hungary, even through the ports of neutral countries adjacent to them. Great Britain, however, admits that it should not, and gives assurances that it will not, interfere with trade with the countries contiguous to the territories of the enemies of Great Britain. Nevertheless, after over six months' application of the "blockade" order, the experience of American citizens has convinced the Government of the United States that Great Britain has been unsuccessful in her efforts to distinguish between enemy and neutral trade. Arrangements have been made to create in these neutral countries special consignees, or consignment corporations, with power to refuse shipments and to determine when the state of the country's resources requires the importation of new commodities. American commercial interests are hampered by the intricacies of these arrangements, and many American citizens justly complain that their bona fide trade with neutral countries is greatly reduced as a consequence, while others assert that their neutral trade, which amounted annually to a large sum, has been entirely interrupted.

(17) It makes this practice even more harassing to neutral traders that the British authorities require a consignor to prove that his shipments are not bound to an enemy of Great Britain, even when the articles are on the embargo list of the neutral country to which they are destined, and that notwithstanding the assertion in the last British note that interference with such trade by a belligerent can only take place "provided, of course, that he (the belligerent) can establish" that the commerce is with the enemy.

(18) While the United States Government was at first inclined to view with leniency the British measures which were termed in the correspondence but not in the order in council of March 11 a "blockade," because of the assurances of the British Government that inconvenience to neutral trade would be minimized by the discretion left to the courts in the application of the order in council and by the instructions which it was said would be issued to the administrative and other authorities having to do with the execution of the so-called "blockade" measures, this Government is now forced to the realization that its expectations, which were fully set forth in its note of March 30, were based on a misconception of the intentions of the British Government. Desiring to avoid controversy and in the expectation that the administration of the order in council would conform to the established rules of international law, this Government has until now reserved the question of the actual validity of the order in council of March 11, in so far as it is considered by the Government of Great Britain to establish a blockade within the meaning of that term as understood in the law and the practice of nations; but in the circumstances now developed it feels that it can no longer permit the validity of the alleged blockade to remain unchallenged.

(19) The declaration of Paris in 1856, which has been universally recognized as correctly stating the rule of international law as to blockade, expressly declares that "blockades, in order to be binding, must be effective; that is to say, maintained by force sufficient really to prevent access to the coast of the enemy." The effectiveness of a blockade is manifestly a question of fact. It is common knowledge that the German coasts are open to trade with the Scandinavian countries and that German naval vessels cruise both in the North Sea and the Baltic and seize and bring into German ports neutral vessels bound for Scandinavian and Danish ports. Furthermore, from the recent placing of cotton on the British list of contraband of war, it appears that the British Government have themselves been forced to the conclusion that the blockade is ineffective to prevent shipments of cotton from reaching their enemies, or else that they are doubtful as to the legality of the form of blockade which they have sought to maintain.

(20) Moreover, it is an essential principle, which has been universally accepted, that a blockade must apply impartially to the ships of all nations. This was set forth in the declaration of London is found in the prize rules of Germany, France, and Japan, and has long been admitted as a basic principle of the law of blockade. This principle, however, is not applied in the present British "blockade," for, as above indicated, German ports are notoriously open to traffic with the ports of Denmark, Norway, and Sweden. So strictly has this principle been enforced in the past that in the Crimean War the judicial committee of the privy council on appeal laid down that if belligerents themselves trade with blockaded ports they can not be regarded as effectively blockaded. (*The Franciska*, Moore, P. C., 56.) This decision has special significance at the present time, since it is a matter of common knowledge that Great Britain exports and reexports large quantities of merchandise to Norway, Sweden, Denmark, and Holland, whose ports, so far as American commerce is concerned, she regards as blockaded. In fact, the British note of August 13

itself indicates that the British exports of many articles, such as cotton, lubricating oil, tobacco, cocoa, coffee, rice, wheat flour, barley, spices, tea, copra, etc., to these countries have greatly exceeded the British exports of the same articles for the corresponding period of 1914. The note also shows that there has been an important British trade with those countries in many other articles, such as machinery, beef, butter, cotton waste, etc.

(21) Finally there is no better-settled principle of the law of nations than that which forbids the blockade of neutral ports in time of war. The declaration of London, though not regarded as binding upon the signatories, because not ratified by them, has been expressly adopted by the British Government without modification as to blockade in the British order in council of October 29, 1914. Article 18 of the declaration declares specifically that "the blockading forces must not bar access to neutral ports or coasts." This is, in the opinion of this Government, a correct statement of the universally accepted law as it exists to-day and as it existed prior to the declaration of London. The meaning of this statement is elucidated by Mr. Renault in the report of the drafting committee upon the convention, in which he states:

"This rule has been thought necessary the better to protect the commercial interests of neutral countries; it completes article 1, according to which a blockade must not extend beyond the ports and coasts of the enemy, which implies that, as it is an operation of war, it must not be directed against a neutral port, in spite of the importance to a belligerent of the part played by that port in supplying his adversary."

As the conference assembled at London upon the invitation of the British Government it is important to recall the instruction of Sir Edward Grey to the British delegates, "setting out the views of His Majesty's Government, founded on the decisions of the British courts," in which he says:

"A blockade must be confined to the ports and coast of the enemy, but it may be instituted of one port or of several ports or of the whole of the seaboard of the enemy. It may be instituted to prevent the ingress only or egress only, or both."

He added:

"Where the ship does not intend to proceed to the blockaded port, the fact that goods on board are to be sent on by sea or by inland transport is no ground for condemnation."

In support of this announcement Sir Edward Grey referred to several decisions of British prize courts, among which an early one of 1801 held that goods shipped from London to Emden, thence inland or by canal to Amsterdam, then blockaded by sea, were not subject to condemnation for breach of blockade. (Jonge Pieter, 4 C. R., 79.) This has been the rule for a century, so that it is scarcely necessary to recall that the Matamoros cases, well known to the British Government, support the same rule, that neutral ports may not be blockaded, though "trade with unrestricted inland commerce between such a port and the enemy's territory impairs undoubtedly, and very seriously impairs, the value of a blockade of the enemy's coast."

(22) Without mentioning the other customary elements of a regularly imposed blockade, such as notification of the particular coast line invested, the imposition of the penalty of confiscation, etc., which are lacking in the present British "blockade" policy, it need only be pointed out that, measured by the three universally conceded tests above set forth, the present British measures can not be regarded as constituting a blockade in law, in practice, or in effect.

(23) It is incumbent upon the United States Government, therefore, to give the British Government notice that the blockade, which they claim to have instituted under the order in council of March 11, can not be recognized as a legal blockade by the United States.

(24) Since the Government of Great Britain has laid much emphasis on the ruling of the Supreme Court of the United States in the *Springbok* case, that goods of contraband character seized while going to the neutral port of Nassau, though actually bound for the blockaded ports of the South, were subject to condemnation, it is not inappropriate to direct attention to the British view of this case in England prior to the present war, as expressed by Sir Edward Grey in his instructions to the British delegates to the London conference in 1908:

"It is exceedingly doubtful whether the decision of the Supreme Court was in reality meant to cover a case of blockade running in which no question of contraband arose. Certainly, if such was the intention, the decision would pro tanto be in conflict with the practice of the British courts. His Majesty's Government sees no reason for departing from that practice, and you should endeavor to obtain general recognition of its correctness."

It may be pointed out also that the circumstances surrounding the *Springbok* case were essentially different from those of the present day to which the rule laid down in that case is sought to be applied. When the *Springbok* case arose the ports of the Confederate States were effectively blockaded by the naval forces of the United States, though no neutral ports were closed, and a continuous voyage through a neutral port required an all-sea voyage terminating in an attempt to pass the blockading squadron.

(25) Third. It appears to be the position of Great Britain that if, as the United States alleges, American citizens or American interests are directly and adversely affected by the British policies of contraband and nonintercourse, resulting in interference with ships and cargoes, they should seek redress in the prize courts which the British Government have established, and that, pending the exhaustion of such legal remedies with the result of a denial of justice, the British Government "can not continue to deal through the diplomatic channels with the individual cases."

(26) It is declared that this was the course followed by the United States during the American Civil War and the Spanish War, and that both countries have supported the practice by allowing their prize court decisions, when shown to be unjust or inadequate, to be reviewed by an international tribunal, as was done under the treaties of 1794 and 1871. The ground upon which this contention is put forth, and the results which would follow, if the course of procedure suggested were accepted, give the impression that His Majesty's Government do not rely upon its soundness or strength. Nevertheless, since it has been advanced, I can not refrain from presenting certain considerations which will show that the proposed course embodies the form rather than the substance of redress. The cases which the British Government would have claimants present to their prize courts are essentially different from cases arising wholly within the jurisdiction of a foreign country. They result from acts committed by the British naval authorities upon the high seas, where the jurisdiction over neutral vessels is acquired solely by international law. Vessels of foreign nationality, flying a neutral flag and finding their protection in the country of that flag, are seized without facts warranting a reasonable suspicion that they are destined to blockaded ports of the enemy or that their cargoes are contraband, although the possession of such facts is, by international law, essential to render a seizure legal.

The officers appear to find their justification in the orders in council and regulations of the British Government, in spite of the fact that in many of the present cases the orders in council and the regulations for their enforcement are themselves complained of by claimants as contrary to international law. Yet the very courts which, it is said, are to dispense justice to dissatisfied claimants, are bound by the orders in council. This is unmistakably indicated to be the case in the British note of July 31, which states that—

"British prize courts, according to the ancient form of commission under which they sit are to determine cases according to the course of admiralty and the law of nations and the statutes, rules, and regulations for the time being in force in that behalf."

This principle, the note adds, has recently been announced and adhered to by the British prize court in the case of the *Zamora*. It is manifest, therefore, that, if prize courts are bound by the laws and regulations under which seizures and detentions are made, and which claimants allege are in contravention of the law of nations, those courts are powerless to pass upon the real ground of complaint or to give redress for wrongs of this nature. Nevertheless, it is seriously suggested that claimants are free to request the prize court to rule upon a claim of conflict between an order in council and a rule of international law. How can a tribunal fettered in its jurisdiction and procedure by municipal enactments declare itself emancipated from their restrictions and at liberty to apply the rules of international law with freedom? The very laws and regulations which bind the court are now matters of dispute between the Government of the United States and that of His Britannic Majesty. If Great Britain followed, as she declares that she did, the course of first referring claimants to local remedies in cases arising out of American wars, it is presumed that she did so because of her knowledge or understanding that the United States had not sought to limit the jurisdiction of its courts of prize by instructions and regulations violative of the law and practice of nations, or open to such objection.

(27) The British note of February 10 states that the British Government in the American Civil War—

"In spite of remonstrances from many quarters, placed full reliance on the American prize courts to grant redress to the parties interested in cases of alleged wrongful capture by American ships of war and put forward no claim until the opportunity for redress in those courts had been exhausted."

The Government of the United States recalls that during the progress of that war, Great Britain, in several instances, demanded through diplomatic channels, damages for seizures and detentions of British ships alleged to have been made without legal justification. Among these may be mentioned the case of the *Magicienne*, the *Don Jose*, the *Labuan*, and the *Saxon*. Two of these cases were, at the time the demands were made, before American prize courts for adjudication. It is understood also that during the Boer War, when British authorities seized the German vessels, the *Hertzog*, *The General*, and *The Bundesrath*, and released them without prize proceedings, compensation for damages suffered was arranged through diplomatic channels.

(28) There is, furthermore, a real and far-reaching injury for which prize courts offer no means of reparation. It is the disastrous effect of the methods of the allied governments upon the general right of the United States to enjoy its international trade free from unusual and arbitrary limitations imposed by belligerent nations. Unwarranted de-

lay and expense in bringing vessels into port for search and investigation upon mere suspicion has a deterrent effect upon trade ventures, however lawful they may be, which can not be adequately measured in damages. The menace of interference with legal commerce causes vessels to be withdrawn from their usual trade routes and insurance on vessels and cargoes to be refused, while exporters for the same reason are unable or unwilling to send their goods to foreign markets, and importers dare not buy commodities abroad because of fear of their illegal seizure or because they are unable to procure transportation. For such injuries there can be no remedy through the medium of courts established to adjust claims for goods detained or condemned. For specific injuries suffered by private interests prize courts, if they are free to apply the law of nations, might mete out an adequate indemnity, but for the injury to the trade of a nation by the menace of unwarranted interference with its lawful and established pursuit there can manifestly be found no remedy in the prize courts of Great Britain, to which United States citizens are referred for redress.

(29) There is another ground why American citizens can not submit their wrongs arising out of undue detentions and seizures to British prize courts for reparation which I can not pass over unnoticed. It is the manner in which British courts obtain jurisdiction of such cases. The jurisdiction over merchant vessels on the high seas is that of the nation whose flag it rightfully flies. This is a principle of the law and practice of nations fundamental to the freedom of the high seas. Municipal enactments of a belligerent power can not confer jurisdiction over or establish rules of evidence governing the legality of seizures of vessels of neutral nationality on the high seas. International law alone controls the exercise of the belligerent right to seize and detain such vessels. Municipal laws and regulations in violation of the international rights of another nation, can not be extended to the vessels of the latter on the high seas so as to justify a belligerent nation bringing them into its ports, and having illegally brought them within its territorial jurisdiction, compelling them to submit to the domestic laws and regulations of that nation. Jurisdiction obtained in such a manner is contrary to those principles of justice and equity which all nations should respect. Such practice should invalidate any disposition by a municipal court of property thus brought before it. The Government of the United States has, therefore, viewed with surprise and concern the attempt of His Majesty's Government to confer upon the British prize courts jurisdiction by this illegal exercise of force in order that these courts may apply to vessels and cargoes of neutral nationalities, seized on the high seas, municipal laws and orders which can only rightfully be enforceable within the territorial waters of Great Britain, or against vessels of British nationality when on the high seas.

(30) In these circumstances the United States Government feels that it can not reasonably be expected to advise its citizens to seek redress before tribunals which are, in its opinion, unauthorized by the unrestricted application of international law to grant reparation, nor to refrain from presenting their claims directly to the British Government through diplomatic channels.

(31) This Government is advised that vessels and cargoes brought in for examination prior to prize proceedings are released only upon condition that costs and expenses incurred in the course of such unwarranted procedure, such as pilotage, wharfage, demurrage, harbor dues, warehouseage, unlading costs, etc., be paid by the claimants or on condition that they sign a waiver of right to bring subsequent claims against the British Government for these exactions. This Government is loath to believe that such ungenerous treatment will continue to be accorded American citizens by the Government of His Britannic Majesty, but in order that the position of the United States Government may be clearly understood, I take this opportunity to inform Your Excellency that this Government denies that the charges incident to such detentions are rightfully imposed upon innocent trade or that any waiver of indemnity exacted from American citizens under such conditions of duress can preclude them from obtaining redress through diplomatic channels or by whatever other means may be open to them.

(32) Before closing this note, in which frequent reference is made to contraband traffic and contraband articles, it is necessary, in order to avoid possible misconstruction, that it should be clearly understood by His Majesty's Government that there is no intention in this discussion to commit the Government of the United States to a policy of waiving any objections which it may entertain as to the propriety and right of the British Government to include in their list of contraband of war certain articles which have been so included. The United States Government reserves the right to make this matter the subject of a communication to His Majesty's Government at a later day.

(33) I believe it has been conclusively shown that the methods sought to be employed by Great Britain to obtain and use evidence of enemy destination of cargoes bound for neutral ports and to impose a contraband character upon such cargoes are without justification; that the blockade, upon which such methods are partly founded, is ineffective, illegal, and indefensible; that the judicial procedure offered as a means of reparation for an international injury is inherently defective for the purpose; and that in many cases jurisdiction is asserted in violation of the law of nations. The United States, therefore, can not submit to the curtailment of its neutral rights by these measures, which are admittedly retaliatory, and therefore illegal, in conception and in nature, and intended to punish the enemies of Great Britain for alleged illegalities on their part. The United States might not be in a position to object to them if its interests and the interests of all neutrals were unaffected by them, but, being affected, it can not with complacence suffer further subordination of its rights and interests to the plea that the exceptional geographic positions of the enemies of Great Britain require or justify oppressive and illegal practices.

(34) The Government of the United States desires, therefore, to impress most earnestly upon His Majesty's Government that it must insist that the relations between it and His Majesty's Government be governed, not by a policy of expediency, but by those established rules of international conduct upon which Great Britain in the past has held the United States to account when the latter Nation was a belligerent engaged in a struggle for national existence. It is of the highest importance to neutrals not only of the present day but of the future that the principles of international right be maintained unimpaired.

(35) This task of championing the integrity of neutral rights, which has received the sanction of the civilized world against the lawless conduct of belligerents arising out of the bitterness of the great conflict which is now wasting the countries of Europe, the United States unhesitatingly assumes, and to the accomplishment of that task it will devote its energies, exercising always that impartiality which from the outbreak of the war it has sought to exercise in its relations with the warring nations.

I inclose as supplements to this instruction the United States Navy Order of August 18, 1862, and a statement regarding vessels detained by British authorities. These two documents should be transmitted as inclosures in your note to Sir Edward Grey.

I am, etc.,

ROBERT LANSING.

[Inclosures: United States Navy Order of August 18, 1862, and statement regarding vessels detained by British authorities]

APPENDIX NO. 1

INSTRUCTIONS OF THE SECRETARY OF THE NAVY TO FLAG OFFICERS COMMANDING SQUADRONS AND OFFICERS COMMANDING CRUISERS, RELATIVE TO THE RIGHT OF SEARCH

NAVY DEPARTMENT, *August 18, 1862.*

SIR: Some recent occurrences in the capture of vessels, and matters pertaining to the blockade, render it necessary that there should be a recapitulation of the instructions heretofore from time to time given, and also of the restrictions and precautions to be observed by our squadrons and cruisers.

It is essential, in the remarkable contest now waging, that we should exercise great forbearance, with great firmness, and manifest to the world that it is the intention of our Government, while asserting and maintaining our own rights, to respect and scrupulously regard the rights of others. It is in this view that the following instructions are explicitly given:

First. That you will exercise constant vigilance to prevent supplies of arms, munitions, and contraband of war from being conveyed to the insurgents, but that under no circumstances will you seize any vessel within the waters of a friendly nation.

Secondly. That while diligently exercising the right of visitation on all suspected vessels, you are in no case authorized to chase and fire at a foreign vessel without showing your colors and giving her the customary preliminary notice of a desire to speak and visit her.

Thirdly. That when that visit is made the vessel is not then to be seized without a search carefully made, so far as to render it reasonable to believe that she is engaged in carrying contraband of war for or to the insurgents, and to their ports directly or indirectly by transshipment, or otherwise violating the blockade; and that if, after visitation and search, it shall appear to your satisfaction that she is in good faith and without contraband actually bound and passing from one friendly or so-called neutral port to another, and not bound or proceeding to or from a port in the possession of the insurgents, then she can not be lawfully seized.

Fourthly. That, to avoid difficulty and error in relation to papers which strictly belong to the captured vessel, and mails that are carried, or parcels under official seals, you will, in the words of the law, "preserve all the papers and writings found on board and transmit the whole of the originals unmutilated to the judge of the district to which such prize is ordered to proceed"; but official seals, or locks, or fastenings of foreign authorities are in no case, nor on any pretext, to be broken, or parcels covered by them read by any naval authorities, but all bags or other things covering such parcels, and duly seized and fastened by foreign authorities, will be, in the discretion of the United States officer to whom they may come, delivered to the consul, commanding naval officer, or legation of the foreign government, to be opened, upon the understanding that whatever is contraband or important as evidence concerning the character of a captured vessel will be remitted to the prize court or to the Secretary of State at Washington, or such sealed bag or parcels may be at once forwarded to this department, to the end that the proper authorities of the foreign government may receive the same without delay.

You are specially informed that the fact that a suspicious vessel has been indicated to you as cruising in any limit which has been prescribed by this department does not in any way authorize you to depart from the practice of the rules of visitation, search, and capture prescribed by the law of nations.

Very respectfully,

GIDEON WELLES,
Secretary of the Navy.

APPENDIX No. 2

STATEMENT REGARDING VESSELS DETAINED BY BRITISH AUTHORITIES

SEPTEMBER 10, 1915.

(1) Vessels whose cargoes and papers have been of such a character as to require but brief time for examination have been held in British ports, according to this Government's information, for prolonged periods, in some instances for more than a month, and then released without the institution of prize-court proceedings.

The steamer *Chester*, which sailed from Baton Rouge for Rotterdam with a cargo of illuminating oil, was taken into Falmouth September 21, 1914, and held November 4 of that year.

The steamer *Ocean*, carrying the same kind of a cargo, from New York to Rotterdam, was taken into Plymouth September 23, 1914, and similarly released November 5.

The steamer *Charlois* and the steamer *New York*, carrying similar cargoes, were taken into British ports on September 30 and October 12, 1914, respectively, and similarly released on October 27.

The steamers *American* and *Rotterdam*, carrying cargoes of oil to Rotterdam, were also detained under conditions similar to those of the vessels just mentioned in the fall of 1914.

The steamer *Christian Knudsen*, carrying a cargo of oil in bulk, consigned to a Danish corporation in Copenhagen, was brought into the port of Kirkwall, detained for 11 days, and then released.

Vessels carrying oil from the United States to long-established markets in Scandinavian countries have repeatedly been detained without being sent to the prize court for adjudication. Among them may be mentioned the *Brindilla*, the *Platuria*, the *Wico*, the *Polarine*, the *Pioneer*, the *Llama*, the *Muskogee*, and the *John D. Rockefeller*.

The steamer *Denver*, which carried a full cargo of cotton from Norfolk to Bremen, and which had been loaded under the supervision of a British consular officer, was taken into Kirkwall in January last, as the department was informed by the British Government, just to examine her papers and to verify her cargo.

The *George W. Hawley* was held for a month because she refused to comply with a requirement of the British authorities to discharge a single shipment, the illegal destination of which does not appear to have been disclosed by any evidence. The vessel carried a mixed cargo, including a shipment of oil. The British authorities insisted that the vessels should discharge the oil, which, the shipper represented, was consigned to one of its long-established agents in Sweden. Finally it was announced that the vessel would be released as an act of grace.

The steamer *Wico* was held by the British authorities last March. This Government was advised that the British minister at Stockholm had informed the Swedish Foreign Office that the vessel had arrived in a British port with a full cargo of oil for a concern in Stockholm, and that, in view of the recent seizure by a German man-of-war of the steamship *Bryssel* and her cargo, the British Government required complete assurances from the Swedish Government before the *Wico* could be allowed to proceed to destination, that she would not share the fate of the *Bryssel*.

Subsequently this Government was informed that the vessel had been allowed to proceed, but that the British Government felt that, in the event of further cargoes going to Stockholm being seized by German ships, the whole question of permitting oil cargoes to proceed to that destination would have to be seriously reconsidered.

The steamer *Llama*, carrying a cargo of oil to a Scandinavian port, was taken into Kirkwall and subsequently released on June 5 last. After departing from Kirkwall the ship was again arrested on June 6, and although the officer of the war vessel which seized the *Llama* apparently was shown the ship's release papers, he placed a prize crew on board and ordered the vessel to Aberdeen and thence to Leith, where she was finally released on June 12, although she could not proceed until June 15, owing to a shortage of coal.

(2) Vessels have been held until they have reconsigned their cargoes to a consignee in a neutral country designated by the British Government.

The steamer *Seguranca*, which carried a general cargo from New York to the Netherlands, was detained at a great loss to the owners of the vessel and to the shippers in a British port for the greater part of last April, in order that her cargo might be reconsigned to the Netherlands Oversea Trust. The manifest showed that the entire cargo was consigned to named consignees in the Netherlands and was accompanied by a certificate of the British consul general in New York, stating that the loading was supervised by his inspector and that the vessel contained no cargo other than that specified in the manifest. A large part of the cargo, consisting of fresh fruit stored in the hold of the vessel, was subject to decay with great rapidity.

A similar requirement was imposed on the steamer *F. J. Lisman*, which during last June was detained at London. It appears that, after a prolonged detention of the ship of over a month, representatives of the shippers were compelled to discharge both contraband and noncontraband articles, and that the captain and the shippers, finding their efforts to comply with the requirements of the British authorities hopeless, abandoned the voyage.

The steamers *A. A. Raven* and *Vitalia*, carrying articles listed as conditional contraband, were detained in a British port in March last until the goods shipped to specified consignees in Holland could be consigned to the Netherlands Oversea Trust.

The steamer *Neches* was detained last May for about two weeks in order that a shipment of cotton destined for Rotterdam might be consigned to the Netherlands Oversea Trust.

The steamer *Zsandjik* was detained last June, as the department was informed, while the British minister at The Hague made inquiries as to whether the Netherlands Oversea Trust had accepted the consignment of the cargo.

(3) Detentions have been made without evidence amounting to probable cause. The steamer *Annam*, which was detained at Kirkwall last April, carried a cargo of food products from the United States to Swedish ports. She was detained owing to a "suspicion," as the British Government stated, that a part of its cargo was destined for Germany.

The steamer *Dronning Olga* was detained at Kirkwall in April last and the cargo, which consisted of cotton and food products, was placed in the prize court on the ground, as the department was informed by the British Government, that it was "believed" that it was ultimately destined for Germany.

The steamer *Hilding*, which sailed from New York for Copenhagen with a general cargo consisting largely of food products, was seized and taken into Leith last April, and this Government was informed that the cargo has been seized as contraband with the expectation of holding it under the Order in Council of March 11, 1915, if the charge that the goods were contraband should fail.

Numerous similar instances might be cited.

The steamers *Christian Knudsen* and *Platuria*, carrying oil from New York to Denmark, were detained by the British authorities last fall, taken into British ports, and held until the British Government, as they stated, could make an investigation as to the destination of the cargo. Furthermore, this Government was informed that the vessels had been detained pending the receipt of guarantees from Denmark against the exportation of the cargoes, and that the orders were given for the release of the vessels on the receipt of satisfactory guarantees.

The steamer *Brindilla*, which sailed from New York October 13 last with a cargo of oil for Alexandria, was taken into port at Halifax and later released, as the department was informed, when the British authorities received information that the ship's cargo was expected at Alexandria.

The steamer *Ambra* was taken into a British port in July last, and this Government was informed that this vessel was held pending inquiries that had been instituted concerning destination of certain items of her cargo. About a week later the vessel was allowed to proceed.

In July last this Government was informed by the British Government that the prolonged detention of the oil steamers *Polarine*, *Platuria*, and *Pioneer* was due to the fact that his Majesty's Government's attention had latterly been drawn to the very large quantities of oil which had been shipped to Scandinavian countries during the last few months; that there had been every reason to suspect that some of the oil was destined for enemy countries; and that the arrival of the steamers in quick succession necessitated the institution of inquiries as to the ultimate destination of the oil.

The owners of these vessels and their cargoes complained to the Government of the United States against their detention, stating that the vessels carried the usual cargoes consigned in good faith to long-established subsidiaries in neutral countries, and further representing that, since supplies from Russia and Rumania had been prevented from entering Scandinavian ports, a large increase of business with them had been expected, but it had been found that during the first five months of the year 1915 total shipments of all petroleum products to these countries were less than for the same period last year, although business in previous years had steadily increased.

(4) Vessels have been held, according to statements of the British Government, because of the manner in which shipments have been consigned.

The steamer *Einerjarl* was brought into Kirkwall last May and its cargo of cottonseed cake, shipped from Newport News to Denmark, which the shippers represented was to be used exclusively for consumption in Denmark, was seized. This Government was informed that the cargo was discharged because it was consigned "to order."

The steamers *Alfred*, *Nobel*, *Bjorstjerne*, *Bjornsen*, and *Friedland* were seized last autumn because their cargoes were consigned "to order."

The shipments on the steamers *America* and *Artemis* have been placed in prize court under the order in council of March 11, 1915, because,

the goods being consigned by the shippers to themselves, there was no guarantee of their ultimate destination.

(5) Goods have been seized by the British Government on the ground, as this Government has been informed, that the country to which they were shipped had not prohibited their export.

In the fall of the year 1914 copper shipped from the United States to Sweden on the steamers *Francisco*, *Antares*, *Idaho*, *Tyr*, and *Toronto* was seized by the British authorities because, as the British Government stated, the Swedish Government had not yet prohibited the reexportation of copper from Sweden.

A consignment of rubber on the Swedish ship *Zamora* had been placed in prize court last January because, as the British Government stated, of the absence of a comprehensive prohibition on the exportation of rubber in all its forms from Denmark.

(6) The British authorities have repeatedly seized articles classified as contraband, articles classified as conditional contraband, as well as noncontraband goods, shipped to Scandinavian countries to the Netherlands and to Italy, then neutral, althought the reexportation of such commodities from these countries had been forbidden.

In December last the steamer *Tellus* was ordered to discharge a shipment of copper shipped from New York directly to a consignee in Milan, Italy, although by an Italian decree of November 13, 1914, the exportation of goods shipped in this manner was forbidden.

The steamer *Joseph W. Fordney* was seized 4 miles off the coast of Norway and, in charge of a prize crew, brought into Kirkwall April 8 last. The ship's manifest showed that the cargo consisted entirely of cattle fodder consigned to a person in Malmo, Sweden. It appeared from information presented to this Government that an affidavit regarding the character and destination of the cargo, made by the shipper of the entire cargo, was attached to the bill of lading, and that this affidavit contained a certification by the British consul general and Swedish consul and also a statement by the latter to the effect that the exportation from Sweden of the goods of which the cargo consisted was prohibited. The vessel was brought into a British port and her cargo discharged. This Government was informed by the British Government that, apart from the uncertainty of the address of the consignee of the cargo of this vessel, His Majesty's Government had evidence that the cargo was not destined for bona fide Swedish consumption but was intended for Germany.

Numerous other similar instances might be cited, including those of the detention of vessels carrying oil to Scandinavian ports which have been mentioned.

(7) Detentions have been made pending assurances that embargoed goods would be allowed to pass through a neutral country to Great Britain's allies.

The steamer *Leelanaw*, which carried a cargo of cotton from Galveston to Gothenburg for transshipment to Moscow, was detained in a British port early in June last. Relative to the detention of this vessel the British foreign office said:

"In view of the fact that cotton has now been placed on the Swedish prohibition of export list, His Majesty's Government have not considered it advisable to allow this large cargo to go on to Gothenburg until they are assured that there is a fair chance of it reaching its declared ultimate destination."

After nearly a month's detention the vessel was released on the understanding that she should proceed directly to Archangel.

The steamers *Jutland* and *Syrius* appear to have been recently detained under circumstances similar to those of the steamer *Leelanaw*.

(8) From time to time this Government has been informed of the seizure of cargoes on the ground that consignees have been known to trade with the enemy or because they were suspected of doing so.

In January last this Government was advised by the British Government that the British Government had been compelled to place in prize court a consignment of rubber on board the Swedish vessel *Zamora*, the consignee of these goods being regarded with grave suspicion, and there being reason to believe that the ultimate destination of the rubber was the enemy forces.

(9) Vessels have been seized and brought into port and have been required by the British authorities to pay pilotage, harbor, unlading, warehouse, storage or other dues, costs, and expenses in advance of a judicial determination of the validity of the seizure of vessel or cargo.

Instances of such treatment of vessels may be found in the cases of the detention of the steamer *Necches* last May, the *Ogeechee*, which was seized last April, and the *Antilla*, which was seized in February last and subjected to a prolonged detention. In the case of the last-mentioned ship, it appears, however, that the cost of discharging was borne by the British Government.

(10) Detentions of vessels proceeding from European ports:

The steamer *Ogeechee*, which left Bremen April 3 last for the United States, was detained at Sharpness and compelled to discharge its entire cargo, which consisted of approximately 200 shipments of goods urgently needed by American citizens. In most if not all cases it appears that ownership of these goods at the time of the seizure had passed to American consignees. In many instances American citizens had contracted for the sale of the goods consigned to them and were prevented from carrying out their contracts.

The release of shipments on the vessel has been allowed on the production of proofs of American ownership of the goods prior to March 11, 1915. American consignees in order to avoid loss have endeavored to comply with the requirements in the presentation of proofs.

The steamer *Necches*, which sailed from Rotterdam to the United States, was brought to London and compelled, in June last, to discharge cargo on the ground, apparently, that the goods originated partly in Belgium. The vessel was detained about a month and, after having been damaged to the extent of approximately £1,500 as a result of a collision with another vessel while under the control of the British Admiralty, and after having been involved in litigation growing out of such collision, was allowed to proceed.

The following is a list of the vessels detained prior to March 11 last, among which are some regarding the detention of which details have been briefly stated in this memorandum:

Platuria, Brindilla, John D. Rockefeller, Kroonland, Noorham, Rotterdam, Sandefjord, Thomas J. Fordney, Fram, Edward Pierce, Ellen, Tellus, Sif, Kim, Canton, Ogeechee, Fricdland, Galileo, Uller, Verona, Zuiderdijk, Greenbrier, Herm, Arkansas, Ascot, Carolyn, Breiford, Bergensfjord, Bjornstjerne, Bjornsen, Ida Cuneo, Kentucky, General Minetonka, General Caloric, Denver.

The following is an incomplete list of vessels carrying American cargoes which, sailing in practically all instances from American to Scandinavian ports, were diverted by British authorities to the port of Kirkwall, or called at that port under instructions from owners, from March 11, 1915, to June 17, 1915:

Name of vessel	Cargo	Date of arrival in British ports	Date of leaving British ports
Elsa; part cargo put in prize court; ordered Sunderland to discharge		Mar. 11, 1915	Mar. 15, 1915
Maracas; cargo put in prize court; ordered Hull to discharge.		do	Mar. 16, 1915
Gudrun; bound from Europe to the United States.		do	Mar. 11, 1915
Amphitrite	Cottonseed cake	Mar. 12, 1915	Mar. 14, 1915
Jens Bang; bound from Europe to the United States		do	Mar. 12, 1915
Rodfaze	Maize	do	Mar. 14, 1915
Ran	Maize and rye	do	Do.
Lisken	do	do	Mar. 12, 1915
Absalon		do	Mar. 13, 1915
Wico	Oil	Mar. 13, 1915	Mar. 31, 1915
Torvig	Cottonseed cake	do	Mar. 15, 1915
Green Briar		do	Mar. 16, 1915
Einar Jarl	Cotton	do	Do
Ogeechee		Mar. 14, 1915	Do.
Tancred	Cotton	do	Do.
John Blummer	Oil cake	do	Do.
Sutra	Cotton	do	Mar. 15, 1915
Frogner	General	Mar. 15, 1915	Mar. 18, 1915
Hjortholm		Mar. 17, 1915	Do.
California	General	do	Mar. 23, 1915
Uffe; bound from Europe to United States via Ardrossan		Mar. 19, 1915	Mar. 19, 1915
Carl Henckel	Cottonseed cake	Mar. 20, 1915	Mar. 25, 1915
Helga	do	do	Mar. 31, 1915
Newa	do	do	Mar. 26, 1915
Havet		do	Mar. 23, 1915
Terno	Maize	do	Do.
United States	General	Mar. 21, 1915	Mar. 24, 1915
Texas	do	do	Do.
Haakon VII	Cotton	do	Mar. 23, 1915
Varing	Oil cake	do	Mar. 26, 1915
Sinsen		do	Mar. 23, 1915
Oxelosund	Wheat	do	Do.
Sigurd		do	Mar. 22, 1915
Myrdal	General	Mar. 22, 1915	Mar. 24, 1915
Sark	Maize and barley	do	Mar. 28, 1915
Borgland	Cotton	do	Mar. 24, 1915
Vard	Grain, oil cake, and starch.	Mar. 23, 1915	Mar. 25, 1915
Nike; sailed for Newcastle	Maize	do	Apr. 1, 1915
Gulfaxe	Wheat, maize, rye, and barley.	do	Mar. 25, 1915
New Sweden; prize crew to Newcastle.	General	do	Mar. 29, 1915
Stikelstad	do	do	Apr. 4, 1915
Korsfjord; whole cargo put in prize court; ordered Grimsby to discharge.	Lard	Mar. 24, 1915	Mar. 28, 1915
Cygnus; cargo put in prize court; ordered West Hartlepool to discharge.	General	do	Mar. 31, 1915
Indianic; bound from Europe to United States.		do	Mar. 24, 1915
Vesta		do	Mar. 25, 1915
Carmelina	Cotton	Mar. 25, 1915	Mar. 27, 1915
Henrik; part cargo put in prize court; ordered to Leith to discharge.	General	do	Apr. 14, 1915
Unita	Maize	do	Mar. 29, 1915
Thorsdal	do	do	Mar. 27, 1915
Drott	Oil cake	Mar. 26, 1915	Mar. 28, 1915
Karma		do	Do.
Strinda	Cotton	do	Do.
Iris	Cottonseed cake	do	Do.
Largo	Rye	do	Do.
Vincent; bound from Europe to United States.		do	Do.
Ran	Maize	Mar. 27, 1915	Mar. 30, 1915

Name of vessel	Cargo	Date of arrival in British ports	Date of leaving British ports
Terje Viken	General	Mar. 27, 1915	Apr. 29, 1915
Bretagne	Barley	do	Mar. 31, 1915
Boden	Wheat	do	Mar. 30, 1915
Avona	Cottonseed cake	do	Do.
Helmer Morch	Oil cake	do	Do.
Centric	Cotton	Mar. 28, 1915	Do.
Stavn; part cargo put in prize court; sailed Leith to discharge.	General	do	Apr. 1, 1915
Clitra	Maize	do	Apr. 2, 1915
Athens; cleared at Ardrossan		Mar. 29, 1915	Apr. 29, 1915
Danmark; cleared at Ardrossan		do	Do.
Bergensfjord	General, mail, and passengers.	Mar. 30, 1915	Apr. 6, 1915
Sirius; bound from Europe to United States.		do	Mar. 30, 1915
Bia; whole cargo put in prize court; sailed to Manchester to discharge.	Cotton	do	Apr. 7, 1915
Oscar Trapp; bound from Europe to United States.		do	Mar. 31, 1915
Fionia	Barley and general	Mar. 31, 1915	Apr. 6, 1915
Sverre	Barley	do	Apr. 13, 1915
Hilding; part cargo put in prize court; sailed Leith to discharge.	General	do	Apr. 7, 1915
Liguria	Cotton	Apr. 1, 1915	Apr. 4, 1915
Nyland	Oats	do	Apr. 3, 1915
Antwerpen		do	Apr. 2, 1915
Capella	Oil cake	do	Apr. 3, 1915
Ellen	Maize	do	Do.
Atland	Wheat	do	Apr. 2, 1915
Dorte Jensen	Maize	do	Apr. 4, 1915
Nordland	do	Apr. 2, 1915	Do.
Alexandra	General	do	Do.
Uto; whole cargo put in prize court; steamer ordered to Hull to discharge.	Cottonseed cake	do	Apr. 11, 1915
Romsdalfjord; part cargo put in prize court; ordered Sunderland to discharge.	General	Apr. 3, 1915	Apr. 12, 1915
Sverige	Wheat and rye	do	Apr. 4, 1915
Hammershus; cargo put in prize court; ordered to discharge at Glasgow.	Rum, hides	do	Apr. 17, 1915
Ulrick Holm	Grain	do	Apr. 6, 1915
Jessie	Cottonseed cake	do	Apr. 7, 1915
Romsdal		do	Apr. 4, 1915
Avance	Cottonseed cake	do	Apr. 7, 1915
Hans Jensen	Maize	Apr. 4, 1915	Do.
Kronstad		do	Do.
Nedenes	Maize	do	Do.
Steinstad	Maize and rye	do	Apr. 9, 1915
Albis; whole cargo put in prize court; ordered Middlesboro to discharge.	General	Apr. 5, 1915	Apr. 11, 1915
Lady	Cotton and tobacco.	do	Apr. 13, 1915
Maud; part cargo put in prize court; ordered Fleetwood to discharge.	Cotton and flour	do	Apr. 17, 1915
Waldimir Reitz	Oil cake	do	Apr. 7, 1915
Kronsprins Olaf	Cotton and oil cake.	do	Apr. 13, 1915
Else	Maize	do	Apr. 20, 1915
Chumpon	Cotton	Apr. 6, 1915	Apr. 13, 1915
Llama	Oil	do	do
Sorland; part cargo put in prize court; ordered West Hartlepool to discharge.	General	Apr. 7, 1915	Apr. 10, 1915
Muskogee		do	Apr. 14, 1915
Navago	General	do	Apr. 11, 1915
Annum; part cargo put in prize court; ordered Hull to discharge.	do	do	Do.
Albert W. Selmer	Rye	Apr. 8, 1915	Apr. 10, 1915
Siljestad	Maize	do	Do.
Leander		do	Do.
Marie; prize crew to Greenock	Cotton	do	May 3, 1915
Joseph W. Fordney; prize crew to Wallow Bay.		do	Apr. 19, 1915
Imo	Cottonseed cake	Apr. 9, 1915	Apr. 11, 1915
Arkansas	General	do	Apr. 14, 1915
Virginia	Rye	do	Apr. 11, 1915
Lapland; part cargo put in prize court; ordered to Barrow to discharge.	General	do	Apr. 13, 1915
Zamora; part cargo put in prize court; ordered to Barrow to discharge.	Grain and copper	do	Apr. 16, 1915
Selma		Apr. 10, 1915	Apr. 13, 1915
Hellig Olaf	General	Apr. 11, 1915	Apr. 15, 1915
Pacific; part cargo put in prize court; ordered Leith to discharge.	do	do	Apr. 16, 1915
Songelv	Cottonseed cake	do	Apr. 19, 1915
Lejre; part cargo put in prize court; ordered Sharpness to discharge.	Cotton	do	Apr. 20, 1915
Magdalene; ordered Manchester to discharge.	do	Apr. 12, 1915	May 2, 1915
Drot		do	Apr. 14, 1915
Tholma		do	Do.
America; part cargo put in prize court; ordered Sunderland to discharge.	General	do	Apr. 16, 1915
N. F. Holding	Grain	do	Apr. 14, 1915
Georgia; prize crew to Sharpness	Cotton	do	Apr. 20, 1915
Johan Siem	Cottonseed cake	Apr. 13, 1915	Apr. 15, 1915
Hans Broge; cleared at Ardrossan	Rye	do	Apr. 13, 1915
Tordis	Cottonseed cake	do	Apr. 15, 1915
Baltic; ship ordered to Hull to discharge.	Cotton	Apr. 13, 1915	May 13, 1915
Braker	Maize	do	Apr. 18, 1915
Roma	Lubricating oil	do	Apr. 17, 1915
L. H. Carl; cleared at Ardrossan		do	Apr. 13, 1915
Hero	Maize	Apr. 14, 1915	Apr. 16, 1915
Mirjam	Rye	do	Do.
Kong Haakon	Maize	do	Apr. 27, 1915
Dicido; prize crew to Fleetwood	Cotton	do	May 1, 1915
Lars Kruse	Maize	do	Apr. 16, 1915
Talavera	do	do	Apr. 17, 1915
Falka	Cottonseed cake	Apr. 15, 1915	Do.
Carolina; ordered Grimsby to discharge.	Cotton	do	May 2, 1915
Louisiana; ordered Hull to discharge part cargo.	General	Apr. 16, 1915	Apr. 23, 1915
Mexicano; ordered Greenock with prize crew.	do	do	Apr. 18, 1915
Anglia; prize crew to Dundee	Cotton and resin	do	Apr. 24, 1915
Jungshevd		do	Apr. 18, 1915
Orn; cleared at Ardrossan		do	Apr. 16, 1915
Bretagne		Apr. 17, 1915	Apr. 19, 1915
Storaker	Maize	Apr. 18, 1915	Apr. 21, 1915
Torgerd	Cottonseed cake	do	Apr. 20, 1915
Rhodesia; prize crew to Greenock	General	do	Apr. 22, 1915
Olaf Kyrre; ordered Grimsby to discharge cotton.	Cotton	Apr. 19, 1915	May 5, 1915
Heros	Wheat and rye	Apr. 20, 1915	Apr. 22, 1915
Bertha	Maize	Apr. 21, 1915	Apr. 23, 1915
Wilh Colding; cleared at Ardrossan.		do	Apr. 21, 1915
Kristianiafjord	General cargo, mail, and passengers.	do	Apr. 22, 1915
Gothard	Cottonseed cake	do	Apr. 23, 1915
Christian Michelsen	General	do	Apr. 24, 1915
Eidswa	Cottonseed cake	do	Do.
Tomsk		Apr. 22, 1915	Apr. 27, 1915
Regina	Cottonseed cake	do	Apr. 24, 1915
Russ	do	do	Do.
Hogland; bound from Europe to United States.		Apr. 23, 1915	Apr. 23, 1915
Randulf Hansen	Maize	do	Apr. 25, 1915
St. Croix	Cottonseed cake	do	Do.
Ringhorn	Rye	Apr. 24, 1915	Do.
Pioneer	Petroleum	do	Apr. 26, 1915
Carl Henkel; via Newcastle for bunkers.		do	Apr. 24, 1915
Hero; cleared at Ardrossan		do	Do.
Locksley	Wheat	do	Apr. 27, 1915
Kentucky	General	do	Do.
Soborg	Maize and barley	Apr. 25, 1915	Apr. 27, 1915
Artemis; prize crew to Avonmouth.	General	do	Apr. 28, 1915
Grointoft	Maize and barley	do	Apr. 26, 1915
Hans Jensen; via Ardrossan for bunkers.		do	Apr. 25, 1915
Kongsfos	Oil cake	Apr. 26, 1915	Apr. 28, 1915
Brynhild; cleared at Ardrossan		do	Apr. 26, 1915
Dronning Olga; prize crew to Leith.	Wheat, lard, etc	Apr. 27, 1915	Apr. 30, 1915
Kronsprins Frederick	Barley	do	Apr. 29, 1915
Salina	Rye and maize	Apr. 28, 1915	Do.
Ivar; cleared at Ardrossan	Maize	do	Apr. 28, 1915
Nerbotten	Coal and lubricating oil.	do	Apr. 30, 1915
Fredericia; cleared at Ardrossan		Apr. 29, 1915	Apr. 29, 1915
Wico; cleared at North Shields	Ballast	do	Apr. 30, 1915
Carolyn; prize crew to Leith	Cotton and turpentine.	do	May 3, 1915
Varing; via Newcastle for bunkers		Apr. 30, 1915	May 1, 1915
Inland; cleared at Ardrossan		May 1, 1915	Do.
United States	Mails and passengers.	May 2, 1915	May 4, 1915
Jens Bang	Maize	do	Do.
Ludvig Feyron	Wheat	May 4, 1915	May 5, 1915
Minerva; prize crew to Newcastle	General	do	May 7, 1915
Hatholmen	Cottonseed cake	do	May 6, 1915
Bur	Wheat	May 6, 1915	May 8, 1915
Petrolite	Petroleum lubricating oil.	May 7, 1915	May 9, 1915
Augusta; prize crew to Leith	General	do	May 10, 1915
Gerd; prize crew to Leith	do	do	Do.
Thekla	Linseed cake	do	Do.
Orion	Maize	May 8, 1915	Do.
Paris; cleared at Ardrossan	Lubricating oil	do	May 8, 1915
Otterstad	Cottonseed cake	do	May 10, 1915
Sigyn; prize crew to Ipswich	Wheat, rye, and maize.	do	May 14, 1915
Gudrun	Maize	do	May 9, 1915
Oscar II	General cargo, mail, and passengers.	May 9, 1915	May 10, 1915
London; prize crew to Barrow	Lubricating oil	May 10, 1915	May 13, 1915
Maricopa	Gas oil	do	May 19, 1915
Gunborg; prize crew to Dundee	General	do	May 12, 1915
Liv	Rye	May 11, 1915	Do.
Loch Tay	General	do	May 19, 1915
Nordic; prize crew to Manchester	do	May 12, 1915	May 15, 1915
Indianic; prize crew to Leith	do	do	May 17, 1915
Vinland	Maize	May 13, 1915	May 15, 1915
Sven; prize crew to King's Lynn	Rock, phosphate	do	May 24, 1915
Skinfaxe	Maize	May 14, 1915	May 16, 1915
Ooman	do	do	Do.
Prosper III; cleared at Ardrossan		do	May 14, 1915
Dania	General	do	May 19, 1915
John Blumer	Maize	May 15, 1915	May 18, 1915
Gurth	Wheat	do	May 17, 1915

Name of vessel	Cargo	Date of arrival in British ports	Date of leaving British ports
Sommerstad	Maize	May 18, 1915	May 20, 1915
Sydland; prize crew to West Hartlepool.	General	do	May 21, 1915
Uffe; cleared at Ardrossan	Oil cake	May 21, 1915	Do.
Redfaxe	Rye	May 22, 1915	May 25, 1915
Excellence Pleske	Cottonseed cake	May 23, 1915	May 27, 1915
Vulcan; cleared by customs on June 5, but detained by Admiralty.	Oil	do	June 9, 1915
Ester	Cottonseed cake	do	May 25, 1915
Sigurd; cleared at Ardrossan	Oil cake	do	May 24, 1915
Drammensfjord	General	May 25, 1915	May 27, 1915
Glendoon	Cottonseed cake	do	Do.
Pythia; prize crew to Immingham.	Cotton and cottonseed cake.	May 27, 1915	May 30, 1915
Sophie	Cottonseed cake	do	May 29, 1925
Aldebaran	Maize	May 28, 1915	May 30, 1915
Kiruna	Wheat	do	Do.
Frederick VIII	General, mail, and passengers.	do	May 29, 1915
Justensen; cleared at Ayr	Maize	do	May 28, 1915
Romanoff	Barley	do	June 30, 1915
Tyr; cleared by customs on 25th.	General	May 29, 1915	June 29, 1915
Amphitrite	Rye	do	June 1, 1915
Olaf; cleared at Ardrossan	Cottonseed cake	do	May 29, 1915
Einar Jarl; prize crew to Sunderland.	do	do	June 11, 1915
Llama	Gas oil	do	June 5, 1915
Edderside	Oil cake	May 30, 1915	June 1, 1915
H. V. Fieker	Maize	May 31, 1915	May 31, 1915
Marietta di Giorgio	Gas oil and lubricating oil.	June 1, 1915	June 18, 1915
Lyeglint	Oil cake	do	June 3, 1915
Sydie	Wheat	do	Do.
Vidar	Cottonseed cake	June 2, 1915	June 6, 1915
Leelanaw; cleared for Archangel	Cotton	do	June 26, 1915
Bretagne; Tyne for bunkers	Maize	June 3, 1915	June 5, 1915
Polstad	Cottonseed cake	do	June 6, 1915
Gulfaxe	Maize	do	June 5, 1915
Ros	Rye	June 6, 1915	June 8, 1915
M. J. Mandal; cleared at Ayr	Maize	do	June 6, 1915
Whinlatter; detained	Barley and oil cake	do	
Narvik	Rye	do	June 8, 1915
Beden	Coal	do	June 10, 1915
Nordkyn; prize crew to Leith	Maize	June 8, 1915	June 17, 1915
Polarine; detained	Petroleum and naphtha.	do	
Carl Henckel	Cottonseed cake	June 9, 1915	June 11, 1915
Jemtland; prize crew to Leith	Resin, cotton, cottonseed cake oil.	do	June 12, 1915
Platuria; detained	Oil	June 10, 1915	
California	General	June 11, 1915	June 19, 1915
Djursland	Oil cake	do	June 17, 1915
Cushing	Petroleum	June 12, 1915	June 13, 1915
Absalon	Lubricating oil	June 13, 1915	Do.
Lisa; detained	Resin	do	
Wico	Oil	do	June 14, 1915
Balto	Coal	June 14, 1915	June 15, 1915
Nordhavet; prize crew to Grimsby	Agricultural implements.	do	June 19, 1915
New Sweden	Gas coal	do	June 15, 1915
Oscar Trapp	Pitch pine wood	do	June 14, 1915
Hans Jensen	Maize	do	June 16, 1915
Signe; cleared by customs; taking bunkers; expect sail July 2, 1915.	General	do	June 30, 1915
Dorte Jensen; cleared at Ardrossan.	Maize	June 15, 1915	June 15, 1915
Portland; prize crew to Blyth	Barley, beans, dried fruit, and oil cake.	do	June 18, 1915
Seaconnet; prize crew to Newcastle.	General	June 16, 1915	June 19, 1915

The following is an incomplete list of neutral vessels detained in England during the remainder of June and the months of July and August. Precise information regarding the dates of arrival in England and the dates of sailing of these ships and regarding the seizure of cargoes thereon is not yet available:

Absalon, Lisa, Balto, Nordhavet, New Sweden, Hans Jensen, Dorte, Jensen, Hellig Olav, Muskogee, Bratland, Polarstjernan, Locksley, Atland, Akarca, Jauna, Sirius, Frederick VII, Nordstjernan, Texas, Ullsbrand, Falkland, Sir Ernest Cassel, Wico, Portland, Llama, Pioneer, Kristianifjord, Floride, Skogland, Groentoft, Louisiana, Virginia, Gurre, Hans Broge, Stanja, United States, Russ, Ulrik Holm, Glitra, Kentucky, Tuborg, Fram, Tyr, Mexicano, Pangan, Varing, Oscar II, Bergensfjord, Arkansas, Conrad Wohr, Norvga, Alf, Rogland, Thyras, Kong Haakon, Talisman, Corona, Bramanger, Petrolite, Brindilla, Lesseps, Platuria, Sydie, Jutlandic, Zamora, Helga, Kronprinzessin Margareta, Stryn, Narvic, Alexander, Barendrecht, Spangereid, Marie, St. Andrew, Artemis, Dania, London, Salonica, Alexander Shukoff, Angla, Johan Siem, Nordhvalen.

EXHIBIT B

(C) THE PRIVATE PROPERTY OF BELLIGERENTS AT SEA

18. It is probable that a proposal will be brought before The Hague Conference to sanction the principle of the immunity of enemies' merchant ships and private property from capture at sea in time of war. His Majesty's Government have given careful consideration to this question, and the arguments on both sides have been fully set out in the various papers which have been at your disposal. They can not disregard the weighty arguments which have been put forward in favor of immunity. Anything which restrains acts of war is in itself a step toward the abolition of all war, and by diminishing the apprehension of the evils which war would cause removes one incentive to expenditure upon armaments. It is also possible to imagine cases in which the interests of Great Britain might benefit by the adoption of this principle of immunity from capture.

19. But, on the other hand, it must be remembered that the principle if carried to its logical conclusion must entail the abolition of the right of commercial blockade. Unless commercial blockade is discontinued there will be constant interference with an enemy's ships and constant disputes as to what constitutes an effective blockade. And when such disputes have once arisen between belligerent powers it is obvious that the one which considers itself aggrieved by the application of commercial blockade to any of its ports would cease to respect the immunity of the merchant ships and private property of its enemy wherever they were to be found. It seems to them, therefore, that it is impossible to separate this question of immunity from capture from that of commercial blockade, and that the question to which His Majesty's Government have to apply themselves is whether they should agree to a proposal which would deprive the British Navy in time of war of the right of interfering with an enemy's merchant ships or property and of the power of commercial blockade.

20. The British Navy is the only offensive weapon which Great Britain has against continental powers. The latter have a double means of offense, they have their navies and they have their powerful armies. During recent years the proportion between the British Army and the great continental armies has come to be such that the British Army operating alone could not be regarded as a means of offense against the mainland of a great continental power. For her ability to bring pressure to bear upon her enemies in war Great Britain has, therefore, to rely on the navy alone. His Majesty's Government can not therefore authorize you to agree to any resolution which would diminish the effective means which the navy has of bringing pressure to bear upon an enemy.

21. You should, however, raise no objection to the discussion of this question of immunity from capture at the conference, nor should you refuse to participate in it, nor need you necessarily take the initiative in opposing a resolution if brought forward. If at some future date the great continental armies were to be diminished and other changes favorable to the diminution of armaments were to take place, the British Government might be able to reconsider the question. If, for instance, nations generally were willing to diminish their armaments, naval and military, to an extent which would materially relieve them from the apprehension of the consequences of war, and by rendering aggression difficult would make war itself improbable; and if it became apparent that such a change could be brought about by an agreement to secure this immunity from capture at sea under all circumstances, and was dependent upon it, the British Government might feel that the risks they would run by adhering to such an agreement and the objections in principle now to be urged against it would be outweighed by the general gain and relief which such a change would bring. But at the present time they are unable to assent to a resolution which might, under existing conditions, so limit the prospective liability of war as to remove some of the considerations which now restrain public opinion from contemplating it, and might, after the outbreak of war, tend to prolong it.

EXHIBIT C

[From the Observer, Sunday, December 2, 1928]

THE KEY OF THE WORLD—ANGLO-AMERICAN RELATIONS—A FRESH START—CRUISERS AND SEA LAW—EUROPE AND THE ISSUE

By J. L. Garvin

There is, happily, every chance for a fresh start in Anglo-American affairs. The last few days in Europe have shown like a searchlight how absolutely vital it is that the opportunity should be used. We dwell upon it for mingled reasons, encouraging as regards the other side of the Atlantic, grave as regards our own. Our chief reason is this—that never since the war and the Paris conference has it been clearer than at this moment that Anglo-American relations are by no means a question by themselves, however momentous in that character. They are the question bound to decide for good or evil the future of the world.

If these two English-speaking peoples, with the same great mother tongue; with an unsurpassable literature in common; with so much of kindred blood between them, no matter how high you put the proportion and value of other racial elements in the United States; with countless private friendships between their citizens in spite of the breadth of the ocean—if these two can not set a lasting example of good understanding, what reasonable hope could exist for agreement between other nations? Without the surety of Anglo-American peace, there can be no surety for peace anywhere. Without a definite and cordial adjustment of the matters in doubt between London and Wash-

ington concerning naval armaments and the future of sea law, no plan of disarmament in Europe can make the slightest real progress toward success. We repeat that it is the decisive question of the world.

I. SIR AUSTEN AND MR. HOUGHTON

Sir Austen Chamberlain has returned to his post and Mr. Houghton to his. The Foreign Secretary has received the ungrudging congratulations of friends and opponents on his restoration to good health and spirits. The American ambassador holds what is now the most important diplomatic office of its kind in any capital. Whether for our own sakes or for his, we can not pretend to be sorry that he missed election to the Senate in the recent campaign. At this juncture in the world's business Providence evidently had another opinion of where the biggest work was to do. Mr. Houghton does not wear his heart upon his sleeve, and it is possible that his reserve has sometimes been misunderstood.

But it is simply true to say that in this country the longer we know him the better we like him; and we venture to think it not improbable that he feels the corresponding idea about us. Mr. Houghton's return to his embassy is one asset.

Sir Austen's fresh opportunity is another—now that the recent Anglo-French idea is forever dead. The Foreign Secretary played a memorable part at Locarno. He has helped signally to make the League of Nations more than ever the rendezvous, not of secondary personages, but of principal statesmen. His Chinese policy, confronted at the beginning with circumstances of extreme difficulty and danger, has been a masterly piece of quiet, firm, and sympathetic handling—one of the ablest and wisest achievements of its kind that ever was set down to the credit of any Foreign Minister. We have said this before, and the advance of events since enables us to repeat it more confidently now. But at the same time the final verdict upon any British statesman at the Foreign Office in our day must depend on whether he makes Anglo-American relations still better than he found them or leaves them worse.

II. REMINISCENCES

He does not need to be reminded of several things in his great father's life. For Joseph Chamberlain, almost as much as for John Bright, friendship with America, was from beginning to end the first principle of foreign policy. In the Venezuelan controversy his private visit to the United States did much to bring about the happy solution of a crisis menacingly opened. Afterwards, when British diplomacy was in danger for a few days of making a false step at the beginning of the Cuban war, the then Colonial Secretary's instant and vigorous sagacity did much to swing our policy into the right line. If his idea of a close accord between America, Britain, and Germany could have been realized, it would have saved the peace of the world. His son, as matters stand now, has both a greater obligation and a bigger chance. How he uses it, one way or the other, will determine judgment upon his career in the sight of history. For this matter of friendship or friction, concord or discord within the English-speaking world, is a historic issue if ever there was one.

III. CLEARING THE AIR

The sequence of events in the last few weeks is instructive. Everyone who knows anything about President Coolidge knows that he means justice and nothing else. The vast majority of the American people mean the same. The vast majority of the British people mean the same. But when the President spoke his tone was like that of an articulate iceberg appearing in southward waters and refrigerating the air for leagues around. For the time it chilled the hearts of those in this country who have been the staunchest friends of America through thick and thin. That we are by no means a perfect nation is what we are accustomed to tell the world. We are more given to self-criticism than any country. Our postwar difficulties are beyond comparison more complex and heavy than those with which the American Government has to deal. In consequence it is often and inevitably harder for America to understand our point of view than for us to understand hers. We are only 20 miles from Europe, not 3,000. Worse. In the air age we are no longer an island at all in the old sense.

But we know that we are in heart and intention an honest and a reasonable people. We did not recognize ourselves in the picture of motive that Mr. Coolidge seemed to suggest. Our irritable patriots replied. Their retorted suggestions about the President and the American policy were like caricature dotted out in pin pricks. It was not a pretty moment.

It was soon redeemed. On both sides the best journals showed admirable temper. Doctor Flexner's proposal for a nonofficial conference of distinguished minds was taken up widely both in this country and America. More will be heard of it. About 10 days ago Lord Lee declared in effect that the whole trouble could be settled by two men over a table. His friendship with Roosevelt and experience at the Washington conference when he was First Lord of the Admiralty give him as good a title as any man alive to be heard on this subject. He was heard. Journals like the New York Times and the New York World responded with frank good will and straight argument. Next came something unexpected. Mr. FRED BRITTEN, who is not only a Member of the House of Representatives but chairman of its Naval Committee, and had hitherto been supposed to be an arch advocate of armaments at any price, cabled direct to Mr. Baldwin the remarkable proposal that the question should be discussed by a joint parliamentary conference meeting in Canada. This hearty move made an excellent moral impression amongst ourselves. But for technical reasons, as touching the President's prerogative, it was neither authorized nor approved by the American Executive. The Prime Minister's position was delicate in these circumstances, but he has done the exact right thing. It was announced in the newspapers yesterday that Mr. Baldwin's courteous reply to Mr. BRITTEN will be communicated in the first instance to the American Secretary of State.

IV. THE REVOLUTION IN SEA POWER

This rapid improvement of feeling and atmosphere is what Sir Austen Chamberlain finds on his return. But right sentiment by itself is no solution in this affair. It must be followed up by right reason. We have to deal with practical problems. They are perfectly manageable and adjustable, but they are the biggest problems of their kind that have ever arisen in the English-speaking world; and nothing but compromise and concession can settle them. There are two very different aspects. The chief question is not that of cruisers. Behind it lies a greater and wider issue—the American conception of the freedom of the seas and of the future of sea law.

As for large cruisers, there is only one way out, and the sooner it is taken the better. Let the American Government build as many as she desires without criticism, jealousy, or worry on our side. Let her build the 15 which her naval experts regard as the minimum necessary for parity in the spirit of the Washington conference. Let her build 30. It does not matter, except in the sight of traditional pedantry obsessed by mechanical calculations and blind to the moral factors. The great thing is to end the friction, and the way to do it is to let America have her head. If there is friendship as a consequence, and there will be, the American cruisers will be a gain to the whole English-speaking world if ever they are needed. If the friction continued and were further aggravated, the results would be none the less disastrous whether America at the outbreak of the most criminal quarrel in the world's annals had a larger or a lesser number of vessels belonging to the type which has caused the whole confused squabble.

However, the mere technical comparison might stand at the start of that quarrel—if we must discuss the maddest of nightmares as though it were a thinkable contingency. The financial and technical resources of the United States are such that they could construct and sustain bigger fleets than any other two nations to-day could equip and support. We repeat it again: The more utterly free the Americans feel to build as they like, the less they will like to build.

But behind the naval question is the political question. The two countries will have to face together an old problem in a new form—the "freedom of the seas." If you can settle that, you settle everything. If you can not settle that, you will settle nothing. The traditional British practice of interception and search as regards neutral vessels in time of war never can be exercised in the future in the case of the United States. Nothing is more absolutely certain than this. American conviction on this point has never changed for a century and a half. What they felt when they were first an independent nation of 4,000,000 they feel now when they are a nation of 120,000,000, far richer head for head than any other people that has existed, and with a vigor quite equal to their numbers.

At the Washington conference we conceded to them once for all naval equality in principle. That naval equality, whatever else happens, will exist in strength and practice. All the implications of that great new fact in world history must be accepted as a matter of course and as consequences following from our own deliberate signature. When we put our hands to the Washington treaty a revolution in all the former conditions of sea power irrevocably occurred.

Friction on the subject of neutral rights at sea was so acute during the first half of the World War that had the Germans been more judicious America might have come into the conflict on the other side. Had America been anything like as strong at sea as she is now the same catastrophe might easily have happened. President Wilson spoke practically for the whole of the United States when, even as an associate of the Allies, he laid down his alternative. Either the freedom of the seas would be accepted or America would build a navy large enough to assert in all circumstances her own freedom. At that time we made the choice we had to make. We preferred that the United States should build. The reason: We might have been paralyzed in face of military power in Europe possessing the freedom of the land. There would have been no equal security for our own rights.

V. "THE FREEDOM OF THE SEAS"

The rise of the American Navy has changed all that. It offers a double guaranty for the maritime interests which are even more vital to us than they ever can be to the United States. What we could not accept under the practical conditions of 10 years ago we can accept now. Why? Because the imports of food and raw material which are the very blood and life of the nation would be secure in all circumstances, so far as sea power is concerned. Because a submarine campaign like

that of 1917 could never be attempted again. Because the maritime intercourse of the whole English-speaking world would be as uninterrupted in war as in peace. Because under the new order, following the revolution in the conditions of sea power to which we gave our consent at the Washington conference, there is no other conceivable guaranty for the most essential part of our security. By comparison with this the question of whether America shall have some superiority in large cruisers to compensate for our required preponderance in smaller cruisers is as dust in the balance.

VI. "THE MEMBERS OF THE LEAGUE"

Unless fundamental agreement on these matters can be reached by that true statesmanship which is common sense raised to a higher power, the League of Nations at Geneva might as well put up its shutters. There is no unity between the chief members of the league. There is no belief that the covenant is a security. In the last few days the French Chamber has been discussing the most elaborate and formidable policy of defense that ever has been undertaken by any country. It is useless to reproach France. Ten of her Departments were trampled by invasion for four years. Towns, villages, and mines were shattered. The open country was ravaged and laid waste. If anything like this had happened in our own country, they would have been burnt into memory in the same way. Unless we understand French feeling, whether we agree with it or not, there can be no hope for European reconciliation. France perceives that Germany is bound in the end to become stronger than ever, and that nothing on earth can prevent it.

Germany chafes more and more under the continued occupation 10 years after the armistice of a large part of her soil by foreign troops. It is sublime irony that in 1928 territory belonging to one member of the league should still be under the military heel of troops belonging to other members of the league. Once more the relations between France and Italy are inflamed owing to the lenient sentence passed in Paris the other day upon Mondugno, the antifascist assassin of the Italian vice consul, Count Nardini. Signor Mussolini, with his unfailing dramatic touch, has just remarked, "Much has been done, but much remains to be done, considering that in spite of the Kellogg pact, Mr. Kellogg's own country and all others are arming furiously." Nothing could show more vividly why Anglo-American differences must be composed. If the two great English-speaking peoples can set a memorable example of conciliatory settlement there will be every hope for the world's better future. But none otherwise.

Mr. McKELLAR obtained the floor.

Mr. HALE and Mr. BORAH addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Tennessee yield; and if so, to whom?

Mr. McKELLAR. I yield first to the Senator from Maine, and then I will yield to the Senator from Idaho.

Mr. HALE. Mr. President, a short time ago I received the following communication from the White House:

THE WHITE HOUSE,
Washington, January 28, 1929.

Hon. FREDERICK HALE,
United States Senate.

MY DEAR SENATOR HALE: By direction of the President I am sending you copy of wire just received from Secretary Hoover.

Sincerely yours,

EVERETT SANDERS,
Secretary to the President.

The inclosure reads as follows:

HOTEL BELLE ISLE, MIAMI BEACH, FLA.,
January 28, 1929.

The PRESIDENT:

My attention has been called to a statement respecting pending cruiser legislation appearing in this morning's press. I have made no public or private statement upon this question, further than appeared during the campaign. I have stated universally to various callers that it would be improper for me to express any views on current matters of the administration. I regret if this reticence should result in misapprehension. As you know, I warmly support your own views, and you may so inform others if you wish to do so.

HERBERT HOOVER.

Mr. President, at this point I would like to read to the Senate a telegram which I have received, dated January 26, 1929, from Paul V. McNutt, national commander of the American Legion:

INDIANAPOLIS, IND., *January 26, 1929.*

Hon. FREDERICK HALE,
Chairman Naval Affairs Committee,
United States Senate, Washington, D. C.:

The American Legion urges in most emphatic terms the immediate passage of the cruiser bill. The Tenth Annual National Convention of the American Legion at San Antonio enthusiastically and unanimously adopted the following resolution:

"*Resolved*, That the bill known as House bill No. 11526, which authorized the construction of certain naval vessels, among which were 15 light cruisers of 10,000 tons each, be given priority on the list of legislative projects and receive favorable action, and that the President of the United States of America be authorized to begin construction of these vessels at once."

Eight hundred thousand legionnaires demand and expect prompt action on this bill and emphatically urge the retention of the time limit. These ships must be ships of steel and not of paper. They are needed to replace obsolete ships now being used by the Navy and to protect our coast lines, our sea lanes, and our sea-borne commerce. They are the only answer to the failure of the Geneva conference which the rest of the world will understand. With world conditions as they are to-day this Nation must provide an adequate national defense. A more powerful Navy is a necessary part of such a defense and the prompt passage of the cruiser bill is imperative.

PAUL V. MCNUTT,
National Commander the American Legion.

The PRESIDING OFFICER. The telegram will lie upon the table.

Mr. BORAH and Mr. HARRISON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Tennessee yield; and if so, to whom?

Mr. McKELLAR. I promised to yield to the Senator from Idaho.

Mr. BORAH. Mr. President, if I will not be guilty of lese majesty, in view of that last telegram, I want to make a suggestion in regard to the naval bill.

Mr. HARRISON. Mr. President, will the Senator permit me to ask a question of the chairman of the committee before he proceeds?

Mr. BORAH. Certainly.

Mr. McKELLAR. I yield to the Senator.

Mr. HARRISON. I did not catch the first communication the chairman of the committee read. Did he receive that to-day?

Mr. HALE. I received it an hour ago. I have been waiting to present it to the Senate until the Senator from Montana finishes his remarks.

Mr. KING. Mr. President, will the Senator from Tennessee yield?

Mr. BORAH. Mr. President, I want to finish a matter in the nature of business.

Mr. BARKLEY. Mr. President, may I ask the Senator from Maine a question?

The PRESIDING OFFICER. Does the Senator yield to the Senator from Kentucky?

Mr. McKELLAR. I have yielded to the Senator from Idaho.

Mr. BORAH. I want to say just a word and then we can take up these other matters. The Senator from Montana has offered an amendment to my amendment. I understand that under the rules it is my privilege, in perfecting the amendment, to accept that amendment. I do accept it.

Mr. BARKLEY. Mr. President, will the Senator from Tennessee yield?

Mr. McKELLAR. I yield to the Senator from Kentucky.

Mr. BARKLEY. Will the Senator from Maine advise me and the Senate whether the telegram received from Mr. Hoover by the President is to be interpreted as favoring or opposing the time limit?

Mr. HALE. That I leave to the Senator himself, and to the rest of the Senate, to determine.

Mr. BARKLEY. I assume the telegram was occasioned by a publication in the morning papers credited to Congressman BRITTEN, to the effect that Mr. Hoover favored the time limit, and in that respect was opposing the President. The telegram itself is rather indefinite on that subject. Does the Senator know the fact about the matter?

Mr. HALE. I can give the Senator no further information than that contained in the telegram. I thought it was a fair proposition to give the telegram to the country.

Mr. KING. Mr. President, the Senator from Maine has been denouncing propaganda very vigorously, and I would like to ask him whether he is offering the telegram which he has just read, from Mr. Hoover, or rather from the White House, and the other telegram, from Mr. McNutt, as propaganda in favor of this bill, and is trying to use the propaganda, and the threat of Mr. McNutt, upon the Senate to force through the bill?

Mr. HALE. If I were offering propaganda for the bill, I do not think I would pick out that telegram.

Mr. BROOKHART. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. McKELLAR. Does the Senator desire to ask a question?

Mr. BROOKHART. Yes.

Mr. McKELLAR. I yield to the Senator.

Mr. BROOKHART. In answer to the question of the Senator from Utah, there is no doubt whatever that in his official

message to Congress the President opposed the time limit, and asked that it be eliminated from the pending bill, but the insurgents from Maine and California will not agree yet to eliminate it. Congressman BRITTEN was reported in an interview in the papers this morning as saying that Hoover favored the time limit, and that very probably brought this telegram stating that he stood with the President. Then, in order to offset the effect of that against the time-limit provision in this bill, the Senator from Maine offered the telegram from McNutt, the commander of the Legion. As a member of the Legion, I want to challenge the statement in that telegram. I want to say that there are not 800,000 legionnaires in this country supporting this bloodthirsty position of backing up the war profiteers who want these ships.

Mr. McKELLAR. Mr. President, propaganda being offered on both sides, the matter would be left about where it was before, so we will proceed.

Mr. BLEASE. Mr. President, I will say to the Senator from Maine, in reference to this telegram from Mr. McNutt, that if these ships may be built at Charleston, S. C., we will see that they are steel.

Mr. HALE. I thank the Senator.

Mr. McKELLAR. Mr. President, I have been greatly interested, as I know every Senator has been who heard it, in the very splendid argument of the Senator from Montana [Mr. WALSH]. He always makes a strong and vigorous argument on any side of the case he thinks is the right side. I think his reasoning was against his conclusions; but, for all that, he stated his case so fairly, so splendidly, that it seems to me that it is a great contribution to this debate.

Mr. President, as I believe everyone in the Senate knows, I am and have always been an ardent advocate of peace. I have voted for every treaty looking toward peace—good, bad, or indifferent—since I have been in the Congress. I was for the Bryan treaties. I have been for all arbitration treaties. I was for the League of Nations without reservations. I was for the World Court, and I even voted for the Kellogg pact, as insignificant a contribution as that was toward the cause of peace.

I believe that war among nations is as indefensible as dueling used to be, or would be now, among individuals. I would be glad to take any step at all to outlaw it. It ought to be outlawed. It is criminal for nations to sacrifice lives and treasure by going to war.

The American people are opposed to war. They do not covet any other nation's property. They do not covet any other nation's territory. They simply want to be permitted peaceably to work out their own destiny in their own way without injury from other nations. They desire to aid other nations, and all they ask for is peaceably to trade with the rest of the world on terms of equality. I join in these sentiments.

But, Mr. President, I believe, and I believe every other sensible, thinking man knows, that under present conditions, without an agreement, without sanctions or penalties, to keep the peace, without an agreement that can be enforced, it will not do for this Nation alone to disarm. As long as other nations continue to build navies it will be necessary for us to continue to build war vessels.

Mr. President, everyone recalls that during the late World War America did everything within her power to reconcile the parties to that strife and to bring about peace. Our then splendid President offered his good offices to bring about a settlement, but the European powers would not listen to him. Finally we were drawn into the fight. We were compelled to go in. We were forced to go in, and after we went in and settled the issues by force, everyone will recall that we asked for and received no reparation; we asked for and received no territory, and all that we asked for was an abiding agreement to keep the peace.

While every other allied nation at the peace table was crying for more territory and more reparations, the United States alone, under the splendid leadership of President Wilson, asked for nothing except a bond to keep the peace.

More than that, Mr. President, several years after the war was over, America called together a disarmament conference, with the best of intentions, with the noblest of purposes, to reduce the naval armaments of the world so that war might be less likely. The result of that conference I will speak of later. Suffice it to say here that just before the war we entered upon a naval program that would have given us the largest Navy in the world. That program was rapidly being completed when the naval conference came on and we went into a conference and agreed to sink the best part of our Navy. In other words, America disarmed apparently to show the rest of the world that we truly meant what we said when we said that we favored peace. Under that agreement, while America disarmed, no other nation did.

Indeed, as soon as the agreement was signed, other nations began to build additional war vessels, and since that time Great Britain has built 15 great cruisers, adding to her already enormous number of 38; Japan has built 15; Italy, 6; and France, 8; while we have authorized only 8. In other words, the practical result of the disarmament conference, so called, was that America disarmed and all the other nations continued to arm. When President Coolidge in 1927 saw that other nations were madly building great war vessels, he called another conference at Geneva. France and Italy flatly refused to take part in the conference; Great Britain and Japan did, but neither would submit to a limitation-of-cruisers argument. Again, Secretary of State Kellogg used the bilateral pact written by Mr. Briand to get the nations of the world just to say that they were going to keep the peace, and they agreed to this, but, while Secretary Kellogg was over in Paris signing this pact, Great Britain and France were combining on a great cruiser-building program, showing they did not construe the Kellogg pact as in any wise interfering with their war plans.

So that, Mr. President, if we exclude our failure to sign the League of Nations treaty and our refusal to sign the Court of International Justice treaty, the United States has taken every opportunity better to secure the peace of the world, while the other great nations of the world are proceeding calmly to build up their navies. We can not blind ourselves to these facts. We must look them squarely in the face and then take such steps as will protect our Nation and protect our foreign trade.

Mr. President, I am an ardent admirer of the British nation, of British history, of British institutions, of British achievements, of British character, of British literature, of British statesmen, of British tenacity of purpose, of British laws, and of British respect for law, of British ability in trade and commerce. When I was a boy I could name every British king and queen in order and the dates of their reigns, and with a little reflection I might still be able to do it, though it is easy to forget. I believe that the very best in our institutions comes from those of our mother country.

The British people are blood of our blood, bone of our bone, sinew of our sinew, and mind of our mind, and I have nothing in the world but the kindest feeling toward them. I think her diplomats are the greatest in the world—far greater than ours, as has been frequently demonstrated. I have always hoped that the two nations would never have a disagreement or difference; and if such a difficulty should arise, I devoutly hope and believe that we should be able to settle it peaceably, without force. It would be unbelievable for these two great English-speaking nations to resort to force against each other.

But, Mr. President, such a feeling on our part for our British kinsmen should not blind us so that we should not protect our Nation's interests and our Nation's commerce. We all realize that our British neighbors are our great commercial rivals, and we must see to it that our own people are given every protection so that our merchants and manufacturers and farmers shall have equal opportunity with British merchants and manufacturers and farmers, and that our own traders shall have equal opportunities with British traders, and that our commerce shall always be safe from interference on the seas in times of peace and war.

Mr. President, the Senator from Idaho, in his able address last Thursday, stated, and very properly stated, that the purpose of the navy is to protect and defend a nation's commerce and to see that it goes unmolested through the sea lanes of the world. In this he is absolutely correct. This is the crux of the entire situation.

Our foreign commerce constitutes a tremendous portion of the lifeblood of our Nation. We can not afford to have it interfered with in peace or in war, so long as we are neutral. We are entitled to the freedom of the seas. We are failing in our obvious duty to the American people if we should not be able to protect this foreign commerce wherever it goes. The argument frequently heard that Great Britain should have a greater navy than the United States because she has more commerce to protect. I find that this is not true. I find that the difference between the foreign commerce of the two nations is exceedingly small. Take the two records for 1928, and it is found that the entire value of Great Britain's commerce, imports and exports, was $9,972,600,000, while the combined value of the United States commerce, imports and exports, was $9,050,100,000. The value of Germany's foreign commerce is little more than one-half of that sum, and France's is less than one-half of that sum, and Japan's commerce amounts to only $1,977,700,000, and Italy's is less than Japan's. Looking at our Navy, therefore, as purely a defense of our foreign commerce,

we must have a navy which in comparison with other navies is able to protect our commerce wherever it goes. Our commerce is rapidly forging ahead. It is increasing by leaps and bounds, and in a few short years it will far surpass the commerce of every other nation in the world. But it will be claimed that no other nation will dare interfere with it. Why, this is not true. Why, who does not remember that in the year 1914, when the Great War broke out, what happened to our commerce? It was virtually removed from the seas. Cotton—that great export upon which the prosperity of our Nation so much depends—was prohibited from crossing the seas, and the result was that the price went down to almost nothing, bringing ruin and desolation to the cotton growers and to all others who were interested in cotton production. Thus we see how the protection of our trade and commerce vitally affects the welfare and happiness and prosperity of this great Nation.

I want to say that as long as I am a Senator in the Congress I shall never vote in any other way than to uphold and defend that trade and commerce in the sea lanes wherever they may lead. We ought to have a navy adequate to do it. I admit that the Senator from Montana is right in stating that it would be infinitely better to get the other nations to reduce their navies, scaling them down instead of building upward, so that we could get along with less cost and expense. But the value of American commerce being so great, and that commerce being so vital to the welfare and success and happiness of our Nation, there is nothing else for us to do if other nations will not disarm but to arm ourselves so as adequately to protect our commerce. I think it would be criminal for this Nation of ours to disarm our Navy while others are building up theirs.

Mr. President, at this point I ask to have inserted in the RECORD a statement showing the Department of Commerce figures as to the value of our commerce and the commerce of certain other nations.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement is as follows:

Value of imports and exports of specified countries for the year 1927 [1]

[Amounts in thousands of dollars, 000's omitted]

Countries	Value of—	
	Imports	Exports
United States	4,184,700	4,865,400
United Kingdom	5,927,400	4,045,200
Germany	3,360,400	2,428,000
France	2,071,800	2,164,800
Japan	1,033,100	944,600
Italy	1,051,100	805,800

[1] U. S. Bureau of Foreign and Domestic Commerce, Commerce Yearbook 1928, Vol. II, Foreign Countries. Washington, Government Printing Office, 1928, pp. 740-741.

Mr. BROOKHART. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. McKELLAR. I yield.

Mr. BROOKHART. Does the Senator concede that after we entered the war we joined with Great Britain and acquiesced in her rules with reference to treating commerce all over the world?

Mr. McKELLAR. The Senator is anticipating me. He will find an answer in just a moment. I intend to discuss that very question.

Mr. President, I was greatly interested in the speech made Thursday by Senator BORAH. I heard some of it and read all of it with care. I heartily approve of his proposed amendments. I want to say the same thing with reference to the amendment of the Senator from Montana [Mr. WALSH], who offered an amendment to one of the amendments of the Senator from Idaho, and which was accepted by the Senator from Idaho. I approve of that amendment also. They should be added to this bill by all means. They show America's desire for peace. They show that even though we feel forced and are forced by other nations to build these cruisers, we would rather not do so. They show our earnest desire to bring about a limitation of armaments, and thus prevent the likelihood of war. The Senator from Idaho has done a great public service in submitting these amendments. They ought to be unanimously adopted. But we should not delay our cruiser-building program because of this effort to secure the freedom of the seas. In that position the Senator from Idaho and the Senator from Montana are, in my opinion, both wrong. The freedom of the seas has been the dream of America, so far as Americans are concerned, during all the ages of our history; but it has been a dream pure and simple. During all of that time Great Britain has been the undoubted, undisputed, uncontrolled, and uncontrollable mistress of the seas.

I call the attention of the Senator from Iowa [Mr. BROOKHART] to the statement I am about to make. After we got in the war she not only reserved but practiced the right, as we all remember, to see what went across the seas from America, and she regulated absolutely what went across in our own ships and in her own or other ships. Indeed, she regulated in every instance just exactly what went across the seas regardless of any position we took. Never so long as I am here am I going to subscribe to the doctrine that any other nation, I care not what nation it is, has the right to say what shall be transported across the seas in American ships.

Mr. BROOKHART. Mr. President, will the Senator yield again?

Mr. McKELLAR. Certainly.

Mr. BROOKHART. The Democratic administration at that time did join with Great Britain in that right and the Senator, I presume, supported it in doing so.

Mr. McKELLAR. Oh, no; the Senator from Tennessee never supported in his life and never will support any such doctrine as that.

Mr. BROOKHART. Does the Senator think if we had had these 15 cruisers at that time, under the circumstances he has described, the price of cotton would have been any higher?

Mr. McKELLAR. No; but if we had had a navy sufficient to protect American commerce, the price of cotton and the prices of other American products would not have been destroyed as it was.

Mr. BROOKHART. But we did not have any merchant ships to carry our stock, so I do not see that a thousand cruisers would have helped any.

Mr. McKELLAR. If we have a navy sufficient to protect our commerce, we can protect it wherever it goes, and that is the only way we can protect it.

Mr. BROOKHART. I presume the Senator would concede the right of Great Britain to use her merchant ships as she pleased.

Mr. McKELLAR. Not when she makes them warships as she did and does. But I will ask the Senator to desist for just a moment.

Mr. HEFLIN. Mr. President, the Senator from Tennessee is correct in his position and I am in sympathy with him, and I think the Senator will agree with me that if we had had a Navy large enough and had challenged those powers they would have withdrawn their orders for the regulation of our commerce.

Mr. McKELLAR. That is undoubtedly true, and I will prove it in just a moment if Senators will be patient. Even when we were her ally during the war she reserved and practiced the right, as we all remember, to see what went across in our own ships, and, indeed, to regulate what went over. We recall also that one of President Wilson's 14 points was the freedom of the seas. He thus stated it and it was his second point:

> Absolute freedom of navigation upon seas outside territorial waters alike in peace and in war except as the seas may be crossed in whole or in part by international action for the enforcement of international covenants.

Franklin and Jefferson, Madison and many of our statesmen in our early history had announced the same doctrine. Other great American thinkers had stated it and restated it. President Wilson had to give it up, because Great Britain, flushed with victory, the fleet of her greatest sea rival—Germany—sunk, she knew that she would not have to give it up. I have always believed that President Wilson, knowing that we were unable at that time to enforce the freedom of the seas because our Navy that we were then building was not completed, gave it up, but in his mind was the knowledge that we were fast building a navy equal to that of Great Britain, and that later on we could come to an agreement for the freedom of the seas because Great Britain would know that then, if it were necessary, we could enforce freedom of the seas with our Navy.

In my judgment that demand, if it shall be disputed, can only be enforced by having a sufficient Navy to secure its enforcement. So this great ideal of President Wilson's failed of fulfillment.

Mr. President, I next come to the Limitation of Armament Conference. If freedom of the seas can be reached by diplomatic means, then by all means let us try to reach it in that way. But the greatest blow that ever came to our just claim for freedom of the seas was delivered by the Limitation of

Armament Conference of Washington of 1922. The greatest naval victory that Great Britain ever won—and she has won many of them on the sea—was won by her in the great naval battle on land in Washington in 1922. By that agreement the Harding administration, without firing a gun, without making a protest, without securing a benefit, indeed, singing pæans of praise to those who brought it about, agreed to sink and did sink the best part of our Navy.

The Senator from New Jersey [Mr. EDGE] in interrupting the Senator from Idaho [Mr. BORAH] on Thursday called the disarmament conference "the only successful disarmament conference the world has ever known, the one in Washington in 1920." He meant the one in 1922.

Mr. President, if that was a successful disarmament conference so far as the United States was concerned, then God save us from ever having to suffer another such successful disarmament conference. The only nation——

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER (Mr. TYDINGS in the chair). Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. McKELLAR. I will yield in just a moment. The only nation to disarm as a result of that conference was the United States. I am reliably informed that after the conference neither Great Britain nor any other foreign nation ever sank a ship, but we sank 9 battleships—3 of them of 32,000 tons each, 6 of them of 43,200 tons each, and 4 battle cruisers of 43,500 tons each. Some of those vessels were nearly completed, two of them finished, and others just begun; but when completed—and they would have been completed long before this time—we would have had a Navy equal to that of any other nation. We had already expended on those ships some $200,000,000. All we got out of the disarmament conference was the privilege of sinking them and putting our Navy in a place of great inferiority, certainly to Great Britain's Navy and possibly to Japan's.

To my mind, Mr. President, the disarmament conference of Washington of 1922 was not only a willful waste of the people's money, ill-conceived and wholly unjustifiable, but a surrender of American rights. In my judgment, it was a frightful blunder. Who does not remember the propaganda under which the conference was held? Every newspaper and every magazine in the land was praising the conference and claiming that it would bring about an equality of our Navy with that of Great Britain. Every propagandist in the land was singing the praises of the 5–5–3 ratio. There never was a proposal of a 5–5–3 ratio. It was a delusion and a snare.

What was the result of that conference? Perhaps some have forgotten. When the Washington treaty was finally signed it provided that Great Britain should have 22 first-class battleships; the United States should have 18 first-class battleships; and Japan and the other nations a less number. It provided that America should have 500,650 tons and England 558,950 tons. Where is the 5–5–3 ratio in those figures? It is not there. The proposal to that effect, I repeat, was a delusion and a snare. America was to have 500,650 tons as against 580,450 tons for Great Britain!

But, Mr. President, that was only a portion of the disparity. When our experts looked up the question they found that 13 of our 18 battleships could not throw projectiles as far by several miles as could substantially all of Great Britain's battleships. I wonder why those experts did not know that fact before the agreement was entered into? But, at all events, it was overlooked.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Montana?

Mr. McKELLAR. I promised to yield first to the Senator from Iowa, and then I will yield to the Senator from Montana.

Mr. BROOKHART. I do not desire now to interrupt the Senator.

Mr. McKELLAR. Very well. I yield to the Senator from Montana.

Mr. WALSH of Montana. I should like to ask the Senator how it came about that our naval experts did not tell the negotiators that they were getting flicked?

Mr. McKELLAR. I never understood that, I will say to the Senator. I have heard no explanation of it. I was not on the "inside" at the time.

Mr. WALSH of Montana. Are we to understand that the negotiators were fully advised about the matter by the naval experts and that they disregarded the advice?

Mr. McKELLAR. I can not say that.

Mr. WALSH of Montana. Or that the naval advisers to the American delegates were not smart?

Mr. McKELLAR. I started out by saying that I regarded the British as the greatest diplomats and traders in the world, and I think our commissioners were somewhat overreached, to be perfectly frank about it, though I am not criticizing them.

Mr. WALSH of Montana. Apparently——

Mr. McKELLAR. If the Senator will wait a moment, I will read him the indubitable proof of the fact that our representatives were overreached; and I am not criticizing them.

Mr. BROOKHART. Mr. President——

Mr. McKELLAR. I now yield to the Senator from Iowa.

Mr. BROOKHART. I remember a discussion of this same question on the Senate floor at the time, and the Democratic side, led by the late Senator Underwood, fully approved that conference and approved the sinking of the ships to which the Senator from Tennessee has referred.

Mr. McKELLAR. That may be true; I do not remember what our leader did; but I can say that I did not vote for it.

Mr. BROOKHART. I do not remember the Senator from Tennessee opposing it in any way.

Mr. McKELLAR. The Senator will find that the RECORD shows I did not vote for it.

Mr. BROOKHART. The Senator did not?

Mr. McKELLAR. No. I continue, Mr. President. I said the question of gun elevation was overlooked and evidently it was——

Mr. NEELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from West Virginia?

Mr. McKELLAR. I yield.

Mr. NEELY. Apropos of the remark that the Senator from Iowa has just made, it should be remembered that the Republican Party has persistently claimed all of the credit for the Washingon Conference on Limitation of Armament.

Mr. McKELLAR. Always; and, by the way, it was referred to by the distinguished Senator from New Jersey [Mr. EDGE] as being the greatest disarmament conference that ever took place in the history of the world. In a moment, when I get through answering questions, I want to call the attention of the Senator from West Virginia and the attention of other Senators to just what that conference did.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from North Carolina?

Mr. McKELLAR. I yield.

Mr. OVERMAN. My recollection is that the Democratic side refused to follow its then leader, Senator Underwood.

Mr. McKELLAR. I have not looked at the vote in a long time; I only know that I did not vote for it.

Mr. OVERMAN. I did not, and I do not think a majority of the Democratic side did.

Mr. McKELLAR. I am quite sure the Senator from North Carolina did not. On this, as on other questions, Senators reserved the right to vote as they individually thought was right and proper.

Mr. NEELY. Mr. President——

Mr. McKELLAR. I yield to the Senator from West Virginia.

Mr. NEELY. Let me prove my assertion of a moment ago to the effect that the Washington Disarmament Conference has been claimed by our Republican friends as one of their party's exclusive assets.

Mr. McKELLAR. I will be very happy to have the Senator do so.

Mr. NEELY. I am about to read from that great masterpiece of incredible modern fiction entitled "Republican Campaign Textbook for 1924."

Mr. BROOKHART. The Senator will remember I was not very much in line with the Republican platform at that time.

Mr. McKELLAR. My recollection is that at that time the Senator from Iowa was gallivanting around with us somewhat. [Laughter.]

Mr. NEELY. But during the last campaign the Senator from Iowa thoroughly rehabilitated himself as a courageous champion of every article of faith in the entire Republican creed.

Mr. McKELLAR. I do not want to attack in any way the Senator from Iowa——

Mr. NEELY. Neither do I. And I beg the Senator from Tennessee not to construe my charge of Republican regularity as an attack upon the character or statesmanship of the Senator from Iowa.

Mr. McKELLAR. He is a fine man and is making a splendid Senator.

Mr. NEELY. In that statement I fully concur.

Mr. BROOKHART. In this instance I have to defend both the Republican President and the President elect against the standpatters who are now insurging against their own leader and their leader elect.

Mr. McKELLAR. I commend the Senator from Iowa.

Mr. NEELY. May I now read from page 360 of the 1924 Republican campaign textbook, under the captivating title "National Defense"?—

NATIONAL DEFENSE

Among the treaties formulated at the Washington Conference on Limitation of Armaments held in November, 1921, was the 5-power naval treaty, entered into by the United States of America, the British Empire, Japan, France, and Italy. This treaty, which binds the five signatory powers to a limitation of their naval armament and the observance of a naval holiday, has been described as "the greatest peace document ever drawn."

That is the penetrating political rhapsody, the substance of which the Senator from New Jersey has recently twice repeated upon the floor of the Senate.

Mr. McKELLAR. Yes.

Mr. NEELY. He stated that the Washington conference is the only successful disarmament conference in history. I am informed that as a result of this conference the United States has lost her superiority as a naval power and the taxpayers have lost more than $175,000,000 worth of ships.

Mr. McKELLAR. At a cost of about $200,000,000. In my remarks I have reached that very point, and I want to show to the Senate just what that naval agreement did provide. Keep in mind, Senators, that the propagandists said that it was to put our Navy on an equality with that of Great Britain—that it provided for a 5-5-3 ratio. Now, I wish to show the Senate what the real result was.

Mr. EDGE. Mr. President, will the Senator yield to me at that point?

The PRESIDING OFFICER. Does the Senator yield to the Senator from New Jersey?

Mr. McKELLAR. I yield.

Mr. EDGE. I just heard the Senator from New Jersey being discussed——

Mr. McKELLAR. Yes; the Senator from New Jersey was quoted by both the Senator from West Virginia and myself as having stated the other afternoon that the naval disarmament conference of Washington in 1922, by which Great Britain won the greatest naval victory in her history, was the greatest peace treaty ever signed.

Mr. EDGE. I think my actual language, as I recall it, without referring to the RECORD, was that the Washington Disarmament Conference was the only successful effort at disarmament the world had ever known, or words to that effect.

Mr. McKELLAR. That was about it, and that was strong enough.

Mr. EDGE. I still contend that it was the only successful disarmament conference ever held; in fact, so far as I can recall, it is the only disarmament conference that ever has been held, and, even though the United States did show wonderful generosity—there is no question about that at all; I agree entirely with both Senators as to that—nevertheless the United States led the way for possible disarmament among the nations of the world. I repeat that this was the only successful disarmament conference ever held, even though the United States was the loser so far as dollars and cents were concerned.

Mr. McKELLAR. Of course, I disagree with the Senator about that conference being a successful one. All it did could have been done by the United States or any other nation at any time without a conference. The United States does not need a conference to sink its own war vessels, and that is all in the world that it got from the Washington conference. No other nation sank a war vessel. Great Britain sank some a year or so before the conference took place, but no other nation sank a war vessel as a result of the conference. How can a conference be a successful one that merely provides that one nation shall sink its war vessels?

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Montana?

Mr. McKELLAR. I yield.

Mr. WALSH of Montana. I am very much interested in the statement made by the Senator to the effect that Great Britain scrapped nothing.

Mr. McKELLAR. She scrapped about a year before this conference some obsolete vessels, as she had a perfect right to do, but they were scrapped of her own motion and not because of the conference.

Mr. WALSH of Montana. Information given by the Senator, however, is that after the Washington treaty Great Britain scrapped nothing. I have before me the record of the proceedings, from which I read as follows:

It is further proposed that Great Britain—

(1) Shall stop further construction of the four new *Hoods*, the new capital ships not laid down but upon which money has been spent.

Mr. McKELLAR. They were on paper, not laid down. She did not sink any new ships built or building.

Mr. WALSH of Montana (reading):

These four ships, if completed, would have tonnage displacement of 172,000 tons.

(2) Shall, in addition, scrap her predreadnaughts, second-line battleships, and first-line battleships up to, but not including, the *King George V* class.

These, with certain predreadnaughts which it is understood have already been scrapped, would amount to 19 capital ships and a tonnage reduction of 411,375 tons.

The total tonnage of ships thus to be scrapped by Great Britain (including the tonnage of the four *Hoods*, if completed) would be 583,375 tons.

Now, let me inquire of the Senator, upon what authority does he make the statement that neither Japan nor Great Britain scrapped anything? I am startled at that statement.

Mr. McKELLAR. I have made the statement frequently before, and I have heard it made by other Senators on the floor of the Senate. The chairman of the committee [Mr. HALE] made it the other day in his opening statement. The Senator will find it there. I take it that he must have been properly informed. I quote Senator HALE:

In addition to this, we agreed to scrap a number of older battleships, as did two of the other four nations party to the treaty—Great Britain and Japan—which battleships could have been kept up only at great expense, and most of them in all probability would have been scrapped had there been no conference on limitation of naval armament.

Great Britain scrapped some old ships, and scrapped some ships that were built on paper; but she did not scrap any actual ship by virtue of this agreement. I further quote from Mr. HALE:

The other parties to the conference agreed to scrap no ships that were in process of construction, with the exception of Japan, and nearly all of her building program was on paper.

Mr. WALSH of Montana. I have the treaty here. Can it be that they violated the treaty?

Mr. McKELLAR. I do not know. I can not advise the Senator about that. All that Great Britain did was to scrap $2,600,000 in alleged new construction, which I am reliably informed consisted only of plans and blue prints. She sank some obsolete battleships, but it seems there is some dispute whether she sank them before or after the conference. In either case it is immaterial, as they were obsolete, were of no value, and had to be sunk anyway.

Mr. NEELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from West Virginia?

Mr. McKELLAR. I yield.

Mr. NEELY. As measured by the standard of success adopted by the Republican campaign textbook and the Senator from New Jersey [Mr. EDGE], how many more disarmament conferences like the last, would it be necessary for us to hold in order to dispose of all of our naval defense?

Mr. McKELLAR. I do not believe we could stand more than two more before our entire Navy would be obliterated.

Now let us see what was done.

Mind you, we had 18 ships and Great Britain was to have 22. Is 22 for Great Britain, 18 for us, and a lesser number for Japan a 5-5-3 arrangement? If so, I have learned ordinary mathematics in vain.

The very agreement is an absolute contradiction and denial of the 5-5-3 ratio. But, at all events, after we had entered into the agreement it was found by our naval experts that 13 of our ships could not shoot as far as the British ships; and thereupon the Congress was appealed to, as we all remember, to pass a resolution authorizing the guns on these ships to be elevated so that they could shoot as far as the British guns; and what was the result? Great Britain took up the matter with the President, and cited this clause in the agreement:

No retained capital ships or aircraft carriers shall be reconstructed except for the purpose of providing means of defense against air and submarine attack * * *. No alterations in side armor, in caliber, number of general type of mounting of main armament shall be permitted, except—

The exception being something that does not refer to this. So when it was proposed to elevate our guns so that they could shoot as far as British guns, a protest came from Great Britain that it was not within the limitation-of-armaments agreement. A pretty 5-5-3 agreement that!

TERMS UNFAVORABLE TO THE UNITED STATES

Remember, Mr. President, that this agreement was heralded as a 5-5-3 agreement. I never saw a greater propaganda on any

subject. It was heralded as an agreement that would make the Navies of Great Britain and America equal. I want to point out some of the features of this agreement.

First. America was the only nation to sink any ships.

Second. Great Britain was given a ratio of 22 to 18, instead of 5 and 5.

Third. Great Britain was given a greater tonnage.

Fourth. America sank six ships of a tonnage of 43,200 tons each, leaving her with no ships of that class; and yet Great Britain was permitted to hold the *Hood*, with 41,200 tons, and to build two capital ships of 35,000 tons each; and the largest ship that we had was a ship of 32,500 tons, as I remember.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. WHEELER. The Senator, if I understood him correctly, made the statement that we sank six ships, and that we were not permitted to have any of that class of ships left.

Mr. McKELLAR. No, Mr. President; we sank 15 ships—9 battleships and 6 battle cruisers.

Mr. WHEELER. What class of ships were they?

Mr. McKELLAR. Six of the 9 battleships were 43,200 tons. Our largest ship now is a 32,500-ton ship; and yet this so-called 5–5–3 agreement allowed Great Britain to have one, the *Hood*, of 41,200 tons, and two others that she was allowed to build of 35,000 tons each.

Mr. WHEELER. How many ships had Great Britain built between the time the armistice was signed and the time of the treaty?

Mr. McKELLAR. She had not built any, as I recall.

Mr. WHEELER. How many had the United States Government built in that time?

Mr. McKELLAR. I had those figures here just a moment ago. I shall have to state them from recollection. She was building 9 battleships, 2 of them absolutely complete, and 6 battle cruisers.

Mr. WHEELER. She had already built some during that period of time. Some had already been finished, had they not?

Mr. McKELLAR. Two were finished; but they were sunk, and they were the most powerful battleships ever built. Our great vessels that were finished or substantially finished went to the bottom of the sea under "the only successful disarmament conference the world has ever known," according to Mr. EDGE.

Mr. WHEELER. What assurance has the Senator that if we build these 15 cruisers a Republican administration will not sink the 15 cruisers after we get them built?

Mr. McKELLAR. Well, we will just have to take that risk. I do not believe the Republican Party will ever undertake to have a recurrence of the horrible fiasco known as the disarmament agreement of 1922. It was such a shocking sacrifice of American ships and American treasure and American security that no party will desire to repeat it.

Mr. WHEELER. Mr. President, will the Senator yield for one more question?

Mr. McKELLAR. Yes.

Mr. WHEELER. How much in money was it that we sank?

Mr. McKELLAR. It was just about $200,000,000. It is fair to the Navy Department to say that they estimate the sum at $175,000,000.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. McKELLAR. Yes.

Mr. NEELY. I have the exact figures which were, at my request, recently supplied me by the Secretary of the Navy.

Mr. McKELLAR. It is estimated sometimes at $175,000,000, and the Senator from Montana this afternoon estimated it at $300,000,000. No absolutely accurate figures can be given; but it is about $200,000,000.

Mr. BROOKHART. Mr. President, I remember that the late Senator Underwood said we saved more money than we sank by sinking those ships.

Mr. McKELLAR. Senator Underwood was a perfectly splendid man and a great statesman, and I have every respect and honor and esteem for him; he was my friend and I was his; but I did not agree with him on the sinking of these ships. It will be remembered that he was one of the commissioners appointed by President Harding.

I now yield to the Senator from West Virginia.

Mr. NEELY. Mr. President, I quote from a letter which I received from the Secretary of the Navy a few days ago:

> The cost in dollars and cents of the new ships scrapped, including cost of cancellation of contracts, and deducting the amount realized for the sale of new ships, was $175,439,275.68.

Mr. McKELLAR. That is less what they got from the sales; the real amount was about $200,000,000.

Mr. NEELY. And may I also read the Secretary's statement as to the ships that were scrapped by the United States and Great Britain as the result of the Washington conference?

Mr. McKELLAR. I shall be glad if the Senator will do so.

Mr. NEELY. I again quote from the letter of the Secretary of the Navy:

> The number and tonnage of ships which were scrapped by the treaty—the Washington conference—were as follows:
>
> United States: Capital ships built, 19.
>
> Tonnage, 289,850.
>
> Including *North Dakota* and *Delaware*, scrapped on completion in 1923 of *West Virginia* and *Colorado*.
>
> Capital ships building or appropriated for, 13.
>
> Tonnage, 552,800.
>
> Includes battle cruisers *Lexington* and *Saratoga*, afterwards completed as aircraft carriers.
>
> Capital ships built and destroyed by Great Britain: Number, 22.
>
> Tonnage, 447,450.
>
> British Empire scrapped 4 additional ships, 91,500 tons, on completion of *Nelson* and *Rodney* in 1927.
>
> Capital ships building or appropriated for, 4.
>
> Tonnage, 172,000.
>
> These ships were not laid down but contract had been let for their construction.

Mr. McKELLAR. Why, of course. My impression is that much of this tonnage was sunk or scrapped before the conference; but, in any event, it was all obsolete and useless.

Now, Mr. President, I want to finish in just one moment.

Mr. HEFLIN. Mr. President——

Mr. McKELLAR. Just let me finish the explanation of what the United States got in this celebrated agreement and what Great Britain got in the agreement.

It will be remembered that Great Britain was permitted to hold the *Hood*, with 41,200 tons, and to build two new capital ships of 35,000 tons each. I stop there long enough to say that while Great Britain was given the right to build two additional ships of 35,000 tons, larger than any ships that America had, the two of 43,000 tons that had just been completed by America, the names of which were read here a moment ago, were sunk. Now, Mr. President, it turns out that the *Hood*, of 41,200 tons, and the two additional ships that Great Britain has built of 35,000 tons each, are larger than any ship in the American fleet. And yet some of us still talk about a 5–5–3 agreement and our Navy being on an equality with Great Britain.

Fifth. America was prohibited from building any cruisers of more than 10,000 tons; but in this agreement, desirable as it might be for America to build a cruiser of more than 10,000 tons, she is not given the right to do so until 1936. This was to the disadvantage of America, because by reason of her coaling stations Great Britain does not need cruisers larger than that size; while America, because of her dearth of coaling stations, does need cruisers of that size, or larger.

Sixth. Merchant vessels were excluded from the terms of the agreement; and, of course, everybody knows that large numbers of Great Britain's merchant vessels are built so as to be converted into war vessels at a moment's notice in time of war.

Seventh. Great Britain having all of the coaling stations necessary and all the fortified stations necessary throughout the world, the United States and Japan agreed not to build or maintain any naval bases other than those that they now have.

Eighth. Part 2 provides for the utter destruction of the United States vessels. The other parties to the agreement took no chances.

The United States got nothing and Great Britain got continued mastery of the seas until 1936. That was the result of that agreement, the 5–5–3 agreement—a peace agreement! Why, it is absurdly ridiculous!

Ninth. This agreement is to remain in force until December 31, 1936, so that the United States by that conference sank her own superiority until 1936. In other words, by this agreement we guaranteed Great Britain's superiority in battleships and aircraft carriers until 1936; and even after that time, unless we give two years' notice in advance, the treaty goes on indefinitely. We must give the notice; and, of course, what will happen when that comes about, if we do give the notice, is that we will be charged with not being in favor of peace because we desire to protect our rights on the seas by annulling this totally one-sided agreement..

For all these agreements, what did the United States receive? Not a single benefit. I ask anybody here to name a benefit which the United States received. No one replies. I want to say to the Senator from New Jersey, who seems to think that that treaty constituted a great step in the cause of disarmament and peace, that it reminds me of the agreement that sometimes the colored man down South formerly was often facetiously complaining about in his dealings with the white man:

> Nought's a nought and figger's a figger,
> All for the white man and none for the nigger.

In this agreement the United States stands in the shoes of the colored man.

Mr. President, in calling attention to the grave injustice done the United States in that conference I want to say that I do not wish to criticize our commission. I have no doubt that those gentlemen were imbued with the highest and most idealistic principles and purposes.

Mr. BRUCE. Mr. President, if I catch the idea of the Senator from Tennessee, our people are just a little too generous and confiding.

Mr. McKELLAR. Just a little too generous and confiding. They no doubt thought that if the United States would deal gently and liberally with the situation that confronted her, if the United States, with practically unlimited resources to build a navy greater than that of any other country, was willing to sink her own ships and place herself in a position of inferiority, that no doubt other nations would do likewise and thus bring about a reasonable disarmament. In this our commissioners made a mistake, for instead of the good example of the United States bringing about a like spirit in other nations, it has brought about an exactly opposite spirit. Indeed, as soon as this agreement was made, and knowing that it extended until 1936, and knowing that the United States would carry out that agreement to the letter until 1936, every other nation began to build naval armaments as never before, and to-day we find ourselves in a position of vast naval inferiority to that of our principal commercial rival and possibly to that of Japan.

Mr. President, I want to say that instead of the disarmament conference of 1922 being a benefit to our country or to the peace of the world, it simply resulted in the sinking of $200,000,000 worth of American war vessels, and in continuing Great Britain's mastery of the seas. That treaty will expire by limitation in 1936, and it ought not be renewed.

I believe in disarmament, but not in disarmament by which one nation disarms and the other nations are permitted to keep their arms, by which one nation sinks her ships, and the other nations keep their ships of war.

The disarmament treaty destroyed the American Navy. It guaranteed Great Britain's mastery of the seas until after 1936. It has prevented any suggestion of an agreement for the freedom of the seas. But for that agreement by this time America would have had a navy equal to that of Great Britain without much additional cost, and it would have been easy enough to have obtained from Great Britain an agreement for the freedom of the seas whereby the ships of any nation would be unmolested in times of peace and unmolested in times of war as long as they did not carry contraband or seek to go into a port blockaded in fact.

Mr. President, we should build these cruisers. We should proceed to construct such a navy as will defend our commerce, not for the purpose of going to war, but for protecting our commerce against the world. It is too valuable, as the above figures show, to be destroyed in a moment. If it was seriously interfered with for a time, it would cause the greatest distress in our own land. We ought not to jeopardize it; we ought not to fail to take any step that will insure its protection.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. NORRIS. I am interested in what the Senator has said about the peace conference. Without trying to get into any controversy with the Senator over its results, whether good or bad, I would like to ask him whether the charge has been made that any nation has violated the terms of that agreement.

Mr. McKELLAR. No. I think the only protest was from the British Government, that we might be violating the agreement when we sought to elevate the guns on the 13 ships, so that they could shoot as far as those of the British ships.

Mr. NORRIS. If all the nations engaged in the peace conference have kept the faith, while it might have been a bad conference and all that, if we agree that they have all kept the faith, there could be no charge made, then, against any nation, of bad faith.

Mr. McKELLAR. No charge of bad faith is being made now by me. I am not making any charge of bad faith. I am simply pointing that the United States received absolutely no benefit from the pact.

Mr. WHEELER. Mr. President, the Senator from Indiana, according to the RECORD of a few days ago, I think made the statement that Great Britain had, in effect.

Mr. NORRIS. The statement of the Senator from Indiana was to the effect that in spirit Great Britain had violated the agreement by building cruisers.

Mr. McKELLAR. The agreement did not apply to cruisers. It applied only to battleships, aircraft carriers, a limitation of 10,000-ton cruisers, and certain other things which need not be enumerated.

Mr. NORRIS. While I am not excusing Great Britain at all for building cruisers—I think she is to blame for most of the agitation for a big navy here—at the same time I think we have to admit that Breat Britain has not violated the peace conference agreement.

Mr. McKELLAR. I am not making any charge that Great Britain has violated the agreement. Why should she? She got everything she desired in that conference. She should consider it the ark of the covenant of her mastery of the sea until 1936, or as long as she can hold it in effect.

Mr. NORRIS. There was no limitation as to cruisers. There should have been, I think.

Mr. McKELLAR. I think so, too. The Senator is right about that; but there was not.

Mr. HEFLIN and Mr. NEELY addressed the Chair.

Mr. McKELLAR. I yield first to the Senator from Alabama because I have not yielded to him, and he has been seeking to interrupt me for some time.

Mr. HEFLIN. Mr. President, the Senator was making such a splendid speech that I did not want to break the continuity of his thought. Does the Senator understand that the battleships which were scrapped were sunk outright, that they were not dismantled, and the machinery, the boilers, the armor plate, and other materials were not taken off and saved to be utilized for some purpose?

Mr. McKELLAR. I do not know just what was done, and can not advise the Senator. But I want to say that if he will look at Part II of this treaty of 1922 he will find that Great Britain took no chances about it. You never read more perfect plans of ship destruction. All of those things have gone where they can never be used again in warfare.

Mr. HEFLIN. The Senator and I were in the same class; I did not vote for the measure, either, which required the destruction of the ships.

Mr. McKELLAR. I congratulate the Senator. I now yield to the Senator from West Virginia.

Mr. NEELY. Mr. President, I think that we should felicitate ourselves upon the fact that if there should be another disarmament conference, during the next four years, we could rely upon Mr. Hoover's superior knowledge of British genius, statesmanship, and diplomacy acquired during 20 years residence in the British Empire to protect the United States against a repetition of such disasterous consequences as we suffered in 1921, as pointed out by the able Senator from Tennessee.

Mr. McKELLAR. I thank the Senator.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. WHEELER. The Senator does know, however, that Mr. Hoover is in favor of taking out the time limit; does he not?

Mr. McKELLAR. No; I can not say that I do. I heard the telegram read, but my hearing is not as good as my eyesight, when it comes to getting my mind on a thing, and I did not understand just what was meant by that telegram.

Mr. NORRIS rose.

Mr. McKELLAR. Has the Senator from Nebraska examined the telegram?

Mr. NORRIS. Yes; but I was going to suggest to the Senator, when he was comparing his eyesight and his hearing, that the Senator's only knowledge came from hearing the telegram read, but I take it his eyesight is so much better that he looks clear down to Florida, to the rendezvous of the President elect, and he can decide from his eyesight and refute what comes to his hearing.

Mr. McKELLAR. I will look at the telegram in the RECORD in the morning. I am not taking any part on the political side of the question. I am looking at this thing solely from the viewpoint of an American citizen without regard to partisanship who wants to see his country's business unmolested, who wants to see his country's commerce and trade go wherever it may, and have the protection of America behind it.

Mr. WHEELER. Mr. President, the Senator heard my colleague relate this afternoon what Great Britain had done. What would the Senator have done under the circumstances that existed during the last war?

Mr. McKELLAR. That is a last year's bird's nest. There is no use bothering about what happened during the war. That is past; my opinion, if I had one, would be of no practical value; and I have no opinion on that subject.

Mr. WHEELER. The claim is that we want to build these ships so as to stop that sort of thing.

Mr. McKELLAR. I would never on earth agree that Great Britain or any other nation should regulate American commerce as it was regulated before we entered the war or while we were in the war. It is a source of pain and regret and mortification and humiliation to me to think of what was done during that period.

Mr. NORRIS. Mr. President, I agree with the Senator that what Great Britain did during the war is a source of pain and mortification. I think the Senator is right about that. But if we had had the big navy which the Senator favors, and those things had happened, would the Senator then have had us go to war with Great Britain?

Mr. McKELLAR. Oh, no, Mr. President. I was opposed to our going to war; it was against my every feeling to vote for the resolution declaring us in a state of war, which I did finally vote for. Going to war is a very serious thing and it certainly ought not to be decided upon a hypothetical question.

Mr. NORRIS. If we had had the navy the Senator wants us to have sent along with the merchant ships, to protect the merchant ships from attack, it would have been their duty then to have protected them, and would not that have been the first step in war?

Mr. McKELLAR. My position is that whenever the United States has a navy equal in size or strength to any other navy, no other nation is going to interfere with our trade and commerce, and we all know it.

Mr. NORRIS. The Senator is proceeding on the theory, then, that because we are big enough and strong enough, we will dominate everybody else.

Mr. McKELLAR. Oh, no; we do not want to dominate anybody else; but we do not want other nations to dominate us. As I said in the beginning, I would a thousandfold rather we could have other nations by agreement reduce their navies, "scale them down," as Senator WALSH states it, and put them on terms of equality, but it does not look as if that will be done, and I want to point out the reasons why we have not been able to get them to do it.

Mr. NORRIS. If our Navy is to be used to protect us in the circumstances to which attention has been called, when such a thing happens as happened to our ships during the World War on the part of Great Britain, then it seems to me it follows that if we are going to have any good out of it, we would immediately use it.

Mr. McKELLAR. If we have as large a navy as that of any other nation, there is no nation that is going to attack us or interfere with our trade and commerce, because we will have not only the Navy but we will have the materials of war to back up what our Navy stands for.

Mr. NORRIS. Did not Germany interfere with our commerce in the same way England did, when she had no navy? It was all blockaded. Yet she did that.

Mr. McKELLAR. She had the second largest navy in the world at that time; but the cases are not parallel.

Mr. HEFLIN. Mr. President, I understand the position of the Senator from Tennessee to be simply this, that we want to protect our commerce upon the high seas, and we want to assert and defend the doctrine of the freedom of the seas so far as we are concerned.

Mr. McKELLAR. Absolutely. If we can get that by peaceable means, of course we should get it in that way; but in any event we must protect our commerce.

Mr. HEFLIN. When our commerce leaves an American port, we want it to get to its destination, and we do not propose that anybody shall interfere with our trade. That is my position.

Mr. McKELLAR. Other nations can not interfere with it with my consent, or by my vote.

Mr. BRUCE. Mr. President, I remind the Senator from Tennessee that in the very infancy of our Government, in 1812, we did not hesitate to go to war with Great Britain because of her interference with our commerce.

Mr. McKELLAR. Indeed we did not. It has been a principle of American statesmanship from the beginning of the Government down, and even before the present Government was created, to maintain that position. Mr. Franklin stood for it in the beginning and so did Jefferson and so did Madison.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Tennessee yield?

Mr. McKELLAR. I yield.

Mr. WALSH of Massachusetts. Does the Senator recall any claim that the disarmament conference of 1921 and 1922 was violated by Great Britain or any other country?

Mr. McKELLAR. Not at all. There was no necessity for Great Britain violating it. It operates substantially only against the United States. We are the only nation that would have any right to complain. It is a unilateral agreement, I may say to the Senator.

Mr. WALSH of Massachusetts. It seems to me that the Senator's speech should be directed more toward the denunciation of those public officials in America who agreed to and brought about the disarmament conference, rather than toward Great Britain and the other countries who have not violated any of the terms of the disarmament conference.

Mr. McKELLAR. I am such a kindly soul that I do not believe in denouncing anybody. I am not denouncing other nations, and I am not denouncing the people of our own Nation or our own commissioners. I am trying to lay before the Senate and before the country the facts just as they are, unadorned, about the present naval situation and to show the true meaning of the disarmament conference. I hope the Senator, nor anyone else, will think I am denouncing anyone—nation or individual.

Mr. WALSH of Massachusetts. But the Senator thinks the disarmament conference resulted in a great loss and great disadvantage to the United States; and I agree with him.

Mr. McKELLAR. Yes; an overwhelming and uncalled-for loss.

Mr. WALSH of Massachusetts. If it is true that there was an overwhelming loss to the United States, somebody agreed in the disarmament conference to the loss which has resulted so disastrously to the United States, as the Senator has pointed out.

Mr. McKELLAR. Perhaps the Senator was not here when I made the statement about our commissioners. I think our commissioners in the conference were animated by the highest motives and by the highest purposes. They just felt, "Here is the United States that ought to set the example for disarmament. We are willing to make any sort of agreement that these people will make and to show them the way." Therefore they erred on the right side, perhaps, and I am not in a mood to challenge them or to criticize them for it. I know they were men animated by the highest motives and purposes, and I do not want to challenge their motives or purposes. The result of what they did was to set a splendid example to the world; but the other nations, instead of following it, have continued to build as never before. The conference did not help the cause of naval disarmament and cost the United States a splendid navy and vast sums of money.

Mr. WALSH of Massachusetts. In other words, in the light of the hour and time in which they acted, they acted undoubtedly for the best interests of the country and the world.

Mr. McKELLAR. As they thought was best. They made a great mistake as it all turned out.

Mr. WALSH of Massachusetts. And later events have given us a different picture. Of course the Senator believes in a disarmament conference.

Mr. McKELLAR. Why of course, provided our representatives are not the only ones to accept the disarmament agreement.

Mr. WALSH of Massachusetts. As I understand the Senator—and I am in accord with him if I understand him correctly—the two essential things in the world to-day in order to make a great motion toward world peace are, first, the adoption of the principle of freedom of the seas as suggested by the Senator from Idaho [Mr. BORAH] and, second, disarmament.

Mr. McKELLAR. I think we ought to use every endeavor to accomplish both ends. I am strongly in favor of the amendment of the Senator from Idaho as amended by the amendment of the Senator from Montana. It should become a part of international law. But I do not agree with the Senator that the way proposed by the Senators from Idaho and Montana is the best way to go about it. I think we ought to include their amendments in this measure and then let the rest of the world know that we are going to protect our commerce by building the ships.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BRUCE. As I understand the Senator, if there is another disarmament he wants some other country than ours to be the dupe?

Mr. McKELLAR. I would not say that, but if there is another disarmament conference I want some other nations in addition to the United States to disarm. I want us all to disarm together.

Mr. SWANSON. Mr. President, will the Senator yield to me?

Mr. McKELLAR. With pleasure.

Mr. SWANSON. The Senator was discussing the disarmament conference. The conference agreed, as the Senator has properly stated, to limit battleships and aircraft. But they left cruisers and ships under 10,000 tons without limit.

Mr. McKELLAR. They put a limit on the cruisers, but not enough of a limit.

Mr. SWANSON. They put on a limit of 8-inch guns and 10,000 tons. I want the Senate to understand that when that was agreed to the cruiser tonnage of Great Britain in comparison to the United States was 5 for the United States and 6.6 for Great Britain. At the time of the Washington conference that was the relative cruiser strength, which did not make much of a real disparity between the two nations. We had a superiority at that time in destroyers which would

have made the real disparity less. We built no cruisers from 1908 until 1923—15 years. Great Britain has increased her cruiser strength and gotten rid of all her old class of cruisers so that now the ratio is about 13 for Great Britain as against 5 for us. Great Britain started the competition to try to prevent equality of the two navies. We started no competition. We waited 15 years, and we have stood still during that time, but Great Britain has gone on until now the ratio is 13 to 5. The only question is whether we want to have that ratio continue.

Mr. WHEELER. Mr. President, may I ask the Senator what he includes when he says 13 to 5?

Mr. SWANSON. If we were to take the relative strength of all guns in power to shoot guns of relative merit, together with other items—that is, what would be the basis if they were on the firing line, and if we had to determine as to our ability or inability to win a battle—we would have to include speed, amount of gun power, size of guns, and so forth. On that basis their ratio would be 13 to 5 at present.

Mr. WHEELER. Our cruisers are much larger than those of Great Britain.

Mr. SWANSON. Some are and some are not.

Mr. WHEELER. The vast majority of them are larger.

Mr. SWANSON. Oh, no.

Mr. McKELLAR. Oh, no; not by any means.

The Senator from Idaho produces as an argument excerpts from President Coolidge's address about war debts. This argument as applied here is fallacious, Mr. President. It is true that we owe some sixteen or seventeen billions of dollars, but we are rapidly paying this debt off and, if it were necessary to be paid even more rapidly, we could do it. At all events, we are better prepared than any other nation to take the necessary steps to protect our commerce.

Again, the Senator from Idaho argues as to economy. This argument also is fallacious. These 16 ships will cost $274,000,000. Why, Mr. President, we are refunding more than this amount to big corporations each year on taxes that were paid many years ago. We are refunding these sums largely to corporations that during the war were called "war profiteers." If we would use the money that we are paying back to war profiteers, we could build a larger navy than any other nation in the world.

Mr. President, Great Britain is not going to war with us unless she knows that she can defeat us. And she does not know that and can not know that. But what she can do is, little by little, take our commerce away by putting us at a disadvantage in world trade, and she must not be permitted to do this. The United States must trade with the world on terms of perfect equality with every other nation.

Mr. President, that freedom of the seas that was yearned for by Franklin, Jefferson, and Wilson can be obtained in but one way, and that is by building our Navy equal to the navy of Great Britain. We need a navy for the protection of our commerce just as much as she does. The sooner she realizes this the better it will be for all concerned.

But the Senator from Idaho says, as I understand him, that he is in favor of this bill but he wants to postpone the actual building of these vessels until we have a chance to get an agreement from Great Britain for freedom of the seas. I think that is what President Cleveland once called an "iridescent dream," unless we take some means to accomplish it.

Mr. BRUCE. It was Senator Ingalls who said that.

Mr. McKELLAR. I think then that President Cleveland quoted it. Senator Ingalls was probably the author. I yield to the superior literary genius of my distinguished friend from Maryland.

Why, Mr. President, Great Britain has but recently had this chance, but turned it down. President Coolidge, in a splendid spirit of peace, going the very limit to obtain a limitation of armaments, called a meeting at Geneva; and Great Britain came to the meeting and then absolutely refused to limit the number of cruisers she was going to build. She disregarded the agreement at Versailles. She disregarded President Wilson's desire for an agreement after the war. She secured an agreement in 1922 virtually sinking the greater part of our Navy. She refused to yield on the cruiser question at Geneva. She refused to permit us to raise the elevation of our guns. She reserved the right to overhaul our vessels. During the war she even passed upon what goods should be shipped upon our ships when we were allies. She entered into an agreement with France while Secretary Kellogg was over there to get his peace treaty signed, providing for a building program of cruisers with France; and when she signed the Kellogg treaty she specifically excepted her every interest on land and sea.

Under these circumstances, Mr. President, I am convinced that it is our duty to build these cruisers. I am convinced that there should be no delay about it. I am convinced that we will never get an agreement for freedom of the seas, protecting the rights of neutrals during the time of war, until we build a navy equal to that of any other country in the world. We do not want a larger one. We do not want to take command of the seas, but we do want to protect our commerce on the seas wherever it mya be.

Mr. President, I am opposed to the amendment deferring the building of these ships. It ought not to be agreed to. It ought to be rejected straight out. We have been too generous in that regard. The sinking of our own ships did not bring about a better spirit. The conference at Geneva shows that as long as Great Britain thinks she can control the naval situation she is going to control the seas. She is not going to cut down the number of her ships. She has to-day 53 cruisers with a total of 397,140 tons. The United States, including all that she is building, has only 18 with 155,000 tons. Japan has 27 with 213,955 tons. They will agree to no limitation until the United States shows that she means business and is going to build a cruiser force adequate to protect her trade and commerce unless the other nations agree to limit themselves in cruiser building. After our experience in the Limitation of Armaments Conference and after our experience in the Geneva conference, after the splendid efforts of President Coolidge in seeking a limitation as to cruisers, and even after the amendment proposed by the Senator from Idaho, we have no chance to bring about the results desired except to proceed to build these ships, and others, if need be. But any time limitation on these ships, or reducing the numbers now to be built, should be voted down, and I believe will be.

Mr. SHEPPARD. Mr. President, may I ask the Senator from Tennessee a question?

Mr. McKELLAR. I have finished what I desired to say, but I am very happy to yield to the Senator from Texas.

Mr. SHEPPARD. Did the protest from Great Britain prevent us from raising the elevation of the guns on our battleships?

Mr. McKELLAR. It did for a great while, but I think probably she informed us later that she had no objection to our elevating the guns.

Mr. SHEPPARD. Perhaps the Senator from Maine can enlighten us on that point.

Mr. McKELLAR. I transfer the question to the Senator from Maine.

Mr. HALE. Will the Senator kindly repeat his question?

Mr. SHEPPARD. Did the protest from Great Britain prevent us from raising the elevation of the guns on our battleships?

Mr. HALE. It did for a time, but later the matter was adjusted, and we are now elevating the guns on our battleships.

Mr. SHEPPARD. I send to the desk a telegram, which I ask to have read, and two letters which I should like to have printed in the RECORD without reading.

The PRESIDING OFFICER. Without objection, the clerk will read the telegram.

The Chief Clerk read as follows:

SAN ANTONIO, TEX., *January 8, 1929.*

CITIZENS CONFERENCE ON CRUISERS,
Washington Hotel, Washington, D. C.:

Please record me as opposed to the 15-cruiser building program.

Rabbi EPHRIAM FRISCH.

Mr. SHEPPARD. I now ask that the letters accompanying the telegram may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letters referred to are as follows:

YOUNG WOMEN'S CHRISTIAN ASSOCIATION,
Dallas, Tex., December 28, 1928.

Secretary WASHINGTON COUNCIL ON INTERNATIONAL RELATIONS,
1901 F. Street NW., Washington, D. C.

DEAR SIR: I am sorry I can not accept your invitation to dinner on Tuesday, January 8. The distance is prohibitive. However, I am in deep sympathy with the objects of the meeting and all efforts to make war a thing of the past. My good wishes to you, and may every step taken be in the direction of world peace.

Very sincerely yours,

FLORENCE A. LYNES,
Executive Secretary Young Women's Christian Association,
Dallas, Tex.

SAN ANTONIO, TEX., *January 3, 1929.*

CITIZENS CONFERENCE ON CRUISERS,
Washington, D. C.

DEAR FRIENDS AND FELLOW WORKERS: I am very thankful indeed for the invitation to attend the conference which is to meet on the 8th. I

would be more than glad to be there on that occasion, as I regard it a work of the greatest importance; but as it is impossible for me to attend, I will express my mind on the matter in a letter. My most earnest prayer is that such work may be done at the conference and such influence be exerted by it, followed by other such efforts, that Congress will not pass the cruiser bill.

The time has fully come when the United States should demonstrate the Christian spirit to the world; but if the Senate were to pass the cruiser bill it would demonstrate to the world just the opposite to the Christian spirit and would misrepresent the wishes of the great body of churchgoing people, "the staff and stay," the stability and continuity of our country, and would engender suspicion, fear, and loss of confidence, and finally enmity toward the United States and toward each other among the nations, and renew a spirit of competition in all military preparations. This is the way wars are made.

If the United States, a Christian nation, for an offense, whether real or imaginary, were to call in operation the use of the cruisers to remedy the offense, however military the other nations may be, they could not fail seeing paradox. It really seems to me that just now is a crisis in our country's history.

OUR GOVERNMENT IS BEING WEIGHED IN THE BALANCE—THE SCALES ARE ADJUSTED

ON THIS SIDE IS—	ON THE OTHER SIDE—
Kellogg's general peace pact, by which the other nations have expressed their readiness to follow the lead of the United States in ratifying it.	The cruiser bill for preparedness for war if any nation infringe upon our rights, with all the crime destruction, loss of life and property and misery that follow in its train.
The train of blessings which are bound to follow.	
Now, which is the most worthy? The Senate must decide.	

Very sincerely yours,

SETH G. HASTINGS.

Mr. WALSH of Montana. Mr. President, I did not like the expression of the Senator from Tennessee that Great Britain "gave her permission." The Senator does not really mean that we ever sought her permission?

Mr. McKELLAR. No; I do not think we ever sought it, but I will ask the Senator from Maine. Did we seek to have Great Britain withdraw her protest against elevating our guns on our own ships? Did the executive department do that?

Mr. HALE. I do not know how it was done.

Mr. McKELLAR. The Senator does not know whether it was done on our initiative or on the initiative of Great Britain? I wish to say to the Senator that I have no desire to criticize Great Britain. I merely desire to say that I do not know how it was done.

Mr. WALSH of Montana. I thought the language of the Senator was rather a criticism of our Government, because in that regard it is subject to criticism if it asked permission of Great Britain.

Mr. McKELLAR. I do not know whether permission was asked or not; I would like to know.

Mr. HALE. It was to all intents and purposes withdrawn; there is no question about that.

Mr. McKELLAR. At any rate, it has been withdrawn; and I am very happy to know that Great Britain has withdrawn the protest, and that we are now elevating the guns on our ships.

Mr. President, let us pass this bill, including the Borah and Walsh amendments, and no others. Let us protect American trade and commerce on the high seas. We have taken the lead heretofore in seeking naval disarmament. Let us leave such proposals to other nations for a time, unless they show a willingness to agree to the principle of freedom of the seas.

Mr. President, the Senator from Montana [Mr. WALSH] a while ago read a statement from a book showing that Great Britain actually sank some ships. I think, however, they were all obsolete. I had made the statement that no other nation had sunk any ships. If I am mistaken about it, I want to withdraw that statement from my speech, because I have no desire whatsoever to make even an unintentional misstatement of facts.

Mr. WHEELER. Mr. President, will the Senator yield for a question?

Mr. McKELLAR. Yes.

Mr. WHEELER. The Senator made the statement a moment ago, as I understood him, that we had only 18 cruisers.

Mr. McKELLAR. Oh, no; that is the number as it happens that we have built or building in addition to those we already had.

Mr. HALE. The Senator is referring to 22 old cruisers which we have in the yards of the country and which we still keep on the active list, but which are not effective compared with modern cruisers.

Mr. McKELLAR. As I understand, we have 18 built or building.

Mr. HALE. We have 18 modern cruisers in addition to the 22 old cruisers.

Mr. WHEELER. What I want to get at is this: The Senator from Maine stated the other day that the 15 cruisers provided for in the pending bill were for replacement. The Senator from Tennessee, as I understand, says that we now have 18 cruisers. I want to ask him whether these 15 cruisers are for replacement, to take the place of 15 of the 18.

Mr. McKELLAR. It is absolutely immaterial to the Senator from Tennessee whether they are for replacement or are to be built as additions to the Navy. I want a sufficient cruiser force to protect American trade and American commerce; and it is immaterial to me whether they are for replacement purposes or are general additions to our Navy.

Mr. WHEELER. I know it is immaterial to the Senator from Tennessee as to whether they are for replacement or not, but, for the benefit of the other Members of the Senate, we ought to get the facts straight, and know whether or not we have 18 cruisers or have 42 cruisers or how many we have.

Mr. McKELLAR. I will look up the figures and enlighten the Senator to-morrow, if I can, and if he desires.

Mr. HALE. The Senator was referring, of course, to modern cruisers.

Mr. NYE. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Do We Need 15 More Cruisers Now?" written by Frederick J. Libby.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DO WE NEED 15 MORE CRUISERS NOW?

By Frederick J. Libby

The discussion that has begun on the 16-ship bill now before the Senate had led to many questions, addressed to us both in public meetings and by mail. It will be of use to all of our readers to know the answers to these questions.

1. What is the present cruiser situation?

Answer. The United States has 10 big, modern cruisers and is building 8 more. Great Britain has 13 and is building 6 more for its own use and 2 for Australia. In addition Great Britain has 33 little old cruisers, started during the war, and 25 of them completed during the war, which will all be obsolete soon. Their average size is 4,100 tons; their total tonnage is 137,000 tons. Add to them nine others, some of which are a little older still, and totaling 48,000 tons, and you have before you the nub of this whole controversy. Great Britain has 42 little old cruisers, totaling 185,000 tons, most of which will be obsolete within five years. Our old cruisers, totaling 179,000 tons, are already obsolete.

Our "big Navy" group tried at Geneva and is trying now to get us to give them as many tons of big new cruisers as the British have in little old ones, thus gaining superiority when the British cruisers wear out, unless the British build in competition with us. They don't say anything about the fact that we built a great fleet of destroyers during the war while Britain was building cruisers, and that we now have 100 more destroyers than England; nor do they refer to the fact that we have 124 submarines built and building, of various sizes but totaling 93,000 tons, to Great Britain's 74 submarines built and building, totaling 67,000 tons.

2. Is not our Navy far behind the British Navy, and does it not need these cruisers in order that it may attain parity?

Answer. No; our Navy, as the President explained in his message to Congress two years ago, is the equal of the British Navy now. We are a little behind the British Navy in cruisers and ahead in submarines and destroyers. So we are substantially equal on the whole.

The President's words were: "Only one navy in the world approaches ours and none surpasses it." Since these words were uttered, Great Britain has laid the keels of three cruisers and we have laid the keels of seven.

3. Do we need cruisers for bargaining purposes?

Answer. It is true that the Washington naval conference succeeded when we had superiority to bargain with, and that the Geneva naval conference failed when we didn't have superiority; but we believe that the Geneva conference, under the direction of admirals, was bound to fail. It is evident that public opinion in Great Britain has undergone a marked change as the result of that failure of the disarmament conference, and that the next conference is practically sure to succeed because the people of both countries want agreement and no competition in navies. Our wealth is big stick enough, and it will be wiser for us to let the British liberals wield that on their own "big navy" group.

4. Aren't the "pacifists" trying to "scrap" the Navy?

Answer. No; the pacifists are asking for general reduction of armaments of all nations, and the Kellogg pact makes a starting point for limiting the increase in military establishments throughout the world. Our antiwar groups are exceedingly reasonable in their consideration for the militarists, for they are not going to protest a naval appropriation bill of $350,000,0000 that the President has recommended, which includes appropriations for eight cruisers being built at the present time.

But when the insatiable shipbuilders ask for 15 more cruisers we are drawing the line there.

5. Is the 16-ship bill a "replacement program?"

Answer. Not in a real sense. Our Navy men for two years have proclaimed that "America has only 10 cruisers to Britain's 40." Suddenly we are told, "We have 40 cruisers and 22 of them need replacing." A pamphlet published by the naval intelligence section of the Navy Department shows that we have 10 modern cruisers built and 8 building; and in addition to these, 22 old cruisers are listed which the Navy propagandists had been omitting, which are now resurrected in order that they may be "replaced." Their ages are given. One of them is the *Olympia*, Dewey's flagship at Manila, 34 years old. The *Constitution* and the *Bon Homme Richard* have not been listed, but they would make 24 to be "replaced."

When Congressman BRITTEN last winter proposed this explanation of why we are asked to build all these cruisers, the late Congressman Butler, who was on the House Naval Affairs Committee practically throughout his term of 32 years, replied:

"I didn't know these cruisers were to be replacements. Nothing has been said about their being replacements, so far as I know." (Baltimore Sun, February 18, 1928.)

The same Congressman Butler on January 4, 1927, commented thus on Congressman FRENCH's reference to these old relics:

"Tell me where you got that list, please; that list of ships. You have Dewey's Fleet at Manila, have you not? You know very well, my friend, that those ships are not worth any more than my old automobile that I traded for 35 gallons of gasoline."

In other words, the "replacement" cry has been raised to conceal the fact that actually we are increasing our Navy.

6. But will not the cruiser bill pass before the country can be heard from?

Answer. No; it has to overcome serious opposition in the Senate. The effort will be made to rush the bill through, because its sponsors fear the rising tide of protest which they know is surely coming. This protest should be prompt and vigorous. If it is, the cruiser bill will fail of passage or at least be seriously modified.

TRANSFER OF THE RETURNS OFFICE

Mr. NYE. I move to reconsider the vote whereby the Senate ordered to a third reading, read the third time, and passed the bill (H. R. 9570) to provide for the transfer of the returns office from the Interior Department to the General Accounting Office, and for other purposes, in order that I may propose an amendment to the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota?

Mr. NYE. Mr. President, in explanation of my request let me say at this time that the bill has been before the Senate committee for nearly a year.

The wording of the proposed act is: "This act shall take effect July 1, 1928," whereas the date should be "1929."

The PRESIDING OFFICER. The question is on the motion of the Senator from North Dakota to reconsider the vote where the bill named by him was read the third time and passed.

The motion was agreed to.

Mr. NYE. I now move to amend the bill, on page 2, line 14, after the words "July 1" and the comma, by striking out the figures "1928" and inserting the figures "1929."

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from North Dakota.

The amendment was agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

U. S. COAST GUARD CUTTER "BEAR"

Mr. JONES. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 14452) to authorize the Secretary of the Treasury to donate to the city of Oakland, Calif., the U. S. Coast Guard cutter *Bear*. I invite the attention of the junior Senator from California to the bill.

Mr. SHORTRIDGE. Mr. President, I ask unanimous consent for the present consideration of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HALE. Mr. President, I understand the consideration of the bill will not lead to any debate?

Mr. McKELLAR. What is the object of the bill?

Mr. NORRIS. It is to give to the city of Oakland, Calif., one of these cruisers. [Laughter.]

Mr. McKELLAR. I have no objection.

Mr. TRAMMELL. May I ask a question? Is the donation or gift recommended by the Navy Department?

Mr. SHORTRIDGE. The bill is recommended by the department.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to donate, without expense to the United States, to the city of Oakland, Calif. the historic Coast Guard cutter *Bear*, for museum and exhibition purposes without charge for admission.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REFERENCE OF PRESIDENT'S MESSAGE

The PRESIDING OFFICER. The Chair, under an order heretofore agreed to, refers to the appropriate committee the message this day transmitted to the Senate by the President of the United States.

RECESS

Mr. JONES. In pursuance to the unanimous-consent agreement heretofore entered into, I move that the Senate now take a recess until 12 o'clock to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock and 20 minutes p. m.) took a recess until to-morrow, Tuesday, January 29, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 28, 1929

FOREIGN SERVICE

To be secretary in the Diplomatic Service

Alan S. Rogers, of California, now a Foreign Service officer, unclassified, and a vice consul of career, to be also a secretary in the Diplomatic Service of the United States of America.

UNITED STATES ATTORNEYS

Charles R. Hollingsworth, of Utah, to be United States attorney, district of Utah, vice Charles M. Morris, resigned.

John Paul, of Virginia, to be United States attorney, western district of Virginia, vice Joseph C. Shaffer, resigned.

PROMOTIONS IN THE NAVY

MARINE CORPS

Lieut. Col. Thomas Holcomb to be a colonel in the Marine Corps from the 22d day of December, 1928.

First Lieut. George W. Shearer to be a captain in the Marine Corps from the 8th day of July, 1928.

First Lieut. Eli Savage to be a captain in the Marine Corps from the 16th day of July, 1928.

First Lieut. Edward B. Moore to be a captain in the Marine Corps from the 30th day of August, 1928.

First Lieut. Harold W. Whitney to be a captain in the Marine Corps from the 15th day of October, 1928.

First Lieut. Claude A. Phillips to be a captain in the Marine Corps from the 27th day of October, 1928.

First Lieut. John W. Beckett to be a captain in the Marine Corps from the 2d day of November, 1928.

First Lieut. John Halla to be a captain in the Marine Corps from the 3d day of November, 1928.

First Lieut. Kenneth A. Inman to be a captain in the Marine Corps from the 16th day of November, 1928.

First Lieut. Lester N. Medaris to be a captain in the Marine Corps from the 27th day of November, 1928.

Second Lieut. Robert S. A. Gladden to be a first lieutenant in the Marine Corps from the 7th day of September, 1927.

Second Lieut. Arthur T. Mason to be a first lieutenant in the Marine Corps from the 16th day of November, 1928.

The following-named noncommissioned officers of the Marine Corps to be second lieutenants in the Marine Corps for a probationary period of two years from the 30th day of January, 1929:

Corpl. Saville T. Clark.	Corpl. Hewin O. Hammond.
Corpl. Joseph J. Tavern.	Corpl. Harvey E. Dahlgren.
Corpl. Joe A. Smoak.	Corpl. William I. Phipps.
Corpl. John V. Rosewaine.	

Quartermaster Clerk Burns D. Goodwin to be a chief quartermaster clerk in the Marine Corps, to rank with, but after, second lieutenant, from the 17th day of June, 1928.

POSTMASTERS

CALIFORNIA

Charles T. Myers to be postmaster at El Monte, Calif., in place of C. C. Maltman, deceased.

Michael G. Callaghan to be postmaster at Livermore, Calif., in place of M. G. Callaghan. Incumbent's commission expires February 7, 1929.

Leo H. Vishoot to be postmaster at Sunnyvale, Calif., in place of C. R. Fuller. Incumbent's commission expired December 17, 1928.

FLORIDA

Robert E. Coates to be postmaster at Fort Meade, Fla., in place of R. E. Coates. Incumbent's commission expired January 8, 1928.

GEORGIA

L'Bertie Rushing to be postmaster at Glennville, Ga., in place of L'Bertie Rushing. Incumbent's commission expires February 7, 1929.

Henry C. Hays to be postmaster at Mansfield, Ga., in place of H. C. Hays. Incumbent's commission expired December 18, 1928.

HAWAII

Margaret K. Bruss to be postmaster at Lahaina, Hawaii, in place of A. V. Lloyd, removed.

ILLINOIS

John L. Lewandowski to be postmaster at Calumet City, Ill., in place of J. L. Lewandowski. Incumbent's commission expires February 6, 1929.

Paul R. Beebe to be postmaster at Forreston, Ill., in place of P. R. Beebee. Incumbent's commission expires February 6, 1929.

Jesse E. Meharry to be postmaster at Tolono, Ill., in place of J. E. Meharry. Incumbent's commission expires February 6, 1929.

INDIANA

Paul F. Walton to be postmaster at Oaklandon, Ind. Office became presidential July 1, 1928.

IOWA

Matt Olson to be postmaster at Clear Lake, Iowa, in place of Matt Olson. Incumbent's commission expires February 6, 1929.

Finley E. Dutton to be postmaster at Manchester, Iowa, in place of F. E. Dutton. Incumbent's commission expires February 6, 1929.

Guy C. Wilhelm to be postmaster at Modale, Iowa, in place of G. C. Wilhelm. Incumbent's commission expires February 6, 1929.

Reu S. Bosley to be postmaster at Newhall, Iowa, in place of R. S. Bosley. Incumbent's commission expires February 6, 1929.

KANSAS

Fred H. Bartlett to be postmaster at Baxter Springs, Kans., in place of F. H. Bartlett. Incumbent's commission expired January 6, 1929.

Verney C. Wallar to be postmaster at Caney, Kans., in place of V. C. Wallar. Incumbent's commission expired January 6, 1929.

Lela Martin to be postmaster at Cherokee, Kans., in place of Lela Martin. Incumbent's commission expired January 27, 1929.

Fred J. Smith to be postmaster at Galena, Kans., in place of F. J. Smith. Incumbent's commission expired January 6, 1929.

Florence E. Cox to be postmaster at Herndon, Kans., in place of G. D. Corns, resigned.

Sheridan Crumrine to be postmaster at Longton, Kans., in place of Sheridan Crumrine. Incumbent's commission expired January 27, 1929.

Robert F. Tyler to be postmaster at Moline, Kans., in place of R. F. Tyler. Incumbent's commission expired January 6, 1929.

Robert H. Montgomery to be postmaster at Oswego, Kans., in place of R. H. Montgomery. Incumbent's commission expired January 6, 1929.

Garrette L. Matlock to be postmaster at Treece, Kans., in place of W. R. Robb. Incumbent's commission expired June 4, 1928.

KENTUCKY

Elmer Castle to be postmaster at Himlerville, Ky., in place of Martin Himler, resigned.

MASSACHUSETTS

Charles R. Gow to be postmaster at Boston, Mass., in place of R. M. Baker. Incumbent's commission expired April 28, 1928.

Charles G. Starratt to be postmaster at Ocean Bluff, Mass., in place of C. G. Starratt. Incumbent's commission expires February 6, 1929.

MISSOURI

Irene Shibley to be postmaster at Gorin, Mo., in place of Irene Shibley. Incumbent's commission expired December 17, 1928.

Lonnie W. Hoover to be postmaster at Princeton, Mo., in place of L. W. Hoover. Incumbent's commission expires February 6, 1929.

Ralph W. Day to be postmaster at Summersville, Mo., in place of R. W. Day. Incumbent's commission expires February 6, 1929.

NEBRASKA

Mamie Mathews to be postmaster at Marsland, Nebr., in place of Mamie Mathews. Incumbent's commission expired December 11, 1928.

Helen L. Pavlik to be postmaster at Weston, Nebr., in place of H. L. Pavlik. Incumbent's commission expires February 7, 1929.

NEW JERSEY

Charles Carter to be postmaster at Mount Ephraim, N. J., in place of Charles Carter. Incumbent's commission expires February 6, 1929.

NEW MEXICO

Lora C. Dunlavy to be postmaster at Springer, N. Mex., in place of Lorna Cunningham, resigned.

NEW YORK

William C. Mead to be postmaster at Hall, N. Y., in place of W. C. Mead. Incumbent's commission expires January 30, 1929.

Grace Davies to be postmaster at Lake Kushaqua, N. Y., in place of Grace Davies. Incumbent's commission expired January 22, 1929.

PENNSYLVANIA

Spencer M. Lloyd to be postmaster at Republic, Pa., in place of S. M. Lloyd. Incumbent's commission expired June 5, 1928.

SOUTH CAROLINA

Robert L. Edmunds to be postmaster at Sumter, S. C., in place of J. W. Bradford, removed.

SOUTH DAKOTA

Louis Damberger to be postmaster at Herreid, S. Dak., in place of A. W. Siegele, removed.

Thelma L. Campman to be postmaster at Isabel, S. Dak., in place of C. L. Buttrick, resigned.

Earl H. Lien to be postmaster at Platte, S. Dak., in place of Fred Chesley. Incumbent's commission expired December 11, 1928.

VIRGINIA

John M. B. Lewis to be postmaster at Lynchburg, Va., in place of J. M. B. Lewis. Incumbent's commission expires February 6, 1929.

WEST VIRGINIA

Blanche P. Reed to be postmaster at Clay, W. Va., in place of B. P. Reed. Incumbent's commission expires February 6, 1929.

Albert A. Drinkard to be postmaster at Elbert, W. Va., in place of A. A. Drinkard. Incumbent's commission expires February 6, 1929.

James T. Keeney to be postmaster at Eskdale, W. Va., in place of J. T. Keeney. Incumbent's commission expires February 6, 1929.

Thomas O. Wash to be postmaster at Kayford, W. Va., in place of T. O. Wash. Incumbent's commission expires February 6, 1929.

Ora E. Gay to be postmaster at Owens, W. Va., in place of O. E. Gay. Incumbent's commission expires February 6, 1929.

Andrew B. Canterbury to be postmaster at Pax, W. Va., in place of A. B. Canterbury. Incumbent's commission expires February 6, 1929.

Clifton M. Spangler to be postmaster at Peterstown, W. Va., in place of C. M. Spangler. Incumbent's commission expires February 6, 1929.

WISCONSIN

Lawrence A. Fjelsted to be postmaster at Colfax, Wis., in place of L. A. Fjelsted. Incumbent's commission expires February 7, 1929.

WYOMING

Henry H. Loucks to be postmaster at Sheridan, Wyo., in place of H. H. Loucks. Incumbent's commission expires February 7, 1929.

HOUSE OF REPRESENTATIVES

MONDAY, *January 28, 1929*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Father of Infinite Love, Thou who are so patient to listen and so willing to hear, do Thou consider us and permit us to go forth to-day with Thy benediction; keep us in the mood of courageous faith and high purpose. Whatever may be the problems, lead the way, and enable us to press on with willing hands and patient hearts. We do most gratefully praise the One who is constantly blessing us. Direct all the interests of our country and all who are in authority. Remember our President and Speaker and all others upon whom rest the responsibility and function of government. In every way glorify Thyself through us, and Thine shall be the praise forever. In the holy name of Jesus. Amen.

The Journal of the proceedings of Friday, January 25, 1929, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had ordered that the House of Representatives be respectfully requested to return to the Senate the bill (S. 4222) entitled "An act to authorize the creation of Indian trust estates, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 2362) entitled "An act to authorize the payment to Robert Toquothty of royalties arising from an oil and gas well in the bed of the Red River, Okla."

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 4338) entitled "An act to authorize the President to award, in the name of Congress, gold medals of appropriate design to Albert C. Read, Elmer F. Stone, Walter Hinton, H. C. Rodd, J. L. Breese, and Eugene Rhodes."

The message also announced that the Senate had passed a concurrent resolution (S. Con. Res. 33) authorizing the Secretary of the Senate in the enrollment of S. 4338, to amend the title.

The message also announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 940. An act for the relief of Michael J. Fraher;

H. R. 2098. An act for the relief of Alonzo Northrup;

H. R. 3268. An act for the relief of John G. DeCamp;

H. R. 4589. An act for the relief of Dan A. Morrison;

H. R. 8341. An act to provide for appointing Clarence Ulery a warrant officer, United States Army;

H. R. 12113. An act providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico by exchanging therefor lands on the public domain also within such State;

H. R. 12995. An act for the relief of Etta B. Leach Johnson;

H. R. 14150. An act to amend section 279 of the Judicial Code;

H. R. 14925. An act to authorize repayment of certain excess amounts paid by purchasers of lots in the town sites of Bowdoin, Mont., and for other purposes; and

H. J. Res. 365. Joint resolution authorizing the President under certain conditions to invite the participation of other nations in the Chicago World's Fair, providing for the admission of their exhibits, and for other purposes.

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 6496. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested;

H. R. 6497. An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers and all other streams in which such States are jointly interested;

H. R. 6499. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested;

H. R. 7024. An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers and all other streams in which such States are jointly interested;

H. R. 7025. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested;

H. R. 7200. An act to amend section 321 of the Penal Code;

H. R. 7409. An act for the relief of John J. Campbell;

H. R. 13097. An act for the relief of Thomas W. Moore; and

H. R. 13484. An act authorizing preliminary examinations of sundry streams with a view to the control of their floods, and for other purposes.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 4517. An act appropriating tribal funds of Indians residing on the Klamath Reservation, Oreg., to pay expenses of the general council and business committee, and for other purposes;

S. 4704. An act to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Tropical Everglades National Park in the State of Florida, and for other purposes;

S. 4890. An act authorizing the Secretary of the Treasury to pay the Gallup Undertaking Co. for burial of four Navajo Indians;

S. 5014. An act authorizing the Secretary of the Interior to issue to the city of Bozeman, Mont., a patent to certain public lands;

S. 5073. An act to amend the act of Congress of June 26, 1906, entitled "An act for the protection of the fisheries of Alaska, and for other purposes";

S. 5090. An act for the relief of Lewis H. Easterly;

S. 5095. An act to amend section 1, rule 3, subdivision (e), of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895, as amended May 17, 1928;

S. 5178. An act to authorize the Secretary of the Treasury to donate to the city of Oakland, Calif., the United States Coast Guard cutter *Bear;*

S. 5179. An act to improve the efficiency of the Lighthouse Service, and for other purposes;

S. 5181. An act to amend section 4 of the act of June 15, 1917 (40 Stat. p. 224; sec. 341, title 22, U. S. C.);

S. 5269. An act to amend the United States mining laws applicable to the Black Hills and Harney National Forests;

S. 5331. An act for the relief of Edwina R. Munchhof;

S. 5452. An act to amend the trading with the enemy act so as to extend the time within which claims may be filed with the Alien Property Custodian;

S. J. Res. 198. Joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the presidential inauguration ceremonies in 1929; and

S. J. Res. 201. Joint resolution restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries, except the Gila River.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 3453) entitled "An act to confer jurisdiction upon the Court of Claims to hear and determine the claim of Clara Percy."

The message also announced that the Senate had passed a concurrent resolution (S. Con. Res. 32) requesting the President to return to the Senate the joint resolution (S. J. Res. 171) entitled "Joint resolution granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid transit railway."

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on January 26, 1929, present to the President for his approval bills of the House of the following titles:

H. R. 5953. An act for the relief of E. L. F. Auffurth;

H. R. 6350. An act for the relief of Bertram Lehman;

H. R. 6704. An act for the relief of Harry Pincus;

H. R. 7411. An act for the relief of Gilbert Faustina and John Alexander;
H. R. 8988. An act for the relief of Milton Longsdorf;
H. R. 9049. An act to amend section 227 of the Judicial Code;
H. R. 9509. An act for the relief of Ray Ernest Smith;
H. R. 10125. An act for the relief of Leo Scheuren;
H. R. 10126. An act for the relief of Loretta Pepper;
H. R. 10974. An act for the relief of Carl Holm;
H. R. 12879. An act to repeal section 1445 of the Revised Statutes of the United States; and
H. R. 13144. An act to cede certain lands in the State of Idaho, including John Smiths Lake, to the State of Idaho for fish-cultural purposes, and for other purposes.

IMPORTATION OF SUGAR FROM THE PHILIPPINE ISLANDS

Mr. GARDNER of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a statement made before the Committee on Ways and Means by Mr. Vicente Villamin, Filipino lawyer and economist, of New York City.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The matter referred to follows:

Mr. VILLAMIN. Mr. Chairman, in view of the swelling deluge of prophetic words adverse to the Philippines and the fact that I am the last speaker at these hearings for that country, may I suggest that my time be extended to 10 minutes, assuring this committee that I will not add unnecessarily to the verbal tonnage of the day?

The CHAIRMAN. The 5-minute rule will have to be adhered to.

Mr. VILLAMIN. Very well, then. I am going to speak on the broader aspects of the proposition of limiting the importations of sugar from the Philippines to the United States in defiance of the free trade existing between the two countries.

Gentlemen, irrespective of my wishes and aspirations as a Filipino citizen, I believe, as a modest student of international affairs, that the United States is going to stay in the Philippines indefinitely. This assertion finds support in the domain of international realities.

At present the Philippines is the most vulnerable sector on the circumference of America's national defense. Obviously, America's course in the premises is to build up and vitalize the Philippines and convert it into an appreciable asset, politically, economically, strategically.

To accomplish this end two things are essential. First, to be assured of the good will and loyalty of the 12,000,000 Filipinos, which can be realized by vouchsafing to them equitable treatment and equal opportunity under the American flag. Second, to strengthen the Philippines and the Filipinos by developing and utilizing their natural resources.

If the tariff limitation principle, as contemplated in the Timberlake resolution, is adopted, it will effectively stop further economic development in the Philippines. This will embrace not only sugar but all other products as well, including those noncompetitive commodities not produced in continental United States, like rubber, coffee, quinine, fibers, and other tropical raw materials.

Here is an example of what I mean. One of these days that genius, Thomas Edison, may succeed in producing synthetic rubber. In that event Philippine rubber would doubtless be, following the principle of limitation, the subject of a "Timberlake" treatment.

Therefore I say if the restriction theory is established you will have planted a dynamite in the foundation stone of America's international position in the Far East, the very area to which world affairs have gravitated with all their tremendous possibilities.

If the United States, by her vacillation aggravated by equivocation, is not going to permit the development of the Philippines by Americans and Filipinos either separately or conjointly other nations will assume that profitable undertaking. Those islands are too rich in natural resources to remain unnoticed, unmolested, and untouched. The nation that desires most and needs most that opportunity is Japan. Geographical propinquity, inadequate resources, and the actualization of her program of industrialization to meet her problem of overpopulation are the considerations that animate Japan's purposes and plans.

Gentlemen, without sounding any alarm or wagging the tongue of the alarmist, it is indubitable that the resources of the Philippines, including the nearly half a billion tons of iron-ore deposits, under the financial, not to say political, control of Japan would serve powerfully to strengthen Japan's economic sinews and consequently enhance her military power. This fact bears grave connotation to the United States as a power with vital interests in the Pacific that is of the very warp and woof of her national and international policies.

You will therefore have, if you adopt the principle of tariff restriction in your trade relations with the Philippines, surrendered from the armory of American authority the instrument for the destruction of that authority.

Mr. Chairman, I do not have the time to refute the arguments of the beet-sugar gentlemen point by point. In a friendly fashion I should have wished to engage with them in a blow-by-blow debate. I can only say one word now: From the right side of this committee I have listened to the enunciations of the fundamental philosophy of tariff protection, epitomized in guarantees of American market, American labor, American wages, and American equipment. That is all well and good. Official records show, however, that the labor in the beet-sugar industry is inconsequentially American and overwhelmingly Mexican.

Therefore, Mr. Chairman, it is with becoming appropriateness that the first speaker at these hearings for the beet-sugar industry, Mr. Cummings, reechoing in a falsetto voice the protectionist philosophy, really sang the pæans of praise to the Mexican peons. "All hail to the Mexicans; to hell with the Filipinos"—that's exactly what they mean in plain American lingo.

Gentlemen, our agricultural problem is depressing. While our soil yields only 2 tons of sugar an acre that of Louisiana yields 3 tons, Porto Rico 5 tons, and Hawaii, according to the Hawaiian representative who spoke yesterday, yields 6.39 tons.

The Philippines, in 1928, contributed 9 per cent of the sugar consumed in the United States that year. These good people would want you to believe that we could displace them from the United States market. Gentlemen, when Cuba reduced her contribution to the total consumption of the United States in 1928 through a self-imposed restriction by 9 per cent, did the Philippines rush into the lurch to make up for the diminution? Statistics say no. It was the continental beet and cane sugar that took care of that, increasing its percentage in the national consumption from 15 to 21.

This instance demonstrates conclusively the overpowering vitality of the beet and cane sugar industry of the United States. Increased tariff protection will intrench them more strongly and fortify their relative position of strength respecting the sugar that comes from the other side of the globe.

Now, as to profits in sugar. I have the latest fortnightly report of the Manila Stock Exchange. The nine sugar stocks quoted therein averaged less than 17 per cent in dividends paid in 1927, and the mills were the most efficient ones in the Philippines. During that year 60 per cent of the beet-sugar industry paid more than 30 per cent dividends. Is this not significant?

Finally, let us see what this war talk in connection with sugar is all about. They say in case of war sugar supplies can not be brought over from the Philippines. Now, logically, would not this be a good thing for the beet-sugar interests? It would mean, on the one hand, the destruction of the Philippine sugar industry if war shuts off the sea lanes, and, on the other, shortage of supply in the United States and hence higher prices.

The most important thing for America to protect in case of an international emergency is the American flag—American interests, American rights, American prestige. The beet-sugar gentlemen do not seem to have great confidence in the efficacy of the United States Navy to protect American interests overseas. Gentlemen, let me remind you that America's problem of defending the lines of ocean communications between the United States and the Philippines is infinitesimal in comparison with similar problems of England, with which country America, theoretically at least, maintains a naval parity.

The CHAIRMAN. Are there any questions?

Mr. VILLAMIN. May I ask for just one minute more?

Mr. CHINDBLOM. If the gentleman wants a few minutes I think he should have it. What he is saying is not repetition, but new matter.

The CHAIRMAN. Without objection, the time of the gentleman will be extended two minutes.

Mr. VILLAMIN. I was going to say that the consuming power of the United States has a wonderful elasticity. During the World War, by direction of the then Food Administrator, Herbert Hoover, the sugar consumption was reduced by as much as 50 per cent of normal. The United States revealed a tremendous Hooverizing quality. Where, I ask, in view of this formidable truth, is the seriousness of possible depreciation in sugar supply in war time represented by the relatively insignificant importations from the Philippines?

I desire now to talk about the alleged competition of the Philippines with beet sugar. It is all fiction. Not a single pound of Philippine sugar enters the beet-sugar territory. In the first place, there is not enough of that sugar entering this country; in the second place, the overland freight rates from the ports of entry to the territory are absolutely prohibitive.

Mr. Chairman, I do not blame the beet-sugar people, because they are in business to make money, but only last year they vigorously opposed the barge bill in Congress because it provided for a cheaper and better transportation system on the Mississippi and its tributaries tapping the beet-sugar territory. I repeat, I don't blame them for that, but when they tell this committee of the "Philippine menace" in the offing I am reminded of that ancient hyperbole in Homer's Iliad of the miserable mouse being born after the laboring of the mountains and the grand expectations.

Let me say a few words now on the potentiality of sugar production of the Philippines.

The CHAIRMAN. The gentleman's time has again expired.

Mr. VILLAMIN. I am going to say something which has never been said before * * *. I was going respectfully to challenge Mr. TIMBERLAKE * * *.

The CHAIRMAN. Are there any questions?

Mr. CROWTHER. I ask unanimous consent that the gentleman may have three minutes more.

The CHAIRMAN. Without objection, the time of the gentleman is extended three minutes.

Mr. VILLAMIN. Many thanks. They say if you permit the Philippines to expand her economic activities unrestrictedly American capital in sizeable amounts will flow thither and the time would soon come when they could produce an enormous amount of sugar. This is my reply: If you make the Philippine political status definite this American capital, which, by the way, I want to see in the hands of the Filipinos in the same way as Americans used British capital in the past, will go to the development of rubber and other undeveloped non-competing industries.

We are almost compelled under prevailing conditions and circumstances to go in the sugar business, for that is a well-established, centuries-old business where reasonable profits are made; and we are kept away by uncertainty from starting those noncompetitive industries which I mentioned in the early part of my statement here.

The Timberlake resolution will add enormously to the already uncertain political status of the Philippines. To him who would analyze that measure in this light it will become evident that while it will be a bomb to the Philippine sugar industry it will be a boomerang to the beet-sugar interests. Both sides will lose, and it is uneconomic.

Yesterday, out in the lobby, Mr. Lippitt, the vice president of the Great Western Sugar Co., said to me: "We are giving you people good advice. It is the idea of diversification." I told him we were not taking many advices from our adversaries. And there is no hard feeling in that, Mr. Lippitt.

Diversification, gentlemen, is the talismanic word that hopeless politicians and hopeful candidates hand out to the farmers when a farm question reaches an impasse. We have in the Philippines already a reasonably well-balanced agricultural diversification. Can you imagine that even Hawaii and Cuba are advising us to diversify? Those two countries need that advice for themselves infinitely more than the Philippines, and they know it perfectly well.

We are told, "Sell your sugar in the Orient." Oriental countries are tariff inclosed. Their tariff walls are higher than in the United States. We are not able to compete with Java, which dominates the oriental markets now. The only way to compete with Java is to reduce our production costs vertically and horizontally to the Javanese level, and that spells the reduction of our standard of living to the plane of the coolie labor in Java, whose daily wage is 20 cents or less. That, gentlemen, means the complete undoing and annihilation of the 30 years of work by America in the Philippines of economic amelioration and social regeneration. Is this not worth thinking about?

The CHAIRMAN. The gentleman's time has expired. Are there any questions?

Mr. TREADWAY. I would like to ask the gentleman his official position.

Mr. VILLAMIN. I have no official position. I am a lawyer. I have engaged in the study of economics, finance, and international affairs during the last 10 years. I am untrammelled and unhampered by official representation, political consideration, or candidatorial commitment. I discuss this question objectively on its merits, and on them alone.

May I add, Mr. TREADWAY, that, modestly, in the teeth of opposition and misapprehension, I am leading the movement for deferred separation from America for purely Filipino reasons, the principal one being the commercial advantages that we derive from our association with this country. My conviction is when we shall have established a strong economic structure for our country our independence will have become maintainable and its advent will have been accelerated.

The CHAIRMAN. The witness will please answer the questions without expatiation.

Mr. TREADWAY. I would like a little expatiation.

The CHAIRMAN. It is all at the expense of the time of the other witnesses.

Mr. TREADWAY. I think it is very interesting. I would like to ask another question, if you do not mind, Mr. Chairman.

At the very beginning of your remarks, perhaps you explain more in detail just what you refer to as the uncertain status—I heard you use those words. I would like to know more about that.

Mr. VILLAMIN. It is simply this: The beet-sugar producers who are not constitutional lawyers have affirmed here that the Philippines are a foreign country. That's not so, gentlemen. By the unbroken line of decisions of the Supreme Court of the United States the Philippines, though not an integral part of this country, is, nevertheless, an insular possession and not foreign to it. The Filipinos are neither citizens of nor foreigners to the United States. They are a legal conundrum, a political exclamation mark, an international anomaly. But the overshadowing fact is the Philippines are under the American flag as fully and as completely as the Capitol or the White House.

Mr. Chairman, I see your gavel is about to descend. Just half a minute more.

The CHAIRMAN. You asked for 5 minutes and you have been on the stand for 15 minutes. I am only suggesting this in fairness to the other witnesses.

Mr. VILLAMIN. We are fighting against tremendous odds.

Mr. CHINDBLOM. I would like to ask the gentleman if, in revising his remarks, as he will have a chance to do, he will state the sources of the data and statistics bearing on the brief references that he made in his remarks?

Mr. VILLAMIN. With pleasure, Congressman.

Mr. TREADWAY. Mr. Chairman, I would like to have him elaborate still further his remarks.

The CHAIRMAN. Let him elaborate them in his extension.

Mr. TREADWAY. I say in his extension in the record, in his written brief. I would like to have elaborated somewhat in reference to the relations between the United States and the Philippines and give a description of his reference to the "uncertain status." Further, his references to Philippine independence.

Mr. VILLAMIN. I have an article published in the Saturday Evening Post covering the point.

Gentlemen, I do not want to be cut off on the statement of my position on Philippine independence. I am opposed to immediate and complete independence now because of the economic advantages we enjoy which, as I said before, is the only thing that will speed the dawning of the day of our coveted independence.

If the limitation principle is adopted, that will knock off the bottom of my argument and render my position on the independence question untenable. Under that impact, if I am sincere and consistent, I should reverse myself and become an independence advocate. That I will do without hesitation and without reservation if America commits the colossal contradiction which the Timberlake resolution has in contemplation.

Mr. GARNER. I want to make a suggestion: If we are to retain the Philippines indefinitely, had they not better be brought under the Territorial laws and made a part of the United States as a Territory?

Mr. VILLAMIN. I am against the indefinite retention of the Philippines by the United States. I stand firmly on that as a principle.

The United States, I conceive, is under a binding moral obligation to prepare the Filipinos for nationhood and help them acquire, when the time of separation comes, a reasonable chance to exist in tolerable tranquillity, security, and prosperity. The Timberlake resolution will prevent the consummation of that great and glorious hope.

CLAIMS INCIDENT TO EXPLOSION AT THE NAVAL AMMUNITION DEPOT, LAKE DENMARK, N. J.

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 12236, with Senate amendments, concur in the Senate amendments, and pass the bill.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to take from the Speaker's table the bill H. R. 12236, with Senate amendments, to concur in the Senate amendments, and pass the bill. The Clerk will report the bill with the Senate amendments.

The Clerk read as follows:

A bill (H. R. 12236) to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926.

The Senate amendments were read.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Do the amendments in any way cover insurance companies?

Mr. ACKERMAN. They have been deducted.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on concurring in the Senate amendments.

The Senate amendments were concurred in.

PENSIONS

Mr. W. T. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House bill 14800, with Senate amendments, disagree to the Senate amenndments, and ask for a conference.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take from the Speaker's table the bill H. R. 14800, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

Mr. SNELL. Is that a pension bill?

Mr. W. T. FITZGERALD. Yes.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 14800) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war.

The SPEAKER. Is there objection?

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, is this agreeable to the minority members of the Committee on Pensions?

Mr. ELLIOTT. It is. I have just had a conference with the ranking member.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. W. T. FITZGERALD, Mr. ELLIOTT, and Mr. GREENWOOD.

MAJ. WILLIAM P. WILSON

Mr. HUDSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the omnibus bill H. R. 16522, which granted a pension to Marie T. Wilson, widow of Maj. William P. Wilson, late of the Ordnance Department of the United States Army, who died while in the line of duty November 27, 1927.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HUDSON. Major Wilson's work was most important and his contribution to the national defense was of the greatest moment, through his untiring efforts in the perfecting of an antiaircraft fire-control instrument. One of the greatest problems in connection with our aircraft defense has been that of obtaining a high degree of accuracy for our antiaircraft guns. Major Wilson's wonderful success in designing such an instrument is of international significance. As matters now stand, our Army is in a position to protect our citizen homes against an aircraft attack.

Major Wilson has, since the World War, unremittingly given himself to the task and has given every ounce of his nerve and energy to the perfection and completion of this great invention.

In this connection I want to read from Col. C. E. Kilbourne, Coast Artillery Corps; Maj. Gen. C. C. Williams, Chief of Ordnance; and Maj. O. L. Spiller, Coast Artillery Corps, their estimate of this man's great work for his Nation:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF COAST ARTILLERY,
Washington.

* * * * * * *

During the war, antiaircraft gunfire, while it improved somewhat toward the close, was relatively ineffective. The fire had to be so conducted that the projectiles would burst, not where the plane was when observed, but where it would be after the piece was loaded and fired and the projectile reached the plane. This involved:

First. Determining the position in altitude and direction of the plane.

Second. Determining its course and speed.

Third. From these determining where the plane would be at the end of the loading and the time of flight of the projectile, which time of flight itself depended upon the future position of the plane.

Fourth. Determining the fuze setting that would cause the projectile to burst at the proper instant.

When the speed of a plane is considered (40 to 50 yards a second) you may grasp the complications of the problem and the importance of shortening all operations preceding the actual firing of the piece. For example, an error of 5 yards in determining the course of the plane during 1 second, would result in an error of 50 yards at the end of 10 seconds, leaving the plane still within the danger zone of the bursting shell. But if the time between the computations and the burst were 30 seconds the error would be 150 yards; if 1 minute elapsed, the error would become 300 yards; in either of these last the burst would be ineffective.

It was essential therefore that a system be developed by which the instruments would automatically predict the future position of the plane continuously, and that these predictions should be automatically converted into elevation and direction for the gun and into the correct fuze setting. Furthermore, it was essential that these data should be instantly indicated to those operating the gun and the fuze setter so that they, by merely keeping certain indices on the gun and fuze setter, opposite corresponding indices actuated by electric impulse from the controlling instruments, could maintain continuous and accurate fire.

It was to this problem Major Wilson addressed himself. He utilized, of course, all he could glean from similar efforts in foreign armies. But the instrument he designed, and which we have adopted for our service, is purely his own. Not only will his instrument operate for a plane moving on a straight course but will predict for a plane moving on a regular curve. It will not predict for an erratic course, but you must remember that planes of high maneuverability are targets for the smaller automatic weapons. That bombing planes, for protection against which the antiaircraft cannon are provided, are heavy and incapable of sudden changes of course—furthermore that, if prevented from flying toward their objective on a fairly straight course, their bombs can not be dropped upon that objective. For these bombing planes, therefore, Major Wilson's device solves our problem.

It was tested out at the Aberdeen proving ground last fall and so conclusively proved itself that our Ordnance Department was prepared, upon conclusion of the tests, to go ahead with the final design of the instrument. Some improvements were indicated as desirable and on these Major Wilson was putting the final touches when he died of heart failure.

Combined with his genius was an intense devotion to duty that won the respect, and a modesty and consideration for others that won the love of his comrades and fellow workers.

* * * * * * *

Sincerely yours,

C. E. KILBOURNE,
Colonel, Coast Artillery Corps.

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Major Wilson served at Frankford Arsenal for nearly four years prior to his death. During the greater part of this time he was in charge of the optical and instrument laboratories and the fire-control design section. The period of Major Wilson's incumbency was one of great activity and rapid development. Great strides were being made in perfecting the new types of antiaircraft and mobile artillery leading to the standardization of nearly all the improved types and calibers. A most important part of any artillery development is the provision of accurate means for directing and controlling the fire. Practically all of the new sighting systems, seacoast fire-control apparatus, and ballistic computing devices were designed under the direction and close personal supervision of Major Wilson.

The most noteworthy example of this officer's work, and the one that best illustrates his outstanding technical ability and inventive genius, is the antiaircraft fire-control director TI. The work of designing this instrument was started in 1924 and carried forward continuously until his death. The instruments in use at the time this development was started were comparatively crude affairs, very similar to the ones improvised during the war. They were inherently inaccurate and unsatisfactory. All types were based on assumptions and approximations designed to simplify the computing problem, but necessarily introducing inaccuracies seriously affecting the value of the computed data.

Major Wilson, disregarding all precedent, attacked the problem from an entirely new angle and succeeded before his death in developing an instrument theoretically and by actual firing test superior to any similar purpose instrument in existence.

In order to appreciate the difficulties of this work it is essential that the problem be at least partially understood. The target is moving at a high rate of speed through space. Its position with respect to the battery is constantly changing in three dimensions. The gun must be pointed sufficiently in advance of the target in order that the projectile and the target will meet, and the fuze must be so timed as to burst the projectile at that instant. Variations in muzzle velocity, wind, atmospheric density, and drift must all be accurately computed, and the necessary corrections applied to the firing data. All of this must be done continuously and automatically.

The director, which is essentially a supercomputing machine, solves all the geometrical and ballistic problems involved. It automatically computes the future position of the target based on the angular rates of change in azimuth and elevation; it automatically multiplies these rates by the time of flight of the projectile. It automatically applies all the ballistic corrections; thus the instrument is able to give continuously the azimuth, quadrant elevation, and fuze range, corresponding to the future position of the target. These data are transmitted automatically to the guns. The guns are trained by traversing and elevating in such manner as to keep two moving pointers in coincidence. Sights and range drums are eliminated from the carriage. It is not necessary that the manning personnel of the guns see the target. A machine that will do all this is necessarily very intricate and complicated. A high degree of precision is necessary in its design and construction.

Other antiaircraft projects worked out under Major Wilson's direction include a sighting system that is vastly superior to preceding types; a machine gun data computer and several types of machine-gun sights. His contributions to seacoast artillery fire control are numerous and include the development of the cloke plotting and relocating board, which is now standard for all long-range batteries; an improved range-correction board, a percentage corrector, and the new standard long-range depression position finder.

His work for the field artillery covers such items as new sights and sight mounts for the 105 mm. howitzer, the 75 mm. gun, the 75 mm. pack howitzer, the 75 mm. infantry mortar, and the 37 mm. infantry gun. The sighting system for the mount first mentioned incorporates certain new and valuable features which make it superior to any similar

foreign development. The other sights compare favorably with the new developments in other countries.

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Sincerely yours,

C. C. WILLIAMS,
Major General, Chief of Ordnance.

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The first knowledge I had of Major Wilson's interest in this type of development was in the summer of 1920 when I saw him at Aberdeen Proving Ground. He questioned me at great length concerning the types of fire-control instruments in use by the allied armies during the World War and the relative efficiency of each. I was able to give him considerable data along this line for the reason that I served in the antiaircraft service in France and had occasion to visit various allied antiaircraft units at the front as well as in training centers where officers were instructed in the theory of antiaircraft fire control.

The next year, 1921, when I was in Washington on official business, Major Wilson again talked with me on the subject and I found that he had acquired a most thorough knowledge of the theory of antiaircraft fire and of all the principles involved, and, also, that he knew the mechanical details of all of the instruments used in the allied armies, and understood thoroughly their weak points. At this time Major Wilson informed me that he had in mind a "central control instrument" which would overcome all the mechanical defects that were experienced in operating the war instruments and would be correct in principle. However, he had considerable doubt that he could make the machine work. I found out later through further acquaintance and conversation with Major Wilson that this last remark of his was prompted more by his modesty than by actual fear that the instrument would not be a success. After this I saw Major Wilson at intervals of about six months until he completed his instrument in 1926. I can not say exactly how much of his time he devoted to the study and design of this instrument, but I know that during this five years he was continually studying the antiaircraft problem, making and remaking parts of the apparatus many times in order to obtain the performance at which he was aiming.

Although he received ideas and suggestions from many people and made use of the ideas which were applied by others during the war, it may be safely said that Major Wilson's design was absolutely original and the principles he applied to determine the firing data were entirely different from those employed in any other instrument.

Some of the objectionable features of the war instruments were that they were inaccurate, slow, and based on too many assumptions as to the course, speed, and expected maneuver of the airplane. Neither were they provided with means in the instrument for correcting for the effect of wind, drift, and change in muzzle velocity. These last-named variations are very common and should be taken care of by any instrument before it can approach accuracy. In Major Wilson's instrument practically all of these were overcome. The instrument was accurate, was speedy in operation, and contained means for correcting for variations in wind, drift, and muzzle velocity. There would be no comparison whatever between the performance of a 4-gun battery firing at an airplane using the best of the war-time instruments and the same battery using the Wilson instrument. With the latter the fire would be considerably faster and so much more accurate that it would be apparent to the casual observer not familiar with the principles of antiaircraft fire.

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Very respectfully,

O. L. SPILLER,
Major, Coast Artillery Corps.

FIRST DIFICIENCY BILL, 1929

Mr. WOOD. Mr. Speaker, I wish to give notice to the House that to-morrow morning, after the reading of the Journal and the disposal of business on the Speaker's table, I shall ask unanimous consent to take from the Speaker's desk the first deficiency bill, 1929.

Mr. LAGUARDIA. With twenty million and odd dollars put on by the Senate.

ELLIS ISLAND

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, I desire to call the attention of the House to a censorship of the press brought about by a minor official of the United States Government, the Commissioner of Immigration at Ellis Island.

Now, there is a tendency in this country on the part of a few unimportant people to abolish the great American institution of freedom of speech and free press, and here and there a petty official in a minor office is found willing to carry out this purpose. A few days ago there arrived at Ellis Island an English boy, a stowaway, on the steamer *Lancastria*. He arrived with both feet frozen. Under the law, of course, the boy can not be admitted. The deportation is mandatory. A daily newspaper in New York City sent one of its reporters to Ellis Island to interview this boy, and admission to newspaper men was refused by the Commissioner of Immigration.

That naturally causes to arise a suspicion as to the condition of the Government institution at Ellis Island.

Gentlemen, I worked there 21 years ago under Commissioner Watchorn, and the island was so conducted at that time that newspaper men were admitted at all times, and everything that was going on there was open to the inspection of the public. I now charge that there must be something very rotten at Ellis Island to prompt the Commissioner of Immigration passing a rule or censorship preventing representatives of the press from going on the island and seeing people.

Mr. BLANTON. Mr. Speaker, will the gentleman yield there?

Mr. LAGUARDIA. In a moment.

Gentlemen well know that the press has access to Government institutions, hospitals, penal institutions, and departments; and it is not only improper but contrary to the very principle of our Government to establish a censorship of that kind.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. Then the gentleman served there under a Democratic administration, while now we are under Republican rule.

Mr. LAGUARDIA. Oh, no. Robert Watchorn was then the Commissioner of Immigration and Oscar Straus and Charles Nagle were the Secretaries of Commerce and Labor during my time, both Republicans.

Mr. BLANTON. But it was under a Democratic administration.

Mr. LAGUARDIA. Twenty years ago Oscar Straus was Secretary of Commerce and Labor, and a more humane and able man never served in that capacity. I want to take this opportunity of advising and serving notice that I shall start an investigation of Ellis Island of my own, and if there is anything there that Mr. Day thinks he can hide by reason of his censorship, I will bring it to light. [Applause.]

RULES OF THE HOUSE

Mr. SNELL. Mr. Speaker, I call up House Resolution 278, a privileged resolution from the Committee on Rules.

The SPEAKER. The gentleman from New York calls up a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 278

Resolved, That Rule XIII of the Rules of the House of Representatives be amended by inserting a new paragraph following paragraph 2, which shall be known as paragraph 2a, and shall read as follows:

"2a. Whenever a committee reports a bill or a joint resolution repealing or amending any statute or part thereof it shall include in its report or in an accompanying document—

"(1) The text of the statute or part thereof which is proposed to be repealed; and

"(2) A comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions proposed to be made."

Mr. SNELL. Mr. Speaker, I yield 10 minutes to the gentleman from Iowa [Mr. RAMSEYER].

Mr. RAMSEYER. Mr. Speaker, the resolution which has just been read from the Clerk's desk is one to amend an existing rule, Rule XIII of the Rules of the House of Representatives. This proposed rule has been the subject of informal discussion among the Members of the House for a number of years. I have discussed on the floor of the House this proposed rule a number of times. The amendment to the rule as it is before you now has been carefully considered by the parliamentary clerk, the legislative counsel of the House of Representatives, the Committee on Rules, and a large number of the membership of this House. The Committee on Rules unanimously reported this resolution as proposing a proper amendment to the House rules.

The proposal in this new rule is simply this: Many bills which are introduced are to amend statutes. Such bills are reported back to the House, and there is nothing either in the bill or in the report accompanying the bill to advise Members of the House just what specific changes the bill proposes to make in the statute under consideration. If this amendment to Rule XIII is adopted, then hereafter a committee which reports a bill to amend an existing statute must show in the report just what changes are proposed. Suppose a bill is to amend a statute—we will just call it section 100—by omitting some words

and adding thereto other words. The proposal is that the report shall show by stricken-through type the words to be omitted and by italics the words that are added, so that a Member who is interested in knowing just what changes it is proposed to make in the statute under consideration can get the report, read it, and have before him exactly the changes which are proposed to be made. Personally, I have followed this practice as to all bills I have been authorized to report from the committees on which I served, and the reports which accompanied such bills showed exactly the changes which were to be made. Some members from other committees have also followed this practice, but I do not know that any one committee has followed this practice.

We want here by a general rule to enforce that practice on every committee that reports out a bill proposing to repeal or amend any statute or part thereof. It will greatly aid Members who desire to follow legislation in knowing exactly what changes are proposed, and it will enable them to acquaint themselves with the changes that are proposed by reading the committee report. Very often we have bills before us to amend section so-and-so to read as follows. It occurs occasionally the gentlemen who have charge of such a bill can only say in a general way what the effect of the proposed changes will be. They appear on the floor without even the code, the Statutes at Large, or anything else which will enable them to answer questions as to what specific changes are proposed. Under this rule such questions will be answered specifically in the report before the bill is called up for consideration on the floor of the House. I think it will greatly aid in orderly legislation. Many of the State legislatures now require proposed changes in statutes be shown either in the reports accompanying bills or in the bills themselves.

Mr. COLTON. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. COLTON. The Public Lands Committee, for instance, last week reported a bill of some two pages in which but one word was to be changed, and the most of the bill was a long description of land to be added to a forest reserve. Now, would it be necessary to print the entire bill, or would it be sufficient to indicate the change to be made?

Mr. RAMSEYER. It would be sufficient to indicate only the change to be made, and the second paragraph of the resolution covers that:

A comparative print of that part of the bill or joint resolution making the amendment.

It would not be necessary to print the entire bill.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. MOORE of Virginia. I was not here when the gentleman began his statement. Is it contemplated that when a bill is reported amending a section of an existing statute that the entire section shall be repeated and then that the new matter shall be italicized? That is a very convenient method of legislation, and is required by the constitutions of a great many States.

Mr. RAMSEYER. That is the practice in some of the States. I have bills in my pocket showing the practice followed in the State of New York, and a similar practice is followed in Vermont, Pennsylvania, and, I think, in Virginia. Since this matter has been up for discussion among Members of the House I have heard of at least 12 or 15 States in which the changes proposed to be made must be shown in the bill itself or in the accompanying report, as this rule requires.

Mr. MOORE of Virginia. At the present time, very often a bill is reported here which provides, for instance, that a certain section of an existing statute shall be amended by adding certain words.

Mr. RAMSEYER. Yes.

Mr. MOORE of Virginia. And you have to consult the statute that is in existence and perhaps many preceding statutes to ascertain the effect of the proposed amendment. This rule would not meet that case, would it?

Mr. RAMSEYER. Yes; this rule meets your case. This rule would require that statute to be amended, be printed in the report together with the words to be added printed in italics, so you could see at a glance the proposed change.

Mr. MOORE of Virginia. Set out in the bill or in the report?

Mr. RAMSEYER. In the report.

Mr. MOORE of Virginia. But not in the bill?

Mr. RAMSEYER. No; this rule does not contemplate any change in the existing practice in regard to printing bills. The accompanying report must show the proposed changes.

Mr. MOORE of Virginia. I hope some time the gentleman may consider going a step further and proposing that the bill itself shall reenact the section that is involved, so anybody at a glance can see exactly what change is made in existing law.

Mr. RAMSEYER. There is merit to the gentleman's suggestion.

Mr. HUDSON. Will the gentleman yield there?

Mr. RAMSEYER. Yes; I yield to the gentleman from Michigan.

Mr. HUDSON. That was the point I wanted to bring out. The bills are laid upon our desk, and we have then the first notice of proposed legislation. It seems to me, as is the practice in the State of Michigan, the bill ought to carry in brackets the part of the statute that is to be eliminated and in italics the proposed amendment; then we would have notice before referring to the report of the committee.

Mr. RAMSEYER. That is the practice in many States, but there are so many bills introduced here and so few reported out it was thought at least for a starter we had better limit ourselves to showing the changes in the bills that are actually reported and show those changes in the reports accompanying the bills.

Mr. NEWTON. Will the gentleman yield there?

Mr. RAMSEYER. I yield to the gentleman from Minnesota.

Mr. NEWTON. The purpose, of course, is to inform the membership of the House as to what the original act is and the proposed changes, so that each Member will know them. It seems to me this can be done as effectively by the method proposed here in the rule, to have this embodied in the report, as it would be to have it in the bill itself.

Mr. RAMSEYER. I think so.

Mr. NEWTON. I know that on most of the bills our committee has reported out amending the interstate commerce act; we have followed that practice in the report.

Mr. RAMSEYER. I know that the gentleman from Minnesota, who is now interrogating me, has followed that practice in the bills he has reported which proposed changes in existing statutes.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. SNELL. Mr. Speaker, I yield the gentleman from Iowa five additional minutes.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. RAMSEYER. I yield to the gentleman from New York.

Mr. LAGUARDIA. Of course, the gentleman's rule will be of great help to some of us who work on the Consent Calendar, but I think it is important that the gentleman should embody in his remarks a warning to the drafters of bills amending existing laws or statutes not to use line references in amending bills, such references as "the fifth" or the "seventh line" of the second paragraph or "after the semicolon in the tenth line." Such language has become quite customary. Especially is this true of the Navy Department and the War Department, where many of these bills are drafted. They may be working from a particular edition which they have before them and the lining changes in each edition or print of the law. References should be by sections and by quoting sufficiently from the law as to make the amendment clear. Therefore, for the sake of good and proper legislation the amendment should show the certain word in a certain section that is to be stricken out and show what is to be inserted in lieu thereof and the complete amended section. We have considerable trouble with a reference to a certain line, when we are all working with different editions of the law. The best form is to provide, for example: "That the section as amended shall read as follows."

Mr. RAMSEYER. The gentleman's warning is well taken, and I adopt it now as my own, giving the gentleman, however, due credit of authorship.

Mr. CRAMTON. Will the gentleman yield?

Mr. RAMSEYER. I yield to the gentleman from Michigan.

Mr. CRAMTON. The resolution applies only to bills and joint resolutions. What does the gentleman think of having it broad enough to apply also to House resolutions from the gentleman's Committee on Rules that have to do with substantive changes in the rules? Would it not be wise to have this same regulation apply to the Rules Committee in such cases? [Laughter.]

Mr. RAMSEYER. Well, I am trying to recall whether such a situation as that to which the gentleman now refers has ever arisen.

Mr. CRAMTON. The situation has arisen in a rather conspicuous recent instance, and I wondered whether the failure of the Committee on Rules, having reported this resolution to apply to all other committees of the House, to include language that would apply to themselves was based on their realization that they would themselves abide by the reform without any such requirement.

Mr. RAMSEYER. No. The Committee on Rules, of course, never gave the thought embodied in the gentleman's suggestion any consideration. The rules are simple propositions in comparison with our statute laws. The rules of the House are much more easily found and can be very readily compared; every Member on the floor of the House is entitled to have them before him. I am sure that the Members of the House feel there is no necessity for making this rule applicable to resolutions reported by the Committee on Rules.

Mr. CRAMTON. Do I understand from the gentleman's statement that the Rules Committee does not feel that they ought to follow this practice that they are prescribing for all other committees?

Mr. RAMSEYER. The Rules Committee has not given it any thought. The Rules Committee, so far as I know, has in the past, and will in the future, I am sure, make very plain to the House membership any changes proposed to the rules of the House so as to make it perfectly clear to the gentleman from Michigan and others interested what it is proposed to be changed in any existing rule.

Mr. DENISON. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. DENISON. What would be the effect if the committee failed to comply?

Mr. RAMSEYER. If the committee failed to comply with the rules of the House?

Mr. DENISON. Yes; with the rule with reference to the report of the bill?

Mr. RAMSEYER. The rule requires bills of a certain kind to be accompanied by a report showing certain things.

Mr. DENISON. Suppose the committee should bring in a report and not comply with the rule. Would a point of order lie?

Mr. RAMSEYER. That will be determined by the Speaker if that situation should arise. My own opinion is that a point of order would lie.

The SPEAKER. The time of the gentleman has again expired.

Mr. SNELL. I yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Speaker, I shall vote for the rule reported by the gentleman from Iowa, although I think it is far from what the House needs. It deals only with bills and resolutions introduced in the House. But instead of being a House rule this ought, in my opinion, to be a bill which, when made a law, would be applicable to all bills and resolutions introduced in either the House or the Senate.

I did not know that the gentleman from Iowa had introduced the rule now before us, when on December 6 I introduced a bill to amend chapter 6, title 44, of the United States Code by inserting a new section to be known as section 189–a, which provides that any bill or resolution proposing an amendment to any existing statute or to the Constitution shall have matter to be stricken out printed with a line drawn through the same and new matter printed in italics; and provides also that the provisions of the proposed new section shall govern the printing of amendments to bills, resolutions, joint resolutions, and memorials so far as applicable.

These provisions of the bill I introduced are found in the statutes of Wisconsin, and in those of other States. The language is clear, definite, not to be misunderstood. It provides that proposed amendments to bills and to resolutions shall be printed in one way and in one way only. But I notice that the rule submitted by the gentleman from Iowa provides that the committee shall include in its report—

(2) A comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions proposed to be made.

Now that, I think, is very far from being as specific and exact as it ought to be. Indeed, it is not specific, definite, at all. It would allow committees to report bills and amendments in either of three different and dissimilar ways—that is, by "stricken-through type and italics," or by "parallel columns," or by "other appropriate devices," leaving to the imagination what these "devices" may be.

There should be not a mere House rule on this important subject, but a law applicable to bills in either House or Senate commanding that the matter to be stricken out shall be printed with a line drawn through it, and that the new matter shall be printed in italics. That is all that is necessary, and it has long worked perfectly in actual practice in Wisconsin and other States.

I trust the gentleman from Iowa will consent to such an amendment to the proposed rule, because there could not then be the slightest objection to it except that it does not, can not, apply to Senate bills. But if the rule is to leave it discretionary with committees to report amendments in either of three different ways it will not meet the situation.

Mr. MICHENER. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. MICHENER. In view of the fact that we have some bills like the Judicial Code, should not there be some leeway?

Mr. COOPER of Wisconsin. In reference to the suggestion made by the gentleman from Michigan, I will say that in the original copy of my bill there was a clause expressly excepting from its provisions bills for a general revision of the laws (the Judicial Code), but it was inadvertently omitted from the copy introduced in the House.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. SNELL. Mr. Speaker, I yield the gentleman three minutes more.

Mr. COOPER of Wisconsin. That exception is in the statutes of Wisconsin, and I intended to present that identical amendment to the committee having my bill before it.

Mr. MICHENER. I might say that when the matter was before the Committee on Rules, I was of the same opinion. I insisted on this rule being made absolutely definite.

Mr. COOPER of Wisconsin. It ought to be.

Mr. MICHENER. With no leeway, so that all reports would be uniform, so that there could be no question; but after giving the matter mature thought, and applying the theory to the House practice, I feel that it is entirely advisable to pass this resolution allowing some discretion.

Mr. COOPER of Wisconsin. Right there, let me say to the gentleman from Michigan that the statutes of Wisconsin and of other States specifically provide that the law respecting the printing of amendments shall not be applicable to a bill for a general revision of the statutes. Such a revision comes only once in many years. It is always very voluminous and involved, and should be exempted from the provisions of the law governing the printing of amendments.

Mr. MICHENER. For instance, take the Sherman antitrust law. That is a very lengthy statute. Little bills are introduced now and then which affect certain sections of that law, probably two or more. Would the gentleman think it advisable in such a bill to print the entire Sherman antitrust law, which is a large pamphlet?

Mr. COOPER of Wisconsin. I think that anything which would inform the House ought to be printed. A bill should be printed, the parts to be eliminated stricken through, and the amendments printed in italics, so that anybody reading the bill and the report will understand precisely what is intended. Otherwise, you compel an elaborate study and comparison such as it is impossible for the Members of the House to give to the thousands of measures pending before Congress.

Mr. SNELL. Mr. Speaker, practically all of the suggestions that have been made on the floor of the House here to-day relative to these changes in the rules have been considered by the Committee on Rules, and they were considered very carefully. As a matter of fact, in the practical working out of these various matters there are a good many rules that will apply to State legislatures and work out satisfactorily, that will not apply in the National Congress on account of the difference in procedure and the wide application of measures considered. We do not know that this rule is perfect in every respect, and make no such claims, but we think it is a step in the right direction, and is a rule that is in keeping with the desire of a majority of the Members of the House; that is, that we try something along this line. It may be necessary a little later to change or amend this rule, but we think that it is as definite and distinct in its application as we feel like recommending to the House at the present time. I do not know but that some of the suggestions made here to-day will eventually be considered as desirable and be incorporated in the rule, but at the present time, from the careful consideration that we have given it, and it was discussed very carefully for some length of time in the committee, we feel this is as far as we ought to go in recommending to the House at the present time. Intentionally we did not desire to make the rule too drastic at first, and until we knew how it would work out in the every-day procedure of the House.

I yield three minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Speaker, the necessity for the adoption of this rule and the mechanical working of the rule, if adopted, have been clearly stated by the gentleman from Iowa

[Mr. RAMSEYER], the author of the amendment to the rule. I think the rule will go a long way in meeting a situation that many Members of the House have recognized heretofore as being very necessary to correct in order to expedite better consideration of bills when amendments are proposed to existing statutes. It is true that the rule might go further in its provisions, as has been suggested by the gentleman from Virginia [Mr. MOORE] and the gentleman from Wisconsin [Mr. COOPER], but it will be noticed from a reading of the proposed change in the rules that quite a large latitude is allowed by way of discretion to the members of a committee as to the method they shall employ in pointing out the changes that are proposed in existing law.

It does not set down any hard and fast rule or iron-bound rule of mechanical printing, so to speak, but gentlemen will observe that it allows alternative methods to be used in the judgment of a committee to set out fairly by these three methods proposed what the existing text of the statute is and what the proposed change is in that statute. This objection was urged to the proposal requiring all bills when introduced to show the changes suggested by the gentleman from Wisconsin, and I think it is rather a sound objection. At each session of the Congress some 15,000 or 20,000 bills are introduced. Many of them involve proposed amendments to existing law. To print them in that way would necessarily very largely increase the cost of printing bills and the time used in preparation. It was thought by the Committee on Rules, as a matter of experiment, I might call it evolution, that at least for the present we should make the requirements relate only to bills actually considered by committees and reported out of the committees to be placed upon the calendars of the House. We thought that would give Members fair opportunity, without having the textbooks of existing law before them, to make an off-hand comparison to see in a practical-sense way what are the proposed changes in existing law.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. TILSON). The time of the gentleman from Alabama has expired.

Mr. SNELL. Mr. Speaker, I yield the gentleman three minutes more.

Mr. BANKHEAD. I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. The rule, if adopted in its present form, gives any committee the option to report a suggested amendment in either of three or four different ways, and there will be nothing like uniformity in the reporting of measures by committees. There ought to be an absolute mandatory requirement that every committee in reporting a bill shall report an amendment with the parts to be eliminated stricken through and the proposed amendment in italics.

Then there could not be opportunity for mistake.

Mr. BANKHEAD. Well, I think that suggestion has been answered by the gentleman from Michigan [Mr. MICHENER], and the Committee on Rules candidly confesses to the House it does not recognize this as the last word, probably, on that proposition. But we think for the present at least the committee certainly went a long ways to correct a situation which I think the gentleman realizes ought to have been corrected long ago.

Mr. COOPER of Wisconsin. If the gentleman will allow me to suggest right there, I have seen some very cunning things done in reporting bills, and sometimes 90 per cent of the House deceived as a result of such cunning——

Mr. BANKHEAD. It is for that very purpose we are bringing in this rule.

Mr. COOPER of Wisconsin. If the gentleman will permit, line 14 says that the committee may indicate the amendment through "other appropriate typographical devices." The expression "other appropriate typographical devices" is very ambiguous and may permit the cunning of a Member, if he wishes to exercise it, to so report an amendment as to deceive the ordinary reader.

Mr. BANKHEAD. I am unwilling to admit that any committee of this House would deliberately bring in a bill deliberately conceived for the purpose of deceiving the House and engage in that species of cunning to which the gentleman has referred.

Mr. VESTAL. Will the gentleman yield?

Mr. BANKHEAD. I will.

Mr. VESTAL. I have thought—of course, I am for this rule; I think it is a step forward; but it seems to me that the rule ought to go a little further, so that the bills reported from a committee, all bills reported from a committee ought to carry the full language of the statute sought to be amended, and the statute as amended, in the bill reported as well as in the report, not in the bill as proposed to the House, but in the bill as reported back to the House for action, and it seems to me that that bill ought to carry the same language the report carries.

Mr. BANKHEAD. I will say if that appeals to the gentleman from Iowa or the chairman of the committee, of course, they can yield for that purpose to offer an amendment, but I do not know they will do so. I would not be inclined to yield further on the subject.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SNELL. Mr. Speaker, only one word. It was not the idea of the Committee on Rules to make this a limited mandatory rule in the beginning. We wanted to work it out so that we can go in the direction that so many Members of the House have expressed a desire at various times. We discussed that very carefully, left it open to a certain amount of discretion, and as soon as we see how this works, if it works in the right direction, we will make a rule perhaps more mandatory. But it was the opinion of the committee, this was as far as we ought to go at the present time.

Mr. DENISON. Will the gentleman yield?

Mr. SNELL. I will.

Mr. DENISON. The gentleman is one of the best parliamentarians and I want to ask him a question for the enlightenment of the rest of us here. This provides three methods. One by stricken-through type and italics, by parallel columns, or other appropriate typographical devices. I want to ask the gentleman from New York, who is to be the judge of the appropriateness of typographical devices?

Mr. SNELL. To begin with, I should leave some discretion to the committee that makes the report, and if it is necessary to make other limitations in order to obtain the cooperation of the committees we can do that at a later time. You must remember this is more or less an experiment.

Mr. DENISON. Suppose a committee brings in a report on a bill using a typographical device which they think is appropriate, and some other Member of the House does not think is appropriate. What can you do about it?

Mr. SNELL. I do not know as we could do anything, and I do not anticipate any serious complications to arise from this. I believe the committees will cooperate and that is all we can ask at present. I have discovered that when amending the rules of the House you have to be very careful and do it by degrees. We want to be sure of our ground so far as we can be at the time, and it will not be a very serious proposition to again amend or cut out this rule, if we find we have made an error in what we have done.

Mr. BLANTON. Mr. Speaker, will the gentleman yield for a question?

Mr. SNELL. Certainly.

Mr. BLANTON. Will this rule apply to appropriation bills?

Mr. SNELL. It will apply to all bills carrying any legislation. Appropriation bills are not supposed to carry any legislation.

Mr. BLANTON. If so, it will probably put the Committee on Appropriations out of legislative business, would it not?

Mr. SNELL. To a certain extent it may limit it.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. SNELL. Mr. Speaker, I expected at this time to call up another privileged report from the Committee on Rules, relative to the reference of constitutional amendments. As the chairman of the Committee on the Judiciary, the gentleman from Pennsylvania [Mr. GRAHAM], was unable to be here to-day, I shall not call it up at this time.

Mr. CRISP. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. CRISP. It is to make an inquiry of my friend the chairman of the Committee on Rules with reference to the resolution just passed. I am in favor of it, but I was not in the House at the time the debate took place. I want to ask the gentleman one practical question with reference to it. If a committee should make a report without complying with it, what would be the effect? Would a point of order lie against the report of that committee?

Mr. SNELL. Well, it rather seems to me it would be up to the Speaker to determine that question. There are many rules that are always complied with in each particular.

Mr. CRISP. My inquiry was to bring out what was the intention of the Committee on Rules in that respect, thinking

it would have some bearing on the decision of the Speaker in interpreting the rule in that regard.

Mr. SNELL. I think it would be up to the Speaker to decide that point of order, but at first I would expect he would be fairly liberal in his rulings along this line. It is pretty hard to draw a hard-and-fast rule on this important subject; but we thought we would try this out, and if it does not work in its present form, we will either amend it to meet the conditions that arise or abandon it altogether.

Mr. CRISP. I am in sympathy with the rule.

REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Joint Resolution 350.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

Joint resolution (H. J. Res. 350) to provide for the reappointment of Frederic A. Delano and Irwin B. Laughlin as members of the Board of Regents of the Smithsonian Institution

Resolved, etc., That the vacancies in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, caused by the expiration of the terms of Frederic A. Delano, of the city of Washington, and Irwin B. Laughlin, of Pennsylvania, on January 21, 1929, be filled by the reappointment of the present incumbents for the statutory term of six years.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent for the present consideration of this resolution. Is there objection?

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, has this resolution been considered by the committee of the House?

Mr. MOORE of Virginia. Yes; by the Committee on the Library.

Mr. SCHAFER. Has the committee unanimously recommended its passage?

Mr. MOORE of Virginia. Yes.

The SPEAKER pro tempore. Is there objection to the present consideration of this resolution?

There was no objection.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

MAINTENANCE OF PUBLIC ORDER DURING INAUGURAL CEREMONIES

Mr. ZIHLMAN. Mr. Speaker, I desire to call up House Joint Resolution 386, now on the Union Calendar, relating to the protection of life and property and public safety during the inaugural ceremonies.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution by title.

The Clerk read as follows:

Joint resolution (H. J. Res. 386) to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1929.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent that the resolution be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That $25,000, or so much thereof as may be necessary, payable in like manner as other appropriations for the expenses of the District of Columbia, is hereby authorized to be appropriated to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from the 28th of February to the 10th of March, 1929, both inclusive, including the employment of personal services, payment of allowances, traveling expenses, hire of means of transportation, cost of removing and relocating street-car loading platforms, and other incidental expenses in the discretion of the commissioners. Said commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property, and to make special regulations respecting the standing, movement, and operating of vehicles of whatever character or kind during said period; and to grant under such conditions as they may impose special licenses to peddlers and vendors to sell goods, wares, and merchandise on the streets, avenues, and sidewalks in the District of Columbia, and to charge for such privilege such fees as they may deem proper.

Such regulations and licenses shall be in force one week prior to said inauguration, during said inauguration, and one week subsequent thereto, and shall be published in one or more of the daily newspapers published in the District of Columbia, and in such other manner as the commissioners may deem best to acquaint the public with the same; and no penalty prescribed for the violation of any of such regulations shall be enforced until five days after such publication. Any person violating any of such regulations shall be liable for each such offense to a fine not to exceed $100 in the police court of said District, and in default of payment thereof to imprisonment in the workhouse of said District for not longer than 60 days. And the sum of $2,000 or so much thereof as may be necessary, is hereby likewise authorized, to be expended by the Commissioners of the District of Columbia for the construction, rent, maintenance, and expenses incident to the operation of temporary public comfort stations, first-aid stations, and information booths, during the period aforesaid, including the employment of personal services.

Mr. LaGUARDIA. Mr. Speaker, I would like to have some information about the resolution. Will the gentleman yield for a question?

Mr. ZIHLMAN. Yes.

Mr. LaGUARDIA. The resolution provides that:

Any person violating any of such regulations shall be liable for each such offense to a fine not to exceed $100 in the police court of said District, and in default of payment thereof to imprisonment in the workhouse of said District for not longer than 60 days.

Does the gentleman have in mind springing a sudden regulation upon the public so that a person may have absolutely no notice or knowledge of such regulation? The gentleman knows that ignorance of the law is no defense, because a person is presumed to know the law. Is not the gentleman going a little too far?

Mr. ZIHLMAN. I will state to the gentleman that under existing laws, 30 days' notice is required before a police regulation can be put into effect. This resolution removes that limitation so far as regulations governing the inauguration are concerned, but your committee is advised by the commissioners that they intend to publish the regulations relating to the inaugural ceremonies for the information of the public, but the limitation as to 30 days is removed by this resolution. This is a general resolution and it is in the form that has previously been adopted.

Mr. DYER. Is this similar to the resolution which was adopted four years ago?

Mr. ZIHLMAN. I will state to the gentleman that there was no extra appropriation made in 1924, but this is similar to the resolution adopted in 1920.

Mr. LaGUARDIA. Does the gentleman know what regulations were made at that time?

Mr. ZIHLMAN. They had to do, as I recall, with the closing of certain streets and the roping off of certain streets. I can not remember all the regulations, but there were no drastic changes made in existing police regulations, as I recall.

Mr. SNELL. These are nothing more than general regulations to take care of a big crowd.

Mr. ZIHLMAN. That is all the resolution provides for.

Mr. LaGUARDIA. Of course, it sounds more mysterious, I suppose, than it really is or is intended to be, and I suppose it is all right if they have no drastic regulations in mind, so that people who come to Washington to attend the inauguration might find themselves placed in the calaboose for the violation of something they did not know anything about.

Mr. SNELL. The gentleman from New York need not worry about that, because these will be just general regulations.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

VOCATIONAL EDUCATION

Mr. SNELL. Mr. Speaker, I call up House Resolution 297, a privileged resolution from the Committee on Rules.

The SPEAKER pro tempore. The gentleman from New York calls up House Resolution 297, which the Clerk will report.

The Clerk read as follows:

House Resolution 297

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 1731, to provide for the further development of vocational education

in the several States. That after general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, this resolution provides for the consideration of Senate 1731, which has for its purpose the further development of vocational education in the rural communities of the several States of the Union. As the Members of the House well know, the Smith-Hughes Act, which was passed in 1917, I believe, authorized a continuing appropriation of $3,600,000 to be distributed among the various States for the purpose of vocational training in various schools. This fund was to be matched by funds contributed by the several individual States. This bill simply authorizes more money to be used for this same purpose and under the same conditions. At the present time about 29 per cent of the schools are taking advantage of this fund, and there seems to be a demand much larger than we are able to meet on account of the size of the appropriation. There seems to be a general demand, especially in the country districts, that they be allowed to take advantage of these appropriations, and have this vocational education in their schools, while the bill that is before the House at the present time provides for an appropriation of $500,000 and $500,000 each year for 11 years, and then a continuing appropriation for all time of $6,000,000 annually. The chairman of the Committee on Education will offer a committee amendment which will materially reduce that amount and also take out the continuing feature of the appropriation that is carried in the Senate bill. I will say to the Members of the House that this committee amendment is entirely satisfactory to the representatives of the vocational-training proposition.

A committee of that organization, from their convention in Philadelphia last month, came to Washington, and I want to say they are a fine, representative lot of men. I have never met a committee of men who appealed to me as more interested in their work, had a greater desire to cooperate in every way with Congress, and only ask for the things they ought to ask for, than was this committee; and I was very much impressed with the personnel of the committee and the work they are doing. The country districts are especially interested in this vocational educational training, and let me say to the Members of the House that this, in my judgment, is a real farm-relief measure, if anything could be considered as such, because it helps to educate the young boys and girls in the country districts in the questions that arise in the management and conduct of the farm industry. For that reason I believe it is very important and should be considered. As far as I know there is no opposition to this measure. It comes as a unanimous report from the Committee on Education and also from the Rules Committee. Unless there is some specific question, Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. REED of New York. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate bill 1731, to provide for the further development of vocational education in the several States and Territories. Pending that motion, I would like to ask if there is any opposition to the bill.

Mr. SCHAFER. I will say to the gentleman from New York that there might be some opposition to the amendment that is to be offered.

Mr. REED of New York. I wanted to know if there was any opposition to the bill.

Mr. GARRETT of Tennessee. How much time does the rule provide?

The SPEAKER pro tempore. Two hours; one hour on the side.

Mr. GARRETT of Tennessee. The gentleman from Georgia [Mr. TARVER] has an amendment he desires to offer. Perhaps he would like to control a little time in his own right.

Mr. TARVER. No, Mr. Speaker; I have had a conference with the chairman of the committee and he has agreed to give me such time as I may desire.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent that one hour of the time of general debate may be controlled by the chairman of the committee and one hour by the ranking Member on the Democratic side [Mr. LOWREY].

The SPEAKER pro tempore. Pending the motion, the gentleman from New York asks unanimous consent that the time be controlled one-half by himself and one-half by the gentleman from Mississippi [Mr. LOWREY]. Is there objection?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1731, with Mr. MAPES in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That for the purpose of providing for the further development of vocational education in the several States and Territories there is hereby authorized to be appropriated for the fiscal year ending June 30, 1929, the sum of $500,000, and for each year thereafter, for 11 years, a sum exceeding by $500,000, the sum appropriated for each preceding year, and annually thereafter there is permanently authorized to be appropriated for each year the sum of $6,000,000. One-half of such sums shall be allotted to the States and Territories in the proportion that their farm population bears to the total farm population of the United States, exclusive of the insular possessions, according to the United States census last preceding the end of the fiscal year in which any such allotment is to be made, and shall be used for the salaries of teachers, supervisors, and directors of agricultural subjects in such States and Territories. The remaining half of such sums shall be allotted to the States and Territories in the proportion that their rural population bears to the total rural population of the United States, exclusive of the insular possessions, according to the United States census last preceding the end of the fiscal year in which any such allotment is to be made, and shall be used for the salaries of teachers, supervisors, and directors, development and improvement of home economics subjects in such States and Territories.

SEC. 2. For the purpose of carrying out the provisions of this act there is hereby authorized to be appropriated to the Federal Board for Vocational Education out of any money in the Treasury not otherwise appropriated, the sum of $100,000 annually to be expended for the same purposes and in the same manner as provided in section 7 of the act approved February 23, 1917, as amended October 6, 1917.

SEC. 3. The appropriations made by this act shall be in addition to, and shall be subject to the same conditions and limitations as, the appropriations made by the act entitled "An act to provide for the promotion of vocational education; to provide cooperation with the States in the promotion of such education in agriculture and in the trades and industries; to provide cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures," approved February 23, 1917, except that the appropriation made by this act for home economics shall be subject to the conditions and limitations applicable to the appropriation for agricultural purposes under such act of February 23, 1917, with the exception of that part of section 10 thereof which requires directed or supervised practice for at least six months per year, and that the appropriations available to the Federal Board of Vocational Education for salaries and expenses shall be available for expenses of attendance at meetings of educational associations and other organizations, which, in the opinion of the board, are necessary for the efficient discharge of its responsibilities.

Mr. REED of New York. Mr. Chairman, I yield myself five minutes.

Mr. Chairman and gentlemen of the committee, I think every Member in the House of Representatives is fairly familiar with the work that has been done during the last few years, or since 1917, under the Smith-Hughes Act.

This bill does not change the work at all. This bill simply proposes to carry the work that is now being done throughout the country along the lines of agricultural vocational training and home economics into those communities that want the service and can not obtain it on account of lack of Federal funds.

I want to state at the outset that I shall offer some amendments. This bill was introduced in the first instance by the gentleman from Pennsylvania [Mr. MENGES]. Mr. MENGES deserves the credit for any merit there may be in this bill, but in order to have it properly drafted and to meet certain situations it was reported out as a committee bill under my name.

We tried to get a rule at the last session. There were quite a number of the men in the House who thought then and who think now that the original bill carried too large an appropriation; that is, carried an appropriation over too many years.

The Senate bill provides that there shall be an appropriation of $500,000 the first year, which shall be increased by $500,000 the next year and each year thereafter for 11 years, until the appropriation reaches $6,000,000 a year, and then it is to be a permanent appropriation of $6,000,000 a year. In order to have consideration of the bill at this time, and to meet a very serious situation so ably outlined by the chairman of the Rules Committee, the leaders in vocational work in the various States

were called in to obtain their views. The matter was discussed with them, and an agreement was made to provide that the appropriation should continue for five years, that the first appropriation should be available for the year 1930 instead of 1929.

The reason we have adopted the Senate bill is because, inadvertently, in reporting out the House bill, the word "Territories" was omitted. This is included in the Senate bill.

The only changes in the bill which will be brought about by the amendments which I plan to offer are, first, to change the fiscal year in which the appropriation of $500,000 will become available to 1930 instead of 1929; second, to carry the appropriation for a period of five years instead of 11 years. At the end of five years it will be necessary, if more money is needed to carry on the work, to come back for a new authorization.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. REED of New York. Yes.

Mr. LAGUARDIA. Will the gentleman give us just a brief description of how these funds are obtainable by the various schools and just what instruction is imparted in the expenditure of the funds?

Mr. REED of New York. Yes. When a local school desires to set up a school in a certain community different rules prevail in different States. Some of the high schools will have 10 boys who will want to take vocational work, or 15 or 25 boys. They may establish a rule in a certain State or locality, for instance, that if 10 boys or girls in the school desire vocational education, then the next thing is to start the department with a trained teacher. They make application to their State board of education for one of the trained teachers in vocational agriculture. The teacher goes there and takes hold of that class. The work involves six months' practical work on the farm; that is, the boy has to work with his father, supervised to a certain extent by the vocational teacher.

In answering the question I want to read just a little excerpt from a statement which was made to us by Doctor Lane at the hearings. I am very glad the gentleman from New York has asked the question, because it is a very practical one. Here is what Doctor Lane says:

> Every boy who elects to take the vocational work as part of his high-school education is required to carry on for at least six months at home some definite, practical work under the supervision of his teacher. Now, that means an economic return on the part of the boys in the production of livestock or crops or some other work around a farm.
>
> The total labor income from this practical work during the past five years was $23,637,924.25. This is not an estimate. It is based upon accurate cost accounting. For every dollar of Federal funds spent for vocational agriculture there was a financial return of $2.25 realized by the boys from their labor. The total Federal fund spent for salaries of teachers of vocational agriculture during the 5-year period was $10,418,460, and there was realized $23,637,924.25 from the practical work the boys did.

This is the character of the work.

The curriculum adopted in the various States and in the different localities is to meet the local situation. For instance, over in my district they have an agricultural school. The curriculum of the school is based upon the farm business in that locality, training them along that line. They are working with their fathers in harmony with the prevailing farm activities in that community.

Mr. LAGUARDIA. Then this fund provides additional teachers or is the money paid over to the school board?

Mr. REED of New York. No; every cent of this money is used for teachers.

Mr. LAGUARDIA. For teachers?

Mr. REED of New York. To provide the teachers for these schools throughout the country.

Mr. LAGUARDIA. Who selects the teachers?

Mr. REED of New York. The State board of education or the local community, exactly the same as they would select any other teacher.

Mr. SCHAFER. Will the gentleman yield?

Mr. REED of New York. I will.

Mr. SCHAFER. Does Federal money pay the entire salaries of the teachers?

Mr. REED of New York. No; it varies in the different States. It is controlled by the States. In some States the community will pay one-third, the county may pay one-third, the town may pay one-third, or the city one-third, as the case may be. The State pays 50 per cent, and so on. That is all worked out by the State in cooperation with the Federal board.

Mr. COLE of Iowa. How many pupils do they have for one teacher?

Mr. REED of New York. That is left to the State board of education—in some cases we have 10, some 25, and so on.

Mr. COLE of Iowa. They might multiply the teachers indefinitely—get up a little group and get a teacher.

Mr. REED of New York. All the Federal Government has to do is to pay the sum over to the particular State and the State matches it, and then does as it pleases.

Mr. MILLER. Will the gentleman yield?

Mr. REED of New York. I will.

Mr. MILLER. Do these teachers come from the graduates of the various agricultural colleges?

Mr. REED of New York. In many cases they do.

Mr. HALL of Indiana. Will the gentleman yield?

Mr. REED of New York. I yield.

Mr. HALL of Indiana. What about the use of this money as to its being divided between the larger cities and schools rather than the rural schools?

Mr. REED of New York. This will all be used for the rural schools.

Mr. HALL of Indiana. I wonder if there is any thought of liberalizing the rules of the educational board so that it will make it possible for the smaller schools to have this benefit? I happen to know that under the present rule it eliminates most of the smaller schools in the participation of this money. So the larger amount goes to the city schools.

Mr. REED of New York. The gentleman is speaking about the vocational schools in trades and industry.

Mr. HALL of Indiana. The gentleman thinks that there will be some loosening up of the rules?

Mr. REED of New York. No question about it. Now I want to give you a practical illustration. Here is the statement made by the State of Georgia. Of course what applies there will apply to most of the other States. Gentlemen know that a great many farms are being abandoned throughout the country.

The census of 1925 showed 61,000 fewer farms in operation in Georgia than when the 1920 census was taken. The Census Bureau took notice of the fact that in certain counties in the State of Georgia there was no marked decrease in the number of abandoned farms and wrote to the agricultural college in Georgia to ascertain the reason. The reply was that the only way they knew to account for it was that these counties were more adequately served with teachers of vocational agriculture.

Mr. ARENTZ. Will the gentleman yield?

Mr. REED of New York. I yield.

Mr. ARENTZ. I think the bill recognizes the necessity of keeping the boy on the farm. The boy will not stay on the farm unless he has some hope of financial success. You teach the boy the way to raise livestock so that he can turn out a beef in 9 or 10 months and get the highest price for it that is possible, how to feed the animal, how to raise all kinds of crops that can be raised in his section, and if he can be assured of financial success he is going to stay on the farm—if this bill can teach the boys and the girls of the farm that there is something else besides worry and work, dirt and deficit, and give them hope of having the kind of a home they envision through their vocational work, you are going to keep them on the farm.

Agriculture forms the very foundation of our country. The onward march of this wonderful country depends, my friends, upon the advancement, the success, the contentment of the farmers of America. This bill has this purpose in view. It furthers the benefits of the Smith-Hughes Act, which has from its passage performed a real help to agriculture through vocational training of the boys and girls of the farm. [Applause.]

Mr. BRIGHAM. Will the gentleman yield?

Mr. REED of New York. I yield.

Mr. BRIGHAM. What provision is made for industrial training?

Mr. REED of New York. That work is going on now with a continuing appropriation.

Mr. BRIGHAM. What is the appropriation?

Mr. REED of New York. Three million dollars for trades and industry and $3,000,000 for agriculture.

Mr. HASTINGS. Will the gentleman yield?

Mr. REED of New York. I yield.

Mr. HASTINGS. Do all of the States avail themselves of this appropriation and use the full amount allocated?

Mr. REED of New York. Practically all of them.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. REED of New York. I yield myself three minutes more. Now, let me cover something here. You are all interested in the bill as well as your people back home, because this work has been going on in every community.

Now, this statement comes from a man whom you know:

It seems that after the agricultural vocational work had been in operation about five years a study was made to ascertain what became of the boys who had taken the vocational work. This survey of 8,000 boys that had taken one or more years of vocational agricultural instruction disclosed that 59 per cent of them were actually farming, 6 per cent were engaged in related occupations, 9 per cent in agricultural colleges, 15 per cent went to other colleges, and 11 per cent were in nonagricultural occupations.

Another survey has just been made covering the 5-year period ending in 1927. This 5-year record also shows 59 per cent actually engaged in farming, 9 per cent in related occupations, and only 2 per cent going to agricultural colleges.

A survey was made two years ago of the school system in New York State which included the persons who had attended the agricultural vocational course. This survey showed that 72 per cent of the boys who had been enrolled in courses of agriculture were either farming or attended a college of agriculture.

To show the growth of this work, when this law was passed there was a student body in vocational education of 25,000. The enrollment now is 1,000,000, showing an increase of 4,000 per cent in 11 years.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. REED of New York. Yes.

Mr. ROBSION of Kentucky. I am a member of the gentleman's committee and favor this measure. I should like the gentleman to tell us, if he has not already done so, the organization that covers the country generally that made a study of this problem and that is urging the legislation.

Mr. REED of New York. The American Vocational Association, of course, has indorsed it in convention in every part of the land.

Mr. MOORE of Virginia. And the Department of Agriculture has strongly indorsed this bill.

Mr. REED of New York. Yes; and the head of the Department of Commerce, the head of the Department of Labor, and the Secretary of Agriculture. It has been indorsed by many farm organizations throughout the United States.

Mr. ROBSION of Kentucky. And by those in charge of the public schools of the country?

Mr. REED of New York. Yes. It has a practically unanimous indorsement all along the line. I did not want to clutter up the RECORD with telegrams from industries and people in many lines of business activities.

Mr. PEERY. And no opposition has developed on the part of any of the States to this legislation?

Mr. REED of New York. Not at all.

Mr. PEERY. The department of instruction in Virginia is very much in favor of the bill.

Mr. COCHRAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. REED of New York. Yes.

Mr. COCHRAN of Missouri. Taking all the gentleman has said for granted, can he advance any good reason why the States which seem to be so much interested in this legislation can not carry it on themselves, without coming to the Federal Government for aid?

Mr. REED of New York. The best answer to that is that the States are now putting up $2.65 for every dollar that they get from the Federal Government, and they apparently like this way of handling the matter.

Mr. COCHRAN of Missouri. I am opposed to the principle of Federal aid. I feel that if the States can carry on an activity, then the States should carry it on and not come to the Federal Government for assistance.

Mr. LEAVITT. And is it not necessary in a movement of this kind of national value, where we desire it to be national in extent, that it have some national impetus behind it to start it and carry it on?

Mr. REED of New York. Yes; and that is what did start it, and that is what is carrying it along.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. REED of New York. At the suggestion of several gentlemen on the floor I ask unanimous consent to incorporate as a part of my remarks a list of the States and the number of schools receiving Federal aid for vocational education.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The matter referred to is as follows:

Schools receiving Federal aid for agriculture, 1927–28

	White	Colored
Alabama	87	30
Arizona	18	
Arkansas	59	28
California	93	
Colorado	51	
Connecticut	14	
Delaware	10	
Florida	43	7
Georgia	100	40
Idaho	22	
Illinois	182	
Indiana	137	
Iowa	109	
Kansas	97	2
Kentucky	97	6
Louisiana	43	46
Maine	20	
Maryland	34	1
Massachusetts	17	
Michigan	135	
Minnesota	50	
Mississippi	121	42
Missouri	120	1
Montana	25	
Nebraska	56	
Nevada	6	
New Hampshire	13	
New Jersey	30	1
New Mexico	19	
New York	97	
North Carolina	110	25
North Dakota	39	
Ohio	196	
Oklahoma	41	14
Oregon	30	
Pennsylvania	87	1
Rhode Island	5	
South Carolina	135	55
South Dakota	29	
Tennessee	116	22
Texas	167	65
Utah	26	
Vermont	5	
Virginia	106	21
Washington	42	
West Virginia	47	2
Wisconsin	79	
Wyoming	27	
Total	3,192	399

Expenditure of Federal, State, and local money for vocational agricultural education, by years, 1918 to 1927

	Amount of expenditure				
	Total	From Federal money	From State and local money		
			Total	State	Local
1927	$7,469,295.39	$2,801,591.57	$4,667,703.82	$1,509,065.78	$3,158,638.04
1926	7,164,460.46	2,656,886.13	4,507,574.33	1,571,426.97	2,936,147.36
1925	6,146,124.01	2,262,542.88	3,883,581.13	1,370,964.90	2,512,616.23
1924	5,253,912.86	1,897,807.50	3,356,105.36	1,203,486.62	2,152,618.74
1923	4,647,042.04	1,669,698.75	2,977,343.29	1,108,461.22	1,868,882.07
1922	4,058,440.36	1,435,475.22	2,622,965.14	1,039,487.89	1,583,477.25
1921	3,393,088.21	1,192,131.17	2,200,957.04	968,674.16	1,232,282.88
1920	2,437,286.06	889,886.29	1,547,399.77	678,824.43	868,575.34
1919	1,413,938.49	528,679.13	885,259.36	399,982.80	485,276.56
1918	739,933.27	273,282.08	466,651.19	220,713.98	245,937.21

Percentage of Federal money expended for salaries of teachers of vocational agriculture in colored schools

	Rural population (1920 census)			Federal money expended for salaries of teachers in vocational agricultural schools during the fiscal year 1927		
	Total	Negro	Percentage of negro	Total	Negro	Percentage expended in negro schools
Alabama	1,838,857	703,819	38.3	$96,448.29	$11,327.64	11.7
Arkansas	1,461,707	398,628	27.3	81,827.62	15,115.00	18.5
Delaware	102,236	17,343	17.0	7,589.57		
Florida	612,645	208,891	34.1	31,981.25	(1)	(1)
Georgia	2,167,973	933,329	43.1	120,785.44	24,421.74	20.2
Kentucky	1,783,087	130,545	7.3	91,769.43	4,040.00	4.4
Louisiana	1,170,346	509,844	43.6	54,358.48	14,483.00	26.6
Maryland	580,239	119,970	20.7	26,756.23	241.67	.9
Mississippi	1,550,497	836,558	54.0	85,089.81	12,715.83	5.0
Missouri	1,817,152	44,074	2.4	106,049.56	750.00	.7
Oklahoma	1,488,803	101,504	6.8	69,974.43	7,071.45	10.1
North Carolina	2,068,753	608,242	29.4	120,127.50	15,190.00	12.6
South Carolina	1,389,737	748,230	53.8	78,124.73	9,173.73	11.7
Tennessee	1,726,659	281,294	16.3	97,520.92	9,992.85	10.2
Texas	3,150,539	518,321	16.5	170,515.08	20,864.00	12.2
Virginia	1,635,203	480,883	29.4	93,558.38	10,512.57	11.2
West Virginia	1,094,694	63,861	5.8	41,435.07	1,624.99	3.9

(1) Data not available.

Mr. LOWREY. Mr. Chairman, I yield three minutes to the gentleman from Florida [Mr. YON].

Mr. YON. Mr. Chairman, and ladies and gentlemen of the committee, I did not know that we would have this bill under consideration this morning. It is of very striking interest to me at this time. As my mail came in this morning I found a letter from a widow in my district who is trying to raise her boy and to get him into this demonstration work in agriculture. She is making a plea in respect to the necessity for raising money to finish his high schooling. It is very gratifying to come into the House at a time like this and observe the House considering a measure that will give to the youth of the rural sections of the country a greater opportunity to develop the natural resources of the rural sections and also build up a better citizenship, more intelligent, more enlightened, and which will provide a better opportunity than the farmers of our day and of days gone by ever enjoyed.

Of course we are all in favor of the bill. I had no idea of saying a word when I came into the Chamber, but my good friend, the gentleman from Mississippi [Mr. LOWREY] said that it seemed nobody wanted to talk on a subject like this, and it seemed such a good subject that I felt I should say a few words in its favor. There is nothing that I enjoy more in my legislative work and in working among the people back home than to work with the boys and girls of the 4-H Clubs. They are doing a great work and a good service, and I heartily indorse the appropriation of any amount of money that can be added to that already made available for this great purpose.

Mr. LOWREY. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. ALMON].

Mr. ALMON. Mr. Chairman, ladies, and gentlemen, the success of the Smith-Hughes Act has far exceeded the expectation of the Members of Congress at the time of its enactment in 1917. This success has been marvelous in one sense of the word. As was said by the gentleman from New York [Mr. SNELL] this is farm-relief legislation in one sense of the word. I agree with him. The preparation and the effort given by means of this legislation to the young men and young women of the farms of the country are wonderful in their effect and influence on their future life. It prepares them for better methods of farming, causes them to take a renewed interest in agriculture, and causes them to remain upon the farms instead of going to the cities. It has created a sentiment in favor of real agricultural education. The sentiment created by means of this law is something like the sentiment in favor of better roads as a result of national aid to roads. National aid to roads and the coming of automobiles, trucks, and other motor vehicles have done more to create a better sentiment for good highways in the country than any other two things. I believe that the workings of this legislation are doing more to increase the sentiment in favor of real agricultural education than any other piece of legislation that has ever been enacted by Congress. The working of the law during the past 10 years shows there is a very great need and a real necessity for an increased appropriation in order to accomplish what was intended by the original act. That is the purpose of this bill.

Mr. MOORE of Virginia. Will the gentleman yield for a question?

Mr. ALMON. I will.

Mr. MOORE of Virginia. The gentleman just stated the main purpose of the legislation is to increase the appropriation. Now, in the Smith-Hughes Act continuing appropriations were authorized, but, as I understand, no time limit on that authority is expressed in that act.

Mr. ALMON. That is true. There is no opposition to the bill. It comes with a favorable report from the Committee on Education, and I simply wanted to take this opportunity to say that I supported and voted for the Smith-Hughes law in 1917 and am heartily in favor of this bill and will vote for it. [Applause.]

Mr. REED of New York. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. MENGES].

Mr. MENGES. Mr. Chairman and Members of the committee, my motive in introducing this bill in the House was brought about because of the agricultural conditions which are discussed before the Committee on Agriculture every day. This is national legislation which I feel is required. I believe in a trained agriculture because of the absolute necessity for the farmer to be acquainted with changing conditions which are continually confronting him. Take for example the corn borer. We passed a bill here in the House not very long ago appropriating $10,000,000 for the purpose of eradicating the corn borer. Well, we can appropriate $100,000,000 and we will never eradicate the corn borer. The corn borer is here to stay. I say he is here to stay, and the man who will have to cope with the corn borer is the farmer. The Agricultural Department can give the farmer some instructions as to how to curb that curse, but so far as eradication is concerned that is out of the question. Now, I use this as an illustration as one insect that is going to invade the corn belt of the United States and remain there. Now what can be done? The thing to do is to establish agricultural operations of such a character that the corn borer can not thrive. That is the thing to do, and in order to do it we must be acquainted with the life history of the corn borer. In what stage of its development and when does it do the most damage? The department knows that the corn borer does the greatest amount of damage in the larval stage. The moth lays the egg on the cornstalk. A small larva hatches from the egg and proceeds to devour the cornstalk. It has spent the time of incubation on the cornstalk. In order to kill the larvæ and destroy the eggs we must plow under or burn up or cut into feed, such as silage, the cornstalk.

Now we must arrange our agricultural operations in such a way that we can take advantage of these processes to get rid of the corn borer. That is what will happen in the Corn Belt of the United States and the farmer, to inagurate these agricultural operations, must be trained. Take another insect. Over here in Pennsylvania where I come from we have an insect that is known as the angoumois moth. Its eggs are laid in the head of the wheat just as it is emerging from the stalk. The larva hatches from the egg and gets into the wheat grain and develops there, and if the grain is stored without putting a poison into it to kill the larva, by the time you have held the grain in the bin say, three, four, or six weeks, it will be absolutely worthless except for feed because the larva will hollow out the whole grain. Now we must curb the activities of that insect, the angoumois moth. What can we do? As soon as the wheat is dry enough after harvesting we thresh it and store it in bins and fumigate it with bisulphide of carbon and kill the moths.

Now there is another factor to be considered, and that is the economic side. I believe in a trained agriculture, and I am in favor of agricultural relief. I voted for it every time I got a chance. I think I am one of a few from the Eastern States who does that and who is not afraid to say so.

Mr. HUGHES. From what county in Pennsylvania are you from?

Mr. MENGES. York County.

Mr. HUGHES. Is that a farming county?

Mr. MENGES. It is one of the best and richest farming counties in the United States, and some of the best farmers that ever lived live there

Mr. HUGHES. And you are speaking from experience?

Mr. MENGES. Yes. I am a dirt farmer, and I know exactly what I am talking about.

Mr. LOWREY. Are your farmers in that splendid Pennsylvania county making any money now in farming, or are they falling short financially?

Mr. MENGES. They are falling short. I am one of them.

Mr. LOWREY. I wish you would bring that out.

Mr. MENGES. I will be glad to.

Mr. ALMON. Will you tell us something of the workings of the vocational schools in your part of the country under the Smith-Lever law?

Mr. MENGES. The work that is done in my section is among the best that we have. We have now in my section young fellows who started out farming and who had exhibits at the annual show at Harrisburg, and have taken the championship prize for corn production, quality and quantity, of the Eastern States.

Mr. ALMON. Men who have attended these vocational schools?

Mr. MENGES. Yes; men who have taken advantage of this training, although we did not have vocational schools when they went to school. But they have taken advantage of the training offered by our agricultural school at the State college.

Mr. HASTINGS. I understand the various amounts allocated to the various States are paid over to the States, and the State authorities themselves distribute them?

Mr. MENGES. Yes. That is right. That is my idea.

Mr. HASTINGS. It is entirely under State distribution?

Mr. MENGES. Yes. That was the idea that I had in mind when I introduced the bill. I want the National Government to help to pay for the education and training of farmers who have to deal with national questions.

Mr. HASTINGS. Then this bill does not change the method of distribution used heretofore?

Mr. MENGES. Not as I see it.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. REED of New York. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. TARVER].

The CHAIRMAN. The gentleman from Georgia is recognized for 10 minutes.

Mr. TARVER. Mr. Chairman and members of the committee, as a member of the Committee on Education which had before it for consideration this bill, introduced in the other body by the distinguished junior Senator from Georgia, and having heard the evidence submitted to that committee, which justified the legislation in the form in which it was reported from the committee, I am very earnestly in favor of the bill in that form and am not able to understand the advisability of the adoption of the amendments, the effect of which would be to reduce the appropriation authorized to a mere fraction of what it was in the form in which the bill passed the Senate and in which it was reported from the committee.

However, it is not that question that I desire to discuss before the Committee of the Whole. I am going to vote for the bill either with or without the amendments. I am going on the theory that half a loaf is better than no bread, although in this instance it is not even half a loaf.

But I want to direct your attention during the brief time I have allotted to me to an amendment which I intend to offer to this bill. I believe I have a proposition here which merits your consideration, and I ask for your attention while I undertake to explain it to you.

This bill provides as follows:

> The appropriation made by this act shall be in addition to and shall be subject to the same conditions and limitations as the appropriation made by the act entitled "An act to provide for the promotion of vocational education"—

And so forth. That is the Smith-Hughes Act. The Smith-Hughes Act made this provision:

> That for every dollar of Federal money so expended the State or local community or board shall spend an equal amount for the maintenance of such training.

In other words, the method of distribution provided under the original Smith-Hughes law and under this bill is that the Federal appropriation shall be matched either by appropriations from the State or from the local community.

Now, my amendment is directed to the matching proposition. I am not opposed, of course, to the matching provision. I realize that is the basic principle of all legislation of this character, but I am opposed to the proposition that the matching may be done by local communities, and I will undertake to explain to you why that is true.

According to the twelfth annual report of the Federal Board for Vocational Education, which I hold in my hand, 35 of the 48 States of the Union failed to appropriate enough money during the fiscal year ending June 30, 1928, to match the Federal appropriation. We will take, for instance, the State of Georgia, my own State. The Federal appropriation was $194,569.14, the State appropriation was only $118,904.53, while local communities furnished $110,071.87.

Now what does that mean? It means that the Georgia State Board for Vocational Education, when the State failed to appropriate enough money to match the Federal fund, was reduced to the necessity of going to the communities of the State which were able to match the Federal fund and procuring from them funds with which the matching might be done. Thus the funds went to the more prosperous communities. In other words, they exemplified too literal an interpretation of the scriptural quotation:

> To him that hath shall be given, and from him that hath not shall be taken away, even that which he hath.

Those districts of the State which were not financially able to contribute, where property values were low, where they were not able by local taxation to raise enough money for their educational purposes, and where therefore the need was the greatest—those districts were not able to obtain Federal aid for vocational education, but those districts of the State which were able financially to meet the Federal fund and to match it were given aid. I submit that is an unjust proposition, and I intend to substantiate what I have said concerning it by reading to you from the hearings before the Committee on Education. This is from the statement made by the Chief of the Agricultural Service, Federal Board for Vocational Education, and the Georgia director for vocational education, Mr. Chapman:

> Doctor LANE. Mr. Chairman and gentlemen of the committee, I do not know whether my time could be spent more profitably by telling you more about what this work is than by you asking me questions. This chart you see on the wall here [indicating] is interesting because when the Smith-Hughes Act was passed in 1917 that chart was clean of red pins. Each red pin you see there represents a vocational agricultural department in a local high school.
>
> Mr. TARVER. I notice in my own State of Georgia that in the northeastern section of the State there appear perhaps 100 pins around the locality of Athens, where the Georgia State Board for Vocational Training is located. The remainder of the State is very sparsely studded. In my own congressional district, which is in the northwestern corner of the State, I notice but one or two pins. May I inquire, Doctor, why so many vocational teachers should be located in the territory surrounding Athens and why there are so few scattered around over the remainder of the State?
>
> Doctor LANE. I should like to call on Mr. Chapman, who is the director of the work in Georgia, to answer that question.
>
> Mr. CHAPMAN. Mr. Chairman and gentlemen of the committee, I am very glad to have an opportunity to explain why that condition exists. That is a further example of the authority that is vested in the local community in the development of this work. The Smith-Hughes Act, which was passed in 1917, stated that this money must be matched by State or by local funds. Until quite recently the State of Georgia did not match these funds from State appropriations, and in the development of this work we had to depend upon local communities quite largely to finance the work. The schools were selected on the basis of applications that came to the State board for vocational education through the local school officials, and we took care of those applications somewhat in the order in which they were received; and I would like to say that, unfortunately, I feel that this is a case, that very often this work was put in the communities that were best able to finance it rather than the communities that, perhaps, needed the work most.
>
> Mr. TARVER. Mr. Chapman, at that point, if you will permit an interruption, would not that condition be obviated in the event this bill is passed and an amendment should be incorporated in the bill which would provide that instead of these Federal funds being matched by subdivisions of the State or by local school districts, or other subdivisions of the State, they should be matched by the State as a whole and the matter of the use of the funds of the State should be left entirely to the State boards for vocational education, so that they might use those funds in districts having the greatest need for this work, although those districts were not financially able to put up the funds to match the Federal funds?
>
> Mr. CHAPMAN. Yes, sir; that could be done, and I might give you an example of the way this work has been administered in the State of Arkansas. Each State has its own plan for conducting this work, and each plan has its own basis of subsidizing or aiding the local communities where this work is carried on. In the State of Arkansas the State matched the entire agricultural fund that was provided under the Smith-Hughes Act, and they felt that since most of their communities in Arkansas were not able to finance the instruction themselves that it would be desirable for them to pay the entire salary of the agricultural teacher, and that is what they did; and the State board followed the same suggestion that was made by Judge TARVER in regard to the distribution of these schools. If we had decided, however, that that would have been the best thing to have done in Georgia, we would not have been able to do it, because the State until recently did not match any considerable portion of the Smith-Hughes fund.
>
> Mr. TARVER. If, on the other hand, the State was not permitted to have subdivisions to match the fund, and the State found it necessary in order to get this money to match it themselves, don't you think the appropriation necessary would be easily obtained in Georgia?
>
> Mr. CHAPMAN. I am confident it would be obtained without any difficulty.

Mr. HUDSPETH. Will the gentleman yield?

Mr. TARVER. Yes.

Mr. HUDSPETH. If I understand the gentleman's position, if the local communities did not contribute and your State did not make any appropriation, you would not get a dollar of this fund.

Mr. TARVER. The gentleman does not understand my position, but if he will wait I think he will understand it.

Mr. HUDSPETH. I thought I understood the gentleman.

Mr. TARVER. No; the gentleman does not as yet. I have not developed my proposal.

Now, it is interesting to note in this connection that upon that map, studded with red pins, indicating the location of agricultural instructors, aided by Federal appropriations, there were 308 pins in the State of Georgia and that only 2 of those were located in my own congressional district. There are 12 congressional districts in the State. The director of that State for vocational education attempted to explain it by saying they found it necessary to put the work in the communities that were able to meet the Federal funds rather than in those where

Federal aid was needed the most. That may be one reason, but it is not, I am sure, all of the reasons which exist for distributing the vocational instructors in that way. My district compares favorably in material welfare and prosperity with other districts of my State.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. LOWREY. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. TARVER. I have not gotten down to the proposition I intended to submit to the House as yet, and that is this, that the bill be amended so as to provide that the Federal aid shall be matched by the State as a whole and to cut out the provision relating to matching by local communities. I am not asking that as to the existing law. Let the $6,000,000 you are paying out under the old law now go as it has been going, but so far as this small additional appropriation is concerned, of a half million dollars a year for five years and at the end of that time totaling $2,500,000, let it go to those districts of the country which stand greatest in need of help of this character. There is no question but that if you provided that it should be matched by the States it would be matched by the States. I am going to offer an amendment providing that the funds shall be matched by the States and shall be used by the State boards for vocational education in those districts of the States standing in greatest need of aid, whether they are able to match the funds or not.

Gentlemen, will you let some of this money go to those sections of our country where poverty is? Will you let some of it go to the places where the direst need exists for educational opportunities, or will you insist that it continue to go as it has been going in large part in every part of this country, to communities that already have the means to take care of their own educational problems? Remember that in the remote rural sections of the United States there are boys and girls to-day whose intelligence, whose character, and whose qualities of manhood and womanhood compare favorably with those located in any other part of this great country of ours. Are you going to carry the help of vocational education to them, or are you going to say that it all must go to those who already have that material prosperity by which they can provide their own educational opportunities?

If you provide that only communities able to match the Federal fund shall get help, that is the effect of it.

This condition as to Georgia is not local to that State. As I said in opening my remarks, it exists in 35 States of the Union, according to the report which I held in my hand a moment ago and which lies here. Thirty-five of the 48 States of the Union failed to appropriate enough money to meet the Federal appropriation and that deficit is supplied by the local communities. I gave Georgia as an example because I am familiar with conditions as they exist in that State and I like to try to talk about things when I do talk that I think I know something about.

When this bill is read under the 5-minute rule I intend to offer this amendment. In my judgment it is a just amendment. In my judgment it is an amendment which ought to appeal to the mind and to the heart of every man who wants to do justly by the population of the remote rural sections of this country, and I ask, gentlemen, that you give it conscientious, serious consideration.

Of course, I shall be satisfied with your judgment whatever it may be, but I hope it may be that the children of these sections which are not now having any educational opportunity along this line, and will not under the present system, may be afforded some small chance by the adoption of this amendment to the proposed legislation. [Applause.]

Mr. LOWREY. Mr. Chairman, I yield to the gentleman from Georgia [Mr. BRAND], trusting him as to how much time he will use.

Mr. BRAND of Georgia. Mr. Chairman and gentlemen, I want to say in the first place that I do not understand in what manner the director of the vocational board could determine as to what sections of any particular State needs this money more than others. I do not care to take issue with Judge TARVER in regard to what he says about the people of his district, which is in the northwestern portion of the State, not having received and will not receive the benefit of this fund, but he must not forget that within 100 miles of Athens, where I live and where the director lives, there are poor people there who likewise need their portion of this appropriation. I call the gentleman's attention to the fact that Athens is the seat of learning of the State of Georgia. [Applause.]

It has the oldest established-by-law university in the United States. The State normal school is located there. The State agricultural college is also located there, rated as about fifth among the best colleges of its character in the United States. Besides these three State institutions of learning the city of Athens has one of the best high schools in the State. There is an agricultural college at Monroe and an agricultural college at Madison, each within 26 miles of Athens, and both in my congressional district. I think that the fact that more boys and girls take advantage of this vocational fund in my district than in the district my friend Judge TARVER has the honor to represent is due not to any discrimination on the part of the director, Mr. Chapman, in the distribution of this fund, but partly to the fact that Athens is the center of learning of Georgia, but also to the further fact that the parents in the rural sections of my district and the boys and girls themselves first had knowledge and likely became more familiar with this vocational proposition than the people in the remote sections of the State. [Applause.]

The bill as originally introduced by Senator GEORGE and as it passed the Senate provided for the further development of vocational education in the several States and Territories and authorized to be appropriated for the fiscal year ending June 30, 1929, the sum of $500,000 and for each year thereafter for 11 years a sum exceeding by $500,000 the sum appropriated for each preceding year. Annually thereafter there is a provision contained in the bill for a permanent authorization for an appropriation for each year the sum of $6,000,000.

My understanding is when President Coolidge received information of the passage of this bill he protested against the appropriation, or the authorization of an appropriation for the period of 11 years. Under the presidential duress put into motion, we were given to understand that the bill should be amended, reducing the period of the appropriations from 11 years to 4 years, otherwise the bill would not become a law.

The "economy" question of the White House becomes very material when the beneficiaries of an appropriation are residents south of the Mason and Dixon line.

In the absence of this protest on the part of the Chief Executive, I am satisfied that the distinguished chairman of the House Committee on Education, Mr. REED of New York, one of the fairest and ablest Members of Congress, would have been perfectly willing for the 11-year appropriation to have remained in the bill.

The chief object of the bill, as shown by the bill itself and the report of the gentleman from New York, is to provide for the further development of the program of training farm boys and girls in agriculture and home economics in the several States.

All funds appropriated under the provisions of this bill are to be used solely for the purpose of extending the training prescribed in the Smith-Hughes Act which was passed by the Congress in February, 1917.

The Smith-Hughes Act, which was passed by the Congress 12 years ago, provides for the promotion of practical training as a part of the public-school program. It has for its main purpose the training of boys and girls to meet the real problems of life. It seeks to make our young people vocationally efficient. Under the stimulus given to practical training of boys and girls by this act, departments of vocational agriculture have been established in 3,590 schools in the rural sections of this country. Aid in maintaining departments of home economics has been extended to 1,973 schools.

The funds available under the provisions of the Smith-Hughes Act, which reached their maximum in the fiscal year ended June 30, 1926, have been sufficient to aid only 29 per cent of the rural high schools of the United States in maintaining vocational agriculture, and the meager funds provided for the aiding of home economics have been sufficient to place this type of training in only 8.7 per cent of the public high schools.

The Smith-Hughes Act provided, after 10 years of increasing appropriations, a maximum of $3,000,000 for vocational agriculture and $600,000 for home economics.

The bill under consideration is not legislation new or different in any way from that which is now in force. While it is important in the highest degree to the farmer boys and girls of the Nation, and while Senator GEORGE is entitled to full measure of credit for engineering it through the Senate, it simply authorizes appropriations of additional funds that will make it possible for additional rural districts to provide the practical type of training in their schools that is so essential to the welfare and prosperity of the country. The introduction of new and improved methods in farming, the increased use of machinery, together with the large scope of the farm business as it relates particularly to problems of marketing, distribution, consumption, and so forth, all point to the necessity of the coming generations being specifically trained to conduct successfully this ever-growing business.

Equally essential is training for the work of the farm home. Here, too, modern conveniences are contributing to improved methods in home making. Problems of selection, purchase, use, care, renovation, and maintenance of supplies and equipment to meet individual and family needs are sufficiently difficult to demand special training for their successful solution.

Provision in the public schools of the rural districts for training in home making is limited, and nowhere is such training more greatly needed. Not only do girls in these districts, as shown by statistics, marry younger than those in urban districts, but the farm home and the business of farming are so interrelated as to make success in the one dependent upon success in the other.

All boys who have taken advantage of the training under the Smith-Hughes Act, so far as it relates to agriculture, have carried out practical work on their home farms. It has meant an earning of $23,637,924.25 during the past five years. The Federal Government has put into this investment, through salaries of teachers of vocational agriculture, during the same period only $10,418,460. In other words, for every dollar of Federal funds spent in the enterprise there was a financial return of $2.26 realized by the vocational boys.

The program of vocational agriculture has been in operation long enough to show whether or not the boys who graduate or pursue agricultural courses for at least one year are remaining in agricultural work. A recent nation-wide study made by the Federal Board for Vocational Education shows that from 60 to 75 per cent of the students given vocational instruction are now in agricultural work.

The teachers of vocational agriculture are of necessity in the closest contact with farming and farm life in their respective communities. They know the needs, longings, and aspirations of the farming population. They constitute a most favorable agency for the dissemination and utilization of the researches and findings of the United States Department of Agriculture and the 48 land-grant colleges and experiment stations.

Wherever vocational departments in home making have been placed in the schools, active cooperation exists between school and home. The instruction in the school is closely related to the work of the homes from which the girls come, and fathers and mothers are among the most ardent supporters of the program.

It is estimated that approximately 80 per cent of girls and women in the country are at some time home makers, and that about 1,000,000 marry annually. If these statistics even approach to the real situation, it can be said that all girls trained in this field in the public schools will probably at some time enter upon the work of home making.

While it is not possible in home making as it is in agriculture to assign money values to the influence of this vocational training on the home, it is safe to predict from observation of the results of the work that its extension to larger numbers of girls and women in the country would contribute greatly to their success as home makers; and since national prosperity is dependent to so large an extent upon good homes, the benefits would extend to the improvement of standards of living in the Nation as a whole.

Mr. REED of New York. Mr. Chairman, I yield five minutes to the gentleman from West Virginia [Mr. HUGHES].

Mr. HUGHES. Mr. Chairman and gentlemen of the committee, I wish to say to the members of the committee I am earnestly in favor of this legislation and my reason is because I have observed some of the benefits that have been derived from such legislation.

In my own congressional district we have had some vocational training experience that has been of great benefit to the farmers of that locality. We have not only had this benefit among the farmers but we have it in the industrial manufacturing centers as well. We have benefited by this vocational training in the factories and as a concrete example, recently there was located in Huntington a pants and overall factory from Baltimore.

The girls, when they first went to work in this factory, would earn five or six dollars a week. After having the advantages of vocational training for the short time of two or three weeks, their wages were increased to fifteen or twenty dollars a week. This was the result of vocational training in a manufacturing plant of which I have personal knowledge.

Now, I am going to give you another example with reference to the farmers. We had in my congressional district a large farm that had been owned and operated by a certain farmer for a great many years. The farmer had not made a success of this farm. He had not kept up with the new ideas brought out by the Department of Agriculture and announced through the bulletins which they issue. If he had known about them he would have been more prosperous in his farming. He sold this farm to a man from Wisconsin. The man from Wisconsin and his boys had obtained a lot of information from vocational training and improved methods of farming. This Wisconsin man was farming this particular farm, not very far from where I live, and the man who formerly owned the farm went by and saw this man breaking up clods and he hollered over to him, "Brother, give 'em hell. I tried to make a living on that farm for 20 years, but if I wanted to make a living now I would go up to Huntington and get me a blind horse and a dray." This same farmer who came from Wisconsin and had the advanced ideas of farming raised on that farm 50 acres of tobacco which he sold to the American Tobacco Co. in the field for $225 an acre. He raised 125 acres of potatoes and sold 125 bushels to the acre to the Frick Co., of Pittsburgh.

Mr. ROBSION of Kentucky. Did the gentleman say that he sold 50 acres of tobacco for $2.25 an acre?

Mr. HUGHES. No; for $225 an acre. The other farmers of that locality who had not taken advantage of vocational training and had not taken advantage of the valuable bulletins issued by the Government, only raised about 60 to 75 bushels to the acre of potatoes, where this man, who had taken advantage of the vocational training, had raised 125 bushels to the acre.

These are actual results. I did not think it was necessary to take the time of the House to say anything in favor of the bill, but there are certain questions that have been brought out by different gentlemen, and I want to say that I indorse everything that the chairman of the Committee on Rules [Mr. SNELL] has said, and especially what he said with reference to the committee which came to Washington from their convention in Philadelphia last month:

> A committee of that organization from their convention in Philadelphia last month came to Washington, and I want to say they are a fine, representative lot of men. I have never met a committee of men who appealed to me as more interested in their work, had a greater desire to cooperate in every way with Congress, and only ask for the things they ought to ask for, than was this committee; and I was very much impressed with the personnel of the committee and the work they are doing. The country districts are especially interested in this vocational educational training, and let me say to the Members of the House that this, in my judgment, is a real farm-relief measure, if anything could be considered as such, because it helps to educate the young boys and girls in the country districts in the questions that arise in the management and conduct of the farm industry. For that reason I believe it is very important and should be considered. * * *

I also agree with what the gentleman from New York [Mr. REED] has so well expressed in giving the House the benefit of the advantages of this bill in his report, which is as follows:

[H. Rept. No. 1667, 70th Cong., 1st sess.]

VOCATIONAL EDUCATION

Mr. REED of New York, from the Committee on Education, submitted the following report (to accompany S. 1731):

The Committee on Education, to which was referred the bill (S. 1731) to provide for the further development of vocational education in the several States, having considered said bill, reports favorably thereon with the recommendation that the bill do pass. This bill passed the Senate April 9, 1928.

S. 1731 is a bill to provide for the further development of the program of training of farm boys and girls in agriculture and home economics in the several States.

All funds appropriated under the provisions of this bill are to be used solely for the purpose of extending the training prescribed in the Smith-Hughes Act which was passed by the Congress in February, 1917.

The Smith-Hughes Act, which was passed by the Congress 11 years ago, provides for the promotion of practical training as a part of the public-school program. It has for its main purpose the training of boys and girls to meet the real problems of life. It seeks to make our young people vocationally efficient. Under the stimulus given to practical training by this act, departments of vocational agriculture have been established in 3,590 schools in the rural sections of this country. Aid in maintaining departments of home economics has been extended to 1,973 schools. The character of work that has been conducted in these schools has so commended itself by its practical character that a very large number of additional rural districts are now demanding assistance in the establishment of these departments.

The funds available under the provisions of the Smith-Hughes Act, which reached their maximum in the fiscal year ending June 30, 1926, have been sufficient to aid only 29 per cent of the rural high schools of the United States in maintaining vocational agriculture, and the meager funds provided for the aiding of home economics have been sufficient to place this type of training in only 8.7 per cent of the public high schools.

The Smith-Hughes Act provided, after 10 years of increasing appropriations, a maximum of $3,000,000 for vocational agriculture and $600,000 for home economics.

The bill S. 1731 is not legislation new or different in any way from that which is now in force. It simply authorizes the appropriations of additional funds that will make it possible for additional rural districts to provide the practical type of training in their schools that is so essential to the welfare and prosperity of the country. Most of these farming districts are not in a financial condition to provide further for this type of training without State and Federal assistance. The introduction of new and improved methods in farming, the increased use of machinery, together with the large scope of the farm business as it relates particularly to problems of marketing, distribution, consumption, etc., all point to the necessity of the coming generations being specifically trained to conduct successfully this complex and ever-growing business.

Equally essential is training for the work of the farm home. Here, too, modern conveniences are contributing to improved methods in home making. Problems of selection, purchase, use, care, renovation, and maintenance of supplies and equipment to meet individual and family needs are sufficiently difficult to demand special training for their successful solution.

Provision in the public schools of the rural districts for training in home making is limited, and nowhere is such training more greatly needed. Not only do girls in these districts, as shown by statistics, marry younger than those in urban districts, but the farm home and the business of farming are so interrelated as to make success in the one dependent upon success in the other.

All boys who have taken advantage of the training under the Smith-Hughes Act, so far as it relates to agriculture, have carried out practical work on their home farms. It has meant an earning of $23,637,924.25 during the past five years. The Federal Government has put into this investment, through salaries of teachers of vocational agriculture, during the same period only $10,418,460. In other words, for every dollar of Federal funds spent in the enterprise there was a financial return of $2.26 realized by the vocational boys.

Do the boys become farmers? The program of vocational agriculture has been in operation long enough to show whether or not the boys who graduate or pursue agricultural courses for at least one year are remaining in agricultural work. A recent nation-wide study made by the Federal Board for Vocational Education shows that from 60 to 75 per cent of the students given vocational instruction are now in agricultural work.

The teachers of vocational agriculture are of necessity in the closest contact with farming and farm life in their respective communities. They know the needs, longings, and aspirations of the farming population. They constitute a most favorable agency for the dissemination and utilization of the researches and findings of the United States Department of Agriculture and the 48 land-grant colleges and experiment stations.

Wherever vocational departments in home making have been placed in the schools, active cooperation exists between school and home. The instruction in the school is closely related to the work of the homes from which the girls come, and fathers and mothers are among the most ardent supporters of the program.

It is estimated that approximately 80 per cent of girls and women in the country are at some time home makers, and that about 1,000,000 marry annually. If these statistics even approach to the real situation, it can be said that all girls trained in this field in the public schools will probably at some time enter upon the work of home making.

While it is not possible in home making as it is in agriculture to assign money values to the influence of this vocational training on the home, it is safe to predict from observation of the results of the work that its extension to larger numbers of girls and women in the country would contribute greatly to their success as home makers; and since national prosperity is dependent to so large an extent upon good homes, the benefits would extend to the improvement of standards of living in the Nation as a whole.

It was very forcefully brought to the attention of the Committee on Education that there is an unusually widespread interest in this bill throughout the Nation. The bill has the indorsement of agricultural leaders, educators, the farm press, and the national farm organizations, as well as such women's clubs and organizations as the General Federation of Women's Clubs and the American Association of University Women. It is indorsed by the United States Department of Agriculture and the Federal Board for Vocational Education.

This bill does not initiate any new principle of Federal participation. It merely extends the benefits now enjoyed by many rural communities to other farm communities not now receiving such benefits.

I am in favor of the bill, and I certainly hope it will pass. I am in favor of the amendment adopted by the Senate, because I feel it is necessary. Otherwise it might endanger the passage of the bill, and I am sure that at the end of five years the Congress, after knowing the valuable results obtained from this legislation, will be glad and willing to extend the time. This will give to the youth of the rural sections of the country a great opportunity to develop the natural resources of the rural sections and build up a better citizenship in intelligence, in enlightenment, and will provide a better opportunity than the farmers of our day had, and it is to this class that we must look to do things in the future. In order for the farmer to make a success of farming, it is absolutely necessary that he keep up with the latest and most improved facilities. When he does this the farmer then has a hard time of it.

I feel that this bill will have a tendency to keep the boy on the farm, and that certainly will be a good thing for the boy and for the country as well.

Mr. TARVER, from Georgia, has certainly given some valuable information, and I am quoting this part of his remarks, and right here I want to insert the statement which was made by Doctor Lane to the committee at the hearings:

Every boy who elects to take the vocational work as part of his high-school education is required to carry on for at least six months at home some definite, practical work under the supervision of his teacher. Now, that means an economic return on the part of the boys in the production of livestock or crops or some other work around a farm.

The total labor income from this practical work during the past five years was $23,637,924.25. This is not an estimate. It is based upon accurate cost accounting. For every dollar of Federal funds spent for vocational agriculture there was a financial return of $2.25 realized by the boys from their labor. The total Federal fund spent for salaries of teachers of vocational agriculture during the 5-year period was $10,418,460, and there was realized $23,637,924.25 from the practical work the boys did.

[Applause.]

Mr. LOWREY. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman and gentlemen of the House, I am heartily in favor of the defeat of this bill. I spoke against the original bill in this House on May 19, 1924. I want to ask you to pause for a moment and consider our relations to legislation in this House. As all will admit, we have no power to pass any bill in this House where the power is not given by the Constitution directly, or by direct implication. I challenge any gentleman on the floor of this House to point out to me a provision of the Constitution that gives Congress the power to legislate on education. Where is it? Speak up. It can not be found. Not only is it not found there but it was in open convention offered to the convention and declined; and yet there are gentlemen who are attempting to hold that the so-called general welfare clause covers education, when those who made the Constitution had it specifically proposed to them by a committee of the convention and they declined to accept it. Is it not attenuated logic that can see in the words "to provide for the general welfare" a right to legislate on a subject which was proposed in the convention when the convention refused to put it in the Constitution among the grants of power?

On the 18th of August, 1787, during the progress of the convention, when they were considering the Pinckney plan, which contained no grants of power to Congress over education or agriculture, a committee of the body proposed forty-odd additional propositions to be added to the powers of Congress already contained in that plan. One of these provisions gave Congress the power to legislate on education. It read as follows:

To establish seminaries for the promotion of literature and the arts and sciences. (Journal of the Federal Convention, Boston, 1819, p. 260.)

Another was as follows:

To establish public institutions, rewards, immunities, for the promotion of agriculture, commerce, trades, and manufactures. (Id. p. 261.)

Another proposing a council of state for the President composed of the following officers:

1. The Chief Justice of the Supreme Court, who shall, from time to time, recommend such alterations of, and additions to, the laws of the United States, as may in his opinion be necessary to the due administration of justice, and such as may promote useful learning and inculcate sound morality throughout the Union.

2. The secretary of domestic affairs, who shall be appointed by the President, and hold his office during pleasure. It shall be his duty to attend to matters of general police, the state of agriculture and manufactures, the opening of roads and navigation, and the facilitating communications through the United States.

There are other propositions looking in the same direction. Not one of the above ever appeared in the Constitution; but see how striking is this last proposition, section 2; for, among the duties assigned to the secretary of domestic affairs, the matters of roads and navigation and communications throughout the United States were incorporated in the Constitution,

but the matters of "general police", the state of agriculture and manufactures embraced in the same section were never mentioned, while roads and navigation and commerce, put side by side with the matters of general police, agriculture, and manufactures, were inserted in the Constitution.

This is a powerful vindication of our position. These questions were submitted openly to the Convention with the appeal of a committee to add them to the congressional powers, and they were rejected and they were never heard of afterwards. Where do we get the power to-day to do this thing? Some gentleman says, "Well, we have always been doing it."

I do not recognize that argument. That is the bootlegger's argument. [Laughter and applause.]

A man that advances it may not be the bootlegger as we understand it, but he is using the bootlegger's argument. Where do you get the power? I am not asking you to take my view of it. I ask you to hear three of the greatest judges who ever sat on the bench of the Supreme Court of the United States. In the great case of Gibbons against Ogden (1. Wheat. 187), decided by Chief Justice Marshall, discussing the taxing power of the States and the taxing power of the Federal Government—for this was not obiter dictum—said:

> In imposing taxes for State purposes the States are not doing what Congress is empowered to do. Congress is not empowered to tax for those purposes which are within the exclusive power of the States.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. TUCKER. Certainly.

Mr. COOPER of Wisconsin. The gentleman thinks that the general welfare clause would not apply?

Mr. TUCKER. Does the gentleman from Wisconsin understand the general welfare clause to give Congress the right to legislate on any subject it deems proper?

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. LOWREY. Mr. Chairman, I yield to the gentleman five minutes more.

Mr. TUCKER. As I understand the question of my friend from Wisconsin he is running on the old exploded idea that that proposition means that Congress has the power to legislate on anything it may deem for the welfare of the people of the United States.

Mr. COOPER of Wisconsin. The gentleman must not impute any opinion to me—I asked the gentleman a question.

Mr. TUCKER. I am trying to get the gentleman's opinion for this reason. Mr. Hamilton in June, 1787, introduced into the convention a proposition giving Congress the power to legislate on all subjects, State and national. It was given but scant consideration and that proposition was voted down directly or indirectly five times during the convention, and yet gentlemen come here and say a proposition which was voted down five times is still alive; that it has as many lives as a cat. Whatever may be the general welfare clause, if there is such, and I do not think there is such a clause, that is Judge Marshall's opinion, for he says that Congress has no power "to levy taxes for those purposes exclusively within the power of the States," and confessedly education is a State function.

I take you a little further. In 1842 in the great case of Dobbins *v.* The Commissioners of Erie County (16 Peters, 448) Judge Wayne delivered the unanimous opinion of the court, and in that court sat Chief Justice Taney and Judge Story agreeing with him. In that unanimous decision the court held, speaking of the taxing power:

> The revenue of the United States is intended by the Constitution to pay the debts and provide for the common defense and general welfare of the United States; to be expended, in particular [that is, to be more particular] in carrying into effect the laws made to execute all the express powers "and all other powers vested by the Constitution in the Government of the United."

In 1868 Chief Justice Chase rendered a decision in the case of Veazie Bank *v.* Fenno (8 Wall. 541), in which he said, speaking of the taxing power:

> There are, indeed, certain virtual limitations, arising from the principles of the Constitution itself. It will undoubtedly be an abuse of the power if so exercised as to impair the separate existence and independent self-government of the States, or if exercised for ends inconsistent with the limited grants of power in the Constitution.

Mr. Chairman and gentlemen, I rest my case right there. Here is Marshall, the Federalist, Taney, the Democrat, Chase, the Lincoln Republican, "a trinity in unity" agreeing on one thing, namely, that there is no power in Congress to lay a tax for any purpose that belongs exclusively to the States. On that granitic foundation I stand. If we can not follow that trio we had better surrender our charter and go out of business.

I hear a great deal about the constant violation of the Constitution and a certain law, known as the Volstead law. How do we answer charges like this? Have each of us our own "little pet" violations of the Constitution, possessing a far-off beneficent hue which we readily excuse, while deploring with pitiless tears those ruthless violators of other sections which we have no inclination to disregard? Are we following the doctrine of Hudibras who said:

> We compound for sins we are inclined to
> By damning those we have no mind to.

The breaking of the Constitution is just as fatal in the vocational educational bill as it is in the Volstead law. I am against all such legislation, such as child labor laws, educational laws and maternity laws, because they are unconstitutional, and if we Democrats ever expect to redeem the old Party, we must go back to the Constitution and stand by it steadfastly and firmly. [Applause.]

In extending my remarks by permission I beg to refer briefly to the constitutional argument submitted by my friend, the chairman of the committee, Mr. REED of New York.

In my remarks at the outset I challenged the production of a power in Congress under which this bill could pass. There was no response to that challenge, and I doubt not my friend felt that it was necessary at least to make a gesture on this subject, and he introduces the usual gesture, that the authority comes from the so-called general welfare clause, and he quotes Judge Story as indorsing that view. In the CONGRESSIONAL RECORD of December 13, 1927, is recorded a speech I made entitled "Judge Story's Position on the General Welfare Clause," to which I ask the consideration of any who are interested in this subject. I merely quote below sections 909 and 910 of Judge Story's great work to show that Judge Story, from my examination of the matter and which is set forth in the above speech, in his commentaries took two inconsistent positions, which can not be reconciled, for sections 909 and 910 are certainly unanswerable. The sections are as follows:

> SEC. 909. The Constitution was from its very origin contemplated to be a frame of a national government of special and enumerated powers, and not general and unlimited powers. This is apparent, as will be presently seen, from the history of the proceedings of the Convention which framed it, and it has formed the admitted basis of all legislative and judicial reasoning upon it ever since it was put into operation by all who have been its open friends and advocates, as well as by all who have been its enemies and opponents. If the clause "to pay the debts and provide for the common defense and general welfare of the United States" is construed to be an independent and substantive grant of power, it not only renders wholly unimportant and unnecessary the subsequent enumeration of specific powers, but it plainly extends far beyond them and creates a general authority in Congress to pass all laws which they may deem for the common defense or general welfare. Under such circumstances the Constitution would practically create an unlimited national government. The enumerated powers would tend to embarassment and confusion, since they would only give rise to doubts as to the true extent of the general power or of the enumerated powers.
>
> SEC. 910. One of the most common maxims of interpretation is (as has been already stated), that, as an exception strengthens the force of a law in cases not excepted, so enumeration weakens it in cases not enumerated. But, how could it be applied with success to the interpretation of the Constitution of the United States if the enumerated powers were neither exceptions from, nor additions to, the general power to provide for the common defense and general welfare? To give the enumeration of the specific powers any sensible place or operation in the Constitution, it is indispensable to construe them, as not wholly and necessarily embraced in the general power. The common principles of interpretation would seem to instruct us that the different parts of the same instrument ought to be so expounded as to give meaning to every part which will bear it. Shall one part of the same sentence be excluded altogether from a share in the meaning; and shall the more doubtful and indefinite terms be retained in their full extent, and the clear and precise expressions be denied any signification? For what purpose could the enumeration of particular powers be inserted, if these and all others were meant to be included in the preceding general power? Nothing is more natural or common than first to use a general phrase, and then to qualify it by a recital of particulars. But the idea of an enumeration of particulars which neither explain nor qualify the general meaning, and can have no other effect than to confound and mislead, is an absurdity, which no one ought to charge on the enlightened authors of the Constitution. It would be to charge them either with premeditated folly or premeditated fraud.

The next reliance my friend offers is the report of Mr. Hamilton on manufactures in 1791, in which he states that—

> there seems no reason to doubt that whatever concerns the general interests of learning, of agriculture, of manufactures, and of commerce

are within the sphere of the national councils as far as regards an application of money.

I think to rely upon Mr. Hamilton in this matter is quite unfortunate; and I think I can show that Mr. Hamilton's testimony as above given is worth little or nothing.

First, Mr. Hamilton in the above expression states that "learning, agriculture, manufactures, and commerce are within the sphere of the national councils as far as regards an application of money"; that is, Congress can make appropriations for such. In the preceding part of this speech I have quoted the instances where propositions relating to learning, education, agriculture, etc., were submitted to the Constitutional Convention to be placed among the powers granted to Congress, but they were not adopted, while other powers suggested at the same time were adopted. Is not that sufficient to show that no such power exists?

Second. On the 4th of September the committee of 11 reported that clause 1 of section 1, Article VII of the Pinckney plan should read:

The legislature shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States.

This was adopted without a dissenting vote. The Pinckney plan, which had been adopted on the 16th of August, merely provided that "The legislature shall have power to lay and collect taxes, duties, imposts and excises"; followed by the other grants of power. The reasons for inserting these words "to pay the debts," and so forth, are given in my speech above referred to, which appeared in the CONGRESSIONAL RECORD on December 13, 1927, under the heading of "In Conclusion." Now the claim is made by the gentleman from New York [Mr. REED], the chairman of the Committee on Education of this House, that these words constitute a substantive grant of power to Congress to pass all and any laws affecting the general welfare of the people of the United States; and while Judge Story, in a luminous argument, shows such a claim to be preposterous, he claims that, under these words, Congress may make appropriations for any object which in their judgment they may believe to be for the common defense or general welfare of the people of the United States—that is, that Congress can appropriate money to an institution that it is denied the power to create.

The question, therefore, is brought sharply to this issue: Did the men constituting this committee of 11 intend, by the insertion of these words, to destroy the Pinckney plan containing only specific grants of power to Congress, which had been passed unanimously by the convention without a single negative vote on the 16th of August previously? An examination of this committee will show that the majority of them could never have agreed to any such proposition. The known sentiments of at least seven of them, and probably nine, show conclusively that their insertion of these words was never considered by them as authorizing the construction put upon them by the Hamiltonians, or by the learned Judge Story.

Albert Gallatin, of Pennsylvania, was one of the most distinguished men of his day. On the 16th of June, 1798, as a Member of Congress, he made a speech on this clause, in which he said:

He (Gallatin) was well informed that these words had originally been inserted in the Constitution as a limitation to the power of laying taxes. After the limitation had been agreed to, and the Constitution was completed, a member of the convention (he was one of the members who represented the State of Pennsylvania), being one of a committee of revisal and arrangement, attempted to throw these words into a distinct paragraph, so as to create not a limitation, but a distinct power. The trick, however, was discovered by a member from Connecticut, now deceased, and the words restored as they now stand. So that Mr. Gallatin said, whether he referred to the Constitution itself, to the most able defenders of it, or to the State conventions, the only rational construction which could be given to that clause was that it was a limitation, and not an extension of powers. (U. S. Annals of Congress, 5th Cong., 1797–1799, vol. 8, p. 1796.)

For confirmation of the above see The Framing of the Constitution, Max Farrand, page 182.

It is of interest to note that Abraham Baldwin, a member of this committee, was a member of the Federal Convention and a Member of the same Congress (the Fifth) that Gallatin was, and engaged with him in this debate, and he doubtlessly heard Gallatin's statement, and there was no denial of it from him.

Who was the member from Pennsylvania in the convention who attempted this "trick"? It is easy to ascertain who he was. In being designated as one of a committee of revisal and arrangement in the convention we find that the member from Pennsylvania on that committee was Gouverneur Morris. And who was the member from Connecticut that discovered the "trick"? By the process of elimination this is easily discovered because Mr. Gallatin said "he is now dead." The Gallatin words were spoken in 1798. Johnson, Ellsworth, and Roger Sherman were the members of the convention from Connecticut. Johnson and Ellsworth died after 1800, and Roger Sherman died in 1793; and Roger Sherman, who detected this "trick," was a member of this committee of 11 that brought in this report, and, having prevented Morris from making the change by throwing these words into a distinct paragraph, it showed first that Sherman was opposed to the unlimited power attempted to be given to these words by Morris's "trick," and, second, that Morris was trying to make the change to carry out Hamilton's idea, because the clause as adopted September 4 was fatal to Hamilton's desire for unlimited powers.

This "trick" described by Mr. Gallatin as attempted by Gouverneur Morris arose out of the fact that on the 8th of September the convention appointed a committee "of five to revise the style and arrange the articles agreed to by the House." The committee was composed of Samuel Johnson, Hamilton, Gouverneur Morris, Madison, and King, and on the 12th of September that committee made its report and article 1, section 8, appears as follows:

SEC. 8. The Congress may, by joint ballot, appoint a treasurer. They shall have power to lay and collect taxes, duties, imposts, and excises;

To pay the debts and provide for the common defense and general welfare of the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, among the several States, and with the Indian tribes, etc. (Journal of Federal Convention, Boston, 1819.)

Had the Constitution been ratified in that form, there would be considerable ground for asserting that it contained the Hamiltonian idea of unlimited power, for here these words are taken from a dependent position in the first clause of section 8 as a part of it, and have no relation to the power of taxation as set forth in that clause, and are entirely divorced from this clause, and by their location are made an independent, separate clause, and become one of the substantive grants of power to Congress, just as the other 17 grants in this sentence.

This report made by the committee on style was made to the convention on September 12. The Constitution was voted on and adopted by the convention on the 15th of September, but between those two dates the Journal makes no further mention of it and there is no other reference to it in the Journal, but when the Constitution appeared as finally signed by the members this clause was unchanged and was in the exact form adopted by the convention on the 4th of September. The attempt to change it had failed. This committee on style in the dying hours of the convention that proposed this Hamiltonian power for Congress, which had been rejected four times before this by the convention, has an unknown genesis—unless it may be found in Roger Sherman's discovery—and its paternity is also unknown, for its proponent in the convention (September 8) is not given in the Journal, but only the featureless words "It was moved and seconded." Who was the mover of the resolution? And what was the necessity for the committee? Three of its members (Morris, Madison, and King) were all members of the committee of 11, one from each State, appointed August 31, that had large and complete powers to deal not only with what already had been acted upon but what might yet be considered by the convention. This much at least is known, that a majority of the five were Hamiltonians, and the failure of their report presented on the 12th of September on this section was the expiring gasp of centralized power in its failure to incorporate imperial power in the Constitution of the United States.

The constitution to-day as it came from the convention has this clause just as it was adopted on the 4th of September, 1787, in that convention. The gentleman from New York [Mr. REED] and those who follow him claim that in this form Congress is empowered to legislate for any purpose that they think is for the good of the people. I appeal from the gentleman from New York [Mr. REED] to Mr. Hamilton. If that clause adopted on the 4th of September, 1787, contained the power claimed for it by the gentleman from New York [Mr. REED] to-day it was practically the proposed power supplied by Mr. Hamilton in his draft of a constitution, that Congress should—

have power to pass all laws which they shall judge necessary to the common defense and general welfare of the Union.

Did Mr. Hamilton believe that the clause adopted September 4 contained this unlimited power introduced in the convention in June? His proposition had scarcely been discussed in the convention at all. The Pinckney plan of specific powers

had held the center of the stage from the 6th of August. The Randolph and Patterson plans had been discarded. The Pinckney plan on this subject, brought into the convention on the 6th of August, was passed without a dissenting vote on the 16th of August. So that the convention, to carry out the theory of the gentleman from New York [Mr. REED], adopted the Pinckney plan on the 16th of August in direct opposition to Hamilton's plan; and then on the 4th of September, by the insertion of the words "to pay the debts and provide for the common defense and general welfare" in the first grant of power in this section reestablished the original Hamiltonian proposal of unlimited power to Congress; and then mirabile dictu placed it in the very bowels of a specific grant to Congress to lay taxes, between the grant and a limitation upon that grant, undoing all of the work that had been done in the adoption of the Pinckney plan without opposition, as well as violating every principle of grammatical construction.

The gentleman from New York [Mr. REED] may think that; but did Mr. Hamilton? If so, why was it that on the 8th day of September, 1787, a new committee, a majority of whom were Hamiltonians, one of them Mr. Hamilton himself, another Gouverneur Morris, his right-hand man, was appointed on revision and style; and on the 12th of September brought in a report that changed this provision, disemboweling the expression "to pay the debts and provide for the common defense and general welfare," from the grant to lay taxes, and setting it apart, down below the power to levy taxes, separated from it by a semicolon and making it a distinct substantive grant. Why should Hamilton through Gouverneur Morris, resort to that method to obtain an end which the gentleman from New York [Mr. REED] says had already been obtained on the 4th of September? Why was Gouverneur Morris induced to resort to what Mr. Gallatin called a "trick" to accomplish for Mr. Hamilton what the gentleman from New York [Mr. REED] says they already had? Argument is useless.

The action of the convention in rejecting it was the final blow; and yet, in the quotation from Mr. Hamilton's report on manufactures, above cited, made within four years from the time of this action in the convention he asserts in that report that learning, education, commerce, etc., could be reached by appropriations by Congress which he and Gouverneur Morris felt was not the case when the convention adjourned with their failure to have their report adopted changing the form adopted September 4, 1787.

Third, I have said that the Hamilton plan, giving Congress unlimited power to legislate on any bill that seemed to it for the good of the people, had been voted down directly or indirectly five times during the convention. I give you, to show this, these propositions and citations from the Journal of the Federal Convention.

1. On the 17th of July a resolution by Mr. Sherman.

2. On the 16th of August, when the Pinckney plan was adopted, which contained only definite and specific powers for Congress, which being limited in number, was the exact counterpart of Hamilton's unlimited proposal.

3. On the 22d of August Robert Morris and Rutledge of South Carolina offered amendments to give Congress the power "to fulfill the engagements and discharge the debts of the United States." This was clearly in direct opposition to Hamilton's proposition, for what engagements had the United States? Chiefly the 18 specific grants found in the Pinckney plan, which had been adopted on August 16, six days before.

4. On the 25th of August Mr. Sherman's resolution plainly upholding Hamilton's plan was rejected; Connecticut alone voting yea.

5. Then on the 12th of September the committee which had been appointed on the 8th of September to revise and arrange the articles of the Constitution, consisting of Johnson, Hamilton, G. Morris, Madison, and King, reported to the convention a substitute for Article I, section 8, adopted on the 4th of September (which is the language of the present Constitution) the following:

ARTICLE I

SEC. 8. The Congress may, by joint ballot, appoint a Treasurer. They shall have power to lay and collect taxes, duties, imposts, and excises;

To pay the debts and provide for the common defense and general welfare of the United States;

To regulate commerce;

To coin money.

And so forth, and so forth.

Had this proposition been adopted by the convention to take the place of the clause adopted September 4, which is now the present Constitution, my friend from New York would have something to base his claim of constitutionality upon for this bill. It not only was not adopted; it was never considered. The subject was never discussed in the convention after it was offered; and after these five rejections of Mr. Hamilton's proposal to give Congress unlimited power to appropriate money, by what authority can it be claimed that such a power exists in the Constitution?

Justice Brewer, in the case of Fairbanks *v.* United States (181 U. S. 1), where a construction of the Constitution was urged, which had been rejected in the convention framing the Constitution, said:

> In other words, the purpose of the restriction is that exportation, all exportation, shall be free from national burden. This intent, although obvious from the language of the clause itself, is reinforced by the fact that in the constitutional convention Mr. Clymer moved to insert after the word "duty," the words "for the purpose of revenue," but the motion was voted down. So it is clear that the framers of the Constitution intended not merely that exports should not be made a source of revenue to the National Government, but that the National Government should put nothing in the way of burden upon such exports.

In the same great case the same great judge, in discussing what is called "the practical construction of the Constitution," arising from the fact that officers of the Government have construed the Constitution in one way, and Congress itself has passed a number of similar bills, uses this striking language:

> We have no disposition to belittle the significance of this matter. It is always entitled to careful consideration and in doubtful cases will, as we have shown, often turn the scale; but when the meaning and scope of a constitutional provision are clear, it can not be overthrown by legislative action, although several times repeated and never before challenged.

Mr. REED of New York. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. ROBSION.]

Mr. ROBSION of Kentucky. Mr. Chairman and gentlemen of the committee, I have listened with great interest to the most eloquent appeal from our distinguished friend from Virginia [Mr. TUCKER] asserting that this measure is unconstitutional. In the few minutes I have at my disposal I shall not attempt to enter at length into a discussion of the constitutionality of this question. In fact, my friend from Virginia is always so delightful in his opposition to these great programs of progress, that it requires some effort to oppose him. The gentleman harks back to the days before 1861. All well and good. But this great country has moved up and has taken some great strides in the way of progress since those days, however glorious they may have been. Washington and Madison urged the Congress of the United States to appropriate money to advance the cause of education in this country. Congress years and years ago provided the land-grant funds with which to establish agricultural and mechanical colleges in every State in the Union, and they have been established. Congress created a Bureau of Education and has been providing funds for its support through all the years. Congress created the Department of Agriculture that reaches out and looks after the pigs, cattle, and sheep, the Johnson grass and the barberry bush and the boll weevil and the corn borer and many other things, and Congress has been providing funds for these activities for a half century. My distinguished friend has been living in this country all of that time and has held membership in this House for many years, and I am wondering why he does not go into the Federal courts and have the acts declared invalid, instead of permitting Congress to continue throughout all the years to violate the Constitution, as he says. If we can reach out and look after the moose in Alaska and the sheep and the hogs and the Johnson grass and the boll weevil and the corn borer, it seems to me that we have a right under the Constitution to reach out under the "general welfare" clause and do something for the boys and girls of the Nation. [Applause.]

That is what we are undertaking to do in this bill. The gentleman from Virginia urges help for agriculture. In the many years of his fine service in this House I am satisfied that he has been voting for appropriations for the Department of Agriculture and for bills that provide for the Bureau of Education. If this vocational education is not authorized by the Constitution, neither is either one of those activities of the Government authorized by the Constitution.

I strongly favor this particular legislation. I want to do something for agriculture. Here we propose to go out into the rural communities and not only train the minds but train the hands of the boys and girls of America. We are trying here to reach down from the top and help agriculture, and, in my humble opinion, we are going to help agriculture more when we get down with the boys and girls and train them properly than

we can in any other way, because you will then enable them to solve these problems in a way that we may never be able to solve them ourselves.

Why, I can remember well when I was a lad out on a farm we did not know what caused chickens to have "limber neck." We did not know what to do for it. We were giving them this thing and that thing. The cause was a simple thing. It was caused by the fowls eating decayed flesh. All that was necessary was to keep decayed flesh away from the chickens and there was no more limber neck. This legislation has been especially attractive to the people of my State. I have had opportunity to observe its workings and you should see the interest that has developed on the farm, in the schools, in the homes, and everywhere. It seems to me we have been trying to make lawyers and doctors and teachers and preachers out of too many people who are not interested and have neglected to train these young folks who desire to follow vocational pursuits. We must give the boys and girls on the farm and in the homes in the rural sections a chance.

Mr. COLLINS. Will the gentleman yield?

Mr. ROBSION of Kentucky. I will.

Mr. COLLINS. We are spending millions of dollars a year in training boys and girls in the schools of the country in a military way. I have not heard any objection to that. What is the difference in the two?

Mr. ROBSION of Kentucky. Mr. Chairman and gentleman of the committee, I think it quite as essential to the national defense and to the general welfare of this country to train our boys and girls in agriculture and home economics as to train them for war. We need more good farmers and good home builders.

I wish to say to my distinguished friend from Virginia [Mr. TUCKER] that our forefathers in writing the Constitution, after they had named 14 activities in which the Federal Government should participate as proper activities on the part of the Federal Government, concluded with the statement "and to provide for the general welfare." This certainly did not refer to providing for courts, for armies, for navies, and the like. They had already declared those things in specific terms; but in their wisdom they must have realized that this country was young and in the years to come would develop along many lines. They provided for a covering clause "the general welfare," so that as new conditions should arise or activities that were not considered by them that the American people deemed for the general welfare Congress should have the power to make suitable provision, and under this general-welfare clause we have created the Department of Agriculture, other departments, and the Bureau of Education. As I recall, our Government started with but three departments. Now we have 10.

This bill, providing for vocational training of our boys and girls in the rural sections, on the farms, and in the homes, has just as much sanction of the Constitution as has the Department of Agriculture or the Bureau of Education.

We reach out and look after the moose in Alaska; we provide for the education of the Indians; we give the most careful attention to crops and to animals on the farm. We have been doing these things for years. Why should we now hesitate to provide suitable training for the boys and girls in the rural sections and make the farm and the home more attractive and give to these boys and girls the opportunities that boys and girls have in the cities, so that they may be more on an equality with the boys and girls in the cities and be able to meet the problems of life?

The money provided by the Federal Government for vocational education in Kentucky has been under a most capable man, Mr. Ivan Barnes, and his administration has been most successful and the results all that could be desired.

In looking after the boys and girls of the Nation I think we are undoubtedly providing for the general welfare of our country. If you want to help agriculture and the farmers of this country, vote for this measure and help the boys and girls on the farms. [Applause.]

Mr. LOWREY. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. MCSWAIN]. [Applause.]

Mr. MCSWAIN. Mr. Chairman, ladies and gentlemen of the committee, I expect to support the bill, but, apprehending that approval of the bill might be construed as an indorsement of the constitutional argument upon which it is based by the gentleman who just addressed the House, the gentleman from Kentucky, I have craved the privilege of a few minutes to explain my views in reference to the constitutional feature of just such a proposition, and it is this: I deny that the "general-welfare" clause as referred to here confers any specific power. The general-welfare clause was a résumé by way of brief reference to all the preceding 18 powers that had been specifically enumerated. So that it means this: That the Congress is authorized to levy taxes and to exercise the specific powers theretofore enumerated, so that by the exercise of those powers it may promote the "general welfare." But I am going to vote for the bill. How am I to be consistent? I sat as a student at the feet of Gamaliel, a great constitutional lawyer, such as the distinguished learned gentleman from Virginia is, and when this Smith-Hughes Act was first enacted I, as a private citizen and practitioner, had my "constitutional morality" terribly shocked, and I came to the House with considerable misgivings about what would be my attitude when after having stood here with elevated hand and had sworn to defend the Constitution of the United States, whether or not I could support such legislation as this.

But I confess, as many other Members have confessed in my hearing, that a term or two of service here is quite a liberal education. Our ideas become very materially liberalized, and I confess now that I can see the light in a way that I did not quite see it when I confined my vision strictly to the text of the decisions by Marshall and Taney and Cooley and other great constitutional lights.

Now, here is a proposition that seems to my mind to be as simple as it can be. It is true the Federal Government is based upon a Constitution of limited powers. By that it means "limited in number," and not limited in extent of the few powers that are given. Because every power given to the Federal Government is in itself absolutely unlimited. It is a whole, complete power of Government to the extent to which such governmental powers are conferred.

Now, the first essential, indispensable power of any government, as every one of these great judges has held from first to last, is this, the power of self-preservation, the power of self-maintained security; and I submit that the life, the firmness, the stability, and the perpetuity of this Government rests upon the farms and the homes of the Nation. [Applause.] And since this bill proposes to encourage farm information and farm interests and farm skill and knowledge of the home, and how to conduct and carry on the home work wisely, so as to promote health and happiness in the home, it is thereby promoting the security, the life, the integrity, the fundamental essence of the very Nation itself. [Applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. LOWREY. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. SPROUL].

The CHAIRMAN. The gentleman from Kansas is recognized for five minutes.

Mr. SPROUL of Kansas. Mr. Chairman and members of the committee, I am for this legislation because by means of it the farm boys and girls throughout the land will have opportunity to acquire a knowledge of agricultural economics and administration. In other words, they will acquire the knowledge of how to make the farm pay.

There is a conspicuous lack among the farming communities of the land of this particular character of education. Of course we might say that there are other lines of industry where there is also a lack of economic and business knowledge concerning the industry in which people are engaged. The banking business might be mentioned as one of those in this particular class of education. The young men and the young women should be taught economics as well as how to cultivate and how to produce certain crops. The unwisdom of spending much time and much effort and much money on nonproductive lines certainly should be taught to the young men and young women contemplated by the provisions of this bill.

In our great agricultural State much effort is being made by the director of vocational education in extending this character of education to every part of the State. And now I wish to quote, if I may, what our director has to say on this particular subject. He says:

> We are asking this legislation because we have reached the limit of expansion of our program in our State. We are reaching 100 rural high schools out of a possible 400, and we are reaching 2,000 boys out of a possible 8,000 boys. I am talking of farm boys. We are seeking this education in order to extend this training to communities in Kansas to which it has not been extended.
>
> C. M. MILLER,
> *State Director of Vocational Education, Topeka, Kans.*

I thank you, gentlemen. [Applause.]

Mr. REED of New York. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. JENKINS].

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. JENKINS. Mr. Chairman and gentlemen of the committee, it shall not be my purpose of indulge in any discussion of the constitutionality of this measure, as requested by the gen-

tleman from New Jersey. I am glad we shall have the support of the distinguished gentleman from South Carolina [Mr. McSWAIN]. I am glad of the conclusion he has reached, but I am not so profoundly impressed with the reasoning by which he arrives at his conclusion. [Laughter.]

The gentleman from New York [Mr. SNELL] paid a splendid compliment to those who have so zealously pressed this legislation. He stated that they had presented the merits of this bill before the Committee on Rules very creditably.

I wish to say that the department of education of the great State of Ohio deserves a lot of credit for assisting in laying the groundwork of that splendid sentiment. The State of Ohio is entitled to compliments for its part in the furtherance of this measure, and these distinguished schoolmen who have been so forward in that work are to be complimented. I have said what I rose to say, and will yield the balance of my time. [Applause.]

Mr. LOWREY. Mr. Chairman, I yield three minutes to the gentleman from Florida [Mr. GREEN].

The CHAIRMAN. The gentleman from Florida is recognized for three minutes.

Mr. GREEN. Mr. Chairman and colleagues, I do not desire to go into the constitutionality of the bill. I do not think it is necessary. I would like to remind my colleagues of the fact that the State which I, in part, represent appropriates for the control of floods and to reclaim lands, and those appropriations will, we hope, be met by the Federal Government funds. I likewise believe it is the duty of the Federal Government to foster education for the rural districts. If you will show me rural districts of any State where you have an educated people, I will show you a people who are preserving their social institutions. If you will show me an enlightened citizenship, I will show you that its education leads it forward in every other way. I do not believe that education and wisdom increases misery but believe that it dispels misery. I believe in light and education. When education is fostered, you foster the wealth and the ability of the people; it goes to make usefulness and happiness. I am glad that the Committee on Rules saw fit to bring in a rule for the passage of this additional appropriation.

I would be glad if the Committee on Education would bring out a bill providing for a department of public education, with a secretary in the President's Cabinet. I have introduced such a bill, and I trust that it or some similar bill may be brought from the Committee on Education giving governmental approval of public education in the United States.

My friends, the subject of education is one in which we should all be interested. It is one of importance to the rank and file. The rural communities of our Nation are those which in the past have been neglected as far as vocational education is concerned, but now they are becoming enlightened. Good roads go all through them; power lines have been carried through them; telephone lines have been built through the rural communities, and now if you carry to them the educational opportunities that have heretofore been given to the cities and large centers of population you are going to see a great, safe, and powerful people rise and carry on their share of our Government's burden. I say, give to the youth of our land equal educational opportunities, regardless of whether he lives in country or city. [Applause.]

Mr. LOWREY. Mr. Chairman, I have no other speakers, but I believe I have a little time remaining.

The CHAIRMAN. The gentleman from Mississippi has 19 minutes remaining.

Mr. LOWREY. Mr. Chairman, I yield myself as much of that time as I may desire to use. [Applause.]

A southern negro said, "You know, Massa Jim, he said sandy land makes the best 'tatoes and I say so, too, and we just argufied about it all day." Well, it seems we are "argufying" here for two hours on something about which we are all agreed, with one very honorable exception. I respect his scruples, but do not agree entirely with his conclusions.

On the general subject of vocational education I want to read a brief passage from a speech delivered by Edward T. Franks, vice chairman of the Federal Board for Vocational Education. This vocational education experiment has been tried out, perhaps, more thoroughly in our cities and larger towns and in industrial and manufacturing centers that it has been tried out in agricultural centers. I think the agricultural districts would have been better off had we had more of it and had it come into effect at an earlier date. Mr. Franks says:

> The vocational students in the Central Vocational School of Milwaukee, Wis., earn more money each year while attending school than the entire educational system costs the city of Milwaukee for all kinds of education.

That is a most startling statement. Furthermore:

> There were 63,600 part-time vocational students in the city of New York, and they earned annually while attending school $45,000,000.

Which is something over $700 per student, if I have calculated correctly in a hasty calculation.

> In 1926 the vocational educational students in agriculture alone in the State of Michigan earned more money while attending school than was expended in that State for all kinds of vocational education by Federal, State, and local communities.

Those are the results which have come from vocational education, mostly in the centers of industry. Now we come to a southern agricultural State:

> In the State of Arkansas the trained vocational students produced 230 per cent more cotton per acre than did the farmers of the State. In the State of Georgia the trained vocational students produced more than 100 per cent more cotton per acre than the average yield.

The experiment of vocational education has already been tried and has been found a success. It has been tried most thoroughly, and its results have been most felt in the towns and centers of manufacturing; but I believe the consensus of opinion in this Congress and in the Nation just now is that our greatest need is for a rehabilitation in some way of agriculture. The cry comes everywhere that agriculture is failing; that agriculture is in distress; that agriculture is not paying its actual expenses; and that the rural people are the people who are suffering just now financially, while the rest of the country and almost every other branch of activity is prosperous. I have heard it stated that within from 15 to 20 years our agricultural population would entirely change; that from one-fifteenth to one-twentieth of the whole agricultural population were leaving the farms every year and going to the towns and to the manufacturing centers. Therefore in from 15 to 20 years our agricultural population will change absolutely. Now, it seems to me we can not possibly find a more effective way of doing something worth while for agriculture than to replace that shifting population by a permanent agriculturally trained population; replace it by people who have grown up on the farm, and as they have grown up to manhood and womanhood there they have learned to love the farm and have acquired skill and progressiveness in the matters of farm life.

As I have observed in my own State, as I have gotten information on the Committee on Education, and as I have studied it everywhere, it seems to me the Smith-Hughes work is really doing more as an agricultural relief proposition; it is doing more to really reestablish agriculture, and will in the end mean more as a real agricultural program than any other legislation that has been proposed.

Along with our need of the rehabilitation of agriculture is our need of a permanent and progressive rural population. We have quoted until it has grown old:

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates and men decay.
> Princes and lords may flourish or may fade,
> A breath can make them, as a breath has made;
> But a bold peasantry, their country's pride,
> When once destroyed, can never be supplied.

We do not like to say "peasantry," but, rather, a bold, rural population; and we do more for the safety of this country when we are working to a real development of high-grade, happy, satisfied, prosperous rural population—we are doing more for the defense of the country, I will say, than when we are building cruisers and enlarging armament. [Applause.]

Mr. REED of New York. Mr. Chairman, I yield two minutes to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Chairman, having observed the operation of this law during the past 12 years at rather close range and having given it considerable study, I am very pleased to have the opportunity of supporting additional legislation along this line.

I shall vote for the bill because I believe it will assist in educating the boys and girls of the country, and not only educating them but educating them for some specific vocation. They will be better prepared to do their work in rural life than they would be without this legislation. Any help, any encouragement, that we can give to these young Americans should be given. This recognition by the Federal Government will serve as a further stimulus in their efforts to develop the country districts and to make life there more worth the living. [Applause.]

Mr. REED of New York. Mr. Chairman, I yield two minutes to the gentleman from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Chairman and gentlemen of the committee; in the wide range which the discussion of this very important legislation has covered this afternoon, there is one thought which I have not heard advanced. I refer to the relief that will be given to the people throughout the United States, particularly in rural sections, by way of lessening the burden of local taxation. Everyone familiar with the tax situation in the country generally knows that to-day the people in the rural sections are bearing relatively a very heavy burden of the taxes. School and road taxes make up the larger part of this burden. Practically every discussion on farm relief to which I have listened and every speaker who has given any thought to this fascinating theme agree that in the degree we can lessen the burden of local taxation for the support of the necessary institutional life in the country we will make one of the very best contributions toward substantial and permanent farm relief.

It is unnecessary to undertake to add anything to the discussion by way of emphasizing the importance of education for the boys and girls of the open country and particularly that form of education which emphasizes the vocational side. There are thousands of boys and girls who will never be able to take advantage of a college course and yet desire to prepare themselves in every way to be successful farmers and home makers. This bill will make available additional funds to enable the States to extend this form of education much more widely in the rural sections of the country and at the same time relieve the local community where such vocational high schools are established of bearing the whole burden of taxation. Because of the fact that the bill under consideration this afternoon enlarges the opportunities for high school vocational education in all sections of the country and at the same time relieves the local community of bearing the whole burden of operation, I am most heartily in favor of it and I desire to congratulate the committee upon having advanced consideration of the bill to the point of passing it.

When this measure is taken into consideration in connection with the increased appropriation made by the first session of the Seventieth Congress for the encouragement of boys and girls' club work throughout the country, I feel certain that rural life generally, and particularly the boys and girls in the open country are provided the greatest possible encouragement toward securing the training that will better fit them to carry on efficiently in two great fundamental callings of life in the United States, namely, agriculture and home making.

Mr. REED of New York. Mr. Chairman, the constitutionality of this bill has been questioned, and I wish to answer that. My time is about up and I shall therefore ask unanimous consent to extend my remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. REED of New York. I want to touch for a moment on the constitutional question. That point has been raised here, and I want to answer it. From remarks made on the floor today you would think that the Federal Government had no authority and no right to make appropriations to help the cause of education. The authority for these appropriations is to be found in section 8, Article I of the Federal Constitution, which reads as follows:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

This clause has given rise to much controversy, but the interpretation given to it by Story in his great work on the Constitution has been followed by Congress in practice since the Government went into operation. As Story observes, the clause should be read as follows:

> Congress shall have power to lay and collect taxes, duties, imposts, and excises, in order to pay the debts and provide for the common defense and general welfare of the United States, the common defense and general welfare and the payment of the public debts being the ends for which the power is conferred, and taxation a means for their attainment.

This is the interpretation placed on this clause by Hamilton in 1791, in his report On Manufactures, who stated it as his clear opinion that the phrase "general welfare"—

> is as comprehensive as any that could have been used—

And that—

> there seems no reason to doubt that whatever concerns the general interests of learning, of agriculture, of manufactures, and of commerce, are within the sphere of the national councils as far as regards an application of money, the only qualification of the generality of the phrase in question which seems to be admissible is this: That the object to which an appropriation of money is to be made must be general and not local, its operation extending in fact, or by possibility, throughout the Union and not being confined to any particular spot.

President Monroe in an elaborate and cogent paper entitled "Views of the President of the United States on the Subject of Material Improvements," submitted with his veto in 1822 of the Cumberland Road bill, took the same view. His attitude is expressed in the following sentence:

> My idea is that Congress have an unlimited power to raise money, and that in its appropriation they have a discretionary power, restricted only by the duty to appropriate it to the purposes of common defense and of general, not local, national, not State, benefit.

Since the Civil War there has been no President who denied the right of Congress to raise and appropriate money for purposes of general welfare because such purposes were not within the fields in which Congress is, by other provisions of the Constitution, empowered to legislate.

The appropriations made annually since 1862 for the Department of Agriculture, the Department of Labor, the Bureau of Mines, and the Bureau of Fisheries can find no justification except under a power to raise and spend money for "the general welfare."

It will be noted, too, that by the Adams Act, the Smith-Lever Act, the Smith-Hughes Act, Congress has made appropriations of large sums of money raised by general taxation for the advancement of education throughout the country.

The same is true of appropriations for the relief of sufferers from disaster in this country, of appropriations for polar expeditions, and for the observations of eclipses of the sun, and for participation in expositions. The relief for sufferers abroad goes even further, as, for example, the appropriation of $20,000,000 for grain for Russia.

In commenting upon Article I, section 8, to which reference has been made, John Norton Pomeroy, in his work on Constitutional Law, section 275, makes this observation:

> What measures, what expenditures, will promote the common defense or general welfare Congress can alone decide, and its decision is final. It is certainly not necessary that any particular expenditure should be spread over the whole country to bring it within the meaning of a defense which shall be common, or a welfare which shall be general. * * * Congress expends vast sums of money in the erection and adornment of a Capitol, in furnishing a library, in the purchase of pictures, statues, and busts, in endowing a scientific institution; but it is not claimed that these disbursements are not made for the general welfare. * * *

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of providing for the further development of vocational education in the several States and Territories there is hereby authorized to be appropriated for the fiscal year ending June 30, 1929, the sum of $500,000, and for each year thereafter, for 11 years a sum exceeding by $500,000 the sum appropriated for each preceding year, and annually thereafter there is permanently authorized to be appropriated for each year the sum of $6,000,000. One-half of such sums shall be allotted to the States and Territories in the proportion that their farm population bears to the total farm population of the United States, exclusive of the insular possessions, according to the United States census last preceding the end of the fiscal year in which any such allotment is to be made, and shall be used for the salaries of teachers, supervisors, and directors of agricultural subjects in such States and Territories. The remaining half of such sums shall be allotted to the States and Territories in the proportion that their rural population bears to the total rural population of the United States, exclusive of the insular possessions, according to the United States census last preceding the end of the fiscal year in which any such allotment is to be made, and shall be used for the salaries of teachers, supervisors, and directors, development and improvement of home economics subjects in such States and Territories.

Mr. REED of New York. Mr. Chairman, I offer an amendment, which I have sent to the Clerk's desk.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. REED of New York: Page 1, line 6, after the words "June 30," strike out "1929" and insert in lieu thereof "1930."

The amendment was agreed to.

The CHAIRMAN. The gentleman from New York offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. REED of New York: Page, 1, line 7, after the word "for," strike out the word "eleven" and insert in lieu thereof the word "four."

The amendment was agreed to.

The CHAIRMAN. The gentleman from New York offers another amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, line 8, after the word "year," insert a period and strike out all of line 9 and line 10 down to and including "$6,000,000."

The amendment was agreed to.

The Clerk completed the reading of the bill.

Mr. TARVER. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

At the end of line 18, page 3, strike out the period and insert a semicolon, and add the following words: "and except that for each dollar of Federal money expended the State shall expend an equal amount for the maintenance of such training, and distribution of teachers of agricultural and home economics subjects shall be had in accordance with the need existing in various localities of the State, and without depriving communities unable to contribute to the expenditure for such purposes, or benefits of such act on account of such failure to contribute."

Mr. TARVER. Mr. Chairman, this is the amendment to which I addressed myself in general debate. It proposes to change the method of matching only, so as to require matching by the State as a whole, instead of matching by the State or locality or local community. I explained a while ago what to me seemed the evils of the present practice. This does not affect the $6,000,000 paid out annually under the present law. It has reference only to how the matching will be done under this bill. The average amount appropriated to each State for the first year would be $10,000. I want to provide, and do provide, that that paltry additional appropriation may be spent by the State board for vocational education according to the needs of the various communities of the State, and without regard to their ability or not to match the Federal fund.

Mr. SNELL. Will the gentleman yield?

Mr. TARVER. Certainly.

Mr. SNELL. As far as the first part of the gentleman's amendment is concerned, I do not know that I have any objection, but it seems to me that the last three or four lines of the amendment goes farther than the gentleman really wants to, as it changes the discretionary power which at the present time is lodged in the vocational board of each State. I am not certain but what that would mix up the whole proposition.

Mr. TARVER. I had no purpose of bringing that result about. The latter part of my amendment was added in explanation of the first part. As far as I am concerned I have no objection to modifying the amendment so as to provide only that the appropriations shall be matched by the State.

Mr. SNELL. As I understood the gentleman to say when he conversed with me was that he wanted the funds matched by the State as a whole and not by local communities

Mr. TARVER. The gentleman is correct.

Mr. SNELL. And I think he would accomplish that result by striking out the last part of his amendment.

Mr. TARVER. Mr. Chairman, I ask unanimous consent to modify my amendment by eliminating all of the amendment after the words "such training" in line 3 of the amendment.

The CHAIRMAN. Without objection, the gentleman from Georgia will be allowed to modify his amendment.

Mr. MONTAGUE. Mr. Chairman, may we have the modified amendment read as it now stands?

The Clerk read as follows:

Modified amendment: At the end of line 18 strike out the period, page 3, and insert a semicolon, and add the following words: "and except that for each dollar of Federal money expended the State shall expend an equal amount for the maintenance of such training"——

Mr. TARVER. Mr. Chairman, I ask unanimous consent, if my time has expired, to proceed for an additional five minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. WRIGHT. Will the gentleman yield?

Mr. TARVER. Yes.

Mr. WRIGHT. Does not the gentleman understand that everything in his amendment is provided for under existing law?

Mr. TARVER. I do not.

Mr. WRIGHT. Suppose the gentleman's amendment is adopted and some State fails to match the Federal fund? Would not the opportunity be lost?

Mr. TARVER. The gentleman will remember that in the legislation under which Federal aid is furnished roads the allocation is made on the condition that the amount is matched by the State. That is just the condition I want provided in this bill. I want the matching done by the State, not local communities, so the poorer communities can get some of it. I have not been advised of any State failing to match the Federal appropriation as far as roads are concerned. I called attention a while ago to the fact that the average amount for each State for the first year is only $10,000 under this bill. There is now being paid out $6,000,000 each year, and should not we be willing to let this additional $10,000—the average that will go to each State for the first year—be placed where the need is the greatest in the discretion of the various State boards for vocational education?

Mr. WRIGHT. I am trying to get the effect of the gentleman's amendment.

Mr. TARVER. I think I got the effect of the gentleman's question.

Mr. WRIGHT. If the State does not match this allocated amount as a State, does not the State lose the amount allocated to it out of the Federal funds?

Mr. TARVER. Certainly; but there is no question but that the gentleman's State and mine will match the small amount provided by the Federal Government under this bill. The only reason States do not do that now is because they realize the local communities will do it, and when they do then necessarily the Federal aid goes to those communities able to do that, and those who are not able to do it and who really need the help the worst get nothing.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. TARVER. Yes.

Mr. TILSON. Is not that a matter that the States ought to settle among themselves, and do not the States know better the needs of the several communities than we in Washington can possibly know?

Mr. TARVER. I do not think we ought to extend to the States an invitation not to match the Federal fund by providing that it may be matched by these various communities, and, therefore, an invitation to follow the practice which has been followed with such disastrous results so far as the needy portions of the States are concerned.

Mr. TILSON. It occurs to me that we are going far enough in matching dollars with the States without going still further and matching with the communities. It seems to me that the States ought to arrange that matter themselves.

Mr. TARVER. That is the position that I take, that the matching ought to be done by the States, and that the local communities should be left out of it. Then the poorer communities could get some of the money.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. TARVER. Yes.

Mr. BANKHEAD. Let us get this matter cleared up. From the question asked by the gentleman from Connecticut [Mr. TILSON], the inference might be left in the minds of some that under existing law local communities can not match the Federal Government. As I understand the existing law, not only the States may do it but the local communities in the absence of the State may meet that obligation and can match the Federal fund and get the benefit of the Federal appropriation.

Mr. TARVER. By reason of the conditions I tried to point out to the House, the communities able to do the matching get all the money. I want to provide what the gentleman from Connecticut suggested, that the matching be done by the States, and that the law leave the local communities out of it entirely, and then let the State boards exercise their discretion as to where the money should go.

Mr. BANKHEAD. Under existing law the Federal national board can not deal directly with the local communities in allocating this fund. They have to deal through the States' educational authorities.

Mr. TARVER. They deal through the State boards for vocational education.

Mr. DENISON. Is not the fundamental principle of the whole legislation to try to induce the States as States to go into this vocational education?

Mr. TARVER. Yes; and especially to help the helpless and not those who do not need help.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. REED of New York. Mr. Chairman, the amendment offered by the gentleman from Georgia [Mr. TARVER] was considered by the committee very carefully. It is not the purpose of this legislation to step in and try to dictate to the States what ought to be done in the matter, and I think this amendment ought to be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. TARVER) there were—ayes 10, noes 65.

So the amendment was rejected.

The CHAIRMAN. Under the rule the committee will now rise and report the bill back to the House.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MAPES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 1731) to provide for the further development of vocational education in the several States and Territories, and reported the same back to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Under the rule the previous question is ordered on the amendments. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. REED of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS FEBRUARY 22, 1929

Mr. SNELL. Mr. Speaker, I ask unanimous consent that on February 22, 1929, after the disposition of business on the Speaker's table, the gentleman from Pennsylvania [Mr. BECK] may have one hour in which to address the House on the life and character of George Washington.

The SPEAKER. The gentleman from New York asks unanimous consent that on February 22, 1929, after the reading of the Journal and the disposition of matters on the Speaker's desk, the gentleman from Pennsylvania [Mr. BECK] may proceed for one hour on the subject of George Washington. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I am not going to object, but I rise to ask whether it is the purpose to follow the usual program on that day and have Washington's Farewell Address read to the House?

Mr. SNELL. I do not know that there has been any program suggested, but there is nothing to interfere with having that done later, if the Members of the House desire it.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENSION OF REMARKS—VOCATIONAL TRAINING

Mr. REED of New York. Mr. Speaker, I ask unanimous consent that all Members of the House have three legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. HALL of Illinois. Mr. Speaker, I ardently favor the passage of S. 1731 as an aid to vocational training. Looking back over the past fifty-odd years I can not but be impressed with the importance, the dignity, and sterling worth of a measure whose purpose it is to give to the youth of our Nation the advantages of the trained hand as well as the trained mind. At no time in the history of the world was there greater call for the people of the world to have a revival of devotion to duty through efficient and painstaking toil.

Work is not a curse, as some seem to think. It is God's medium of happiness. To have a job, to do that job well, is the secret of success and happiness; and it does not make much difference what the job is. The founders of the Republic were the hardest working people of history. They thus created within a century a nation which leads the world in government, science, art, mechanics, and production for human needs. Their life and example proves the theory that genius is as closely allied to perspiration as to inspiration.

The added charm that American ideals have given to human industry is illustrated in the progress of the Nation as the founders of the Republic toiled to clear the forests and to build homes and schools and churches and factories; and as they toiled they prayed, and thus laid wide and deep the foundations of a model human government. They applied their skill of mind and heart and brain to the invention and building of machines, to the harnessing of the forces of nature for use in the service of mankind, making it easier to acquire the necessities and more possible to enjoy the luxuries of life than has ever before been known in any land in any age.

It is a serious duty that now devolves upon the present generation following such a noble history of the example of our forefathers. Are we assuming as wholesome and as normal an attitude toward plain, honest work as characterized the activities of those who showed us the way? Their precepts and our blessed heritage of a desire and ability to efficiently toil has been unequaled in the annals of the human race.

The fourth commandment of the Decalogue is that "Six days shalt thou labor." This was not for our punishment. It was for our good. In recent years, however, there has evidently been too much of a disposition to substitute speculation, commercial gambling, cleverness, shrewdness, and scheming for clean, straight, constructive achievement through the process of honest individual effort and stable organized endeavor.

Christ in this twelfth year said to his mother: "Wist ye not that I must be about my Father's business?" Most of the great men of this country have been sons of widowed mothers. It is extremely probable that much of their greatness is due to the fact that in their early life they were required to be "about their father's business," in order to provide for themselves, for their mother and her family and thereby learning the lessons of responsibility, judgment, and decision to be acquired only by useful work. It frequently becomes too tempting to concentrate on "How much can we get?" instead of "How well can we serve." As sure as night follows day, ultimately, in the great plan of Divine Providence, the law of compensation will work as does the law of gravitation. "He profits most who serves best."

Out of the vortex of destruction and waste of the great war America has again set her face toward the dawn; the dawn of a brighter and a better civilization. To attain this there must come a renewed dedication to personal industry and by precept and example carry on the good work of the fathers. It should be the supreme purpose of every home and school and church, and on every farm and in every kind of business to make work more congenial, more interesting, more equitable, more productive, more attractive. America is calling to-day for more men and women to watch, to stand fast, to be strong, to keep the faith of the fathers, and to work.

The whole plan of creation and existence contemplates the necessity and joy of work. One of the grandest old songs ever set to music is "Work, for the night is coming."

It is not given to all of us to serve our country in a military way. We can not all die for our country, but we can do that thing which now and here confronts us, we can all live for our country, obey its laws, and work for its continued progress. In doing this we must be prepared and we must see to it that future generations are prepared. Preparation is in teaching the mind and hand how to work.

The old idea of human progress was that only by slow and almost imperceptible steps can civilization evolve to its highest forms or the inherent evils of human society overcome. To-day science has so revolutionized most of our early concepts that we find many of the things we have believed in unable to bear the clear light of critical analysis.

The early history of our country demanded the public school. To-day the times demand another equally important step to accelerate the evolution of social progress, to prevent decadence, and to keep step with the rapid strides of the mechanical arts.

The people need and demand a broader, deeper, more complete education, expressed in terms of present-day conditions and made universal just as was the public school. Benjamin Franklin's father took his boy out walking to observe various tradesmen at work in order to learn the youth's particular bent or inclination. All parents do not exercise the same wise forethought, but vocational guidance is now becoming recognized as a legitimate and important function of the public school.

It is said that the most dangerous point in the lives of children in the elementary school is the moment at which they leave it. Unless children are properly directed at this turning point in their lives, the knowledge and discipline acquired at school may be lost and they may become eventually unfit either for employment or for further education.

Boys and girls on leaving school are thrust into industry in great numbers, and are employed merely as process workers and not as apprentices. Too many boys fall into the casual employments or blind-alley jobs that drive them into the ranks of the unskilled, and later they drift along as vocational tramps. New demands are therefore made for solving the problem of vocational education.

In our colleges, seminaries, and universities, where pure science should have its best expression, we too often find instead the most persistent adherence to the old and unscientific methods of memory cramming, with total neglect of mind and hand training. This system is in direct antagonism with the teaching of Spencer, that a more scientific and practical education not only better fits for complete living but for higher attainments and the enjoyment of all that is ethical and aesthetic in life.

It is to meet this emergency in our educational system that the vocational school has come into existence. The remark is often made that our social progress does not keep pace with our mechanical progress. To prepare for the higher civilization that is surely coming, the first and most important step is to introduce a general system of industrial and vocational education which, as a noted expert declares, "produces a new and superior order of people."

If our civilization is to reach its highest attainment, we must come to see that no aim or object of social desire is so great as the best possible development and training of the average citizenship; and the present haste and waste of rushing immature children from the schools into bread-winning life, to become, like the machines they operate in factory and shop, mere automatons, is most harmful and is ultimately destructive of national permanence.

Pupils who enter a vocational school at 14 to 16 years of age can not begin life in any possible manner so hopefully, so advantageously, as through a course that from its very nature draws out and develops the thinking powers and applies the thinking to practical work with the hands. The whole effort of working to create the needs of physical life, aside from its healthful, hygienic value, is admirably adapted to develop the ability to reason from cause to effect and thus strengthen the logical powers.

Man is essentially a creator, and the development of his creative faculties as a necessary part of his education is an economic necessity. It is but little use to develop the receptive powers of the brain without at the same time and as a necessary reflex action developing the active and formative powers of the hand.

Skilled labor is a part of morality and religion and the culture of the mechanical productive faculties a portion of spiritual growth. Attempts at the elevation of the race merely by storing the mind with facts and literary concepts while neglecting to develop the creative powers of the brain and the dexterity of the hand have been discredited. The pathway of all race progress with each individual of the race is identified first by the cultivation of the hand to do, then of the brain to remember how and why.

To express one's self and to develop individuality by the creative skill of the hands is a foundation principle of progress, and we can best develop the latent faculties of the race by adhering to this philosophy. Vocational training is built upon this broad and secure foundation and is allied with all that is best in the constructive ideals of our social and industrial life.

I am in favor of the provisions of the bill. I shall vote for it, and I hope it will pass.

Mr. COCHRAN of Missouri. Mr. Speaker, my opposition to this bill is based solely upon the ground that it is another Federal-aid measure, and Congress, in my opinion, has no authority to vote public funds for such purpose.

I do not question the advisability of educating children in the rural district, but it should be left to the several States, and the Government should not be asked to make any contributions for such a purpose.

No one realizes the value of education better than I do. I want to see all children, regardless of where they reside, receive a proper education.

Being opposed to all Federal-aid measures I intend to be consistent and vote against this appropriation.

The original bill which the chairman of the Committee on Rules tells us will be amended by the chairman of the Committee on Education provided for a continuing appropriation of $6,000,000 annually. This continuing feature will be eliminated. I mention this because it will be shown that the purpose is not only to stimulate the States to appropriate money for vocational education, but as the original bill provided an annual appropriation of $6,000,000 it is clear the committee decided that it should go on for all time. We were told to-day this amendment is entirely satisfactory to the proponents of the proposition. They are willing to take anything they can get.

The boys and girls on the farms are entitled to an education. My State sees to it that they receive one, and it does not require any stimulating from the Federal Government.

The gentleman from Virginia [Mr. TUCKER] has challenged any Member of the House to point out to him any clause in the Constitution that justifies the passage of this bill or extends authority to the Congress to enact such legislation. When this challenge was made I noticed on the floor the presence of a number of Members well qualified on constitutional questions but there was no reply to the gentleman from Virginia's challenge. The people seem to feel they are getting something for nothing in Federal-aid measures. The truth of the matter is the money allocated to the States for such projects is taken from the States in the form of taxes. If the Congress will discontinue these Federal-aid projects then there might be an opportunity to pass a substantial tax reduction bill.

Meritorious projects now stimulated by Federal aid will be carried on by progressive States when the Federal aid is discontinued.

Mrs. LANGLEY. Mr. Speaker, during my services as a Member of this body, one truth has been brought forcibly to my attention. Whenever legislation which vitally affects the welfare of the youth of our country is presented to the House, the sentiment is unanimously in favor of that legislation, which is just as it should be.

There has never been a time within the memory of living man when the sentiment favoring the hope of our land, the youth of to-day, is as direct, as emphatic, and all prevailing than at the present time.

The welfare and development of those living in the rural sections is of paramount importance and should claim our immediate attention and consideration. The life of our Nation depends largely upon the happiness and contentment, the education and development, the furtherance of the interests of the masses of nature's noblemen, the farmers of this great country.

The bill now under consideration, which carries an additional fund for further development of vocational education in the several States, is a work which it has been my privilege to personally see effectively carried forward in my own State of Kentucky.

I represent a rural and mining section, and we have been confronted with the distressing problem of finding productive farm work for our boys and girls who have been leaving the rural sections seeking other fields for wider opportunity, and there has been a widespread need for vocational aid of this character to conserve and develop the natural resources of the farms, thereby promoting productive agriculture as well as preventing waste of human labor.

I feel this aid, which was initiated in 1917, has obtained the entire confidence in those States where it has been in operation; and when we are confronted with the data that the States are now spending for vocational education $2.65 for each dollar of Federal funds used, we can in part realize the great value this Federal aid is to the States availing themselves of this opportunity. The benefits to the communities thus aided has been of inestimable value.

As I understand it, one of the aims of this great educational work is to bring the school back into line with the farm in a helpful, practical way, and to train the farmers to utilize many new improvements in farming implements and machinery, such as tractors, and so forth, at the same time to teach them to grow and market crops and livestock.

One of the greatest benefits to be derived from the work as carried forward in vocational education is the aid to the home makers. The home is the altar of national love and national service and should be the center but not the boundary of our obligations.

The welfare of this country and the good of its people, all gravitate around the home maker, and I sincerely feel that in the upbuilding and perfecting of the duties which devolve around the housewife, the mother, at the helm, with the spokes of the wheel as typefying the boys and girls in the home, is most surely safeguarded, furthered, and promoted by the work as carried forward under the provisions of this bill.

With all the facts which have been so ably presented by the distinguished chairman of the Committee on Education, Mr. REED of New York, and other Members of the House, the

Member from the tenth congressional district of Kentucky earnestly hopes that this bill, which is of immeasurable value to the farms, the boys and girls, and last but not least to the homes in the rural sections, and which gives to them the just and fair recognition to which they are entitled, be given the entire support and approval of the House. Hold fast to that which is good.

After all is said and done in life and living, in industry and toil, in all that affects the welfare of men, women, and children, all States are alike hurt and helped by the same causes.

The work as carried forward under the Smith-Hughes bill has been of great value to agriculture and the service to the communities tremendously important.

The pending measure, while it does not involve a large expenditure by the Federal Gover ment, will give a fair and equitable allotment to the several States and will greatly stimulate the rural communities.

Go with me back to the early days and see the masses of the world's workers, the delver in the coal mine on his side crawling to his dark task with no room to stand, see the plodding farmer with his hoe at noonday in the burning sun, see the countless men and women working unceasingly amid the crowded conditions of the factories, all a vast army struggling for existence, then visualize the present day with all its improved methods devised to aid the working classes, and the measures passed by Congress to promote the onward march of civilization. I believe that one of the greatest factors which brought about the sweeping and deserved popular vote received by Herbert Hoover as President of the United States was the recognition by the home makers of this country that he understood their problems and would promote all constructive legislation which would directly and indirectly aid and further their interests.

Home, fireside, and kitchen know the great benefits to be derived from this measure. The housewife knows that a plan, wise and practical, is helping to transmit her work to beneficial results. The hour of battle to win in every avenue of human achievement is at hand. In the midst of the world's fiercest competition we must go forward or we are lost.

To-day we are striving to make the paths of our children and our children's children easier by giving them aid in vocational education, so that those who come after us may move onward, ever forward, and thus pass on into the promised land of turning wheel and glowing forge, of happy homes and smiling fields, where God shall bless them with peace and plenty.

Mr. GREGORY. Mr. Speaker, agriculture is the basic industry of the Nation. It is the foundation of all wealth, the bulwark of all material progress. It buttresses and supports every line of useful human endeavor. While the products of the toil of others add to the comforts and conveniences of life, man could live without them; but the fruits of the farmer's toil of hand and brain are absolutely essential to human existence. In other days the farmer was the leader in the business and political affairs of the country; but in recent years he has been compelled to wage a losing battle, while others have outstripped him.

The clamor of the market place and the din and roar of whirring wheels and spindles in our great industrial centers have so stifled his voice that it is now heard but feebly, if at all. He no longer enjoys the God-given right of fighting for prosperity and success upon a basis of economic equality with other industries. He neither has anything to say about the price which he receives for his raw materials, nor has he any voice in determining what he shall pay for the products out of which his raw materials are finished. He is denied a just share of the wealth which he has created. Through an ingenious manipulation of the tariff and through other means fostered by governmental favoritism, he has seen others wax fat with prosperity, while profits have slipped from his hands and the accumulations of years of honest toil have rapidly faded away. Since 1920 the values of farm lands and of farm products have sustained the appalling shrinkage of more than $30,000,000,000. In the last 15 years the farmer has seen his taxes increase more than 150 per cent, while to-day he is receiving an increase of only 30 per cent above what his crops brought to him 15 years ago. In that period commodities bought by the farmer for use in production, plus wages paid to hired labor, have increased more than 50 per cent, and commodities bought by him for the maintenance of his family have increased 60 per cent in price. The fortitude and the patience with which the farmers of the country have borne their burdens are most remarkable and inspiring, and I am happy to know that, notwithstanding his misfortunes, the love of the farm still abides in the farmer's heart.

The political party which has been in complete control of all branches of the Government for the last eight years, and which will have control of the executive agencies of the Nation for the next four years and of the legislative branch for the next two years, is under solemn pledge "to the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industries to insure its prosperity and success."

I hope time may demonstrate that this solemn pledge made to the electorate was not made for the purpose of catching votes, but that it was made with the determination to live up to it in every respect. I am a Democrat, representing a great constituency composed largely of Democrats, but I want to see the Republican Party redeem this pledge within the very near future, and I shall be glad to join with my Republican friends in Congress in any proper effort to relieve the widespread distress from which the agricultural interests are now suffering.

But for the passage of the Smith-Hughes Act in 1917, and other measures enacted under the Democratic administration then in power, hundreds of thousands of young men now on farms, furnishing the raw materials which give life and prosperity to our industrial centers, would have been lured away from the farm to compete with labor in our cities. While these young men, who have attended vocational schools and have remained upon the farm, have not received the material reward to which they were entitled, they have been impressed with the dignity and importance of their avocation, and dwellers in cities have enjoyed increased benefits.

The bill now under consideration, providing for additional appropriations for the teaching of agriculture and home economics to the boys and girls of the rural sections of our country, will not relieve the distressing conditions now prevailing in agriculture, but it is a step in the right direction. It is a recognition of the importance of training young men and young women to cope with the intricate and complex problems which have become so acute and pressing to all who are engaged in the pursuit of agriculture. In traveling through the district which I have the honor to represent I have witnessed a marvelous transformation in school and community activities since vocational education has been taught in our rural schools.

I attended a number of school fairs held in my district last fall, and was delighted to find the boys and girls deeply interested in all those things which add to the comfort, convenience, and happiness of home life on the farm. At these school fairs there were exhibited the better grades of livestock, poultry, fruits, vegetables, grains, and other farm products, as well as the handiwork of the girls, and these fairs compared favorably with the county fairs of previous years. The intelligent and friendly rivalry engaged in by the different schools must have a beneficial influence on the communities in which they were held. This awakened interest in agriculture not only means that we shall have better crops and better livestock in the future but also that the farmer shall again assume his rightful place in the leadership of the business, political, and social affairs of our country. These vocational schools have also benefited those who, by reason of age, have been unable to attend them, for the enthusiasm of the boys and girls has been carried to their parents, creating a wholesome influence in community life.

In Kentucky, while we are considering this bill, honor is being paid to the 10 leading farmers of that great Commonwealth. One of these so-called "master farmers" to whom our State is paying tribute hails from the county in which I live, and I feel assured that the great work which he has done on the farm has been inspired largely by the teaching of vocational education in the community in which he lives. I know of no greater honor that could have befallen Mr. M. D. Harrison than to have been chosen as one of the 10 "master farmers" of the State of Kentucky, and I rejoice that this distinction has been bestowed upon one of the worthy citizens of my district.

Mr. Speaker, I am heartily in favor of the passage of this bill, because I believe its enactment into law will speed the coming of the day when the boys and the girls on the farm will have the same opportunities for happiness and prosperity which are enjoyed by the boys and girls in our great cities.

Mr. JENKINS. Mr. Speaker, The principle involved in the Reed-Menges bill is no departure. It is simply a measure to provide for an increase of the contribution of the Federal Government to high schools for the teaching of agriculture and home economics. It involves the same principle identically as the Smith-Hughes Act. Hundreds of schools have been functioning under this law for several years. The constitutionality of the Smith-Hughes Act has never been tested in the courts. The principle involved is also much the same as that of all measures providing Federal aid to public roads. The general-welfare

clause of the Constitution applies to the case and covers this proposed legislation completely.

When the American people adopted the Constitution with the words "promote the general welfare" in its preamble they meant in effect that the Congress of the United States would have the right to legislate on matters tending to "promote the general welfare." No one can dispute the fact that any program tending toward education and culture of the people promotes the general welfare.

Educators and school authorities of my great State of Ohio have the same reverence and respect of the Constitution as citizens of other States. But there is another document of great importance and similar significance to which they frequently look as a justification of their programs for furthering education. The Ordinance of 1787, which antedates the adoption of the Constitution of the United States, contains language of great significance. This document in bold, clear English says:

Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

The Ordinance of 1787 was the constitution for the Northwest Territory. From this territory has been carved five great Commonwealths, of which Ohio is not the least illustrious. Not only does this immortal document recognize education along with religion and morality as the very corner stone of a substantial national existence, but pledges itself and the governmental agencies established by virtue of it to a program of furtherance of the means of education. The pioneers who settled the great Northwest Territory insisted that the church and the school should keep company with the advance guard of growth and progress. In keeping with this spirit there was established at Athens, in my congressional district, the first college west of the Allegheny Mountains. This college has operated with great credit to a long list of illustrious instructors and a longer list of equally illustrious alumni. This college is now known as Ohio University and is a living monument to the spirit of the sturdy pioneer and a great credit to a magnificent Commonwealth.

The spirit that actuated the Ordnance of 1787 and the spirit that established Athens College is the same spirit that causes the legislators of Ohio, year after year, to appropriate large sums of money to those sections of the State where land is poor and cheap and where the tax revenues are not sufficient to maintain adequate school facilities. In Ohio the policy is "to educate the children where they live and to tax wealth where it is found." Truly, in Ohio we maintain that "the means of education are necessary to good government."

It is little wonder, then, that the educators and school authorities of Ohio were ready to cooperate with the program of education in agriculture and rural economics as provided in the Smith-Hughes Act. Encouraged by the spirit of these advance agents of child welfare in Ohio I am proud to lend my best assistance to the passing of the Reed-Menges bill.

My State has made wonderful progress in vocational education under the provisions of the Smith-Hughes Act. Last year there were 196 high-school departments of vocational agriculture in Ohio. These departments were distributed over 77 counties of the State. In addition to the 4-year courses for high-school students, part-time and evening courses were offered to out-of-school young men and adult farmers. Nearly 10,000 students were enrolled in our various agricultural courses during the year. An important part of the vocational agriculture program is the home-project work. High-school boys produced over $300,000 worth of products from their projects during the year.

The State program in vocational home economics has been equally effective. Nearly 11,000 students were enrolled in vocational home economics courses in Ohio during the past year. Additional schools in my district are deprived of these vocational courses because of lack of funds. This bill will provide some of these additional funds. In my State more than 97 per cent of the Smith-Hughes money is used for the direct support of teachers in local communities. All of the money appropriated under this bill will be used for the establishment of new departments of vocational agriculture and home economics in my State and district. I believe in legislation which will give help to my constituents right out in the home communities where they live, and I support it most loyally.

My district has 10 high-school vocational agricultural departments which have functioned very effectively. One of these vocational agriculture instructors in my district has conducted an evening course for 14 adult farmers of his community which has continued for nearly two years. Evening classes are held once each week. These farmers carry out on their home farms the practices which they discuss in class.

I know of one instance in one of my counties where the teacher of one of these agriculture schools contributed many times more to the financial benefit of the farmers in that community than his salary amounted to. In his spare time he devised a cooperative plan whereby the growers of small vegetables and berries in that community could market their crop cooperatively. Instead of peddling their crops in competition with each other in a market that was always glutted they sent their products away to larger and higher markets in carload lots at a much better price and at a saving of the labor of hauling off and peddling. This also left a better market to those who were not able to enter the cooperation by reason of location or lack of equipment. This is an instance of practical benefit to the parents and the community. Likewise it is an illustration of where the school is brought closer in contact to the patrons. The best results in any line of education are accomplished when there is a healthy cooperation between the school and the home.

THE LATE HON. OSCAR W. UNDERWOOD

Mr. BANKHEAD. Mr. Speaker, I desire to submit a unanimous-consent request on the part of the Alabama delegation in Congress. I ask unanimous consent that the resolution by that delegation in reference to the life, character, and public services of the late Senator Underwood, of that State, be incorporated in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none.

The resolution is as follows:

The delegation from Alabama in the House of Representatives has learned of the death of Senator Oscar W. Underwood with profound regret and genuine personal sorrow. We feel that it may be said in all candor that no American of the present generation has contributed more richly than he to the annals of the Nation.

Intrusted as he was with many positions of eminence and responsibility, he brought to the discharge of his public duties such high order of courage and intellectual capacity as to win and deserve the admiration and affection of his associates as well as the people of the entire country.

For 20 years as a Representative in Congress and 12 years as a Senator from Alabama, he rendered conspicuous and enduring service; his ability and character having won for him the official leadership of his party in both branches of Congress.

In his field of international relations he likewise achieved signal distinction, having been a member of the Washington Disarmament Conference and the sixth International Conference of American States at Habana in 1928.

At two national conventions of the Democratic Party he was a formidable contender for the presidential nomination.

In addition to being attracted by his intellectual endowments, the friends of Senator Underwood loved him for his personal charm, for his genial comradeship, and for unwavering candor and intellectual courage.

A great son of Alabama has gone to his reward. We reverently cherish his memory and honor his achievements. The historian will record the name of Oscar W. Underwood as one of the great Americans.

TO AMEND SECTION 321 OF THE PENAL CODE

Mr. HOUSTON of Hawaii. Mr. Speaker, I ask unanimous consent that I may take from the Speaker's desk the bill (H. R. 7200) passed by the Senate, a bill to amend section 321 of the Penal Code, and to agree to the Senate amendment and pass the bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (H. R. 7200) to amend section 321 of the Penal Code.

The Senate amendment was read.

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object, what is this?

The SPEAKER. The question is on agreeing to the Senate amendment which has been just read.

Mr. BEGG. Has the gentleman obtained permission to take it from the Speaker's table as yet?

The SPEAKER. The question is, Is there objection? The Senate amendment has been read.

Mr. DOMINICK. Mr. Speaker, reserving the right to object, as I recall this is a bill of the Judiciary Committee of the House, and I am just wondering if the gentleman who called up the matter had consulted the chairman of the Committee on the Judiciary of the House as to whether this amendment should be agreed to.

Mr. HOUSTON of Hawaii. In the absence of the gentleman from Pennsylvania [Mr. GRAHAM] who is sick, I consulted the gentleman from Missouri [Mr. DYER] who has seen most of

the members of the committee as nearly as he could and found no objection to the amendment. It is acceptable to the introducer, who was myself. It simply extends to the Territory the measure of local self-government that is now in fact in the possession of Porto Rico and the Philippines, and I hope very much there will be no objection.

Mr. DOMINICK. I have not had an opportunity to compare the Senate amendment with the original House bill, but I think the House bill was entirely stricken out and a new Senate bill inserted, but I think under the circumstances the gentleman may well let the matter go over.

Mr. HOUSTON of Hawaii. If the gentleman will reserve that for a moment, the bill passed by the Senate is substantially the same as the bill passed by the House, except it has been checked over by the legislative drafting clerks, which was not done in the preparation of mine.

Mr. DOMINICK. I hope the gentleman will withdraw his request for the time being.

Mr. HOUSTON of Hawaii. I will withdraw the request.

Mr. DOMINICK. I would like to look into the matter.

The SPEAKER. The gentleman from Hawaii withdraws his request.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 1142. An act amending the act of January 25, 1917 (39 Stat. L. p. 868), and other acts relating to the Yuma auxiliary project, Arizona; to the Committee on Irrigation and Reclamation.

S. 1338. An act for the relief of James E. Jenkins; to the Committee on Claims.

S. 2192. An act for the relief of Lemuel Simpson; to the Committee on Military Affairs.

S. 3770. An act authorizing the Federal Power Commission to issue permits and licenses on Fort Apache and White Mountain Indian Reservations, Ariz.; to the Committee on Indian Affairs.

S. 4125. An act to amend chapter 15 of the Code of Law for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 4691. An act to extend the provisions 18a of an act approved February 25, 1920 (41 Stat. 437), to certain lands in Utah, and for other purposes; to the Committee on Public Lands.

S. 5093. An act to authorize the issuance of certificates of admission to aliens, and for other purposes; to the Committee on Immigration and Naturalization.

S. J. Res. 201. Joint resolution restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries, except the Gila River; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Tuesday, January 29, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, January 29, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

To amend the Foreign Service buildings act, 1926, as amended (H. R. 15735).

COMMITTEE ON THE JUDICIARY—SUBCOMMITTEE NO. 1

(10 a. m.)

Directing the Comptroller General of the United States to readjust the account between the city of Baltimore and the United States (H. J. Res. 308).

To confer jurisdiction on the Court of Claims to certify certain findings of fact (H. R. 15520).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To consider general legislation.

COMMITTEE ON RIVERS AND HARBORS

(10.30 a. m.)

To authorize the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor (S. 1710).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Spirits, wines, and other beverages, January 29.
Cotton manufactures, January 30, 31, February 1.
Flax, hemp, jute, and manufactures of, February 4, 5.
Wool and manufactures of, February 6.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

776. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the fiscal year 1930, in the sum of $100,000 to enable the Chief Executive to continue the litigation to cancel certain leases of oil lands and incidental contracts, and for other purposes (H. Doc. No. 534); to the Committee on Appropriations and ordered to be printed.

777. A communication from the President of the United States, transmitting deficiency estimate of appropriation for the Post Office Department for the fiscal year 1928, $1,000, and supplemental estimates for the fiscal year 1929, $18,325,000; in all, $18,326,000; also a draft of proposed legislation affecting the use of an existing appropriation (H. Doc. No. 533); to the Committee on Appropriations and ordered to be printed.

778. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the National Home for Disabled Volunteer Soldiers, for the fiscal year ending June 30, 1929, $462,500, and for the fiscal year ending June 30, 1930, $1,414,820, to provide additional amounts for personal services (H. Doc. No. 532); to the Committee on Appropriations and ordered to be printed.

779. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the fiscal year ending June 30, 1930, for the Navy Department, amounting to $450,000 (H. Doc. No. 535); to the Committee on Appropriations and ordered to be printed.

780. A communication from the President of the United States, transmitting supplemental estimates of appropriation for the fiscal year ending June 30, 1929, for the Navy Department, amounting in all to $4,050,000 (H. Doc. No. 563); to the Committee on Appropriations and ordered to be printed.

781. A letter from the Secretary of the Navy, transmitting proposed draft of a bill to establish a naval airship base in one of the Pacific coast States; to the Committee on Naval Affairs.

782. A communication from the President of the United States, transmitting supplemental estimates by the Bureau of the Budget of appropriations for the Department of State for the fiscal years 1929 and 1930, amounting to $45,668.50 (H. Doc. No. 537); to the Committee on Appropriations and ordered to be printed.

783. A communication from the President of the United States, transmitting supplemental estimates by the Bureau of the Budget of appropriations for the Department of Commerce for the fiscal year ending June 30, 1928, amounting to $174.32, and for the fiscal year ending June 30, 1929, amounting to $272,434 (H. Doc. No. 538); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HALE: Committee on Naval Affairs. H. R. 10664. A bill for the relief of the State of Maine; without amendment

(Rept. No. 2249). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBSION of Kentucky: Committee on Mines and Mining. H. R. 15861. A bill to amend section 5 of an act approved March 2, 1919, known as the war minerals act; without amendment (Rept. No. 2250). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 8146. A bill authorizing an appropriation for the construction of a hard-surfaced road across Fort Sill (Okla.) Military Reservation; with amendment (Rept. No. 2263). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Irrigation and Reclamation. H. R. 16082. A bill to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes; without amendment (Rept. No. 2264). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. S. 1271. An act to more effectively meet the obligations of the United States under the migratory-bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and by providing funds for the establishment of such areas, their maintenance, and improvement, and for other purposes; with amendment (Rept. No. 2265). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WURZBACH: Committee on Military Affairs. H. R. 5933. A bill for the relief of Mabel L. Brown; with amendment (Rept. No. 2245). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 10200. A bill for the relief of Carrie McIntyre; with amendment (Rept. No. 2246). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 11383. A bill for the relief of Angenora Hines; without amendment (Rept. No. 2247). Referred to the Committee of the Whole House.

Mr. LOWREY: Committee on War Claims. H. R. 16535. A bill authorizing the Secretary of War to execute a satisfaction of a certain mortgage given by the Twin City Forge & Foundry Co. to the United States of America; without amendment (Rept. No. 2248). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 7174. A bill granting compensation to William T. Ring; with amendment (Rept. No. 2251). Referred to the Committee of the Whole House.

Mrs. LANGLEY: Committee on Claims. H. R. 15197. A bill for the relief of Alma Rawson; with amendment (Rept. No. 2252). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 8519. A bill for the relief of A. N. Worstell; without amendment (Rept. No. 2253). Referred to the Committee of the Whole House.

Mr. BULWINKLE: Committee on Claims. H. R. 10817. A bill to provide for suit against the United States by the Merrill Engineering Co.; with amendment (Rept. No. 2254). Referred to the Committee of the Whole House.

Mr. ROY G. FITZGERALD: Committee on Claims. H. R. 14583. A bill for the relief of A. Brizard (Inc.); with amendment (Rept. No. 2255). Referred to the Committee of the Whole House.

Mr. SABATH: Committee on Claims. H. R. 14738. A bill for the relief of the Marshall State Bank; with amendment (Rept. No. 2256). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 15161. A bill for the relief of Jessie L. Kinsey; without amendment (Rept. No. 2257). Referred to the Committee of the Whole House.

Mr. HUDSPETH: Committee on Claims. H. R. 15914. A bill for the relief of John T. Painter; without amendment (Rept. No. 2258). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 16219. A bill for the relief of the Federal Construction Co. (Inc.); without amendment (Rept. No. 2259). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 16342. A bill for the relief of Clyde H. Tavenner; without amendment (Rept. No. 2260). Referred to the Committee of the Whole House.

Mr. SCHAFER: Committee on Claims. S. 1766. An act for the relief of R. H. King; without amendment (Rept. No. 2261). Referred to the Committee of the Whole House.

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 5950. A bill for the relief of Alice Sarrazin; with amendment (Rept. No. 2262). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DENISON: A bill (H. R. 16640) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Mound City, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON: A bill (H. R. 16641) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Washington, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. McREYNOLDS: A bill (H. R. 16642) granting the consent of Congress to the city of Chattanooga and the county of Hamilton, Tenn., to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River, at a point suitable to the interests of navigation, opposite or near Chattanooga, Hamilton County, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. LEHLBACH: A bill (H. R. 16643) to amend and supplement an act entitled "An act to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled 'An act to provide for the classification of civilian positions within the District of Columbia and in the field services,' approved May 28, 1928, and for other purposes"; to the Committee on the Civil Service.

By Mr. GUYER: A bill (H. R. 16644) to create a national university at the seat of the Federal Government; to the Committee on Education.

By Mr. DRIVER: A bill (H. R. 16645) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Helena, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. CANNON (by request): A bill (H. R. 16646) to prohibit the importation and interstate transportation of films or pictoral representation of certain crimes, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HUDSPETH: A bill (H. R. 16647) authorizing an investigation to determine the best methods and means of utilizing the waters of the Pecos River, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. LaGUARDIA: A bill (H. R. 16648) to amend an act to authorize construction at the United States Military Academy, West Point, N. Y., approved March 10, 1928; to the Committee on Military Affairs.

Also, a bill (H. R. 16649) to provide a public terminal aviation field at Governors Island, N. Y., and for other purposes; to the Committee on Military Affairs.

By Mr. LEHLBACH: A bill (H. R. 16650) to amend an act entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field service," approved March 4, 1923; to the Committee on the Civil Service.

By Mr. MORIN: A bill (H. R. 16651) to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes; to the Committee on Military Affairs.

By Mr. RAGON: A bill (H. R. 16652) to enlarge the Army and Navy General Hospital at Hot Springs National Park, Ark.; to the Committee on Military Affairs.

By Mr. SMITH: A bill (H. R. 16653) relating to the separation of employees from the classified civil service; to the Committee on the Civil Service.

By Mr. GIBSON: A bill (H. R. 16654) to adjust the salaries of employees in the legislative branch of the Government; to the Committee on the Civil Service.

By Mr. LEAVITT (by departmental request): A bill (H. R. 16655) to authorize the survey of certain land claimed by the Zuni Pueblo Indians, New Mexico, and the issuance of patent therefor; to the Committee on Indian Affairs.

By Mr. MERRITT: A bill (H. R. 16656) providing for retired pay for certain members of the former Life Saving Service, equivalent to retired pay granted to members of the

Coast Guard; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 16657) to improve the efficiency of the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NEWTON: A bill (H. R. 16658) to amend sections 116, 118, and 126 of the Judicial Code, as amended, to divide the eighth judicial circuit of the United States, and to create a tenth judicial circuit; to the Committee on the Judiciary.

By Mr. WILLIAMSON: A bill (H. R. 16659) to authorize an appropriation to pay one-half the cost of a bridge on the Cheyenne River in the State of South Dakota; to the Committee on Indian Affairs.

Also, a bill (H. R. 16660) to authorize an appropriation to pay one-half of the cost of a bridge on the Cheyenne River Indian Reservation in South Dakota; to the Committee on Indian Affairs.

By Mr. DOUGLAS of Arizona: A bill (H. R. 16661) to amend the act entitled "An act authorizing the paving of the Federal strip known as International Street adjacent to Nogales, Ariz.," approved May 16, 1928; to the Committee on Public Buildings and Grounds.

By Mr. GIBSON: A bill (H. R. 16662) to authorize appropriations for buildings, sites, and other facilities for the free Public Library of the District of Columbia; to the Committee on the District of Columbia.

By Mr. LAGUARDIA: A bill (H. R. 16663) to repeal the act entitled "An act to authorize the President to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the Governments of the Latin-American Republics in military and naval matters," approved May 19, 1926; to the Committee on Military Affairs.

By Mr. NEWTON: A bill (H. R. 16664) regarding hours of labor of certain watchmen and building guards in the "custodial service."; to the Committee on the Civil Service.

By Mr. TILSON: A bill (H. R. 16665) authorizing an appropriation to enable the George Washington Bicentennial Commission to carry out and give effect to certain plans approved by said commission; to the Committee on the Library.

By Mr. BULWINKLE: Joint resolution (H. J. Res. 391) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. LUCE: Joint resolution (H. J. Res. 392) to provide for the erection on Government land of a permanent building for the use of the American National Red Cross; to the Committee on the Library.

By Mr. GRAHAM: Resolution (H. Res. 300) for the consideration of H. R. 16034, to provide for the appointment of an additional judge for the District Court of the United States for the middle district of Pennsylvania, and S. 1965, to provide for an additional judge in the northern district of Mississippi; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the General Assembly of the Commonwealth of the State of Pennsylvania, extending to the Federal Government an invitation to consider the Blue Ridge Mountain section of Pennsylvania in any action taken to select a site for a summer White House; to the Committee on Public Buildings and Grounds.

Memorial from the General Assembly of the State of Indiana, indorsing and urging the passage of the cruiser bill now pending in Congress; to the Committee on Naval Affairs.

By Mr. HUDSON: Memorial adopted by the Michigan State Senate, urging immediate and helpful action by Congress for the beet-sugar industry of the United States by increasing the import duty on raw sugar to 3 cents and by restricting the duty-free importation of cane sugar from the Philippine Islands; to the Committee on Ways and Means.

Also, memorial adopted by the Michigan State Senate, indorsing the appropriation of funds to immediately add 300 beds to the United States veterans' hospital at Camp Custer, Mich.; to the Committee on World War Veterans' Legislation.

By Mr. CRAMTON: Memorial from the Michigan State Senate, urging increase in the tariff on sugar; to the Committee on Ways and Means.

Also, memorial from the Michigan State Senate, urging additional beds for the United States veterans' hospital at Camp Custer, Mich.; to the Committee on World War Veterans' Legislation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASWELL: A bill (H. R. 16666) for the relief of Katherine Elizabeth Kerrigan Callaghan; to the Committee on Claims.

By Mr. AUF DER HEIDE: A bill (H. R. 16667) granting a pension to Samuel Round; to the Committee on Pensions.

By Mr. BARBOUR: A bill (H. R. 16668) granting an increase of pension to Elizabeth Wirth; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 16669) granting an increase of pension to Rachel A. Rickabaugh; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 16670) to confer jurisdiction upon the Court of Claims to hear and determine the claim of the legal representatives of Henry H. Sibley, deceased; to the Committee on War Claims.

By Mr. BRAND of Ohio: A bill (H. R. 16671) granting an increase of pension to Rocelia Jones; to the Committee on Invalid Pensions.

By Mr. BUSHONG: A bill (H. R. 16672) granting a pension to Amelia Henry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16673) granting a pension to Mary A. Shoemaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16674) granting a pension to Emma Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16675) granting a pension to Mary A. Ueberroth; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 16676) granting a pension to Elizabeth A. Shumway; to the Committee on Pensions.

By Mr. CULKIN: A bill (H. R. 16677) granting an increase of pension to Mary J. Perry; to the Committee on Invalid Pensions.

By Mr. EVANS of California: A bill (H. R. 16678) granting a pension to Frank W. Gabriel; to the Committee on Pensions.

By Mr. GARBER: A bill (H. R. 16679) granting an increase of pension to Nancy E. Smith; to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 16680) granting an increase of pension to Julia E. Chase; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 16681) granting a pension to Katherine Farris; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 16682) for the relief of the heirs of Warren C. Vesta; to the Committee on War Claims.

By Mr. MENGES: A bill (H. R. 16683) granting an increase of pension to Mary J. Rivenour; to the Committee on Invalid Pensions.

By Mr. MOORMAN: A bill (H. R. 16684) granting a pension to Mary C. Brown; to the Committee on Pensions.

By Mr. NEWTON: A bill (H. R. 16685) for the relief of Robert J. Smith; to the Committee on Military Affairs.

By Mr. OLIVER of New York: A bill (H. R. 16686) granting an increase of pension to Margaret L. Keating; to the Committee on Invalid Pensions.

By Mr. SCHAFER: A bill (H. R. 16687) granting a pension to Benjamin F. Kabosky; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 16688) granting an increase of pension to Emily A. Day; to the Committee on Invalid Pensions.

By Mr. STOBBS: A bill (H. R. 16689) granting an increase of pension to Irene P. Mentzer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16690) granting an increase of pension to Ella A. Claypoole; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 16691) to authorize the Secretary of War to settle the claims of the owners of the French steamships *P. L. M. 4* and *P. L. M. 7* for damages sustained as the result of collisions between such vessels and the U. S. S. *Henderson* and *Lake Charlotte*, and to settle the claim of the United States against the owners of the French steamship *P. L. M. 7* for damages sustained by the U. S. S. *Pennsylvanian* in a collision with the *P. L. M. 7*; to the Committee on War Claims.

By Mr. VESTAL: A bill (H. R. 16692) granting a pension to Anna E. Antle; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 16693) granting a pension to William A. Lay; to the Committee on Pensions.

By Mr. UNDERHILL: Resolution (H. Res. 301) for the payment of additional compensation to Bingham W. Mathias, clerk to the Committee on Invalid Pensions; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8412. Petition of Chicot Trust Co., Lake Village, Ark., to pass a bill that will establish a moratorium for the payment of drainage bonds until such time as agriculture has recovered from its depressed condition; to the Committee on Irrigation and Reclamation.

8413. By Mr. BRIGGS: Letter from R. Lee Kempner, vice president United States National Bank of Galveston, Tex., indorsing House bill 16347, Seventieth Congress, second session, proposing to amend the bankruptcy law; to the Committee on the Judiciary.

8414. By Mr. CARLEY: Petition of Thomas J. Howard, protesting against amendment of Senate bill 1781, which would include coastwise vessels; to the Committee on the Merchant Marine and Fisheries.

8415. By Mr. CARSS: Petition of members of the Proctor Forum, of Proctor, Minn., favoring restriction of immigration; to the Committee on Immigration and Naturalization.

8416. By Mr. CHALMERS: Petition protesting against any change in the present tariff on hides and leathers used in the manufacture of shoes; to the Committee on Ways and Means.

8417. By Mr. CRAMTON: Resolution of the chamber of commerce of Sebewaing, Mich., urging adequate tariff on sugar and farm products; to the Committee on Ways and Means.

8418. By Mr. ESLICK: Petition of Rev. A. L. Wheatly and others, of Lawrenceburg, Tenn.; to the Committee on Immigration and Naturalization.

8419. By Mr. FRENCH: Petition of citizens of Boundary County, that a law be enacted to establish a moratorium for the payment of drainage bonds; to the Committee on Irrigation and Reclamation.

8420. Also, petition of citizens of Bonners Ferry, Boundary County, Idaho, for enactment of a law that will establish a moratorium for the payment of drainage bonds until such time as agriculture has recovered from its depressed condition, the legislation to be effective to provide for Government loans without interest to drainage districts already organized for the purpose of meeting their annual payments on drainage bonds; to the Committee on Irrigation and Reclamation.

8421. By Mr. GARBER: Petition of the National United Committee for Law Enforcement, urging certain changes in the emergency prohibition appropriation bill; to the Committee on Appropriations.

8422. Also, petition of the Ohio Broadcasters' Association, urging amendment of the Federal radio law so as to provide for the distribution of broadcasting facilities equitably in accordance with the population of the States; to the Committee on the Merchant Marine and Fisheries.

8423. Also, petition of the J. J. Johnson Camp, Spanish-American War Veterans, Okemah, Okla., urging support of legislation to increase the pensions of Spanish War veterans; to the Committee on Pensions.

8424. Also, petition of the Maternity Center Association, New York City, urging support of the Newton bill; to the Committee on Interstate and Foreign Commerce.

8425. Also, petition of the College of Bishops of the Methodist Episcopal Church South, at Memphis, Tenn., urging the necessity of the scrupulous observance of the prohibition law by the individual citizen; to the Committee on the Judiciary.

8426. Also, petition of the Perseverance Social Benefit Association and Perseverance Social Club (Inc.), of Buffalo, N. Y., and unanimously indorsed by Italian-American Civil Liberties Club, of Buffalo, N. Y., protesting against fascist propaganda in the United States; to the Committee on Immigration and Naturalization.

8427. Also, petition of the National Livestock and Meat Board, urging an increase in the tariff rates on meat and meat animals; to the Committee on Ways and Means.

8428. Also, petition of Oklahoma State Farmers' Union, comprising national legislative program of that organization; to the Committee on Agriculture.

8429. Also, petition of the Comitia Minora of the Medical Society of the County of New York, in opposition to the Newton bill; to the Committee on Interstate and Foreign Commerce.

8430. By Mr. HUDSON: Petition of the Chamber of Commerce of Sebewaing, Mich., urging protection for domestic sugar and farm products; to the Committee on Ways and Means.

8431. By Mr. KING: Petition of citizens of the community of Canton, Ill., petitioning Congress to pass a bill that will establish a moratorium for the payment of drainage bonds until such time as agriculture has recovered from its depressed condition, the legislation to be effective to provide for Government loans without interest to drainage districts already organized, for the purpose of meeting their annual payments on drainage bonds; petition submitted by S. E. Gustine, for the East Liverpool drainage and levee district, Canton, Ill.; to the Committee on Irrigation and Reclamation.

8432. By Mr. O'CONNELL: Petition of the Ohio Broadcasters' Association, favoring certain amendments to the Federal radio act; to the Committee on the Merchant Marine and Fisheries.

8433. Also, petition of Thomas J. Howard and John Tracy, of New York City, opposing amendments to Senate bill 1781, to include coastwise vessels in its application; to the Committee on the Merchant Marine and Fisheries.

8434. Also, petition of the Neptune Line (Inc.), opposing amendments to Senate bill 1781, to include coastwise vessels in its application; to the Committee on the Merchant Marine and Fisheries.

8435. Also, petition of James H. Cruikshank, of New York City, favoring the passage of the Norbeck bird conservation bill (S. 1271); to the Committee on Agriculture.

8436. Also, petition of Albert S. Bard, of New York City, favoring the passage of the Norbeck bird conservation bill (S. 1271); to the Committee on Agriculture.

8437. By Mr. WELCH of California: Memorial of Danner & Baker (Inc.), dealers in china and satsuma, 1366 Mission Street, San Francisco, Calif., protesting against proposed increased tariff on undecorated white chinaware; to the Committee on Ways and Means.

8438. Also, memorial of Pacific American Steamship Association and Shipowners Association of the Pacific Coast, protesting against placing a tariff of 2 cents per pound on oil cake, oil-cake meals, and soy beans; to the Committee on Ways and Means.

8439. Also, memorial of Coalinga Chamber of Commerce, Coalinga, Calif., protesting against present tariff on crude oil and advocating increased tariff on this commodity; to the Committee on Ways and Means.

8440. By Mr. WYANT: Petition of Latrobe Branch No. 1773, Association of Postal Clerks, and Latrobe Branch No. 772, National Association of Letter Carriers; to the Committee on the Civil Service.

SENATE

TUESDAY, *January 29, 1929*

(Legislative day of Monday, January 28, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 1731) to provide for the further development of vocational education in the several States and Territories, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following joint resolutions, in which it requested the concurrence of the Senate:

H. J. Res. 350. Joint resolution to provide for the reappointment of Frederic A. Delano and Irwin B. Laughlin as members of the Board of Regents of the Smithsonian Institution; and

H. J. Res. 386. Joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1929.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1364. An act for the relief of R. Wilson Selby;

S. 1633. An act for the relief of Edward A. Blair;

S. 2362. An act to authorize the payment to Robert Toquothty of royalties arising from an oil and gas well in the bed of Red River, Okla.;

S. 2989. An act for the relief of John B. Moss;

S. 3327. An act for the relief of Robert B. Murphy;

S. 3741. An act for the relief of S. L. Roberts;

S. 4454. An act for the relief of Jess T. Fears; and

S. 4927. An act for the relief of Peter Shapp.

CONSTRUCTION OF CRUISERS

Mr. NORRIS. I desire to offer for printing an amendment to the pending naval bill and ask that it may lie on the table. I intend to offer it before the conclusion of the discussion on the bill. I ask that the amendment may be read by the clerk.

The amendment was read, ordered to be printed, and to lie on the table, as follows:

Amendment intended to be proposed by Mr. NORRIS to the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

On page 3, at the end of line 3, strike out the period, insert a comma, and add the following:

"and the President is hereby requested to ask the Government of Great Britain to enter into an agreement with the Government of the United States providing for a limitation on behalf of said Governments in the construction of naval vessels such as are provided for in paragraph (a) of section 1 hereof; and during the negotiation for such an agreement, the authority to construct the naval vessels provided for in said paragraph (a) of section is hereby suspended. If such an agreement is entered into, then the authority to construct naval vessels as provided in said paragraph (a) of section 1 is hereby modified to the extent necessary to carry out said agreement."

MARKETING OF LIVESTOCK

Mr. NORRIS. I have here a resolution passed by the House of Representatives of the State of Nebraska in regard to the marketing of livestock, and I think under the rule it should be read by the clerk.

The VICE PRESIDENT. The clerk will read the memorial.

The memorial was read and referred to the Committee on Agriculture and Forestry, as follows:

Whereas the livestock producers of this country are, from justice and necessity, entitled to a competitive market for the sale of their livestock, governed only by the natural law of competition and supply and demand; and

Whereas during the last few years the system of direct or private buying has so expanded as to endanger the open competitive livestock markets which have been built up in this country over a period of 50 years; and

Whereas if unchecked, this system will in a short time actually destroy such open and competitive livestock markets, and will necessarily involve the abolition of competition and governmental regulation in the purchase of livestock; and

Whereas it is the opinion of the vast majority of the stock growers that the open competitive markets should prevail and that the direct or private system of buying is economically unsound and dangerous to the livestock interest of the country; and

Whereas approximately 40 per cent of the hogs now being shipped to the big terminal markets are bought in the country by packing agents and shipped to private stockyards and by this system are kept out of the competitive market: Therefore be it

Resolved, That our Representatives in Congress are hereby requested and strongly urged to conduct a thorough and fair investigation of the questions of marketing livestock in all of its phases; such investigation to be made on a basis which will inspire confidence in the conclusions and result among the producers, the consumers and the packers, the stockyards, and all other marketing agencies; that will tend to settle adequately the questions which have perplexed the country and Congress so much in the past concerning marketing problems of the livestock industry; be it further

Resolved, That a copy of this resolution be sent to each of our Representatives in Congress; be it further

Resolved, That a copy of this resolution be sent to other State legislatures now in session, and that they be asked to send a similar resolution to their Representatives in the National Congress.

Ayes, 75; nays, 7; not voting, 18.

G. R. CURRY.

JANUARY 25, 1929.

PETITIONS AND MEMORIALS

Mr. JONES presented memorials of sundry citizens of Selah and Tonasket, Wash., remonstrating against the adoption of the pending naval building program, which were ordered to lie on the table.

Mr. BURTON presented a memorial of sundry employees of the Louisville & Nashville Railroad Co., at the Cincinnati freight station, Hamilton County, Ohio, remonstrating against the repeal of the Pullman surcharge provision, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Yellow Springs and students and members of the faculty of Antioch College, in the State of Ohio, praying that if the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, is passed, a clause be embodied therein permitting the President to suspend or discontinue building the cruisers if, in his judgment, this be wise, which was ordered to lie on the table.

He also presented a petition numerously signed by sundry citizens of Barberton, Ohio, praying for the passage of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, without embodying the so-called Dallinger amendment therein, which was ordered to lie on the table.

He also presented a memorial of the Harneysburg Friends' Meeting, in the State of Ohio, remonstrating against the passage at the present time of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which was ordered to lie on the table.

Mr. SIMMONS presented a petition of members of Piney Woods Friends Church, of Belvidere, N. C., praying that action be deferred on the pending cruiser construction bill, which was ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (H. R. 3955) for the relief of the C. Tisdall Co., Herbert W. Smith, Newman Bros., Thomas J. Murphy Co., formerly Edward A. Brown Co., and Giles P. Dunn, jr., reported it with an amendment and submitted a report (No. 1551) thereon.

Mr. NYE, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 310) authorizing an addition to the Cache National Forest, Idaho (Rept. No. 1552); and

A bill (H. R. 13899) authorizing the Secretary of the Interior to issue patents for lands held under color of title (Rept. No. 1553).

Mr. DALE, from the Committee on Commerce, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 5219) granting consent of Congress to the Cedar Point Bridge Co., a corporation organized under the laws of Ohio, of Sandusky, Erie County, Ohio, to construct a bridge across Sandusky Bay, in the city of Sandusky, Erie County, Ohio (Rept. No. 1554); and

A bill (S. 5465) authorizing V. Calvin Trice, his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Choptank River at a point at or near Cambridge, Md., suitable to the interest of navigation, between Dorchester County, Md., and a point opposite thereto in Talbot County, Md. (Rept. No. 1555).

Mr. DALE also, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 14458) authorizing the Rio Grande del Norte Investment Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near San Benito, Tex. (Rept. No. 1556);

A bill (H. R. 15005) authorizing the Donna Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Donna, Tex. (Rept. No. 1557);

A bill (H. R. 15006) authorizing the Los Indios Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Los Indios, Tex. (Rept. No. 1558);

A bill (H. R. 15069) authorizing the Rio Grande City-Camargo Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Rio Grande City, Tex. (Rept. No. 1559); and

A bill (H. R. 15968) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn. (Rept. No. 1560).

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (S. 4250) for the relief of David E. Jones, reported it without amendment and submitted a report (No. 1561) thereon.

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (H. R. 15004) for the relief of Florence P. Hampton, reported it without amendment and submitted a report (No. 1562) thereon.

Mr. WATERMAN, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 14572) for the relief of William D. Ghrist (Rept. No. 1563); and

A bill (H. R. 15039) for the relief of Winston W. Davis (Rept. No. 1564).

Mr. FRAZIER, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 13451) to authorize the Postmaster General to hire vehicles from letter carriers for use in service, reported it without amendment.

Mr. LA FOLLETTE, from the Committee on Post Offices and Post Roads, to which were referred the following bills, reported them each without amendment:

A bill (H. R. 13449) to provide for the promotion of clerks and general mechanics in the motor-vehicle service; and

A bill (H. R. 13450) to provide for the promotion of clerks, general mechanics, driver mechanics, and garagemen drivers in the motor-vehicle service.

Mr. REED of Pennsylvania, from the Committee on Appropriations, to which was referred the bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes, reported it with amendments and submitted a report (No. 1565) thereon.

Mr. MOSES, from the Committee on Post Offices and Post Roads, to which were referred the following bills, reported them severally without amendment and submitted reports thereon, as indicated:

A bill (H. R. 56) to authorize the Postmaster General to issue receipts to senders for ordinary mail of any character, and to fix the fees chargeable therefor;

A bill (H. R. 6865) to prescribe more definitely the rates of compensation payable to steamships of United States registry for transportation of foreign mails;

A bill (H. R. 12415) to grant freedom of postage in the United States domestic service to the correspondence of the members of the Diplomatic Corps and consuls of the countries of the Pan American Postal Union stationed in the United States (Rept. No. 1566);

A bill (S. 4981) to include in the credit for time served allowed substitute clerks in first and second class post offices and letter carriers in the City Delivery Service time served as special-delivery messengers (Rept. No. 1567); and

A bill (S. 5255) for the relief of present and former postmasters and acting postmasters, and for other purposes (Rept. No. 1568).

Mr. MOSES also, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 5443) to enable the Postmaster General to make contracts for the transportation of mails by air from island possessions of the United States to foreign countries and to the United States and between such island possessions, and to authorize him to make contracts with private individuals and corporations for the conveyance of mails by air in foreign countries, reported it with amendments and submitted a report (No. 1569) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 5592) for the relief of Grant A. McNeal; to the Committee on Claims.

A bill (S. 5593) extending the provisions of an act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof" to John E. Gilmore, of Bremerton, Wash.; to the Committee on Civil Service.

By Mr. GREENE:

A bill (S. 5594) granting an increase of pension to Hannah E. Flagg; to the Committee on Pensions.

By Mr. WATERMAN:

A bill (S. 5595) granting a pension to Lewis H. Easterly; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 5596) granting a pension to Levi Wilkerson; and

A bill (S. 5597) granting an increase of pension to Mary A. Blake (with accompanying papers); to the Committee on Pensions.

A bill (S. 5598) authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern, high-temperature incinerators for the destruction of combustible refuse, and for other purposes; to the Committee on the District of Columbia.

By Mr. WATSON:

A bill (S. 5599) for the relief of Peter R. Wadsworth; to the Committee on Claims.

By Mr. LA FOLLETTE:

A bill (S. 5600) for the relief of Frederick E. Burgess (with accompanying papers); to the Committee on Military Affairs.

By Mr. THOMAS of Oklahoma:

A bill (S. 5601) providing for an appropriation for the benefit of the Kiowa, Comanche, and Apache Tribes of Indians of Oklahoma; to the Committee on Appropriations.

By Mr. JOHNSON:

A bill (S. 5602) to provide for the transfer to St. Elizabeths Hospital of American citizens legally adjudged insane in foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. FLETCHER:

A bill (S. 5603) granting a pension to Frederick Vanderhorst Toomer; to the Committee on Pensions.

By Mr. METCALF:

A bill (S. 5604) granting an increase of pension to Minnie O. Buchanan (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 5605) for the relief of James Corcoran; to the Committee on Military Affairs.

A bill (S. 5606) granting an increase of pension to Herbert W. Leach; to the Committee on Pensions.

A bill (S. 5607) for the relief of John Donahue; to the Committee on Naval Affairs.

By Mr. REED of Missouri:

A bill (S. 5608) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended June 29, 1906, April 13, 1908, June 18, 1910, February 17, 1917, March 2, 1917, May 29, 1917, August 10, 1917, February 28, 1920; to the Committee on the Judiciary.

A bill (S. 5609) for the relief of the Franklin Ice Cream Corporation, successor of the Franklin Ice Cream Co.; to the Committee on Claims.

A bill (S. 5610) granting a pension to Mary C. Peters (with accompanying papers); to the Committee on Pensions.

By Mr. WHEELER:

A bill (S. 5611) granting a pension to Duncan McCowan; to the Committee on Pensions.

By Mr. SCHALL:

A bill (S. 5612) granting a pension to Lizzie C. Walsh; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 5613) authorizing the purchase, establishment, and maintenance of an experimental farm or orchard in Mobile County, State of Alabama, and appropriating therefor; to the Committee on Agriculture and Forestry.

By Mr. REED of Pennsylvania:

A bill (S. 5614) creating the positions of Undersecretary and two Assistant Secretaries in the Department of Labor; to the Committee on Education and Labor.

By Mr. FESS:

A bill (S. 5615) granting an increase of pension to Purlyette Slack; to the Committee on Pensions.

AMENDMENTS TO AGRICULTURAL APPROPRIATION BILL

Mr. KING submitted an amendment intended to be proposed by him to House bill 15386, the Agricultural Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 33, line 6, strike out "$810,920" and insert in lieu thereof "$818,420"; and on page 33, line 14, strike out the period and insert the following: "*Provided further*, That $7,500 of this amount may be used for investigations in cooperation with the Utah Agricultural Experiment Station."

Mr. SHORTRIDGE submitted an amendment intended to be proposed by him to House bill 15386, the Agricultural Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 24, after line 14, insert the following new paragraph:

"For all necessary expenses for the investigation, treatment, prevention, and eradication of poultry diseases, contagious or otherwise, $25,000."

GULF TOWING & TRANSPORTATION CO.

Mr. BAYARD. I submit a resolution for the reference of a Senate bill to the Court of Claims, and I ask for its present consideration.

Mr. SMOOT. Is it a concurrent resolution?

Mr. BAYARD. It is a Senate resolution referring a bill to the Court of Claims for a finding of fact.

Mr. HALE. I ask the Senator whether there will be any debate on the resolution.

Mr. BAYARD. I am sure it will lead to no debate.

The resolution (S. Res. 314) was read, considered, and agreed to, as follows:

Resolved, That the bill (S. 446) for the relief of the Gulf Towing & Transportation Co., of Tampa, Fla., now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

SACHS MERCANTILE CO. (INC.)

Mr. BAYARD submitted the following resolution (S. Res. 315), which was considered by unanimous consent and agreed to:

Resolved, That the bill (S. 1689) for the relief of the Sachs Mercantile Co. (Inc.), now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

NATIONAL PARKS

Mr. ASHURST submitted the following resolution (S. Res. 316), which was referred to the Committee on Public Lands and Surveys:

Resolved, That the Committee on Public Lands and Surveys, or any subcommittee thereof, be, and it is hereby, authorized and directed to investigate the advisability of establishing certain additional national parks and the proposed changes in, boundary revisions of, and matters relating to other national parks. For the purpose of carrying out the provisions of this resolution such committee or subcommittee is hereby authorized to sit, act, and perform its duties at such times and places as it deems necessary or proper; to require by subpœna or otherwise the attendance of witnesses; to require the production of books, papers, documents, and other evidence; and to administer such oaths and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic service to report such hearings shall not exceed 25 cents per 100 words. The expenses of such committee or subcommittee shall be paid from the contingent fund of the Senate. The committee or subcommittee shall make a report as to its findings during the first regular session of the Seventy-first Congress, together with recommendations for such legislation as it deems necessary.

SMITHSONIAN INSTITUTION REGENTS

The VICE PRESIDENT. The Chair lays before the Senate a joint resolution from the House of Representatives.

The joint resolution (H. J. Res. 350) to provide for the reappointment of Frederic A. Delano and Irwin B. Laughlin as members of the Board of Regents of the Smithsonian Institution was read the first time by its title.

Mr. SMOOT. I ask unanimous consent for the present consideration of the joint resolution.

The joint resolution was read the second time at length and considered as in Committee of the Whole, as follows:

Resolved, That the vacancies in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, caused by the expiration of the terms of Frederic A. Delano, of the city of Washington, and Irwin B. Laughlin, of Pennsylvania, on January 21, 1929, be filled by the reappointment of the present incumbents for the statutory term of six years.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEVELOPMENT OF VOCATIONAL EDUCATION

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1731) to provide for the further development of vocational education in the several States and Territories, which were, on page 1, line 6, to strike out the figures "1929" and insert "1930"; on page 1, line 7, to strike out "11" and insert "4"; on page 1, line 8, to strike out all after the word "year" down to and including "$6,000,000" in line 10.

Mr. GEORGE. I move that the Senate concur in the House amendments.

The motion was agreed to.

CONSTRUCTION OF CRUISERS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

Mr. BROOKHART obtained the floor.

Mr. HALE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Bratton	Curtis	Gerry
Barkley	Brookhart	Dale	Gillett
Bayard	Bruce	Dill	Glass
Bingham	Burton	Edwards	Glenn
Black	Capper	Fess	Goff
Blaine	Caraway	Fletcher	Gould
Blease	Copeland	Frazier	Greene
Borah	Couzens	George	Hale
Harris	McMaster	Reed, Mo.	Swanson
Harrison	McNary	Reed, Pa.	Thomas, Idaho
Hastings	Mayfield	Robinson, Ind.	Thomas, Okla.
Hawes	Metcalf	Sackett	Trammell
Hayden	Moses	Schall	Tydings
Heflin	Neely	Sheppard	Vandenberg
Johnson	Norbeck	Shipstead	Wagner
Jones	Norris	Shortridge	Walsh, Mass.
Kendrick	Nye	Simmons	Walsh, Mont.
Keyes	Oddie	Smoot	Warren
King	Overman	Steck	Waterman
La Follette	Phipps	Steiwer	Watson
McKellar	Pine	Stephens	Wheeler

Mr. NORRIS. I wish to announce that my colleague the junior Senator from Nebraska [Mr. HOWELL] is still detained from the Senate because of illness. I ask that this announcement may stand for the day.

Mr. GERRY. I desire to announce that the senior Senator from Louisiana [Mr. RANSDELL] is detained from the Senate by illness.

Mr. GLENN. I wish to announce that my colleague the senior Senator from Illinois [Mr. DENEEN] is unavoidably absent from the Senate because of illness.

Mr. McKELLAR. My colleague the junior Senator from Tennessee [Mr. TYSON] is unavoidably absent from the Senate on account of illness.

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present. The Senator from Iowa will proceed.

Mr. BROOKHART addressed the Senate in opposition to the bill. After having spoken for some time—

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TYDINGS in the chair). The absence of a quorum having been suggested, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	King	Sheppard
Barkley	Frazier	La Follette	Shipstead
Bayard	George	McKellar	Shortridge
Bingham	Gerry	McMaster	Simmons
Black	Gillett	McNary	Smoot
Blaine	Glass	Mayfield	Steck
Blease	Glenn	Metcalf	Steiwer
Borah	Goff	Moses	Stephens
Bratton	Gould	Neely	Swanson
Brookhart	Greene	Norbeck	Thomas, Idaho
Bruce	Hale	Norris	Thomas, Okla.
Burton	Harris	Nye	Trammell
Capper	Harrison	Oddie	Tydings
Caraway	Hastings	Overman	Vandenberg
Copeland	Hawes	Phipps	Wagner
Couzens	Hayden	Pine	Walsh, Mass.
Curtis	Heflin	Reed, Mo.	Walsh, Mont.
Dale	Johnson	Reed, Pa.	Warren
Dill	Jones	Robinson, Ind.	Waterman
Edwards	Kendrick	Sackett	Watson
Fess	Keyes	Schall	Wheeler

Mr. McKELLAR. I desire to announce the unavoidable absence of the junior Senator from Tennessee [Mr. TYSON]. I ask that this notice may stand for the day.

Mr. NORRIS. I wish to announce the absence of my colleague [Mr. HOWELL] on account of illness.

The PRESIDING OFFICER. Eighty-four Senators having answered to their names, a quorum is present.

Mr. BROOKHART resumed his speech. After having spoken for some time—

Mr. CURTIS. Mr. President, will the Senator yield while I propose a unanimous-consent agreement?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Kansas?

Mr. BROOKHART. I yield.

Mr. WHEELER. Mr. President, would it not be well to call for a quorum?

Mr. CURTIS. It will not be necessary, since the agreement I am about to propose does not call for a final vote. I have spoken to the Senator from Idaho [Mr. BORAH], the Senator from Washington [Mr. DILL], and others. If anyone objects——

Mr. WHEELER. I have not any objection at all to it.

Mr. CURTIS. Very well; let us have a quorum. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Bratton	Dale	Gillett
Barkley	Brookhart	Dill	Glass
Bayard	Bruce	Edwards	Glenn
Bingham	Burton	Fess	Goff
Black	Caraway	Fletcher	Gould
Blaine	Copeland	Frazier	Greene
Blease	Couzens	George	Hale
Borah	Curtis	Gerry	Harris

Harrison	McNary	Robinson, Ind.	Thomas, Okla.
Hastings	Mayfield	Sackett	Trammell
Hawes	Metcalf	Schall	Tydings
Hayden	Moses	Sheppard	Vandenberg
Heflin	Neely	Shipstead	Wagner
Johnson	Norbeck	Shortridge	Walsh, Mass.
Jones	Norris	Simmons	Walsh, Mont.
Kendrick	Nye	Smoot	Waterman
Keyes	Oddie	Steck	Watson
King	Overman	Steiwer	Wheeler
La Follette	Phipps	Stephens	
McKellar	Pine	Swanson	
McMaster	Reed, Pa.	Thomas, Idaho	

The VICE PRESIDENT. Eighty-one Senators having answered to their names, there is a quorum present.

Mr. CURTIS. Mr. President, I submit the following unanimous-consent agreement.

The VICE PRESIDENT. The clerk will read the proposed agreement.

The Chief Clerk read as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, by unanimous consent, That on the calendar day of Monday, February 4, 1929, upon the approval of the Journal the Senate will proceed to consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes; and no Senator shall speak more than once or longer than 30 minutes upon the bill or more than once or longer than 30 minutes on any amendment offered thereto; and that after the hour of 4 o'clock p. m., on said calendar day, no Senator shall speak more than once or longer than 10 minutes upon the bill or more than once or longer than 10 minutes upon any pending amendment, and no amendment shall be proposed after 4 o'clock p. m. of said day.

The VICE PRESIDENT. Is there objection?

Mr. HARRISON. May I ask the Senator, before the unanimous-consent request is entered into, whether it is the intention that no other legislation meanwhile will come up, except by unanimous consent, other than general appropriation bills?

Mr. CURTIS. Of course, no business could come up except by unanimous consent. It is understood that if no one wants to talk on the naval bill, an appropriation bill will be taken up.

Mr. HARRISON. So nothing else will be brought up in the meanwhile except by unanimous consent?

Mr. CURTIS. Nothing that I know of could be brought up except by unanimous consent.

Mr. DILL. Mr. President, what is the reason for the second part of the unanimous-consent request?

Mr. CURTIS. It was inserted because one of the Senators wanted an hour, and it was thought best to give him the hour up to 4 o'clock; and there might be others who would want to talk that long.

Mr. DILL. I am perfectly willing to have a limitation on debate, but it seems to me that the first limitation is ample.

Mr. CURTIS. Only a great deal more time might be consumed, and surely debate would be closed by 4 o'clock, under the 30-minute limitation.

Mr. DILL. The debate might be concluded by 4 o'clock and it might not be.

Mr. CURTIS. We would have all of to-day and to-morrow and the next two days to debate the measure without any limitation.

Mr. NORRIS. Mr. President, if the Senator from Washington seriously objects to the 10-minute limitation, I would suggest to the Senator from Kansas that he make it 15 minutes instead of 10.

Mr. DILL. The matter was taken up with me, and I said I was perfectly willing to have a limitation on debate, but I do not think we ought to make such an arrangement as is here proposed.

Mr. CURTIS. The Senator will remember that when I suggested to him that we limit debate he spoke about the 10-minute limitation, and it was to accommodate one of the Senators that the hour was changed from 2 o'clock to 4 o'clock, limiting debate after that hour to 10 minutes.

Mr. HEFLIN. I suggest that under the first part of the unanimous-consent request a Senator could speak 30 minutes on the bill and 30 minutes on any amendment, and if there were four or five amendments he would have an hour and a half or two hours. I do not think anyone would want to speak so long.

Mr. DILL. If some Senator got the floor, he could talk until 4 o'clock.

Mr. NORRIS. He could speak on the bill but once, so that while he might make a speech of an hour in length he could do it but once. After that he would be limited to 30 minutes.

Mr. HEFLIN. My point is that no Senator here would want to speak so long as an hour or an hour and a half, at least I do not think there is anyone who would desire to occupy so much time. The measure has been discussed at length already, and any Senator would have 10 minutes more on any amendment after the hour of 4 o'clock, the debate going over into the next day if necessary. Any Senator could make a 10-minute speech on any amendment after 4 o'clock.

Mr. CURTIS. I hope there will be no objection to the proposed agreement.

Mr. HEFLIN. I have no objection to it.

The VICE PRESIDENT. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

PERSONAL EXPLANATION

Mr. FESS. Mr. President, the morning papers and the afternoon papers of to-day carry a statement in which my name is used, which I think justifies me in rising to a question of the highest personal privilege.

I have been in Congress for 16 years, in this and the other body, and this is the first time I have ever taken the floor under such circumstances. Usually I pay no attention to what is stated in the newspapers of a personal nature, but in this case I think I am justified in paying some attention to the article.

I refer to a dispatch from Columbus, Ohio, in which it is stated:

> John F. Eckhardt, acting assistant prohibition administrator, Columbus, the Government's star witness, testified that Buckley told him in October that "higher-ups" were coming to him about a raid on the Jackson Brewing Co., Cincinnati, in which beer alleged to have been intended for an American Legion group on the way to a convention was seized.
>
> Buckley represented to him, Eckhardt said, that those "higher-ups" didn't wish the matter stirred with a political campaign in progress and named Cooper and Senator FESS as two of the "higher-ups."

Mr. President, I never heard of the case herein mentioned. I did not know that there was any effort to raid an institution of any sort. I never talked with anyone about it, and had I talked with Mr. Buckley I certainly would have remembered it, because he was once a student of mine and I have watched him as he has progressed and has been elected and reelected treasurer of our State. If I had ever had any conversation with him about a matter of this sort I could not have forgotten it. I state here and now that I never talked with him on a matter of this sort at any time. I do not know who Mr. Eckhardt is except the position that he holds. I would not know him if I were to meet him.

The only thing that I ever mentioned in connection with this matter was just a few weeks ago, long after Congress had assembled and long after the election, when the district attorney for the southern district of Ohio stated to me that he thought there was information in his hands which might lead to an indictment of Mr. Buckley. It was a shocking statement to me, and my comment to him, which I do not hesitate now to repeat, was that "there is no course open to you except to go to the bottom of the matter."

I want to state now and here that not then nor at any other time have I ever in any way interfered with the enforcement of the law, but in every case where my indorsement would go to an officer it was specifically made as a condition that the law would be enforced. The men who hold these positions in Ohio will testify that that is the condition I have made. I pronounce this statement, whether it is malicious or not, without a scintilla of foundation in fact.

Mr. FESS subsequently said: Mr. President, just a moment after the close of my remarks a representative of the Associated Press handed me a note reading as follows:

> Eckhardt has just retracted all his charges against you.

This indicates that it would have been better for me to have kept still about the matter and paid no attention to it.

DIVERSION OF COMMERCE FROM UNITED STATES PORTS (S. DOC. NO. 212)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read:

To the Senate:

I transmit herewith the report of the Secretary of State, the Secretary of Agriculture, and the Interstate Commerce Commission in response to Resolution No. 230 adopted by the Senate on May 7, 1928, requesting an investigation of the factors which are contributing to the diversion of commerce from

ports of the United States to Canadian ports and practical remedies for preventing such diversion.

I also transmit herewith the separate report of the United States Shipping Board in response to the same resolution.

CALVIN COOLIDGE.

(Inclosures: Joint report; report of the United States Shipping Board.)

THE WHITE HOUSE, *January 29, 1929.*

Mr. WALSH of Massachusetts. I move that the message and accompanying papers be printed as a Senate document and referred to the Committee on Commerce.

The VICE PRESIDENT. Without objection, it is so ordered.

PENSIONS AND INCREASE OF PENSIONS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate on the bill (H. R. 14800) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ROBINSON of Indiana. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. ROBINSON of Indiana, Mr. NORBECK, and Mr. GERRY conferees on the part of the Senate.

PROHIBITION

Mr. BRUCE. Mr. President, if there is no objection, I would like to have printed in the RECORD an article by President A. Lawrence Lowell, of Harvard University, on Reconstruction and Prohibition, together with a letter sent to me by Mr. J. R. Raw, general secretary of the National Council of the Licensed Trade of New Zealand, with reference to the results of the prohibition plebiscite in New Zealand.

The VICE PRESIDENT. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[From the Atlantic Monthly, February, 1929]

RECONSTRUCTION AND PROHIBITION

By A. Lawrence Lowell

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I

In the spring of 1918 an American said to a friend that the young men taking part in the war had been raised to such a pitch of exaltation that they would live on a higher plane than their fathers. The answer was a chilling caution not to believe it; that the war would be followed by an era of materialism. The friend then pointed out that such a reaction had generally occurred after great wars, and that the result is a natural one, because, as strenuous physical exertion is followed by fatigue, so a violent moral effort, when the cause that produced it is removed, is succeeded by moral lassitude and therewith a turning of attention into very different channels. That this revulsion of spirit should be expected to follow peace is now recognized by those who have thought about the subject; but there are other aftereffects of war of quite a different character that merit consideration.

The very reaction that follows the cessation of hostilities has some unexpected results. War brings a great wave of emotion, and when with peace that recedes in a low tide of feeling, it does not leave things as they were before. Some traditions have been swept away, some habits changed; but in the swirl, the eddies, the cross currents of the falling waters it is not easy to distinguish the old landmarks and see which have been destroyed and which remain.

To most people the return of peace brings the desire to be about one's own business, but in some earnest souls it stimulates an ambition to effect a great moral reform. In the stress of war individuals and peoples do things that would seem impossible under ordinary conditions. Obstacles that otherwise would be insuperable are overcome. Familiar restraints and impeding habits are loosened, and enthusiasts do not appreciate that this state of mind will fade into the light of common day. To them a millennium seems within reach, and in the confused state of opinion that prevails they are tempted to strive for objects that in other times they would regard as remote or unattainable.

Such an experience followed the Civil War. In that case rancor against the southerners and philanthropy toward the negroes combined to produce the measures known as reconstruction. The policy had such disastrous results, and at the present day has so few, if any, defenders, that we find it hard to attribute high motives to the men who approved it. Yet many of them had the best intentions. They not only shared the general conviction that slavery must be forever abolished, but believed that the sole difference between the races was the color of the skin. On this basis they insisted on justice as they saw it—that is, absolute equality of every kind—for the negro, and certainly justice for the oppressed is in itself a noble motive.

Everyone knows the result; much bad government by carpetbaggers supported by an inexperienced and ignorant vote of the freedmen; maladministration; financial mismanagement; economic and social distress; resistance by force and fraud through the shotgun and the tissue ballot. In most of the seceding States the right of the negro to vote could be maintained only by the presence of Federal troops, and this was continued until President Hayes, elected by the political party responsible for the policy of reconstruction, decided to withdraw them. As head of the Nation not only had he sworn to execute its laws, but these amendments had specially empowered, and therefore intended, the Federal Government to provide for their enforcement. Nevertheless he made up his mind that to attempt to fulfill a clear constitutional obligation would be both futile and demoralizing, and posterity has been convinced that he was right. The result was to leave the enforcement of the provisions for negro suffrage practically to the States instead of the Federal Government. Moreover, the longest and most elaborate section of the fourteenth amendment has been from the outset a dead letter. It provides that if in any State the suffrage is restricted the representation in Congress shall be proportionally diminished; but although in many States, both North and South, the right to vote has been and is now restricted by clauses requiring the ability to read and write or other qualifications, no serious effort has ever been made to carry this constitutional provision into effect. The fourteenth amendment has had the effect of enlarging the authority of the Supreme Court in matters wholly unrelated to its main object of negro rights, but so far as enforcement of the suffrage by the national administration is concerned both this amendment and the fifteenth have become well-nigh obsolete.

Although the policy of reconstruction, as distinguished from the abolition of slavery, failed of its object, and without being repealed has been discarded, yet its consequences have by no means passed away. It has left in the South a resentment that the Civil War alone would not have provoked, and that a half century of noninterference with the treatment of the racial question by the States and of growing prosperity in the South did not obliterate. Sectional distrust of the party which enacted the policy, but had long repudiated it, remained an active force in public life; and, contrary to many common interests, dominated until the last election the politics of the former Confederate States. Although within those 50 years two foreign wars occurred in which North and South fought side by side, although no one in the South wishes to-day that the Civil War had resulted in Confederate victory and dissolution of the Union, yet the errors of reconstruction still cast their shadow upon the land south of Mason and Dixon's line.

Another unfortunate effect of the principles held by the extremists at the close of the Civil War lies in their lack of influence over the treatment of the Negro after the policy of reconstruction was abandoned. Most of the people in the North, convinced that this policy had been a mistake and that they did not understand the question, subsided into a position if not of indifference at least of self-distrust, and refrained from trying to interfere with conditions which they felt that they did not comprehend.

Apart from a few men deeply interested in negro education, the northern philanthropists, on the other hand, who cared intensely about the negroes, have failed to recognize that the position of the races in the South presented any peculiar question; or rather they assumed that it had only one simple solution, the absolute equality of the races for all purposes; and they have tended to attribute any opposition to this principle to unworthy motives. Thus prejudice enhanced prejudice, and men who, by a serious study of the problem, might have had an effect on the treatment of the negro, and bettered his life, lost that chance, exasperating rather than moderating southern sentiment.

II

Such in brief has been the history of a policy framed by extremists at the close of a great war; founded largely on a philanthropic impulse regardless of actual conditions and obstacles; sanctioned by the Constitution, but impossible of execution; and finally abandoned without repeal of the constitutional provisions by which it was decreed. Another amendment, not wholly dissimilar in its philanthropic motive, has been adopted at the end of another war, and people are watching the results. Unlike reconstruction, prohibition was enacted with no admixture of bitterness against a beaten foe. So far as the incentive was not economic it was wholly moral; yet, like reconstruction, it was the work of people who had long advocated as a minority a reform which the war enabled them to carry into effect. As with reconstruction, a vigorous dislike to the policy is making the practical enforcement of the law difficult if not impossible.

Prohibition had long been advocated in different parts of the country and had been adopted in various forms. One of these was local option by towns or cities; and this was in large measure successful. In rural communities where the sentiment was general, and in suburbs of those cities which did not adopt it, it resulted in suppressing open barrooms, but not in preventing people who wanted intoxicating liquor from obtaining it for themselves. A number of States went further,

forbidding manufacture and sale throughout their territory. For many years a strict enforcement of these laws was impeded by the decision of the Supreme Court in the Original Package case. Interstate commerce, being within the domain of the Federal Government, could not be restricted by statutes of the States; and the court held that so long as merchandise was in the original package in which it was shipped from another State it was a subject of interstate commerce, regulated only by Federal law. Finally in 1913 Congress passed an act withdrawing from Federal protection the shipment of liquor into any State that forbade its sale, thus leaving each State free to enact its exclusion altogether. This is important to bear in mind, because people in discussing the Volstead Act may recall only the condition when States could not prevent the admission of liquor within their boundaries. Of course, with the freedom of internal trade and the absence of State customhouses—one of the greatest benefits conferred by the framers of the Constitution and a principal source of our national development and prosperity—it is more difficult for a State than for the Nation to guard its approaches; but on the other hand there is more likelihood of a general community of opinion in most of the States than in the country as a whole, and that is of no small importance in the enforcement of a law.

Nevertheless, to enforce a law against the opinion of any considerable minority is always difficult. In some States, where opinion has been sufficiently harmonious, prohibition has, no doubt, been effective; but in others, where opinion has been divided, this has not been the case. Maine has had a constitutional provision of that kind for half a century; but in Bangor a system—devised, it is said, by the chief justice of her highest court—was long in use whereby the provision was turned in practice into high license. The keeper of a disreputable saloon was prosecuted until driven out of business, while the keeper of an orderly one was prosecuted every other year, fined a fixed sum, and was otherwise unmolested. The system continued until an attempt was made to apply it in Portland, when the prohibitionists became indignant and it had to be given up. The provision in a State constitution was thus made to work for a time in Bangor as if it were one for local option. Believing that obedience to law is the basis of civil society, I am not excusing this, but merely pointing out the difficulty of carrying out a statute against strong opposition, and the way it may be perverted where many people regard it as unreasonable.

That the prohibitionists who urged the passage of the eighteenth amendment were actuated by the highest moral purpose no one has a right to doubt; that there was a real evil to combat is not less certain. There is almost no desire to restore the open saloon; but the question is whether, in the enthusiasm for suppressing drunkenness, they went, like the advocates of reconstruction, too far, and thereby imperiled the object in view. It has been said that, had the Volstead Act set the limit of alcohol at a point below which wine and beer may indeed, but seldom do, intoxicate those who drink them, the law would have been so generally accepted and obeyed that the bootlegger would have found no sufficient market to sustain his trade. Whether that be true or not is a matter of conjecture, and it is proverbial that the most useless of pursuits is hypothetics, or the study of those things that might have happened and did not.

When national prohibition went into effect men who had no personal objection to wine, who had in the past served it on their tables, were more concerned about obeying the law than they seem to be to-day. The host would sometimes remark that what he offered was not illegal, for it was a pre-war purchase. One hears little of that now. There are many people, and let us hope there always will be many, who refuse to break the law, although not satisfied with it; but they appear to become fewer year by year. At first clubs and hotels were careful in their conduct. Member or guest might bring his own supply, but neither directly nor indirectly would they assist; but the observance of the law is certainly less strict to-day. Bootlegging is universally believed to have become a vast organized business employing a large capital, and in most cities no one who wants liquor seems to find any serious difficulty in getting it. In short, as everyone knows, the law is not enforced, and as time goes on it seems to be less and less effective.

There is no reason to suppose that the national administration has been intentionally lax; but it is doubtful whether sumptuary laws can ever be enforced against the resistance of any large minority. Lawyers draw a distinction between malum in se and malum prohibitum—that is, between those acts which are intrinsically wrong in themselves and those which are offenses because made so by statute; or, in other words, between acts universally esteemed immoral and those which are not generally so regarded but in the interest of the common welfare are forbidden by legislation.

Laws dealing with acts of the latter class which involve obvious danger to others are easily enforced, because everyone has an interest that his neighbors should not put him or his property in peril; but this is not true where the effect on other people is remote or not potent. That is the reason why sumptuary laws, affecting what seems to be only personal conduct, are difficult to enforce. Many excellent people believe that drinking any intoxicant, even to an extent that does not intoxicate, is inherently immoral; but that is very far from a general opinion, and a large part of those who do not hold it feel that interference with their personally innocent habits is not justified by a claim of benefit to the public of which they are not convinced. Whether this attitude be right or wrong, it is a fact that must be taken into account in considering the possibility of enforcing universal prohibition. There is little use in abusing those who oppose the law as the advocates of reconstruction reproached the southerners in the earlier years of that policy. Epithets do not alter facts. The question discussed in this article is not whether prohibition would be a benefit if it could be carried into effect, but whether it can be enforced; and, if not, whether the present condition is better than some modification of the policy.

Moreover, if it be true that the men who buy and drink bootlegged liquor are evil-minded persons led by a perverted appetite to encourage violations of law to the injury of the public, then they ought to be punished. It is they who support the traffic by supplying the demand, for without them it would quickly die out. Yet no attempt is made to treat the individual purchase of liquor as a crime or to prosecute those who do so as participants in the offense of selling it. The fact is that the public does not regard buying liquor for personal consumption as a crime; grand juries would not indict or petit juries convict. It is one of many cases where a policy can not be carried out because even those who desire it are not willing to take the measures necessary for its enforcement. On the other hand, it is almost mathematically demonstrable that the present practice of proceeding against bootleggers alone can not be effectual because the profit increases with the risk. Under such conditions the unlawful trade will be amply remunerative unless the proportion of successful violations is small. The same principle applies to blockade running in war, which continues until the risk of capture is very great, until, to use the formal term, the blockade is made effective. Now, it is evident that so far the attempt to exclude liquor from the United States, to prevent its sale—in short, to keep people who want it from getting it—has not been successful and does not seem to be getting more so. To judge, therefore, from experience up to this time, it seems highly improbable that the blockade of liquor can be made effective.

III

Public sentiment is sometimes in favor of a law but against its enforcement. That sounds like a paradox, and perhaps it is, because people are not always rational or consistent. Those who are enthusiastic about a measure strive earnestly to procure its enactment, and sometimes when they have done so rest satisfied with their victory, assume that the matter is settled, and suspend organized effort, while others who dislike the law are contented if it is not enforced. This has often been true of old laws that have become partly obsolete, like the Sunday laws which many people do not want either repealed or strictly enforced. But it is needless to go for examples beyond our subject of liquor. During the half century that Maine was governed by her own constitutional prohibition it was commonly and notoriously violated. People who believed in prohibition had their law, others who wanted liquor had that; and, save for occasional outbursts of righteous indignation, there seemed to be general contentment with the situation.

The eighteenth amendment no more effectively enforced than it is to-day, and than it is likely to be in future, might prove to be the path of least resistance and greatest general satisfaction were it not that it involves grave evils, for the present condition is very demoralizing. That it has produced corruption among Government agents, and in some States in the police, is universally believed. Like the policy of reconstruction in the South it has turned many respectable people who ought to be patterns of law and order into lawbreakers. It is responsible for no small amount of violence and crime. Men who are in a position to know assert that the murders in Chicago are mainly, if not wholly, due to quarrels among the bootleggers and between them and the hijackers. Such conditions are certain to last so long as an illegal and lucrative traffic is conducted on a large scale, supported by sales to citizens in good standing, while the public authorities endeavor to suppress it by force. The country is at odds with itself. There is a lack of harmony in principles that causes friction, maladjustment, and confusion. It is not a healthy condition or one that ought to continue.

It may be assumed that the majority of the American people are in favor of the present law; but that does not settle the matter. Perhaps the majority were in favor of the rigorous measures of reconstruction even at the time when President Hayes withdrew the Federal troops. However that may have been, the withdrawal was not due to a change in the opinion of the majority but to the harm done by striving to enforce the policy upon a disaffected minority. It was rapidly causing a disrespect for law, and, bad as the result has been, it would have been worse had the policy not been abandoned. Statesmanship is not a theory but an art, and the true aim of that art is the creation of a harmonious community life on as high a plane as possible by the acceptance, as nearly universal as may be, of common standards of public and private conduct. Too great uniformity makes for stagnation, and the happy nation is one that enjoys agreement in fundamental

principles with toleration and mutual respect in nonessentials. An attempt to produce uniformity by coercion causes a revulsion that lessens the sense of solidarity, of mutual dependence, and the support of a common interest.

Prohibition has no doubt done good. It has abolished the saloon; it has diminished the absence from the factory of workmen through drink, the waste of their wages on liquor, and the consequent suffering of their families. But it has done this at the cost of lowering the standards of many citizens and officials. In short, it seems to have been an economic benefit not unmixed with a distinct moral detriment. The object should be to retain the first of these and eliminate the second.

Of course, if the enforcement could be made thoroughly effective and maintained for a considerable time, the moral evils of the present condition might be removed and habits established that would prevent their recurrence. Whether this is possible or not should be considered, not from a dogmatic or sentimental standpoint but from that of a true statesman with an open mind, free from prejudice, by a careful examination of facts and conditions and in the light of experience. If after such a study enforcement appears to be feasible and desirable by methods which can practicably be applied, it should be so administered as to be really effective instead of being, as now, vexatious, demoralizing, and inefficient.

If, on the contrary, it should appear that the law as it now stands can not be fully enforced, it should be so modified as to preserve those features which are most important, such as the abolition of the open saloon, and it should permit communities which desire and can carry out absolute exclusion of liquor to enjoy that privilege, while at the same time discarding things which are not essential for this purpose and are found to impede enforcement. The question seems to be one of major importance, and the quality needed to find the answer is not rhetoric but statesmanship, not enthusiasm but calm and mature reflection. The future will depend upon the moderation of people with conflicting opinions, and especially upon that of the prohibitionists. If the men who like cocktails and carry hip flasks demand that there shall be no restraints whatever on their liberty to drink as they please, irrespective of the common welfare, bootleggers will be ready to supply them, and no compromise will be reached. If the prohibitionists insist that their principle unabated shall remain the formal law, they will probably make enforcement impossible, hamper the growth of temperance, and perpetuate violation of the law and of good order. This last is the most serious aspect of the matter.

As a people we have been law-abiding, not by compulsion from above but from a sense of the fitness of things. The success of self-government is based on a confidence that one's neighbors will conform to the established rules of conduct, and anything that undermines that confidence strikes at the root of our civil life.

THE NATIONAL COUNCIL OF THE LICENSED TRADE OF NEW ZEALAND,
Wellington, December 15, 1928.

WILLIAM CABELL BRUCE, Esq.
(Messrs. Fisher, Bruce & Fisher),
Barristers and Solicitors,
Baltimore, U. S. A.

DEAR SIR: Now that the final figures of the voting on the licensing issue have been announced, it becomes my duty, as well as a great pleasure, to write to you to express my own appreciation, as well as the heartfelt thanks of my council, for the very valuable help your able and convincing letter to the people of New Zealand was in assisting them to come to a rational and sound conclusion on the evil effects of the operation of prohibition in the United States.

My council as a whole has expressed their deep sense of gratitude to you. The personal touch and appeal by you was in their view irresistible. Although you are thousands of miles away, you will, I trust, be able to realize that you contributed in no little measure to the gratifying result—the overwhelming defeat of prohibition in New Zealand. The result was:

Votes for—	
National continuance	374,502
State purchase and control	64,276
	438,778
National prohibition	294,453
	144,325

So that the majority against prohibition reached the unprecedented total of 144,325—over 100,000 votes more against prohibition than at the previous poll three years ago.

For over 30 years we have been fighting the prohibition issue, and we have this time gained so decisive a victory that we are satisfied the cause of our opponents has been set back for at least a generation. But the fight will be renewed in another three years—unless the law is altered—so that we will in all probability have again recourse to you and our other friends throughout the United States for such help as you and they have accorded us on this—to us—most conspicuously fortunate occasion.

Again thanking you and trusting that your own efforts to secure a modification of the Volstead Act more in keeping with the ideals of liberty and toleration will succeed, I have the honor to be, with kind regards,

Yours gratefully,

J. R. RAW, *General Secretary.*

ORDER OF BUSINESS

Mr. CURTIS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar under Rule VIII, beginning——

Mr. HARRISON. Mr. President——

Mr. BRUCE. I object.

Mr. HARRISON. What is the object of the request? Is not the cruiser bill to be discussed further to-day?

Mr. BRUCE. It really is in violation of the understanding we arrived at only a few minutes ago.

Mr. CURTIS. I understood that the Senator from Iowa did not care to finish his speech this afternoon, and I was asked to submit the request. I withdraw it.

CONSTRUCTION OF CRUISERS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

Mr. BROOKHART. Mr. President, I desire, first, to call attention to an error in the RECORD of yesterday. I am quoted as saying:

> I regret that in this instance I have to disagree both with the Republican President and the President elect here and the standpatter insurgents who were on the other side in 1924.

Mr. President, that is quite the contrary of what I actually said. I said that I had to defend the President and the President elect upon this question of the time limit in this bill against these standpatters who are now insurging against their own leader and their leader elect.

Mr. WHEELER. Mr. President, may we have order in the Chamber?

The VICE PRESIDENT rapped with his gavel.

Mr. BROOKHART. Of course, I can not quote the exact language I used, but I am quite sure that was the idea I expressed, and that was certainly the situation as it existed at that time.

The President of the United States had declared in his message for the elimination of the time limit in the cruiser bill. Then a Representative in Congress gave out a statement that the President elect was in favor of retaining the time limit. That called for the telegram from the President elect to President Coolidge, which was put in the RECORD on yesterday. In that telegram Mr. Hoover states distinctly that he concurs with the ideas of the President upon this bill; and I myself am in concurrence with the suggestion that the time limit should be removed. If the time limit shall be removed, the biggest part of the controversy will have been removed, but some of our friends who claim to be regular Republicans, and who claim to follow the leadership of their party, are now insurgents not only against the present leader of the party but against the new leader whom they have chosen; and I rather think it is about time for us to hold a caucus of the Republican Party and oust them.

Mr. TYDINGS and Mr. SHORTRIDGE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Iowa yield; and if so, to whom?

Mr. BROOKHART. I yield first to the Senator from Maryland.

Mr. TYDINGS. I should like to ask the Senator from Iowa if he would vote for the bill if the time-limit clause were eliminated?

Mr. BROOKHART. I myself would not vote for the bill at all, but there are a number of other Senators who would vote for it if that clause were eliminated who otherwise will vote against it.

Mr. SHORTRIDGE. Mr. President——

Mr. BROOKHART. I now yield to the Senator from California.

Mr. SHORTRIDGE. If the time limit shall be removed from the bill, before the Senator from Iowa finishes his address will he be good enough to tell us what of value will then be left of the bill?

Mr. HARRISON. Mr. President, interrupting the Senator from Iowa, may I ask him——

Mr. BROOKHART. The remark of the Senator from California is very sarcastic, as I interpret it, but I will say that there will not be so many offensive things left in the bill if

the time-limit clause shall be eliminated from it. In that event the most offensive thing will be out of the bill. Now I yield to the Senator from Mississippi.

Mr. HARRISON. Mr. President, may I say, in answer to the Senator from California, that when certain persons wanted to have a naval program involving an expenditure of $740,000,000, and the chairman of the Naval Affairs Committee of the House, carrying out their wishes, introduced a bill for that purpose, it had no limitation clause, but merely provided for the construction of the ships without respect to time. This is the first time where a limiting clause, so far as I have been able to ascertain, has been put on such a bill.

Mr. HALE. No, Mr. President; that is not the case.

Mr. HARRISON. When was the other time?

Mr. HALE. The Senator will recall that in the bill authorizing the eight cruisers which are now under process of construction a time limit was set for their laying down.

Mr. BROOKHART. But originally there was no time limit set for these 15 cruisers.

Mr. HARRISON. The bill to which the Senator from Maine refers was in 1924, was it not? I have forgotten just when those eight cruisers were authorized.

Mr. HALE. It was in 1924.

Mr. HARRISON. Are all of those vessels in course of construction now?

Mr. HALE. All of them are in course of construction.

Mr. HARRISON. What was the provision as to time in the case of those vessels?

Mr. HALE. I can get the law and inform the Senator.

Mr. HARRISON. It is quite true that the chairman of the Naval Affairs Committee of the House in 1927, in offering the bill at that time, placed no time limit in it, did he?

Mr. HALE. No; such a provision was not in the bill as introduced.

Mr. HARRISON. The chairman of the committee represents the majority party.

Mr. HALE. Whether or not under that program, if it had been adopted, a time limit would have been attached, I can not say.

Mr. JOHNSON. Mr. President, it becomes pertinent, then, to inquire at whose instance or request the time limit was put on in the case of this bill?

Mr. HARRISON. I am not close enough to the powers that be to give the Senator that information.

Mr. HALE. The time limit was put on by the Naval Affairs Committee of the House.

Mr. JOHNSON. It was put on at the instance of the Secretary of the Navy, was it not?

Mr. HALE. The Secretary of the Navy, I think, does not object to it.

Mr. JOHNSON. Certainly.

Mr. HALE. I do not know at whose instance it was put on, however.

Mr. WHEELER. Does the Senator from California mean to infer——

Mr. TYDINGS. Mr. President, if the Senator will permit another observation, I understand the Senator from Iowa just stated that if the time-limit clause were removed one of the most objectionable features of the bill would be eliminated. I should like to point out to him that 15 of the most objectionable features of the bill would be eliminated, and they would be the 15 cruisers.

Mr. WHEELER. Mr. President, does the Senator from California mean to infer that the Secretary of the Navy is opposed to the President of the United States and to the President elect with reference to this matter?

Mr. JOHNSON. I draw no inference; I was stating facts; I leave the inference to be drawn by the Senator from Montana.

Mr. WHEELER. Do I understand the Senator from California to say that the Secretary of the Navy wants this provision as to the time limit to remain in the bill?

Mr. HALE. I do not think the Secretary of the Navy had anything to do with it. The House committee put the provision in the bill.

Mr. JOHNSON. I will say that my understanding of the fact is that the time limit was inserted in the bill at the instance and with the consent of the Secretary of the Navy.

Mr. WHEELER. Of course, the Senator from California knows now that both the President of the United States and the President elect, the leaders of his party, want to see it eliminated.

Mr. JOHNSON. Does the Senator from Montana mean to imply that I will thereby be influenced? Let me suggest to him that in the period during which I have been in the Senate and in the period during which I may remain here I act upon my own volition, and according to my own judgment, just as I assume all the other Senators do, and as I know the Senator from Montana does. Whether some individual or some official, high or low, may insist, or demand even, that this bill be of a certain character will not have the slightest influence, so far as I am concerned.

Mr. WHEELER. I am well aware of the fact that it will not, so far as the Senator from California is concerned, but there are, of course, other Members of the Senate who are constantly saying when the President makes a statement that surely it is lese majeste if we do not follow his advice and judgment in the matter.

Mr. JOHNSON. If the President is right in a statement that he makes, I am delighted to follow him; if I believe him to be wrong, I will follow him not at all. That has been my attitude in days gone by, and that is going to be my attitude now in my old age, so long as I shall serve in this body.

Mr. BROOKHART. Mr. President——

Mr. HALE. Mr. President, will the Senator yield?

Mr. BROOKHART. Mr. President, I am in full accord with the statement of the senior Senator from California as to his attitude; but what about the junior Senator from California?

Mr. SHORTRIDGE. The junior Senator from California is able to answer for himself. I could answer in substantially the language of my colleague. I have followed the President in many cases; in quite a number I have failed to follow him. In this matter I shall pursue the course I have heretofore indicated, with the utmost respect for the present President and the President to be; and before we get through I think I can convince them that they are in error.

Mr. ODDIE. Mr. President, will the Senator from Iowa yield for an observation?

Mr. WHEELER. Mr. President, will the Senator yield to me?

Mr. BROOKHART. Mr. President, I yield first to the Senator from Nevada.

Mr. ODDIE. Mr. President, I think at the outset in discussing the attitude of the President elect that we should look at the language of his telegram in a broad way and consider the position in which he was placed. He says in his telegram to the President:

> As you know, I warmly support your own views, and you may so inform others if you wish to do so.

Mr. President, the President elect is not supposed to comment on the administration in office; his term of office commences on the 4th of March, and it would ill become him to disagree publicly with the views of the present President. So I think we should view the statement of the President elect in a broad way and not expect him in a few words to discuss the various technicalities of a bill pending before the Senate. It would be an impossibility and an injustice to him to expect him to agree with everything in any bill now before the Senate. I think he has been placed in an unfortunate position, and that we should consider him as showing a proper respect for the present President.

Mr. TYDINGS. Mr. President, does the Senator mean to say that we should lay aside our own judgment in these matters, as Members of the legislative branch of the Government, and let the Executive perform our functions for us?

Mr. ODDIE. No; the Senator misconstrues my point of view. I believe that we should go forward and pass this bill as it is. I disagree with President Coolidge in this matter, and I do not believe that President-elect Hoover is voicing President Coolidge's views as to the technical points in this bill. I do not think, therefore, that President-elect Hoover's statement should deter us from passing this bill as it is.

Mr. HARRISON. Does the Senator mean to say that he doubts the sincerity of the President elect in sending the telegram?

Mr. ODDIE. No; not at all. I have the highest regard for the ability and sincerity of President-elect Hoover, but I do not think that he should be placed in the position of going into the technical details of this bill when it is not before him at all. I think we should pass this bill as it is now framed. I think President-elect Hoover has been placed in an unfortunate position, and that we could not expect him to do otherwise than he has done.

Mr. HARRISON. May I ask the Senator, does he think that the President elect agrees with President Coolidge with reference to the elimination of the time-clause limitation or does he differ from the President?

Mr. ODDIE. I think that President-elect Hoover should be taken at his word in the statement he made in his acceptance speech, which the junior Senator from California read into the RECORD the other day. President-elect Hoover believes in an adequate national defense.

Mr. WHEELER. Everybody believes in that.

Mr. ODDIE. There are different ways of stating it.

Mr. SHORTRIDGE. Mr. President, I rise to a point of order.

Mr. HARRISON. Mr. President, I want to get the Senator's viewpoint, if the Senator from Iowa will yield.

The VICE PRESIDENT. The Senator from California will state his point of order.

Mr. SHORTRIDGE. The Senator from Iowa has the floor; the Senator from Mississippi will have his chance later on. I submit we are here to listen to the Senator from Iowa.

Mr. WHEELER. The trouble is the Senator from California will not listen to him.

Mr. HARRISON. Mr. President, will the Senator from Iowa yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. BROOKHART. I yield.

Mr. HARRISON. I wish to make certain that I understand the statement of the Senator from Nevada. Does he still doubt that President-elect Hoover is in favor of the elimination of this time-limit provision?

Mr. ODDIE. I do not think President-elect Hoover's statement should be construed as opposing the bill as it is to-day.

Mr. HARRISON. That is the way the Senator reads it, and that is his construction and interpretation?

Mr. ODDIE. My construction is that his statement is a very broad statement, and that he should not be expected to go into the technical details of this bill at this time.

Mr. HARRISON. What was his object in sending the telegram, and what does his telegram mean?

Mr. ODDIE. He was quoted as saying certain things which would appear on their face to differ with the opinion of the President.

Mr. REED of Missouri. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. REED of Missouri. Just what difference does it make whether a private citizen of the United States, whatever his name, agrees with the President of the United States or not?

Mr. BROOKHART. Mr. President, in answer to that——

Mr. HARRISON. I do not think the Senator from Nevada had finished answering the question.

Mr. BROOKHART. Let me answer the Senator from Missouri on that point. To the Senator from Missouri it makes no difference, but to a regular Republican it makes a lot of difference; and that is why I raised the question.

Mr. NEELY. Mr. President, how does the Senator from Iowa happen to be speaking for regular Republicans?

Mr. BROOKHART. The Senator from Iowa is much like the Senator from Missouri. Sometimes he speaks for them, and sometimes he speaks the other way. It happens this time that I have the task of defending the President of the United States himself and the President elect upon the question of the time limit in this cruiser bill. I agree with them that it ought to be cut out, and I am taking that side. Now, here are the regular Republicans, including even the distinguished junior Senator from California [Mr. SHORTRIDGE], who swears by his party regularity all the time. It is his creed and his religion, and especially does he stand by the Budget, which is the keystone of Republican regularity; but he is here to-day fighting the President and fighting the President elect.

Mr. REED of Missouri and Mr. CARAWAY addressed the Chair.

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. BROOKHART. Yes; I yield.

Mr. REED of Missouri. Referring to what the Senator from Iowa says as to the sudden change and shift of position of the Senator from California, is it any more remarkable for the Senator from California to differ from the President and the President elect than it is for the Senator from Iowa to agree with the President and the President elect?

Mr. BROOKHART. Yes; it is somewhat different, because the Senator from Iowa does not sometimes even pretend to agree with the President and the President elect, but the Senator from California is a regular Republican. Do not forget that.

Mr. SHORTRIDGE. Mr. President, the people of California never have forgotten it, and I trust America will not forget it. They may forget me, but my Republican record will remain.

Mr. BROOKHART. If the Senator from California goes on with this insurgency, he may become more popular than ever out in California.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BROOKHART. I yield.

Mr. WHEELER. I was going to say that the junior Senator from California, as I recall, on two different occasions gave as his reason for voting for the confirmation of certain people in open session here that he had faith in the President of the United States, and that because of the fact that he had faith and confidence in the President of the United States and that his judgment was superior he took his word and voted for the nominations on faith. I am wondering why the junior Senator from California has not the same confidence in the President of the United States at this time. Is it because of the fact that "the king is dead," and so he says, "Long live the king"?

Mr. SHORTRIDGE. Mr. President, I do not wish to delay this very interesting speech——

Mr. BROOKHART. I yield to the Senator from California.

Mr. SHORTRIDGE. Time was when I thought this was a deliberative legislative body. I am almost convinced that it has become a mere arena for attempted wit and pleasantry. Replying to the Senator from Montana [Mr. WHEELER], I have often said that I had unwavering faith in the President, and assuredly I have great faith in the President to be, if for no other reason that because he was born in Iowa, where I was born. I have never, however, admitted that there were supermen in America, nor have I ever voted for the confirmation of anyone because I said or thought that the President's view was all-controlling or his judgment "superior" to mine or to that of the Senator from Montana. But enough.

Mr. McMASTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. BROOKHART. Just a moment, and then I will yield. Of course, those "good old days" when we had this deliberation here seem to have been the regular Republican days, when we did not deliberate at all. Now, I yield to the Senator from South Dakota.

Mr. McMASTER. I desire to offer an amendment to the pending cruiser bill; and I ask that the clerk read it, and that it lie on the table and be printed.

The VICE PRESIDENT. The amendment will be read.

The LEGISLATIVE CLERK. It is proposed to insert at the end of the bill the following new section:

SEC. 6. (a) Upon declaration of war by the Congress at any time hereafter, the following persons shall forthwith be drafted into the military or naval service of the United States, to serve in the zone of actual hostilities for the duration thereof:

(1) Every male person under the age of 55 years who upon such declaration of war is a Member of either House of Congress or who within one month prior to such declaration has resigned from Membership in either House.

(2) Every citizen of the United States or a possession of the United States, over the age of 30 years and under the age of 55 years, who is or at any time within one month prior to the declaration of war has been the beneficial owner of property equal in value to $5,000,000 or more.

(3) Every citizen of the United States or a possession of the United States over the age of 30 years and under the age of 55 years who is, or at any time within one month prior to the declaration of war has been a member of a partnership with total assets, including individual property of the partners liable for partnership debts, equal in value to $5,000,000 or more.

(4) The chief executive of every corporation organized within the United States and its Territories and possessions, with a subscribed capital stock and surplus of $5,000,000 or more, if such chief executive is a male citizen of the United States or a possession of the United States and under the age of 55 years, and otherwise the male citizen of the United States or a possession of the United States under the age of 55 years who is next in line of succession to the duties of the office of chief executive.

(5) The 10 other male citizens of the United States or a possession of the United States over the age of 30 years and under the age of 55 years who are the beneficial owners of the largest amounts of stock in each such corporation. If in order to define any such group of 10 stockholders it is necessary to choose between male citizens between such ages owning the same amount of stock, the choice between such individuals shall be of the youngest. Persons within this group shall be selected on the basis of stock ownership as of one month prior to the declaration of war.

(b) If any person is found to be within more than one of the classifications of subdivision (a) of this section he shall be drafted as a person within whichever one of such classifications is first enumerated in such subdivision, or, if he is within classification (4) or (5) as an officer or stockholder of more than one corporation, he shall be drafted as an officer or stockholder of the corporation of which he owns the largest amount of capital stock; and he shall be disregarded in determining the representatives of all other classifications and corporations. No person unfit to perform any service, combatant or noncombatant, shall be counted in determining representation of corporations.

(c) When after a declaration of war the value of the property of any individual or the assets of any partnership, as defined in subdivision

(a) of this section, reaches the amount of $5,000,000, such individual or the members of such partnership shall be forthwith drafted into the military or naval service of the United States. When after a declaration of war the subscribed capital stock and surplus of any corporation, organized theretofore or thereafter, reaches the amount of $5,000,000, an officer and 10 stockholders selected as in paragraphs (4) and (5) of subdivision (a) of this section, on the basis of stock ownership as of the date on which the subscribed capital stock reaches such amount, shall be forthwith drafted into the military or naval service of the United States.

(d) The President is authorized to provide by regulation for the expeditious assignment of the persons so drafted to active military or naval service within the zone of actual hostilities. Such assignment shall be to the branches and grades of the service for which such persons are qualified. All such persons shall be assigned to combatant service except those who are unfit therefor and those who are members of well-recognized religious sects or organizations the existing creeds and principles of which forbid their members to participate in war, and whose convictions are in accord with such creeds and principles; but no person shall be exempted from noncombatant service for any disability or other reason if he can consistently with the interests of the service be employed in any capacity with the military or naval forces in the zone of actual hostilities. No person shall be discharged from service under this section prior to the cessation of actual hostilities except for disability to perform any service under this section.

(e) Persons subject to the provisions of this section who are in the military or naval service of the United States shall be counted in determining the membership of the classes subject to this section and shall continue in such service but shall be assigned to active duty in the zone of actual hostilities at the earliest possible moment, and shall not be discharged or retired from active service prior to the cessation of hostilities except for disability to perform any service.

(f) It is declared to be the policy of the Congress that every Member of either House drafted into the military or naval service under this section shall immediately resign his office of Senator or Representative. No Member so drafted shall receive any compensation for his services as Member for the remainder of his term.

(g) The President is authorized to provide by regulation for the ascertainment of persons subject to this section and for the execution of all provisions of this section.

(h) Any person violating any regulation made in pursuance of this section or attempting in any way to evade service or to aid any other person to evade service under this section shall be punished by a fine of not less than $1,000 nor more than $5,000 and by imprisonment for not more than five years nor less than three years.

The VICE PRESIDENT. The amendment will lie on the table and be printed.

Mr. BROOKHART. Mr. President, I listened to the reading of that amendment with a great deal of interest. I wonder if the Senator intends to send these Congressmen and Senators into these cruisers?

Mr. McMASTER. I understand that if we have 15 cruisers, they will have room to take care of a few of them.

Mr. BROOKHART. Have you any good safe place where you can keep the cruisers?

Mr. McMASTER. I can not say as to that.

Mr. BROOKHART. Mr. President, as I have scanned the history of human civilization it has a record of going back something like 6,000 years; and yet, after that 6,000 years of advancement and experience, after 6,000 years of recorded history, in which the human race is supposed to have built up a better and higher civilization, the final result of that civilization was the World War.

The World War is the great accomplishment of human civilization up to this date and, if we survey that achievement, we find its balance sheet is in the red. It will take two generations to pay off the debts and the obligations of that war. Therefore up to date, from an economic standpoint, at least, human civilization is a failure.

There has resulted since that war a movement to change the policy, to change the basic thought of the world so that our next great world achievement might be something different from war.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER (Mr. TYDINGS in the chair). Does the Senator from Iowa yield to the Senator from Missouri?

Mr. BROOKHART. I yield.

Mr. REED of Missouri. The Senator speaks about changing the basic thought of the world. What does he mean by that? What is the basic thought of Italy, with her great standing army? What is the basic thought of England, with her great navy?

Mr. BROOKHART. I mean what the Senator voted for the other day, very much to my surprise, the universal outlawry of war in the world.

Mr. REED of Missouri. No; I did not vote for anything of the kind. I voted for the treaty after we got through a reservation, or what amounted to a reservation, which took the danger out of it, and left it nothing but a mere expression of good will. I will say to the Senator in perfect confidence that I would not have cast that vote for a proposition which I considered idiotic if I had not said that I would do so in order to get through the reservation.

Mr. KING. Mr. President, will the Senator yield?

Mr. BROOKHART. I yield.

Mr. KING. If the Senator cares to answer the Senator from Missouri, doubtless he could answer him better than I can; however, I would answer the Senator from Missouri by saying that in my opinion, judging from expressions from almost every country, the basic thought of the people of the world is a desire for peace, for opportunity to work out their destinies free from the menace and specter of war. I believe that any movement in the interest of world peace, whether through disarmament or through multilateral treaties or otherwise, would command the sincere support of the peoples of the world, particularly those who profess the Christian religion. I fear, however, that there are symptoms of militarism in the United States to-day, and any repercussions here will have reactions beyond the seas. In my opinion, the people of Italy and France, to whom the Senator has referred, desire peace. The people of Russia want peace.

Of course, there are those in every country who are willing to follow in the paths of the past, who look upon war, hateful as it is, as a heritage or evil from which humanity can not escape. They too often employ the same arguments in its defense that have been presented by militarists in all ages, and most of them urge "preparedness" as a preventive of war. "Preparedness" to some means large appropriations for military armaments and for the building of huge navies.

In the view of some peace is not long to be enjoyed by any generation, and nations must so conduct themselves as to ever be prepared for war. The thesis seems to be, let all nations arm to the teeth as a means to secure peace! That implies the greater the "preparedness" the greater the assurance of peace. This fallacy would make of the world an armed camp.

Mr. REED of Missouri. Mr. President, will the Senator yield further?

Mr. BROOKHART. I yield.

Mr. REED of Missouri. It is certainly refreshing to find one or two gentlemen who can speak for the entire world. Heretofore the spokesmen have generally confined themselves to certain classes of people whom they especially represent. Nobody will dispute that every individual in the world would like to have peace, but that is not the question we are discussing. We are discussing the question of whether the United States shall remain hopeless and helpless in the face of the vast armaments that are being created; and when we look to the official dispositions of nations it is well to look at the preparations they are making for war.

Mr. BROOKHART. In answer to that direct proposition, I would say to the Senator from Missouri that if we build 15 cruisers, or 30 cruisers, or 100, we will be just as helpless after they are built as we were before. Their value is nothing in warfare, and one of the most distinguished admirals of our Navy said that the only safe place for them in war time would be as far up the Mississippi River as you could get them. If you got them as far up as Missouri, that would make them fairly safe.

Mr. REED of Missouri. Mr. President, the Senator undertakes to quote one unnamed admiral. The Senator knows that the authorities of the Army and of the Navy are practically a unit for this bill, and that the opinion that some gentlemen have, or some 1 or 2 or 3 or 4 men may have, that ships of war are obsolete, is not the opinion of the men who have studied the problem throughout the world. It is not the opinion of Great Britain, or of Japan, or of Italy, or of any of the other nations which are expending vast sums of money to build fleets of war. If it were their opinion, they would not be building. So it is useless to talk about what some one man said.

Of course, the Senator himself, who was a good soldier and made an admirable record, is entitled to his view; but when any statement is made on the floor of the Senate that war vessels are useless, I put against the Senator's opinion the opinion of the military experts of the entire earth—with two or three exceptions of men who have gone wild on the question of airplanes.

Mr. BROOKHART. Mr. President, I have consulted some of the military authorities myself, the highest and best men we have, and I am not speaking without reason when I say that these ships will be junk from the moment they are launched, and be of little or no value in case of war. If the Senator from

Missouri were President of the United States and we should get into a war with Great Britain—of course, these ships are built against Great Britain, and no other nation—the Senator himself can not point out to me any safe place where he could send them to fight Great Britain right now.

Mr. REED of Missouri. Mr. President, there is never a safe place when you are fighting Great Britain. It is always unsafe.

Mr. BROOKHART. There would not be a fighting chance any place the Senator could send them.

Mr. REED of Missouri. We would certainly be safer if we had more of them than Great Britain had than if we had less than Great Britain had.

Mr. BROOKHART. If Great Britain had not one of them afloat and we had a hundred, I still say we would not dare send them against Great Britain.

Mr. KING. Mr. President, will the Senator yield?

Mr. BROOKHART. I yield.

Mr. KING. The Senator from Iowa referred to an admiral who stated in substance that in the event of war, because of the submarines and aircraft, the American fleet, particularly the battleships, would be unsafe unless they were up the Mississippi River. As I recall, a statement similar to this was made by one of our most distinguished admirals, Admiral Sims, who rendered excellent service during the war, and who is competent to speak. My memory may be at fault and it may have been Admiral Fullam. Many eminent naval writers and experts take the position that battleships and cruisers have lost their importance. Lord Fisher, one of the great naval experts, referred to the new agencies of naval warfare—the submarine and the airplane—and added that because of these forces he emphasized that the navy should be scrapped. Admiral von Scheer, who commanded the German fleet at the Battle of Jutland, referred to the submarines and torpedoes and said that the German submarines taught the world a lesson, and that the Battle of Jutland and the naval engagement on August 19, when two cruisers were sunk, changed the whole course of the naval campaign.

He also stated that the greatest naval fleet can not protect commerce against submarines. The German fleet at the Battle of Jutland was greatly inferior to the British Grand Fleet, and yet, as I read the account of the contest, the victory was gained by the German fleet. As I recall the facts, the fleet under Admiral Beatty was severely punished, a number of the battle cruisers and other fighting craft being destroyed. And Admiral Jellicoe felt constrained to retire because of the danger to the battleships from submarines. We all know that the British grand fleet sought refuge in Scapa Flow during the great part of the war. Upon a few occasions, when there was an intimation that a submarine had penetrated the harbor, the fleet fled to escape the submarine. The German fleet, during substantially the entire period of the war, was safely ensconced in German harbors.

We know that 24 submarines—and that is all that Germany had at any one time traversing the seas—came very nearly winning the war. They destroyed scores of war vessels belonging to the allied powers, and sunk more than 20,000,000 tons of shipping. It has been said by some naval writers that if Germany had had 200 submarines when the war commenced she probably would have won the war.

The trouble with some naval officers is that they are reactionary and adhere to archaic plans. In my opinion, that was the case with British as well as American naval experts prior to and following the World War. Many of them ignored the lessons of the war and failed to recognize the importance of submarines and airplanes. They still regard the battleship as the foundation and the capstone of the Navy, and sought to impose enormous burdens upon the people in the construction of battle fleets.

Mr. BROOKHART. Mr. President, I think I concur with most of what the Senator has said.

Mr. REED of Missouri. Mr. President, I do not want to prolong this debate on the side, but I think the world has had some new history given to it this morning.

Mr. KING. I am glad the Senator has learned something.

Mr. REED of Missouri. I think the news that the British fleet ran and that the German fleet stayed there is a bit of history that at least is unique. The fact about the matter is, as all of the records of the time show, that the German fleet put up a magnificent fight, under advantageous conditions, and then before the British battle fleet could be fully massed against it the German fleet retired. But again, we have Admiral Sims quoted, one man against the united judgment of the military experts of the world.

Mr. KING. Mr. President, will the Senator yield?

Mr. BROOKHART. Just a moment. I would not consider Admiral Sims's mere opinion, but the reasons he advances have very great weight, and they outweigh the reactionary sentiment of experts on military affairs very greatly, in my judgment. That is why I give weight to them. The fleet ran away and hid all the time during the World War because it did not dare get out and face even the little submarines or even the air forces of that time. Now, with the submarines so greatly improved, and with the air equipment perhaps a hundred times as efficient as at the beginning of the World War, there is no place left in warfare for these big ships, any more than there is for King Arthur's armor.

Mr. REED of Pennsylvania. Then, will the Senator tell us why Great Britain is so reluctant to limit them?

Mr. BROOKHART. The same reactionary military idea is ruling Great Britain that is ruling us in this country. I am familiar with it through and through. They are not looking forward to the developments since the war, but they are relying on old traditions, that have blown up and will disappear entirely when the next war comes.

Mr. REED of Pennsylvania. And so with France?

Mr. BROOKHART. France is using more sense.

Mr. REED of Pennsylvania. They have authorized the building of cruisers since the Kellogg treaty was signed.

Mr. BROOKHART. They are building cruisers, but they are building a good many more submarines, and the submarine has some more efficiency left in it.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. BROOKHART. I yield.

Mr. FRAZIER. I would like to ask if the Senator from Iowa does not think there are a lot of naval officers over in Great Britain, the same as there are here, who want some nice cruiser or battleship to sail on?

Mr. BROOKHART. A good many more, proportionately, than we have in the United States.

Mr. President, I had reached the point where I had said there is a change in the basic thought of the world. I would not say a change in the basic desire of the world. I agree that the desire of all sensible people always has been for peace.

Mr. SHIPSTEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. BROOKHART. I yield.

Mr. SHIPSTEAD. The Senator has said that the American people have always been for peace. It does not make any difference what the people are for when the Government makes the decision. Experience shows that it is not what the country is for, but that very often we get into war on other grounds than the things that are discussed here. If we have loans to protect, history shows we have gone to war to protect those loans.

Mr. SHORTRIDGE. Mr. President, will the Senator from Minnesota be good enough to name any one war we ever engaged in which we entered into to "enforce loans"?

Mr. BROOKHART. The World War, largely.

Mr. SHORTRIDGE. Not at all.

Mr. SHIPSTEAD. Of course, that may be a matter of opinion. I am informed, I think reliably, that when we went into the last war there was $5,000,000,000 of foreign paper in the 30,000 banks of the United States.

Mr. SHORTRIDGE. The Senator must recall we never declared war upon any nation. The resolution which passed the Senate did not declare war against Germany. It declared that war existed which had been made upon us.

Mr. SHIPSTEAD. Yes.

Mr. SHORTRIDGE. And we did not enter into that war in order to enforce any claim that we had, or to secure any outstanding debt due us. I regret exceedingly to hear a Senator of the United States say, and have his words to go into the RECORD of this body, that his Nation and my Nation entered into any war in order to enforce a monetary demand.

Mr. BROOKHART. There were some strong indications down in Haiti and Nicaragua and other little places where we have been conducting one-horse wars.

Mr. SHORTRIDGE. Does the Senator from Iowa stand by the proposition that our country has entered into any war for monetary reasons? I put it broadly. I do not stand for any such proposition.

Mr. BROOKHART. We have entered into transactions that I would call war. I do not know whether the Senator would call them war or not.

Mr. SHIPSTEAD. Mr. President, if the Senator will permit me, in view of what the Senator from California has said——

Mr. BROOKHART. I yield.

Mr. SHIPSTEAD. Of course, when I said what I did I had reference to the economic conditions which lead to a war. The overt act may not be the real cause of the war. The declara-

tion of war may not be the real cause of the war. We are talking about the causes for nations entering upon war.

In the debate yesterday it was clearly brought out in the very able speech of the Senator from Montana [Mr. WALSH] that at the outbreak of the World War we did not maintain our neutrality or enforce our rights as neutrals against Great Britain.

Because we permitted Great Britain to put food on the contraband list was given at least as one of the reasons why the German Government opened up its indiscriminate submarine warfare. That was also a violation of international law, and I believe to be the overt act that finally got us into the war. However, the debate also disclosed the fact that we had loans of vast sums of money to European governments and allied governments. Bankers here were the financial agents of the allied governments, and the fact that we had so much paper in our banks possibly had something to do, it was admitted in debate yesterday, with the failure of our Government to maintain our neutrality, to enforce our rights at sea.

In the debate yesterday I happened to refer to a letter that was written by the American ambassador to President Wilson. It was written a month before we went into the war. I was speaking from memory, and because so many Senators expressed surprise that such a letter should have been written, and because several Senators came to me afterwards on the floor and asked me confidentially if I had such a letter, I have brought it with me to-day. In view of what has taken place here, if the Senator from Iowa will permit me, I would like to read at least a portion of that letter.

Mr. BROOKHART. I am glad to yield to the Senator for that purpose.

Mr. SHORTRIDGE. Before the Senator does that let me say I referred to the remark the Senator made that we had gone to war to "enforce loans." I am listening to his explanatory remarks, and hereafter, if it should be proper, I shall express myself as to the immediate matter; but, not to further detain the Senator——

Mr. BROOKHART. I am glad to yield in any reasonable degree to the Senator from California.

Mr. SHORTRIDGE. I very earnestly deny that the United States of America has ever gone to war against any nation of this earth to enforce a monetary demand.

Mr. BROOKHART. It was an economic demand. I think the Mexican War can not be justified. I stand with Abraham Lincoln on that.

Mr. SHORTRIDGE. Do not quote or forget the fate of Tom Corwin on that subject. The Senator remembers what happened to him?

Mr. BROOKHART. Abraham Lincoln is a higher authority than Tom Corwin. I do not go any higher than that myself.

Mr. SHIPSTEAD. Of course, the act of Congress that took us into the war was based on the fact that war existed at the time, and I think that is true.

Mr. OVERMAN. Mr. President, will the Senator yield before he goes further?

Mr. SHIPSTEAD. The Senator from Iowa has the floor.

Mr. BROOKHART. I yield to the Senator from North Carolina.

Mr. OVERMAN. The Senator spoke of a letter yesterday. I was surprised, and I would like to know where the letter is to be found. Has the Senator a copy of it?

Mr. SHIPSTEAD. Yes; I have it here.

Mr. OVERMAN. The Senator proposes to read it now. Where can it be found?

Mr. SHIPSTEAD. I have it here in volume 2 of the Life and Letters of Walter H. Page, published by Doubleday, Page & Co. I find on page 269 a letter dated March 5, 1917, by the American ambassador to Great Britain, Mr. Page, written to Woodrow Wilson, President of the United States, and reading as follows:

MARCH 5, 1917.

To the PRESIDENT:

The inquiries which I have made here about financial conditions disclose an international situation which is most alarming to the financial and industrial outlook of the United States. England has not only to pay her own war bills, but is obliged to finance her allies as well. Up to the present time she has done these tasks out of her own capital. But she can not continue her present extensive purchases in the United States without shipping gold as payment for them, and there are two reasons why she can not make large shipments of gold. In the first place, both England and France must keep the larger part of the gold they have to maintain issues of their paper at par; and, in the second place, the German U-boat has made the shipping of gold a dangerous procedure even if they had it to ship. There is, therefore, a pressing danger that the Franco-American and Anglo-American exchange will be greatly disturbed; the inevitable consequence will be that orders by all the allied governments will be reduced to the lowest possible amount and that trans-Atlantic trade will practically come to an end. The result of such a stoppage will be a panic in the United States. The world will, therefore, be divided into two hemispheres, one of them, our own, will have the gold and the commodities; the other, Great Britain and Europe, will need these commodities, but it will have no money with which to pay for them. Moreover, it will have practically no commodities of its own to exchange for them. The financial and commercial result will be almost as bad for the United States as for Europe. We shall soon reach this condition unless we take quick action to prevent it. Great Britain and France must have a credit in the United States which will be large enough to prevent the collapse of world trade and the whole financial structure of Europe.

If the United States should declare war against Germany the greatest help we could give Great Britain and its allies would be such a credit. If we should adopt this policy an excellent plan would be for our Government to make a large investment in a Franco-British loan. Another plan would be to guarantee such a loan. A great advantage would be that all the money would be kept in the United States. We could keep on with our trade and increase it till the war ends, and after the war Europe would purchase food and an enormous supply of materials with which to requip her peace industries. We should thus reap the profit of an uninterrupted and perhaps an enlarging trade over a number of years and we should hold their securities in payment.

On the other hand, if we keep nearly all the gold and Europe can not pay for reestablishing its economic life, there may be a world-wide panic for an indefinite period.

Of course, we can not extend such a credit unless we go to war with Germany, but is there no way in which our Government might immediately and indirectly help the establishment in the United States of a large Franco-British credit, without violating armed neutrality? I do not know enough about our own reserve bank law to form an opinion. But these banks would avert such a danger if they were able to establish such a credit. Danger for us is more real and imminent, I think, than the public on either side of the Atlantic understands. If it be not averted before its manifestations become apparent, it will then be too late to save the day.

The pressure of this approaching crisis, I am certain, has gone beyond the ability of the Morgan financial agency for the British and French Governments. The financial necessities of the Allies are too great and urgent for any private agency to handle, for every such agency has to encounter business rivalries and sectional antagonisms.

It is not improbable that the only way of maintaining our present preeminent trade position and averting a panic is by declaring war on Germany. The submarine has added the last item to the danger of a financial world crash. There is now an uncertainty about our being drawn into the war; no more considerable credit can be privately placed in the United States. In the meantime a collapse may come.

PAGE.

The statement I made yesterday——

Mr. SHORTRIDGE. The Senator was reading from Mr. Page's letter?

Mr. SHIPSTEAD. Yes. That letter was sent by Mr. Page to the President of the United States.

Mr. BROOKHART. Before I conclude I shall read a letter from Sir George Paish about present conditions that corroborates that letter in a very strong degree.

Mr. OVERMAN. Mr. President, the Senator from Minnesota was going to refer to his own statement. He ought to finish that reference. The Senator said that war came about for the protection of Morgan & Co.

Mr. SHIPSTEAD. I referred to this letter and said the American ambassador had written a letter to the President of the United States before we were in the war, saying that he knew that the financing of the loans had now become too much of a burden for the private financial agencies of the French and the British Governments, Morgan & Co., and that, in his opinion, the Government of the United States would have to do it, and the only way they could do it, in his opinion, was to declare war on Germany. The letter I have read speaks for itself. He said the only way we could hold our preeminent trade position was to declare war on Germany.

Mr. SHORTRIDGE. What reply did President Wilson make, if any, to that letter?

Mr. SHIPSTEAD. There is nothing here to show that.

Mr. SHORTRIDGE. Is the Senator contending that President Wilson was moved to act by virtue of that letter from our ambassador?

Mr. BROOKHART. President Wilson had some high ideals about the World War, and I myself give him full credit for them.

Mr. SHIPSTEAD. I said that the act declaring war was a declaration that war existed, and I think that war did exist at that time. I did not mean to say that what I have suggested was the direct reason given for Congress passing the act declaring that war was existing at the time. I pointed to it, as I

believe it to be, one of the economic reasons that had its influence in preventing the Government of the United States from enforcing its rights at sea in the beginning of the World War. This failure, I believe, ultimately influenced conditions upon which we later entered the war.

Mr. SHORTRIDGE. The Senator does not mean to say now that we went to war to enforce a given loan or to insist upon the payment of sums of money due us?

Mr. SHIPSTEAD. Certainly I would not make such a statement or such a charge, that we went to war to collect a loan, though that may have had, and I think it did have, a great deal to do with finally bringing us into the war.

Mr. SHORTRIDGE. The Senator, however, did make such a remark in his earlier brief statement, but I see he has qualified it.

Mr. BROOKHART. Mr. President, I think it would not be fair to say that the remarks of the Senator from Minnesota presented that circumstance as the sole cause of the war.

Mr. SHIPSTEAD. No; I did not mean to give that impression; I mentioned it for what it was worth as indicating one of the economic causes that brought us into the war.

The Senator from California is familiar with the statements that have been made recently by British statesmen as well as by statesmen of the Central Powers of Europe and others in the United States and Canada, that there was a background of economic influences in all countries that led up to and caused the great World War. They were found in all countries, and influenced all the chancelleries of Europe. I think it is fair to assume that they, more or less, influenced our Government, and certainly, after reading this and other correspondence of the American ambassador to Great Britain, I can not help but come to the conclusion that he did not represent his Government with the fidelity that I should like to have seen him represent it.

Mr. BROOKHART. Mr. President, I think that letter affords very great enlightenment to the pathway of this discussion. I myself do not think that wars are caused solely by economic reasons, and yet the history of every war that I have analyzed shows economic oppression on one side or the other.

We can begin with our own Revolutionary War. The cause, so far as the American people were concerned, was the desire of political freedom, but that political freedom had been denied to them because of the economic desires of the mother country. Economic autocracy always is the most dangerous form of oppression. The American Colonies rose in revolution to obtain economic equality, to establish the great principle that all men are created equal and that all governments derive their just power from the consent of the governed. So far as the American people are concerned, I think that ideal governed them in that war 100 per cent. So far as those on the other side of the controversy were concerned, they were actuated by a desire to protect their loans, if that comparison may be used; in other words, they were actuated by a desire to protect their economic advantage over the people of the Colonies.

Our next war was the War of 1812. That was a war for the freedom of the seas, and I think very largely that was the ideal which governed the American people. Nevertheless, the idea that we had licked England and we could do it again had some effect on our action, and such an idea could hardly be placed on the high level as the desire to secure the freedom of the seas.

Our next war was the Mexican War. Again we had an ideal. The American people can not be induced to go into war unless they are convinced that there is some great purpose to be accomplished. Rightly or wrongly, they must be so convinced before they will consent to a war. Of course, the idea that convinced them in that case was the freedom of the little Republic of Texas. Personally, I think that was rather a subterfuge than a real, genuine cause. I am certainly in accord with Abraham Lincoln in his summary of the causes of the Mexican War, and I think that is one war in which we were in the wrong. We had no justification based upon the real high ideals of Americanism for engaging in that war. Texas could have been freed just as well without that war as with it.

Mr. FRAZIER. Mr. President, will the Senator from Iowa yield to me?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Dakota?

Mr. BROOKHART. I yield.

Mr. FRAZIER. Does the Senator recall the substance of the statement which President Lincoln made in regard to the Mexican War?

Mr. BROOKHART. Oh, yes; I mentioned that, but I can not at this moment quote Mr. Lincoln's exact language.

Mr. SHORTRIDGE. Mr. President, doubtless the Senator from Iowa remembers that that statement was made in what was characterized as the "Spot" speech of Abraham Lincoln.

Mr. BROOKHART. I think that is correct; but there is no doubt about his having made the statement, and there is no doubt about Mr. Lincoln's idea in reference to the Mexican War.

Next we came to the Spanish-American War, and again we found a people in revolution as we ourselves had been in revolution against England. That revolution had reached such a stage that we finally decided that we were justified in assisting in it, even as the French had assisted us in our revolution against Great Britain. I think that was a cause consistent with American ideals, and upon that basis the American people heartily approved that war.

Our Civil War, which preceded the Spanish-American War, grew out of economic considerations without any doubt. The Declaration of Independence had proclaimed the equality of men. That meant economic equality as well as personal equality. All men can not be created equal if they are not created with equal economic opportunity. That high ideal was written into the Declaration of Independence. It is the beginning of Americanism; it is the end of Americanism. Americanism is found in that great document—the greatest document of human rights ever produced in all this world. But after we had fought for seven years upon the ideals of the Declaration of Independence and had finally, with the aid of France, triumphed in the Revolution, then came the time that we must set up a government on our own account and affirmatively translate those principles into a constitution and into law. During those seven years we had drifted along without government, almost in chaos, as it were. Then the Constitutional Convention met. That convention reacted a long way from the high ideals of the Declaration of Independence. That convention finally agreed upon a constitution that recognized and established human slavery. There is no greater economic or political crime against the Declaration of Independence than the language of servitude which was written into the Constitution of the United States. It took us 75 years of time, a million men, and billions of money finally to remove that political crime from our Constitution.

The people of the South went into that war in spite of the fact that they were defending slavery on the basis of what were considered ideals. They were as honest in adhering to those ideals as were we in the North, but, of course, those ideals when considered after the lapse of time, that takes away prejudice, will not stand analysis as compared to the ideals of the North; and I think everybody in the United States is now glad that the institution of slavery is ended forever.

Our last war had its economic causes; economic questions were raised, as the Senator from Minnesota has pointed out; but I want to give President Wilson credit—and I have given him credit in all cases when I have spoken on the subject—of having great American ideals upon which he acted. It reached the stage where he said it was necessary for us to enter the war in order to make the world safe for democracy, to end wars. Those were great ideals which the American people generally understood and which led them to approve the action of the Government of the United States. Even the German-American portion of our population approved those great ideals. I do not for one moment believe that the American people ever had a thought of enmity against the German people; their thought was against the autocratic government and power that ruled Germany. I have said heretofore, and I repeat, that the greatest act of Woodrow Wilson, in my opinion, was at the end of the war when he called upon the people of Germany to rise in revolution and establish a government with which we could treat. That government has been established; it certainly has my good wishes and my hope for its permanent endurance; and I think that the fiasco of the seventieth birthday celebration of the former Kaiser the other day is conclusive proof that his autocratic power is gone forever.

Following the late war, and even during the war, Woodrow Wilson presented to the Congress of the United States his 14 points of peace. I have here the record of his speech. I may read it before I get through, but not at this time. Those 14 points of peace were a great American ideal based upon this new thought for the outlawry of war. That is the landmark in the history of the world when we start toward ending war as a governmental process in the settlement of disputes.

Wilson was not able, in the treaty of Versailles, to establish all of his 14 points of peace. When I was in Germany, with a good deal of justice, many said to me, "You promised us 14 points and gave us 4." Perhaps that is a little strong; but that was not Wilson's fault. He nevertheless had his ideal, and he did his best to put that ideal into the treaty of peace itself.

Failure is not always a detraction from greatness or from the greatness of an ideal. I think the amendments to the Constitution of the United States are the greatest part of it.

The first series of amendments belonged to Thomas Jefferson and to his ideal, and his era, the Bill of Rights. The next series of amendments belonged to Abraham Lincoln and his ideals. The last series of amendments, which gave us the income-tax amendment and the direct election of United States Senators, the suffrage for women, and prohibition, belonged to the statesmanship and the ideals of William J. Bryan.

Although Bryan never was President of the United States, he must rank in the highest place among the statesmen of our country for the ideals that he had, and for the success that they finally obtained in the Constitution of the United States itself.

And so with Woodrow Wilson in reference to his 14 points. They are not yet in the League of Nations; they are not in the World Court; but this treaty that we ratified the other day for the outlawry of war is the first great step to give them effect in international relations, and there is hope that the ages will finally ratify, even to the limit, these great ideals of peace.

Why did Wilson fail? It was because the economic organization of the world was wrong. It was because the world is organized on a basis of war, both as between individuals and nations and also as between affairs of business.

I do not believe we can ever reach a stage of world peace on the competitive theory of business affairs which we are following in this world. I believe we shall have to adopt a different system, and I have detailed ideas of what that system should be. In fact, it is growing; it is building itself slowly but surely and completely the world around. I have quoted in this Chamber the fact that 92 per cent of American business ultimately fails. Those are the figures of former Senator Pepper; and former Senator Harreld, an expert upon that subject, put the statement in the RECORD, in a speech on this floor, that 96 per cent ultimately fails. Now, think of an economic organization in the world that is based upon that great percentage of failure; and yet it is as hard to get our business men to review that system, and to consider a measure of change or relief from it, as it is to get our reactionary navy men to see that the days of the big warship are over.

Economic affairs, as I have pointed out, were on one side or the other of all these wars, and they are going to be in the future; and economic affairs, I think, are more behind this cruiser bill than any other proposition.

The hearings on this bill show plainly that the principal supporters of it in the committee were the shipbuilders. They were all on hand, and they were all patriotic for the profits of building these ships.

The Senator from Maine [Mr. HALE]—I regret that he is not here, because I want to ask him a few more questions about it—said, I believe, that we had some 22 shipyards, and that over half of them were idle, and that one of the purposes of this bill was to give employment in those shipyards and bring back the prosperity of these millionaires who are now losing some money because their shipyards are not busy.

In the United States we have grown so accustomed to bringing in the Treasury and the Government to back up big business in that way that that argument passed over almost unnoticed. Here we were since 1920 with a million and a half farmers in the United States who have gone into bankruptcy as a result of economic discrimination, but nobody, even in the most radical farm bill, has ever proposed to come to the relief of those identical farmers; and yet it is all right to spend $300,000,000 of the Government's money to rehabilitate this business that has already made a large flock of millionaires!

I think that is the trouble about this bill. Here is the President of the United States willing to take out this time limit and then secure an international agreement that will make these ships unnecessary; but these shipbuilders and shipyards want no such American idea as that to prevail. They want the profits.

The junior Senator from Virginia [Mr. GLASS] asked me what I meant by "profiteering"; and he seemed to have the idea that if a private shipyard could build these ships at a cheaper figure than the navy yards, that was not profiteering. But here are these private yards in distress now. Any kind of a measure that will keep the yards running will mean an immense profit for the owners of those yards.

The Government is in no way to blame for their being in distress. Under the competitive rule of business they have arrived there, just as almost all competitive business ultimately does arrive. Therefore, they have no claim upon the Treasury of the United States to be rehabilitated. Nevertheless, their representatives appeared in these hearings, dominated the hearings, and have then been commended on the ground that one of the patriotic purposes of this bill is to rehabilitate and build up their business that has broken down on its own account.

If we are to outlaw war, we must first take the profits out of war. I am opposed to war profiteering in any degree in time of war, and I am just as strongly opposed to any private person making profits out of preparation for war. Everybody has conceded that the first proposition is right. I have heard every class of statesman and every class of people in our country say that we must stop profiteering in the next war. Even profiteers join in that talk, because there is no argument against it; but they are alert and shrewd and keen toward developing a situation that will continue their profits.

The American Legion many years ago passed a resolution against war profiteering, and it passed a resolution for the drafting of capital on the same terms as men; but there is something wrong in the upper story of the American Legion on that proposition. The rank and file of the American Legion are against war just as much as I am against war. Of the 800,000 members of the Legion, three-fourths would vote against this cruiser bill if the facts were laid before them. I have tested the matter out in my own State, and I am certain that that is true. Of the other soldiers about three and a half million are not in the Legion, and this is more emphatically true of them; yet the leaders of the Legion indorse these bloodthirsty measures backing profiteering.

I am going to offer an amendment, before I conclude, to build all of these ships in the Government yards, and end all of this chance at saving private profiteers in their private business.

If that amendment were adopted, I think this bill would collapse at once. Most of its patriotic supporters would disappear right away because their opportunities, their economic opportunities, would be gone at that minute.

Now I want to meet the American Legion leaders upon this proposition. I am a member of the Legion, I have a right to criticize it, and I mean to do so. Let us discuss for a moment the draft proposition. After the convention had declared for drafting capital on the same terms as men were to be drafted, the committee of the Legion brought in a bill and had it introduced, and it finally got around to the Committee on Military Affairs. That bill provided for the most drastic methods of drafting men. The first bill even gave the President power to draft them before war was declared, although the sole power of declaring war is in the Congress. It fixed up an arrangement to catch the slackers in every way, but when it got down to drafting capital, there was no such word as "draft" there. It would "stabilize" capital, of course, on a cost-plus plan.

The sponsors of that bill, as they came before the committee in the hearing were, first, a great Wall Street speculator, and, second, a great president of a great railroad. That bill does not in any way meet the ideals of the membership of the American Legion on this subject of drafting capital. In fact, it suppresses those ideas.

Mr. DILL. Mr. President——

The PRESIDING OFFICER (Mr. THOMAS of Oklahoma in the chair). Does the Senator from Iowa yield to the Senator from Washington?

Mr. BROOKHART. I yield.

Mr. DILL. Does the Senator think that it will ever be possible to draft capital without a constitutional amendment?

Mr. BROOKHART. These great financial magnates who appeared before the committee presented the idea that you can not draft capital, that it runs away and hides, and you get nothing. My answer to them was, "You propose the most drastic measures for catching slackers among men, and then want to legalize slackers of capital." Capital can be drafted under the Constitution by recourse to the taxing powers given Congress in that instrument. I think I can explain to the Senator a reasonable basis for drafting capital and a reasonable way by which to accomplish it.

Since 1912 the American people have been producing wealth to the extent of 5½ per cent per year. That is the most important economic fact for a Member of the Senate to know and to consider when we are passing tariff laws, when we are passing railroad laws, when we are passing farm laws, when we are passing any sort of an economic law in Congress. Yet we never hear about it. Those are Mr. Hoover's figures; so my friends, the regulars, will not dispute their authenticity. I do not believe even the Democrats will, after what happened in November.

Five and one-half per cent since 1912 is all that has come into the American pool. That is all the new wealth we have added, with all the earnings of all capital, all the earnings of

all labor, all increases in property value, and, finally, all depreciation of the dollar added in.

The junior Senator from Nebraska [Mr. HOWELL], who, as we all know, is a wizard in such matters, went clear back to the Declaration of Independence, and figured the proposition clear through, down to date; he added up the values of all the new territory, including the Louisiana Purchase out west of the Mississippi River, the purchase of Florida from Spain, the Southwestern States, which we took from Mexico, and Alaska, which we got from Russia. He added in the value of all the new cities and buildings that were erected everywhere, he added in every dollar of wealth production in the history of our country, and prior to 1912 it averaged a little less than 4 per cent a year.

That means that if we give to capital all there is in this American pool, if we give capital a return of all our wealth production and distribute it evenly, the figures will show it got only 5½ per cent since 1912.

Now we come to drafting capital for war. We draft men, first, on what terms? The distinguished financiers who appeared before our committee admitted it was less than half or a third of what they earned, on an average, in peace time. If we are to draft capital upon the same terms, we will draft capital, then, on a third of what it can earn in peace times. If we give to capital all that is earned by labor, the unearned increment, the increase in property values and depreciation of the dollar—everything—we would then have to figure a third of 5½ per cent as the rate at which capital should be drafted.

I do not think that capital is entitled to all that is produced in the country. I think some share should go to labor, management, and the inventions of genius. But I am making this argument as though it were entitled to all. Therefore this draft law should take capital and take all of the profits above—we will say a third of 5½ per cent—as a tax to support the war. That is the way capital can be drafted under the Constitution of the United States. It is just as easy to do that as it is to draft soldiers under the Constitution of the United States.

The draft bill did not go through. I had a controversy over it in the last State convention out in my State, and its main sponsor was there. But the convention did not indorse it. Its supporters did not dare bring it up for indorsement, even, before that delegate convention—and the delegate conventions rarely ever really represent the sentiment of the common soldier. He would be much more in favor of drafting capital on the same terms as men than would be the leaders who show up in the conventions.

In fact, it has been my experience with conventions of every kind that they are usually organized to thwart the sentiment and the will of the common run of people. But the bill was not indorsed. It was sent back for study and for consultation and conference with the labor organizations. I am glad to note that the chairman of our Military Affairs Committee has announced that a resolution would be presented and that we would have a commission now to investigate that matter.

The rank and file of the American Legion are absolutely sound upon these questions all the time, they are never influenced by the profiteers; but the leaders of the Legion are often too much under that influence. They failed in their intent to put through this universal draft bill upon the people of the United States.

Now they come in, and against the wish of the President of the United States and the President elect of the United States, they insist that these cruisers be built, and built now. The most blood-thirsty declaration of all comes from the American Legion. They are just as far wrong as they were upon the universal draft bill. I refuse to follow a leadership that does not consult the real interests and the real sentiment of the rank and file that compose that greatest American organization.

Mr. President, at this time I desire to offer an amendment and have it printed and lie upon the table. I would like also to have it read.

The PRESIDING OFFICER. The clerk will read.

The LEGISLATIVE CLERK. On page 2, line 5, after the words "and provided further," strike out the remainder of the sentence and insert in lieu thereof the following:

That all of the cruisers provided for in paragraph (a) of this section, and also the aircraft carrier provided for in paragraph (b), together with their main engines, armor and armament, shall be constructed or manufactured in the Government navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States, together with their main engines, armor and armament, except such materials or parts as are not customarily manufactured in such Government plants.

The PRESIDING OFFICER. The amendment will be printed and lie upon the table.

(At this point Mr. BROOKHART yielded to Mr. HEFLIN to suggest the absence of a quorum, and the roll was called.)

Mr. BROOKHART. Mr. President, I wish briefly to discuss the situation in reference to the multilateral treaty. I regret that I am unable to agree with the distinguished senior Senator from Montana [Mr. WALSH] upon that question. I think the multilateral treaty should be considered upon its real merits. I think it should be credited with its real virtues. I think it is worse than mockery for a great Government like the United States to adopt a peace treaty and then immediately, as the next business before its legislative body, to adopt a system which would nullify that treaty.

The outlawry of war is the starting point in disarmament, and if war is illegal and we are not to resort to war to settle our international disputes, then it is logical that we should reduce and abolish armament for war purposes. As soon as we have decided to stand upon that ground, then there will be no occasion for further appropriations for war.

I do not agree with the technical arguments that it is not preparing for war when we build a great fleet under the pretext of protecting our commerce. I think it is a preparation for war itself when we have denounced and condemned war by the peace treaty. In that view it seems to me the world would be justified in looking upon us as insincere if we immediately follow that declaration with the building of 15 great cruisers.

I have observed some of the comments upon the proposition from abroad and I think they are quite universally in accord with the observations I have made.

In this connection I have an article by J. Ramsay MacDonald, the former Prime Minister of Great Britain, entitled "America and England," which I will read, as follows:

LONDON, *January 10.*

The relations between the United States and Great Britain grow increasingly unhappy. The usual committees of friendship are being formed—always an ominous sign—and the usual signals of a faith in doubt are being flown, such as: "War between the United States and Great Britain is unthinkable." When I hear that I am reminded of the sailor who in dire peril expressed a thankfulness that his religion was still left. The plain fact is that a spirit is growing up in the two countries which is estranging them and is encouraging a kind of squabbling criticism which destroys mutual understanding and forbearance. It is very curious that the behavior of young creatures in nurseries so often illustrates that of nations toward each other. What each of our nations requires at this moment is a good, robust call from manly common sense.

One type of mind is peculiarly pernicious in such circumstances, that of the apostle of the inevitable. It has an alluring air of detachment and yet of stoical submission to the decrees of Providence. Today it murmurs as in a drowsy trance that great economic empires have always clashed and fought, that capitalist competition has always brought armaments competition, and that that in turn has always brought war. Therefore all that the United States and ourselves can do is to go on temporarily with our struggle for markets and rivalry for possession of furniture and old masters, and wait for the inevitable clash and crash decreed since the beginning of the world. Against this superstition and misreading of history every backboned sentiment of morality and common sense must be up in arms. Given governments which have minds to form rational policies and a public opinion which represents an active will and is not merely a spill drifting upon the currents, war is no more inevitable than the smallpox, and the causes of war are just as controllable as insanitary conditions.

The European war left for the United States and England times full of petty irritation. The burdens of debt, revolutions in industry and in world markets, the problems of political readjustment in a world which has undergone more change than people really imagine, and, in some respects, the even more difficult mental readjustments that are called for, are not good for an equable temper. And when we come down to actual business we find ourselves still more immersed in the strangeness of the change which has taken place. The whole world to-day is calling for peace and security against war, and when a simple declaration against war which avoids every practical difficulty is put before the world, the world hails it with acclamation, signs it—and relapses. To those of us who believe that to bring the nations out of the war age is the divine task of this generation, the temptation to lapse into cynicism rather than continue in an energetic faith is very great when we find that armament expansion both in Europe and America has been decreed by the same hands and the same pens as signed a solemn bond to eliminate forever the consideration of war from national policies. There is something wrong somewhere. Somehow, the distinction in Christian conduct between Sunday and the rest of the week seems to be creeping into international policies.

The first reflection which we are apt to make on such a situation is that some nation other than our own is perfidious. That has the

demerit of leading us nowhere except up the dangerous way of self-appreciation, and it also happens to be inadequate as an explanation. The fact is that every nation is rent between two opposing and hostile moods. Everyone wants peace, but no one will accept and pursue a policy based upon peace assumptions. The practical policy of the United States and Great Britain is exactly the same as that which preceded and prepared for the late war. Let us both get to close grips with reality. We have gone to Geneva to discuss naval armament, and we have both sent naval officers to do the negotiating. Both of us have begun with the assumption that war, involving our interests and safety, may break out. The duty of a naval officer is not to make peace but to safeguard his nation's interests in time of trouble, and both you and we have an admirably able and honest body of men to advise us on that matter. At Geneva it was not our mutual desire for peace that failed; it was not the impossibility of a peace policy that was demonstrated. It was a much simpler and very obvious thing. It was that, in the event of a war which brought us into conflict with each other, or that brought us separately into the strife, the naval arm that the United States would require for security would not be the same as that which England would require for security; that, indeed, if either the United States or England thought of security in relation to the hostility of each other, both of us would have to increase rather than diminish our shipbuilding. That was all that the Geneva failure proved. Was it really worth while going to Geneva for that purpose? Admirals as naval negotiators could not do other than bring out that obvious fact, and their negotiations could only expose the obvious. Then, English papers and American started their fusillades. They missed completely the reason for the failure and in good old-fashioned style went for the other side hammer and tongs. You patted yourselves on the back, kicked us, and we did exactly the same on our part; and the Atlantic became broader far and more stormy for both of us.

Then came our military—not only naval—agreement with France. For that I have nothing to say except that it illustrates the bungling of so much of our present Government's foreign policy. I do not believe that it was directed against the United States. It was simply stupid. It sacrificed our own national interests far more than it menaced yours. The country, irrespective of party, rose up and, following the lead of the Labor Party, rejected it. It would be highly improper for me to pass any opinion on the new American cruiser program; if I did so, it would quite properly be resented. But I may be allowed as an outsider who is greatly concerned with the moral authority which every great state must possess if we are to secure the conditions of a world's peace, to say that the execution of that program will be a great blow to the nation from which the Kellogg pact originated.

I will read that sentence again:

But I may be allowed as an outsider who is greatly concerned with the moral authority which every great state must possess if we are to secure the conditions of a world's peace, to say that the execution of that program—

The cruiser program—

will be a great blow to the nation from which the Kellogg pact originated.

You may consider it necessary to face that, but, make no mistake, the result will be the same as though my country had not declined to countenance the Anglo-French agreement. People will say: "Oh, yes; they boast of their declaration denying that war is to be a consideration in national policy, and with a simultaneous voice vote for a larger navy," and if men can say that, it will be a bad thing for every movement seeking to establish a world peace.

Here in Europe those of us who are devoting our lives to the elimination of war from the national records of the times to come are nearer to the frontiers from which war alarms come than you are in America, and we, therefore, see phrases and words with a meaning in realistic policy somewhat different from the meaning you see in them. But we know that with America indifferent, or neutral, or pursuing its own way, our tasks are to be heavy and our defeat is to be more possible. Therefore it is imperative that steps be taken at once to end all this foolish and mischievous feeling which is alienating the United States from Great Britain.

The first thing to be done is to bring to a common table for discussion the reasons why ships are being built, why we both went to Geneva with the assumption we did, why we are thinking of trade routes being blocked, what there is between us that for immediate policy, newspaper writing, and political electioneering makes the Kellogg pact a mere collection of words strung upon a pious thread. The task of the statesmen is to make impossible the conditions upon which the masters of naval strategy spend their efforts. Why do not the statesmen act? If they are acting, why do they not give us comfort by informing us that they are? Is no attempt to be made, is none being made, to clear up the confusion of "the freedom of the seas"? Has neither of us the courage to discuss with the other what the interests and obligations of both are in, and to, the world and each other? Have both of us failed to observe how easy it is for nations to slip into war for nothing, how ready popular imagination is to be set on fire by anyone—even an almost anonymous newspaper proprietor—who cares to light a match? This is no case for private and unofficial action and conferences. The Governments must act. Both countries ought to appoint five or six of their most outstanding public men representative of the whole nation to meet and drag from the obscure corners of sulky suspicion the things which make difficulties between us. Let us know them. Mayhap fresh air would clean our minds of them. Governments are timorous, and if this be too solemn a proceeding for them to support, let them do something themselves, only we should like to be assured that they are aware of the mighty issues involved in a lack of real good will and confidence between the United States and Great Britain. No staging is too impressive for the importance of friendship between us, no pageantry too extravagant for the proclamation that difficulties have been removed. I want to involve the United States in no European escapade and no entanglements. It ought to praise its Creator night and day that that necessity is not imposed upon it as it is, alas, upon us. But those of us whose lot is cast here and whose fate it is to struggle against the powers of militarism which have been wounded but certainly not killed in the late war, should like to feel that an American hand will always be placed in ours for encouragement and that the relations between your country and mine can be held up to the world as an example of what we are striving to establish everywhere.

Mr. President, I think the real relation of the cruiser bill to the multilateral treaty has not been more eloquently or forcefully or truly expressed, and I hope the Senate will really consider those deep and overpowering expressions of friendship and will at least take this time limit for immediate construction of these cruisers out of this bill.

Now, briefly, I want to mention another political proposition that surrounds this question.

We have already, after much discussion, not on the floor but among ourselves, and much consideration of the great farm problem—the greatest economic problem of our time—decided that it ought to go over to the new administration. It is that administration that must carry it out, and whatever we might do now would be handicapped. Every reason and every consideration indicated that that great problem should be left until after the inauguration on March 4. Here is a world-wide question, one that must be of importance, not only to our own country but to all the countries in the world, one that is even being discussed, as Ramsay MacDonald discussed it, in all the countries of the world; one that has a bearing upon this great world policy; and yet, against the desire and the wish of the new President of the United States, we are to send this bill through to enactment and begin this war policy at once, whether or no.

It seems to me that the plainest considerations of common sense demand that we let this whole question go over for the consideration of the new administration.

Now, Mr. President, I see that the chairman of the committee is present, and I want to ask him a few questions in reference to the shipyards of the country, How many of them are idle and how many of them appeared before the committee? How many private yards have we that could build these warships?

Mr. HALE. At the present time the only yards that are in active operation that could build these ships are the New York Shipbuilding Co., which I believe has taken over the shipbuilding plant of the Brown-Boveri Corporation——

Mr. BROOKHART. They appeared before the committee for this bill?

Mr. HALE. Yes; a representative from that company did appear; the Newport News Shipbuilding Co.——

Mr. BROOKHART. They appeared for this bill?

Mr. HALE. I think they had a representative at the hearing; and the Bethlehem plant at Fore River, Mass.

Mr. BROOKHART. And they appeared for the bill?

Mr. HALE. I am not certain whether they had a representative at the hearings or not.

Mr. BROOKHART. Are there any other plants that would bid on these cruisers or have anything to do with their construction?

Mr. HALE. There are other shipbuilding plants that might build these ships—plants that have ways that could take care of these ships. I presume that where a large number of ships are to be built in the future, a great many plants will bid on the ships.

Mr. BROOKHART. The Senator means they would put in the necessary new equipment to build them?

Mr. HALE. I presume so; yes, if they have not already equipment on hand.

Mr. BROOKHART. All of those companies appeared favorable to this bill, did they not?

Mr. HALE. No, Mr. President; the two above-mentioned companies appeared here to object to the so-called Dallinger amendment.

Mr. BROOKHART. They objected to that because it required half of the cruisers to be built in Government yards?

Mr. HALE. Yes.

Mr. BROOKHART. And they wanted it fixed so that they would all be built in their yards?

Mr. HALE. I think they would have been satisfied with the old provision that was in the appropriation bills—that when time and facilities permit, ships shall be built in Government yards unless it is cheaper to build them in private yards.

Mr. BROOKHART. The idea I was seeking to develop was that they all favor the construction of the ships in some manner. The Senator says now they opposed the Dallinger amendment for building half of them in the Government yards.

Mr. HALE. Yes; I think that was the primary purpose of their coming here to Washington.

Mr. BROOKHART. Did they disclose in these hearings their present financial condition and the condition of unemployment in their yards?

Mr. HALE. The Senator can read the reports of the hearings.

Mr. BROOKHART. Yes; but I did not want to take the time necessary to put all that in the RECORD. I wanted to be brief in the discussion of this matter.

Mr. HALE. I think they showed that they were having very hard sledding at the present time in getting work to do in all of the private yards.

Mr. BROOKHART. And if these ships are built, that would help them to rehabilitate their business in every instance?

Mr. HALE. Naturally, if they got contracts for ships, it would help them to rehabilitate their business. I do not think they took part in any way in the question of building the ships; they simply stated that if they were to be built they wanted to have a chance to bid on them.

Mr. BROOKHART. How many of these private yards have we in the United States? How many appeared before the committee?

Mr. HALE. Very few appeared before the committee, Mr. President. Mr. Wilder appeared, representing the Brown-Boveri Co.; and I think there was some one from the Newport News Shipbuilding Co. I think there was no one from the Fore River Co.

Mr. BROOKHART. Did they have an association of any kind—an association of these shipbuilders?

Mr. HALE. I do not know exactly what the Senator means by "an association."

Mr. BROOKHART. Like the chamber of commerce, only a shipbuilders' club, or whatever you would call it?

Mr. HALE. That I can not tell the Senator.

Mr. BROOKHART. Does the Senator know how many private yards we have in this country that build vessels of this kind?

Mr. HALE. I can get the figures for the Senator. I have here a list of private shipbuilding slips capable of taking 10,000-ton cruisers:

The Federal Ship Co., which has six ways with a length of 605 feet.

The American Brown Boveri Co.—as I have said, that is now, I believe, the New York Shipbuilding Co.—with nine ways running from 602 feet to 768 feet.

The Newport News Shipbuilding Co., with eight ways running from 650 to 1,000 feet.

The Sparrows Point plant, Baltimore, Md., with five ways 600 feet in length.

The Fore River plant, with eight ways. I do not find the length here, but I presume they are something over 600 feet, as that would be necessary to take the cruisers.

The Sun Shipbuilding Co., with three ways of 500 feet, which could be lengthened for the purpose.

Making a total in these yards of 39 ways that could be used for building these cruisers.

Mr. BROOKHART. Has that statement been put in the RECORD?

Mr. HALE. I think not; no.

Mr. BROOKHART. Will the Senator permit me to insert it at this point, then?

Mr. HALE. Yes; I shall be very glad to have the Senator do so. I will put it in.

Mr. BROOKHART. I wanted to glance at it.

Mr. HALE. It is not entirely complete. In one case it does not give the length. I will put the table in as it is, however, without objection.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Private shipbuilding slips capable of taking 10,000-ton cruisers

Company	Number of ways	Length
		Feet
Federal Shipbuilding Co.	6	605
American Brown-Boveri	4	660
Do	1	768
Do	1	694
Do	3	602
Newport News	6	650
Do	2	1,000
Sparrows Point, Baltimore, Md.	5	600
Fore River	8	[1]
Sun Ship Co.	3	500
Total	39	

[1] Can build ships 600 feet by 75 feet.

(At this point Mr. BROOKHART yielded to Mr. CURTIS, who suggested the absence of a quorum, and the roll was called and a unanimous-consent agreement was entered into.)

The VICE PRESIDENT. The bill is still in Committee of the Whole and open to amendment.

Mr. HARRISON. Mr. President, I thought the Senator from Iowa still had the floor.

The VICE PRESIDENT. The Senator from Iowa.

Mr. BROOKHART. Mr. President, there is one other phase of this question I desire to discuss; that is the phase presented by the junior Senator from Maryland [Mr. TYDINGS]. I think the junior Senator from Maryland has made the strongest argument against this cruiser bill that will be made in this debate. I regret that it has not converted him and will not control his vote.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BROOKHART. I yield.

Mr. TYDINGS. I pointed out that France has a standing army five times the size of that of the United States, that Italy has a standing army three times as large as our own, that Poland and Czechoslovakia each has a standing army twice the size of our Army, that Russia has 646,000 men in its standing army against 137,000 in ours, that England has 435,000 soldiers in her combined armies, while we have only, as I said, about 137,000 in our Army. I do not see how the Senator could construe that as being a very good argument against the need of cruisers, because it is obvious that the Navy and the Army must be considered together; and as long as we maintain a small Army we must have a strong Navy, behind which, in case of attack, we could organize and recruit such forces as we might need.

In that connection, may I continue a moment more in the Senator's time to point out that in France to-day 1 out of every 55 men, women, and children is in the standing army, and that in our own country 1 out of every 800 men, women, and children is in the standing Army; that in Italy 1 out of every 80 men, women, and children is in the standing army, and that besides these heavy armaments all over the world, Japan, Italy, and Great Britain exceed us in the number of cruisers of this class, which they now have or which they are building. Besides that the world owes us $26,000,000,000, including the war debt; which, as I pointed out the other day, it is doubtful if we will be able to collect; certainly we will not collect a lot of it without cruisers, in my judgment, if we really want to collect it.

If the Senator feels that those facts, as against his theories, point to the fact that we do not need these cruisers, then I am at a loss to know what logic to employ.

Mr. BROOKHART. Mr. President, if the Senator had stated those facts and then stopped, he would have a good argument for war and armament, but unfortunately for his logic he did not stop with the set of facts. He took this great debt and pointed out how we have an economic power to disband all the armies and to sink all the navies, and I think he is right. Now we have that economic power in our hands right now. Not only did he do that but he introduced a resolution calling upon the Government of the United States to stop the making of foreign loans and to check armament all over the world. I think that was a wise and far-reaching resolution. I think it is the strongest argument that has been made against the cruiser bill or any other form of armament for war.

Mr. President, this matter can be controlled through economic forces and it is that phase of it that I wish to discuss in conclusion. I feel certain that we have gone to the point of danger in economic forces not only in the United States but in the world. I think we have created an economic bubble in our own

country such as the world has never before seen. I think the building of these cruisers would simply add to it and detract nothing from it. We not only control this vast credit throughout the world, but we have created a vast credit in our own country and we have turned the control of that over to the same forces that want to build the cruisers. Right now most of the surplus credit of our country is collected in New York City, in the great speculative center. It is making for disaster. It is levying a toll or tax upon every other business in the country. That situation exists throughout the whole world.

I want to read from the People's Year Book, the National and International Cooperative Congress of Great Britain, for the year 1928 a summary of the economic situation which supplements what the Senator from Maryland has already put in the RECORD. The article is by Sir George Paish, and there is perhaps no greater economic authority in the world than he. He said:

It must not be assumed that a breakdown of credit would necessarily wreck the machine of business and lead to chaos. Its seriousness would be governed by the manner in which the situation was handled when it occurred. At the beginning of the war there was a breakdown of credit. At that time no banker or business man knew where he stood. The declaration of war severed so many connections, broke so many contracts, and prevented so many people from meeting their obligations that general bankruptcy was threatened. But this breakdown was remedied for the time being by moratoria, and by the British Government agreeing to guarantee the due payment of all recognized British bills then outstanding. Subsequently it was overcome by the huge expenditures in all parts of the world of the governments of the warring nations, and by the ability of these governments to obtain the credit necessary to pay for all the goods and produce they purchased. Thus the breakdown of credit and of business was completely repaired, and in a relatively short time the machine of trade was again in working order.

In Russia, at the revolution, there was a breakdown of credit and of business. For a time trade could be carried on only by resorting to a primitive system of barter which entailed great suffering upon the Russian people. Unfortunately in this case the breakdown was not handled in a manner that enabled the Russian business machine again to function freely. The measures at first taken rendered the breakdown still more complete and more disastrous, and although these were subsequently modified, the Russian Government has not even yet applied all the measures necessary to restoration. Today, 11 years after the Russian breakdown, the Russian business machine of production and of distribution is still working intermittently and ineffectively. Not until the Russian Government and the Russian people create confidence in their ability, as well as in their willingness to fulfill any obligation they incur, will it be possible to restore the Russian business machine to full working order by a freely flowing supply of both national and international credit.

Again there were breakdowns of credit and of business in various continental countries at the close of war and on the conclusion of peace, more particularly in Austria and in Germany.

In Austria the breakdown provoked the sympathy of the whole world, and it was repaired, after the Austrian people had suffered seriously, by the assistance, first, of Great Britain and the United States, and, secondly, of the League of Nations, which furnished the Austrian people with the credit they needed to purchase what they required and to restore and expand their industries.

In Germany a business and credit breakdown occurred as a result of the revolution and also of the peace treaty, which, by preventing the German Government from raising sufficient revenue from taxation, forced it to meet its expenditures by issuing such phenomenal quantities of paper money that its notes ceased to have any value. This breakdown was effectively repaired by the issue of currency notes, known as Renten marks, secured by a mortgage upon industry and agriculture, as well as by the Dawes plan of reparations, which, by limiting German reparation payments to sums within the power of Germany to meet with the aid of foreign credit, restored confidence in Germany's future and enabled her to borrow abroad large sums for the restoration of her currency and of her industry.

VICTORS AND VANQUISHED AFFECTED

Were another breakdown of credit and of business to take place such as that of 1914 or of those in Russia and Germany, its magnitude and its effect would depend not only upon the willingness of the nations to repair it but on the efficacy of the measures they would be prepared to take in order to restore the great world machine of credit and of business to full working order. Indeed, the threatened breakdown might be altogether averted if the nations were even now prepared to take the measures they must take after the breakdown.

The grave danger of a breakdown, both of credit and of trade, to which the nations are now exposed, is a world danger which, if not averted, will bring distress and suffering to every country. It arises from the dislocation caused by the war as well as by the perfectly impossible policies pursued by the nations since the war. It is the result of the folly and ignorance of the statesmen who did not realize that war in these days injures the victors as much as it does the vanquished and that its consequences bring nothing but sacrifice.

The war plunged the nations into debts which they could not honor; it injured the trade they needed to support their peoples; it destroyed a very large amount of their accumulated capital; it absorbed the capital they required for opening up the world to settlement and for the expansion of production; it caused nations to develop unnatural industries; and it injured the natural industries of other nations. Unfortunately, the statesmen who drafted the peace treaties had a very inadequate idea of the steps needed to repair the mischief of the war and imposed conditions which could not be fulfilled, as well as reparations that could not be paid.

The one great reconstructive measure of the treaties—the League of Nations—was very much to the good, but its power to rectify the situation was hampered by the unwillingness of the statesmen to permit it to apply the proper remedies, or to entrust it with the settlement of problems which had to be settled if a breakdown was to be prevented.

The world breakdown now threatened might still be averted if the statesmen were to entrust the task of preventing it to the impartial decisions of the League of Nations, and to impose no restrictions upon the matters discussed, or reservations upon the decisions reached.

THE SICK MAN OF TO-DAY

The situation of the world to-day is that of a sick man who will neither permit his physician to make a thorough examination of his condition, nor act upon the advice he tenders after the inadequate examination he is allowed to make. The Brussels Conference of 1920 was not permitted to discuss either reparations or the peace treaties. The Genoa Conference of 1922 was deliberately wrecked in order that it should not make the recommendations which the situation called for. The decisions of the World Economic Conference of 1927 have not only been disregarded, but Great Britain has adopted the policy which that conference unanimously affirmed was injurious to world recovery, and has raised, and is raising, her tariffs instead of reducing them.

In view of the mentality which the statesmen of most of the nations still display, a complete breakdown, both of credit and of trade throughout the world, with all its distress and suffering, therefore, seems inevitable.

Ever since 1914 the great world machine of trade has been kept in motion by the creation of credit upon a scale never before witnessed. During the war this credit was obtained by governments, many of whom have since repudiated their debts in whole, or in part, by currency depreciation, or have made compositions with their creditors. Since the war this credit has been obtained by individuals and private corporations, as well as by municipalities and governments, in all parts of the world. Without this exceptional supply of credit, trade would have been impossible, and would have collapsed for lack of the necessary buying power. Many nations could not have bought what they required to buy, and other nations could not have sold what they needed to sell.

That so much credit was available was, first of all, due to the creation of a new and vast fund of banking credit by an alteration in the banking law of the United States of America, which gave the national banks of that country the power to grant more than twice the quantity of credit they had previously granted with the same cash reserves, and by a great increase of fiduciary currency in this country, which gave British bankers power to grant more than twice the quantity of credit they had previously granted. Secondly, it was due to the mobilization of the greater part of the world's stock of gold in the United States, thereby again doubling, in all, quadrupling the power of American bankers to grant credit.

These measures have enabled the United States, since 1914, to supply other nations with the products they needed to buy to the extent of over £5,000,000,000 against credit securities of one kind and another, and Great Britain to supply other countries with some £2,000,000,000 of her goods against credit securities. Beyond the produce and goods sold abroad by these two countries against securities of one kind and another, the American and British peoples themselves have been supplied with vast amounts of credit in order to buy what they needed. Thus, instead of great quantities of produce being paid for as they are under normal conditions in other products, they have not been paid for, and all the world has incurred obligations to pay interest, and, in some cases, principal as well, which can be met only by the ability of the debtors to sell their products, or services, in order to make payment.

Moreover, as conditions are to-day, many nations need still greater quantities of credit if they are to continue to purchase as much as they are now buying, and other nations need to grant credit still more freely if they are to maintain their ability to sell their products.

Mr. TYDINGS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Iowa yield to the Senator from Maryland?

Mr. BROOKHART. I yield.

Mr. TYDINGS. I would like to point out to the Senator that in the last war, as he will recall, many American divisions had to use French guns or artillery; in fact as to many of the last divisions that went over the artillery supply was not heavy enough in our own country and we had to get guns from the French Government to protect our own soldiers when they advanced.

The Senator also knows that we had no airplanes on the other side during the war until near the end of it—that is, comparable to the number which our allies had; and that there was an investigation held in this country during the war, headed by Mr. Hughes, to inquire into that situation and to try to speed up the production of airplanes. Undoubtedly, if we had not been able to obtain artillery and some airplanes from our allies, we would have been in the position of asking American soldiers to go forward against a powerful enemy, equipped with all manner of guns, with no guns to support our own attack. The inevitable result of such a situation would have been the massacre of many thousands of American soldiers. While we have that lesson before us, and inasmuch as our Navy is now inadequate—that is, it is only 60 per cent as large as that of Japan in cruiser strength and only about half as large as that of England in cruiser strength, and Italy actually has two more cruisers than has the United States, does not the Senator think, in view of our experience in the last war, we should at least be as well prepared in case we need a Navy again, as any other nation is at the present time, and that a failure to prepare might result in the recurrence of the exact situation we encountered in the World War? If we should have no war, of course, we would not need the cruisers, but if we should have a war and do not have the cruisers we must pay for the cruisers not in dollars, as we can do now, but in the lives of American citizens.

Mr. BROOKHART. I have heretofore heard that argument a good many times. I will say to the Senator that my experience with the war was that one of the greatest difficulties we had was the preparation we had made up to that time. If we had not had to rid ourselves of a lot of professional military material we would have gotten ready for the war much quicker. Until the middle of the war we sent our soldiers over there trained in the theory that a poor shot gets more hits in battle than a good one. That was the military theory of the Army of the United States, taught for a whole generation, and, of course, they could not defend themselves because they were not trained to defend themselves.

Mr. TYDINGS. Mr. President, may I interrupt the Senator there to ask how can the Senator say that the United States is a "jingo" nation, as many people would have us believe who object to this cruiser bill, when it only has an army one-fifth the size of that of France, one-third the size of that of Italy, one-half the size of that of Poland and Czechoslovakia and Yugoslavia?

Mr. BROOKHART. We would be better defended than those countries are if we did not have any army.

Mr. TYDINGS. The Senator, then, is really advocating the complete elimination of the entire Army and the sinking of every ship and trusting all the nations who think there is such a stable peace that they must have war-sized standing armies to keep it? He thinks, then, that none of them would bother us at all? Is that correct?

Mr. BROOKHART. No; I am not advocating that theory at all, but I am advocating a theory based upon the real experience of war. I do not think the cruisers provided for by this bill will be worth a cent for any purpose after they shall have been built. They are scout ships; they go out and look over the seas, but the destroyer is a good deal better scout ship than a cruiser; it does not cost, perhaps, one-tenth as much, and we have right now a hundred more destroyers than Great Britain has.

Mr. TYDINGS. Let me tell the Senator, as one of the men who went overseas during the war, that when our convoy of about 12 ships reached the middle of the ocean all our protection was taken from us; we did not have a battleship or a gunboat nor a cruiser——

Mr. BROOKHART. I notice the Senator is still here speaking in the Senate of the United States; he did not sink as a result of that condition.

Mr. TYDINGS. Yes; and I am very lucky to be here; but let me say this: We had to spread our forces over such a wide territory, to take care of the many activities of the Government, that we only had convoys from America and then convoys picked us up again as we neared the other side. Notwithstanding the convoy the very ship on which I went over was sunk one day out from France on its return trip. Would the Senator, if those same circumstances should arise again, be in favor of having all our transports, carrying thousands of American soldiers to wherever they were needed, without any protecting cruisers at all, without any protection whatsoever?

Mr. BROOKHART. The cruiser would not help any, and no such circumstances will arise again.

Mr. TYDINGS. I would rather have them than not have them.

Mr. BROOKHART. If we were to try to send the Senator over there now to a war he would be sunk surely; he would not get over there.

Mr. TYDINGS. I am sure if the Senator were out on the middle of the ocean going across on a transport that the sight of a cruiser or a gunboat or some other naval craft there to afford protection against a possible submarine would make him digest his meals with a great deal more ease than if it were not there.

Mr. BROOKHART. I would rather be flying with Lindbergh.

Mr. ODDIE. Mr. President, I should like to ask the Senator a question in regard to a statement he has just made. He said that the destroyers we have would afford as ample protection as cruisers would. Can the Senator explain that?

Mr. BROOKHART. Yes. Cruisers are not good for anything but as scout ships; they can not fight battleships. All a cruiser can do is to run, and a destroyer can outrun a cruiser by a wide margin; a destroyer is a much better scout ship than is a cruiser; and we have a hundred more destroyers than Great Britain has.

Mr. ODDIE. How can the Senator say that, when he considers the heavy weather that these ships have to go through at times? A destroyer can not make the speed that a cruiser can make in heavy weather; it can not begin to do it; it can not buck the heavy seas as a cruiser can at high speed.

Mr. BROOKHART. I have been on a destroyer in heavy weather.

Mr. ODDIE. So have I. Most of the cruisers which we had a few years ago and which we still have are obsolete; they lack the speed of the modern cruisers of other navies.

Mr. BROOKHART. We are providing in this bill $300,000,000 for cruisers which will be obsolete before we get them launched.

Mr. ODDIE. Mr. President, another point: A destroyer has a certain power of offense and defense, but a modern cruiser has a greater power of offense and defense. It has longer range guns; it has a greater speed; and it can be handled better and can make better speed in heavy weather than a destroyer; it can hold the destroyer off because of the longer range of its guns over that of the destroyer. A destroyer can do nothing but escape as best it can if it can escape under such conditions in a conflict with a modern cruiser.

Mr. BROOKHART. A whole galaxy of big ships ran away and hid during the war. They went out, had one little scrap with each other, and then ran and hid again, and that at a time when we did not know as much about submarines or aircraft as we know to-day.

Mr. TYDINGS. Would the Senator be willing to go back into the State of Iowa and at a large mass meeting dispose of this question in the way he has indicated? Would he say, "In the event we should have another world war, and it were again necessary to send American troops overseas in transports, I would advocate the sending of those transports from America to France without any cruiser protection whatsoever, notwithstanding the enemy might infest the seas with submarines"?

Mr. BROOKHART. The Senator is imagining an impossible situation.

Mr. TYDINGS. I have taken the exact situation as it has been stated by the Senator.

Mr. BROOKHART. We are not going to send them over. We have outlawed war, and the Senator voted for the treaty outlawing it, though here we find him planning another war.

Mr. TYDINGS. We have outlawed war, but I am afraid that we may "inlaw" it before the treaty is signed by all 60 nations.

Furthermore, as I pointed out the other day, Russia, the only other nation which has so far ratified the peace pact, has a standing army of 658,000 men and 5,425,000 equipped and trained as organized reserves, against 137,000 men in our own Army.

Mr. BROOKHART. Out in Iowa, let me say to the Senator, we are not afraid of that whole Russian army; they are not bothering us at all. [Laughter in the galleries.]

The PRESIDING OFFICER (Mr. FESS in the chair) rapped with his gavel.

Mr. TYDINGS. If the Russian Army had been fighting with Germany in the last war instead of against Germany, I think the Senator would have ample cause to weigh his words before he uttered them with such recklessness. The Russian Army

may some day be against us, and 658,000 Russian soldiers—I think probably the Senator could dispose of them, but I have not the same confidence in my ability. [Laughter in the galleries.]

The PRESIDING OFFICER rapped with his gavel.

Mr. BROOKHART. I will say to the Senator that out in Iowa we want one of these cruisers built on Goose Lake. It is a perfectly safe place for it. The lake is drained right now, but we can stop up the drain, so that the cruiser could float all right. That is about the only safe place in the country we will have for cruisers. We are not going to fight any war with cruisers, nor are any of the big ships going to fight any future wars. I received some expert opinion upon that question recently. I am not basing my views altogether upon my own ideas, but the information given to me indicates that if we would take the $300,000,000 that we are going to spend on these cruisers and spend it on the Air Corps they would be ready to sink all the battleships, all the naval vessels in the world, 200 miles out from our coast in five years.

Mr. REED of Missouri. Who gave the Senator that information?

Mr. BROOKHART. If our Air Corps can do it the air corps of any other country can do it.

Mr. REED of Missouri. Mr. President——

Mr. BROOKHART. I yield to the Senator?

Mr. REED of Missouri. Who gave the Senator that information?

Mr. BROOKHART. There is no better authority in the United States than the one who gave it to me.

Mr. REED of Missouri. That is vague, indefinite, and uncertain. Who was it?

Mr. BROOKHART. I am afraid it would not convince the Senator if I told him the general's name.

Mr. REED of Missouri. It might convince somebody else who is not so obtuse as I am.

I should like to ask the Senator another question, and perhaps he will answer it.

Mr. BROOKHART. Very well.

Mr. REED of Missouri. Does the Senator believe that a cruiser might possibly capture or sink some merchant vessels belonging to an enemy nation?

Mr. BROOKHART. A destroyer would do a much better job.

Mr. REED of Missouri. What could a destroyer do if a cruiser got after it?

Mr. BROOKHART. It would outrun the cruiser.

Mr. REED of Missouri. Could it outrun a cruiser?

Mr. BROOKHART. Certainly a destroyer can outrun a cruiser.

Mr. REED of Missouri. Sometimes. Now, let us talk what we mean here and not just hollo. Does the Senator mean to say that if we entered a war and England had a very large number of cruisers and we had none, that with her cruisers she would not sweep our commerce from the seas?

Mr. BROOKHART. She could do that with her destroyers or her scouts or her submarines.

Mr. REED of Missouri. That is not answering the question. Maybe she could and maybe she could not. We might be able to meet her destroyers; the Senator says we have more of them than England has.

Mr. BROOKHART. There is no such thing as protecting commerce in war. It will be destroyed; it has been destroyed in all wars and it will be destroyed in all wars in the future. You can not build enough warships to protect all our commerce in a war with Great Britain.

Mr. REED of Missouri. England protected her commerce pretty well during the war, and if she had not done so her ships would have been overtaken, England would have been starved, and Germany would have won the war. Everybody except the Senator from Iowa knows that.

Mr. BROOKHART. As I have read of the number of English ships sunk, I have not seen any great amount of protection for English commerce despite the fact that her great and wonderful fleet surpassed all other fleets of the world.

Mr. REED of Missouri. She kept the German fleet bottled up, and one German ship——

Mr. BROOKHART. And a little German submarine kept an English fleet bottled up.

Mr. REED of Missouri. Very well. One or two German ships escaped and got upon the high seas, and destroyed millions and millions of dollars' worth of shipping—just one or two little ships—and we had no ships to send after them; at least we did not have enough.

Mr. BROOKHART. Yes; and why did not the big English Navy that was safeguarding English commerce protect it against the one or two little German ships?

Mr. REED of Missouri. I say again, let us talk of things that are sensible and useful to talk about. The Senator knows that the big English Navy was bottling up the big German Navy; that she kept it bottled up throughout the war; and if the German Navy had ever escaped the English Navy could not have overtaken it and the German ships would have swept every boat from the seas and sunk every transport that was bearing American soldiers across the ocean. Everybody knows that.

Mr. ODDIE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. BROOKHART. I yield.

Mr. ODDIE. I should like to make another observation regarding the relative speed of cruisers and destroyers. The cruisers that are proposed in this bill will have a greater speed than any destroyer we have.

Mr. BROOKHART. What is the speed proposed?

Mr. ODDIE. Something around 34 knots.

Mr. BROOKHART. The last destroyer I was on ran 36 knots.

Mr. ODDIE. I think that ought to be put on record, because I have never heard of a destroyer making over 34 knots. That is the contract speed, as I understand. A destroyer may make a greater speed under forced draft, but, Mr. President, a ship can not run long under extremely forced draft. Under the plans and specifications of these cruisers they will have a far greater radius of action than any destroyer, and will be able to run at a 100 per cent forced draft speed for many more hours than a destroyer can maintain its top speed.

The number of hours that a ship of this type can maintain a speed of 100 per cent is limited because of the enormously increased amount of fuel it will require. In this matter of protecting our ships we must consider the radius of action of these ships. A destroyer can go a few thousand miles without being refueled, a cruiser can go many more thousands of miles without being refueled. We have to look at this in a broad way.

Mr. WHEELER. Mr. President, will the Senator yield to me to ask a question?

Mr. BROOKHART. I yield.

Mr. WHEELER. I am just seeking information. Is it the position of the Senator from Nevada that the cruiser is much more valuable than the destroyer?

Mr. ODDIE. It is much more valuable for certain work; but we must have both. We must have all classes of ships for a balanced fleet. We must have the destroyers, we must have the cruisers, and we must have the battleships.

Mr. WHEELER. What a balanced fleet is depends entirely upon the particular expert one happens to be talking to.

Mr. ODDIE. I am speaking about the maneuvering of a fleet.

Mr. WHEELER. Whether it is a balanced fleet or not depends entirely upon the particular expert one happens to be talking to. I was wondering whether or not the Senator thought the cruiser was much more valuable in time of war than the destroyer.

Mr. ODDIE. It is much more valuable for the work it will have to do.

Mr. WHEELER. Why was it that after the armistice, when we started out to build a great navy, we built destroyers and battleships and did not build any cruisers?

Mr. ODDIE. I think the Senator is wrong about our building destroyers after that time. We had a great many destroyers left over after the war. I do not think we have built any destroyers since that time.

Mr. WHEELER. We did not build any cruisers, did we?

Mr. REED of Pennsylvania. Yes; we did.

Mr. ODDIE. Yes; but some of those cruisers were scrapped. Our two large plane carriers, the *Saratoga* and the *Lexington*, were started as first-class battle cruisers.

Mr. WHEELER. They were not scrapped.

Mr. ODDIE. But they were used for the other purpose.

Mr. HALE. Mr. President, I was not in the Chamber when this particular debate started; I heard the question of the Senator from Montana about the value of cruisers.

Mr. WHEELER. I was just asking for information with reference to the matter. I am frank to say I do not know very much about it, but I was seeking information. I wanted to find out from the Senator from Nevada which type of vessel in his judgment was the more valuable.

Mr. HALE. Without any question, the cruiser is the more valuable of the two types of vessel, and it is becoming more and more valuable as the years go on, and as a more powerful type of cruiser is being developed.

I overheard the Senator from Nevada say that the speed of the destroyers never exceeded 34 knots. I think he is mistaken about that. Some of our destroyers have made between 35 and

36 knots, and some of the foreign destroyers have gone a little bit over 36 knots.

Mr. ODDIE. Mr. President, I intended to state that as a general proposition, not to refer to particular cases.

Mr. HALE. Those vessels can only reach that great speed on a perfectly calm, glassy sea. Whenever any storm prevails, or whenever there is any sea at all, they have to cut down their speed. The cruiser, on the other hand, which is a much larger and more seaworthy vessel, can make its speed in a very lively sea, and unless it is in an absolute calm, the cruiser can overtake the destroyer, and of course, destroy it.

Mr. BROOKHART. Mr. President, I think a fair survey of the situation shows that the English fleet was not able to protect English commerce during the war, largely due to the submarine, and the submarine was not developed one-tenth as much as it has been since.

I will say again that the best fighting men in the Navy of the United States, the junior officers, who will fight the next war if we ever get into one, are against this cruiser item. I have talked to them, but they are under that autocratic discipline found in the Navy, and they do not dare sign their names to the documents they have given me. I am expressing my ideas after consultation with both the generals of the Army and the officers of the Navy.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BROOKHART. I yield.

Mr. TYDINGS. If this money were appropriated for the construction of submarines, would the Senator be in favor of it?

Mr. BROOKHART. If the Senator would combine that with aircraft. As I understand it, if we should put this much in aircraft, in five years we would be able to sink all the navies in the world; not only the English, but all of them. I would at least like to have enough in aircraft to take care of the British Navy.

Mr. TYDINGS. Will the Senator tell us what the life of an airplane is?

Mr. WHEELER. It would last long enough to sink these 15 cruisers.

Mr. TYDINGS. It would not if the cruisers were in the middle of the sea, because they can not fly out very far and locate a ship. The Senator will find that the difficulty about building a large airplane corps is that the life of the airplanes is very short, that they deteriorate very rapidly, and that in two or three years all the airplanes we build to-day would be obsolete, whereas the cruiser will certainly be with us longer than three years.

Mr. BROOKHART. It is obsolete now; it does not have to wait three years.

Mr. TYDINGS. Oh, no. It would be obsolete if the Senator's contention were upheld.

Mr. BROOKHART. As far as any usefulness is concerned in war, it is obsolete.

Mr. ODDIE. Mr. President, if the Senator will yield, I want to contest the assumption that we have heard made so often on the floor of the Senate that a plane can go out and sink a ship at sea at any time. In these wild statements the question of visibility at sea is overlooked altogether. It is known by anybody who follows the sea that only at times can one see a great distance at sea. The weather is thick and hazy very frequently, and a plane can not see a ship more than a very few miles at sea. But sending a plane out hundreds of miles to sea to find a ship, not knowing just where that ship is, means either death to the pilot or failure.

Mr. President, I take off my hat to our air forces, as everybody in this Chamber does, but our air forces need these cruisers for their protection in case of conflict. I do not believe in taking away one of the main arms of protection of our air forces in case of war by denying them these cruisers.

Mr. BROOKHART. Mr. President, we come back in the discussion from the credit problem to the question we had in the beginning, and I want to finish this summary of Sir George Paish in this record, because when it is all studied and understood it will be found to be important to our whole future. He says:

> But already the power of American and British bankers to grant additional credit is becoming exhausted, and we are now within sight of its ultimate limit.

I think that was proven when money went to 12 per cent on the stock exchange. I think things are getting to a desperate stage up there. I continue the reading:

> The amount of credit already created is so fabulous that almost the whole of the immense reservoir of new credit created both in America and in England has been utilized. When it is fully utilized, nations will be face to face with the problem of how to meet the obligations they have incurred, and at the same time, of how to purchase what they urgently need to buy without the aid of credit. If they are to meet their obligations, and to buy what they require, they must be able to sell their own goods and services in order to make the payments they require to make.
>
> When it is borne in mind that certain nations, which are not selling nearly enough of their products to pay for what they are buying, and, consequently, are still buying extensively on credit, must (1) meet their debts by the sale of their own goods; (2) must pay for whatever they need to buy in their own goods and services, instead of by credit operations, and (3) in some cases must make reparation payments in their own goods and services instead of by fresh loans, the difficulties of the problem become obvious.
>
> As matters now stand it is abundantly clear that, unless the nations completely change their present policies, the debtor nations will neither be able to maintain the present level of their buying power nor meet their obligations, whether they be for interest, principal, or reparations.
>
> At the present time the creditor nations are strongly opposed to receiving from the debtor nations goods and services in payment of their obligations, or even in payment for the products they still continue to sell to them. And while this attitude continues how will it be possible for the debtor nations to meet their obligations, or to continue to purchase from the creditor nations when new credits are not forthcoming? Moreover, how will it be possible for internal credits, granted both in America and in Great Britain, to be met, if manufacturers, farmers, and others can not continue to sell their products in anything like the present volume?
>
> The liberal grants of credit by America and Great Britain have caused the currents of trade to be maintained in all parts of the world, more particularly in South America, Australia, Canada, and the Far East. These currents will also be greatly reduced as soon as this credit is not forthcoming, and nations which have hitherto purchased so freely on credit, can no longer do so.
>
> What will be the position of the new countries if the market for their products is restricted, and they are called upon to meet the heavy interest and other obligations they have incurred without the assistance of new credits?
>
> REMEDIES URGENTLY REQUIRED
>
> Thus, the danger of a world breakdown of credit and of trade is now by no means remote, and will rapidly approach unless steps are taken to apply the remedies urgently required.
>
> The first step demanded is an impartial and comprehensive diagnosis of the whole situation, and more particularly the credit and trade position, both international and national, in all important countries. Beyond this, investigation needs to be made of the economic effects of reparations, not only upon the countries called upon to pay them, and those entitled to receive them, but upon other countries as well.

Mr. TYDINGS. Mr. President, will the Senator yield right there?

Mr. BROOKHART. I yield.

Mr. TYDINGS. The other day I put in the RECORD a table showing that of the $12,000,000,000 war debts the settlement to-day was worth 50 cents on the dollar, on an average. In other words, that the present value of the 62-year bonds given us to pay the war debts, plus what we actually knocked off, so to speak, of the principal owed, to-day was only about 50 per cent of what was originally borrowed. Instead of having securities to-day for $12,000,000,000 owed us in the form of war debts we have securities worth only $6,000,000,000. In addition to that, we have made loans to many of the same countries, totaling, all over the world, fourteen more billion dollars, and the world to-day owes us $26,000,000,000, and that includes every nation on the globe.

Mr. BROOKHART. I think this article fully sustains all the contentions of the Senator. That is why I am reading it. This is a review by one of the greatest economists of the world, and the facts the Senator presented I think are true in every detail, and here is a powerful way of pointing out their effect upon the nations of the world. I think the Senator's conclusion that we could stop this armament business by the proper control of that credit is absolutely true, but we can not stop it by building cruisers. That will never do it.

Mr. TYDINGS. Does the author of the book make that observation? Does he suggest that that course be pursued--that is, that we do not let nations that are superior to us in their navies have any more money—for example?

Mr. BROOKHART. Let us see what the details are.

Mr. TYDINGS. I was asking the Senator what remedy he offered for these so-called ills.

Mr. BROOKHART. That is what I was reading at the time the Senator interrupted me.

Sir George Paish says:

> This examination should discover the extent to which the nations that are indebted for loans or for reparations are unable to meet their

obligations by the sale of their products owing to the unwillingness of the creditor nations to purchase them in sufficient quantity.

Here is exactly the remedy, I think, that the Senator himself suggested:

Further, the examination should indicate the manner in which fresh credit can be created for opening up the new countries to settlement and bringing about the necessary increase in world consumption that will enable trade to be maintained at a high level.

That certainly would stop the armament proposition.

Mr. TYDINGS. What the author is advocating is that the money which any country gets from us in effect should go into productive instead of destructive things, thereby increasing the consuming power of the world and creating customers for our products. Is that right?

Mr. BROOKHART. Yes; I think that is right.

Mr. TYDINGS. But the author does not specifically set forth the money expended on the armies and navies derived from loans made in this country?

Mr. BROOKHART. Perhaps he may later; I do not remember; but, at any rate, that would be included in his big general proposition.

Lastly, the nations must be made to understand the necessity of readjusting their political and economic policies in order that they may promote and not destroy trade if the danger to which they are all exposed is to be averted or overcome.

I rather think that general statement would cover disarmament.

While the situation throughout the world is full of danger, it is particularly dangerous in the United States and on the Continent of Europe. In America, so much credit has been and is being created, both for home and foreign borrowers, that the supply can not be maintained and the stoppage of new credit will involve a very great collapse, both in trade and in prices, with consequences which can not be measured, having regard to the overborrowed condition of the country.

CREDIT AND POLICY

The Continent of Europe has now obtained far more credit than it can hope to repay unless world policy is completely changed. In prewar days Europe was a creditor Continent, and entitled to receive great quantities of produce in payment for the interest and principal upon credits granted to the rest of the world, and more particularly to the United States and Russia. Now it is a debtor Continent and must export its products or perform services to pay interest and principal on sums borrowed, as well as to pay for all the products it needs to purchase from outside countries.

But these outside countries, and more particularly the United States, Canada, and Australasia, have deliberately adopted a policy of excluding the goods of Europe by high tariff and other barriers. At present Europe is buying from these countries on credit granted by the United States and Great Britain, and difficulty is already arising in obtaining these credits. What will be the situation in Europe when the supply of new credit ceases, and it endeavors to meet the interest and other obligations already incurred in goods that can not be sold, and what will be the situation in the United States, Canada, Australasia, and in other countries when they can not sell their products?

Were Russia in a position to supply Europe with the food and raw material it requires, the situation would immediately become less difficult, as Russia needs to purchase all the manufactured goods she can obtain, either in exchange for her products or by credit operations. But the statesmen of Europe, of this country, as well as of Russia, are unwilling to pursue the policy which will restore Russia to prosperity, and which is urgently called for by a most difficult situation.

Hence, in view of the fact that the nations not only show no willingness to take the measures demanded in order to prevent a breakdown of both credit and of trade, but insist upon pursuing policies which, if continued, will render the breakdown inevitable, it is of great moment that the whole situation should be most carefully reviewed, so that when the breakdown does occur it may be repaired with the least possible delay and with a minimum of suffering, by the adoption of those measures which, had they been taken when the peace treaties were drafted, or in the long period that has since elapsed, would not only have prevented the crisis but would have restored the world to prosperity.

Mr. TYDINGS. Mr. President, will the Senator yield right there?

The PRESIDING OFFICER. Does the Senator from Iowa further yield to the Senator from Maryland?

Mr. BROOKHART. I yield.

Mr. TYDINGS. Let us assume that in the course of a year every nation in the world enters into the peace pact that was adopted by our country the other day; and let us assume that after they adopt the Kellogg peace pact they still maintain the armies and the navies that are now maintained, notwithstanding the adoption of the peace pact. If that situation came into existence would the Senator then be in favor of building these cruisers, or would he then still be in favor of not building the cruisers?

Mr. BROOKHART. I do not think cruisers are worth much under any conditions. As a matter of efficiency I am against building the cruisers. They could not protect us, anyhow; but the thing the Senator mentions is going to be stopped if his resolution carries and we act on it, and that is what I should like to see done. I should like to see the Senator here debating for the passage of his resolution instead of putting up these imaginary wars of slaughter and destruction in the future. He has the best and the most practical resolution that has been proposed here, and it will go a long way toward eliminating the trouble which Sir George Paish pointed out in this very able article.

Mr. TYDINGS. But suppose my resolution fails, and suppose, after all the nations join in the peace pact, there is no lessening in the size of the armaments of the world?

Mr. BROOKHART. That is supposing that the Senator is wrong in his resolution and in everything he has said, and I am not making that supposition.

Mr. TYDINGS. No; the Senator is supposing that my resolution will cure all the troubles of mankind. I know that it will not do so, much as I should like to have that omnipotent power.

Mr. BROOKHART. The Senator had omnipotent power enough, he said, in that resolution, to stop this armament; and I think that is true.

Mr. TYDINGS. I was hoping to elicit from the Senator an answer to this question: If the peace pact were adopted by all nations, and, notwithstanding its adoption, there were no scaling down of the armies and navies of the world, would the Senator then be in favor of bringing up our Army and our Navy to something of a parity with the leading nations of the world; or, notwithstanding the failure of other nations to disarm, would he still want the United States to keep on disarming, regardless of what other nations do?

Mr. BROOKHART. I think we are very much better defended with a smaller army than almost any other nation. We do not need a big army for our defense because of our situation.

Mr. TYDINGS. The Senator thinks that one man would kill probably more men than a thousand?

Mr. BROOKHART. I do not think any such foolish thing as that; but our situation is certainly more favorable for defense than that of England or France or Germany or any of the other European countries. The Senator knows that. We do not need any such armament as they do to have an equal defense.

Mr. TYDINGS. How long does the Senator think it would take us to raise and train an army to the size and degree of the present army of France?

Mr. BROOKHART. If we had the right ideas of training, it would not take very long.

Mr. TYDINGS. But with the ideas that we have?

Mr. BROOKHART. If we had the old professional ideas that we had at the beginning of the war, it would take a long time.

Mr. TYDINGS. And where would we get the artillery to give to this so-called army that we had equipped so hastily? Where is the artillery to support them coming from? Have we it now?

Mr. BROOKHART. If we went across to Europe, we would not have artillery. If we stayed at home and minded our own business, we would have plenty with those that we have now.

Mr. TYDINGS. The Senator did not answer my question. I asked him where we were going to get the guns to give this army after we had trained them. Have we the guns now?

Mr. BROOKHART. Yes; we have some guns.

Mr. TYDINGS. Where is the artillery?

Mr. BROOKHART. We have all we need now.

Mr. TYDINGS. Oh, no; we have not. We have only enough to take care of the men who are actually in the service. If we did train a new army we would have no machine guns, no trench mortars, no light artillery, no heavy artillery, no tanks, no minenwerfers, and no airplanes with which to equip them. So the Senator thinks, then, that we are amply prepared on land; does he?

Mr. BROOKHART. I think so. We have 3,000 miles of front up here along the Canadian border, and I do not feel afraid of them.

Mr. TYDINGS. Let me put the question in another way. If there were 644,000 Canadian soldiers on the Canadian frontier, and 727,000 Mexican soldiers on the Mexican frontier, and only 137,000 soldiers in our own Army, would the Senator then feel the same degree of security that he now does?

Mr. BROOKHART. Well, I am not afraid. I am not scared at all.

Mr. TYDINGS. The situation I have pointed out is the exact situation in which Germany now finds itself. Added to the armies I have mentioned there are 280,000 more Polish soldiers and 260,000 more Rumanian soldiers, besides the 727,000 French on one border and 644,000 Russians on the other.

Mr. BROOKHART. Does it occur to the Senator that every proposition he has submitted to me is an imaginary one, and that the actual facts do not exist at all, and we are not called upon to meet them at all?

Mr. TYDINGS. Except that the cruiser bill is actually here, and it is necessary to call these exact facts—they are not imaginary—to the attention of the Senator from Iowa to show the full degree of preparedness which we have in our own country compared to all the other nations of the world.

Mr. BROOKHART. There is no doubt but that the patriotic shipbuilders are looking out for the profits of the cruiser bill; and those facts are right here. There is no doubt about that at all.

Mr. TYDINGS. The patriotic farmers are looking for the profits in farm products, and so on. I do not hold that that is any crime. We are all looking for some profit; but the question here is, Do we actually need these cruisers or do we not need them? If we have only 137,000 men in our standing Army, and have no artillery, no machine guns, no trench mortars, no airplanes, and no tanks to equip an army, even if we raised one, we obviously need a good, strong Navy out there in front, in time of need, behind which we can carry on these activities until we get our Army up to the point where it might be effective. Without that Navy, and with other nations having navies superior to our own, in time of war we would find that we would have to fall back to the Appalachian Mountains and keep up some sort of warfare until we could recruit and equip the men needed to drive out an invader. The Senator can not escape that conclusion.

Mr. BROOKHART. What do we need such a Navy for? Who is going to fight us? Who is after us? I have not heard of anybody being after us.

Mr. TYDINGS. If we had had no Navy in the last war, and the English Navy had been sunk, the thing I have pictured would have been a reality, because we would have had the German Navy attacking our coast if the English Navy had not been between us, in addition to our own.

Mr. BROOKHART. And if the Germans had had no navy and no army we would have had no war, and we would have been all right. That is what I want to get rid of—war. Let us imagine the whole line, clear down.

Mr. REED of Missouri. Mr. President, I suggest that the Senator imagine it clear down, then, and say that if there had been no German nation there might not have been any war.

Mr. BROOKHART. I think there would have been a war in Missouri even then.

Mr. REED of Missouri. I do not know whether that is true or not; but if I were going to have a war with anybody it would be with the Senator from Iowa, and I know that when he came down he would come with a gun. He would not come empty handed.

Mr. BROOKHART. He would not come on the theory that a poor shot gets more hits than a good one.

Mr. REED of Missouri. Mr. President, I desire to announce that on to-morrow, when the pending bill is laid before the Senate, I shall, with the permission of the Senate, submit some remarks.

Mr. BRUCE. Mr. President, I merely wish to put myself on record in relation to the pending bill. The Rev. Sydney Smith after returning on one occasion from the bedside of a sick child said that he had given it a dose of castor oil and had read over it the collect for the sick, and that now it was ready for either world. So I suppose it can be said, now that we have ratified the Kellogg peace pact and are about to pass the cruiser bill that the United States will soon be ready for either world peace or world war.

Before I turn to the pending bill, however, I desire to make just a preliminary observation or two. In the first place, I wish to say that my attitude toward the bill will not be in the slightest degree influenced by anything in the nature of unfriendliness to Great Britain. Far from it. Next to my own country, there is no country in the world to which I am so deeply attached as Great Britain, including Ireland. My family derivation, like that of most of the individuals among whom I was born and bred, goes back as straight as the flight of a bee to an English or Scotch ancestry. I doubt whether the world is not even more indebted to English civilization than it is to the "glory that was Greece and the grandeur that was Rome," to borrow a line from Edgar Allan Poe. Parliamentary institutions and ordered freedom throughout the world are mainly modeled upon English examples. No people have ever produced nobler types of manhood, no people have ever produced gentler or more gracious types of womanhood than the English people. The English character is made of the same sterling stuff as English woolen and leather goods. Nowhere in the world do higher standards of commercial integrity obtain than in England. Nowhere in the world is crime more sternly rebuked. No people are more faithful to their plighted troth than the English people; and I could not conclude what I am saying about them without recalling the charm that has been lent to my existence by those masterpieces of English literature which I wish that I could carry with me beyond the grave, as the Indian savage hoped that he might carry his bow and arrows. Fortunately, in the Hon. Sir Esme Howard, the present British ambassador to this country, we have a striking illustration of all that is most admirable and winning in English manhood.

Nor do I lack sympathy with any effort to bring about the general disarmament of the world, so far as practicable, both on sea and land, or to secure the freedom of the seas. Those ideas do not recommend themselves more strongly to the convictions of the Senator from Idaho [Mr. BORAH] and the Senator from Montana [Mr. WALSH] than they do to me.

But it does seem to me that this is not the time for taking up those ideas in a practical way and attempting to bring about any real results in relation to them. Personally I have little faith in their ever being carried into effect, except as a part of some general, universal, international concert. The one thing with which we need concern ourselves at this moment is the admission made frankly by almost every Member of this body that our naval strength, so far as cruisers are concerned, has fallen far below anything like a plane of naval equality with Great Britain, and is rapidly tending to fall lower than that. As has been stated by the Senator from Virginia [Mr. SWANSON] even if we built the 15 cruisers England would still have some 80,000 or so more tons of cruiser strength than our country, and the cruiser strength of Japan would be only some 90,000 tons less than ours. That would be the situation, I say, after every one of the 15 cruisers had not only been laid down, but had been constructed and launched, and it is the situation which above all others should influence us in our relations to the pending measure.

"But," said the Senator from Idaho [Mr. BORAH], "let us postpone construction of the cruisers until we shall have seen whether we shall not be able to enter upon some satisfactory convention with Great Britain looking to the creation of naval parity between her and us, and the freedom of the seas." "And let us see," said the Senator from Montana [Mr. WALSH], "before we build the 15 cruisers whether we can not enter into some compact with Great Britain by which Great Britain shall agree to level her naval strength down to the same plane as ours."

But it is a noticeable fact that both of those Senators have said that, should our efforts to bring about naval parity between Great Britain and the United States and the freedom of the seas fail, they would both be in favor of our cruiser strength being increased as is proposed, or to an even greater degree.

Let me digress just for a moment to quote the exact language of the two Senators in that connection. The Senator from Idaho [Mr. BORAH] said:

> If there can not be an agreement as to disarmament and an agreement with reference to the rights of neutrals, the United States will go forward until she will build a navy which will prevent interference with the commerce of the United States in case any nation sees fit to undertake to interfere with it.

Then the Senator was interrupted by the Senator from Maine [Mr. HALE] as follows:

> Mr. HALE. And the Senator thinks we should not do that?
>
> Mr. BORAH. I think we should if that happens.

So much for the Senator from Idaho. I quote now what the Senator from Montana [Mr. WALSH] said in the same connection:

> I am eager, however, to see initiated another attempt to reach an agreement for the limitation of naval armament, failing which I am prepared to vote for the construction of not only 15 cruisers but for any other additions to our naval forces required to put past doubt that it is at least equal in strength to the British Navy.

So the only line of demarcation between myself and other Senators who feel about the pending bill as I do, and the Sena-

tors from Idaho and Montana, is that we think that all the 15 cruisers should be laid down within the next three years, and those two Senators think that they should not be laid down until efforts shall have been unsuccessfully made to bring about a lasting agreement between Great Britain and the United States looking to naval parity between the two countries and to the establishment of the freedom of the seas.

Now, Mr. President, what reasonable ground is there for thinking that within any measurable space of time any such agreement can be arrived at? Surely such an expectation can not be founded upon the results of the disappointing Washington Naval Disarmament Conference of 1921. Surely it can not be founded upon the results of the abortive Geneva Naval Disarmament Conference of 1927. To think, after those two fruitless conferences, that anything in the way of a satisfactory result is likely to be obtained from another such conference within a reasonable space of time reminds me of the famous observation of Dr. Samuel Johnson about second marriages. He said that they were the triumph of hope over experience.

We went into the Washington conference, and if I did not have the confidence that I have in the sincerity with which Great Britain entered into that conference, I should say that we were simply duped by her.

We scrapped a large part of our entire Navy, and, in comparison with our sacrifices, Great Britain scrapped almost nothing. Japan, it is true, did scrap a large tonnage, but the combined sacrificial offerings that Great Britain and Japan made upon the altar of international peace at the Washington conference were on the whole small as contrasted with the generous, even lavish, offerings that we made upon the same altar. We were in a fair way to become by far the strongest naval power in the whole world. We had what almost might be termed a gigantic naval program under way, but believing that Great Britain and the other powers who were parties to the Washington Disarmament Conference were disposed honestly to reciprocate the unselfish considerations by which we were influenced in our desire to bring about lasting international peace, we scrapped some of the finest battleships and finest cruisers in the world. We also entered into an agreement fixing a maximum limit for cruiser tonnage and the caliber of cruiser guns. We also entered into an agreement not to make a more liberal provision for our need for naval bases and stations in the waters of the Pacific Ocean.

Moreover, we entered into an agreement fixing the ratio of capital naval strength in the future as between the United States, Great Britain, and Japan at 5–5–3. We were even willing to enter into a similar compact with respect to other war vessels than battleships and battle cruisers, such as light cruisers, destroyers, and submarines.

I do not think that our people can justly claim in general respects any degree of moral superiority over the other great civilized powers of the world, but I do think that it can be truly said that in their international relations they are of a distinctly more generous and confiding character than any other civilized people in the world; and since the Geneva naval conference it has been demonstrated that they can be of that character at times to their cost.

The Geneva conference of 1927 followed the Washington conference of 1921. At the Geneva conference a determined effort was made by our representatives to arrive at a footing of naval parity with Great Britain as respects cruisers; and while the results of that conference were not so unfortunate to us in point of pecuniary loss as were the results of the Washington conference, they were perhaps even more unfortunate in other respects because of the seeds of suspicion and distrust that they sowed between Great Britain and ourselves.

I am not censuring Great Britain because the Geneva conference was a failure. I am not imputing bad faith to her. The truth of it is that the naval strength of Great Britain and the naval strength of the United States are not commensurate terms. They simply can not be reduced to a common denominator. England has naval bases throughout the world; we have only a few. Her special naval needs are wholly different from ours. Small cruisers, and a great number of them, merchant vessels that can be readily turned into ships of war, are her need. With our lack of naval bases and stations, large cruisers of 10,000 tons are our need. In my judgment, it is in the highest degree unjust not to recognize the peculiar naval exigencies of Great Britain. If the lanes of the sea were closed to her, her people would die of starvation in seven weeks. It is essential to her very existence that she should maintain a great fleet, and a fleet properly adapted to her special requirements. Her power extends throughout the world. As Webster told us in his sublime language, her "morning drumbeat, following the sun, and keeping company with the hours, circles the earth with one continuous and unbroken strain of the martial airs of England." Wherever that power finds a foothold—and it never finds a foothold except for the promotion of law and order and human liberty and civilization—her ships must follow, and this we should not forget they were doing long before any thought of naval equality with her on our part arose.

But while I have no censure for Great Britain because of the Geneva stalemate, the results of that conference as well as of the preceding Washington conference, warrant us in my opinion in thinking that no good or fruitful purpose is likely to be subserved by bringing about another conference simply between Great Britain and ourselves, and one or two other additional powers, perhaps, in relation to naval disarmament and the freedom of the seas.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Maryland yield to the Senator from Tennessee?

Mr. BRUCE. I yield.

Mr. McKELLAR. Is it not true also that if we were to secure a conference as provided for in the proposed Borah amendment would we not be in a very much stronger position to secure a reasonable disarmament by letting the other nations know that we intended to be in a position to protect our rights against any of them?

Mr. BRUCE. Of course we would. As the old saying goes, "One sword keeps another in its scabbard." While that is not always true, it is often true. Least of all is there any probability of any agreement being reached at another such conference in relation to the freedom of the seas.

That has been but a bright, deceitful dream of this country ever since the eighteenth century, when the great Franklin first brought forward his views with reference to neutral rights. In my opinion it is unreasonable to expect Great Britain to enter into any understanding with us with respect to the freedom of the seas until there has been some general disarmament throughout the world, not only on sea, but on land, as the result of a world-wide understanding that included all the civilized powers of the world.

A good deal has been said about the injury perpetrated by Great Britain upon our commerce during the World War. All I have to say is that if Great Britain were to make a promise, which in my judgment she will never do except agreeably with some universal plan of disarmament on both sea and land, that she would not under the same conditions repeat that injury, high as is my opinion of her good faith, I should not believe her. During the World War, before we entered it, she was in a situation where as a matter of self-preservation she had to deal with our commerce as she did, and the fact that she was to no small extent warranted in doing so is shown by the tolerant attitude of our people. I am not speaking of our Government. It sometimes criticized Great Britain all the more severely because it was not yet ready to cope with the military strength of Germany, I am speaking of the people of the United States. What did Walter Hines Page do, whatever just criticism his official conduct may deserve in some respects, but correctly interpret the spirit of our people? His relations to the maritime questions that arose between us and Great Britain during the World War were colored, after all, merely by the general feeling of the American people that Great Britain was not simply fighting for herself but for us as well; indeed, for human freedom and progress everywhere on the globe. He and his people thought that it would be not only a selfish but a short-sighted thing for us under the circumstances, having to such a great extent the same aims and motives, that Great Britain had to be too severe in our resentments toward her because of her interference with our shipments of cotton, copper, and other commodities that under conditions of modern discovery and invention are truly as much contraband of war as munitions of war, strictly speaking.

Does not every one of us realize that if England should ever again be involved in a great armed conflict that required the full use of her fleet, in all probability the commercial situation that existed during the World War would be reproduced, and that there would be the same call upon our people for leniency and toleration as during the World War? In other words, during the World War our people were in very much the same position that they were during the Napoleonic wars, when they saw Napoleon, with his inordinate ambition, striding with sword and iron-heeled boots over all Europe. They foresaw that if Germany subjugated Europe, our turn would come next. As John Randolph of Roanoke said during the Napoleonic wars, it looked as if the United States might have no choice but that of Ulysses in the cave of Polyphemus—that is to say, the choice of being the last to be devoured.

That was our predicament during the World War; and it was from that predicament that the British fleet, more than any other human agency in the world, extricated us.

If I had been one of the representatives of the United States at the Geneva conference I would have said to the British representatives in the end, for want of any general disarmament conference, looking to the reduction of both naval and land armaments throughout the civilized world: "Have whatever cruisers you feel to be necessary for your special needs. The British taxpayer will not allow the British Government to have more than are really necessary for those needs, because the British people, like ourselves, are a peace-loving people, and will always struggle against war as long as any self-respecting people should struggle against it." And if I had been one of the English representatives at the Geneva conference, I would have said to the American representatives at that conference: "Have whatever cruisers you feel to be necessary for your special needs. The American taxpayer will not allow the American Government to have more than are really necessary for those needs, because the American people, too, are a peace-loving people, and will struggle against war as strenuously as the British people."

The only effect of the two countries attempting to impose mutual limitations upon each other in the matter of naval armament has been to create the atmosphere of apprehension, distrust, and suspicion which unhappily now envelops them; and would never have existed if it had not been more or less artificially produced. Personally, I think that it is an unfortunate thing that any naval disarmament conference to which Great Britain and the United States have been parties should ever have taken place. It is my honest belief—I know not how generally it is shared—that nothing but evil has resulted from those conferences. Until they were held, there was no real distrust of Great Britain in this country. The British fleet had been regarded as a safeguard of American security rather than as a menace to it.

How often had I heard the opinion expressed in the United States before the talk of naval ratios at the Washington conference that the British fleet was not only a protection to the independence of our country but to human liberty and civilization throughout the world!

I deem it a mistake, therefore, to take into account at the present time the possibility of any such conference as is contemplated by the Senators from Idaho and Montana [Mr. BORAH and Mr. WALSH]. All that should be left to some future general disarmament conference of the world—held under the auspices of the League of Nations. That league may never be endued with enough power to establish anything like world-wide peace; but, if it shall be unable to do it, in my judgment, no other human agency will be able to do it. I think that the civilized world might well say of the League of Nations, in the language of the old hymn:

> Other refuge have I none;
> Hangs my helpless soul on thee.

Land disarmament and naval disarmament should go along pari passu under the direction of the league. In my opinion naval disarmament will never be achieved except in companionship with land disarmament. The use for naval armaments originates in land conflicts. Every battle on the sea is preceded by collision on shore.

So far as I am concerned, I think that Great Britain would do a fatuous thing if, in advance of any general naval and land disarmament, she were to agree to strip herself of any considerable part of her panoply of naval power. But I look forward to the time—I trust that the thought is not utterly visionary—when this country will assume its just share of responsibility for world peace and become a member of the League of Nations, and when that code of international law cherished by the Senator from Idaho [Mr. BORAH] will have been realized and will be in actual course of administration by the World Court—in other words, when international peace shall have been institutionalized and policed, and shall be founded upon some basis firmer than Kellogg peace pacts or any other mere paper professions or promises.

So I say, let us go right ahead along the line pointed out so clearly by the Senator from Tennessee [Mr. MCKELLAR] yesterday. Let us keep the time limit in the pending bill. Let us vote down the amendment of the Senator from Idaho [Mr. BORAH], as modified by the suggestion of the Senator from Montana [Mr. WALSH]. Let us lay down the 15 cruisers, construct them, and launch them, without reference to contingent events which we can not now forecast. If later on there is some general disarmament conference, or even some special naval disarmament conference, our ability to accomplish something in the nature of practical results would certainly be likely, as the Senator from Tennessee [Mr. MCKELLAR] suggests, to be far greater should we enter such a conference on the footing of at least something like cruiser equality with Great Britain and Japan, the other two great maritime powers of the world.

PROPOSED SALE OF UNITED STATES LINES

Mr. MCKELLAR. I ask unanimous consent, out of order, to submit a resolution which I ask to have read, and I shall then request unanimous consent for its immediate consideration.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The resolution will be read.

The resolution, S. Res. 317, was read, as follows:

Resolved, That the United States Shipping Board be, and it is hereby, directed to furnish the Senate at the earliest practicable moment the following information:

1. To what extent have the negotiations gone for a sale of the United States Lines to Paul W. Chapman (Inc.), or to any other person or corporation?

2. If such negotiations are in progress, what is the price offered for each ship; and what ships are included, and what is the total price offered?

3. Is the line known as the United States Lines, now being maintained by the United States Shipping Board, being operated at a profit or loss? Give the full facts.

4. Give all the facts and figures concerning the proposed sale of such line, with the reasons of the board for such sale.

5. Give the cost of such vessels and the market value thereof.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

Mr. MCKELLAR. I have already presented the resolution to the chairman of the Commerce Committee, the Senator from Washington [Mr. JONES], and he sees no objection to it.

Mr. JONES. I see no objection to the resolution in the form it is in.

Mr. MCKELLAR. I ask unanimous consent that the resolution may be considered and adopted.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

EXECUTIVE SESSION

Mr. JONES. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened; and (at 4 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 30, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 29 (legislative day of January 28), 1929

UNITED STATES COAST GUARD

Lieut. William J. Kossler to be a lieutenant commander in the Coast Guard of the United States, to rank as such from January 24, 1929. (This officer passed the examinations required for the promotion for which he is recommended.)

PROMOTIONS IN THE NAVY

Commander Laurance N. McNair to be a captain in the Navy from the 25th day of December, 1928.

Lieut. George L. Harriss to be a lieutenant commander in the Navy from the 1st day of December, 1928.

Lieut. (Junior Grade) Hugh H. Goodwin to be a lieutenant in the Navy from the 11th day of December, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 29 (legislative day of January 28), 1929

DIPLOMATIC AND FOREIGN SERVICE

To be Foreign Service officers, unclassified

Warren H. Kelchner.	Raymond A. Hare.
R. Borden Reams.	Frederick P. Latimer, jr.
Warren M. Chase.	Edward S. Maney.
Llewellyn E. Thompson, jr.	Ralph Miller.
Robert English.	Sheldon T. Mills.
H. Merrell Benninghoff.	James B. Pilcher.
Norris B. Chipman.	Horace H. Smith.
Gaston A. Cournoyer.	L. Rutherfurd Stuyvesant.
Cecil Wayne Gray.	Mannix Walker.

COLLECTOR OF CUSTOMS

Louis M. Hall to be collector of customs, district No. 45, St. Louis.

UNITED STATES ATTORNEY

Julien A. Hurley to be United States attorney, fourth division, District of Alaska.

POSTMASTERS

ALABAMA

James C. Crim, Siluria.

CALIFORNIA

Allen G. Thurman, Colfax.
Doris R. Geiger, Dunsmuir.
Edward W. Vodden, Los Gatos.
Ada K. Harris, McKittrick.
Eva L. Snyder, Moorpark.
Joseph H. Steele, Riverbank.
Anna E. Collier, Seal Beach.
Ora A. Woods, Winters.

ILLINOIS

Joel E. Grizzell, Herrin.
May B. Ellis, Melvin.
John M. Yolton, Port Byron.
Olga M. Streetz, River Grove.
Paul A. Witte, St. Peter.

MASSACHUSETTS

Elsa L. Downing, Harding.
Frank H. Hackett, Wakefield.

MINNESOTA

Horace A. Beach, Alden.
Effie B. Starkweather, Hackensack.

NORTH CAROLINA

Charles L. Brown, Burnsville.
Preston P. Herman, Conover.
Ferry M. Barber, Goldston.
John A. Chambers, Hayesville.
Hilliard C. Rector, Marshall.
William H. Stewart, Matthews.
Thomas J. Henderson, Yanceyville.

NORTH DAKOTA

John D. Greene, Edgeley.

OKLAHOMA

Mollie E. McGinty, Ripley.
Raymond W. Wallace, Walters.
Abe H. Bergthold, Weatherford.

PENNSYLVANIA

Thomas J. Lane, Dresher.
Paul J. Kessler, Gilberton.
Fred L. White, Great Bend.
Charles J. Levegood, Jersey Shore.
H. Oscar Young, Plymouth Meeting.
Enos A. Freed, Souderton.
Lincoln G. Nyce, Vernfield.

SOUTH CAROLINA

Richard B. Poore, Belton.

SOUTH DAKOTA

Nettie B. Hammer, Alpena.
Nellie M. Sullivan, Athol.
Bernard P. Corrigan, Cavour.
Fred Engelbrecht, Elkton.
Alice M. Lane, Hecla.
Harry O. Starksen, Hetland.
Mabel Gilger, Nisland.
Orville Nichols, Winfred.

TENNESSEE

Sampson De Rossett, Crossville.

VERMONT

Robert B. Thomas, Jeffersonville.
Harold C. Richardson, Roxbury.

VIRGINIA

Mattie C. Berry, Accomac.
Nellie A. Mannes, Boykins.
Myrtle N. Lafoon, Ettrick.
Ross W. Walker, Fort Humphreys.
Charlotte V. Bevans, Greenbackville.
George E. Adkins, Grundy.
William H. Meador, Moneta.
James J. Mateer, Rosslyn.

WEST VIRGINIA

Edward J. Casey, Layland.

WISCONSIN

Anthony H. Otten, Barton.
Orville T. Huggins, Belmont.
Andrew Crahen, Brooklyn.
Hilda Wick, Catawba.
Maude Adams, Eagle River.
Herbert B. Linde, East Troy.
Ellen Hains, Fall River.
Thomas A. Watson, Fond du Lac.
John W. Kane, Fredonia.
Frank Tate, Glenhaven.
Charles H. Roser, Glidden.
Raynold G. Lidbom, Grantsburg.
Murlat B. Abdoo, Highland.
Oscar E. Hoyt, Iron Ridge.
Emy M. Mollenhoff, Iron River.
Marie D. Host, Lake Geneva.
Joseph G. Miller, Muscoda.
Wilber E. Hoelz, Random Lake.
Eugene D. Recob, Richland Center.
Mamie Auger, Saxon.
Robert M. Nichols, Sheboygan Falls.
Russell D. Stouffer, Shell Lake.
William N. White, Waterloo.
Martin F. Walter, West Bend.

HOUSE OF REPRESENTATIVES

TUESDAY, *January 29, 1929*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Praise belongeth unto Thee, most gracious Father in Heaven. Again we have experienced Thy tender care. We pray that we may rise to that holy ambition that covets pure fellowship and that glorifies common life in sympathetic service. Give a tone and taste to our minds so that our devotion to our country's welfare shall be the grandest type that our citizens have ever witnessed. As we face problems that shall test the sincerity of our loyalty, Oh, do Thou fortify us with a fine reserve of moral power. Just come into our souls with those enlarged and ennobled virtues which are so apparent on the higher levels of life. Bless the Republic and fill all its sails with a holy energy, and let the winds carry it over the lands and over the seas. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 14452. An act to authorize the Secretary of the Treasury to donate to the city of Oakland, Calif., the U. S. Coast Guard cutter *Bear*.

The message also announced that the Senate had passed, with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 9570. An act to provide for the transfer of the returns office from the Interior Department to the General Accounting Office, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 940. An act for the relief of Michael J. Fraher;
H. R. 2098. An act for the relief of Alonzo Northrup;
H. R. 3268. An act for the relief of John G. DeCamp;
H. R. 4589. An act for the relief of Dan A. Morrison;
H. R. 8341. An act to provide for appointing Clarence Ulery a warrant officer, United States Army;
H. R. 12113. An act providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain also within such State;
H. R. 12995. An act for the relief of Etta B. Leach Johnson;
H. R. 14925. An act to authorize repayment of certain excess amounts paid by purchasers of lots in the town site of Bowdoin, Mont., and for other purposes; and

H. J. Res. 365. Joint resolution authorizing the President, under certain conditions, to invite the participation of other nations in the Chicago World's Fair, providing for the admission of their exhibits, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1364. An act for the relief of R. Wilson Selby;
S. 1633. An act for the relief of Edward A. Blair;
S. 2362. An act to authorize the payment to Robert Toquothty of royalties arising from an oil and gas well in the bed of Red River, Okla.;
S. 2989. An act for the relief of John B. Moss;
S. 3327. An act for the relief of Robert B. Murphy;
S. 3453. An act for the relief of Clara Percy;
S. 3741. An act for the relief of S. L. Roberts;
S. 4454. An act for the relief of Jess T. Fears; and
S. 4927. An act for the relief of Peter Shapp.

TRANSFER OF RETURNS OFFICE

Mr. WILLIAMSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9570, just reported from the Senate with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to take from the Speaker's table the bill H. R. 9570. The Clerk will report the bill and the Senate amendments.

The Clerk read as follows:

A bill (H. R. 9570) to provide for the transfer of the returns office from the Interior Department to the General Accounting Office, and for other purposes.

The Senate amendments were read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

MAINTENANCE OF PUBLIC ORDER DURING INAUGURAL CEREMONIES

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 198 and consider the same.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take from the Speaker's table Senate Joint Resolution 198. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 198) to provide for the maintenance of public order and the protection of life and property in connection with the presidential inauguration ceremonies in 1929.

Resolved, etc., That $25,000, or so much thereof as may be necessary, payable in like manner as other appropriations for the expenses of the District of Columbia, is hereby authorized to be appropriated to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from the 28th of February to the 10th of March, 1929, both inclusive, including the employment of personal services, payment of allowances, traveling expenses, hire of means of transportation, cost of removing and relocating street-car loading platforms, and other incidental expenses in the discretion of the commissioners. Said commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property, and to make special regulations respecting the standing, movements, and operating of vehicles of whatever character or kind during said period; and to grant, under such conditions as they may impose, special licenses to peddlers and vendors to sell goods, wares, and merchandise on the streets, avenues, and sidewalks in the District of Columbia, and to charge for such privilege such fees as they may deem proper.

Such regulations and licenses shall be in force one week prior to said inauguration, during said inauguration, and one week subsequent thereto, and shall be published in one or more of the daily newspapers published in the District of Columbia, and in such other manner as the commissioners may deem best to acquaint the public with the same; and no penalty prescribed for the violation of any of such regulations shall be enforced until five days after such publication. Any person violating any of such regulations shall be liable for each such offense to a fine not to exceed $100 in the police court of said District, and, in default of payment thereof, to imprisonment in the workhouse of said District for not longer than 60 days. And the sum of $2,000, or so much thereof as may be necessary, is hereby likewise authorized, to be expended by the Commissioners of the District of Columbia for the construction, rent, maintenance, and expenses incident to the operation of temporary public-comfort stations, first-aid stations, and information booths during the period aforesaid, including the employment of personal services.

The SPEAKER. The Chair understands that a similar bill has passed the House.

Mr. ZIHLMAN. That is correct.

The SPEAKER. Is there objection to the present consideration of the Senate joint resolution?

There was no objection.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the Senate joint resolution was passed was laid on the table.

FIRST DEFICIENCY APPROPRIATION BILL, 1929

Mr. WOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 15848, with Senate amendments, disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the bill H. R. 15848, with Senate amendments, disagree to all the Senate amendments, and ask for a conference. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes.

The SPEAKER. Is there objection?

Mr. GARNER of Texas. Reserving the right to object, Mr. Speaker, may I ask the gentleman from Indiana whether, if consent is given to take this bill to conference, he will agree, before the House disagrees to the Senate amendments, to bring back to the House for its consideration the Senate amendments on prohibition enforcement and income-tax refunds?

Mr. WOOD. We will bring it back, whether it is agreed to or not. I will say we will bring it back.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, does that mean that if the gentleman does bring it back the House will have an opportunity to vote on both propositions?

Mr. WOOD. Yes.

Mr. FISH. Does this preclude anybody from offering amendments? Do you want to send it to the committee?

Mr. WOOD. I will say to the gentleman from New York that if this bill goes to conference under the rule we will have to bring these two amendments back, as suggested by the gentleman from Texas [Mr. GARNER], and after that any amendment may be proposed.

Mr. FISH. I want to say that I have a preferential amendment to include narcotic enforcement in this provision. There is no use in making a motion now if you are coming back later on.

Mr. GARNER of Texas. I want to get a little more definite statement from the gentleman from Indiana if I may. As I understand the rule governing conferences, if the Senate should recede from its amendment, you would not deem it necessary to bring it back?

Mr. WOOD. That is true.

Mr. GARNER of Texas. If the Senate desires to recede, will the gentleman promise to bring it back?

Mr. WOOD. I will say to the gentleman that——

Mr. GARNER of Texas. I want the gentleman to make a specific statement that he will bring these two amendments back, so that the House may express itself.

Mr. DENISON. Of course, the gentleman can not do that if the Senate recedes from its amendment.

Mr. WOOD. I will say to the gentleman that he has anticipated what can not possibly happen. Knowing the attitude of the gentlemen on the other side and the temper they have already manifested in reference to the amendment, and considering the information that comes to me, I understand that under no circumstances will they recede. So I am free to say this: It would put the House conferees in a very embarrassing position if the thing should occur that the gentleman from Texas is anticipating, which never will occur; that is, that the Senate will recede as to these two amendments; and if the Senate does not recede, then we would have to come back to the House.

Mr. GARNER of Texas. These two amendments are of major importance, I think, and the House ought to have the right, and would have the right under the rules governing the sending of this bill to conference, of debating it under the 5-minute rule. So, as I say, I think the House should have an opportunity to express itself on these amendments; and that is the assurance we want from the gentleman from Indiana, and

I think we are entitled to that assurance if we permit this bill to go to conference by unanimous consent.

Mr. WOOD. I will say to the gentleman that I think I can answer his inquiry in this way: Suppose the thing happened that the gentleman thinks might possibly happen, which I think never will happen, that the Senate will recede and there is a conference report brought back; then the very question the gentleman wishes to raise he can then raise upon the adoption or rejection of the conference report.

Mr. GARNER of Texas. You can not do that, because that does not bring before the House the direct issue I have in mind. We know, if the gentleman will permit—and when I say "we" I think this entire House knows—that the Senate conferees are not in sympathy with these amendments, and they would very willingly recede. If the House conferees asked them to recede, they would recede, and you would bring back a complete report, and the House would never have an opportunity to vote on these two propositions. All I ask of the gentleman is to assure the House that before he permits the Senate to recede he will bring those two propositions back for an expression on the part of the House.

Mr. BEGG. Will the gentleman from Indiana yield to me?

Mr. WOOD. I yield.

Mr. BEGG. I would like to say to the gentleman from Texas that this is an appropriation bill, and the House, under its rules, has no right to put legislative amendments on an appropriation bill. Now, if the Senate of its own volition recedes, how can the conferees bring back something for a vote which is contrary to the rules of the House?

Mr. GARNER of Texas. We can do that, I will say to the gentleman from Ohio, by sending this bill to conference under the rules of the House. Then we will have an opportunity to debate it under the 5-minute rule and vote on these two propositions.

Mr. BEGG. That is the gentleman's responsibility.

Mr. GARNER of Texas. And that is all I ask if we send the bill to conference by unanimous consent.

Mr. BYRNS. May I say this: According to the experience of everyone who has served on conference committees all the gentleman from Indiana would have to do would be to say to the Senate conferees that he had agreed to bring these amendments back for a vote on the part of the House and that would end the matter and they would be brought back. But if we send this bill to conference by unanimous consent, and if the Senate should recede on either of these amendments, the gentleman from Indiana would not have to bring the amendments back for a vote on the part of the House. But if the gentleman from Indiana would say to the Senate conferees that he had agreed to bring these particular amendments back for a vote that would end it.

Mr. CRAMTON. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. CRAMTON. To what amendment is the gentleman from Texas and the gentleman from Tennessee referring?

Mr. BYRNS. I was referring to the amendment relating to prohibition and the amendment relating to tax refunds.

Mr. CRAMTON. Well, there are two amendments relating to prohibition.

Mr. BYRNS. Well, I was referring to the amendments relating to prohibition and the amendment relating to tax refunds.

Mr. HASTINGS. As I understand, the gentleman is referring particularly to the Harris amendment?

Mr. BYRNS. Yes.

Mr. CRAMTON. That is what I wanted to know, and we ought to know definitely. As I now understand, the gentleman's remarks have reference to the $24,000,000 amendment and the tax-refund amendment.

Mr. GARNER of Texas. Let me say to the gentleman, in order that the matter may be clear, there is no reason why the gentleman should not bring back to the House of Representatives all amendments affecting appropriations applicable to prohibition and all amendments affecting the item of $75,000,000 for refunds.

Mr. DYER. Then what is the use of the conference at all?

Mr. CRAMTON. If the gentleman will permit, I think the gentleman from Indiana has yielded to me. The request now made is with regard to the three legislative amendments put on by the Senate, each one of which would have been subject to a point of order if offered in the House. The gentleman is asking the conferees to go to conference with respect to those amendments with their hands absolutely tied. Now, under the rules, before they can be accepted they must come back to the House for a separate vote on each one of them, and the House has its opportunity to act upon them; but if the Senate recedes on any one of the three—and it may be necessary or desirable to accept some and not others—but if the Senate recedes as to any one of the three amendments, it is proposed the House conferees can not accept such recession but must come back. I have looked over the bill and about all there is in it of a controversial character is these three amendments, and the gentleman wants to have the hands of the conferees tied before they ever go to conference.

Mr. GARNER of Texas. If the gentleman is so insistent about not tying his hands, all he has to do is to walk out of the committee room, report his bill back to the House of Representatives, and take it up under the 5-minute rule, and send it to the Senate under the rules of the House of Representatives. The gentleman is asking for a concession. The gentleman is asking us to send it to conference by unanimous consent, which we are willing to give if the gentleman will only give us an opportunity to express ourselves on these points.

Mr. CRAMTON. What is the use of having unanimous consent to do something that accomplishes nothing? There are ways in which such action can be taken and the rules of the House followed. What is the use of marching up the hill under an agreement to-day and to-morrow marching down the hill again?

Mr. LAGUARDIA. A motion now to accept the Senate amendment is preferential and we could go to the bat with it right now.

Mr. CRAMTON. That can be done to-day if the gentleman wants to.

Mr. LAGUARDIA. Unless we can get a satisfactory agreement, that will be done.

Mr. CRAMTON. That is no threat with any terrors.

Mr. LAGUARDIA. Not on my part, I am sure.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. GARNER of Texas. Mr. Speaker, reserving the right to object, I have not had an expression from the gentleman from Indiana in response to the suggestion of the gentleman from Tennessee [Mr. BYRNS] that he will say to the Senate conferees, "I have agreed to bring these amendments back to the House of Representatives," and thereby give us an opportunity to vote on them.

Mr. WOOD. I will say to the gentleman from Texas, as I stated a while ago, I do not think there is a possibility of the situation arising which he has in mind, but I want to be perfectly frank with the gentleman from Texas, and if the Senate conferees should recede upon either one of the three amendments we would be in no attitude whatever, if we are opposed to the amendments, to bring those matters back.

Mr. GARNER of Texas. I understand then that if the Senate should recede on any one of these amendments that the gentleman would not insist upon bringing it back to the House of Representatives?

Mr. WOOD. We would be in no position to do that.

Mr. TILSON. May I ask the gentleman a question in regard to amendment 17? This is an amendment where perhaps some change in the language will be desired. It seems to me that this amendment ought to go to conference entirely unhampered, so that the language may be changed.

Mr. BYRNS. What amendment is that?

Mr. TILSON. The amendment providing $250,000 for a study of law enforcement.

Mr. BYRNS. I will say to the gentleman that so far as that particular amendment is concerned, it seems to me the House could consider both of them, both applying to the same subject, at the same time, and I see no reason why it should not go along with the other amendments. I think this should be done in all fairness, because, as I said a while ago, there is not any question about it. It has been done before to my actual knowledge, and if the gentleman from Indiana will only say to the Senate conferees, "I have agreed with the House that I will give every Member of the House an opportunity to vote on these three amendments," that ends the matter. It is a very simple request.

Mr. TILSON. If the gentleman will permit, take the amendment to which I have called the gentleman's attention; under the gentleman's proposal would you not have to vote it up or down? The purpose of the amendment is good, but I should not like to have it accepted in its present form. It seems to me the only thing to do is to disagree to the amendment and send it to the committee of conference, so that the conferees may use their judgment as to the proper form of the amendment.

Mr. BYRNS. The gentleman does not lose any rights.

Mr. TILSON. But the committee of conference would not have an opportunity to do anything about it, because they would have to bring the whole thing back to the House.

Mr. BYRNS. But any agreement that may be made here would not affect the right of the conference committee or any member of the conference committee to come back to the House when the vote is taken on the amendment and move to concur

in the amendment with an amendment. So the gentleman does not lose any rights with reference to that particular amendment.

Mr. CRAMTON. If the gentleman will yield, as I have said before, about all there is in this conference that is controversial is with respect to really two amendments, the $24,000,000 amendment and the tax-refund amendment. The request that has been made ties the hand of the House conferees so that they can not confer on these amendments, and there is no use going to conference under such circumstances. Now, there is a way under the rules—and the gentlemen know it—by which they can get action to-day before we go to conference.

Mr. BYRNS. Yes; and then the Members will have an alibi in voting against this amendment.

Mr. CRAMTON. I know of some gentlemen and groups of gentlemen who are experts on looking for alibis these days.

Mr. BYRNS. The gentleman can not put me in that category.

Mr. GARNER of Texas. Will the gentleman from Indiana yield?

Mr. WOOD. Yes; I yield.

Mr. GARNER of Texas. I want to say to the gentleman from Michigan that there is a rule in the House of Representatives now by which you can consider this bill, and that is the rule bringing the bill back from committee and considering it in Committee of the Whole House on the state of the Union, just as the original appropriation bill was considered. Why do you not do it?

Mr. WOOD. I will say that we are following the course that has been followed with reference to every appropriation bill since I have been here.

Mr. CRAMTON. The gentleman from Texas is the ranking minority member of the Ways and Means Committee, and all the time that I have been in the House I have never heard the gentleman from Texas ask that that course be taken with reference to any bill that came from his committee, that he says now should be followed, not even when he claimed he wrote the revenue bill. [Laughter.]

Mr. LUCE. Will the gentleman yield? I would like to ask the gentleman from Texas whether in the case of the amendments relating to the tax refund the Senate had changed its mind or would change its mind whether any definite result would follow from bringing it back except to give our very good friend from Texas another opportunity to make one more speech on the matter?

Mr. GARNER of Texas. Let me say to the gentleman from Massachusetts that I want to see if the House of Representatives is in accord with its original expression.

Mr. CRISP. Mr. Chairman, it is apparent to all of us that the only two matters that are in controversy are the tax and prohibition amendments. It is also apparent that the membership of the House is intensely interested in both amendments; and as they have different views, before there can be a satisfactory settlement, the House must have an opportunity to vote upon both of these amendments; why would not the whole matter be settled by asking unanimous consent to take from the Speaker's table this bill and consider it in the House as in Committee of the Whole? Then, each one of the amendments will come up for consideration; you could move to concur or concur with an amendment, and the whole proposition then can be threshed out in the House. It seems to me that in matters of this kind it is better for the House itself to pass on these amendments than to commit them to three Members of the House as conferees, no matter how able they are. It seems to me it would be fair to let the House consider the two amendments, and consider them under the general rules, when they would be open to amendment.

Mr. CRAMTON. Mr. Chairman, the first request was that we should go to conference and go with hands tied so that we could do nothing. The present request is not to have any conference, but to let the House be the committee on conference. Now, that has an appealing power to the popular mind, but the gentleman from Georgia does not believe that that is a policy that ought to be followed generally in matters of legislation, because time does not permit.

Mr. GARNER of Texas. We have got all day.

Mr. CRISP. I agree with my friend as a general proposition, but when the House has no other business to transact, when we are adjourning from Friday until Monday, we have ample time to consider the two amendments.

Mr. CRAMTON. The gentleman's request, if followed, would open up for debate not only these matters that he alludes to but the claim of Lucy Knox, the claim of V. U. Irwin, claims for a few hundred dollars, and the whole 30 or 40 immaterial amendments.

Mr. CRISP. Mr. Speaker, my suggestion was to consider it in the Committee of the Whole House, which operates under the 5-minute rule, and on any one of the amendments, when there has been five minutes of debate, the gentleman can demand the previous question.

Mr. CRAMTON. Is the gentleman so afraid of debate upon these two important amendments that he wants to limit debate to five minutes?

Mr. CRISP. Oh, I said that if the majority of the House wants to limit it to five minutes, they have the power. I think these amendments ought to be very fully discussed.

Mr. WOOD. Mr. Speaker, there are two ways that can be followed in their regular order, and there is no occasion to deviate in this case from the proceeding in any other case. Gentlemen on the other side who are in favor of this amendment can move to instruct the conferees to accept the amendment, or if they want to throw it back into the House, there is a very easy way of doing that.

Mr. CRISP. Mr. Speaker, I think I have a fair knowledge of the method of procedure. Strictly following the rules, this bill should be referred to the Committee on Appropriations. That committee should consider the amendments and report the bill back to the House. It would then go to the Union Calendar, de novo, and each of the amendments could be considered. The only other way to get around that is by unanimous consent or by the Committee on Rules bringing in a rule putting it in conference. In answer to my friend's suggestion about a motion to instruct, I know it is in order to instruct the conferees before they are named, but it has always been held to be rather discourteous to the other body to appoint conferees and instruct them before they ever have a conference.

Mr. LAGUARDIA. In this instance, if we accept their amendment here we could not be discourteous.

Mr. CRISP. Oh, if we are going to accept the amendment, in that case I would see no discourtesy to them.

Mr. CRAMTON. Mr. Speaker, the request made by the gentleman from Texas [Mr. GARNER] would not rank high on the courtesy test, but the fact is that when the House sends a message to the Senate notifying them of the conference, that message does not contain any statement as to whether or not the conferees are instructed.

Mr. CRISP. I think it would be more courteous to the other body for the House to have a direct vote on these matters, and if the House accepts them, then when the conferees meet with the conferees of the Senate those matters would be eliminated and be out of their jurisdiction.

Mr. BYRNS. Mr. Speaker, may I say this to the gentleman from Indiana: This matter, boiled down to a plain proposition, amounts to this: There are a great many Members of the House who wish to have an opportunity to vote on these particular amendments to which the gentleman from Texas has referred. It is a very easy proposition to give every Member of the House that opportunity, if the gentleman will simply agree to the proposition of the gentleman from Texas [Mr. GARNER]; but if that is not done, it can be properly claimed by those Members that the proposition is simply to give the conferees a chance to tie the House and prevent them from having the opportunity to express themselves, which belongs to them if they want it.

Mr. WOOD. Mr. Speaker, let me ask the gentleman from Tennessee a question. I hope gentlemen on that side have not lost all their confidence in the gentlemen at the other end of the Capitol; and, having that confidence, they can depend upon it that there will be no agreement on these amendments. I know two of the conferees who will be upon the Senate side. One of them will never recede with reference to the tax amendment. Another, the author of this other amendment, will be one of the conferees. Does the gentleman think that he is going to consent to recede and thus despoil all of his purpose in introducing it, in rehabilitating himself with his constituency? [Laughter and applause on the Republican side.]

Mr. GARNER of Texas. Mr. Speaker, in view of the statement of the gentleman from Indiana that he is certain it will come back with an opportunity for the House to express itself, why does he not agree that he will say to the conferees on the part of the Senate, "I have agreed to take these amendments back, and must take them back?" Why will not the gentleman agree to make that statement to the conferees?

Mr. WOOD. Why will not the gentleman from Texas agree to take my assurance that he can depend upon his friends on the other side?

Mr. GARNER of Texas. Ah, I am not depending upon the friends on the other side of the Capitol. I am depending upon the agreement that I can get out of the gentleman from Indiana.

Mr. CRAMTON. Mr. Speaker, if the gentleman will yield, I think the RECORD ought to show distinctly that which the gentleman from Georgia [Mr. CRISP], the gentleman from Texas

[Mr. GARNER], and the gentleman from Tennessee [Mr. BYRNS] know full well—that all they have to do to get an expression from the House is to permit this consent to be granted, let the bill be sent to conference, and then, before the conferees are appointed, make such motion as they desire to instruct the conferees, and upon that they can have a debate; and they can have a roll-call vote; and that is the way to instruct the conferees. It can easily be done, and the gentlemen can get the votes they want.

Mr. BYRNS. Mr. Speaker, the gentleman from Michigan [Mr. CRAMTON] has been the great dry leader of the House, so heralded to the country. Is it the purposes of the gentleman from Michigan to move to instruct the conferees, if that is done? [Laughter on the Democratic side.]

Mr. CRAMTON. I say to the gentleman from Tennessee that I am not one of those who are swayed in the spending of the people's money by a wave of political hysteria. [Applause on Republican side.]

Mr. LAGUARDIA. And if the gentleman will yield, I say to the gentleman from Tennessee that if that distinguished dry from Michigan does not do it this wet will.

Mr. CRAMTON. The House can well understand what kind of a Senate amendment this is when the chief sponsorship of it goes to the hands of one of the most capable and most active wets in the House.

Mr. LAGUARDIA. Because we have got you on the run; that is why.

Mr. CELLER. Mr. Speaker, will the gentleman from Indiana yield?

Mr. WOOD. Yes.

Mr. CELLER. Is the gentleman afraid to have a vote on this question to-day?

Mr. WOOD. It depends entirely upon the action of this body whether there will be a vote on this matter to-day. All I am asking is that this bill take its regular course in its regular way.

Mr. DENISON. Mr. Speaker, I demand the regular order.

Mr. CELLER. Why does the gentleman object to a vote on the bill to-day, and why does the gentleman from Michigan [Mr. CRAMTON] object to it?

Mr. WOOD. He is not objecting to it, and we have told you time and time again how we would get a vote on it to-day.

Mr. CRAMTON. I would welcome a vote on it to-day, but the gentlemen on the gentleman's side of the House are trying to put it off for a week or two.

Mr. GARNER of Texas. Mr. Speaker, I desire to submit a unanimous-consent request.

Mr. WOOD. There is one unanimous-consent request pending now.

The SPEAKER. The Chair does not know whether he can recognize the gentleman from Texas to make a unanimous-consent request while another unanimous-consent request is pending.

Mr. GARNER of Texas. That has been done a number of times, Mr. Speaker; it is just a question of whether or not the Speaker desires to give me recognition.

The SPEAKER. The Chair recognizes the gentleman for that purpose.

Mr. GARNER of Texas. Mr. Speaker, I ask unanimous consent that the deficiency bill be taken from the Speaker's table and the Senate amendments be considered in the House as in Committee of the Whole House on the state of the Union immediately.

The SPEAKER. The gentleman from Texas asks unanimous consent that the deficiency bill be taken from the Speaker's table and the Senate amendments be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection?

Mr. DENISON. Mr. Speaker, I object until the request of the gentleman from Indiana be put to the House.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry. Is a preferential motion at this time in order?

The SPEAKER. No; it is not. The question is, Is there objection to the request of the gentleman from Indiana?

Mr. GARNER of Texas. Mr. Speaker, I object until the gentleman gives the assurance asked of him.

Mr. WOOD. I have given all the assurance that is necessary to protect the gentleman from his fears and I have also tried to protect the gentleman from his own folly.

Mr. GARNER of Texas. Mr. Speaker, I renew my request for unanimous consent that we immediately take the bill from the Speaker's table and consider the Senate amendments in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection?

Mr. WOOD. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

MRS. THOMAS R. MARSHALL

The SPEAKER. The Chair lays before the House the following telegram.

The Clerk read as follows:

Members of House of Representatives, Washington, D. C.:

I am deeply grateful to you for your consideration of my welfare in passing a bill granting me a pension and I am also grateful for the manner in which the matter was consummated. May I express my thanks for your confidence and esteem and assure you of my appreciation.

MRS. THOMAS R. MARSHALL.

[Applause.]

PERSONAL PRIVILEGE

Mr. CELLER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. CELLER. I ask recognition on a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. CELLER. Mr. Speaker, the Washington Post this morning contains a statement to the effect that the Democrats seem to be lined up as a group to put the appropriation over, meaning the appropriation for the additional $24,000,000——

SEVERAL MEMBERS. That is not a question of personal privilege.

The SPEAKER. The Chair does not think it is a question of personal privilege.

Mr. CELLER. Then, Mr. Speaker, I withdraw it.

RETURN TO THE SENATE OF SENATE JOINT RESOLUTION 171

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Concurrent Resolution 32 and agree to the same.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate Concurrent Resolution 32

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the joint resolution (S. J. Res. 171) entitled "Joint resolution granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid-transit railway."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. JACOBSTEIN, for one week, on account of illness in his family.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and under the rule referred as follows:

S. 5178. An act to authorize the Secretary of the Treasury to donate to the city of Oakland, Calif., the U. S. Coast Guard cutter *Bear;* to the Committee on Interstate and Foreign Commerce.

BIRTHDAY OF MAJOR STEDMAN

Mr. CANNON. Mr. Speaker, turning to matters less controversial, I wish to call attention to the fact that this is the eighty-eighth anniversary of the birth of our distinguished colleague Major STEDMAN, of North Carolina. [Applause.]

Major STEDMAN is the only Confederate veteran of the Civil War now serving in either House of the Congress. I am certain I express the sentiment of the Members of the House in wishing him many happy returns of the day. [Applause, Members rising.]

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and the Chair announced the ayes appeared to have it.

On a division (demanded by Mr. CELLER) there were—ayes 195, noes 93.

So the motion was agreed to; accordingly (at 12 o'clock and 47 minutes p. m.), the House adjourned until to-morrow, Wednesday, January 30, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, January 30, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON EXPENDITURES

(10.30 a. m.)

To authorize the President to consolidate and coordinate governmental activities affecting war veterans (H. R. 16530).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10.30 a. m.)

To authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant frequency monitoring radio station (H. R. 16608).

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

Authorizing the appropriation of the sum of $50,000 to enable the Secretary of State to cooperate with the several governments, members of the Pan American Union, in the undertaking of financing and building an inter-American highway or highways (H. J. Res. 355).

COMMITTEE ON THE JUDICIARY—SUBCOMMITTEE NO. 2

(10 a. m.)

To amend sections 116, 118, and 126 of the Judicial Code (H. R. 13567).

JOINT COMMITTEE ON PUBLIC LANDS

(10.30 a. m.)

To consider Northern Pacific land grants.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To consider general legislation.

COMMITTEE ON RIVERS AND HARBORS

(9.30 a. m.)

To authorize the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor (S. 1710).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Cotton manufactures, January 30, 31, February 1.
Flax, hemp, jute, and manufactures of, February 4, 5.
Wool and manufactures of, February 6.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

784. A communication from the President of the United States, transmitting supplemental estimates of appropriation for the fiscal year ending June 30, 1929, for the Navy Department, amounting to $442,680 (H. Doc. No. 539); to the Committee on Appropriations and ordered to be printed.

785. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Navy Department for the fiscal year 1929, in the sum of $51,150.02, for the relief of contractors (H. Doc. No. 540); to the Committee on Appropriations and ordered to be printed.

786. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the fiscal year ended June 30, 1923, for the National Advisory Committee for Aeronautics, amounting to $258.17 (H. Doc. No. 541); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LUCE: Committee on the Library. H. J. Res. 392. A joint resolution to provide for the erection on Government land of a permanent building for the use of the American National Red Cross; without amendment (Rept. No. 2270). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITE of Colorado: Committee on Irrigation and Reclamation. H. R. 14674. A bill authorizing the sale of surplus power developed under the Grand Valley reclamation project, Colorado; with amendment (Rept. No. 2271). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. REECE: Committee on Military Affairs. H. R. 3675. A bill for the relief of Paul Wallerstein; without amendment (Rept. No. 2266). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 9530. A bill for the relief of W. L. Inabnit; without amendment (Rept. No. 2267). Referred to the Committee of the Whole House.

Mr. STEELE: Committee on Claims. H. R. 14850. A bill authorizing and directing the United States Employees' Compensation Commission to pay Leo Byrne at the rate of $100 a month, and for other purposes; without amendment (Rept. No. 2268). Referred to the Committee of the Whole House.

Mr. LUCE: Committee on the Library. H. J. Res. 33. A joint resolution to relieve Elizabeth Robins Pennell from necessity of providing a surety on her bond for the benefit of the United States as residuary legatee and remainderman under the will of Joseph Pennell; without amendment (Rept. No. 2269). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII the Committee on Claims was discharged from the consideration of the bill (S. 2859) for the relief of Francis J. Young, and the same was referred to the Committee on Foreign Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRITTEN: A bill (H. R. 16694) to establish a naval airship base in one of the Pacific Coast States; to the Committee on Naval Affairs.

By Mr. ENGLEBRIGHT: A bill (H. R. 16695) providing for the necessary surveys, studies, investigations, and engineering of the Southern Lassen reclamation project in Lassen County, Calif., and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. HASTINGS: A bill (H. R. 16696) providing for the sale of the remainder of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. PEAVEY: A bill (H. R. 16697) to maintain the level of the Great Lakes; to the Committee on Rivers and Harbors.

By Mr. HAWLEY: A bill (H. R. 16698) to add certain lands to the Crater Lake National Forest; to the Committee on the Public Lands.

By Mr. YON: A bill (H. R. 16699) authorizing the Northwest Florida Corporation, its successors and assigns, to construct, maintain, and operate a bridge across Perdido Bay at or near Lillian, in Baldwin County, Ala., to the mainland of Escambia County, Fla.; to the Committee on Interstate and Foreign Commerce.

By Mr. ZIHLMAN: A bill (H. R. 16700) authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern, high-temperature incinerators for the destruction of combustible refuse, and for other purposes; to the Committee on the District of Columbia.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 16701) to provide for the payment of rental to the Board of Commissioners of the Port of New Orleans of the property known as the New Orleans Army Supply Base, New Orleans, La.; to the Committee on Military Affairs.

By Mr. ANDRESEN: Joint resolution (H. J. Res. 393) to provide for the printing with illustrations and bound in cloth 320,000 copies of the special report on the diseases of cattle; to the Committee on Printing.

Also, joint resolution (H. J. Res. 394) to provide for the printing with illustrations and bound in cloth 110,000 copies of the special report on the diseases of the horse; to the Committee on Printing.

By Mr. SIROVICH: Resolution (H. Res. 302) that a committee of five members be appointed by the Speaker to investigate the administration of bankruptcy practice in the southern and eastern districts of New York; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. CARSS: Memorializing the Congress of the United States that it is the sense of the members of the Minnesota Legislature that national legislation should not be enacted curtailing State rights with respect to transportation and with respect to the grain-growing industry; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 16702) granting an increase of pension to Anna R. Decker; to the Committee on Invalid Pensions.

By Mr. BRIGHAM: A bill (H. R. 16703) granting an increase of pension to Maria A. King; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 16704) to equalize the basis for longevity pay and retirement of Warrant Officer Edward F. McCarron, United States Army; to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 16705) granting an increase of pension to George Buzan; to the Committee on Pensions.

By Mr. McMILLAN: A bill (H. R. 16706) granting a pension to George W. Adams; to the Committee on Pensions.

By Mr. McREYNOLDS: A bill (H. R. 16707) for the relief of Robert Edward Carson; to the Committee on Military Affairs.

By Mr. MOORE of Ohio: A bill (H. R. 16708) granting a pension to Catharine McLaughlin; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 16709) granting a pension to Mary C. Mount; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 16710) for the relief of certain employees of the Alaska Railroad; to the Committee on Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 16711) to correct the military record of Henry B. Jones; to the Committee on Military Affairs.

Also, a bill (H. R. 16712) to correct the military record of John McGee; to the Committee on Military Affairs.

By Mr. WARE: A bill (H. R. 16713) granting a pension to Fannie Snyder; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8441. Petition of Aero Club of Washington Chapter of the National Aeronautic Association, urging the Congress provide an airport at Gravelly Point; to the Committee on Military Affairs.

8442. Memorial of the Second National Conference on the Merchant Marine, meeting in Washington, D. C., indorsing the Americanization of the merchant marine; to the Committee on the Merchant Marine and Fisheries.

8443. By Mr. GARBER: Petition of the National Association of Retail Druggists, in support of the Capper-Kelly fair trade bill (H. R. 11); to the Committee on Interstate and Foreign Commerce.

8444. Also, petition of Fred Capshaw, Corporation Commission of Oklahoma, in support of amended Parker bus bill (H. R. 15621); to the Committee on Interstate and Foreign Commerce.

8445. Also, petition of the Southwestern Millers' League, Kansas City, Mo., in support of House bill 16346, amended bill from House bill 15267; to the Committee on Ways and Means.

8446. Also, petition of Canadian Mill & Elevator Co., El Reno, Okla., in support of House bill 16346, amended bill from House bill 15267; to the Committee on Ways and Means.

8447. Also, petition of the Anti-Saloon League of America, with reference to deficiency appropriation bill (H. R. 15848); to the Committee on Appropriations.

8448. By Mr. O'CONNELL: Petition of the Brooklyn Chapter, Reserve Officers' Association, Brooklyn, N. Y., favoring sufficient appropriations to train 26,000 reserve officers; to the Committee on Appropriations.

8449. Also, petition of Henry C. Pelton and Grace Rainey Rogers, of New York City, favoring the passage of the Norbeck game refuge bill (S. 1271); to the Committee on Agriculture.

SENATE

WEDNESDAY, *January 30, 1929*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, who art above all, yet in all, who knowest our need of Thee, since Thou hast placed it there, and who knowest our desire for Thee, since Thou understandest our inmost thoughts, send us forth to meet the challenge of this day conscious of our fellowship with Thee, who hast made us in Thine image. Fill our hearts with thankfulness for the gift of life with its great adventure, its golden opportunity, its zeal, its triumphs, its failures that quicken us, its pain and sorrow that chasten and ennoble us. Help us to drink to the full of the beauty and strength of the world, knowing that they come from Thee as gifts of love to us. Make us aware of life ablaze with the presence of God, and above all give us the mind of Him who reveals the majesty of every common task and sheds the light of heaven upon our path, Jesus Christ, Thy Son, our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the joint resolution (S. J. Res. 198) to provide for the maintenance of public order and the protection of life and property in connection with the presidential inauguration ceremonies in 1929.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9570) to provide for the transfer of the returns office from the Interior Department to the General Accounting Office, and for other purposes.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 32) requesting the President to return to the Senate the joint resolution (S. J. Res. 171) granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid-transit railway.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 1731. An act to provide for the further development of vocational education in the several States and Territories;

S. 3453. An act for the relief of Clara Percy;

H. R. 4589. An act for the relief of Dan A. Morrison;

H. R. 12236. An act to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926, and to provide a means for further investigation and payment in certain cases;

H. R. 14150. An act to amend section 279 of the Judicial Code;

H. R. 14452. An act to authorize the Secretary of the Treasury to donate to the city of Oakland, Calif., the United States Coast Guard cutter *Bear;*

S. J. Res. 198. Joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the presidential inauguration ceremonies in 1929; and

H. J. Res. 365. Joint resolution authorizing the President, under certain conditions, to invite the participation of other nations in the Chicago World's Fair, providing for the admission of their exhibits, and for other purposes.

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H. R. 940. An act for the relief of Michael J. Fraher;

H. R. 2098. An act for the relief of Alonzo Northrup;

H. R. 3268. An act for the relief of John G. DeCamp;

H. R. 8341. An act to provide for appointing Clarence Ulery a warrant officer, United States Army;

H. R. 12113. An act providing for the acquirement by the United States of privately owned lands situated within certain

townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain also within such State;

H. R. 12995. An act for the relief of Etta B. Leach Johnson; and

H. R. 14925. An act to authorize repayment of certain excess amounts paid by purchasers of lots in the town site of Bowdoin, Mont., and for other purposes.

SENATOR FROM VERMONT

Mr. DALE. I send to the desk the credentials of my colleague, Hon. FRANK L. GREENE, chosen a Senator from the State of Vermont for the term commencing March 4, 1929, and ask that they be read and placed on file.

The credentials were read and ordered to be placed on file, as follows:

STATE OF VERMONT.

To the PRESIDENT OF THE UNITED STATES SENATE:

This is to certify that on the 6th day of November, 1928, FRANK L. GREENE was duly chosen by the qualified electors of the State of Vermont a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1929.

Witness: His excellency our governor, John E. Weeks, and our seal hereto affixed at Montpelier, this 23d day of January, A. D. 1929.

JOHN E. WEEKS,
Governor.

By the governor:
[SEAL.]

RAWSON C. MYRICK,
Secretary of State.

RESALE PRICE MAINTENANCE

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Federal Trade Commission, transmitting a report of that commission on Resale Price Maintenance, being volume 1, General Economic and Legal Aspects, which, with the accompanying report, was referred to the Committee on Interstate Commerce.

INAUGURATION ARRANGEMENTS

The VICE PRESIDENT laid before the Senate House joint resolution (H. J. Res. 386) to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1929.

Mr. CAPPER. Mr. President, the Senate already has passed Senate Joint Resolution 198, providing for certain inaugural arrangements, and the House also has passed the same joint resolution. Therefore I move that House Joint Resolution 386 be indefinitely postponed.

The motion was agreed to.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following cablegram, which was referred to the Committee on Territories and Insular Possessions:

SAN JUAN, P. R. (VIA HAITI), *January 29, 1929.*

SENATE, *Washington, D. C.:*

Association Portorriquena Mujeres Suffragistas earnestly request passage bill now before Senate amending our organic law granting Porto Rican women electoral franchise.

ANA VELEZ, *President.*

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of Minnesota, which was referred to the Committee on Finance:

A concurrent resolution memorializing the President of the United States and the Congress of the United States that it is the sense of the members of the Minnesota Legislature that an adequate agricultural tariff be enacted at the earliest possible date

Whereas the prices of agricultural commodities are not on a parity with prices of other products, and especially with the prices of those commodities which farmers must buy; and

Whereas there are competitive agricultural products imported that represent the product of 1,000,000 American farms; and

Whereas these importations are directly depressing the prices of farm crops: Now, therefore, be it

Resolved by the House of Representatives of the State of Minnesota (the Senate concurring), That we favor the readjustment of tariff schedules affecting agricultural commodities so that the American farmer will be placed on a parity with those engaged in other industries and which will insure for him the full benefit of the American market for his products and will give him the average cost of production based on American standards of living; and be it further

Resolved, That we urge action on this matter in the present session of Congress or in a special session to be called for the consideration of emergency agricultural tariff and general agricultural relief legislation; and be it further

Resolved, That the secretary of state of the State of Minnesota be instructed to send a copy of this resolution to the President of the United States, President-elect Herbert Hoover, the Speaker of the House, the Vice President of the United States, to the Ways and Means Committee of the House of Representatives, and to each Member in Congress from the State of Minnesota.

JOHN A. JOHNSON,
Speaker of the House of Representatives.
W. I. NOLAN,
President of the Senate.

Passed the house of representatives on the 22d day of January, 1929.

JOHN I. LEVIN,
Chief Clerk of the House of Representatives.

Passed the senate on the 23d day of January, 1929.

A. H. SPAETH,
Secretary of the Senate.

Approved: January 25, 1929.

THEODORE CHRISTIANSON,
Governor of the State of Minnesota.

Filed: January 26, 1929.

MIKE HOLM, *Secretary of State.*

Mr. OVERMAN presented a memorial signed by members of the New Garden Meeting of Friends, of Guilford College, N. C., which was ordered to lie on the table and to be printed in the RECORD, without the signatures, as follows:

NEW GARDEN MEETING OF FRIENDS,
Guilford College, N. C., January 27, 1929.

United States Senator OVERMAN,
Washington, D. C.

DEAR SENATOR OVERMAN: We wish to express to you our sincere thanks and deep appreciation for your vote to ratify the Briand-Kellogg peace treaty. To outlaw war is of vast international significance and will mean much for the safety of the future. We also wish you to know that we do not favor the passage of the cruiser bill. The building of 15 additional 10,000-ton cruisers is neither consistent with the peace pact or with our needed national policy of economy.

Mr. FLETCHER. Mr. President, I present a telegram from Mrs. Robert B. Sturkie, department president of the American Legion Auxiliary of Florida, relative to the cruiser bill, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

DADE CITY, FLA.

Senator D. U. FLETCHER,
Washington, D. C.:

American Legion Auxiliary of Florida, representing 3,600 members, solicit your support and aid in passing without amendment the cruiser bill and urge you to prevent filibuster.

MRS. ROBERT B. STURKIE,
Department President.

Mr. PHIPPS presented letters and telegrams in the nature of petitions from the Colorado State legislative chairman, American Legion Auxiliary; the American Legion Auxiliary posts at Hotchkiss, Greeley, Fort Morgan, Paonia, Brush, Durango, Johnstown, and Boulder; the Colorado Commandery of the Loyal Legion; the Colorado State board of the National Society of Daughters of the American Revolution; the Veterans of Foreign Wars; the American Legion; and Disabled American Veterans at Fort Lyon, all in the State of Colorado, praying for the prompt passage of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which were ordered to lie on the table.

Mr. COPELAND presented a resolution adopted by the New York State League of Savings and Loan Associations, favoring the passage of the bill (H. R. 13981) to permit the United States to be made a party to actions to foreclose mortgages or other actions in respect to real estate, which was referred to the Committee on Finance.

FARM RELIEF

Mr. CAPPER. Mr. President, recently one of the great farm organization groups, the American Farm Bureau Federation, held its tenth annual meeting in Chicago. In view of the expected special session of Congress to deal with the farm problem, I believe it would be worth while for Congress and the country to study carefully the resolutions on the subject of farm legislation adopted by the federation at that meeting, and I ask unanimous consent that these resolutions be printed in the CONGRESSIONAL RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the resolutions were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Resolutions of the American Farm Bureau Federation at the tenth annual meeting, Chicago, Ill., December 12, 1928

In celebrating the tenth year of activity of the American Farm Bureau Federation it is appropriate to renew our declaration of principles, which was adopted at the beginning of our organization, in these words:

"We pledge ourselves to carry out the objects of the American Farm Bureau Federation, which are to develop, strengthen, and correlate the work of the State farm bureau federations; to encourage and promote cooperation of representative agricultural organizations in every effort to improve facilities and conditions for economic and efficient production, conservation, marketing, transportation, and distribution of farm products; to further the study and enactment of constructive agricultural legislation; to advise with representatives of the public agricultural institutions cooperating with the Farm Bureau in the determination of nation-wide policies; and to inform Farm Bureau members regarding all movements that affect their interests."

For 10 years this organization has devoted itself to the solution of economic issues which relate directly to profit on the American farms. In spite of the rapid shifting of economic factors during the last 10 years, the American Farm Bureau Federation has not adopted policies in haste and consequently has not found it necessary to reverse its principles. Without hesitation the principles contained in each resolution of former annual sessions are hereby referred to and approved and are declared to be in full force and effect, unless they have been retired by accomplishment.

II. NATIONAL POLICY FOR AGRICULTURE

The control of agricultural surpluses is the dominant economic question which faces us at the present time. This problem has become a national issue and is not of concern alone to agriculture.

We reiterate the principles for which we have striven in the past to remove the effects of surpluses which, by imposing upon us a world price rather than an American price, and by making the tariff largely without benefit to the producers of farm crops, have in the past and will in the future, if continued, make it impossible to maintain the American standard of living upon our farms.

The questions of surplus control, seasonal and otherwise, for their proper solution require that the entire crop be brought under the regulation of efficient marketing and distribution which is too great a task for our present cooperative commodity marketing associations of themselves to accomplish. Failures in cooperative marketing have occurred mostly because it has proven to be difficult and in most cases impossible to acquire control of the whole crop. This has resulted in a small part of the crop, produced by a small fraction of the total producers, being required to bear the burden of surplus control and distribution for the entire production; and has made it impossible to require all portions of the crop to share in the cost of bringing the crop into the American protective system. Tariffs on farm crops, however, are not substitutes for surplus control legislation, and are partially ineffective on crops which produce surpluses. Neither does acreage regulation, by governmental mandate or by voluntary agreement, guarantee control of surplus.

Legislation must be adopted to make the tariff effective on surplus producing crops using cooperative marketing associations as the instruments for marketing not only the surplus but all portions of our farm crops; and containing definite checks and penalties upon overproduction. This legislation must be of a nature which does not subsidize agriculture.

It is recognized generally that surplus control legislation and agricultural tariffs are companion measures each exerting a long-time influence. Emergency action upon either measure is not sought by us since a national policy for agriculture can not be founded on emergency treatments. These measures are inseparable and can not be made major features of the second session of the Seventieth Congress since time is not available in a short session of Congress adequately to correlate and dispose of these subjects in the proper manner. Both such major legislative projects should be considered at an extra session of the Seventy-first Congress which we confidently expect will be called soon after the adjournment of the Seventieth Congress. In this we are given assurance by the promise of our President elect who said: "So far as my own abilities may be of service, I dedicate them to help secure prosperity and contentment in that industry where I and my forefathers were born and nearly all my family still obtain their livelihood."

We devotedly are seeking to solve these problems as a basis upon which our national agricultural policy may be founded. While we have seen nothing up to this time which would cause us to recede from our former position, we are willing to compare legislation which has received our support in the past with that proposed by any other organization. We are also willing to consider these subjects with the forthcoming national administration from time to time to find, if possible, a better way than we have heretofore supported, of effectuating adequate control of agricultural surpluses, of protecting and advancing cooperative commodity marketing, and of establishing on our farms the benefits of the American protective system, all of which secure that American standard of living which agriculture and industry alike desire.

III. MUSCLE SHOALS

We continue our support of the principles contained in the bill bearing the name of the late Congressman Martin B. Madden, of Illinois, which provides for the full-time capacity operation of the Muscle Shoals project by a lessee who is obligated to fix atmospheric nitrogen and manufacture and distribute it in the form of highly concentrated fertilizers at a profit limitation of 8 per cent, using the power at Muscle Shoals for the above purposes.

IV. TAXATION

The American Farm Bureau Federation enunciated 10 years ago a foundation upon which Federal taxation now stands. Time has proven the effectiveness of our Federal-tax principles in both the amount of money secured and the ease of its collection from those who have ability to pay and who pay in proportion to earning power.

We recommend that the principles of Federal tax which we uphold be extended as much as is possible into State and local tax structures. To this end we authorize President Thompson to call a conference of delegates sent by our various State farm bureau federations, at their expense, for the specific purpose of correlating various tax programs for State and local governments and formulating a unified project in these matters.

V. NEW PROJECTS

We recommend that—

(a) The Federal seed act be amended to designate by certification and otherwise the State or region of origin of domestic seeds and the date of the germination test with its per cent of viability. We recommend that the handling of such seeds be conducted by producer and consumer organizations, dealing directly with one another.

(b) Engineering experiment stations be established in connection with the land-grant colleges.

(c) No propaganda of private interests be permitted in our tax-supported schools, from the kindergarten to the university, inclusive.

(d) No new reclamation areas be brought under cultivation at the present time, and that the Bureau of Reclamation be transferred to the United States Department of Agriculture, so that correlation may be had between the bringing in of new productive areas and the demand for additional farm crops.

(e) Federal regulation of motor busses and trucks qualifying as common carriers and doing interstate business be secured.

(f) A study of the possibilities of cooperative production be made by a committee to be appointed by the president of the American Farm Bureau Federation.

(g) Cooperative crop insurance be more actively used as a method to reduce farm losses.

(h) Codes of ethics for various groups should not be used for the purpose of concealing price-fixing schemes and breaking down the anti-trust act.

(i) A uniform traffic code on Federal highways be promulgated by national legislation.

(j) Any effort to promote world peace be commended.

(k) There be established a national institute of health.

(l) Instruction in maternity and infancy matters be promulgated by the Federal Government.

(m) The transportation act be so amended that the shipping public will be equitably represented on any board giving consideration to wage questions.

(n) Corn sugar to be given its rightful place in the trade practices of the Nation, and so provide an increased market for one of our staple crops.

(o) The Federal Reserve Board be given authority to use its power and influence to stabilize the purchasing power of money.

(p) Correspondence schools which do an interstate business should be regulated by Federal Government.

(q) The request for a congressional investigation of the recent administration of the farm-loan system by the State federations representing the northeast portion of our Nation be granted.

(r) Broadcasting stations which specialize in farm programs be given equal consideration by the Radio Commission with those stations which broadcast commercial programs.

VI. OLD PROJECTS

We reannounce our position in support of—

(a) Rural electrification.

(b) Farm-fire prevention.

(c) Opposition to retail-price fixing.

(d) A continuation of the inquiry by the Federal Trade Commission of public-utilities corporations.

(e) Forest preservation and reforestation of barren and marginal lands.

(f) Control of European corn borer.

(g) Control or eradication of plant and animal pests and diseases.

(h) Fundamental research in agriculture by Federal, State, and citizen organizations.

(i) Federal aid for highways with special attention given to expanding this aid to farm-to-market highways.

(j) Adequate funds for the United States Department of Agriculture, the Tariff Commission, Interstate Commerce Commission, and the Federal Trade Commission.

(k) The Great Lakes-St. Lawrence route.

(l) The inland river transportation systems.

(m) Toll bridges reverting to the Government at the end of a definite period.

(n) The Hoch-Smith resolution.

(o) An American merchant marine directed by the United States Shipping Board and operated without subsidy.

(p) Rapid and continuous operations to control floods of our rivers.

(q) Retention of the Pullman surcharge.

(r) Parcel-post rates which are equitably proportioned to rates on other classes of mail.

(s) All quarantine orders which have for their purpose the preservation of health or the safeguarding of a domestic industry by preventing the importation of harmful plant and animal pests and diseases and by stamping out such pests and diseases wherever they appear in our Nation.

(t) The investigation by Congress relative to quotas of nationals from the Western Hemisphere, and ask that it be hastened, so that final adjustments may be made by those in all parts of our Nation who use seasonal labor.

(u) The main principles which we desire to have incorporated in the following measures at Washington, which have already made progress and constitutes a program of unfinished business for the short session of the Seventieth Congress:

(1) Foreign service abroad for United States Department of Agriculture (S. 1178; H. R. 11074).

(2) Farm loan amendments (S. 3241, S. 3684, S. 4175).

(3) Agricultural and decennial census (H. R. 393).

(4) Vocational training (S. 1731; H. R. 12241).

(5) Amendments to grain futures act (S. 3575; H. R. 11952).

(6) Redefining oleomargarine (H. R. 10958).

(7) Amending packer and stockyards act (S. 4264; H. R. 13596).

(8) Agricultural day resolution (S. J. Res. 61; H. J. Res. 22).

(9) Mailing of poisons (S. 3127; H. R. 10441).

(10) Defining lobbyists and lobbying (S. 1095).

(11) "Lame duck" resolution (S. J. Res. 47).

(12) Protein standards (S. 3367; H. R. 106).

(13) Trade-marking the name Farm Bureau (H. R. 13109).

(14) Postal policy bill (H. R. 89).

(15) Special export rate on grain (S. J. Res. 67).

(16) Truth in fabrics (S. 1621; H. R. 7907).

(17) Regulation of produce marketing (S. 1294).

(18) Amendment to section 5219, Revised Statutes of United States.

VII. TARIFF

The crises of the last 10 years have brought all citizens to realize that agriculture in our Nation is facing conditions similar to those which existed in England when the corn laws were repealed, since which time farmers in that country have striven against insurmountable odds. Tariffs are international issues and have for farmers in the United States constantly increasing world-wide significance. International loans by a creditor nation such as ours has come to be contain no promise of benefit to agriculture. If our money is marketed abroad, the unavoidable conclusion must be that repayment will be made largely by the importation into our Nation of agricultural commodities.

Our home market is always our best market, both for agriculture and industry, whether the commodity marketed is money or the products of the factory and the farm. This market must be held inviolate for the benefit of our own citizens.

Rates of duty on foreign-grown farm commodities which seek markets in our country must be adequate to permit our farmers to enjoy that profit which guarantees the American standard of living. Various commodities which are directly or indirectly competitive with our domestic farm crops should carry high rates of duty. The rates of duty should be based on the value of farm crops to the American producers thereof and should be of such nature that as the value increases the rate of duty automatically will increase.

It is indispensably necessary that flexibility be provided in tariff rates no matter how accurately such rates may be estimated in the writing of a tariff act. Economic conditions change, which require an elasticity which will permit corresponding changes in the rates of duty. There must be continuously in the Federal Government a tariff commission under the administration of which this elasticity can be secured. This commission should be nonpartisan and the members thereof should be appointed for such a term of years as will give continuity in the carrying out of the policies of our tariff laws and will secure eventually scientific and economic revision of tariff rates rather than revision of a political nature which has been up to the present time too much in evidence.

VIII. RELATIONSHIPS

The Good Book says: "In the multitude of counselors there is safety."

This truth has been carefully adhered to during the decade of history which measures the life of the American Farm Bureau Federation. Our officers and representatives have always been ready to counsel with, profit from, and give accord to the spokesmen of all other farm organizations. We are particularly mindful of cordial relationships which we have maintained with all cooperative-marketing organizations and the nation-wide membership organizations similar to the farm bureau. The wisdom and counsel of our brother officials who represent contemporary farm organizations have always been a stimulus to us, and we trust our advice has been received by them as sincerely as it has been given by us.

We realize that farm policies can not be formulated merely from an exchange of opinions but must be the result of careful thinking of those who live in the open country. Any organization may accumulate a mass of opinions in a short while, but it requires time and patient thought to evolve a policy. Existence of opinions and even of facts is of trivial importance to us unless such opinions and facts are interpreted from the point of view of agriculture.

It is our continuing desire to compare our policies and our interpretations thereof with those of other farm organizations.

The existence of facts is one thing; the organization and interpretations of facts is quite another thing. Each major industry has found it necessary to organize and interpret available facts according to its respective needs. Agriculture is no exception to this rule. It is upon this basis that we invite the cooperation of all other organizations in our Nation.

IX. THE SUGAR INDUSTRY

We urge that the situation regarding entry of sugar into the United States be brought to the attention of Members of Congress without delay, and we respectfully ask them to use their best efforts to place a limit on the free entry of sugar from the Philippines and Porto Rico to a point which will guarantee reasonable protection to the United States sugar industry, and that the tariff rate against all foreign sugar be increased so as to give adequate protection to this great American enterprise.

* * * * * * *

E. A. O'NEAL (Alabama), *Chairman.*
A. AHLF (California).
C. R. WHITE (New York).
M. L. NOON (Michigan).
CHAS. E. HEARST (Iowa).
CHESTER H. GRAY,
Secretary to the Committee.

APPORTIONMENT OF REPRESENTATION IN HOUSE OF REPRESENTATIVES

Mr. VANDENBERG. Mr. President, I present a very important letter from the Director of the Census, which requires a brief explanatory statement.

In connection with pending reapportionment legislation, the action of the House of Representatives and of the Senate Committee on Commerce has indorsed the so-called "method of major fractions" as the method for handling remainders. In academic detail the accurate description of "major fractions" on the one hand and so-called "equal proportions" on the other hand is highly technical. But underlying this mathematical consideration is a general, constitutional consideration involving the objective to be reached and this must be decided before the discussion is diverted to methods. Senators have been receiving letters from mathematicians and scientists indorsing "equal proportions" as against "major fractions" and complaining against my general statement of the difference between them.

My statement referred to the objective rather than to the method. I repeat it:

"Major fractions" reapportions remainders absolutely on the straight basis of population without preferences for any State on account of its size. "Equal proportions" reapportions remainders on the basis of a ratio between the given remainder in any given State and the total population in that State

I have asked the Director of the Census to pass upon this definition. He states that I am correct in suggesting the fundamental difference. He states also that a complete definition requires added technical detail. To supply this detail, I ask unanimous consent that the letter of the Director of the Census and the statement referred to by him may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered

The letter and statement are as follows:

DEPARTMENT OF COMMERCE,
BUREAU OF THE CENSUS,
Washington, January 29, 1929

Hon. A. H. VANDENBERG,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Replying to your letter of January 28, I do not believe that it is possible to formulate any better brief and accurate definition of the essential features of the two methods of apportionment—that of "major fractions" and that of "equal proportions" than is contained on page 73 of the hearings before the House Committee on the Census, held at the second session of the Sixty-ninth Congress, a copy of which is inclosed. According to that statement, which was prepared by Doctor Hill, of this bureau, and approved by Doctor Willcox, the essential difference in the two methods is that under the method of equal proportions the deviations from an exact apportionment are made as small as possible when measured by the relative or percentage difference in either the ratio of population to Representatives or the ratio of Representatives to population, while under the method of major fractions the deviations are made as small as possible when measured by the absolute or subtraction difference in the ratio of Representatives to population.

As regards your interpretation of these terms, as given in your letter, while I think that it suggests the fundamental difference in the methods of approaching the problem, I do not believe that the advocates of either of the methods would accept it as an accurate or complete definition without some qualifications.

I confess that to me the matter seems so technical that I doubt whether it can be explained briefly and completely in nonmathematical terms.

Very truly yours, W. M. STEUART, *Director.*

The statement referred to follows:

[Statement prepared for Representative JACOBSTEIN by Dr. Joseph A. Hill, Assistant Director of the Census Bureau, approved by Dr. Walter F. Willcox]

THE ESSENTIAL FEATURES OF THE TWO METHODS

On account of fractions or remainders in the exact quotas a mathematically exact apportionment according to population is impossible. That being the case, the aim should be to make an apportionment in which the necessary deviations from a mathematically exact apportionment shall be as small as possible.

Two methods of accomplishing that result are under consideration—one the method of equal proportions and the other the method of major fractions.

METHOD OF EQUAL PROPORTIONS

Process followed:

(1) In making an apportionment by the method of equal proportions the first step is to assign one Representative to each State, thus fulfilling the requirement of the Constitution that each State shall have at least one Representative. This disposes of 48 Representatives.

(2) The next step is to divide the population of each State by the following quantities in succession: $\sqrt{1\times2}$, $\sqrt{2\times3}$, $\sqrt{3\times4}$, etc.

(3) The quotients thereby obtained are arranged in order of size, beginning with the largest, to form what is called a priority list, which indicates the order in which Representatives in excess of 48 shall be given out to the States. Representatives are then assigned in that order until the required number has been given out.

The above process produces a result in which the necessary deviations from exactness are as small as possible when measured by the relative or percentage difference in either the ratio of population to Representatives or the ratio of Representatives to population.

METHOD OF MAJOR FRACTIONS

Process followed:

(1) Here, as in the method of equal proportions, the first step is to assign one Representative to each State, making 48 in all.

(2) The next step is to divide the population of each State by the following quantities in succession: 1½, 2½, 3½, etc.

(3) The quotients thereby obtained are then arranged in order of size beginning with the largest and continuing the process until the total number of quotients plus 48 is one greater than the number of Representatives to be apportioned.

(4) The next step is to divide the population of the several States by a number midway between the last two quotients in the list.

(5) The last step is to assign to each State a number of Representatives equal to the whole number in the quotient which was obtained for that State by the above division plus one more Representative in case the quotient contains a major fraction.

This process gives a result in which the necessary deviations from exactness are as small as possible when measured by the absolute or subtraction difference in the ratio of representatives to population.

THE ESSENTIAL DIFFERENCE

It is evident, then, that the essential difference in the two methods is in the mode or method of measuring deviations or divergences from exactness, the method of equal proportions using as a measure the relative or percentage difference in either of the ratios, while the method of major fractions uses the absolute or subtraction difference in the ratio of Representatives to population.

CONSTRUCTION OF CRUISERS

Mr. WALSH of Massachusetts. Mr. President, since the beginning of the debate on the cruiser bill persistent representations have been made, both inside and outside of the Senate, to the effect that the Navy Department had not presented to the Naval Affairs Committee of the Senate correct and accurate statements in regard to the real strength of the American Navy, the comparative strength of the American Navy with the navy of Great Britain, and other naval statistics that have been used in the Senate by the proponents of the cruiser bill.

When these representations, emanating from several sources, were made to me, I requested Mrs. Laura P. Morgan, associate secretary of the National Council for the Prevention of War, to submit to me in writing a summary of the reasons her particular organization had for challenging the accuracy of the Navy Department comparison statistics in certain particulars. In accordance with this request Mrs. Morgan prepared and delivered to me a comprehensive statement setting forth the statistics on these points and the conclusions therefrom which the National Council for the Prevention of War have offered to the American public as a basis for their point of view in opposition to the cruiser bill.

After receiving the above-mentioned statement I transmitted Mrs. Morgan's memoranda, with her consent, direct to the Navy Department, with the request that some statement be made by the responsible authority of that department, either agreeing with or dissenting from the statement of facts and statistics set forth by the National Council for the Prevention of War.

In due course I received a detailed memoranda from the department signed by Rear Admiral Frank H. Schofield, in which the Navy Department took issue, point by point, with the arguments contained in Mrs. Morgan's original statement to me. Thereupon Mrs. Morgan made a reply to the naval memoranda.

Without drawing any conclusion from this correspondence, I am requesting, at the instance of Mrs. Morgan, that it be printed in the RECORD, for I believe this correspondence for the first time sets forth succinctly some of the conflicts between the statistical claims of the respective schools now contending for and against the passage of the cruiser bill.

The VICE PRESIDENT. Without objection, it is so ordered.

The correspondence is as follows:

ORIGINAL STATEMENT

WASHINGTON, D. C., *January 10, 1929.*

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

DEAR SIR: At your request I am submitting to you some facts and figures which will show that certain statements made by the Navy Department, however accurate they may be so far as they go, are entirely misleading and even deceptive because of the factors which they neglect.

1. My first point is made with reference to the tables giving the number of ships laid down by the various naval powers since February 6, 1922, the date of the Washington conference. My contention is that by limiting the consideration to those ships which were laid down since that time, taking no account whatever of the ships under construction, a totally incorrect picture of the situation is given. By using this method and properly choosing the arbitrary dates for beginning and ending the period of comparison it would be possible to prove anything.

For example, the table inserted in the RECORD of January 3, 1929, by Senator HALE (CONGRESSIONAL RECORD, pp. 1059–1060) gives the number of vessels laid down by the United States since the armistice as 19, whereas the number of vessels laid down by the British Empire is 55. If we confine our comparisons to the first six classes of ships—namely, battleships, aircraft carriers, cruisers, mine layers, destroyers, and submarines, the so-called combatant classes—this table shows that the United States in this period has laid down 13 ships with a tonnage of 154,200, whereas the British Empire has laid down 46 ships with a tonnage of 295,690.

On the other hand, if instead of this period we choose the period from the armistice to the Washington conference, we find that beginning with the year 1919 the United States laid down 4 capital ships, 8 cruisers, 77 destroyers, and 27 submarines, or a total of 116 ships of 312,586 tonnage. The British Empire, according to tables furnished by the United States Navy Department, laid down in that time only one fleet submarine of 2,525 tonnage, and no ship whatever in the other five classes. Taking then the ships laid down beginning with the year 1919 to the present date in these classes we find that the United States has a total of 127 ships with 400,786 tonnage, whereas the British have a total of only 47 ships with 298,215 tonnage.

I am citing these figures, not for the purpose of showing that the United States has been building on the whole more than the British—

for, of course, the British had a very large navy at the time of the armistice—nor to criticize this building policy, but simply and solely to illustrate my point that this table used by Senator HALE proves nothing.

Nor is it valid to use this table as proof of the intention of the United States to limit her Navy and that of the British Empire to increase hers, unless we consider what has been the state of building during the previous period. Is it not, for instance, natural that the British should begin to build after a three or four year period, during which one submarine was the only combatant ship laid down? The same argument as to intent could be equally well used for the period after the armistice, as, indeed, it was used by Commander Bellairs in the House of Commons on November 24, 1927.

Commander Bellairs made the following statement:

"The four chief navies of the world, from the armistice up to 1923, laid down 310 war ships of all kinds, and our contribution to that total was only 11 to the others' 299."

In reply to this Mr. Lees-Smith, of the Labor Party, called his attention to the fact that these figures took no account whatever of the vessels which were building and even were on the verge of completion on the day the armistice was signed, but only reckoned the vessels that were laid down since the armistice. Mr. Lees-Smith continued:

"If you take the number of vessels on the way to completion at the armistice and reckon those in the account, the figure of 11 rises to a figure of nearly 400. The honorable and gallant member's calculations are out of reckoning by about 4,000 per cent.

"What I am indicating to the House is that statistics can prove anything. Statistics which take into account only 11 vessels laid down after the armistice and miss out the 400 which were being completed at the armistice, including the *Hood*, are entirely meaningless for any practical purpose."

To this Commander Bellairs replied:

"But we are dealing with a state of mind prevailing after the armistice and whether it is a peace mind or a war mind."

A similar statement was made by Admiral McNamee in a public speech at the Women's Democratic Club on December 17, 1928, when he said:

"The United States has not laid down and completed a single cruiser since the Washington conference, whereas the British Empire has laid down and completed seven such cruisers."

Admiral McNamee did not add to his statement until questioned that during this period the United States has had under construction 18 modern cruisers, and when challenged replied merely that his figures were strictly accurate.

I maintain that such a statement as this proves nothing—except perhaps that the British shipbuilders can turn out cruisers more quickly than the American shipbuilders—and that the only purpose it serves is to obscure the truth.

When a similar table showing vessels laid down since the Washington conference was presented at the hearing before the House Naval Appropriations Subcommittee last February, Mr. FRENCH, chairman of the committee, pointed out that it was necessary to take into account that the United States had added two new battleships to our capital ships since the conference, the *Colorado* and the *West Virginia*, at a tonnage for the two of 65,200. (House hearings, Navy Department appropriation bill for 1929, pp. 157–158.) These ships were laid down in 1919 and 1920, respectively, and were therefore under construction at the time of the conference. The United States also had under construction ten 7,500-ton cruisers which were laid down, 2 in 1918 and 8 in 1920.

Mr. FRENCH also believed that the tables should be clarified with respect to the *Nelson* and the *Rodney*, two British battleships which were provided for by the Washington conference as replacement ships, to take the place of four ships which went out of commission when they came in. Mr. FRENCH's point was that the tonnage of these two ships should not be counted as new tonnage added to the fleet, or at least only that part of their tonnage which is over and above the tonnage of the four ships which they replaced.

While discussing this table, Mr. FRENCH asked Admiral Hughes with regard to the policy of the nations that are parties to the Washington treaty "what he would say as to the respect other nations are paying to the treaty in its observance." Admiral Hughes answered:

"So far as I know it has been strictly observed."

If we consider building as indicating a state of mind, it should also be pointed out that since the Geneva conference of 1927 the British have dropped three cruisers from their building program; and it has been announced by Mr. Bridgeman, first lord of the Admiralty, at least twice in the House of Commons that they would build no more of the class A cruiser—that is, 10,000-ton, 8-inch gun—until the United States caught up, provided there was a chance of an agreement to build no more such cruisers. He said that for the present they were holding in abeyance the building of such cruisers to see if the United States would not reconsider this point.

II. The second point that I wish to make is with respect to parity between the United States and the British Navies as expressed in terms of numbers and tonnage, or, in other words "mathematical" parity. My contention is that, taking all classes of ships, the figures justify the statement of President Coolidge, which was made in his annual message in Congress December 7, 1926, when he said:

"Only one navy approaches ours, and none surpasses it."

No change has been made in the British naval policy since that time. On the contrary, the British cruiser program, which has led to the claim that she has violated the spirit of the treaty, was adopted in August, 1925, and instead of being increased since then it has already been curtailed by three cruisers and may be reduced further. Her published cruiser-building program extends only through the year 1929.

A table of total numbers and tonnage follows.

To discuss "mathematical" parity, it is necessary to take into consideration not only cruisers but the five main classes of ships, battleships, aircraft carriers, cruisers, destroyers, and submarines. The first two classes were limited by the Washington treaty. Of the three classes unlimited by that treaty—submarines, destroyers, and cruisers—the United States is superior in the first two. The British Empire is superior in cruisers.

In capital ships the Washington treaty gave the British a slight superiority in tonnage and numbers in order to make up for the fact that her battleship fleet, on the whole, was older and weaker than ours. The United States Fleet has six battleships completed since the war, whereas the British have only three, the *Nelson*, *Rodney*, and *Hood*. Moreover, the modernization of eight of our older battleships, including elevation of guns, will add vastly to the strength of our battleship fleet.

Aircraft carriers were limited by the treaty, but no nation has built up to the limit. The British have the advantage in numbers and tonnage, but more than half of this is pretreaty tonnage and classed as experimental. The *Lexington* and the *Saratoga*, combined cruisers and aircraft carriers, are the only vessels in this class that were laid down since the war. They also have a tremendous advantage in speed and in capacity for aircraft. Hector Bywater, the English Navy critic, says that the 6 British carriers were all launched from 9 to 12 years ago and that their combined transport capacity is 160 planes. The capacity of the *Lexington* and *Saratoga* is 75 planes each.

In aircraft itself I understand that the United States has a distinct superiority over Great Britain, but I have not looked up the statistics on that point.

In destroyers and submarines the United States Navy is so far superior to the British Navy, as is shown by the tables at the end, that it is not necessary to discuss these classes in detail. In cruisers the British Empire is superior, but not to the extent that is implied by the tables presented by Senator HALE without a careful examination.

Senator HALE's table includes eight cruisers which last year the Navy Department tables classed as second-line cruisers, and two of them are already on the disposal list. Hector Bywater in an article in the Nineteenth Century Magazine for March, 1928, speaks of these as "obsolete vessels soon to be placed on the disposal list." There is also some doubt as to whether the two 8,300-ton cruisers listed as appropriated for will actually be built. Besides these obsolete cruisers, the British list contains 33 that are under 5,000 tons. Of these Mr. Bywater says:

"Useful enough as fleet scouts or destroyer leaders, they are not suitable for patrol duty on the ocean routes. Twenty of them were completed during the war, and the arduous service they saw in the North Sea has seriously curtailed their period of effective life. At least a dozen are obsolescent already."

Mr. Bywater gives Great Britain's cruisers, omitting the obsolete vessels, as 50, "built, building, or ordered," instead of the 64 listed in Senator HALE'S tables.

There is apparently a constant change in naval policy with regard to the designation "first line" and "second line." As late as last winter Secretary Wilbur, appearing before the House Appropriations Committee, gave 15 years as the effective life assigned to a cruiser by the General Board of the Navy, after which it becomes second line. Tables furnished by the Navy Department up to that time have made the same classification, but Senator HALE has this year included all cruisers under 20 years as first line, explaining that this was an agreement tentatively reached at the Geneva Naval Conference. However, it has been repeatedly stated heretofore that the United States delegates refused to be bound by any agreement so long as agreement was not reached on all points, including the limitation of cruiser strength. I have been unable to discover whether the limit of 20 years for first-line cruisers has been officially adopted or not. It seems rather significant that this classification includes all the British obsolete vessels as first-line cruisers, while excluding all the United States obsolete vessels.

It is now being argued that the proposed 15 cruisers are to replace our 22 obsolete and second-line cruisers, but as late as two years ago these cruisers were not even included in the tables put out by the Navy Department. All but five of them have been out of commission for years and these five have been in noncombatant service.

Secretary Wilbur in a speech on February 13, 1928, to the Indianapolis Association of Credit Men said:

"The Washington conference by ignoring these older cruisers inferentially declared them obsolete and useless from a military standpoint."

The inference is inescapable that if these cruisers were obsolete and ignored at the time of the Washington conference, they are only being brought forward now in order to back up the argument of replacement. Are they not, in fact, being replaced by the cruisers built and building since the Washington conference?

Representative Butler, chairman of the Naval Affairs Committee last year when the cruiser bill was being debated on the floor of the House, said that this was the first time that he had heard of this as a replacement program.

Taking into consideration only the total numbers and tonnage of the various classes of ships in the two navies, first and second line, we have the following table compiled from figures taken from Navy Department tables as of October 1, 1928:

	United States		Great Britain	
	Number	Tonnage	Number	Tonnage
Capital ships	18	525,850	20	556,350
Airplane carriers	3	78,700	6	107,550
Submarines	124	92,979	74	75,425
Destroyers [1]	295	340,994	187	230,470
Cruisers	40	334,425	64	397,140
Mine layers	18	32,770	2	11,810
Monitors			4	28,820
Total	498	1,405,718	357	1,407,565

[1] 25 of these destroyers are now detailed with the Coast Guard.

Since 3 British ships, 2 cruisers and 1 mine layer, with a tonnage of 15,720, are on the disposal list, it would seem proper to deduct this tonnage from the British total, leaving a total of 354 ships with a tonnage of 1,391,845.

Yours very sincerely,

LAURA PUFFER MORGAN,
Associate Secretary National Council for Prevention of War.

ANSWER

NAVY DEPARTMENT,
OFFICE OF CHIEF OF NAVAL OPERATIONS,
Washington, January 12, 1929.

Memorandum

Subject: Statistical data concerning naval building programs and naval strengths.

Reference: (a) Letter of Mrs. Laura Puffer Morgan, associate secretary National Council for Prevention of War, dated January 10, 1929, addressed to the Hon. DAVID I. WALSH, United States Senate, Washington, D. C.

1. In Mrs. Morgan's letter, reference (a), she states that certain tables presented by Senator HALE and certain statements made by the Navy Department are "entirely misleading, and even deceptive, because of the factors which they neglect." The points covered in Mrs. Morgan's letter are—

(1) The table on page 1 of Navies of the World, prepared by the Hon. FREDERICK HALE, chairman of the Senate Committee on Naval Affairs, and printed for the use of the Committee on Naval Affairs, 1928, entitled "Total Tonnage of Vessels (by Classes) Laid Down or Appropriated for Since February 6, 1922."

(2) That with respect to parity between the United States and the British Navies as expressed in terms of numbers and tonnage—in other words, mathematical parity—only one navy approaches ours and none surpasses it.

(3) A discussion of the significance of "first-line" and "second-line" ships.

(4) A discussion as to whether the cruiser program is or is not in part a replacement program.

(5) A table inserted at the end of Mrs. Morgan's letter designed to show that there is practical equality of navies as between the United States and Great Britain.

These points will be taken up seriatim.

2. First, as to point (1) above, this table was prepared to show exactly what its heading indicates. Up to the time of the Washington conference there had been no international restraint upon naval building programs; each power had been entirely free to build or not to build as it saw fit. There was no agreement, implied or otherwise, no understanding which hampered the complete freedom of each power to act as it deemed proper. The signing of the Washington treaty created a new condition which differentiated all subsequent naval programs from all preceding naval programs. This table, then, was prepared to indicate the effect which the Washington treaty had on the decisions of the powers signatory to the Washington treaty. The table has no other significance.

3. Mrs. Morgan points out that this table shows that in the principal classes of naval vessels the United States laid down 13 ships with a total tonnage of 154,200, while during the same period the British Empire laid down 46 ships with a total tonnage of 295,690. The ratio of tonnages between Great Britain and the United States given by considering the table as a whole is 1 for the United States and 2.1 for Great Britain, whereas, taking only those ships indicated by Mrs. Morgan, the ratio is 1 for the United States and 1.9 for Great Britain. There is no deception or misrepresentation in this table. The table as published was complete, specific, and designed to furnish the answer to but one question.

4. It is quite true, as Mrs. Morgan states, that you can arrive at other numbers and other totals and at other ratios by asking and answering other questions.

5. On page 3 Mrs. Morgan, in referring to Admiral McNamee's speech before the Women's Democratic Club on December 17, 1928, states that the fact that Great Britain had completed seven 8-inch cruisers since the treaty of Washington and that the United States had not laid down and completed a single cruiser since that conference proves nothing "except perhaps that the British shipbuilders can turn out cruisers more quickly than the American shipbuilders, and that the only purpose it serves is to obscure the truth." Of course, this is an unworthy statement, particularly when joined to it is the fact that the statement, independent of its attack on Admiral McNamee, is itself untrue because of the following fact:

The first American 8-inch cruiser was laid down in 1926, the second in 1927, and the remaining six in 1928. The first British cruiser under the new program was laid down in 1924 and the remaining six of that particular group were laid down in 1924 and 1925, all of them laid down from one to four years prior to the laying down of the eight American cruisers.

Yet Mrs. Morgan states that Admiral McNamee's statement proves nothing "except perhaps that the British shipbuilders can turn out cruisers more quickly than the American shipbuilders."

6. The discussions contained in Mrs. Morgan's letter regarding capital ships are not germane. The question under consideration is the cruiser situation and other types of auxiliary vessels.

7. Mrs. Morgan states "that since the Geneva conference of 1927 the British have dropped three cruisers from their building program, and it has been announced by Mr. Bridgeman, First Lord of the Admiralty, at least twice in the House of Commons that they would build no more of the class A cruisers—that is, 10,000-ton 8-inch gun—until the United States caught up, provided there was a chance of an agreement to build no more such cruisers." It is to be noted that the three cruisers mentioned by Mrs. Morgan were not "dropped" but were "postponed," and that the statement of Mr. Bridgeman did not include a policy concerning the 8,300-ton 8-inch cruisers which are distinctly a part of the British cruiser program.

8. As to point (2), Mrs. Morgan places her opinion against professional opinion regarding naval armaments. After prolonged deliberation at the Washington conference it was decided that the best and most appropriate way of arriving at parity in naval strengths was by considering vessels grouped in certain categories, namely, capital ships, aircraft carriers, and auxiliary combatant vessels. It has been the position of the United States that a further division of naval auxiliary vessels into three classes was necessary as a basis for limitation of armaments, namely, cruisers, destroyers, submarines, because the functions of these three classes of naval combatant vessels are not interchangeable. No one of them can perform the duties of the other class or classes satisfactorily. The lack of interchangeability, for instance, of destroyers and cruisers, was well illustrated when during the World War the British attempted to convoy merchant ships across the North Sea with two destroyers, a convoy was discovered and destroyed by a German light-cruiser division, and the two destroyers doing escort duty were also destroyed. If that convoy had been escorted by cruisers of suitable type it would not have been sunk.

9. As to point (3), comment is made regarding the use of the terms "first line" and "second line" in the tables. These words could very well be omitted from the tables without changing the significance of the tables. The point to be considered is, are the vessels listed suitable vessels, still fit for active service, or are they obsolete and of very limited value? The consensus of professional opinion at the Geneva conference was that cruisers less than 20 years of age should be considered as still fit for active service and should not be subject to replacement in case there were an agreement concerning limitation. It should be noted, however, that the Japanese delegation were inclined toward a shorter life for cruisers, namely, 16 years, while there was a tacit acceptance by both the American and British delegations of 20 years as the useful life for cruisers. There was no formal agreement in this respect, nor was there formal agreement on any other subject at Geneva.

10. There is no deception, no misrepresentation, in the tables given in Mr. HALE'S summary of Navies of the World. All of the pertinent data is given so that each one may sort and sift and classify as he sees fit.

11. As to point (4), the President of the United States has said that the cruiser program is largely a replacement program, and that is the Navy's understanding. It is not wholly a replacement program, because the total tonnage of the new 10,000-ton cruisers proposed up

to the present, namely, 230,000 tons, is in excess by some 50,000 tons of the old cruisers that are to be replaced. It is immaterial whether this program be called a replacement program or not; it is a necessary program because the cruisers now in existence, with exception of the 10 *Omaha* class, have passed beyond the age when they can deliver efficient service. Their ordnance, their speed, and their general usefulness, has become so inferior because of the advent of the new cruiser types that they would be used in war only because of the desperate shortage of other cruisers of more modern types and more warlike capabilities. It would be absurd for the United States to be satisfied with a total cruiser force of 18 cruisers, if she foresaw any possibility whatever of war on the sea. The 15 cruisers proposed are an absolute minimum of requirements—whether they be called replacement cruisers or simply augmentations of the fleet. By the time they are built, if authorized, the 22 obsolete cruisers now carried on our Navy list will have become so antiquated that they will no longer be efficient for use even in desperate emergency.

12. As to point (5), in the table which Mrs. Morgan gives at the end of her letter, it is to be noted that she takes no account of the fact that British submarine tonnage is being largely augmented by new construction where there is no corresponding magnitude of effort in the United States, and where the submarines of the United States are becoming obsolete so fast that even if we undertook now a building program of seven submarines per year, we would not be able to meet the depletions of our submarine forces incident to the rate at which they are reaching the obsolete age.

13. As to cruisers, this table gives the American strength as 40 of a total tonnage of 334,425 tons, against the British 64 of 397,140 tons. In a note Mrs. Morgan proposes to eliminate from the British list of cruisers and minelayers 15,720 tons because they are on the disposal list, but she makes no such proposal regarding the 22 obsolete cruisers which she has previously mentioned in her letter. A just comparison of cruiser strengths would require in the table a reduction of over 179,000 tons from the American cruiser strength in order to make the tables at all comparable.

FRANK H. SCHOFIELD,
Rear Admiral, United States Navy.

REPLY

WASHINGTON, D. C., *January 16, 1929.*

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

DEAR SIR: The naval officer who prepared the memorandum transmitted to you by Admiral Schofield, in reply to my letter, does no credit either to your intelligence or to mine. He evades entirely the points that I made and devotes himself to incidental details.

In paragraph 2 he says that the table has no other significance than to "indicate the effect which the Washington treaty had on the decisions of the powers signatory to the Washington treaty." However, the table has been used for quite a different purpose, namely, to show the amount of building that has been carried on since the treaty, and that is quite a different thing.

Moreover, the statement made that "the signing of the Washington treaty created a new condition" can not be justified except as it applies to the two classes of ships, capital ships and airplane carriers, limited under the treaty.

In paragraph 3 he has missed the point entirely, which was that only by taking into consideration the ships under construction could a correct picture of the naval situation be given. It is unworthy of any intelligent person to assert that only ships laid down can show the building policy of a nation, when no account is taken of the state of the navies at the beginning of the period in question, including the ships under construction.

In paragraph 5, Admiral Schofield, like Admiral McNamee, begs the question and thereby proves the very point that I made. This speech of Admiral McNamee's was made, not before a group of naval officers or a congressional committee but before an audience of laymen, mostly women, who could not be expected in hearing a speech to draw the distinction between "laid down" and "constructed." In questioning several of the audience afterwards, I found exactly as I expected that the impression given was entirely contrary to Admiral McNamee's words. I repeat that the only purpose such a statement serves, when made to the uninformed public, is to obscure the truth. This can not be construed as an attack on Admiral McNamee.

In reply to the history of the building given in this paragraph, I wish to call to your attention the fact that both the American program for eight 10,000-ton 8-inch cruisers and the British program for five 10,000-ton 8-inch cruisers were authorized in the year 1924. The appropriation for the British cruisers was made in 1924 and for two of our cruisers early in 1925. If our first cruiser was laid down not until 1926 and the second not until 1927, that is for the Navy Department itself to explain, and it has nothing to do with the policy of the two Governments.

In paragraph 6, Admiral Schofield says that the discussions contained in my letter regarding capital ships are not germane. He evidently did not understand that I quoted Mr. FRENCH to show that he made exactly the same criticism on this sort of table that I have made. In other words, that ships under construction should be considered in discussing this subject, as well as ships laid down.

In paragraph 8, Admiral Schofield says that I place my opinion against professional opinion. Not at all. I place against professional opinion other opinion, presumably professional, on which President Coolidge made his statement two years ago, which I repeat: "Only one navy approaches ours and none surpasses it."

In paragraph 9, Admiral Schofield says that the point to be considered is whether vessels are fit for active service or are obsolete. The nine cruisers which the Navy Department includes among the British first-line cruisers are considered obsolete by the British, according to their naval experts.

In paragraph 11, Admiral Schofield discusses the replacement question. It seems to me that another very pertinent inquiry in determining this question of replacement is as to whether the proposed new ships would require an added number of enlisted men. As I understand it, the Navy Department has already announced that they would require an addition of 700 men each, or 10,500, if the cruisers were added to our fleet. If that is true, it would seem that that disposes very decisively of the replacement argument. I repeat that according to Secretary Wilbur, the 22 old cruisers were obsolete at the time of the Washington conference. I would like to ask Admiral Schofield if it is not true that the 10 cruisers of the *Omaha* class and the 8 "treaty" cruisers completed since that time were not designed to replace these old ships.

I did not attempt, as I said in my letter, to discuss the United States superiority in destroyers and submarines, because that is well recognized and was admitted by naval officers during the hearings before the House committee on the cruiser bill.

In paragraph 13 Admiral Schofield criticizes my suggestion that the 3 British ships which are on the disposal list should be omitted from the tables because he says I make no such proposal regarding the 22 obsolete cruisers. May I ask if these 22 cruisers are on the disposal list in the sense that the 3 British ships are?

In conclusion, I submit that the memorandum from Admiral Schofield is itself another example of the propaganda with which the spokesmen for the cruisers, by giving out only partial facts, are obscuring the issue and misleading the public.

Yours very sincerely,

LAURA PUFFER MORGAN,
Associate Secretary National Council for Prevention of War.

CARRYING OF MAIL BY STEAMSHIP COMPANIES

Mr. BLEASE. Mr. President, from the Committee on Post Offices and Post Roads I report back favorably, without amendment, the bill (H. R. 6864) to authorize the Postmaster General to require steamship companies to carry the mail when tendered. I ask unanimous consent for its immediate consideration. It is a bill granting to the Postmaster General the right to require steamship companies under certain conditions to carry mail.

The VICE PRESIDENT. The clerk will read the bill for the information of the Senate.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That section 203 of an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909 (35 Stat. L. 1127, U. S. C., title 18, sec. 326), is amended by adding to the end thereof the following new paragraph:

"Except as otherwise provided by treaty or convention, the Postmaster General may require the transportation by any steamships of mail between the United States and any foreign port at the compensation fixed under authority of law. Upon refusal by the master or the commander of such steamship or vessel to accept the mail, when tendered by the Postmaster General or his representative, the collector or other officer of the port empowered to grant clearance, on notice of the refusal aforesaid, shall withhold clearance until the collector or other officer of the port is informed by the Postmaster General or his representative that the master or commander of the steamship or vessel has accepted the mail or that conveyance by his steamship or vessel is no longer required by the Postmaster General."

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. FLETCHER. Mr. President, may I ask the Senator from what committee the bill came?

Mr. BLEASE. From the Committee on Post Offices and Post Roads.

Mr. FLETCHER. It was a unanimous report?

Mr. BLEASE. It was a unanimous report of the committee.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEES

Mr. VANDENBERG, from the Committee on the District of Columbia, to which was referred the bill (S. 5121) to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan of other streets, roads, or highways in the District of Columbia, and for other purposes," approved January 30, 1925, reported it without amendment and submitted a report (No. 1570) thereon.

Mr. BORAH, from the Committee on Foreign Relations, to which was referred the bill (H. R. 15279) for the relief of the family of Wang Erh-Ko, reported it without amendment and submitted a report (No. 1571) thereon.

Mr. HASTINGS, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 58) to authorize the assignment of railway postal clerks and substitute railway postal clerks to temporary employment as substitute seapost clerks, reported it without amendment.

Mr. MOSES, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 5040) to amend the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925, reported it with amendments and submitted a report (No. 1572) thereon.

EXECUTIVE REPORT

Mr. BORAH. Mr. President, from the Committee on Foreign Relations I submit a report for the Executive Calendar.

The PRESIDENT pro tempore. Without objection, the report will be received and placed on the Executive Calendar.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bills:

S. 1364. An act for the relief of R. Wilson Selby;

S. 1633. An act for the relief of Edward A. Blair;

S. 2362. An act to authorize the payment to Robert Toquothty of royalties arising from an oil and gas well in the bed of Red River, Okla.;

S. 2989. An act for the relief of John B. Moss;

S. 3327. An act for the relief of Robert B. Murphy;

S. 3453. An act for the relief of Clara Percy;

S. 3741. An act for the relief of S. L. Roberts;

S. 4454. An act for the relief of Jess T. Fears; and

S. 4927. An act for the relief of Peter Shapp.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DILL:

A bill (S. 5618) granting a pension to Lewis Kenney; and

A bill (S. 5619) granting a pension to James Henry McCoy; to the Committee on Pensions.

A bill (S. 5620) for the relief of Dale S. Rice; to the Committee on Public Lands and Surveys.

By Mr. BINGHAM:

A bill (S. 5621) to repeal paragraphs 127 and 128 of the act entitled "An act to discontinue certain reports now required by law to be made to Congress," approved May 29, 1928; to the Committee on Territories and Insular Possessions.

By Mr. COPELAND:

A bill (S. 5622) for the relief of E. Schaaf-Regelman; to the Committee on Claims.

By Mr. DALE:

A bill (S. 5623) to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, and for other purposes; to the Committee on Civil Service.

By Mr. McNARY:

A bill (S. 5624) granting certain reserved lands located in the national forests within the State of Oregon to such State for the erection, equipment, and maintenance of public buildings; to the Committee on Agriculture and Forestry.

By Mr. PINE:

A bill (S. 5625) for the relief of Wesley Mapp; to the Committee on Military Affairs.

By Mr. HAWES:

A bill (S. 5626) granting an increase of pension to Maggie Pippitt (with accompanying papers); and

A bill (S. 5627) granting an increase of pension to Frances E. Peironnet (with accompanying papers); to the Committee on Pensions.

By Mr. McMASTER:

A bill (S. 5628) granting an increase of pension to Malinda Beard; to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 5629) granting a pension to Minnie Yearout; to the Committee on Pensions.

By Mr. BARKLEY:

A bill (S. 5630) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Carrollton, Ky.; to the Committee on Commerce.

GEORGE WASHINGTON BICENTENNIAL COMMISSION

Mr. FESS. Mr. President, at the last meeting of the George Washington Bicentennial Commission a report was approved providing for a memorial highway to Mount Vernon skirting the river. In addition to that the commission adopted the report of the executive committee to the effect that there should be a bill introduced authorizing the publication of the complete work of Washington; also recommending the printing of a map, known as the George Washington map, showing the places that he had visited during his lifetime; also the distribution of a portrait that has been selected and some other items of expense, calling for an authorization of $334,000. I introduce a bill for that purpose and ask that it may be referred to the Committee on the Library.

The bill (S. 5616) to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans was read twice by its title and referred to the Committee on the Library.

CIVIL WAR VETERANS' PENSIONS

Mr. DILL. Mr. President, I introduce a bill to amend the pension law for Civil War veterans, providing that any Civil War veteran who served 30 days or more instead of 90 days shall have a right to a pension at a rate lower than the regular pension now granted. I do this because I do not believe that it is fair that Civil War veterans should be required to have had 90 days of service before they are entitled to pensions when we allow veterans of the Indian war pensions after 30 days' service. Certainly if the Indian war survivors who served 30 days are entitled to pensions, then the Civil War veterans who served 30 days are likewise entitled to pensions, though perhaps not as high as those who served 90 days. I ask permission to have the bill printed in the RECORD at this point.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill (S. 5617) granting pensions to certain veterans of the Civil War and their widows and children and to certain Army nurses of the Civil War, was read twice by its title, referred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That as used in this act the term "veteran" means a person who served in the Army, Navy, or Marine Corps of the United States during the Civil War for 30 days or more and less than 90 days and was honorably discharged from such service, and who was not discharged for, and did not die in such service of, a disability incurred in the service and in line of duty.

SEC. 2. Every veteran shall be paid a pension at the rate of $50 a month; except that every veteran who is or shall become totally helpless or blind shall be paid a pension of $70 a month, and every veteran who is or shall become so nearly helpless or blind as to require the regular personal attendance and aid of another person shall be paid a pension at the rate of $60 a month.

SEC. 3. (a) Every widow or former widow of a veteran honorably discharged from all contracts of service who was the wife of such veteran during the period of his service in such war shall be paid a pension at the rate of $40 a month.

(b) Every widow of a veteran who was married to the veteran prior to June 27, 1905, and is not entitled to pension under subdivision (a) of this section, shall be paid a pension at the rate of $22 a month; but any such widow who has attained or shall attain the age of 75 years shall be paid a pension at the rate of $30 a month. As used in this subdivision the term "widow" includes widows remarried once or more than once since the death of the veteran, if it be shown that each subsequent marriage has been dissolved by the death of the husband or by divorce without fault on the part of the wife.

(c) Any widow granted a pension by this section shall be paid additional pension at the rate of $6 a month for each child of the veteran under the age of 16 years, and in case of the death or remarriage of the widow leaving a child or children of the veteran under the age of 16 years, such pension shall be paid to the child or children under the age

of 16 years. In case a minor child is insane, idiotic, or otherwise mentally or physically helpless, the pension shall continue during the existence of such disability. No such widow whose name shall have been dropped from the pension roll because of her remarriage, if the pension has been granted to a child or children, shall be entitled to a renewal of pension under this section until the pension to the child or children shall terminate, unless such child or children be a member or members of her family and cared for by her, and upon the renewal of pension to such widow, payment of pension to such child or children shall cease.

SEC. 4. Every woman employed by the Surgeon General of the Army as a nurse, under contract or otherwise, during the Civil War, or who was employed as a nurse during such war by authority which is recognized by the War Department, and who rendered actual service as a nurse in attendance upon the sick or wounded in any regimental, post, camp, or general hospital of the Armies of the United States for a period of 90 days or more, and was honorably relieved from such service, and who is now or shall hereafter be unable to earn a support, upon making due proof of the fact under such rules and regulations as the Secretary of the Interior shall provide, shall be paid a pension at the rate of $40 a month.

SEC. 5. Pensions granted by this act shall commence from the date of filing application therefor in the Bureau of Pensions in such form as shall be prescribed by the Secretary of the Interior.

SEC. 6. No claim agent, attorney, or other person shall contract for, demand, receive, or retain, for services in preparing, presenting, or prosecuting claims for pensions granted by this act, any fee in excess of $10, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall directly or indirectly otherwise contract for, demand, receive, or retain a fee for services in preparing, presenting, or prosecuting any claim under this act, or who shall wrongfully withhold from the pensioner the whole or any part of the pension allowed for such pensioner under this act, shall, upon conviction thereof, be fined not more than $500, or imprisoned not more than one year, or both.

AMENDMENT TO ADJUSTED COMPENSATION ACT

Mr. WALSH of Massachusetts. Mr. President, I introduce a bill for reference to the Finance Committee, proposing an amendment to the World War adjusted compensation act as amended. I ask that a brief statement explaining this bill and some correspondence be printed in the CONGRESSIONAL RECORD in the ordinary RECORD type.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. WALSH of Massachusetts. Paragraph 1, section 502, of the World War adjusted compensation act provided "that the rate of interest shall be 2 per cent per annum more than the rate charged at the date of the loan for the discount of 90-day commercial paper under section 13 of the Federal reserve act by the Federal reserve bank for the Federal reserve district at which is located the regional office at which the loan is made."

It was the opinion of Congress when it enacted this provision that the interest charge should be in sympathy with prevailing money rates; thus under recent stringent money conditions some Federal reserve districts' discount rate was as high as 5 and 5½ per cent, and the rate, therefore, charged veterans for securing loans on their adjusted-service certificates was 7 and 7½ per cent. Section 1 of the amendment to the adjusted compensation act proposed by me provides that the rate should never be more than 6 per cent per annum.

Section 2 of the proposed amendment to the World War adjusted compensation act provides that when an adjusted compensation certificate, after delivery to the veteran, is torn or defaced and such torn or defaced certificate is surrendered to the director by the lawful holder thereof, no bond shall be required in order to receive a duplicate certificate.

This provision does not interfere with the present law which requires a bond to be filed when the certificate, after delivery to the veteran, is lost or destroyed in whole or in part. It merely provides that the veteran shall not have to furnish a bond in order to receive a new certificate when he can surrender to the Veterans' Bureau a torn or defaced certificate.

I am informed by the officers of the American Legion that there are several thousand cases of veterans who have torn and defaced certificates for which they are unable to obtain new certificates without furnishing bond, which, in many instances, they are unable to do.

The bill (S. 5631) to amend the World War adjusted compensation act, as amended, was read twice by its title.

Mr. WALSH of Massachusetts. I move that the bill be referred to the Committee on Finance.

The motion was agreed to.

The matter presented by Mr. WALSH of Massachusetts and ordered to be printed in the RECORD is as follows:

THE AMERICAN LEGION, NATIONAL LEGISLATIVE COMMITTEE,
Washington, D. C., January 11, 1929.

Hon. DAVID I. WALSH,
United States Senator, Washington, D. C.

MY DEAR SENATOR: Inclosed find a copy of the bill which I spoke to you about relative to amending the adjusted compensation act on the question of interest rate charged veterans on loans and also relative to defaced or torn certificates.

I am inclosing also a copy of the resolution adopted by our San Antonio convention on this subject. This won't cost any money and I shouldn't think it would be very difficult to get through.

Sincerely yours,

JOHN THOMAS TAYLOR,
National Legislative Committee.

ADJUSTED COMPENSATION

* * * * * * *

Whereas, the rate of interest which the United States Veterans' Bureau shall charge upon a loan made to a World War veteran upon his adjusted compensation certificate is 2 per cent per annum more than the rate charged at the date of the loan for the discount of 90 days commercial paper under section 13 of the Federal reserve act, by the Federal reserve bank, for the Federal reserve district in which is located the regional office of hospital of the United States Veterans' Bureau at which the loan is made: Therefore be it

Resolved, by the Tenth Annual Convention of the American Legion, That the national legislative committee of the Legion be instructed to secure such changes in the law governing veterans' loans so that the maximum rate of interest shall at no time exceed 6 per cent.

* * * * * * *

Resolved, That the American Legion, in convention assembled, go on record as favoring amending section 705 of the World War adjusted compensation act to provide that when an adjusted service certificate is defaced or torn after delivery to the veteran, that a duplicate be issued without the requirement of a bond, upon the surrender of the defaced or torn certificate.

FREE BOOKS, ETC., IN THE DISTRICT PUBLIC SCHOOLS

Mr. HEFLIN submitted amendments intended to be proposed by him to the bill (S. 3902) to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia, which were ordered to lie on the table and to be printed.

CHANGES OF REFERENCE

On motion of Mr. WARREN, the Committee on Appropriations was discharged from the further consideration of the bill (S. 5361) for the relief of Bertha Hanson, and it was referred to the Committee on Foreign Relations.

On motion of Mr. WARREN, the Committee on Appropriations was discharged from the further consideration of the bill (S. 5486) for the relief of the widow of Rudolph H. von Ezdorf, and it was referred to the Committee on Finance.

On motion of Mr. CAPPER, the Committee on Claims was discharged from the further consideration of the bill (H. R. 7244) for the relief of Mary Martin Harrison, and it was referred to the Committee on Naval Affairs.

KATHARINE NICHOLS CONNER

Mr. McKELLAR submitted the following resolution (S. Res. 318), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay to Katharine Nichols Conner, widow of John W. Conner, late a messenger in the employ of the Senate, under direction of the Sergeant at Arms, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

HOME EQUIPMENT SURVEY

Mr. WATERMAN. Mr. President, I ask unanimous consent that there may be printed in the RECORD a report of the home equipment survey and the follow-up campaigns submitted by Mrs. John D. Sherman, president, to the General Federation of Women's Clubs at its biennial convention in 1928.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

GENERAL FEDERATION OF WOMEN'S CLUBS
BIENNIAL CONVENTION,
San Antonio, Tex., May 28 to June 7, 1928.

DETAILED REPORT OF THE HOME EQUIPMENT SURVEY AND THE FOLLOW-UP CAMPAIGNS

By Mrs. John D. Sherman, President

I do not suppose there are many of you here who are not by this time familiar both with the original plans and with the results of the home-

equipment survey. However, it is so important that we all of us have the whole thing clearly in our minds that I am going to give a brief review of the motive actuating the survey, the facts concerning its financing, the method used to secure the data, the findings of the survey, and the reception given to this body of information by the country at large.

1. Conception and motive of survey.

The challenge which had to be met at the outset by the American home department—created four years ago by you at my request—was the amazing fact that although home making is admitted unofficially to be the most important industry in the entire galaxy of the Nation's industries, it is the only one concerning which we have none of the information essential to progress and improvement. This fact is the more amazing and challenging because none of the other industries—it matters not how insignificant—is left without the aid of current data concerning the conditions of its progress. But we did not know four years ago to what extent the homes of the Nation were equipped with facilities indispensable to efficient home making. The Government publications tell us periodically just how many factories in each industry and in each geographical division are served by mechanical power—water, steam, or electric—but no Government or other publication could tell us how many homes were connected with water and sewer mains, gas mains; how many were centrally heated, or how many were lighted by electricity, gas, or by the labor-exacting kerosene lamp.

It was this condition that made the plan of a home-equipment survey appeal to me as a convincing method of approach to the problems of our modern home.

Every president of the general federation, with her executive committee, has to take the responsibility of selecting, from the many suggested plans for achieving its established ideals, those plans and methods which are most in accord with the organization's fundamental principles and which promise the best results. When the choice has been made, the executive head must select—and be responsible for her selection of—a competent technical staff to map out the best method of achieving the objectives of the plan, and, in the case of such a survey as this, to take charge of handling the material. For this purpose we engaged the services of the Industrial Survey and Research Service, of Washington, D. C., an agency having an established financial rating and the ability of whose directing officer, Miss Marie L. Obenauer, has been demonstrated in positions of public responsibility. Furthermore, I had known Miss Obenauer for many years and have absolute confidence in her.

Miss Obenauer had had a broad experience. She has served as chief of the woman's division of the United States Bureau of Labor Statistics, also as chief woman administrative examiner of the National War Labor Board. Was director of living conditions investigations for the United States Coal Commission, and is the author of articles and Government bulletins on women in industry, conditions of life among wage earners, and kindred subjects.

The need for more funds than the federation had to make the survey was as obvious as it was pressing. The first cooperation was sought from the magazines. The Woman's Home Companion accepted the proposition made by the general federation to pay $2,000 to cover the cost of printing and mailing the questionnaires, in return for which they were to have the prior right to publish final urban survey results. The Country Gentleman made the same agreement covering the farm-home survey. Later the Woman's Home Companion made an additional contribution of $3,000 to be used at headquarters for such purposes as the president saw fit independent of the survey.

The plans, roughly formulated, gradually took definite shape—the questionnaire, drafted in accordance with approved standards of survey practice, was printed, and finally, on May 8, 1925, the first urban home schedules were sent on their way to the presidents of every club in the general federation. At that time we expected to have the work finished within six months and did not hope for more data than would furnish the basis for two or three magazine articles designed to arouse the interest of the woman public, and would develop concrete arguments to convince Congress that the data should be collected periodically and comprehensively by the United States Census Bureau. Therefore, the survey was not organized State by State for the meager funds available would not permit such an organization. Furthermore, there was no evidence that the results would have warranted the expenditure had funds been available.

I can afford to tell you now with what trepidation and anxiety I awaited the first return of home equipment questionnaires. Would the club women go seriously to work on them and fill them out, or would these questionnaires, like so many others, find their way only to the scrap basket? The information sought, to be sure, was sought solely for the benefit of the American home makers, but would they recognize that fact and also the importance of it, over and above the annoyance and real work required to get these questionnaires correctly and completely filled out and sent back to Washington, D. C.

To the everlasting glory of club women, of club presidents, American home chairmen, State federation presidents, and directors, let it be said that thousands of them did understand, did see what it meant to the home, did buckle down to work and get the information sought, so that we were soon able to say "the survey is going to be a success." Just how much of a success, even we who were in Washington, could not quite foresee at first, but we were sure it would be worth while.

Within three weeks from the time the questionnaires were sent out there had come in returns covering 233 communities containing approximately half a million homes, representing 33 States. A careful and expert analysis of the data received furnished convincing proof not only that the material already collected was statistically valid but also that the survey, if reorganized on a State by State basis and enlarged to include the farm home, would furnish results that would be wholly dependable as a guide for an immediate concrete improvement campaign. Furthermore, it was plain that the result would furnish an impressive demonstration to Congress of the value of the data.

2. Method of securing data—both in the preliminary and expanded survey.

The method by which we were securing this valuable mass of information was as follows:

In every community where there was a federated club the club was asked to secure for its community the data on home equipment—the number of homes having water, sewer, or gas connections, the number wired for electricity or telephone, the number having central (i. e. boiler or furnace) heat, the number using coal or wood stoves for heating, the kind of stoves used for cooking, the various sorts of sanitary fixtures in the homes, kitchen sinks, bath tubs, flush toilets, etc., the various types of electrical labor-saving appliances in use, such as washing machines, irons, mangles, vacuum cleaners, refrigerators, dish washers, etc., the recreational facilities, automobiles, radios, pianos, phonographs. All these data were asked for from impersonal sources. In each case our club women gathered the information carefully and painstakingly for the community as a whole—not simply for club women in the community. In case there are some here who are not familiar with our method of obtaining the data, and who may wonder how it was possible to get such a mass of information, let me add a few illustrative details.

In all communities the cooperation of the town and public-utilities officials had been necessary, and was usually most willingly given. Through them the number of houses connected with water, sewer, gas, electricity, telephone, etc., was obtained, also the number of communities having garbage, ash, and trash collection. Through the gas and electric companies additional data on stoves and equipment of various sorts were secured, as well as from retail distributors. Often the electrical and telephone or gas companies put their whole clerical staff at work digging out the data we wanted. In a few cases, all avenues of information failing, the club women in small towns and sometimes the mayor or other officials made or instituted a house-to-house canvass to complete the schedules. The number of homes affected by data collected in this survey, however, constituted an insignificant proportion of the total.

For the farm survey a different schedule was, of course, found necessary. Since farms can not be grouped together in communities, each farm home maker was asked to fill in, or give the information for, a questionnaire for her own home. In this collection of data the extension workers from agricultural colleges gave a tremendous amount of very valuable assistance, as did also the State granges and many rural clubs.

Soon after the beginning of the survey it became apparent that the job of successfully handling all these data, so that the statistics resulting should overlook nothing of value, yet include nothing that was not statistically sound and based on reliable data, called not only for statistical supervision of the highest order (which we fortunately had), but an amount of detailed clerical work in tabulation and correspondence which would require fifteen times the funds which we had raised for the preliminary survey. Ways and means had to be considered.

FINANCING OF THE REORGANIZED AND ENLARGED SURVEY AND THE FOLLOW-UP CAMPAIGN

It was obvious at the beginning of the survey that, while the sole aim and desire of the general federation in making the survey was to benefit the American home maker, the collection of such a body of information as the survey would include and the follow-up campaign for better-equipped homes would be of great value to the industries concerned with home service and home equipment; that is, as I had sincerely hoped and believed, the results of the survey and the better equipped homes campaigns should stimulate women throughout the country to endeavor to bring their homes to a higher standard of equipment, the home-serving utilities and the manufacturers of all sorts of household equipment must inevitably reap a benefit.

Let me emphasize the fact that the by-product of benefit resulting from the survey and follow-up campaigns was inevitable—as inevitable as the profit that comes to masons, builders, and manufacturers when a congregation builds a church—though the profit is no more a part of the objective of one project than it is of the other. But the fact made the home-serving and home-equipping industries a right and logical source from which to request funds, even more so than were the women's

magazines from which we had raised the four thousands used in the preliminary survey.

But we did not go hastily into the project of raising further funds outside of the federation to support the federation's enlarged home-equipment survey and the projected follow-up campaigns. Indeed, there were weeks in the summer of 1925 when the proposition was studied from every angle, when all the risks and disadvantages were ranged on one side and the objectives to be gained were ranged on the other, and the balance carefully drawn.

On the side of risks we set down the dangers of commercialism; the chance of honest misunderstanding and intentional misrepresentation; the temptation to use the contact to draw the federation into controversies which were matters of public policy and concerning which the federation must shape its course independent of any other consideration whatsoever.

On the side of advantages we set down the opportunity—rather, the necessity—of working with business men's organizations, thus making a contact through which to exert needed influence on the policies of such organizations in the interest of home and community; the help of first-hand information and experience, without which the campaign for better equipped homes must evaporate in talk and mere publicity and our survey end in purely academic research and statistical analysis. Finally, on the side of advantages was the inescapable fact that funds raised for the support of the work from home-serving and home-equipping industries need not—in fact, could not—create any obligation to these organizations of business men because the inevitable by-product of benefit for the survey and follow-up campaigns, which I have just pointed out must more than compensate for any funds which we would ask for or the industries would contribute to our campaign.

Among those of vision and experience who were consulted as to the logic, advisability, advantage, and disadvantage of raising additional funds from industrial associations was a Cabinet officer of outstanding prestige in the Coolidge administration. Instantly he recognized the fact that no obligation, implied or expressed, need be created by such contributions. In substance, this Cabinet officer, after considering briefly the results of the preliminary survey, said: "There is no doubt of a need of better equipment in the American homes; of a larger use of mechanical power as a substitute for human power. It is equally obvious that more equipment and more power will mean millions to the home-serving and home-equipping industries, whether you like it or not.

"That condition is the warrant for using the industry's money in contributions of this sort. Your obligation for contributions is paid for many times in doing the work you have set out to do, namely, to raise the level of equipment in American homes for the benefit of American homes. If your organization takes stands on policies which these industrial associations do not like, that is nothing to you and they have no grounds for complaint. If I were in your place," said the Cabinet officer, "I would take all the money I could get from such sources for the benefit of the American home, just so long as you make sure that they understand that the contributions are made without strings of any sort."

When the balance of advantage and disadvantage was struck, there was no question as to our course. We sought and got the cooperation and financial support of associations concerned in serving and equipping the home. So large was the advantage that it was not difficult to muster the courage necessary to face the risks.

On the other hand, we did not neglect to guard against the known dangers—a caution which distinguishes courage from recklessness. At the outset we put in writing first to the National Electric Light Association, from whom initial funds for the enlarged survey were asked, the fact that any contributions made were made solely on the basis of home-equipment activities and had no bearing, expressed or implied, on any other matter. In my letter of September 1, 1925, to the managing director of the National Electric Light Association there is this paragraph:

"* * * It is necessary for us to guard against any misapprehension within or without our organization concerning the conditions under which these funds would be raised for the general federation's home-equipment survey by your organization. The general federation could not if it would and would not if it could commit itself or any of its units to or against any policy of regulation, operation, or ownership of public utilities. I learned from you during our personal conferences that your organization would not want such a pledge, implied or expressed, attached to the raising of these funds, even if we were able or inclined to make it; that aside from the civic interest which would prompt assistance in a movement for the betterment of American homes there are logic and adequate warrant for contributions from public utilities companies of all sorts—telephone, gas, water, power, light—because homes better equipped to lighten the labor and increase the efficiency of the American home maker must result inevitably in a larger measure of service from public utilities. This is as obvious as that increased circulation resulting from discussion of a valuable book is a benefit to the publisher. Such benefits we do not begrudge, but I must guard our contemplated work against the handicap of honest misunderstanding and intentional misrepresentation by having this phase of the subject covered in your reply. * * *"

I received on September 15, 1925, from the managing director a telegram which, because covering matters not concerned with funds, did not in my mind cover adequately the foregoing questions quoted from my letter. I sent a telegram to the managing director September 23, 1925, in which I said:

"Will you please wire me immediately stating whether your September 15 telegram was in effect an agreement to the propositions in my letter of September 1."

The next day, September 26, 1925, the managing director wired:

"My September 15 telegram was in effect an agreement to the proposition in your letter of September 1 subject to an extension of time and my ability to raise the funds from our companies."

Like all other records pertaining to the survey the complete file of correspondence, including the letters and telegrams from which the above paragraphs are quoted, is a part of the permanent records of the president's office, at the headquarters of the General Federation of Women's Clubs, 1734 N Street NW., Washington, D. C. That exactly the same conditions were laid down to the sanitary facility and heating device industries from whom contributions were finally asked is shown by the following excerpts from telegrams and letters, all of which are on file at headquarters.

From telegram sent to Trade Extension Bureau (representing manufacturers of sanitary facilities and heating devices), January 13, 1927:

"Answering your January 10 special delivery: Entire budget is raised and expended as one fund and primarily for better equipped homes. Campaign not in interest of any industry. Contribution amounting to approximately one-third year's budget was asked from your industries because they would benefit from the work though that benefit is not an objective. This was basis upon which contribution was asked of your association. I believe that request was granted last October with clear understanding and full approval of your members. But if I am mistaken, pledge should be reconsidered at your meeting now because money could not be accepted on any other conditions than that it be part of one fund expended for year's work for better equipped homes. * * *"

Having counted carefully the cost, having raised the reasonable guards against dangers of misapprehension and willful misrepresentation, and having with the approval of the executive committee decided to ask funds of the industries concerned in home service and home equipment, we moved forward. As reported to you in my address before the Atlantic City convention, we made our first request of $30,000 from the National Electric Light Association and received $30,000.

TOTAL FUNDS RAISED FOR HOME EQUIPMENT ACTIVITIES SINCE THE BEGINNING OF THE WORK—MARCH, 1925

The salient facts concerning the funds raised for this activity—including the $4,000 from the magazines and the $30,000 from the National Electric Light Association previously reported, are these:

First. One hundred and seven thousand dollars is the total fund raised for the work since its inception March 18, 1925—an average of about $35,000 a year.

Second. Slightly more than four-fifths of this fund, or $87,000, was spent in (1) collecting and publishing data concerning nearly 8,000,000 homes in 2,228 communities of 48 States; in corresponding work on data covering equipment of 40,000 farm homes; and (2) reassembling nation-wide figures, State by State and locality by locality—working out plans and suggestions for follow-up campaigns, gathering supplemental material as requested; assisting in organizing State campaigns when requested and in bringing Federation's Home Equipment Primer to printing stage.

Third. Slightly less than a fifth of the $107,000, or $20,000, was used at headquarters to meet the increased expense created by the survey and follow-up activities. Out of this fund came a large share of the money used in building up the publicity department—a service absolutely essential not only to facilitate properly and control effectively the dissemination of information concerning the purpose and progress of the survey and follow-up campaigns, but to maintain that departmental balance in publicity without which the whole organization's work would suffer.

Fourth. The entire $197,000 fund was requested by the general federation and was pledged by the association after plans for the survey and the follow-up campaigns had been made and approved by the executive committee. No changes were asked, suggested, or made in the general federation's survey or follow-up campaigns policies by the contributing parties, viz, the Woman's Home Companion, the Country Gentleman, the American Gas Association, the National Electric Light Association, and the manufacturers of household sanitary and heating facilities functioning through the National Trade Extension Bureau. The fund has been under the exclusive and unhampered control of the general federation in accordance with the stipulation made at the outset.

The entire fund is accounted for by the industrial survey and research service in its regular quarterly reports covering the progress and finances of the survey; and in the treasurer's reports covering the expenditure of $20,000 of the $107,000 used at headquarters to meet the overhead and collateral expense created by the survey activities. Sum-

maries of these reports, together with a statement of finances involved in the issuance and sale of the Home Equipment Primer, you will find here, to-day, in the printed report of the treasurer.

There is incorporated in the report also the auditor's report covering the examination of all of these funds except the $4,000 paid for the preliminary survey by the two publishing companies. The auditor's report does not cover these two payments of $2,000 each because, with the consent of the executive committee, they were made directly to the industrial survey and research service upon the president's approval of the work done by that agency. This arrangement was made when the survey was regarded as a matter taking from three to six months and when it was necessary to expedite procedure. The funds contributed did not cover more than the bare physical expense of the survey, such as printing, postage, stenography, etc., the expert service being given without charge by the industrial survey and research service. The amount involved did not warrant setting up a separate fund, nor was it feasible in so short a time to incorporate the expenditure in the general federation's regular booking system; therefore, direct payments of the $4,000 were authorized under conditions named above. All the other funds, however, viz, $103,000, raised for the reorganized and enlarged home-equipment activities, were paid directly to general federation and are covered in the auditor's report.

MAY 3, 1928.

MRS. JOHN D. SHERMAN,
President General Federation of Women's Clubs,
Washington, D. C.

DEAR MADAM: Pursuant to your request, we have examined the recorded cash receipts and cash disbursements of the special funds.—General Federation of Women's Clubs, Washington, D. C., administered by Mary K. Sherman, president, for the period from October 5, 1925, to April 30, 1928, and submit herewith our report.

We have prepared and include as a part of this report detailed exhibit covering all recorded cash transactions for the period under review.

We verified the cash balance at April 30, 1928, by direct communication with the National Metropolitan Bank, Washington, D. C., and reconciled the balance reported to us on officially signed certificates with the book balance.

The recorded cash receipts for the period from October 5, 1925, to April 30, 1928, were traced into the bank statements. All recorded cash disbursements for the same period were verified by examination of canceled bank checks, paid invoices, and other approved data on file.

During the period under review, there were contributions received through the general fund, General Federation of Women's Clubs, in the amount of $23,000; of this amount $8,000 was received during the period from October 5, 1925, to June 12, 1926, and the balance, $15,000, was received between June 13, 1926, and March 30, 1928. This information is to support the disbursements shown on the cash records of the general fund, General Federation of Women's Clubs.

We have been advised by the industrial survey and research service that they have received direct from the Woman's Home Companion of the Crowell Publishing Co. and from the Country Gentleman of the Curtis Publishing Co., contributions of $2,000 each. These contributions were not recorded on the books examined by us.

Very truly yours,

[SEAL.] ERNST & ERNST,
Certified Public Accountants.

Special funds, administered by Mary K. Sherman, president, recorded cash receipts and disbursements, General Federation of Women's Clubs, Washington, D. C.

[For the period from October 5, 1925, to April 30, 1928]

RECEIPTS

Contributions:			
Woman's Home Companion		$3,000.00	
American Home Department, 1924–1926, General Federation of Women's Clubs	$300.00		
National Electric Light Association	80,000.10		
National Trade Extension Bureau	20,000.00		
American Gas Association	3,000.00		
		103,300.10	
			$106,300.10
General Federation of Women's Clubs		23,000.00	
Less amount repaid		23,000.00	
			3,292.11
Refunds of expenses			226.36
Interest on bank deposits			159.95
			109,978.52

DISBURSEMENT

Woman's Home Companion fund (used at headquarters to further federation work):			
Administrative expense		$662.16	
Printing		256.00	
Stamped envelopes		553.01	
News service—			
Salaries	$800.00		
Postage and stamped envelopes	115.93		
Clippings	500.36		
General expense	112.54		
		1,528.83	
			3,000.00
Home equipment fund:			
Home equipment office—headquarters—			
Furnishings and equipment		$1,083.34	
Administrative expense		7,627.56	
Printing		504.81	
From American home department contribution [1]		300.00	
News service—			
Salaries and expenses	$5,490.94		
Postage and stamped envelopes	1,236.78		
Clippings	917.44		
General expenses	505.10		
		8,150.26	
			$17,665.97
Home equipment office—industrial survey and research service			[2] 83,000.09
			$100,666.06
Home Equipment Primer sales (transferred to home equipment office—industrial survey and research service)			3,292.11
Advances for special purposes		13,290.30	
Less amount repaid		13,290.30	
Cash balance Apr. 30, 1928			3,020.35
			109,978.52

[Excerpt from treasurer's report]

Home equipment survey and better equipped homes campaign—Summary of expenditures. By Industrial Survey and Research Service, Washington, D. C., up to and including April 30, 1928

[Details of expenditures to March 31, 1928, are in the quarterly reports which are part of the permanent records of the General Federation of Women's Clubs]

	Year ending Sept. 30, 1926	Year ending Aug. 31, 1927	8 months ending Apr. 30, 1928	Total
Printing and postage	$2,765.90	$1,098.55	$216.66	$4,081.11
Office space required for survey	1,012.50	1,241.83	702.00	2,956.33
Additional special equipment and supplies	877.60	1,297.03	204.34	2,378.97
Long distance telephone and telegraph	253.01	425.37	261.08	939.46
Railroad and conference expenses	826.79	2,645.03	1,014.14	4,485.96
Expert and clerical services	19,412.84	22,412.79	16,233.54	58,059.17
General publicity		726.15		726.15
Sanitation and heating expert's traveling expenses		883.83	76.12	959.95
Sanitation and heating expert service		2,049.85	1,100.00	3,149.85
Preliminary work on Home Equipment Primer		2,146.00	40.00	2,186.00
Collection and compilation of alphabetical lists by States of towns without water and sewer		1,100.00		1,100.00
Total	25,148.64	36,026.43	19,847.88	81,022.95

Receipts	$83,000.00
Disbursements	81,022.95
Balance April 30, 1928	1,977.14

Summary of the sale and expenditures (not itemized in foregoing quarterly reports) of the Home Equipment Primer

[By the industrial survey and research service up to and including April 30, 1928]

Receipts:		
From General Federation of Women's Clubs	$3,292.11	
From miscellaneous small stamp and cash orders (received direct from purchasers)	25.41	
Total		$3,317.52
Expenditures:		
Printing of primer, Part V		2,292.00
Boxing and shipping charges on primers sent out	130.22	
Printing of primer, Part I	1,004.62	
Total		3,426.84
Expenditures exceeded receipts by		109.32

To relieve the general federation of the necessity of continuing exclusive agreements with one or another magazine for the publication of home equipment and other general federation articles, and yet to insure the needed magazine publicity all articles in the home-equipment campaign since November, 1926, have been placed through the Lord & Thomas and Logan syndicate. These articles dealt with all phases of home and community equipment; water, sewer connections, gas, telephone, electricity, garbage collection, all of the public services which have an intimate domestic bearing, radio and Government recognition of the American home maker.

WHAT THE COMPLETED SURVEY SHOWED

Having taken so much time in describing the source of our operating funds and the organization and method of the survey, I can only touch

[1] This disbursement was made for stamped envelopes for form letters to G. F. W. C. mailing list concerning campaign of federation to secure recognition of home and homemaker in census of United States.

[2] For report of expenditures see reverse side.

briefly upon the survey results. As there have been a dozen or more signed magazine articles and thousands of columns of news stories about the results of the urban and farm survey, I need not, in fact, take much time in discussing the assembled data here. The final urban results, covering 8,000,000 town and city homes, were published in the fall of 1926; and in the spring of 1927 the results of the farm-home survey were made public.

It was obvious, in both the urban and farm surveys, that progress made in that greatest of all American industries, the home, lagged far behind the progress made in every other field. Many conspicuous defects were revealed in our American home equipment, and in what we have always been proud to call our American home standards. There was town after town, thousands of them, some of them running up to 25,000 population with no public water system or no public sewer system; there were cities of no mean size that had no public garbage or trash collection and, of course, hundreds of small towns were shown to be without this service.

The commonest home equipment found was the kitchen sink, the flush toilet, and electric lights, yet nearly a fifth of all our urban homes were without stationary sinks and nearly a third were without bath tubs. Central heat was conspicuous by its absence in States where the climate would seem to make it imperative.

The farm homes, for the most part beyond the reach of public utilities, are more dependent on their own ability to provide home conveniences. Naturally the percentage of homes with running water, bath rooms, and electric lights was a great deal smaller. Also the percentage of homes having heat supplied by a boiler or furnace was less, though the reason for the difference is not so compelling.

In both the urban and farm homes the use made of modern facilities and power labor-saving appliances was shown to be too small when measured by our proclaimed doctrines of conservation and efficiency. The fact that no other country makes anything like as much use of such facilities or of mechanical power in the homes as the United States seems to me beside the point. We are not seeking to measure ourselves by other nations, but by the highest standards we ourselves know and can attain. I have been proud of the attitude shown by the club women toward the facts shown by the survey. They have shown neither resentment nor anger at defects revealed; they have shown pride when the facts justified such pride; and they have, on the whole, evinced a desire to get to work and make right the things that seemed to be wrong—which is the most inspiring result of the whole survey.

RECEPTION GIVEN TO THE SURVEY DATA

We in Washington have had such endless testimony of the value which has been placed on the survey by people outside of the federation that we have prepared an easily handled pamphlet which will give you a bird's-eye view of this volume of heartening comment. The pamphlet is called Mirrowed in the Mail. Be sure to get a copy. It is interesting reading.

HOW THE SURVEY RESULTS WERE PUT TO WORK

Even before the farm-home survey for the country as a whole was entirely finished, some of the States which had finished both their urban and farm surveys promptly had received the complete report of the urban results in their respective States, and after studying the analyses were already demanding, "Well, what is the next step in the program?"

It had long been obvious that the next step was going to be the one which would really count in raising the standards of our home equipment. For, however interesting and important a lot of statistics may be, however necessary they are as a preliminary to any plan of action, unless they are actually used as the basis for constructive work, they are about as profitless and expensive a luxury as a deep-dug cellar hole and well-laid foundation walls with no house on top of them. It is always surprising to see how much the well-laid foundations of a house cost, but no one ever thinks of building a lasting edifice without them. The general federation had now, with much painstaking labor, laid the foundations. What was the superstructure to be?

My hope from the start had been that, as fast as each State saw just what the facts were about the equipment of its own homes, the women and men together would work out plans by which the home maker should reap the benefit of the work which had been done in the survey. For these statistics had been compiled not for the benefit of economists or sociologists or statisticians or industries but for the American home makers.

In some way, or in many ways, this valuable body of material had to be used to raise the level of operating efficiency in our homes.

JOINT ACTION BY MEN AND WOMEN

It was evident that if the constructive work was really to accomplish its aim in the States and throughout the country the General Federation of Women's Clubs and its constituent State and local organizations must have not only expert technical advice, but everywhere they must enlist the cooperation of the Federal, State, and city officials, of educators, of the representatives of home serving and home equipping industries; they must have contact with other women, particularly the farm women, who were often outside of the federation, and with the farm bureaus. All these contacts were necessary not only to get the federation idea across to the public but to translate the idea into action, because, as I have said scores of times in public addresses, lifting the level of home equipment is a straight 50-50 man-woman job.

And so to every State federation which asked advice from headquarters there went, with the detailed suggestion for a follow-up campaign, our slogan, "Cooperate." Get your men to work with you. Get the interest of the press and assure yourselves of its cooperation. Talk over the plans with the extension service of your State agricultural college and get the State home demonstration leaders to join in them. See that the expert advice of the college may be available for farm home problems. Get your town officers to understand what you want to do and why; then get them to help you do it. And get advisers representing the State's home serving and home equipping industries, which are inevitably concerned in improved home equipment. But, and this was a word of admonition which I emphasized then and wish to emphasize again now: "Do not get out of the driver's seat for anybody. Keep tight hold of the wheel and do the starting, stopping, and steering yourself or you may find that some one else will be so pleased with the car which you made for the American home maker that he may seize the wheel and wreck the car—not wittingly, perhaps, but irreparably nevertheless.

The motives of the general federation in this work were, are, and, I hope, always will be single purposed in their desire to benefit American home makers. Others whose road lies the same way as ours can ride with us till our roads branch. Then they must get out. We can not stop to wait for them. We have not turned aside for them. Our road led straight to our goal and we have followed it faithfully to the end of this administration. This is the principle which has governed the general federation's home equipment activities.

But it is essential that I repeat here what I said at Grand Rapids about the responsibility of State officers in connection with the activity. In effect it is this:

"If a State adopts the plan of the general federation in getting better equipment into its homes, it will conduct a campaign that will not in the least obscure the civic and educational character of the organization. Indeed, if the principle of the plan is followed throughout the educative quality of the organization will be enhanced and emphasized in the public mind.

"On the other hand, the activity can easily be diverted into commercialism if the State and local federation officials in charge want to make it commercial or are not on their guard to prevent it from becoming commercial. I find it constantly necessary to keep pointing out the distinction between cooperation and commercialism, so I take this opportunity to emphasize again the importance of maintaining this line of demarcation. The main objective of our campaign is better-equipped homes. No activity is allowed to get started or to be conducted until that activity has been determined by the federation's officials to be in the interest of the homes of that State and its communities.

"In the plan of the general federation's follow-up campaigns better-equipped homes are not only the main objective—they are the exclusive objective. It might be to the interest of the utilities in a State or community to urge the use of piped gas as a house-heating agent. But unless it is first determined that gas as a house-heating fuel is an economic proposition for the homes of that particular community, the federation is under obligation to prevent any activity looking to the popularization of gas as a general heating unit. If, by competent and disinterested authority, it is determined to be an economic method of home heating, even then the plan of the federation does not countenance the advertising or promotion of any particular gas-using devices. The function of the federation is to disseminate dependable information concerning the wise use of fuels in home heating in the communities affected.

"The industries concerned in town water works and sewer systems might be greatly benefited by campaign for such installations in given communities. Conditions might be such that the best interest of the homes in that community are served for the present by other sanitary methods of sewage disposal and other safe systems of water distribution. When that is the case it is the business of the local federation officials having charge of equipment campaign, if they are following the general federation's plan, to give wide publicity to that fact regardless of the interest of the sewer and water pipe industries. Also, whatever the decision, no individual firm's devices for water distribution and sewage disposal are advertised by the federation if that State federation is working by the general federation's plan of follow-up campaigns.

"We do not advertise any firm's pumping device or septic tank; we do not extol any firm's washing machine, sweeper, or dish washer; but we do advocate the washing of clothes and the sweeping of floors by the use of mechanical power rather than by human energy; we do advocate running water in every home; we do decry lugging water into any house; we preach the outlawing of the outhouse; we do urge cooking by gas or electricity and the adoption of house-heating methods that will yield the most heat and most healthful heat for every

dollar expended at a minimum of physical labor. This is the policy maintained by the general federation toward all agencies and devices in home equipment.

"There has been the most cordial assent to this policy by outstanding executives of the industrial and utility associations whose cooperation we requested in this campaign. Scores of industrial leaders have accorded us the fullest cooperation in our efforts to keep the activity from being commercialized as well as in our efforts to promote an educational campaign for better equipment in American homes.

"A heavy obligation rests upon all State officials undertaking a campaign to keep clear in the public mind that our better-equipped homes campaign has as its single objective the raising of the level of equipment in the American homes in order that we may eliminate wasteful drudgery and conserve American mother energy for the enrichment of American family life.

"To do this effectively, we must have the cooperation of men and women, for both are concerned in better-equipped homes and better community facilities. But to keep the ideal high in the consciousness of the public we must keep the activity free from other objectives, and, above all, must we keep it free from that commercialism which prompts activities in the interest of industries regardless of the needs of the homes.

"Furthermore, the whole campaign is hurt if one State or local campaign is diverted to commercialism. This is a compelling reason for keeping in mind the authorized home-equipment campaign plan which is based on essential cooperation between the general federation and the leaders of home-serving industries and professional associations. Finally, let us laugh to scorn and out of court the stupid contention that we must refrain from urging better equipment in our homes because a higher level of equipment in American homes must necessarily increase the volume of business done by home-serving utilities and home-equipping industries. As well decry the cultivation of a taste for music because the makers of musical instruments will profit thereby. As well suppress commendation of good books because the publishers must profit by the commendation. As well cry down the effort to reduce accidents by the installation of safety devices because the makers of such devices will profit by the campaign."

THE STATE CAMPAIGNS

In two-thirds of our 48 States the data collected through our nation-wide survey have been put to work for better-equipped homes. During the home-equipment hour of the convention you will hear from their own lips what some of the State presidents, American home-department chairmen, and other officers in charge of the work have done to raise the level of house-making efficiency in their own States. But I can not refrain from dipping into some of the inspiring stories here.

I do not think it was by chance that the first State to finish both its urban and farm surveys was a State in which the leadership had been in the hands of one of our most able members—a woman whose deep interest, clear vision, and rare executive ability made her peculiarly fitted to take a pioneer rôle in the task of "doing something." Mrs. Will Minier, the president of the Nebraska State Federation of Women's Clubs, was the leader of the first group of State trail makers which started forth in the "follow-up campaign."

Mrs. Minier studied carefully the survey results showing the equipment of Nebraska homes and communities. Then, in consultation with the general federation home-equipment office, she worked out her plan of procedure, which included preliminary conferences with educators, State and city officials, and appropriate industrial and business representatives. As a result of these conference Mrs. Minier got under way a state-wide program to bring home equipment to a state of efficiency comparable with operating equipment of other industries. She succeeded in enlisting the support of practically every newspaper in Nebraska, not only to carry articles about the results of the survey, but to run continuous stories of interest about the follow-up campaign.

In addition, weekly syndicated articles on Better-Equipped Homes by Mrs. Minier, special articles by Miss Mary Ellen Brown, of the State Agricultural College, and articles by various well-known club women on different phases of the subject appeared in papers all over the State for three months. Movie houses ran slogans, a better-homes poster contest was opened to the boys and girls of the State. At each of the district meetings there was an exhibit of sanitary equipment and labor-saving devices. The unfederated clubs of the State put on nine achievement-day programs, demonstrating simple water systems for small towns or rural homes which did not have access to public-water supplies.

As a grand finale of the year's work a newly built house was completely equipped for exhibit at the State convention at Kearney. In this final exhibit all departments helped to make the home complete in every way.

In Mrs. Minier's own words, "The Nebraska federation has had the splendid cooperation of the agricultural college of the State university, business firms, manufacturing houses, public-utilities companies, newspapers, magazines, and motion-picture houses."

What the campaign meant to the home makers is shown by the following extract from a letter written to Mrs. Minier by an officer of the University Publishing Co. of Lincoln, Nebr.:

"Many hundreds of homes are being definitely benefited as a result of the constructive and forceful campaign in the interest of better-equipped homes. The syndicated articles on better homes are the first ever published in Nebraska which have made anything like a lasting impression. I certainly congratulate the president of the Nebraska State federation on the splendid results achieved."

Texas, which got its campaign under way just after Nebraska, has put on a very efficient campaign under the splendid leadership of Mrs. J. L. Young, making the State and county fairs special demonstration points. In Rhode Island, Mrs. Ellis P. Thurber aroused new interest in the long-standing defects of the cities and towns of the State in the important matter of sewage disposal and already prompt results are being seen in the activity of many towns toward improved methods, and Providence is extending its sewer to outlying districts.

Ohio, under Dr. Josephine L. Peirce, put under way an inspiring campaign, an outstanding feature of which was an essay contest in all the schools on Adequate Home Equipment. The winners, however, were the mothers as well as the contestants, and, as the grand prize included a trip to Washington, there were eight home makers, as well as eight high-school girls and boys, who came to Washington for a week. We shared in the good time, too, because we had the young people and the mothers and the other visitors—who included one father—to tea at headquarters.

In Florida, the department of health chairman, Mrs. Ethel E. Porter, and Mrs. Dwight R. Read, worked together on the problem of water and sewer systems, after finding out just what cities lacked them, and Mrs. Read led fine work for better-equipped homes throughout the State.

Minnesota informally started her campaign in the spring of 1926, under the direction of Mrs. Willard Bayliss, and later formally launched a state-wide campaign, a feature of which has been the remodeling and equipping of several old homes and demonstration centers.

In Illinois Mrs. J. Marc Fowler, as head of the better-equipped homes campaign, held regional conferences to discuss the results of the survey and conducted educational campaigns. As a result, evening meetings, open to men and women, with qualified speakers, presented the problems of installing water and sewer systems in small towns. A distinctive feature in Illinois was the radio mass meeting, over which the then State president, Mrs. Seymour, presided and to which she introduced the various speakers.

Arkansas and Mississippi made a splendid effort, and a successful one, to get the needs of their States before the public and to see that in restoring the homes ravaged by the flood, as far as possible, the standards of construction included the essentials of modern home equipment. Miss Susie V. Powell, of Mississippi, made excellent use of the State fair to stage an exhibit and demonstration, and Mrs. W. F. Lake, of Arkansas, wrote: "All Arkansas is at work to put running water and tubs, toilets, and sinks in every home and install, wherever possible, gas and electricity."

Miss Grace P. Gillette, American home-department chairman in Washington, and Mrs. Jennie McComb in Oregon conducted exhibits and institutes both in the large cities and throughout the State.

Reports sent to the General Federation home-equipment office show that Montana, Iowa, Michigan, Missouri, Colorado, North Carolina, and West Virginia have all undertaken state-wide activities for better equipped homes, while Wisconsin, Maine, Idaho, New Hampshire, and Kansas have given splendid publicity through both press and public addresses to the results of the survey.

In almost all of the other States the American home-department chairmen have at least presented the results of the survey for discussion at the meetings last fall or sent out results to each of the local club presidents with suggestions for local action.

THE HOME-EQUIPMENT PRIMER

Another direct result of the survey and an integral part of the better-equipped homes campaign has been the preparation, printing, and copyrighting of the general federation's Home Equipment Primer, issued in five parts.

In studying the whole subject of home equipment we found, from the beginning, a conspicuous lack of trustworthy and unbiased information on the various types of appliances available for home use.

Furthermore, if there were a dozen different things a homemaker wanted to know about, it might mean a dozen different lines of search. Nowhere were all the things which pertained to the complete equipment of a modern home with the best sanitary facilities and labor-saving machinery of proven and established quality and performance, gathered together between two covers in such form that the layman—not the engineer or the technical expert or scientist, but the average American homemaker—could easily understand just what each type of appliance offered to the home and the approximate cost of such appliance. It seemed to us, who had been working so eagerly to get the greatest returns possible from the survey, that some such compilation would be of immense value to the homemakers. Here they could study, any time

they had a few minutes, without even going out of the house, the many different types of equipment that belonged in an up-to-date home; could get a good idea of their cost, could see what things were within the limits of possibility for themselves. I know that I myself, before we began this survey, did not even know of the existence of many things now familiar to me through our study, and I am sure there must have been many more like me.

So in the Washington office we undertook the compilation of what we decided to call the Home Equipment Primer, a copy of each part of which was sent as it came from the press to each State president, State American home chairman, and to each local chairman actively engaged in the better-equipped homes campaign. Many of you are familiar with its five separate editions—one for homes in towns equipped with every sort of public utility—water, sewer, gas, and electricity; another for homes where no public utilities are available, and the others for homes where different combinations of the home-serving utilities are within reach.

But however familiar you may be with the primer, I doubt if any of you realize the vast amount of work which it involved, the study of every single thing listed in it, the infinite pains taken to establish the certainty that all mechanisms included were sound, tried devices; that everything said in the primer was scientifically and technically true; that everything was fairly represented; that prices and costs represented accurately the range of prices under given conditions. There is not a page of the primer that has not been gone over with engineers and experts from the United States Government and with expert representatives of the industries concerned in the products. Do I need to tell you that it was a costly piece of work to bring the primer to the printing stage?

I hope, therefore, that you are going to make great use of the primer, and that it will fill a real need in every home. We have tried to keep its price within reach of every one. The little pamphlet to which I have referred, and entitled "Mirrored in the Mails," will give you a vivid glimpse of the club leaders, and the public's reaction to the primer, as well as to the better-equipment homes campaign.

CENSUS RECOGNITION OF HOME MAKERS AND STATISTICS ON HOME EQUIPMENT

As I mentioned at the outset in this address, one of the reasons for making the home-equipment survey was the fact that the United States Census neither recognized home making as an occupation, nor gave any attention to listing the equipment of the home, despite universal acknowledgment that the home was really the most important industry of the country. Beginning in 1925, the general federation started a campaign for recognition of the home makers. We were not content that they should be classed by default with those having no occupation—lunatics, criminals, and paupers, the sick, and the incurables—and with all the really idle, adult women whom the Nation was carrying as a dead weight. We felt not only that the recognition of "home making" as an occupation was obligatory under any standards of fair play or justice, but that removing the calling from its present companions in the "no-occupation" group would give home making new importance and dignity.

Furthermore, the survey had revealed the great extent to which our homes needed to be brought more nearly abreast of the progress which marked every other activity in American life. It had shown that the lack of the sense of values was nowhere more manifest than in the home-making equipment of this Nation's twenty-odd million homes.

What I have said about the failure of the Government thus far to recognize home making as an occupation constitutes no criticism of the United States Census Bureau, the Department of Commerce, nor of the Congress of the United States. The Census Bureau, like every other bureau in every department of the Government, does what Congress tells it to do and gives it the money to do. And Congress gives instructions and money to carry out what it believes to be the will of the people. We women home makers—numbering surely a score of millions or more—have only now let our fluid wishings for recognition harden into a definite, deliberated, determined will to be counted among the productive forces of the Nation. It will be some two years before our good Uncle Samuel will make his usual 10-year inspection of the humans and human activities on his premises, though, of course, he must start preparations long before the actual inspection begins. We are, therefore, expressing this will in good time to have it considered by the Census Bureau, the Department of Commerce, and the Congress of the United States.

The first step has been taken in that the law providing for the 1930 census has been so altered as to give the Secretary of Commerce the power he did not clearly have before—namely, to grant recognition to home makers and to collect germane home-equipment facts.

THE FUTURE OF THE MOVEMENT STARTED BY THE HOME-EQUIPMENT SURVEY AND THE FOLLOW-UP CAMPAIGN UNDER THE AMERICAN HOME DEPARTMENT

So far it has been my privilege to lead you in this effort in behalf of women's most important undertaking. Whatever developments may come in the future will be for the new administration to plan and carry out. But I do strongly recommend again what I have urged before—that the general federation go forward in organized efforts for better equipment in American homes with clear-headed discrimination and stout-hearted determination to cut down the waste of mother energy, in the interest of a better family and community life in this beloved land of ours.

Unanimously approved by the convention.

FARM RELIEF

Mr. McNARY. Mr. President, in a recent issue of the New York Times appears a brilliant article on the farm-aid case by the able junior Senator from Kansas [Mr. CAPPER]. I ask unanimous consent that it may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The article is as follows:

[From the New York Times, Sunday, January 20, 1929]

SENATOR CAPPER STATES THE FARM-AID CASE—TARIFF MEASURES, LOWER TRANSPORTATION COST, AND GOVERNMENT HELP IN COOPERATIVE MARKETING ARE IMPORTANT FACTORS IN RELIEF PROGRAM

By ARTHUR CAPPER, Senator from Kansas, member of Committee on Agriculture

After eight years, during which the agricultural depression has passed through the acute stages of 1921–1923 and almost reached the point where it has become chronic, we now face for the first time a real hope of almost certain legislative action.

Apparently it has taken that time for big business, national political leaders, and statecraft to realize and admit that there is a farm problem; that this farm problem also is a national problem, and that agriculture is entitled to governmental aid in solving it.

Until now those who have stated there is a real farm problem have been called upon to prove it. This is no longer necessary. The Industrial Conference Board, the United States Chamber of Commerce, both major political parties, and the President elect of the United States all have admitted the problem, have admitted the Government's responsibility in assisting to work out the solution, and have promised that its solution will be attempted in earnest.

Mr. Hoover will call a special session of Congress for that purpose. This seems to be generally accepted. I believe legislation can be of assistance to agriculture. I would say that immediate governmental aid for agriculture should include:

1. Higher tariffs on farm products on an import basis—livestock, dairy products, meats, corn, oil seeds, etc.

2. Lower transportation costs.

3. Government aid for cooperative marketing; guidance and assistance in orderly marketing through the farmers' cooperative marketing associations (including financial assistance in initiating).

4. Curbing of grain gambling.

5. The equivalent in effect of a protective tariff for surplus farm products (those on an export basis), coupled with a brake on overproduction.

At the close of the fiscal year ended June 30, when agriculture was "doing better" than at any time in the past eight years, the American farmer as a whole was doing business at a loss of only 10 per cent as compared to the 5-year period of 1910–1914. That is, at the close of the fiscal year 1928—on the basis of a list of several hundred commodities that the farmer actually buys—the American farmer was paying $1.57 for what he bought for $1 in 1910–1914. The American farmer as a whole during the fiscal year 1928 received $1.41 for the products for which he received $1 in the period 1910–1914.

FIGURES ARE THE GOVERNMENT'S

These figures are official. They are not mine. They are not political statements. They do not come from farm-organization leaders urging legislation. They come from the statistical experts in a Government department. And also they agree, in substance, with the conclusions of the Industrial Conference Board and with the conclusions of every actual student who has made a real study of the factors involved.

What buying at $1.57 and selling at $1.41 means is that the purchasing power of agriculture's products is 90 per cent of what it was in the 5-year period 1910–1914. Again, up to and including 1920, the annual income of agriculture had never been less than 20 per cent of the national annual income.

Since 1920 agriculture's annual income never has been as much as 11 per cent of the national income. It has been as low as one-twelfth of the annual income, compared to one-fifth preceding 1920–21. By "preceding 1920–21" I do not refer merely to the war days but to a period reaching back at least two decades before we entered the World War.

Now, the country as a whole has a decidedly keen interest in what the facts just stated mean. The fact that agriculture's income is only one-tenth instead of one-fifth of the annual income may strike the individual business man as a matter of only academic interest. "Too bad for the farmer; but, really, he ought to look out for himself better."

ONE-FOURTH OF PEOPLE FARMING

But when you measure that in terms of purchasing power and reflect that more than one-fourth of the people of the United States are in the business of farming, and that nearly one-half of our people depend

almost directly upon agriculture for their living, it comes closer to home.

We have learned the lesson that higher wages and more leisure increase the purchasing power and the purchasing habits of the workingmen. When farming pays the buying power of at least one-third of our population increases. And contrary to what a lot of folks believe the farmer when he has money is a liberal spender.

It is true that the farm problem is an economic problem and must be solved along economic not along partisan political lines. But it also is true that after the war the transportation industry of this country faced an economic problem. And we passed the Esch-Cummins Transportation Act.

Also it is true that American labor faced an economic problem in the unrestrained flow of cheap labor into this country from abroad. And we passed the immigration act. Banking and finance faced also an economic, not a political, problem. And we have passed innumerable protective tariff acts since.

In a general way the foregoing states the farm problem. It shows that after eight years of waiting, of tumult and shouting, of legislative jams and vetoes, of movements and conventions and resolutions and able analyses by economists and others it is economically unsound, to use a phrase popular in certain quarters—agriculture to-day faces this fact:

Agricultural income is still out of line with industrial income, out of line with labor's wages, out of line with financial and commercial returns. To state the fact in bald and simple terms, farming does not pay.

As has been pointed out, there are a number of contributing factors. Power, labor, transportation, financial operations are among the factors that enter into the prices for what the farmer buys. In large measure these enjoy a protected home market, thanks to tariff laws, the transportation act, "fair-return-on-investment" rulings and regulations, the immigration act, the Federal reserve act, and other factors that might be mentioned. Most of these factors also enter into the farmer's own costs of production; they are a charge against him when he buys and up to the time when he is ready to sell.

Then he sells such of his products as are on an export basis—that is, the surplus in the domestic market—in the world market in competition with farm products in countries where labor is cheap and where prices are lower than on the home market.

It is not only that the small surplus sold abroad goes at the lower world market prices, where the American standard of living does not control. All that product is sold at approximately the world market price less transportation charges, and very high transportation charges to seaboard, at that.

Then, also the grain gamblers use the farmer and his products for chips in their game, demoralizing the markets for his products. I doubt if there is much objection on the part of producers to ordinary hedging transactions, as in many cases these are of real value to the local elevators that buy the farmer's grain. But the disastrous truth is that selling by gamblers is greatly in excess of the selling for legitimate hedging accounts. Speculative selling is the dominant factor in forcing a decline in the wheat market. The market's two great abuses are short selling and excessive speculation.

THE CHICAGO BEAR RAID

Let us consider for a moment what occurred in that connection on the Chicago market when the "bear raid" started last May. In the first three days alone on that market the futures transactions were 97,400,000, 90,300,000, and 93,700,000 bushels, respectively, or almost twice as much wheat as the entire crop grown last year in the country's premier wheat State.

This hammering was continued until July 23, when July wheat closed at $1.18½—about where it remained through the rest of the month—as compared to $1.70½ on April 30. That was a decline of 52 cents a bushel, a loss of more than $75,000,000 to the farmers of Kansas alone.

It is time that gamblers should be eliminated from the market, and futures operations be limited strictly to legitimate hedging transactions. And this is exactly what I hope to do in a bill I now have before Congress. It declares that unbridled "short" selling and "long" buying are against the public interest, and endeavors to restrict such practices to the ordinary commercial needs of the hedgers.

I hope to get favorable action on this bill when Congress meets in special session, and I am sure I shall be able to do this if there is enough of a demand for it from the Wheat Belt.

The American farmer (and the Department of Agriculture, the agricultural colleges, and their experiment stations and extension divisions have helped him greatly) has made wonderful progress in production. He is utilizing the latest machinery and the latest knowledge and a great deal of initiative and business sense in solving production problems. In Kansas alone 50,000 tractors and 18,000 combines were used last year. The farmer is using electricity, steam, and gas engines.

But his merchandising can hardly be called a system. He has been depending and still depends on others to merchandise for him, and with a system of merchandising—including the grain gambling before mentioned—in which he takes no advantage and gives every advantage on pretty nearly every trade he makes.

It is true and greatly to his credit that he is working out his own selling problems, but has made only a start. In my judgment, we are going to see some wonderful changes in the merchandising of farm products in the next few years.

The larger merchandising units such as are proposed by Mr. Hoover, among others, are going to revolutionize the economic status of agriculture.

It is generally recognized and admitted that there is too large a "spread" between the producer and consumer. At present, where the consumer pays $1 for farm products, the farmer gets about 30 cents—when he is lucky—and the "passers on," including the grain gamblers, get the other 70 cents.

Agriculture, in my judgment, is going to work toward the "chain store" system of selling. The chain store has revolutionized retail merchandising. The farm marketing organizations are going to work finally into a similar system of wholesale merchandising of their products. Leaders of farm thought are not wasting their time fighting the chain-store idea. They are studying it. And they are going to utilize it.

In this I expect them to receive Government aid, and hold they are entitled to it. The Government helped the railroads merchandise their transportation at a profit—through the Esch-Cummins and other "regulatory acts." Government, so far through the States, helps the power interests merchandise their power—through rate-regulating bodies. The Government has helped labor merchandise its product—through the immigration act and 8-hour laws and sundry other acts.

FEDERAL RESERVE ACT CITED

The Government has aided financial merchandising—the sale of the use of finances—through the Federal reserve and other banking acts. And the Government is going to help the farmer merchandise his products through financial and legislative assistance for farmer-owned and farmer-controlled orderly marketing associations.

That brings us back to what the coming special session of Congress can do in the way of farm relief along what I consider sound economic lines.

Mr. Hoover told me not long ago that he considers the farm problem to be the supreme challenge to his administration, and he declared to me most emphatically that he would exert his best efforts to the end that agriculture might be put on a basis of equality with other industries.

Backing up and supplementing his own mental powers and ability Mr. Hoover will find that there will be a general disposition in Congress to forget about past differences and to cooperate with him on a broad basis. As a Senator and a member of the Agricultural Committee I consistently supported the McNary-Haugen program—not that it was perfect but because it seemed to be the best way in which a start might be made toward solution. I shall do my very best to help Mr. Hoover or anybody else to solve the farm problem, and I am sure that a safe majority of other Members of Congress are ready to make the same pledge.

I believe that it will be possible to make a much better application of the principle of adequate tariff protection to farm products, and I feel that real progress will be made along that line. I believe that an emergency tariff measure should be enacted that covers this schedule at once, especially for agricultural products on an import basis. We shall ask for an increase of duties on farm products to place them on a parity with industrial rates, or an average of 40 per cent ad valorem. The present basis of the agricultural tariff rates now averages 18 per cent ad valorem.

All this, of course, will be in line with Mr. Hoover's idea that "an adequate tariff is the foundation of farm relief."

Progress can be made with transportation problems, especially in the development of our rivers and of an adequate outlet from the Great Lakes through the St. Lawrence River. I feel, too, that it will be possible in the near future for the Interstate Commerce Commission to make some changes in the freight-rate structure of the country that will be helpful to both agriculture and industry.

In handling the problem of the surplus production of farm crops, Mr. Hoover's idea, as I get it, is to provide helpful Government aid, but not to the extent of having the Government engage in actual buying and selling. He also would eliminate the equalization-fee principle from any machinery he sets up, as I have suggested.

It is my understanding that Mr. Hoover's plan contemplates immediately proceeding to set up the agencies necessary to an immediate attack on the farm problem through the reorganization and reconstruction of the marketing machinery of farm products, the creation of a farm board, and the setting up of stabilization corporations and other agencies to deal at once with the problems of seasonal and annual surpluses of farm products.

He has pledged substantial assistance from the Federal Treasury, and he is not afraid to talk figures. He is willing to advance several hundreds of millions of dollars from the Treasury "for a workable program that will give to one-third of the population their fair share of the Nation's prosperity."

And I take it Mr. Hoover is in a position to exercise considerable influence on legislation in the next few years.

NO LEGISLATIVE CURE-ALL

Of course, there is no legislative cure-all for the farm problem. No sensible proponent of so-called "farm relief" legislation claims there

is. Congress has passed legislation that bettered the condition of agriculture. The State legislatures, which this year are revising their taxation systems to relieve the land of the inequitable tax burden it carries under the antiquated general property tax, will help. The farmer himself, through his cooperative marketing organizations, through studying markets himself, through application of business methods to farming, has helped himself a lot.

But it does seem to me—and I note that Mr. Hoover, who is more of an economist than what we ordinarily term a politician, seems to have the same idea—that Congress can and should pass legislation to aid agriculture.

It seems to me there are three general phases of the situation to be considered, so long as we have the transportation act, the immigration law, the Federal reserve act, and the protective tariff as a part of our economic system.

Congress should consider, first, the practical way of protecting those agricultural products now on an import or marginal import basis—corn, dairy and beef products, livestock, etc. A higher protective tariff on these products would insure a domestic market free from competition of cheap products from abroad.

Then there are farm products on an export basis, such as in our own Kansas. Sooner or later we must face this problem squarely—how to give this class of farm products a protected market that will enable the farmer to produce and sell at a price which will allow him a profit, without pyramiding surpluses.

Third is the problem of marketing. At present, where the consumer pays $1 the producer gets 30 cents of it and the "passer-on"—including the market gambler—takes the other 70 cents. The present McNary bill, which will probably be the basis of farm relief legislation at the special session, seems to be in line with the recommendations of Mr. Hoover in his St. Louis speech. In my judgment it will assist materially in making for orderly marketing through the farmer cooperative marketing associations and stabilizing corporations.

A FEDERAL FARM BOARD

In fact, the present McNary bill is an orderly marketing bill. It provides for a Federal farm board to assist the farmer-owned and farmer-controlled cooperative marketing agencies, with a $300,000,000 revolving fund to supply the initial financing through loans.

This measure, if adopted, may assist also in handling the exportable surpluses to which I alluded. If it does not, we still will have that problem on our hands, though cheaper transportation charges will help solve the problem of the exportable surpluses. The inland waterways ultimately will be of great assistance, I am convinced.

In addition to these three general lines along which I believe the agricultural problems should be attacked, I also believe that market gambling in agricultural products should be curbed.

Unrestricted speculation in grain futures is bad. I am in favor of placing a restriction on speculation that will hold it within bounds without destroying the value that a futures market does possess. And agriculture must have lower transportation costs.

Summing up, I would say again the immediate governmental aid for agriculture as an industry should include:

Higher tariffs on farm products on an import basis, lower transportation costs, Government aid for cooperative marketing and guidance and assistance in orderly marketing through the cooperatives, curbing of grain gambling, and the equivalent of a protective tariff for surplus farm products on an export basis, coupled with a brake on overproduction.

PROPOSED AMENDMENT TO THE RULES—OPEN EXECUTIVE SESSIONS

The VICE PRESIDENT. Morning business is closed.

Mr. JONES. I desire to call up my motion to amend the rules which is on the table, being Senate Resolution 309.

Mr. CURTIS. Mr. President, we are anxious to proceed with the consideration of the calendar this morning, and I wonder if the Senator from Washington will not let his resolution go over for another day or two?

Mr. JONES. I have no serious objection to doing that, but I want to call up the resolution pretty soon.

Mr. CURTIS. I may say to the Senator that there will be a motion to refer it to the Committee on Rules, and I prefer that the Senator should wait until to-morrow or Monday, if he would do so.

Mr. JONES. I will ask that the resolution go over for to-day, at any rate, and request that it may lie on the table. I do expect, however, to call it up at the very first convenient opportunity.

The VICE PRESIDENT. Without objection, the resolution will lie on the table.

Mr. JONES rose.

Mr. DILL. Mr. President, I regret very much that my colleague allowed his resolution to go over for the reason——

Mr. JONES. Mr. President, if the Senator will permit me, I rose to give notice that I expect to call it up to-morrow.

Mr. DILL. I want to say just a word about it. I noted yesterday in the Evening News, a newspaper published in this city, an article by the United Press to the effect that the Louisville Times is recommending that Mr. Paul Mallon, United Press correspondent, who printed the names of Senators who are said to have voted for and against the confirmation of Mr. West, should be granted the Pulitzer prize as having done a very remarkable service in the newspaper world. A portion of this statement is so appropriate to the situation that I want to read it:

The Times congratulates the United Press and its Washington correspondent on the beat of the season.

But it's more than the beat of the season. Assuming its accuracy, the Times nominates Paul R. Mallon, Washington correspondent of the United Press, for one of the Pulitzer prizes which will be awarded in 1930.

The United Press presumably can not receive the gold medal "for the most disinterested and meritorious public service." That prize is offered to a newspaper. But Mr. Mallon qualified for the award of $1,000 for the best example of a reporter's work, the test being strict accuracy, terseness, and preferably "accomplishment for some public good commanding public attention and respect."

TRIED TO GO IN HOLE

What newspaper article could tell more, telling tersely how Senators voted, fondly believing themselves proceeding in "high-saving secrecy?" What column of news could accomplish more good than a column in which cowards of the United States Senate, who tried to go into a hole to vote upon seating a Cabinet officer, and tried to pull the hole in after them, were dragged swiftly into daylight, writhing and sputtering?

Mr. CARAWAY. Mr. President, does the Senator from Washington indorse the statement that Senators are cowards?

Mr. DILL. I merely want to call attention to what is being said.

Mr. CARAWAY. Does the Senator indorse the statement?

Mr. DILL. I am not passing on that now.

Mr. CARAWAY. I should like to say that, so far as any vote I ever cast here is concerned, I am perfectly willing for everybody to know how I voted. Though I am not at liberty to tell it, I would be very glad indeed to be able to tell it, but the statement the Senator read is very extreme.

Mr. DILL. Mr. President, I am not discussing the merits of the statement. I am reading the article to call attention to what is being printed about this situation throughout the country. The article continues:

What "story" could command more public attention than one showing how each Senator voted when the power of the "greatest deliberative body" had been misused ignominiously in behalf of Senators who were trying to escape public scrutiny while voting?

I submit that when that sort of article is being printed, the resolution of my colleague ought at once to come up for consideration; we ought to take favorable action on it and not be postponing it from time to time. I do not know anything that is more important to the country and to the Senate than to have the resolution acted upon favorably.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. WALSH of Massachusetts. The Senator must be aware of the fact that there has been pending before the Committee on Rules a resolution proposing an amendment to the rules providing for open executive sessions in the case of all appointments to certain so-called policy-making commissions, such as the Federal Trade Commission, the Civil Service Commission, the Interstate Commerce Commission, and United States Tariff Commission.

Mr. DILL. No doubt there is such a resolution pending, but I submit that if the resolution of my colleague goes to the Committee on Rules it will go to sleep there, as every resolution proposing similar action has gone to sleep in the past.

Mr. WALSH of Massachusetts. That has been my observation.

Mr. OVERMAN. Mr. President, why does the Senator from Washington make that statement, when there was on the calendar for a whole session a proposed amendment to the rules reported out favorably by the Committee on Rules, but which no Senator called up during the time it was on the calendar? I refer to the Pittman resolution.

Mr. DILL. I was not aware that there had been reported any resolution to require executive sessions to be open to the public and the roll calls in executive session to be made public.

Mr. OVERMAN. There was such a resolution reported favorably from the Committee on Rules of the Senate, on which no action was asked. In view of that circumstance, why should the Senator make such a statement?

Mr. WALSH of Massachusetts. Mr. President, will the Senator from North Carolina indicate when that was?

Mr. OVERMAN. The resolution was on the calendar at the last session. I do not know where it is now.

Mr. CURTIS. Mr. President, if the Senator from Washington will yield to me, I should like to say that such a resolution was reported and was on the calendar one whole session of the last Congress and no Senator moved to take it up.

Mr. WALSH of Massachusetts. I should like to ask the Senator from Kansas when the resolution was on the calendar—at what session?

Mr. CURTIS. During the last Congress.

Mr. WALSH of Massachusetts. During the last Congress, but not at the last session?

Mr. CURTIS. No; not at the last session.

Mr. WALSH of Massachusetts. Is it not a fact that there has been pending before the Committee on Rules since the early days of the last session of this Congress a resolution providing for open executive session in certain cases introduced by me?

Mr. CURTIS. There has been.

Mr. WALSH of Massachusetts. Has any action been taken on it?

Mr. CURTIS. No.

Mr. DILL. Mr. President, in connection with this subject, I submit for printing in the RECORD at this point in my remarks an editorial from the Washington News entitled "Senate Secrecy."

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial referred to is as follows:

[From the Washington News, January 30, 1929]

SENATE SECRECY

Some years ago the American people got so excited about secret treaties that they fought a war on the slogan "Open covenants, openly arrived at." The idea was that the people's business was the people's business.

But while we have been trying to democratize the methods of world diplomacy, we seem to have overlooked some of our own archaic institutions. For instance, that rule for secret Senate sessions for consideration of executive nominations, providing expulsion of any Senator disclosing the debate or vote of these star-chamber proceedings.

This un-American rule has only one advantage. It puts a premium on political deals which need the protection of closed doors.

Whenever attempts have been made in the past to modernize this rule, the reform resolution has been referred to the Senate Rules Committee, sometimes called the Senate graveyard.

Fortunately the United Press, through its Senate correspondent, Paul R. Mallon, has forced the issue to the front again by publishing the proscribed secret roll call on the confirmation of Secretary of Interior West. Mallon may be subject to contempt proceedings. But his press colleagues are standing by him. So are many Senators, who are humiliated by the secrecy rules imposed upon them. Anyway, Mallon must have obtained his information from a Senator, just as other correspondents are accustomed to receiving regular though less complete information on such secret votes from Senators. So the Senate can not move against the press in this case without implicating its own Members—and that probably would be the end of the rule.

The secrecy rule may be thrown out in any case, as it should be. Senator JONES, Republican whip, has introduced a resolution providing that all sessions be open except on two-thirds vote of the Senate. That would reverse the present procedure. Now, executive sessions are secret unless two-thirds vote in secret for a public session. If two-thirds of the Senators, as provided by the Jones resolution, have to vote publicly before the Senate can resort to hush-hush proceedings, there will not be many secret sessions in the future.

Anything which is considered too confidential for the ears of the American public is apt to be precisely the public business in which citizens have and should have the most vital interest.

Mr. CURTIS. Mr. President, no one has appeared before the committee to ask for any action upon the resolution referred to by the Senator from Massachusetts or any other, except one that was taken up immediately by the committee.

Mr. BARKLEY. Mr. President, will the Senator from Washington yield to me?

Mr. DILL. I yield the floor.

Mr. BARKLEY. I should like to ask the Senator a question.

Mr. DILL. Very well.

Mr. BARKLEY. I ask whether the news item from the Louisville Times to which reference has been made contained the record of the vote of Members of the Senate on the question of making public the proceedings in the West case or merely the roll call on his confirmation?

Mr. DILL. This particular news item does not contain either; it merely refers to the roll call which was printed.

Mr. BARKLEY. I did not see the roll call as published by the United Press, and, therefore, I am not in a position to say whether it is correct or not; but did it contain the roll call on the various motions to make public the vote or merely the roll call on the question of confirmation?

Mr. DILL. It contained only what purported to be the roll call on the confirmation of Mr. West, and, as I stated the other day, under the rules of the Senate no Senator can rise to say whether it is correct or not.

Mr. GLASS. I say a Senator can. I say, to my personal knowledge, it was not correct.

Mr. ASHURST. Mr. President, it was scandalously incorrect.

Mr. CARAWAY. Mr. President, I am not permitted to tell how we voted as to open executive session without including the Senator who has just read a secondhand lecture to the Senate; but everybody in the Senate knows my position on this question; everybody knows why the whole proceedings were not published; and whatever person on this floor, forgetting his honor, if he ever had any, revealed how the votes on one roll call were cast or approximately so—correctly or incorrectly—had the information about the others, and why did he not have the honor—well, I will not use that word because he did not have any; I started to say why did he not have the courtesy and the honor to make the whole proceedings public?

I know of no useful purpose, nor have I known any since I have been a Member of the Senate, served by secret sessions. There has been somebody here ever since I have been a Member of the Senate who has told the newspapers substantially what occurred. I think we ought to abolish the rule, because I do not want to put a premium on a man who has no honor; I do not want to afford him a market for his wares; and I take it for granted he got something for his disclosure. For I can not think even of a Benedict Arnold betraying his country without some kind of reward for doing so.

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Maryland?

Mr. CARAWAY. Yes, sir.

Mr. BRUCE. Why might it not be expedient at this time, or on the next occasion when we hold an executive session, to have the President of the Senate ask each and every Member of the Senate whether he divulged the vote, and then, if we discover the culprit, proceed to enforce the rule?

Mr. CARAWAY. The reason is this: A man who has no honor will not tell the truth if you ask him to stand up here and tell it. Somebody in the Senate, either an employee or a Member of it, knows who did it.

Mr. GLASS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Virginia?

Mr. CARAWAY. I yield.

Mr. GLASS. I was about to suggest that a Senator who has some honor would object to being interrogated in that fashion.

Mr. CARAWAY. Yes; as if he did not have any. I am going to ask the leadership on the other side—and I do so because they ought to have some kind of control over the Senate—to have the whole proceedings in this case made public. It is nothing but common decency and honesty that it should be done, and I want it done.

Personally I have not any objection, and never have had, and, so help me Almighty God, I hope I never shall have any objection to anybody knowing how I vote on any question. Whenever a Senator is charged in the article which the Senator from Washington has read—and I thought it was halfway indorsed by him—is a coward, why he ought to get out of this body. If the statement is true that the majority of the Senators here are cowards, they ought to go; public place ought not to shelter cowards or liars. A man is not useful if he is a coward, because he has not the courage to do his duty, and if he has not any honor, of course, everybody agrees he has no place in public office.

Mr. BRUCE. Mr. President, I simply want to state by way of addition to the question I submitted to the Senator from Arkansas a moment ago that, of course, I am not to be understood as opposing the resolution of the Senator from Washington. On the contrary, I am unreservedly in favor of it. Ever since I have been a Member of this body I have again and again insisted on open executive sessions, and, like the Senator from Arkansas, I am glad to say I have never cast a vote in my life that I was not perfectly willing to be spread on the wings of the wind from Dan to Beersheba.

Mr. CURTIS. Mr. President, I was going to ask that we proceed with the consideration of the calendar, but the Senator from Washington [Mr. JONES] informs me that he desires a minute or so, and I yield to him.

Mr. JONES. Mr. President, I do not want that much time. I merely wish to state that I withdrew my request for the

consideration of the resolution this morning in the hope of avoiding discussion. On to-morrow morning, however, I shall insist upon action on the resolution, either by vote of the Senate or otherwise.

THE CALENDAR

Mr. CURTIS. I ask unanimous consent to proceed with the consideration of the calendar under Rule VIII, beginning with Calendar No. 791, which is the number following the Nicaraguan joint resolution.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the call of the calendar will proceed.

Mr. KING. Mr. President, does the Senator from Kansas ask that the Senate proceed with the consideration of the calendar under Rule VIII or by unanimous consent?

Mr. CURTIS. I ask that the consideration of the calendar be proceeded with under Rule VIII. I think that is the better way. We have had the calendar up for unobjected bills upon two or three different occasions.

Mr. KING. Under the Senator's request, a bill when reached will be subject to objection.

Mr. CURTIS. Certainly.

The first business on the calendar under the unanimous-consent agreement was the bill (S. 2097) to provide for the protection of municipal watersheds within the national forests.

Mr. BRATTON. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3458) to create the reserve division of the War Department, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1625) to fix the salaries of the members of the Board of Commissioners of the District of Columbia was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1945) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1718) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the governments of the Latin-American Republics in highway matters was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1294) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1762) granting consent to the city and county of San Francisco, State of California, its successors and assigns, to construct, maintain, and operate a bridge across the Bay of San Francisco from Rincon Hill to a point near the South Mole of San Antonio Estuary, in the county of Alameda, in said State, was announced as next in order.

Mr. ODDIE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 391) to regulate the use of the Capitol Building and Grounds was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2475) to create a prosperity reserve and to stabilize industry and employment by the expansion of public works during periods of unemployment and industrial depression was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 11074) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3089) to increase the efficiency of the Military Establishment, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4174) to establish a woman's bureau in the Metropolitan Police Department of the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1749) providing for the development of hydroelectric energy at Great Falls for the benefit of the United States Government and the District of Columbia was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3874) authorizing appropriations of funds for construction of a highway from Red Lodge, Mont., to the boundary of the Yellowstone National Park near Cooke City, Mont., was announced as next in order.

Mr. WARREN. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. This bill is the unfinished business, and will be passed over.

The bill (S. 3902) to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia was announced as next in order.

Mr. PHIPPS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. HEFLIN. I send to the clerk's desk a couple of amendments to this bill, which I ask to have lie on the table.

The PRESIDENT pro tempore. Without objection, the amendments will be received, printed, and lie on the table.

The bill (S. 1900) to provide for the construction of a post road and military highway from a point on or near the Atlantic coast to a point on or near the Pacific coast, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3890) to amend section 5 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes," was announced as next in order.

Mr. BINGHAM. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 717) to provide for the deportation of certain alien seamen, and for other purposes, was announced as next in order.

Mr. BINGHAM. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 12814) to increase the efficiency of the Air Corps was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 113) favoring a restriction of loans by Federal reserve banks for speculative purposes, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDENT pro tempore. The resolution will be passed over.

FEDERAL LAND AND INTERMEDIATE CREDIT BANK OF COLUMBIA, S. C.

The resolution (S. Res. 159) to investigate the affairs and management of the Federal Land and Intermediate Credit Bank of Columbia, S. C., was announced as next in order.

The PRESIDENT pro tempore. This resolution is reported adversely. Without objection, it will be indefinitely postponed.

Mr. BLEASE. Mr. President, on yesterday I introduced a resolution, which I asked to have referred to the Committee on Banking and Currency, which would include this resolution also. For that reason I ask that this resolution be recommitted, in order that it may be reconsidered by the committee along with the resolution introduced yesterday.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the resolution will be recommitted to the Committee on Banking and Currency.

BILLS, ETC., PASSED OVER

The resolution (S. Res. 213) to investigate certain circumstances connected with the matter of additional tax assessments upon Hon. JAMES COUZENS was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 3938) relating to the District Court of the Canal Zone was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 9024) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4304) to provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project was announced as next in order.

Mr. WHEELER. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4305) to provide for the storage for diversion of the waters of the North Platte River and construction of the Saratoga reclamation project was announced as next in order.

Mr. PHIPPS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 5527) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be pased over.

The bill (S. 3866) authorizing the appointment of H. P. Milligan as a major of Infantry in the Regular Army was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 668) amending section 1 of the interstate commerce act was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4411) to amend the United States cotton futures act, approved August 11, 1916, as amended, by providing for the delivery of cotton tendered on futures contracts at certain designated spot-cotton markets, by defining and prohibiting manipulation, by providing for the designation of cotton-futures exchanges, and for other purposes, was announced as next in order.

Mr. SMOOT (and other Senators). Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4518) to establish and operate a national institute of health, to create a system of fellowships in said institute, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

Mr. BAYARD. Mr. President, I am opposed to that bill; but in the absence of the Senator from Louisiana [Mr. RANSDELL], who has the bill in charge, I ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 872) to standardize bales of cotton and requiring sale of cotton by the true net weight of bale was announced as next in order.

Mr. FLETCHER (and other Senators). Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2309) to amend the interstate commerce act in respect of certificates of public convenience and necessity was announced as next in order.

Mr. PHIPPS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 144) relating to the manufacture of stamped envelopes was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The joint resolution (S. J. Res. 35) to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, etc.," approved February 8, 1928, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 4570) to authorize alterations and repairs to certain naval vessels was announced as next in order.

The PRESIDENT pro tempore. This bill will be passed over.

The bill (S. 4572) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. This bill will be passed over.

The bill (S. 2328) to promote the development, protection, and utilization of grazing facilities within national forests, and for other purposes, was announced as next in order.

Mr. BRATTON. Mr. President, let me inquire of the Senator from Colorado [Mr. PHIPPS], who made the report on this bill, as to the manner in which it amends the existing law dealing with grazing upon national forests.

Mr. PHIPPS. One of the changes would be the provision of a grazing board.

Mr. BRUCE. Let it go over.

Mr. PHIPPS. There are other items that would be changed, and I do not think the bill could be properly considered under the 5-minute rule.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 5837) to increase the salaries of certain postmasters of the first class was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1513) granting travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine insurrection who were discharged in the Philippines was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

THE CENSUS

The bill (H. R. 393) to provide for the fifteenth and subsequent decennial censuses was announced as next in order.

Mr. HARRIS. Mr. President, did the Senator from Maryland object to that bill?

Mr. BRUCE. I have offered an amendment, and if the bill is going to be taken up for consideration I should like to bring it up, but I hope the Senator will not bring it up to-day. It will take some time to discuss it.

Mr. JONES. I had hoped that possibly we might adopt the amendments recommended by the committee, anyhow.

Mr. BRUCE. Perhaps if I were so complaisant as to unite in the adoption of the committee amendments I might find it a hard task to secure the enactment of my own amendment. I have an amendment, too. I would prefer, I will say to the Senator from Washington, that both amendments should come up at the same time, and share the same fate, whether good or bad.

Mr. JONES. If the Senator prefers that this bill go over, I will not insist.

Mr. BRUCE. I wish the Senator could make it the unfinished business. I think he probably could.

Mr. JONES. I can not do that to-day.

Mr. BRUCE. No.

Mr. JONES. But I want to get it up very soon.

Mr. BRUCE. I do not want to obstruct the bill in the least. Of course, the bill is of the very highest degree of importance; but so is the amendment I have offered to it, because it contemplates nothing less than bringing the enumerators or field agents of one sort or another who deal with the next census under the shelter of the Federal merit system of appointment.

Mr. WAGNER. Mr. President——

The PRESIDENT pro tempore. The Senator from Maryland has the floor. To whom does he yield?

Mr. BRUCE. I yield to the Senator from New York.

Mr. WAGNER. I have also offered an amendment to this bill to include in the census taking the taking of data on unemployment to ascertain the number of unemployed. I was hoping that the committee would accept the amendment without any discussion.

Mr. JONES. I should like to do so. There are several of these amendments that can be dealt with in conference, I think, far better than here on the floor.

Mr. CURTIS. Mr. President, I was going to ask that the measure go over.

Mr. BRUCE. I think it had better go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. BRUCE. I dislike very much, however, to be put in the position of apparently obstructing the bill. I have no disposition to do that.

AMENDMENT OF IMMIGRATION LAWS

The bill (S. 1437) to subject certain immigrants, born in countries of the Western Hemisphere, to the quota under the immigration laws was announced as next in order.

Mr. PHIPPS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. HARRIS. Mr. President, I had hoped that the Senator from Colorado and other Senators who are opposed to this measure would let us have a vote on it; but I realize that they will not if they can prevent it. The friends of this bill have been willing to accept certain amendments allowing two years for these persons to arrange their business affairs. I am afraid we are not going to get any agreement from them; and I put the Senators who are not for this measure on notice that those who are in favor of it are going to ask the steering committee to set a day for the consideration of this bill. It has been indorsed by the American Federation of Labor, the American Legion, the Auxiliary of the American Legion, and a number of patriotic societies.

Mr. KING. Of course, that means that we ought to pass it.

Mr. PHIPPS. I objected because I did not believe the bill could be properly disposed of under the 5-minute rule.

Mr. HARRIS. Mr. President, the senior Senator from Utah has an amendment that the Senator from Pennsylvania [Mr. REED] drew, and we will accept that if Senators will not object to the consideration of this bill. The Senator from Utah is willing, as I understand, and I hope there will be no other Senator who will object to the consideration of this bill.

Mr. HEFLIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Alabama?

Mr. HARRIS. I yield to the Senator.

Mr. HEFLIN. The bill of the Senator from Georgia is a very important one. Thousands and tens of thousands of people are coming over into this country from Mexico every year, presumably to work temporarily, and they slip into the cities, the big industrial centers of the country, and are swallowed up in our population. No account is given of them, and they are never naturalized; and through that very source tens of thousands of foreigners are coming into this country against the will and against the best interests of the people of the United States.

I hope we can get action on the Senator's bill. I should like to hear the amendment read and see if we can not vote on it to-day. It will stop a great evil.

Mr. KING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Utah?

Mr. HARRIS. I yield to the Senator from Utah.

Mr. KING. Objection has been made that the bill can not be considered under the 5-minute rule.

The PRESIDENT pro tempore. The regular order is demanded. The Secretary will state the next bill on the calendar.

The bill (S. 2204) to amend section 284 of the Judicial Code of the United States was announced as next in order.

Mr. HARRIS obtained the floor.

Mr. BLACK. Mr. President, will the Senator from Georgia yield?

Mr. HARRIS. I yield.

Mr. BLACK. If it is in order for a motion to be made to take up this bill, I hope the Senator from Georgia will make it. I do not know just what rule we are working under.

The PRESIDENT pro tempore. We are working under Rule VIII. That motion may be made.

Mr. HARRIS. Mr. President, I understand that the Senator from Utah thinks that the beet-sugar people, who are opposing this bill in the Middle West, will agree to the amendment if he can see them, and save any objection.

Mr. BLACK and Mr. HEFLIN addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Georgia yield?

Mr. HARRIS. I yield to the Senator from Alabama.

Mr. BLACK. Personally, I should like to see the bill pass without amendment. I believe there are enough votes to pass it without amendment.

Mr. HARRIS. I think so, too, I will say to the Senator from Alabama; but those opposed to this measure, if we take it up, can talk until 2 o'clock, which will prevent a vote, and it will be a waste of time. There are other Senators here who are interested in other measures, and I do not like to deny them consideration, when taking all the time of the morning hour would not help us get the bill passed but would prevent the passage of many bills under unanimous-consent agreement. However, I put Senators on notice that we are going to get a vote on this bill at an early date. I will say to the Senator from Alabama, that if necessary I shall make a motion every time we can do so under the rules of the Senate.

Mr. HEFLIN. If the Senator wants to let it go over until another occasion, and give notice now that he will move to take it up——

Mr. HARRIS. Mr. President, if those who are opposing this measure do not present an amendment that we are willing to accept, we will make a fight for the present bill, but amend it so as to include Central and South America as well as Mexico, so that there will be no objection on the part of the Mexicans that they were singled out.

The PRESIDENT pro tempore. Senate bill 2204 is now before the Senate.

Mr. METCALF. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 8537) for the relief of retired and transferred members of the Naval Reserve Force, Naval Reserve, and Marine Corps Reserve, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

CHAPLAINS IN THE NAVY

The bill (H. R. 13414) to amend section 1396 of the Revised Statutes of the United States relative to the appointment of chaplains in the Navy, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER

The bill (S. 5148) to amend section 13 of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," as amended by the act of May 28, 1928, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5223) to amend subsection 3 of section 3220 of the Revised Statutes, as amended, relating to claims for refunds of taxes, was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5319) to amend subsection 3 of section 3220 of the Revised Statutes, as amended, relating to claims for refunds of taxes, was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 13461) to provide for the acquisition of land in the District of Columbia for the use of the United States, was announced as next in order.

Mr. CARAWAY. Mr. President, is that the bill of the Senator from Kansas?

Mr. CAPPER. It is; yes.

SEVERAL SENATORS. It is a House bill.

Mr. CARAWAY. The Senator and I discussed a proposed amendment to it. Did the Senator make up his mind with reference to it?

Mr. CAPPER. Would the Senator like to have it go over?

Mr. HEFLIN. Let it go over.

Mr. CARAWAY. Just a moment. I am not insisting on the bill going over. I think it ought to carry the amendment to which I have referred. I discussed the matter with the Senator from Kansas, and I thought he was waiting until he could make up his mind with reference to it. I thought possibly the Senator would agree to the amendment.

Mr. CAPPER. The amendment is under consideration. If the Senator from Arkansas insists on the amendment, I think the bill should go over.

Mr. CARAWAY. Suppose we let it go over, then. I think the amendment ought to be on the bill.

The PRESIDENT pro tempore. Under objection, the bill will be passed over.

HAY GROWERS OF TEXAS

The bill (S. 4818) for the relief of hay growers in Brazoria, Galveston, and Harris Counties, Tex., was announced as next in order.

The PRESIDENT pro tempore. This bill was considered on January 24 last, and an amendment offered by the senior Senator from Texas [Mr. SHEPPARD] is pending.

Mr. BRUCE. Let it go over.

Mr. SHEPPARD. Mr. President, may I say to the Senator that this bill authorizes the Comptroller General to examine and settle the claims of hay growers in certain counties in Texas for losses in connection with the quarantine imposed by the Federal Government and the State of Texas on account of the foot-and-mouth disease among cattle in 1925. The State of Texas has already paid its half of the indemnity for the losses.

Mr. BRUCE. I always find it difficult to oppose the Senator from Texas, and I withdraw my objection.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The amendment offered by the Senator from Texas will be stated.

The CHIEF CLERK. The Senator from Texas offers an amendment to strike out the period at the end of the bill and to insert a colon and a proviso, so as to make the bill read:

Be it enacted, etc., That the Comptroller General of the United States be, and is hereby, authorized and directed to examine and settle, on the basis of facts and figures to be found and reported by the Secretary of Agriculture, the claims of hay growers in Brazoria, Galveston, and Harris Counties, Tex., who were prevented during the year 1925 from harvesting their hay because of quarantine restrictions against the spread of the hoof and mouth disease: *Provided*, That the allowance made on any such claim shall not exceed the amount paid thereon by the Livestock Sanitary Commission of Texas, pursuant to an act of the

State legislature approved October 6, 1926. There is hereby appropriated, from any money in the Treasury not otherwise appropriated, a sufficient amount, not to exceed $218,177.50, to enable the Secretary of the Treasury to pay such of the claims as may be allowed by the Comptroller General: *Provided*, That no part of the amount of any item appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 10 per cent of the amount of any item appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. KING. Mr. President, reserving the right to object, I ask the Senator from Texas by what authority Mr. McCarl may determine the liability of the Federal Government?

Mr. SHEPPARD. An act was passed during the last session of the Congress authorizing him to submit, with his recommendation, certain claims to the Congress where no appropriation was already available for the payment of such claims.

Mr. KING. Has an act been passed establishing liability on the part of the Federal Government because certain farmers have lost their hay crops? I might say that in my State we have lost considerable of our hay crops because of injudicious actions of some officials.

Mr. SHEPPARD. This was on account of the quarantine. The hay had been infected, just as animals had been infected. Animals and materials were destroyed under authority of existing laws relating to quarantine operations to prevent the spread of the infection throughout the Nation.

Mr. KING. It seems to me it is rather a remarkable procedure that the Federal Government should be held liable in a case of this kind. I think it would better go over.

Mr. SHEPPARD. The bill authorizes the comptroller to examine and settle this case.

Mr. KING. I will be glad to talk with the Senator about it before the next call of the calendar.

The PRESIDENT pro tempore. Under objection, the bill will be passed over.

APPORTIONMENT OF REPRESENTATIVES IN CONGRESS

The bill (H. R. 11725) for the apportionment of Representatives in Congress was announced as next in order.

Mr. TYSON. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

LICENSING OF PATENTS

The bill (H. R. 12695) to authorize the licensing of patents owned by the United States was announced as next in order.

Mr. BLACK. Let that go over.

Mr. METCALF. Mr. President, will not the Senator withhold his objection a few moments?

Mr. BLACK. I made the objection on request. I could not agree to-day to have the bill considered, because I made the objection on request.

The PRESIDENT pro tempore. The bill will be passed over.

AGRICULTURAL DEPARTMENT APPROPRIATION BILL

The bill (H. R. 15386) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

AUSTRIAN LOAN

The joint resolution (H. J. Res. 340) to authorize the Secretary of the Treasury to cooperate with the other relief creditor governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program, and to conclude an agreement for the settlement of the indebtedness of Austria to the United States, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 5349) to amend section 9 of the Federal reserve act, and section 5240 of the Revised Statutes of the United States, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5302) to amend the second paragraph of section 4 of the Federal farm loan act, as amended, was announced as next in order.

Mr. METCALF. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 7010) to amend the organic act of Porto Rico, approved March 2, 1917, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 13929) to provide for the enlarging of the Capitol Grounds was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

MINA BINTLIFF

The bill (S. 3002) for the relief of Mina Bintliff was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, Mina Bintliff shall be held and considered to be the dependent mother of Charles Bintliff, who was killed in the performance of his duties as a prohibition enforcement officer.

Mr. BRUCE. Mr. President, the last time the calendar was called I objected to the consideration of this bill. An explanation having been made to me by the Senator from South Dakota [Mr. MCMASTER], I now have no objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WABASH RIVER DAM

The bill (S. 4736) for the repeal of the provisions in section 2 of the river and harbor act approved March 3, 1925, for the removal of a dam at Grand Rapids, on the Wabash River, Ill. and Ind., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the following item in section 2 of the act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1925 (Public, No. 585, 68th Cong.), be, and the same is hereby, repealed:

"That the provisions of river and harbor acts heretofore passed providing for the prosecution of work upon the construction of a lock and dam at Grand Rapids, on the Wabash River, Ill. and Ind., are hereby repealed: *Provided*, That sufficient funds may be allotted, from appropriations heretofore or hereafter made by Congress for the improvement, preservation, and maintenance of rivers and harbors, for the removal of a section of the dam, as recommended in House Document No. 427, Sixty-fourth Congress, first session."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DRAINAGE ASSESSMENTS ON INDIAN LANDS

The bill (H. R. 13507) to amend section 3 of Public Act No. 230 (37 Stat. L. 194) was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES L. M'CULLOCH

The bill (S. 4604) for the relief of James L. McCulloch was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 2, to strike out all after the enacting clause and to insert:

That the Commissioner of the General Land Office is hereby authorized and directed to recognize as valid the assignments of military bounty land warrant No. 61756 for 160 acres, issued June 19, 1849, under the act of February 11, 1847 (9 Stat. 123), to John Barman, notwithstanding the provisions of section 9 of said act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 16301) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1930, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4710) authorizing the sale of surplus power developed under the Grand Valley reclamation project, Colorado, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

SUBPŒNAS FOR WITNESSES IN FEDERAL COURTS

The bill (S. 5229) to amend section 876 of the Revised Statutes was announced as next in order.

Mr. HEFLIN. Let that go over.

Mr. WALSH of Montana. I ask if the Senator will not withhold his objection. There is urgent need for this legislation.

Mr. HEFLIN. I did not see the Senator from Nebraska [Mr. NORRIS] in his seat. It is his bill.

Mr. WALSH of Montana. I thought possibly that was the reason for the objection. I will be very glad to state the nature of the bill.

Mr. HEFLIN. Very well.

The PRESIDENT pro tempore. The Senator from Alabama withdraws his objection and the Senator from Montana is recognized.

Mr. WALSH of Montana. Under the existing law subpœnas for witnesses can not be issued to compel their attendance for the trial of a lawsuit if they live out of the district and more than a hundred miles from the place where the court is held. The witness can not be compelled to attend a court session.

Mr. BRUCE. I object to the consideration of the bill.

The PRESIDENT pro tempore. The bill will go over.

BILLS PASSED OVER

The bill (S. 5193) to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Middle District of the State of Pennsylvania, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 8551) to create an additional judge in the district of South Dakota, was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

ADDITIONAL JUDGES IN NEW YORK

The bill (H. R. 9200) to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York was announced as next in order.

Mr. BLEASE. Let that go over.

Mr. WAGNER. Mr. President, I move that that bill be taken up for consideration.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BLEASE. Mr. President, I do not object to the passage of any bill creating a judgeship for any State when its representatives request it, and where there has been sufficient showing to that end. But I do want to call the attention of the Senate to the fact that on the calendar there will be found Senate bill 5193, creating an additional judgeship in Pennsylvania; House bill 8551, creating an additional judgeship in South Dakota; House bill 9200, providing for three additional judgeships in New York; House bill 12811, providing for the appointment of an additional district judge for the eastern and western districts of South Carolina; House bill 8295, for the appointment of an additional judge for the ninth judicial circuit; and House bill 14659, providing for the appointment of two additional judges for the eastern district of New York. That makes reports on bills providing for nine judges. The reports in the cases of eight of those judges are favorable.

The one unfavorable report is the one on the bill which asks for the appointment of one district judge in South Carolina, the request for the additional judge being made by the district judges of South Carolina, the United States district attorneys, and by the State Bar Association of South Carolina, and by other organizations.

In addition to these requests and the reasons given by those making the requests, the House of Representatives, after a most thorough examination into this matter through its Committee on the Judiciary, unanimously passed the bill creating this judgeship in South Carolina.

The Judiciary Committee of the House itself carefully examined into the matter. They held it before them for quite a while. Their report was unanimous. The House of Representatives passed the bill unanimously. There was no complaint about it, no objection to it; it came over to the Senate, and it was referred to a subcommittee of the Senate Judiciary Committee.

I am informed that since 1926, 26 new judgeships have been created in the United States. Adding to that 26 the 8 here provided for would make 34 judgeships which would have been established within a very short time. Not a single judgeship has been refused that has been asked for, not a State has been refused that I have heard anything about.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. COPELAND in the chair). Does the Senator from South Carolina yield to the Senator from Florida?

Mr. BLEASE. I yield.

Mr. FLETCHER. On my docket there is no report accompanying this bill. Is there any printed report accompanying the bill?

Mr. BLEASE. I am going to read the report made by the House committee.

Mr. FLETCHER. I do not see the report in the file.

Mr. BLEASE. There is none from the Senate committee, but I am going to read two reports made by the House committee.

Mr. FLETCHER. There is no report from the Senate committee?

Mr. BLEASE. None at all; the bill was simply adversely reported.

With these 34 judgeships being established, as I have said, with no objection on the part of anybody, why is it that South Carolina is picked out and made the exception out of the whole United States of America? No reason is given for that; there is simply an adverse report.

We have not asked for the establishment of an additional circuit. I ask the Senate to remember that this bill does not provide for the creation of another circuit; it does not provide for the appointment of a single additional official; it does not ask for any additional marshals or district attorneys. It asks only for a judgeship, in order that the congested condition of the dockets in South Carolina may be relieved.

I shall not take the time to read all of it, but I want to read in part the report of Mr. GRAHAM from the Committee on the Judiciary of the House of Representatives. I am informed that he is the chairman of that committee. It is as follows:

> The Committee on the Judiciary, to whom was referred the bill H. R. 7391, after hearing and consideration, reports the same favorably with amendments and recommends that the bill as amended be passed.

Then follows a statement from Congressman FRED H. DOMINICK, a Member of Congress from the State of South Carolina.

Following that is a letter from Judge Ernest F. Cochran, who was appointed United States judge by Mr. Coolidge, and I want to say right here and now, notwithstanding the fact that he is a Republican, he is a gentleman. He is a Republican to the manner born. His people for generations before him were Republicans, on his father's side and on his mother's side. He is a Republican from principle. He is a clean, fair, straight, honest man. In his letter to the Attorney General of the United States he sets out the necessity for the extra judgeship.

Following that is a letter from Judge H. H. Watkins, who was appointed by Mr. Woodrow Wilson, and what I said about Judge Cochran, save as to his being a Republican, I can truthfully say about Judge Watkins.

I have absolutely no personal interest in the bill. I would not accept a judgeship if it were offered to me and the Senate would unanimously confirm me. I have no particular friend picked out for the position. I am simply requesting of the Senate to deal with my State as it has dealt with other States and to take the word of the two United States judges who wrote these letters. Judge Cochran, writing to the Department of Justice, sets out very fully the situation. It would take too much of the time of the Senate to read it all, but I wish to read just a part of it:

> The problem in reference to the business of Federal courts, I know, is a very difficult one. I have studied conditions in South Carolina for more than a year, and upon full reflection I have come to the conclusion that the best solution of the problem is the creation of three districts, to be known as the western, middle, and eastern districts, and arranged so as to form a compact district in the northwestern portion of the State, one through the middle of the State, and one in the eastern part along the seaboard.

That is signed by Judge Ernest F. Cochran.

Later we decided that instead of asking for the three districts we would only ask for the additional judgeship.

Following that is a table submitted by Judge Cochran, which would be too long to read, setting out fully the cases pending—criminal, civil, bankruptcy, and naturalization—the condition of his entire docket, and showing why it is impossible for him to

handle the business. He is on the seacoast. He has a great deal of admiralty business. He has a great deal of naturalization business. Of course, a great many more prohibition cases and civil cases besides of various kinds come before him. He sets out briefly the necessity for the additional judge.

Following that is another letter from Judge Cochran, in which he said in part:

The necessity for relief of the present congestion in the district courts of South Carolina has been recognized by the State bar association at its annual meeting of 1925, and many of the local bar associations in South Carolina have indorsed my efforts to try and get some relief. At this time there are five places for the holding of court in the western district and four places in the eastern district. Should we have an additional judge the situation would be greatly relieved, although, of course, it would not be as satisfactory in every respect as an additional district.

This legislation received the approval of the House on June 8, 1926.

In addition to that I have another report filed in the House on the 30th of April, 1928, as follows:

The Committee on the Judiciary, to whom was referred the bill H. R. 12811, after consideration, reports the same favorably and recommends that the bill do pass.

A similar bill was reported from this committee on January 20, 1927, which set up statements made in the hearings on H. R. 10821 and showed the necessity for the appointment of this additional judge, as will be seen by reference to Report No. 1827, Sixty-ninth Congress, second session, accompanying H. R. 7391.

This legislation received the approval of the House on June 8, 1926, when it passed H. R. 10821.

Since that report, and in addition thereto, there is printed herewith and made a part of this report a letter from Hon. Ernest F. Cochran, judge of the eastern district of South Carolina, dated March 8, 1928, and a letter from Hon. H. H. Watkins, judge of the western district of South Carolina, dated March 10, 1928, showing the necessity for the appointment of this additional judge.

Then follows Judge Cochran's letter, which is too long to read at length, but I want to call attention to this statement in it:

In order to relieve the situation in this district, I have been fortunate enough to obtain the assistance of Hon. Clarence Hale, retired United States judge, of Maine, who has been here for over two weeks, and will remain several weeks more. We are sitting contemporaneously, hearing cases every day, in an effort to relieve the civil docket. Of course, this is helpful, but is only temporary.

Allow me to call your attention again to the fact that mere figures are very misleading. The real point to be considered is how much work the judge has to do and how much time is required. There is no doubt in the minds of those familiar with the situation here that there is too much business for one judge.

Respectfully,

ERNEST F. COCHRAN,
United States District Judge.

Following that is a letter of date March 10, 1928, written by His Honor Judge Watkins. These letters are both very strong letters. They set out the facts, the figures, the conditions, and the necessity for the relief asked. Judge Watkins said in part:

I am informed that it has been suggested that an additional judge should not be provided for South Carolina for the reason that the dockets of this State are not congested as in other States. It is difficult to understand how such an argument could be seriously advanced. If the confidence of the public in procuring prompt and exact justice in the courts is to be preserved it can only be accomplished by an assurance that he who has a just cause may assert it in the courts not only eventually but promptly. I know of no line of business in which it is not recognized that additional and adequate help should be provided to meet its expansion, and it would seem that if additional help is imperative to the prompt and proper administration of justice that it should be provided in each case without comparison with any other. This must necessarily be true unless the Government is unable to incur the expense.

Mr. TYDINGS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Maryland?

Mr. BLEASE. I yield.

Mr. TYDINGS. The Senator has stated that the judges are not sufficient in number, in the district of which he speaks, to try all the cases that are now pending, even with an extra judge there sitting contemporaneously with the regular judge. I was wondering how much of that situation is due to the fact that there are violations of the prohibition law in the State of South Carolina. Can the Senator give me an approximation of the number of cases and the relation of prohibition cases to that number?

Mr. BLEASE. I can read from Judge Cochran's figures. There were 515 criminal cases on July 1, 1924, and 633 on July 1, 1925.

Mr. TYDINGS. Is that the number of untried cases?

Mr. BLEASE. Yes; untried. The number of civil cases pending July 1, 1924, was 209, bankruptcy cases 380, naturalization cases 52. The number of cases pending July 1, 1925, was 1,264.

Mr. TYDINGS. But does the Senator know of the criminal cases how many are for violations of the prohibition law?

Mr. BLEASE. I could not tell about that, but my own judgment is that there are a good many.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the senior Senator from Maryland?

Mr. BLEASE. I yield.

Mr. BRUCE. The Senator will recollect that I brought out the fact at the last session of Congress from the Charleston News and Courier that it is fair to compute that one still had been broken up for every 500 or 600 inhabitants in the State of South Carolina. I do not remember the exact figures, but I think those are approximately correct.

Mr. BLEASE. I expect that is true. I read in the South Carolina papers this morning, in the Charleston News and Courier, that they had broken up three or four stills yesterday. I also read that they had tried a case down there last week of a State senator indicted for conspiracy along with some others. They were promptly acquitted by the jury in 45 minutes. The janitor said that he had a great deal of trouble in getting the "dead soldiers" out of the building. That he found one or two jugs; that there were "empties" all over the place; and that he hoped to God there would not be any more prohibition cases tried in Charleston at least until he could have an opportunity to clean up the courthouse after the recent event.

Mr. BRUCE. I do not know of any community more entitled to an additional Federal judge, or half a dozen more Federal judges, than is South Carolina, and I shall be glad to vote for the Senator's bill.

Mr. BLEASE. I thank the Senator.

I ask at this time that the two reports to which I have referred, and from which I have quoted briefly, may be printed in the RECORD at this point in connection with my remarks, in order to show the exact conditions in my State.

The PRESIDING OFFICER. Without objection, it is so ordered.

The reports are as follows:

[H. Rept. No. 1827, 69th Cong., 2d sess.]

ONE ADDITIONAL DISTRICT JUDGE FOR THE EASTERN AND WESTERN DISTRICTS, SOUTH CAROLINA

Mr. GRAHAM, from the Committee on the Judiciary, submitted the following report (to accompany H. R. 7391):

The Committee on the Judiciary, to whom was referred the bill H. R. 7391, after hearing (serial 13) and consideration, reports the same favorably with amendments, and recommends that the bill as amended do pass.

The committee amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, one additional district judge for the eastern and western districts of South Carolina.

"SEC. 2. That said judge shall reside in one of the districts for which he is appointed."

Amend the title to read as follows:

"To provide for the appointment of one additional district judge for the eastern and western districts of South Carolina."

There is printed herewith and made a part of this report the statement of Hon. FRED H. DOMINICK, a Member of Congress from the State of South Carolina, which shows the necessity for the appointment of this additional judge.

STATEMENT BY REPRESENTATIVE FRED H. DOMINICK

"Under the permission and leave courteously extended at the hearings on the Graham bill, providing for additional district judges, and after notice of an amendment in committee to provide for an additional district judge for the eastern and western districts of South Carolina, I wish to submit the following:

"Mr. GASQUE, of South Carolina, and I have each introduced bills in the present Congress providing for an additional district for South Carolina, but owing to the fact that neither of these bills have met with the approval of the Department of Justice they will not be pressed at this time. It is hoped, however, that some relief may be given to the

situation by the creation of one additional judge to serve both districts. The reasons for the creation of an additional district apply with equal if not greater force to the creation of an additional judge, and in the consideration of this matter the Department of Justice called upon the Hon. Henry H. Watkins, United States district judge for the western district of South Carolina and the Hon. Ernest F. Cochran, United States district judge for the eastern district of South Carolina, asking for their opinions as to the necessity or desirability of creating the proposed additional district and both replied in telegrams, copies of which follow, that a new district is not only advisable but necessary."

The ATTORNEY GENERAL,
Washington, D. C.:

Your telegram requesting views proposed additional district South Carolina. Business of this district has steadily increased for 10 years. This increase largely in civil business, especially equity and bankruptcy cases, which requires great deal of time. Business in arrears has steadily increased and in 1925 nearly two and one-half times what it was in 1918.

More business now than one judge can properly dispatch. This is not due to liquor violations. My time is fully occupied, and careful estimate shows only about 25 per cent actual time devoted to liquor cases. Statistics covering seven years show condition is not temporary. Am strongly of opinion there is necessity for relief in interest of public. Think proposed division of State into three districts, eastern, middle, and western, is best solution of problem and would probably take care of situation for some time. Mere figures are misleading. It is actual time necessary for work that should govern, but will send you statistical data as soon as same can be prepared.

ERNEST F. COCHRAN,
United States District Judge.

The ATTORNEY GENERAL,
Washington, D. C.:

Your wire date. Have carefully studied and discussed with Judge Cochran, of eastern district, the subject of creating third district. I regard its creation as not only advisable but necessary to the prompt and proper transaction of the business of the Federal courts for this State. Letter follows.

H. H. WATKINS, *District Judge.*

Under date of February 5, 1926, Judge Cochran wrote the Department of Justice as follows:

"I received your telegram of the 4th instant, requesting my views as to the necessity or desirability of proposed additional district for South Carolina, and immediately sent you telegram, copy of which I inclose.

"Your telegram did not ask for any letter or any data, but in view of the situation in this district, which has been upon my mind for some time, giving me a great deal of concern, I deem it advisable to write you briefly in reference to the matter and send you certain data.

"I was appointed district judge of this district and qualified in November, 1923, upon the retirement of the late Judge Smith. I found quite a congestion of business and that the business in arrears had been steadily increasing for some years. Judge Smith lived only one year after his retirement, and during that time I had his assistance to some extent, and with that assistance and by hard work we were able to clear up a great many old cases and almost, but not quite, keep up with the business. In spite of all that I could do the arrears increased. According to the figures I send you it would appear that in the last two years there has been a slight decrease of business, and that the business in arrears has not increased much. But this is more apparent than real, from the fact that during this period I cleared up a large number of old cases and the business now in arrears, for the main part, consists of cases which can not be stricken off peremptorily, but must be tried. I am satisfied that I will not be able alone to dispose of anything like as much business as I have in the last two years with the assistance of Judge Smith, and the business in arrears is sure to increase still further.

"I inclose you a statement taken from the Attorney General's reports of the number of cases pending, commenced, and terminated in this district for the years 1918–1920, inclusive. From this statement you will see that there has been a heavy increase in the business and that this increase has been steady. You will also note that the increase has been almost entirely in the civil business. It is the civil business that requires the time of the court. It is clear from these statistics, and I am satisfied, that this condition is not a temporary one. The decrease for the last two years, as stated, is more apparent than real, and is due to the striking off of a large number of old cases and to the fact that I had Judge Smith's assistance for one year. This statement does not include naturalization, special proceedings, and motions.

"I also inclose you a statement of business in this district during the fiscal year ending June 30, 1925, exclusive of special proceedings and motions. You will note from this statement that during that year the civil cases were reduced, but it was at the expense of the criminal business, the arrears of which increased. In this connection, I desire to say that I have found that the civil business was so badly in arrears and litigants were clamoring so for hearings that I was compelled to devote more time to that part of the business and made some little reduction in the arrears. I think it is evident from this statement that there is more work in this district than one judge can properly dispatch, and you will note from the recapitulation that the business in arrears on July 1, 1925, numbered 1,264 cases and proceedings. It would take a year's work to clear up this pending business, if nothing new came in at all.

"However, there is every indication that the civil business will continue to increase. For the last five months my time has been fully occupied and the lawyers have been pressing me for hearings in equity and bankruptcy matters, which I have been compelled in numbers of cases to postpone, on account of more urgent matters.

"As stated to you in my telegram, mere figures are misleading and the amount of time that the judge is compelled to give to the work should determine the policy to be pursued. However, I am quite satisfied that the data submitted will upon figures alone show the necessity for some remedy of this situation. In addition to this, it should be stated that in the figures submitted, cases upon which the grand jury finds no bill and cases sent up by the commissioners which do not result in a true bill or the filing of an information, are not included, although I understand that in many districts such cases are included in the statistics. In this district also, in nearly all cases, all persons concerned in one criminal transaction are indicted together, and the same is counted as one case. The figures do not include proceedings for forfeiture of automobiles in prohibition cases, which are counted in as ancillary to the criminal cases in which they arise, although I understand that in some districts they are counted as separate cases. In the matter of petitions by receivers of national banks for the sale of assets or the compromise of debts, each national bank is counted as presenting one case only, although there have been in this district a large number of such matters presented by the various receivers of national banks. Of course this class of matter is ex parte and does not require very much time, but still there are a number of them, and they do take some time. Neither, of course, do the figures include any of what may be termed the administrative duties of the judge, which, as you are aware, are quite numerous.

"The problem in reference to the business of Federal courts, I know, is a very difficult one. I have studied conditions in South Carolina for more than a year and upon full reflection I have come to the conclusion that the best solution of the problem is the creation of three districts to be known as the western, middle, and eastern districts, and arranged so as to form a compact district in the northwestern portion of the State, one through the middle of the State, and one in the eastern part along the seaboard.

"Respectfully,

"ERNEST F. COCHRAN,
"United States District Judge."

The statement of business referred to by Judge Cochran is as follows:

Number of cases commenced, pending and in arrears, and terminated in the District Court of the United States for the Eastern District of South Carolina (exclusive of naturalization and special proceedings and motions) on June 30 of following years

Cases	1918	1919	1920	1921	1922	1923	1924	1925
Pending:								
Civil	70	106	95	140	192	259	236	209
Criminal	119	133	224	319	389	498	515	623
Bankruptcy	342	328	313	421	662	745	611	380
Total	531	567	632	880	1,243	1,502	1,362	1,212
Commenced:								
Civil	85	113	84	139	223	231	170	183
Criminal	507	560	457	532	480	580	501	562
Bankruptcy	37	23	18	135	326	221	155	179
Total	629	696	559	806	1,038	1,032	826	924
Terminated:								
Civil	68	77	95	94	171	166	193	210
Criminal	430	546	366	437	419	487	484	454
Bankruptcy	66	37	33	27	85	138	289	410
Total	564	660	494	558	675	775	966	1,074

[NOTE.—Bankruptcy cases terminated in 1925, stated, 410, but this includes 280 old cases which were stricken off that year.]

Statement of business in United States District Court, Eastern District of South Carolina (exclusive of special proceedings and motions), for fiscal year ending June 30, 1925

Criminal cases:	
Pending July 1, 1924	515
Begun during fiscal year July 1, 1924–July 1, 1925	562
Ended during same period	454
Pending July 1, 1925	623
Civil cases (law, equity, and admiralty):	
Pending July 1, 1924	236
Begun during fiscal year July 1, 1925	183
Ended during same period	210
Pending July 1, 1925	209

Bankruptcy cases:	
Pending July 1, 1924	611
Begun during fiscal year July 1, 1925	179
Ended during same period (includes 280 cases stricken off this year)	410
Pending July 1, 1925	380
Naturalization:	
Pending July 1, 1924	56
Begun during fiscal year July 1, 1925	47
Ended during same period	51
Pending July 1, 1925	52
Recapitulation:	
Pending July 1, 1924	1,418
Begun fiscal year ending June 30, 1925	971
Ended same period	1,125
Pending July 1, 1925	1,264

Under date of March 6, 1926, Judge Cochran wrote the Attorney General as follows:

"I received your letter of February 11, 1926 (initialed DDC–42M 11–10), stating that the department has received my telegram and letter relative to the proposed additional district in South Carolina, but that the department had not felt that there was need for an additional district in this State, basing its judgment on a comparison of the Federal court business here with Federal court business in other 2-district States having two judges, and that you had so stated to the Judiciary Committee, but had transmitted to them copy of my letter and inclosures and copy of letter from Judge Watkins upon the same subject.

"I regret that the department could not see its way clear to recommend the creation of an additional district. Your letter did not call for any further expression from me upon the subject, but, in view of conditions in this district, I am taking the liberty of making the suggestion to you that the situation might be relieved by the creation of an additional judge, either for the whole State, or, if that should not be deemed advisable, an additional judge for the eastern district. My own opinion is that it is better to have an additional district, so that each judge may be held directly responsible for the conduct of the business in his own district. But I realize that the matter has several practical aspects, and that, for other reasons, it may not be advisable to create new districts. I was district attorney before the State was divided into two districts and was district attorney for the western district before my appointment as judge of the eastern district. I have made a very careful study of the situation in the State as a whole, and there is a real need, in the interests of the public, that something should be done to relieve the pressure of business. In this connection allow me to say that while, of course, I have some personal interest in being relieved to some extent of the very heavy work that is upon me under present conditions, nevertheless my main object is in the interest of the Government and of the people, that the department and Congress may have the facts of the situation, in order that such action may be taken as may be deemed advisable. I feel quite sure, therefore, that you will understand that the spirit in which this letter is written is simply in an effort to assist your department in endeavoring to formulate a correct remedy for the situation.

"Respectfully,

"ERNEST F. COCHRAN,
"*United States District Judge.*"

"The necessity for relief of the present congestion in the district courts of South Carolina has been recognized by the State bar association at its annual meeting of 1925, and many of the local bar associations in South Carolina have indorsed my efforts to try and get some relief. At this time there are five places for the holding of court in the western district and four places in the eastern district. Should we have an additional judge, the situation would be greatly relieved, although, of course, it would not be as satisfactory in every respect as an additional district * * *."

This legislation received the approval of the House on June 8, 1926, when it passed H. R. 10821.

[H. Rept. No. 1427, 70th Cong., 1st sess.]

ADDITIONAL DISTRICT JUDGE FOR THE EASTERN AND WESTERN DISTRICTS, SOUTH CAROLINA

Mr. DOMINICK, from the Committee on the Judiciary, submitted the following report (to accompany H. R. 12811):

The Committee on the Judiciary, to whom was referred the bill H. R. 12811, after consideration, reports the same favorably and recommends that the bill do pass.

A similar bill was reported from this committee on January 20, 1927, which set out statements made at the hearings on H. R. 10821 and showed the necessity for the appointment of this additional judge, as will be seen by reference to Report No. 1827, Sixty-ninth Congress, second session, accompanying H. R. 7391.

This legislation received the approval of the House on June 8, 1926, when it passed H. R. 10821.

Since that report, and in addition thereto, there is printed herewith and made a part of this report a letter from the Hon. Ernest F. Cochran, judge of the eastern district of South Carolina, dated March 8, 1928, and a letter from Hon. H. H. Watkins, judge of the western district of South Carolina, dated March 10, 1928, showing the necessity for the appointment of this additional judge.

UNITED STATES DISTRICT COURT,
EASTERN DISTRICT OF SOUTH CAROLINA,
Charleston, March 8, 1928.

Hon. FRED H. DOMINICK,
Member of Congress, Washington, D. C.

MY DEAR CONGRESSMAN: I am in receipt of your letter of the 1st instant requesting me to make a statement relative to conditions in this district, which you would like to use before the Judiciary Committee in regard to the proposed additional district judge for South Carolina.

My letter and telegram of February 5, 1926, to the Attorney General, with accompanying statement of the cases and business arising in this district from 1918 to June 30, 1925, were presented by you to the Judiciary Committee of the Sixty-ninth Congress at the hearing of April 6, 1926, on H. R. 10821, Serial 13, and all the data in this statement are, I presume, still available. Since the fiscal year ending June 30, 1925, the conditions have not grown better to any practical extent. There has been a decrease in the number of criminal cases arising since then, but this decrease is entirely in prohibition cases, mainly of a minor nature. This decrease has been due to the fact that I have discouraged the bringing into this court of the minor liquor cases and have urged officials to have them presented, as far as practicable, in the State courts. Another reason is that, owing to certain developments here, the details of which it will not be necessary to trouble you with, very few prohibition agents have been at work in this district until a few months ago. I am informed, however, that they are now very active, and that there will be another flood of liquor cases in this court before long.

As to the criminal cases, aside from prohibition cases, there has been an actual increase in the number of this class of cases. Moreover, the criminal cases are becoming more and more of a serious nature, and more of them contested, and they require more time than formerly. There have been a number of bankruptcy prosecutions, which have taken considerable time. You will recall that at Columbia recently I tried one of the cases growing out of the Beaufort Bank transactions, which took me nearly six weeks, and during the whole time I was trying that case I was holding court from six to seven actual working hours a day. Of course, that case was an exceptional one, and we are not likely to have such a long case again soon; though there are other cases growing out of the same transactions which will have to be tried and will consume considerable time.

The number of prosecutions for motor-vehicle thefts under the Dyer Act is increasing in this district. In fact, all kinds of criminal cases of a serious nature are on the increase.

As to the civil business, there has been an increase in the number of new cases arising. It is the civil business, as a rule, of course, that requires the time of the judge. I find each year that the civil cases arising in this district are taking more and more time for the hearing of them.

Without troubling you with further details, the fact remains that there is still in this district each year more work than one judge ought to be called upon to transact if the parties are given a full and fair hearing and the due consideration of their cases to which they are entitled.

In order to relieve the situation in this district, I have been fortunate enough to obtain the assistance of Hon. Clarence Hale, retired United States judge, of Maine, who has been here for over two weeks and will remain for several weeks more. We are sitting contemporaneously, hearing cases every day, in an effort to relieve the civil docket. Of course, this is helpful, but is only temporary.

Allow me to call your attention again to the fact that mere figures are very misleading. The real point to be considered is how much work the judge has to do and how much time is required. There is no doubt in the minds of those familiar with the situation here that there is too much business for one judge.

Respectfully,

ERNEST E. COCHRAN,
United States District Judge.

UNITED STATES DISTRICT COURT,
Anderson, S. C., March 10, 1928.

Hon. FRED H. DOMINICK,
House of Representatives, Washington, D. C.

MY DEAR MR. DOMINICK: I was away from home in attendance upon the Spartanburg court when your letter of March 1 reached here, returning to my office on Tuesday night of this week, and I am now taking the earliest opportunity of replying.

I am apprehensive that it will be impossible in the compass of this necessarily brief letter to give you any adequate statement of the conditions which prevail in this district so as to show the imperative necessity of additional help.

The published records of the Attorney General's office will furnish some indication of the nature and amount of the business transacted by the court, and what I shall say will be supplementary to those records. By way of preliminary, I desire to say that the burden of the work will best be understood by calling attention to the fact that for several years the trial of jury cases has engaged the attention of the court for ap-

proximately 20 weeks out of each year. Under a standing rule of the court, and both for the sake of economy and in order to render the attendance of the jurors less onerous, it is required that all preliminary motions, demurrers, etc., preparatory to the trial of the cases on their merits must be disposed of in chambers prior to the convening of the court for jury trials. We hold regularly both morning and afternoon sessions while these trials are in progress.

You will see, therefore, the tax upon both the physical and mental reserve of the presiding judge in conducting jury trials alone. In addition to these, is not only the large volume of routine business but also the almost daily hearings of cases in equity, review of bankruptcy cases, and preparation of opinions, as well as the disposition of demurrers and motions of varied character. Until recently, by the method adopted, I have been able to dispose of the business of the court with reasonable promptness. Within the last year the business has greatly accumulated and a great many emergent matters have been the subject of unfortunate delay. The rapid development of corporate enterprises in my district, together with the growing tendency to draw litigation into the Federal courts, indicates that our business will greatly increase in the immediate future.

You are already aware of the fact that my health has been seriously impaired under the strain of continuing the work without opportunity for recuperation or proper hospital treatment. While I conceive it my duty to carry on to the limit under existing conditions, I can not escape the view that, ignoring all personal considerations, it is unfortunate for the administration of justice to have cases tried by a judge who is not in excellent condition both physically and mentally, and that is especially unfortunate to have a condition in which for lack of time a judge must determine important questions without opportunity for adequate research or mature consideration.

I am informed that it has been suggested that an additional judge should not be provided for South Carolina for the reason that the dockets of this State are not congested as in other States. It is difficult to understand how such an argument could be seriously advanced. If the confidence of the public in procuring prompt and exact justice in the courts is to be preserved, it can only be accomplished by an assurance that he who has a just cause may assert it in the courts not only eventually but promptly. I know of no line of business in which it is not recognized that additional and adequate help should be provided to meet its expansion, and it would seem that if additional help is imperative to the prompt and proper administration of justice that it should be provided in each case without comparison with any other. This must necessarily be true unless the Government is unable to incur the expense.

In this connection may I not call your attention to the fact that it is generally recognized as the scandal of American courts that causes are so delayed. May I not suggest also that the increase in crime and open defiances of law, which are more and more appalling to law-abiding citizens with the passage of each month, may be at least in some measure attributable to the delays of the courts and the inadequate provisions which are being made for them. I think that you are already aware not only of the general situation which prevails here but also of the utter lack of comportable or even adequate quarters in which my courts must be held. We are compelled to hold courts at five places, in only one of which we have a Federal building, and that of a most antiquated type.

With only one clerk's office for the entire district and with only two small rooms allotted to the clerk in which all the records of the district must be kept, the four deputies of the clerk with their desks and typewriters are herded in one small room subject to the distractions at all times of the numerous persons who have business with the office and during the courts at that place overcrowded at that time with the passing in and out of lawyers, litigants, jurors, and witnesses. Some time ago I endeavored to procure an additional room for the clerk's office and one which, under the original design of the building and situated upon the same floor as the quarters of the court, was designed for and allotted for the use of the court. This office, however, was occupied by an official of the Post Office Department, and we were unable to procure its use for the reason that the official was unwilling to go to another floor, although he was frequently absent from his office and left it unoccupied for days at a time. It has occurred to me that so long as the provisions for the places for transacting the business of the courts are made incidental to and subordinate to that of some other department and until adequate provisions be made both for comfortable places in which to hold the courts and for an adequate force to insure the prompt disposition of all their business, the public will be disposed to regard the administration of justice as an orphan unworthy of respect. The respect of the public must necessarily be measured in large degree by the consideration shown by the Government itself.

If there is any special recapitulation which you may desire to be taken from the records, I will be glad to have it tabulated and forwarded to you by the clerk.

Yours very truly,

H. H. WATKINS,
United States District Judge.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Montana?

Mr. BLEASE. I yield.

Mr. WALSH of Montana. Just for information, may I ask the Senator this question? The State of South Carolina was dry quite a long time before national prohibition had taken effect, was it not?

Mr. BLEASE. The State enacted a prohibition law, but never has gone dry.

Mr. WALSH of Montana. I had reference to the enactment of a prohibition law.

Mr. BLEASE. Yes; we had what was known as the dispensary system. We had a State dispensary. Then we got rid of that and adopted what was called the county dispensary plan. Then we voted that out and enacted a prohibition law before national prohibition was ever adopted.

Mr. WALSH of Montana. Can the Senator tell us how long before national prohibition it was that the State prohibition law went into effect in his State? It was some years at least.

Mr. BLEASE. Four or five years.

Mr. WALSH of Montana. It is my recollection that the dispensary law went out about 1910.

Mr. BLEASE. The dispensary law went out and then we had the county dispensary plan for a while. My recollection is it was about 1915 or 1916.

Mr. WALSH of Montana. Perhaps the Senator is correct about that. I do not remember having heard of any particular difficulty with enforcement of prohibition in any of the Southern States when they were dry as a consequence of State legislation. Can the Senator tell us with respect to his own State if the same difficulties were encountered prior to national prohibition that have been encountered since?

Mr. BLEASE. No, sir.

Mr. WALSH of Montana. Why not?

Mr. BLEASE. We have 14 circuit judges in my State. The county of Charleston constitutes one circuit by itself and has a judge and solicitor. In some of the other circuits we have two counties. That makes it possible for the 14 circuit judges to take care of the State indictments. But in the matter of the Federal indictments the two Federal judges have absolutely been unable to look after them.

Mr. WALSH of Montana. I was not speaking about that, but I was particularly interested in learning about the difference in the conditions existing in the dry Southern States before national prohibition and after. The Senator was governor of his State for a while.

Mr. BLEASE. Yes. I had that honor.

Mr. WALSH of Montana. During what period?

Mr. BLEASE. During the period of the county dispensaries, from 1911 to 1915.

Mr. WALSH of Montana. Prior to national prohibition the situation had to be taken care of entirely by the State courts?

Mr. BLEASE. Yes.

Mr. WALSH of Montana. And since then it has been taken care of not only by the State courts but by the Federal courts as well?

Mr. BLEASE. To some extent, but one of our judges—in fact, I believe both of them—when he finds a man has been tried and convicted in a State court, will not try him in the Federal court, which is correct, and should prevail everywhere. Another reason, to be perfectly frank about it, is that our people seem to have more resentment against the Federal prohibition law than they had against a State prohibition law. They seem to think that the Nation has not anything to do with it, and that if South Carolina wanted prohibition it was her business; in other words, we believe in State rights. Some of our people vote for prohibition who do not practice it; there is no question about that; and I am free to say that some people down there encourage the violation of the prohibition law.

Mr. TYDINGS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Maryland?

Mr. BLEASE. I yield.

Mr. TYDINGS. Mr. President, I should like to point out to the Senator from South Carolina that the extra appropriation of $24,000,000 which has just passed the House of Representatives and may become a law will permit the employment of additional agents to enforce the prohibition law. So, while the Senator has his bill pending for another judge, had we not better make it two judges in order to take care of the eventualities when more agents get out into the field?

Mr. BLEASE. No. I think most of the blind tigers in my State will be able to do as they are now doing, paying

"license" fees to the Federal, State, and county officers, and go on with their business.

Mr. President, as I have stated I am not objecting at all to any other State having additional judges. I made my objection the other day simply for the purpose of bringing my bill before the Senate. That bill is on the calendar immediately following the bill in which the Senator from New York is interested, and when it comes up I shall ask the Senate to pass it. That bill has been unanimously indorsed by the House committee and unanimously passed by the House and is asked for by the judges and others whom I have mentioned. As I have stated, it is not a personal fight of mine. These gentlemen are asking for this relief, and as their representative, of course, it is my duty to press it before Congress.

Mr. WAGNER. Mr. President, I ask the Senator if he withdraws further objection to the bill under consideration?

Mr. REED of Pennsylvania. Mr. President, will the Senator from South Carolina also withdraw his objection to the preceding judgeship bills?

Mr. BLEASE. I only objected, as I have said, for the purpose of bringing my case before the Senate. The South Carolina bill has been reported adversely, but when it shall be reached I shall move the rejection of the adverse report and the passage of the bill, and I hope that other Senators will be as kind to me as I am to them.

Mr. REED of Pennsylvania. Then I ask unanimous consent——

Mr. BRUCE. In the meantime I object until the Senator from South Carolina has a chance to dispose of his bill. I do not think that there is any more occasion for these other Federal judgeships that there is for one in South Carolina. I am prepared to vote for all of them.

Mr. WAGNER. The bill upon which the Senator from South Carolina addressed the Senate is now under consideration and has passed the stage of objection because the Senate by a vote decided to take it up for consideration.

Mr. BRUCE. I was not aware of that.

Mr. WAGNER. I suggest to the Senator from Pennsylvania that he permit the disposition of the bill now under consideration before he makes his request.

Mr. REED of Pennsylvania. I am willing to do that. I did not want to stand in the way of the Senator's bill, because I realized the necessity for additional judges in New York.

Mr. WAGNER. There is an absolute necessity for them.

Mr. BLEASE. A parliamentary inquiry. Would it be in order to move the passage of all six bills?

The PRESIDING OFFICER. At one time?

Mr. BLEASE. En bloc.

Mr. WALSH of Montana. Mr. President, I should like to say a word with respect to that request if I may do so, with the permission of the Senate. I trust that arrangement will not be made. I am not to be understood now as offering any objection at all to the bill in which the Senator from South Carolina is interested; but I trust the bills will not be considered en bloc. The Judiciary Committee has been forced to adopt a rule that they will not consider any more omnibus judge creating bills. That practice has developed into nothing less than a scandal. Judges have been assigned to various States by amendments to such omnibus bills in a perfectly unjustifiable manner. There was just simply a combination made to put a bill through; a Senator would object to another Senator's bill being passed unless he were given an additional judge for his State. So the Judiciary Committee has resolved not to report any more omnibus bills, but to take up each bill on its own merits. I trust the bills now on the calendar will be discussed in that spirit. Let us take up the bill of the Senator from New York [Mr. WAGNER], and if it seems to have merit, let us pass it; if it does not, let us try to defeat it; and let us do the same when we come to the bill of the Senator from South Carolina. I am sure he will not ask any more than that.

Mr. BLEASE. Mr. President, if the Senator from Montana will permit me, I call his attention to the fact that all of these bills have been to the Judiciary Committee, and my request would not bring about an omnibus bill, but would simply involve considering the bills upon which the committee has already acted.

Mr. KING. Mr. President, will the Senator from South Carolina yield to me?

Mr. BLEASE. I yield.

Mr. KING. I am not very familiar with this bill; but with my present views I shall be constrained to vote against it. I want to suggest to the Senator from South Carolina that only two years ago we passed a bill creating more than 25 or 26 new judgeships——

Mr. BLEASE. Tweny-six were created, as I stated a while ago.

Mr. KING. In addition to that, we have passed a number of separate judicial bills since then. The showing then made I felt did not warrant the creation of the number of the judicial districts that were established by law or of the large number of judges for whom provision was made. It was shown that in a number of the courts there were many cases pending, but upon examination most of them were found to be motions or matters that could be disposed of very quickly, and many of them related to bankruptcy cases. So it seemed to me that there was no necessity for the creation of such a large number of additional judges. We gave, as I recall, the southern district of New York several new judges, and since then, I think, have added to the list of judges in the State of New York.

I think the Judiciary Committee would serve a very useful purpose if they would consider again the question of relieving the Federal courts of the petty police cases that are before them now.

Mr. BLEASE. Mr. President, I wish to say to the Senator that I heartily concur with him in that suggestion, and I have been advocating it for some time. I think it is almost an insult to a man holding the honorable position of United States judge to make a police court out of the court over which he presides.

Mr. KING. I offered a bill, may I say to the Senator, which was considered rather in a desultory and imperfect way by the Judiciary Committee, providing that commissioners might be designated by the courts to receive pleas in misdemeanor cases, to dispose of them upon pleas of guilty, and, if trials were demanded, that the jury which was available in the Federal court might be utilized in the trial of such cases, with right of appeal from the commissioner to the Federal court. In that way I felt sure that we could dispose of hundreds of these little cases which it is now claimed clog the calendars of the Federal courts.

I do not like to criticize the Federal judges, because I know the ability and the eminence of so many of them, if not all, but I have felt that the Federal judges did not work as hard as they might have done. For instance, it was shown to us that one judge in the State of Indiana was performing all of the work in that great State. He did not ask for any additional help, but we gave another judge to Indiana. If one judge could dispose of all of the work of the great State of Indiana, it seemed to me that we were rather prodigal in creating new districts and making provision for additional judges. I believe, Mr. President, that, with greater executive ability, many of the cases that are now pending could be quickly disposed of and the dockets would not be clogged as they are clogged at the present time. I have not heard sufficient reason to justify me in supporting this bill.

Mr. WAGNER. Mr. President——

Mr. BRUCE. Mr. President——

Mr. WAGNER. I have the floor. I have not yet begun.

Mr. BRUCE. I did not know whether or not the Senator wanted to retain the floor.

Mr. WAGNER. Mr. President, such a measure as the Senator from Utah suggests, if enacted, would afford great relief to the congested condition of the Federal court calendars in New York, but we are facing a reality. In the southern district of New York, for which we are seeking an increase of three judges, it takes now some two years to reach the trial of a case after it is at issue.

In order to give the Senator an idea of the conditions prevailing there, let me say that last year there were commenced 1,515 civil actions and during that year only 1,067 such actions were terminated; so that in that one year the civil calendar of the court, at that rate, is running 500 cases behind. That condition exists despite the fact that in addition to the six judges who were appointed for the southern district we constantly have judges from other jurisdictions coming in to relieve the pressure. The outside judges thus coming to New York encounter considerable difficulty, because, as Senators know, cases must be conducted according to the practice of the particular State in which the district is situated, and it takes a judge from another community a little time to become familiar with the procedural law of a particular State.

We are running constantly behind. It takes over two years to reach the ordinary civil suit for trial after the case is on the calendar, and, as time goes on, that interval will necessarily increase, so that before long it will be two years and a half and then three years. The distinguished Senator from Utah, an ex-judge, knows that such delay often results in a serious miscarriage of justice, because of the death of witnesses and for other reasons.

There is an additional necessity in New York growing out of the fact that it has become, as I think all will admit, the financial center and the commercial center of the world. The growth of New York in those directions has been out of all

proportion to the increase in population, and with the increase in the importance of the city in the financial and commercial world there arise more disputes, which bring about more frequent litigation. The result is that in the southern and eastern districts of New York the courts must dispose of controversies of the greatest importance and significance to the whole United States. We are unable to cope with this problem if we are limited to the present judiciary. Many of these cases present justiciable questions which for the best interests of the country ought to be adjudicated and determined by a process of judicial deliberation. They are to-day settled by the litigants because they are unable to secure a trial. Indeed, I doubt whether even the bill now pending will be more than a palliative to relieve this very serious situation.

Mr. FESS. Mr. President, I inquire of the Senator, is there any objection to the bill?

Mr. WAGNER. I am sorry if the Senator from Ohio is not enjoying my address. The Senator from Utah [Mr. KING] made some objection; he said that he was not satisfied; that he had not sufficient facts, I take it, upon which to form an opinion as to whether or not he ought to support the measure. I am trying as best I can to inform him of the situation as it really exists.

Mr. FESS. The Senator has convinced me, and I thought that would be sufficient to convince the Senator from Utah.

Mr. WAGNER. The moment the Senator from Utah suggests that he has been convinced I will stop. I have no desire to impose myself upon the Senate and less desire to hear myself speak.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Florida?

Mr. WAGNER. I yield.

Mr. FLETCHER. May I inquire of the Senator if he thinks it is possible to obtain competent material for the salaries paid United States judges. As I understand, the judges in the State courts of New York receive nearly twice as much as the Federal judges receive.

Mr. WAGNER. Yes. I was a recipient of that salary for some time.

Mr. FLETCHER. Another thing is: It depends a good deal on the kind of people you get on the bench, it seems to me, whether it is advisable to add these judges or not. Has the Senator any idea that the Senators from the great State of New York will have any voice in the selection of these judges?

Mr. WAGNER. No; if I may answer the Senator, I am not deceiving myself on that question. I do not expect to be consulted and I am not interested in that question.

Mr. FLETCHER. I think very likely neither of the Senators will be consulted.

Mr. WAGNER. I think the Senator is making quite a safe prediction, but I am not interested in the question of patronage; I am interested in the public welfare and the administration of justice. Let me say for the judges of that district: The salary is a small one for a judge to receive, but we have many distinguished lawyers in our section who are willing to make that sacrifice for the opportunity to render this great public service. While most of the judges who are now sitting are of different political faith than I am, yet I will say for them that they are all of the highest character and scholarship; and I will also say for them that they are working up to the peak of their physical endurance in combating this congestion of the calendar.

Mr. FLETCHER. Does not the Senator think that the Senators from the State might well be called into council with the Attorney General before the selection of these judges? There may even be a choice among Republicans.

Mr. WAGNER. I hope I shall be consulted. I am sure I can make very valuable suggestions to the President in the matter.

Mr. FLETCHER. I am afraid that the practice is the contrary. I warn the Senator that very likely neither one of the Senators will be consulted.

Mr. WAGNER. I am not deceiving myself.

Mr. BRUCE. Mr. President, as I understand it, for some years before his death the person who was principally consulted with reference to judicial appointments and appointments of United States district attorneys and marshals, was Wayne B. Wheeler, the general counsel of the Anti-Saloon League.

I have no objection to this tremendous increase in the number of Federal judges that is going on. As I have so often said, as long as we have the prohibition statute on the statute books it must in all decency be enforced. The Senate has already made an additional appropriation of $24,000,000 for prohibition enforcement—a very considerable sum of money, but a small sum of money when contrasted with the $300,000,000 that Mr. Doran said was necessary if prohibition is to be enforced.

What I am desirous to have understood by the country is that this great increase in the number of Federal judges is largely due to the vain and impotent efforts that have been made heretofore to enforce prohibition. In other words, this great increase in the number of the Federal judges is one of the penalties that the people of the United States are paying for that asinine, imbecile law known as the Volstead law. Why, this is but the beginning of the inflowing tide of demands for new Federal judgeships.

The Senator from New York, I believe, is asking for three now.

SEVERAL SENATORS. Five.

Mr. BRUCE. He is asking for five, I understand.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. BRUCE. Yes.

Mr. WAGNER. We are asking for three in the southern district.

Mr. BRUCE. And the Senator is aware that Mr. Buckner, one of the very ablest and most experienced United States district attorneys in the country, testified under oath before a subcommittee of the Senate that no less than 85 Federal courts are necessary to enforce prohibition in the southern district of New York, and no less than 150 to enforce it in the whole State of New York. So we have reason to believe that in a short time after these three additional judgeships shall have been created the Senate and the House will be asked to create 65 more for the southern district of New York State, to say nothing of the rest of that State.

That is the point. So far as I am concerned, you can have your courts; you can continue your ineffectual, impotent efforts to enforce the prohibition law. Sooner or later, however, enforcement will break down, and I am willing to bide my time, as are all the rest of us who are hostile to the Volstead law; but if the real intent behind the creation of these three new Federal judgeships is to strengthen the arm of prohibition enforcement, why does not the Senator from New York come forward at once and, instead of asking for 3 Federal judgeships, ask for 65 more?

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. BRUCE. I yield.

Mr. WAGNER. The difficulty in New York is not with the prohibition law. They seem to be able to dispose of those cases with fair regularity; but there is very important civil litigation there.

Mr. BRUCE. I know that New York is a great, growing city, and, of course, a certain addition has to be made to the number of judgeships from time to time, anyhow. That is all perfectly normal. That, however, is not the occasion for the present application. The occasion for it is the need that Mr. Buckner specified in his testimony before the Senate subcommittee.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. BRUCE. I yield.

Mr. WALSH of Massachusetts. Of course the Senator from New York does not claim that there are any violations of the Volstead law in the southern district of New York?

Mr. BRUCE. Oh, no; of course not. That is a sort of terrestrial paradise so far as sobriety is concerned, of course; and I am bound to admit, as I have previously said, that the civilization of the city of New York as respects drink, as well as in every other respect, is distinctly superior to that of many other sections of the United States, whether those sections be in the Middle West or the extreme West or the South.

If we are going to have this increase in Federal judges, I trust that the Senator from South Carolina will tack on his application for another Federal judgeship in South Carolina to the application of the Senator from New York for his three additional judgeships. Let us have enforcement all along the line. Let us have all the additional Federal judgeships everywhere that are necessary for enforcement.

Things are coming to a crisis. They are gradually working up to a climax. The people of the United States are being placed in a better and better position to appraise the cost, not only in the loss of civil liberty but in mere pecuniary terms, inflicted upon them by prohibition.

Mr. BLEASE. Mr. President, I offer the amendment, which I send to the desk.

The PRESIDING OFFICER (Mr. COPELAND in the chair). The Senator from South Carolina offers an amendment, which will be stated.

Mr. BLEASE. This will not delay the bill a minute. The House has already passed it unanimously.

The CHIEF CLERK. It is proposed to add, as an additional section, the following:

SEC. 2. That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, one additional district judge for the United States District Court for the Eastern and Western Districts of South Carolina, who shall, at the time of his appointment, be a resident and a citizen of the State of South Carolina.

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Carolina.

Mr. WALSH of Montana. Mr. President, I feel impelled to say a word with respect to the bill now tendered as an amendment to that under consideration, because I was a member of the subcommittee of the Committee on the Judiciary to which these matters were referred, and I do not see any other member of the subcommittee on the floor.

I simply want to advert to the belief entertained by the Senator from South Carolina that his State has been discriminated against by the action of the committee.

I have before me here the record, which shows, for instance, that the State of Arkansas, which has a little larger population than the State of South Carolina, has but two judges; that the State of Colorado has only one judge; that the State of Florida has three judges; that the State of Idaho has but one judge; that the State of Iowa has but two judges; that the State of Kentucky has but two judges; that the State of Louisiana has but two judges; that the State of Maine has but two judges; that the State of Maryland has but one judge.

Mr. BRUCE. We have two.

Mr. KING. We created one recently.

Mr. WALSH of Montana. I was reading the figures of 1926.

Mr. BRUCE. We have two now; and, if the Senator will allow me, the necessity for the new judgeship was created almost entirely by the congestion produced by prohibition in our Federal court.

Mr. WALSH of Montana. I have no doubt that that was a contributing consideration.

I observe that the State of Massachusetts, with a population considerably more than double the population of the State of South Carolina, has only three judges; that the State of Minnesota, with a very much larger population, has only two judges; that the State of Mississippi has only two judges; that the State of Nebraska has only two judges; the State of Nevada, one; the State of New Hampshire, one. The State of North Carolina has, indeed, three, but it has a population of something like a million more than the State of South Carolina. The State of North Dakota has but two; the State of Oregon has but two; the State of South Dakota, one; the State of Utah, one; the State of West Virginia has but two; and the great State of Wisconsin has but two.

So, however imperative the necessity for another judge in the State of South Carolina may be, I do not think any contention can be made that the State has been discriminated against in the matter of judges.

Mr. BRUCE. Mr. President, will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Maryland?

Mr. WALSH of Montana. I do.

Mr. BRUCE. May I remind the Senator, however, that the criterion is not the total amount of the population of a State, generally speaking, but the amount of the drinking population in the State. I will say that South Carolina, so far as its bibulous propensities are concerned, will more than contrast favorably with all those other States.

Mr. WALSH of Montana. That may be.

Mr. BRUCE. For instance, the writer to whom I referred a few days ago, Mr. Lawson Purdy, of the city of New York, had this to say in an article written by him in relation to arrests for drunkenness, which was published in the New York Times:

South Carolina comes next, with seven cities. The average for the seven is 208 arrests per 10,000, as against 20 arrests per 10,000 in the city of New York.

So the Senator will see that where you have a great deal of drunkenness you unquestionably have a great many distilleries, stills, still worms, and fermenters, obnoxious to the Volstead Act.

Mr. WALSH of Massachusetts. Bootlegging and rum running.

Mr. BRUCE. Yes; bootlegging and rum running, and what not; so what the Senator from Montana fails to make allowance for is the extreme necessities of the State of South Carolina, created by the fact that the number of arrests for drunkenness, and, I must infer at the moment, the number of arrests for violations of the Volstead law, is in that State far in excess, per 10,000 of population, of the arrests for drunkenness and violations of the Volstead law in some other communities.

Consequently, of course, the same number of judges are not requisite for those other communities that are requisite for South Carolina. I do not want to bear too hard on my dear native South; I could go on without the slightest difficulty and show that a contrast instituted as respects arrests for drunkenness between many of the western communities and the city of New York would be quite as unfavorable to the western communities.

For instance, my attention was called to the fact a short time ago that in proportion to population the little town of Pocatello, in the State of Idaho, represented in part on this floor by our friend the distinguished senior Senator from Idaho [Mr. BORAH] has a thirst ten times as great as the thirst of the population of the city of New York. The same thing is doubtless as true, or nearly as true, of the capital city of the State of Idaho, Boise City.

I say that the Senator from South Carolina, therefore, is clearly entitled to his additional Federal judge. The want of his State is acute. It is distressing. I think it is even more appealing than the want of many other communities in the United States, though, of course, we have the authority of Gen. Lincoln C. Andrews for the statement that there is nothing local, nothing regional, nothing sectional, about bootlegging, but that it is coextensive with the entire territory of the United States.

Before I take my seat let me say that I forgot a few moments ago to run out the question put by the Senator from Florida [Mr. FLETCHER] to the Senator from New York [Mr. WAGNER] to its consequences. The Senator from Florida very naturally asked the Senator from New York whether he would have anything to do with the employment of the additional Federal judges that the Senator from New York is seeking. Of course, he would have nothing to do with it. The same thing would be true perhaps of additional judgeships for any State in the Union.

The influence of the Anti-Saloon League heretofore in the appointment of judges has not been exclusive; other cooperating influences, of course, have come into play when judicial appointments have been made, and the same thing is true of United States district attorneys and marshals; but every man who is familiar with the history of this Government for a considerable period in the past knows that years before the death of Mr. Wayne B. Wheeler, the general counsel of the Anti-Saloon League, few judicial appointments, few appointments of United States district attorneys, and few appointments of Federal marshals were made by the President of the United States except after being practically visaed by Mr. Wayne B. Wheeler.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. BRUCE. I yield.

Mr. WALSH of Massachusetts. The Senator will recall to mind that in the recent past it has been stated that one of the prime qualifications for the Attorney General in the new President's Cabinet will be his attitude toward the prohibition question. I assume it follows that if that requirement is true as to the Attorney General it will be necessary for every prospective candidate for a judgeship to be interrogated as to his attitude and personal habits under the Volstead law.

Mr. BRUCE. And they have been inquired into by the Anti-Saloon League, I believe, with a view to influencing appointments.

Mr. WALSH of Massachusetts. I did not know they had gone as far as that.

Mr. BRUCE. They have been, I believe.

Mr. HEFLIN. Does not the Senator think they should be?

Mr. BRUCE. I do not know the conditions under which the league inquires into them.

Mr. HEFLIN. The Senator does not think that they ought to inquire into the bent of a man's mind and his inclination regarding this subject, his disposition to prosecute people who violate the eighteenth amendment? He does not think we ought to inquire into that?

Mr. BRUCE. I have no objection to anybody being consulted in connection with a judicial appointment or the appointment of United States district attorneys or marshals, but I object to such a fanatical, unscrupulous, tyrannical agency as the Anti-Saloon League exerting a determining influence in the making of judicial appointments or the appointment of any Federal marshal or the appointment of any Federal officer of any sort who has anything to do with the enforcement of prohibition.

Mr. President, a vote will now be taken on the amendment offered by the Senator from South Carolina, will it not?

The PRESIDING OFFICER. The vote will be on the amendment offered by the Senator from South Carolina.

Mr. WAGNER. Mr. President, while I sympathize with the Senator from South Carolina, I rather agree with the statement of the distinguished Senator from Montana that in these questions of increasing the number of judges we ought to consider every case on its merits, and that can only be done by considering each judicial district. I hope the Senator will therefore withdraw his amendment, so that we can now dispose of the bill for the southern district of New York, having considered the necessity for an increase in the number of judges there, and then we may very well take up the case in which the Senator from South Carolina is interested, that of his own State.

Mr. BRUCE. Mr. President, that would work such gross injustice that I would feel that I could not give adequate expression to my sense of the injustice before 2 o'clock.

Mr. DALE. Mr. President, I was interested when the Senator from Montana was reading the article as to the number of judges assigned to the different States in that, inadvertently, of course, he omitted to state that the State of Vermont has but one Federal judge. I want to state, without the slightest reflection on any of the other judges, that the State of Vermont needs but one judge, if he has the ability and the efficiency of Judge Harland B. Howe. He can take care of all the work in the State of Vermont and spend considerable time helping out in New York City, to which he is assigned term after term.

Mr. BRUCE. Mr. President, is it candid for the Senator from Vermont not to make any mention of the fact that a citizen of Vermont can without the slightest difficulty slip over the boundary line between the United States and Canada and secure what he desires to drink?

Mr. DALE. Mr. President——

Mr. BRUCE. Of course, there is not the same need for stills and for bootlegging apparatus of any sort in Vermont, because of its fortunate or unfortunate proximity to a great enlightened community that has passed out of the barbarous stage of development to which prohibition belongs.

Mr. DALE. Mr. President, no doubt the Senator from Maryland is correct when he states that there is great opportunity for violation of the eighteenth amendment in the State of Vermont. There is no doubt about that. We have a great many cases there. But Judge Howe is so free from any influence of any organization or any person that that law is executed in the State of Vermont under his jurisdiction so well that I doubt if there is a parallel to it in any other State in the Union.

Mr. BRUCE. Of course, because the people of Vermont, in that happy geographical situation, can gratify their moral instincts, and their physical instincts at the same time. In other words, they can enforce prohibition within the limits of the State of Vermont, and yet concurrently without difficulty obtain from the Canadian territory all the supplies of whisky, wine, or beer that they may desire.

Mr. DALE. I do not know that I understand the Senator. Does the Senator from Maryland mean that the citizens of Vermont are lawbreakers?

Mr. BRUCE. Oh, no. I believe that their general morals compare favorably with those of the people of any community in the United States. I have the greatest respect for the New England character, as anyone who knows me knows, but I do say that, to say the least, the people of Vermont are susceptible to the ordinary infirmities of human nature, if such they can be called, including a desire at times to take a wee drop, like the rest of the people of the United States, and they are so situated that they can without difficulty gratify their desire because of their being so near Canada.

Mr. DALE. Mr. President, Vermont had a prohibitory law for about half a century and the people of Vermont, under that law, became generally so influenced by it that they have become educated and developed to the extent that they do not need so much liquor.

Mr. BRUCE. That does not correspond with the newspaper accounts that I have read from time to time. I think Vermont is a good illustration of the truth of what our celebrated Johns Hopkins professor, Raymond Pearl, who, by the way, was a native of New Hampshire, said a short time ago. He said, "It is useless to keep up this agitation against prohibition. The people of the United States have made up their minds to have both prohibition and liquor." Sometimes I think he was about right.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Carolina.

Mr. BLEASE. Mr. President, I shall have to ask for a quorum if the vote is to be taken now, and I would want a roll call. That may take until after 2 o'clock. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McKellar	Simmons
Barkley	Fletcher	McMaster	Smoot
Bayard	Frazier	McNary	Steck
Bingham	George	Mayfield	Steiwer
Black	Gerry	Metcalf	Stephens
Blaine	Gillett	Moses	Swanson
Blease	Glass	Neely	Thomas, Idaho
Borah	Glenn	Norbeck	Thomas, Okla.
Bratton	Goff	Norris	Trammell
Brookhart	Hale	Nye	Tydings
Bruce	Harris	Oddie	Tyson
Burton	Hastings	Overman	Vandenberg
Capper	Hawes	Phipps	Wagner
Caraway	Hayden	Reed, Mo.	Walsh, Mass.
Copeland	Heflin	Robinson, Ind.	Walsh, Mont.
Couzens	Johnson	Sackett	Warren
Curtis	Jones	Schall	Waterman
Dale	Kendrick	Sheppard	Watson
Dill	Keys	Shipstead	Wheeler
Edwards	King	Shortridge	

Mr. GLENN. Mr. President, I desire to announce the absence of my colleague [Mr. DENEEN] on account of illness.

Mr. GERRY. I wish to announce that the Senator from South Carolina [Mr. SMITH] is detained from the Senate on account of illness.

I wish also to announce that the senior Senator from Louisiana [Mr. RANSDELL] is detained from the Senate by illness.

The PRESIDING OFFICER (Mr. TYDINGS in the chair). Seventy-nine Senators having answered to their names, a quorum is present.

The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, House bill 11526.

Mr. REED of Missouri obtained the floor.

TRAVEL PAY FOR SPANISH-AMERICAN SOLDIERS

Mr. BROOKHART. Mr. President, I desire to ask unanimous consent for the consideration of a bill which was objected to by the Senator from Utah [Mr. SMOOT] when it was reached on the calendar. The Senator now withdraws his objection.

Mr. REED of Missouri. If it does not lead to any discussion, I shall not object.

Mr. BROOKHART. The bill is No. 1367 on the calendar. The Senator from Utah has investigated it and withdraws his objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. BRUCE. I object until I know how the chairman of the Committee on Military Affairs feels about the bill.

The PRESIDING OFFICER. Objection is made. The Senate will receive a message from the House of Representatives.

(The message follows the matter under this heading.)

Mr. BRUCE. Mr. President, the bill has been explained to me and I withdraw my objection.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent for the immediate consideration of Senate bill 1513. Is there objection?

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill (S. 1513) granting travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine insurrection who were discharged in the Philippines. The bill had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

Be it enacted, etc., That all persons who enlisted in the Regular Army of the United States in the year 1898 under special act of Congress for the duration of the war with Spain, who were honorably discharged from such enlistment while serving in the Philippines, who did not there reenter the military service of the United States through commission or enlistment, who embarked at Manila within one year after such discharge for return to the United States, shall, upon application to the War Department under such regulations as the Secretary of War shall prescribe, be allowed and paid their actual necessary expenses, if any, for lodging and subsistence in the Philippines for the period, not exceeding three months, during which they, respectively, awaited transportation by Government transport, and, in addition, for the distance from Manila, P. I., to San Francisco, Calif., the travel pay and commutation of subsistence formerly allowed under section 1290, Revised Statutes of the United States, to soldiers of the Regular Army honorably discharged on expiration of enlistment, less any sum or sums of money actually paid by the Government to such persons, respectively, at time of such discharge or subsequent thereto by way of travel pay or allowances for transportation and subsistence between said places.

SEC. 2. There is hereby authorized to be appropriated such sums of money as may be necessary to carry out the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 11859) for the relief of B. C. Miller.

The message informed the Senate that the request of the Senate for the return of the bill (S. 4222) to authorize the creation of Indian trust estates, and for other purposes, was respectfully declined by the House of Representatives.

CONSTRUCTION OF CRUISERS

The PRESIDING OFFICER. The unfinished business, House bill 11526, is before the Senate, and the Senator from Missouri is entitled to the floor.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

Mr. REED of Missouri. Mr. President, I hesitate to take the time of the Senate to discuss a bill that has already been so thoroughly debated. However, some views have been expressed which I think call for a reply.

There are at work in this country forces which, to me, seem inimical to the public welfare and the safety of the Nation.

Diogenes lived a good deal in dreamland as well as in a tub. Walking one day with his eyes fixed on the skies, he fell into a ditch—where dreamers generally land. A practical, hard-headed, sensible old lady said to him, "Mr. Philosopher, when your feet are on the ground your head should not be in the skies."

The business of government is intensely practical. The great body of American people are busy in their homes, in their workshops, in their fields. They send to Washington men to represent them. These representatives ought to be watchmen upon the tower. Their vision, so far as human limitations permit, should encompass the conditions of the world. The American people have the right to believe that their Representatives are keenly alive to international situations, that they take no chances that can, by prudence, be avoided, that they consider only the welfare of their country, placing its aspirations and destiny above those of all other nations and peoples; never for a moment losing sight of the fact that by preserving this Republic they will perform the greatest possible service to mankind the world over—for the star of America has guided all races of men from the night of tyranny into the dawn of the day of universal liberty.

Government, I repeat, is practical. We do not sojourn in a land of dreams. We live amongst men and amongst nations—nations that vary in the degrees of their civilization from cannibalism to philosophy; races of men who are dominant, forceful, ambitious, restless, determined to gain and keep advantage.

I desire in no manner to reflect upon any nation. I am largely in accord with the eloquent statement of the distinguished Senator from Maryland, made a day or two since, in which he spoke so highly of the British people. In consonance with that I can pay the same meed of respect and admiration for the great German people, the Scandinavian countries, to Holland, and to France—indeed, to all those countries which have established civilizations, cultivated the arts, and forwarded the march of progress. But, sir, we must remember that all races have their own particular ambitions and their own special interests. Their hearts beat true to those interests. Their souls are not consumed with yearnings for the interests of the United States.

The application of a little common sense to the affairs of life would dissipate some of the mists and clouds in which the pacifists are lost. In our own land neighbors contend with neighbors; cities with cities; business rivals crush business rivals; great corporations destroy smaller corporations; powerful individuals break down the trade, the commerce, and the business of smaller individuals. And we know that, in the end, the ability to defend himself is the best security any man living upon this earth can have. The defenseless are always the victims.

Considering the case of nations, you must accentuate the rule, because the elements of personal sympathy and compassion are absent. There are no particular ties to bind other nations to us or us to other nations. Governments of other nations must consider their own people and their own interests. If our commerce expands, it is largely at their expense. If our Nation grows rich, it is, in part, to their disadvantage. Besides, there is a background which is not to be disregarded. I refer to prejudices, deep-rooted in the centuries, to economic conditions which frequently force governments to act even to the point of making war.

Accordingly, when we consider the question of the American Navy we must regard the problem not as of dreamland, but as one of this earth as this earth is. We must, therefore, not estimates the governors of the nations as angels recruited from the skies, anointed with the oil of holiness, and exuding the sweet perfumes of paradise. We must view these governors as practical men, often relentless in their ambitions and ruthless in their revenges.

The first duty of the Senate is to protect America, to make certain that America is safe. We should, therefore, close our ears to the whimperings and whinings of those who have too often led us into mistakes and blunders. To my mind, the lowest form of animal life is the man who thinks more of other countries than he does of his own country. I despise internationalism and internationalists.

Mr. President, what is the cry raised in opposition to this bill? It is that a new dispensation has come upon this earth; that the hearts of men have changed; that no longer are there such passions left as greed, avarice, hatred, ambition, or selfishness. Gentlemen here have assumed to speak for the world, to express "the world's opinion." Self-appointed and self-annointed, they declare themselves to be "the voice of the world." They know the inner consciousness of all races. They speak with authority for the universe.

Sir, I confess myself utterly lacking in those divine attributes. I only beg to suggest that the best way to ascertain national policies is to observe national acts. We should find out not only what is being said in diplomatic propaganda, but also what is being done in the armories of the nations. Therefore, I invite attention to a few plain facts which ought to be considered and even comprehended by gentlemen who profess to have surveyed the world and to know just what "the world is thinking," and to have discovered that every heart is now kindly and that the spirit of Christ hovers over the land and the sea.

Mr. President, the so-called "general opinion of mankind," of which we have heard so much, can not be ascertained by the dreams of dreamers, by the shouts of enthusiasts, by the propaganda of pacifists, or by the treason of internationalists who subordinate the interests of their native land to those of foreign states.

I repeat, the opinion of the nations must be determined by the policies they persistently follow:

In Great Britain that opinion is manifest in a standing army of 404,000 men; in a navy of more than 700 great fighting ships; in fortresses that line the shores of the world and dot the seas; in guns that command every lane of the oceans; in the present construction of vast fortresses; in the present building of 78 great vessels of war.

The opinion of France is expressed in a standing army of 727,000 men; in a reserve army of 4,610,000 men; in preparations to dominate the air; in the creation of deadly submarines—the assassins of the sea.

The opinion of Russia is demonstrated in a standing army of 658,000 men and in a reserve army of 5,425,000 men.

The opinion of Italy is registered in a standing army of 380,000 men and a reserve army of 2,990,000 men.

The opinion of Poland, recently born, child of the new millennium, is recorded in a standing army of 242,000 men and in a reserve army of 2,000,000 men.

The opinion of Yugoslavia, likewise child of the new day, is shown in its standing army of 142,000 men and its reserves of more than 2,000,000 men.

The opinion of Czechoslovakia, another millennium product, appears in its standing army of 140,700 and in its reserves of 1,489,000.

The opinion and purpose of Japan is proclaimed by its standing army of 210,000 men and its reserves of 2,038,000 men. That opinion and purpose is brought down to date by the 16 cruisers and 33 submarines now in process of construction.

Would you hear "the voice of the world," oh, you dreamers of dreams? Listen and your ears will be greeted by the roar of vast furnaces forming the steel armor of dreadnoughts—by the chorus of mighty hammers shaping the keels of great battleships—by the hum of countless lathes fashioning rifles and machine guns—by the whir of the propellers of innumerable airplanes. Look and your eyes will behold the skilled engineers of every nation planning and directing the construction of invincible armaments. They are calculating the distance of every shot, the elevation of every gun. Millions of men, at the command of skilled officers, are marching and countermarching in every evolution of defense and attack. Unlock the secret cabinets of the war councils of the world and you will there find ready plans for the sinking of the Ameri-

can fleet, the bombardment of American cities; the maps of the roads over which invading hosts may some day march across our soil. Remember, as you look, that back of these governmental agencies are peoples who uncomplainingly pay taxes and with unquestioned loyalty yield obedience.

In the face of these obvious conditions the imbecilic cry of safety is raised. We are told to put our faith in paper treaties. But remember when war comes paper treaties are but scraps blown about by the winds of passion. Remember paper treaties will not arrest the force of explosive shells, will not hold back invading armies, will not save our navies upon the seas, or protect our forces upon the lands. Even the naked valor of our valorous men may not be sufficient to rescue us. The pages of history are red with heroic blood shed by men bearing inferior arms. But even if the heroism of our sailors and soldiers might triumph over superior arms, what shall I say of the man who is willing to send the sons of America half armed to death when if properly equipped they could win the victory with small loss of life.

If war shall come it will boot us little, as we behold our unbalanced and inefficient fleet sent to the bottom, to say that we were misled by great speeches of pacifist Senators who assured us "that war would never come." As our warships engage the enemy, as our lads throw overboard the lifeboats knowing that if their vessel is sunk by superior guns they must all go to watery graves, small solace will it be to them that pacifists passed resolutions that there should never be any more wars. Small solace will it be to those who stand upon the headlands and watch the conflict, to know that these half-armed vessels fought bravely, that our men died like heroes and that our fleet went down with flags flying and bands playing "America."

Such, sir, is the proposition confronting us. It is one of practical common sense. We are not given the choice as to whether or not we want to live in a world enjoying heavenly peace. Such a world does not presently exist. We are living on this cold, hard earth as it is. Men have not been saints in the past and will not be transformed into saints by the resolutions of committees or the treaties of diplomats.

The man who would lull us to sleep in time of danger, the man who teaches that there should be no love of country, the man who declares that the citizen should not be taught to fight and die for his country's rights is unworthy to live under the American flag.

Mr. President, we ought to have learned something from the experiences of the past. The history of the wars of the centuries is before us. No lesson is more profound or inescapable than that there must be preparation or there will come defeat. War to-day is not a mere matching of personal valor. War is largely a matter of machinery. A single squad of men with a machine gun fortunately situated may mow down a regiment of the bravest soldiers who ever went to battle. A cannon that can shoot 2 or 3 miles farther than its antagonist can destroy that antagonist. The bravery of the gunner can not make up for the lack of range. The finest captain who ever commanded a vessel of war is absolutely helpless if engaged by a vessel of superior speed armed with guns of a superior range, for the latter can lie out of range and sink the inferior vessel without even the chance of an effective return shot.

It requires months and years to create effective machinery. The nation that does not possess that machinery will, in every contest, go down to defeat unless, because of the possession of superior man power, it is able to hold the field, notwithstanding the disadvantage. In that case, however, it must heap its dead in windrows, saturate its soil with blood needlessly shed, and endure the pangs and tortures of months and years while creating the armament which should have been prepared in advance.

Mr. President, valor half armed can never resist valor fully armed. History is replete—replete to nauseation—with examples.

The massed armies of the world broke upon the phalanxes of Alexander.

In the First Punic War the legions of Rome were scattered by the elephants of Hannibal.

The warriors of Gaul and Germany fell before the swords of Rome's trained legions.

The Saxons were ridden down by the mailed cavalry of William the Conqueror.

At Agincourt the knighthood of France was destroyed by the longbows of English yeomen.

Napoleon's dream of world empire vanished when the superior fleet of Nelson destroyed the French ships at Trafalgar.

The dominance of Spain ended and her decay and fall began when Drake's cannon sank the Armada.

Holland's vision of commercial supremacy was ended when the British fleet destroyed the Dutch men-of-war.

Napoleon declared, "God fights with the strongest artillery," and proved his thesis as he swept to destruction the allied forces of Europe. What a pity it was that he did not have the advice of the Senator from Iowa! He might have saved a lot of cannon.

Mr. BROOKHART. Mr. President, upon that proposition I recollect that Napoleon died a prisoner on the island of St. Helena.

Mr. REED of Missouri. Yes; Napoleon died at St. Helena, but not until he had for nearly 20 years held the united hosts of Europe at bay and overrun country after country. He was never crushed until those armies finally, after infinite losses, had reached a point of preparation equal to his, and then, with the world surrounding him, now at last prepared, Napoleon surrendered.

Had Napoleon possessed a fleet superior to that of Great Britain there never would have been a Waterloo, and the tricolors of France would have floated over the entire Continent of Europe.

The ridiculous statement has been made that in the World War the British Navy was useless. All intelligent persons except the Senator from Iowa know that the British fleet bottled up the German fleet and held it bottled up.

Mr. BROOKHART. Mr. President, it was the Senator from Utah [Mr. KING] who made that remark.

Mr. REED of Missouri. Oh, the Senator has forgotten.

Mr. BROOKHART. I just read the RECORD.

Mr. REED of Missouri. I will let the Senator correct anything that needs correction. If I have misstated it, I will restate it for him; but I have a pretty distinct recollection of what was said yesterday.

Likewise the equally absurd statement is made that the English fleet suffered a terrible defeat at Jutland and fled from the scene of action. All will concede the gallantry of the German Navy. But the fact remains that the British fleet held its position and the smaller German fleet returned to its base. All will concede that had the German fleet been greatly superior in guns and metal to the British fleet it probably would have sent that fleet to the bottom before we ever entered the war, and Germany would then have swept British commerce from the seas, and probably have ended the conflict before April 6, 1917. Had the German fleet sunk the British fleet and been upon the ocean when we entered the war, there is every human probability that we never could have landed a single regiment of soldiers upon European soil. Our transports would have been destroyed, and hundreds of thousands of Americans, utterly defenseless, would have found their graves beneath the Atlantic's waves.

The Iowa admiral, Senator BROOKHART, tells us that cruisers are of no value in war; but a single German cruiser, the *Emden*, from August 11 to November 10, 1914, terrorized the ocean, seized ship after ship, alarmed coast cities, and continued her raids until she was sunk by a superior ship, the Australian cruiser *Sydney*. If the *Sydney* had not caught her the *Emden* would have continued to collect her toll until some other vessel superior in speed and guns could overtake her. A half dozen cruisers at large upon the sea could have destroyed almost the last vestige of British shipping.

The pacifist military experts of the Senate tell us that airplanes can destroy a ship as soon as it is within 200 miles of the shore line. Leaving out of account the doubt as to whether the airplane is really an effective instrument against battleships; leaving out of account night attacks and bombardment of cities; leaving out of account visibility; leaving out of account the fact that airplanes from the shore may be met and destroyed by airplanes launched from the decks of war vessels; leaving out of account improved antiaircraft artillery; disregarding all of these and many other factors, it still remains true that beyond the fanciful limit of 200 miles stretches the vast expanse of the mighty ocean, whose waters must be traveled by ocean craft, all of which would still be at the mercy of war vessels sailing the high seas.

I venture to remind Senators that battles upon the ocean are not always fought within sight of land or at an accommodating distance for airplanes. The nation which is safe only within 200 miles of its shores is already surrounded, pent up, cut off from the world. It can not even wage a defensive war, because defense must always in the end be transformed into attack.

Imagine the humiliation of America if great sea powers were patrolling the ocean 200 miles from our coast and daring us to adventure outside! Such a condition, maintained for any considerable time, would mean defeat, disgrace, and perhaps the annihilation of the Republic.

The military and naval experts of Japan, of Great Britain, of France, of Italy, of Russia, of all maritime countries of the earth, including America, unite in the declaration that cruisers are a necessary part of any great navy. Against them we have the opinion of a remarkable multiple personality, namely, Rear Admiral BROOKHART, Major General BROOKHART, Chief of Staff BROOKHART, Chief of the Air Service BROOKHART, "General Opinion of Mankind" BROOKHART, "General Voice of the World" BROOKHART, "Custodian of Farmers and Laborers" BROOKHART, "Keeper of the Universal Conscience" BROOKHART, "Warden of the Wisdom of the Past and Prophet of the State of the Future" BROOKHART.

Outside the Senator there are some others.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. REED of Missouri. I do.

Mr. BROOKHART. The Senator did not, I believe, say "Mussolini BROOKHART."

Mr. REED of Missouri. No. I love the Senator, and I am doing him all the justice I can, and so dealing with him as gently as possible. I mean by what I have said to mildly intimate that the argument made by the Senator yesterday is in the teeth of the opinions of the great military experts of the world, and that he sets up his own judgment against all of them when he tells us what all mankind is thinking. He has a right to do that. It is always the right of any man to have his opinion and to assert it as the judgment of all the world. [Laughter.]

Outside the Senate there are some others—the doctrinaires of the Third Internationale, who teach that national spirit should be suppressed and national patriotism forgotten. Likewise, there are pacifists who believe that our best defense is in defenselessness and that safety is found in weakness.

I have listened more than once to that siren song. We heard it before 1914. There were some college professors, anemic—I had almost said white-livered men—who were going over the country declaring that war would never come again. They carried on a crusade and solemnly announced the advent of the millennium. We were negotiating arbitration treaties with all the countries of the world. They were to end all war. We forgot that nations had been writing treaties of eternal peace since they first learned how to put pen to parchment.

Sir, the story of the world is a tale of treaties made and broken. Every civilized nation at every point of history has had treaties of amity with the other civilized nations. Yet the pacifists and conscientious objectors imagined that because Mr. Bryan and some others had negotiated certain treaties providing for arbitration that that was the end of war. Accordingly they went about singing that admirable ditty, I Didn't Raise My Boy to Be a Soldier.

Of course, no woman ever raised her boy to be a soldier, but American mothers do not raise their boys to be poltroons and cowards. They do not raise them so that they will stand by and see their mothers abused. They do not raise them to play the poltroon when home and country are assailed by foreign foes.

Suddenly there came out of the dark a shot that shook the world; and still pacifists proclaimed there was no danger; that no hand should be lifted, that we should make no preparation. We saw our ships sunk upon the sea, we saw the *Lusitania* go down with her precious freightage. Time and time and time again we saw Great Britain seize our ships. We saw her sow the North Sea with mines. We submitted to her orders that our ships traverse certain lanes or her mines would send them to the bottom. We beheld our vessels and cargoes taken before the English prize courts and there condemned without justice and without international law.

Then, at last, a condition arose so terrible that we had to act. What, then, was the situation? We had been told that if we got into war, if there was any insult to our country, a million men would leap to arms over night. But we found we could not provide arms for our men when they had leapt to arms.

We had been told that the valor of our men would be sufficient. But when we took the lads from their homes and ordered them go into camps there were no camps. We mobilized them without proper clothing, without proper shoes, without adequate equipment of any kind. We drilled them with broomsticks during the precious days and weeks and months when they ought to have been learning to handle rifles. We finally put into their hands old, obsolete weapons. We sent many thousands of them across the sea half equipped. On more than one occasion they were required to change arms in the face of the enemy and to immediately fight without opportunity to become familiar with the new and strange weapons.

We ordered them into battle without proper artillery support and protection. My recollection is that at the end of the war, when the armistice was signed, there were only 184 American-made field guns on the battle line. The rest of our fighting, so far as field guns were concerned, was done with cannon Pershing borrowed from England and France.

Our lads fought under a rain of fire of shell and gas from the skies without protection of airplanes of our own. Do you know that not a single American-made fighting airplane ever crossed a German trench during the war? We were experimenting. We were fooling around with a motor that has since been discarded as useless. We were spending a billion dollars for airplanes that could not fight or fly. Our soldiers had only such protection as could be given them by English and French flyers, and by our own men fighting in borrowed planes.

What wonder General Pershing cabled in substance that if the equipment he had demanded did not soon come the American Army would cease to be a fighting force. I can produce the telegram if anybody wants to see it.

These lads, forced from their homes, their hearts filled with patriotism, stood there in the trenches, or outside the trenches, exposed to fire from the sky without adequate airplane protection. There sleep beneath the poppies of France or here in their own beloved soil tens of thousands of men whose blood ought to be visited upon the heads of those who would not permit this country to be ready to defend itself.

Mr. President, George Washington may, in the opinion of pacifists, have been and old fool, but his sword carved out of the rock of fate the greatest Nation the world has ever seen. And George Washington said that the best way to prevent war is to be prepared for war.

I remarked a moment ago that this is not the first time I have heard these pacifistic arguments. I heard them before 1914, and I heard them also in 1922. We were to have a naval disarmament conference. We were going to stop building ships. We were told in song and story and sentimental ballad about "Hands Across the Sea." Oh, how they loved us—England and France and Japan. They came here. Their eyes misty with the tears of gratitude for the great service we had done. Their arms were extended to us in brotherly love. We were just going to sit at the table and amicably and unanimously agree to stop making instruments of destruction. But the foreign diplomats brought their military experts with them. Then we sat down at the table only to learn too late that the military experts and the foreign diplomats had gone around our representatives like a skilled cooper around a barrel, and before our representatives knew it they were headed in without even a spigot to breathe through. [Laughter.]

How stood the case? We had laid the keels, and to a large extent had built fighting craft that would have made us the master of the seas. Foreign countries knew they were in no danger from that mastery, but they wanted us to be in such condition that they might be the masters. So we agreed to destroy $600,000,000 worth of the finest fighting craft ever conceived in the brains of engineers. They destroyed just a few. They sunk some old, obsolete ships.

Then we came to examine the treaty which put no limitation upon cruisers. We soon found out that it deprived us of the right to fortify our own possessions; that we could not send a ship from America to the Philippine Islands and fight a battle because of the distance, the intermediate points not being fortified. We found out that Japan could take the unfortified Philippine Islands in 48 hours, and that if we went there with our ships we could not refuel and could not get our fleet back home.

We learned that Great Britain had drawn the line within which fortifications could not be erected, so curved as to exclude her contemplated fortifications of the East.

It finally dawned on our dull minds that these nations who pretended they wanted to stop armaments, to stop building navies, who professed to love us—just love us to death—who talked of hands across the sea and arms around the neck and kisses to the lips, were building cruisers all the time.

To equal the cruisers they have built and are building we must now spend $750,000,000.

There was an old farmer down in the State of New York who was observed one day in his country town with a mysterious-looking square package under his arm. One of the village wags said to him, "Uncle Ed, where have you been?" He said, "Down to New York." His friend said, "I hope you didn't buy another gold brick, Uncle Ed." He replied, "Well, yes, I did; but I told the fellow I bought it from that if it didn't turn out better than the one I bought from him before I never would patronize him any more."

How many times must we learn a lesson? What kind of intellect is it that can say "There will nevermore be war; there is to be eternal peace; we do not need any arms; we can rely on the doctrine of brotherly love," and at the same time can

see that every great nation in the world is building warships, forging cannon, massing soldiers, preparing for some eventuality which we all hope will never occur, but which we all know may come like a thief in the night?

Tell me why the Bermuda Islands are fortified. Tell me why England clings to a range of islands that absolutely command the Panama Canal. Tell me why she rejected with scorn the suggestion that America might want to acquire those islands. From the island of Jamaica in five and one-half hours' time she can destroy with her airplanes the Panama Canal. If our fleet were divided, part of it in the Atlantic and part of it in the Pacific, and it were necessary to concentrate the fleet, she could close the canal.

Tell me why she has her fortress near the southern end of South America, save that she can from that point attack ships going around the Horn. Tell me why she has her fortresses upon her eastern coast frowning down upon waters that wash the shores of the United States. Tell me why upon the western coast, and at almost the farthest southern extremity of her holdings, she has another great fortress.

I do not say that Great Britain contemplates war upon the United States. I say that British statesmen have sense enough to be prepared for what may happen, and that the American statesman who does not learn a lesson from that fact is not fit to represent the American people.

Mr. President, every military authority, ever naval authority tells us we need these vessels. I shall not cast many more votes in this body, but I do not propose that one of my latest votes shall be for the weakness of my country. It shall not be a vote for postponement. We can not create a war navy in a day. It requires four or five years to construct one, to train crews, to man vessels.

I am in favor of making our Navy so strong that it can meet the navy of any nation. And when that has been accomplished I am in favor of making it so strong that no two countries can successfully attack us. It will cost some money, but the annual interest on the war debt owing to us will more than build and maintain that kind of a navy. If we had possessed such a navy, England would not have insulted us as she did during the early days of the World War, and Germany would not at last have taken the action which we felt compelled us to enter the war.

The world has not changed much. We may talk a great deal, but the old sun swings through the firmament as it did centuries ago. Men and women are much the same as they were back in the twilight of time. Ambition, hope, desire, hate, and revenge still play their part in this human life. He is the most derelict of men who does not provide for his own household and for the defense of his home and native land.

Mr. BROOKHART. Mr. President, a writer some time ago said that Iowa sent JIM REED over to Missouri to raise hell, and Missouri got even by sending BROOKHART to Iowa. Maybe the time has come to even up now.

We have just listened to the greatest speech that will ever be made by the school of the old order of things, by the school that starts with cannibalism and still thinks we must defend against cannibalism. There is an old philosophy or scripture which says that "He who lives by the sword shall perish by the sword." That philosophy has come true to all the Cæsars and to the Napoleons of the whole world. I believe in that philosophy, and I believe it is now time to break up the sword. I believe that the bright light of the present leads us away from the cannibalism of the past. I believe there is a chance to stop this spirit of revenge and this desolation of war. I believe there is something in human nature greater than the efficiency of organized murder.

Three times I have volunteered in the military service of my country. I would resign from the Senate and do it again if a real cause and occasion for civilization arose demanding such action. But notwithstanding that record I am not ashamed to stand in my place in the Senate and say that I am a pacifist. I hate war. I hate everything there is in war. I hate every thought of war. It ought to be abolished now and forever. We will not abolish it by taking the old theory of cannibalism, the old theory of strife and contention, and building our institutions, our philosophies, our logic, and our armaments upon that old theory. We can not go back to the pioneer days of civilization and live in the mentality of savages if we expect to advance the civilization of the world.

I stand with those who believe that the human race is capable of something better than war in this world. I pointed out in the beginning of my address yesterday that the great result of our civilization had been the World War, and that World War was the greatest organized murder that the human mind has ever conceived. I never want to see it repeated. We may make mistakes in judgment. We may have different theories about this thing called defense. But we ought to have no difference on the theory of the way we will face upon the question of war. We ought to have no difference in the attitude we will take upon the proposition that war shall end.

The great ideals of all our leading statesmen from Washington down have been the ideals of peace. It was Washington who urged the theory that we should not go into entanglements that would produce war. We have followed that theory down until now, when we can discuss the question of ending war. We have adopted a treaty of peace to that end, and the Senator from Missouri [Mr. REED] voted for it. That is his redeeming vote in his great career in the Senate of the United States. He came, as I said once before, as the greatest objector the Senate has ever produced. The first time ever I knew the Senator from Missouri to stand for anything was when he got his so-called reservation and voted for the multilateral treaty outlawing war in all the world. I want to congratulate him upon that vote. He can go back with something affirmative to take to his great people and his great State of Missouri, and when his record is written that will be found to be the greatest vote he ever cast in this body.

And now, Mr. President, he says we ought to have warships enough so the President elect could go out fishing with one. Why, Mr. President, the first act of the next President of the United States, after he was elected to that exalted office, was to take the biggest warship we have in the Navy and go fishing, and he caught two fish, and that is the best return we will ever get out of that great warship. [Laughter.]

I had a little bit of experience about the preparation for war. I do not want to criticize the motives or the purposes of any professional soldier or naval officer. I believe they are patriotic in all their intentions, but here they are down at the War College planning imaginary wars such as the great Senator from Missouri has fought so eloquently to-day. They are there for 20 years in imaginary battles and planning these imaginary wars. A long period in imaginary activities like that takes all the common sense out of them. Let us suppose that the Senator from Missouri had been trained as a lawyer in a court of that kind. Suppose for 20 years he had fought cases in moot courts, and had imagined things, imagined evidence, imagined juries, and imagined decisions. He would not have common sense enough left to practice in a justice of the peace court instead of standing before us as one of the great lawyers of the world.

I have had some little experience with the reactionary spirit of military preparation. When I entered the Spanish War my company was issued 30 rounds of ammunition for training in marksmanship. Thirty rounds per man was all we ever had. They had to fire 10 rounds at 200 yards standing. If they made a score of 34 out of a possible 50, they were allowed to move back to 300 yards and fire the next 10 rounds. If they made a score there of 32 out of a possible 50, then they could move back to 500 yards and fire the last 10 rounds. But if they failed at any step along the line, there they stopped. The poorer they were at shooting, the less training they were to get.

This military preparation of ours, this thing that the Senator from Missouri sets up as almost divine, advanced the theory then and adhered to it until the middle of the World War that a poor shot gets more hits in battle than a good one. For 15 years as just a citizen soldier I fought that theory. I had my commission canceled in the border service because I insisted that the oldest tradition of the American Army was true and that men ought to be trained to shoot straight. I was canceled out of the Army and the Congress put me back and gave me back my commission.

Then the World War came on, and now I am going to tell something about professional preparation for the great World War. I was one of the rifle trainers of the world matches I was left at home. I was not ordered into service at all. All of the other men who had been associated with me in the great rifle matches and in the great rifle training of the Army, the National Guard, the Navy, and the Marine Corps, were left at home. We were not ordered into the service at all. Finally, on the 21st day of October, there came a cablegram from General Pershing, after he had four and one-half months on the battlefront, stating that the training in marksmanship was defective and something must be done. The cablegram was written by Gen. Paul Malone. His was the intellect that found that this professional theory of preparation for war was not working in actual war. He had found out that the poor shot did not get more hits in battle than the good shots. So he sent that cablegram.

A few days later came another cablegram, and they kept coming every week. By and by, on the 19th of November, 1917, I was ordered into service. I was among the first of the riflemen ordered into service. I was only ordered in then

because the head of the department in which I served, the Ordnance Department, had gone away temporarily. He had me on the black list for advocating the oldest American tradition of preparation. He had me at the top of the black list, too. Then a new head came into the Militia Bureau, and although he found that list with my name at the top, he ordered me into the service at once. I had known him long in the national rifle matches. He took the order down personally to the general who was temporarily at the head of the Ordnance Department and got it signed. He had two or three orders there to cover it up so the general would not discover exactly what was going on.

I was in that way ordered into the service. I was not reported to the personnel section. This officer who knew me and had been associated with me said that he was afraid to report it in there for fear they still had some stop signals somewhere.

The first the personnel section knew I was ordered there was when I reported, and then it was harder to get me out than it was to keep me from getting in. Then they ordered me over to study the new rifle the Senator talks about. There was no occasion at all for making even one of those rifles. The expert knowledge of this country ought to have kept the rifles that we had and which were a good deal better and which we were prepared to make. But they started to manufacture the new rifles, and they made new machinery, new dies, and new everything in order to make them, with a delay of many months. I studied this rifle out.

I was ordered to a division as a rifle demonstrator. That was about the same thing as a hardware salesman. I had no authority at all. It just happened that the chief of staff of the Eighty-eighth Division, when I reported to it, had been a National Guard man and had been on the Palma team, the champion team of the world, many years before. I had a Palma badge on my sleeve and he was the only Regular soldier in the division who knew what that meant. He asked me what my authority was. I told him, as I have told the Senate, but I said, "I do know how to train riflemen; I do know how to train instructors." He said, "That last is the very thing needed in this division; you will train generals and all." He wrote an order in which the commanding general instructed the brigadier generals and all officers to attend my school when I held school in their brigades. They did attend, and I had to train the officers of that division.

Then I had to come back to Washington under my orders. When I reached Washington the Chief of Ordnance had been removed and a new man was in office; but General Wheeler had some sense. We talked these matters over and he laid that report of mine, which was up to date, on the desk of the Secretary of War. I was ordered up to the Secretary of War, and he asked me about my report showing this inefficiency in the marksmanship training. I said, "The Regular Army of the United States have taught for a whole generation that a poor shot gets more hits in battle than a good one; that has been taught in all the Army schools; it is in their textbooks; it is everywhere, and on that theory you can not have efficiency." He asked me about the generals. They were the ones who had put me on the black list, and I did not hesitate to answer about them, either. At the end of it he finally asked—I had mentioned the national board—"Are you on the National Board for the Promotion of Rifle Practice?" I said, "No, sir; one of the first things you did as Secretary of War was to remove me from the national board." He had removed me in that way, and he did it on memoranda. He asked me how that came about. I wish to recite this story because I want to give to Newton D. Baker, a civilian, the credit for starting the rifle school in the United States Army in connection with which he overruled every expert in the Army. He asked me how it happened that I was removed. I told him they sent these memoranda over to him saying that Congress had increased the appropriation for the national matches from $10,000 up to $300,000 and they needed big, broad-minded men to administer that appropriation. Then they suggested the men, and they left off all of us who had worked for and obtained the appropriation and put in a crowd that had been opposed to it. He remembered those memoranda when I called his attention to them, and he was angry about it; there is no doubt about that. In a few days he removed three of the generals whom I mentioned to him, and in a few days more he put me back on the national board. I suggested and he ordered a school to be established to train instructors for the whole United States Army.

Then he went away to France, and the Assistant Secretary of War was given that order. The War College sent for me. Then I was very welcome down there. We got up a memorandum for the school and it went through the mill until it finally reached the general who commanded in Siberia. He disapproved it. If anybody along the line of that military mill disapproved it that killed it. The Assistant Secretary of War called him in and told him that this school was one of the things that were going to happen. Then the general only wanted some little minor changes that did not make any difference to the riflemen, and we started the memorandum again from the War College up through the mill. This time it went clear up to the Chief of Staff of the Army. The Chief of Staff had just come over from the front, supposed to have been sent by General Pershing himself, and, as Pershing was cabling for new instruction in marksmanship every week, we expected no opposition would come from the Chief of Staff. But I saw the indorsement on that memorandum myself "Disapproved, Peyton C. March, General, Chief of Staff."

Then it came back again and the Assistant Secretary of War, Mr. Crowell, another civilian, called in General March and told him that this school was one of the things that was going to happen in the United States Army. Then General March executed a strategic retreat, changed his mind, and approved the school. That school was ordered then. It was on the 10th day of May, 1918, when we opened the first efficient school for the training of the instructors of the United States Army.

All that delay was caused by military preparation that has excited all the eloquence of the great Senator from Missouri. That school ought to have been started a year before; it ought to have been the first thing we did start. A large part of the losses and deaths of soldiers at the front who went over without that training was due to the inefficiency of the expert militarists who prevented the establishment of that school. If we had employed just plain common sense instead of indulging in theoretical and imaginary studies of wars and battles we would have known all the time that a man armed with a rifle ought to be trained to shoot it. I had the honor to be chief instructor of that school and I had 50 assistants, all of them but two either national guardsmen or civilians. In that school we trained 7,000 officers as instructors for every division of the Army. When that had been done we were ordered south so we could continue throughout the winter. There was no idea then that the war would end so soon, and there was a month's intermission. During that month's intermission, I was sent out to the Nineteenth (Regular) Division as special instructor. This time I had some authority in my orders; I was not a mere "hardware salesman." I had authority to train that division in marksmanship.

Mind you, that was on the 1st of October, 1918. How many Regular divisions were on this side at that time? How many of our well-prepared, well-trained Regular soldiers were on the American side then, near the end of the war? Twelve out of twenty; and in that division were two of the oldest regiments in the service—the Second and the Fourteenth. There were 17 National Guard divisions, and all of them were over on the other side; there were 17 National Army divisions made up of the citizenry itself, and they were all over on the other side; but here were 20 Regular divisions, and only 8 of them ever crossed to France during the war at all. That is military preparation! One Regular officer said to me, "We have to stay on this side in order to train the civilian soldiers." Great Scotland, the civilian soldiers were all on the other side winning the war. There were none but Regulars over here. I was attached to the Nineteenth Division training them, a citizen soldier; they were not training me.

Mr. President, there is more imagination in this idea of preparation for war than there is in all of the pacifism that ever was developed in the world. I want an efficient defense for the United States; I do not want it to be aggressive or offensive in either the Army or the Navy.

The last war demonstrated the uselessness of big ships to the satisfaction of our own commanding admiral on the seas, and I believe he is right. I believe big warships are absolutely useless except for fishing schooners. I believe a little destroyer is worth more to-day than a big battleship, and a battleship is not worth much. The submarines are the most efficient arm of the Navy left. Airplanes and submarines together can put out of action all the big ships ever produced. I believe that to be the fact, and I believe that it will not be many years until I will be able to go down to my old home State of Missouri, in which lives my good friend Senator REED, whom I love like a father, and point out to him how he voted $300,000,000 worth of junk on about his last vote in the Senate of the United States.

Mr. REED of Missouri. I think the Senator has demonstrated the necessity for preparedness. All we need to do is to have him do the preparing and it will be all right.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and is open to amendment.

AGRICULTURAL APPROPRIATIONS

Mr. CURTIS. Mr. President, if there is to be no further debate on the pending measure at this time, I think the Senator from Oregon may want to take up the appropriation bill of which he has charge.

Mr. WARREN. Mr. President, if the Senator from Oregon is ready to proceed with the Agricultural appropriation bill, I hope he will do so at once.

Mr. McNARY. I ask unanimous consent that the unfinished business may be temporarily laid aside and that the Senate proceed to the consideration of House bill 15386, known as the Agricultural supply bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15386) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. McNARY. I ask unanimous consent that the formal reading of the bill may be dispensed with and that the bill may be read for amendment, the amendments of the committee to be first considered.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. DILL. Mr. President, does not the Senator think that there ought to be a quorum present to consider this bill? I make the point of no quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McNary	Steiwer
Barkley	George	Metcalf	Stephens
Bayard	Gerry	Moses	Swanson
Bingham	Glass	Neely	Thomas, Idaho
Black	Glenn	Norbeck	Thomas, Okla.
Blaine	Goff	Norris	Trammell
Blease	Hale	Oddie	Tydings
Borah	Harris	Overman	Tyson
Brookhart	Hastings	Reed, Mo.	Vandenberg
Bruce	Hawes	Robinson, Ind.	Wagner
Burton	Hayden	Sackett	Walsh, Mass.
Capper	Heflin	Schall	Walsh, Mont.
Copeland	Johnson	Sheppard	Warren
Couzens	Jones	Shipstead	Watson
Curtis	Kendrick	Shortridge	Wheeler
Dill	Keyes	Simmons	
Fess	King	Smoot	
Fletcher	McKellar	Steck	

The PRESIDING OFFICER (Mr. ODDIE in the chair). Sixty-nine Senators having answered to their names, a quorum is present.

The Secretary will read the bill.

The legislative clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 5, line 9, after the word "Total," to strike out "Office of Secretary" and insert "Office of the Secretary," so as to read:

Total, Office of the Secretary, $1,180,390.

The amendment was agreed to.

The next amendment was, on page 6, line 22, after the word "Total," to strike out "office of information" and insert "Office of Information," so as to read:

Total, Office of Information, $1,242,000, of which amount not to exceed $375,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 7, line 16, to strike out "Stations—Payments to States and Hawaii" and insert "Stations," so as to make the subhead read:

Office of Experiment Stations.

The amendment was agreed to.

The next amendment was, on page 7, after line 17, to insert the subhead "Payments to States and Hawaii for agricultural experiment stations."

The amendment was agreed to.

The next amendment was, under the subhead "Extension Service," on page 10, after line 15, to insert the subhead "Payments to States and Hawaii for agricultural extension work."

The amendment was agreed to.

The next amendment was, under the subhead "Extension Service—Salaries and General Expenses," on page 13, after line 3, to insert "In all, salaries and expenses, $1,627,000."

The amendment was agreed to.

The next amendment was, under the subhead "Cooperative farm forestry," on page 13, after line 20, to strike out "In all, salaries and expenses, $1,687,000."

The amendment was agreed to.

The next amendment was, on page 13, line 25, after the word "total," to strike out "office" and insert "Office," so as to read:

"Grand total, Office of the Secretary of Agriculture, $11,728,390."

The amendment was agreed to.

The next amendment was, under the heading "Weather Bureau, salaries and general expenses," on page 16, line 16, after the word "aerology," to strike out "$2,110,000" and insert "$2,125,000," so as to read:

For necessary expenses outside of the city of Washington incident to collecting and disseminating meteorological, climatological, and marine information, and for investigations in meteorology, climatology, seismology, evaporation, and aerology, $2,125,000, of which not to exceed $200 may be expended for the contribution of the United States to the cost of the office of the secretariat of the international meteorological committee.

The amendment was agreed to.

The next amendment was, on page 17, line 3, to change the total appropriation for the Weather Bureau from "$3,143,400" to "$3,158,400."

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Animal Industry," on page 23, line 15, to strike out "$348,500" and insert "$363,780," so as to read:

Diseases of animals: For all necessary expenses for scientific investigations in diseases of animals, including the maintenance and improvement of the bureau experiment station at Bethesda, Md., and the necessary alterations of buildings thereon, and the necessary expenses for investigations of tuberculin, serums, antitoxins, and analogous products, $363,780.

The amendment was agreed to.

The next amendment was, on page 25, at the end of line 6, to change the appropriation for salaries and expenses, Bureau of Animal Industry, from $9,527,790 to $9,543,070.

The amendment was agreed to.

The next amendment was, on page 27, line 6, after the name "Bureau of Animal Industry," to strike out "$12,127,790" and insert "$12,143,070"; and in line 7, after the word "exceed," to strike out "$828,000" and insert "$840,600," so as to read:

Total, Bureau of Animal Industry, $12,143,070, of which amount not to exceed $840,600 may be expended for departmental personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Plant Industry," on page 31, line 12, to increase the appropriation for plant-nutrition investigations from $17,990 to $27,990.

Mr. TYDINGS. Mr. President, I should like to ask the Senator from Oregon [Mr. McNARY] whether or not the provision to take care of forestry, particularly the recommendation coming from my State, was inserted in the bill?

Mr. McNARY. Mr. President, I am not quite familiar with the item which the Senator has in mind. I will say generally, however, that the House added materially to the appropriation for 1930 over the current appropriation on items relating to the forests and forest conservation and preservation; and the Senate committee also added $10,000 to cover one item in connection with the control of insect diseases. I think the constituent whom the Senator mentions also wrote to me, as chairman of the subcommittee, and I advised him, as I recall now, that those items were pretty generally taken care of. However, the full amounts asked by some of the organizations which were concerned about the preservation of the forests have not been fully met.

Mr. TYDINGS. But the amounts were increased in practically all the cases to take care of the forestry situation, were they not?

Mr. McNARY. They were increased, yes; but not to the full extent demanded by many of the organizations.

Mr. TYDINGS. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 33, line 6, after the word "production," to strike out "$805,920" and insert "$810,920," so as to read:

Cereal crops and diseases: For the investigation and improvement of cereals, including corn, and methods of cereal production and for the study and control of cereal diseases, including barberry eradication, and for the investigation of the cultivation and breeding of flax for seed purposes, including a study of flax diseases, and for the investigation

and improvement of broomcorn and methods of broomcorn production, $810,920.

Mr. KING. Mr. President, may I have the attention of the chairman of the committee? I have a communication from the agricultural college of my State, and they suggest an amendment here, as follows:

Provided further, That $7,500 of this amount may be used for investigations in cooperation with the Utah Agricultural Experiment Station.

Will the Senator accept that amendment and let it go to conference?

Mr. McNARY. Mr. President, I did not get the particular item about which the Senator from Utah speaks.

Mr. McKELLAR. What page is it?

Mr. KING. Page 33. That, I understand, is the amendment we are considering now.

Mr. McKELLAR. The Senator desires to add another proviso?

Mr. KING. Yes. Will the Senator pass that item for a moment?

Mr. McNARY. I think it appertains to cereal crops and diseases.

Mr. KING. Yes; I think so.

Mr. McNARY. The Senator wants a certain amount allocated to his university for experimental purposes?

Mr. KING. The amendment which has been sent to me is as follows:

Provided further, That $7,500 of this amount may be used for investigations in cooperation with the Utah Agricultural Experiment Station.

Mr. McNARY. I shall be very glad, so far as I am able as chairman of the subcommittee, to accept the amendment.

Mr. KING. I offer the amendment.

Mr. WALSH of Montana. I should like to hear the amendment read again.

Mr. KING. The amendment reads as follows:

Provided further, That $7,500 of this amount may be used for investigations in cooperation with the Utah Agricultural Experiment Station.

Mr. McNARY. I may say to the Senator, this being an individual amendment, that the unanimous-consent agreement under which we are operating provides for the consideration first of committee amendments; and if the Senator will withhold the item at this time we will consider it a little later.

Mr. WALSH of Montana. Mr. President, I desire to inquire, while we are on this subject, why the Utah Agricultural Experiment Station should be singled out?

Mr. KING. There is a particular reason. I have sent for the data, and shall be glad to present them for the RECORD.

Mr. OVERMAN. Mr. President, I hope the Senator from Utah will not insist on that amendment. I dislike to object to anything he wants; but to say that the Agricultural College of Utah shall be singled out seems to me to be a discrimination against other States. I like legislation to be general and not to single out a particular State. I have always objected to special appropriations for certain States. Make it general and I will be for it. I shall be glad to have the attention of the Agriculture Department called to the needs of Utah. That is often done.

Mr. KING. I shall be glad to submit the data in a few moments.

Mr. McNARY. Very well.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 35, at the end of line 3, to strike out "$1,077,231" and insert "$1,242,231," so as to read:

Horticultural crops and diseases: For investigation and control of diseases, for improvement of methods of culture, propagation, breeding, selection, and related activities concerned with the production of fruits, nuts, vegetables, ornamentals, and related plants, for investigation of methods of harvesting, packing, shipping, storing, and utilizing these products, and for studies of the physiological and related changes of such products during processes of marketing and while in commercial storage, $1,242,231.

The amendment was agreed to.

The next amendment was, on page 35, at the end of line 25, strike out "$203,200" and insert "$213,200," so as to read:

Foreign plant introduction: For investigations in foreign seed and plant introduction, including the study, collection, purchase, testing, propagation, and distribution of rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants from foreign countries and from our possessions, and for experiments with reference to their introduction and cultivation in this country, $213,200.

The amendment was agreed to.

The next amendment was, on page 36, line 9, after the name "Bureau of Plant Industry," to strike out "$4,797,843" and insert "$4,987,843," and in line 10, after the word "exceed," to strike out "$1,634,000" and insert "$1,669,500," so as to read:

Total, Bureau of Plant Industry, $4,987,843, of which amount not to exceed $1,669,500 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Forest Service," on page 44, line 13, after the word "companies," to strike out "$575,000" and insert "$585,000," so as to read:

Forest products: For investigations of methods for wood distillation and for the preservative treatment of timber, for timber testing, and the testing of such woods as may require test to ascertain if they be suitable for making paper, for investigations and tests within the United States of foreign woods of commercial importance to industries in the United States, and for other investigations and experiments to promote economy in the use of forest and fiber products, and for commercial demonstrations of improved methods or processes, in cooperation with individuals and companies, $585,000.

The amendment was agreed to.

The next amendment was, on page 44, line 24, after the word "expenses," to strike out "$9,531,280" and insert "$9,541,280," so as to read:

In all, salaries and general expenses, $9,541,280; and in addition thereto there are hereby appropriated all moneys received as contributions toward cooperative work under the provisions of section 1 of the act approved March 3, 1925 (U. S. C. 428, sec. 572), which funds shall be covered into the Treasury and constitute a part of the special funds provided by the act of June 30, 1914 (U. S. C. 422, sec. 498).

The amendment was agreed to.

The next amendment was, under the subhead "Acquisition of additional forest lands," on page 46, line 22, before the word "of," to strike out "$1,900,000" and insert "$3,000,000," and in line 23, after the word "exceed," to strike out "$39,000" and insert "$49,000," so as to read:

For the acquisition of additional lands at headwaters of navigable streams, to be expended under the provisions of the act of March 1, 1911 (36 Stat. L. 961) (U. S. C. 424–425, secs. 513–519), as amended by the act of June 7, 1924 (U. S. C. 427–428, secs. 564–570), $3,000,000, of which amount not to exceed $49,000 may be expended for departmental personal services and supplies and equipment in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 46, at the end of line 26, to change the total appropriation for the Forest Service from $12,914,280 to $14,024,280.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Chemistry and Soils," on page 47, at the end of line 24, to strike out "$279,070" and insert "$286,570," so as to read:

Agricultural chemical investigations: For conducting the investigations contemplated by the act of May 15, 1862 (U. S. C. 56, secs. 511, 512), relating to the application of chemistry to agriculture; for the biological investigation of food and drug products and substances used in the manufacture thereof, including investigations of the physiological effects of such products on the human organism; to cooperate with associations and scientific societies in the development of methods of analysis, $286,570.

The amendment was agreed to.

The next amendment was, on page 49, line 4, after the word "elsewhere," to strike out "$20,000" and insert "$42,000," so as to read:

Naval stores investigations: For the investigation and demonstration of improved methods or processes of preparing naval stores, the weighing, handling, transportation, and the uses of same, in cooperation with individuals and companies, including the employment of necessary persons and means in the city of Washington and elsewhere, $42,000.

The amendment was agreed to.

The next amendment was, on page 50, at the beginning of line 1, to insert "Soil-erosion investigations," so as to read:

Soil-erosion investigations: To enable the Secretary of Agriculture to make investigation not otherwise provided for, of the causes of soil erosion and the possibility of increasing the absorption of rainfall by the soil in the United States, and to devise means to be employed in the preservation of soil, the prevention or control of destructive erosion and the conservation of rainfall by terracing or other means, independ-

ently or in cooperation with other branches of the Government, State agencies, counties, farm organizations, associations of business men, or individuals, $160,000, of which amount $40,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 50, line 23, after the word "organisms," to strike out "$159,000" and insert "$169,000," so as to read:

Soil-fertility investigations: For soil-fertility investigations into organic causes of infertility and remedial measures, maintenance of productivity, properties, and composition of soil humus, and the transformation and formation of soil humus by soil organisms, $169,000.

Mr. HARRIS. Mr. President, in the appropriation appearing on page 50, line 23, is included $10,000 for investigations in regard to pecans. I should like to have that made immediately available on account of the disease that has given so much trouble. I hope the Senator in charge of the bill will accept the amendment.

Mr. McNARY. If it does not in any way increase the appropriation, I have no objection.

Mr. HARRIS. It will not increase the appropriation.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 50, line 23, after "$169,000," insert the words "to be immediately available."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 50, line 24, after the name "Bureau of Chemistry and Soils," to strike out "$1,610,575" and insert "$1,650,075," and in line 25, after the word "exceed," to strike out "$1,075,000" and insert "$1,096,000," so as to read:

Total, Bureau of Chemistry and Soils, $1,650,075, of which amount not to exceed $1,096,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Entomology," on page 51, line 23, to strike out "Tropical and subtropical fruit insects" and insert "Subtropical plant insects," and on page 52, at the end of line 1, to strike out "$130,500" and insert "$135,500," so as to read:

Subtropical plant insects: For insects affecting tropical, subtropical, and ornamental plants and including research on the Parlatoria date scale and the Mediterranean and other fruit flies, $135,500.

The amendment was agreed to.

The next amendment was, on page 52, at the end of line 7, to strike out "$194,000" and insert "$240,000," so as to read:

Forest insects: For insects affecting forests and including research on the gypsy and brown-tail moths, $204,000.

The amendment was agreed to.

The next amendment was, on page 52, at the beginning of line 14, to strike out "Southern field-crop insects" and insert "Cotton insects."

The amendment was agreed to.

The next amendment was, in line 19, after the numerals "1928," to strike out the comma and the words "of which amount $10,000 shall be immediately available for boll-weevil research control work in Oklahoma."

Mr. THOMAS of Oklahoma. Mr. President, I will ask the Senate to reject the committee amendment striking out the language in lines 19, 20, and 21.

Mr. McKELLAR. What page?

Mr. THOMAS of Oklahoma. Page 52. The language in the bill makes $10,000 of the money appropriated in this act for cotton-insect eradication available in Oklahoma for this purpose. The particular part of my State affected by the boll weevil is in the Indian country, where the land is very largely nontaxable. For that reason we ask that this amount be made available as contained in the House bill.

Mr. McNARY. Mr. President, this particular language was inserted in the bill on the floor of the House. It came to the Senate committee having the bill in charge, and, at the request of the department, the language was stricken out. I think it is very immaterial; and, so far as I am concerned, I am willing to have the Senate reject the language.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The next amendment was, on page 53, line 1, to increase the appropriation for investigation, experiment, and demonstration in reference to bee culture from $54,400 to $66,900.

The amendment was agreed to.

The next amendment was, on page 53, line 2, after the name "Bureau of Entomology" to strike out "$1,872,670" and insert "$1,900,170," and in line 3, after the word "exceed," to strike out "$392,000" and insert "$398,000," so as to read:

Total, Bureau of Entomology, $1,900,170, of which amount not to exceed $398,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Biological Survey," on page 54, at the end of line 15, to strike out "$628,273" and insert "$636,273," so as to read:

Food habits of birds and animals: For investigating the food habits of North American birds and other animals in relation to agriculture, horticulture, and forestry; for experiments, demonstrations, and cooperation in destroying mountain lions, wolves, coyotes, bobcats, prairie dogs, gophers, ground squirrels, jack rabbits, and other animals injurious to agriculture, horticulture, forestry, animal husbandry, and wild game; and for the protection of stock and other domestic animals through the suppression of rabies in predatory wild animals, $636,273.

The amendment was agreed to.

The next amendment was, on page 55, line 6, after the word "therewith," to strike out "$173,013" and insert "$178,500," so as to read:

Protection of migratory birds: For all necessary expenses for enforcing the provisions of the migratory bird treaty act of July 3, 1918 (U. S. C. 436, 437, secs. 703–711), and for cooperation with local authorities in the protection of migratory birds, and for necessary investigations connected therewith, $178,500: *Provided*, That of this sum not more than $20,500 may be used for the enforcement of sections 241, 242, 243, and 244 of the act approved March 4, 1909 (U. S. C. 492–493, secs. 391–394), entitled "An act to codify, revise, and amend the penal laws of the United States," and for the enforcement of section 1 of the act approved May 25, 1900 (U. S. C. 436, sec. 701), entitled "An act to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes," including all necessary investigations in connection therewith.

The amendment was agreed to.

The next amendment was, on page 55, at the end of line 26, to change the appropriation for salaries and expenses, Bureau of Biological Survey, from $1,158,566 to $1,172,053.

The amendment was agreed to.

The next amendment was, on page 56, after line 19, to insert the subhead "Bear River migratory bird refuge," and at the beginning of line 21 to strike out "Bear River migratory bird refuge," so as to read:

BEAR RIVER MIGRATORY BIRD REFUGE

For the establishment of a suitable refuge and feeding and breeding grounds for migratory wild fowl, including the acquisition of water rights and privately owned lands pursuant to the act entitled "An act to establish the Bear River migratory bird refuge," approved April 23, 1928 (45 Stat. 448–450), and for all expenses incident thereto, including the employment of persons and means in the District of Columbia and elsewhere, $75,000, being part of the sum of $350,000 authorized to be appropriated for such purpose by section 8 of said act, together with the unexpended balance of the appropriation for this purpose contained in the second deficiency act approved May 29, 1928.

The amendment was agreed to.

The next amendment was, on page 57, line 15, after the name "Bureau of Biological Survey," to strike out "$1,424,166" and insert "$1,437,653," and in line 16, after the word "exceed," to strike out "$245,000" and insert "$248,000," so as to read:

Total, Bureau of Biological Survey, $1,437,653, of which amount not to exceed $248,000 may be expended for departmental personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Agricultural Economics," on page 61, line 11, after the word "products," to strike out "$765,933" and insert "$774,900," so as to read:

Marketing and distributing farm products: For acquiring and diffusing among the people of the United States useful information on subjects connected with the marketing, handling, utilization, grading, transportation, and distributing of farm and nonmanufactured food products and the purchasing of farm supplies, including the demonstration and promotion of the use of uniform standards of classification of American farm products throughout the world, including scientific and technical research into American-grown cotton and its by-products and their present and potential uses, including new and additional commercial and scientific uses for cotton and its by-products, and for collecting

and disseminating information on the adjustment of production to probable demand for the different farm and animal products, independently and in cooperation with other branches of the department, State agencies, purchasing and consuming organizations, and persons engaged in the marketing, handling, utilization, grading, transportation, and distributing of farm and food products, and for investigation of the economic costs of retail marketing of meat and meat products, $774,900:

The amendment was agreed to.

The next amendment was, on page 63, at the end of line 14, after the word "contained," to strike out "$420,000" and insert "$440,000," so as to read:

Market inspection of farm products: For enabling the Secretary of Agriculture, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of business men or trade organizations, and persons or corporations engaged in the production, transportation, marketing, and distribution of farm and food products, whether operating in one or more jurisdictions, to investigate and certify to shippers and other interested parties the class, quality, and/or condition of cotton, tobacco, and fruits, vegetables, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That certificates issued by the authorized agents of the department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained, $440,000.

The amendment was agreed to.

The next amendment was, on page 64, at the end of line 2, to strike out "$1,227,000" and insert "$1,298,860," so as to read:

Market news service: For collecting, publishing, and distributing, by telegraph, mail, or otherwise, timely information on the market supply and demand, commercial movement, location, disposition, quality, condition, and market prices of livestock, meats, fish, and animal products, dairy and poultry products, fruits and vegetables, peanuts and their products, grain, hay, feeds, and seeds, and other agricultural products, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, and persons engaged in the production, transportation, marketing, and distribution of farm and food products, $1,298,860.

Mr. STEPHENS subsequently said: Mr. President, I desire to offer an amendment to the committee amendment on page 64, line 2, to strike out "$1,298,860," and insert in lieu thereof, "$1,304,260."

Mr. McNARY. Mr. President, that is to extend the market-news service by a leased wire in the south. We received an estimate from the Bureau of the Budget, and the committee is favorable to the adoption of the amendment.

Mr. McKELLAR. Mr. President, that does not interfere with anything that has already been provided for?

Mr. STEPHENS. Not at all; it only extends it.

Mr. McKELLAR. I have no objection.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 64, at the end of line 20, to change the appropriation for salaries and expenses of the Bureau of Agricultural Economics from "$4,662,933" to "$4,763,760."

The amendment was agreed to.

The next amendment was, on page 68, line 10, after the name "Bureau of Agricultural Economics," to strike out "$6,056,433" and insert "$6,157,260," and in line 11, after the word "exceed," to strike out "$2,214,200" and insert "$2,232,200," so as to read:

Total, Bureau of Agricultural Economics, $6,157,260, of which amount not to exceed $2,232,200 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the heading "Planting Quarantine and Control Administration," on page 71, after line 15, to insert:

For the control and prevention of spread of the phony peach disease, $15,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 71, after line 23, to insert:

For the inspection in transit of interstate shipments of plants and other articles quarantined under the act approved August 20, 1912, as amended May 1, 1928, and for the interception and disposition of material found to have been transported interstate in violation of quarantines promulgated thereunder, $25,000.

The amendment was agreed to.

The next amendment was, on page 72, line 19, before the word "of," to strike out "$2,618,500" and insert "$2,658,500," and in line 20, after the word "exceed," to strike out "$244,000" and insert "$254,000," so as to read:

Total, plant quarantine and control administration, $2,658,500, of which amount not to exceed $254,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 76, line 4, after the word "Total," to strike out "Food, drug, and insecticide administration" and insert "Food, Drug, and Insecticide Administration," so as to read:

Total, Food, Drug, and Insecticide Administration, $1,537,300, of which amount not to exceed $521,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 80, after line 12, to insert:

SPECIAL LEAF-HOPPER RESEARCH

To enable the Secretary of Agriculture to meet the emergency caused by the prevalence and continued spread of the disease of curly-top of sugar beets and other important agricultural crops by enlarging investigations now under way with a view to more general information issued annually or more frequently regarding the probable severity of insect and curly-top infection; to increase supplies of seed of strains of beets or other crops more resistant to the curly-top disease than strains now commonly grown; to make investigations leading to a better understanding of the disease; and to establish practical methods of control, including the employment of persons and means in the city of Washington and elsewhere and other necessary expenses, $230,000, of which amount $20,000 shall be immediately available: *Provided*, That the expenditures for personal services in the District of Columbia shall not exceed $34,000.

The amendment was agreed to.

The next amendment was, on page 84, at the end of line 3, to change the total appropriation for the Department of Agriculture from "$143,408,047" to "$145,189,641."

The amendment was agreed to.

The reading of the bill was concluded.

The PRESIDING OFFICER. That completes the committee amendments. The bill is still as in Committee of the Whole and open to amendment.

Mr. SWANSON. Mr. President, I offer the following amendment, and call the attention of the Senator in charge of the bill to it. On page 34, line 23, after the word "nuts" I propose to insert the word "peanuts" and on page 35, line 3, to amend the committee amendment by striking out "$1,242,231," and to insert in lieu thereof "$1,252,231."

Mr. President, the object of this is to aid the peanut industry, which is getting to be a very large industry in a dozen States. Those interests are anxious to know something about the seed in connection with peanuts. There are certain combinations of soil and seeds that will make a production much larger. I simply ask an additional $10,000 for this purpose.

Mr. McNARY. The situation has been brought to the attention of the chairman of the Committee on Agriculture since the bill was prepared and reported. I have no objection to the amendment.

Mr. SWANSON. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Virginia, on page 34, line 23, after the word "nuts" and the comma to insert the word "peanuts."

The amendment was agreed to.

The PRESIDING OFFICER. The vote by which the committee amendment on page 35, line 3, was agreed to, will be reconsidered, and the question is on agreeing to the amendment of the Senator from Virginia to the committee amendment to make the amount $1,252,231.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. McKELLAR. Mr. President, I call the attention of the Senator in charge of the bill to the appropriation on page 64, line 2, under the head of "Market News Service." Does that take care of the extension of the line to Nashville, Tenn.?

Mr. McNARY. That takes care of the extension of the Market News Service by a leased wire from Atlanta, Ga., to Nashville, Tenn. It was the amendment suggested by the able Senator from Tennessee before the committee.

Mr. McKELLAR. I thank the Senator.

Mr. COPELAND. Mr. President, I call the attention of the Senator in charge of the bill to line 22, page 52. Since the meetings of the committee on the bill, there has been represented to me the importance of having insect work done among the reindeer in Alaska. That industry is developing very rapidly up there, and it seems that some pest is affecting the hides of the animals so that the hides are not worth while for manufacturing purposes. I ask the Senator if he will not be willing to add $5,000 to that item in line 22.

Mr. McNARY. Mr. President, last year Congress provided an appropriation in excess of $30,000 for the control of ticks that prevented marketability of the hides of cattle, but there was no provision made for the hides of reindeer. That is quite an industry in Alaska, and as far as I am concerned I shall be glad to have that small item added to the bill.

Mr. COPELAND. I ask that the item be amended by making it "$88,900" instead of "$83,900."

The PRESIDING OFFICER (Mr. SACKETT in the chair). The amendment will be stated.

The CHIEF CLERK. On page 52, line 22, strike out "$83,900" and insert in lieu thereof "$88,900," so that it will read:

For insects affecting man and animals, $88,900.

The amendment was agreed to.

Mr. KENDRICK. Mr. President, I offer an amendment, which I will ask the clerk to read.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. On page 25, line 5, after the word "jurisdiction," to insert a colon and the following:

Provided further, That the Secretary of Agriculture may, whenever necessary, authorize the charging and collection from owners of a reasonable fee for the inspection of brands appearing upon livestock subject to the provisions of the said act for the purpose of determining the ownership of such livestock: *And provided further.*

Mr. McNARY. Mr. President, that is a committee amendment offered by the Senator from Wyoming. I ask for its adoption.

The amendment was agreed to.

Mr. WALSH of Montana. I understood the Senator from Kansas had an amendment to offer.

Mr. CAPPER. I would like to call up the amendment which I offered a few days ago, to be inserted on page 11, line 2.

Mr. McKELLAR. Let it be reported.

Mr. CAPPER. I ask that it be read.

The PRESIDING OFFICER. The clerk will read.

The CHIEF CLERK. On page 11, line 2, strike out the numerals "$1,300,000" and insert in lieu thereof the numerals "$1,580,000."

Mr. CAPPER. I would like to have read a short statement prepared by the executive committee of the land-grant colleges, in charge of the appropriation program, which will, I think, give an idea of the need for this particular amendment.

The PRESIDING OFFICER. The clerk will read.

The Chief Clerk read as follows:

ASSOCIATION OF LAND GRANT COLLEGES AND UNIVERSITIES,
January 19, 1929.

Hon. ARTHUR CAPPER,
United States Senate, Washington, D. C.

DEAR SENATOR CAPPER: I write on behalf of the executive committee of the Association of Land Grant Colleges and Universities to respectfully request that you favorably consider introducing an amendment to the present agricultural appropriation bill which is now before the Senate.

Such amendment should provide for restoring the sum of $280,000 to the Smith-Lever supplementary fund. This sum represents a cut from the amount of the Smith-Lever supplementary fund which is available for the present fiscal year for the conduct of agricultural extension work in all of the States of the Union.

It was doubtless assumed that the increase provided by the Capper-Ketcham bill would offset the cut above indicated. This is far from being the case, however, and after consulting with extension directors in many States, the executive committee of this association is of the opinion that this work which is carried on directly with the farmers will be seriously embarrassed by the cut.

Moreover, there are certain limitations surrounding the expenditure of Capper-Ketcham funds that are not applicable to the Smith-Lever supplementary fund, and for this further reason the above cut will seriously embarrass the States in the conduct of this work.

You will recall that the Capper-Ketcham bill provided for very necessary increase in funds for aiding the farmers by the further development of extension work, and that bill provided that any and all funds so carried were in addition to and supplementary to all present funds appropriated to extension work in the country by the Federal Government.

It is obvious that the above reduction in the Smith-Lever supplementary fund nullifies in part the intent and purpose of the Capper-Ketcham Act.

The executive committee of this association feels that in the present state of agriculture, where every assistance is needed to help the industry, it would be very unfortunate if the extension forces and program now in effect should be unduly hampered as will necessarily follow if the above cut is made in the Smith-Lever supplementary fund.

Respectfully submitted,

C. A. McCUE,
Secretary of the Association.

Mr. McKELLAR. Mr. President, I hope very much that this amendment will be adopted. I think it should be agreed to. I think this is one of the best works that is done by the Department of Agriculture, and it is certainly one of the greatest benefits to agriculture that we could possibly extend. I hope the amendment will be agreed to.

Mr. CAPPER. The Senator from Tennessee is correct. The matter was called to my attention only a few days ago, too late to be presented to the committee in charge of the appropriation. Since I offered the amendment, I have consulted with most of the members of the committee, and find them in entire agreement with the reasons set forth in the statement that has just been read, and the general feeling that it would seriously handicap the extension work if this amendment were not adopted.

Mr. McNARY. I might give the reasons for the decrease in the amount. For a number of years under the Smith-Lever Act Congress appropriated $1,300,000 for extension work in cooperation with the States. Last year the amount was increased on the floor of the House by $280,000. This year that increase was stricken from the bill, and the bill carries only the amount which has heretofore been provided for through a long series of legislation.

The difficulty is that the land-grant colleges have fixed their next year's program upon the theory that the $280,000 would be carried in the bill, and for that reason there is a decrease as compared with the appropriation of former years. However, the Capper-Ketcham bill came along this year and took up that loss by appropriating practically $500,000. The same college professors evidently worked out a plan of continuing the experimentation upon the theory of the Capper-Ketcham bill, which carried a fund for extension work of $230,000.

This matter was not brought graphically to the attention of the committee. It has developed since it concluded its consideration of the bill. I think most of the members of the committee, if not all of them, are agreeable to the increase of $280,000, which is a reinstatement of the amount carried in the bill of last year.

Mr. HEFLIN. Mr. President, I have just received a telegram from Prof. L. N. Duncan, of Polytechnic Institute in my State, which is one of the land-grant colleges, reading as follows:

Funds discussed with you for extension have been restored to House bill 15386 by Capper amendment and will come before the Senate for action. Your active support of this letter will be greatly appreciated.

L. N. DUNCAN.

I am in favor of the amendment submitted by the Senator from Kansas.

Mr. HARRIS. Mr. President, Dr. Phil Campbell, at the head of the extension work in my State, was in Washington recently and I had him go before the committee. The committee explained to him about the new appropriation, but he said still that unless they got the amount provided by the Capper amendment, it is going to be a great inconvenience to them and is going to work a hardship on them in my State. I hope, therefore, the Capper amendment may be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Kansas.

The amendment was agreed to.

Mr. WALSH of Montana subsequently said: Mr. President, with reference to the amendment offered by the Senator from Kansas and adopted a few moments ago, I have received two telegrams to-day from the authorities of the agricultural college of my State relating to that matter, which I ask may be incorporated in the RECORD in connection with consideration of that subject.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

HELENA, MONT., *January 24, 1929.*

Senator T. J. WALSH,
Washington, D. C.:

Informed supplemental Smith-Lever extension item omitted from House bill 15386 but restored by Capper amendment in Senate. If this

does not pass will cost State college extension $11,500 and seriously cripple farm extension work. Hope you will support Capper amendment.

MELVIN A. BRANNON.
ALFRED ATKINSON.

BOZEMAN, MONT., *January 24, 1929.*

Senator THOMAS J. WALSH:

From information received understand Smith-Lever supplementary fund omitted from appropriation bill. Montana's allotment amounts to $11,500, loss of which would seriously disorganize extension work. Understand provision has been made to restore the appropriation by amendment to House bill 15386 by Senator CAPPER. Your support this amendment will mean much to agriculture development in Montana.

J. C. TAYLOR,
Director of Extension Service.

Mr. SIMMONS subsequently said: Mr. President, I also have two telegrams with reference to the same matter. I ask the privilege of having those inserted in the RECORD in connection with the consideration of the subject.

There being no objection the telegrams were ordered to be printed in the RECORD, as follows:

RALEIGH, N. C., *January 24, 1929.*

Hon. F. M. SIMMONS,
United States Senate:

Hope you can support Capper amendment to agricultural bill restoring $280,000 for cooperative agricultural extension work. This means over $11,000 to North Carolina.

E. C. BROOKS, *President,*
I. O. SCHAUB, *Dean.*
North Carolina State College of Agriculture and Engineering.

CHAPEL HILL, N. C., *January 22, 1929.*

Senator F. M. SIMMONS:

As executive secretary of Southern Forestry Congress and chairman executive committee North Carolina Forestry Association, I wish to urge your interest and support for the increase to $3,000,000 for forest land acquisition authorized in the McNary-Woodruff law. This has been approved by both associations.

JOSEPH HYDE PRATT.

Mr. KING subsequently said: Mr. President, I have a telegram from the president of the agricultural college of Utah in connection with the same matter, which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

SALT LAKE CITY, UTAH, *January 24, 1929.*

Senator W. H. KING:

Capper amendment to House bill 15386 restoring Federal supplemental Smith-Lever appropriation now omitted from appropriation bill vitally necessary to support Utah extension work. Trust Capper amendment has your support. I consider situation serious and most urgent. Objection from Senate floor will be fatal.

E. G. PETERSON, *President.*

Mr. COPELAND. Mr. President, the able Senator in charge of the bill will recall that several times I have been agitated about poultry. I succeeded in getting the committee to adopt an amendment adding a sum of money for poultry research. May I ask the Senator from Oregon if the item we discussed has been included in the bill?

Mr. McNARY. It is in the bill at page 23, under the heading "Diseases of animals." We increased the appropriation at the suggestion of the Senator from New York, who has always been active in the interests of the poultry business, to take care of sanitation and a study of white diarrhea in chickens.

Mr. COPELAND. I thank the Senator. I consider that a very important part of the bill.

Mr. KING. Mr. President, a few moments ago I suggested an amendment which had been called to my attention by the Agricultural College of Utah, which is the land-grant college of my State. A letter which I have, and which contains a reference to the proposed amendment, is in part as follows:

It is likely that Federal grain-breeding funds will be sought by certain Western States. The Utah Agricultural College desires to be included on terms of equality for these reasons:

1. Though not a large grain producer in total quantity, Utah is in a geographic unit where no other college is doing breeding work; that is, Utah must do all of her own plant-breeding work.

Utah now gets no cooperative Federal funds for this purpose. Large sums, in many cases exceeding $50,000 annually, are expended cooperatively by the United States Department of Agriculture in each of the following States: Washington, Oregon, California, Idaho, Montana, Colorado, Arizona, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, and many others.

The Utah Agricultural College needs for plant-breeding purposes cooperative funds amounting to $5,000 to $10,000 annually on grain breeding and a similar sum on sugar-beet breeding.

In view of what other States get, and in view of being the only college in the interior mountain region, both of these sums would still leave Utah far behind almost any other State as to help received on these problems. Should there not, in all fairness, be some adjustment?

The letter is from Professor Stewart, who has charge of this particular activity in the Utah Agricultural College.

Mr. McNARY. Mr. President, I have no doubt about the earnestness of the professor, but he is entirely mistaken in his statement. In all of the States mentioned there is no specific sum of money allotted for this particular purpose. All of the land-grant colleges stand on a parity. Each of them now receives, under legislation enacted by the Congress, $19,000 a year for experimental, research, and extension work in the colleges. There has been no specific sum set aside for cereal study or sugar-beet study, as stated by the doctor in his letter.

The department is figuring on making specific studies of some of the agricultural products of the country, but has not yet entered upon the scheme in the West. I am willing, if the Senator so desires and if he feels that his college is not getting recognition comparable with the other colleges in the West and throughout the country, to have a provision inserted in the bill and to study the matter in conference. I feel certain, however, that my position is correct and that the college is getting the same fair treatment the other colleges are.

Mr. WALSH of Montana. Mr. President, I should like to inquire of the Senator from Utah what reason there is for thinking that the Agricultural College of the State of Utah is being discriminated against and is not getting what it is entitled to in the way of experimentation. The Senator, of course, will appreciate that the rest of us would desire to see Utah fairly treated, but if that State is to be singled out for specific mention, some of the rest of us would want the same treatment for our States.

Mr. KING. I agree with the Senator. My understanding from Doctor Stewart is that Utah is not receiving the cooperative help that the Senator's State and other States are receiving.

Mr. WALSH of Montana. It seems to me the Senator should take it up with the Department of Agriculture and see why a proper distribution is not being made.

Mr. KING. I will say to the Senator that the matter was not brought to my attention until quite recently. I have not had an opportunity to investigate it. I know Doctor Stewart, who is a very able man and is very much interested in matters of this character and has charge of this work in the State of Utah.

Mr. WALSH of Montana. In view of the fact that the Senator does not seem to be very well informed about it, I think it would be well to let it go to conference.

The PRESIDING OFFICER. Without objection, the vote by which the committee amendment was agreed to will be reconsidered and the amendment submitted by the Senator from Utah to the committee amendment will be stated.

The CHIEF CLERK. On page 33, line 6, strike out "$810,920" and insert in lieu thereof "$818,420."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The next amendment of the Senator from Utah will now be stated.

The CHIEF CLERK. On page 33, line 14, before the period, insert a comma and the following proviso:

Provided, That $7,500 of this amount may be used for investigation in cooperation with the Utah Agricultural Experiment Station.

The amendment was agreed to.

Mr. TRAMMELL. Mr. President, I would like to make an inquiry of the Senator in charge of the bill with reference to what is contemplated under the appropriation of $274,000 for soil survey on page 49, beginning in line 20. To be more specific, in my State we desire to have soil surveys made in a number of counties where heretofore we have never had any made. I desire to know if the appropriation would include cases of that character?

Mr. McNARY. Oh, yes. The item has been carried for a number of years, and increased from time to time. It remains in the pending bill the same as in the current law. The whole purpose is for the Department of Agriculture to make surveys and tests of soils in the various States of the Union. If the Senator finds that the work has not progressed in his State in a manner that would please him, I would suggest that he take it up with the department and ask them to increase their activities in his State.

Mr. TRAMMELL. We have had more or less surveys made there, of course; but the matter has not progressed as rapidly as it should, we think. I have had it up with the department and they have claimed that they did not have sufficient funds to go further with it. I was just wondering if the appropriation is sufficient to have the situation cared for there.

Mr. McNARY. I have no doubt of it.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator in charge of the bill for certain information? Am I right in understanding that in the matter of bee culture there was an increase of $20,000 provided for?

Mr. McNARY. There is a $20,000 increase in two items covering bee culture, one for the purpose of discovering new uses for honey and the other for cultural purposes.

Mr. SHORTRIDGE. What can the Senator tell us so far as increases are concerned under the head of "forest insects"?

Mr. McNARY. There is $10,000 for pine beetles, most of which are found in the lovely State of California.

Mr. SHORTRIDGE. I will not say that they came from Oregon, but—as to forest fires, under the Weather Bureau, was there an increase of $10,000?

Mr. McNARY. Yes; for the purpose of studying meteorological conditions in connection with forest fires and their prevention.

Mr. SHORTRIDGE. Mr. President, I wish to suggest an amendment, directing the attention of the Senator in charge of the bill to page 42, line 21, where I move to strike out the numerals "$645,000" and insert in lieu thereof "$670,000," and in line 22 to strike out "$125,000" and insert in lieu thereof "$150,000." The purpose of the amendment, as will be seen, is to increase the appropriation by $25,000 for fire protection in the national forests of California. I should also suggest an amendment in line 25, striking out "$125,000" and inserting "$150,000."

The bill properly refers to four great national forests in California, the Angeles, Cleveland, Santa Barbara, and San Bernardino National Forests. The Federal Government appropriates a certain sum, and the bill provides that the State shall match that sum, which the State is more than willing to do. Fires in these national forests are very destructive, for reasons obvious to us all. Before the committee I explained why this is so. My people have expended millions of dollars in the way of protecting property outside these national forests which are endangered by fires starting within those forests. I am very earnest in urging this amendment and in asking the committee if they will not agree to increase the amount from $125,000 to $150,000, the State contributing a like amount?

The PRESIDING OFFICER. The amendment offered by the Senator from California will be stated by the clerk.

The CHIEF CLERK. The Senator from California proposes the following amendment: On page 42, line 21, to strike out "$645,000" and to insert "$670,000"; in line 22, to strike out "$125,000" and to insert "$150,000"; and in line 25, to strike out "$125,000" and insert "$150,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from California.

The amendment was agreed to.

Mr. SHORTRIDGE. Mr. President, I wish to suggest another amendment, directing attention to page 43, line 21, by striking out "$413,000" and inserting in lieu thereof "$433,000," increasing the appropriation by $20,000 in that item. I am equally earnest in suggesting that this amendment be adopted. I hope the House will concur, but if not I will abide by the mature judgment of the conferees.

The PRESIDING OFFICER. The amendment proposed by the Senator from California will be stated.

The CHIEF CLERK. On page 43, line 21, it is proposed to strike out "$413,000" and in lieu thereof to insert "$433,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. WALSH of Montana. Mr. President, will the Senator from California please explain why the increase should be made?

Mr. SHORTRIDGE. Yes. The Senate will observe that the appropriation deals with—

> silvicultural, dendrological, and other experiments and investigations, independently or in cooperation with other branches of the Federal Government, with States, and with individuals, to determine the best methods for the conservative management of forests and forest land.

I have received many dispatches and many letters suggesting that the increased amount is necessary to carry out the work contemplated in the language which I have just read, and naturally a very important one for my State. That is about all that can be said upon the subject. It is thought that the amount carried in the bill would not enable the Government to carry on the necessary work indicated by the proposed legislation.

Mr. WALSH of Montana. The Senator proposes to increase the appropriation by $20,000, so that instead of $413,000 it will be $433,000?

Mr. SHORTRIDGE. It is so increased, yes; by $20,000.

Mr. WALSH of Montana. Then it seems that there must be some specific work in mind for which this $20,000 additional is to be spent.

Mr. SHORTRIDGE. I take it that there is in contemplation specific work, and judging by the amount of work to be done, the number of men employed, and so forth, the appropriation is inadequate. That is all I can, with knowledge, state. The chairman of the committee, of course, can explain the matter more fully.

Mr. FLETCHER. Did the department recommend or ask for an increase in the appropriation?

Mr. SHORTRIDGE. I am unable to answer that question.

Mr. McNARY. Mr. President, the department did not make a request for it, but a great many letters and telegrams reached the committee asking for the additional appropriation. It is simply to provide for an enlargement of the work that is now carried on at experiment stations in the various States throughout the country, which consists of the study of fire protection and prevention, nursery culture, the planting of trees, the study of rainfall, and the effect of trees on watersheds. It is a work of research extension with agricultural schools. There is already an experiment station in California receiving $30,000 a year, which is the average sum received by all of the 11 stations throughout the country; but in order to enlarge the work there, in order to reach, perhaps, what are called chaparral or desert trees in southern California, which are a very great fire hazard, the college there wanted to experiment on soil erosion and tree conservation for the purpose not of forestation but of watershed protection. That is the theory upon which this amendment is offered and which I have told the Senator from California I would be willing to accept and abide by the result of the judgment of the conferees.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from California.

The amendment was agreed to.

Mr. ODDIE. Mr. President, I desire to offer an amendment. On page 40, line 11, I move to strike out "$6,703,000" and in lieu thereof to insert "$6,778,000."

By way of explanation, let me say that the amendment proposes an increase of $75,000 for forest-insect control work. From personal studies of the forests of the Western States, covering a number of years, I can say there is no more important work for our Government to undertake than that of forest-insect control. The Government owns nearly 160,000,000 acres of forest land, and during the last year something like 680,000 acres have been added to this acreage. The Government is trustee for the protection and care of this forest land which contains the principal watersheds of our country where the forests are being destroyed by various insect pests and by fires. When the trees are destroyed the soil is eroded; it is washed down the sides of the mountains into the canyon and the medium of water conservation is gone.

Mr. President, if we will look at the condition existing to-day in our great forest areas of the West and recall the history of China and various other countries in Asia we will not have to use much imagination to see that by neglect we are letting our great western areas revert to the desert as the vast areas in China and other countries in Asia have done.

Furthermore, as I have said, the Government is trustee for these forest areas. The pine beetle is destroying something like forty or fifty million dollars worth of timber every year in the State of California and in southern Oregon. This pest is spreading. It is threatening the destruction of the great forests in the principal watersheds of our country, which have thus far escaped destruction.

Our Government is compelled to sell the timber on large areas in its forest reserves for 50 cents on the dollar because of the ravages of the pine beetle in these areas. In one area in California it is losing a million dollars a year from this cause. It has been compelled to sell its timber there, which is infested, to a lumber company, which has agreed to cut 15,000 acres a year, because that is the only way the Federal Government can control this pest in this forest area.

The selling of that timber for 50 cents on the dollar is causing a loss to the Federal Treasury of a million dollars a year in this case alone.

I am asking for a few paltry thousand dollars in order that the Forest Service may have funds with which to combat this curse and eradicate this pest and save our Government millions of dollars a year. It will mean the stopping of this horrible destruction of our forests and watersheds, and the controlling of much of our disastrous floods.

The National Park Service has eradicated it from large areas in the national parks because it has been given a few thousand dollars for that purpose. The park rangers and employees cut down the infested trees, peel the bark, and burn it at the proper season. In that way they have controlled the pine beetle to a large extent in the national parks. On the other hand, in the national forests no money whatever has been appropriated for this purpose, and the Budget Bureau can not understand the necessity for such an appropriation.

Mr. President, I hope this amendment will be adopted. If it shall be adopted it will mean the saving of millions of dollars' worth of standing timber to the Government and people, the conservation of the soil on large areas of our watersheds, and will also conserve much of the water that is needed for reclamation and will go far in preventing floods. It will help to prevent great areas of the western region from going back to the desert.

Mr. SHORTRIDGE. Mr. President, let me ask the Senator where that amendment comes in?

Mr. ODDIE. It comes in on page 40, line 11. It will add $75,000 to the appropriations there provided for forest-insect-control work.

Mr. SHORTRIDGE. Mr. President, I indorse everything the Senator from Nevada has just said. With due respect to the committee, I think it should have granted an increase, and I hope now that this proposed amendment may go into the bill. I could detain the Senate for an hour with a detailed statement as to the losses suffered from the pest referred to by the Senator from Nevada, but I think all Senators are familiar with the facts. I trust the amendment may be adopted.

Mr. ODDIE. Mr. President, I will add one more comment in order to show an additional danger and harm caused by this pest.

The pine beetle attacks the healthy and mature yellow pine trees and kills them in a few months. When they are killed they stand as targets for lightning, and they should be cut down whenever it is possible. I personally saw two terrible fires last summer in the Mount Shasta region in California, one of which burned over a 20-mile front, doing millions of dollars damage. Both of those fires were caused by lightning striking trees that had been killed by these pine-bark beetles. When lightning strikes them they smoulder for some time, and when the wind blows the fire starts; whereas when lightning strikes a green tree it does not burn. Millions of dollars of timber are destroyed every year in the western portion of the country by fires; yet the pine-bark beetles destroy more timber every year than is destroyed by the fires. Over 50 per cent of the fires are started by lightning and a large percentage of these are the result of the pine-beetle attacks, which kill the trees and make them targets for the lightning.

I am asking for this additional appropriation because I desire to see our forests preserved and this horrible waste and destruction of our greatest of national assets stopped.

The PRESIDING OFFICER. The amendment proposed by the Senator from Nevada will be stated.

The CHIEF CLERK. On page 40, at the beginning of line 11, it is proposed to strike out "$6,703,000" and insert in lieu thereof "$6,778,000."

Mr. McNARY. Mr. President, I am in accord with much that has been said by the Senator from Nevada; but, of course, there is always a limit beyond which we can not go in the appropriation bill. The House bill came to the Senate carrying an appropriation of $350,000 in excess of the appropriation contained in the current law. In addition thereto the Senate committee added $10,000 to the item.

There are a number of insects of a destructive nature which infest the various forests throughout the length and breadth of the country. I suggested to the Senator from Nevada when the bill was before the committee that probably the matter should be taken up in a general and more comprehensive way, and told him that so far as the chairman of the committee was concerned the Senator would have his assistance. I think we have treated this subject with some degree of liberality. However, I have no objection to taking the amendment to conference and see what can be done with respect to an increase.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nevada.

The amendment was agreed to.

Mr. ODDIE. Mr. President, I desire to offer another amendment. On page 52, line 8, I move to strike out "$204,000," and insert "$229,000." That is an increase of $25,000 for research work in connection with the eradication of forest insects. I originally asked for $35,000 increase. The committee only allowed $10,000 of this, and I am now asking for the balance, which is very necessary.

Mr. President, much that I have said heretofore regarding my amendment for forest insect control work can be repeated in regard to this item. It provides $25,000 additional for research work by the Bureau of Entomology of the Forestry Bureau on this insect-pest question. It is asking for a mere pittance, considering the enormity of the damage that is being done by these insect pests and the damage that threatens our country by allowing the ravages of these insects to continue.

I hope the amendment will be agreed to.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In lieu of the committee amendment heretofore agreed to, the Senator from Nevada proposes to insert "$229,000."

The PRESIDING OFFICER. Without objection, the vote whereby the committee amendment was agreed to will be reconsidered. The question is on agreeing to the amendment offered by the Senator from Nevada to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HEFLIN. Mr. President, I have a telegram from Doctor Knapp, president of the Polytechnic Institute of my State, expressing his interest in the provision in this measure regarding soil erosion. It has been taken care of in the measure. I desire to have this telegram printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The telegram is as follows:

AUBURN, ALA., *January 4, 1929.*

Senator J. THOMAS HEFLIN:

My attention has been called to an amendment to the agricultural appropriation bill offered by the Hon. JAMES P. BUCHANAN, of Texas, providing $160,000 for making investigations regarding causes of soil erosion and devising means for the preservation of the soil, etc. I believe this would be an excellent and important undertaking. Alabama will profit by such an investigation and will be glad to cooperate in it.

BRADFORD KNAPP,
President Alabama Polytechnic Institute.

Mr. HEFLIN. I also have a newspaper article on the subject of newsprint paper, which I ask to have printed in the RECORD following the telegram.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[From the Muncie (Ind.) Evening Press]

NEWSPRINT CASE UP JANUARY 30—HEARING TO DETERMINE WHETHER TRUST OPPOSES USE OF WASTE

By Blair Coan

WASHINGTON, January 25.—An agreement was reached to-day between Senator THOMAS D. SCHALL, of Minnesota, author of the farm waste bill, and Senator CHARLES L. MCNARY, of Oregon, chairman of the Senate Agricultural Committee, that a hearing be held January 30 on the Schall resolution to investigate the alleged Newsprint Trust and its supposed efforts to stop the development of newsprint paper from farm wastes.

The meeting will be held in the committee room of the Committee on Agriculture in the Senate Office Building. A number of newspaper publishers, who have suggested their willingness to attend, will appear as witnesses, as will the publishers of newspaper trade papers, who have been printing articles about the formation of the so-called trust. It is thought the Department of Agriculture will not oppose the proposition.

TO BENEFIT FARMER

A statement made to-day by Julius Klein, head of the Bureau of Domestic and Foreign Relations of the Bureau of Standards, that $12 a ton can and should be paid to the farmer for cornstalks in the making of newsprint paper, would indicate that the attitude of that bureau will be friendly to the proposition. Several days ago newsprint manufacturers, who are opposing the bill, served notice on Senator SCHALL that W. E. Emley, the head of the fibrous woods department of that bureau, had changed his former ideas on this question, but Mr. Klein's unqualified statement would seemingly refute this story.

Senator HEFLIN, of Alabama, a member of the Agricultural Committee, announced to-day that he intends to lead the fight before that committee for the Schall resolution at the hearing January 30.

WASTE MADE VALUABLE

"Millions of tons of cotton stalks, capable of producing the finest white paper, rot yearly in the South," said Senator HEFLIN. "There are enough cotton stalks, cornstalks, rice, wheat, and flax straw and sugar-cane pulp rotting in the country each year to produce the $275,000,000 of white paper we annually import. I intend to discover why the Department of Agriculture is spending $20,000,000 to find a new wood process and $8,000 on agricultural wastes."

Senator DANIEL T. STECK, of Iowa, one of the Senate leaders in the fight to make farm wastes productive, said to-day, "I am not a member of the Agricultural Committee, but I intend to be present at the hearing

and see why the farmers of Iowa are discriminated against and the lumber interests favored." (Copyright, 1929.)

Mr. McNARY. Mr. President, I offer the amendment which I send to the desk. It has received the indorsement of the Bureau of the Budget, but did not reach the Senate committee in time for insertion when the bill was before the committee for study.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 68, after line 9, it is proposed to insert as a separate paragraph the following:

Center Market, District of Columbia: Operation and management: To enable the Secretary of Agriculture to carry out the provisions of the act of March 4, 1921, $150,000.

Mr. KING. Mr. President, if I may have the attention of the chairman of the committee, for the moment I fail to recall the market to which this refers.

Mr. McNARY. I will say to the Senator from Utah that this is the Center Market; and if the clerk will be kind enough to read the report of the Director of the Budget where indicated, probably that will answer the inquiry of the Senator from Utah.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Maryland?

Mr. KING. Yes.

Mr. BRUCE. I simply desire to ask the Senator whether——

Mr. McNARY. Will the Senator bear with me just a moment? I should prefer to answer the Senator from Utah by the reading of this part of the report of the Director of the Budget. Then I shall be glad to respond to the Senator from Maryland.

The PRESIDING OFFICER. Without objection, the Secretary will read, as requested.

The Chief Clerk read as follows:

The purpose of this supplemental estimate is to continue the operation of this market from July 1, 1929, to June 30, 1930. An estimate for the operation of this market was not included in the Budget for the fiscal year 1930, as it appeared at the time the Budget was in the course of preparation that the site on which the market is located would be needed in the present building program of the Government. As it has now been developed that the site will probably not be required before the fiscal year 1932, funds should be provided to continue its operation through the fiscal year 1930.

Mr. BRUCE. Mr. President, may I ask the Senator from Oregon whether that relates to the farmers' market?

Mr. McNARY. No; it has no relation whatsoever to that.

Mr. KING. May I inquire of the Senator whether any income is derived from the rental of the market?

Mr. McNARY. I can answer that question in the affirmative. I have not the amount in mind at this time.

Mr. KING. I confess that I did not quite comprehend why so large an appropriation is required. I was very much opposed to the Government taking over the market. I think it was very unwise, and it has been an improvident enterprise. However, we have it in our hands; and if that is the amount which the Agricultural Department demands, I suppose it will get it.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Oregon.

The amendment was agreed to.

The CHIEF CLERK. On page 68, line 12, it is also proposed to strike out "$2,232,200" and to insert in lieu thereof "$2,329,200."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. McNARY. I ask unanimous consent that the clerk of the committee may have the privilege and permission to change the totals.

The PRESIDING OFFICER. Without objection, that order will be made.

Mr. SHORTRIDGE. Mr. President, I wish to inquire of the chairman of the committee with respect to the appropriation for what is known as liver fluke. What does the bill provide in that respect?

Mr. McNARY. On the item of liver fluke the committee allowed $5,280, the amount estimated for by the Department of Agriculture and the Bureau of Animal Industry.

Mr. SHORTRIDGE. They thought that was sufficient?

Mr. McNARY. That was all that was asked for; yes.

Mr. SHORTRIDGE. Of course, this is a legislative body, not the Budget Bureau.

Mr. McNARY. Oh, yes; certainly.

Mr. SHORTRIDGE. Does it have the approval of the Director of the Budget?

Mr. McNARY. The department estimated for $5,280, and that estimate was supported by a favorable report of the Director of the Bureau of the Budget.

Mr. SHORTRIDGE. So it meets with the approval of the Director of the Budget?

Mr. McNARY. And it met with the approval of the committee having in charge the bill, and I hope it meets with the approval of the Senator from California.

Mr. SHORTRIDGE. It ought to be more, but I shall, of course, accept what is granted.

Mr. ODDIE. Mr. President, may I ask the Senator from Oregon how much the department asked for originally from the Budget Bureau; whether more than this amount was asked for for this item?

Mr. McNARY. Mr. President, the department always makes two estimates. One is the preliminary estimate, where the sky is the limit. The other is the minimum beyond which they can not go; and in that minimum estimate the amount was $5,280. In the sky-line estimate it was $10,000.

Mr. ODDIE. The livestock association of my State has asked that this full $10,000 increase be placed in the bill, and I believe that other Western States have sent in a similar request. I will indorse the request of the Senator from California in this matter if he cares to propose the amendment, or I will offer it myself.

Mr. SHORTRIDGE. I certainly do. My recollection is that $20,000 was asked for.

Mr. McNARY. Mr. President, I have been extremely generous in these matters, and Mr. Mohler said that that is all he cared for. If Senators are going to persist in this proposition too far, I shall invoke the rule.

Mr. SHORTRIDGE. I do not regard that as a threat, but as a gentle reminder.

Mr. ODDIE. Under these circumstances, I will not press the amendment.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole, and open to further amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened; and (at 4 o'clock and 52 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 31, 1929, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 30, 1929

UNITED STATES ATTORNEY

William A. Bootle to be United States attorney, middle district of Georgia.

APPOINTMENT IN THE ARMY

GENERAL OFFICER

William Shaffer Key to be brigadier general, reserve.

POSTMASTERS

HAWAII

Margaret K. Bruss, Lahaina.

KANSAS

Fred H. Bartlett, Baxter Springs.
Verney C. Wallar, Caney.
Lela Martin, Cherokee.
Fred J. Smith, Galena.
Harry W. Shideler, Girard.
Florence E. Cox, Herndon.
Sheridan Crumrine, Longton.
Noah S. Wiggins, Lyons.
Robert F. Tyler, Moline.
Robert H. Montgomery, Oswego.
Garrette L. Matlock, Treece.

MASSACHUSETTS

Guy W. Sanborn, Byfield.

NEW JERSEY

George A. Hall, Clinton.

NEW MEXICO

Lora C. Dunlavy, Springer.

NEW YORK

William B. Hagan, Bloomingburg.
William C. Mead, Hall.
Grace Davies, Lake Kushaqua.

OHIO

George T. Newman, Malta.

PENNSYLVANIA

J. Donald Backenstose, Schaefferstown.

TENNESSEE

William R. Williams, Bells.
Edgar P. Stubblefield, Morrison.

WEST VIRGINIA

John W. Irvin, Charles Town.
Blanche P. Reed, Clay.
Matilda Mahon, Delbarton.
Albert A. Drinkard, Elbert.
James T. Keeney, Eskdale.
Thomas O. Wash, Kayford.
Ora E. Gay, Owens.
Andrew B. Canterbury, Pax.
Clifton M. Spangler, Peterstown.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *January 30, 1929*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Holy and loving Father, we are moved with wonder and praise when we recall how Thou dost provide for us. May Thy marvelous creation and Thy merciful providence incline our hearts to deep and reverential gratitude and thanksgiving. Hear us, though we are so filled of imperfections; we wait for Thy blessing. We are so thankful for the chivalry and for the home coming of those heroes who have just returned from where only God has been. Continue to increase and unfold our knowledge of justice, equity, of the rights of man, and of the necessities of the state. Ever keep us from confusing moral principles and hold before us the vision of truth, which is the grandest scepter that ever directed the thought of man. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 350. Joint resolution to provide for the reappointment of Frederic A. Delano and Irwin B. Laughlin as members of the Board of Regents of the Smithsonian Institution.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 14800) entitled "An act granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ROBINSON of Indiana, Mr. NORBECK, and Mr. GERRY to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 1731) entitled "An act to provide for the further development of vocational education in the several States and Territories."

FIRST DEFICIENCY BILL FOR 1929

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules for printing.

The SPEAKER. The gentleman from New York presents a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House Resolution 303

Resolved, That the bill H. R. 15848, an act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes, with Senate amendments thereto, be taken from the Speaker's table, the Senate amendments be disagreed to, a conference be requested with the Senate upon the disagreeing votes of the two Houses, and the managers on the part of the House at said conference be appointed without intervening motion except one motion to recommit.

The SPEAKER. Referred to the House Calendar and ordered printed.

NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, by authorization of the Committee on Appropriations, I present the appropriation bill for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes, and ask that the report be printed to accompany the bill.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

The SPEAKER. Referred to the Union Calendar and ordered printed.

Mr. AYRES. Mr. Speaker, I reserve all points of order.

RELIEF OF B. C. MILLER

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 11859, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table the bill H. R. 11859. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 11859) for the relief of B. C. Miller.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. Is there objection?

Mr. BLACK of Texas. Reserving the right to object, Mr. Speaker, will the gentleman give us just a brief statement of the meaning of the amendment?

Mr. MICHENER. The amendment makes no change whatever in the purpose or meaning of the bill. It is just a change of phraseology. There is better language in the Senate amendment.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was concurred in.

ORDER OF BUSINESS—DEFICIENCY BILL

Mr. SNELL. Mr. Speaker, several gentlemen have requested to know when we would take up the rule to send the deficiency bill to conference. We expect to take it up to-morrow immediately after the reading of the Journal and the disposal of business on the Speaker's table.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 12236. An act to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926, and to provide a means for further investigation and payment in certain cases;

H. R. 14150. An act to amend section 279 of the Judicial Code; and

H. R. 14452. An act to authorize the Secretary of the Treasury to donate to the city of Oakland, Calif., the U. S. Coast Guard cutter *Bear*.

The SPEAKER announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 1731. An act to provide for the further development of vocational education in the several States and Territories; and

S. J. Res. 198. Joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the presidential inauguration ceremonies in 1929.

RETURN OF SENATE BILL 4222

The SPEAKER. The Chair lays before the House a resolution of the Senate, which the Clerk will report.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES

Ordered, That the House of Representatives be respectfully requested to return to the Senate the bill (S. 4222) entitled "An act to authorize the creation of Indian trust estates, and for other purposes."

The SPEAKER. Is there objection?

Mr. HOWARD of Oklahoma. Mr. Speaker, the bill referred to in the Senate resolution was one which was introduced in the Senate by Senator THOMAS of Oklahoma. Senator THOMAS informs me and requests me to say to the membership of the House that this bill was fully considered by the Committee on Indian Affairs of the Senate, reported out unanimously, and passed the Senate without objection. On Saturday afternoon Senator THOMAS, the author of the measure, was temporarily absent from the floor of the Senate. Another Member of the Senate, without consultation with the author of the bill, lodged this request. I have great respect for the body at the other end of the Capitol, but in view of the facts I have stated I am objecting to this request.

Mr. CRAMTON. Mr. Speaker, I understand that this bill passed the Senate in April or May of last year. The time for reconsideration in the Senate passed long ago. It came to this House, was referred to the proper committee, was given consideration there, and reported to the House by the Committee on Indian Affairs last May.

Mr. HOWARD of Oklahoma. A similar bill to this, introduced by myself, was reported to the House. The bill asked to be returned is now in the Committee on Indian Affairs of the House.

Mr. HASTINGS. The gentleman means an identical bill?

Mr. HOWARD of Oklahoma. Yes. I object.

The SPEAKER. The gentleman from Oklahoma objects.

CALL OF COMMITTEES

The SPEAKER. The Clerk will call the committees.

NEZ PERCE TRIBE OF INDIANS

Mr. LEAVITT. Mr. Speaker, I call up the bill H. R. 12520, which is on the Union Calendar. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, I understand, of course, that the purpose of this request is expedition in the consideration of the bill. Are any of the bills which the gentleman is going to call up to-day controversial and bills which will take any elaborate explanation, or are they bills generally agreed upon in the committee?

Mr. LEAVITT. Every bill I shall call up to-day has been agreed on in the committee. It is not my intention to call up to-day those bills which are probably considered most controversial, although there are following this bill two jurisdictional bills which often cause some debate. I will state to the gentleman that the purpose of my request is not to shut off debate.

Mr. BANKHEAD. If bills are likely to entail a considerable amount of debate the request ought not to be made, because that involves the necessity of asking unanimous consent for the extension of time every five minutes. Of course, I realize that this is a matter that ought to be largely controlled by the discretion of the chairman of the committee.

Mr. CRAMTON. As I understand, the present request has to do only with the one bill referred to?

Mr. LEVITT. Oh, yes. My request has to do only with the one bill.

Mr. BLANTON. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. BLANTON. Is it not a fact that the Committee on Indian Affairs works so harmoniously together that there is no opposition to its bills?

Mr. LEAVITT. Well, I might hope that was the case but it is not always so.

Mr. BANKHEAD. Mr. Speaker, I withdraw the reservation.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred on the Court of Claims, with the right of appeal by either party to the Supreme Court of the United States, notwithstanding lapse of time or statutes of limitation, to hear, determine, adjudicate, and render final judgment on all legal and equitable claims of whatsoever nature of the Nez Perce Tribe of Indians in Idaho, or of any band thereof, against the United States, arising under or growing out of the original Indian title, claim, or rights of the said Indian tribe or any band thereof, including all title, claim, or rights growing out of treaties of June 11, 1855 (12 Stat. 957), and June 9, 1863 (148 Stat. 673), and an agreement of May 1, 1893, approved by act of Congress of August 15, 1894 (28 Stat. 286), with the said Nez Perce Tribe or bands of Indians, in connection with the Nez Perce Indian Reservation in the States of Idaho and Oregon, and more particularly as to the following claims:

1. Claim for compensation for that part of the Old Agency land and improvements near Fort Lapwai, Idaho, reserved from sale by the agreement of May 1, 1893, between the United States and the Nez Perce Tribe of Indians (28 Stat. 286), and thereafter disposed of by the United States without compensation to said Indians and described as follows:

"Commencing at a point at the margin of Clearwater River on the south side thereof, which is 300 yards below where the middle thread of Lapwai Creek empties into said river, run thence up the margin of said Clearwater River, at low-water mark, 900 yards to a point, run thence south 250 yards to a point, thence southwesterly in a line to the southeast corner of a stone building partly finished as a church, thence west 300 yards to a point, thence from said point northerly in a straight line to the point of beginning."

2. Claim for certain lands included in canceled allotments within said Nez Perce Indian Reservation in Idaho and thereafter disposed of by the United States, said lands not being included in the area ceded by said treaties or said agreement of May 1, 1893 (28 Stat. 286), to the United States and also certain erroneous per capita payments out of the amount appropriated by Congress in payment for lands ceded to the United States under the said agreement of May 1, 1893 (28 Stat. 286).

3. Claim for gold mined and removed by white men, without authority and in trespass, from the Nez Perce Indian Reservation lands in Idaho prior to the treaty of June 9, 1863, and its approval or ratification by the Senate on April 17, 1867 (14 Stat. 647), ceding such lands to the United States.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit or suits be instituted or petition, subject to amendment, be filed in the Court of Claims within five years from the date of this act, and in any such suit or suits said Nez Perce Tribe of Indians, or any band thereof, shall be party or parties plaintiff and the United States shall be the party defendant. The petition of the said Indians shall be verified by the attorney or attorneys employed to prosecute such claim or claims, under contract with the Indians, approved in accordance with existing law, upon information and belief as to the facts therein alleged and no other verification shall be necessary. Official letters, papers, documents, records, maps, historical works, and affidavits in official files, or certified copies thereof, may be used in evidence and the departments of the Government shall give access to the attorney or attorneys of said Indians to such treaties, papers, maps, correspondence, reports, documents, or affidavits as they may require in the prosecution of any suit or suits instituted under this act.

SEC. 3. In the said suit or suits the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against the said Indian tribe, or bands thereof, or any of them, and any payment or payments which have been made by the United States upon any such claim or claims shall not operate as an estoppel, but may be pleaded as an offset in such suit or suits, as may gratuities, if any, paid to or expended for said Indian tribes or bands, or any of them.

SEC. 4. Any bands of Indians associated with the Nez Perce Tribe deemed necessary to a final determination of any suit or suits brought hereunder may be joined therein as the court may order: *Provided*, That upon final determination of the court of any such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee not to exceed 10 per cent of the amount recovered, or in the event of any compromise settlement and adjustment of any of the foregoing claims by the Commissioner of Indian Affairs and the Secretary of the Interior, then such officers shall have jurisdiction to fix and determine a reasonable fee not to exceed 10 per cent of the amount secured in such settlement or adjustment, to be paid to the attorney or attorneys employed as herein provided, and such fees shall be paid out of any sum or sums adjudged to be due said tribe or bands, or any of them, and the balance of such sum or sums shall be placed in the Treasury of the United States to the credit of such tribes or bands where it shall draw interest at the rate of 4 per cent per annum.

With the following committee amendment: On page 3, beginning in line 16, after the word "States," insert:

such claim, in any event, not to exceed one-eighth of the amount of gold so mined and removed: *Provided*, That this act shall not be construed as creating any rights which may be made the basis of a legal or equitable cause of action but shall only authorize the said Nez Perce Tribe of Indians to present to the United States Court of Claims for adjudication such legal rights and claims, if any, which may exist under the treaties and agreements mentioned in this act.

The committee amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 5, line 23, strike out the period at the end of the line and insert the following:

The amount of any judgment shall be placed in the Treasury of the United States to the credit of the Nez Perce Tribe of Indians and shall

draw interest at the rate of 4 per cent per annum, and shall be thereafter subject to appropriation by Congress for educational, health, industrial, and other purposes for the benefit of said Indians, including the purchase of lands and building of homes, and no part of said judgment shall be paid out in per capita payments to said Indians.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to modify the amendment by striking out all reference to the period being stricken out. It is a new sentence and the period should remain.

The SPEAKER. Without objection, the Clerk will so modify the amendment.

There was no objection.

Mr. CRAMTON. Mr. Speaker, I will only state that this amendment is in line with the amendment that was placed in the California Indians' claim bill and in several subsequent bills. It is in line with the policy that seems desirable to avoid per capita payments, but to make use of these judgments in a way beneficial to the Indians.

Mr FRENCH. Mr. Speaker, I recognize the attitude of the House upon the language of the proposed amendment. These particular claims have been pending for a good many years, and I would not be justified in asking the House at this time to modify the course of action it has taken on similar language involved in other claims.

Mr. LEAVITT. Mr. Speaker, in view of the agreement of the author of the bill, the committee, of course, can interpose no objection to the amendment.

Mr. HASTINGS. Mr. Speaker, I have no objection now to urge to this amendment, as the matter referred to in the bill does not affect my State. However, I just want to call the attention of the House to the fact that this is only a declaration of policy and, of course, does not bind the action of any subsequent Congress. I have no objection to the amendment, but just wanted to call attention to the fact that this is just a declaration of policy on behalf of Congress and, of course, could not bind any subsequent Congress in the disposition of this money provided that Congress wanted, by a conflicting amendment, to repeal this provision.

Mr. CRAMTON. Will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. CRAMTON. Of course, this Congress can not legally bind any subsequent Congress, but, to a large extent, this Congress can morally bind the beneficiaries of this legislation, and to some extent subsequent Congresses. Without such a proposition as this, some of us who take a very much different attitude toward these claim bills would oppose their passage; but with this kind of a provision there is not the same basis for opposition there would otherwise be. Hence the legislation is passed by reason of the acceptance of this provision by those speaking here for the Indians.

Having so accepted it, it would appear for the benefit of the Indians, that future Congresses should not lightly change it. There is a certain moral obligation that will exist but no legal obligation.

Mr. HASTINGS. I agree with the gentleman it is only a moral obligation and does not bind a subsequent Congress. I wanted to make that clear.

The SPEAKER. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

COOS BAY, LOWER UMPQUA, AND SIUSLAW TRIBES OF INDIANS

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 13692) for the relief of the Coos (Kowes) Bay, Lower Umpqua (Kalawatset), and Siuslaw Tribes of Indians, and for other purposes.

The SPEAKER. This bill is on the Union Calendar, and the House therefore automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. BEEDY in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States as in other cases, to hear, determine, and render final judgment in all claims, legal and equitable, that the Coos (or Kowes) Bay, Lower Umpqua (or Kalawatset), and Siuslaw Tribes of Indians, in the State of Oregon, have against the United States.

The Court of Claims shall advance on its docket any suit or suits instituted hereunder, and shall have authority to determine and adjudge the rights, both legal and equitable, of the claimants in the premises, notwithstanding the lapse of time or statutes of limitation.

The suit or suits instituted hereunder shall be begun by the Coos (or Kowes) Bay, Lower Umpqua (or Kalawatset), and Siuslaw Tribes of Indians as parties plaintiff against the United States as party defendant.

The petition or petitions may be verified by the attorney or attorneys employed by the plaintiffs to prosecute the suits, and no other verification shall be necessary.

Official letters, correspondence, papers, documents, and public records, or certified copies of the same, may be used in evidence; and the departments of the Government shall give access to the attorney or attorneys for the Indians to said papers, correspondence, and records for use in the preparation and prosecution of such suits.

That upon final determination of any suit hereunder the Court of Claims shall determine such fees as it shall find reasonable to be paid to the attorney or attorneys representing the plaintiffs in the case, and the amount thereof, together with all proper and reasonable expenses incurred in the preparation and prosecution of the suit, shall be paid out of the judgment: *Provided*, That in no case shall the fees awarded exceed 10 per cent of the amount of the judgment.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That jurisdiction is hereby conferred on the Court of Claims to hear, examine, adjudicate, and render final judgment in any and all legal and equitable claims of the Coos (or Kowes) Bay, Lower Umpqua (or Kalawatset), and Siuslaw Indian Tribes of the State of Oregon against the United States arising under or growing out of the original Indian title, claim, or rights of the said tribes (with whom no treaty has been made), in, to, or upon the whole or any part of the lands and their appurtenances occupied by said tribes in 1848 and long prior thereto, and embraced within the following description, to wit:

"Beginning at a point of rocks, known as Five Mile Point, in section 19, township 27 south of range 14 west of the Willamette meridian, Coos County, Oreg.; and running thence north along the coast of Oregon, to the mouth of a creek, known as Ten Mile Creek, in section 27, township 15 south, range 12 west, Lane County, Oreg.; thence east on the watershed between the waters of the Alsea and the Siuslaw Rivers to the summit of the Coast Range Mountains in township 26 south, range 7 west; thence in a southeasterly direction along the summit of said mountains, the same being the southwest boundary of the lands ceded by the Calapooia and Willamette Tribes of Indians, to the junction of the Calapooia Range, near the headwaters of the Siuslaw River, in township 21 south, range 4 west; thence in a westerly direction following the summit of the ridge between the waters of the Smith and the Umpqua Rivers, the same being the north boundary of the lands ceded by the Umpqua and the Calapooia Indians, to a point due north of the head of tidewater on the Umpqua River; thence south across the Umpqua River to the summit of the mountains dividing the waters of Camp Creek from the waters of the Umpqua River, the same being the west boundary of the lands ceded by the Umpqua and Calapooia Indians; thence in a southeasterly direction along the summit of the Coast Range Mountains, following the southwest boundary of the lands ceded by the Umpqua and the Calapooia Indians, to the summit of the divide separating the waters of Looking Glass Creek from the waters of the South Fork of Coos River in township 27 south, range 8 west, Douglas County, Oreg.; thence west to the point of beginning, which lands and the appurtenances thereunto belonging, including, among the other things, claimants' original means of securing a living thereon and therefrom by hunting, fishing, and otherwise, the said tribes claim were taken from them, and appropriated by the United States to its own use, in or about the year 1855, without any treaty cession or agreement, and without compensation to the tribes therefor.

"SEC. 2. In any suit instituted hereunder the Court of Claims shall have authority to determine and adjudge the rights, both legal and equitable, of the claimants in the premises, notwithstanding lapse of time or statutes of limitation, and the right of appeal to the Supreme Court of the United States is hereby granted to both parties.

"SEC. 3. The court shall also hear, examine, consider, and adjudicate any claim or claims, including gratuities, which the United States may have against the said tribes properly chargeable in such suit; but any payment or payments which have been made by the United States upon any claim or claims of the tribes shall not operate as an estoppel but may be pleaded by way of set-off; and any other tribes or bands of Indians which the court may deem necessary to a final determination of such suits may be joined therein as the court may order.

"SEC. 4. If in any suit instituted hereunder for the value of unceded lands taken, sold, or disposed of by the United States it be determined by the court that the Indians are entitled to recover judgment, the price of such lands shall be limited to $1.25 an acre, except as to any tracts that have been actually sold or disposed of under laws enacted by Congress establishing higher prices; in which case the court may be governed by the latter prices.

"SEC. 5. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition, subject to amendment, filed as herein provided in the Court of Claims within five years from the date of the approval of this act;

and such suit or suits shall make the Coos (Kowes) Bay, Lower Umpqua (Kalawatset), and Siuslaw Tribes of Indians of the State of Oregon party or parties plaintiff and the United States party defendant.

"The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the Indians approved in accordance with existing law.

"Official letters, papers, documents, maps, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give to the attorney or attorneys so employed access to such treaties, papers, maps, correspondence, and reports as they may require in the preparation or prosecution of any suit or suits instituted hereunder.

"SEC. 6. Upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, together with all necessary and proper expenses incurred in the preparation and prosecution of such suit or suits, to be paid to the attorney or attorneys employed, as herein provided, by the said tribes, and the same shall be included in the decree, and be paid out of any sum or sums adjudged to be due, the balance to be placed in the Treasury of the United States to the credit of said tribes, where the money shall draw interest at the rate of 4 per cent per annum until paid."

Amend the title so as to read: "A bill authorizing the Coos (Kowes) Bay, Lower Umpqua (Kalawatset), and Siuslaw Tribes of Indians of the State of Oregon to present their claims to the Court of Claims."

Mr. CRAMTON. Mr. Chairman, I have an amendment to offer to the committee amendment at the proper time.

The CHAIRMAN. The Chair will state that it is not in order at this time to offer amendments. General debate alone is in order, which is limited to two hours. One hour will be controlled by the chairman of the committee; and if there is anyone who desires to claim time in opposition to the bill, the Chair will recognize him.

Mr. LEAVITT. Mr. Chairman, I yield 15 minutes to the gentleman from Oregon [Mr. HAWLEY].

Mr. HAWLEY. Mr. Chairman, this bill relates to three tribes of Indians in the southwestern corner of the State of Oregon whose lands were taken from them by the United States Government.

In 1854 the Secretary of the Interior instructed an agent of the department by the name of Joel Palmer to enter into an agreement with the Indians similar to the agreements entered into with Indians generally. The Indians met the representative of the Government by appointing members of their tribal councils to confer, and they agreed upon an arrangement with the representative of the Government by which they were to have reservation lands and such other concessions as were made to Indian tribes generally.

They agreed to this in good faith and expected that the Government would ratify the treaty. However, the Senate never ratified this treaty, but the Indians have always conformed to the terms of the treaty arrangements and complied with every request made on them by the Government.

In 1856, when tribes farther south began a war that was known as the Rogue River Indian War, these Indian tribes refused to join, but gave aid and assistance to the white people and aided in the suppression of that Indian insurrection.

The Government, in order to protect the Indians, and also to protect the white settlers in the way thought advisable, removed these Indians from the lands that they had long occupied. They had small villages along the rivers, with comparatively substantial dwellings, and were supporting themselves as a peace-loving and peace-observing people. The Government removed them to a tract of land farther north and kept them there for awhile, and afterwards gradually allowed them to disperse and did nothing for them.

These Indians have been making such living as they can by working in logging camps, in sawmills, in canneries, by fishing, and by working on farms; but they have always felt that since they observed their side of the treaty faithfully that the Government ought to recognize its obligation when it assured them, through the proposed treaty, and took advantage of its unratified provisions, that if they would do the things they have done and are doing, the treaty would be ratified, and this is presented on their behalf by the committee and the people interested in the matter.

If there are any questions I will be pleased to answer them. I think I have stated the general outline of the bill.

Mr. MORTON D. HULL. I would like to ask the gentleman a question and also direct it to the chairman of the Committee on Indian Affairs.

Mr. HAWLEY. I yield to the gentleman.

Mr. MORTON D. HULL. This bill and the bill which preceded it relate to Indian claims 50 or 60 or 70 years old apparently.

Mr. HAWLEY. Yes.

Mr. MORTON D. HULL. What is the explanation of the extraordinary situation of having these bills here at this time with respect to these unsettled claims? It seems to me quite extraordinary that these matters have not been settled in some way long before.

Mr. LEAVITT. I will state to the gentleman that the entire reason is this: These Indians have been trying to get into the Court of Claims, just as many other tribes have been trying to get into the Court of Claims, to present what they consider to be just claims, but the law is such and the situation is such that they can get into the Court of Claims only by being allowed in by an act of Congress.

This is a matter that has been under consideration by various Congresses and it is a matter that the Committee on Indian Affairs feels should have been adjudicated many, many years ago.

Mr. MORTON D. HULL. Then these bills represent a default in duty upon the part of the Congress of the United States, is that right?

Mr. LEAVITT. It could perhaps be stated that way, but perhaps it would be as well to state it in this way. My personal judgment is that our entire approach to this question of claims on the part of Indian tribes has been faulty; that many years ago we should have created a court of Indian claims that would have had jurisdiction to consider matters of this kind and in that way we would have gotten them out of the way a long time ago. This would have been very important in the civilization of the Indians, to remove from their minds the idea that they have something coming from the Government or that we should pay them what they have coming from the Government and have the matter closed; but this kind of a measure has never been passed. I intend to introduce such a measure in the next Congress.

In the meanwhile we are considering in the committee these different matters as they come to us in the form of separate bills. We are considering them in the subcommittee upon which there are two former members of the bench. They are redrawn and put in a form which we think will receive the support of Congress and give these people an opportunity to present their cases and close them up.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. CHINDBLOM. As a matter of fact, most of these claims do not represent legal rights on the part of the Indians or legal obligations against the Government, as I understand it. They are addressed to the sense of equity, fairness, and justice of Congress just as other claim bills which are not based on legal rights.

Mr. HAWLEY. If the treaty had been ratified they would have had a legal right, but now it depends on the good will and assistance of the Government, based on a just claim.

Mr. CHINDBLOM. That happens to be the specific reason in this case. Then I think we are getting a little more liberal in opening the doors for this class of claims.

Mr. MORTON D. HULL. Would not the gentleman say a little more just?

Mr. CHINDBLOM. That depends on each individual case. I think, too, the Indians themselves, either directly or through representatives, are pressing the matters harder.

Mr. HAWLEY. These Indians and their representatives have for years kept this matter alive, urging that the treaty be ratified or some legislative action taken by Congress.

Mr. CHINDBLOM. I have no doubt of that as to a matter in which my friend from Oregon has been interested.

Mr. NEWTON. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. NEWTON. As I understand the facts, while the treaty was never ratified, yet the leaving of the land by the Indians, and their occupancy by the United States, was carried out just as if the treaty had been ratified?

Mr. HAWLEY. Yes; the Indians went on in good faith and left the lands expecting that the treaty would be ratified and that they would be given their rights.

Mr. NEWTON. And further, the lands have been opened up for settlement?

Mr. HAWLEY. Yes; a great part of the lands are now in private ownership and a great part in the forest reserves.

Mr. NEWTON. The United States Government has received all of the benefit just as if the treaty had been ratified?

Mr. HAWLEY. Yes; and the Indians have acted on their part just as if the treaty was ratified so far as the Government itself is concerned.

Mr. NEWTON. Why, under these circumstances, has there been such a length of time elapse when the Government has accepted the benefits of the treaty?

Mr. HAWLEY. I think the gentleman from Minnesota can answer that question as well as I can. It has been the delay in Congress—I do not know of any particular reason, but it has been one of those things that has never been settled.

Mr. LEAVITT. Is not the situation something like this: It has been hinted at by the gentleman from Illinois [Mr. CHINDBLOM] that we have become more liberal—I would say we have come to see the justice of these claims more clearly in recent Congresses than in the past; we have approached more closely to the problem of fitting the Indians into our civilization and citizenship, and have come to realize more fully than formerly the necessity of dealing justly with these people in order to accomplish that object.

Mr. CRAMTON. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. CRAMTON. Is not this also true, that the bills of late are drawn much more carefully by the Committee on Indian Affairs, drawn in a way to protect the Government's interest much more fully, drawn in a way to protect the interest of the Indians against unscrupulous attorneys; in other words, the bills coming in now are bills drawn in a reasonable way to reasonably protect the interest of the Indians rather than, as they used to be drawn, bills favorable to the claims of attorneys?

Mr. HAWLEY. I think there has been a great improvement.

Mr. CRAMTON. The bills as drawn now do not do away with the rights of the Government as many bills did that were drawn in other days, but protect the rights of the Government as well as the rights of the Indians.

Mr. LEAVITT. Mr. Chairman, I yield five minutes to the gentleman from South Dakota [Mr. WILLIAMSON].

Mr. WILLIAMSON. Mr. Chairman and gentlemen of the House, I hardly think it necessary to go into any further discussion with reference to the bill before the House, as that has been thoroughly covered by the gentleman from Oregon [Mr. HAWLEY], who introduced the bill, and by the chairman of the committee. I rise more especially to say a few words with reference to jurisdictional bills generally.

I have had the honor to be chairman of the subcommittee in charge of these bills for the last several years, and our subcommittee has made it a rule not to report any bill where the Indians or their representatives have not been able to make out a prima facie case. In other words, we feel that no bills should be reported out unless the Indians or their representatives can convince us that they have a claim which is just and which ought to be adjudicated in some tribunal. There are before our committee at the present time at least a dozen bills on which the committee has taken no action, and we have taken no action because sufficient evidence has not been offered to show that there is in fact a valid, legal, or equitable claim. I do not believe our Court of Claims should be cluttered up with a lot of claims and suits which have little or no merit. Such claims ought not to take up the time of the court. This court is already greatly burdened with a large number of cases. It is behind several years now with these Indian cases, and if we permitted all sorts of claims to go into the Court of Claims to be taken up in their order it would mean that many claims that had real merit could not be considered for the next 10 or 12 years.

The subcommittee has also tried to use a great deal of caution in watching the form of these bills. If the draft submitted is not in such form as to meet with the standards set up by the Committee on Indian Affairs, the subcommittee has redrafted the bill so as to make it conform to the general standard which has been adopted by the Committee on Indian Affairs, and it will be noted that in the bill before the House everything has been stricken out after the enacting clause, and the bill completely rewritten. In doing that we had two purposes in mind. First, to clarify the language; and second, to set out the specific claims on which the Indians are suing, so that the Congress will be apprized of the nature and character of the claim. It formerly was the practice to pass bills with general language, under which suit could be brought on every conceivable kind of claim without reference to its merits or legal or equitable basis. We have tried to obviate that by specifying in the bills the laws and treaties under which the Indians are seeking to recover, so that the Congress will have some notice of the character of the claim and its probable amount. Another thing that we have sought to do is to incorporate in the report accompanying the bill sufficient data with respect to the claims upon which recovery is sought to enable Members of Congress who read the report to form some judgment of their own as to whether the bill ought to be enacted into law. So in the present case you will find a fairly complete report of the matters in controversy.

Personally I believe that the sooner we can enact jurisdictional bills to permit Indians with just claims to come into the Court of Claims, the better it will be for the Indians and for the country. In other words, I think it is harmful to the development of the Indian and to his progress to have him feel that he has been robbed of his property and has had no opportunity to present his claim to the Court of Claims or any other tribunal; and because this is so the policy of the committee has been, and probably will continue to be, to report out all bills where the Indians have been able to make out a case showing that they have a just cause of action.

JACKSON BARNETT CASE

A good deal has been heard with reference to Jackson Barnett, a Creek Indian of the Five Civilized Tribes in Oklahoma, who was married to a white woman nearly nine years ago, and who about three years after his marriage made a distribution of part of his estate by giving a portion to his white wife and providing for another portion to be held in trust during his lifetime, he to receive the income and then upon his death the amount to go to the American Baptist Society as an endowment fund for the Bacone College, an institution of learning for Indian boys and girls, and Murrow Orphan Home, an institution for the care of Indian orphans, both located at Muskogee, Okla.

It will be of interest to the Members of the House to know what a leading newspaper, published in Oklahoma, has to say regarding it, and I therefore want to submit an editorial from the Tulsa World, published at Tulsa, Okla., in its issue of January 16, 1929:

RESULTS ALL THAT COUNT

Jackson Barnett, the Indian millionaire ward of the Government, plunged into a whole lot of grief when he permitted himself to be married to a white woman. It may be remembered that the rich Creek had little to say in the matter of his mating, but the volume of litigation and conversation he stirred up by his surrender to the tender passion has more than made up for his own reticence. The Barnett marriage, with its accompanying legal entanglements, has occupied much space in the public prints for several years.

The contention usually has been between Mrs. Barnett and either the Indian Service at Washington or one of several courts. Much stress has been laid by the Indian Bureau on the manner of Barnett's marriage and the motives that inspired the fair lady to seek the illiterate, unkempt old Indian for a mate.

If there was collusion with reference to the affairs of Barnett that is another matter, but the fact stands out prominently that whatever may have been the motive, or purpose, however selfish it may have been, nobody has contributed as much toward his comfort and care as the woman who inveigled, if she did inveigle, him into marriage. She found him in a hovel, living in filth and dirt, and without proper food or raiment, and she dressed him up and elevated and improved his standard of living. The old Indian says he never has been so happy and had as many comforts of this world in all his life as he now has.

The donation, made to the Bacone University at Muskogee, which is dedicated to the care and education of Indian children, was probably better spent than it would have been if it had been given a lot of lawyers and litigants claiming heirship.

Viewed from a practical point of view, Jackson Barnett is getting more out of his wealth than he has ever gotten before and nobody is being harmed, except those anxious to put their hands upon some of his wealth. If the Indian Rights Society, or any other uplift society, would look upon it with a little more common sense they would be able to see that, as far as Jackson Barnett is concerned, he has been benefited rather than injured by the attachment he formed with his lady love, and certainly the money he gave the university could hardly be put to a better purpose. So, after all is said and done, it isn't far from the mark to say that the case of Mr. Barnett has been handled by the Department of the Interior wisely and directly for his interest and welfare.

Mr. LEAVITT. Mr. Chairman, I do not desire to yield any more time as no one has asked for time. I ask that the Clerk read the bill for amendment.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk again reported the bill, reporting the committee amendment.

On line 3, of page 6, of the committee amendment, the Clerk was directed to correct the spelling of the word "amendament."

Mr. CRAMTON. Mr. Chairman, I offer the following amendment to the committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON to the committee amendment: Page 7, line 6, after the word "paid," strike out the period, insert a comma, and add the following: "and shall be thereafter subject to appropriation by Congress for educational, health, industrial, and other purposes for the benefit of said Indians, including the purchase of lands

and building of homes, and no part of said judgment shall be paid out in per capita payments to said Indians."

The CHAIRMAN. The question is on agreeing to the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the committee amendment as agreed to.

The committee amendment as amended was agreed to.

Mr. LEAVITT. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DOWELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 13692, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

Mr. LEAVITT. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

THE KANSAS OR KAW TRIBE OF INDIANS

Mr. LEAVITT. Mr. Speaker, I call up the bill H. R. 8901.

The SPEAKER. The gentleman from Montana calls up the bill H. R. 8901, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 8901) to amend and further extend the benefits of the act approved March 3, 1925, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes."

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. DOWELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes," approved March 3, 1925, be, and the same is hereby, amended and reenacted so as to read as follows:

"SECTION 1. That jurisdiction be, and is hereby, conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitation, to hear, examine, adjudicate, and render judgment in any and all legal and equitable claims which said Kansas or Kaw Tribe of Indians may have or claim to have against the United States, growing out of or arising under any treaty or agreement between the United States and the Kansas or Kaw Tribe of Indians, or arising under or growing out of any act of Congress in relation to Indian affairs, or for the misappropriation of any funds of said tribe, and for use of any funds of said tribe for purposes not for its material benefit, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States.

"SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed, as herein provided, in the Court of Claims within three years from the date of approval of this act, and such suit shall be prosecuted in the name of said Kansas or Kaw Tribe of Indians as plaintiff, upon petition No. F-64, now filed in the Court of Claims, and any amendment thereto that may be necessary under the provisions of this act, by the attorneys now representing said Kansas or Kaw Tribe of Indians in said case No. F-64, and all the evidence and proceedings filed in said case No. F-64 shall be received and accepted by the court to the same extent as though filed anew in the suit or amendment filed under this act. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorneys of said Kansas or Kaw Tribe of Indians to such treaties, papers, correspondence, or records as may be needed by the attorneys of the Kansas or Kaw Tribe of Indians.

"SEC. 3. In said suit, the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against said Kansas or Kaw Tribe of Indians, but any payment, which may have been made by the United States, upon any claims against the United States, shall not operate as an estoppel, but may be pleaded as an offset in such suit.

"SEC. 4. That from the decision of the Court of Claims in any suit prosecuted under the authority of this act, an appeal or other appropriate proceeding may be taken by either party as in other cases to the Supreme Court of the United States.

"SEC. 5. That upon the final determination of any suit instituted under this act the Court of Claims shall decree such amount or amounts as it may find reasonable to be paid the said attorneys of the Kansas or Kaw Tribe of Indians for their services and expenses as said attorneys: *Provided*, That in no case shall the aggregate amounts decreed by said Court of Claims for fees be in excess of a sum equal to 10 per cent of the amount of recovery against the United States.

"SEC. 6. The Court of Claims shall have full authority by proper order and process to bring in and make parties to such suit any or all persons or tribes or bands of Indians deemed by it necessary or proper to the final determination of the matters in controversy.

"SEC. 7. A copy of the petition shall in such case be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States in such case."

The committee amendments were read as follows:

On page 2, line 3, after "1925," insert "(43 Stat. L. p. 1133)."

On page 2 strike out line 14, after the word "affairs," and all of line 15 and line 16 to and including the word "benefit."

On page 3 strike out that portion of line 3 following the word "act," and all of line 4 and line 5 to and including the figures "F64."

On page 3, line 18, after the word "payment," insert "including gratuities."

On page 4, line 9, after the word "States," strike out the period, insert a comma, and add "and in no event shall such fees exceed the sum of $50,000."

Mr. LEAVITT. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. GARBER].

The CHAIRMAN. Does any one desire to speak in opposition to the bill? If not, the gentleman from Oklahoma is recognized for 10 minutes.

Mr. GARBER. Mr. Chairman, the background for this claim may be of some interest to the members of the committee giving some consideration to the relationship of the Indians to the National Government. It pictures very vividly the vanishing American, more so perhaps than any other relationship with any other tribe. Our first treaty with the Kaw Indians was made in 1815. They were a peace-loving tribe of Indians. They voluntarily placed themselves under the protecting care of the United States Government. At that time they were in possession of and owned a vast scope of territory extending on both sides of the Kansas River clear to the foothills of the Rocky Mountains; in addition, a vast tract of land in Missouri. Then, in 1825, another treaty followed in which the United States Government secured a vast portion of that land, consisting of something like 7,000,000 acres, and in that treaty it promised—listen to the language—that the remainder "shall be the home of the Kaws forever." Then, in 1846, another treaty was negotiated with these Indians and all their land taken away to become the public domain in consideration that the United States Government would furnish them "a suitable home" elsewhere in the eastern part of the State. That was done; and, mark you, the domain of the Indians was diminished during these years from 7,000,000 acres of land to 255,000 acres. Without detailing the treaties and negotiations diminishing the lands of the Indians, even that reservation was finally taken away by the Government in exchange for a reservation for them in the Osage lands in Oklahoma. The reservation continued to diminish until it has become so small as to be no longer self-supporting.

The gentleman from Illinois [Mr. MORTON D. HULL] asked a question just a short time ago in reference to why these claims were being presented so long after the transactions. In regard to a great many of them, it is because of the continuing administration on the part of the Government, and especially is that true with the Kaws. By means of numerous treaty negotiations through the years the Government acquired all this land, administered all the funds they had, the rentals from all the lands they had, collecting all the revenues that came in and administering them, and had never accounted for them during all the

years prior to the accounting of the Dawes Commission of July 8, 1904.

Mr. MORTON D. HULL. Mr. Chairman, will the gentleman yield there?

Mr. GARBER. Yes.

Mr. MORTON D. HULL. Do you mean that the administration of Indian affairs had been continually changing in personnel?

Mr. GARBER. Yes; and I mean also that the administration of Indian affairs was continuous. It was a continuous responsibility on the part of the Government to administer the affairs of the Kaws.

In 1902 a treaty was entered into between the Kaws and the United States. It was subsequently ratified by an act of Congress of July 1, 1904. The Government agreed that it would render an accounting to the Kaw Indians for its administration, extending back to 1826.

In this agreement the United States said, "Why, yes; we will account. We will cast up our accounts; but we must appoint the commission that does it." So it authorized the Secretary of the Interior to appoint a commission composed of the officials and employees of his department, having all the records and books in their possession; records of their own administration and of their own administrators, to settle up an account with the Indians for this long period of administration. To audit their own books and settle on their own figures was unconscionable. It should have been fair enough to say to these incompetents, "We will appoint an impartial commission; a commission composed of a personnel that is capable of giving a judicial quality to their service." The Secretary of the Interior appointed the commission from the officials and employees in his department, and the commission proceeded for two years in auditing the books of their own department, finally rendering its report.

Under the language of the agreement, they were to render without delay an accounting to this tribe of Indians. But they never did it. They made a final report. They did not say, when they were about to complete their accounting, "Now, you come in and look it over and see if it is right. If you have any suggestions to make we will be glad to consider them, and if there are any mistakes we want to correct them." They did nothing of the kind. They concluded their report and filed it, and two or three months later they served it on these Indians.

Mr. HOWARD of Oklahoma. Mr. Chairman, will my colleague yield?

Mr. GARBER. I yield to the gentleman from Oklahoma.

Mr. HOWARD of Oklahoma. Is this the tribe of Indians to which the Vice President elect belongs?

Mr. GARBER. Yes. The Vice President elect owns an allotment in the reservation. It is said he ought to be a little more aggressive in championing their cause.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. LEAVITT. Mr. Chairman, I yield to the gentleman 10 additional minutes.

The CHAIRMAN. The gentleman from Oklahoma is recognized for 10 minutes more.

Mr. LEAVITT. Mr. Chairman, will the gentleman yield?

Mr. GARBER. I yield to the gentleman from Montana, the efficient chairman of the committee.

Mr. LEAVITT. In behalf of the Vice President elect, should it not be said, when he is charged with not having been as aggressive as he might have been, that the reason is that he would have been charged with doing it on is own behalf, because he is interested in the reservation?

Mr. GARBER. Yes; that is true. It might then be said he had a personal interest in the property and was using the influence of public position to promote his individual interests.

Mr. HOWARD of Oklahoma. Is it not a fact that the Vice President elect is noted for his modesty?

Mr. GARBER. Yes; as well as for his high ability.

Mr. LEAVITT. The Vice President elect was talking to me in regard to Indian matters recently, and I think it should be stated in reference to him that he is very much interested. He has been keen for the welfare of the Indians during all his long public life, and the only reason that could possibly suggest itself to my mind why any gentleman should possibly criticize his action is that this is his own tribe and allotment and criticism can not be made of him for having been too active in his own behalf.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. GARBER. I yield to the gentleman from Michigan.

Mr. CRAMTON. With reference to the interest of the Vice President elect in matters affecting not only this tribe of Indians but also other tribes, I am quite familiar with his interest because of contact with him for a number of years in conferences on the Interior Department appropriation bill. In the recent political campaign, a pamphlet was circulated very widely, attacking the gentleman, then the candidate for Vice President on the Republican ticket, who was chosen as Vice President at that election, attacking him on the ground of his connection with the affairs of the Five Civilized Tribes. That pamphlet, a copy of which I have, was circulated at the instance of one John Collier, the executive officer of the American Indian Defense Association. The subject matter of it was prepared under his direction. It was entirely characterized by the same willful misrepresentation and disregard of truth generally as characterize his fulminations against those who do not do his bidding in Indian matters. Nothing that has been issued by that gentleman has more completely demonstrated his unreliability and his undesirability as a spokesman in Indian matters than that unjust attack on the Vice President elect. That was accompanied by similar attacks, inspired from the same source, not only upon the Vice President elect but of the entire administration of Indian matters for several years past.

However, it is interesting to note that notwithstanding the wide distribution of those attacks in the campaign, the vice presidential candidate, and the party for which he stood, were overwhelmingly indorsed in every State having any Indian population whatever.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. CRAMTON. I yield to the gentleman.

Mr. HOWARD of Oklahoma. The gentleman from Oklahoma, in calling attention to the fact that the Vice President elect was a member of the Kaw Tribe of Indians, did so for the purpose of calling the attention of the House to the high class of the Kaw Indians. [Applause.]

Mr. GARBER. I think it can be reasonably said that the Vice President elect, as a citizen and as a statesman, has worn well through all the years. He has demonstrated the quality of material necessary and essential for good administration in government, and his record and his service to the country reflects credit upon his tribe as well as upon himself and the American people.

In one of the most difficult positions of high public service he has demonstrated his ability as leader of the Senate. His actual service to the country in that position has demonstrated his qualifications for Vice President second to none of his predecessors. As a citizen of Oklahoma, adjoining the State of Kansas, I may be pardoned for saying that in my judgment, he is one of the best all-round qualified persons ever elected to that position. [Applause.]

Before leaving the pathetic side of the vanishing domain of the vanishing Kaw, permit me to call your attention to what the commission said of this tribe and our treatment of them. Here is what they say:

> One of the first acts of the Kansas Tribe of Indians—

There they were called Kansas Indians but afterwards they were called Kaws—

> when entering into treaty negotiations with the Government, was to place themselves under its guardianship and protecting care. At that time they were possessed of a large and valuable property which they from time to time relinquished to the Government, and which, if it had been judiciously managed in accordance with treaty stipulations, would have left them one of the richest and most independent of Indian tribes.

Fully consider that statement—

> If the trust had been honestly and judiciously administered.

Well, who was administering the trust? The United States Government. And what was the consideration? The lands and property they had taken from the Kaws. I read further:

> On the contrary, their financial condition has never been prosperous, but they have lived in large measure since the first cession of their lands upon the bounty of the Government; which goes to show in what manner the trust reposed by the Indians has been administered. For these reasons alone, if there had been no other, they are entitled to magnanimous treatment at the hands of the Government in the settlement of their present claims.

[Applause.]

Mr. MORTON D. HULL. What is the date of that report?

Mr. GARBER. July 8, 1904. The act ratifying this treaty conferred jurisdiction upon the Court of Claims to hear and determine every item that went into this accounting, and it was right that it should do so.

Mr. AYRES. Will the gentleman yield?

Mr. GARBER. I yield to the gentleman from Kansas.

Mr. AYRES. That was the opinion of the Court of Claims?

Mr. GARBER. No; this is not the opinion of the Court of Claims. It is the treaty itself as ratified by the act of Congress.

Mr. AYRES. Has it ever been referred to the Court of Claims?

Mr. GARBER. There is a suit now pending in the Court of Claims, and we are now right up to that proposition. The act of 1925 conferring jurisdiction upon the Court of Claims limited the jurisdiction conferred in the act of 1904 ratifying the treaty so as to exclude this accounting. It excepted the accounting by the commission from the jurisdiction of the Court of Claims.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. LEAVITT. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. GARBER. The purpose of the bill is to open the door that the treaty opened, and which the act of Congress approving the treaty opened, which was that the Court of Claims should have complete jurisdiction of all the claims between the parties. And that is the purpose of this bill, and the only purpose. It is to give the Court of Claims complete jurisdiction of all these accounts. The purpose of the bill is simply to open the door and give the Court of Claims jurisdiction of all these matters in dispute between these parties and to afford both parties an impartial tribunal for the adjudication of all matters in dispute—a forum wherein the vanishing Kaw must be permitted to stand upon an equality with Uncle Sam—and the conscience of the American people will be satisfied with nothing less. [Applause.]

Mr. SCHAFER. Will the gentleman yield?

Mr. GARBER. I yield to the gentleman from Wisconsin.

Mr. SCHAFER. I note that the department has made an adverse report on the bill. I was opposed to the bill; but after listening to the very clear presentation of the matter by the gentleman, I must necessarily reach a conclusion to support the bill. It is one of the finest arguments I have heard on the floor of the House on any bill. [Applause.]

Mr. GARBER. I thank the gentleman from Wisconsin.

An adverse report of a department should have no terrors for a Member of Congress. Who composes the Congress of the United States? Who exercises the legislative jurisdiction of this country? It is true there is an adverse report on the part of the Secretary of the Interior. I think it is not to his credit either, because good conscience and equity and justice could not do otherwise than favorably report this bill. What are his grounds? What are the grounds of disapproval? It is simply because it does not meet the economic program of the President of the United States. What has that got to do with the administration of justice and the conscience of the American people? [Applause.]

The Clerk read the bill for amendment.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 2, line 2, after the figures "1925," insert "(43 Stat. L. 1133),"

The committee amendment was agreed to.

Page 2, line 14, after the word "affairs," strike out the balance of line 14 and down to and including the word "benefit" in line 16.

The committee amendment was agreed to.

Page 3, line 3, after the word "act," strike out the balance of line 3 and down to and including "F-64" in line 5.

The committee amendment was agreed to.

Page 3, line 18, after the word "payment," insert the word "including gratuities."

The committee amendment was agreed to.

Page 4, line 11, after the word "States," insert the words "and in no event shall such fees exceed the sum of $50,000."

Mr. HASTINGS. Mr. Chairman, I am heartily in favor of this bill, but I hope my colleagues will not adopt this amendment but will vote it down.

I do not believe this kind of amendment placing an additional limitation upon attorneys' fees ought to be inserted in this or any of these bills. Let me call the attention of the committee to the fact that we have just passed two jurisdictional bills, H. R. 12520 and H. R. 13692, with this limitation eliminated.

Let us see what section 5 does. It limits the amount of attorneys' fees to 10 per cent. They can not be in excess of that and they are further limited to the finding of the Court of Claims. After the services have been completed then the work of the attorneys before the Court of Claims is resubmitted to the Court of Claims and the Court of Claims within the contract and within the 10 per cent fixes the amount of attorneys' fees.

I call your attention to the fact that if this amendment further limiting the attorneys' fees is eliminated, then the provision will correspond exactly with the two bills we have heretofore passed to-day. I am glad to know there are so many here who are earnest in their support of the Indians.

Mr. CRAMTON. Will the gentleman yield?

Mr. HASTINGS. I will be pleased to.

Mr. CRAMTON. In the past, the gentleman knows, extortionate fees were permitted, but the attempt of the Committee on Indian Affairs of late has been to safeguard the Indians against that and the requirement that is in the bill restricts the fees to 10 per cent of the amount recovered. As I understand it, if we pass these bills with such a provision, the Court of Claims does not necessarily take 10 per cent as the rule.

Mr. HASTINGS. That is true.

Mr. CRAMTON. But does make an examination of the facts in the case and fixes a fee to correspond with the equities——

Mr. HASTINGS. With the services rendered.

Mr. CRAMTON. But within a maximum of 10 per cent.

Mr. HASTINGS. It can not exceed that.

Mr. CRAMTON. I sympathize much with the views of the gentleman from Oklahoma, based upon the fact that I understand the Court of Claims will make the examination and fix the fees within 10 per cent and not necessarily go in every case to the maximum of 10 per cent.

Mr. HASTINGS. I heartily agree with that and I agree with the suggestion that the court ought to do it, and as I understand it, the court does do that.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. HASTINGS. I yield to the gentleman.

Mr. WILLIAMSON. Has the gentleman made a motion to strike out the $50,000?

Mr. HASTINGS. I am opposing that amendment, and I trust it will not be adopted, for the reason we have just now passed two jurisdictional bills with that sort of a provision eliminated. It will then restrict the amount of the fees to 10 per cent and leave it to the Court of Claims to determine after reviewing all of the services that have been rendered by the attorneys in the case.

Mr. WILLIAMSON. If the gentleman will yield further, I may state that in the original bill the attorneys' fees were limited to $25,000, but it was perfectly apparent to the subcommittee that had the bill under investigation that in this particular instance $25,000 was an insufficient amount. This occurred about a year ago. After some consultation with the attorneys in the case, they expressed themselves as being satisfied with a limitation of $50,000.

Mr. HASTINGS. Yes; they reluctantly did that because they felt that they had to do it in order that they might get some favorable consideration of the bill, but I think that is wrong in principle.

Mr. WILLIAMSON. I agree with the gentleman. I think the limitation of not to exceed 10 per cent is the proper limitation, but I think the House should know how it came about that this limitation of $50,000 was placed in the bill. Since this bill was considered by the Indian Affairs Committee, conferences with those Members who have heretofore insisted upon limiting the attorneys' fees to a specific sum have resulted in a general agreement upon a provision which will authorize the Court of Claims to fix the fee, provided such fee shall in no case exceed 10 per cent of the amount recovered.

Mr. HASTINGS. I hope the House will vote down the amendment, and I understand that is agreeable to the author of the bill. [Applause.]

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to speak for five minutes on the amendment—not in opposition, but in regard to it.

The CHAIRMAN. Is the gentleman opposed to the amendment?

Mr. LEAVITT. No; for that reason I am asking unanimous consent, the time having expired.

The CHAIRMAN. The question before the committee now is on the amendment itself.

Mr. LEAVITT. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the position of the Committee on Indian Affairs on this point ought to be made plain. The circumstances under which this limitation of $50,000 for attorneys' fees was placed in the bill has been stated by the gentleman from South Dakota, Judge WILLIAMSON, who is the chairman of the subcommittee. It was a matter of agreement, and it was because at the time the bill was originally before the House and became a law in 1925, demand was being made that these limitations be placed on them. That demand was being made very largely under the belief—and it was rather prevalent in the House—that there had been an abuse on the part of the Court of Claims in fixing these attorney fees to the disadvantage of the Indians; that too great a percentage had been paid under the action of the Court of Claims.

It should be stated in the RECORD that there has been no such abuse on the part of the Court of Claims. On the contrary, if we take the record of the 23 cases in which Indian claims have been adjudicated, going back to 1895, we will find in those instances in which the fee was fixed by the Court of Claims itself that in only one or two cases has the percentage of 10 per cent been exceeded, and those were instances in cases many years ago. I am going to quote a few of the more recent cases. I think if we go back 10 years we will have cases acted upon by the present members of the Court of Claims.

In 1918 there was a case of the Omaha Indians against the United States, where there was a recovery of $122,295.31, and the Court of Claims allowed a 10 per cent fee in that case, a fee of $12,229.53, which, of course, is only one-quarter part of the amount set out in the limitation now before the House.

Another case in 1922—two tribes of Sioux Indians against the United States—in which there was a recovery of $386,597.89, and the Court of Claims allowed a fee of 10 per cent, or $38,659.78, which is again less than the limit set in this bill.

In 1926 the Yankton Band of Sioux against the United States recovered approximately $310,000, and the attorney fees allowed were only $25,000, or 8 per cent. I presume in that case some limitation had been set upon the attorneys' fees, but of that I am not sure. These are the only cases in the last 10 years in which the fees have been fixed by the Court of Claims. The fees have been fixed through the history of 23 cases, partly by the courts, partly by contract through the department, and in one case by the Comptroller of the Treasury. If you take all of the apparently large fees, going back through that period of years, beginning in 1895, you will find that the average fee is only 9.7 per cent, even including the few cases in which apparently large fees were allowed upon the facts presented, and those large fees are not excessive in regard to the total amount paid the attorneys.

So there is no such situation as the House seemed to think there was.

Mr. CRAMTON. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. CRAMTON. The tabulation to which the gentleman refers, and of which I have a copy, refers to certain judgments and the percentages. It does not show what the limitation was in the acts. That is what I am most curious to know. I am curious to know whether the Court of Claims always gives the maximum permitted by the act. In the case the gentleman refers to, the Sioux case in 1922, there was an attorney's fee of 10 per cent. I suppose that was the maximum that the act permitted.

There was a case in 1927 where again 10 per cent was allowed. I suppose that was the maximum in the act. Now, in the Yankton Sioux Band case there was allowed 8 per cent—$25,000. It would appear that that was the maximum permitted by the act.

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. CRAMTON. Mr. Chairman, I ask that the gentleman may have five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAMTON. On the other hand, there was the Michigan Pottawatomie case, in 1895, where the fee was 35 per cent. I am curious to know whether that 35 per cent was fixed by the Court of Claims or by the act of Congress. In other words, I want to know whether the Court of Claims, when no limitation was put in the act as to the percentage, allowed a 35 per cent fee, which is an unreasonable and improper allowance. I am inclined to assume that the fee was fixed by the act of Congress, and not by the Court of Claims. I would be glad if the gentleman from Montana would insert in his remarks in this connection the tabulation to which reference has been made, adding to it one column that will show what was the limitation in the act.

Mr. LEAVITT. Mr. Chairman, I can not get that insertion in my remarks to-day, but this committee has another Calendar Wednesday next week, and I shall be glad to have the Indian Office prepare that more complete tabulation. The only point that I am trying to make is that in the last comparatively few years, during which the present members of the Court of Claims have been on the bench, there is no evidence of that court's having been excessive in any of the fees that it has allowed, and even if we defeat this amendment we are not removing the limitation. We are saying here that it shall be 10 per cent, but that we will not put upon it the further limitation of $50,000.

Mr. CRAMTON. I have not been speaking in criticism of the Court of Claims. I think that statement is not full enough to enable us to judge. I have a good deal of confidence in what the court will do provided they understand that we mean that the 10 per cent limitation is not necessarily a minimum as well as a maximum.

Mr. LEAVITT. Mr. Chairman, I ask unanimous consent to place in the RECORD in connection with my remarks a memorandum with respect to the famous fee of $750,000, which has been discussed many times on this floor. It has nothing to do with the action of the Court of Claims, and it is in such form that I think it would be very informative to the House.

The CHAIRMAN. The gentleman from Montana asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

The memorandum referred to is as follows:

MEMORANDUM RELATIVE TO THE $750,000 FEE OF MESSRS. MANSFIELD, M'MURRAY & CORNISH

Relative to the $750,000 fee of Mansfield, McMurray & Cornish for certain services rendered as attorneys for the Choctaw and Chickasaw Nations, the facts are set out in the findings of fact made by the United States Court of Claims in connection with its decision of July 1, 1926, in the case of J. F. McMurray v. The Choctaw Nation and the Chickasaw Nation (62 Ct. Cls. 458–470). The court's statement relative to the above-mentioned fee and the services of Mansfield, McMurray & Cornish, for which the above-mentioned fee was awarded by the Choctaw-Chickasaw Citizenship Court, is as follows:

"By act of Congress of June 10, 1896 (29 Stat. 321, 339), the Dawes Commission was authorized and directed to make citizenship rolls of the members of the Five Civilized Tribes of Indians in Indian territory; and an appeal to the United States courts in the territory from the decision of the commission upon the application of any person for enrollment as a citizen of any of said tribes was authorized by said act. Appeals from decisions of the Dawes Commission to the said United States courts were taken in a large number of Choctaw and Chickasaw citizenship cases, involving the citizenship of about 3,600 persons, known as 'court claimants,' about 2,300 of whom were held by said courts to be entitled to citizenship. The Choctaw and Chickasaw Nations contended that most of these persons were not entitled to citizenship and that the court decisions holding them entitled to citizenship had been fradulently procured; and under the advice of their said attorneys in citizenship matters, Mansfield, McMurray & Cornish, set about to secure a review of said court decisions.

"On January 17, 1901, a written agreement was entered into between said attorneys, Mansfield, McMurray & Cornish, and the Choctaw and Chickasaw Nations, acting by their respective executives pursuant to authority granted by acts of their legislative bodies, the general councils of said nations, employing said attorneys to represent said nations, in preventing allotment or distribution of tribal property to the said 'court claimants' and providing for a contingent compensation to them of 9 per cent of the value of the tribal property that would be saved to said nations by the denial of citizenship to any or all of said claimants, said compensation to be for both past and future services of said attorneys to the end in view.

"Said attorneys, Mansfield, McMurray & Cornish, used their best endeavors toward the accomplishment of the purpose of their employment as set forth in said agreement of January 17, 1901; and in the said act of July 1, 1902, a Choctaw and Chickasaw citizenship court was created to determine the validity of the court decisions in the said 'court claimant' cases, such determination to be by the retrial of said cases before the said citizenship court, the tenure or life of which court was at first limited to expire December 31, 1903, but which was subsequently extended to December 31, 1904.

"The said agreement of January 17, 1901, was submitted by Mansfield, McMurray & Cornish to the Department of the Interior on or about February 10, 1903, for approval, and was approved by the Secretary of the Interior on or about February 20, 1903, on condition that the percentage of the fee should be 5 per cent instead of 9 per cent, with a further limitation of the fee to a maximum of $250,000. This modification of the agreement was not accepted by Mansfield, McMurray & Cornish, and a provision was secured by them in the Indian appropriation act of March 3, 1903 (32 Stat. 982, 995), vesting the said citizenship court with authority to fix the amount of said fee.

"Mansfield, McMurray & Cornish represented the Choctaw and Chickasaw Nations in the suits in the said citizenship court, amounting in all to 263 suits, and involving the citizenship rights of about 3,403 applicants for citizenship, of which number all but about 156 were excluded from citizenship, and the allotments they would otherwise have received were saved to said nations. Upon the completion of its work in December, 1904, said citizenship court fixed the fee for the said services of Mansfield, McMurray & Cornish at $750,000, which was about 52 per cent of the 9 per cent fee provided for by the said agreement of January 17, 1901, with said nations. The language of the court in fixing the amount of the fee was as follows:

"'In our opinion the compensation fixed by the contract would be excessive, but the sum of $750,000 would be a reasonable compensation and should be allowed the firm of Mansfield, McMurray & Cornish for

all services connected with citizenship matters under the contract dated January 17, 1901, and in lieu of all expenses save and except such as are provided for by law, as set out in section 33 of the act of Congress approved July 1, 1902, and said amount is hereby fixed and allowed as a reasonable compensation to said attorneys in this behalf.'"

Said fee was subsequently paid Mansfield, McMurray & Cornish by or in behalf of the Choctaw and Chickasaw Nations.

Mr. GARBER. The gentleman has no objection to the phraseology of this bill with reference to the fee, has he?

Mr. LEAVITT. I have no objection, and I have no objection to removing the $50,000 limitation.

Mr. HASTINGS. So that that would be uniform in all these jurisdictional bills?

Mr. GARBER. This is the language in this bill:

Provided, That in no case shall the aggregate amounts decreed by said Court of Claims for fees be in excess of a sum equal to 10 per cent of the amount of recovery against the United States.

That leaves with the court judicial discretion based on the services rendered.

The CHAIRMAN. The question is on the committee amendment in lines 11 and 12 on page 4.

The question was taken, and the amendment was rejected.

Mr. CRAMTON. Mr. Chairman, I send to the desk an amendment to be inserted on page 4, line 11, after the word "State."

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 4, line 11, after the word "State," insert the following:

"The amount of any judgment, after payment of such fees and expenses, shall be placed in the Treasury of the United States to the credit of the Kansas or Kaw Tribe of Indians, and shall draw interest at the rate of 4 per cent per annum, and shall be thereafter subject to appropriation by Congress for educational, health, industrial, and other purposes for the benefit of said Indians, including the purchase of lands and building of homes, and no part of said judgment shall be paid out in per capita payments to said Indians."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan.

Mr. HOWARD of Oklahoma. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. Is it not a fact that most of these Kaw Indians have had their restrictions removed, and have certificates of competency?

Mr. GARBER. Yes; many are competent, and are very successful business men, engaged in different occupations.

Mr. HOWARD of Oklahoma. I am wondering about the propriety of tying up and leaving in the Treasury to be appropriated money that we find due these individuals who have their certificates of competency.

Mr. CRAMTON. We are spending some money for these Indians, and I know that when the time comes for an appropriation they are all very poor Indians. It may be that some of them with restrictions removed are no longer in a position to involve any expense to the Government. Possibly a little different action is required here than in the other bill. Generally this is the policy that ought to be followed. The gentleman from Oklahoma [Mr. GARBER] was already discussing that feature of the case with me when the gentleman from Oklahoma [Mr. HOWARD] rose. My suggestion was that this go on its way to the Senate, and let the matter be thoroughly threshed out and see what the effect is, and then the House, if it desires, can consent to any proper change.

Mr. HOWARD of Oklahoma. It is his bill.

Mr. GARBER. Why prejudice the bill with an amendment which we see in such instances should not apply. This is an exceptional case.

Mr. CRAMTON. Mr. Chairman, I am not yet convinced it does not, because when we have up appropriation bills we make appropriation for these Indians, and then they are "poor" Indians. Now this bill has an adverse report from the Budget and some of us would scan it much more carefully if it is to go in the form of a gratuity to a lot of rich nonrestricted Indians.

Mr. GARBER. It is not going in the way of a gratuity in this bill. Where is there any appropriation in this bill?

Mr. CRAMTON. There will be one if they win the suit.

Mr. GARBER. It will be only the money to which they are justly entitled. There is no gratuity coming from the United States Government.

Mr. HOWARD of Oklahoma. Let me make the suggestion that the gentleman's amendment be so written as to apply to the restricted Indians——

Mr. CRAMTON. If the gentleman will permit, the amendment in question I submitted to the committee, and I suggested this to the gentleman from Oklahoma [Mr. GARBER], and now this comes up as a surprise. I have said to the gentleman from Oklahoma [Mr. GARBER] I am willing to investigate the matter further in connection with any amendment the Senate might make and then be prepared. On the other hand, I do not like to surrender this principle for Indians for whom we are making appropriations for health, education, and so forth. We just allow them to squander foolishly the amount of the judgment and then we go on and pay for their education and health.

Mr. HOWARD of Oklahoma. I am not asking the gentleman to surrender his policy as to the restricted Indians. The point I am bringing out is I do not see the justice of holding money that is found to belong to men having a certificate of competency and not restricted.

Mr. GARBER. Exception should be made of those members from whom restriction has been removed.

Mr. CRAMTON. The trouble with that is this: That in many cases restrictions have been removed unwisely, and the Indians speedily lost everything they had, and now it is being urged upon us in many cases where we should provide for these unrestricted Indians just the same as the restricted Indians. If these 91, or some of them, are wealthy and are no burden to the Government, that is one thing, and I would like a little opportunity to find out.

The CHAIRMAN. The time of the gentleman has expired. The question recurs on the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was agreed to.

Mr. LEAVITT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. MICHENER having taken the chair as Speaker pro tempore, Mr. BEEDY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 8901, had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. LEAVITT. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The motion was agreed to.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

CLAIMS ARISING UNDER INDIAN IRRIGATION PROJECTS

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 13977) authorizing the Secretary of the Interior through the Commissioner of Indian Affairs to settle claims by agreement arising under operation of Indian irrigation projects.

The SPEAKER pro tempore. The gentleman from Montana calls up the bill H. R. 13977. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 13977) authorizing the Secretary of the Interior through the Commissioner of Indian Affairs to settle claims by agreement arising under operation of Indian irrigation projects.

The SPEAKER pro tempore. This bill is on the Union Calendar. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for its consideration. The gentleman from Maine [Mr. BEEDY] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13977, with Mr. BEEDY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13977, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to pay out of funds available for the Indian irrigation projects for damages caused to owners of lands or other private property of any kind by reason of the operations of the United States, its officers or employees, in the survey, construction, operation, or maintenance of irrigation works of such projects and which may be compromised by agreement between the claimant and the Secretary of the Interior, or

such officers as he may designate: *Provided*, That the total of any such claims authorized to be settled as herein contemplated shall not exceed 5 per cent of the funds available for the project under which such claims arise during any one fiscal year.

Amend the title so as to read: "A bill authorizing the Secretary of the Interior to settle claims by agreement arising under operation of Indian irrigation projects."

The CHAIRMAN. The gentleman from Montana [Mr. LEAVITT] is recognized for one hour. Is there anyone who desires to speak in opposition to the bill? If no debate is desired, the Clerk will read the bill for amendment.

Mr. LEAVITT. Mr. Chairman, the author of the bill [Mr. SMITH] does not wish to take up any time on it, and I do not care to speak. I ask that the Clerk read the bill for amendment.

The Clerk read the bill for amendment.

Mr. LEAVITT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House without amendment, with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. MICHENER having resumed the chair as Speaker pro tempore, Mr. BEEDY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 13977) authorizing the Secretary of the Interior through the Commissioner of Indian Affairs to settle claims by agreement arising under operation of Indian irrigation projects, had directed him to report the same back without amendment, with the recommendation that it do pass.

Mr. LEAVITT. Mr. Speaker, I move the previous question to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended.

On motion of Mr. LEAVITT, a motion to reconsider the last vote was laid on the table.

BRIDGE ON SOBOBA INDIAN RESERVATION, CALIF.

Mr. LEAVITT. Mr. Speaker, I call up the bill H. R. 15092.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 15092) to authorize an appropriation to pay half the cost of a bridge on the Soboba Indian Reservation, Calif.

The SPEAKER pro tempore. This bill being on the Union Calendar, the House automatically resolves itself into the Committee of the Whole House on the state of the Union for its consideration. The gentleman from Maine [Mr. BEEDY] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15092, with Mr. BEEDY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15092, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That an appropriation of $11,000 is hereby authorized, out of any money in the Treasury not otherwise appropriated, to pay not to exceed half the cost of the construction of a bridge and approaches thereto across the San Jacinto River near the Soboba Indian Reservation in the State of California, including the cost of surveys, plans, estimates, and specifications, and other necessary expenses connected therewith, on condition that the State of California or the county of Riverside provide the remainder of the cost, and under rules and regulations prescribed by the Secretary of the Interior, who shall also approve the plans and specifications therefor: *Provided*, That before any money is spent hereunder the State or county shall agree in writing to maintain the bridge and approaches without expense to the United States or the Indians.

Amend the title so as to read: "A bill to authorize an appropriation to pay half the cost of a bridge near the Soboba Indian Reservation, Calif."

The CHAIRMAN. The gentleman from Montana [Mr. LEAVITT] is recognized for one hour. Is there anyone who desires to speak in opposition to the bill?

Mr. LEAVITT. I yield five minutes to the gentleman from California [Mr. SWING].

The CHAIRMAN. The gentleman from California is recognized for five minutes.

Mr. SWING. Mr. Chairman and members of the committee, this is a proposal whereby the Government will have the benefit of the cooperation of the county of Riverside in the building of a bridge which is essential to the utilization of the Indian property of which the Government is the trustee.

The Soboba Indian Reservation consists of 4,450 acres, all of which lies on the north side of the San Jacinto River. The town of San Jacinto lies on the south side of the river. San Jacinto City is the only source of supply for the people who live on the reservation. During high water in winter the San Jacinto River can not be safely forded, and, therefore, the occupants of the reservation are cut off from the bases of their supplies because they can not get to town.

Also the Indian children on the reservation have to attend the public schools in the city of San Jacinto. When the river is up it is impossible for the Indian children to get across to go to school, and they are interrupted in their attendance at school.

In addition to that the Mission Indian Hospital, which is the hospital for about 8 or 10 Indian tribes in southern California, is located on the Soboba Reservation.

Recently we made a $30,000 addition to the hospital, which increased its capacity. It is impossible to get across the river to this hospital at high water, and a number of hardships and unnecessary suffering—including some maternity cases—have resulted from the inability to get across the river to this hospital at high water. There used to be a bridge there, which was built by the local people. It was not a very good one, and it washed out in a storm about two years ago. It has not been replaced.

The county of Riverside feels that it does not have by itself enough interest in the proposition to justify it building a new bridge at its own expense, which would be primarily for the benefit of the Indians. It is willing, however, to comply with the terms of this bill. It is willing to pay half the cost of the bridge and approaches and agrees thereafter to maintain it at its own expense, without further contributions from either the Government or the Indians.

Mr. Chairman, I yield back the remainder of my time.

Mr. CRAMTON. Mr. Chairman, I ask recognition in opposition to the bill.

The CHAIRMAN. The gentleman is recognized for one hour.

Mr. CRAMTON. I will not need all of that time.

Mr. Chairman and gentlemen of the committee, I want to call the attention of the committee to what kind of a precedent this bill would constitute if passed. I realize that if the committee wants to establish that kind of a precedent it will do so.

We have had a good deal of difficulty about getting money for the building of roads and bridges on Indian reservations. All through the years there has been a crying demand for roads and bridges on Indian reservations, but we have not been able to build them as fast as was really desirable. However, this year we have entered on a program of $250,000 a year for the building of roads and bridges on Indian reservations, but that appropriation is tied up with a limitation requiring the use of Indian labor, other than for engineering and supervision. In other words, that $250,000 is to be highly beneficial to the Indians, not only because of the roads and bridges constructed but because of the labor it will furnish to those Indians.

We have in some cases, where a river constituted the boundary of an Indian reservation, put up our half of the cost of a bridge across such river, but this is the first time that I know anything about where it has been seriously proposed that we should go outside of an Indian reservation, not in contact even with the boundary of the Indian reservation, and build a road or build a bridge on a highway outside of the reservation. This is a bill to have the Federal Government pay half the cost of a bridge that is not on a reservation or in contact immediately with it, it being something like half a mile away from the reservation.

There has been a great deal of attack on the policy of the Government with reference to Indians. The fact is that no Government has ever treated any aboriginal race with one-tenth the generosity that this Government has shown toward the Indians in this country. There is no place where there is more of criticism of the Government than in California; no place where they demand more of the Federal Government and pay less than in California, and yet here is a case where they come and ask us to develop the roads on a reservation and not only to feed and clothe those Indians when they are destitute, but to pay half the cost of building a bridge. They are citizens of California and they are voters in California. We are not only to provide them their health and education, but now they want us to go some distance from the reservation and pay half the cost of building a bridge.

Mr. LEAVITT. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LEAVITT. What is the distance?

Mr. CRAMTON. A half mile, I have stated.

Mr. LEAVITT. I think not.

Mr. CRAMTON. Well, I will say that to-day I inquired of the Assistant Commissioner of Indian Affairs, but unfortunately the telephone service was not quite perfect and when the message came back, instead of getting me they got the gentleman from New Jersey [Mr. PERKINS], who is now present, and he was kind enough to give me the message. I think I quote him correctly when I state that the message from the Indian Office was to the effect that the bridge was a half mile from the reservation.

Mr. PERKINS. Will the gentleman yield?

Mr. CRAMTON. I yield to the gentleman.

Mr. PERKINS. The gentleman has correctly stated the fact.

Mr. CRAMTON. I am fortunate in that I have an independent witness.

Mr. LEAVITT. The gentleman from California, who comes from that district, will make a statement with regard to the exact situation. We do not question that the gentleman from New Jersey got that information over the telephone, but we do question that those are the facts.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. CRAMTON. Yes; I yield.

Mr. HOWARD of Oklahoma. I would like to ask the gentleman from California whether there is a school on this reservation for these children?

Mr. SWING. No; there is no school on the reservation for these children. The Indian children have to go to the town of San Jacinto, which is on the opposite side of the river, in order to get their schooling, and their schooling has been interrupted each winter during high water through their inability to ford the river.

Mr. CRAMTON. The statement of the gentleman from California is an admission that the State of California, or the county, is not willing to bear its share of the burden. If we provide for their schooling, the State of California ought to build its own bridges on roads outside of the reservation and roads that serve whites as well as Indians. I do not know just what kind of a road this is or where it goes, but my understanding is that it is not exclusively a road to reach the reservation, but is a road which serves other white communities.

Now this amount of $11,000 is not so bad, but I think, as long as we are having difficulty in building all the roads and bridges on Indian reservations that are needed, that we ought not to start the policy of going outside a reservation and building those roads and bridges, and inasmuch as these Indians are citizens of California and their development and progress will add to the future of California, I think the State and this county ought to be delighted to build a bridge outside of the reservation that may be incidentally used by these Indians.

Mr. LEAVITT. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. SWING].

Mr. SWING. Mr. Chairman and gentlemen of the committee, I beg your indulgence for further imposing upon your time. I can appreciate what the gentleman from Michigan has in mind in fearing the establishment of a precedent by going off of a reservation to build a bridge, and I think that such proposals should be scrutinized carefully, and I am willing to have this particular proposal carefully scrutinized.

Of course, there must have been some reason why the Indian Service, after carefully investigating this matter from last year to this year, would favor this proposition, and the reason is this: While a bridge can be built across the river on the reservation and thereby bring it within the precedents of which the gentleman from Michigan has approved in the past, yet to do so would cost $60,000, while by going about 100 yards off of the end of the reservation there is a narrow place in the river where it is possible to build the bridge at a cost of only $22,000, and I am sure that the gentleman from Michigan, under this particular and peculiar set of facts, will say that it does not establish a bad precedent but that it constitutes the use of common sense and good business judgment to save both the Federal Government and the local people the extra cost of the bridge.

Mr. CRAMTON. Will the gentleman yield?

Mr. SWING. Certainly.

Mr. CRAMTON. Of course, the statement I get is that it is half a mile, which statement they gave me after some examination of the files; but under the gentleman's statement, if the bridge was built on the edge of the reservation, the share of California, on a half-and-half basis, would be $30,000, but by going up to this other point, half a mile or so from the reservation, they get out of it for $22,000, even if we do not take any share in it, and I think they ought to be satisfied with that material saving.

Mr. SWING. The trouble is that the local community, which is merely the county—as a matter of fact, it is only one road district—that feels at all inclined to pay, are unwilling to support a proposition under which each side would have to pay $30,000, and it was through the investigation of the county engineer that this present proposal was evolved, which has been approved by the county, by the Indian Service, and by the Budget officer in charge of this particular kind of expenditure.

Mr. CRAMTON. Will the gentleman yield further?

Mr. SWING. Yes.

Mr. CRAMTON. Can the gentleman tell us where the road goes after it leaves the village and goes on to the Indian reservation?

Mr. SWING. That is as far as I have been, but I am told that beyond the reservation a road of some kind goes on up the canyon to a few white settlers. It goes primarily to the reservation. There are few people living beyond. I will say that there are some white settlements before you get to the reservation on the left-hand side, but the road and the bridge is primarily for the occupants of the 4,450 acres of Indian reservation.

Mr. CRAMTON. And it serves very materially those white developments above?

Mr. SWING. But for that the local interest would not feel justified in the expenditure of $11,000. Certainly it does serve some purpose for the white people as well as the Indians, but it is primarily for the benefit of the Indians, and I see no possible objection that can come from putting the bridge where it can be built most safely for its maintenance and most cheaply for its original cost and thereby reduce the share which the Government usually would have to pay in a case of this kind.

Mr. CRAMTON. Will the gentleman yield further? I will grant the gentleman all the time he wants.

Mr. SWING. Certainly.

Mr. CRAMTON. I wonder what the attitude of California or of this county would be when it comes time, and perhaps is now, to build a road across the Indian reservation to connect up with this bridge and to let these white settlers get from their holdings across the Indian reservation to the bridge. When it comes time to build that road across the Indian reservation to serve very materially the whites above, is the State or the county prepared to pay one-half the cost of that highway? If they would make that agreement I think I would have no objection to our paying one-half the cost of the bridge outside.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. CRAMTON. Mr. Chairman, I yield the gentleman 10 minutes.

Mr. SWING. If the gentleman will permit, the white settlers beyond the Indian reservation, to which he is referring, are very few in number, and I can not think of a time when the county would be interested in asking the Government to pave a way through the reservation for only a dozen settlers or so who are doing a little dry farming on a hillside.

Mr. CRAMTON. Are there not more than that? It is my understanding there are more whites above the reservation to be served by this bridge than there are Indians on the reservation.

Mr. SWING. If that is so, I do not know it. There are some people, as I have said, after you cross the bridge, that live on the turn to the left, whereas the turn to the right takes you almost immediately onto the Indian reservation.

I thank the gentleman for the time he has yielded to me and I yield back to him the remainder of the time.

Mr. LEAVITT. Mr. Chairman, I only wish to state that the committee gave this bill careful consideration and had in mind the fact that all these matters had been considered by the Indian Bureau and by the Budget. We have had evidence this afternoon that the Budget does not allow a favorable report on Indian bills with which it has any difference of opinion. But here we have a favorable report from these various sources, and there is the feeling on the part of the committee that it is not just to the Indians under these circumstances to quibble with regard to how this expense is to be met when we are not violating any principle that has not already been established, with one exception, and that is that in order to get a cheaper site for the bridge we go off the reservation about 100 yards. The county takes over the continual expense of maintaining the bridge.

The principal value of the bridge is to the Indians. They do not have access to the school, they do not have proper access to the hospital without this bridge, and we feel their needs are such that the bill should be passed as it has been reported by the committee.

Mr. HOWARD of Oklahoma. Will the gentleman yield to me?

Mr. LEAVITT. I yield to the gentleman five minutes.

Mr. HOWARD of Oklahoma. Mr. Chairman, I want to say that I supported this measure in committee for the reason that we find that there are 4,450 acres of land in this reservation, 32 Indian homes, hospitals, and so forth, thereon that are not taxable in the State of California. Then we find that these people in that sparsely settled country have themselves expended $12,500, confining the river and making it narrower and safe so that it has reduced the cost of this bridge. Then we find again that these Indian children can not attend school as regularly as they ought unless provision is made so that they can get across the river. In view of these facts, and the fact that the land is nontaxable, that the settlers have expended their own funds on the river, we thought that it was nothing more than right for the Government to help build this bridge.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill.

Mr. CRAMTON. Mr. Chairman, I move to amend by striking out, on page 1, line 3, the words "of $11,000," and insert in line 7, after the word "reservation," the words "and of a road across said reservation."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. CRAMTON: On page 1, line 3, strike out the words "of $11,000," and in line 7, after the word "reservation," insert the words "and of a road across said reservation."

Mr. CRAMTON. Mr. Chairman, with reference to that amendment, I would have preferred to move to strike out all after the enacting clause, for reasons that I have stated, but to do so would defeat the bill. If the bill is not improved as I suggest I will move to strike out all after the enacting clause; but desiring to go as far as possible along with the views of the gentleman from California the amendment I have suggested would provide that this bridge outside of the reservation up there in the county highway, and the road into the reservation across the Indian lands, both of which will serve not only the Indians but the white settlers, if the county will pay half of the cost of the road across the reservation as it is proposed, and half the cost of the bridge. I hope that the committee and the gentleman from California will accept it.

Mr. LEAVITT. Mr. Chairman, the committee has given no consideration to the amendment offered by the gentleman from Michigan, and I do not feel that the committee can accept the amendment. We do not know that such a road is necessary for the benefit of the Indians—such a road as is proposed in the amendment by the gentleman from Michigan. It may be that if we accepted the amendment we would be imposing on the Treasury of the United States half the cost of a road not necessary and requiring the State of California to spend money on a road not necessary. That it would cause a delay for another season, and perhaps indefinitely, in the construction of the bridge that is required for the health and the general well-being of the Indians, not only on that reservation but in the surrounding country.

Mr. CRAMTON. Will the gentleman yield?

Mr. LEAVITT. I yield.

Mr. CRAMTON. My amendment does not stipulate what kind of a road it shall be; we are leaving that to the discretion of the Indian Service and the county. Certainly, if the people are to get to the bridge there ought to be some kind of a road to get them there.

Mr. LEAVITT. I understand there is a road sufficient for the Indians to reach the bridge—the bridge is the only problem here.

Mr. CRAMTON. But it is not an improved road—very crude. I do not believe that we should make an expenditure on the bridge, but if we are, then the county ought to be willing to come in and help build the road.

Mr. HASTINGS. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. HASTINGS. What is the distance across the reservation?

Mr. SWING. The reservation consists of 4,450 acres, and the gentleman can judge something about it.

Mr. HASTINGS. Well, it might be a short distance or it might be a long distance. Is it a mile?

Mr. SWING. It is over a mile. The only thing presented to us is for this bridge, and it would seem to me that with the apparent lack of definite information as to this need for a road, it would be a mistake to write into the bill a provision that would prevent the construction of a bridge until there had been also constructed a road, which may not be even needed.

Mr. CRAMTON. Mr. Chairman, in view of the opposition of the committee and of the gentleman in charge of the bill to the olive branch extended, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. CRAMTON. Mr. Chairman, I move to strike out the enacting clause.

The CHAIRMAN. The question is on the motion of the gentleman from Michigan to strike out the enacting clause.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were—ayes 5, noes 16.

So the amendment was rejected.

Mr. LEAVITT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BEEDY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15092) to authorize an appropriation to pay half the cost of a bridge near the Soboba Indian Reservation, Calif., and had directed him to report the same back with the recommendation that it do pass.

Mr. LEAVITT. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. CRAMTON. Mr. Speaker, I demand the reading of the engrossed copy of the bill.

The SPEAKER. The gentleman from Michigan demands the reading of the engrossed copy of the bill. Obviously that is impossible.

Mr. LEAVITT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEAVITT. Does that leave the bill in a position to be called up by the Committee on Indian Affairs at its next day, next week?

The SPEAKER. Yes; when the engrossed copy of the bill will be read.

OSAGE TRIBE OF INDIANS

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 16248) for the relief of the Osage Tribe of Indians, and for other purposes, on the Union Calendar, and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman calls up the bill H. R. 16248, on the Union Calendar, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $52,469.75, collected on account of lease and other fees at Osage Indian Agency, Okla., and deposited in the Treasury of the United States as miscellaneous receipts in accordance with the requirements of the act of February 14, 1920 (41 Stat. 415, U. S. C., title 25, sec. 413), is hereby authorized to be appropriated from any money in the Treasury not otherwise appropriated and to be credited on the books of the Treasury Department to the Indian tribal fund entitled "Proceeds of oil and gas leases, royalties, etc., Osage Reservation, Okla.": *Provided*, That any additional sums which have been collected at Osage Agency on account of fees under the act referred to but not yet deposited as miscellaneous receipts, shall likewise be covered into the Treasury to the credit of the tribal fund named herein: *Provided further*, That fees collected hereafter under the said act of February 14, 1920, at any agency where the expenses of selling and leasing Indian lands, marketing the timber on such lands, etc., are paid from Indian tribal funds made available therefor by law, shall be deposited in the Treasury to the credit of such tribal funds instead of to the credit of miscellaneous receipts, and the said act is hereby amended accordingly.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

TRESPASSING ON INDIAN LANDS

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 13455) to authorize the collection of penalties and fees for stock trespassing on Indian lands, on the Union Calendar, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Montana calls up the bill H. R. 13455, on the Union Calendar, and asks unanimous

consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That any person owning or having in his charge or possession any horses, mules, cattle, goats, sheep, or swine, or any such animals, and who permits such stock to range and feed on any restricted lands belonging to any Indian or Indian tribe, or otherwise trespass thereon, without the consent of the superintendent or other officer in charge thereof, shall be liable to a penalty of $1 for each animal of such stock, together with an amount equal to the annual grazing fee therefor in lieu of damages, and the cost of rounding up and caring for the animal and collecting the amount due.

SEC. 2. The superintendent in charge of any Indian or Indian tribe is authorized to seize and hold all stock found on lands under his jurisdiction in violation of the above provision, pending payment of the penalty authorized. Stock not claimed by the owner, after proper advertising, shall be disposed of and the funds derived therefrom handled and disposed of under such regulations as the Secretary of the Interior may prescribe: *Provided*, That any funds received from the sale of unclaimed stock in excess of the penalty prescribed shall be held in such manner that any person submitting proof of ownership of any such stock within a period of six months from the date of sale may receive such excess funds derived from the sale of his stock.

SEC. 3. Section 2117, Revised Statutes, is hereby repealed.

With the following committee amendment:

Page 2, line 15, after the word "stock," insert a colon and the words: "*Provided*, That this statute shall not apply to the lands of the Five Civilized Tribes and other Indian lands in the State of Oklahoma."

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

SCHOOL ATTENDANCE ON INDIAN RESERVATIONS

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 15523) authorizing representatives of the several States to make certain inspections and to investigate State sanitary and health regulations and school attendance on Indian reservations, Indian tribal lands, and Indian allotments.

The SPEAKER. The gentleman from Montana calls up the bill H. R. 15523, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior shall permit the agents and employees of any State to enter upon Indian tribal lands, reservations, or allotments therein for the purpose of making inspection of health and educational conditions and enforcing sanitation and quarantine regulations or to enforce compulsory school attendance of Indian pupils, as provided by the law of the State.

With the following committee amendment:

Line 9, after the word "State," insert "under such rules, regulations, and conditions as the Secretary of the Interior may prescribe."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

REINVESTING TITLE TO CERTAIN LANDS, YANKTON SIOUX TRIBE OF INDIANS

Mr. LEAVITT. Mr. Speaker, I call up the bill S. 2792 on the House Calendar.

The SPEAKER. The gentleman calls up the bill which the Clerk will report.

The Clerk read as follows:

An act (S. 2792) reinvesting title to certain lands in the Yankton Sioux Tribe of Indians

Be it enacted, etc., That all claim, right, title, and interest in and to certain lands on the Yankton Sioux Indian Reservation in the State of South Dakota, now reserved for agency, schools, and other purposes (embracing 1,000 acres, more or less), pursuant to the act of Congress dated August 15, 1894 (28 Stat. 286), be, and is hereby, reinvested in the Yankton Sioux Tribe of Indians subject to the continued use of such lands for agency, schools, and other purposes, until they are no longer required for such purposes: *Provided, however*, That this act shall not be construed to make any such land available for allotment purposes.

Mr. CRAMTON. Mr. Speaker——

The SPEAKER. Does the gentleman from Montana yield to the gentleman from Michigan?

Mr. LEAVITT. I yield such time as the gentleman may desire.

Mr. CRAMTON. Mr. Speaker, I do not intend to take much time, but I do think the attention of the House ought to be called to what this bill does. Personally, I do not see any justification for this bill. It is opposed, as disclosed from the report and from the report of the department, apparently on good grounds. It is a bill to reinvest title in certain lands in the Yankton Sioux Tribe of Indians. There is no compensation to the Federal Government. There is no consideration for the revesting. There is no showing of any reason to justify it. Now the report of the department is as follows:

The land mentioned consists of approximately 800 acres and is a part of the area ceded and sold to the United States by the Yankton Tribe under the act of April 15, 1894 (28 Stat. 286–319), but reserved by this department August 27, 1894, for school and agency purposes.

We bought these lands from these Indians and then set them aside to be used for school and agency purposes for the benefit of these Indians, and the Government furnished the money to carry on the agency and the school. Now, a little further:

There are 40 buildings on the land used in connection with school and administrative activities, the land and buildings being valued at about $50,000.

These buildings were constructed, I might say, at the expense of the Federal Government. They are going to be operated by the Federal Government, at the expense of the Federal Government, for the benefit of these Indians. Then, down farther:

The lands ceded and sold by the Indians to the United States, excepting that reserved for certain purposes, were immediately opened to homestead entry at $3.75 per acre, which represented their value at that time.

I will say I am not concerned about the $3.75 an acre paid these. I would not worry about the $3.75 an acre; but the department says further:

However, it is not believed that a reconveyance is advisable. It would be a step backwards, in that it would necessarily limit the jurisdiction of the Federal Government over the reserved area and bring about some undesirable conditions that could not be readily controlled. For the reasons given, it is recommended that S. 2792 be not enacted into law. The Director of the Bureau of the Budget advises that the proposed legislation is in conflict with the financial program of the President.

Now I have so much confidence in the Committee on Indian Affairs that I do not understand how this bill got out of that committee. Here is what it does. It takes land which we bought from these Indians and paid for and which we have improved with buildings which we are using for the benefit of those Indians, and we are divesting ourselves of jurisdiction over certain lands where we still want to use the land for the benefit of those Indians. The Government says it limits jurisdiction and brings about a certain undesirable condition that could not be readily controlled. The introduction of the automobile and the building of good roads has increased greatly the difficulty of administering law and order on these reservations, and in little communities that are established about the agency, including trading posts, and so forth, they have enough trouble to guard against the establishment of bootlegging joints and other undesirable things around in the reservation.

We ought not to lessen the authority of the department over that area. We ought not to weaken their power to regulate the situation. There is no showing whatever that this results in any particular benefit to the Indians. There is nothing in the report of the committee, nothing in the report of the department, to indicate that the Indians are particularly benefited, because we still continue to operate our agency and other activities there. But we do not have the authority over the situation, if this bill becomes a law, that we have now.

I hope that this is one bill that the committee will not agree to.

Mr. LEAVITT. Mr. Speaker, I yield to the gentleman from South Dakota [Mr. CHRISTOPHERSON] 10 minutes.

The SPEAKER. The gentleman from South Dakota is recognized for 10 minutes.

Mr. CHRISTOPHERSON. Mr. Speaker, the gentleman from Michigan [Mr. CRAMTON] has made a very forceful and effective

argument, but the great part of it is wholly aside, to my mind, from the facts in regard to the measure. The Indians are asking for the return of this land to them when the Government ceases to use this land for school purposes. That is all there is involved in it. It is a question whether we will let these lands revert to the Indians when that time comes. Under the proposed law nothing is taken from the Government. This is only giving back to the Indians something we have taken from them in the past.

The argument that the gentleman from Michigan makes, that this will embarrass the administration of affairs down there, is not convincing. I can not see that it will in any way change the authority of the Government over this reservation in the east. This law does not become effective, if it passes, until the Government ceases the operation of its schools down there, and then the land reverts back to the Indians. Until that time the Government will have the full jurisdiction over these lands that it has now.

Mr. CRAMTON. The bill becomes effective as soon as it becomes a law, as soon as it is signed by the President, because it says, "Is hereby reinvested in the Yankton Sioux Tribe of Indians, subject to the continued use of such lands for agency, schools, and other purposes." That is giving to the Government, after this becomes a law, a less control than it has now.

If it is agreeable to the gentleman, I would suggest an amendment, which would accomplish what the gentleman from South Dakota is working for, and that amendment is to strike out lines 10, 11, and 12, and change them so that the bill will read this way:

Be, and is hereby, reinvested in the Yankton Sioux Tribe of Indians when they are no longer required for agency, school, or other purposes.

To that I will have no objection.

Mr. CHRISTOPHERSON. I have no objection to that. It is not my intention in this bill to deprive the Government of any supervision or regulation over this land while the Government continues to occupy the same.

Mr. CRAMTON. That will accomplish what is desired.

Mr. CHRISTOPHERSON. I have no objection.

Mr. LEAVITT. Mr. Speaker, the entire purpose of the bill will not be changed, so far as the Committee on Indian Affairs is informed, by accepting that amendment. The delegation of Indians who appeared before the committee presented their desire that whenever these lands ceased to be needed for the purposes they are used for they should be passed back to the custody of the tribe for a community center. That is what they want. Until the Government is through with this land the Government shall be the owner of it. The proposed amendment would not change the character of the bill materially at all.

Mr. HASTINGS. Mr. Speaker, I would like to have some time.

Mr. LEAVITT. I yield to the gentleman five minutes.

The SPEAKER. The gentleman from Oklahoma is recognized for five minutes.

Mr. HASTINGS. Mr. Speaker, the reason why I am taking the floor is to bring to the attention of the House that part of the report which is very illuminating, found in the last two lines, which says:

The Director of the Bureau of the Budget advises that the proposed legislation is in conflict with the financial program of the President.

If I had my way about it, whenever such a report as that came to the committee, by direction of the committee I would return it, because it gives no information. It does not show the proper respect for the committee. It does not give any reasons why the Bureau of the Budget opposes it. It does not give any reasons as to why it is against the financial program of the President. In fact, there is no information in it at all.

Mr. LEAVITT. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. Certainly.

Mr. LEAVITT. In this case, of course, the gentleman will recognize that the committee did not accept that as a reason for not reporting the bill favorably.

Mr. HASTINGS. I am glad the committee did not. I rose to call the attention of the House—and I hope it will go beyond the House to the country—to the fact that that last clause found in the report conveys no information whatever. If the Bureau of the Budget wants to influence the committee, it should impart the facts upon which an adverse report is made for the benefit of the committee.

Mr. HOWARD of Oklahoma. Can the gentleman site any such remark or report by the Budget Bureau upon any other bill as to the reason?

Mr. HASTINGS. Yes. That is why I rise now. I want to call the attention of the House to this criticism not relating alone to this particular bill but similar language is used in many reports on other bills. I trust that hereafter committees receiving that kind of a statement in a report will return it for more definite information.

Mr. ARENTZ. The gentleman has in mind that there should be a different wording in the report of the Budget officer as to a bill containing an appropriation and a bill not containing an appropriation?

Mr. HASTINGS. Yes. I think the Budget Bureau, in making an adverse report on a bill, should give its reasons why.

Mr. ARENTZ. But if the bill contains no appropriation and has nothing to do with the expenditure of money, it certainly has not anything to do with the Budget, and if the Budget expresses an opinion upon such a piece of legislation it is merely expressing a policy that should under no circumstances come from the Budget. That is the point I had in mind.

Mr. HASTINGS. I heartily agree with the gentleman. No appropriation is carried here. [Applause.]

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

Amendment offered by Mr. CRAMTON: On page 1, strike out lines 10, 11, and 12, down to and including the word "purposes" and insert in lieu thereof the following: "When they are no longer required for agency, school, and other purposes."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

RAYBURN, OF TEXAS

Mr. McDUFFIE. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Alabama asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. McDUFFIE. Mr. Speaker and gentlemen of the House, I am not one of those who believes that every magazine article, however much it strikes our fancy, should be printed in the CONGRESSIONAL RECORD, and rarely do I ask permission to print.

It was my privilege, however, to read a few days ago an article in a new magazine, Bunker's Monthly, the Magazine of Texas, published in the city of Fort Worth, a most interesting article entitled "RAYBURN, of Texas." This article was written by Dr. Walter Splawn, a former president of the University of Texas, and a transportation expert of nation-wide reputation. It refers especially to the services of our distinguished colleague of Texas [Mr. RAYBURN], who has served on the Interstate and Foreign Commerce Committee for many years, and with great distinction. The Committee on Interstate and Foreign Commerce has amongst its membership very able men, both Republicans and Democrats, but none of them has performed more constructive service than Mr. RAYBURN.

I am sure the Membership of the House appreciate and concur in the high estimate that Doctor Splawn places upon the service Congressman RAYBURN has rendered to his State and his country. I feel that this recognition by so eminent an authority of public service of our colleague should be a part of the permanent records of the Congress. Therefore, Mr. Speaker, I ask unanimous consent to extend my remarks by printing this article in the CONGRESSIONAL RECORD. [Applause.]

The matter referred to is as follows:

RAYBURN, OF TEXAS—AN ESTIMATE OF THE WORK OF THE RANKING MEMBER OF THE HOUSE COMMITTEE ON INTERSTATE COMMERCE

By Walter Splawn, transportation economist and former president of the University of Texas

In making a study of transportation problems one finds the record of hearings of the Senate Committee on Interstate Commerce and of the House Committee on Interstate and Foreign Commerce to be indispensable. If one attends the hearings of these committees one is impressed by the difference between the methods of the Senate and of the House. Only on exceptional occasions are all members of the Senate committee in attendance. Quite frequently not more than half a dozen—perhaps only 2 or 3 members—out of a total of 19 are present. On the other hand, it is very exceptional not to find a majority of the House committee present at any one of its meetings. In fact, the House Committee on Interstate and Foreign Commerce has an exceptional record for devotion to its work. It is quite common to find every member of the committee not only present but alert and taking an active and intelligent interest in the proceedings. This committee has made an enviable reputation for assiduity, thoroughness, fairness, and devotion to the public interest.

The House Committee on Interstate and Foreign Commerce has jurisdiction over bills pertaining to the public health; aids to navigation, such as establishing and maintaining lighthouses; guarding the coast, being the work formerly included under the divisions of safety and

revenue cutters; bridges over navigable streams; the Panama Canal; the barges, such as the *Black Warrior*; telephone and telegraph; and now they are confronted with demand for regulation of busses and motor trucks engaged in interstate commerce. From this list of important subjects of legislation one is able to see how the work of the committee again and again touches the lives and affects the well-being of every man, woman, and child in the entire United States. The questions considered are so varied and frequently so complicated that they may be competently handled only by men who have served for years and who have had time to master these important and rather difficult fields of legislation. In selecting members of this committee the House ordinarily picks men from districts with a reputation for returning their Members indefinitely. A district fortunate enough to secure a place on this committee usually wins a preeminence and leadership in the House that is really enviable. Again and again this committee furnishes the country with eminent and trusted leaders. Such men are developed through years of application to the weighty questions presented to the committee in grappling with problems that are continually arising in this active and progressive Nation.

It should be a source of pride to every Texan that the ranking Democrat on the House Committee on Interstate and Foreign Commerce is a member of the Texas delegation. Hon. SAM RAYBURN, of Bonham, Tex., entered Congress in 1913 and at the special session called by President Wilson he was, on June 3 of that year, appointed a member of this powerful committee. During 15 years he has sat in the councils of a committee that has dealt with the most perplexing and most important questions of transportation that have ever been presented to the American Congress.

During the first six years of the Wilson administration the Democrats were in power, and as a member of the majority of the committee he helped to shape legislation which made the interstate act to regulate commerce a more workable law, and he helped to fashion the measure under which the railroads were made to serve the greatest interests of the Nation during the trying years of the World War.

During the war this committee had jurisdiction over bills concerning war risks, soldiers' compensation, and insurance. The Wilson administration earned the gratitude of the country for the enlightened manner in which these questions were met.

SAM RAYBURN handled that body of legislation on the floor of the House. He was the author of an amendment which made the initial carrier liable to the shipper for the safe transport of goods through to destination, though lines in other States and jurisdiction might participate in the movement. This relieved the shipper from the burden of locating just which railroad had damaged his goods, and prevented a game of hide and seek among railroads engaged in a joint haul of goods which happened to suffer damage in transit. RAYBURN was a member of the subcommittee which drew the statute creating the Federal Trade Commission.

Texas was a pioneer in regulating the issuing of stocks and bonds by railroads. RAYBURN, before being sent to Congress, had been a speaker of the Texas House of Representatives. He was familiar with the benefits of the Texas law regulating railway securities. Before the war he passed through the House a bill similar to the Texas statute. It was defeated in the Senate. In 1920 the Rayburn bill was accepted, and practically without change it was written into the transportation act of 1920 and is now a Federal law. Under the leadership of Reagan and Hogg, Texas regulated railway securities. Under the leadership of RAYBURN, of Texas, the Federal Government adopted the Texas policy.

Since the war, though the Republicans have been in the majority on the committee, Mr. RAYBURN's work has been of such high order that he has won nation-wide recognition. In recent years much of his time has been taken up with preventing undesirable legislation. Year after year he has patiently gone through thousands of pages of testimony, has listened to witnesses representing every interest, and has carefully brought to light in each case the distinction between the public interest and the selfish interest of some group.

American civilization is dependent upon transportation facilities. Without the railroads vast stretches of our country could not have been settled. Without the railroads our commerce, industries, mining, and agriculture could not have developed as we know them to-day. America boasts of the best railroad transportation system in the world, and the American Government is leading the world in the regulation of privately owned and operated railroads. The fairness and justice with which these roads are regulated and with which they serve the public is largely dependent upon the temper of congressional action. The people of Texas may well rejoice that a son of our State should be a leader in determining governmental policies with reference to transportation, and that he has worked with such wisdom that even those who may not agree with him concede his fairness, his ability, his devotion to the public interest, and his courage.

Mr. RAYBURN is now ranking Democrat on the committee, having reached that eminence during the Sixty-ninth Congress. If the Democrats control the next House of Representatives, he will be the chairman of the committee. That will mean that Texas will have one of the most important chairmanships in the entire Congress.

Texas has been active in the field of railway legislation and regulation. It was Senator Reagan who was a pioneer of the act to regulate commerce. It was he who had the patriotism to resign a seat in the United States Senate in order to set up the work of the Texas Railroad Commission. On the Texas Railroad Commission the late Allison Mayfield served many years with great distinction, and by reason of his long tenure and unusual fairness and capacity won a national reputation and brought great prestige to the Texas commission. The mantle of Reagan and Allison Mayfield has fallen upon SAM RAYBURN, who is the ranking Democrat on the House Committee on Interstate and Foreign Commerce, and who through his services is bringing to Texas the same high order of recognition that was first won in earlier years by John H. Reagan and Allison Mayfield.

NIOBRARA ISLAND

Mr. LEAVITT. Mr. Speaker, I call up Senate bill 4979, to authorize the city of Niobrara, Nebr., to transfer Niobrara Island to the State of Nebraska.

The SPEAKER. The gentleman from Montana calls up a bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of the United States is hereby granted to the city of Niobrara, Nebr., to transfer to the State of Nebraska all the rights, title, and interest of such city in and to Niobrara Island, an island in the Niobrara River, if the State of Nebraska, before the expiration of five years from the date of the enactment of this act, formerly accepts such island subject to the same conditions (except the condition as to time of acceptance) as are imposed by section 21 of the act entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," approved March 2, 1889, in respect of the donation to the city of Niobrara of such island.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

OSAGE INDIANS IN OKLAHOMA

Mr. LEAVITT. Mr. Speaker, I call up Senate bill 2360, to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. p. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes.'"

The SPEAKER. The gentleman from Montana calls up a Senate bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the Act of Congress approved March 3, 1921 (41 Stat. L. 1249), entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes," be amended by adding after the last line of said section 1 the following:

"*Provided further*, That the Secretary of the Interior may reduce the area to be offered annually hereunder, or suspend the offer of leases for not exceeding two years at any one time when, in his opinion, an overproduction of oil, or inadequate prices therefor, make such extension or suspension desirable in the interests of the Osage Nation, the entire unleased area, however, to be offered for lease not later than April 8, 1936."

With the following committee amendment:

Page 1, beginning in line 3, strike out all of lines 3 to 7, and all of lines 1 to 8, inclusive, on page 2, and insert in lieu thereof the following:

"That section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), relating to the Osage Indians of Oklahoma, be, and the same is hereby, amended to read as follows:

"That all that part of the act of June 28, 1906 (34 Stat. L. 539), entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,' which reserves to the Osage Tribe the oil, gas, coal, or other minerals, covered by the lands for the selection and division of which provision is made in that act is hereby amended so that the oil, gas, coal, or other minerals, covered by said lands are reserved to the Osage Tribe, until the 8th day of April, 1958, and as long thereafter as oil, or gas, or other minerals are found in paying quantities, and all royalties and bonuses arising therefrom shall belong to the Osage Tribe of Indians, and shall be disbursed to members of the Osage Tribe or their heirs or assigns as now provided by law, after reserving such amounts as are now or may hereafter be authorized by Congress for specific purposes, and the lands, moneys, and other properties now held in trust or under the supervision of the United States for the Osage Tribe of Indians, the members thereof, or their heirs and assigns shall continue subject to such trust and supervision until January 1, 1959, unless otherwise provided by

act of Congress. The Secretary of the Interior and the Osage tribal council are hereby authorized and directed to offer for lease for oil, gas, and other mining purposes any unleased portion of said land in such quantities and at such times as may be deemed for the best interest of the Osage Tribe of Indians: *Provided*, That not less than 25,000 acres shall be offered for lease for oil and gas mining purposes during any one year: *Provided further*, That as to all lands hereafter leased, the regulations governing same and the leases issued thereon shall contain appropriate provisions for the conservation of the natural gas for its economic use, to the end that the highest percentage of ultimate recovery of both oil and gas may be secured: *Provided, however*, That nothing herein contained shall be construed as affecting any valid existing lease for oil or gas or other minerals.

"Homestead allotments shall remain exempt from taxation while the title remains in the allottee or in his unallotted heirs or devisees of one-half degree or more of Osage Indian blood until January 1, 1959: *Provided*, That the tax-exempt land of any such Indian allottee, heir, or devisee shall not at any time exceed 160 acres.

"SEC. 2. That section 2 of the act of March 3, 1921 (41 Stat. L. 1249), entitled 'An act to amend section 3 of the act of Congress of June 28, 1906, entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,"' be, and the same is hereby, amended to read as follows:

"'The bona fide owner, lessee, or occupant of the surface of lands in the Osage Nation in Oklahoma shall be compensated, as his interest may appear, and under rules and regulations to be prescribed by the Secretary of the Interior for damages to crops and improvements occasioned by the oil or gas lessees, their servants, or agents in going upon such premises and in carrying on oil or gas mining operations. Such surface owner, lessee, or occupant shall also be compensated, as his interest may appear, and under rules and regulations to be prescribed by the Secretary of the Interior, for such other damages, including those arising out of pollution of ponds or streams and out of injuries to the surface of lands, as are caused by the negligence of the oil or gas lessees, their servants, or agents in developing or operating oil or gas properties in said Osage Nation. The word "negligence" as used in this act shall mean "negligence" as defined and construed by the courts of the State of Oklahoma. All claims for damages arising under this section shall be settled by arbitration; but either party shall have the right to appeal to the courts, without consent of the Secretary of the Interior, in the event he is dissatisfied with the award to or against him. The award shall be in writing and shall be filed in the office of the superintendent of the Osage Indian Agency within 10 days after it is made, and thereupon the said superintendent shall give the parties written notice thereof by personal service or registered mail. Unless appealed from within 60 days after service or mailing of said notice, the award shall become final. The appeal herein authorized shall consist of filing an original action in any court of competent jurisdiction sitting at the county seat of Osage County, to enlarge, modify, or set aside the award; and in any such action, upon demand of either party, the issues both of law and of fact shall be tried de novo. Arbitration or a bona fide offer in writing to arbitrate shall constitute conditions precedent to the right to sue for such damages.'

"SEC. 3. That section 1 of the act of Congress of February 27, 1925 (43 Stat. L. 1008), is hereby amended by adding thereto the following:

"'The Secretary of the Interior be, and is hereby, authorized, in his discretion, under such rules and regulations as he may prescribe, upon application of any member of the Osage Tribe of Indians not having a certificate of competency, to pay all or any part of the funds held in trust for such Indian: *Provided*, That the Secretary of the Interior shall, within one year after this act is approved, pay to each enrolled Indian of less than half Osage blood, one-fifth part of his or her proportionate trust-fund credit. And such Secretary shall on or before the expiration of 10 years from the date of the approval of this act, advance and pay over to such Osage Indian of less than one-half Osage Indian blood, all of the balance appearing to his credit in the Osage tribal trust fund and shall issue to such Indian a certificate of competency: *Provided further*, That when and where any Osage Indian of less than half Osage Indian blood shall owe debts and obligations for necessaries of life, then and in that event the Secretary of the Interior is hereby directed to retain from and not pay out to such Osage Indian debtor 25 per cent of his quarterly dues, to be by the Secretary of the Interior paid in installments upon the now existing claims against such Indian for necessaries of life, such as medicines, doctor bills, food, clothing, dry goods, and for implements and other materials required in the operation of the Indian's farm lands, against which claims the statute of limitations of Oklahoma has not run. But no money shall be retained out of the quarterly allowances due such Osage Indians, by the Secretary of the Interior for any other purpose, without the consent and approval of such Indians. The Secretary of the Interior shall determine such rules and regulations for the payment of said retained moneys of said Osage Indians, upon such meritorious claims for necessaries of life against which claims the statute of limitations of Oklahoma has not run. But the provisions herein made for payment of debts shall only apply to present existing meritorious claims against which the statute of limitations of Oklahoma has not run: *Provided further*, That the Secretary of the Interior shall by or before the end of five years from the date of the approval of this act, pay to each restricted Osage Indian of less than half Osage blood who is not incompetent under the laws of the State of Oklahoma, and who is at the date of approval of this act more than 25 years of age, the whole of his or her pro rata share of the tribal trust fund then being to the credit of such Indian: *Provided further*, That the Secretary of the Interior shall, in his discretion, pay any present existing meritorious debts and obligations of any restricted Osage Indian, against which debts and claims the statute of limitations of Oklahoma has not run, out of any moneys appearing to the credit of such Osage Indian in the tribal trust fund: *And provided further*, That nothing herein contained shall be construed to interfere in any way with the removal by the Secretary of the Interior of restrictions from and against any Osage Indian at any time.'

"SEC. 4. That section 2 of the act of Congress approved February 27, 1925 (43 Stat. L. 1011), being an act to amend the act of Congress of March 3, 1921 (41 Stat. L. 1249), be, and the same is hereby, amended to read as follows:

"'Upon the death of an Osage Indian of one-half or more Indian blood who does not have a certificate of competency, his or her moneys and funds and other property accrued and accruing to his or her credit and which have heretofore been subject to supervision as provided by law shall be paid to the administrator or executor of the estate of such deceased Indian or direct to his heirs or devisees, in the discretion of the Secretary of the Interior, under regulations to be promulgated by him: *Provided*, That the Secretary of the Interior shall pay to administrators and executors of the estates of such deceased Osage Indians a sufficient amount of money out of such estates to pay all lawful indebtedness and costs and expenses of administration when approved by him; and, out of the shares belonging to heirs or devisees, above referred to, he shall pay the costs and expenses of such heirs or devisees, including attorney fees, when approved by him, in the determination of heirs or contest of wills. Upon the death of any Osage Indian of less than one-half degree of Osage Indian blood or upon the death of an Osage Indian who has a certificate of competency, his moneys and funds and other property accrued and accruing to his credit shall be paid and delivered to the administrator or executor of his estate to be administered upon according to the laws of the State of Oklahoma: *Provided*, That upon the settlement of such estate any funds or property subject to the control or supervision of the Secretary of the Interior on the date of the approval of this act, which have been inherited by or devised to any adult or minor heir or devisee of one-half or more Osage Indian blood who does not have a certificate of competency, and which have been paid or delivered by the Secretary of the Interior to the administrator or executor shall be paid or delivered by such administrator or executor to the Secretary of the Interior for the benefit of such Indian and shall be subject to the supervision of the Secretary as provided by law.'

"SEC. 5. The restrictions concerning lands and funds of allotted Osage Indians, as provided in this act and all prior acts now in force, shall apply only to unallotted Osage Indians of one-half or more Osage Indian blood born since July 1, 1907, or after the passage of this act, and to their heirs of one-half or more Osage Indian blood, except that the provisions of section 6 of the act of Congress approved February 27, 1925, with reference to the validity of contracts for debt, shall not apply to any allotted or unallotted Osage Indian of less than one-half degree Indian blood: *Provided*, That the Osage lands and funds and any other property which has heretofore or which may hereafter be held in trust or under supervision of the United States for such Osage Indians of less than one-half degree Indian blood not having a certificate of competency shall not be subject to forced sale to satisfy any debt or obligation contracted or incurred prior to the issuance of a certificate of competency: *Provided further*, That the Secretary of the Interior is hereby authorized, in his discretion, to grant a certificate of competency to any unallotted Osage Indian when in the judgment of the said Secretary such member is fully competent and capable of transacting his or her own affairs.

"SEC. 6. The first provision of section 1 of the act of February 27, 1925 (43 Stat. L. 1008), entitled 'An act to amend the act of Congress of March 3, 1921, entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act of Congress for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,'"' is hereby amended to read as follows:

"'That the Secretary of the Interior shall cause to be paid at the end of each fiscal quarter to each adult member of the Osage Tribe of Indians in Oklahoma having a certificate of competency his or her pro rata share, either as a member of the tribe or heir or devisee of a deceased member, of the interest on trust funds, the bonus received from the sale of oil or gas leases, the royalties therefrom, and any other moneys due such Indian received during each fiscal quarter, including all moneys received prior to the passage of this act and remaining unpaid; and so long as the accumulated income is sufficient the Secretary of the Interior shall cause to be paid to the adult members of

said tribe not having a certificate of competency $1,500 quarterly, except where such adult members have legal guardians, in which case the amounts provided for herein may be paid to the legal guardian or direct to such Indian, in the discretion of the Secretary of the Interior; the total amounts of such payments, however, shall not exceed $1,500 quarterly, except as hereinafter provided; and shall cause to be paid for the maintenance and education, to either one of the parents or legal guardians actually having personally in charge, enrolled or unenrolled, minor member under 21 years of age and above 18 years of age, $1,500 quarterly out of the income of each of said minors, and out of the income of minors under 18 years of age $750 quarterly, and so long as the accumulated income of the parent or parents of a minor who has no income or whose income is less than $750 per quarter is sufficient shall cause to be paid to either of said parents having the care and custody of such minor $750 quarterly, or such proportion thereof as the income of such minor may be less than $750, in addition to the allowances above provided for such parents. Rentals due such adult members from their lands and their minor children's lands and all income from such adults' investments shall be paid to them in addition to the allowance above provided. All payments to legal guardians of Osage Indians shall be expended subject to the joint approval in writing of the court and the superintendent of the Osage Agency. All payments to adults not having certificates of competency, including amounts paid for each minor, shall in case the Secretary of the Interior finds that such adults are wasting or squandering said income be subject to the supervision of the superintendent of the Osage Agency.'

"SEC. 7. That section 9 of the act of Congress approved June 28, 1906 (34 Stat. L. 539), be, and the same is hereby, amended to read as follows:

"'That there shall be a quadrennial election of officers of the Osage Tribe as follows: A principal chief, an assistant principal chief, and eight members of the Osage tribal council, to succeed the officers elected in the year 1926, said officers to be elected at a general election to be held in the town of Pawhuska, Okla., on the first Monday in June, 1928, and on the first Monday in June each four years thereafter, in the manner to be prescribed by the Commissioner of Indian Affairs, and said officers shall be elected for a period of four years commencing on the 1st day of July following said elections, and in case of vacancy in the office of principal chief by death, resignation, or otherwise, the vacancies of the Osage tribal council shall be filled in a manner to be prescribed by the Osage tribal council, and the Secretary of the Interior is hereby authorized to remove from the council any member or members thereof for good cause, to be by him determined, after the party involved has had due notice and opportunity to appear and defend himself, and said tribal government so constituted shall continue in full force and effect to January 1, 1959.'"

Mr. CRAMTON. Mr. Speaker, before the bill is taken up for amendment I would be glad to have a little time on the bill in a general way, if I can get recognition or if the gentleman from Montana will yield me some time.

Mr. LEAVITT. Mr. Speaker, I will be glad to yield the gentleman such time as he desires.

Mr. HASTINGS. Mr. Speaker, is this bill being considered in the House?

The SPEAKER. It is a House Calendar bill.

Mr. HASTINGS. Under the rules, is the time in the control of the gentleman from Montana?

Mr. CRAMTON. The first hour is. Mr. Speaker and gentlemen of the House, we have now reached a bill of great importance, affecting the welfare, financially and otherwise, of the Osage Indians in Oklahoma, probably the wealthiest Indians in the country.

Their lands have never been allotted so far as the mineral rights are concerned, with the result that upon the development of great quantities of oil upon the lands they have become extremely wealthy as a tribe, the oil receipts being apportioned among the members of the tribe.

The Indians of the country, let me say for the information of those who are perhaps not familiar with Indian matters, are divided into two classes—those who are restricted and those who are not restricted. That is one classification, and it is one of much importance to consider in connection with this bill. The restricted Indians are wards of the Government. We have charge of their financial and property affairs. They can not sell their lands without the consent of the Government. We have control of their affairs, and that control is based upon the theory that they are not competent to properly manage their own affairs.

Now, occasionally the cry goes up that there is bureaucratic control of these poor Indians; that they are held in bondage; and that we ought to turn them loose. Occasionally, some very well-meaning people subscribe to that theory. The Hon. Franklin K. Lane, a splendid gentleman and a great Secretary of the Interior, was prevailed upon to go quite a way in removing restrictions on Indians, with the result that those Indians, as soon as they were given the right to sell their lands, did sell them and wasted the receipts and then were paupers. Now, strictly speaking, when they have reached that state the responsibility of the Federal Government has ceased, and it ought to be up to the State to take care of those paupers just as they would take care of any white paupers.

It has always been my theory that the desire of the American people is to go a long way in caring for Indians, even if those restrictions have been removed and they have thereafter become pauperized.

If any such theory as that is entertained, of course, not only out of regard for the welfare of the Indians, but out of regard for the welfare of the Treasury, we ought to be rather cautious about removing restrictions unless they are competent.

I have no criticism of the immediate purpose of the bill. The immediate purpose is set forth in the first section of the committee amendment on pages 2 and 3; that is to say, to extend the control of the Government over these minerals to 1958. There are, however, some things embodied in the bill that surprise me very much, that I think are dangerous, and that this committee ought not to approve.

I have some minor amendments to suggest at different parts of the bill, but at this time I am not going to take time to discuss them. I do want to discuss section 3 of the committee amendment on page 6, which provides that "The Secretary of the Interior be, and is hereby, authorized, in his discretion, under such rules and regulations as he may prescribe, upon application of any member of the Osage Tribe of Indians not having a certificate of competency"—that is to say, his restriction has not been removed—"to pay all or any part of the funds held in trust for such Indian"—that is to say, certain Indians who have large amounts of money to their credit will not be permitted to sell their land because we hold they are not competent, but we do propose to let the Secretary of the Interior turn all their money over to them without reserve.

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. SPROUL of Kansas. Is it not the fact that the law mentioned in the first part of section 3 is the present law, and has been for a number of years?

Mr. CRAMTON. Well, that may be true as to this particular provision, but the law is before us and it is a very good time to change it, in my judgment.

I am just going on from that to a provision that is not in the present law and that I think is very undesirable:

Provided further, That when and where any Osage Indian of less than half Osage Indian blood shall owe debts and obligations for necessaries of life, then and in that event the Secretary of the Interior is hereby directed to retain from and not pay out to such Osage Indian debtor 25 per cent of his quarterly dues, to be by the Secretary of the Interior paid in installments upon the now existing claims against such Indian for necessaries of life, such as medicines, doctor bills, food, clothing, dry goods, and for implements and other materials required in the operation of the Indian's farm lands, against which claims the statute of limitations of Oklahoma has not run.

I am reading it as the committee proposes to amend it.

But no money shall be retained out of the quarterly allowances due such Osage Indians, by the Secretary of the Interior for any other purpose, without the consent and approval of such Indians.

Then it goes on to say:

And provided further, That said 25 per cent of payments due said Osage Indians of less than half Indian blood, shall not be retained unless and until claims for the aforesaid necessaries of life have been presented to, investigated, and approved by the superintendent of the Osage Agency.

That is to say, here are some Indians who are to be held competent to spend their money and the money is to be turned over to them, some of them not restricted even as to the sale of their lands, and having less than one-half of Indian blood, but we are going to set up in the Interior Department a collection agency as against these Indians. These Indians are scattered all over the country. They are not all in Oklahoma. There may be one somewhere in Idaho. We have got to get in touch with that Indian and say, "Here is a doctor bill rendered against you. Under the law we hold you are competent to incur a debt, you are competent to take your money, amounting to several thousand dollars a year, and spend it as you want, but this doctor bill has got to be paid, if it is just," and we put on the superintendent of the Osage Agency, down in Oklahoma, the responsibility of reaching up into Idaho and asking that Indian what he thinks about this doctor bill that has been filed or this bill for food or dry goods, or whatever it may be.

We propose to put on that superintendent in Oklahoma the burden and the expense of adjusting these claims against these Indians.

In my judgment, this bill is not properly on the House Calendar. I think it ought to have been on the Union Calendar, because it does involve a necessary charge upon the Federal Government with respect to the settlement of these claims.

Now, the Indians naturally are not keen about this amendment and this provision that the committee has adopted.

I am just trying to go through this a little hurriedly in order to bring these things to the attention of the House. These matters that I am speaking of are not essential to the main purpose of the bill. That would be accomplished if section 1 was put through, granting the extension. These are things that are not necessary to accomplish that purpose.

Let me show you something on page 7, and I am not sure just how much of this is old law and how much is new. My time has not permitted me to make the further comparison I would like, but I understand that this provision on page 7 that I am about to read, the proviso beginning on line 15, is not in accordance with present law. The proviso reads:

Provided further, That the Secretary of the Interior shall, by or before the end of five years from the date of the approval of this act, pay to each restricted Osage Indian of less than half Osage blood who is not incompetent under the laws of the State of Oklahoma, and who is at the date of approval of this act more than 25 years of age, the whole of his or her pro rata share of the tribal trust fund then being to the credit of such Indian.

That is to say, having provided in section 1 that these Indians are lacking in competency for handling their own affairs, hence we are going to extend the restriction period to 1958 or 1959; but notwithstanding that lack of competency, the Secretary of the Interior shall within five years turn over this great cash capital to them, which is worth more than any lands they have.

Mr. LEAVITT. I understood the gentleman to use the word "competent" in the bill where it reads "incompetent."

Mr. CRAMTON. The word "incompetent" in line 19 does not have to do with the question of competency as applied to the Indians under the Federal law, but incompetency there is under the State laws of Oklahoma, whether the Indian is insane or feeble-minded.

Mr. LEAVITT. I understood the gentleman to use the word "competent."

Mr. CRAMTON. I thank the gentleman. We hold his rights may be restricted for the next 30 years.

Mr. SPROUL of Kansas. I think the gentleman must be mistaken.

Mr. CRAMTON. Very possibly; I am willing to be corrected.

Mr. SPROUL of Kansas. The purpose is to extend the period of communal or tribal interest in the mineral rights.

Mr. CRAMTON. How about the individual Indian restrictions?

Mr. SPROUL of Kansas. There is none; except perhaps——

Mr. CRAMTON. What does line 18 mean when it says: "pay to each restricted Osage Indian of less than half Osage blood who is not incompetent under the laws of the State of Oklahoma"?

Mr. SPROUL of Kansas. He is restricted for a period of 10 years. The bill provides that less than a half blood are to be emancipated completely within the period of 10 years.

Mr. CRAMTON. I confess I have not had the time to make a thorough and complete study of the subject. I have taken the floor to point these things out. If I am right I hope the bill will be corrected; if I am wrong I wish to be corrected. Under the statement of the gentleman from Kansas it appears that we hold their restriction for 10 years and within five years—on or before, it may possibly be next year—we turn all their cash over to them. That seems to me to be not consistent.

Mr. SPROUL of Kansas. I do not think the gentleman understands.

Mr. CRAMTON. The bill says:

The Secretary of the Interior shall by or before the end of five years pay to each restricted Osage Indian of less than half Osage blood who is not incompetent under the laws of the State of Oklahoma—

And so forth—

the whole of his or her pro rata share of the tribal trust fund then being to the credit of such Indian.

Mr. HOWARD of Oklahoma. Will the gentleman yield to me?

Mr. CRAMTON. I yield.

Mr. HOWARD of Oklahoma. Referring to the matter of restriction, at the Osage Agency they are held to be Indians who have not been issued certificates of competency by the Secretary of the Interior. The Indians referred to are less than one-half Indian blood, and there are not quite 100 of them. These are young Indians which range from one-sixty-fourth degree of blood up to not quite one-half Indian blood. Practically every one of them is a graduate from our largest colleges. Several of them have graduated from colleges in Vermont and New Hampshire, and some of them have graduated from Yale and Harvard and Oklahoma University. As a matter of fact, they are as competent as you or I, except their certificates of competency have not been issued.

Mr. CRAMTON. Will the gentleman state what is the effect of the failure to issue a certificate of competency, as far as paying taxes is concerned and so far as their authority to do business?

Mr. HOWARD of Oklahoma. The effect, as far as doing business is concerned, is that they can not do any business in their own name. They are issued a thousand dollars every three months, and their homesteads are tax exempt.

What we are seeking to do is this: There is a continual effort to get the restrictions removed on these less than half bloods. From time to time they have been removed and will continue to be removed. We are seeking to pay them only one-fifth of their money at this time and continue for 10 years before we turn them loose.

Mr. CRAMTON. What does the gentleman say to this language:

The Secretary shall, on or before the end of five years from the date of this act, pay to each of such Indians the whole of his or her pro rata share of the tribal trust fund then being to the credit of such Indians.

There is no deferring that for 10 years.

Mr. SPROUL of Kansas. That is for the Indians of more than 25 years of age.

Mr. HOWARD of Oklahoma. The provision means that if they are more than 25 years of age it is the intention to within 5 years pay them off, but if they are under 25 years then to take 10 years.

Mr. CRAMTON. Here is my position, and I am challenging the attention of the committee to this, because I have great confidence in what the committee wants to do. Either those Indians are competent to handle their business affairs or they are not. When we come to the point where we can declare that they are competent to handle their business affairs and turn the money over to them and give them a certificate of competency, we should do so, but we ought not to say that they are not to have that certificate of competency for 10 years but that their whole capital may be turned over to them to be used as they like to-morrow.

Mr. HOWARD of Oklahoma. Our intention in this bill is to pay them as we suggest and to try, as we turn their money over to them, to give them a chance for a business training and not permit them to have all of their money at once, and perhaps get rid of it, which has been the case.

Mr. CRAMTON. There is no restriction here to gradual payment. It is said that experience is a dear teacher. You require the Secretary to turn all their cash capital over to them tomorrow or before five years, and if they waste it they may get a business training, but it will be expensive.

Mr. HOWARD of Oklahoma. If the gentleman will refer back to page 6, line 9, he will find the following language:

Provided, That the Secretary of the Interior shall, within one year after this act is approved, pay to each enrolled Indian of less than half Osage blood, one-fifth part of his or her proportionate trust-fund credit. And such Secretary shall on or before the expiration of 10 years from the date of the approval of this act, advance and pay over to such Osage Indian of less than one-half Osage Indian blood, all of the balance appearing to his credit in the Osage tribal trust fund and shall issue to such Indian a certificate of competency.

We are seeking by that provision to emancipate those Indians that are, as I say, running from one sixty-fourth blood up to almost half blood; Indians that are graduates of our colleges and schools, and except for the way in which we have been handling them and their business they would have been more capable of handling their business than they now are.

Mr. CRAMTON. I do not want to get away from the point that I am making, and I shall try to make that point now. I feel that with such an important bill it would be helpful if the committee would take this back and check over these provisions that are either obscure or contradictory. I gave this some study; not as much as I would like, I am frank to admit, and I was not able in the time I had to untangle this proposition. The gentleman from Oklahoma has just referred to the language on page 6 which provides that the Secretary shall within one year pay to each enrolled Indian of less than half Osage blood, one-fifth part and within 10 years advance all of his balance. That is one provision. I was not sure when I read that, when it said "To each enrolled Indian," whether that was

intended to refer to those restricted or unrestricted, or to just limit it to one class. I was not sure what was covered by that. Set over against that definite provision of the annual payment of one-tenth of their capital for the next 10 years to those less than half-blood, this provision on the next page that requires the Secretary within five years to pay to each restricted Osage Indian all his capital. Those provisions are in conflict, unless the one on page 7 refers to restricted Indians of a certain age, and the one on page 6 refers to those not restricted. If so, the provisions would not be in conflict, but it is hard to be sure of that from the language. In connection with it there is one other provision. I think the committee ought to study out the different angles of this and round it up a little more substantially than has yet been done. At the bottom of page 3 there is a provision to which the gentleman from Oklahoma referred and which I noticed in my study of the bill. It refers to homestead allotments. That is to say, each of these Indians will have 160 acres as a homestead, and the balance of their lands are not exempt from taxation, even though the Indian may be a restricted Indian. His land holdings beyond 160 acres are subject to taxation in Oklahoma.

Now this provision is that the 160 acres—

shall remain exempt from taxation while the title remains in the allottee or in his unallotted heirs or devisees of one-half degree or more of Osage Indian blood until January 1, 1959: *Provided*, that the tax-exempt land of any such Indian allottee, heir, or devisee shall not at any time exceed 160 acres.

That is to say these Indians are so fully competent, as the gentleman from Oklahoma insists, that we are going to turn a tremendous amount of cash capital over to them within the next few years for them to squander as they like, but this 160 acres they may not sell until 1959, unless they are given a certificate of competency in advance of that time, and for the next 30 years it is to be exempt from taxation. Now, again I say either these Indians are competent to handle their business affairs or they are not competent. If they are competent to handle their business affairs, turn over their cash and put them on the same basis as any other citizen of Oklahoma, including the privilege of paying taxes. If they are not competent and hence can not sell this land, can not be permitted to pay taxes, do not turn over to them hundreds of thousands of dollars of cash capital within the next few years for them to squander.

Mr. HOWARD of Oklahoma. If the gentleman will yield, I will say to the gentleman this exemption of 160 acres to them is a gratuity on the part of Oklahoma. We have in every tribe this same condition existing; restricted Indians have homesteads exempt from taxation and surplus lands that are taxable.

Mr. CRAMTON. Now, the State of Oklahoma seems to be extremely generous in this. It is exceedingly agreeable that we exempt these lands from taxation for 30 years, although we are now insisting these Indians are competent to handle their business affairs. What is the situation? Why, the Indian—he wants to get his hands on the cash.

Mr. LEAVITT. Will the gentleman yield?

Mr. CRAMTON. In just a moment. He wants that cash as soon as he can get it, and the Indian is in favor of this bill to permit the cash to be turned over to him in a few years. The people of Oklahoma are perfectly willing to have the cash turned over to the Indians, because it is likely to get into general circulation in Oklahoma in a very short time. Hence there is a community of interest here between the Indians, who want to spend the money, and the people down there, who would like to help him spend it there. So a little matter like this matter of taxes for 30 years on their lands is something nobody is hearing much about, but as soon as that money is gone and these Indians have to be cared for in hospitals and provided for in schools, then the gentleman from Oklahoma and the people down there will come to Congress and say, "Now, these Osage children need to be in the public schools. You are not giving them enough tuition. We want more tuition, because these Indians are not paying taxes."

Mr. HOWARD of Oklahoma. I think the gentleman wants to be fair——

Mr. CRAMTON. I think I should yield first to the gentleman from Montana.

Mr. LEAVITT. How much time does the gentleman wish to consume of the hour? We did not fix any time, and I was wondering if the gentleman desired more time?

Mr. CRAMTON. I will get an hour and yield to the gentleman from Montana if he desires; if not, I will yield to the gentleman from Oklahoma.

Mr. LEAVITT. Does the gentleman understand what would be the situation if this or similar legislation is not enacted?

Mr. CRAMTON. I understand that section 1, as recommended by the committee on page 2 and on page 3 down to and including line 23, if enacted into law, would take care of the situation. That is important to be taken care of, and the other things I am speaking of, if handled at all by legislation, ought, I think, to be legislation a little more thoroughly worked out.

Mr. LEAVITT. Will the gentleman yield to another question?

Mr. CRAMTON. Yes.

Mr. LEAVITT. The gentleman is aware of the fact that instead of the Indians coming before the Committee on Public Lands and asking only to get this money in their hands immediately, the ones who came to the committee also asked us to continue the restrictions, so that that very thing could not take place. The purpose of this bill is the protection of the Indians in accordance with their own wish.

Mr. CRAMTON. That is but a limited restriction, a restriction over their lands, which carries a tax exemption. But the bill throws wide open the expenditure of a great amount of cash from oil leases.

Mr. LEAVITT. If the bill or some portions of the bill should not be passed within a year or a year and a half, all restrictions will be wiped away.

Mr. CRAMTON. We have two sessions of the next Congress in addition to this session in which to accomplish what we want. It is important that the bill should pass, but pages 2 and 3 would take care of that situation. I object to these undesirable things being carried along with it in section 1. I hope the gentleman will eliminate and change these other things. It is inconsistent to say that for 30 years we are going to continue to prevent their selling a certain amount of land and at the same time say within 5 or 10 years we will turn over to them all the cash derived from oil leases.

Mr. HOWARD of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. HOWARD of Oklahoma. What I want to point out to the gentleman is that the total amount of money involved so far as these Indians of less than half blood are concerned is less than five millions, all told.

Mr. CRAMTON. How much more money have these Indians outside of that $5,000,000? How much additional have those Indians who are affected by the $5,000,000?

Mr. HOWARD of Oklahoma. Those who would be turned loose have not to-day exceeding $5,000,000.

Mr. CRAMTON. When that $5,000,000 is gone, what is left?

Mr. HOWARD of Oklahoma. They will have their head rights, which at the present time is bringing them in $800 a quarter. But as to taxation, we are conceding that, because under treaties with the Seminoles and Cherokees the State of Oklahoma has to grant their homesteads untaxable as long as they are in the hands of the original holders and we feel that all our Indian citizens should be treated alike.

Mr. CRAMTON. We have no treaty with the Osages, and the fact that they have $5,000,000 of cash, which will be widely distributed in Oklahoma in the next five years——

Mr. HOWARD of Oklahoma. This bill will give the Osage Indians about twelve hundred homesteads nontaxable as long as they are in the hands of the original allottees or their heirs. We in Oklahoma are not interested only in the situation where these Indians are being turned loose with all their money at once and are asking for it; we are trying to bring out a step-up plan of paying them as they go. The $5,000,000 is not taken into consideration by the people of Oklahoma at all.

Mr. CRAMTON. I know the gentleman from Oklahoma is not concerned in it. But it is news to me that the general public of Oklahoma has gotten to the point of altruism where $5,000,000 to be turned loose has no appeal to them

I want to inform the House that the passage of this bill in its present form is unnecessary. The first section can be passed to extend their restriction period. But if it is deemed necessary to extend that period for 30 years—an admission on the part of officials in Oklahoma and in the department that these Indians are not competent to handle their financial affairs—we ought not to turn over to them their cash capital. The gentleman says it will give them business experience.

Mr. ARENTZ. Mr. Speaker, will the gentleman yield?

Mr. HOWARD of Oklahoma. Mr. Chairman, will the gentleman yield again?

Mr. CRAMTON. Yes; and then I will yield to the gentleman from Nevada [Mr. ARENTZ].

Mr. HOWARD of Oklahoma. The gentleman refers to the necessity of extending these restrictions. Now there is a difference. This extension is for the benefit of the whole tribe. It extends their community interests, and if it had been done for every tribe of Indians in Oklahoma they would all have

been better off. But this extension is not for any individual, and does give an extension to the trust period for those who have certificates of competency as well as those who have not.

Mr. CRAMTON. I am not at all in sympathy with 30 years' exemption from taxation for those who are competent to handle their business affairs. As to those who are not competent, I am afraid of their lack of ability to handle $5,000,000.

Mr. HOWARD of Oklahoma. I do not think the gentleman should object to it as long as it is in the hands of the original allottees, the same as with the Five Civilized Tribes.

Mr. CRAMTON. As long as it is in the hands of the original allottees or those of one-half blood, providing that until January 1, 1959—that is 30 years——

Mr. HOWARD of Oklahoma. That is the extension of the trust period.

Mr. CRAMTON. That is an extension of the taxation period, mentioned at the bottom of page 3. Gentlemen have not been able to reconcile these inconsistencies that we are talking about.

The gentleman from Oklahoma is in error when he says the 30-year period does not apply to tax exemptions. It expressly does so apply, and my suggestion is not one of hostility to the bill. The bill ought to pass to accomplish the purposes of section 1, but I say we should debate it a while and then let it wait until next Wednesday. In the meantime, the committee can think it over and make sure we are doing the wise thing.

I thank the gentleman for yielding me this time. [Applause.]

Mr. LEAVITT. Mr. Speaker, I do not wish to be discourteous in my opening statement, but the difficulty confronting the House now is this: That without very much study of a matter that has been before the committee for over a year the gentleman from Michigan raises some questions on some points. In my judgment, at the beginning of the debate I should have outlined what the real purpose of this bill is, and then I should have turned over the discussion of the details to the two gentlemen from Oklahoma [Mr. HASTINGS and Mr. HOWARD], who are closely in touch with it, and to the gentleman from Kansas [Mr. SPROUL], who lives on the edge of the Osage country.

The purpose of this bill is to meet a very serious situation that exists with regard to the Osage Indians. It is the result of frequent visits to Washington on the part of delegates from the Osages and the Osage Tribal Council, calling the attention of the committee to the extremely serious situation that will exist if the present law, the law which is to-day in effect, should go on without amendment up to the 28th day of June, 1931.

This Congress, in 1906, passed an act that became a law on the 28th of June of that year, and which placed certain restrictions on the property of the Osage Indians, to continue for a period of 25 years, and that period of 25 years is going to be up in 1931. If that law as it now exists is not amended all of these restrictions are then going to be removed from these Osage people, and whether they are competent or whether they are incompetent to take care of their own affairs, they are going to be turned, with or without business experience or business judgment, over to the mercy of the white people. In a short time the very thing that the gentleman from Michigan is afraid of in connection with this bill would certainly take place.

Now, there have been certain business developments in the State of Oklahoma that have depended on the going into effect of the present law. I, as chairman of the Indian Affairs Committee, have not taken very much into consideration with respect to that, because I believe our duty in this instance is to legislate regarding the needs of the Indians and to see that we do not allow something to take place, through the error of a previous Congress, that will be injurious permanently to those people. So the committee, with long consideration, with frequent visits from the tribe, and long hearings, has had before it now for over a year the question of what ought to be done to meet the situation; and the committee, with divergent opinions that have been compromised by long study, has brought out this bill. It is a bill which has the approval of the Osage Tribal Council and a bill that the Osage Tribal Council, through its representatives here in Washington to-day, is asking particularly to have passed.

It is true there are some things in the bill that were not requested by the Osage Tribal Council, but there is nothing in the bill, so I am informed by the representatives of that council, objectionable to those Indians.

There are some sections of the bill to take care of situations that have arisen in connection with the leasing of oil lands, from conflicts between surface owners and lessees of oil lands, and matters of that kind. But what we have tried to get at is this, just to put it in brief form: We have tried to bring out a bill that will give added protection to the Osage Indians who need it and will not forever extend the protection of tax exemption and restrictions in the handling of funds over those who have become more white men than they are Indians, or who, during the 30-year period over which we are intending to extend these restrictions with regard to certain homestead areas, will have become entirely competent to handle their own affairs.

The public sentiment of this country is divided on the Indian question. We are trying to work out policies that will ultimately fit the Indians into our population, and we are at the same time trying to take into consideration the fact that many of them are not yet ready to handle their own business affairs.

Now, we did what in regard to that? We took into consideration the homesteads on which there is to be this extension of an additional period of 30 years, and said that so long as they remain in the hands of the present allottees they shall be free from taxation just as they are now. But suppose they are left to heirs who are of less than half Osage Indian blood? Then those restrictions would pass away; but just as long as they remain in the hands of Indians who are half or more of Osage Indian blood they will have this protection up to 30 years from the enactment of this bill. That is in this bill.

Now, what other way is there to compromise between the idea of giving adequate restriction to Indians who need it and ultimately removing those restrictions so that the Indians who become of less than half Indian blood and who, particularly in the Osage Tribe because of their wealth, are able to become educated and ultimately able to handle their own affairs and will ultimately have to do so?

This is what we have tried to meet here, and in trying to meet it we have in this bill certain sections that are vital to these Indians for their future protection. We have other sections in here that have been put in the bill and have been agreed upon to take care of situations in every case that have arisen out of the fact that this Osage Indian property and these leases of Osage Indian lands exist.

Mr. ARENTZ. Will the gentleman yield there?

Mr. LEAVITT. Yes.

Mr. ARENTZ. I wish the gentleman would bring out the question of nontaxability of the 160-acre homesteads for the benefit of the gentleman from Michigan and others who may not understand its meaning. It is clear to me. I have sat in the committee month after month, and I think it is something that is justified in view of the taxes that are paid out of the leasing revenues of the State; but I think it should be explained.

Mr. LEAVITT. In order not to take up all the time, what I think I ought to do at this time is to state just briefly and in as clear form as I can the urgency of this kind of legislation and the real purpose the committee has in reporting it out, and then I wish to yield to the gentleman from Kansas and the gentleman from Oklahoma to go into the details of the matter; and I prefer to do this rather than carry on a discussion of the bill at this time.

Mr. CRAMTON. Will the gentleman yield for one question, for information?

Mr. LEAVITT. Yes.

Mr. CRAMTON. Has the department made a report upon the bill substantially in the form as reported by the committee?

Mr. LEAVITT. This is the situation with regard to that: We have had before our committee now for several days and at various times for months, a delegation of the Osage Indians themselves, accompanied by their superintendent, Mr. J. George Wright, of Oklahoma, and there is nothing in this bill that has not been written there in conference with the Indian Bureau, with Mr. Wright, with the representatives of the Osage Indians themselves, and it has been a matter of development.

We have not tried to rush through this bill. We have let it pass along. We have never raised any objection, when it was reached on the Consent Calendar, to having it go over. We have not tried to have it considered in that way. We felt it ought to remain on the calendar a long time and be considered in a great deal of detail. This bill, in the form in which it is now presented to the Congress, comes to us with a resolution with regard to certain amendments that will all be offered to the bill, handed to me by the Osage Tribal Council, five of the eight members of the council being present in Washington at this time. The resolution states this:

Resolution

Whereas the Osage Tribal Council duly and regularly assembled in Washington, D. C., this 28th day of January, 1929, there being present the following members: Fred Lookout, principal chief, Dick Petsemole, George Alberty, Frank Lessert, Clement Denoya, and Francis Revard, the absentees being Rogers Leahy, William Pryor, and S. S. Kennedy, there also being present Mr. Baconrind, fullblood delegate selected by Chief Lookout as a representative of fullblood Osages not members of the council, have under consideration Senate bill 2360, now under consideration by the House Indian Committee, and which concerns

legislation affecting the Osage Tribal Council and members of the Osage Tribe; and

Whereas it is believed that the Osage Tribal Council should, and do hereby, urge that certain amendments to said act before final passage, in the following particulars, to wit:

On page 2 of said act, line 22, after the word "1958," insert the words "unless otherwise provided by act of Congress."

On page 3, line 4, after the word "now," insert the words "or hereafter," so as to read "now or hereafter held in trust."

On page 3, line 25, after the word "the," before "allottee," insert the word "original," so as to read "the original allottee," and on the same line and page after the word "allottee" strike out the word "or" and insert in lieu thereof the word "and."

On page 4, line 6, section 2, eliminate all of section 2 to and including page 5, line 24, and in lieu thereof substitute proposed section 2 as attached, marked "I," as agreed to by representatives of oil lessees and land-surface owners.

On page 6, line 12, strike out the words "trust fund credit" and insert in lieu thereof the words "share of accumulated funds."

On page 6, line 16, strike out the words "in the Osage tribal trust funds" and insert in lieu thereof the words "of accumulated funds."

On page 6, line 23, strike out the word "dues" and insert in lieu thereof the word "payments."

On page 7, line 5, strike out the word "allowances" and insert the word "payments."

On page 7, line 7, after the word "Indian," insert the following:

"*And provided further*, That said 25 per cent of payments due said Osage Indians of less than one-half Indian blood shall not be retained unless and until claims for the aforesaid necessaries of life shall have been presented to, investigated, and approved by the superintendent of the Osage Agency."

On page 7, lines 10 and 13, strike out the word "meritorious" and insert in lieu thereof the word "just."

On page 7, line 16, strike out the word "by" and insert the word "on."

On page 7, line 23, after the word "that," strike out all, including line 7 on page 8, and insert the following in lieu thereof:

"All just existing obligations of restricted Osage Indians outstanding on the passage of this act, when approved by the superintendent of the Osage Agency, shall be paid out of the money of such Indian appearing to his credit, in addition to his quarterly allowances: *And provided further*, That nothing herein contained shall be construed to interfere in any way with the granting of a certificate of competency by the Secretary of the Interior, as provided for by existing law, at any time after the payment of his or her just debts as herein provided."

On page 8, line 18, strike out the word "shall" and insert in lieu thereof the word "may," and after the word "devisees," line 19, add "or may be retained by the Secretary of the Interior and invested for the benefit of such heirs or devisees."

On page 9, line 25, strike out the word "only" after the word "apply," and on page 10, line 1, strike out the words "of one-half or more Osage Indian blood," and on page 10, line 3, after the word "of," strike out the words "one-half or more."

On page 10, line 20, eliminate all of section 6 to and including the word "Agency," on page 12, line 21.

Section 7 to be left as written.

Now, therefore, be it

Resolved, by the Osage Tribal Council, That the bill as amended by the insertions and eliminations hereinabove made be forwarded to the honorable Commissioner of Indian Affairs, to the honorable chairman of the House Committee on Indian Affairs, and to the honorable chairman of the Senate Committee on Indian Affairs, with the recommendation that the amendments included herein be made in the bill above mentioned and described.

FRED LOOKOUT,
Principal Chief.
GEORGE ALBERTY,
Acting Secretary.

We have accepted all these amendments that were worked out by the tribal council and the Indian Office. I can not say that is the form in which the bill is presented to the House, but that is the form in which we intend to bring it to a vote, because I expect to offer every one of these amendments.

These resolutions followed previous visits on the part of this delegation and previous letters and resolutions received, asking and urging that this legislation be brought before the House and that it be enacted for the benefit of the Indians themselves.

We have had this in mind and I feel that there is no more important piece of legislation before us. We are not trying to hurry it through the House. We want it fully discussed, but we do not want to be accused of bringing out something here to turn loose the money of these Indians or of doing anything to the detriment of these Indians. Every step has been taken after consultation with them. It is what they want, and the bill is so written, in our judgment, as to accomplish two things: To protect these Indians as long as they need protection and to take steps to fit them into our population and give them training in the handling of their own business, ultimately, when they cease to be of half or more Indian blood. [Applause.]

I yield 10 minutes to the gentleman from Kansas [Mr. SPROUL].

Mr. SPROUL of Kansas. Mr. Chairman and gentlemen of the committee, I hope I may be pardoned for a few personal references. I have lived in my congressional district within 10 miles of the Oklahoma line for 45 years, 35 years of which has been near the Osage Indian Reservation. During the past 25 years I have been engaged in the oil and gas business near the Osage Indian lands. My leases have joined the reservation of the Osages. I have had business and social relations with the Quapaws and the Osages during the 45 years.

When I became a member of the Committee on Indian Affairs I only had a general idea concerning the legal and Government relations existing between the Federal Government and the 200, approximately, tribes of Indians. I spent many days preparing a brief of Indian affair law, setting forth my understanding of what the law is as existing between the Federal Government and the Indian tribes. I thought it my duty to become acquainted with the law of the relationship between the Government and the tribes in order to enable me to properly function, or, at least, to better function in the affairs of the committee.

As has been splendidly presented by the chairman of the committee [Mr. LEAVITT], we have spent much time and given sincere and careful consideration to the laws pertaining to the laws of the Osage Indians, and the question of the duty of Congress toward the tribe.

I am sure that the gentleman from Michigan [Mr. CRAMTON], by his remarks, did not mean to intimate that the committee was trying to put something over on the House that was not well considered, or that we did not have much capacity to deal with Indian affairs.

Mr. CRAMTON. Will the gentleman yield?

Mr. SPROUL of Kansas. I yield.

Mr. CRAMTON. I want to say exactly the opposite. I have great confidence in the Committee on Indian Affairs—the gentleman from Montana [Mr. LEAVITT], and the gentleman from Kansas, the gentleman from Oklahoma, and all members of that committee. I know their familiarity with Indian affairs. I have absolute confidence in their integrity and good intentions. I also know the great pressure under which busy men work, and sometimes legislation does not work out just as it is intended. All I have tried to do is to challenge the attention of the committee to some features in the bill which I have not been able to understand, and hope if there is any incongruity it can be worked out better than it has been.

Mr. SPROUL of Kansas. It is impossible for each Member of the House to become specially familiar with every bill that comes before us for consideration. I agree with the gentleman from Michigan that it would be well if we could have consideration of the various bills deferred from time to time until each one could thoroughly understand it, and not only that, but to have it drafted to exactly suit all opinions as to what it should be. [Laughter.]

Mr. STEVENSON. Will the gentleman yield?

Mr. SPROUL of Kansas. I yield.

Mr. STEVENSON. I was interested in the statement of the gentleman from Montana [Mr. LEAVITT], in which he stated that certain property would remain exempt from taxation as long as the title was in Indians of at least half blood; but that if it came into the hands of Indians of less than half blood the exemption would be swept away. I was curious to understand why property, the title of which was in a half blood, should be any more exempt than property in the hands of a quarter blood.

Mr. SPROUL of Kansas. I will try and explain that. The purpose of this bill is to extend the 30-year period for the Osage Indians to hold mineral rights under their former-owned land in communion or tribal interests—each having an equal amount of the money in the tribal fund. The period for extending the mineral rights for 30 years, until 1959, is the principal purpose of the bill. There are other provisions in the bill referred to by the gentleman from Montana [Mr. LEAVITT], chairman of the committee. One is with reference to the regulation of the operation of the oil business. There is no controversy about that.

Our friend from Michigan [Mr. CRAMTON] misunderstood, and I think the gentleman read inaccurately the provision of the bill for the automatic removal of restrictions, and the emancipation of the less-than-half blood.

Beginning on page 7, line 15, the bill reads:

That the Secretary of the Interior shall by or before the end of five years from the date of the approval of this act, pay to each restricted

Osage Indian of less than half Osage blood who is not incompetent under the laws of the State of Oklahoma, and who is at the date of approval of this act more than 25 years of age, the whole of his or her pro rata share of the tribal trust fund then being to the credit of such Indian.

Let me suggest to the committee that each one of these practically white people is to be 30 years of age; that is, 9 years older than the age at which white young men and young women throughout the country come into the possession of their inheritance, no matter how much it may be.

Mr. CRAMTON. I do not see where the gentleman gets the 30 years. The language says 25 years.

Mr. SPROUL of Kansas. If the gentleman will read the bill carefully, he will see that it provides that the Indians who at the passage of this act are 25 years of age five years later shall get their full amount. This would make them 30 years of age.

Mr. CRAMTON. If the Secretary does not act until the maximum period elapses. The bill says on or before five years, and he might act the day after the bill passes. It is not so very material.

Mr. SPROUL of Kansas. The bill does not seek to give the Secretary of the Interior one particle of power that he does not now have, and has not had, and has not been exercising, whether under sound or unsound discretion. So that these quarter-bloods, and eighth-bloods, and sixteenths, and sixty-fourth bloods who are getting large sums of money quarterly out of their communal share of the tribal funds will get their full share of the tribe's accumulated funds when 30 years of age. They are men and women who have been educated in modern schools, who drive about over the country in Packard cars, who are far better dressed than the average white person, who bear the appearance of educated and cultured men and women. They are to get their share of this accumulated fund when they arrive at 30 years of age.

The relationship between the Federal Government and the Indians is that of a guardian to a ward. Certainly it is the duty of this great Government, functioning as a guardian of these Indians, to try to its utmost to qualify the wards for good citizenship. Certainly this type of Indian, when he has been educated in modern schools and has mingled with white people until 30 years of age, should be declared qualified for citizenship except when under guardianship in the State in which he lives.

The SPEAKER. The time of the gentleman from Kansas has expired, and the one hour to be controlled by the gentleman from Montana has expired.

Mr. CRAMTON. Mr. Speaker, I ask recognition, and I shall be glad to yield time to the gentleman, such time as he desires.

The SPEAKER. The gentleman from Michigan is recognized for one hour in opposition to the bill.

Mr. CRAMTON. I yield the gentleman from Kansas such time as he desires. I shall be glad if the gentleman will answer a question or two with particular reference now to the class affected on page 7, beginning at line 15, where they are over 25 years of age and of less than half blood. All of this accumulated fund is then to be turned over to them.

Mr. SPROUL of Kansas. Yes; their respective shares——

Mr. CRAMTON. And the restriction continues to apply to their 160 acres.

Mr. SPROUL of Kansas. Yes.

Mr. CRAMTON. That is nontaxable for 30 years.

Mr. SPROUL of Kansas. No; that is nontaxable until Congress shall otherwise provide.

Mr. CRAMTON. There is an intimation of 30 years. Roughly speaking, how much are these 160 acres worth, the mineral rights not being included?

Mr. SPROUL of Kansas. That depends upon where they are situated.

Mr. CRAMTON. What would be the maximum?

Mr. SPROUL of Kansas. It would depend upon the improvements upon the land. Generally, they have a $10,000 to $30,000 residence upon it. It would be very difficult for me to tell, but I should say upon an average of about $15,000 or $20,000.

Mr. CRAMTON. What is the average cash that is to be turned over to them in this 5-year period?

Mr. SPROUL of Kansas. I would not be able to inform the gentleman on that?

Mr. CRAMTON. Would the gentleman from Oklahoma indicate? My impression is that it is $5,000,000 and there are 90 or 100 of them.

Mr. HASTINGS. It has been running about $12,000 to $15,000 a year.

Mr. CRAMTON. This accumulated fund is $5,000,000.

Mr. HASTINGS. That depends on how much each individual has to his credit.

Mr. CRAMTON. If I am correct in my recollection of the statement of the gentleman from Oklahoma [Mr. HOWARD], there will be $5,000,000 affected by this, and with less than 100 Indians, that would be something like $50,000 each. In other words, we are going to continue for 30 years a guardianship over their land worth maybe $25,000, but we are going to turn over to them within 5 years $50,000, or whatever it is, in cash. As a matter of fact, I have a feeling that the cash is much larger than $50,000.

Mr. SPROUL of Kansas. I think the gentleman is entirely in error. I would venture the assertion from general knowledge that it is far less than $50,000 on an average.

Mr. CRAMTON. What I do not understand is why, if they are so thoroughly competent and drive their fine automobiles around on the roads of Oklahoma, they should not be declared competent and pay taxes to keep up those roads.

Mr. SPROUL of Kansas. By agreement they pay—the tribe pays—into the county 1 per cent of the gross production of oil in Osage County, which by mutual understanding with the county commissioners amounts to more than the taxes on their homesteads would amount to, and for that reason the county commissioners think it would be fair and equitable to the county to continue the exemption upon their homesteads.

Mr. CRAMTON. Do they pay a higher tax on their receipts from oil leases than the whites pay?

Mr. SPROUL of Kansas. Yes; they pay identically the same tax, 3 per cent of the gross production, the same as the operators, and then pay 1 per cent in addition, which in the estimation of the county commissioners yields the county a bigger revenue than a tax on their homesteads would yield.

Mr. CRAMTON. Is that to continue after all the restrictions are removed from their property?

Mr. SPROUL of Kansas. They rate or consider them together.

Mr. CRAMTON. So that after the restrictions are all removed and they are in the same position as to property the whites are they are to be taxed on their property the same as the whites. Then, as I understand the gentleman, in addition they pay 1 per cent which the whites do not pay.

Mr. SPROUL of Kansas. Yes.

Mr. CRAMTON. That speaks eloquently for what the State of Oklahoma will do for the Indians if they have the opportunity.

Mr. HOWARD of Oklahoma. Congress did that in the act of 1921 which imposed that 1 per cent.

Mr. CRAMTON. I am just trying to prevent any such mistake here.

Mr. HASTINGS. I think it will expire in 1946. We extended that period to 1946.

Mr. SPROUL of Kansas. We tried to consider and act upon this bill without any prejudice for or against Oklahoma, but for the welfare of the Indians. Now let me suggest further in reference to the payments of debts of these less than half-blood Indians: They have neglected the payment of their bills for the necessaries of life until the merchants who have supplied them in the cities around about Pawhusky hold claims against them for clothing, implements for their farms, for grocery bills, for drug bills, for doctor bills, for nurse bills, and so forth, and they are not paying them. They live in my district in different parts and live in different parts of the country; and appear, as I have suggested, in Packard automobiles, well dressed, well educated, and with plenty of money apparently to pay their dry-goods bills and auto-repair bills and hotel bills and living expenses in traveling all over the United States. So it occurred to those of us who are intimate with these conditions that inasmuch as every three months they have been getting from $800 to $1,200 each that the Indians should be taught—we call them Indians, but we might just as well or more properly call them white people—should be taught the lessons of integrity and honesty; that when they promise to pay a bill they ought to keep the promise; and, if they will not, then those in charge of their money should compel the keeping of their promises and teach by practice as well as precept the graces of honesty and integrity.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. SPROUL of Kansas. I will.

Mr. MORTON D. HULL. Can these people continue to get credit with these merchants?

Mr. SPROUL of Kansas. They continue to get credit with the merchants they purchase from. Their purchasing places are anywhere over the country where they are known, where they can come and be known that they are Osage and live at Pawhusky. They travel all over the United States. I will say to the members of the committee that there are no people in the United States that travel so much over the United States as those people do with their Packards. And think of it! Our

present administration enables them to buy Packard cars, and Buicks, and Nashes, and cars of that character and pay for them on the installment plan and pay at 8 per cent interest on the money they owe for the automobiles, while their grocery bills, dry-goods bills, and clothing bills go unpaid.

With some of us who know, it is not simply a theory. We know these conditions, and we feel—and the intelligent, fair-minded members of the tribe who are of less than half-blood concede and assert—that it will be a good lesson for these Indians to be taught. They are now taking advantage of the bankruptcy law. Just to show you how they become involved, they are taking advantage of the bankruptcy laws. Let us consider how our good friend from Michigan would have this $1,000 every month protected against garnishment and attachment by those who furnish them with bread and meat and medical attention and clothing. The Indians have knowledge that there is a department of the Government that will aid them in the protection of their money. Here are questions that come to us who are members of the committee, who have made a study of these problems, and who have considered what is the prime and the great duty of the Federal Government as the guardian of the Indians. Is it the proper thing to say to these Indians, "We are going to protect and conserve your great wealth, given to you to exploit and speculate with, and buy from whomsoever you can buy," and save them say, "The Government will not pay our bills. We will keep our money and go on. We do not want our restrictions removed, because then we might get rid of our money. We have men up there on the floor of the House who will not allow our restrictions to be removed, and our funds will be kept for us forever, and we will continue to be wards, even if we be eligible for President or Vice President of the United States"? This is another view of it.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield there?

Mr. SPROUL of Kansas. I yield to the gentleman.

Mr. CRAMTON. This is not controversial. The gentleman spoke about these Indians going through bankruptcy proceedings. Do I understand that in any case an Osage Indian was discharged in bankruptcy; an Indian who owned a homestead of more than 160 acres, worth $25,000 or $30,000, and who had an undivided interest in the tribal funds estimated at $50,000, insuring a regular income—under those circumstances has a Federal court granted them relief in bankruptcy?

Mr. SPROUL of Kansas. That is my understanding; and one well-known judge has held that the fund and payment is not subject to attachment, and that likewise the tribal funds are not to be charged to the Indians as business assets.

Mr. CRAMTON. If these Indians do not pay their grocers and their clothiers and doctors when they have an assured income as at present, how are you going to compel them to pay their bills when we shall have turned over to them their principal and they have squandered it?

Mr. SPROUL of Kansas. I will answer the gentleman. In the first place, the automobiles seem to have been purchased with the approval of the Government. I do not indorse that. I do not think that ought to have been done. But nevertheless it has been done, to the neglect of their grocery and other bills for the necessaries of life. But this bill provides for shorting these Indians, so to speak, to the extent of 25 per cent quarterly of their money when there exist just debts for the necessaries of life. It has been considered both by members of the committee and the leading Indians themselves that it will be a good and valuable lesson to them as to what they should do in the matter of paying their bills and economizing and living within their income, so that by the arrival of the 5-year time, when they will get their accumulated money, they will have been taught valuable lessons in economy and regard for the obligations of paying of their debts. All these matters have been carefully weighed and studied with reference to the actual facts and requirements concerning the Indians and their lands.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield there?

Mr. SPROUL of Kansas. Yes.

Mr. CONNALLY of Texas. From what the gentleman from Kansas has said we would naturally infer that these Indians are improvident. If you removed the restrictions from their money, would they not still continue to be extravagant and by pay time will have nothing?

Mr. SPROUL of Kansas. Unless something is done to make them pay.

Mr. CONNALLY of Texas. When the pay time comes will not the white man have all the money and the Indian will have nothing left?

Mr. SPROUL of Kansas. It will be much less so if you pass this bill than if you did not pass it.

Mr. CONNALLY of Texas. Is not the Government policy with respect to all its employees not to consider itself a collecting agency? Does not the department say it is not in the collecting business, and does it not send such letters as complain of unpaid debts to employees back to the writers?

Mr. SPROUL of Kansas. Such experience as I have had is this: The department sends word down to the postmaster, for example, to notify the rural delivery carrier who does not pay his debts that he had better resign or pay his debts. That is the way Uncle Sam treats postal employees. That is an illustration of the experience I have had down in the State of Oklahoma.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield there?

Mr. SPROUL of Kansas. Yes.

Mr. TAYLOR of Colorado. In cases of that kind Congress has held—and the department has held—that if merchants or others do any business in extending credit to Indians of that kind, whether they are dead-beat Indians or otherwise, the Government agencies could not be used to compel them to pay the merchants to whom they owe debts.

Mr. SPROUL of Kansas. That has been tried, with no success.

Oftentimes there are hospital bills, nurse bills, medical bills, and drug bills which are incurred very suddenly and without time to communicate with the Government and get authority to incur them. So if bills of that kind could not be incurred the Indian and his family might suffer very greatly. It has been impracticable to work out all of these things without credit to Indians for necessaries——

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. SPROUL of Kansas. I yield.

Mr. COOPER of Wisconsin. What is the reason that the proprietor of a grocery store, of a boot and shoe store, or any other store furnishing the necessaries of life, could not refuse to sell, except for cash, to an Indian who receives as much money as these Indians receive.

Mr. SPROUL of Kansas. There is no reason, I will say to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Now, right there. Everybody, I suppose, knows of quite well-to-do white people—not quarter bloods or half bloods but pure Caucasians dating away back, at least they say so—who are such proverbial dead-beats that although independently well to do, they can not get one dollar's worth of groceries on credit, so it would seem to me it would be the easiest thing in the world to stop a dead-beat Indian.

Mr. SPROUL of Kansas. Well, the Indian in the gentleman's country may be very different from the Indian in our country. A free white man might have a homestead that might be free from an execution, but he does not get away from paying his grocery bills very long. However, the difference between a white man and an Indian is that the Government of the United States is not the guardian of the white individual but is the guardian of these Indians, and it is our duty to aid them in handling their money and property in such a way as to make the best kind of citizens out of them and prevent them from being indigent if we can, and to teach them to be truthful and honest and industries citizens.

I do not contend for one minute that we are dealing the most wisely with the Osage Indians. I very much doubt it, but I surely think the provisions of this bill are full of merit as far as they go.

Mr. CRAMTON. Mr. Speaker, I yield 10 minutes to the gentleman from Oklahoma [Mr. HOWARD].

Mr. HOWARD of Oklahoma. Mr. Speaker and gentlemen, Osage County, in which these Indians live, is located in the district which I represent. This bill was brought to me last spring by the Osage Council, containing many of the provisions it now contains, asking that I introduce it. I took the precaution of introducing this bill by request, and not giving my indorsement to the measure at that time in its entirety by introducing it as my own.

I want to say to the Members of the House that in all of my six years' experience in Congress I have never seen a measure that has been studied, scrutinized, and restudied, by not only the entire Indian Affairs Committee but a subcommittee thereof, than has the measure before us. When it was first introduced it was sent to a subcommittee. The Osage Indians, the Osage Tribal Council, the superintendent of their agency, and parties interested otherwise appeared and were given hearings. Then, when the subcommittee had made a report to our committee, we again, as a whole committee, opened up the matter and went into the measure from every angle. The bill was reported out in the other session. We did not push it on the calendar. It has been on the calendar since last May, and within the last two

weeks we have again given time to the Osage Council, the superintendent of the agency, and the Bureau of Indian Affairs to appear before the committee, discuss the bill, and make recommendations. Out of all of these hearings and this study we have brought a bill before the House which we believe will give proper protection to the Osage Indian in every particular and yet do justice to those who live among them, develop their property, and trade with them.

Now, let us see for a moment what we are attempting to do in this bill. First, we are attempting, and very necessarily so, to provide for the holding of his mineral rights of all of them within the tribes and the moneys of the restricted ones under the supervision of the Government until 1959. If legislation of this kind is not passed the result will be that in 1931 the restrictions come off and the Indian will be left to the mercy of those whom some of you fear so much. That must be done. Now, then, we get to the matter of exemption from taxation. Let me say first that as to those of half blood or less, around which so much controversy has gathered, there are only about 80 involved, so far as their finances are concerned, and only 25 have allotments that will be nontaxable. Consequently neither myself nor the State of Oklahoma, nor the committee, is waiving any right to taxation for the purpose of turning this money loose. On the other hand, when Oklahoma became a State we found that the Government had treaties with the Cherokees and the Seminoles which made their lands forever nontaxable, or, rather, made their lands nontaxable as long as they were held in the hands of the original allottees. We had to accept that in our statehood agreement with the nation. Along with that were the provisions in the treaties that the Government had with the Osages, Choctaws, Chickasaws, and Creeks, that for a period, which expires in 1931, the State of Oklahoma would keep their lands nontaxable. We have lived up to that. Now, as the period is approached for the lands of these Indians to go on the tax rolls, we have taken the position in Oklahoma that these Indians are citizens of Oklahoma.

If the Cherokee and the Seminole are not to be taxed as long as the lands are in the hands of the original allottee, I feel that all our Indian citizens should be treated alike and are willing that the Osages shall be placed upon the same basis as to taxation. This is the explanation of the nontaxable provision in this bill.

The Osage Indians, however, I will say, went to the county commissioners of Osage County and asked for this provision and the Osage County commissioners recommended it to the Congress, and their recommendation will be found in the hearings on the measure.

Now, what next do we do? I have been informed by the secretary of the Osage Council as to this matter since this discussion began. Of the Indians of less than half blood, whose restrictions this bill seeks to eventually remove, there are just about 80. They are not the blanket Indians to which the minds of many turn when they think of the Indians of yesteryear. They are people who have a small amount of Indian blood in their veins. Their degree of Indian relationship running from one sixty-fourth or one one-hundred-and-twentieth up to almost half bloods.

The Government has accumulated this money while they have been in school. They are all now past 20 years of age, but what has happened is this: With a place where every three months they could go and get from $800 to $2,500 as their quarterly payments, it has not been conducive, in too many instances, to making of them business men and women, to whom we should turn over their entire fortune when they become a certain age. They can continually present evidence of their competency in every way, diplomas from colleges that some of us can not present. Educational advantages that some of us never had, they have had, and when they present such evidence their restrictions have been removed from time to time and we have found that not to be the best policy. So in this bill, in order to eventually emancipate them, as they have been promised ever since the days of Grover Cleveland, we have written a provision that those that are not yet 25 years of age shall be given one-fifth of their accumulated funds.

Then they will have two years within which to go out and experiment, and it has been my experience that even the boy who lost his first taw got another one if he had it in him. So we propose in this bill to give him one-fifth of it, let him have two years with that one-fifth and then gradually give it to him until 10 years has elapsed, and then give him a certificate of competency. But we figure that if he has reached the age of 25 he is further along toward maturity and this bill provides that if he has already reached that age we provide that his money shall be paid to him in 5 years instead of 10 years. It is a plan which we knowingly, earnestly, and honestly conceived to be for the benefit of the Indian and one that would help to bring about his emancipation.

Mr. CRAMTON. Will the gentleman yield?

Mr. HOWARD of Oklahoma. Yes.

Mr. CRAMTON. There is a matter which I discussed when I was on the floor and which I brought then to the attention of the gentleman with respect to what seemed to be an inconsistency between the opening provision of section 3 on page 6, the 10-year period for the payment of this fund, and the proviso on page 7, providing a 5-year period in certain cases. Is the gentleman yet prepared to show the consistency of the two provisions?

Mr. HOWARD of Oklahoma. If anything in this bill is not made entirely clear, I am perfectly willing it shall be, but the intention of the committee, I will say to the gentleman from Michigan, is that as to those who are not 25 years of age, the payment of their money shall be extended over a period of 10 years. If they have reached the age of 25, then it shall be extended over a period of five years, and we are perfectly willing that anything that shall make that conclusive may be written into the bill.

Mr. CRAMTON. My purpose has been to direct the attention of the committee to these inconsistencies in the hope that they may be corrected.

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

Mr. CRAMTON. Mr. Speaker, I yield the gentleman three additional minutes.

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. HOWARD of Oklahoma. Yes.

Mr. SPROUL of Kansas. I can not see where there is any inconsistency in that proposition. The Indian who happens to be 25 years of age at the passage of this bill at the end of five years will be 30, and the purpose of the bill is to emancipate the Indians at the age of 30.

Mr. CRAMTON. I can see what the subsection on page 7 does. That relates to those who are at least 25 and have less than half Osage blood. That is quite specific, but the provision on page 6 seems to be broad enough to include them as well as others.

Mr. SPROUL of Kansas. It does, and that is the existing law and a law that has been on the statute books for some time, and the department requested that that be not stricken out, so that the department might anticipate the 30-year period of emancipation by intervening and giving them their certificates before they arrived at that age.

Mr. CRAMTON. It is not desirable on one page to say that it must be paid in 10 years, and on the next page to say that it shall be paid in 5 years. I think that they had better be reconciled.

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

Mr. CRAMTON. I yield to the gentleman two minutes more.

Mr. HOWARD of Oklahoma. Now, Mr. Speaker, and gentlemen of the committee, I represent these Indians in the Congress. I introduced this bill by request. I have no interest whatever in the Osage Nation. I have not one penny of interest, or one dime, or any interest, except the protection of these Indians. I have worked on the subcommittee and I have worked on the general committee, and this legislation, I think, will protect my Indian constituency, and do justice to them. I believe it is a progressive measure of Osage Indian legislation. If I did not believe that I would be here against it. I hope when you take it up again you will pass this legislation. I am perfectly willing and more than anxious that any language in it may be corrected to the end that we get real legislation protecting the Indians, as well as all others. [Applause.]

Mr. CRAMTON. Does the gentleman from Oklahoma [Mr. HASTINGS] desire time?

Mr. HASTINGS. I would like a little time before we conclude the bill.

Mr. CRAMTON. If the gentleman desires time, I will yield him 10 minutes now or he can wait until next Wednesday.

Mr. LEAVITT. My purpose is not to consider or urge the completion of the bill to-night. I think the Members should have proper time to read the RECORD and perfectly understand the provisions of the bill.

Mr. HASTINGS. It is perfectly agreeable to me to go over until next Wednesday.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 4517. An act appropriating tribal funds of Indians residing on the Klamath Reservation, Oreg., to pay expenses of the

General Council and Business committee, and for other purposes; to the Committee on Appropriations.

S. 4704. An act to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Tropic Everglades National Park, in the State of Florida, and for other purposes; to the Committee on the Public Lands.

S. 4890. An act authorizing the Secretary of the Treasury to pay to Gallup Undertaking Co. for burial of four Navajo Indians; to the Committee on Claims.

S. 5014. An act authorizing the Secretary of the Interior to issue to the city of Bozeman, Mont., a patent to certain public lands; to the Committee on the Public Lands.

S. 5073. An act to amend the act of Congress of June 26, 1906, entitled "An act for the protection of the fisheries of Alaska, and for other purposes"; to the Committee on the Merchant Marine and Fisheries.

S. 5090. An act for the relief of Lewis H. Easterly; to the Committee on Military Affairs.

S. 5095. An act to amend section 1, rule 3, subdivision (e), of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895, as amended May 17, 1928; to the Committee on the Merchant Marine and Fisheries.

S. 5179. An act to improve the efficiency of the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 5181. An act to amend section 4 of the act of June 15, 1917 (40 Stat. p. 224, sec. 241, title 22, U. S. C.); to the Committee on the Judiciary.

S. 5269. An act to amend the United States mining laws applicable to the Black Hills and Harney National Forests; to the Committee on the Public Lands.

S. 5331. An act for the relief of Edwina R. Munchhof; to the Committee on Claims.

S. 5452. An act to amend the trading with the enemy act so as to extend the time within which claims may be filed with the Alien Property Custodian; to the Committee on Interstate and Foreign Commerce.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President for his approval bills and a joint resolution of the House of the following titles:

H. R. 940. An act for the relief of Michael J. Fraher;

H. R. 2098. An act for the relief of Alonzo Northrup;

H. R. 3268. An act for the relief of John G. DeCamp;

H. R. 4589. An act for the relief of Dan A. Morrison;

H. R. 8341. An act to provide for appointing Clarence Ulery a warrant officer, United States Army;

H. R. 12113. An act providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain also within such State;

H. R. 12995. An act for the relief of Etta B. Leach Johnson;

H. R. 14925. An act to authorize repayment of certain excess amounts paid by purchasers of lots in the town sites of Bowdoin, Mont., and for other purposes;

H. R. 14452. An act to authorize the Secretary of the Treasury to donate to the city of Oakland, Calif., the United States Coast Guard cutter *Bear;*

H. R. 12236. An act to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926, and to provide a means for further investigation and payment in certain cases;

H. R. 14150. An act to amend section 279 of the Judicial Code; and

H. J. Res. 365. Joint resolution authorizing the President, under certain conditions, to invite the participation of other nations in the Chicago World's Fair, providing for the admission of their exhibits, and for other purposes.

OPERATION OF THE FEDERAL BUDGET SYSTEM

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the speech of the President at the Budget meeting, and also the speech of Director General Lord.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. THATCHER. Mr. Speaker, under leave granted me to do so, I herewith include as an extension of my remarks in the CONGRESSIONAL RECORD the address delivered by the President of the United States, Hon. Calvin Coolidge, at the sixteenth regular meeting of the Business Organization of the Government at Memorial Continental Hall, in Washington, last Monday evening, the 23d instant; and also the address delivered on the same occasion by the Director of the Bureau of the Budget, Gen. Herbert M. Lord.

The address of President Coolidge follows:

ADDRESS OF THE PRESIDENT

Members of the Government's business organizations, the present fiscal year will bring to a close eight years of conducting the finances of the Government of the United States under the Budget system. It was put into operation to save the country from economic disaster. It has been fully justified by the results. In the first instance, the President, of course, is responsible for the direction of the system. In the second place, that responsibility is shared with the Congress in making appropriations. In the next place, the responsibility for efficient expenditures rests with the chiefs of the various departments. But in the final analysis, success could have been achieved only by the loyal cooperation and faithful service of the great rank and file of the Government personnel. To that great body, of which you are the representatives, the people owe a debt of gratitude, which I especially wish to acknowledge at this last Budget meeting of my administration. Without their devotion to the cause of constructive economy we could have done nothing. With it we have been able to do everything. The victory has been their victory, and the praise should be their praise.

When we began the task in June, 1921, of reconstructing our public finances, it looked almost impossible of accomplishment. The entire Government structure was permeated with extravagance. The expenditures for that fiscal year, exclusive of debt reductions, were about $5,000,000,000. The interest charge alone was more than $1,000,000,000, and our outstanding indebtedness was nearly $24,000,000,000. The business of the country was prostrate. Its different branches of agriculture, commerce, banking, manufacturing, and transportation were suffering from severe depression. Employment was difficult to secure. Wages were declining. Five million people were out of work. The price of securities, even of Government bonds, was very low. It was difficult to find any market for commodities. Confidence in our entire economic structure had been shaken. Progress had stopped.

It is easy to see what the condition of the people would be under such circumstances. Those who had property, even though it was much diminished in value, could take care of themselves, as they always can. But to those who were carrying on business with borrowed capital and had outstanding notes and mortgages there seemed nothing ahead but ruin. Wage earners and their families were faced with want and misery. The cause of this distress was not difficult to ascertain. The country had been living beyond its means. It had been spending much more than it was earning, which meant that it had been using up its capital. The savings of previous years were being exhausted, principally through Government extravagance.

This was not a pleasant picture to behold. If relief were possible, those who were able to provide it could well afford to be charged with considering nothing but the material side of life, with advocating a penurious and cheeseparing policy, and with neglecting to supply the public needs. If a remedy could be found, when it was put into operation business would revive, profits would increase, employment would be plentiful, wages would be good, the distress of the people would be relieved, and a great condition of contentment and prosperity would prevail. Whatever criticisms there might be against those who had labored to secure this result, the satisfactory condition of the country would be a sufficient answer and a sufficient reward.

The evils and abuses of Government extravagance were perfectly apparent. It was believed and, as experience has demonstrated correctly believed, that the distress of the country would be relieved if Government extravagance ceased. It was for this purpose that the radical and revolutionary system was adopted of centralizing in the President the primary authority for the recommendation of all departmental estimates and establishing for his information and advice the Bureau of the Budget.

Seemingly without effort, but actually by hard and effective work, the change was wrought. Each of the succeeding years brought an ever-increasing improvement in the business of Government. Expenditures diminished until 1927, when, exclusive of the amount applied to debt reduction, they reached a point below the $3,000,000,000 mark. This was $2,000,000,000 below 1921. Billions were cut from the public debt, with a large saving of interest. The first tax reduction came in November, 1921, and was followed by three succeeding reductions. Funds were saved to meet the cost of our much-needed public improvements, which had been in abeyance during the war period. Short-time notes and long-time bonds were paid off and refunded at lower rates.

Working in that spirit which forcefully asserts itself in time of need, the executive and legislative branches of the Government, with the backing of the people, have inserted a golden page in our history. It fittingly portrays that peace hath its victories no less than war. In

the short period of seven and one-half years the public debt has been reduced $6,667,000,000. The total saving in interest alone from this and refunding operations is $963,000,000. Four reductions in taxes have returned to the people approximately $2,000,000,000 a year, which would have been required had the revenue act of 1918 remained in force. Two and one-half million people have been entirely relieved of all Federal taxation.

One of the first essentials in the work of making the Federal Government a real business organization was the welding of the various departments and independent establishments into a harmonious, efficient concern. We found 43 independent departments and establishments each operating under its own customs and rules, utterly regardless of the existence of other departments which were parts of the same great establishment, the United States of America. There was little community of thought or harmony of action. Deep-seated hostility between certain Government agencies existed. That the National Government ought to be one great entity responsible for the happiness of 120,000,000 of people was entirely overlooked in the exclusive devotion of groups of Federal officials and employees to one particular subordinate department. This same obsession often characterized the relation between bureaus in the same department. Heroic effort was needed to substitute national loyalty for department and bureau loyalty. Efficiency and economy in operation were hopeless under such conditions. The situation called for a revolution in the attitude of Government agencies toward each other. Exclusive devotion to their subordinate even though important departments must give place to loyalty to the whole Government. To effect this great transformation a wide coordinating plan was put into effect. Representatives from the various departments and establishments were called together and organized into effective committees and boards to simplify and unify procedures and eliminate tortuous, wasteful, and unbusinesslike methods. In this way all the major activities of the Government were studied and harmonized by the efforts of our own personnel. Out from this study and effort sprang a business organization that compares favorably with like establishments in the business world in efficiency and unified control. Harmonious cooperation has won.

In pre-Budget days not a single administrative form indicated there was such a thing as a National Government. The several departments had their own business forms in varying and confusing multiplicity. To-day we have 38 Federal forms displacing the many hundreds that served to confuse business and add to the cost of government. Not a single specification contributed to good government business. To-day we have 602 standardized specifications which cover in large part the entire field of Federal requirements. We are using one uniform Government lease in place of several hundreds of departmental leases, while uniform construction and supply contracts in connection with our standardized specifications are contributing daily to good business and material saving. Our great real estate and rental interests, our hospitalization, our buying, selling, and printing, our patent interests, and office methods are subject to the same careful study and supervision.

Out in the field we have our area coordinators and our 280 Federal business associations with 63 more in the making. These unique Government agencies are spreading the gospel of efficient government economically administered. They are our most trenchant exponents of cooperation. The intangible savings resulting from this coordinating work mounts into millions yearly. The work is not spectacular, but it is the very foundation of good business. I believe that the Federal Government to-day is the best conducted big business in the world. To these faithful workers in our coordinating agencies, in Washington and elsewhere, the country owes a great debt of gratitude. This picture of widespread commitment to good government throughout the service—and extravagant government is not good government—is most inspiring and encouraging. We have demonstrated that saving results from efficiency, and efficiency comes from saving.

Largely because of such work as this, less than two years from the time when the lowest point was reached, the country was very generally restored to normal conditions. From that time on there has been an upward swing, broken only by short static periods or slight temporary recessions. The closing months of 1928 and the opening weeks of 1929 have seen American industry and commerce at the highest point ever attained in time of peace.

In order to understand more clearly what the effect of these efforts has been on the country, it is only necessary to compare some of the major economic factors of 1928 with those of 1921. The output of our factories increased during that interval nearly 60 per cent; in some cases, such as iron and steel production, it was more than doubled. The production of the mining industries as a group was at least 50 per cent greater last year than seven years before. The construction of new buildings was much more than twice as great in 1928 as in 1921. The advance was especially notable and gratifying in the building of homes and schools. Check payments outside of New York City, where the volume is much affected by stock-exchange transactions, have increased by about 57 per cent over 1921. Railway traffic has been about one-third greater than in the earlier year and has been carried on with far greater efficiency and dispatch. The number of automobiles registered is now nearly three times as great as at the beginning of 1921, and the number manufactured during 1928 was more than three times as great as during 1921. Electric power production last year was considerably more than double what it was seven years before. From practically nothing, the business of radio broadcasting has become enormous, and the number of radio-receiving sets produced exceeds 13,000,000. The burdens of our housewives have been immeasurably lightened and their lives broadened by the introduction of numerous electrical conveniences and devices, most of which were unknown a few years ago.

The extent that the financial reserves of our citizens have increased is strikingly apparent. Savings deposits rose from $16,500,000,000 at the end of the fiscal year 1921 to more than $28,000,000,000 on June 30, 1928. Between 1921 and 1927 the amount of life insurance in force very nearly doubled, and the total of such protection came to exceed $87,000,000,000. The assets of building and loan associations have risen from less than $2,900,000,000 in 1921 to more than $7,178,000,000 in 1927.

The record of the advance in education in this country during recent years has been truly astonishing. Figures for 1927 and 1928 are not yet available, but in the short period of six years, between 1920 and 1926, the number of students in our high schools, colleges, and universities grew from about three to neary five millions. There has been an immense increase in the output of reading matter of all kinds.

With all our increase in production, the numbers of persons employed in several of our major activities have, apart from the sharp recovery after the depression of 1921, tended to decrease. At present there are fewer persons employed in manufactures, mining, railway transportation, and agriculture than in 1919, and the increase as compared with 15 or 20 years ago is decidedly less when compared with the total population of the country. This change means the elimination of waste and is an evidence of advance in living standards. With the constantly rising efficiency and greater production per man the quantity of goods available per capita of the population has increased materially. It has also been possible to set some workers free to furnish us services as distinguished from commodities—services of distribution, automobile travel, recreation, and amusement. By this means the whole number of persons employed has increased.

I do not claim that action by the National Government deserves all the credit for the rapid restoration of our country's business from the great depression of 1921, or for the steady progress that has since taken place. Unquestionably, however, wise governmental policies, and particularly wise economy in Government expenditures with steady reduction of the national debt, have had a dominant influence. The people gained confidence in themselves because of increasing confidence in their Government. The reduction of taxation made possible by the cutting down of Government expenditures left more income in the hands of the people, enabling them to increase their expenditures, and thereby not only to obtain greater comforts, but to add to the demand for commodities; it likewise helped to provide funds for building up the capital of the country and augmenting its productive capacity.

The public needs have not been neglected. We have been able to embark upon a building program which for public works, hospitals, and our military housing requirements will cost nearly half a billion dollars. We are amortizing the cost of the adjusted service certificate fund of veterans of the World War and the retirement funds of our civil establishment at a cost of $132,000,000 a year. Additional funds are being devoted to flood-control work and improvements made necessary by disasters which have overtaken our own States and outlying territory. These expenditures could not have been financed without an economical administration. We could not have had tax reductions and the added expense of these necessary things without careful and orderly management of the business of government.

In this period of greatest prosperity the purely business phases of administration, the interests of commerce, and the encouragement of industry have not been permitted to absorb our attention and mortgage our revenue to the exclusion of the more humane objects and purposes. The duty and privilege of providing for our veterans and employees who have need of relief have not been neglected. The Employees' Compensation Commission in 1928 paid out $3,267,000 for the benefit of injured Government employees, while the expenditure for pensions, compensation, insurance, and care for the veterans of various wars exceeded in 1928, $600,000,000. In all these fields of need the Government has disbursed with generous hand, and its hospitals and homes for its wards thickly dot the land. In times of great disaster it opened the doors of its Treasury.

On the artistic, altruistic, and patriotic side there has been no parsimonious withholding. The beautiful Arlington Memorial Bridge that is spanning the Potomac, the preservation and marking of historic spots, the character of the public buildings being erected throughout the country, eloquently deny the charge that we are only a commercial Nation with no regard for anything but the pursuit of the dollar. During these late years there has been a steady growth of interest in the higher and better things, and I am convinced that the tone and character of the Nation has constantly improved.

We are giving the people better service than ever before. The post office is extending to the people, rich and poor, ever-increasing facili-

ties. The Public Health Service protects us from plague and other evils with a painstaking care heretofore unequaled. In all our lives, sleeping and waking, we are guarded and protected and helped by the Federal Government in more and more ways. This has been done under the restrictions of a policy of drastic economy, which have saved from waste the funds to make increased and better public service possible. You certainly have given abundant reason for being proud of our great Government.

In spite of all these remarkable accomplishments, much yet remains to be done. We still have an enormous public debt of over $17,000,000,000. In spite of all our efforts for economy, our great savings in interest, and our four reductions in taxes, the expenses of the Federal Government during the last year are showing a tendency to increase. While much has been done in reducing the costs, by far the largest item of credit is due for preventing increased expenditures. A short time ago there were pending before the Congress, and seriously being advocated, bills which would have doubled our annual cost of government. At the present time committees have reported, and there are on the calendar in the Congress, bills which would cost more than a billion dollars. Had there not been a constant insistence upon a policy of rigid economy many of these bills would have become law.

It would be a great mistake to suppose that we can continue our national prosperity, with the attendant blessings which it confers upon the people, unless we continue to insist upon constructive economy in government. The margin between prosperity and depression is always very small. A decrease of less than 10 per cent in the income of the Nation would produce a deficit in our present Budget. The costs of State and local governments are rapidly mounting. From $3,900,000,000 in 1921 the National Industrial Conference Board estimates that they reached $7,931,000,000 in 1927. This is such a heavy drain on the earnings of the people that it is the greatest menace to the continuance of prosperity. It is a red flag warning us of the danger of depression and a repetition of the disaster which overtook the country in the closing days of 1920. It is a warning that should be heeded by every one intrusted with the expenditure or appropriation of public funds. It is the reason that further commitments by the National Government for any new projects not absolutely necessary should be faithfully resisted.

The results of economy which have meant so much to our own country, and indirectly to the world, could not have been successful without the Bureau of the Budget. It has been able in eight years to reduce estimates by $2,614,000,000. The ability with which that bureau has been managed is due to its director. Since I have been President it has been under General Lord. In all our meetings I have spoken of him in terms of commendation. He has continued to justify all I have ever said in his praise. I wish to take this last opportunity which I shall have during my administration publicly to express to him again my appreciation of the high character of his work and my increasing confidence in the Budget system. No friend of sound government will ever consent to see it weakened. No one who admires fidelity and character in the public service will ever fail to be grateful for the services of General Lord, who will now address you.

Address of Gen. H. M. Lord

Mr. President and members of the business organization of the Government, some years ago Peter Cornelius, a more or less well-known musician, composed a musical number called "Ein Ton" or "One Tone." One note dominates the entire composition. Measure follows measure, chord succeeds chord in rich and varying harmony, but that persistent, never-changing note marches on, commanding the musical unfoldment. It is always there, insistently asserting itself. The pleasing harmonies, the musical variations, the changing phases of this unusual number are artistically woven in and around that ever-appealing, ever-insistent, never-varying, never-silent note. Any departure from that commanding tone not in accord with the law of harmony would yield an unmusical dissonance to mar the beauty and perfection of the composition and discordantly interfere with the enjoyment afforded the listener.

Twice each year for eight years we have met in friendly conference to discuss the Nation's business. These conferences have all been "One Tone" gatherings. Their dominant note has always been "economy." No matter what the subject discussed, the keynote has always been the same—"economy"—with its inseparable comrade and companion, "efficiency." Our efforts to make effective this never-changing note of constructive economy, our endeavor to achieve harmonious and worthwhile results have, I am sure, been more successful than the attempt of the colored brother to entice music from his saxophone. A friend asked him how he was getting on with his saxophone.

"Porely, porely," was the discouraged reply. "Ah blows into that instrument the sweetest noises you all evah heard, but de mos' awful of a blah comes out of de otha end."

In our campaign for constructive economy the aim has always been to plead for the obvious, possible, and reasonable thing, to urge policies that would appeal to Federal administrators as sound and workable. We have tried to show our fellow workers that what we wanted them to do was what they should do. If our efforts for retrenchment and efficiency were to be successful we must have something more than perfunctory assistance from service people. Hearty, whole-souled cooperation was necessary. That kind of cooperation we have had. It is because of this attitude on the part of our personnel, because of their interest in better administration, that so few false notes, so few discordant blahs, have marred the harmonious full-toned chords of accomplishment, woven in and about that dominating, never-ceasing note of "economy."

THE BUDGET SYSTEM

We have a great deal to say about the Budget system—possibly too much. I wish, however, to emphasize the fact that the Budget organization comprises not only the President, the Budget Bureau, the Budget officers of the various departments and establishments, the Chief Coordinator, our splendid coordinating boards, the area coordinators, and the 280 Federal business associations, but includes every person in the Federal service. When we speak of Budget achievements we are voicing the accomplishments of the people in the Federal service and the Congress that in its wisdom gave us our Budget system.

The man of the house arrived home from militia drill and pridefully informed the members of his family that he had been appointed corporal.

"Are we corporals, too?" eagerly asked the children.

"No, no, children," replied the mother of the family, "only me and your pa."

But not so in this successful fight against waste, indifference, and inefficiency, for we are all corporals and entitled to wear the chevrons of honorable Budget service.

The Federal Budget system is no longer an experiment. It is not strange that its entry into Government operation was regarded with misgivings by administrators who through years of service had experienced little control over their estimates and less control over their expenditures. It, however, has come to stay. Chief Executives, Cabinet officers, Budget Directors, bureau chiefs will continue to play their parts and pass off the stage, but the fundamental importance of budgeting is so evident that it has become the fixed policy of the Government. The manner in which the policy is carried out, the methods of the Budget Bureau, may be legitimate objects of criticism, but the system itself defies attack. And the attitude to-day of the people in the service leads one to think that they believe in it and approve of it. It is possible, however, in some cases, that this attitude may be one of resignation. Said one friend to another:

"I understand your daughter is taking piano lessons. What progress is she making?

"Improving, I think," was the answer, "either that or we are getting more used to it."

A NEW STARTING POINT

In Budget discussions heretofore we have made our comparisons with the year 1921. That was the last year free from Budget control. The total expenditure for that year, exclusive of debt reduction and postal expenses, was $5,115,927,689.30. In 1927—six years later and six Budget years—that extraordinary outgo had been battered down to $2,974,029,674.62. This gave us a reduction of $2,141,898,014.68 in six years. The figures I have given, which have been challenged, are exact—taken from the records even to the last straggling penny—and I think can be understood even by the schoolboy who said he had no difficulty with algebra and geometry, but could not understand mathematics.

That year—1927—was also distinguished as the year of largest surplus—$635,869,921.70, which you may recall we applied to the debt, saving thereby $25,000,000 in annual interest.

EXPENDITURES AND GROWTH

That 1927 figure of $2,974,029,674.62 is the lowest expenditure level this Government will ever see. The country is growing, expanding, developing gloriously. Its population is increasing—105,000,000 in 1920 and 120,000,000 in 1928. You can not run a modern mogul locomotive for the money that was sufficient to maintain and operate an old-style wood-burning engine. When legitimate operating expenses fail to show development and growth it will be evidence that something is radically wrong with the Republic.

From now on we can look for steady increase in necessary national expenditures. This, however, does not change Budget policy nor weaken the demand for the strictest economy in Federal operations. Rather that demand is strengthened. With the growth of the country new important projects will present themselves, calling for more money from the Treasury, and no matter how great the revenues, unless they are courageously controlled and wisely directed into channels of useful and necessary purposes, burdensome additional taxes, or inability to carry on necessary constructive work, will result. Certainly we contemplate no such possibility.

And the year 1927, with its record of smallest expenditure and biggest surplus, forms the new starting point for Budget operations. From now on instead of striving each year to reduce expenses below the preceding year we enter upon a new and equally important duty to see that advancing costs are reflected in necessary development and constructive progress.

INCREASING COSTS

Expenditures in 1928 exceeded the 1927 record by $149,935,355.73. This was almost entirely due to new legislation providing for new projects of great national importance. We managed, however, with the aid of a $50,000,000 reduction in interest, to end the year with a surplus of $398,828,281.06. Of this amount, $367,358,710.12 was applied to the debt with an annual interest saving of $14,000,000.

THE PRESENT YEAR

The current year thus far has not been a happy one for the Budget organization. An original estimated surplus of $252,540,283 was by new legislation, including tax reduction, transformed into a threatened deficit of $94,000,000. At the last meeting of this organization in June the President called attention to this radical change in prospects, stated that he nevertheless contemplated no deficit at the end of the year, and called his executives and administrators into action, to work another transformation—to convert that $94,000,000 indicated deficit into an assured surplus. By his direction the expenditure program for the year was radically modified. The pruning knife fell here and there and everywhere in the grim fight for a balanced Budget. Proposed expenditures of doubtful immediate necessity went under the guillotine. Every year since the installation of the Budget system has been a fighting year, but this year we are making the supreme fight of our history.

A man and his wife were brought before the judge for disturbing the peace. In response to the judge's inquiry the man explained:

"It was this-a-way, Jedge. Me and the wife was quarreling over the wash money. She called me a lazy loafer and hit me over the head with a kittle. I knocks her down. Up she comes and knocks me down and kicks me in the neck."

"Well, what then?" asked the judge.

"Well, then we gets mad and starts to fight."

And we have started to fight. We have not had a deficit since the inauguration of the Budget. We think it too late to begin now. We realize the seriousness of the deficit threat, and are calling out all our reserves to meet it. If we fail and June 30 finds the balance on the wrong side of the Treasury ledger we propose that the Federal service be able to say with clear conscience—

"We made an honest fight for a balanced Budget, we husbanded our supplies, we conserved our funds, we made every endeavor to increase our receipts and reduce our expenditures, we have done all we could."

One of the greatest assets of this great Government is the devotion of its personnel to the Federal service and their whole-hearted commitment to the particular projects with which they are charged. It is therefore a radical departure from the usual to call upon these administrators and ask them to modify their plans for the purpose of saving money with which to balance the National Budget. The quite general ready and sympathetic response to the President's appeal emphasizes the splendid morale of the service and shows its realization that the importance of a balanced budget outweighs the importance of their especial projects.

One able Federal administrator who disburses millions was greatly concerned when it was suggested that he reduce his spending program by a considerable amount. Said he, "If I reduce my expenditures by that amount it will seriously interfere with my plans. What am I going to do?" He was told the story of the woman on an Atlantic steamship. The sea got a little rough and she sent for the colored steward.

"What am I going to do if I am taken sick?" she asked.

Said the steward, "Lady, it's no use telling you what you'se goin' to do if you'se taken sick. You'se goin' to do it anyhow."

The money is being saved!

As a result of this drastic action and an improvement in the revenue outlook, the Budget for 1930 as submitted to Congress showed a possible surplus for the current year of $36,990,192. And while the flush of victory still mantled our cheeks unexpected and unheralded demands rudely wiped out our $37,000,000 surplus and put in its place an apparent deficit of about the same amount. But we are still fighting.

THE FEDERAL CASUALTY CLUB

We haven't organized a new service club since the advent of the much-discussed Woodpecker Club. The time is ripe and need urgent for the installation of a new saving organization, and so I present for your approval the Federal Casualty Club. To acquire membership you will from now on up to and including June 30 next let all vacancies remain unfilled, thereby contributing toward a balanced budget the far from negligible sum of $12,500,000. This does not contemplate the withholding of promotions. It directs itself only to the filling of vacancies by new appointments.

The Bureau of the Budget makes first application for membership.

And I am confident this can be done without much trouble or sacrifice. You should take for your model the member of the country band which was returning on a midnight train from a celebration in a neighboring town. The train conductor asked one of the somewhat inebriated members of the organization for his ticket. The man said he had lost it. The conductor said:

"Oh, no, my man; you couldn't do that. You couldn't lose your ticket."

"I couldn't lose my ticket?" replied the man, in an aggrieved tone of voice: "I've lost the bass drum."

You have accomplished much more difficult things than the one you are now asked to do—to save us that $12,500,000.

SURGICAL WORK ON ESTIMATES

The estimates sent to Congress for 1930 call for $280,777,617.33 less than the departments originally asked. Cuts in estimates made by the Budget Bureau during the entire Budget period—reductions made by direction of the President before submission to Congress—totaled $1,961,681,076.49. This, however, does not tell the whole story, for Budget boards organized in the various departments take their toll before the estimates are sent to the Budget Bureau. The Treasury Department Budget Board, for example, reduced estimates by $61,325,085.54, while the War Department authorities shaved $590,560,046 from estimates before sending them to the Bureau of the Budget. Exclusive of reductions made by other Budget boards, we have a total reduction under Budget procedure of $2,613,766,207.54. These major operations were not performed without protests and prophecies of dire calamity as a result of such reductions. But the disasters and fatalities predicted have not materialized, and we have to-day a more efficient organization than ever before. Many plants thrive with pruning, and the Federal plant seems to be one of them.

The estimates for 1930 show a possible surplus of $60,576,182. This result is reached without figuring into the equation pending legislation and possible court action that may add millions to our expenditures and seriously threaten that narrow safety margin of $60,000,000. Facing these conditions, the President stated that no estimates would meet with his approval that would contribute to a deficit in 1930. Appeals for funds must be confined to purposes of such supreme importance and urgency as would obviously warrant the risk of jeopardizing the 1930 balance. From a Budget standpoint no other course is possible, and supplemental estimates are having a hard time. Proponents of these supplementals urge that their needs, as voiced in their estimates, meet in full these requirements of importance and urgency.

The members of a certain denomination decided to remodel the church. Appeal was made to one of the members to contribute toward the building fund. He demurred, saying he owed a great deal of money to various people in the town and could not afford to contribute. "Don't you owe the Lord something?" asked one of the soliciting committee. "Yes; I s'pose I do," was the frank reply; "but He ain't pressing me like these others are."

We try in reviewing estimates to decide on the merits of each case and not allow ourselves to be convinced by the eloquence shown or the pressure applied by the advocates of particular projects. Some of the Federal representatives are gifted above others in the advocacy of their wants. It is the duty of the Budget Bureau to see that priority of merit is recognized irrespective of the strength or weakness of the presentation.

THE NATION'S DEBT

We still have a national debt. While we are committed to its reduction and final extinction we will miss it in a way when it is gone for it stands as a constant, eloquent appeal for economy in operation. Its consistent reduction is a measure in a large way of the effectiveness of our administration. Every dollar whittled from its all too magnificent proportions is a tribute to thrift in government.

The books of the Treasury August 31, 1919, showed a gross national debt of $26,596,701,648.01. By application of the various surpluses of the years 1920 to 1928, amounting to $3,091,000,000, through the operations of the cumulative sinking fund act, by foreign payments, the brilliant refunding operations of the Treasury Department, and other factors, on June 30 last that crushing total was reduced to $17,604,293,201.43. This gave us an actual reduction in a little less than nine years of $8,922,408,446.58—an average reduction over a period of nine year of $1,000,000,000 a year. Could anything be more eloquent of the stability of our great Government and the wisdom that has governed its administration?

We are committed to the important task of bringing that debt balance down to $15,000,000,000 in three years. From July 1 to December 31 last, the debt was reduced by $290,000,000, which means an annual saving of $11,000,000 in interest.

THE DEPENDABLE TREASURY

The more I see of our great Treasury Department the more I am impressed with the punctilious care with which it watches over even pennies and fractions of pennies. This same great care governs all its procedures, which are never modified until every last shadow of doubt as to the wisdom of such modification is removed. I read of the clerk of a western town who might well have served an apprenticeship in the Treasury Department. He was noted for the accuracy and completeness of his records. One evening while the town council was in session an earthquake rudely shook the townhouse. The council abandoned the shaking building in fear and haste. The clerk, however, remained, and true to form closed the record of the session with these words, "On motion of the townhouse the council adjourned."

While we may in this facetious way speak of the Treasury and its devotion to established procedures, we must admit that its methods are safe and sound. During the World War while we were concerned as to the draft, worried about the construction of cantonments, troubled regarding supplies, and fearful about transportation, we never gave anxious thought to the Treasury. Facing financial demands of a magnitude never before known, confronted with financial problems of the most extraordinary character, it stood like a Gibraltar, weathering every storm. All honor to those worthies who through the years have so ably carried on this great activity, and on the roll of honor we give high place to those who through the World War and since have so admirably administered its great interests.

PROTECTING THE TREASURY

There are hundreds of live, active organizations, created for the purpose of getting money out of the Federal Treasury. The Budget Bureau is an organization created and set apart by Congress for the defense of the Treasury. In the fight for protection of the taxpayers' money we meet always well organized, amply financed opposition. The Budget Director, as the President's representative, is almost overwhelmed at times with floods of letters, telegrams, personal appeals, and pressure of various kinds for favorable recommendation to the President for funds from the Treasury for purposes which he, with his impartial view of the entire field of Federal operation, knows should not be approved. If ever the Budget is set aside through the efforts of its enemies, and they are many, some one should tell to the beneficiaries of the Budget, whose name is legion, the story of the colored worker in a southern cotton field on a sweltering day in August, who, pointing an accusing finger at the sun blazing in scorching splendor overhead, asked complainingly, "Where was you last January, when I needed you so bad?"

FEDERAL WOODPECKERS

In June, 1927, the Loyal Order of Woodpeckers was organized in the Federal service to give the thousands of Federal workers a definite place in the campaign for thrift. To become a member a saving of at least $1 a year must be made. With 568,715 employees there could be effected a saving of more than a half-million dollars a year, and that seemed worth trying. Of course, the more important purpose was the development of the spirit of conservation of Government money, time, and supplies. The proposal met with loyal response from the service.

That this woodpecker idea is contagious is shown by a letter from a citizen of Waco, Tex., who learned of the project over the radio from this auditorium. He asked for more details, saying he planned to organize one of the clubs in the plant where he is employed. I quote from his letter:

"As business is rather poor just now and expenses are rather high, it seems to be necessary to assist my company in every way possible to cut the cost and increase production, and in so doing I realize we shall all benefit."

Fortunate the business that has men of this type on its pay roll.

I have an illustration for the especial benefit of those critics who can see in a Budget report a few cents saved on pencils, which they ridicule, and fail to notice a saving in that same report of $384,000,000 under our general reserve policy.

The Interior Department circularized its employees urging them to enlist in the Woodpecker Club and pledge themselves to make a specific saving during the year of at least $1. I read from a letter sent to the district superintendent by a clerk at an Indian agency in Oklahoma. The letter was a response to the department circular:

"From the appropriation for lights and fuel I have saved at least $1 * * * by sitting by the open fire in the evening with the lights turned out except when reading. * * * Through an open window my kitchen light shines into a mirror on my bathroom wall, which in turn reflects the light onto the white wall opposite and illuminates the entire bathroom."

And you smile. I did when I first read it. Then I pictured that lone Federal worker, on an Indian reservation, in far-distant Oklahoma, with little opportunity to save, studying to make his contribution to Federal economy and efficiency. And I smiled no longer. Spanning the prairies, crossing the rivers, and singing its way across the great open spaces, that subdued but penetrating note of economy that pulses through every phase of Federal activity, sounding clear and full in the remotest parts of the globe wherever the flag flies, found a responsive echo in the thought and consciousness of this loyal worker at one of the Nation's outposts.

"Through an open window my kitchen light shines into a mirror on my bathroom wall, which in turn reflects the light onto the white wall opposite and illuminates the entire bathroom."

Fortunate the Government that has men of that type on its pay roll. If that crusading spirit could possess the entire service, what a staggering record of saving we could make. Thank God there's no degree of merit in honest service. The charwoman who conserves Federal soap at the expense of her elbow in the interest of saving is entitled to the same medal for service as he who saves millions.

Mr. President, at the Federal business meeting held in this hall June 30, 1924, you made this declaration:

"I am for economy. After that I am for more economy. At this time and under present conditions that is my conception of serving all the people."

Here is the inspiration of our great thrift crusade—not merely to save money, but to save people. We had tried to substitute "to save" for "to spend." It had seemed a dreary, drab program, but you, Mr. President, vitalized it, and gave it human interest. From a cold, impersonal thing economy became a matter of the most intense personal interest, not only to the people in the service, but to the people of the country who gave to your policy of saving their enthusiastic approval. A miracle was wrought in the minds of the many, and thrift became more nearly than ever before the habit of the Nation. As a result of the policy, taxes were reduced and something more of hope and comfort and contentment brought into the homes of the people. Joaquin Miller has a new and I believe truer conception of that often misapplied word "hero":

"The hero we love in this land of to-day
Is the hero who lightens some fellowman's load—
Who makes of the mountain some pleasant highway,
Who makes of the desert some blossom-sown road."

This you have done, Mr. President. The interest of the taxpayer and the well-being and happiness of more than 120,000,000 of people are inseparably bound up in this policy of saving. Thrift has won for itself a permanent and prominent place in Federal administration. To you the everlasting credit, to you the gratitude of the people of the country, and to you the respect and appreciation of the Federal service.

LEAVE OF ABSENCE

By unanimous consent, the following leaves of absence were granted—

To Mr. BACON, for 10 days, on account of illness in his family.

To Mr. DOYLE, indefinitely, on account of illness.

ADJOURNMENT

Mr. LEAVITT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 46 minutes p. m.) the House adjourned until to-morrow, Thursday, January 31, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following list of committee hearings scheduled for Thursday, January 31, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON IRRIGATION AND RECLAMATION

(10.30 a. m.)

To provide for the making of loans to drainage or levee districts (H. R. 14116).

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

To transfer national military parks to the Department of the Interior (S. 4173).

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Cotton manufactures, January 31, February 1.
Flax, hemp, jute, and manufactures of, February 4, 5.
Wool and manufactures of, February 6.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

COMMITTEE ON RIVERS AND HARBORS

(10 a. m.)

To authorize the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor (S. 1710).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

787. A communication from the President of the United States, transmitting supplemental estimate of appropriation

amounting to $38,280 for the Department of Agriculture, fiscal year 1929, to remain available until June 30, 1930 (H. Doc. No. 545); to the Committee on Appropriations and ordered to be printed.

788. A letter from the chairman of the Federal Trade Commission, transmitting report of the Federal Trade Commission on Resale Price Maintenance, Volume I, General Economic and Legal Aspects (H. Doc. No. 546); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the executive departments (Rept. No. 2272). Ordered to be printed.

Mr. SNELL: Committee on Rules. H. Res. 303. A resolution providing for the sending to conference of H. R. 15848, the first deficiency appropriation bill, 1929; without amendment (Rept. No. 2273). Referred to the House Calendar.

Mr. FRENCH: Committee on Appropriations. H. R. 16714. A bill making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes; without amendment (Rept. No. 2274). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. H. R. 15717. A bill to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Stanton, N. Dak.; with amendment (Rept. No. 2275). Referred to the House Calendar.

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. H. R. 15718. A bill granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at or near Lake Street, in the city of Gary, county of Lake, Ind.; without amendment (Rept. No. 2276). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 15916. A bill to provide for the construction of a new bridge across the South Branch of the Mississippi River from Sixteenth Street, Moline, Ill., to the east end of the island occupied by the Rock Island Arsenal; with amendment (Rept. No. 2277). Referred to the House Calendar.

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. H. R. 16126. A bill granting the consent of Congress to the commissioners of the county of Lake, State of Indiana, to reconstruct, maintain, and operate a free highway bridge across the Grand Calumet River, at a point suitable to the interests of navigation, at or near Cline Avenue, in the cities of East Chicago and Gary, county of Lake, Ind.; without amendment (Rept. No. 2278). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 16208. A bill authorizing the Cedar Point Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across Sandusky Bay at or near Sandusky, Ohio; with amendment (Rept. No. 2279). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 16218. A bill granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the French Broad River on Highway No. 9 in Cocke County, Tenn.; with amendment (Rept. No. 2280). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 16306. A bill to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Oil City, Venango County, Pa.; with amendment (Rept. No. 2281). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 16382. A bill to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burnside, Pulaski County, Ky.; with amendment (Rept. No. 2282). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 16383. A bill to extend the times for commencing and completing the construction of a bridge across the South Fork of the Cumberland River at or near Burnside, Pulaski County, Ky.; with amendment (Rept. No. 2283). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 16384. A bill to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Burkesville, Cumberland County, Ky.; with amendment (Rept. No. 2284). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 16385. A bill to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Canton, Ky.; with amendment (Rept. No. 2285). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 16386. A bill to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Smithland, Ky.; with amendment (Rept. No. 2286). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 16387. A bill to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Iuka, Ky.; with amendment (Rept. No. 2287). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 16388. A bill to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Eggners Ferry, Ky.; with amendment (Rept. No. 2288). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 16389. A bill to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near the mouth of Clarks River; without amendment (Rept. No. 2289). Referred to the House Calendar.

Mr. MORIN: Committee on Military Affairs. H. R. 450. A bill to amend section 5a of the national defense act, approved June 4, 1920, providing for placing educational orders for equipment, etc., and for other purposes; with amendment (Rept. No. 2290). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. R. 15735. A bill to amend the Foreign Service buildings act, 1926, as amended; with amendment (Rept. No. 2291). Referred to the Committee of the Whole House on the state of the Union.

Mr. WOLVERTON: Committee on Naval Affairs. H. R. 16533. A bill to authorize the American Legion, Department of New Jersey, to erect a memorial chapel at the naval air station, Lakehurst, N. J.; without amendment (Rept. No. 2292). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 16608. A bill to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant frequency monitoring radio station, and for other purposes; without amendment (Rept. 2293). Referred to the Committee of the Whole House on the state of the Union.

Mr. MERRITT: Committee on Interstate and Foreign Commerce. H. R. 16656. A bill providing for retired pay for certain members of the former Life Saving Service, equivalent to retired pay granted to members of the Coast Guard; with amendment (Rept. No. 2294). Referred to the Committee of the Whole House on the state of the Union.

Mr. MERRITT: Committee on Interstate and Foreign Commerce. H. R. 16657. A bill to improve the efficiency of the Lighthouse Service, and for other purposes; with amendment (Rept. No. 2295). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLE of Iowa: Committee on Foreign Affairs. H. J. Res. 355. A joint resolution authorizing the appropriation of the sum of $50,000 to enable the Secretary of State to cooperate with the several governments, members of the Pan American Union, in the undertaking of financing and building an inter-American highway or highways; with amendment (Rept. No. 2296). Referred to the Committee of the Whole House on the state of the Union.

Mr. BOWMAN: Committee on the District of Columbia. H. R. 15387. A bill to amend the act of February 9, 1907, entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia"; without amendment (Rept. No. 2301). Referred to the House Calendar.

Mr. HAUGEN: Committee on Agriculture. S. J. Res. 21. A joint resolution to correct section 6 of the act of August 30, 1890, as amended by section 2 of the act of June 28, 1926; without amendment (Rept. No. 2302). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. RANSLEY: Committee on Military Affairs. H. J. Res. 373. A joint resolution authorizing the Secretary of War to re-

ceive for instruction at the United States Military Academy at West Point, Rey Mario Arosemena, a citizen of Panama; without amendment (Rept. No. 2297). Referred to the Committee of the Whole House.

Mr. PORTER: Committee on Foreign Affairs. H. R. 14022. A bill for the relief of Felix Cole for losses incurred by him arising out of the performance of his duties in the American Consular Service; with amendment (Rept. No. 2298). Referred to the Committee of the Whole House.

Mrs. KAHN: Committee on Military Affairs. H. R. 14975. A bill for the relief of Capt. William Cassidy; without amendment (Rept. No. 2299). Referred to the Committee of the Whole House.

Mr. HAUGEN: Committee on Agriculture. H. R. 12198. A bill to authorize the exchange of timber with the Saginaw & Manistee Lumber Co.; without amendment (Rept. No. 2300). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII the Committee on Claims was discharged from the consideration of the bill (H. R. 15233) for the relief of James W. Walters, and the same was referred to the Committee on Military Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FRENCH: A bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. TEMPLE: A bill (H. R. 16715) to provide for the extension of the boundary limits of the proposed Great Smoky Mountains National Park, the establishment of which is authorized by the act approved May 22, 1926 (44 Stat. 616); to the Committee on the Public Lands.

By Mr. TAYLOR of Colorado: A bill (H. R. 16716) authorizing the appointment of cadets to the United States Military Academy from the Canal Zone; to the Committee on Military Affairs.

Also, a bill (H. R. 16717) authorizing the appointment of midshipmen to the United States Naval Academy from the Canal Zone; to the Committee on Naval Affairs.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 16718) providing for an appropriation for the benefit of the Kiowa, Comanche, and Apache Tribes of Indians of Oklahoma; to the Committee on Appropriations.

By Mr. McREYNOLDS: A bill (H. R. 16719) granting the consent of Congress to the city of Chattanooga and the county of Hamilton, Tenn., to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River, at a point suitable to the interest of navigation, opposite or near Chattanooga, Hamilton County, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. HAUGEN: A bill (H. R. 16720) to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 29, and 30 of the United States warehouse act, approved August 11, 1916, as amended; to the Committee on Agriculture.

By Mr. HOGG: A bill (H. R. 16721) to amend the World War veterans' act, 1924, as amended, by providing for the payment of insurance to veterans in certain cases; to the Committee on World War Veterans' Legislation.

By Mr. JOHNSON of South Dakota: A bill (H. R. 16722) to authorize the President to consolidate and coordinate governmental activities affecting war veterans; to the Committee on Expenditures in the Executive Departments.

By Mr. DICKSTEIN: A bill (H. R. 16723) to amend the Code of Law for the District of Columbia, as amended; to the Committee on the District of Columbia.

By Mr. ROY G. FITZGERALD: A bill (H. R. 16724) to extend the benefits of the Federal employees compensation act to civilians, members of the Reserve Officers' Training Corps, and officers and enlisted men of the National Guard who are injured in line of duty at military training camps; to the Committee on the Judiciary.

By Mr. ASWELL: A bill (H. R. 16725) authorizing L. L. Thompsen, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Red River at or near Montgomery, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. KEMP: A bill (H. R. 16726) authorizing the Secretary of the Treasury to grant a right of way for a levee through the Carville Marine Hospital Reservation, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. MANSFIELD: A bill (H. R. 16727) to transfer Lavaca County from the Houston division to the Victoria division of the southern judicial district of Texas; to the Committee on the Judiciary.

By Mr. SANDERS of New York: A bill (H. R. 16728) providing for the issuance of a special postage stamp in commemoration of the one hundred and fiftieth anniversary of General Sullivan's raid which opened the Genesee country of western New York to civilization; to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Colorado: A bill (H. R. 16729) granting the consent of Congress to compacts or agreements between the States of Colorado, Nebraska, and Wyoming with respect to division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested; to the Committee on Irrigation and Reclamation.

Also, a bill (H. R. 16730) granting the consent of Congress to compacts or agreements between the States of Colorado, New Mexico, Utah, and Wyoming with respect to the division and apportionment of the waters of the Colorado River and its tributaries and all other streams in which such States or any thereof are jointly interested; to the Committee on Irrigation and Reclamation.

By Mr. HUGHES: A bill (H. R. 16731) to provide for the purchase of sites and for the construction of post-office buildings in certain towns in the United States, and to provide for the issuance and sale of interest-bearing certificates for the creation of a fund for the purchase of such sites and the construction of such buildings; to the Committee on Public Buildings and Grounds.

By Mr. WAINWRIGHT: Joint resolution (H. J. Res. 395) to promote peace and to equalize the burdens and to minimize the profits of war; to the Committee on Rules.

By Mr. DENISON: Joint resolution (H. J. Res. 396) authorizing an investigation and survey for a Nicaraguan canal; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Concurrent resolution (H. Con. Res. 50) tendering the thanks of Congress to Capt. George Fried, captain of the steamship *America*, and his crew in recognition of their undaunted courage and unparalleled seamanship in rescuing the entire crew of the Italian freighter, steamship *Florida*, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. HAUGEN: Resolution (H. Res. 305) for the consideration of S. 1271, an act to more effectively meet the obligations of the United States under the migratory-bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance, and improvement, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the State of Minnesota, memorializing the Congress of the United States that it is the sense of the members of the Minnesota Legislature that an adequate agriculture tariff be enacted at the earliest possible date; to the Committee on Ways and Means.

By Mr. NEWTON: Memorial of the State Legislature of Minnesota, memorializing the Congress of the United States that it is the sense of the members of the Minnesota Legislature that national legislation should not be enacted curtailing State rights with respect to transportation and with respect to the grain-growing industry; to the Committee on Interstate and Foreign Commerce.

By Mr. KVALE: Memorial of the Legislature of the State of Minnesota, memorializing the Congress that it is the sense of the members of the Minnesota Legislature that an adequate agriculture tariff be enacted at the earliest possible date; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARENTZ: A bill (H. R. 16732) to correct the military record of Thomas W. Bath; to the Committee on Military Affairs.

By Mr. BLOOM: A bill (H. R. 16733) for the relief of Harry Solomon; to the Committee on Military Affairs.

By Mr. BRAND of Ohio: A bill (H. R. 16734) granting an increase of pension to William McCoy; to the Committee on Pensions.

By Mr. CONNERY: A bill (H. R. 16735) for the relief of William H. Rounceville; to the Committee on Military Affairs.

By Mr. CROWTHER: A bill (H. R. 16736) granting a pension to Mary E. Marx; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Iowa: A bill (H. R. 16737) granting a pension to Anna L. Seivers; to the Committee on Invalid Pensions.

By Mr. DRANE: A bill (H. R. 16738) for the relief of A. D. Rieger; to the Committee on Naval Affairs.

By Mr. W. T. FITZGERALD: A bill (H. R. 16739) granting an increase of pension to Laura Mitchell; to the Committee on Invalid Pensions.

By Mr. GUYER: A bill (H. R. 16740) granting an increase of pension to Mary Walden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16741) granting an increase of pension to Sarah L. Meanor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16742) granting a pension to Laura M. Cooper; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 16743) granting an increase of pension to Mary A. White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16744) granting an increase of pension to Susan Byrum; to the Committee on Invalid Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 16745) for the relief of Pasquale Mirabelli; to the Committee on Appropriations.

Also, a bill (H. R. 16746) granting an increase of pension to Minna L. McLean; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 16747) granting a pension to Luke Conerton; to the Committee on Pensions.

By Mrs. LANGLEY: A bill (H. R. 16748) for the relief of Elijah Fuller; to the Committee on Military Affairs.

By Mr. MANLOVE: A bill (H. R. 16749) granting an increase of pension to Mary McDaniel; to the Committee on Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 16750) granting a pension to Ura Belcher; to the Committee on Pensions.

By Mr. NELSON of Maine: A bill (H. R. 16751) granting a pension to Stanley Eugene Spear; to the Committee on Invalid Pensions.

By Mr. NELSON of Wisconsin: A bill (H. R. 16752) for the relief of O. S. Torgeson; to the Committee on Claims.

By Mr. OLIVER of New York: A bill (H. R. 16753) granting an increase of pension to John F. Wynne; to the Committee on Pensions.

By Mrs. OLDFIELD: A bill (H. R. 16754) granting a pension to Hosea M. Jones; to the Committee on Pensions.

Also, a bill (H. R. 16755) granting an increase of pension to Hiram E. Johnson; to the Committee on Pensions.

By Mr. SCHAFER: A bill (H. R. 16756) granting a pension to William G. Munro; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 16757) granting an increase of pension to Sarah J. Alabran; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16758) granting an increase of pension to Susie A. Courson; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 16759) granting an increase of pension to Sarah E. Cubbison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16760) granting an increase of pension to Sarah A. Vail; to the Committee on Invalid Pensions.

By Mr. TEMPLE: A bill (H. R. 16761) granting a pension to Mary L. Sargent; to the Committee on Pensions.

By Mr. UNDERWOOD: A bill (H. R. 16762) granting an increase of pension to Lena L. Shull; to the Committee on Invalid Pensions.

By Mr. UPDIKE: A bill (H. R. 16763) granting an increase of pension to Barbara E. Furnish; to the Committee on Invalid Pensions.

By Mr. HAMMER: A resolution (H. Res. 304) to pay Mrs. Myrtle Brown Shely, widow of James W. Shely, late an employee of the House, an amount equal to six months' compensation and an additional amount not exceeding $250 to defray funeral expenses and last illness of the said James W. Shely; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8450. By Mr. BOHN: Petition of Sebewaing Chamber of Commerce, Sebewaing, Mich., regarding sugar tariff; to the Committee on Ways and Means.

8451. By Mr. BOWLES: Petition of Spanish War Veterans of Springfield, Mass., urging support of House bill 14676; to the Committee on Pensions.

8452. By Mr. CRAMTON: Telegram from the Michigan Public Utilities Commission, Lansing, Mich., urging favorable action on the Parker bus bill (H. R. 15621); to the Committee on Interstate and Foreign Commerce.

8453. By Mr. DARROW: Protest of the Philadelphia Board of Trade against the construction of additional bridges across the Delaware River between Allegheny Avenue, Philadelphia, and the sea; to the Committee on Interstate and Foreign Commerce.

8454. By Mr. ENGLEBRIGHT: Resolution of the Placer County Chamber of Commerce, through its secretary-manager, P. B. Goss, indorsing House bill 14665 and Senate bill 4601; to the Committee on Roads.

8455. By Mr. GARBER: Petition of the Church Federation of Sacramento, Calif., urging support of House Joint Resolution 351; to the Committee on the Judiciary.

8456. Also, petition of the Omaha (Nebr.) Chamber of Commerce, indorsing House bill 16346, to amend the tariff act of 1922; to the Committee on Ways and Means.

8457. Also, petition of the United States Fisheries Association, Washington, D. C., indorsing House Joint Resolution 303; to the Committee on Interstate and Foreign Commerce.

8458. Also, petition of the Corporation Commission of Oklahoma, urging support of House bill 15621; to the Committee on Interstate and Foreign Commerce.

8459. By Mr. GARRETT of Tennessee: Petition signed by shoe dealers and customers of Tiptonville, Tenn., protesting against any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

8460. By Mr. GRIEST: Petition of Columbia Malleable Castings Corporation, Columbia, Pa., protesting against the passage of the Shipstead anti-injunction bill (S. 1482); to the Committee on the Judiciary.

8461. By Mr. KVALE: Petition of Minneapolis Unit United States Veterans' Hospital Association No. 106, Fort Snelling, Minn., by Adele Goebel, president, and Carrie H. Chapman, secretary, urging early and favorable action on House bill 15573; to the Committee on World War Veterans' Legislation.

8462. By Mr. MANLOVE: Petition of 23 of the business and professional men of Neosho, Mo., including B. C. Sutherland, jr., W. A. Myers, Guy Forrester, Byron Wilson, E. S. Owsley, Garland Price, W. M. Guthrie, S. G. Tracy, J. D. Ward, F. Waymire Variety Store, petitioning Congress to repeal or radically modify the copyright laws passed in 1914, so that the American Society of Composers, Authors, and Publishers can not compel storekeepers to take out licenses with them for the privilege of operating phonographs, player pianos, or radio machines in their stores; to the Committee on Patents.

8463. Also, petition of D. S. Shumate, J. F. Dillard and son, W. E. Biddlecome, Hutchinson Drug Co., E. K. Johnston, E. C. Hower, L. A. Linch, C. E. Jacques, H. Baldwin, J. D. Alexander, L O. Magers, E. B. Shumate, and A. R. Wharton, of Aurora, Mo., petitioning Congress to repeal or radically modify the copyright laws passed in 1914, so that the American Society of Composers, Authors, and Publishers can not compel storekeepers to take out licenses with them for the privilege of operating phonographs, player pianos, or radio machines in their stores; to the Committee on Patents.

8464. Also, petition of 48 of the business and professional men of Monett, Mo., including Logan D. McKee, Charles B. Binion, Will T. Stocker, H. W. Fly, Laurence E. Lines, D. B. Meador, Art Adams, H. I. Bradford, E. J. Ashby, R. E. Shadel, B. C. Marshall, O W. Williams, Floyd Callaway, J. L. Greer, H. I. Sutton, J. E. Wagner, George W. Bryan, Charles E. Mansfield, E. Folger, H. E. Carter, W. H. Floreth, H. T. Osborn, petitioning Congress to repeal or radically modify the copyright laws passed in 1914, so that the American Society of Composers, Authors, and Publishers can not compel storekeepers to take out licenses with them for the privilege of operating phonographs, player pianos, or radio machines in their stores; to the Committee on Patents.

8465. By Mr. O'CONNELL: Petition of James M. Motley, New York City, and Henry T. Peek, Smithtown Branch, Long Island, N. Y., favoring the passage of the Norbeck game refuge bill (S. 1271); to the Committee on Agriculture.

8466. Also, petition of the American Indian Defense Association, with reference to House bill 7204, to authorize the creation of Indian trust estates; to the Committee on Indian Affairs.

8467. Also, petition of A. Schrader's Son (Inc.), Brooklyn, N. Y., favoring the passage of the Norbeck game refuge bill (S. 1271); to the Committee on Agriculture.

8468. By Mr. PRALL: Petition received from Helena R. Pouch, regent, Richmond Chapter Daughters of the American Revolution, that the policy of the immigration act of 1924 be continued, and particularly the permanent basis for apportioning the quotas among the several countries in proportion to the number of persons of each national origin, including descendants now residing in the United States; to the Committee on Immigration and Naturalization.

8469. Also, petition received from the president of the Philemon Literary Society, Isabelle Temple, Tottenville, Staten Island, N. Y., that the policy of the immigration act of 1924 be continued, and particularly the permanent basis for the apportioning of the quotas among the several countries in proportion to the number of persons of each national origin, including descendants, now residing in the United States; to the Committee on Immigration and Naturalization.

8470. By Mr. VINCENT of Iowa: Petition of Women's Auxiliary to the Railway Mail Association, Council Bluffs, Iowa, urging support for the 44-hour week bill for postal clerks; to the Committee on the Post Office and Post Roads.

8471. By Mr. WELCH of California: Memorial of California Vineyardists' Association, calling attention of the Committee on Agriculture to the need of including perishable commodities, such as grapes, etc., in farm-relief legislation; to the Committee on Agriculture.

SENATE

THURSDAY, *January 31, 1929*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O Thou who hearest prayer, to whom all flesh shall come, satisfy us early with Thy mercy, for Thou hast taught us that ere our yearning has broken into speech Thou hearest us, that no secret sigh of discontent escapes Thy listening ear. Give to us an humble heart wherein we may enshrine the Infinite, and save us from the presumption that prides itself on knowledge not our own or fails to recognize the gifts Thy bounty yields. Reveal Thyself not only in this mystic hour but in all our strivings for the Nation's good, that we may be like those noble souls of other days who bore aloft the torch of truth, who from the mountain tops of vision heralded the coming day, and in the darkened valleys failed not to lift unto the hills of help the eyes of fellow men. Hear us and bless us for the sake of Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	King	Simmons
Barkley	Frazier	McKellar	Smoot
Bayard	George	McMaster	Steiwer
Bingham	Gerry	McNary	Stephens
Black	Gillett	Mayfield	Swanson
Blaine	Glass	Moses	Thomas, Idaho
Blease	Glenn	Neely	Thomas, Okla.
Borah	Goff	Norbeck	Trammell
Bratton	Gould	Norris	Tydings
Brookhart	Greene	Nye	Tyson
Bruce	Hale	Oddie	Vandenberg
Burton	Harris	Overman	Wagner
Capper	Harrison	Pine	Walsh, Mass.
Caraway	Hastings	Ransdell	Walsh, Mont.
Copeland	Hawes	Reed, Mo.	Warren
Couzens	Hayden	Robinson, Ind.	Waterman
Curtis	Heflin	Sackett	Watson
Dale	Johnson	Schall	Wheeler
Dill	Jones	Sheppard	
Edwards	Kendrick	Shipstead	
Fess	Keyes	Shortridge	

Mr. GLENN. I desire to announce the absence of my colleague the senior Senator from Illinois [Mr. DENEEN] on account of illness.

Mr. NORRIS. I wish to announce the illness and on that account absence of my colleague the junior Senator from Nebraska [Mr. HOWELL].

Mr. GERRY. I wish to announce that the junior Senator from Louisiana [Mr. BROUSSARD] is absent on account of illness.

I also desire to state that the senior Senator from South Carolina [Mr. SMITH] is absent owing to illness.

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present.

REPORT OF GEORGETOWN GAS LIGHT CO.

The VICE PRESIDENT laid before the Senate a communication from Robert D. Weaver, president of the Georgetown Gas Light Co., transmitting, pursuant to law, a detailed statement of the business of that company, together with a list of stockholders, for the year ended December 31, 1928, which was referred to the Committee on the District of Columbia.

REPORT OF THE CAPITAL TRACTION CO.

The VICE PRESIDENT laid before the Senate a communication from J. H. Hanna, president of the Capital Traction Co., transmitting, pursuant to law, the report of that company for the year ended December 31, 1928, which was referred to the Committee on the District of Columbia.

SERVICE RETIREMENT DISABILITY FUND

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with law, copy of a letter from the Commissioner of Pensions, dated January 28, 1929, together with the eighth annual report of the board of actuaries of the civil-service retirement and disability fund, including, among other things, a valuation of the "civil-service retirement and disability fund," which, with the accompanying papers, was referred to the Committee on Civil Service.

PETITIONS AND MEMORIALS

Mr. CURTIS presented the following concurrent resolution of the Legislature of the State of Kansas, which was referred to the Committee on Finance:

House Concurrent Resolution 9, relating to tariff on livestock and livestock products

Whereas since the present foot-and-mouth embargo against importation of meat animals and meat products from South American countries into the United States demonstrates the beneficial effect of protection to our American livestock producers and is evidence of the necessity of an increased tariff duty on meat and meat animals; and

Whereas in order to protect livestock producers of the United States against the importation of all meat animals and meat products from low-cost production countries it is most urgent that Congress place hides on the dutiable list and inerense present tariff duties on all meat animals and meat products at once: Therefore be it

Resolved by the House of Representatives of the State of Kansas (the Senate concurring therein), That we respectfully petition the Ways and Means Committee of Congress of the United States, at this time considering tariff schedules relating to agriculture, livestock, and livestock products, to place a tariff duty of at least 6 cents per pound on hides and increase the present tariff duty on meat and meat animals at least 200 per cent; and be it further

Resolved, That this resolution be engrossed by the secretary of the Senate and the chief clerk of the House of Representatives of the State of Kansas, and signed by the lieutenant governor and speaker of the house of representatives, and copies thereof transmitted to each member of the Kansas delegation in the National Congress.

I hereby certify that the above concurrent resolution originated in the house and passed that body.

January 23, 1929.

J. H. MYERS,
Speaker of the House.
IDA M. WALKER,
Chief Clerk of the House.

Passed the senate January 25, 1929.

J. W. GRAYBILL,
President of the Senate.
CLARENCE W. MILLER,
Assistant Secretary of the Senate.

Mr. SCHALL presented resolutions adopted by the Legislature of the State of Minnesota favoring the readjustment of tariff schedules affecting agricultural commodities, so that the American farmer may be placed on a parity with those engaged in other industries and insuring for him the full benefit of the American market for his products and giving him the average cost of production based on American standards of living, which were referred to the Committee on Finance.

(See resolutions printed in full when presented on yesterday by the Vice President, p. 2431 of the RECORD.)

Mr. SHEPPARD presented a petition of sundry citizens of the State of Texas, praying for the passage of legislation providing for the making of loans to drainage or levee districts, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. NYE, from the Committee on Public Lands and Surveys, reported a joint resolution (S. J. Res. 206) to authorize the President of the United States to appoint a Yellowstone National Park boundary commission to inspect the areas involved

in the proposed adjustment of the southeast, south, and southwest boundaries of the Yellowstone National Park, was read twice by its title, and ordered to be placed on the calendar.

Mr. KENDRICK, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 2829) to provide for aided and directed settlement on Federal reclamation projects, reported it without amendment and submitted a report (No. 1575) thereon.

Mr. ROBINSON of Indiana, from the Committee on Pensions, to which was referred the bill (S. 4559) to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of pension in certain cases, reported it with amendments and submitted a report (No. 1573) thereon.

Mr. STEPHENS, from the Committee on the Judiciary, to which was referred the bill (H. R. 11285) to establish Federal prison camps, reported it with an amendment and submitted a report (No. 1574) thereon.

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (H. R. 5491) to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes," approved July 12, 1921, reported it with an amendment and submitted a report (No. 1576) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 5713) to permit certain warrant officers to count all active service rendered under temporary appointments as warrant or commissioned officers in the regular Navy, or as warrant or commissioned officers in the United States Naval Reserve Force, for purpose of promotion to chief warrant rank (Rept. No. 1581);

A bill (H. R. 12607) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of Naval Post 110, of the American Legion, the bell of the battleship *Connecticut*, reported it without amendment and submitted a report (No. 1579) thereon; and

A bill (H. R. 13428) for the relief of Mackenzie Memorial Hospital and German-American Hospital and Lau Ye Kun, all of Tientsin, China (Rept. No. 1582).

Mr. SCHALL, from the Committee on Naval Affairs, to which was referred the bill (S. 2068) for the relief of certain officers of the Dental Corps of the United States Navy, reported it without amendment and submitted a report (No. 1577) thereon.

Mr. ODDIE, from the Committee on Mines and Mining, to which was referred the bill (H. R. 496) authorizing an appropriation for development of potash jointly by the Department of Agriculture and the Department of Commerce by improved methods of recovering potash from deposits in the United States, reported it without amendment.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bill and joint resolution:

S. 1731. An act to provide for the further development of vocational education in the several States and Territories; and

S. J. Res. 198. Joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the presidential inauguration ceremonies in 1929.

RESCUES BY UNITED STATES SHIPPING BOARD VESSELS

Mr. GOFF. Mr. President, I send to the desk and ask to have printed in the RECORD and referred to the Committee on Commerce a report from the United States Shipping Board showing the rescues at sea in recent years by many United States vessels and especially the recent rescue by the steamship *America*, under command of Captain Fried.

There being no objection, the report was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

SEAMEN ON SHIPPING BOARD VESSELS

It has been unjustly charged that the seamen employed on Shipping Board vessels are incompetent.

Your attention is drawn to the record of the crews of Shipping Board vessels who have made heroic rescues at sea. These crews were all supplied by the sea service section of the Shipping Board.

It is obviously unfair to the gallant American seamen employed on these ships to attempt to minimize their efficiency by making statements that they are incompetent after they have proved to the world that they are not only equal to but are even more efficient than foreign seamen, especially when foreign nations have recognized their heroic conduct, devotion to duty, and valor under the most trying conditions in the following well-known disasters at sea:

The rescue of the Italian ship *Ignazio Florio* by the steamship *President Harding* on October 19, 1925:

Deck department:	
Americans	32
Alien	1
Engine department:	
Americans	46
Alien	1

The rescue of the Norwegian ship *Elven* by the steamship *American Trader* on October 27, 1925. Steamship *American Trader* 100 per cent American crew.

The rescue of the British schooner *Spencer Lake* by the steamship *Ogontz* on January 15, 1926:

Deck department:	
Americans	9
Aliens	2
Engine department:	
Americans	10
Alien	1

The rescue of the British ship *Antinoe* by the steamship *President Roosevelt* on January 23, 1926:

Deck department:	
Americans	20
Alien	1
Engine department:	
Americans	45
Alien	1

The rescue of the French schooner *Muguet* by the steamship *West Harcuvar* on February 5, 1926:

Deck department:	
Americans	9
Aliens	2
Engine department:	
Americans	6
Aliens	2

The rescue of the Norwegian steamship *Pinto* by the steamship *Casper* on February 11, 1926:

Deck department:	
Americans	10
Aliens	2
Engine department:	
Americans	11

The rescue of the Dutch tanker *Silvanus* by the steamship *Topa Topa* on April 8, 1926:

Deck department:	
Americans	10
Aliens	2
Engine department:	
Americans	11

The rescue of the French schooner *Boree* by the steamship *Aquarius* on May 30, 1927:

Deck department:	
Americans	10
Aliens	2
Engine department:	
Americans	8

The rescue of the Italian steamship *Elipoli* by the steamship *Bibbco* on June 14, 1926:

Deck department:	
Americans	10
Aliens	2
Engine department:	
Americans	11

Steamship *Vincent:* Went to assistance of French barkentine *Sylvana*, transferred in heavy sea provisions and gear and took off injured seamen, October 5, 1928:

Deck department:	
Americans	12
Engine department:	
Americans	8

Rescue of 84 members of the crew and 41 passengers of the British steamship *Vestris* by steamship *American Shipper* on November 12, 1928. Steamship *American Shipper* 100 per cent American crew.

Steamship *McKeesport:* Went to assistance of Greek steamship *Alexandria* which was disabled at sea and towed same to safe harbor, on November 20, 1928. Steamship *McKeesport* 100 per cent American crew.

Steamship *Carlton:* Went to assistance of the British steamship *Tabora* and towed same to safe harbor, November 27, 1928. Steamship *Carlton* 100 per cent American crew.

Rescue of the crew of the American schooner *Jas. W. M. Hall*, on December 7, 1928, by the steamship *West Ekonk*. Steamship *West Ekonk* 100 per cent American crew.

The latest chapter in this splendid list of rescues was enacted on January 23, 1929, when, in a boisterous sea, 700 miles from shore, 32 members of the crew of the Italian freighter *Florida* were saved from a watery grave by the United States Shipping Board steamship *America*, under Capt. George Fried. Of the 79 sailors in the *America's* deck department, 76 were American citizens and the remaining three had taken out their first papers. The lifeboat crew which performed this heroic feat were all American citizens, placed aboard the ship by the sea service section of the Shipping Board.

The above record speaks for itself and should definitely silence those who seek to impeach the efficiency and gallantry of American seamen placed on Shipping Board vessels by the sea service section.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH of Montana:

A bill (S. 5632) to provide for producers and others the benefit of official tests to determine protein in wheat for use in merchandising the same to the best advantage and for acquiring and disseminating information relative to protein in wheat, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. STEIWER:

A bill (S. 5633) to amend an act entitled "An act authorizing certain tribes of Indians to submit claims to the Court of Claims, and for other purposes"; to the Committee on Indian Affairs.

By Mr. TYDINGS:

A bill (S. 5634) granting a pension to Alice E. Taylor; to the Committee on Pensions.

By Mr. BRATTON:

A bill (S. 5635) granting an increase of pension to Miguel Archuleta; to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 5636) authorizing the Director of the United States Veterans' Bureau to pay compensation to John Francis Dolan; to the Committee on Finance.

By Mr. NORBECK:

A bill (S. 5637) granting a pension to Richard C. Stirk; to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 5638) granting a pension to Ellen Bibs; to the Committee on Pensions.

By Mr. GLENN (for Mr. DENEEN):

A bill (S. 5639) granting a pension to Mary E. Hartwell;

A bill (S. 5640) granting an increase of pension to Mary N. Henry;

A bill (S. 5641) granting a pension to George E. Bates;

A bill (S. 5642) granting a pension to Mary F. Brown;

A bill (S. 5643) granting a pension to Martha Talley;

A bill (S. 5644) granting a pension to Mayme D. Phelps; and

A bill (S. 5645) granting a pension to Annie I. Elwell; to the Committee on Pensions.

By Mr. BARKLEY:

A bill (S. 5646) for the relief of Homer N. Horine; to the Committee on Military Affairs.

By Mr. HALE:

A bill (S. 5647) to establish a naval airship base in one of the Pacific Coast States; to the Committee on Naval Affairs.

By Mr. JONES:

A joint resolution (S. J. Res. 207) to extend the period of time in which the Secretary of the Interior shall withhold his approval of the adjustment of Northern Pacific land grants, and for other purposes; to the Committee on Public Lands and Surveys.

MANUFACTURE OF STAMPED ENVELOPES

Mr. ODDIE submitted two amendments intended to be proposed by him to the joint resolution (S. J. Res. 144) relating to the manufacture of stamped envelopes, which were referred to the Committee on Post Offices and Post Roads and ordered to be printed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the bill (S. 4979) to authorize the city of Niobrara, Nebr., to transfer Niobrara Island to the State of Nebraska.

The message also announced that the House had passed the bill (S. 2792) reinvesting title to certain lands in the Yankton Sioux Tribe of Indians, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 8901. An act to amend and further extend the benefits of the act approved March 3, 1925, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes;

H. R. 12520. An act for the relief of the Nez Perce Tribe of Indians;

H. R. 13455. An act to authorize the collection of penalties and fees for stock trespassing on Indian lands;

H. R. 13622. An act authorizing the Coos (Kowes) Bay, Lower Umpqua (Kalawatset), and Siuslaw Tribes of Indians of the State of Oregon to present their claims to the Court of Claims;

H. R. 13977. An act authorizing the Secretary of the Interior to settle claims by agreement arising under operation of Indian irrigation projects;

H. R. 15523. An act authorizing representatives of the several States to make certain inspections and to investigate State sanitary and health regulations and school attendance on Indian reservations, Indian tribal lands, and Indian allotments; and

H. R. 16248. An act for the relief of the Osage Tribe of Indians, and for other purposes.

NATIONAL INSTITUTE OF HEALTH

Mr. RANSDELL. Mr. President, in the New York Times of Sunday, the 27th instant, there appeared a very interesting and instructive editorial in support of my bill to create a national institute of health. I ask permission to have the editorial printed in the RECORD, and I respectfully invite the attention of every Senator to it. It is one of the finest on the subject that has been written.

The VICE PRESIDENT. Without objection, it is so ordered. The editorial is as follows:

TEAMWORK OF SCIENCE

Attention was called by our London correspondent to the "teamwork" of the sciences in saving the life of the King. The physician has had the cooperation of the surgeon, the bacteriologist, the biochemist, the physiologist, and the X-ray physicist, and is to have the climatologist's suns, winds, and waters in bringing his royal patient back to health and strength again. It is a striking illustration of what the sciences can do when under unified command. They bring all their forces into the fight for the life of one whose unconquered spirit has itself been a factor in the struggle and victory.

Their success should suggest the importance of keeping these sciences in continuous cooperation everywhere, both in research and in practice. More particularly it should win new support of the bill for the proposed national institute of health which Senator RANSDELL has introduced in the Senate. The purpose is to convoke the aid of all the sciences for "investigation and research in the fundamental problems of the diseases of man" and related matters. At a hearing on this bill a few months ago, Dr. Reid Hunt, of the Harvard Medical School, said that never in the whole history of the world had efforts to improve health conditions been so far behind the advance in other sciences. In the field of chemistry, for example, thousands of new compounds are studied every year to see whether they are useful as dyes and paints, or in photography, or the rubber or automobile industry, but virtually none of them with a view to their possible use in promoting health. Yet, as Dr. William J. Mayo said in a recent address, "Life is largely a matter of chemistry."

It is estimated by Dr. Charles Herty that more than 100,000,000 people suffered from certain sorts of sickness in 1927. This meant an economic loss running up into billions. Such a showing again emphasizes the need of coordinating the sciences in a national effort to prevent diseases that are or may be preventable. The widespread influenza is an especially urgent reason for giving Federal support to such study.

General Gorgas, when asked what he would do with the hygienic laboratory which now exists in case this consolidation of all the health agencies were effected, said that he would make it "a gateway at the entrance to the great national health institute," where scientists might concentrate upon the problems of health. This little building would at the same time show the handicap under which the health service was placed, despite its accomplishments, by the "penury of the citizenship that had failed to realize its real needs."

AMERICAN MERCHANT MARINE

Mr. FLETCHER. Mr. President, I ask unanimous consent to have inserted in the RECORD an article appearing in the Merchant Fleet News of December, 1928, entitled "American Valor on the Seven Seas," and likewise some brief comments which I made on that article and which appear in the Merchant Fleet News for January, 1929.

The article gives a list of accomplishments by American officers and seamen which, I think, ought to be recognized. There should be added, of course, to this list the occurrence which took place since its publication, the great achievement of Captain Fried and Chief Officer Manning, together with the lifeboat crew and other officers and men of the steamship *America*, in rescuing 32 men from the unfortunate *Florida* under very distressing circumstances. That achievement marks Captain Fried as an outstanding seaman and establishes his fame and proves the high standard of American seamanship.

There being no objection, the articles referred to were ordered to be printed in the RECORD, as follows:

[From the Merchant Fleet News, December, 1928]

AMERICAN VALOR ON THE SEVEN SEAS

Again the world has been thrilled by the work of American seamen, as it has often been since the days when American clippers ruled the seas. The ill-fated British vessel *Vestris* radioed its S O S, a call which demands prompt action on the part of every vessel within range of the call, but more especially does the call bring action on American ships. Tradition and instructions call for prompt and efficient action, and a long record of heroic work on the seas proves that always the American vessel has the "know-how" of reaching the point of need and rendering the help required. The steamship *American Shipper*, of the American Merchant Lines, was over 177 miles from the doomed *Vestris*, yet instantly it turned from its course and rushed toward the scene of disaster. Captain Cumings knew that other vessels were within 50 miles of the sinking vessel and several were within the 150-mile zone, but trained in American seamanship, the master of the *American Shipper* headed toward the call for need, as he says in his report: "My idea was to offer medical assistance, care of passengers and crew, and transportation to New York. Serious thought that we might be the ship to pick up the boats and survivors was not entertained." Yet it was Captain Cumings and his crew that picked up 125 of the survivors of the British vessel.

The rescue work of the *American Shipper* calls to mind a long list of heroic work, the willing risk of life and limb, by American seamen sailing under the Stars and Stripes. From this long list the Merchant Fleet News has selected a few of the later rescues, material in connection with which is at present available.

If these reports seem brief when considered in connection with the thrilling event recorded, bear in mind that men of the sea are by nature modest, and that they consider saving human life at sea, even at the risk of what would seem to be almost certain death, all in a day's work and a part of their job. Such is the modesty of the men in whose veins run the blood of heroes, American seamen with brains.

LIFE-SAVING EXPLOITS

There follows a few of the life-saving exploits of the United States Shipping Board vessels in recent years. Other pages could be added of a score of other exploits in which American seamen rushed to the rescue of life and did it efficiently and with no hope for gain or glory. In American marine services and on the vessels of the United States Navy there is but one idea when an S O S is heard and that is to render immediate service.

STEAMSHIP "WEST ELDARA"

Steamship *West Eldara* (freight). Master: Capt. A. L. Livingston. While this vessel was en route from Norfolk to Rotterdam and Antwerp on April 19, 1926, at 7.21 p. m. sighted distress signals burning on board the French schooner *M. F. Fecamp*. The master of the *West Eldara* immediately changed his course and one-half hour later hove-to alongside the French vessel, put out a small boat, and the mate came on board, informing they were in need of help, that the pumps had been kept going night and day for a week, and there were still 8 feet of water in the hold and the rudder carried away. He was advised that the *West Eldara* would stand by and take the crew off.

Owing to heavy seas running, it took several hours to effect the transfer of the 36 members of the crew, but after this was accomplished, the *West Eldara* did not leave until 12.32 on April 20 when it was felt sure the French schooner had settled low in water. A message was broadcasted by radio that this schooner was a menace to navigation, giving her position and condition as last seen.

STEAMSHIP "AMERICAN MERCHANT"

Steamship *American Merchant* (freight and passenger vessel). Master: Capt. S. F. Cummings. On November 2, 1925, this vessel conveyed the Holland-American steamship *Andijk* to the Azore Islands, a distance of 370 miles, the steamship *Andijk* having been bound to Rotterdam with a cargo of grain and encountering extremely heavy weather carrying away her bridge, wheel house, and smashing the wireless house and damaging the boats. Her compasses also were damaged, making her totally unable to make any port. Although this was considered salvage work, it was nevertheless thought a splendid piece of efficient seamanship and navigation on the part of the master of the steamship *American Merchant*.

STEAMSHIP "CASPER"

Steamship *Casper* (freight). Master: Capt. H. Bill. While en route from New York to Scandinavian ports in the Baltic sea, sighted the Norwegian motor ship *Pinto* with a crew of 13 men in distress. The crew of the *Pinto* was taken aboard the *Casper* in the morning of the 9th day of February, 1926, and during the transfer of the crew the master of the *Pinto* was swept overboard from the lifeboat, but was rescued. It appeared that the crew of the *Pinto* had been without provisions for three days.

A volunteer crew from the *Casper* manned the *Pinto* and took it in tow. After towing for several hours, the hawser parted and it became necessary to abandon her hastily. Third Officer K. Helwig, in charge of the volunteer crew was swept overboard from the lifeboat, but was saved by two members of the crew who were hurt in pulling him from the sea.

The *Casper* abandoned the *Pinto* and proceeded to Copenhagen with the shipwrecked crew.

STEAMSHIP "AMERICAN TRADER"

Steamship *American Trader* (freight and passenger vessel). Master: Capt. Hubbar C. Fish. On October 24, 1925, while this vessel was en route from London to New York and bucking a North Atlantic westerly gale, a call of distress was received from the sinking Norwegian steamer *Elven*, about 170 miles southwestward. Captain Fish immediately swung the vessel about and proceeded at full speed toward the position of the *Elven*. The sea was tremendous, and it was considered a dangerous maneuver, but was carried through without any damage. After searching throughout the day of the 24th and the night, the sinking vessel was finally located, but due to the tremendous sea and dark night, Captain Fish wisely decided to wait until daylight before attempting a rescue. At 6 a. m. of the 25th, the *American Trader* approached close to the *Elven* and rescued her crew, consisting of 32 men, without injury or damage of any kind. The lifeboat crew was in charge of Second Officer Warren A. Woodman, who it is stated, deserves great credit for the skillful manner in which he handled same. At the time the crew was taken from the *Elven* there was 17 feet of water in the holds, and sinking fast.

STEAMSHIP "PRESIDENT TAFT"

Steamship *President Taft* (passenger). Master: Capt. G. Y. January. While en route from San Francisco to Yokohama, Japan, via Honolulu, on January 26, 1924, at 2:15 a. m., the vessel received an S O S call from the British steamer *Mary Harlock*. The *President Taft* altered her course and proceeded at full speed to the assistance of the *Mary Harlock*, advising the master at the same time that the crew could be taken off but that the *President Taft* being a mail and passenger steamer could not stand by. The *Mary Harlock* advised they were not prepared to abandon the ship but wanted a vessel to stand by.

At 8.45 a. m., a radio from the *Mary Harlock* showed that she was in a serious predicament.

The *President Taft* again altered her course and proceeded to the *Mary Harlock*, circling the *Mary Harlock* four complete times and at the same time pumped oil overboard before a chance was taken to lower a lifeboat from the *President Taft*. The weather was westerly gale with wind at times of hurricane force and exceptionally high sea, which did considerable minor damage on foredeck of the *President Taft*.

However, an oil slick was formed and the steamship *Mary Harlock* managed to lower her lee lifeboat and was picked up at 5 p. m. by the *President Taft*. In the meantime the chief officer and 6 men of the *President Taft* manned a lifeboat of the *Mary Harlock* (the lee lifeboat mentioned above) and returned to the *Mary Harlock* picking up the remaining of the crew consisting of 12 men who were unable to get into the lifeboat on the first trip. At 5.53 p. m. the crew of 38 men were safely aboard the *President Taft* and this vessel was on its way to Yokohama, leaving the *Mary Harlock* a floating derelict, of which fact a radio was broadcast as a warning to all vessels in the Pacific. In consequence of this rescue, the *President Taft* arrived two days late at Yokohama.

The master of the *Mary Harlock* expressed his sincere thanks for the prompt way in which the *President Taft* proceeded to his assistance.

STEAMSHIP "MEANTICUT"

Steamship *Meanticut* (freight vessel). Master: Capt. S. C. Wallace, on September 28, 1926, while this vessel was in latitude 24.15 longitude 81.20, en route from New Orleans to France, rescued three men from the motor boat *Shia Wasse*, in a sinking condition.

STEAMSHIP "AQUARIUS"

Steamship *Aquarius* (freight vessel). Capt. William H. Stone, master. This vessel sailed from Hamburg, Germany, for New Orleans, via Tampa, on the 27th day of May, 1927, and at 7.30 p. m., on May 30, picked up 14 men from 2 lifeboats belonging to the French 4-masted schooner *Boree*, of Nantes. The schooner was abandoned in a sinking condition in latitude 47.51 north, longitude 9.58 west. The wind was east, blowing hard and raining, with a rough high sea. The steamship *Aquarius* proceeded to Horta, Azores, where the rescued men were landed, two of which were injured.

STEAMSHIP "SACANDAGA"

Steamship *Sacandaga* (freight). Master: Capt. G. D. Sterling. While this vessel was en route from Charleston, S. C., to London, England, on June 8, 1925, sighted a Spanish balloon *Hesperio* at 7.15 a. m. The balloon was headed down the English Channel toward the Atlantic Ocean, and as it was nearing the *Sacandaga* the pilot was heard calling for help. Immediately the *Sacandaga* altered her course and proceeded toward the balloon, which was making about 7 knots before

the wind with drag in water. At 7.50 a. m. the balloon was overtaken and while the *Sacandaga* was maneuvering in a position to leeward in order that the balloon could drift down toward their port side it struck the port side of the vessel just aft of the smokestack with a crew standing by to take the pilots aboard. At the time the pilot was releasing the gas in the bag and, owing to bag being so close to the smokestack, the heat of same caused the gas to ignite, burning up the bag and setting fire to the boat deck of the *Sacandaga* and burning three members of the crew. Their injuries, however, were slight. The basket of the balloon was submerged beneath the water, holding one pilot with his feet caught in the net of the balloon and his body submerged to his shoulders. Seaman George Cooper dove in the water and cut the net free from the pilot's feet, who was assisted up a sea ladder by two other members of the crew. The crew consisted of two pilots, one of which had already boarded the *Sacandaga* without any difficulty.

The two pilots, who were lieutenants of the Spanish Royal Navy, were piloting the *Hesperio* in the Gordon-Bennett race, and as they had lost the greater part of their clothes and were wet, they were given dry clothes and treated in every respect to the best ability of the master until they were safely landed in London and turned over to the Spanish Naval Commissioner at 64 Victoria Street.

STEAMSHIP "HASTINGS"

Steamship *Hastings* (freight). Master: Capt. I. Hystad. This vessel while on voyage from Gulf port to Hamburg, Germany, on November 11, 1926, when about 15 miles west of Bimini Island, sighted a motor boat adrift, flying signals, and carrying two men, requesting to be towed to Fowey Rock Light, as the rudder was gone and engine disabled. The steamship *Hastings* passed them a line and gave them an oar with which to steer, and started ahead at half speed. Weather conditions prevented towage with safety, and at 12.15 p. m. the towline parted. The men in the launch asked to be taken off; hoisted boat on board and taken to destination.

STEAMSHIP "BIBBCO"

Steamship *Bibbco* (freight). Master: Capt. Bert U. Heald. On June 14, 1926, this vessel while en route to Montevideo from Mobile took on board from the disabled Italian steamship *Elipoli* 29 members of its crew about 70 miles northeastward of Cape Polonio, S. A.

The Italian vessel sunk two hours later. Capt. Jose Schiaffino, commanding the Italian ship, was warm in praise of the rescue effected by the steamship *Bibbco*.

STEAMSHIP "PRESIDENT M'KINLEY"

Steamship *President McKinley* (passenger). Master: Capt. Alvin Lustie. While this vessel was en route from Victoria, British Columbia, to Yokohama, Japan, she received S O S message at 6 p. m., January 3, 1924, from the Japanese vessel *Kyosei Maru* in latitude 49.41 N. longitude 174.10 E., requesting immediate assistance. The *President McKinley* was then about 300 miles away from this vessel and advised the *Kyosei Maru* it was proceeding to assist. At 11 a. m. of the 4th the master of the *Kyosei Maru* radioed that the ship was going to be abandoned and required assistance in a hurry, 47 persons aboard. The weather conditions were very unfavorable, heavy snow squalls were passing at frequent intervals, and at 1.20 p. m. of the 4th, the *Kyosei Maru* was sighted on the edge of a heavy snow squall, then lost entirely for about 20 minutes, and again sighted.

It appeared that the Japanese vessel was steaming away steadily to the eastward at a rate of 8 to 10 knots an hour, and it took the *President McKinley* an hour to finally overtake her. The master of the *Kyosei Maru* then advised the master of the *President McKinley* he was sailing 3 knots, and requested him to follow until the following morning, as he would endeavor to keep within this speed, for he considered it dangerous to steam under less speed. The maneuvering placed the master of the *President McKinley* in a rather embarrassing position, and as he had passengers and mail aboard and was operating on schedule time and was getting short of fuel and fresh water.

About 4 a. m. of the 5th, the master of the *Kyosei Maru* decided to abandon the ship as the barometer was falling. At 7.20 a. m., the last of the crew of the Japanese vessel was taken off and landed aboard the *President McKinley* without accident to anyone.

As a heavy sea was running, it was impossible to hoist the lifeboat, and after all gear was salvaged from it, the boat was cast adrift, and the *President McKinley* proceeded on her voyage, after a delay of approximately 33 hours and running an extra distance of 217 miles.

All ships were warned by the *President McKinley* that the Japanese steamer was derelict and a danger to navigation.

STEAMSHIP "TOPA TOPA"

Steamship *Topa Topa* (freight). Master: Capt. B. A. Bostleman. While this vessel was proceeding down river below N. O. on April 8, 1926, witnessed collision between Dutch tanker *Silvanus* and American tanker *W. H. Wheeler*. The steamship *Silvanus* was loaded with benzine and became one mass of flames. The master of the steamship *Topa Topa* swung ship around and approached the *Silvanus* as near as possible, lowering three lifeboats which picked up Asiatics (members of crew and captain). The lifeboats made two trips to try and find other members of crew but were unsuccessful. Captain Bostleman paid special tribute to Third Officer L. J. Bogan, who began service in the rescue at 8.25 p. m. and continued to 11.25 p. m.

STEAMSHIP "EMERGENCY AID"

Steamship *Emergency Aid* (freight vessel). Master: Capt. Malcolm Cameron. While en route from New Orleans to Rotterdam, Holland, in latitude 25.23 north, 80.26 longitude west, on November 3, 1924, at 6.30 a. m. sighted the Cuban schooner *Jubilee* in distress. A lifeboat was launched from the steamship *Emergency Aid* and the crew of the Cuban schooner was taken safely aboard, the *Emergency Aid* proceeding toward Key West. On November 4, 1924, the crew of the *Jubilee* was placed aboard the Coast Guard cutter *Bayspring*, after which the steamship *Emergency Aid* proceeded on her voyage to Europe.

STEAMSHIP "PRESIDENT ROOSEVELT"

Steamship *President Roosevelt* (passenger). Master: Capt. George Fried. Voyage 41, eastbound; sailed from New York January 20, 1926, and at 5.40 a. m. of the 24th received an S O S from the British steamship *Antinoe*. The *President Roosevelt* arrived alongside the *Antinoe* at noon, same date, wind west, force 10, violent snow squalls, high rough sea, and began pumping oil overboard with excellent effect, the master of the *Antinoe* claiming that this saved his vessel from sinking.

At 9 p. m., during heavy snow squalls, the *President Roosevelt* lost sight of the *Antinoe*, whose radio and dynamo were out of commission, but picked it up again at 3.40 p. m. of the 25th, with her engine and forereom flooded and No. 3 hatch broken. The vessel also had a heavy list to starboard.

The weather moderated, and an attempt was made by the *President Roosevelt* to send a manned lifeboat. While lowering the boat a vicious hail squall hit the vessels, making the sea too rough for lifeboat, and spilling out the crew, who managed to get back into the boat, covered with fuel oil and apparently exhausted. The lifeboat crew were ordered aboard the *President Roosevelt*, with the exception of two men who were lost overboard. Every effort was made to rescue these men, but, due to darkness and hail squalls, this was impossible.

On the 26th, as the *Antinoe's* distress signals indicated a perilous situation, the *President Roosevelt* attempted to float a boat by aid of Lyle gun; this did not prove successful and they tried to float a cask, which also failed.

On the 27th another attempt to float a boat to the *Antinoe* with end of line leading from top to after-king-post failed and was lost. The Lyle gun was fired 16 times, but carried away near projectile frequently. Colonel Hearn, artillery expert, a passenger, suggested using a spiral spring between projectiles and line, which was successful. Chief Engineer Turner had made 13 projectiles.

At 7.20 p. m. of the 27th the *Roosevelt* was successful in rescuing 12 men from the *Antinoe* in a lifeboat, which was so badly damaged was cut adrift after the crew was safely aboard.

At midnight the remainder of the crew of the *Antinoe* was rescued. The master had to be carried aboard and his crew were in a pitiful condition, due to exposure, lack of food and water for two days, and little clothing.

On January 28 the *President Roosevelt* proceeded on her voyage, leaving the *Antinoe* still floating, with both decks awash and 50° starboard list. Having stood by the *Antinoe* for three and one-half days, the crew almost exhausted from long vigil.

STEAMSHIP "OGONTZ"

Steamship *Ogontz* (freight vessel). Master: Capt. W. B. Zechel. While this vessel was en route from Galveston to Barcelona, Spain, on January 15, 1926, rescued master and crew of the Newland schooner, *Spence Lake*, in latitude 36.57 N., longitude 41 W. The six men would have lost their lives had not the steamship *Ogontz* rescued them.

STEAMSHIP "KENOWIS"

Steamship *Kenowis* (freight vessel). Master: Capt. W. P. Humphrey. This vessel, while en route from Antwerp to New York, on January 10, 1925, rescued the crew of the Portuguese schooner, *Manuel Caragol*. It appears that at 4.05 in the morning of this date a white flare-up light was sighted and the course of the *Kenowis* was altered toward the *Manuel Caragol*, which was bound from Montevideo to Philadelphia, 150 days out, water-logged, and without provisions. Sixteen men, including the master and their personal effects, were taken aboard the steamship *Kenowis*. The master of the Portugese schooner was in a feeble condition, due to lack of food and to his having three broken ribs.

The schooner had over 15 feet of water in her hold, which was gaining fast, as the crew was so weak from lack of food that they could hardly man the pumps. It seems that the 11 of the last 15 days before being rescued the crew had one sea biscuit apiece, and for the last 4 days nothing at all. The only water was what rain water they were able to catch.

Everything for their possible comfort was done by the crew of the *Kenowis*.

STEAMSHIP "PRESIDENT HARDING"

Steamship *President Harding* (passenger). Master: Capt. Paul Grening. On October 19, 1925, while on voyage 37, westbound, from Bremerhaven, Germany, responded at 10.34 a. m. to the S O S calls of the Italian *Ignazio Florio*, which vessel was in latitude 49.55 N., longitude 38.16 W. The weather at the time was west-southwest winds of terrific force and mountainous seas. At 9.50 a. m., on the 20th, the *President Harding* arrived alongside the *Ignazio Florio*, whose master advised that he wished to abandon the ship and that the chief officer had broken his foot, the second officer lost overboard, and no boats remained intact.

The *President Harding* discharged fuel overboard and sent boat on line to the *Ignazio Florio*, which vessel seemed to be in danger of capsizing. The *President Harding* lost two lifeboats in the attempt to rescue the crew at this time. As weather was so rough, the rescue of the Italian crew of 27 was not effected until the morning of the 21st. The *Ignazio Florio* was left in a sinking condition.

STEAMSHIP "SPRINGFIELD"

Steamship *Springfield* (freight). Master: Capt. M. J. Myers. While en route from Hamburg to Savannah on December 23, 1924, at 6.30 a. m., sighted distress rockets from the British brigantine *Thames*, of Fowey, England, which vessel was on a voyage from Brixham, England, to Savona, Italy, with 280 tons of china clay.

Assistance was requested by the master of the *Thames*, as the vessel was leaking badly and in a sinking condition and had to be abandoned. The *Springfield* stood by waiting for the weather to moderate. At 1.30 p. m. of the 23d, as the weather did not improve, a lifeboat was launched from the *Springfield* and proceeded to the sinking vessel. The crew of seven men were finally successfully rescued under difficult circumstances, as it was expected that the *Thames* would founder at any moment, and the service rendered was considered a particularly meritorious one. Before launching the lifeboat an attempt was made to float a lifebuoy with message to the *Thames*, using Lyle gun.

The seven shipwrecked mariners who were landed at Ponta del Gada, Azores, were liberal and sincere in their praise and gratitude for the master and crew of the *Springfield*.

STEAMSHIP "WEST HARCUVAR"

Steamship *West Harcuvar* (freight). Master: Capt. L. F. McLain. While en route from European ports to Boston, this vessel rescued crew of four men from French schooner *Muguet* and brought them to Boston, where they were landed February 16, 1926. (See article in November issue of the Merchant Fleet News.)

STEAMSHIP "REPUBLIC"

Steamship *Republic* (passenger). Master: Capt. A. B. Randal. On October 26, 1920, this vessel rescued crew of U. S. Coast Guard patrol boat *B*[illegible] during heavy weather, 7 miles, 31° from Nantucket Shoals, L. V. The master of the *Republic* maneuvered his vessel in a proper position and pumped overboard about 8 tons of fuel oil to make an oil slick to enable him to make the rescue, thus preventing the seas from breaking. The crew of Coast Guard patrol boat arrived aboard the *Republic* in a physically exhausted condition.

STEAMSHIP "M'KEESPORT"

The latest rescue made by a United States Shipping Board vessel was made by the steamship *McKeesport* on November 20, 1928.

[From Merchant Fleet News, January, 1929]

By Senator DUNCAN U. FLETCHER

The Merchant Fleet News of December, 1928, pages 6–10, gives instances of "American Valor on the Seven Seas," which deserves more than passing notice.

You do well to collect and perpetuate these occurrences and illustrations.

The record ought to be preserved in permanent form, so that examples like these of heroism on the high seas, in most difficult circumstances and under most trying conditions, may inspire all those who "go down to the sea in ships" to meet the supreme test.

These examples show forth not only the courage required, but the skill expected. The former is mainly inborn, the latter the result of proper training. Both are essential where disaster is confronted.

There is a brilliant record, showing seamanship of the highest order, demonstrating that courage and skill characterize American officers and seamen to-day as in the past. They guarantee to America the sea power we need if we but supply the ships. They give public confidence in efficient operation. They assure the traveler and the shipper that here in the officers and men their competency and their faithfulness is the strongest and surest guaranty of safety at sea.

When the ambulance call of the ocean lane flashes through the air the ship should be prepared to meet the demand, but in any case the highest courage, the ablest seamanship it is possible to command are summoned by humanity.

I must lift my hat to the brave radio operators, beginning with Jack Binns, when the *Republic* and the *Florida* were in collision some dozen years ago.

The operator on the *Titanic* in 1912 was of the right sort. I asked him why he did not take to the last lifeboat, and he said, "The captain ordered me to remain at my post, and I did so, going with the ship as she went down by the bow." The *Carpathia* had gotten his call, now the S O S, and Capt. Arthur Rostron's liner exhibited marked gallantry aboard in the rescue work. He is now Sir Arthur.

The operator on the *Vestris* gave an equally creditable demonstration of coolness and courage.

The record, however, aboard the *Vestris* generally is condemned by the figures:

"Loss of life: 27 women, 77 per cent; 21 children, 100 per cent.

"It is scarcely worth while to go further and add: Loss of passengers, 54 per cent; loss of crew, 12 per cent; total, 64 men."

The deeds, the achievements, which you recite, can not be excelled in the history of sea experience.

It is this standard we can hope to maintain among American officers and seamen.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Indian Affairs:

H. R. 8901. An act to amend and further extend the benefits of the act approved March 3, 1925, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes";

H. R. 12520. An act for the relief of the Nez Perce Tribe of Indians;

H. R. 13455. An act to authorize the collection of penalties and fees for stock trespassing on Indian lands;

H. R. 13692. An act authorizing the Coos (Kowes) Bay, Lower Umpqua (Kalawatset), and Siuslaw Tribes of Indians of the State of Oregon to present their claims to the Court of Claims;

H. R. 13977. An act authorizing the Secretary of the Interior to settle claims by agreement arising under operation of Indian irrigation projects;

H. R. 15523. An act authorizing representatives of the several States to make certain inspections and to investigate State sanitary and health regulations and school attendance on Indian reservations, Indian tribal lands, and Indian allotments; and

H. R. 16248. An act for the relief of the Osage Tribe of Indians, and for other purposes.

CHANGE OF RULES—OPEN EXECUTIVE SESSIONS

Mr. JONES. Mr. President, I desire to call up a resolution that is on the table.

The VICE PRESIDENT. The Chair lays before the Senate the resolution (S. Res. 309) submitted by the Senator from Washington [Mr. JONES] on the 28th instant, proposing to amend Rule XXXVIII so as to provide for the consideration of certain nominations in open executive session. The question is on agreeing to the resolution.

Mr. BINGHAM. Mr. President, may we have the resolution read?

The VICE PRESIDENT. The clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 309), as follows:

Resolved, That Rule XXXVIII of the Standing Rules of the Senate, relating to proceedings on nominations in executive session, be, and the same is hereby, amended by adding an additional paragraph, as follows:

"7. Hereafter nominations shall be considered in open executive session unless the Senate, in closed executive session, shall by a two-thirds vote determine that any particular nomination shall be considered in closed executive session, and in that case paragraph 2 of this rule shall apply to such nomination and its consideration."

Mr. HARRISON. Mr. President, has there been any agreement with reference to sending the resolution to the Committee on Rules?

Mr. CURTIS. There is no such agreement. After the Senator from Washington shall have concluded his remarks, I intend to move that it shall be referred to that committee.

Mr. HARRISON. Will the Senator from Washington raise an objection to the resolution going to the Committee on Rules?

Mr. JONES. I will.

Mr. HARRISON. Very well.

Mr. JONES. Mr. President, I do not think it is necessary for me to discuss the resolution at length. I am rather inclined to think that every Senator has his convictions with reference to the matter.

Mr. HEFLIN. Mr. President, before the Senator from Washington begins his argument, I should like to suggest to him that I favor his proposed amendment to the rules, but I think there ought to be some plan adopted by which votes taken in secret executive session could by a majority vote be printed in the CONGRESSIONAL RECORD after the proceedings in secret session

had been concluded. I think that by a majority vote the roll call upon the confirmation of whatever the matter might be should be so published; either that or that each Senator might be permitted to state in open session how he had voted.

Mr. JONES. Mr. President, that is an entirely different matter from the proposition involved in my proposed amendment of the rule. It may very well be dealt with by a separate amendment or, of course, my proposal is subject to amendment, so far as that is concerned.

Mr. HEFLIN. The Senator from Washington proposes in his amendment that by a two-thirds vote in executive session the Senate may decide whether it shall proceed in open session or in secret session. What I am suggesting is if the Senate votes to remain in secret executive session, that after the discussion in secret session shall have been concluded and a vote had the Senate may then by a majority vote order the roll call printed in the RECORD.

Mr. JONES. That, of course, is a matter the Senate might consider.

Mr. President, the text of the rule as now framed has been discussed many times and different questions have arisen in regard to it. During my service in the Senate running over a good many years I do not think there has been any important nomination considered in executive session but what in effect after the debate was over the news got out, sometimes in a garbled form, oftentimes in a form that was decidedly unfair and unjust to some Senators and probably truthful with reference to others. It seems to me that that should be avoided.

It is true—and I think this is clear to everyone—that some Senators do not consider the rule as binding on them with reference to matters of this kind; especially they do not consider that paragraph 4 of Rule XXXVII is binding or to be observed by a Senator if he does not desire to do it. That paragraph reads as follows:

> 4. Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate and to punishment for contempt.

Mr. President, that paragraph has never been invoked; there has been no suggestion of invoking it, except that it has been read from time to time. There have been suggestions made that information which has been given out in a manner clearly contrary to the rules of the Senate has been given out by employees of the Senate. I want to say that, in my judgment, whatever information has gotten out has not gotten out through the employees of the Senate. I believe that the employees of the Senate who are present in the discharge of their duties in executive sessions have just as much regard for the rules of the Senate as has any Member of the Senate, and I do not believe that any employee has ever given out such information.

There has been considerable newspaper comment and comment among Senators with reference to a very recent occurrence in regard to this matter. I am satisfied that no employee of the Senate gave out information upon which were based the newspaper reports purporting to give a correct statement as to the vote of Senators upon a recent nomination. I do not know that any Senator has given out information—or, at least, direct information. I have heard of suggestions that newspaper men approached Senators and asked certain questions, apparently innocent in themselves, and probably from answers that may have been given they drew their conclusions.

Mr. McKELLAR. Mr. President, will the Senator from Washington yield to me?

Mr. JONES. Yes.

Mr. McKELLAR. Is not the crux of what the Senator desires to express simply to have the business of the public conducted in public? I want to say that I am heartily in favor of the Senator's position. I think that all public business, unless it shall be something very special, should be considered in the open, though I think it is proper to incorporate in the proposed amendment, as the Senator has done, the provision that a two-thirds majority may order a question to be considered in secret session. Of course, I can imagine a case where a question ought to be considered in secret session, but it ought to be done only when a majority of two-thirds of the Senate believes it should be done.

I entirely indorse the Senator's proposed amendment to the rules. I am in favor of conducting all of the public's business under the light of pitiless publicity. The time has long since passed when we should conduct the public's business secretly or privately.

Mr. JONES. Mr. President, in the last 20 years I do not remember a single nomination which has been considered in executive session where charges have been made or accusations have been submitted that such nomination could not just as well have been considered in open session as in executive session. I do not know of any nomination upon which I have voted that I would have had any hesitation whatever in having my vote made public; and I think that is true of other Senators. I can, of course, imagine cases where it is possible it would be far wiser to consider a question in executive session; but any such cases as that are exceptional and not the general rule, as I think has been demonstrated by the nominations which have been submitted to the Senate and acted upon by it.

It is largely in view of that situation and largely in view of the unfair criticisms and unfair suggestions which are made, and the unjust attitude in which Senators are often placed under the rule as it is now that I have been led to suggest this amendment to the rule.

Senators no doubt have read the provisions of the proposed amendment to the rule. I am merely going to call attention to them briefly.

Mr. HEFLIN. Mr. President, before the Senator does that let me make a suggestion to him. He has been here a long time and is a very fair man. What does the Senator think a Senator should tell a newspaper man when an executive session is over and when he is asked the direct question, "Did you vote for this man's confirmation or against it?"

Mr. JONES. I think, under the rules as we have them, he should say, "I can give you no information as to what took place in executive session." That has always been the rule I myself have followed, and I think that any other course is in violation of the rules. It is to avoid that very situation largely that I have presented this proposed change.

Mr. HEFLIN. Then, suppose the newspaper man should say, "Then, I take it that you voted for confirmation."

Mr. JONES. I should simply say to him, "I can give you no information as to what took place in the Senate in executive session." Of course, the newspaper men would probably draw all sorts of conclusions and probably very unfair and unjust conclusions, but, of course, we can not prevent them doing that.

Mr. HEFLIN. It may be that the information or misinformation which that newspaper man would give out would hurt that Senator with his people at home.

Mr. JONES. Certainly.

Mr. HEFLIN. And put him in a bad light.

Mr. JONES. Certainly.

Mr. HEFLIN. And might put him in just the opposite position to that which he took in the secret session.

Mr. JONES. It is to avoid those things that I am proposing this resolution to amend the rule, because, as I have said, when we have solemn rules which have been adopted by the Senate I take it that they are just as binding upon a Senator as is a legislative enactment, so long as they stand as the rules of the body of which he is a Member.

Mr. HEFLIN. I will ask the Senator another question. Suppose a Senator goes home and while discussing political issues somebody in his audience asks him how he voted on a certain question considered in executive session; what then does the Senator think should be the Senator's answer?

Mr. JONES. My answer would be, "I can not say, because I am bound by the rules of the body of which I am a Member, and so long as those rules are the rules of that body I feel that I have to observe them, no matter what the consequences may be to myself." It is to avoid that situation that I am proposing this amendment.

Mr. HEFLIN. I am in hearty agreement with the Senator, but I think that in a case such as that the people who send a man here to represent them are entitled to know what he is doing and what he is saying and how he is voting. They are the sovereign power; they are the power that sends him here, and I think he has a right to tell them how he voted.

Mr. JONES. I do not think so under the rules as they now are.

Mr. NORRIS. Mr. President——

Mr. JONES. I yield to the Senator.

Mr. NORRIS. I should like to say to the Senator from Washington that I think he has put the proper construction on the rules, and, as he knows, the one that I have always put on them; I think he is right; but the amendment which he proposes to the rules will not relieve a Senator from the position in which he would place himself in the situation suggested by the Senator from Alabama. Under the proposed amendment proposed by the Senator from Washington to the rule, assuming that two-thirds of the Senate should vote to remain in secret session, then a Senator would be bound; he could not answer the question so as to give any information even in a situation such as that illustrated by the Senator from Alabama.

Mr. JONES. That is true.

Mr. NORRIS. While the rule as proposed to be amended by the Senator from Washington would be a great improvement,

yet, assuming that the Senator's construction and mine are right, it would close a Senator's mouth and prevent him telling either his constituents or anybody else how he voted in executive session when two-thirds of the Senators had decided that the session should be secret. When the Senator from Washington concludes, if I can get the floor, I propose to offer an amendment to his resolution that will meet the point suggested in the questions of the Senator from Alabama, which I think are very important.

Mr. BINGHAM. Mr. President——

Mr. JONES. Just a moment; I should like to say a few words further at this point. Personally I am in hearty accord with the views of the Senator from Nebraska. I can not imagine a case coming up in the Senate which should be considered in closed executive session. Personally I would be perfectly willing to have the people know all about the discussion and the votes. As a matter of fact, I think if the votes are to be made public, that it is far better also to have the discussion made public, because the mere publication of a vote may work a greater injustice to Senators than if the debate were made public.

I have framed my proposed amendment in the way it is because I have felt that the Senate probably would not be willing to go the whole length of making the proceedings on every nomination public. Personally, as I have said, I would be willing to have that done; I would be glad to have the rules amended in that way, and if such an amendment shall be proposed I shall vote for it so far as that is concerned; but I have proposed this amendment to the rules, as I have said, in the belief that it is as far as we can possibly hope to go, and there is very serious doubt whether or not we will be able to go even that far. I take it that it will take a two-thirds vote to adopt this resolution.

Mr. NORRIS. Oh, no, Mr. President; I beg to differ with the Senator as to that; it will not require a two-thirds vote to amend the rules.

Mr. JONES. It has been so ruled heretofore.

The VICE PRESIDENT. The Chair will state that there has been no ruling of that sort.

Mr. JONES. Very well; I am glad to have that statement from the Vice President, because this is a proposed amendment to the rules——

The VICE PRESIDENT. A majority vote only is required to amend the rules. A two-thirds vote is required to suspend the rules.

Mr. JONES. The matter of suspension is in the same paragraph as the matter of amendment, and I supposed the same ruling would apply; but I am glad to have the ruling of the Vice President. I think he is right. I have felt in the past that the ruling that required a two-thirds vote even to suspend the rules was not in accordance with the rules.

Mr. WALSH of Montana. Mr. President, I want to express my especial gratification at the parliamentary situation as indicated by the present occupant of the chair. I have been contending for that ruling for a long, long time, and I never before got any kind of encouragement for it.

Mr. JONES. I am glad to have that ruling myself.

Mr. BINGHAM. Mr. President——

Mr. JONES. I yield to the Senator from Connecticut.

Mr. BINGHAM. In view of what the Senator has said about his desire to protect the right of a Senator who is falsely accused, as some Senators have been, of the way they voted in executive session on a nomination, why does not the Senator himself put into his amendment a provision that any Senator may tell his constituents in answer to a question how he voted, and explain his reasons if he chooses to do so? In other words, Mr. President, may we not have read the amendment that is to be offered by the Senator from Nebraska?

Mr. JONES. I should have no objection to that. As I said a while ago, I should have no objection to making public every vote on every nomination.

Mr. NORRIS. Mr. President, if the Senator from Washington will permit me, in answer to the suggestion of the Senator from Connecticut, I will send my amendment to the desk to be read for the information of the Senate, if the Senator desires me to do so.

Mr. JONES. I shall be glad to have the Senator have his proposal read.

Mr. NORRIS. I send to the desk an amendment that I propose to offer as soon as I can get the floor, to be added at the end of the proposed rule.

The VICE PRESIDENT. The amendment will be read for the information of the Senate.

The CHIEF CLERK. It is proposed to add, at the end of the rule proposed by the Senator from Washington, the following:

All roll calls in closed executive session, together with a statement of the question upon which such roll calls are had, shall be published in the RECORD.

Mr. BINGHAM. Mr. President, if the Senator will permit me, that is a very different proposal from the one the Senator from Washington has just stated he was willing to accept.

Mr. JONES. Yes; I am willing to vote for a rule that will provide for having all nominations considered in open executive session, so far as I am personally concerned.

Mr. FLETCHER. Mr. President, I understand that the proposal is limited to open executive sessions with respect to nominations. It has nothing to do with executive sessions for the purpose of considering treaties?

Mr. JONES. No.

Mr. FLETCHER. I think myself that we might very well comply with this suggestion as to all nominations. I do think there is some real need at this time for considering treaties in executive session.

Mr. JONES. I agree with the Senator on that.

Mr. FLETCHER. That is not disturbed by this amendment?

Mr. JONES. No. I was going to say just a word about the terms of this proposal.

This proposal practically reverses the rule as it has been construed and as it has been applied. At present we are required to go into executive session on all nominations. Under the rule as proposed, hereafter nominations shall be considered in open executive session.

In order to consider a nomination in open executive session now it must be so decreed by a two-thirds vote of the Senate, and that is really what led me to put the two-thirds provision in this proposal, which is as follows:

Hereafter nominations shall be considered in open executive session unless the Senate, in closed executive session, shall, by a two-thirds vote, determine that any particular nomination shall be considered in closed executive session—

In other words, I have simply reversed the rule as it applies to the Senate to-day. That is the reason why I put in the two-thirds provision. Now, before we can have a nomination considered in open executive session, we must have a two-thirds vote. As this rule proposes that all nominations shall be considered in open executive session, I would have them considered in open executive session unless otherwise ordered upon a two-thirds vote, according to this rule.

And in that case paragraph 2 of this rule—

That is, the other paragraph relating to these nominations—

shall apply to such nomination and its consideration.

Mr. President, I think this is all I care to say in regard to the matter.

Mr. SHORTRIDGE. Mr. President, the Senator has just made reference to paragraph 2 of the rule. What becomes of that paragraph?

Mr. JONES. Paragraph 2 is suspended so long as the Senate considers these nominations in open session; but if the Senate, by a two-thirds vote, shall decide to consider a nomination in closed session, then the provisions of paragraph 2 apply.

Mr. WALSH of Montana. Mr. President——

Mr. JONES. I yield to the Senator from Montana.

Mr. WALSH of Montana. I had in mind the same matter which apparently was in the mind of the Senator from California [Mr. SHORTRIDGE]. I think there would be some incongruity in adopting the rule just as suggested by the Senator from Washington. You have paragraph 2:

All information communicated or remarks made—

And so forth, and so forth—the same rule. Then:

Hereafter nominations shall be considered in open executive session unless the Senate—

These would seem to be altogether incongruous. I suggest to the Senator that the more appropriate way to do it would be to provide:

That paragraph 2 of Rule XXXVIII of the Standing Rules of the Senate, relating to proceedings on nominations in executive session, be, and the same is hereby, amended so as to read as follows:

Then follow with your proposal:

Hereafter nominations shall be considered in open executive session unless the Senate, in closed executive session, shall by a two-thirds vote determine that any particular nomination shall be considered in closed executive session, and in that case paragraph 2 of this rule shall apply to such nomination and its consideration.

Instead of "and in that case," have it read:

When nominations are so considered in executive session, all information communicated—

And so forth, just as in paragraph 2. In other words, amend paragraph 2 so that it will be introduced by the Senator's language, and then have the provision in regard to going into closed executive session.

Mr. JONES. I can not see, myself, where that makes any difference at all. Of course the language of my provision merely suspends paragraph 2 so long as nominations are considered in open session; but if the Senate, by the necessary vote, decides to consider them in closed session, then paragraph 2 does apply. I should have no objection to framing the amendment along the lines suggested by the Senator from Montana, because I think his suggestion means exactly the same thing as mine.

Mr. WALSH of Montana. Of course I intended that it should.

Mr. JONES. Yes.

Mr. WALSH of Montana. It simply seemed to me to be incongruous to say that all information shall be held secret and then say that nominations shall be considered in closed session.

Mr. JONES. But this becomes a paragraph in the same rule.

Mr. WALSH of Montana. You have paragraph 2 and then paragraph 7 relating to the same thing.

Mr. JONES. Yes; but paragraph 7, of course, is adopted after paragraph 2, and of course is intended to do away with paragraph 2, but only so long as these nominations are considered in open session. I did that more particularly because I desired to have the paragraph a short one; and, as I said, I think the meaning, the application, is exactly the same as in the case of the amendment proposed by the Senator from Montana.

Mr. BAYARD. Mr. President——

Mr. JONES. I yield to the Senator from Delaware.

Mr. BAYARD. Following the suggestion of the Senator from Montana, which I think is a most wise one, let me make this suggestion to the Senator from Washington:

Paragraph 2 as it stands reads as follows:

All information communicated or remarks made by a Senator when acting upon nominations concerning the character or qualifications of the person nominated, also all votes upon any nomination, shall be kept secret. If, however, charges shall be made against a person nominated, the committee may, in its discretion, notify such nominee thereof—

And so forth. Now the Senator is going to add certain language to that. Section 7 of the proposed rule reads as follows:

Hereafter nominations shall be considered in open executive session unless the Senate, in closed executive session, shall by a two-thirds vote determine that any particular nomination shall be considered in closed executive session, and in that case paragraph 2 of this rule shall apply to such nomination and its consideration.

The point that I want to bring before the Senator and the rest of my colleagues is this: If we go into executive session—and we shall, under the Senator's rule—for the purpose of determining whether or not we shall go into open session, in the executive session comments may be made upon the appointee of the President not very laudatory of that appointee. If we go back again into open executive session, the wording of the Senator's proposed paragraph 7 would authorize every Member of the Senate who was present to comment upon and repeat what was said in closed executive session. I can not escape that conclusion.

Mr. JONES. Why, yes; that is true.

Mr. BAYARD. I do not think the Senator means to do that.

Mr. JONES. I can see no harm that would result from that.

Mr. BAYARD. Oh, yes; there might be harm.

Mr. JONES. Not at all.

Mr. BAYARD. For this reason, Mr. President: Mr. A may be nominated for thus and such an office. The matter may be taken up in executive session to determine whether or no we should go into open session; and during that executive session many things may be said derogatory to the character of Mr. A. Then the Senate determines to go back into open session——

Mr. JONES. But it takes a two-thirds vote to do that.

Mr. BAYARD. And the person who made these derogatory remarks may not feel justified or warranted in saying in open session what he said in closed session. Nevertheless his colleagues have the right, under the proposed rule as suggested by the Senator from Washington, to talk about those things derogatory to the nominee here, there, and everywhere.

Mr. JONES. Why, certainly, Mr. President. If the Senate now should by a two-thirds vote, after discussion, decide to hold an open executive session on a nomination, there is nothing to prevent a Senator from repeating or referring to everything that was said in the executive session. So I can see no harm coming from a discussion in executive session if it is decided by a two-thirds vote to consider such nomination in open session.

Mr. BAYARD. Then, Mr. President, it seems to me the Senator should strike out all of paragraph 2, and follow the method suggested by the Senator from Montana, and substitute his proposed paragraph 7 for paragraph 2, because as long as we have the two upon our rule book, if they get there, we are going to have a definition of secrecy under paragraph 2, and a definition of our powers of divulging that secrecy merely because we happen to change from closed to open session. We can not escape it.

Mr. JONES. Mr. President, I do not understand that the proposal of the Senator from Montana is to do away with paragraph 2 at all.

Mr. BAYARD. It is to substitute and amend paragraph 2; but the Senator from Washington proposes to leave it there on the rule book.

Mr. JONES. The effect, as I take it, is exactly the same. If a nomination is considered in closed executive session under the rule as amended, then nothing can be given out; but if it is not considered in closed executive session, if it is considered in open executive session, even though this may be put back under paragraph 2, it can all be given out just the same.

Mr. BAYARD. Oh, no! May I say this to the Senator——

Mr. JONES. I may be very dull intellectually, but I can not see any substantial difference between what I have put in and what the Senator from Montana suggests.

Mr. BAYARD. Let me state this case to the Senator then:

Mr. A is nominated. The question arises, assuming that the Senator's rule is adopted, whether we shall consider his nomination in open or closed session. We go into closed session for the purpose of determining that question; and during the closed session remarks may be made about Mr. A, the nominee, which are distinctly derogatory to Mr. A. They are made in closed executive session by reason of the fact that the Senator who makes them does not care to make them in the open session. After the question is decided we go back again into open executive session, and then we release the seal of secrecy upon all the Senators who have heard that, and they can quote Senator A, Senator B, or Senator C in regard to this nominee, and he is powerless. It may be he was making his remarks on information and belief, without any definite foundation for them.

Mr. JONES. That would be exactly the same if the rule were amended in accordance with the suggestion of the Senator from Montana.

Mr. BAYARD. Does the Senator want to do that?

Mr. JONES. I say that if a vote is taken after discussion, the man who makes the charges knows that unless two-thirds of the Senate vote to consider the matter in executive session, it will be public. I see nothing wrong about that. I see no harm to come from that. As I said a while ago, I would be perfectly willing to have a rule that would provide for the consideration of nominations, without any qualification, in open executive session, as far as I am personally concerned.

Mr. BAYARD. Then I say to the Senator, that if section 2 of the rule have section 7 added to it, as he proposes it now, he will open the very breach which he is now trying to close.

Mr. JONES. I think the Senator is mistaken in that.

Mr. CURTIS. Will the Senator yield to me to enter a motion to refer the resolution to the Committee on Rules, so that the motion may be pending? I want to leave the Chamber.

Mr. JONES. I have no objection to that, so that the motion may be pending.

Mr. CURTIS. Let the motion be entered, to refer the matter to the Committee on Rules.

Mr. JONES. That will not cut off debate?

Mr. CURTIS. No.

Mr. NORRIS. I do not want to have the opportunity for amendment cut off.

Mr. CURTIS. I do not intend that it shall be.

Mr. NORRIS. If an amendment is offered, and there is a motion pending to refer——

Mr. CURTIS. I withdraw the motion.

Mr. NORRIS. I think the Senator would better withdraw it. The Senator, I think, will have an opportunity to make the motion later.

Mr. JONES. Mr. President, I think every Senator understands this proposition, and, so far as I am concerned, I am perfectly willing to allow the matter to come to a vote.

Mr. NORRIS obtained the floor.

Mr. BARKLEY. Mr. President, will the Senator yield to me to ask the Senator from Washington a question?

Mr. NORRIS. I yield to the Senator.

Mr. BARKLEY. I observe it is provided in the resolution that in order that a particular nomination shall be considered in secrecy, the Senate must go into executive session to decide that question. Why should not the question be decided in open session, as well as action on the nomination itself?

Mr. JONES. Because if we are going to have a rule like this, then the reasons for holding open executive session could very consistently, it seems to me, be presented in closed executive session, so that if the Senate should decide that a particular case then before it should be considered in closed executive session none of the matters against the nominee would be entitled to publicity.

Mr. BARKLEY. Is there anything sacred about a nominee whose name has been sent in by the President that should entitle him to have his qualifications shrouded in secrecy any more than a man who asks the people to elect him to some office?

Mr. JONES. The Senator knows that I have said that personally I would be in favor of considering all nominations in open executive session.

Mr. BARKLEY. That is my position precisely.

Mr. JONES. But the Senator knows what apparently is the sentiment of the Senate, or, at least, what it has been indicated to be by votes in the past. If I am sure I can not get all that personally I would be in favor of, I am willing to go as far as I can toward my object, and I have presented this matter in this way because I felt that this probably would be as far as we could possibly go, and I have my doubt about the Senate even going this far. But I have felt that this is as far as we could possibly hope to have the Senate go and that this is much better than the existing rule. Probably after we have proceeded a while under a rule like this we can get the Senate to go the whole length and consider all nominations in open session.

Mr. NORRIS. Mr. President, I desire at this time to offer an amendment. I move to add at the end of the proposed rule the following:

> All roll calls in closed executive session, together with a statement of the question upon which such roll calls are had, shall be published in the RECORD.

If that amendment is agreed to, to a great extent it will obviate the difficulty suggested by the Senator from Kentucky.

Before I get to the proposed amendment, however, I want to discuss briefly the general proposition involved in the proposed change. I think we ought to consider all public business in the open. If I had my way about it, I would go a good deal further than is proposed by this resolution. I agree with the Senator from Kentucky. However, other Senators do not agree with us, and we have to respect their judgment and their opinion. A majority of the Senators are perhaps in disagreement with those of us who believe as we do. So we must take things as they are, and not as we would like to have them, and get out of it what we can, if anything, that will help to solve this difficulty that arises continually, and has been very much discussed recently throughout the entire country in connection with the nomination of Mr. West, which was recently considered in closed session.

First, I want to call the attention of the Senate to an injustice under our present system which applies to Senators who, in absolute good faith, want to obey the rule. It is true that Senators do not agree on the construction of the rule to which I am going to call attention, but those of us who believe one way are under a handicap which does not apply to Senators who have a different idea as to the construction of the rule.

There is a very sharp line of demarcation as to the construction of a certain sentence in paragraph 2 of Rule XXXVIII. All Senators realize that. I am going to read a part of this paragraph, enough to call attention to the particular language I want to consider. Commencing with paragraph 2, the rule reads as follows:

> All information communicated or remarks made by a Senator when acting upon nominations concerning the character or qualifications of the person nominated, also all votes upon any nomination, shall be kept secret.

The particular part of that rule to which I want to call the attention of the Senate is the last clause, "also all votes upon any nomination, shall be kept secret."

As I construe that rule, and as it is construed by the Senator from Washington and a great many other Senators, it would prevent a Senator from telling how he himself voted on any particular nomination. It is true other Senators claim that there is nothing in the language which would prevent a Senator from telling how he voted, and those who believe that way can conscientiously tell the public how they did vote on any nomination. But a man who wants to obey the rules, who wants to be obedient to the law of the Senate, and does not believe that that construction is right, is handicapped. If he puts upon that language the construction which it seems to me must be placed upon it, he can not make public how he voted. If we put that construction on it, that one can tell how he voted, it would simply in effect vitiate the entire paragraph, because it would not be a difficult thing to ask every Senator how he voted, and thus find out just exactly what the vote was.

I want to call the attention of the Senate to an experience of my own. In a campaign in my State a few years ago a charge was openly made against me in a newspaper, and I think it was quoted in other newspapers, and the paper attempted to give my vote in executive session on a certain very important nomination; but they said I voted against a certain confirmation, when, as a matter of fact, I had voted for it.

Under those circumstances, being wrongfully accused in the public press on a very important vote had in the Senate of the United States, what was my remedy? I felt that under the rule I had no right to tell how I voted and I suffered in silence, and never made any reference to the charge that was being made. Yet that charge was one that any citizen had a right to make. Action on that nomination was a part of my official work as the representative of my people. It seems to me they had a right to know how I stood on that question, the same as they would have a right to know how I stood on a tariff question, or a taxation question, or any other question that could possibly come before the Senate in its legislative capacity.

Other Senators would have taken a different course and would have denied the charge, and perhaps they would have been right. But I never felt that that was the proper construction of the rule, and in applying it to myself, it seemed to me that I had either to suffer personal injury or I had to violate a rule of the Senate.

Mr. President, nobody wants to violate the rules of the Senate. When a Senator takes an obligation to obey the rules of the Senate, he wants to obey them; and nothing short of a revolutionary spirit could induce a Senator to violate them. The right of revolution I concede is a sacred right, which exists in the Senate the same as everywhere else; and I have long contemplated whether those of us who feel as I do on this subject would not be justified in a parliamentary revolution, as some Senators have before stated that they would under no circumstances be bound to secrecy in a matter which affected their own official acts, when their action was questioned by those whom they represented.

Mr. BLACK. Mr. President——

The PRESIDING OFFICER (Mr. STEPHENS in the chair). Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. NORRIS. I yield.

Mr. BLACK. If the Senate has the constitutional right to impose secrecy in the cases where the rule does impose a ban of secrecy, would it not also have the constitutional right to pass on legislation in secret?

Mr. NORRIS. I am inclined to think so.

Mr. WALSH of Montana. Mr. President, I supposed it was very well understood that for a long time the proceedings of the Senate were conducted in secrecy.

Mr. BLACK. That is correct. The question I wanted to ask the Senator from Nebraska was, whether it is prohibited by any constitutional provision or not, if it is not contrary to the spirit of American democracy, and to the spirit of the formation and evolution of our legal and legislative system, to have our legislative proceedings behind closed doors?

Mr. NORRIS. Yes; I agree with the Senator, and I have often said that it is contrary to the fundamental principle underlying every democracy. I can conceive, however, that there may come times when secrecy would be necessary, particularly, perhaps, when we were at war, when the giving of publicity to some important matter might enable the enemy of our country to secure an advantage. Under those circumstances, perhaps, the very preservation of our own Government might call upon us to transact some business in secret.

I could call the Senator's attention to a bill that we passed during the late war. While we had to act in public, the committee of which I happened to be a member met in executive session on Sunday. There was one reason why we did so. It was said by those governmental officials who proposed the action to us that if what we had in view became publicly known it would be very injurious to one of our allies in the World War. I remember that the work of that committee was kept secret, and we had to do it to prevent some objections being made on the floor of the Senate by Senators who would have done it with perfect innocence, because they did not know what the difficulty was. We had to tell them privately and quite a number of Senators were

quieted, and the matter received practically no attention when we passed the bill in public session.

Such situations might arise. It is very seldom that they do arise. I can not recall now a single nomination since I have been a Member of the Senate that, as I look back over it, ought to have been considered in secret executive session. There may have been some, but I do not recall any; I do not think of any now. In the case of Mr. West the evidence was taken in public. It was printed as a public document subject to circulation through the mails under the frank of a Senator or Member of the House. It was as public as the CONGRESSIONAL RECORD. The evidence was all taken in public, but when we came to pass upon the evidence taken in public we went into secret executive session and acted in secret session, and none of the votes in that session were made public.

Senators may say that in that case there was not much importance attached to it, and for argument's sake I might admit it, although I think that it was of great importance. Senators disagreed on the point as to how much public importance was attached to that action of the Senate. I thought, and some other Senators thought, and people outside of the Senate agreed with us, that we were taking an action as important as any public action that we had taken during this session of Congress. Whether we are agreed with or not, there are thousands of honest, patriotic citizens who believe that, and yet the action was taken behind closed doors. I think it could be very well compared with any of the votes we have taken on any bill. Senators know there would be an outcry in the country if we undertook to pass any general legislation behind closed doors.

Mr. BINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Connecticut?

Mr. NORRIS. I yield.

Mr. BINGHAM. I thank the Senator. The Senator referred to the fact that committee meetings on nominations were held in public and the proceedings were published. I am a member of two committees that have to pass, one of them very frequently and the other at less frequent intervals, on nominations. It has never been the practice of either of those committees, with one exception, to hold in public its hearings in regard to nominations. It has occurred to me several times to wonder why it was that committees which were considering nominations which must be considered by the Senate in secret executive session, unless the rule were altered, should hold their hearings on those nominations in public and publish the record as spread before them on the qualifications or disqualifications of candidates. Can the Senator enlighten us on that point?

Mr. NORRIS. I will say to the Senator that if we follow out the theory of secret sessions, then I think he is entirely right. If we are going to vote in secret we ought to take the evidence in secret. But as a matter of practice, while we do both ways, as a rule the evidence is taken in public.

Now let us take the Judiciary Committee.

Mr. JONES. Mr. President, will the Senator yield just at that point?

Mr. NORRIS. Very well; I yield.

Mr. JONES. I have thought about that question many times. The sessions or meetings of the committee which we have held were executive sessions to hear testimony or otherwise. I believe that under the rule we are violating the rule whenever a committee takes testimony and makes it public under such circumstances.

Mr. SHORTRIDGE. Mr. President, if the Senator will yield just for a moment——

Mr. NORRIS. I yield to the Senator from California.

Mr. SHORTRIDGE. If I understood the junior Senator from Alabama [Mr. BLACK] correctly, he said that the spirit of democracy was to have all public business conducted in public.

Mr. BLACK. It is contrary to the spirit of democracy to do otherwise.

Mr. SHORTRIDGE. I suppose the Senator will agree with me that Washington and Franklin believed in the true spirit of democracy?

Mr. BLACK. I will agree with the Senator to that extent, and further state that I agree with Mr. Jefferson in his criticism as to holding the Constitutional Convention in secret.

Mr. SHORTRIDGE. I was about to observe that if the theory of the distinguished Senator from Alabama and the immortal Jefferson had been followed, we never would have had a Constitution of the United States, and, permit me to add, my opinion is supported by a great many and deeper thinkers than I am. If the debates, sometimes acrimonious, of that historic convention had been carried on in the open, we never would have had a Constitution. If the theory of Jefferson and the scholarly Senator from Alabama had been adopted, the attempt to "form a more perfect Union" would have ended in failure.

Mr. NORRIS. Mr. President, I do not wish to yield for a discussion between two other Senators. I realize I will never get anywhere with my comments if I practically yield the floor for other Senators to engage in a debate. I will answer any question submitted to me if I can.

Mr. SHORTRIDGE. I wish merely to dissent from the view of the junior Senator from Alabama and to hold as I have indicated.

Mr. BLACK. Mr. President, may I make just one brief statement in that connection?

Mr. NORRIS. I yield.

Mr. BLACK. I want to add to what the Senator has said that one of the chief arguments used against the adoption of the Constitution, and used very successfully in many States and that affected many minds, was the fact that the sessions were held behind closed doors.

Mr. NORRIS. Mr. President, it would not change my mind if some one quoted George Washington to the effect that he had said he was in favor of doing public business behind closed doors. Probably if I had lived in the days of Washington, I might have agreed with him. But I have such great respect for our forefathers that it seems to me the way we can honor them most is to try to progress and go a little bit further than they went, and to carry the torch of civilization a little bit further into the wilderness than our forefathers carried it. I hope when I am gone that those who follow me will not stop where I do but will carry on. I am firmly of the opinion that if, at the beginning of this Goverment, the Senate and the House had commenced to transact public business behind closed doors, we would not be here to-day, at least representing the same Government that we are now trying our best to represent. I do not believe that a democracy can permanently stand when its public business is transacted in secret.

Mr. HEFLIN. Mr. President, may I interrupt the Senator?

Mr. NORRIS. I yield.

Mr. HEFLIN. I merely wish to suggest to the Senator from California that he might quote another President of the United States who said he believed in open covenants openly arrived at.

Mr. SHORTRIDGE. But they never were arrived at. The trouble was they never reached the point of arrival.

Mr. NORRIS. The fact that they were not arrived at does not, in my judgment, do away with the justice of the proposition that we should have open covenants and arrive at them openly.

Mr. BARKLEY. Mr. President, if I may add a word——

Mr. NORRIS. In just a moment. We never do attain the ideal that we have in our minds, and we will probably satisfy our own consciences if we come as near to it as we can. I yield now to the Senator from Kentucky.

Mr. BARKLEY. Open covenants openly arrived at may not have been arrived at in the days of Mr. Wilson, but they have been more recently arrived at, and openly.

Mr. NORRIS. I hope the time will come when all covenants will be open, and all arrived at openly.

Mr. BINGHAM. Mr. President, will the Senator yield for a question?

Mr. NORRIS. Certainly.

Mr. BINGHAM. Is the Senator in favor of the resolution submitted by the Senator from Washington?

Mr. NORRIS. I am going to vote for it. I would rather have it entirely open than the way he has it, but I think the resolution proposed by the Senator from Washington is a very great improvement over the present procedure of the Senate.

Mr. BINGHAM. Mr. President, will the Senator permit another question?

Mr. NORRIS. Certainly.

Mr. BINGHAM. The Senator is eminently fair-minded and always desires to do what is right and what is fair to any individual, as everyone knows. Does it occur to the Senator that the proposed rule, if put into operation, may place a stigma on an innocent man when thousands and thousands of people are confirmed in the open and suddenly some day one man is singled out to have his nomination considered in secret? At the present time thousands of postmasters throughout the country have their nominations considered in secret, and the nominations of thousands of officers of the Army and Navy are considered in secret. The rule is that everyone who is innocent shall have his nomination considered in secret, and only when the public business demands it does it come into the public before the Senate, when two-thirds of the Senators think it should be discussed in public. Does not the Senator feel that to single out one man and discuss his nomination in private is going to make it extremely difficult for that man?

Mr. NORRIS. I will tell the Senator how to avoid that. If he will come over, with his powerful influence in the Senate, to the weak group of men that I belong to and who thus far have been in the minority, and wield the wonderful power of his influence with us, we will not have such instances. We will consider all such cases in public, and hence there will be no stigma upon some man who may be singled out. We will not single out anybody if we can get the help of the Senator to carry on. There will be no stigma.

Mr. BINGHAM. The Senator said he is going to vote for the resolution.

Mr. NORRIS. Yes. I would rather vote for the resolution if it proposed to consider all of them in public, but because we have so many Senators with their great power and their eloquence and their ingenuity like the Senator from Connecticut, we have to take one bite at a time. I would rather have half a loaf than no bread at all.

Mr. JONES. Mr. President, may I suggest to the Senator that any man nominated could avoid that difficulty by expressing the desire to have his nomination considered in open executive session.

Mr. NORRIS. Yes; and his friends here in the Senate could avoid it by doing the same thing. But is a man nominated for office by the President entitled to any greater privilege than the man who is running for an elective office? Are we going to fill our appointive offices with men who would not get to first base if they had to go before the public?

Mr. BINGHAM. Mr. President, will the Senator yield again?

Mr. NORRIS. In just a moment I will yield. Are we going to say that men who could not go out before their constituents and in the eyes of the public and have the light of publicity turned upon their qualifications and their character in a contest before the people, shall be shielded from the same dangers, if we want to call them dangers, that every one of us and every other man running for an elective office from President down to road overseer must meet before the people?

I now yield to the Senator from Connecticut.

Mr. BINGHAM. Does the Senator mean to suggest that those who are running for an elective office had better be elected in the future by open ballot rather than by secret ballot as we have done in recent years?

Mr. NORRIS. Now, the Senator is going into another question. A secret ballot must be had. The Australian ballot, the secret ballot, is one that has been demanded by the advancing tide of civilization not for the protection of the candidate, as the Senator would indicate by his question, but to prevent men of power and influence and wealth from buying, with money and other promises, the citizenship of the United States. That is why we have the secret ballot.

The candidate has no protection on account of the secret ballot——

Mr. HEFLIN. Mr. President——

Mr. NORRIS. Just a moment—but he must go out before the people and fight his battle in the open. If, however, he is appointed to an office, perhaps ten times more important, then his nomination is considered behind closed doors. A man may run—I have in mind several such instances—for United States Senator where he has to fight in the open; he may be repudiated by his people, condemned at the ballot box, defeated in the open contest before the people, and then be appointed to some office much better than the one he lost and that the people denied him, and his nomination be brought before the Senate, and be considered behind closed doors in executive session.

Why should not the people have the right to know what is said, what is done, what are his qualifications, and what are the votes when we vote on the confirmation, let us say, of an Attorney General or a Secretary of State, or a judge, just as the people would have the right to know if those officers were running before the people and had to go before them in open contest?

Now I yield to the Senator from Alabama.

Mr. HEFLIN. Mr. President, I suggest to the Senator from Nebraska that in the old days, before we had the Australian ballot system, we had the plain open ticket; the powers that be would marshal the voters in blocks of a hundred, make them hold up their tickets, and they would have a captain go with them to the polls and see that they deposited their ballots. It was for the good of government, both local and national, that that system was abolished and that the voter himself might retire to a polling booth, vote according to his judgment, fold his ballot, and put it in the box without anyone knowing how he voted; but we come from those people; we have been selected by them, and in this representative form of government we must give an account to them of our stewardship. If we hold a secret session in this body and discuss nominations and finally determine what we shall do, we owe it to those people and to the country to give the registered judgment of this body, and that is what we ought to do.

Mr. NORRIS. I think so.

Mr. GLENN. Mr. President——

Mr. NORRIS. I yield to the Senator from Illinois.

Mr. GLENN. Does the Senator from Nebraska believe that the Supreme Court of the United States and similar courts throughout the Nation in considering their decisions should admit the public and that their discussions and deliberations should be carried on in the presence of the public?

Mr. NORRIS. No; I would not say that; nor would I say that a committee of the Senate when it undertakes to consider and thresh out amendments to a bill should hold its sessions openly, mainly because the ordinary procedure is necessary in order to arrive at proper conclusions and to give the proper consideration to a measure; but votes in the Senate ought to be published. I would not for a moment stand for the proposition that when the Supreme Court of the United States rendered an opinion they should not tell how many judges concurred and how many disagreed; that fact ought to be made public. When we have before us the nomination of a judge for the Supreme Court of the United States I think that ought to be considered openly; and I mean no disrespect to the judge; I am not thinking of him; I am thinking of the country at large.

Mr. WALSH of Massachusetts and Mr. BRUCE addressed the Chair.

Mr. NORRIS. I yield first to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. The Senator from Nebraska is of course aware of the fact that it was very seriously urged at one time that every justice of the Supreme Court of the United States should be obliged publicly to give his opinion upon every decision rendered by that court, and that suggestion came very near being adopted.

Mr. BRUCE. Mr. President——

Mr. NORRIS. I now yield to the Senator from Maryland.

Mr. BRUCE. I suggest to the Senator from Nebraska not to forget the fact that, of course, the deliberations of the Supreme Court judges are finally embodied in their conclusions which contain their reasoning and the authorities on which they act, as evidenced by published reports of their decisions.

Mr. NORRIS. Yes.

Mr. President, coming now to the amendment which I have offered to the resolution, let me say that it simply provides that all roll calls in executive session shall be published. Suppose a motion shall be made in executive session to consider a nomination in open executive session. That involves a controversy, and naturally there are two sides to it. There may be some reasons one way and some reasons another, but have not the people a right to know whether their Senators are for open executive sessions or for closed executive sessions on a particular matter? Then, suppose a vote is had and those who favor an open executive session are defeated, and that a motion is then made in executive session that the roll call by which the motion was defeated shall be published; is there any possible objection to that? And yet under our rules that can not be done, unless, as it has been decided, there is a two-thirds vote in executive session to publish it. Is there any reason why the people of my State should not know whether I voted for a closed session or an open session on any nomination? Can any man give any reason why such information should not be public? It has nothing to do with the character or qualifications of the man who is a candidate for office, but only has to do with letting the people know whether I stood for an open session or a closed session. That does not affect the argument for closed sessions; it does not affect the argument for open sessions; but merely whether the people shall know how their representatives voted on that question. If the people of a State want their Senators to vote for closed sessions and they agree with them and accept their commissions on that condition, then, of course, they would be for closed sessions, but should they be able to conceal that fact from their constituents or should they be able to say to them, "I will not tell you whether I am for an open session or a closed session"?

Mr. BINGHAM. Mr. President——

Mr. NORRIS. I yield to the Senator from Kentucky.

Mr. BINGHAM. I sympathize entirely with the position taken by the Senator, but why does he not offer an amendment to make it perfectly clear in the rules what some Senators already believe to be their right as a question of self-defense, that any Senator is permitted, whenever he feels so inclined, to state how he has voted and give the reasons therefor? Why does not the Senator suggest that kind of an amendment?

Mr. NORRIS. The Senator knows that I have; the Senator knows now, if he will remember what happened in executive

session, I have done exactly the thing that he proposes, and I take it that I had the powerful opposition of the Senator from Connecticut.

Mr. BINGHAM. No; Mr. President, I think the Senator did not understand me correctly. What I asked the Senator was why he did not propose an amendment to the rules which would permit an individual Senator to state what he did but not to tell what his neighbors did?

Mr. NORRIS. Mr. President, I have proposed, and there is now pending, an amendment to the resolution of the Senator from Washington that will go just a little further than that; that will publish the roll call in the RECORD, and let the country know not only how I voted but how every other Senator voted.

Now, let me say to the Senator—I tried to make that plain a while ago but evidently I have not done so—that the construction he places upon the rule differs from mine. I am not criticizing his judgment at all, except that I can not agree that a Senator now has the right to tell how he voted. I do not think he has, and, not believing I have that right, I do not believe I have a moral right to exercise it. The Senator thinks he has a right to tell how he voted. Let me show him just what the result of that would be. It would only be a roundabout way of accomplishing what my amendment seeks to accomplish directly. In other words, if every Senator could tell how he voted, then it would only be necessary for the newspaper man who wants to ascertain the facts to ask or have somebody else ask every Senator how he voted, and he would then have the roll call and would accomplish indirectly the publication of what the rule provides shall be a secret. So that, under the Senator's construction, the rule as it stands does not mean anything. The only thing I complain about it is that it means one thing to some Senators and a different thing to others. This amendment will change it. This amendment will put a record vote in the CONGRESSIONAL RECORD every time it occurs, and hence everybody will know how every Senator voted.

Mr. BINGHAM. Mr. President, will the Senator yield further?

Mr. NORRIS. Yes.

Mr. BINGHAM. But the Senator's amendment does not give to a Senator the right to explain his vote, does it?

Mr. NORRIS. No; there is nothing said about an explanation of a vote.

Mr. BINGHAM. It merely publishes the way he voted without his permission.

Mr. NORRIS. I should be glad to accept an amendment that, in addition to the roll call, there shall be put in the RECORD any explanation that any Senator may desire to make in regard to his vote. I should be glad to have that done. The Senator knows that we can not adopt that. I think the Senator is aware of the fact that that kind of an amendment would fail. I have no objection to it; I would be glad to let every Senator have a page of the CONGRESSIONAL RECORD every time we hold an executive session where a roll call is had to enable him to explain his vote, if the Senate desires to do that; but I anticipate that would not get the votes of one-fourth of the Senate membership. The question involved as to the roll calls is clear. Suppose we take a roll call as to whether we are going to consider a question in open or in secret session when a motion is made that we consider the question in open session. My amendment would bring about a statement in the CONGRESSIONAL RECORD of what the question was and of the motion made. The RECORD the next day would say "the Senate considered this nomination in open executive session; and upon motion, a roll call was had, with the following result." There you have it.

If some Senator should want to explain his vote, I would have no objection, though I do not think any Senator would want to do so. It would be known whether he was in favor of the particular question or whether he was against it—the roll call would show that—and that would be the final judgment; that would be the decree of a court supreme within its domain; and why the people should not know how the different members of the court voted is more than I can comprehend.

Mr. BINGHAM. Mr. President, before the Senator takes his seat will he yield to another question?

Mr. NORRIS. Yes, sir.

Mr. BINGHAM. With regard to the confirmation of a nominee for high office of an executive nature, is it not true that there might be a Senator so different, let me say, from the courageous Senator from Nebraska that he would not like to vote against that confirmation for fear that if the appointee were confirmed the day might come when some constituent of the Senator might desire him to secure a favor from that high official, and the high official might put his request to one side very quietly and without giving any reason, but in his heart knowing the reason was that the particular Senator had opposed him on the floor and had made it very disagreeable and difficult for his nomination to be confirmed? Is it not true that that is one of the reasons why our forefathers provided for secret sessions of the Senate—in order to protect a Senator who in his conscience desired to vote against the confirmation of a nominee, but feared that if he did so he and his constituents would be likely to suffer for it in the future?

Mr. NORRIS. Mr. President, the Senator has asked me a very proper question. I am glad he asked it, because it suggests a phase of this matter which I have not discussed, but which I should like to discuss.

In the first place, I do not know whether or not that was one of the reasons why these secret sessions were provided for. I never heard anybody suggest that it was; but, whether it was or not, I want to say that the condition the Senator has outlined might occur. Most of the Senators here are lawyers. The confirmation of a judge might come up. He might be a supreme judge, a circuit or a district judge. He might be a district judge in a Senator's own State; or some Senator as an attorney—and we have many of them here with national reputations—might have cases coming up in the Supreme Court, and it might be that a supreme judge might take some revenge on him in court. That is true. A circuit judge or a district judge might do it. A Cabinet officer might do it. That is all true. I frankly admit that that might happen.

Mr. BINGHAM. And is it not also true, even more than that, that the President might punish a Senator for voting against the President's wishes if the President knew that he had done so?

Mr. NORRIS. I will take that up in a moment. That is another suggestion that I want to discuss; but let me finish the other one first. That is a responsibility, Mr. President, that every Senator must assume.

There is not a State in this Union where, on important matters of legislation, the people are not divided—honestly, conscientiously divided. Take prohibition: We have a vote here on prohibition, and let us say that I vote against a prohibition law, and it is done in a secret session. We are going to have a secret session to protect me against the anger of my constituents, and so I vote secretly against prohibition; and if I voted openly the people in favor of prohibition might take revenge upon me if I were a candidate for reelection to the Senate. That is all true. There is not any question of any importance arising or that ever will arise before the Senate of which that is not true. We must assume those responsibilities, and the man who is not willing to assume them ought not to be here.

Mr. WALSH of Montana. Mr. President, the same thing might be said with respect to the election of judges all over the United States. My recollection is that in 40 of the 48 States the judges are elected. The members of the bar have to take the responsibility as citizens of voting either for one candidate for judge or for another candidate for judge; and I have never discovered that any of them was very fearful about expressing his choice as between rival candidates.

Mr. NORRIS. And yet it is true that the judge, if he wanted to be that kind of a man, could take all kinds of advantage of a lawyer. Everybody knows that.

Mr. WALSH of Montana. Why, of course. Nothing of the kind is to be assumed, however.

Mr. NORRIS. A man does not have to be a judge to do that. The point I want to make is that we ought not to try to shift responsibility. We ought not to try to hide our action for fear somebody will take revenge on us. That comes up in every Senator's campaign. He has done something here that somebody does not like, and the man goes after him for it. Would you have that vote in secret so that the other fellow could not find out what the Senator did?

Another thing—and again I thank the Senator from Connecticut for calling it to my attention—he said the President could take advantage of you if you did not vote as he desired. Again that is true; and he can do it now. Under our rules as they stand now he can do it. That is another thing that is unfair. While we conceal from the public our action here in executive sessions, we certify under the hand of our executive clerk to the President of the United States just what we do.

Let me read you a rule. It is Rule XXXIX:

> The President of the United States shall, from time to time, be furnished with an authenticated transcript of the executive records of the Senate, but no further extract from the Executive Journal shall be furnished by the Secretary except by special order of the Senate; and no paper, except original treaties transmitted to the Senate by the President of the United States, and finally acted upon by the Senate, shall be delivered from the office of the Secretary without an order of the Senate for that purpose.

Why, Mr. President, does anybody think for a moment that the President of the United States does not know within 24 hours—yea, within 24 minutes, if he wants to find it out—just

exactly how every Member of this body voted on any nomination that the President has sent here? And if the President is the kind of a man that wants to take revenge upon a Senator because he has not voted as the President wanted him to vote on a nomination, he can take that revenge now. If we have a President who is so narrow-minded, so unpatriotic, so far forgetful of his duty as that, I know of no way to remedy it by passing all the rules for secrecy that the ingenuity of man can invent; and how will he take revenge? By refusing to give the Senator his proper piece of political pie.

There are Senators who have lived for quite a while in this body who have not seen the political pie counter for years, who have never been admitted into the inclosure where the plum tree blossoms, and they get along pretty well. They are not kicking about anything that is happening. So if a President wants to do that, let him do it. You can not prevent it, either, if you adopt this rule or if you defeat it.

Mr. BLACK. Mr. President——

Mr. NORRIS. I yield to the Senator from Alabama.

Mr. BLACK. I call the Senator's attention to Rule XXXVI, which says:

> When the President of the United States shall meet the Senate in the Senate Chamber for the consideration of executive business he shall have a seat on the right of the Presiding Officer.

Mr. NORRIS. Exactly. I thank the Senator for that interruption. The President of the United States is entitled to walk into the Senate Chamber right now, if we are in secret session; and if he does, the Presiding Officer will have to move his chair over a little and put another one up there, so as to enable the President to sit where he can listen and see and hear everything that we do.

Mr. BINGHAM. Mr. President——

Mr. NORRIS. I yield to the Senator from Connecticut.

Mr. BINGHAM. Would the Senator be in favor of having the discussion in public and the voting in secret, as is done in political campaigns?

May I say to the Senator, before he answers, that in my own State—where we are very proud of the record of our judiciary and believe it is second to none in the United States—we have protected our senators who ratify gubernatorial appointments by seeing to it that all votes on nominations which come from the governor shall be secret ballots, so that each senator may vote exactly according to his conscience, without the slightest fear of displeasing the governor in any particular, or of trying to secure his favorable notice by voting for one of his nominees.

Mr. NORRIS. The State of Connecticut, of course, has a perfect right to have that kind of a law and that kind of a rule. I am not finding fault with it. I should oppose it if I lived there, if I were a part of their government; but that makes no difference. They have a perfect right to it, and it is surprising that under that kind of a rule they have done so well—because they have done well. I pay my respects to the legislature and the judiciary of the State of Connecticut. I am not finding fault with them. In spite of that secret rule they are pretty good fellows, not because of it.

Why, if the Senator's argument is good and logical, it seems to me he ought to be standing up here in the Senate advocating the closing of these doors and the driving out of everybody from the galleries, and the exclusion of the representatives of the press, and the insistence that if secrecy is so good in a representative democracy we ought to have more of it, and do nothing else except what we do in secret.

Mr. BINGHAM. Mr. President, the Senator is not quite fair there.

Mr. NORRIS. I do not want to be unfair.

Mr. BINGHAM. I know the Senator does not.

Mr. NORRIS. The Senator can correct me if he desires.

Mr. BINGHAM. May I call to the Senator's attention the fact that in most organizations in this country, whether they be of a fraternal nature or of a social nature or even of a religious nature, the committee which has to deal with the personal qualifications of candidates, whether they be to join a church or to join a lodge or to join a club, always holds its meetings in secret, for the reason that, as we all know, human beings are very sensitive and do not like to have their idiosyncrasies discussed in public, and that when personalities are discussed a better result is secured if we do it behind closed doors, whereas when we are discussing great measures a better result is secured by discussing them in public.

Mr. NORRIS. Mr. President, the secret societies, even the churches and all lodges, consider those things in secret. I am not complaining about it. They have a perfect right to do it. If you are going to have a secret society, you must consider something in secret. I am a member, however, of several secret societies. I have had the honor to be the head in my State of one of the national secret societies, and its representative for four years in a sovereign grand lodge; and I have said behind the closed doors many a time that the beautiful lessons that are taught there I should like to see staged before the whole world. The teaching of fraternity, the teaching of brotherly love, even of patriotic spirit in those societies, results, I think, in a great deal of good; but they have a picked membership. In one respect they are churches. They have a certain line of duty that they are trying to perform for the upbuilding of civilization. They mark out a certain course that they are going to take, and they say, "We will not take everybody. We will not take the man in the gutter. Some other organization will." Maybe they are wrong in not doing it, but that is their business. They say, "The man must have a good moral character when we start with him. He must be so far along in civilization before we are going to take him up and try to make him even better." That is the fundamental principle underlying their organization, and they go on with their work in their way.

We, however, are not a secret organization. We are the representatives here of 120,000,000 people who compose this Government; and I think nobody will dispute the fact that our business—our legislative business, our official business—must be transacted in the eyes of the world.

When it comes to a nominee, often of no importance—most of them, if I had my way about it, I would not have here at all; I would not give the Senate the right to act on 90 per cent of them—some of them are extremely important. Some of them have to do with a national policy. Some of them have to do with human justice. Some of them have to do with foreign relations that may bring us into war, or may conduct us in a peaceful way through the trials and tribulations of foreign diplomacy. They are public questions; they are public policies; and when we select the men to carry them out we are acting for the people of the United States, and yet we are concealing from the people of the United States what we do and how we do it. It is their Government, and they ought to know. Very often the policy of the Government depends upon who is selected for these important places.

Mr. BINGHAM. Mr. President——

Mr. NORRIS. I yield to the Senator from Connecticut.

Mr. BINGHAM. The Senator implied that one reason why the organizations to which he belongs, and others not secret, like the churches, discuss their candidates in committees behind closed doors, is because they are interested in the moral character of the candidates. Does the Senator mean to imply that the Senate, in the discharge of its duty in ratifying nominations sent here by the President, is not interested in the moral qualifications of the nominees?

Mr. NORRIS. No, sir; I do not intend to intimate anything of the kind.

Mr. HEFLIN. Mr. President, does not the Senator think that any man whose name is sent here by the President ought to be so clean and aboveboard that his moral character can be discussed in the open?

Mr. NORRIS. At least under a democratic form of government, for an important office, the President ought not to send the name of anybody here and no man ought to permit his name to come here if he is so immoral that he is afraid of the sunlight of publicity. If he does, and he is shown to be immoral or unfit or disqualified in any way, then, not only as to him but as to the public whom we represent, they ought to know all about him.

Mr. FESS. Mr. President——

The PRESIDING OFFICER (Mr. SHIPSTEAD in the chair). Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. NORRIS. I yield.

Mr. FESS. My fear—and it is the basis of my support of the closed session—is founded on the inclination of the general public to listen to any charge against the good moral character of a man, and the ease with which a man's reputation can be blackened. It seems to me we are suffering just now from that tendency.

Mr. NORRIS. There is a great deal in what the Senator says, but in my judgment the secrecy of our sessions will not prevent that. I sympathize with the Senator in that idea. What he mentions often happens in public campaigns, and it is one of the regretable things that good men, able men, refuse to become candidates for public office because of that. That is to be regretted. I know of no way to remedy it. It is one of the things in democratic government that we must contend against, and, after all, we must abide by the result of the ballot box, whatever it may be. It sometimes drives out of public life men who ought to stay in public life for the good of the country and the good of humanity. That is true; but it is said that Benjamin Franklin, speaking about free speech and the free press—and I

can not quote him literally, of course—said that if we had free speech and a free press men would abuse it, and then in the next sentence he said, "I admit they will. I know of no way to stop it. They will abuse it. If we undertake to suppress it, we are going to bring on a bigger and a greater evil than the abuse that would take place under a free press and free speech, because it would ultimately happen that somebody would have to decide that this man's speech should be suppressed or that that paper should be suppressed, and ultimately it would mean that tyrants in control would suppress everything," as Mussolini does, and he said that he did not believe in that or agree with it.

Mr. FESS. It would be impossible to suppress free speech and a free press, and we would not agree to it.

Mr. NORRIS. Of course it would be impossible.

Mr. FESS. But the thing that impresses me is that a charge against the character of a man is always news, and that it is flashed from ocean to ocean, usually in big headlines, and some of the people who read it are willing to believe it; but, on the other hand, when the correction comes, that is not news.

Mr. NORRIS. That is true.

Mr. FESS. And the public will not even pay any attention to it.

Mr. WALSH of Montana. They do that even with respect to candidates for President of the United States.

Mr. FESS. I know they do.

Mr. NORRIS. They even do that with regard to Senators, not only when they are candidates, but when they are here, quietly and peacefully trying to do their duty.

Mr. FESS. That is true.

Mr. NORRIS. We can not help it. I would help it if I could, but I do not know any way out of it.

Mr. FESS. It seems to me that there is a greater freedom to make the investigation if we know that a person into whose character we are inquiring is not going to be attacked before the public unrighteously, although our purpose is entirely honorable. It seems to me we are putting too little value——

Mr. NORRIS. I hope the Senator will not interrupt further. I wanted to conclude some time ago, but each question always reminds me of something else. I want to say one word with regard to what the Senator from Ohio has said about the affliction that must come to everybody in public life, which is true. There is no escape from it. But, as a matter of practice, all of us know that it is very seldom, when the President sends a man's name here, especially for an important office, that his character is involved.

Mr. West's character was not involved when his name was sent to the Senate. Those who opposed his nomination had no personal animosity against the man. They would have been glad to support him for some other office than the one for which he was nominated, but they felt that a public policy was involved in naming him to head a particular department of our Government of very great importance. That is all that was involved in that. It was a public question, in no sense a private question, with regard to the man's private character or his morals.

Mr. HEFLIN. Mr. President, the amendment offered by the Senator from Nebraska would take care of the situation presented by the Senator from Ohio, and we might have a closed executive session under the amendment offered by the Senator from Washington, and whatever is said will be said in secret under that provision. But then the final vote is taken, when the matter is determined, it ought to be given to the public, it ought to be printed in the CONGRESSIONAL RECORD. Nothing that has occurred during the debate would be given out, but the bare roll call would be published. I submit to the Senate that no Senator worthy to be in this body should be ashamed or afraid to have his vote made public, to be given out in his own State, and to have it printed in the RECORD.

I can understand that a case might arise when we would prefer to discuss the matter behind closed doors. I can conceive a case where a man's enemies might "frame" him and seek to destroy him without any foundation. Then it would be better to discuss the matter and thrash it out in secret. But when Senators come to vote, after they have made up their minds and have finally decided the case, not deciding for themselves but deciding for this Government, deciding for the people who sent them here, why should not a bare roll call be given to the public?

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER (Mr. FRAZIER in the chair). Does the Senator from Alabama yield to the Senator from Maryland?

Mr. HEFLIN. I yield.

Mr. BRUCE. Would it do the Senator much good to be able to tell the people in his State how he voted unless he was able to lay before them the facts on which his vote was based? I think that would make things worse.

Mr. HEFLIN. Not at all, because nearly every appointment of any consequence is discussed by the newspapers before it comes to us, or at least before we take it up for consideration, and usually when the Senate divides on one of these matters it is because of a public policy, as the Senator from Nebraska has suggested; it is because of a man's former position with regard to a certain industry and with regard to his sympathies for the public concerning that industry, where the public interest is on one side and the industry's interest is on the other, and we fear that the center of gravity in the man is on that side of the question instead of being on the side of the public.

A Senator does not have to be able to tell his constitutents why he voted against the man or why he voted for him. He would simply say, "I considered, after hearing all the testimony, that it was right and proper to confirm him, and I am responsible for my vote." That is what I am getting at. Let them hold each Senator accountable. Or let the Senator say, "I voted against the appointee because I believed his former environment had been such that his sympathies would be entirely on the side of certain interests antagonistic to the interest of the public."

Mr. President, the Supreme Court itself does not hold its meetings in the open when it writes its opinions. But the Supreme Court, in the trial of every case, involving the humblest citizen or the proudest in the land, sits in the open. Newspaper men can sit there, as they do. The public can go into the court room to hear a case tried, and it does.

It is all done in the open. When the judges retire to make up their opinions, they confer in secret, but they publish their opinions and give their votes. We know when there is a majority and a minority opinion, and we know how many judges voted for the one opinion and how many voted for the other. There is no secret about it. We know who they are.

What is the situation here, as brought to the attention of the Senator from Nebraska by my colleague [Mr. BLACK]? The man who represents the executive branch of the Government makes his appointment, and then, if he wants to, he comes and sits in this body and watches it, although we are in secret from the public, watches how each Senator votes, and hears what each Senator says, but that same Senator, sitting here representing a sovereign State, is denied the right to tell the people who sent him here how he voted. It is ridiculous, to my mind. It tears at the very vitals of open and free constitutional government. There is no excuse for it.

I am willing, as occasion arises, to have secret executive sessions for the discussion of particular cases. The Senate can judge that from time to time. But I see no reason on earth why, when I get ready to vote, my vote should not be recorded in the open, and printed in the CONGRESSIONAL RECORD, that my people may see how I vote, and that I may have the benefit of having them and everybody else in the country know how I vote.

There is no use trying to cover up the situation that exists here. There was a so-called farcical secret session not long since, and in the next day or two the whole thing was public, was printed in the newspapers, but Senators are still forbidden to tell anybody how they voted. If some one asks a Senator, "Did you vote that way or not?" he says, "I am not at liberty to tell you."

Mr. President, I hope the resolution offered by the Senator from Washington, as proposed to be amended by the Senator from Nebraska, will be adopted.

Mr. BRUCE. Mr. President, may I say that the situation is even worse than it is pictured by the Senator from Alabama, because this list of votes, bearing every evidence of authenticity, is given to the public, and nobody whose name appears on the list has any opportunity at all to give the reasons why he voted in the way he is reported to have voted.

Mr. HEFLIN. Mr. President, as the Senator has suggested, a newspaper comes out and gives a list of names, but a Senator is not at liberty to say what the truth is in the matter. He can not say whether the newspaper article correctly reported his vote. I reserve the right to tell the people of Alabama how I vote. I am not going to be misrepresented by somebody as to how I voted in this Chamber. I do not want to hide my vote. I never have. I want an opportunity to properly make known how I voted. I am not going to deny to the people who send me here the right to know how I vote on every question.

Let us settle this matter now, and if we want to have a closed session we can order it by a two-thirds vote.

Mr. BINGHAM. Mr. President, I think that the implication which has been made by some of the speakers—that anyone is afraid to have his vote known and therefore votes for a secret session—is unfortunate and uncalled for. At the same

time, I do think that when the fathers who preceded us provided for secret sessions they showed a broader knowledge of human nature than some of us are inclined to exhibit to-day.

Human nature has not changed a great deal since the earliest recorded history. The laws which were handed down on the twelve tables are still considered to be worthy of reverence and are necessary in a large part of the world to-day. Human nature has not changed a great deal.

When we come to the discussion of personalities, we are likely to offend, we are likely to be tempted to please. Those of us who are interested in the feelings of others are likely to be a little shy about speaking our minds frankly in public, not because we are afraid that we might be punished by the President of the United States or by any judge or by any Cabinet officer, but because we do not like to offend the feelings of the person whose name has been sent to us.

Once in a while we say things in a small group which we would be perfectly willing to say even if the person talked about were present, but there are very few of us who are willing to discuss our friends in public. It is not considered courteous or proper to discuss the private qualifications of a friend or an acquaintance in a public place. That has been for a long time considered to be an offense against good manners.

I take it that when this rule was adopted it was adopted with a view to protecting persons from being obliged to speak their minds frankly in public when they preferred to give their opinions in private to their colleagues who had the right and the duty to vote on the nomination of the individual, and who desired to learn everything about him, who desired to have him protected by not having everything said in public.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is H. R. 11526, the cruiser bill.

Mr. JONES. Mr. President, I ask that the resolution which we have been considering may lie on the table without prejudice.

Mr. CURTIS. Under the rule, I understand, it should go to the calendar.

Mr. HEFLIN. I wonder if we could not go on for half an hour with the consideration of the resolution.

Mr. CURTIS. I ask for the regular order.

Mr. BINGHAM. Mr. President, a parliamentary inquiry. I understand the resolution has gone to the calendar. Am I correct?

The PRESIDING OFFICER. The Chair understood the request to be that the resolution should lie on the table.

Mr. SMOOT. Oh, no; it should go to the calendar.

Mr. BINGHAM. The Senator is correct. It should go to the calendar.

Mr. NORRIS. Request was made for unanimous consent that it go over without prejudice, but I understand objection was made.

The PRESIDING OFFICER. The Senator from Nebraska is correct. The resolution will go to the calendar.

Mr. HEFLIN subsequently said: Mr. President, I should like to ask the Senator from Washington [Mr. JONES] what he thinks is the status of his resolution and when it will be up for consideration again and be pending before the Senate.

Mr. JONES. Mr. President, the resolution has gone to the calendar and I shall have to get it up the best way I can.

Mr. HEFLIN. The Senator can move to take it up.

Mr. JONES. I can, and I expect to do so at the first opportunity.

ROCK CREEK AND POTOMAC PARKWAY

Mr. SMOOT. Mr. President, from the Committee on Public Buildings and Grounds I report back favorably, without amendment, the bill (S. 5339) to enable the Rock Creek and Potomac Park Commission, established by act of March 4, 1913, to make slight changes in the boundaries of said parkway by excluding therefrom and selling certain small areas, and including other limited areas, the net cost not to exceed the total sum already authorized for the entire project and I submit a report (No. 1580) thereon.

I will say that we can save about $100,000 for the Government if we adopt the plan outlined in the bill. It is a Senate bill, and I desire to have it passed so it can go to the House and be acted on there at the present session of Congress. Therefore, I ask unanimous consent for the immediate consideration of the bill. If it leads to any discussion I shall not press it.

The PRESIDING OFFICER. The Senator from Utah asks unanimous consent for the immediate consideration of Senate bill 5339. Is there objection?

Mr. McKELLAR. Let us have the bill read, and then I think we should have an explanation of it.

The PRESIDING OFFICER. The bill will be read for information.

The Chief Clerk read the bill.

Mr. McKELLAR. How is the land to be sold?

Mr. SMOOT. By the Parkway Commission.

Mr. NORRIS. Mr. President, I do not think we ought to pass a bill of this kind by unanimous consent.

Mr. SMOOT. Let me explain it.

Mr. NORRIS. It will take some time to find out about it, because it must be explained.

Mr. SMOOT. It will take only two or three minutes to explain it.

Mr. NORRIS. I think it had better go to the calendar.

Mr. SMOOT. Very well.

The PRESIDING OFFICER. On objection, the bill will go to the calendar.

CHANGE OF REFERENCE

Mr. THOMAS of Oklahoma. Mr. President, a few days ago I introduced the bill (S. 5601) providing for an appropriation for the benefit of the Kiowa, Comanche, and Apache Tribes of Indians of Oklahoma.

Following a rule which obtains in another body with which I am more familiar, I asked that the bill be referred to the Committee on Appropriations. The bill deals with a wholly local matter and proposes an appropriation from a tribal fund. I understand that in this body a bill of that character should go to the Committee on Indian Affairs. I therefore ask unanimous consent that the Committee on Appropriations may be discharged from the further consideration of the bill and that it be referred to the Committee on Indian Affairs.

The PRESIDING OFFICER (Mr. SHIPSTEAD in the chair). Without objection, it is so ordered.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On January 26, 1929:

S. J. Res. 142. Joint resolution authorizing the erection of a Federal reserve bank building in the city of Los Angeles, Calif.; and

S. J. Res. 180. Joint resolution authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President elect in March, 1929, and for other purposes.

On January 29, 1929:

S. 3949. An act to amend section 10 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916 (Public, No. 290, 64th Cong.).

On January 30, 1929:

S. 1511. An act for the exchange of lands adjacent to national forests in Montana;

S. 1633. An act for the relief of Edward A. Blair; and

S. 3327. An act for the relief of Robert B. Murphy.

On January 31, 1929:

S. 1364. An act for the relief of R. Wilson Selby; and

S. 3741. An act for the relief of S. L. Roberts.

UNITED STATES PROPERTY AT NEW YORK CITY

The PRESIDING OFFICER (Mr. SHIPSTEAD in the chair) laid before the Senate the following message from the President of the United States, which was read and ordered to lie on the table:

To the Senate:

In compliance with the request contained in Senate Concurrent Resolution 32, I return herewith S. J. Res. 171, entitled "Joint resolution granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid-transit railway."

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 31, 1929.*

Mr. WAGNER submitted the following concurrent resolution (S. Con. Res. 34), which was read, considered, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the action of the Vice President and the Speaker of the House of Representatives in signing the enrolled joint resolution (S. J. Res. 171) granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid-transit railway be rescinded, and that in the reenrollment of the said joint resolution the Secretary of the Senate be, and he is hereby, authorized and directed to strike out the following language:

"at a point on Wall Street in the city of New York on the southern boundary of the property belonging to the United States and occupied wholly or partly by the Subtreasury Building, said point lying either at the southwest corner of the Subtreasury Building or in a southerly direction therefrom on a line in prolongation of the westerly wall of

the Subtreasury Building and extending thence northerly along the westerly wall of the Subtreasury Building, or along a line in prolongation thereof, beginning."

CONSTRUCTION OF CRUISERS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

Mr. ROBINSON of Indiana. Mr. President, as bearing upon the pending cruiser bill, I ask to have printed in the RECORD an editorial appearing in the Fort Wayne News Sentinel of Wednesday, January 16, 1929, entitled "Sea Power, Maritime Law, and Cruiser Limitation," and on the same subject a poem entitled "For the Freedom of the Sea," written by Mr. Joseph P. O'Mahony, of Indiana.

There being no objection, the editorial and poem were ordered to be printed in the RECORD, as follows:

[From the Fort Wayne (Ind.) News Sentinel, January 16, 1929]

SEA POWER, MARITIME LAW, AND CRUISER LIMITATION

In December, 1915, when the famous triangular controversy with Great Britain and Germany over the rights of neutrals on the high seas was approaching its climax, President Wilson submitted a preparedness program to Congress calling for the construction of 156 naval vessels, to cost $686,000,000. It was the largest naval program that ever had been advanced by an American President. Immediately thereafter President Wilson departed on his tour of the West, with the purpose of rousing the country to the necessity for preparedness and thus bringing pressure upon Congress to enact his naval program.

At St. Louis on February 3, 1916, the President called for the construction by the United States of "incomparably the greatest navy in the world." This phrase was later changed in the official version of the speech to read "incomparably the most adequate navy in the world," but when the program was voted by Congress in August, 1916, little doubt remained as to its purpose. Execution of the program would enable the United States to challenge British naval supremacy and to reassert, with the backing of an "incomparable" sea force, the historic American claim to the "freedom of the seas." The possibility of war with Germany appears to have been omitted from the calculations of the General Board of the Navy at that time, for the 1916 building program was stopped when the United States entered the World War in association with the Allies, and American shipbuilding facilities were turned thereafter to the construction of entirely different types of vessels.

After the war, however, the 1916 program was resumed and the general board advocated such construction as might be necessary to give the United States "a navy equal to the most powerful maintained by any nation in the world." At the same time, it will be remembered, Winston Churchill was warning the British people: "Nothing must lead you to abandon that naval supremacy upon which the life of our country depends."

At the Washington Conference on Limitation of Armament in 1921 the United States proposed, and Great Britain accepted, the principle of "equality" or "parity" of strength between the sea forces of the two leading naval powers. It proved possible at that conference, however, to apply the principle only to "capital" ships and aircraft carriers. The United States had intended that it should be applied to all classes of naval vessels, but insuperable obstacles were encountered when it was sought to reach agreement upon limitations to be applied to the construction of submarines and cruisers. Great Britain, remembering her experiences of the World War, was ready to outlaw submarine warfare altogether, and in this she had the support of the United States. But France and Italy balked. As to cruiser strength, an agreement was signed that the individual ship should be limited to a maximum displacement of 10,000 gross tons and should be armed with guns not to exceed 8 inches in caliber; but no agreement was reached as to number of cruisers or total cruiser tonnage.

When the 3-power conference met at Geneva in 1927, with the United States, Great Britain, and Japan participating, the attention of the delegates was concentrated upon cruisers, since President Coolidge's earlier invitation to discuss cruiser parity had been rejected by France and Italy. When the British and American delegates sat down to discuss cruiser limitation it was inevitable that each side should consider the problem from the standpoint of its own war experience. Great Britain's preponderance in cruiser strength had enabled her to destroy the enemy's commerce, control the commerce of neutrals, and give protection to her own sea lanes for the transportation of munitions and food supplies. The United States, prior to its entrance into the war, had been compelled to submit to interferences with its neutral commerce which it deemed to be in violation of international law and which many of its leaders believed would not have occurred if it had possessed a fleet adequate to afford protection to its proper interests on the high seas.

In the condition of uncertainty surrounding international maritime law—holding out to each nation an invitation to interpret the law to suit its own requirements—it was natural that the delegates of Great Britain and the United States each should seek so to shape the proposed agreement as to leave its own nation the better circumstanced to assert and maintain its own conceptions of neutral and belligerent rights at sea in time of war. The delegates at Geneva were not authorized to discuss or define the purposes for which cruisers might be used in times of war, but were commissioned merely to negotiate agreements on "types and tonnages." The logical outcome of the position in which they found themselves was a deadlock—and a deadlock was not long in developing.

This made it apparent to President Coolidge that "no agreement can be reached which will be inconsistent with a considerable building program on our part." President Coolidge and President-elect Hoover are both said to regard the administration's building program as authorizing the absolute minimum of new vessels required for national defense. In his address accepting the Republican presidential nomination Mr. Hoover said: "We must and shall maintain our naval defense and our merchant marine in the strength and efficiency which will yield us at all times the primary assurance of liberty."

Since the days of antiquity rights at sea have been a fruitful source of controversy and a frequent cause of armed hostilities. In Plutarch's Lives it is related that Pericles "introduced a bill" providing that all Hellenes resident in Europe and Asia "should be invited to send deputies to a conference at Athens * * * to deliberate concerning the sea, that all might sail it fearlessly and keep the peace." The first important compilation of maritime law was the Consolato del Mar, published at Barcelona in 1494. Numerous attempts have since been made in international conferences and treaty agreements to establish the rights of neutrals and belligerents at sea in time of naval warfare, but the rights enjoyed by neutrals throughout the greater part of the world's history have been mainly limited to those conceded or enforced by the power that has happened at the outbreak of hostilities to find itself in control of the seas. For the present, until the other powers disarm, considerations of world peace demand that we build up to parity with Britain in cruiser strength.

FOR THE FREEDOM OF THE SEA

(Dedicated to the Members of the United States Senate and Congress who are standing loyally by the 15 cruiser bill and insist on the proper naval defense of the United States)

By Joseph P. O'Mahony

They shall not close the seas again
And bar "Old Glory's" way.
In peaceful commerce on the main,
Where freedom should hold sway,
They shall not make our standard "dip"
At their austere decree;
We'll match their challenge "ship for ship"
For the freedom of the sea.

If they love peace and seek good will
For every race and clime,
We've led the way—we're ready still
To reach that goal sublime.
We have the power, the means, the men,
To guard our legacy;
We did of old, and can again,
Force freedom of the sea.

But others, false to every trust,
Have trampled pacts of peace,
And gorged with conquest's greed and lust,
Their war drums never cease.
An empire's flag for pelf and gain,
Proclaimed that none were free
To use God's highways on the main
And sail the chainless sea.

They robbed the poor, the brave, the good,
And starved the weak and old,
To grab the soil and seize the food
In their mad rush for gold.
And thus they dragged in freemen's sons
To fight at their decree,
Because we lacked the ships and guns
To keep God's oceans free.

And now, our slogan rings once more
To let the wide world know
The standard that our fathers bore
Will quail before no foe.
We strive for peace, but honor's way
Our Nation's path must be,
And pressing on we stand for aye!
For the freedom of the sea.

INDIANAPOLIS, IND., *January 29, 1929.*

Mr. JOHNSON obtained the floor.

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	King	Simmons
Barkley	Frazier	McKellar	Smoot
Bayard	George	McMaster	Steiwer
Bingham	Gerry	McNary	Stephens
Black	Gillett	Mayfield	Swanson
Blaine	Glass	Moses	Thomas, Idaho
Blease	Glenn	Neely	Thomas, Okla.
Borah	Goff	Norbeck	Trammell
Bratton	Gould	Norris	Tydings
Brookhart	Greene	Nye	Tyson
Bruce	Hale	Oddie	Vandenberg
Burton	Harris	Overman	Wagner
Capper	Harrison	Pine	Walsh, Mass.
Caraway	Hastings	Ransdell	Walsh, Mont.
Copeland	Hawes	Reed, Mo.	Warren
Couzens	Hayden	Robinson, Ind.	Waterman
Curtis	Heflin	Sackett	Watson
Dale	Johnson	Schall	Wheeler
Dill	Jones	Sheppard	
Edwards	Kendrick	Shipstead	
Fess	Keyes	Shortridge	

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent for the day.

The PRESIDING OFFICER. Eighty-one Senators having answered to their names, a quorum is present. The Senator from California will proceed.

Mr. JOHNSON. Mr. President, it is my desire to indulge in some passing observations upon the pending cruiser bill. Coming from the territory from which I come, of course, I am in favor of the measure. Realizing as I do what the future may hold for that territory, I desire the bill in its present form, notwithstanding any edicts or commands that may be put upon this body, to be passed and to be passed so that we may enter upon the small and modest naval program that is ours.

Mr. President, as one practically of the first generation of the West that is now coming into its own, I have dreamed of the future of that territory. It has been no iridescent dream, sir, of what the years may hold for the Pacific coast. Three great States upon the Pacific Ocean, the frontier of occidental civilization, hold in their future a prosperity and greatness that can not be compared, in my opinion, with the prospects of any other part of the universe; three great States that the Creator has blessed with manifold advantages; three great States that mark an empire, an empire second to none in all the world!

Of the first generation, as I am, in one of those States, I have seen the marvelous advance and the marvelous progress that has been made there. I have seen from its small beginning the State from which I come grow to be now the fifth State in this Union in population. I have seen there one city which I used to visit when it had less than 12,000 people become the fourth city in the United States. I live upon a harbor incomparable either in its useful purposes or its beauty. From my porch I look out through the Golden Gate, and far beyond I can envisage another land and another people, a people that yet we know little of, and lands that in their productivity, in their resources, and their possibilities, we little understand. I realize—and it is, indeed, not as a prophet that I speak, but from the irrefutable logic of present events—that it will be only a brief period as the lives of nations are measured until the world's drama will be played upon the great Pacific Ocean.

I can recall the historic days, far, far past, when a little bit of the Ægean Sea represented the commerce of the world; how then it enlarged in the Mediterranean; then how the Hanseatic towns took their toll of commerce of the world then existing. The North Sea then came into its own, superseded by the Atlantic. The day is coming, sir—it is coming not in my lifetime but in the life, perhaps, of my grandchildren living to-day—the day is coming when the world's drama and the world's chief activity will be upon the Pacific Ocean. A thousand miles and more of coast have we in California; a like amount almost in the two States immediately north of us; harbors there unexcelled; and harbors there from which an ever-growing world commerce goes forth to-day over the Pacific Ocean and into lands that but recently have been explored by commerce.

The watchword of the present administration of the United States has been prosperity; the keystone of the incoming administration of the United States, if we may judge by what has been said and done thus far, will be prosperity and trade; and I take it that the recent voyage made by the newly elected President of the United States into South America was taken with one purpose, at least, and perhaps the dominant purpose, of increasing trade for the United States of America. Commerce we seek, not because alone it is the lifeblood of a nation, but because the productivity of this land of ours presses upon any barriers that we might seek to erect, and plunges through those barriers seeking outlet in the marts of the world, in commerce and in trade. Remember, sir, always the spirit of commerce, after all, is the spirit of conquest—peaceful conquest, if you desire to put it so, but it is conquest nevertheless.

To-day our imports and our exports exceed those of any other nation on the face of the earth. Our country is so situated, like a maritime island, that we more readily than any other nation may go into every continent, take there our goods, and return with those things that we require. Our economic productivity about equals that of all the nations of Europe west of Russia, on the one hand, and that of all the other parts of the world, upon the other. This colossal economic force expresses itself in overseas trade. Our external trade to-day is already as world-wide and as great as that of any other single country. Our exports are already over 20 per cent greater than those of any other one nation, and their production is claimed to support approximately one-tenth of our population.

Exports and imports exceeding in value $10,000,000,000 a year of necessity require shipping facilities. In turn those shipping facilities and this commerce in excess of $10,000,000,000 a year require naval power to safeguard them. The sequence of sea power is production, overseas trade, shipping, and then wisdom demands the support of naval power for protection. How blind are we to the story of the world if we do not afford that adequate protection! How little we understand the tale that all history tells to us! Commercial supremacy led to the domination of the sea from the days of Tyre through the eras of supremacy of the Greeks, the Romans, the Venetians, the Genoese, the Dutch, the French, and the English. In peace the conflict may be asserted to be economic, but economic success invariably brings envy and hostility. The nation striving for economic supremacy must be prepared to defend its position or yield its commercial preeminence.

We require ships to carry this commerce that is the lifeblood of our Nation, and a ship is to-day a rather delicate thing. A ship is not merely a ship, not merely a great floating wagon; a ship to-day is an emblem of sensitive sovereignty; and ships are required to carry our trade, and then power upon the ocean is demanded to protect that trade.

Remember the story that has gone down resounding through the centuries whenever trade supremacy has been challenged upon the sea. We recall that the Phœnicians, the Greeks, the Macedonians, and Carthaginians yielded alike to Rome, and yielded because of the sea power of Rome. Hannibal's campaign might have had a different termination had Hannibal and Carthage had the ships to carry their men over instead of having to make the long march that was necessary to come into Italy. The lack of ships saved Rome and defeated Hannibal. Then, as the years have gone by, successively we have seen the Venetians and the Genoese falling before the hardy seamen of the north; and Spain, with unrivaled riches and colonies, the Dutch with their thrift and their energy and their industry, France, magnificent in daring, each challenging the supremacy on the sea of Britain, and each at the end yielding to Britain's superior might and power.

The fall of Napoleon, the greatest of all commanders—indeed, as an administrator, in my opinion, second to none—was due to Britain's sea power; and Meredith said, and said truly, that the last great fight of Nelson "drove the smoke of Trafalgar to darken the blaze of Austerlitz." The last great war doubtless had its roots in trade rivalries and the desire for trade supremacy.

I recall these things but sketchily and hastily that if we have any vision in this body at all we may prepare for the days to come. Either, sir, yield what is now the fundamental principle of this Government in this material epoch, the idea of making money and increasing trade and commerce—yield it, or be prepared to protect that which is insisted upon and that which our ruling power has charted as the course of this great Republic. One or the other must result. We must be prepared to defend our dominance upon the sea in its carrying trade, in the commerce that we have upon the world's highway, or we must cease our efforts and yield the commercial supremacy we have won.

I do not favor this bill, sir, because Great Britain has built certain cruisers and will build more; I do not favor this bill, sir, in order that we may enter into competition with any nation on the face of the earth in building battleships or cruisers; I favor it, sir, because, as an American looking at the past and thinking of the future and what the future holds for us, it is obvious, except to the man with a mental strabismus, that we must be prepared to hold our own and protect that for which we are striving and for which this Nation has burst its bonds and gone upon the seas to seek. I prefer, sir, not

to suggest that this bill is a measure to do one thing or another thing to Britain; I prefer, sir, to put my advocacy solely upon the ground that America requires certain cruisers for American protection and, requiring those cruisers, demanding that protection, I would accord it in the small measure—too small, in my opinion—that is proposed.

They cry out at us, some of our brethren in this country, that we are entering into competition with nations abroad, and particularly Great Britain. Some say we build alone against Great Britain. Others assert that we make more possible war by building vessels of the sort that we seek under this bill to construct.

Where were these voices, sir; where were these gentlemen who cry out against 15 cruisers for the United States when Britain was building in the years following the disarmament conference in Washington, building in defiance of the spirit of the disarmament treaty the cruisers that she now has in greater number than we can hope to reach in a number of years to come? I did not hear the American voices then crying out that Britain was in a competitive race. I heard no hysterical women's organizations who now say to us here that we ought not to indulge in the construction of a single cruiser because we thereby are becoming militaristic, imperialistic, and inviting strife and war—I heard none of them then criticize Great Britain. I hear none of them now.

Where were all of these organizations—where the voices that have come to us in this Chamber against a program that is so modest, indeed, that the most pacific can indulge in it and consent to it—where were they a few years ago when Britain began her building program and began it under a labor government?

I do not take, sir, in very good temper the remarks that have come to us from some gentlemen abroad about the unfortunate thing that we are doing in building these cruisers. I read the other day the article appearing in the New York World, of Mr. Ramsay MacDonald. I thought as I read between the lines that possibly he was shedding tears at the awfulness of the course of the United States of America in building 15 cruisers under a very modest program, less than the program in existence of Great Britain. I recalled that five cruisers, built in defiance of the spirit of the Washington Conference on Limitation of Armaments, were built under this distinguished gentleman himself, representing the Labor Party of Great Britain; and while he may say that the forces within the Empire were so powerful as to drive him on to that objective, the fact that he did go on to that objective should have caused him to refrain from lecturing the United States of America in the building of 15 cruisers.

Let us go back and look for a moment upon the disarmament conference. Let us look for a moment upon the British program. It has been asked here, "Against whom do we build?" I answer, "Against nobody. We build for ourselves as we please for the protection of the United States of America." But who asked the question a few years ago, when Britain began to build these cruisers, "Against whom do you build?" And why should Americans ever be so delicate in their susceptibilities that they must criticize and cavil at the slightest effort on the part of their Nation to protect itself, and view always with equanimity and acquiescence any effort that is made by any other nation?

But there is, sir, running through all the efforts at naval limitation a perfectly obvious purpose on the part of Britain that marks itself in such a fashion as not only to justify the present naval program, but to justify a program far in excess of that.

You recall, of course, the disarmament conference, and what occurred. I do not intend to go into detail in respect to it; but, sir, to use a colloquialism, we were bamboozled in that conference. We went into it with the thrill that we always have and that is preached to our people and our children concerning altruism and the desire to prevent future wars. We went into it with the thought that we were going to reach a limitation of armaments upon the sea; and we believed, of course, with the peculiar credulity that attaches to American officialdom, that everybody else believed exactly as we believed. We went into it with a superiority so marked in great battleships that no other country on the face of the earth could hope to compete with it. We sacrificed that in which we were superior. We accepted a mathematical parity with Great Britain, and a ratio of 5 to 3 with Japan; and we left that conference in the high hope that forever we had prevented any further race in armament upon this earth.

In the last speech that was made by the president of the American delegation he used these words; mark them now, and then think of what has transpired since. As the conference adjourned, he spoke with his usual eloquence and ability, and he said:

> This treaty ends, absolutely ends, the race in competitive naval armaments.

And then there were salvos of applause; tears doubtless were shed, for had we not forever ended the race in competitive naval armaments?

After the applause had subsided, he continued:

> At the same time, it leaves the relative security of the great naval powers unimpaired.

Do you know, sir, whence came the first suggestion for the Limitation of Armaments Conference? It came, sir, from Great Britain. Great Britain was probably little interested in the size of our Army. She was much interested in the merchant service and the Navy, both of which it was important to the Empire to see reduced. Accordingly—and follow the sequence of events—in the spring of 1920 the First Lord of the Admiralty announced as a national policy that it would be content with a 1-power navy. The meaning of this was that in answer to Germany's growing naval power it had been the policy of Great Britain to maintain what it called a 2-power navy; that is to say, content to build equal to the combined navies of the two great naval powers. Now the German Navy was destroyed, and the American Navy was far outbuilding the English.

The announcement from the British Government in March, 1920, brought no immediate reply from Mr. Wilson. In the fall of 1920, when Parliament met, the First Lord of the Admiralty went a step farther. He announced that they hoped to get a call for a conference on the limitation of armaments from the United States of America; and in pursuance of that call, and the suggestion that emanated from Great Britain, our disarmament conference was held.

Sacrificing as we did $150,000,000, sacrificing as we did ships that were the peer of any that had ever been constructed before, sacrificing as we did our superiority upon the seas, then we expected that the ratio of 5-5-3 would be preserved, and that no nation would be more desirous of preserving that parity than Great Britain herself. Immediately afterwards, however, Great Britain begins feverishly to build her cruisers. Immediately thereafter Japan begins to build her cruisers. We stand mute and silent, surprised at first at the result of our generosity, and then shocked into a realization that our sacrifices had been in vain, and that the naval parity of 5-5-3 was a mere fraud, a delusion, and a snare.

The English thereafter started on their program; and solely because the book in question is one that has been cited by the distinguished chairman of the Foreign Relations Committee as an authority, while not admitting the authority, I read a bit from it in regard to the British position.

Kenworthy and Young, in the book that has just been published, called The Freedom of the Seas, thus set forth the result of the disarmament conference:

> The belief of the man in the street—
>
> Say they—
>
> especially in America, was that the principle of parity had been established and that equal navies in all respects would be maintained as between Britain and America, with a smaller ratio for France and Japan. It had soon to be recognized that Great Britain would construe this treaty strictly and would observe its provisions rather than its principles. The British were prepared to accept parity in capital ships because competition with America was hopeless owing to the tremendous cost of these leviathans—£7,000,000 to £9,000,000 each. It was useless in the view of many British naval experts, including some high naval authorities, on the ground that the day of the great battleship was over. As to the submarines the British, whether of the new or old school, had no use for a weapon whose principal use was commerce destruction, and whose secondary use against surface warships threatened to put them out of business altogether. The British experts were, however, arguing to themselves thus:

This is Commander Kenworthy, of the British Parliament, writing:

> The battleship is too blown upon to be worth bothering about, and we can't compete in them on account of cost—let us therefore accept parity there. The submarine and airplane are new-fangled, noxious weapons that knock the bottom out of our strategy and tactics—let us prohibit them, or at least prevent their use as far as possible. But in cruisers we can compete. In that weapon we enjoy the accumulative expertize and experience of two centuries of sea supremacy. And our commerce and coast protection require that we should retain that supremacy.

By the grace of God—

Writes Kenworthy; far be it from me to reecho his words at all—

By the grace of God and President Harding, Britannia may still rule the waves. So when it came to cruisers the British representatives had insisted at Washington, with success, on no limit being placed to the number that could be built. The Americans consented, considering that parity was accepted in the primary weapon—battleships—and in principle; but they imposed limitation in size and gun power of cruisers.

There is the story of what happened, indeed, at the disarmament conference of 1921-22. Britain came, of course, with those sweet words with which we became familiar during the war. Oh, how I remember them as if they were yesterday, when the distinguished gentleman who came for the disarmament conference and led British diplomacy spoke to us from that platform beautiful language, soft and sweet, and how he talked to us during the war about what was to be done, and how that war was being fought to free peoples held in subjection, and that democracy might be saved and justice might prevail in all this world, with treaties in his pockets at the time dividing up much of the earth's surface!

I recall during the disarmament conference whenever a question arose, in the language of diplomacy, in that charming and delightful fashion that was his, he would say, "We agree in principle," and we would accept his word as conclusive upon the ultimate event. They agreed in principle with us in 1921 and 1922, they agreed in principle with us until we had destroyed our superiority, and thereafter they began to build, in the fashion with which we are familiar, and began to build just as they chose.

I recall these facts to the Senate, not because I desire a naval race with Great Britain; I care not for that; but that you may understand some of the voices that are raised in the United States of America to-day against this country entering upon any building program at all for its own self-defense and its own self-preservation.

I reiterate, I want no competitive building with Great Britain; I want no competitive building with any nation. I make the comparisons, of course, because those comparisons are ready at hand, and I recall the events of the happenings of the disarmament conference and subsequently that we may keep our eyes open in extending our hands in a desire to every nation on the face of the earth to disarm and limit naval power. I desire that while extending our hands we may understand just exactly how we have been dealt with in the past and what the possibilities are of how we may be dealt with in the future.

Parity, of course, we assumed we had after the disarmament conference of 1922. Parity to-day British statesmen reecho and have reechoed in the last few months. But we need to read only the proceedings of the Geneva conference, when we sought again a naval limitation agreement, to understand exactly what the British were endeavoring to do with the parity that we were assured was ours in the disarmament conference where we made all the sacrifices and they made none.

There is another reason, sir, I say in passing, and in diversion for the moment, why this bill must be passed if we believe in a limitation of naval armament. After the debate that has been had upon this bill, after the propaganda that has spread over this Nation with respect to our building program, if you defeat this bill or eliminate the prime provisions, you can not expect that you will be taken at your word in anything you seek to do in a disarmament convention hereafter, because your bargaining power will have gone. It might not have been so if we had not had the debate which has occurred upon this measure, but if you believe in bargaining power, concerning which I care nothing at all, then you must pass this measure in the form in which it is, or these gentlemen, who are very wide awake and who do not always indulge in the dreams that are ours as to future peace, will take us just exactly as they have taken us in the past, and our hopes of future disarmament upon the sea will go aglimmering.

We came to another disarmament conference at Geneva. We imagined when we went there that we would be enabled to accomplish something, perhaps, such as we had accomplished in the Washington disarmament conference. In Washington, with everything to give, they accepted our generous anxiety to sacrifice. In Geneva, where we had nothing to bargain with at all, and with the superiority lodged with those who sat there with us, they would yield nothing at all.

Parity, they say now, is ours. It was not so a very little time ago. It was not so at the time of the meeting of the Geneva conference. There, among those who represented Britain, was the age-old idea that has been expressed by every Briton in power from time immemorial, the idea that was that of Winston Churchill and expressed by him with such force after the war. It was a question at Washington of yielding where the superior power existed. It was a question at Washington of limitation because Britain could not hope to equal us, but back in the heads of Britons for all the years had been the one thought among those in power in England, expressed just after the Great War by Churchill in these words:

Nothing in the world, nothing that you may think of or dream of, or anyone may tell you; no arguments, however specious, no appeals, however seductive, must lead you to abandon that naval supremacy on which the life of our country depends.

That has been their view in the past. It may be modified by the exigencies of the very present day. It was not modified when our people met them at Geneva for the purpose of further limiting armaments upon the seas.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Tennessee?

Mr. JOHNSON. I yield.

Mr. McKELLAR. I take it it has not been modified yet. I saw in the papers just a few days ago excerpts from speeches made by Sir Austen Chamberlain, in which he practically restated that very doctrine and said that they had no further proposals on cruiser reduction to make.

Mr. JOHNSON. Mr. President, I rather took the speech of Chamberlain to mean that he accepted parity at this moment. But I may have been in error in my understanding of it.

Mr. McKELLAR. I took it to mean that he accepted the kind of parity they got in the disarmament conference of 1922.

Mr. JOHNSON. I have not a doubt that if we meet again that is the kind of parity they will get. There is something strange about our diplomacy. I am very fond of it. For those in charge of it, of course, I have the highest regard and respect, but I would infinitely rather it would not deal with very delicate questions in which our defense may be involved with foreign nations.

I realize, of course, that it will do all that is essential for America, and that it seeks by the very best methods that it can employ, and with an ability which I will admit is without stint and without qualification and unexcelled, what is best for our country, but somehow or other, whenever we deal diplomatically with our brethren abroad, we get the same sort of result that we got from the disarmament conference in Washington.

Let us turn to the Geneva conference, which was just a brief period ago. This is what our English brethren, Kenworthy and Young, say of that:

It seemed at first sight indeed unreasonable that America should dictate to the British what the size and strength of their cruisers should be. But if we look a little deeper into the meaning of Mr. Bridgeman's proposals—

Mr. Bridgeman is the First Lord of the Admiralty—

we find that there was some excuse for the American suspicion that this simple country gentleman, with his twinkling blue eyes and genial air, could stack the cards in his own favor and slip in a joker with the best of them. His smile was disarming; but his disarming went no deeper than his smile.

I would like to read some chapters from Kenworthy and Young, but I read just a word or two as to why the Geneva conference collapsed. After the British delegates had been at Geneva for a brief period they were suddenly called home, and they were called home at the most critical time of the negotiations. Being called home at that time was ascribed by Cecil as one of the contributing causes of the failure, but Kenworthy says:

The revolt of the Admiralty and of authoritative opinion in the ruling class against the principle of parity has been carried into the Conservative cabinet. The Chancellor of the Exchequer, Mr. Churchill, was recognized as a recruit to this revolt, when, in a speech at the Mansion House (July 12, 1927), he said, at a critical stage of the conference:

"I should regard it as the paramount duty of the British exchequer, in priority to all other considerations, to find any money that was really needed to safeguard those sea-borne food supplies without which neither the life nor the independence of the British nation could continue."

Just a word about the sea-borne supplies of Britain. What he means, and what the argument there always is, is that Britain needs a large navy—indeed, a navy that is supreme upon the sea—because Britain is required to safeguard certain sea lanes. Do you know what those sea lanes are? They are the recognized lanes upon the sea of every nation on the face of the earth; and when they say that they must safeguard those sea lanes, what they mean is that no sea lane over which ocean commerce passes shall be permitted to exist unless com-

manded by British power. That has been their insistence, and it was their insistence in 1922; because in the disarmament conference of that year not only did we give them our capital ships, that were so superior to theirs, but we left them with 10 per cent superiority in capital ships over us; we left them their bases in the sea, the bases which are necessary for their ships.

We left them not only a superiority in battleships, but we left them as well their superiority in cruisers which then existed; and not only that, but we destroyed by treaty the only possibility that we had in the far Pacific of a naval base for an American fleet. We yielded everything, as was so eloquently said by the Senator from Missouri yesterday. We yielded all to them upon the hope that we would have a true disarmament.

They, on the contrary, yielded, only from necessity, the parity in the great vessels of war, but yielded nothing else at all. When afterwards we sought to have parity in cruisers, then came the Geneva fiasco. We will have parity with Britain, sir, just in one way. We will have parity with Britain when we build up to what Great Britain has and are ready to build beyond what Great Britain now has. So if we stress parity in this matter at all, that is the only direction in which it will ever be obtained.

Mr. REED of Missouri. Mr. President, will the Senator yield?

Mr. JOHNSON. I yield.

Mr. REED of Missouri. I do not want to interrupt the Senator if it will at all disturb him, but he is speaking of the question of parity. On March 16, 1922, I called attention to the fact that we were not receiving parity.

Mr. JOHNSON. Let me say to the Senator from Missouri that I want to yield to him this meed of praise, and he is entitled to it from the Senate and from the country. He is the only man upon the floor of the Senate who saw what was happening in 1922—saw it with a vision so clear that I wonder now at the prophecy that was his, which has been borne out by subsequent events.

Mr. REED of Missouri. All I wanted to call attention to was this one fact which I called attention to at that time, that the British ships were measured by British rules and went into the treaty in accordance with that measurement. American ships were measured by American rules and went into the treaty according to that measurement. The result was that a British ship and an American ship of exactly the same inches did not show the same tonnage, the British ship showing about 20 per cent less tonnage than the American, and that brought the result which I stated at that time in this language:

> Accordingly the total British tonnage allowed by the treaty as to existing ships will be 628,820 tons, as against America's 525,860 tons, a difference of 20 per cent in favor of Great Britain.

In addition to that was the question of speed and of gun power, which was fully gone into.

Since the Senator paid me a very handsome compliment, for which I thank him, let me say that I am entitled to no credit for those figures. They were furnished me by the experts of the Navy. They were denied subsequently upon the floor of the Senate by a very distinguished Senator who undoubtedly was misled, because he was incapable of a deliberate misstatement. I believe they are now admitted to be true. So that I think in this discussion we ought to understand that we never had a parity, even disregarding the question of the cruisers that are being built.

I thank the Senator for permitting me to make the statement.

Mr. WALSH of Montana. Mr. President, will the Senator from California yield to me?

Mr. JOHNSON. I yield.

Mr. WALSH of Montana. Are we to understand that our naval experts were unaware of the fact to which the Senator calls attention, or that our commissioners, being fully advised about the matter, consented, while representing to the people of the United States that parity had been obtained so far as capital ships were concerned, realizing that Great Britain had an advantage of 20 per cent?

Mr. REED of Missouri. The only way I can answer that question in justice to myself and everybody else is to say that a gentleman came to my office and made the statement to me that this was the situation. I did not take his statement as correct, although I believed him to be a truthful man. I asked the then commander of the Navy for a verification. He sent a man to my office with the information that he was one of their best experts. I gave him the figures. He checked them and said they were accurate except in one respect, and in that one respect the error was in favor of Great Britain and not in our favor; that is, the case was stronger than it had been put.

I thereupon took the floor in the Senate and put the tables into the RECORD, with a prolonged speech to which nobody listened. That is all I can say about it. I do know that afterwards one of the Senators who was on the conference said I was mistaken; that there had been a reconciliation of the measurements; but I afterwards took the pains to get the British book which publishes their official figures, published a year or two years later than the treaty, and the measurements put into the treaty were the measurements given in the book.

Mr. WALSH of Montana. I suppose everyone will appreciate the tremendous significance and importance of the statements now made by the Senator from Missouri. The commissioners of the United States represented to the Senate of the United States in their report that parity had been secured, with just a variation which was explained. We are now told that that representation was not correct; that, as a matter of fact, the British had an advantage, so far as capital ships retained were concerned, of 20 per cent over the United States.

That is either an impeachment of the integrity and capacity of the naval experts and advisers of the American commission, or it is an indictment of the integrity of the American commissioners themselves, because, if that is true, of course, it became the duty of the naval experts and advisers to advise the commissioners, and if they discharged their duty they must have realized that there was an advantage of 20 per cent in the case of Great Britain, and yet they represented to the Senate and to the country that parity had been secured.

Mr. SWANSON. Mr. President, will the Senator from California yield to me to enable me to explain the matter?

Mr. JOHNSON. I yield to the Senator from Virginia.

Mr. SWANSON. I think the matter can be very easily explained without impeaching the British Government or impeaching our commissioners. There is a difference in the method of measurement. Great Britain fixes her measurements when she first prepares to build her ships. They are to be built for certain weights and certain displacements. A ship is always carried in their book at that designed or intended weight. The actual weight usually exceeds the designed or intended weight. We measure everything by displacement; that is, the weight displaced when we are armed, with everything except coal and material of that kind. Our displacement is measured as the ship is on the line of battle.

At the disarmament conference, of course, it was necessary to ascertain whether the British ships carried what they called a legend, because it is more or less imaginative, and whether they really gave the size and tonnage of their ships. The record will show that the British commissioners told us frankly and candidly exactly what was the real weight of their ships or displacement of their ships, ton for ton.

Our commissioners knew what it was exactly in displacement, in size, and how it was treated. They had, as they understood, that excess. The question arose as to how that could be gotten rid of so there would be an equality. At that conference we compelled them to adopt in an agreement the American method of measuring the tonnage of ships, and that is in the Washington conference proceedings.

Mr. HALE. For the future.

Mr. SWANSON. Their future displacement.

Mr. REED of Missouri. For the future!

Mr. SWANSON. Yes; for the future. The commissioners told me and the naval officers told me that some of those ships must be replaced after they had passed 20 or 25 years in age. There was no apprehension of any trouble in the next six or seven years, but when the replacement takes place, on account of the ships' age being exceeded in that way, then the actual parity will be established.

Mr. REED of Missouri. Exactly.

Mr. McKELLAR. Mr. President, I want the Senator to explain why the British had 22 and America only 18 if they were on a parity and the British ships were larger than the American ships.

Mr. SWANSON. As to capital ships, they had the advantage stated by the Senator from Missouri, and the British told them what advantage they had.

Mr. HALE. They did not have to tell them. Our people were familiar with their ships and their people were familiar with our ships.

Mr. SWANSON. We can not tell the weight of the ship by the material that is put into it. They measure the displacement and the weight is fixed on what the ship will show in the way of displacement in line of battle. England frankly told the size of her ships. We told exactly what our ships were in tonnage. They have what they call the legend weight. A ship is built or intended to be built at 40,000 tons, though it might actually be 42,000 tons, but they carry it at 40,000 tons. That was understood at that time.

Mr. JOHNSON. I want to say one word myself in response to the Senator from Montana. I do not know whether he

challenges the statement I made about 10 per cent. If he does, I am ready to establish it by authority hereafter, and will do so. Without impugning the integrity of anybody on earth, I say that as a matter of fact the ultimate result was that Britain had about 10 per cent more in capital ships.

Mr. SWANSON. That is true. It was understood by the commission at that time.

Mr. JOHNSON. It may be.

Mr. WALSH of Montana. I do not controvert that statement at all, because the actual aggregate of tonnage is given right in the treaty.

Mr. JOHNSON. I cited that as an instance of our generosity in the disarmament conference.

Mr. WALSH of Montana. The actual tonnage of Great Britain was, as the Senator said, about 10 per cent greater than ours. It was explained at the time that that was accounted for by the age of the ships and by other considerations.

Mr. JOHNSON. That may be.

Mr. WALSH of Montana. I make no question about that. I do not controvert that question at all. Neither do I question the statement made by the Senator from California. But the statement of the Senator from Missouri is essentially different from that. He said that there is still a variation of 20 per cent in addition by reason of the difference in the method of computing the tonnage of ships, and that while it was represented to us that this was the tonnage, as a matter of fact upon the American system of computation the English strength was 20 per cent greater.

Mr. REED of Missouri. In order to get this in an accurate way—and I am very much interested in having it accurate—my statement was that there was a difference of approximately 20 per cent in the tonnage, and that there was a difference in the actual tonnage, and that was a difference in favor of Great Britain. I am not differentiating between the allowance of 10 or 12 per cent, which was just spoken of, and the total.

This is what I understand to be the case since the statement of the Senator from Virginia has been made. Taking the British figures which embrace the British measurements, it was recognized that there was a difference between the actual tonnage and the apparent tonnage which was represented by the two sets of figures.

Mr. SWANSON. If the Senator will permit me, I desire to say the position I take is that there was a difference; but the British actual displacement always exceeds what they carry on their books as to the actual tonnage. As to the figures referred to by the Senator from Maine, I can not state the fact.

Mr. JOHNSON. The Senator from Maine [Mr. HALE] has the exact figures here, and he can give them to the Senate.

Mr. MOSES. But, Mr. President, before the Senator from Maine gives those figures, may I say that that is a question that we have had up in all the contests we have had with Great Britain as to maritime matters. Even in the international yacht races the question always arises about the relative measurement by the British standard and the relative measure by the American standard, and under the British standard the net tonnage is always much more than ours.

Mr. REED of Missouri. I want to finish my statement, if the Senator from California will permit me to do so. This question may come up in the months in the future when I am not here, and I do not want any misunderstanding.

My statement was that the British measured their ships by a certain rule and the Americans measured their ships by a different rule; that when tonnage represented by the British rule was compared with the tonnage represented by the American rule if that tonnage were equal in figures the British ship was approximately 20 per cent heavier than the American ship.

Now the Senator from Virginia [Mr. SWANSON] has stated that in part that was taken care of by considering the question of obsolescence in certain of the British vessels and that the remainder of the difference is to be taken care of in the future by hereafter balancing the two measurements exactly. That, therefore, does not conflict with anything I have said, and does not destroy the present effect of these figures.

If the Senator from California will pardon me one word further, so that I may be understood fully, let me say that my understanding is that when a British vessel is measured as to its tonnage it is upon its trial trip; but in the English trial trips the vessel is very lightly loaded, and, therefore, sits well on the top of the water, whereas an American vessel in its trial trips is loaded practically as it would be for a long cruise or for general service, and it sits deep in the water; so that two vessels of the same size bring this result: The one sitting on top of the water displaces only a small amount of water, which is the tonnage—the tonnage being the amount of water displaced—while the vessel that is put down deep into the water displaces a larger tonnage. Accordingly, an American vessel of a certain number of feet and inches, loaded as we load it, will displace a tonnage much greater than a British vessel of the same feet and inches loaded as the British load it.

Now, when we wrote this treaty we put into the treaty the English measurements as recorded in the English books. There may have been some——

Mr. SWANSON. Mr. President, will the Senator permit me?

Mr. REED of Missouri. I will yield in a moment—there may have been some adjustment as to obsolescence; there may have been some adjustment as to the future; but the figures which I have given were checked by an expert of the Navy as correct, and the tonnage was—

Great Britain, 628,820.

America, 525,860.

In opposition to the treaty I complained of that item at the time.

Mr. SWANSON. Mr. President, the position I take is this: I am satisfied the representatives of Great Britain did not conceal in any way whatever the tonnage of their ships. That statement is in accordance with the information furnished me, and that information was supplied by a naval officer. The British representatives stated frankly the weight and displacement on both bases. As I understand, the displacement of an American vessel is measured with everything on board, including guns, as the vessel is ready for battle at sea, less possibly coal, and I do not know definitely as to that, and less water for operation. The English have what they call a legend tonnage, which, as I understand, is the tonnage computed as of the time when the ship was actually designed. However, the agreement absolutely fixed for the future the American method of counting tonnage, and I do not think, as I have said, that the British concealed anything, according to the information furnished to me by those who actually participated in the conference. Possibly the figures which have been given were obtained from those furnished by the British, but I am satisfied that they made no concealment as to their ships.

Mr. HALE. Mr. President——

Mr. JOHNSON. I yield to the Senator from Maine.

Mr. HALE. The Senator is quite right; there was no concealment on the part of the British about the tonnage of their ships. In computing tonnage of the battleships at the time, both those of Great Britain and our own, we took the so-called legend tonnage, the design tonnage, which was estimated when the ships were originally constructed. We assess such design tonnage in one way—the British assess it in another. The figures that were given were based on what was done in the ordinary way of assessing this tonnage in each country. Reduced to the basis of standard tonnage, without fuel and without reserve feed water, the British at the present time would have 606,850 tons, with the changes that they have made in regard to blisters on their ships, and we would have 519,553 tons, which is an even greater discrepancy than appeared at the time.

But as I have said, Mr. President, our people knew about the British ships and the British knew about our ships. We had competent naval officers assigned to the duty of looking into this whole matter; and if we did not get a battleship force that was equal to that of Great Britain it was our own fault. We got the force that was agreed upon by our own representatives.

Mr. REED of Missouri. Mr. President——

Mr. HALE. There are a great many matters that have got to be taken into consideration in arriving at an equality between the two fleets. It must be remembered that four of the British ships are not battleships at all; they are battle cruisers; and battle cruisers can not stand up against battleships; they have not the same armor that the battleships have; they are faster ships, but they can not stand up against battleships. Then the question of age of the ships and the efficiency of the ships and the gun power of the ships, and many other questions, must be taken into consideration. Taking all things into consideration, it was held by our people and by the British that we had a battle fleet that was substantially on a par with theirs.

Mr. WALSH of Montana. Mr. President, I wish to call attention to another feature——

Mr. HALE. I have merely enumerated a few; there are plenty of others.

Mr. WALSH of Montana. Take the American battleships. There are the *Maryland* of 32,600 tons; the *California* of 32,300 tons; the *Tennessee* of 32,300 tons; the *Idaho* of 32,000 tons; the *New Mexico* of 32,000 tons; the *Mississippi* of 32,000 tons; the *Arizona* of 31,400 tons; the *Pennsylvania* of 31,400 tons. The British had no ships at all equal to those.

Mr. HALE. The Senator is wrong as to that. Under the standard——

Mr. WALSH of Montana. Wait a moment.

Mr. HALE. Under the standard tonnage on which the figures are now computed on the same basis as ours the British have battle cruisers, the *Hood*, 42,100 tons; the *Repulse*, 32,000 tons; the *Renown*, 32,000 tons; the *Valiant*, the *Queen Elizabeth*, and the *Warspite*, of 31,000 tons; and the *Barham* and *Malaya*, of 31,000 tons.

Mr. WALSH of Montana. I was speaking about the capital ships that became the subject of controversy.

Mr. HALE. These are the capital ships of the British Navy which I have just given.

Mr. WALSH of Montana. They were all listed in the book, and the ships the Senator has named are not listed at all.

Mr. HALE. I think the Senator is wrong.

Mr. WALSH of Montana. I have the treaty before me.

Mr. HALE. But I think the Senator is wrong about that.

Mr. WALSH of Montana. I do not think there is any such possibility. Under the heading, "Ships that may be retained by the British Empire"——

Mr. JOHNSON. Mr. President, there appears to be a considerable difference of opinion. The statement is made on the one hand of a fact and a different statement on the other, and the Senators can settle it, I think, while I proceed, if they do not mind.

Mr. REED of Missouri. I beg the Senator's pardon.

Mr. JOHNSON. I thought the Senator from Missouri had finished and there was developing a conflict of fact between the Senator from Maine and the Senator from Montana——

Mr. HALE. No; I think there is no conflict; I think the Senator from Montana is mistaken.

Mr. JOHNSON. That arose from some misapprehension which I thought could be easily cleared up by a word on the subject.

Mr. HALE. I think the Senator from Montana is mistaken. I have furnished the Senator the list, which is unquestionably the list of battleships that the British have retained.

Mr. JOHNSON. Then, the Senator from Maine has convinced the Senator from Montana that the Senator from Montana was wrong? Very well.

Mr. WALSH of Montana. He has not done so as yet.

Mr. HALE. I have given the present standard tonnage of the British battleships and battle cruisers as estimated by the British.

Mr. SWANSON. I suggest that the Senator from Montana put his list in the RECORD, and that the Senator from Maine put his list in the RECORD, and we can then decide between them.

Mr. HALE. The only difference is that the Senator from Montana was talking about the list we had at the time of the treaty, under design tonnage, and I am referring to the list under standard tonnage.

Mr. JOHNSON. Mr. President, some time ago I suggested that out of our generosity at the Washington Disarmament Conference we had yielded a superiority of 10 per cent. I am very conservative in my figures. I took the lesser figures which had been given to me. We yielded a superiority of at least 10 per cent even in the tonnage of capital ships; we yielded to Britain's desire for bases all over the world, and particularly in the Pacific; we yielded the only possible base that we had in the Pacific; we yielded to Britain, in addition to that, the superiority in cruisers, and we did it all with a fine, splendid, hysterical credulity that made us imagine that in the days following we were going to have parity with Great Britain in the construction of our Navy.

Sir, I have just read recent fairly official utterances upon the question of parity wherein the gentlemen speaking concede such parity to us. Then I return for a moment to the Geneva conference to demonstrate to you, if it be possible, from the words of Lord Cecil and from the book before me of Commander Kenworthy that the real thing which split the Geneva conference, after all, was parity, and that when that question arose the British delegation were brought home, and the opportunity for an agreement was rendered very, very difficult.

In February, 1928, after we had embarked upon this very modest program of ours, and when it was a matter of discussion in the United States, Mr. Bridgeman, the gentleman of the rosy cheeks and the blue eyes and the smile for disarmament, that is referred to by Commander Kenworthy, said:

> There is no need—

And Mr. Bridgeman is the First Lord of the Admiralty, recall—

> There is no need to get excited, worried, or annoyed about the American naval program of which we hear so much. The United States of America has a perfect right, subject to the Washington convention, to build whatever fleet it thinks is necessary for its own defense. * * *
>
> It is inconceivable—

He said—

> that either America or Britain should intend aggressive warlike ideas in these days.

And I reecho, of course, as does every man upon this floor, that sentiment—

> Let us go quickly on with what we think is necessary for ourselves. Let them go on with what they think is necessary for themselves, and let us hope if they build a larger navy, their navy will be as great a factor in the preservation of the peace of the world as the British Navy has been.

That I quote from the London Times of February 12, 1928.

The First Lord of the Admiralty, then, in 1928, when we embarked upon our program, says, "Let them go on and build as they deem appropriate. Let us rejoice in the building that they do. Let us not get worried or excited"; but Americans who have their eyes cast across the waters most of the time, and who pride themselves upon being termed "internationalists," raise the hue and cry that Bridgeman declines to raise, and they say, "Oh, you must not build, because if you build you are offensive to Great Britain."

They are the ones that raise the cry of offense, not the First Lord of the Admiralty there. He understands that he can take care of himself, and his country will take care of itself. Our internationalists, our hysterical women's organizations, and the like, cry aloud to us here and say, "We must not build at all for fear we offend Britain." They, indeed, are the ones who present the opposition to this particular course that is to be pursued by this bill—they of America—while Britain has no such objection, according to the First Lord of the Admiralty, to that construction.

Again, sir, in a very recent utterance of Lord Lee of Fareham, in November, 1928, as published in the Manchester Guardian of November 20, 1928, I find these words quoted:

Lord Lee said:

> Why, then, all this excitement over naval parity, a principle or a sentiment to which both countries gave their whole-hearted and emphatic approval in 1921, and which neither of us has ever challenged since?

Lord Lee, you know, was one of the plenipotentiaries here with us in 1921–22, one of those who participated in the disarmament conference.

Indeed—

Said he—

> to question its validity in any way would be to dishonor our signatures at Washington, my own amongst them, and to make us bywords amongst the nations.

Again, he says:

> We ask nothing of America; we want no political nor financial favors, nor have we any desire to interfere with her discretion in building as many cruisers as—after duly weighing all the implications of the Kellogg pact—she may consider right and necessary. All that we ask—and I think we have the right to expect this much—is a belief in our good faith and our "reciprocity of good will."

All that Britain has the right to ask is concerning our good faith; and all that any of us who build these cruisers desire to say to Britain is that "We reciprocate your good will." There is no other design. It is for Americans unfortunately to find some other purpose than these who are official in Great Britain find in this program. It is for Americans here in our land—pacifists, ladies' associations, Friday morning clubs, Tuesday noon clubs, Wednesday 9 o'clock in the morning clubs, and Thursday 6 o'clock in the evening clubs—that are passing the resolutions and loading us down with the propaganda—Americans who deny the right of America to build! The Englishmen say, these in authority, "Build as you will. All we ask is good will—reciprocity of good will." We reecho it. "Good will is ours toward you of Great Britain—we who speak your language; good will, reciprocity of good will. But under the skies that are ours, by virtue of the destiny that is the destiny of this Republic, because this country is going forward in the fashion that it has, and needs the preparation that is essential—because, indeed, we are Americans, and thinking first of America—let us build as we see fit and as we desire and as we require for America, and America alone."

That is the only fashion in which I am thinking in this debate, and that is the only way in which I desire to have my vote taken upon this cruiser bill. These gentlemen in authority in Great Britain have stated, as I say to you, their indifference to what we do in the building line; and with the charm that our British brethren ever have possessed they say to us they recognize that we are entitled to parity—this in 1928, when

we are embarked upon our building program. They say, "You are entitled to parity, and we have never denied it"; and Lord Lee, who signed the report of the Washington Disarmament Conference, says, "My signature I should consider dishonored and our nation should be a byword with all the nations of the earth if ever I questioned the right of parity of the United States of America with Great Britain."

But in 1927, when Bridgeman, the First Lord of the Admiralty, was over at Geneva with those who represented us, there was another story told; and it is told not by our people. I would scarcely dare in this presence offer the evidence of mere Americans; and so it is, sir, that I turn to our English authorities, so that they can not be questioned. I recognize how readily any authority that emanated from a mere American's lips might be questioned in this country to-day. I recognize the large number of people there are in this Nation who scoff at the very word "patriotism," and who would take from the young that we bring up the love of country that has made America what it is. I recognize that; and so I turn to an English authority as to what transpired at Geneva, so that with our Americans protesting against 15 cruisers there may be no doubt of the authenticity of what is repeated.

I read you a moment ago:

> The revolt of the Admiralty and of authoritative opinion in the ruling class against the principle of parity had been carried into the Conservative cabinet. The Chancellor of the Exchequer, Mr. Churchill, was recognized as a recruit to this revolt when, in a speech at the Mansion House (July 12, 1927), he said, at a critical stage of the conference:
>
> "I should regard it as the paramount duty of the British Exchequer, in priority to all other considerations, to find any money that was really needed to safeguard those sea-borne food supplies without which neither the life nor the independence of the British nation could continue."
>
> He thus cut the ground from under the conference by putting the power of the purse on the side of naval expenditure instead of on that of naval economy. The significance of this did not escape the Americans, who had long suspected that the British did not mean, and never had meant, to accept parity in sea power; but only parity in the more costly mechanical weapons in which they could not compete with the Americans.

Now let us see what Cecil says, who resigned finally, as you recall. The incident is so recent that I do not attempt to detail it. We will let Cecil tell his story as he told it to Parliament:

> Before we set out, there was a discussion in the committee of imperial defense as to the case that we were to lay before the conference. In the course of that discussion the question was raised whether we were to admit that the Americans were entitled to equality in cruisers on the same model as that which had been conceded to them in battleships. I certainly understood—I may have been wrong—that influential members of the committee expressed the view that unless we conceded this it was no use going to Geneva.
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> * * * * * * *
>
> The Americans attached great importance to what they called "parity"—that is to say, equality of auxiliary craft on the same lines as the equality of battleships agreed upon at Washington. The First Lord of the Admiralty and his advisers at Geneva saw no great objection to accepting the American contention on this point, and after a few days he made it quite clear that though we doubted whether the American need for cruisers was as great as ours, we had no objection to their building up to our limit if they wished to do so. It was, of course, understood that this should be part of the agreement that we were then negotiating. Unfortunately this decision caused great anxiety to some of our colleagues, though we had in fact received express authority from the cabinet to agree to it. The Chancellor of the Exchequer, for instance, has since the breakdown of the conference stated specifically:
>
> "Therefore we are not able now—and I hope at no future time—to embody in a solemn international agreement any words which would bind us to the principle of mathematical parity in naval strength. Though I do not in the least agree with him, I am quite sure that my right honorable friend is convinced that this warning is essential to the safety of this country. I am equally sure that, if persisted in, it bangs, bolts, and bars the door against any hope of a further agreement with the United States on naval armaments."
>
> My right honorable friend is a very forceful personality, and I have no doubt that from the moment that he realized that we had at Geneva agreed to what he calls the principle of mathematical parity—that is to say, that we had extended to cruisers the standard accepted for battleships—he began to press on his colleagues the necessity of avoiding the consequences of what he regarded as a disastrous concession.

Then, reviewing the cruisers and guns, Cecil continued:

> I was very much disturbed. Agreement seemed to me to be in sight, and I felt that if there were to be an adjournment for some days it was only too likely that the opportunity would pass. However, the wording of the summons left us no alternative but to obey. When we got home we found, as I have already intimated, that certain members of the cabinet strongly took the view afterwards expressed in public by the Chancellor of the Exchequer. They thought that it would be most dangerous to have stated in the treaty that the Americans were entitled to mathematical parity in auxiliary vessels. These ministers clearly intimated that they preferred no agreement to one embodying that principle.

That was one of the reasons why Cecil resigned from the cabinet, and he gave to the world in the Parliament his reasons for so resigning.

So much for parity. Now they say we may have it. Very well; it is immaterial to me, and it ought to be immaterial to our building program; but when they have agreed in the disarmament conference of 1922, when, indeed, they repeat now in 1928 that they are willing that parity should be ours, when we have constantly and continuously since the first day that any agreement was made in relation to disarmament acted upon that theory, it would be a fraud upon the American people to assert now that we could not build if we desired upon a parity with England and just exactly as Great Britain has seen fit to build.

Mr. MOSES. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from New Hampshire?

Mr. JOHNSON. I yield.

Mr. MOSES. Does the Senator from California find any significance in the fact that the British offer of parity is now made just as the first of the 1922 cruisers built for the United States is taking the water?

Mr. JOHNSON. The Senator from New Hampshire has grasped the very point that I have been endeavoring to elucidate. Of course, the reason that I showed to you that the first intimation of a desire for a disarmament conference came from Great Britain—the reason that I demonstrate that the first real call was made in the Houses of Parliament for a naval limitation—was to indicate why, and who did it, and to show that our Limitation of Armaments Conference held in Washington in 1922 was, after all, because our superiority in battleships was so great that Britain found it necessary that some steps be taken in order to reach a parity with us upon that particular kind of craft.

Then, when we had agreed upon parity in 1922 with Great Britain and fixed a ratio of 5–5–3, immediately Britain begins building, with her cruisers, as the letter of the treaty might have permitted, but as every British statesman now practically concedes was in violation of the spirit of the treaty. Then Britain, proceeding with her building, denies, indeed, as she did at Geneva, the parity that had been a part of the Washington agreement; but in 1928, when we begin again a naval program in the House of Representatives, and state a position concerning that naval program, then Britain says, "Of course, we believe that the United States is entitled to parity, and none of us have ever gainsaid it; and, indeed, it would be a denial of our own signatures and make us a byword among the nations of the world to urge anything to the contrary."

We will go on if we have any vision in this country. We will build just as we ought to build, and as I think we ought to build, not in gestures. I am sick and tired of gestures made in this body, gestures with no substance to them, and with no design upon the part of some of the people who are parties to the gestures ever to see them in fruition at all. We will go on, not with a gesture, striking out the time limit within this bill. We will go on building as we ought to build, as the bill itself in its original form directs the building of these ships, go on until we have a Navy fit to protect and safeguard the commerce of the United States which constitutes, indeed, supremacy upon the sea of all the commerce of the world.

We are asked, in another aspect, to delay for a period in order that there may be another agreement in regard to international law and the freedom of the seas. I have no objection to sticking onto this bill 456 amendments by which we may meet in convention with every nation or all nations, to do anything that anybody upon this floor may wish to have done; but if there be any such amendment annexed to this bill, let us adopt it with our eyes open and knowing just what we do, and let us do it only after we have provided for the immediate construction of the cruisers that are described in this particular measure.

Let us think for a moment of freedom of the seas, of the amendment which has been presented by the distinguished Senator from Idaho, and the amendment to the amendment offered by the distinguished Senator from Montana. Both of those gentlemen believe in the Kellogg peace pact which has just been

signed. Both are earnest, and desire, just as all the rest of us are equally earnest and desire, that anything shall be done in this world that may bring peace to it, a permanent cessation from warfare of any kind. They, in their desire to accomplish the purpose that is theirs, have an amendment for the codification of international law as to neutrals upon the sea, with an addition that is made by the Senator from Montana with particular respect to the inviolability of private property.

What is the position these gentlemen take? These are the protagonists of the Kellogg peace treaty. These are the gentlemen who believe absolutely and unequivocally in the efficacy of that treaty. They have just written war out of the world. They have just declared by a peace treaty for perpetual peace. Never again can grim-visaged war be upon this earth. Now they start immediately doing what? Writing the rules of war, writing the rules of war.

That might be a perfectly appropriate amendment to be offered by one like myself, who believes little in the efficacy of the peace treaty that has been signed; but it strikes me as a paradox and an anomaly that these gentlemen, with their high hopes of peace, believing that the Kellogg treaty brings unto the world a cessation of warfare for all time to come, immediately to suggest that we write the rules of warfare now, and write those rules so that they may be respected by every nation that indulges in warfare in the future.

Either this new treaty that we have signed is of some value or it is of no value. If it is observed and war is renounced, if every question hereafter arising shall be determined by pacific means, then, of course, the freedom of the seas becomes a mere academic question and we need not concern ourselves with it in the slightest degree.

Assuming, sir, that two nations that have signed this marvelous pact never again to engage in war, to settle everything that may arise by peaceful means, do engage in war. One nation is wrong, of course. One nation fights in self-defense, of course. What are you going to do? Are you going to write the rules of war, so that we shall trade with the offending nation? Is that the theory of writing the rules concerning neutrals in time of war? Do you mean to say that after our signing this pact, with the solemnity observed, with every nation on the face of the earth signing it with like solemnity, preserving for the archives of all time every scrap that was used in the signature, taking the pens for the museums of the world, that they may be pointed to in generations to come as the instruments that banished war from all the earth—do you mean to say that we have signed a treaty of this sort, and then, if it be broken, we are going to have aught to do with the wrongdoer? How can you, under the treaty, run a blockade of a warring treaty-breaking nation, and if you can not do it, and the treaty is observed, how can any other nation on the face of the earth have aught to do with the wrongdoer? All the nations on the face of the earth of necessity must be banded together against the wrongdoer. What difference does the freedom of the seas make under those circumstances?

I say nothing of the League of Nations, which was to bring peace to all the world. I say nothing of its provisions, by which war should be prevented forever. We are not parties to it, but the other nations of the earth are. What if one nation, offending under the league and offending against the Kellogg treaty, goes to war? Are there, then, to be rules by which we trade with that offending nation?

Nonsense, sir. We need no rules if the pact be of any use at all; we need no rules in relation to war if the pact be of any use. If one nation will break its faith in relation to the peace pact and go to war, that nation will break its faith in just the same way as to the rules of warfare and the rights of neutrals. It is so obvious that it does not appeal to my reason. Because, however, I deem it in its present form of so little consequence, I have no objection to letting this amendment go on the bill.

If this treaty, upon which the whole fate of the universe now depends, which has been eulogized in panegyrics that have been heard around the world, such as have been applied to no other instrument—if this peace pact be of any value or of any aid or of any effectiveness; if the League of Nations, with its covenants respecting war, is not merely the fraud and the delusion and the snare that some of us believe it to be—if there is any efficacy in either or in both, there is no need of writing rules of war at all, and no need whatsoever for doing anything in relation to the freedom of the seas.

Freedom of the seas has been a question, of course, which, ever since we were a little country with a few million people, has exercised this Nation. Freedom of the seas has always been something which Great Britain has refused to recognize in any aspect or in any degree.

"Freedom of the seas" is a delightful phrase. It is like "peace," it is like "renouncing war," like "outlawry of war!" Is not that splendid? Outlawry of war, all the nations of the earth standing together, going forward in militant array against some nation which is outlawed because it has gone to war. Glorious phrases are these, beautiful language, soft and sweet, that has torn us all from our original patriotic moorings in this country. Glorious it is, outlawing war. We will proceed to take any offending nation under the league and under the Kellogg treaty and make it an outlaw among the nations of the earth. But before we do that, we will enter into rules with it for the conduct of war, and for the sale of goods, for the making of money by us after it gets into war.

What a strange, strange situation we have. "Freedom of the seas!" A beautiful phrase. But when you get into war, with your blows striking; when nations stand with their backs to the wall; when a people's existence is at stake, they do not stop to think of the freedom of the seas. When national life is in the balance and national existence hangs doubtful upon the issue, then there is little question of what freedom of the seas may be. It is the strong who act, just as they have acted every time when there has been war, and every time there has come a clash between the nations of the world.

Freedom of the seas we discuss learnedly upon this floor. We talk of rights of neutrals, and we say what a crime and a sin and a shame it is that any man with goods to sell to a belligerent shall not be permitted to sell them as he sees fit, provided they be not in the category of contraband of war. We speak of it here learnedly, like the dry-as-dust professor who lectures upon archaic things. We speak of it, and we imagine that we are fighting a real battle, talking about freedom of the seas.

Freedom of the seas when you get into war? You saw how it was only 12 years ago. Freedom of the seas! There was not any such thing, and this big Republic of ours was unable, during the early days of the war, to have a semblance of freedom of the seas or any international law regarded at all, and I could not but be sympathetic with Asquith when he said that no nice legal distinctions would he permit to interfere with the safety of the British Empire and its necessity of blockading those who were the enemies of the British Empire. That was his announcement during the war. That has ever been the announcement of every nation that ever got into war, and when we got into the Great War, just as Great Britain had disregarded our rights, we disregarded the rights of every other nation on the face of the earth that came in conflict with ours.

Freedom of the seas is well to talk of in time of peace. Freedom of the seas is a splendid thing upon which to draw a brochure and publish a beautiful little volume. But when nations are in war fighting for their very existence no nation on earth is going to permit that which is necessary for the enemy to get past its blockade, no matter whether it may be carried by one nation or another, and no matter how friendly even the nation may be to the blockading one in fact.

There is just one way to obtain freedom of the seas, just one way to protect the commerce of our nation, just one way to go our way and not the other man's way, and that is for our country to be strong enough to enforce its will rather than permitting the other country to be strong enough to force its will upon us.

Freedom of the seas was recently discussed very learnedly by a member of the British Admiralty. It is very interesting. It is entitled "Freedom of the Seas," by Sir Herbert Russell, and appeared in the Military and Naval Record (British) on November 1, 1928. It reads as follows:

> The recent publication of a further installment of the memoirs of Colonel House has aroused a good deal of discussion upon the subject of the freedom of the seas. It is one of those spacious phrases upon which the politicians—and especially the pacifist politicians—make great play. It appears to be assumed in this country that if we would unreservedly accept the doctrine of freedom of the seas all would be plain sailing in coming to a naval agreement with the United States. It is argued that we have much more to gain than to lose by agreeing to renounce blockade, and on the face of it this sounds perfectly plausible. But pacifist politicians are always prepared to rush in where the students of war fear to tread. They will dispose offhand of a problem to which the strategist devotes years of study in the effort to arrive at a convincing answer. Fortunately for the naval welfare of this country, they shoot their bolts without doing any material damage, and nobody begrudges them their presumptive moral victories.
>
> Freedom of the high seas exists without question in peace time. International understanding sanctions intervention against outlawry, such as piracy or mutiny, without any discrimination as to flags. The idea that this freedom should not be violated to the disadvantage of

neutrals during war is a perfectly reasonable doctrine. But unfortunately it is a doctrine which would leave an enemy at liberty to come and go as he pleased under false colors, for to unreservedly admit freedom of the high seas is to surrender the right to stop and search any vessel other than a self-confessed enemy. It would also leave neutrals free of trade in contraband of war as a perfectly legitimate business. We are told that the United States is very emphatic upon the freedom of the seas. Whether this really represents her naval policy I can not pretend to say; if it represents her political view, then how does she justify stopping, searching, and seizing vessels on the high seas—i. e., outside of territorial limits—in the cause of prohibition? To contend that this is done for a particular purpose is quite beside the point, because the same thing in war time is also done for a particular purpose. The Northern States very soon found that freedom of the seas was playing Old Harry with their chances in their war with the Confederate States, and so they established as close and as tight a blockade as their resources would permit.

To begin with, we want to set a definition to this fine-sounding phrase. What exactly does freedom of the seas mean? Is it the renouncing of all blockade, of the right to capture, and the right of search? If so, we must drop the phrase "command of the seas" from our strategical category. The first object of the stronger naval power in every war is to establish a dominance of these vital sea areas. If the freedom of these vital sea areas is to be assured, then the stronger naval power can only deal with palpably hostile ships. If he sees bona fide neutral traders swarming in and out of the weaker enemy ports, he must not interfere with them; even if he is not satisfied they are bona fide neutrals he has no business to stop them and make sure. This is a fine doctrine for the weaker power, to be sure. As the United States is never likely to figure as the weaker power in a sea war, I can not believe that she is wedded to the freedom of the seas as a naval doctrine. If she is wedded to it at all, it must be simply with an eye to business; to enable her traders to supply the belligerents with anything and everything without let or hindrance.

Freedom of the seas as a war precept simply means the negation of war. It implies an immunity which would render the effective pursuit of hostilities all but impracticable. Assuming that the principle is strictly limited to neutrals, it is self-evident that it would be abused to such a degree as to destroy the economic weapon. Let us assume that the freedom of the seas on these lines had existed during the Great War. There would have been no right to search, capture, or blockade neutrals. We need only have transferred our mercantile vessels under neutral flags—quite an easy thing to do in a perfectly lawful manner—to have rendered the "U-boat" campaign abortive. On the other hand, supplies would have streamed into Germany because our navy would have been powerless to stop them, and the war would have been indefinitely prolonged.

War, whether by land or sea, follows two broad lines, the military and economic. The latter, of course, is largely governed by the former. A siege or a blockade may reduce to submission, for economic reason, a garrison or a fleet which, militarily, is quite capable of continuing resistance; the alternative to submission is a break-out and a battle. The siege ashore is the counterpart to the close blockade at sea. Modern methods of warfare render either extremely difficult, the close blockade in particular. Surely the Great War taught us that a struggle between nations is not going to be conducted according to prearranged rules. Academic conventions based upon equity and chivalry are admirable, and every civilized power cheerfully signs them in the hope that they may be observed. But when it comes to a struggle a toute outrance, necessity knows no law. We deliberately violated not merely the freedom of the sea but the immunity of territorial waters for the purpose of destroying the *Dresden* at Juan Fernandez. Norway was honestly neutral, but the Germans sank her ships without compunction for no better reason than that they might have been of service to their enemies.

Suppose we were to abrogate the economic weapon by accepting the doctrine of freedom of the seas in war, what would be our position? If the doctrine were faithfully observed by the enemy, we should be unbeatable because we could never be starved. Such a prospect is not going to commend itself to the enemy. No great war can ever be fought to finality on the sea alone, but to renounce the economic weapon would render it practically impossible to confer a decisive character upon the naval struggle. "Killing is not the end in war; it is only a means to the end." The grand clash, resulting in a definite victory to one side, may or may not happen once in the course of a naval war. The immobilizing of an enemy is the only effective alternative to reducing him by battle beyond the power of further resistance. But this, again, is only one of the results of the effective blockade which also denies him supplies by sea.

I suppose the desire to restrict the effective of war, as suggested by the doctrine of freedom of the seas, must be regarded as symptomatic of the desire to abolish war. The latter, to my mind, is very much more logical than the former. To abolish war is an act of finality (impossible in practice but still, in principle, an act of finality). To restrict war is an abortive expedient. There can be no binding qualifications to the attainment of victory in a struggle of life or death, which modern war is likely to be since nations will no longer resort to arms without deep provocation. The stronger side may observe "rules" in the pursuit of his success; the weaker side is not going to observe anything in his effort to escape being beaten. Pacifist politicians, with their academic formulae for keeping Mars to the straight and narrow path, fail in realization of what war means. They try and visualize it as a gentlemanly business, when we can never make it anything but a beastly business, and beastlier to-day than ever, thanks to the infernalness of human ingenuity.

If this country declared her willingness to accept the principle of freedom of the seas in war time, there can be little doubt that all the other naval powers would be prepared to come into line, because they would see that we were surrendering more than any of them. I am not prepared to deny that we might stand to gain more than any of them, but our loss would be relatively greater than our possible advantage. We no longer indulge in the old, immodest heroics about "ruling the waves," but we still recognize that our chief source of naval strength lies in our assumed ability to control our vital sea communications and, inversely, to deny these to the enemy. Why, then, should we surrender this chief source of naval strength by proclaiming that henceforth, in the event of war, we should regard those communications, together with the whole of the Seven Seas, free to those who sought to make big profits out of the war without any of the risks involved by coming into it, and who would be primarily concerned that the war should last as long as possible? For this is what freedom of the seas would mean. Blockade and the right of search restrict this unscrupulous game. The Americans think they can not win prohibition without extending the right of search and virtual blockade well out on the high seas.

I think we could not hope to pursue a naval war with much prospect of success if we are to let neutral contraband runners—in which would be included plenty of disguised enemy ships—have it all their own way.

Admittedly, it is a source of irritation that neutral ships should be stopped and their papers examined in the course of a war which is no concern of theirs. For this very reason the process is restricted to the narrowest possible limits, because it may be taken for granted that no power at war desires to provoke hostile feelings in a neutral country. But when a neutral ship is suspected as having on board contraband of war, and when she enters the zone of enemy waters, she is giving a reasonable cause for interception. Under the doctrine of freedom of the seas our patrols and cruisers in the North Sea and the channel would have been compelled to watch in impotence the procession of ships flying all the neutral flags under the sun pouring into Germany not only the necessities of life but the munitions of war. To abrogate the right of blockade would be to renounce any right to stop this process. One does not blame the United States for holding that nobody has any right to interrupt her trade with a power simply because that power is at war with somebody else. It is natural enough to look at these questions from the point of view of self-interest. America at war would probably take a very different view of the subject from America trying to do big business with other people at war. This is reasonable, but do not let us confuse it with any idea of international altruism, of high moral principle. The right of blockade and the economic weapon generally has always proved one of the most effective elements in our naval strength. We have always recognized it as the right of other sea powers. In 1861 "blockade running" to the Confederate ports developed into a big industry. When a British ship was captured by a Federal warship our Government metaphorically shrugged its shoulders and said, "Serves you right!" Even neutrality carries certain obligations toward belligerents, as the United States successfully reminded us over the Alabama case. With an unqualified doctrine of freedom of the seas there could have been no Alabama case. And when you begin to import qualifications and reservations the word "freedom" inevitably becomes an anomaly.

But, after all, sir, the answer to the question of freedom of the seas is the law of necessity and the right of self-defense. When a nation is engaged in a war such as Britain was engaged in during the great World War it can not be too dainty and delicate in the handling of nice legal distinctions in relation to the law of the sea. It must fight first for success. So, sir, if we talk and talk and talk about freedom of the seas from now until dooms day, we can enforce it in just one way. If we really believe in it, if we really wish to make the seas free to us under all circumstances, no matter what may be the supremacy of those engaged in the war, there is just one way in which we can do the job, and that is by having a Navy fit to do that job for us in the old American way.

And so, Mr. President, there is no way, either upon the theory of trying to make a rule for warfare after we have just signed a peace pact, or the theory of endeavoring to write a new code for freedom of the seas—there is no theory upon which anyone can vote against this bill if he wants disarmament. There is only one way that experience has taught us we can get it, and that is by having the armament ourselves with which we have the bargaining power too.

Mr. President, in conclusion just a word. Elizabeth of Russia, that beautiful and unhappy Empress, in 1817 wrote:

> This abyss of iniquities which we call politics is vainly covered with a tissue of brilliant phrases. It is easy for anyone of the least intelligence, whose heart is in the right place, to see through this tissue and to recognize that, in spite of evangelical treaties, in spite of the reign of justice, it is always the weaker who are sacrificed to the interests of the more powerful.

That was true when Elizabeth of Russia wrote it in 1817. It is no less true to-day, and in the days to come it will be no less true.

Let us go on in our own way, never in any hostility or enmity or bitterness or in hatred of any nation on the earth. Let us go on in our own way, not in the way of any other nation. Let us go on in our own way—we are big enough and rich enough and great enough to do it—not for the purpose of arousing any spirit of ill will in any neighbor that may be ours. Let us go on in our own way to build as we believe we ought to build, and what we seek by the measure before us is a very modest program for our own. Let us pass the bill and, if it be necessary, let us pass another, but let America protect herself, and when America is able to protect herself, again we may have a convention for the limitation of armaments, again we may hold our conferences upon the freedom of the seas, and again, sir, we may meet and sing in ecstacy our pæans of praise, and again, sir, America will be protected and America will be able to take care of herself.

Mr. NYE. Mr. President, I was prepared to address the Senate this afternoon at some length upon the pending cruiser bill, but the hour has now grown so late that I desire merely to give notice that on to-morrow I shall seek recognition as soon as possible after the convening of the Senate.

TERMS OF COURT IN NEW HAMPSHIRE

Mr. NORRIS. From the Committee on the Judiciary I report back favorably with an amendment the bill (S. 5515) to amend section 95 of the Judicial Code, as amended, and I submit a report (No. 1583) thereon. I ask unanimous consent for its present consideration.

Mr. HALE. It will not lead to debate?

Mr. NORRIS. It will not lead to debate.

Mr. McKELLAR. What is the bill?

Mr. MOSES. The bill merely changes the time of holding court in the district of New Hampshire.

Mr. McKELLAR. I have no objection to its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was to strike out all after the enacting clause and in lieu thereof to insert:

> That section 95 of the Judicial Code, as amended by an act approved February 28, 1926, is further amended to read as follows: "The State of New Hampshire shall constitute one judicial district, to be known as the district of New Hampshire. Terms of the district court shall be held at Concord on the second Tuesday in January, the last Tuesday in April, and the first Tuesday after the second Monday in November; and at Littleton on the first Tuesday after the third Monday in September."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONFEDERATE VETERANS' REUNION, CHARLOTTE, N. C.

Mr. SWANSON. From the Committee on Naval Affairs I report back favorably without amendment the bill (H. R. 15324) authorizing the attendance of the Marine Band at the Confederate Veterans' reunion to be held at Charlotte, N. C., and I submit a report (No. 1578) thereon. I call the attention of the Senator from North Carolina [Mr. OVERMAN] to the bill.

Mr. OVERMAN. Mr. President, I ask unanimous consent for the present consideration of the bill.

The PRESIDING OFFICER (Mr. SHIPSTEAD in the chair). Is there objection to the request of the Senator from North Carolina? The Chair hears none.

The bill was considered as in Committee of the Whole and was read, as follows:

> *Be it enacted*, That the President is authorized to permit the United States Marine Band to attend and give concerts at the Thirty-ninth Annual Confederate Veterans' Reunion to be held at Charlotte, N. C., June 4 to 7, inclusive, 1929.
>
> SEC. 2. For the purpose of defraying the expenses of the band in attending such reunion there is hereby authorized to be appropriated, out of any money in the United States Treasury not otherwise appropriated, the sum of $7,500, or so much thereof as may be necessary: *Provided*, That the payment of such expenses shall be in addition to the pay and allowances to which members of the United States Marine Band would be entitled while serving at their permanent station.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS

Mr. ROBINSON of Indiana submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14800) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: On page 17 of the engrossed amendments strike out lines 5 to 8, inclusive. On page 22 of the said engrossed amendments strike out lines 21 to 23, inclusive. On page 31 of the said engrossed amendments strike out lines 3 to 5, inclusive; and the Senate agree to the same.

ARTHUR R. ROBINSON,
PETER NORBECK,
PETER G. GERRY,
Managers on the part of the Senate.

W. T. FITZGERALD,
RICHARD N. ELLIOTT,
ARTHUR H. GREENWOOD,
Managers on the part of the House.

The report was agreed to.

INDEPENDENT OFFICES APPROPRIATIONS

Mr. WARREN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the independent offices appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to the consideration of the bill (H. R. 16301) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1930, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. I ask that the formal reading of the bill may be dispensed with and that the bill may be read for amendments, amendments of the committee to be first considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

GARNIERS BAYOU BRIDGE, OKALOOSA COUNTY, FLA.

Mr. FLETCHER. Mr. President, may I ask the Senator from Wyoming if he will not permit me to have a bridge bill considered? It is necessary to get the bill over to the House if there is to be any action taken on it at this session. Its consideration will require but a minute.

Mr. WARREN. Unless the bill occasions some delay, I will yield to the Senator for its consideration.

Mr. FLETCHER. I ask unanimous consent for the present consideration of Senate bill 5129.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5129) authorizing Thomas E. Brooks, of Camp Walton, Fla., and his associates and assigns, to construct, maintain, and operate a bridge across the mouth of Garniers Bayou, at a point where State Road No. 10, in the State of Florida, crosses the mouth of said Garniers Bayou, between Smack Point on the west and White Point on the east, in Okaloosa County, Fla., which was read, as follows:

> *Be it enacted, etc.*, That in order to facilitate intrastate commerce, improve the postal service, and provide for military and other purposes, Thomas E. Brooks, of Camp Walton, Fla., his associates and assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the mouth of Garniers Bayou, in Okaloosa County, Fla., at a point where State Road No. 10, in the State of Florida, crosses the mouth of said Garniers Bayou, between Smack Point on the west and White Point on the east, in Okaloosa County, Fla., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved

March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon Thomas E. Brooks, of Camp Walton, Fla., his associates and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Thomas E. Brooks, of Camp Walton, Fla., and his associates and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of tolls so fixed shall be legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Florida, any public agency or political subdivision of said State, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of the State of Florida governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion costs not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the State or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rate of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefore, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not exceeding 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rate of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 6. The said Thomas E. Brooks, and his associates and assigns, shall within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Department of the State of Florida, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real estate necessary therefor, and the actual financing and promotion costs. The Secretary of War may, upon request of the Highway Department of the State of Florida, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Thomas E. Brooks, his associates and assigns, shall make available all of their records in connection with the construction, financing, and promotion thereof. The finding of the Secretary of War as to the reasonable costs of construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in the court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the said Thomas E. Brooks, of Camp Walton, Fla., his associates and assigns; and any corporation or person to which or to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROCK RIVER BRIDGE, JANESVILLE, WIS.

Mr. BLAINE. Mr. President, I ask unanimous consent for the present consideration of the bill (H. R. 14920) granting the consent of Congress to the State of Wisconsin to construct, maintain, and operate a free highway bridge across the Rock River at or near Center Avenue, Janesville, Rock County, Wis.

Mr. WARREN. Mr. President, I understand that there is some necessity for haste in the case of the bill for which the Senator from Wisconsin asks consideration, and, unless it shall lead to some debate, I shall yield for that purpose.

Mr. SMOOT. Is the bill in the regular form of bridge bills?

Mr. BLAINE. It is in the regular form of such bills. It has passed the House of Representatives, and has been favorably reported by the Committee on Commerce of the Senate. The bridge proposed to be constructed is to be a free, public bridge. It is very essential to have the notice for the letting of the contract published immediately.

Mr. SMOOT. Mr. President, why would it not be a good idea to ask unanimous consent that all of the bridge bills which are in the usual form be passed?

The PRESIDING OFFICER. There is an appropriation bill before the Senate at this time, and the Senator from Wisconsin [Mr. BLAINE] has asked unanimous consent for the immediate consideration of the bill named by him.

Mr. SMOOT. I am not objecting to the consideration of that bill, but I only thought we might clear the calendar of bridge bills.

Mr. WARREN. We want to consider, and, if possible, complete the pending bill to-night, and then to-morrow we may consider the calendar and go through with all the bridge bills.

Mr. SMOOT. I merely suggested that the bridge bills should be passed.

Mr. DALE. There is one bridge bill on the calendar to which there is objection.

Mr. SMOOT. Then, of course, I should not press the suggestion.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin for the consideration of the bill named by him?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14920) granting the consent of Congress to the State of Wisconsin to construct, maintain, and operate a free highway bridge across the Rock River, at or near Center Avenue, Janesville, Rock County, Wis.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 4979. An act to authorize the city of Niobrara, Nebr., to transfer Niobrara Island to the State of Nebraska;

H. R. 9570. An act to provide for the transfer of the returns office from the Interior Department to the General Accounting Office, and for other purposes;

H. R. 11859. An act for the relief of B. C. Miller; and

H. J. Res. 350. Joint resolution to provide for the reappointment of Frederic A. Delano and Irwin B. Laughlin as members of the Board of Regents of the Smithsonian Institution.

INDEPENDENT OFFICES APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16301) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1930, and for other purposes.

Mr. DILL. Mr. President, this appropriation bill has come up without any notice of any kind. Does not the Senator from Wyoming think there ought to be a quorum present so that Senators may know that the bill is being considered?

Mr. WARREN. Is it the intention of the Senator from Washington to suggest the absence of a quorum?

Mr. DILL. I think it is only fair to Senators who have gone away thinking that the cruiser bill was the only bill which would be considered during the remainder of to-day's session.

Mr. WARREN. The Senator from Washington has the right to suggest the absence of a quorum, and, of course, I do not care to object, and shall not do so.

Mr. DILL. I make the point of no quorum.

The PRESIDING OFFICER. The roll will be called.

The roll was called, and the following Senators answered to their names:

Ashurst	Fletcher	Keyes	Shortridge
Barkley	Frazier	McKellar	Simmons
Bayard	George	McMaster	Smoot
Bingham	Gerry	McNary	Steiwer
Black	Gillett	Mayfield	Stephens
Blaine	Glass	Moses	Swanson
Blease	Glenn	Neely	Thomas, Idaho
Borah	Goff	Norris	Thomas, Okla.
Bratton	Greene	Nye	Trammell
Brookhart	Hale	Oddie	Tydings
Bruce	Harris	Overman	Tyson
Burton	Harrison	Pine	Vandenberg
Capper	Hastings	Ransdell	Wagner
Caraway	Hawes	Reed, Mo.	Walsh, Mass.
Couzens	Hayden	Robinson, Ind.	Walsh, Mont.
Curtis	Heflin	Sackett	Warren
Dale	Johnson	Schall	Watson
Dill	Jones	Sheppard	Wheeler
Fess	Kendrick	Shipstead	

The PRESIDING OFFICER. Seventy-six Senators having answered to their names, a quorum is present.

The first amendment of the committee will be stated.

The CHIEF CLERK. On page 2, at the beginning of line 9, it is proposed to insert "additional secretary to the President, $10,000."

Mr. WARREN. I offer a substitute for the committee amendment.

Mr. McKELLAR. Mr. President, will the chairman of the committee explain why it is that provision is made in this bill for an additional secretary to the President? We have had many Presidents who have gotten along with one secretary and his assistants. Why is it necessary to have an additional one for the incoming President?

Mr. WARREN. I assume that the duties of the office will require additional help. As a matter of fact, there are now two secretaries in the Executive Office, although there is only one secretary appropriated for as such. This amendment gives the incoming President an additional secretary in the regular way by an appropriation as a separate item in the bill. The item, of course, came from the Budget Bureau in the regular way.

Mr. McKELLAR. Does the amendment mean that there will be three secretaries to the new President?

Mr. WARREN. There will be three when this bill shall have become a law, if the amendment shall be agreed to.

Mr. McKELLAR. At $10,000 each?

Mr. WARREN. There will be three at $10,000 each.

Mr. CARAWAY. Is that two more than the present President has?

Mr. WARREN. It is one more, so far as the record shows; in fact, there will be but one more in the service.

Mr. CARAWAY. As a matter of fact, there will be two more than he now has?

Mr. WARREN. As a matter of fact, there will be one more than he now has in the service.

Mr. OVERMAN. Mr. Clark is a secretary at the White House, but he does not get $10,000 a year. This amendment really amounts to providing for two more secretaries, giving three at $10,000 each.

Mr. CARAWAY. Was there some reason shown for it?

Mr. OVERMAN. Mr. Hoover wanted it; that is all I know.

Mr. CARAWAY. That might not constitute a reason.

Mr. McKELLAR. Mr. President, I am not going to oppose the amendment, though I wish to express my own opposition to it. I can not, however, imagine what circumstances in the world would require the incoming President of the United States to have three secretaries, for the secretarial work of the Executive Office is now conducted, I think, very splendidly with one secretary and the assistants that he has. It looks like legislation merely for the purpose of making a place for somebody. I do not think the Congress ought to do that, and I want to express my disapproval of it.

Mr. WARREN. I am sorry the Senator disapproves; but as I have stated, it is only an increase all together of one secretary for the incoming President.

Mr. SMOOT. Mr. President, I want to call attention to the fact that President Harding—and President Wilson, if I remember correctly—had an item put in the appropriation bill for an extra man, although he was not called a secretary.

Mr. OVERMAN. But not an extra $10,000 man.

Mr. McKELLAR. My impression is that the secretary to President Wilson received at first a salary of $6,500, which perhaps was raised to $7,500. Now it is proposed to have three secretaries at $10,000 each. I merely want to express my absolute disapproval of any such action as is proposed. It looks as if we are merely legislating offices for certain people. I think that is a very unwise policy. I believe one secretary and his assistants can do all the work that is necessary to be done in the Executive Office, and I do not think we ought to expend the people's money in any such way as is here proposed.

Mr. CARAWAY. Mr. President, I do not understand the chairman of the committee. I am told by one Senator that it means two secretaries, and the Senator from Wyoming then says, in effect, it means one additional secretary. What is the correct number?

Mr. WARREN. I have already stated to the Senator from Tennessee, who preceded the Senator from Arkansas, what the amendment means; but he immediately said it meant something else, which I did not say. At the present time the President has one secretary, who is on the rolls at $10,000; he has another who is performing service along practically the same line. I do not know how much the President pays him from his private funds, but I assume that the second secretary probably receives at least $7,500 from the United States, because he would be entitled to that much.

Mr. CARAWAY. Oh——

Mr. WARREN. Wait a moment.

Mr. CARAWAY. I am waiting.

Mr. WARREN. Now we are asked here for another one, which will make three, whereas the present President has two. The difference is that these three are to be at $10,000 each.

Mr. CARAWAY. Do I understand the Senator to say that the present President has a private secretary that he is paying out of his own funds?

Mr. WARREN. No; I do not say that.

Mr. CARAWAY. Then what did the Senator say?

Mr. WARREN. If the Senator will just listen——

Mr. CARAWAY. I am listening.

Mr. WARREN. I say that he has two of them. One of them is paid $10,000, and the other probably $7,500, because he is being paid out of the general lump sum appropriated for the employees of the Executive Office. We have no way of knowing—at least, I do not have—what the President may pay him from his private funds, because he is a very efficient and a very fine man.

Mr. SMOOT. Mr. President, he is paying him $7,000 now.

Mr. McKELLAR. Mr. President, is not this amendment subject to a point of order? I am not going to make a point of order, however.

Mr. WARREN. It is not subject to a point of order, let me say, because, first, it comes here from the Bureau of the Budget. Furthermore, it is approved by the committee; and not only is it approved by the committee but on a list in which 19 men in the committee approved it the amendment has gone in.

Mr. McKELLAR. I am not going to make a point of order against the amendment; I stated that at the very beginning; but I think it is subject to a point of order. It is creating the office of another secretary to the President. It is clearly out of order. It is general legislation on an appropriation bill.

Mr. WARREN. It was estimated for.

Mr. McKELLAR. It may have been estimated for, but it is subject to the point of order that it is general legislation. I want to say, however, that I am not going to raise that point of order. It is general legislation. There is no reason established for it. I have asked Senators to give a reason for it—why the present President can get along with one secretary and we have to have three secretaries for the incoming President.

Mr. WARREN. I have told the Senator from Tennessee three of four times over, and I have told another Senator, that the present President has two secretaries, and the Senator insists upon saying that he has but one.

Mr. McKELLAR. The new President can pay a third one in the same way; he can pay a fourth one in the same way that the present President pays the second one.

Mr. WARREN. The Senator from Tennessee can tell the new President what to do. I do not wish to be too previous here before he is even sworn in.

Mr. McKELLAR. I am expressing my opposition to this amendment. I think it is unwise legislation. I want to vote against it. I want it submitted to the Senate so that I can vote against it.

Mr. CARAWAY. Mr. President, if the Senator from Tennessee is through, I desire to ask a question. I just want to understand the matter. My interest in it arises from newspaper and other reports that have come to my attention. Is this for the purpose of taking care of one particular person that the incoming President has in mind?

Mr. WARREN. I have no knowledge at all of that.

Mr. CARAWAY. Is Mr. Richey to be this second secretary?

Mr. WARREN. I can not tell the Senator.

Mr. CARAWAY. Is he the one who is on the President's private pay roll that the Senator says he may be paying so much from this lump sum?

Mr. SMOOT. No; he is not, Mr. President.

Mr. CARAWAY. Well, who is that?

Mr. SMOOT. Mr. Richey is the private secretary of Mr. Hoover.

Mr. WARREN. Let me say to the Senator that it is not my intention to interfere with the wishes of the President elect so far as I may know them. I have not met him for a long time. I have had no recent conversation at all with him. I am proceeding in the regular way, as these things come to us with the approval of the committee to whom they were submitted.

Mr. CARAWAY. But the Senator talked as though he did not think we ought to have the information. I am trying to find out. I am not a member of the Appropriations Committee, and none of those things appear in its report, and I was just trying to ascertain the facts. I am sure the Senator is familiar with the report that has gone around, and I just wanted to ascertain whether this amendment was for the purpose of taking care of this particular person.

Mr. WALSH of Massachusetts. Mr. President, will the Senator state how much of an increase is carried by this bill in the appropriation for secretarial and clerical services for the President? What is the total increase for clerical and secretarial services?

Mr. WARREN. The new secretaries will be three at $10,000 apiece.

Mr. WALSH of Massachusetts. How much more are we appropriating?

Mr. WARREN. It simply amounts, all together, to one more secretary.

Mr. WALSH of Massachusetts. Ten thousand dollars more than heretofore?

Mr. WARREN. Yes, and $2,500 more, perhaps, for the other secretary.

Mr. OVERMAN. No, Mr. President.

Mr. WALSH of Massachusetts. I wish we could have that information. One member of the committee says, "No," and another shakes his head. How much more are we appropriating in this bill for the Executive Office than we appropriated last year?

Mr. WARREN. One at $10,000, and a second one at $10,000, who has been receiving $7,500 before. It will cost $10,000 for one and $2,500 for one of the others.

Mr. WALSH of Massachusetts. Does the Senator from North Carolina [Mr. OVERMAN] agree to that?

Mr. OVERMAN. The Senator from Massachusetts wishes to know the total amount appropriated for the Executive Offices in this bill?

Mr. WALSH of Massachusetts. Compared with last year's bill, how much more money will the next President be able to spend for clerical assistance for the Executive Offices than the present President?

Mr. FLETCHER. The total amount for the Executive Offices is $468,120.

Mr. WARREN. It would be $12,500 more, all together.

Mr. OVERMAN. The fact is that the new President is going to have three secretaries at $10,000 each. That is the truth.

Mr. WALSH of Massachusetts. It is either $30,000 or $12,000. Which is it? Does anybody know?

Mr. OVERMAN. I do not know how much Mr. Clark is paid, and nobody knows. Mr. Clark is now the personal secretary to the President, and I do not know how much he is paid, and nobody else knows how much he is paid. The truth is, however, that Mr. Hoover will have three secretaries at $10,000 each.

Mr. SWANSON. Mr. President, let me see if I understand that. I understand that there is a new secretary provided for at $10,000, and that the salary of one secretary is increased from $7,500 to $10,000, which makes an increase of $12,500. I wish that had been stated half an hour ago.

Mr. WALSH of Massachusetts. Does the Senator from Utah [Mr. SMOOT] agree to that?

Mr. SMOOT. My attention was distracted for a moment. I do not know what the statement was to which the Senator refers.

Mr. FLETCHER. Mr. President, it seems as though we are getting away from "Coolidge economy" already, and making a pretty rapid step here in the first section of the bill.

I am going to ask that the Chair put the question. I do not want the RECORD to show that this is done by unanimous consent.

The VICE PRESIDENT. The amendment offered by the Senator from Wyoming will be stated.

The CHIEF CLERK. In lieu of the committee amendment it is proposed to insert:

Two additional secretaries to the President, $10,000 each.

Mr. FLETCHER. There is another one. Then the committee amendment has been changed?

Mr. WARREN. The committee amendment; yes.

Mr. FLETCHER. And you are going to add two.

The VICE PRESIDENT. This is proposed in lieu of the committee amendment.

Mr. FLETCHER. We have been talking about the provisions of the bill.

Mr. SMOOT. There is no question about the fact that if the amendment is agreed to there is an addition of $20,000.

Mr. FLETCHER. Twenty thousand dollars? We have gone up $10,000 already.

Mr. SMOOT. That is the increase over last year.

Mr. FLETCHER. We started with an increase of $10,000. Now it has gone up to $10,000 more, or $20,000 all together.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wyoming to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. McKELLAR. Let us have a roll call. I ask for the yeas and nays.

Mr. WARREN. Why does the Senator want to delay us?

Mr. McKELLAR. Let us have the yeas and nays.

The VICE PRESIDENT. Is the demand for the yeas and nays seconded?

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 2, line 11, after the words "in all," to strike out "$103,520" and insert "$113,520, of which $10,000 shall be immediately available."

The amendment was agreed to.

The next amendment was, on page 3, line 20, to change the total appropriation for the Executive Office from $458,120 to $468,120.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Efficiency," on page 9, line 8, after the words "in all," to strike out "$223,830" and insert "$227,630," and in line 9, after the word "exceed," to strike out "$217,780" and insert "$221,580," so as to read:

For chief of bureau and other personal services in the District of Columbia; contract stenographic reporting services; contingent expenses, including traveling expenses; supplies, stationery; purchase and exchange of equipment; not to exceed $100 for law books, books of reference, newspapers, and periodicals; and not to exceed $150 for street-car fare; in all $227,630, of which amount not to exceed $221,580 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 9, after line 12, to strike out:

Hereafter the Chief of the Bureau of Efficiency shall certify annually to the Bureau of the Budget, for inclusion in the annual Budget, along with his estimates of appropriations for the ensuing year, a statement of the amount of the savings which he estimates have been effected in the various bureaus and offices of the Government, including the District of Columbia, as a result of the surveys and recommendations made by the Bureau of Efficiency during the previous year; and the Budget shall include a statement, following the estimate for the Bureau of Efficiency, of the reductions or adjustments of appropriations effected or proposed to be made in the appropriations for the respective bureaus or offices as a result of such surveys by the Bureau of Efficiency.

Mr. DILL. Mr. President, just a moment: What is this? What is the purpose of striking out of the bill this language about the Bureau of Efficiency?

Mr. WARREN. It strikes out a paragraph put in by the House, changing the mode in which the Chief of the Bureau of Efficiency reports. The Chief of the Bureau of Efficiency objected to it, and I communicated with the House committee and found that the House committee themselves did not know about its being obnoxious to the Bureau of Efficiency, and hence they seemed willing to have it stricken out.

Mr. SMOOT. I will say to the Senator that with that language in the bill we are going right back to the old Taft Commission. That is what that means. It was passed by the House; and, as the Senator says, when the attention of the

members of the House committee was called to it, they, of course, would not for a minute think of going back to the old Taft Commission.

Mr. DILL. As I read it, this simply proposes that the chief of the bureau shall present an estimate of the appropriations for the ensuing year, and a statement of the amount of the savings which he estimates have been effected in the various bureaus and offices of the Government, including the District of Columbia, as a result of the surveys and recommendations made by the Bureau of Efficiency during the previous year. What has that to do with the Budget?

Mr. SMOOT. It is not the Budget.

Mr. McKELLAR. Mr. President——

Mr. DILL. The Senator says it is going back to the budget of the Taft administration.

Mr. SMOOT. This is the Bureau of Efficiency.

Mr. McKELLAR. If the Senator will yield to me, I think I can tell him what is the trouble. The trouble is that the Bureau of Efficiency is one of those useless bureaus that ought not to exist under this Government. It is a fifth wheel on the wagon. It has no part in the Government. We ought not to let it exist a moment longer. It ought to be stricken out entirely. A certain gentleman has just kept it going for a number of years. In my judgment, the chief of this bureau serves no useful purposes as an employee of the Government; and the bureau ought to be abolished, and ought to have been abolished long ago.

Mr. SMOOT. Mr. President, I want to say to the Senator that the only use of the Bureau of Efficiency is that it saves the Government tens of thousands and hundreds of thousands of dollars a year.

Mr. DILL. Mr. President, if that is the case, wherein is it objectionable to have an estimate of the amount that has been saved and will be saved?

Mr. SMOOT. Those reports are already made.

Mr. DILL. The Senator says the purpose of this bureau is to save money, and here is a provision requiring them to make a statement about it; and the Senator says it goes back to the Taft Commission. That does not mean anything to me.

Mr. WARREN. Mr. President, may I have the Senator's attention for just a moment?

Mr. DILL. I want to know what is wrong with this provision of law that requires them to make these estimates.

Mr. WARREN. I take it that the Senator is seeking to know what it means. The Chief of the Bureau of Efficiency makes these reports; but in going into one of the departments where he believes there are more clerks than they need, or their salaries are disarranged, and so forth, when he is invited to go there to look it over, as it is his duty to do, he makes the reports immediately, and those reports go back to the same place. Where he has exercised his judgment in reporting, it leads sometimes to a provision against his going into that department. In fact, as it is now, the chairman or his representative does not go into any department except where he is invited to go; and the idea of striking that out in the case of those early reports is in the interest of saving money, and making reports that may be of avail.

Mr. SMOOT. May I read just a short statement here? I think it will clear the Senator's mind.

Mr. DILL. All right.

Mr. SMOOT (reading):

> The requirement that we publicly certify to the savings effected by us would be most unfortunate. Our success has been due largely to our going about our work in the various Government establishments quietly, gaining the cooperation of the administrative officials, and with their support installing the improved methods we have developed. The results of our efforts have been reported to Congress—

And the Senator will find, if he desires to look at it, a statement of what is called for here—

> and until this year it has deferred to our wish that the details thereof be not published.

I could stand here and tell the Senator the different departments that have asked the Bureau of Efficiency to come in and reorganize their whole systems. I remember Postmaster General Burleson stated time and time again that the Bureau of Efficiency, after going into the Post Office Department, had recommended methods that saved hundreds of thousands of dollars to the Government of the United States.

Mr. DILL. Mr. President, the letter which the Senator has been reading is not responsive to the language of this amendment.

Mr. SMOOT. We think it is.

Mr. DILL. That letter says they do not want announced ahead of time what they are going to do. This language would require them to report afterwards what they had done. It looks to me as if this is a method on the part of the House of requiring the Bureau of Efficiency to justify their existence. That is what this wording provides, and the Senate committee wants it stricken out. The wording of this provision is very clear. It simply asks for a statement of the amounts saved and how they saved them. That would not require them to tell what they were going to do.

Mr. GLASS. Mr. President, as a member of the committee, I will say that no reason satisfactory to me was ever given why this language should be stricken out. There appeared a statement as to savings inaugurated upon recommendations of the Bureau of Efficiency. It was mere speculation. For instance, we had one item above $60,000 that would be saved provided a particular bureau would accept the suggestions of the Bureau of Efficiency, but we had nobody from the bureau to be affected before us to tell us whether or not that statement was accurate. The probability is that had we brought somebody from that bureau before the committee he would have said they would not save a dollar by those methods. So I say that, for myself, no satisfactory reason was ever given to me why this language should be stricken out.

Mr. DILL. Mr. President, the letter which the Senator read does not meet this situation at all, because the letter is an argument that this language should be stricken out because it would result in announcing ahead of time what they were going to do. This language does not say that at all. This provides:

> Hereafter the Chief of the Bureau of Efficiency shall certify annually to the Bureau of the Budget, for inclusion in the annual Budget, along with his estimates of appropriations for the ensuing year, a statement of the amount of the savings which he estimates have been effected in the various bureaus and offices of the Government, including the District of Columbia, as a result of the surveys and recommendations made by the Bureau of Efficiency during the previous year; and the Budget shall include a statement, following the estimate for the Bureau of Efficiency, of the reductions or adjustments of appropriations effected or proposed to be made in the appropriations for the respective bureaus or offices as a result of such surveys by the Bureau of Efficiency.

I think this language is extremely in point, in view of the statement of the Senator from Tennessee, namely, that the bureau is not serving any purpose.

Mr. GLASS. I want to say, for myself, that I think the bureau has served a tremendously useful purpose; but that does not mean that I agree with every recommendation the bureau makes. This is one it has made with which I do not agree, and with which I did not agree in the committee.

Mr. SMOOT. Mr. President, this letter further reads:

> We have found that our work is considerably hampered by the publication of the savings effected by us, because of the fact that the average Government official feels that a statement indicating a large saving in his office will be interpreted as a criticism of his administration. In fact, it was that very practice of publicly reporting savings followed by the President's Commission on Economy and Efficiency that led to the commission's abolishment; and we are convinced that by the enactment of such a provision as contained in the House bill the doors of many of the establishments wherein we are now accomplishing large savings by our research will be barred against us.

Mr. McKELLAR. Mr. President, I want to say that, in my judgment, this is just one of the absolutely useless bureaus of this Government which ought to be abolished entirely. The Comptroller General's office really does all that this bureau might do for that matter. I understand that Mr. Brown, the head of this bureau, goes around and tells other people what to do. We have no evidence—and never have had any evidence—that they have ever accomplished any good. I have read their reports, and when you read one of their reports you can not find that they have ever saved anything, except theoretically. There is nothing actual about it.

The fact of the matter is just this: That several years ago this bureau was established and year by year we have just continued to appropriate more and more money to keep it going. They have a lot of employees. They have what they call an organization and they are continually adding to it. What they are doing nobody knows, and when they are asked by Congress to tell what they have been doing they are around lobbying to get the language of the House stricken out. That is the truth about the matter and we all know it. If we are going to vote for it, let us vote for it and keep this useless organization going on. There has been a fight over it ever since it was established because it has not done any good. We ought to abolish it instead of appropriating money for it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McKELLAR. I just want to give notice now that when the appropriation for this comes up next year, I propose to have witnesses before the committee, and to take evidence, and see what this commission is doing. I am giving notice of that right now.

Mr. DILL. Mr. President, if the Senator does that, he will embarrass the commission. If it tells anybody what it does, that will be embarrassing. They have gotten the executive-session idea down there. They have it in the Treasury Department, and now they want to carry it into this Efficiency Bureau, and when it is proposed that the light be turned on them, they do not want anybody to know what they have done.

Mr. McKELLAR. I agree with the Senator about that, but we are going to have some facts before any other appropriation is made for this bureau. If they are not willing to come and make a report to the Congress, as provided by the House language, we will see that they make a report when they come before the committee next year.

Mr. GLASS. Mr. President, had this been a matter that involved an appropriation of a million dollars, no head of a bureau could have been more insistent or have clung more tenaciously to the heels of the Appropriation Committee than the director of this Efficiency Bureau upon this mere question of giving information as to what it was doing.

Mr. McKELLAR. I will say to the Senator that it has not been for this year only. It is constantly doing the same thing, and has been doing it for years, simply because the head of that bureau knows there is no reason for the commission over which he presides.

Mr. GLASS. I do not take that position, but there is no reason on the face of the globe why the Congress of the United States should not know what the commission is doing, and there is no reason why any department of this Government, or any bureau of this Government, should not be given an opportunity to combat statements made by this bureau, if they are inaccurate, as I have reason to think some of theirs are.

Mr. WARREN. Mr. President, I will say to the Senator that the report of this bureau is published, and contains every item that was appropriated for last year, and it will be the same as to the next year. But the information is not given out for publication in newspapers. It is reported to Congress regularly, and in the regular way comes to the committee.

Mr. DILL. What is the objection, then, to having it reported every year?

Mr. WARREN. I do not care to discuss the matter further with the Senator. Some of the States were anxious to elect a new President, and now some of them seem to be rather shy about giving him anything to work with hereafter.

Mr. DILL. That has not anything to do with the secrecy surroundings the activities of this bureau.

The next amendment was, on page 10, line 3, to change the total appropriation for the Bureau of Efficiency from $224,330 to $228,130.

The amendment was agreed to.

The next amendment was, under the heading "Civil Service Commission," on page 10, at the end of line 6, to strike out "$669,550" and insert "$672,610," so as to read:

Salaries: For three commissioners and other personal services in the District of Columbia, $672,610.

The amendment was agreed to.

The next amendment was, on page 12, line 11, to change the total appropriation for the Civil Service Commission from $1,223,802 to $1,226,862.

The amendment was agreed to.

The next amendment was, under the heading "Tariff Commission," on page 34, line 14, before the word "together," to strike out "$763,000" and insert "$764,000," and in the same line, after the words "together with," to strike out "$37,000" and insert "$36,000," so as to read:

For salaries and expenses of the United States Tariff Commission, including purchase and exchange of labor-saving devices, the purchase of professional and scientific books, law books, books of reference, gloves and other protective equipment for photostat and other machine operators, payment in advance for subscriptions to newspapers and periodicals, and contract stenographic reporting services without regard to section 3709 of the Revised Statutes (U. S. C. 1309, sec. 5), as authorized under Title VII of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916 (U. S. C. 529–531, secs. 91–106), and under sections 315, 316, 317, and 318 of the act entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes," approved September 21, 1922 (U. S. C. 575–576, secs. 154–158; 578–580, secs. 174–180, 182–190), $764,000, together with $36,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1928, of which amount not to exceed $690,000 may be expended for personal services in the District of Columbia and not to exceed $2,000 for expenses, except membership fees, of attendance at meetings concerned with subjects under investigation by the commission.

The amendment was agreed to.

The next amendment was, on page 35, line 8, to change the total appropriation for the Tariff Commission from $788,000 to $789,000.

The amendment was agreed to.

The next amendment was, on page 47, line 13, to change the total appropriation contained in this act from $541,314,144 to $541,332,004.

The amendment was agreed to.

Mr. DILL. Mr. President, I want to ask the Senator from Wyoming about the appropriation for the Radio Commission, found on page 17. I want to ask how the amount appropriated there, $119,000, was arrived at. I understand that the appropriation is made on the basis of the idea that the commission will be an appellate body, and unless legislation is passed it will be an appellate body; but what I want to know was how the amount of $119,000 was arrived at.

Mr. WARREN. Mr. President, I take it that the House committee was fully advised as to all the facts, because they had full hearings over there, and it was nothing with which the Senate committee had to do.

Mr. SMOOT. Does the Senator want the information as to every item?

Mr. DILL. I just wanted to know if that amount was based on estimates from the commission itself or whether it was an estimate carried over from an old bill.

Mr. SMOOT. It is an estimate made through the Bureau of the Budget. I suppose they got their information from the Radio Commission. I have here the information as to the number of employees, what they are paid, and the amount of the appropriations. Every single item is covered here.

Mr. DILL. If the legislation pending to continue the original jurisdiction of the commission should pass, they would probably need an additional appropriation; but that would come in a deficiency appropriation bill.

Mr. SMOOT. That would come in a deficiency appropriation bill; yes.

Mr. DILL. I was wondering whether this was the amount that had been requested by the commission.

Mr. SMOOT. It is the amount requested by the commission, and not only that, but by the Bureau of the Budget.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WARREN. I suggest the amendment which I send to the desk.

The CHIEF CLERK. On page 3, line 4, after the word "repair," to insert the words "and alteration," and in line 10 to strike out "$116,000" and to insert in lieu thereof "$166,750, which shall be immediately available."

The amendment was agreed to.

Mr. WARREN. Mr. President, I move the adoption of the amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 3, line 10, insert a new paragraph, as follows:

Purchase for the Executive Mansion of an oil portrait of President Coolidge, including frame for same, to be expended as the President may direct, $5,000, to be immediately available.

The amendment was agreed to.

Mr. WARREN. Mr. President, I ask that the clerk be authorized to correct the totals.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BLACK. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 39, line 21, to strike out "$350,000" and substitute in lieu thereof "$300,000."

Mr. BLACK. Mr. President, it may be that the committee will accept the amendment. If it should not, I want to state the purpose of it.

Mr. SMOOT. Mr. President, that is the same proposition that was up before. It affects the attorneys of the Shipping Board. The Senate passed upon that question before.

Mr. McKELLAR. Does the Senator know that during the year the Shipping Board has sold vast numbers of its ships,

or, rather, has transferred them? I do not think there has been much of a sale, because they did not receive any compensation, and I regard compensation as necessary to a sale. They have disposed of a very large number of ships, and it is claimed the organization has been greatly lessened. They say they have discharged a great many employees. Yet we are asked to appropriate the same amount we appropriated last year. It ought to be lessened.

Mr. SACKETT. Can the Senator say how many ships we have sold and how many employees were discharged?

Mr. McKELLAR. I can not say. I was in General Dalton's office the other day and, as I remember, he showed me at least two pages, and perhaps three, containing the names and numbers of ships that had been sold.

Mr. SACKETT. In the last year?

Mr. McKELLAR. As I understood him, in the last year. There were quite a large number of them, as shown on this paper.

Mr. SACKETT. Can the Senator give any idea of the proportion or number that are operated and owned?

Mr. McKELLAR. No; I can not. I just remember seeing the list. In addition to that, I was told that they were discharging employees all the time.

Mr. WARREN. There are a great many ships mentioned as being sold, but very few have been sold. The newspapers have told of bids, but the bids have not been accepted.

Mr. McKELLAR. I know a number of ships were sold to the Dollar Line, a very large number of ships, and to a number of other lines. I happened to be in his office and he showed me the list of the ships that had been sold.

Mr. WARREN. As I understand the Senator from Alabama, he wishes to reduce the amount to $50,000?

Mr. BLACK. Yes.

Mr. WARREN. While I do not know about it, yet I am willing to accept the amendment if the Senator understands that when we get to conference we have to meet the views of the other body in some fashion, either give or take. I remember that last year the Senator differed quite materially from the conference report when it came back and caused a considerable delay. I hope the Senator, if we accept his amendment and do the best in conference, will be ready to accept the conference report.

Mr. BLACK. When the conferees reported last year, there was a tacit understanding that there would be a complete investigation made before the next appropriation bill came up. I sent to the House for the hearings and found there had been no hearings. I sent to the House for the hearings to learn if possible upon what basis they reached the conclusion that the appropriation should remain the same as before. I do not want to delay the bill this year, and should like to have the suggestion of the Senator, if he accepts the amendment, that a fair and, as far as possible, an exhaustive investigation will be made, because I am absolutely satisfied if such an investigation were made the amount would be reduced.

Mr. WARREN. I am ready to accept the amendment.

The amendment was agreed to.

Mr. WHEELER. Mr. President, I send to the desk an amendment which I ask may be read.

The VICE PRESIDENT. The amendment will be read.

The CHIEF CLERK. On page 23, line 3, strike out "$2,834,464" and insert "$2,887,000."

Mr. WARREN. Mr. President, I understand the amendment offered by the Senator from Montana. It is with reference to a matter that came before the committee and did not receive a majority vote, although it was of a nature that is entirely all right to be considered here. It was regularly budgeted and asked for; in fact, the chief justice of the commission has been before the committee. It means about a dozen field inspectors and an increase of about $50,000, so I have no objection.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Montana.

The amendment was agreed to.

Mr. WHEELER. That will necessitate another amendment in line 4.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 23, line 4, strike out "$2,209,464" and insert "$2,250,000."

The amendment was agreed to.

Mr. SHIPSTEAD. Mr. President, I send to the desk an amendment which I ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 39, line 6, insert the following:

No part of the sums appropriated in this act shall be used to maintain the sea service bureau.

Mr. WARREN. Mr. President, I will state my understanding of the proposed amendment. The place where it is indicated to be inserted, on page 39, after the first paragraph, is not the proper place for such an amendment. The amendment refers in no way to that paragraph or to anything on that page. We had no Budget action behind it. No department has asked for it. I think it is subject to a point of order on account of being legislation on an appropriation bill. There is no appropriation in the bill for anything named "sea service." If it were payable at all, it would be from some lump-sum appropriation that is not designated.

Mr. SMOOT. Mr. President, if the Senator from Minnesota wants to abolish the sea service bureau entirely, this is the way to do it. There would be nothing to take its place in any legislation. The Senate has voted upon this question time and time again.

Mr. SHIPSTEAD. And the Senator voted in favor of the amendment twice.

Mr. SMOOT. I do not remember of ever having voted for it.

Mr. SHIPSTEAD. It was agreed to by unanimous consent.

Mr. SMOOT. We may have let it go in by unanimous consent.

Mr. McKELLAR. Mr. President, the Senator from Wyoming said that the sea service bureau is not appropriated for in terms. How are the expenses of it paid if it is not appropriated for?

Mr. SMOOT. It is paid out of a lump-sum appropriation.

Mr. McKELLAR. Of course the amendment would be in order under those circumstances.

Mr. SMOOT. All I want to say to the Senate is what I have said before, that if the amendment is adopted we will have no sea service and no one to render the services which are now rendered by that bureau. The whole service would be demolished. This is not the way to accomplish the Senator's purpose. Of course, if he wants to abolish the bureau he should introduce a bill and have it go through the regular course of procedure and provide that it shall take effect upon a certain date. That is the only way he can possibly do it without bringing untold hardship and perhaps untold loss to the service.

Mr. McKELLAR. What is the service that the bureau performs?

Mr. SMOOT. They select the seamen to furnish our own vessels with men. That is one of the functions they perform. I hope the Senator will not even ask a vote on it.

Mr. SHIPSTEAD. I am very thankful to the Senator for his advice. However, I shall address the Senate upon the subject at length. I would like to have it go over until to-morrow.

Mr. WARREN. Is the Senator ready to let it go to a vote now?

Mr. SHIPSTEAD. I am not sure how many Senators may have the point of view of the Senator from Utah. I hope to convince the Senat r from Utah that he is mistaken.

Mr. SMOOT. The Senator from Utah has given a great deal of attention to the matter. So far as I am personally concerned, I am perfectly willing to do as we did a year ago—let the item go into the bill and let it go to conference. If the House agrees to it, of course, it will stay there.

Mr. SHIPSTEAD. Is the chairman of the committee willing to do that?

Mr. WARREN. The Senator from Utah, who has just spoken, will probably be one of the conferees, and if it meets with his approval I am willing not to press the point of order.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Minnesota.

The amendment was agreed to.

The VICE PRESIDENT. If there are no further amendments to be proposed, the bill, as in Committee of the Whole, will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock and 15 minutes p. m.) took a recess until to-morrow, Friday, February 1, 1929, at 12 o'clock meridian.

CONCILIATION WITH THE KINGDOM OF THE SERBS, CROATS, AND SLOVENES

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of conciliation between the United States and the Kingdom of the Serbs, Croats, and Slovenes, signed at Washington on January 21, 1929.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 23, 1929.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of conciliation between the United States and the Kingdom of the Serbs, Croats, and Slovenes, signed at Washington, January 21, 1929.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, January 23, 1929.

The President of the United States of America and His Majesty the King of the Serbs, Croats and Slovenes, being desirous to strengthen the bonds of amity that bind their two countries together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries:

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of the Serbs, Croats and Slovenes:

Mr. Bojidar Pouritch, Chargé d'Affaires ad interim of the Kingdom of the Serbs, Croats and Slovenes at Washington;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of the Kingdom of the Serbs, Croats and Slovenes, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding Article; and the High Contracting Parties agree not to declare war or begin hostilities during such investigation and before the report is submitted.

ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

ARTICLE III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by His Majesty the King of the Serbs, Croats and Slovenes in accordance with the constitutional laws of that Kingdom.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and French languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the twenty-first day of January in the year of our Lord one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]
BOJIDAR POURITCH [SEAL]

ARBITRATION WITH THE KINGDOM OF THE SERBS, CROATS, AND SLOVENES

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of arbitration between the United States and the Kingdom of the Serbs, Croats, and Slovenes, signed at Washington on January 21, 1929.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 23, 1929.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of arbitration between the United States and the Kingdom of the Serbs, Croats, and Slovenes, signed at Washington January 21, 1929.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, January 23, 1929.

The President of the United States of America and His Majesty the King of the Serbs, Croats and Slovenes.

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective Plenipotentiaries:

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of the Serbs, Croats and Slovenes:

Mr. Bojidar Pouritch, Chargé d'Affaires ad interim of the Kingdom of the Serbs, Croats and Slovenes at Washington;

Who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an ap-

propriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of the Kingdom of the Serbs, Croats and Slovenes in accordance with its constitutional laws.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of the Kingdom of the Serbs, Croats and Slovenes in accordance with the Covenant of the League of Nations.

ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by His Majesty the King of the Serbs, Croats and Slovenes in accordance with the constitutional laws of that Kingdom.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and French languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the twenty-first day of January in the year of our Lord one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]
BOJIDAR POURITCH [SEAL]

CONCILIATION WITH BULGARIA

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of conciliation between the United States and Bulgaria, signed at Washington on January 21, 1929.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 23, 1929.*

THE PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of conciliation between the United States and Bulgaria, signed at Washington January 21, 1929.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, January 23, 1929.

The President of the United States of America and His Majesty the King of the Bulgarians, being desirous to strengthen the bonds of amity that bind their two countries together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their Plenipotentiaries

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of the Bulgarians:

Mr. Simeon Radeff, His Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Bulgaria, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding Article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

ARTICLE III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Bulgaria in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate, and hereunto affixed their seals.

Done at Washington the twenty-first day of January in the year of our Lord one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]
S. RADEFF [SEAL]

ARBITRATION WITH BULGARIA

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to its ratification, I transmit herewith a treaty of arbitration between the United States and Bulgaria, signed at Washington on January 21, 1929.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 23, 1929.*

THE PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratifi-

cation, if his judgment approve thereof, a treaty of arbitration between the United States and Bulgaria, signed at Washington January 21, 1929.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, January 23, 1929.

The President of the United States of America and His Majesty the King of the Bulgarians,

Determined to prevent so far as in their power lies any interruption in the peaceful relations now happily existing between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective Plenipotentiaries

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of the Bulgarians:

Mr. Simeon Radeff, His Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States;

Who, having communicated to each other their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal, if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Bulgaria in accordance with its constitutional laws.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Bulgaria in accordance with the Covenant of the League of Nations.

ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by Bulgaria in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate and hereunto affixed their seals.

Done at Washington the twenty-first day of January in the year of our Lord one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]
S. RADEFF [SEAL]

NOMINATIONS

Executive nominations received by the Senate January 31, 1929

COLLECTOR OF CUSTOMS

Walter J. Wilde, of Milwaukee, Wis., to be collector of customs for customs collection district No. 37, with headquarters at Milwaukee, Wis. (Reappointment.)

JUDGE OF DISTRICT COURT

James J. Lenihan, of Iowa, for appointment as judge of the District Court of the Canal Zone, provided for by the Panama Canal act, approved August 24, 1912, as amended.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

ORDNANCE DEPARTMENT

Capt. Ernest Cleveland Bomar, Coast Artillery Corps (detailed in Ordnance Department), with rank from July 1, 1920.

PROMOTIONS IN THE REGULAR ARMY

VETERINARY CORPS

To be colonels

Lieut. Col. William Adalbert Sproule, Veterinary Corps, from January 27, 1929.

Lieut. Col. Walter Fraser, Veterinary Corps, from January 29, 1929.

UNITED STATES NAVAL RESERVE

Lieut. Ross F. Collins, United States Naval Reserve, to be a lieutenant commander, United States Naval Reserve, to rank next after Julian L. Woodruff.

POSTMASTERS

ALABAMA

James W. Snipes to be postmaster at Florala, Ala., in place of J. W. Snipes. Incumbent's commission expired January 27, 1929.

Elizabeth H. Siddall to be postmaster at Girard, Ala., in place of J. K. Siddall, resigned.

Sister M. Loreta to be postmaster at Holy Trinity, Ala., in place of Sister M. Loreta. Incumbent's commission expired January 27, 1929.

Allen R. Byrd to be postmaster at Luverne, Ala., in place of A. R. Byrd. Incumbent's commission expired March 1, 1927.

Jesse D. Newton to be postmaster at Odenville, Ala., in place of J. D. Newton. Incumbent's commission expired January 27, 1929.

John F. Morton to be postmaster at Tuscaloosa, Ala., in place of J. F. Morton. Incumbent's commission expires February 9, 1929.

Evelyn E. Morgan to be postmaster at Uniontown, Ala., in place of E. E. Morgan. Incumbent's commission expired January 27, 1929.

ARKANSAS

Pearl Knod to be postmaster at Gillham, Ark., in place of Pearl Knod. Incumbent's commission expires February 10, 1929.

Estelle Baynham to be postmaster at Success, Ark., in place of Estelle Baynham. Incumbent's commission expires February 10, 1929.

CALIFORNIA

Wesley A. Hill to be postmaster at Eureka, Calif., in place of W. A. Hill. Incumbent's commission expired March 7, 1928.

Edna M. Sheridan to be postmaster at Monte Rio, Calif., in place of E. M. Sheridan. Incumbent's commission expired December 17, 1928.

William R. Cregar to be postmaster at Oceanside, Calif., in place of W. M. Whitney, removed.

CONNECTICUT

Fred T. Koehler to be postmaster at Windsor Locks, Conn., in place of F. T. Koehler. Incumbent's commission expires February 10, 1929.

GEORGIA

Josie M. Crawford to be postmaster at Dalton, Ga., in place of J. M. Crawford. Incumbent's commission expires February 10, 1929.

IDAHO

Eudora D. Blood to be postmaster at Dover, Idaho, in place of E. D. Blood. Incumbent's commission expires February 9, 1929.

ILLINOIS

Eva B. Perryman to be postmaster at Cowden, Ill., in place of L. H. Perryman, resigned.

Nathan T. Lawrence to be postmaster at Dongola, Ill., in place of J. F. Armentrout. Incumbent's commission expired June 6, 1928.

INDIANA

Fred Rohrer to be postmaster at Berne, Ind., in place of Menno Burkhalter, resigned.

Floyd Coomler to be postmaster at Lagro, Ind., in place of Floyd Coomler. Incumbent's commission expires February 10, 1929.

LOUISIANA

Jason Taylor to be postmaster at Newellton, La., in place of A. B. Netterville. Incumbent's commission expired May 12, 1928.

MINNESOTA

Edwin O. Benthagen to be postmaster at Borup, Minn. Office became presidential July 1, 1928.

Elizabeth C. Bahr to be postmaster at Waconia, Minn., in place of A. J. Philippy, removed.

MISSISSIPPI

James M. Thames to be postmaster at Decatur, Miss., in place of R. F. McMullan, removed.

MISSOURI

Ira E. Knight to be postmaster at Conway, Mo., in place of I. E. Knight. Incumbent's commission expires February 7, 1929.

Bert G. Bottorff to be postmaster at New London, Mo., in place of Henry Dodge, deceased.

NEW MEXICO

George A. Titsworth to be postmaster at Capitan, N. Mex., in place of G. A. Titsworth. Incumbent's commission expires February 10, 1929.

NEW YORK

Bertha Howland to be postmaster at Lisle, N. Y., in place of Bertha Howland. Incumbent's commission expires February 10, 1929.

NORTH CAROLINA

Miles S. Elliott to be postmaster at Edenton, N. C., in place of M. S. Elliott. Incumbent's commission expires February 11, 1929.

A. Irvin Jolley to be postmaster at Mooresboro, N. C., in place of A. H. Greene, resigned.

OKLAHOMA

Jacob B. Sample to be postmaster at Bixby, Okla., in place of A. J. Brown, removed.

Bernard H. Buchanan to be postmaster at Collinsville, Okla., in place of B. H. Buchanan. Incumbent's commission expired January 16, 1928.

Joseph T. Dillard to be postmaster at Waurika, Okla., in place of J. T. Dillard. Incumbent's commission expires February 9, 1929.

PENNSYLVANIA

Jennie S. Curren to be postmaster at Gordon, Pa., in place of J. S. Curren. Incumbent's commission expired December 16, 1928.

David R. Whitehill to be postmaster at Strattanville, Pa., in place of D. R. Whitehill. Incumbent's commission expires February 9, 1929.

Eleanor Niland to be postmaster at West Brownsville, Pa., in place of M. E. Tunney, resigned.

SOUTH CAROLINA

John C. Jones to be postmaster at Allendale, S. C., in place of B. F. Foreman, removed.

Mack M. Stewart to be postmaster at Winnsboro, S. C., in place of M. M. Stewart. Incumbent's commission expired January 9, 1928.

TENNESSEE

Matthew C. Bratten to be postmaster at Liberty, Tenn., in place of M. C. Bratten. Incumbent's commission expired January 6, 1929.

TEXAS

Connie Stewart to be postmaster at New Waverly, Tex., in place of Connie Stewart. Incumbent's commission expired January 24, 1928.

Olive L. Adams to be postmaster at Olden, Tex., in place of Victoria Vermillion, resigned.

Ruth M. Fuqua to be postmaster at Pelly, Tex. Office became presidential January 1, 1929.

VIRGINIA

Charles E. Bevins to be postmaster at Coeburn, Va., in place of C. W. Kilgore, resigned.

James T. Reely to be postmaster at Middletown, Va., in place of B. B. Parker, deceased.

WASHINGTON

James B. Robertson to be postmaster at Kettle Falls, Wash., in place of E. C. Campbell, resigned.

WISCONSIN

George F. Kimball to be postmaster at Janesville, Wis., in place of A. E. Matheson, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 31, 1929

JUDGE OF CIRCUIT COURT

Harrie Brigham Chase to be circuit judge, second circuit.

UNITED STATES ATTORNEY

Wilfred J. Mahon to be United States attorney, northern district of Ohio.

POSTMASTERS

ARIZONA

Ruth L. Diamond, Seligman.

GEORGIA

L'Bertie Rushing, Glennville.
Henry C. Hays, Mansfield.

HAWAII

Frederick W. Carter, Waialua.

KENTUCKY

Katie B. King, Adairville.
Robert H. Middleton, Buffalo.
George W. Van Arsdall, Burgin.
Henry T. Short, Calhoun.
Maud McClure, Eubank.
Virgil A. Matthews, Fordsville.
Egbert V. Taylor, Greensburg.
Elmer Castle, Himlerville.
John A. Wisner, Kingswood.
Allen D. Thomson, Kuttawa.
William Rice, Manchester.
John P. Graham, New Haven.
Mack M. Noel, Outwood.
Cameron F. Dunbar, Russell Springs.
Stace W. Poole, Sebree.
Mabelle Sharp, Sharpsburg.
John E. Perkins, Whitley City.

MARYLAND

Louis H. Wise, Mechanicsville.

MICHIGAN

Harvey W. Raymond, Baraga.
Herbert G. Whitehead, Byron.
Claude B. Hoffmaster, Hopkins.
William J. Newton, Marysville.
Eugene W. Shober, Pentwater.

MISSOURI

Irene Shibley, Gorin.
Lonnie W. Hoover, Princeton.
Ralph W. Day, Summersville.

NEBRASKA

Mamie Mathews, Marsland.
Helen L. Pavlik, Weston.

OREGON

Karl R. Chapman, Reedsport.

PENNSYLVANIA

Grace Baker, Claysburg.
George L. Goodhart, Dayton.

TEXAS

Della Gordon, Arp.
Fay Richardson, Asherton.
Charles P. J. Ledwidge, Beaumont.
Lee M. Feagin, Colmesneil.
Theodore B. Newman, Fairfield.
Lottie H. Rector, McCaulley.
Cletus Dunham, Quitaque.

WISCONSIN

Eugene S. Tradewell, Antigo.
Miles M. Shepard, De Pere.
James J. Stoveken, Pembine.
George F. Fiedler, Seymour.
Magnus Magnusson, Washington Island.

HOUSE OF REPRESENTATIVES

THURSDAY, *January 31, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Father of us all, the great world, which has become so endeared to us and which touches us on every side, is Thy world. Its streams of tendency flow around about the throne of omnipotence. Thy faithfulness is unto all generations, and the old earth has never been false to Thee. We have an ally in every star that shines and in every planet that moves. A sense of reproach is with us and we turn our faces earthward, for disturbance and confusion are from man. Pity us in our weakness and forgive us. Oh, kindle the hidden fires on the altars of our souls and let the heavenly virtues grow in the fullness of their bloom. May the wide sweep of duty be compassed by irresistible resolution and triumphantly borne where wisdom, knowledge, and faith are in full possession. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills and joint resolution of the House of the following titles:

H. R. 6864. An act to authorize the Postmaster General to require steamship companies to carry the mail when tendered;

H. R. 13414. An act to amend section 1396 of the Revised Statutes of the United States relative to the appointment of chaplains in the Navy;

H. R. 13507. An act to amend section 3 of Public Act No. 230 (37 Stat. L. 194); and

H. J. Res. 340. Joint resolution to authorize the Secretary of the Treasury to cooperate with the other relief creditor governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program and to conclude an agreement for the settlement of the indebtedness of Austria to the United States.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 15386. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1513. An act granting travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine insurrection who were discharged in the Philippines;

S. 3002. An act for the relief of Mina Bintliff;

S. 4604. An act for the relief of James L. McCulloch; and

S. 4736. An act for the repeal of the provisions in section 2 of the river and harbor act approved March 3, 1925, for the removal of a dam at Grand Rapids, on the Wabash River, Ill. and Ind.

RIVER AND HARBOR IMPROVEMENTS

Mr. ENGLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of river and harbor improvements.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to extend his remarks in the RECORD on the subject of river and harbor improvements. Is there objection?

There was no objection.

Mr. ENGLAND. Mr. Speaker and Members of the House, in my judgment one of the most, if not the most, important bills now pending on the House Calendar is the rivers and harbors improvement bill, which by all means should be enacted into law before the adjournment of this session of Congress. If farm legislation is not taken up and disposed of at the present session, there no doubt will be an extraordinary session shortly after the adjournment of this session for the purpose of enacting farm legislation.

President-elect Hoover pointed out in his campaign for the Presidency three methods of giving aid to the farmers:

First. The passage of a law providing the necessary machinery for the marketing of farm products;

Second. A revision of the tariff; and

Third. The improvement of the rivers and harbors of the country.

In the event the rivers and harbors bill is not taken up for consideration at the present session of Congress, it should without question be considered as a part of the farm-relief program at the extra session. The President said in his message:

> River and harbor work ordered by the Congress not yet completed will cost about $243,000,000, besides the hundreds of millions to be spent on the Mississippi flood way.
>
> Until we can see our way out of this expense, no further river and harbor legislation should be passed, as expenditures to put it into effect would be four or five years away.

The authorized river and harbor work not completed prior to the act of September 22, 1922, was greater than at the present time, yet this fact did not prevent the Congress from passing the act of 1922, and the authorized rivers and harbors improvements not yet completed prior to the act of January 21, 1927, was greater than at the present time, and this fact did not prevent the passage of the 1927 act.

In the light of this legislative river and harbor history I feel that no good reason can be offered against the passage of the present bill, embracing improvements, the estimated cost of which is only $48,435,415.75.

This is one of the most important river and harbor improvement bills ever before the Congress and its passage should not be delayed. Again, the Government's annual expenditures for highways is approximately $100,000,000, and I am sure I would not want to see this expenditure curtailed, but on the other hand increased.

The annual expenditure for river and harbor improvements to afford better transportation facilities is less than half this amount. The river and harbor work is of such vast importance to the commerce of the country and our national prosperity, the completion of same should be had at the earliest possible time.

I desire also to include as a part of my remarks a speech of Mr. Ernest M. Merrill, an expert engineer and president of the Great Kanawha Valley Improvement Association, delivered January 8, 1929, before the transportation committee of the Charleston Chamber of Commerce, which is as follows:

OPENING THE DOOR

It is always a pleasure to talk about a subject in which one is deeply and enthusiastically interested, and your secretary has assigned me such a subject to-night in asking me to talk to you along the lines of river transportation. I am going to select as the theme for my talk to you the simple act of "opening the door," and I am not just going to give you a peep at the picture I see unfolded, but I am going to give you, as I see it, a good look.

Opening a door presupposes a great many things. For instance, opening the door permits us to let people in and also permits us to let people out. It presupposes that there is an inside and that there is an outside. Our Great Kanawha River is just such a door. Its standardization will let us out and let the other fellow in, and will give us access to the great system of inland waterways now nearing completion and will open our valley to the inflow of commodities from this great system and the territory served by it.

The Great Kanawha Valley Improvement Association is an organization of all the chambers of commerce, several of the service clubs, the three great coal operators' associations, and practically all of the major industrial companies located in or adjacent to the valley. It holds memberships in and is represented among the officers and directors of the three great river improvement associations, namely, the Ohio River Improvement Association, the Mississippi Valley Association, and the National Rivers and Harbors Congress. In addition to furnishing and assisting in any way it can the improvement of the Great Kanawha River and the inland waterways system generally, it tries to live up to the aims of the St. Louis Chamber of Commerce as explained to the Mississippi Valley Association at its last convention in St. Louis. That is, "We aim to please."

This association is the outgrowth of a river committee of the Charleston Chamber of Commerce, appointed by Past President John T. Morgan in 1926. It is, therefore, a child of your organization, and its able and efficient secretary is also your able and efficient secretary. There is 100 per cent cooperation between the two organizations, but the river association performs certain functions which could not be as effectively performed by a chamber of commerce, which is necessarily regarded as a local institution. The association has always enjoyed ample support throughout the valley, although it spends comparatively little money, since the members themselves do the great bulk of the work. In addition to promoting the improvement program and holding representation in the overhead organizations, the association, through its river committee, headed by Mr. George E. Sutherland, represents the navigation interests in all navigation matters, such as bridge permits, channel changes, and river maintenance and operation. This service is always substantial and at times even burdensome. So much for our association.

I want to try first of all to show you through my own eyes what a tremendous thing it is we are opening our doors to when we shall have completed our standard facility on this great Kanawha River. There are two major aspects to this great proposition, namely, the overseas or world aspect and the domestic or home aspect.

I have here a map showing Decatur's projection of the world, with the New York meridian laid down as the center line. You will note the location of New York, New Orleans, San Francisco, Seattle, and Charleston first, and the relation of the Mississippi River, extending from the Canadian borders to the Gulf, and from thence to world markets via its port of entry, New Orleans. You will also note that Valparaiso, Iqueque, and the west coast of South America are all practically due south of New York, while the east coast is practically equidistant from New York and Liverpool, there being a difference of less than a day's sailing time between the American and English ports to Buenos Aires or Montevideo. Again you will note the relation of the Panama Canal and the English canal at Suez. These two canals control the competitive trade routes from Europe and America to the Orient.

Coal, its quality and its cost at the canal, is the controlling factor in the mind of the vessel owner in choosing between these routes. To give our Panama Canal the superlative coals of the great Kanawha Valley at a minimum cost is, therefore, to perform a great national service. Why did Mr. Hoover go to South America? The answer is simple. According to the yearbook of the Department of Commerce for 1926, we find that Latin America is our third largest customer among the world groups, but even more significant than that, we find that while our volume of trade with Argentina, Brazil, Chile, and Peru increased 140 per cent between 1913 and 1926, our trade with France, Germany, Italy, and the United Kingdom only increased 66 per cent. Who wouldn't nurse a customer like that?

To reach this customer via cheap water transportation not only insures to him a lower freight rate and better service but insures to us ever-increasing markets for our national surpluses. Further study of this map will reveal to you just how vital it is and of what tremendous world import that the Mississippi Valley with her mines, mills, factories, and vast agricultural productivity should reach tidewater at New Orleans at a minimum of transportation cost. I will not take your time to develop this world aspect further, but will ask you to turn your attention to this map of the United States.

I want to call your attention first to the relative location of Boston, New York, Charleston, Pittsburgh, Cincinnati, Chicago, St. Louis, Duluth, Kansas City, Omaha, Tulsa, New Orleans, San Francisco, and Seattle.

I have shown in red the broad boundaries of the Mississippi Valley confined on the west by the snow-capped Rockies, on the east by the beautiful low-lying Alleghenies, on the north by the Great Lakes, and on the south by the Gulf of Mexico. God's own garden made and dedicated to the greatest people on earth. Her mountain slopes yield in abundant measure all of the metals known or useful to man. Her valleys and prairies yield every vegetable, fruit, or grain known or useful to man. Her climate is best adapted to man at his best and to his needs. Her people are the sturdy stock of the hardy pioneers of yesterday. She is governed by the greatest system of government the world has ever known. She is capable of maintaining in comfort and luxury a population of 350,000,000 people.

I have shown in blue the great system of inland waterways it is proposed to construct for the comfort and convenience and economic health of this great inland empire. Here is the Mississippi extending from the Twin Cities to New Orleans. Here is the Missouri extending from St. Louis to the Saw Tooth Mountains and flowing six times as many foot-seconds of water 2,500 miles above St. Louis as flows in the Ohio at Pittsburgh. Here is the Illinois River carrying the 9-foot stage into the Great Lakes, and here is the proposed St. Lawrence outlet via the Great Lakes to the Atlantic. The southland has caught the vision and here is the intercoastal canal, a sheltered inland route for river equipment without transfer into ocean-going vessels, from New Orleans to Galveston and Corpus Christi, Tex., and ultimately to the Rio Grande. Or, turning east from New Orleans to Pensacola, Fla., or at Mobile, turning up the Warrior River to Birminghamport, Ala. And last, but not least, our own Ohio with its great tributaries, the Monongahela, the Allegheny, the Muskingum, Great Kanawha, Tennessee, and Cumberland. This system includes 70 projects aggregating 13,394.42 miles already approved and under construction at a cost of $548,399,717, of which all but $96,129,500, the cost of two first-class battleships, is already spent, and it is estimated that the balance will be completed in terms ranging from one to three years. The Ohio will be finished early next spring and ready for traffic. Our own little 95 miles at a cost of perhaps $6,000,000 doesn't look very big beside these figures.

Up here are north and south and east and west lines drawn through Kansas City. In the territory lying north and west of these lines is the great agricultural empire of the Northwest. Take away the agricultural products of this area and annual farm surpluses would disappear and we would be compelled to purchase overseas sufficient food to sustain us. It is from this area that the great wail for farm relief originates.

Isolated and many times more distant from the coast and domestic markets, cheap transportation is the only answer for this great domain. Population is dwindling, farms are being abandoned, distress and discontent are dominant. Cheap river transportation down the Mississippi for export, across the Great Lakes to our own clamoring markets, up the Ohio to the Great Kanawha Valley and the Allegheny and Monongahela; that is the answer, and the leaders of these communities are demanding and urging it.

Up here are the great iron ranges and copper mines of the Lake Superior region. Great areas of this ore can be loaded into river equipment at the head of navigation on the Mississippi as cheaply as it can be loaded on lake equipment at the Lake Superior ports. It can then be floated down the river at a minimum of transportation cost.

Over here we have the great Appalachian coal fields with our own Great Kanawha Valley in the very midst of it and possessing the only coals anywhere in the country peculiarly and exactly adapted to a diversified metallurgical industry.

Our coals and these ores must be brought together to produce iron and steel, the basic products of the age. Our coal can and will be floated down the Ohio to meet these ores and a great new steel center will result, based on a minimum transportation cost of the raw materials plus minimum transportation cost to the ultimate consumer, not only because of a cheap river transportation, but because of its location at the center of population of the entire Nation.

Coal barges from the Kanawha Valley returning filled with the agricultural products of the Missouri. Agricultural barges from the Missouri returning to the Northwest filled with coal from the Great Kanawha. Ore barges from the Mesabi ranges returning to the Twin Cities filled with coal from the Great Kanawha. Coal to the Dakotas, coal via the Illinois to the Great Lakes, coal to St. Louis, coal to New Orleans, Texas, and the Panama. Vast new markets, vast new industries based on cheap coal and cheap raw materials and cheap river transportation. I could continue along this line indefinitely, but again time will not permit.

What assurance then have we that this project will fulfill the vision of its promoters and really perform the service of bulk transportation cheaper and better than the railroads?

First of all, during the past 25 years our transportation via the rails has increased from 114,000,000,000 ton-miles to 444,000,000,000 ton-miles. That is substantially 400 per cent. Saturation point was reached and passed during the World War, and our railroads broke down. Is it safe to assume that the rails can continue to expand sufficiently to care for the ever-increasing needs during the next 25 years? Again, cost of rail transportation has increased almost as rapidly as volume has increased. Twenty-five years ago our coal cost was 65 cents a ton into Cincinnati. To-day it costs us $1.79, or an advance of substantially 300 per cent. It is rail rates and not mine costs which have let the substitutes for coal win away the markets from our valley. A new, cheap system of transport for bulk commodities is the crying need of industry to-day.

Again, Europe has tried out river transportation. Our ever-functioning Department of Commerce has thoroughly investigated the European waterways, and here are one or two of the vital items which they give us: "The network of railways in Belgium is the densest in the world, being 85 miles of railway per 100 square miles, and 14 miles of navigable waterways per 100 square miles." The Mississippi system of waterways when complete will equal about three-tenths of a mile for 100 square miles, or one forty-second as much as Belgium. Mr. Norman F. Titus, of the Commerce Department, says: "A reason for the Belgium waterway development is found in the following: As a typical freight movement on a shipment of 100 kilometers (220 pounds) from Rotterdam to Groninger, a distance of 225 kilometers (140 miles)—

"Express rail, $2.50, delivered in one day.

"Ordinary rail, $1.20, delivered in five or six days.

"Water, $0.30, delivered in three days."

Mr. Titus further reports that "the Department of Commerce files disclose in 1927, on an average movement of 225 miles on the Rhine, the lowest monthly charge on coal was in May, 15 cents a ton, and in December, 29 cents a ton. Obviously similar cheap transportation in the United States would have a tremendous effect upon our industrial and agricultural development."

The distance from Charleston to Cincinnati via the river is 225 miles, and via the rails 211 miles.

Mr. Herbert Hoover, writing in the November, 1928, issue of National Inland Waterways, says, in part:

"True conservation is to get our water at work. There are imperative reasons for it. Before expiration of the years required in major construction, we shall need more food supplies than our present lands will afford. To-day there are many distortions in the agriculture industry due to the unnecessary increases in freight rates from the war, which can be greatly cured by the conversion of our inland waterways into real connected transportation systems. It is demonstrated by actual rates current to-day that we can carry 1,000 bushels of wheat 1,000 miles upon lake and ocean steamers for $20 to $30, on modern river barges for $60 to $70 as against $150 to $200 by rail. There will be urgent demand for more and more hydroelectric power as the sure base of our great interconnected power systems. Our population will increase by 40,000,000 in the next quarter of a century. If we are to preserve the standards of living and increase the comfort of the average family, we must place in use every resource we have; our race with the Malthusean theory can be won by such development."

Speaking at the St. Louis convention of the Mississippi Valley Association in St. Louis last year—1928—Maj. Gen. T. Q. Ashburn, in charge of the Federal Barge Line, the Government-owned and operated barge-line facility operating between the Twin Cities and New Orleans, gave the following résumé of actual and comparative costs in the Federal Barge Line for the first 10 months of 1928. These figures were afterwards referred to and approved by Secretary of War Dwight F. Davis. They stand out because they are actual operating, rather than estimated possible results.

General Ashburn stated that the auditors of the barge line had made a study of the actual cost of transport via lake vessels for the current season and found it to average, on bulk commodities, slightly less than 1 mill per ton-mile as against rail costs on similar movements ranging from 9 mills to 12 mills per ton-mile while the barge line costs on total Mississippi River movement for the first 10 months of 1928 had been three and ninety-two one-hundredths mills per ton-mile. The general stated that as a better balance between up river and down river movement is developed he expects to cut this cost substantially.

Lake vessel tonnage costs from $65 to $80 per cargo ton, railway equipment costs about $200 per ton, and modern, standard steel river equipment costs from $25 to $30 per cargo ton.

I could multiply this data indefinitely, but I think this should be enough to convince you that there is a large fundamental economy in cost as between river and rail transport in favor of the rivers.

I think, before leaving the subject, I should call your attention to a further broad difference between the rails and the river, which is this: Were the Pennsylvania Railway to decide to enter the valley with a branch line of its great system, that would only be one new transportation system, whereas, because the rivers are just highways open to all, the standardization of our river will be the equivalent to the opening up of an indefinite number of transportation systems and the benefits will be proportionately greater.

I would like to take time to tell you of the great political organization which has been built up around this movement, or show you some of the rapidly increasing tonnage figures which are developing even though the system is still incomplete and disjointed, or tell you of actual results obtained by such shippers as Jones & Laughlin or Carnegie Steel Co., but time will not permit. I will content myself with two illustrations only.

The Carnegie Steel Co. operates the Clairton by-product plant at Clairton, on the Monongahela River. Mr. Orchard, the traffic manager of the steel company, told us on the river inspection trip up the Monongahela by the Ohio Valley Association last October that this plant consumes over 30,000 tons of coal a day, all of which comes in by river at a cost of 14 cents per ton, as against a rail rate of $1.18, or a saving of $1.04 per ton on 30,000 tons of coal per day.

The other instance is the steel tows going down the river from Pittsburgh to Memphis, which save the steel companies an average of $100,000 per tow. Jones & Laughlin just started their thirty-eighth tow down the river last week. These tows range from 12,000 to 14,000 tons of finished steel products per tow.

And so opening the Great Kanawha doorway will bring us out and into this magnificent system of inland waterways from which we are now separated by less than 100 miles of shallow water.

Now, let us spend just a moment on the other aspect of the proposition: that is, what we ourselves have to give and to attract industry to us. I could spend longer on this phase than I have the other, but time does not permit.

Our association has taken the position, and successfully sustained it, that of all the territory located alongside or adjacent to the inland waterways system we have more actual and potential tonnage per linear mile to give to the rivers than any other similar area. Major General Jadwin, Chief of the United States Engineers, expressed it as being his opinion, in his report to the Congress of the United States, that the Great Kanawha River would eventually develop as great a river tonnage as the Monongahela, and, gentlemen, the Monongahela actually handled over 25,000,000 tons in 1927, as against the Suez Canal 24,000,000 and the Panama Canal 26,000,000.

With 18,000,000,000 tons of superlative metallurgical coal in the hill, actual production of over 3,000,000 barrels of high-grade petroleum, 6,000,000,000 cubic feet of natural gas per annum, unlimited quantities of salt brine, kaolin, glass sand, virgin timber, and vast undeveloped water power, God has given to us such a valley as exists nowhere else on earth. With our coal, oil, gas, timber, and glass industries already developed and the ever-widening fame of our expanding chemical industry promising immediate and further expansions, General Jadwin has ample grounds for his high opinion of the prospects for future tonnage in our river.

I hope Mr. Puffer will some time tell you of our relation to the great program of national defense and the conclusions reached by two great boards of Federal investigators, one group of whom selected Nitro for the smokeless-powder plant and the other South Charleston for the naval ordnance plant. This valley bids fair to become the national base of military supplies when the next great war comes to us, as it inevitably will.

I desire to also include as a part of my remarks, a resolution passed by the West Virginia Legislature on January 28, 1929, urging rapid completion of the improvement of the Great Kanawha River, which reads as follows:

Engrossed senate joint resolution 10 (by Mr. Hallanan) concerning appropriations for the improvement of the Ohio and Kanawha Rivers

Whereas there is now pending before the National Congress the so-called rivers and harbors act providing for appropriations for important improvements of the Ohio and Great Kanawha Rivers; and

Whereas the appropriation for the Ohio River will bring to completion the lock and dam system, long sought by the western border of this State, and to the tributaries thereto; and

Whereas the proposed improvement to the Great Kanawha River will afford great relief to the coal industry of southern West Virginia, and will contribute another means of transportation to the great chemical plants located in the Kanawha Valley, and will enhance the opportunities for national defense where chemical plants, easily converted in time of war to munition factories, may safely operate on a protected inland stream and still be accessible to the Atlantic seaboard: Therefore, be it,

Resolved by the Senate of West Virginia (the House of Delegates concurring therein), That the Legislature of West Virginia, concurring with proponents of the said act pending before the National Congress, earnestly urges that no time should be lost in the enactment of this measure in order that important work contemplated may be inaugurated at once;

Resolved further, That copies of this resolution be forwarded to the West Virginia delegation in the House of Representatives and in the United States Senate and that they be urged to use their influence to bring forth an early enactment of said measure.

I, M. S. Hodges, clerk of the Senate of West Virginia, do certify that the foregoing resolution was adopted unanimously by the Legislature of West Virginia on January 28, 1929.

M. S. HODGES,
Clerk of the Senate.

SUITS AGAINST DISTRICT OF COLUMBIA—CONFERENCE REPORT

Mr. ZIHLMAN. Mr. Speaker, I present a conference report upon the bill S. 3581, authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia, for printing under the rules.

FIRST DEFICIENCY APPROPRIATION BILL

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. Evidently there is not.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 18]

Anthony	Gasque	Knutson	Robsion, Ky.
Beck, Pa.	Gilbert	Kunz	Sanders, N. Y.
Bohn	Goldsborough	Lozier	Sirovich
Boies	Graham	Lyon	Stedman
Buchanan	Griest	McClintic	Strong, Pa.
Buckbee	Hammer	McLeod	Strother
Cartwright	Harrison	McSweeney	Sumners, Tex.
Collins	Hull, Tenn.	Maas	Swing
Combs	Jacobstein	Monast	Tillman
Connolly, Pa.	Johnson, Okla.	Moore, N. J.	Underwood
Curry	Kent	Morin	Updike
Dickinson, Iowa	Kiess	Murphy	Vincent, Iowa
Doyle	Kindred	Reed, Ark.	White, Kans.
Fulbright	King	Reid, Ill.	Yates

The SPEAKER. Three hundred and seventy Members have answered to their names, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. SNELL. Mr. Speaker, I present House Resolution 303, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 303

Resolved, That the bill (H. R. 15848), an act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes, with Senate amendments thereto, be taken from the Speaker's table, the Senate amendments be dis-

agreed to, a conference be requested with the Senate upon the disagreeing votes of the two Houses, and the managers on the part of the House at said conference be appointed without intervening motion except one motion to recommit.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. Will it be in order to move to recommit this resolution to the Committee on Rules, with instructions to report back instanter with an amendment providing that this deficiency appropriation bill be taken from the Speaker's table, considered by the House in Committee of the Whole House, under the general rules of the House which will give opportunity to consider each of the Senate amendments separate? Before the Speaker answers that inquiry, may I have his indulgence for a few minutes to present some views respecting it?

The SPEAKER. The Chair will be very glad to hear from the gentleman.

Mr. CRISP. Mr. Speaker, I am aware that in years gone by a number of Speakers have held that a motion to recommit a rule providing for an order of business to the Committee on Rules is not in order. I am also aware that my father—and I may be pardoned I am sure in this House for saying that to me he was the greatest Speaker who ever presided over this House [applause]—held that the motion to recommit was not in order. That decision was followed by Mr. Speaker Henderson, Mr. Speaker Cannon, and Mr. Speaker Clark. Mr. Speaker Reed decided otherwise, that a motion to recommit was in order. If the rules of the House were as they were when Mr. Speaker Crisp decided this question, and his decision was the pioneer one upon the subject, I would cheerfully acquiesce, because in construing that decision the Speaker must consider the rules of the House as they existed at that time. The Speaker must consider the conditions as to the procedure in the House which existed at that time.

At that time filibusters were common in the House, dilatory motions were made, merely to delay the House in deciding a question, and the decision of Mr. Speaker Crisp was based solely upon the ground that the motion to recommit was dilatory, his decision being that after the House had voted the previous question on a bill or resolution the House had a right to vote upon it at once, without being delayed, and he stated in that decision that, before the previous question was ordered, it would be undoubtedly in order to move an amendment to the rule so as to change the order of consideration of a bill, but that, after the previous question was ordered, there should be no dilatory motion or delay.

Mr. Speaker, the rules of the House to-day are different. In recent years the rules of the House have been liberalized for the purpose of giving the House a chance to consider matters for itself; to give individual Members greater power. Rule XIII, dealing with a report from the Committee on Rules, has a provision in it now, a mandatory provision, that the Committee on Rules shall not report any rule to the House which denies or takes away the right to make one motion to recommit, and the rule further provides that that motion can be made either before or after the previous question has been ordered. The rule is mandatory. The hands of the Committee on Rules are tied. They can not bring in a rule denying that right. That rule did not exist at the time of the decision of Mr. Speaker Crisp, and to-day it is common practice of this House, after the previous question is ordered on a bill of the greatest importance, say a tariff bill, and it is in order to move to recommit the bill to the Committee on Ways and Means, which action delays the House voting immediately upon it—it is in order to move to recommit an appropriation bill to the Committee on Appropriations, which action delays the immediate consideration of it. The object of that rule is to give the minority the right to express its views on a legislative proposition.

But some may say that this is not a legislative proposition, that it is a rule providing for an order of business, a rule providing for the manner in which legislation shall be considered. The Committee on Rules is the committee that brings in the rule giving the House an opportunity to consider a bill. The minority, in my honest judgment, is entitled to go on record showing the manner and method in which it desires to consider that legislation, because it is very material to the minority to have a right to express its views on certain questions.

Therefore it seems to me that the intent of the rule, that the welfare of the House itself will be best conserved by holding that the motion to recommit a rule providing for an order of business is in order. And, Mr. Speaker, upon what meat does this our Cæsar feed—the Rules Committee—that it is excepted from all the other committees of the House? Why does it occupy a greater privilege than any other committee of the House. If you can move to recommit a bill dealing with legislation to a committee for that committee to change its legislation and bring in legislation in conformity with the will of a majority of the House, clearly logically it is just as much in order to recommit a rule providing for an order of business to the Rules Committee with instructions to bring in a rule providing for a different order of procedure.

Mr. SNELL. Mr. Speaker, may I be heard for a moment? I am very glad our friend from Georgia referred to a decision of his distinguished father. I agree that he was a great Speaker of the House and certainly agree with the basis of the decision he rendered at that time on a proposition similar to the one before us to-day. While the gentleman from Georgia quoted a part of that decision, in my judgment from reading that decision fully there is still another inference to be obtained. The gentleman from Geogria, the former Mr. Speaker Crisp, went further in making the decision than his distinguished son infers. He said the purpose of a special rule was to bring the House to a direct vote on the main proposition, and you were not taking away any privileges of the House, because if a majority of the House was not in favor of the rule they had the right and opportunity to vote down the previous question, so none of the rights of the House were denied to the House by refusing the motion to recommit. That is my position here to-day. If the majority of the House is not in favor of what the Rules Committee proposes, it will vote down the motion for the previous question, and then my friend from Georgia will get the opportunity to amend or instruct as he desires. This exact question has been before the House a great many times.

All the decisions I am able to find run in exactly the same direction and agree and are against the position taken by the gentleman from Georgia. It was followed by Mr. Speaker Cannon, by Mr. Speaker Henderson, and especially by Mr. Speaker Clark; and this decision was after the change in the rules that my friend from Georgia spoke of a moment ago. Yet in my judgment this change has no effect on the proposition before it. At that time of the decision of Mr. Speaker Clark we had practically the same proposition before the House we have to-day, only the tables were turned, as far as politics are concerned. Mr. GILLETT, a Member on the Republican side, offered a motion to recommit a resolution from the Committee on Rules. Mr. Speaker Clark was in the chair. Mr. Fitzgerald, of New York, made a point of order against the motion to recommit. Speaker Clark made a decision sustaining the point of order and cited an opinion of former Speaker Cannon on a similar question. And every decision of recent years has been in support of the contention I am now making, that it is not in order to move to recommit a resolution from the Committee on Rules. And I specially call the Speaker's attention to the fact that this last decision came after the change in the rules, upon which the gentleman from Georgia was laying such stress in this argument here to-day.

And I am further very sure that with this long list of precedents before him, the present distinguished Speaker will have no trouble in advising the gentleman from Georgia that a motion to recommit this resolution is not in order.

Mr. CHINDBLOM. Mr. Speaker, may I make an observation?

The SPEAKER. The Chair will be glad to hear the gentleman.

Mr. CHINDBLOM. The gentleman from Georgia [Mr. CRISP] referred to the present rule, which forbids the Committee on Rules from bringing in a rule which will operate to prevent the motion to recommit. I beg to call the attention of the Chair to the exact language of the rule:

> Nor shall it [the Committee on Rules] report any rule or order which shall operate to prevent a motion to recommit being made as provided in paragraph 4 of Rule XVI.

There is a limitation there—

> as provided in paragraph 4 of Rule XVI.

Now, what does paragraph 4 of Rule XVI provide? It provides as follows:

> After the previous question shall have been ordered on the passage of a bill or joint resolution one motion to recommit shall be in order, and the Speaker shall give preference in recognition for such purpose to a Member who is opposed to the bill or joint resolution.

This is merely a House resolution, not a bill nor a joint resolution; and I contend, if the Speaker please, that the rule does not cover the situation and that the status of the rule is exactly the same now, so far as this question is concerned, as it was

at the time the former distinguished Speaker, Mr. Crisp, rendered his decision.

The SPEAKER. The Chair is prepared to answer the parliamentary inquiry of the gentleman from Georgia [Mr. CRISP], to whom he listened, as he always does, with great respect for his logic and his knowledge of the rules of the House. The Chair, however, is not aware of any decision at any time which controverts the decision originally rendered by Mr. Speaker Crisp and by a number of his illustrious successors.

The gentleman from Georgia has said, and with much persuasiveness, that the situation is not exactly what it was when those decisions were rendered, so far as the present rules of the House go, covering motions to recommit. However, the Chair does not think those changes in the rules, either in their letter or their spirit, have so changed the present rules of the House as to justify him in overruling all those decisions.

Clause 4 of Rule XVI of the House with regard to the full liberty of the motion to recommit is as follows:

> After the previous question shall have been ordered on the passage of a bill or joint resolution one motion to recommit shall be in order, and the Speaker shall give preference in recognition for such purpose to a Member who is opposed to the bill or joint resolution.

The Chair is prepared to concede that in so far as bills or joint resolutions are concerned the question of the motion to recommit is slightly different from what it was at the time those decisions were rendered, particularly the decision of the honored father of the gentleman from Georgia. But the present rules of the House make no change in regard to a House resolution. This is not a joint resolution. It is a House resolution. The Chair thinks it is precisely in the same status as at the time those decisions were rendered. Therefore in response to the parliamentary inquiry of the gentleman from Georgia the Chair thinks that a motion to recommit this resolution is not in order.

Mr. SNELL. Mr. Speaker, I want to make a unanimous-consent request in regard to the time to be consumed in the discussion of the rule. I have had numerous requests for time on this side, and I would like to extend the usual hour. I ask unanimous consent that the time may be extended to three hours, with the understanding that I will yield one-half of that time to the gentleman from North Carolina [Mr. POU] to yield for debate, and at the end of that time the previous question shall be considered as ordered.

Mr. POU. I suggest that the gentleman leave out the previous question.

The SPEAKER. The gentleman from New York asks unanimous consent that the time for general debate be extended to three hours, with the understanding that he will yield one-half of that time to the gentleman from North Carolina [Mr. POU], and he further adds that at the conclusion of the general debate the previous question shall be ordered.

Mr. GARRETT of Tennessee. To that last request I shall object.

The SPEAKER. Objection is made.

Mr. SNELL. Then I withdraw the last portion of my request, Mr. Speaker, with the understanding that I will yield one-half the time to the gentleman from North Carolina.

The SPEAKER. The gentleman from New York asks unanimous consent that the time be extended to three hours, with the understanding that he will yield on-half of that time to the gentleman from North Carolina [Mr. POU]. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York [Mr. SNELL] is recognized.

Mr. SNELL. Mr. Speaker, the present resolution is presented to the House with the distinct purpose of sending to conference the first deficiency bill. The only way you can get a House bill with the disagreeing votes of the two Houses to conference is either by unanimous consent or by a special rule. The gentleman from Indiana [Mr. WOOD] tried the unanimous-consent route the other day, and he was unable to accomplish that purpose. If this rule is adopted as presented, the bill, together with the disagreeing votes of the two Houses, will be sent to conference.

Now, let us see what the actual facts are that confront us and which have brought us to this situation. In order to do so I think we have got to go back a little and get just a little bit of previous history.

When the bill making appropriations for the Treasury Department was being considered in the Senate an amendment was offered to that bill increasing the amount for the enforcement of prohibition to $250,000,000. That amendment was advocated and sponsored by some of the most bitter opponents of prohibition that have ever been on Capitol Hill, and while that amendment was not agreed to in the committee of conference, nevertheless it sowed some seed that evidently took root when they were considering the present deficiency bill. As a result an amendment was offered to that bill to increase the money available for the enforcement of prohibition by $24,000,000.

Now, what are the actual facts in regard to this? What are the facts which Members who want to legislate intelligently and constructively must meet? That amendment, to a large degree, was and is supported by four distinct groups; and we might as well meet this situation just exactly as it is.

There was one group made up of hysterical drys. It was made up of men who, every time the question of prohibition is mentioned, will jump through a hoop and do anything they are told to do by the active representatives of the prohibition movement. There was another group made up of the bitter wets; men who are willing to do anything in their power to make prohibition enforcement a ridiculous farce, and they think they are helping to do that by supporting this amendment. There was still another group who desired to rehabilitate themselves in the minds of their own constituency on account of the position they took in the last election. In order to be regular many of them supported one of the wettest men who has ever run for the office of President of the United States, and for that reason was very obnoxious to these extreme drys. Therefore in order to rehabilitate themselves and reinstate themselves in the good graces of their dry constituents, and to prove how dry they are notwithstanding their support of a wet candidate for President, they are now supporting the amendment providing for more money to enforce the prohibition proposition than has ever been asked for by any department of the Government and for which there is no provision for spending it.

Mr. SCHAFER. Will the gentleman yield?

Mr. SNELL. Not at the present time. There is another group of people who are willing to do anything they can under present conditions to embarrass the new administration, and we find that group very anxious to have this amendment adopted at this time. Now, those are the real facts that are before us as far as this amendment is concerned. I want some one to tell me why we should not approach this proposition of appropriating $24,000,000 in the same spirit that we approach any other appropriation of similar size. If we did that, the first thing we would ask is this: Is it needed? Has it been requested, and does the Budget approve, and does it conform with the financial program of the President? No one has ever considered these things; no one claims they have.

No one claims there has been any request from the Treasury Department, or the people who are responsible for this enforcement, for these additional funds. As a matter of fact, I understand it has been definitely stated that it could not be spent efficiently and that a large amount of it would be wasted if they were forced to spend it under the provisions of this deficiency bill. I have never known this House before to insist that a department of the Government take more money than it requested or said they could spend efficiently in carrying out the provisions of the law.

Mr. GARBER. Will the gentleman yield?

Mr. SNELL. In just a minute. So I ask the Members of this House to approach this proposition with the same common sense and judgment, that we do others of similar size, and do the same in regard to this appropriation that they would do in regard to any other appropriation that has never been asked or a single argument, except a political one, to justify it. I now yield to the gentleman.

Mr. GARBER. The gentleman referred to the provisions under which the appropriation was made. Will the gentleman kindly detail the provisions for the information of the House?

Mr. SNELL. I really do not understand the gentleman's question.

Mr. GARBER. The provisions under which the proposed appropriation of $24,000,000 is made.

Mr. SNELL. Well, the amendment was put on in the Senate, but I do not understand it was requested by any of the people who are responsible for the carrying out of the enforcement of prohibition.

Mr. GARBER. As I understand it, the amendment was amended to conform to the recommendations of the Secretary of the Treasury.

Mr. SNELL. Not at all. There has never been any recommendation from the Secretary of the Treasury, so far as I know, requesting the additional amount that was put on in the Senate under this amendment.

Mr. GREEN. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. GREEN. Is the gentleman advised whether or not the Secretary of the Treasury is in favor of enforcing the prohibition law?

Mr. SNELL. I have never asked the Secretary of the Treasury and he has never advised me, but it is his duty as Secretary of the Treasury to enforce it.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. LaGUARDIA. The gentleman states that it is sought to make the present enforcement a farce. Is it not true that the present condition is a farce and a disgrace?

Mr. SNELL. I would not admit that in its entirety, but I am not entirely satisfied with the enforcement of prohibition at the present time.

Mr. LaGUARDIA. The gentleman stated that nowhere and at no time have additional appropriations been asked for. Is not the gentleman aware of the fact that former Commissioner Haynes, present Commissioner Doran, Assistant Secretary of the Treasury Andrews, and every official who has had charge of the enforcement of the law has repeatedly asked for more funds?

Mr. SNELL. No; the gentleman is not informed of that fact and doubts whether that is true, because they are not asking at the present time for any additional funds.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. GARNER of Texas. Did I understand the gentleman to say that the group which is supporting this amendment is made up of the extreme drys, the fanatical drys, and the extreme wets?

Mr. SNELL. Not all of them. I said a part of them.

Mr. GARNER of Texas. Has the gentleman examined the vote in another body on the adoption of the amendment in that body?

Mr. SNELL. Yes.

Mr. GARNER of Texas. Does the gentleman suggest that the amendment was adopted by the vote of the extreme drys and extreme wets?

Mr. SNELL. I said a part of them were; the hysterical drys. I did not say extreme drys, but I said the hysterical ones are in favor of the proposition.

Mr. CELLER. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. CELLER. I wish to say to the gentleman that I am in favor of the resolution, but I want to ask the gentleman whether he can state how much it is estimated would be required to enforce prohibition?

Mr. SNELL. I have made no estimate and I could not answer the gentleman.

Mr. LaGUARDIA. Does not the gentleman know that Commissioner Doran has stated it would cost $300,000,000?

Mr. WELLER. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. WELLER. In connection with the $24,000,000 amendment which has been explained by the gentleman from New York, may I ask the gentleman if he is prepared to make any statement with reference to the item of $250,000 for an investigating committee, which amendment was put on in the Senate?

Mr. SNELL. The gentleman is not in position to make any statement about that, and the gentleman from New York reserves the balance of his time and yields the floor to the gentleman from North Carolina [Mr. Pou]. [Applause.]

Mr. POU. Mr. Speaker, there is an old saying that there are more ways to kill a dog than choking him to death with butter, and there is a genuine fear entertained by the membership of this House, a certain portion of it at any rate, that there will be no opportunity for a clear-cut vote on the Harris amendment. For this reason we are opposing the adoption of this rule, and we are hoping that the previous question will be voted down so that the rule may be amended and an opportunity afforded for a direct vote on the so-called Harris amendment.

We might as well look the facts in the face, Mr. Speaker. It seems the time is about here when, if there is ever going to be an effort made, a genuine effort, to enforce the so-called Volstead Act, the time is at hand. [Applause.]

It is a matter of common knowledge that almost throughout the length and breadth of the Nation prohibition enforcement is a roaring farce. As I stand here to-day I believe it would be safe to say that in every ward in the city of Washington, in almost every hotel in the city of Washington, I might say in the Capitol itself, the prohibition law is being violated every day by men who would scorn to violate other laws of the Nation.

I have sat in the courts, Mr. Speaker, and seen the criminal mill at work. It was, in almost every instance, the poor, the humble, the helpless, who were captured by the prohibition officers. I saw a poor, poverty-stricken woman with 10 children sent to prison for selling a pint of liquor. I did not see any of the big fellows brought to trial. It seems they are immune, and it is about time that enough money was being put at the disposal of the departments of the Government to go after everybody that is violating this law, rich and poor alike. [Applause.] This is all it is proposed to do. Officials of the Government do not have to use the money.

Why all this hullabaloo about putting money into their hands for enforcing the law? They are not forced to use it. They can use $1,000,000 or $2,000,000 or $3,000,000 or refuse to use any of it. It looks as though somebody wants an alibi for failure to enforce the prohibition law.

Whenever the time comes that the administration of this law is put in the hands of men who at heart are for the law, and whenever the time comes that men of that kind are given sufficient means to enforce the law equally against everybody, rich and poor alike, even against the man who filled his cellar with liquor enough to last him a lifetime when the Volstead law was enacted and has been replenishing it since; whenever the time comes that the law is enforced equally against all, then we may feel that an honest effort has been made to enforce the Volstead law; but there are many who do not believe an honest effort has been made to enforce it up to this time. [Applause.]

Mr. Speaker, I reserve the remainder of my time.

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. Cooper]. [Applause.]

Mr. COOPER of Ohio. Mr. Speaker and gentlemen of the House, I have here an editorial taken from one of the leading Democratic newspapers in the State of Ohio. The president of this organization is Justice John H. Clarke, former Associate Justice of the Supreme Court of the United States, and one of the outstanding men of our country, and I would like to have the Clerk read the editorial.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

TWENTY-FOUR MILLION DOLLAR PROHIBITION FUND

If President Coolidge does his duty, he will veto the $24,000,000 increase in the prohibition-enforcement fund. This $24,000,000 is nothing but a gigantic alibi on Congress's part. Such an amount ought never to be appropriated without definite plans as to how it should be expended. Congress has no such plans and means to set aside this huge sum not from a desire to bring about better enforcement but with the sole object of passing the buck and impressing the country with its earnestness about prohibition, when, as a matter of fact, the majority of Congress does not care whether President Coolidge vetoes the appropriation or not. It is cowardly to shift responsibility to his shoulders, and it has no right to embarrass Mr. Hoover, who, if he is as concientious in this as he is in everything else, will have to let the money lie unused for six months or a year until he can find a way to employ it. Meanwhile he will come in for all sorts of criticism, and the country will not know what to believe. That is not the way the people expect Congress to transact their business.

[Applause.]

Mr. COOPER of Ohio. Mr. Speaker, I believe my position on the question of prohibition and its enforcement is known not only to my colleagues in the House but to the people of the country. I have fought for and supported every measure for the adoption of prohibition and its enforcement during my 14 years of service in Congress, and if I thought the adoption of the amendment providing $24,000,000 in addition to the $13,000,000 already appropriated would benefit prohibition enforcement I would gladly support the same.

I regret I must break on this question with my good friend Doctor McBride, the superintendent of the Anti-Saloon League—and he is my friend.

As one who is deeply interested in the enforcement of prohibition I believe it is my duty to work and cooperate with the Anti-Saloon League and other dry organizations in the enforcement of the eighteenth amendment. On the other hand, however, I have deep convictions on this question, and I shall follow out what my conscience tells is right, and shall support the adoption of the rule to send the report to conference. [Applause.]

I would now like to ask my good friend Doctor McBride why he has changed his mind. Here is what he said a short time ago on this question:

I stated that the larger appropriation can be wisely made under a well-prepared budget by the enforcement department. The Secretary of the Treasury has well said that a survey should be made to see whether larger funds could be used toward more successful enforcement.

This is what Doctor McBride said two or three weeks ago, and now he asks me and the other "dry" Members of this House to support this proposition without these provisions being attached to the amendment.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. SNELL. Mr. Speaker, I yield the gentleman three additional minutes.

Mr. COOPER of Ohio. I noticed these headlines in my home paper of last night, which came to my desk a short time ago:

COOPER battles "drys"; hits $24,000,000 fund. Mr. McBride stated that "It was hard for him to see how any dry, especially a Republican, should *not* vote to give a Republican President adequate funds for law enforcement."

In reply, let me say I stand ready to support President Coolidge and President-elect Hoover in any program they have for the enforcement of prohibition. [Applause.]

Doctor McBride also decried the intimation that politics was the chief incentive behind the drive to force the House to accept the increased appropriation.

Now, Doctor McBride is too good a politician for him to try and fool the Members of this House in saying that there is no politics back of the $24,000,000 amendment. I am not unmindful of the fact that less than three months ago the chief supporters of the $24,000,000 appropriation were going from one end of the country to the other advocating the election of a candidate for President who never has been in favor of prohibition, and while he was Governor of the State of New York for eight years he never was interested in enforcing prohibition.

Mr. CELLER. Will the gentleman yield?

Mr. COOPER of Ohio. Not now. The voters of our country, and especially those in favor of the eighteenth amendment and its enforcement, expressed their confidence in Herbert Hoover in such a way as would indicate that he would handle the prohibition enforcement question in a manner that would bring results along the line of better enforcement.

Mr. SCHAFER. Will the gentleman yield?

Mr. COOPER of Ohio. Not now. I am of the firm opinion that it would be better for Congress to wait until Mr. Hoover becomes President and then get his views as to what he believes to be the best method of carrying out a program for better enforcement of the eighteenth amendment.

I wanted to be understood, however, as saying that if Mr. Hoover requests Congress to grant larger appropriations for enforcement I will whole-heartedly support him in his request.

Never in all my experience in Congress have I known this body to appropriate a large sum of money and force it on an executive department of the Government without their asking for it.

I am going to support the rule. I know that possibly I will come in for some criticism by some of my dry friends, but I am as much in earnest in regard to the prohibition question and the enforcement of the eighteenth amendment to-day as I have been in the past. But I can not support the $24,000,000 appropriation, because my conscience tells me it is wrong for this Congress to dictate to Mr. Hoover what his policy regarding the enforcement of prohibition must be before he becomes President of our country. I have confidence in the ability of Herbert Hoover to enforce the prohibition laws. He will not break faith with the law-abiding citizens on this question. I believe it would be the wise policy to wait until we get his message on enforcement and then give him our loyal and whole-hearted support. [Applause.]

Mr. POU. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, I do not propose to discuss the merits of the proposals that are contained in the Senate amendments at this time; because, if this House shall avail itself of the opportunity, as I hope it will, to vote down the previous question, and then support a proper amendment to the resolution offered by the gentleman from New York, Chairman of the Rules Committee, there will be ample opportunity for discussion of the merits of these proposals. But I do want to get very clearly in the RECORD just precisely what is before us.

It is not alone the Senate amendment dealing with the prohibition question. Lest we forget, let it be remembered that the Senate has put an amendment on the bill touching tax refunds and future administration of that very important service, that I should judge Members of this House would like to consider.

Of course, it can be pointed out that when this deficiency appropriation bill was originally before the House of Representatives I expressed myself briefly, stating very frankly, that I felt a certain degree of embarrassment in being called upon to vote for an amendment withholding money for tax refunds found to be due taxpayers under the law in existence. But in that same connection I stated that if it were possible to create the machinery to assure a more careful review of tax-refund cases, I would be happy to support it.

The Senate amendment upon this subject provides a method of review and I think should be considered.

So the prohibition amendment is not the only important proposition that is involved, and which will be involved, in the matter of the vote on the previous question.

Now let it be gotten clearly in mind—there is no use for us to deceive ourselves or to try in the future to deceive others, if anyone should be disposed to try—the important vote under the parliamentary situation that exists here, however gentlemen may stand on these amendments, is on the previous question on the proposed special order.

Had it been possible under the rules of the House to have adopted the suggestions offered, or which would have been offered by the gentleman from Georgia [Mr. CRISP], it could have been reached in a different way. The Speaker has made a ruling, with which I make no quarrel, which leaves the only parliamentary course to be pursued by those who desire to be absolutely certain of an opportunity to consider these important Senate amendments, that of voting down the previous question on the rule and then we will offer such amendments to the rule as will enable an immediate, direct, and certain consideration by the House of these Senate proposals.

Mr. POU. Mr. Speaker, I yield five minutes to the gentleman from Florida [Mr. GREEN].

Mr. GREEN. Mr. Speaker, I am forced to reflect briefly upon the last presidential election and admonish the Members of the House to keep faith with the American people. Something like 15 per cent of the electoral vote of the last election by some is interpreted as a wet vote, and something like 85 per cent as a dry vote. When the Members of Congress who sit on my left—the Republicans—undertake to throttle the enforcement of prohibition by abiding the dictates of a wet Secretary of the Treasury who aspires to continue to refuse to enforce prohibition, they are refusing to keep faith with the American people.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. GREEN. Not now. I am sorry I have not the time. By the verdict of the people they have called for enforcement. By the unseen powers in the Republican Party, you are saying they shall not have it. The unseen power is your wet Secretary of the Treasury. He is the generalissimo of the wet forces in America and his first lieutenant probably will later prove to be the President elect and his second lieutenant, possibly, is the present President of the United States. My friends, those are the facts. Have you ever heard either of these gentlemen calling for enforcement of the prohibition laws? Where do they stand?

I am glad that the president of the Anti-Saloon League has finally found that he is in the wrong category and has split from the wet Secretary of the Treasury and now demands this $24,000,000 appropriation. I have always supported the president of the Anti-Saloon League and support him now. I am glad he has finally found out the wet-inclined principles of the Mellon-Coolidge-Hoover régime. My friends, the situation is plain, the question of enforcement or refusal thereof is placed on your doorstep. Now, then, will you keep faith with the American people and say in substance to Mr. Mellon, "You have got to make a showing" by honest enforcement against all violators, or will you break faith with the American people and let the bootlegging go wild in the Capital of the United States and other cities, as the gentleman from North Carolina [Mr. POU] has just said?

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. GREEN. Not now. My time is too limited. I am sorry. Which are you going to do, my friends? Will you keep faith and enforce prohibition or will you let the two or three powers in your Republican Party continue to vacillate and refuse to enforce prohibition? I am going to leave it with you. As for me, I am going to vote for the enforcement of the laws of the land in accord with the dictation of the voters of my district. My church people, my Woman's Christian Temperance Union members, and the rank and file of my district stand for law and order, and I shall forever vote their conscience. They are a dry people. They vote dry and they live dry. They are honest and law-abiding, and I am happy to champion and defend the cause of such people and of humanity. I hope those Republican Members, who happen to be dry Members, will rise above the cracking of the whip of the Secretary of the Treasury and vote for prohibition enforcement.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. GREEN. I am sorry I have not the time. It is on your doorstep. Are you going to keep faith with the moral and spiritual forces of America and say that it will be enforced or are you going to let it pass along and thus protect the nullificationist, anarchic, and communistic forces who would

destroy our country? I shall vote against the rule in order that we may have a direct vote on the question and then vote for the amendment. [Applause.]

Mr. SNELL. Mr. Speaker, I yield 15 minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Speaker, ladies, and gentlemen of the House, for the first time since I have been a Member of this body—16 years—it has been necessary to resort to a special rule to send an appropriation bill to conference. This occurs now because the other day gentlemen who are interested in the $24,000,000 prohibition enforcement amendment were not satisfied with the opportunity that they would have had if they had given consent to send the bill to conference, the opportunity they would have had to move to instruct the conferees to accept that amendment, and on that there would have been debate and a roll call. They were not satisfied with that opportunity. That would have made possible a direct vote on this question on the $24,000,000 amendment. We invited that. They did not see fit to accept the opportunity.

What is this $24,000,000 amendment that occasions this extraordinary method of sending an important appropriation bill to conference? I consider it a very short bill. It is of a legislative character, although in an appropriation bill, and reads:

BUREAU OF PROHIBITION

For increasing the enforcement force, $24,000,000, or such part thereof as the President may deem useful, to be allocated by the President, as he may see fit, to the departments or bureaus charged with the enforcement of the national prohibition act, and to remain available until June 30, 1930.

It should have borne four titles. It could well have been termed a bill to eradicate the recent wet splash on the political records of dry Democrats; or, secondly, to restore Bishop Cannon to the good graces of the southern Democracy; or, third, to condemn Secretary Mellon; or, fourth, to repudiate the administration of President Coolidge and embarrass the administration of President-elect Hoover. Those are the four frank purposes of this amendment.

DEMOCRATIC PARTY NEEDS REHABILITATION

We have just gone through a great national campaign that went down closer to the roots of the political feelings of the people of this Nation than any other campaign in 50 years. The results of that election in November were such that a former candidate for governor in Michigan, Mr. Frensdorf, a leader of the Democratic Party in my State, has openly advised the Democratic Party in Michigan to take a vacation for a number of years to come, and the trouble here is that many gentlemen in this House on the Democratic side from Southern States fear that the party down there will invite its leaders to take the vacation for several years to come, and so we have this $24,000,000 appropriation to rehabilitate the Democratic leaders.

I want now to quote a word from a distinguished Democrat, probably the most popular Democrat in the United States, certainly one Democrat who has been elected to office and who has never been defeated. I think he is not only popular, but I think he is one of the best political economists and best political strategists in the party. I refer to Will Rogers. Recently in an article in the Saturday Evening Post, in his letter to Al Smith, he said:

I don't know why it is, Al, but us Democrats just seem to have an uncanny premonition of sizing up a question and guessing wrong on it. It almost makes you think sometimes it is done purposely. You can't make outsiders believe it is not done purposely. For they don't think people could purposely make that many mistakes accidentally. And what makes it funny is we get the first pick.

Further, he says:

If a national question comes up, there is no sensible reason why we shouldn't be on the popular side instead of the right side all the time. Leave our old political leaders in the Senate, where they can't do anybody any good or harm, but hide 'em when a campaign is on; they been making the same speeches since they was weaned. * * * Get Raskob back on those Chevrolets again. He may know what Wall Street is going to do, but none of those guys have got a vote. We don't need a financier; we need a magician.

[Laughter.]

A few days ago he gave some good advice to his party on this present situation:

The Democrats are having a tough time finding somebody to give the $24,000,000 to. Mellon says, "I don't need it." Coolidge says, "Don't leave it on my doorstep." Hoover says, "My charity distributing days are over, don't sic it onto me." What they should do with it is to take $1,500,000 and pay off Raskob, Kenny, and Lehman, get Bishop Cannon a new typewriter, and take the other $22,000,000 and establish an endowment fund to take care of Senators whose political schemes backfired.

[Laughter.]

PROHIBITION THE ISSUE OF 1928

Anybody got any doubts what was the issue in that last campaign? The gentleman from Florida [Mr. GREEN] is still here. He raised some question about it. Let me, for his benefit and others, cite the opinions of some distinguished gentlemen and authorities. From the New York Times, one of the great newspapers of this country and certainly not unfriendly to the Democratic Party in the last campaign, I quote from their editorial Voting on Prohibition in their issue of November 4, the last Sunday before the election:

Seldom in our history has the fate of one nonpartisan political issue been so closely bound up with the results of a national election as this year.

* * * * * * *

Next Tuesday, however, the issue between Smith and Hoover in the matter of prohibition is sharp and clear. Hoover proposes to attempt to correct the abuses of enforcement, but stands for the amendment and the Volstead law unalterably. Smith, pledged to attempt real enforcement of the law for the first time in its history, would amend the amendment and modify the law so as to permit the several States to undo prohibition. It is the first opportunity which Americans opposed to prohibition have ever had to register their opinion and make it felt by the politicians. If this opportunity is not grasped, years may pass before it comes again. All the dry forces are militantly for Hoover. They accept the issue as real.

* * * * * * *

If Smith is elected, liberalism will have a leader in a position of great power, carried into office by so widespread and popular an uprising that the barriers of reform—which Mr. Hughes describes as unscalable even by the people who set them there—will begin to crumble. If Hoover is elected, every antiprohibitionist who votes for him should acquiesce in present conditions without further complaint.

WET LEADERSHIP OF DEMOCRATIC PARTY

That was the issue of the campaign. Who was the leader of the Democratic organization in that campaign? Mr. Raskob was chairman of the Democratic Political Party and he is to-day. He is the official leader of that party. And what does he say about prohibition? Since he got rich selling automobiles by reason of the prosperity that has attended prohibition, his great mission is, as he proclaims it, "Ridding the country of the damnable affliction of prohibition."

That is why the party in Congress is attempting since its complete defeat on that issue and under that leadership to rehabilitate itself by this senseless, profligate appropriation of $24,000,000, with no idea of how it is to be used.

Furthermore, I call attention to what Hon. JOSEPH T. ROBINSON, Democratic candidate for Vice President, said on October 12, as carried in an Associated Press dispatch:

Governor Smith favors—and I am heartily in accord with his views—a change in the Volstead Act which would give a scientific definition of what is an intoxicating beverage. Under this change in the law such States as desire them would be permitted to have very light wines and beer.

Oh, if Bishop Cannon wants to snuggle up to these Democratic leaders he is welcome; if Scott McBride wants to do so, he can do so; but my devotion to prohibition goes back too many years to be led astray by such foolish leadership as now proposes this appropriation, and I will not be alarmed by any fear of misunderstanding of my position. I was acting chairman of the campaign that made dry my home county in 1910. I supported in person and in my newspaper the campaign that gave Michigan state-wide prohibition in 1916. I voted in this House to submit the eighteenth amendment and for the Volstead Act, and since have championed the law to the best of my ability and have observed it personally. I am concerned about results.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. CRAMTON. Not now; I would be very glad to yield to the gentleman if I could yield to anyone in my limited time.

Senator SIMMONS said in his speech at Newbern, N. C., October 12, the same day the candidate for Vice President, Mr. ROBINSON, made the statement I have quoted:

Governor Smith has deliberately made the question of State control of liquor traffic the paramount issue in this campaign. * * *

Whenever the question of prohibition has been heard, the men and women whose souls are wrapped up in that cause, a cause for which they struggled for more than a quarter of a century, and finally wrote into the Constitution, they are told that they are not opposed to Governor Smith because he wants to destroy this great reform, but because of their bigotry and sectarian prejudice.

I defy and spurn the man who attempts to drive them with the party lash, who seeks to deter them upon the grounds of party regularity from the free exercise of their righteous convictions.

Such was the issue, and the people rendered their verdict. They did not say that they voted to put Senator HARRIS, Mr. GARNER, and Mr. BYRNS, and Mr. CRISP, and Major LAGUARDIA in control of the situation; did not vote to give them the leadership.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. CRAMTON. I regret I can not now—but they voted to give the leadership to Herbert Hoover, who takes office as President of the United States on the 4th day of March. [Applause.] He who declared his opposition to the repeal of the eighteenth amendment and his desire to see it succeed.

Mr. GARNER of Texas. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. I regret I can not.

Mr. GARNER of Texas. Just for one question.

Mr. CRAMTON. Since I have referred to the gentleman I will yield to him if he wants to make a correction, but otherwise not.

Mr. GARNER of Texas. The gentleman says Senator SIMMONS voted for this amendment—Senator SIMMONS, now in the Senate.

Mr. CRAMTON. Certainly; Senator SIMMONS wants to rehabilitate the Democratic Party. I want to say again, the design is to take money out of the Treasury to rehabilitate the Democratic Party.

SENATORIAL VOTE ON $24,000,000 AMENDMENT

Now, as to the amendment. What is this thing? It is to increase the prohibition enforcement fund by $24,000,000, to be allocated as the President desires, "to the departments or bureaus charged with the enforcement of the national prohibition act." That was adopted in the Senate with the votes of 13 Republicans, most of them fairly unfriendly to Secretary Mellon, and 39 Democrats and 1 Farmer-Labor. I will put them all in in the extension of my remarks. Against the amendment were 3 Democrats and 29 Republicans, the vote being as follows:

FOR HARRIS AMENDMENT (INCLUDING ANNOUNCEMENT OF ABSENTEES)

Republicans, 13: Brookhart, Capper, Couzens, Dale, Deneen, Frazier, McMaster, Norris, Nye, Pine, Sackett, Schall, and Vandenberg.

Democrats, 39: Ashurst, Barkley, Black, Blease, Bratton, Broussard, Caraway, Copeland, Dill, Edwards, Fletcher, George, Glass, Harris, Harrison, Hawes, Hayden, Heflin, McKellar, Mayfield, Neely, Overman, Pittman, Robinson of Arkansas, Ransdell, Sheppard, Simmons, Smith, Steck, Stephens, Swanson, Thomas of Oklahoma, Trammell, Tydings, Tyson, Wagner, Walsh of Massachusetts, Walsh of Montana, and Wheeler.

Farmer Labor, 1: Shipstead.

AGAINST HARRIS AMENDMENT (INCLUDING ANNOUNCEMENT OF ABSENTEES)

Republicans, 29: Bingham, Blaine, Borah, Burton, Curtis, Edge, Glenn, Fess, Goff, Gould, Hale, Hastings, Johnson, Jones, Keyes, Larrazolo, McNary, Metcalf, Moses, Oddie, Phipps, Reed of Pennsylvania, Shortridge, Smoot, Steiwer, Thomas of Idaho, Warren, Waterman, and Watson.

Democrats, 3: Bruce, Kendrick, and Reed of Missouri.

CURTIS, JONES, BORAH IN OPPOSITION

Among those Republicans opposing this extravagance in the Senate, this ill-considered spending of $24,000,000, were Senator CURTIS—no fairer, truer dry in the country [applause]; Senator JONES, of Washington, who in his last election was fought by the wets because of his dryness——

Mr. SCHAFER. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SCHAFER. It is against the rules of the House, which provide that a gentleman has no right to mention the names of individual Senators.

The SPEAKER pro tempore. Under the rules of the House it is a breach of order to refer to debates or votes on the same subject in the other House.

Mr. CRAMTON. I have not questioned the motives which actuated them. I am just stating the roll call of the Senate, and I hope a statement of that kind is not uncomplimentary to any Senator.

Furthermore, I will mention Senator BORAH, who, when Senator HARRIS, Congressman GARNER, Congressman BYRNS, and all of these other Democrats were parading the country appealing for the election of a wet candidate for President——

Mr. SCHAFER. Mr. Speaker, a point of order.

The SPEAKER pro tempore. What is the gentleman's point of order?

Mr. SCHAFER. I do not think the gentleman from Michigan is complying with the rules of the House in mentioning these various Senators for their attitude in the Senate.

Mr. CRAMTON. I am within the rules, and I object to having my speech constantly interrupted by ill-founded points of order.

The SPEAKER pro tempore. The gentleman from Wisconsin is within his rights when he rises to make a point of order. It will not be taken out of the gentleman's time. The Chair wishes to state that it is a breach of the rules of the House to refer to the votes on the same subject in the other House. The Chair wishes to direct the attention of the Members of this House to the rule on this subject. It is found in the House Rules and Manual, paragraph 364, which reads:

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

In the opinion of the Chair the point of order is well taken. The gentleman from Michigan will proceed in order.

Mr. CRAMTON. Mr. Speaker, the gentleman will be glad to. [Applause.]

I can speak of my friend from Texas [Mr. GARNER] all right. In the last campaign, when the gentleman from Texas [Mr. GARNER] and the gentleman from North Carolina [Mr. POU] and the gentleman from Tennessee [Mr. BYRNS] and the gentleman from Tennessee [Mr. GARRETT] and others that might be mentioned were appealing for the election of this wet candidate, a certain distinguished gentleman well known throughout the Nation, having as great a personal influence as any man in the Nation, whose official position and recent vote I am not permitted to mention under the rules of the House, was the "Plumed Knight" who led the fight for preservation of the eighteenth amendment and its effective enforcement; and he does not favor this $24,000,000 appropriation.

$24,000,000 CAN NOT BE USED IF APPROPRIATED

Now, the ridiculousness of the expenditure of this $24,000,000 appears when you study its language and learn that if you appropriate this money it can not be expended. It contributes nothing to prohibition enforcement. All it does is to transfer the dry leadership from the party that carried the banner for preservation of the eighteenth amendment to the party that sought to destroy it. [Applause.]

The language of the Senate amendment to the deficiency bill relating to a $24,000,000 fund, provides for the allocation of the fund by the President "to the departments or bureaus charged with the enforcement of the national prohibition act."

Under this language no part of the fund could be used by the Civil Service Commission. About 60 per cent of the present force of over 2,000 field officers have been appointed pursuant to the civil service act applicable to the Bureau of Prohibition. The recent examination for agents, which closed November 20, 1928, will not be completed for about a year, according to informal advices from the Civil Service Commission. It is, therefore, impracticable to appoint a large number of additional prohibition agents at this time as it would merely break down the civil-service procedure and place the service where it was prior to the passage of the civil service act. All of the men temporarily appointed would have to be examined and in large part displaced. Such a process would in no way benefit enforcement and would merely cause trouble. Hundreds of cases would be made and later dropped as the men left the service.

Under the provisions of the act of March 3, 1927, creating a Bureau of Customs and a Bureau of Prohibition in the Department of the Treasury, in subparagraph (c) of section 2 the Secretary of the Treasury is prohibited from delegating to the Bureau of Customs any rights or duties in connection with the administration of the national prohibition act, as amended, or any other law relating to the enforcement of the eighteenth amendment.

The Coast Guard is likewise without specific authority to enforce the provisions of the national prohibition act.

It could not be allocated to the Coast Guard, where a study is now being made as to where and how more money could wisely be expended. Until that is done and we enact the necessary legislation authorizing units under the proposed expenditure, the money could not be spent for the Coast Guard, and this amendment grants no such legislative authority.

Furthermore, in the Department of Justice, there is no place to use any great amount of this money unless you also enact

legislation. They may need more judges. The additional judges that were given have appreciably reduced the number of prohibition criminal cases pending in the last year. If more judges are wanted, they could not be secured through this appropriation. Congress must first act on legislation to create the judgeships and many of those bills are now pending in the Senate. The money could be used to employ more assistant district attorneys, but I am to-day advised by the Department of Justice that these appointments, under the law, can only be made on request of the Federal judges and that they have appointed every assistant district attorney that has been requested and they have never been handicapped by lack of money for this purpose.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. MICHENER. I yield to the gentleman five minutes more.

Mr. CRAMTON. These defects emphasize the necessity of proceeding in a constructive manner in determining what the needs of each particular service may be. Any other procedure would inevitably result in a waste of funds and the benefits, by way of actual enforcement, would be very questionable and really negligible.

MELLON'S STATEMENT ON THE $24,000,000

Secretary Mellon in his letter made a statement—and I say that Secretary Mellon has never been hostile to law enforcement, as I have had opportunity to know through personal contact with him in connection with the reorganization of the Prohibition Bureau, and he is honest—if you will read his letter any fair-minded man who is not seeking political results will find that he well points out the unwisdom of appropriating $24,000,000 for which nobody has asked. In his letter of January 21 to Bishop Cannon he said, in part:

As I pointed out in my letter of January 12 to Senator WARREN, prohibition enforcement does not rest solely upon the Bureau of Prohibition, but its success depends largely on the cooperation afforded by the Coast Guard, the Customs Service, and the border patrol, and, what is even of more vital importance, on the possibility of bringing to trial cases prepared by the Prohibition Bureau and ready for trial. What I endeavored to point out in my letter to Senator WARREN is that the Harris amendment makes the additional funds available to the Prohibition Bureau only and restricts the uses by that bureau, with no discretion in the Secretary of the Treasury. There are now 21,000 liquor cases pending in the Federal courts and causing congestion, with no relief in sight.

The Customs Service needs additional guards in the principal ports and the border patrol needs strengthening, while in so far as the Coast Guard is concerned, Admiral Billard is at present undertaking a survey as to the ships needed to replace a number of destroyers whose usefulness has been pretty nearly exhausted, and is prepared to recommend an increase in the commissioned personnel of the Coast Guard. The Harris amendment would not make funds available for any of these purposes, nor could the additional money provided for be used for the educational purposes which you emphasize in your telegram.

Under these circumstances, can it be fairly said that an appropriation of $25,000,000, made with these restrictions, would of itself constitute an intelligent and effective means of promoting prohibition enforcement?

I note that in your telegram you suggest that the restrictions be removed and that $25,000,000 be made available to the Secretary of the Treasury to spend as he sees fit. This, of course, is not the Harris amendment now pending in Congress; and aside from the fact that it would make no provision whatsoever for relieving the congestion in the courts, which to-day constitutes one of the major problems in the field of prohibition enforcement. I want to suggest whether you consider it good practice to place so vast a sum in the hands of a public official with unlimited discretion as to its use? It makes no difference whether that official be the Secretary of the Treasury or some other chief of an executive department of Government, I do not believe that adequate protection of the public interests and the proper safeguards that should always surround the expenditure of public funds can fairly be said to have been provided for if an appropriation of this character is made. Such a program would break down the safeguards of the Budget system, and the effective and proper control which Congress exercises over the expenditure of the public funds. I think that upon second consideration you will realize that this is not a minor question but a fundamental one, and that in the long run, whether in the prohibition field or in any other field of government, infinitely more is lost than gained if for the sake of accomplishing immediately a purpose, no matter how desirable, a fundamental principle of good government and sound practice is violated.

LIQUOR LAWS FAIL IN NONPROHIBITION COUNTRIES

They say the law is not enforced in this country. The liquor traffic does not obey the law in any country at any time, and whatever the form of the law, it is not fully effective. I recently read in an Associated Press dispatch how Ontario is proceeding to limit shipments to our country because they come back to them and go through their bootleg channels. The item reads:

DETROIT, November 22.—It was reported to-day that a decision by W. D. Euler, Canadian Minister of National Revenue, to limit the number of liquor export docks along the Canadian side of the Detroit river will result in closing of 20 docks maintained by small exporters.

Euler's decision, according to the newspaper, followed a conference with Sir Henry Drayton, chairman of the Ontario Liquor Control Board.

The reason ascribed by the newspaper for reducing the number of docks to 10 is that Ontario government officials have found that much of the liquor consigned to Detroit has been finding its way back into bootleg channels in Canadian border cities.

I find in another Associated Press dispatch that Bucharest has discovered that half the population are drinking moonshine liquor:

HALF OF CITY FOUND USING MOONSHINE—BUCHAREST OFFICERS SEIZE WINE MADE OF ANILINE DYE AND SACCHARINE

BUCHAREST, RUMANIA, December 1.—The government has discovered that half the population of this wine-drinking city has been consuming moonshine and other adulterated liquors. An epidemic of acute eye troubles has been traced to the synthetic wines and it has been estimated that the moonshiners have taken in more than $500,000.

Analysis of the fraudulent wine showed that it contained only 1 per cent of grape juice. Aniline dye, saccharine, and low-grade alcohol formed the principal basis of the concoction.

I find in the paper this morning that Yugoslavia intends to take strong measures against alcoholic drinks, even to the extent of arresting those who drink, because of so much excessive drinking in that nonprohibition country, according to another Associated Press dispatch:

PLANS LIMIT ON LIQUOR—YUGOSLAV GOVERNMENT TO BAN EXCESSIVE RUM DRINKING

BELGRADE, YUGOSLAVIA, January 30.—The new government intends to take strong measures against alcoholic drinks. While total prohibition is not contemplated, the government, being appalled at the effects attributed to excessive drinking, has decided to make drunkenness a crime.

Anyone found drunk in a public place will be severely punished, especially if the offender is a civil servant. Certain repressive measures included already in the new penal code will be greatly strengthened.

PROHIBITION HAS PROVEN ITSELF HERE

We lack much of having the enforcement desired in this country, but we are making good progress. Rum row on the Atlantic coast has practically disappeared, the work on the land borders is being better organized, and unlawful diversions of industrial alcohol are being greatly reduced. Those are Federal problems. The States and the cities have their share of the responsibility and can not afford to much longer neglect that responsibility. Better enforcement will bring better results, but even with such enforcement as we have had, Irving Fisher, professor of economics at Yale; Henry Ford; Babson, the great statistician; and other great authorities agree that it has proven itself as a great industrial and social benefactor. This is shown by the fact that deposits in savings banks increased from thirteen billion in 1919 to twenty-six billion in 1926, and the number of such accounts from 29,000,000 to 48,000,000. The number of high-school students increased from 312 per thousand of children of 14 to 17 to 473 per thousand. The life insurance increased from $334 per capita to $543. At the same time the people were using much more generally the necessities and the luxuries of life.

W. C. T. U. AND METHODIST BOARD WILLING TO WAIT FOR HOOVER

Our Democratic friends would have you think that all the dry leadership of the country is clamoring for this amendment. It is only those excitable bishops of Virginia and these excitable Democrats who are insisting on it.

As a matter of fact, the people I most admire are those devoted prohibition advocates, those sainted women who for years have battled against overwhelming odds to outlaw the saloon and who in this last campaign contributed so much to the splendid result. I refer to the Women's Christian Temperance Union. [Applause.] Those women are not concerned about politics. They have no fences to mend, but they are keeping their heads and they are not asking for this $24,000,000. They trust Hoover and are willing to wait a few weeks for him. The gentleman from New York [Mr. DAVENPORT] was interested to know their attitude, no statement having come from them, and so he wired to Mrs. Ella A. Boole, president of the Women's Christian Temperance Union, asking her position, and she sends

this telegram in reply, which I have secured his permission to read to you:

The National Woman's Christian Temperance Union has taken no stand in the present confused situation about the $24,000,000 deficiency appropriation.

Listen!

Because we are confident the new administration, after careful study, will have its own plans and will present its own needs for money.

[Applause.]

And let me say to any drys that if they will just follow Herbert Hoover's leadership they will have a dry record upon which they can go into any dry district of this country. [Applause.]

That is not all. I sought an opinion from the Board of Temperance, Prohibition, and Public Morals of the Methodist Episcopal Church, nothing having been volunteered by that board, and Doctor Wilson in reply expressed also their desire not to add to the existing controversy or become a party to it. He did say, however:

We take it for granted that the appropriation will not be effectuated either because of disagreement between the two Houses or because of presidential veto, and we trust that as soon as possible Congress can enact well-conceived legislation allocating necessary funds to the various departments on the basis of a thorough understanding of the needs. We take it that such appropriation must necessarily include consideration of a possible enlargement of the judicial establishment of the United States Government.

The complete letter and extract from Doctor Wilson follow:

BOARD OF TEMPERANCE, PROHIBITION, AND PUBLIC MORALS OF THE METHODIST EPISCOPAL CHURCH,
Washington, D. C., January 29, 1929.

Hon. LOUIS C. CRAMTON,
House of Representatives, Washington, D. C.

DEAR MR. CRAMTON: In reply to your inquiry by telephone will say that the inclosed short comment on the proposal to appropriate twenty-four or twenty-five million dollars for the purpose of prohibition enforcement appeared in the Clip Sheet of January 21. At that time, however, the proposal was to make this available to the Prohibition Unit only, and what we said under those circumstances would not now apply.

It is our judgment that any statement by us at this time would necessarily be subject to such misrepresentation as to be injurious to the board and to the cause. We would like, therefore, to refrain from participating in the discussion.

We take it for granted that the appropriation will not be effectuated either because of disagreement between the two Houses or because of presidential veto, and we trust that as soon as possible Congress can enact well-conceived legislation allocating necessary funds to the various departments on the basis of a thorough understanding of the needs. We take it that such appropriation must necessarily include consideration of a possible enlargement of the judicial establishment of the United States Government.

With best wishes.

Sincerely yours,

CLARENCE TRUE WILSON,
General Secretary.

TWENTY-FIVE MILLION DOLLARS

The suggestion that the appropriation made available to the Prohibition Unit be increased by $25,000,000 is an evidence of a sincere determination on the part of Congress that the law be enforced.

We do not believe that $25,000,000 can be wisely used by the Prohibition Unit at the present time. If and when measures are taken to relieve congestion in the Federal courts, substantial additional sums might be used to the advantage of the country.

However, there is no doubt that the funds appropriated for prohibition enforcement are insufficient. Several million dollars, at least, could be used in educational and investigation activities.

Evidently the whole field of law enforcement should be thoroughly studied and a conclusion should be reached with regard to the necessities of the Department of Justice, the Coast Guard, and the Prohibition Unit. Whatever appropriations are necessary for effective coordinated effort should eventually be made and no doubt will be made. Those sums, however, should cover only the legitimate activities of the Federal Government. The insincere proposal of Senator BRUCE to appropriate $300,000,000 for the enforcement of the prohibition law by the Federal Government was simply a publicity "stunt" in keeping with the fanatical record of that retiring Senator. (Extract from Clip Sheet.)

Not all the dry leadership has gone to rocking the boat. Why should it when for the first time a President has been elected on the platform of preserving and making effective the eighteenth amendment, and in a few weeks he will be inaugurated?

ILL-ADVISED APPROPRIATION WOULD BE DISASTROUS TO DRY CAUSE

The superintendent of the Anti-Saloon League in my State has telegraphed me to support this $24,000,000. I will not admit that he has any better knowledge of the situation here than I have. I will not yield to him in my devotion to this cause. In my sober judgment, the appropriation of this $24,000,000, which no official of the Government has asked for and with no program here for its expenditure, would be a setback to the dry cause that would be disastrous on the eve of the dry administration of Herbert Hoover. So I hope that every dry, and I hope that every man who has any idea of good business administration of the Government will support the demand to send this bill to conference without tying the hands of the conferees. [Applause.]

Mr. POU. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. LAGUARDIA]. [Applause.]

Mr. LAGUARDIA. Mr. Speaker, this is an opportunity I have long sought. Now is the time for every man to declare himself on the question of prohibition.

Gentlemen, the last election is over. This question of Raskob and Al Smith is only a red herring which the demoralized drys are now drawing across the path.

Why, the great leader of the prohibition forces in the House of Representatives, the distinguished gentleman from Michigan [Mr. CRAMTON], talks about prohibition in Yugoslavia, in Rumania, and in Ontario, but not one word does he say about the disgraceful conditions in the State of Michigan.

The question here is not on the rule. The question here is not on instructing the conferees. The question now is to demonstrate that prohibition is impossible of enforcement. Whether you appropriate $24,000,000 to-day or not, you will have to do it eventually, and, as I have stated on the floor of the House so many times in the last 10 years, it will cost you $200,000,000 and $300,000,000 a year before you can convince "those honest and sincere women of the Woman's Christian Temperance Union," referred to so solicitously by the gentleman from Michigan [Mr. CRAMTON], that the so-called prohibition leaders and Anti-Saloon League are faking and to whom they are making misrepresentations as to its success, that prohibition enforcement has completely broken down. It is necessary to have additional funds to prove to some who are not yet convinced that prohibition simply can not be enforced.

I believe the only cure for prohibition is prohibition. We have to apply a homeopathic treatment. Will any of the drys stand up to-day and say that we have enforcement? Do you want to countenance the present disgraceful condition?

I admit that my purpose in voting for this appropriation may be different from that of the dry Members of the House. I vote for it because I have taken the stand and the attitude that we must convince the American people that prohibition is a failure, and the only way to do it is by attempting to enforce it.

Do you not see how the drys are being demoralized? Do you not see how we have broken their ranks? Do you believe for a moment that the Anti-Saloon League wants to see this money appropriated? Not at all; McBride did not come out for this appropriation until he was sure that CRAMTON and COOPER and the rest of the dry leaders here had enough votes to vote it down. So McBride will go to one-half the people and say, "Why, we were for it," and the dry leaders will go to the other half and say that they were against it. They are playing the old Anti-Saloon League game.

Why, it was stated we should not embarrass the President elect. It was stated this was intended to embarrass him? Are you afraid to trust Herbert Hoover with $24,000,000? I am not. I have confidence in the honesty and the ability of Herbert Hoover and I am not afraid to trust him with this $24,000,000, and I know that Herbert Hoover is big enough that when we give him this money, after he will have tried this "noble experiment," he will come back to the Congress and say, "I can not enforce this law; the law can not be enforced, and the next best thing to do is to deal with it constructively and bring about the necessary modification that will make the law possible of enforcement." [Applause.]

The situation to-day marks a turning point in the history of prohibition. It is a condition that many of us who realize that prohibition as a national proposition was not feasible and was not enforceable anticipated. We opposed it from the first day of its enactment. It can not be said, however, that we opposed it by refusing appropriations or hampering its enforcement. For 10 years I have constantly advised my colleagues that the law was not being enforced. I have repeatedly brought to the attention of Congress case after case, instance after instance of official graft and corruption. I have exposed here on the floor of the House wholesale violations running into millions of dollars. I have brought here facts and figures showing a

universal and general disregard of the law. To-day the proposition is: Are the drys, the supporters of prohibition, the champions of prohibition, ready to admit defeat or are they ready to have or to take one more chance and see what they can do? Oh, gentlemen, you will remember the early days of prohibition up to only a very few months ago, the dry leaders of this House taking the floor and demanding enforcement, asking for appropriations to carry out the mandate of the prohibition law.

You can still remember the applause which followed every statement asking for enforcement. I pointed out so many times, and I repeat at the risk of becoming tiresome, that there is no attempt made by the Federal Government to enforce prohibition in many of the States of the Union. Of the 500 largest cities in the United States, 480 of them have never seen a single, solitary prohibition agent. If this is a national law, it is a law for all of the United States, and not only a law for the city of New York, the city of Chicago, the city of St. Louis, or the city of Philadelphia. It can not be said after 10 years of trial that the department does not know how to spend the increased appropriations. The testimony of General Andrews, Assistant Secretary of the Treasury, still a matter of record, the recent testimony of Doctor Doran, Commissioner of Prohibition, indicate that the present appropriations are insufficient, and not even enough to permit them to scratch the surface.

The drys to-day are demoralized and routed; they are divided. It is the first big defeat that they have encountered; but, gentlemen, they have not yet surrendered. We must go through this costly process of appropriating additional $24,000,000, and next year perhaps $50,000,000 more. The present cost of prohibition is in the neighborhood of $50,000,000 or $60,000,000. It will soon be, no matter what we do to-day, $100,000,000 and $150,000,000 a year. To commence to patrol the Canadian border, the Mexican border, and the semblance of a Coast Guard along the Atlantic and Pacific Oceans will run the appropriations to $300,000,000. The dry Congressmen know that, the professional drys know that; but there are a great many people in this country—sincere drys—who are being deceived, who are being told that prohibition is a success, who are being told that the law is being enforced—these good people are not yet convinced. Costly as it may be, we must appropriate additional funds. Let the professional drys, let the dry Congressmen, try anything that they will, employ as large a force as they desire, and the conditions will be just as rotten then as they are to-day. There is not a State, a city, county, or village in which liquor is not sold. The consumption is so great that a conservative estimate fixes an amount of $1,000,000 a day which passes hands in the shape of corruption and graft to Federal, State, and municipal officials. Such a condition is intolerable. Such a state of affairs is disgraceful and demoralizing to established government.

What is the position of the drys to-day? If they should take these funds, the responsibility is upon them in making good or admitting that prohibition is a failure. If they refuse the additional funds, they countenance the existing condition, which stands as a living example and the positive proof that prohibition is a failure. It is either admitting failure to-day or admitting failure to-morrow. Naturally a good many drys run to cover. Their only stock in trade is at stake. If they can delay the day, their political power is extended just so long. They will vote down this appropriation, then return to their home towns and talk about terrible wet New York and talk about only the aliens violating the law, and continue to tell their constituents what a success prohibition is. Given the additional appropriation, responsibility of enforcing the law rests upon them, and I again repeat they must make good or admit failure. I care not whether this additional fund was injected into the bill for political reasons or not. It goes to show the danger of prohibition, its enormous cost, how it will disarrange all budgetary arrangements, how it will make further reduction of taxes impossible, how it will impose unheard of burden on the shoulders of the taxpayers, how it will disrupt organized government. Naturally, the drys are in confusion to-day, and it would behoove the wets to keep the drys agoing, to keep their ranks broken, to press hard now that we have them on the run. Unfortunately, the wets are divided. Naturally, every Member has the right to vote according to his best judgment. I can not see, however, how any wet desirous of bringing about a change by proper legislative or constitutional channels can fail to avail himself of this opportunity. It is true that by voting for these appropriations a Member from a wet district might be misunderstood. It is true that the full meaning and importance of this appropriation may not be generally understood. Every statesman must take the risk of being misunderstood temporarily in the course of bringing about reforms and changes which he seeks. I know that people will come into my district and misrepresent my attitude. They did that last year, but my constituents are too intelligent to be misled by any misstatement or by deliberate lies, whether the speaker is drunk or sober when he makes those statements. I am not afraid of facing the situation. I am sent here to bring about a modification of prohibition, and I may properly use every technical, parliamentary, legislative, and lawful means available to bring about that change.

The people that I represent want law reform, not law violations. So the wets to-day have this opportunity presented to themselves. As we divide, we take that course which will hereafter classify us in this great fight. By voting for this appropriation, we act as statesmen bent upon bringing about a change in the existing intolerable conditions. By voting against it, one is willing to be classified as a congressional gigolo willing to dance at the snap of a bootlegger's fingers. [Laughter.]

There is a difference in being a wet seeking to bring about a modification of prohibition, and simply being a wet willing to make things easier for the unlawful sale and consumption of poison alcohol.

The letter from the Secretary of the Treasury either to Senator WARREN or to the gentleman from Kansas [Mr. ANTHONY, the chairman of the Committee on Appropriations of the House] was anything but convincing. If after 10 years he does not know how to use additional funds, then he should come out and say frankly that prohibition is a failure, and as part of the administration ask the President of the United States to inform Congress of the entire breakdown of prohibition, the impossibility of its enforcement, and for legislative action to remedy the existing condition by bringing about a safe and sane policy of liquor control which will permit the sale of wines and beer and stop the present wholesale consumption of hard liquor and poison alcohol. If he is not willing to take that stand at the present time, then, as I pointed out in my remarks of January 23, 1929, he can use every penny of the additional $24,000,000 in an attempt to enforce the law, or he can use $3,000,000 of this appropriation right in the city of Washington without in the slightest creating inconvenience to "official" Washington. He can use several million dollars in the city of Detroit, whose Representatives in Congress, known as dry leaders, to-day are opposing this appropriation. He can use several million dollars in denaturing plants and supervision of permittees using poison alcohol and prevent hundreds of thousands of gallons—yes, millions of gallons—of poison alcohol being diverted into beverages.

As a wet who is convinced that the present prohibition law is a failure, I shall vote for this appropriation in the course of trying out this so-called experiment and convincing the American people that, regardless of the millions of dollars that are being spent, it can not be enforced, and that a modification of the law is not only necessary but inevitable. [Applause.]

Mr. MICHENER. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Speaker, it has not been necessary for me to consult with Doctor McBride, or the Women's Christian Temperance Union, or Doctor Wilson and his board of Methodist "moralists," or with anybody else as to how I should vote. I could not very well consult with any bootlegger because all the bootleggers are in the Republican Party. They constitute the nucleus of the Republican organization in my city of New York. Every bootlegger voted for Herbert Hoover. [Laughter and applause.]

The chairman of the Rules Committee, of which I am a member, has said that there are four classes of people who favor this amendment. He said the first class is composed of the hysterical "drys." If I am hysterical at all I certainly am not aridly so. [Laughter.] I think he meant the Members who are afraid of Doctor McBride—I do not know what kind of a "doctor" he is, but he certainly has a lot of sick patients on his hands to-day. [Laughter.] Then the distinguished chairman said the second class are the bitter wets, who tried the other day to adopt the amendment for $250,000,000 more to enforce prohibition. As you all know, I have been somewhat opposed to prohibition. I voted and spoke against that $250,000,000 appropriation, as I am going to vote to-day for the rule and against this $24,000,000 appropriation. [Applause.]

The gentleman from New York [Mr. SNELL] said the third class was composed of Members who wanted to rehabilitate themselves in their districts. That can not possibly include me.

Then he said the fourth class were those who wanted to embarrass the new President. I can assure him I would not do that. The leaders of my party have no intentions of doing so. We wish him success and hope he brings to this Government the best administration—and God knows we need it—that the country has ever had. [Applause.]

Now, there is a certain atmosphere here in which men are struggling between fear and doubt—fear of the lash, fear of this McBride, who, in Collier's of last week, said to Herbert Hoover: "If you do not do as we tell you to do, four years from now you are going to be greatly embarrased"; a common, vulgar person threatening the head of the Government of the United States!

My position now is and always has been that I do not believe the American people want this law enforced. I do not know of a solitary individual who wants it enforced against himself or his friends. I do not believe that any amount of money will enforce it. I want Members of the Eightieth Congress to read the debates in the Seventieth Congress, and they will, I am sure, look back and say, "How could they ever think of it?" Because I am confident that in the Eightieth Congress not a single dollar will be appropriated to enforce the prohibition law. I am sure that is the way this law is going to be "repealed" and "modified."

There is much talk of figures. Somebody has said here to-day that only 15 per cent of the people of this country are wet. Let me say that no law passed by this legislative body or any other legislature can be enforced if 15 per cent of the people are opposed to it—or even 10 per cent. Assume you have ten or fifteen million people—I think the more exact figures will be fifty or sixty million people—but let us assume there are only 10,000,000 people opposed to it. You can not enforce it, because there must be something fundamentally wrong with any law when any considerable number of people are opposed to it. You do not have that trouble with any other laws. You do not have to appropriate $35,000,000 to enforce any other law. I would not vote for $24,000,000 to enforce any law, no matter what it provided, because I know that the mere fact that you require that much money to enforce it is proof positive that your law is fundamentally wrong and not consonant with the wishes of the American people. [Applause.]

Mr. POU. Mr. Speaker, I yield 10 minutes to the gentleman from North Carolina [Mr. DOUGHTON].

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and in that connection I also ask unanimous consent to incorporate as a part of my remarks a telegram from Judge Johnson J. Hays, of the middle district of North Carolina, bearing on this question.

The SPEAKER pro tempore (Mr. RAMSEYER). The gentleman from North Carolina asks unanimous consent to revise and extend his remarks and in that connection incorporate a telegram. Is there objection?

There was no objection.

Mr. DOUGHTON. Mr. Speaker and gentlemen of the House, no question now before the American people is of greater importance than that of prohibition. It affects the moral, social, and industrial life of the Nation to a greater degree perhaps than any other subject.

In the recent national campaign, while both parties endeavored to prevent the prohibition issue being made paramount, yet it was perhaps more widely discussed and had a greater bearing upon the result than any other one issue.

The subject under consideration to-day is whether or not the Congress will take a forward step toward better enforcement of this much-discussed law—whether or not it will provide additional funds for its effective enforcement. While there are honest differences of opinion as to the success or failure of the prohibition law, every fair-minded person must admit that up to the present time it has never had a fair trial. Those who have opposed the law from its inception—and I do not question their honesty—stoutly maintain that the law can not be enforced and that it is a loss of effort and waste of money to make further attempts in the direction of enforcement. But in my judgment a great majority of the American people believe in the law. They believe with partial enforcement it has accomplished much good, and with better enforcement the benefits of the law will be much greater and more fully realized.

If the law is ever to succeed and its ordained purpose to be accomplished, violators of the law must be apprehended, tried, and punished. Probable apprehension, speedy trial, and severe punishment must stare violators in the face before the law will ever succeed and accomplish the results for which it was enacted.

It is the duty of Congress to provide adequate funds whereby those who willfully and persistently violate this law can and will be apprehended. It is then the duty of the executive department of the Government to carry out the will of Congress, and in so far as it is humanly possible and reasonable bring the violators into court, and if this is done I am certain within a very short time the merits of the law will be fully established and its purpose and intention vindicated.

If the Congress provides the machinery by placing at the disposal of the Treasury Department the necessary funds for the effective enforcement of the law, I have no doubt whatever but that the judicial arm of the Government—the Federal courts—will administer sufficient punishment to make the law the same success and give it the same dignity and standing as other laws.

In the State of North Carolina, which I have the honor in part to represent, the alibi of those in charge of enforcement, and I believe it is a just one, is that the force is not sufficient to cope with those who violate the law. With 100 counties in our State there are only about 30 men employed to enforce the prohibition law. Everyone knows who is at all familiar with the subject that this force can not, no matter how diligently and honestly it strives to do so, bring to the bar of justice any considerable number of those who make it a business and earn their livelihood by the illicit manufacture of and traffic in intoxicating liquors. Certainly not fewer than two men on the average to each county can make any reasonable progress whatever toward the enforcement of the law, as the Government enforcement officers have to contend with a highly organized, intelligent, and well-financed group of offenders.

It is frequently charged by those who oppose prohibition that further appropriations should not be made for the reason that those employed in the enforcement of this law are unfaithful, dishonest, and do not seriously attempt to enforce the law. In other words, that they accept bribes and close their eyes to the flagrant violations.

My knowledge of those who are engaged in the very difficult work of apprehending and bringing to trial the professional moonshiners and bootleggers is that this wholesale denunciation and criticism is unwarranted. They certainly have a very difficult position to fill, and in my State, I believe, as a whole they are as faithful and honest as other enforcement officers.

If the executive department of the Government will strengthen its force, capture those who are violating the prohibition law, the courts in our State will adequately punish the guilty. When this is done the violations will not be so frequent, and fewer men will take the risk of engaging in the business.

Judge Johnson J. Hayes, of the middle district of North Carolina, a very able and upright judge, has wired Senator OVERMAN urging that this amendment be adopted and that the appropriation of $24,000,000 be made. Judge Hayes was for a considerable time solicitor in the State of North Carolina, and it was his duty to prosecute all those who were charged with criminal offenses. In the prosecution of the State docket he became acquainted with the violators of our State prohibition law, and is perhaps as familiar with the prohibition subject in all its relations and aspects as any man in the United States, and he maintains the one great need is larger appropriations and more men with which to run down and bring to justice those who are professional violators of the national prohibition law.

Judge Hayes's telegram to Senator OVERMAN:

> Trust you will use your influence to secure passage of the Harris prohibition appropriation. This amount should treble the present number of agents. In my opinion, this is wise legislation and will meet the necessities in rural communities such as our district.

Those who oppose this amendment do so under the pretense that the money can not be successfully and effectively used until greater knowledge is gained of the real situation. However, if they have not within the past eight years become familiar with the true situation, they certainly never will do so. There are many who believe prohibition will not be enforced successfully while left in the Treasury Department. A recent communication by the Secretary of the Treasury to Congress has confirmed many in that belief. The American people are determined, however, that the prohibition law shall be enforced and that those in authority must be left with no excuse for half-hearted, insincere efforts in the direction of law enforcement.

Mr. Speaker, it is the old subterfuge of those who try to conceal their own duplicity to allege that those differing with them are insincere. There has been an obvious manifestation of that spirit here to-day. Those opposing this appropriation are inconsistent when they hypocritically profess that they are sincere in their desire to see the prohibition law enforced and that those who differ with them are trying to play politics. It is always good politics for any party or any individual to do right.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. DOUGHTON. Yes. I gladly yield to my friend Judge CRISP.

Mr. CRISP. The country manifested its approval of Mr. Hoover, and I have confidence in him. If this amendment should be carried and the $24,000,000 appropriated, will this not be the effect of it: If Mr. Hoover, as President, desires the money

to enforce the law and he sees where he can advantageously use it, he will use it. If he does not, he will not use it and it will remain in the Treasury and none of it will be expended. But it will simply evidence to him and the country that Congress desires to give him all the money he may need to enforce the law.

Mr. DOUGHTON. Mr. Speaker, I thank my colleague for his very illuminating and timely statement. There is not any doubt but what Mr. Hoover, the incoming President, can use this money if he sees fit to do so. If not, it can remain in the Treasury.

While there is nothing in the record of Mr. Hoover up to the time he became a candidate for the Presidency to indicate that he is a real prohibitionist, yet from the declarations he made during the campaign one would infer he is in sympathy with the law and will endeavor to have it enforced. Up to the time he became a candidate, so far as I have been able to ascertain, he had never identified himself with the prohibition cause, never made a prohibition speech, or written a magazine article on the subject of prohibition. He had no record whatever as to prohibition. He had been connected with the present administration, and so far as is known was in sympathy with all its policies. In fact, he so expressed himself in his campaign utterances, and everyone knows that the present administration has made no earnest, determined effort to enforce the prohibition law. I will not say it has not been honest, as charged by some, as I do not question a man's honesty unless I have the greatest and gravest provocation to do so.

In my judgment a great majority of the American people are determined that the prohibition law shall have a fair trial and that a much greater effort shall be made in the future than in the past to have the law enforced, and everyone at all familiar with the subject knows that the first step essential in a campaign for better enforcement is an adequate appropriation to carry forward the work in a determined and successful manner.

Doctor Doran, Commissioner of Prohibition, has said that more money is necessary for the better enforcement of the law. Those in charge of the Coast Guard and who are endeavoring to prevent the smuggling of intoxicating liquors in this country plead as an excuse for their failure that they do not have sufficient boats at their command with which to run down those who are engaged in the violation of the law along the Atlantic coast. I would much rather have the word of Doctor Doran, Admiral Willard, and Judge Johnson J. Hayes, who know by actual experience and by direct contact what is needed for the proper administration of the law, than the honorable Secretary of the Treasury, a man whose time and attention is occupied by numerous other duties and responsibilities and who gives little or no attention to the enforcement of prohibition. In fact, Mr. Mellon, before he became Secretary of the Treasury, is reputed to have been the largest distiller in the world, and his heart has never been in the work so far as enforcement of this law is concerned.

If this appropriation is not made now, Mr. Hoover, when he becomes President on the 4th of March, will find himself without sufficient funds to proceed with the enforcement of prohibition. It is understood that an extra session of Congress, if one is called, will deal only with the matters of tariff and farm relief, therefore, the question of prohibition will not receive consideration and no appropriation will be made before Congress meets next December in regular session. Of course, it will be several months after that before anything will be done. If the money is provided now the new administration will have no excuse. If a survey is needed or a committee is to be appointed to look into the matter and make a report to Congress, it can be done during the summer, so when Congress meets in December all the information will be at hand, and the President can make his recommendation and Congress can proceed in the light of the facts that have been adduced. There is everything to gain and nothing to lose by making the appropriation now and those who are trying to prevent the passage of this bill, whether intentionally or unintentionally, are playing into the hands and strengthening the arms of those trying to discredit the law and making it harder and more difficult as the days go by for it to ever be enforced.

The issue will not down. It must be squarely met and in my opinion the great body of the American people who believe in prohibition and believe it can be enforced will hold in disgust and contempt any further half-hearted sham battles with respect to the enforcement of this most important law.

Mr. MICHENER. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. TEMPLE].

Mr. TEMPLE. Mr. Speaker, my own attitude toward this prohibition question is I think fairly well known. I was a Member of the House in 1913, when an attempt was made to send the prohibition amendments to the States. We had a majority, but not two-thirds, and it went no further. I voted for prohibition at that time. I voted for the present eighteenth amendment when it was sent to the States. I voted for the Volstead law for the enforcement of that amendment. I have voted and expect to vote for every appropriation for the enforcement of that law, but I shall not vote for the $24,000,000 proposed in the present amendment. [Applause.]

No estimates have been made as to any amount needed that would include this appropriation. At the beginning of this session of Congress, after the President had sent us his annual message, he did send a separate message giving estimates of the amount needed for the whole executive branch of the Government, including the Prohibition Bureau. For that bureau the estimate was $13,400,000. Including the amount used in prohibition work by other organizations, such as the Coast Guard, the customs officers, the border patrol, the Federal courts, apportioning the amount spent by each of them in prohibition cases, the total amount spent for prohibition is something like $30,000,000 or $35,000,000 a year. That is not a staggering sum. It would not appall me if we appropriated twice as much.

If no estimates have come to us from the executive branch of the Government, which is the recognized mode of bringing appropriation questions before the House, the only approved mode since we adopted the Budget system, how did this proposal originate?

Mr. Doran, when he appeared before the Appropriations Committee, was asked whether he could enforce prohibition, whether the work of the Prohibition Bureau could be effectively done with the amount the Budget Bureau estimated to be necessary, $13,400,000. He said, "Yes." When he was further inquired of, he did say that if Congress wanted to change its whole policy and go into general police work, it would take $300,000,000 and a network of United States courts. Everybody knows that the general police work of the country is not administered by the National Government but by the States and municipalities; and the National Government has no authority to do it except as the eighteenth amendment gives it police power in the one matter of prohibition. Some one seized on that statement that $300,000,000 would be necessary for the general police work of the country, with a great network of United States courts, and, whether intentionally or otherwise, misrepresented the statement of Mr. Doran. When the Treasury appropriation bill came back to the House from the Senate it had in it an amendment increasing the amount for prohibition to $270,000,000, if my memory is correct. The rules of the House forbid me to say that that amendment was offered in the Senate in a spirit of sarcasm, and therefore I shall not say it. The amendment disappeared in the conference committee. Now, we have a proposal in the deficiency appropriation bill for $24,000,000, in addition to the $13,400,000 asked for by the President, and for this additional sum no estimate has been made, no information has been given as to how it might be expended, and the head of the prohibition enforcement bureau says, I am told, that he would not know how to spend it. It would provide no additional judges, because the number of Federal judges is fixed by law. It would not increase the number of courts and it is in the courts that the congestion is found. The number of officers appointed in the various divisions and departments and bureaus of the executive branch of the Government is fixed by law, and no legislation is proposed by which the number would be increased.

It is proposed simply to throw $24,000,000 out into the dark in the hope that it may somehow hit the bootlegger and inflict a deadly wound on his unlawful traffic. I do not propose to throw money away in that fashion. I will vote for another proposal among the Senate amendments to this bill if I have a chance. It asks for $250,000 to pay the expenses of a commission of inquiry which it is expected Mr. Hoover will appoint for the purpose of investigating the whole question and proposing the best methods of enforcing the eighteenth amendment. When the investigation is made, if it is shown that twenty-four millions or twice that sum would be necessary to enforce prohibition, I shall vote for it. As I have said, my own attitude on the question is well known. People have told me that if I vote against the appropriation that my dry friends will misunderstand it. For two reasons, my dry friends will not misunderstand it. Those people have confidence in me and will not misunderstand my attitude. Secondly, if they had no confidence in me, they are intelligent people and will understand the situation when they know the facts. Being on the ground and in closer contact with the legislative situation in Congress, I know the facts just now better than they do, and I vote according to my own judgment. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BANKHEAD. Mr. Speaker, the gentleman from North Carolina requested me to take charge of the time, and I yield 10 minutes to the gentleman from Tennessee [Mr. BYRNS]. [Applause.]

Mr. BYRNS. Mr. Speaker, I regret very much that some of those who have discussesd this question have sought to give it a political turn. [Laughter.] I am particularly surprised at the remarkable speech of the gentleman from Michigan [Mr. CRAMTON], my friend and a gentleman for whom I have a very great respect. Really after all, it was the only kind of a speech the gentleman from Michigan could make on the subject, because heretofore he has assumed the leadership of the dry forces in the Congress. But the gentleman in his remarks put himself in the rather unfortunate position of voting to refuse to trust the President, in whose election he was very largely influential, with $24,000,000 if he needs it in order to carry out the promise that he made to the people that he would enforce this law if he was elected President of the United States. [Applause.] The gentleman from Michigan says that there are some at the other end of the Capitol, and possibly some in the House who are seeking to rehabilitate the Democratic party by supporting this amendment. The gentleman referred to a number at the other end of the Capitol who had supported this amendment, but he failed to refer to his own two distinguished Republican United States Senators from the State of Michigan who heartily supported it as the RECORD shows, and I wondered if those gentlemen are to be accused of endeavoring to rehabilitate the party to which they do not belong. You can not throw dust in the eyes of the people of this country and those who believe in honest enforcement of this law whether they are wet or dry by statements of that kind. This is a plain, simple proposition. It has been testified before your committee that the enforcement bureaus have not sufficient funds to enforce the law.

Doctor Doran stated that he needed more money to properly enforce it. Admiral Billard, head of the Coast Guard, an honest and highly efficient officer of the Government, charged with preventing the smuggling of intoxicating liquor on the seas into this country, declared that he was not able effectively to prevent the smuggling of liquors on the Atlantic coast, and that, as a matter of fact, he was not doing anything upon the Pacific coast. He said he was not able to do so because he did not have sufficient boats and a sufficient force at his command. And that is not all. The Secretary of the Treasury wrote a letter on January 21, 1929, which was widely published over the country. The Secretary of the Treasury for eight years has been at the head of that department charged with the enforcement of this law, and, if rumor is true, is going to be at the head of it for the next four years. He said among other things in this letter:

> As I pointed out in my letter of January 12 to Senator WARREN, prohibition enforcement does not rest solely upon the Bureau of Prohibition but its success depends largely on the cooperation afforded by the Coast Guard, the Customs Service, and the border patrol, and, what is even of more vital importance, on the possibility of bringing to trial cases prepared by the Prohibition Bureau and ready for trial. What I endeavored to point out in my letter to Senator WARREN is that the Harris amendment makes the additional funds available to the Prohibition Bureau only and restricts the uses by that bureau with no discretion in the Secretary of the Treasury. There are now 21,000 liquor cases pending in the Federal courts and causing congestion, with no relief in sight. The Customs Service needs additional guards in the principal ports and the border patrol needs strengthening, while in so far as the Coast Guard is concerned, Admiral Billard is at present undertaking a survey as to the ships needed to replace a number of destroyers whose usefulness has been pretty nearly exhausted, and is prepared to recommend an increase in the commissioned personnel of the Coast Guard. The Harris amendment would not make funds available for any of these purposes, nor could the additional money provided for be used for the educational purposes which you emphasize in your telegram.

Thereupon in order to meet the objections of the Secretary of the Treasury the Senator from Georgia changed his amendment so as to place this fund in the hands of the President himself, who is at the head of all the departments, with full power to allocate all or any part of it to any department or bureau charged with the enforcement of the national prohibition act. It was passed by the Senate in that form, and that is the amendment which is pending before the House at this time. In the face of these plain admissions how are you Republicans going to justify your refusal to put this sum at the disposal of Mr. Hoover, whom you supported last November?

If he needs this sum to enforce the law and make good his pledges to the people, then he should have it, and as a Democrat I am willing to vote it. If he does not need it, he will not have to expend it; and I, for one, am willing to trust him, whatever may be your opinion of him. And yet distinguished gentlemen like the gentleman from Ohio [Mr. COOPER] and the gentleman from Pennsylvania [Mr. TEMPLE] and the gentleman from Michigan [Mr. CRAMTON], who are dry, who have always heretofore earnestly advocated the enforcement of this law, ask Congress, in the face of these statements of the Secretary of the Treasury, Admiral Billard, and Doctor Doran, who are charged with the enforcement of this law to wait six or eight months, or possibly a year and a half, in order that a survey may be made.

Mr. TEMPLE. Mr. Speaker, will the gentleman yield there?

Mr. BYRNS. Yes.

Mr. TEMPLE. Would the passage of this $24,000,000 amendment permit Admiral Billard to increase the commissioned personnel of the Coast Guard?

Mr. BYRNS. Undoubtedly it would, because this amendment provides that the $24,000,000 shall not be placed in the hands of the Secretary of the Treasury but in the hands of the President himself, with power to allocate it to any department where he may think it is necessary.

Mr. TEMPLE. Could that be done without legislation?

Mr. BYRNS. Yes; so far as the border patrol and the Coast Guard are concerned. I regret that I have not the time to yield further. Let me say this to the gentleman from Pennsylvania, and also to the gentleman from Michigan, who said that this amendment as passed by the Senate would not permit the money to be used anywhere except by the Prohibition Bureau in the Treasury Department. I differ with these gentlemen, because, as I have stated, it provides that it shall be placed in the hands of the President, who will be Mr. Hoover after March 4, with power to allocate it to any department over which he has charge.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. BYRNS. In a moment. In order to satisfy the gentleman from Michigan I want to tell him and those who profess to be in favor of the enforcement of this law that if he will join those who are seeking to give the President of the United States the money which he needs to carry out the promises made to the people and if he will help to vote down the motion for the previous question on this rule, he will have an opportunity to vote for an amendment which I will offer if I can secure recognition and which will remove every element of doubt which may exist in the mind of the gentleman as to the power of the President to use this appropriation in any department where he may think it is needed. The amendment I propose to offer reads as follows:

> For the enforcement of the eighteenth amendment, the national prohibition act and supplemental acts, the tariff acts, and all laws pertaining to the traffic in intoxicating liquors and narcotics, the sum of $24,000,000 or such portion thereof as the President may deem useful, to be expended in the discretion of the President through the Department of Justice, Coast Guard, Customs Bureau, Prohibition Bureau; and he may allot a sufficient sum or amount to the Civil Service Commission for the examination and investigation of eligibles for employment in the enforcement of such laws in the various agencies above mentioned, in accordance with existing law, and to remain available until June 30, 1930.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. BYRNS. I can not. Certainly that will satisfy the objection which the gentleman from Michigan raises to the amendment adopted by the Senate and I appeal to him to help vote down the motion for the previous question so that there may be an opportunity to offer it.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. BYRNS. In a moment. The gentleman did not yield when he was on the floor, and I greatly regret that I have not time.

Certainly that will satisfy the objection raised by the gentleman from Michigan with reference to the power of the President of the United States to allocate this fund to those agencies which have charge of the enforcement of the eighteenth amendment and the prohibition laws passed thereunder.

Why, my distinguished friend, for whom I have a high regard—the gentleman from Pennsylvania [Mr. TEMPLE]—says we have no estimate. For eight years this condition of non law enforcement has continued. The excuse is now given that there has not been sufficient money provided to enforce this law.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. BANKHEAD. Mr. Speaker, I yield to the gentleman three minutes. That is all I can yield.

The SPEAKER pro tempore. The gentleman from Tennessee is recognized for three minutes more.

Mr. BYRNS. For eight years they have not had sufficient money, according to Admiral Billard and Mr. Doran, and yet

year after year the Secretary of the Treasury and the President have come to Congress asking for the same amount they had the year before. How are you, whether you are wet or dry, but who believe in the enforcement of the law—how are you going to vote the money which they say is required if you are to follow the suggestion of the gentleman from Pennsylvania [Mr. TEMPLE], and wait until an estimate is submitted? [Applause.] We who are charged with some responsibility in this matter can not hide behind such a suggestion as that, when the facts are before us. In view of these facts, why has not the Secretary of the Treasury and the President asked for more funds?

This is not unusual. Congress appropriates $10,000,000 to be used as a defense fund by the Shipping Board in the discretion of the President; Congress appropriates $58,000,000 for rivers and harbors, to be expended under the direction of the Secretary of War, and in the last analysis by the President of the United States; Congress authorized an appropriation of $325,000,000 for flood control, which is to be expended by the Chief of Engineers under the authority and direction of the President of the United States; Congress places $200,000,000 in the hands of the Secretary of the Treasury for public buildings without power to say where it shall be expended. Why, then, can we not put $24,000,000 in the hands of the President for the better enforcement of the Volstead law if he needs it? Is there anything so peculiar about this appropriation as to distinguish it from these other appropriations, which these gentlemen, now so strenuously objecting because there are no requests or estimates, supported without question? The appropriation carried in this bill for the Prohibition Unit is $13,000,000.

True, we had a statement before the Committee on Appropriations as to how they expected to spend it. But we all know they are not bound by that statement. This is simply giving this power to the President of the United States. We Democrats who voted for another candidate last year are willing to trust him, and I want to ask you Republicans on this side of the Chamber why are you unwilling to trust him with the expenditure of this money in such manner as he may think wise? If he does not need it, I have confidence enough in him, and you should have confidence enough in him, to know that he will not spend it; but if you do not pass it now and wait for a survey there will be no appropriation until the next annual bill, and that bill will not go into effect until July 1, 1930. It is already known, according to the statement of the Secretary of the Treasury, that something is needed for the Coast Guard and the border patrol, and it should not take 48 hours to determine what amount is needed. If you favor the enforcement of this law, why wait until July, 1930, to meet the positive needs of the present hour?

Let us vote this appropriation for the President in the interest of the enforcement of this law which is on the statute books. [Applause.]

Mr. MICHENER. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. NEWTON]. [Applause.]

Mr. NEWTON. Mr. Speaker, the remarks just made by the gentleman from Tennessee afford ample confirmation of the claim made at the start of this debate that politics rather than law enforcement was the moving spirit behind this $24,000,000 provision. The approval with which the gentleman's plea was received on my right clearly indicates the popularity of the cause of political rehabilitation of certain Democratic leaders in Tennessee, Oklahoma, Texas, North Carolina, Virginia, and Florida. I might also add, in view of the very close results last election, in both Georgia and Alabama.

Mr. GREEN. What about Massachusetts and Rhode Island?

Mr. NEWTON. In any event, on the exchange we got more electoral votes than we lost.

Mr. GREEN. And more than you will ever get again.

Mr. NEWTON. Yes; if we follow your lead and play your game, which we are not going to do.

Mr. Speaker, just what is the situation? Here it is in brief: When we convened in December the estimates were received from the Treasury Department, including the prohibition service for prohibition enforcement. These estimates went to the Committee on Appropriations, of which the gentleman from Tennessee [Mr. BYRNS] is a very distinguished member. That committee reported to the House. There was no substantial change in the estimates for prohibition enforcement. The bill was debated and considered; possibly there was the usual talk against prohibition from some of our New York City colleagues. The bill passed without any request from the gentleman from Tennessee that it be increased to the extent of $24,000,000. If there had been need of this additional amount, certainly we would then have heard from the gentleman from Tennessee.

This bill then went over to the other end of the Capitol, where without debate $250,000,000 was added for prohibition enforcement. As I recall it, this was stricken out in conference.

Shortly after the first of the year, the urgent deficiency bill, this measure, was considered in the House. So far as I can recall, there was no suggestion on the part of anyone of adding $24,000,000 to enforce the prohibition laws. It went over to the other end of the Capitol, where, on the floor of that body, an amendment was offered and agreed to appropriating $24,000,000 more for "increasing the enforcement force." In the meantime there had been no request on the part of the Executive branch of the Government for more money, neither had there been any additional estimates furnished. Twenty-four million dollars is a large sum of money. The universal practice is for Congress not to appropriate even a small sum of money unless the need therefor is substantiated by appropriate estimates or detailed requests from responsible administrative officials. How often has the gentleman from Tennessee admonished us to stand by the Budget and to wait for departmental estimates even upon amendments involving $100,000? Twenty-nine other amendments were put on this measure at the other end of the Capitol, further substantially increasing the amount appropriated by this deficiency bill.

Under those circumstances, the universal practice in this House is to go to conference where each and every item that was changed in the other body can be thoroughly discussed and either eliminated or agreed to, with a recommendation to that effect to both House and Senate. It is almost the universal practice to do so. The gentleman in charge of this bill endeavored to do so day before yesterday. If there is any need of this appropriation, surely it would not be jeopardized in the usual conference between House and Senate. This course of procedure was deliberately stopped and prevented by objection from the minority. It, therefore, became necessary for us to ask the Rules Committee to bring in a rule which would permit this bill with the Senate amendments to go to the conference which the Senate has requested.

In brief, that is the situation. Why then so much debate about a proposition so obvious? The answer is not in a desire for prohibition enforcement, but to politically rehabilitate the fast-fading fortunes of the Democratic Party and some of its leaders in the South, and that, Mr. Speaker, is the reason and the only reason. The political fortunes of some of these leaders of the minority, because of the position they took before the action of the convention at Houston, and possibly later, are in a bad way. They need immediate relief.

Mr. HUDSPETH. Will the gentleman yield?

Mr. NEWTON. I am sorry I can not, because the gentleman from Texas needs no rehabilitation.

Mr. HUDSPETH. When the gentleman speaks of rehabilitation in Texas, who needs rehabilitation in Texas? There are 18 Democratic Congressmen who came here from that State with the usual Democratic majorities. That being so, who needs rehabilitation down there?

Mr. NEWTON. The party which carried the electoral vote and its leaders in the gentleman's State, and in these other States, needs no rehabilitation.

Furthermore, if there was a real earnest desire to appropriate this money for the enforcement of the prohibition laws, it would have been drawn so as to make the money available for each and every one of the various agencies of the Government that are engaged in the work of prohibition-law enforcement. As it is drawn it can be used by the Prohibition Bureau to increase its present force. However, as I read it, it could not be used by the United States Coast Guard for increasing its ships, nor for adding to its personnel, yet the Coast Guard is one of our most important agencies in enforcing the laws of the land. This is likewise true of the Department of Justice and the Customs Service. All of this indicates haste and lack of consideration of real enforcement. In addition, it lends further confirmation of what has been claimed is the main purpose of this amendment—that is, political rehabilitation of the minority and certain of its leaders in the South. Some of these leaders advocated nominating a man as their candidate for President long before the convention was called to order at Houston. They knew that this leader who was later nominated was wet. They knew that he was against the enforcement of the eighteenth amendment, and that he had personally advocated and secured a repeal of all prohibition enforcement laws in New York State. Governor Smith was nominated. Immediately thereafter he personally repudiated the dry platform upon which he was nominated. This was followed by the appointment of a national chairman, Mr. Raskob, who likewise was militantly wet, opposed to the eighteenth amendment and the enforcement act, and who likewise repudiated his party's stand on this question.

Mr. Speaker, this sort of leadership was naturally repudiated. There is a fear that if something is not done some of these leaders who were responsible for this will likewise be repudiated in the next two or four years. How can that be prevented, is the question that has been troubling them. How can these fading political fortunes be rehabilitated? How Raskob was called to rehabilitate financially during the campaign. Apparently these leaders now demand that the aid of the Treasury and the cause of prohibition be enlisted to rehabilitate them.

Almost four-fifths of the votes for this amendment over in another body came from the minority party.

Gentlemen, there are those of us here who have a consistent record in support of the eighteenth amendment and the enforcement act. Personally, if those charged with the responsibility of enforcing the laws of the land need more money and will give me some idea as to how it is to be spent, I stand ready to vote any reasonable additional sum. If after the 4th of March the new President feels that he should have additional moneys for this purpose and will so advise us, I stand ready to vote any reasonable additional appropriation. But, Mr. Speaker, I am not willing, under the guise of law enforcement, to appropriate $24,000,000 or any part thereof for the purpose of rehabilitating the political fortunes of any man. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. BANKHEAD. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. QUIN]. [Applause.]

Mr. QUIN. Mr. Speaker, let there be no misunderstanding here this afternoon. Gentlemen of the House, the people of the United States selected by a great vote and a great majority a distinguished citizen to be President. Now, the prohibition forces of the United States come up in an orderly, decent way and ask that in addition to the $35,000,000 that is carried in the bill, that $24,000,000 be placed in the hands of this new President of the United States to use as the exigencies or the emergencies may demand throughout the next fiscal year for the purpose of enforcing the prohibition law of this Republic.

All this Dolly Varden argument that is made here against it fools no one. [Laughter.]

These gentlemen that have been traveling all these years under the cloak of prohibition raiment, appearing this afternoon as false prophets in sheep's clothing, are ravening wolves and are against the very forces that put your party in power for the next four years.

You understand, gentlemen, that this talk about the people of the United States who happened to support the Democratic nominee for President does not appease the wrath of an outraged public. You are the people who are responsible for the enforcement of this law and the attempted ridicule that you place upon distinguished gentlemen on the Democratic side of this House, impugns their motives, and one distinguished gentleman, for whom I have the utmost respect, even said it was political business, when on your side I heard an able, distinguished, higher-college man, a minister of the Gospel, stand right here in this wellhole and say he would not vote for this additional $24,000,000 to enforce this law. With that in your mouths, with that going into the CONGRESSIONAL RECORD as publicity to be carried throughout this country from one end of the Republic to the other, is it possible that you can get away with such knavery? [Laughter and applause.]

This is an honest Congress. This amendment is put up here with honest intention. Can you stand before the American people and say that you are afraid to place $24,000,000 in the hands of the President of the United States to enforce the prohibition law?

Mr. SCHAFER. Will the gentleman yield?

Mr. QUIN. I have not time to yield.

You know you are not fooling yourselves and you do not fool a man on this side of the House; and I trust that none of your constituencies is so ignorant as to be fooled by such statements and such arguments as have passed the lips of gentlemen here this afternoon.

Men, it is time to have some good faith. If you are a prohibitionist, stand up with your votes and say so. Do not be double-crossing around in an endeavor to fool anybody. The gentleman from New York [Mr. LAGUARDIA] said he is going to vote with the prohibitionists here, but that his motives were not in accord with the motives of the prohibitionists. He goes out and says that he wants to tear the law down by putting up this $24,000,000. He goes out and attacks the Anti-Saloon League. There may be some errors made by the Anti-Saloon League, but we know they are engaged in a great moral work. We know the purpose of the Anti-Saloon League and of all the people who are endeavoring to do away with the liquor traffic in the United States. We know they are engaged in a most holy cause; and as one man representing an honest constituency, I am going to vote for every dollar of money that is necessary to carry out the eighteenth amendment and the enabling act passed thereunder.

We can not afford to pussyfoot around and endeavor to fool somebody. We have just had a great campaign in this country, where all the Republicans enticed and seduced a great many good, honest Democrats to go and vote for a Republican for President on the ground that he is a prohibitionist and is going to enforce the prohibition law. [Applause.]

That distinguished gentleman has declared that prohibition is a noble experiment. Then, put this $24,000,000 in his hands and let him carry this experiment on to a successful conclusion. [Applause.]

Mr. MICHENER. Mr. Speaker, I give three minutes to the gentleman from Maine [Mr. HERSEY].

Mr. HERSEY. Mr. Speaker and gentlemen, day before yesterday, when this matter first came up in the House, I received from my State the following telegram:

> The Christian Civic League, representing the churches of Maine, asks your support for bill for larger prohibition-enforcement appropriation.
>
> FREDERICK W. SMITH.

I replied as follows:

> MY DEAR SIR: I duly received your telegram of yesterday and note the churches of Maine, through the Christian Civic League, urge me to vote for the Harris amendment to the appropriation bill for greater prohibition enforcement, etc.
>
> I fear the churches of my State do not fully understand the legislative situation relative to this amendment. To vote for an appropriation of millions of dollars of the people's money for any purpose against the recommendation of the Bureau of the Budget, the Treasury Department, and the President is, to my mind, wholly unsound and not in accordance with the idea creating the Bureau of the Budget. Beneath this there is also a lot of politics, and I do not propose in the few days before I am to retire from Congress to play into the hands of friends of the liquor traffic under such a guise. I regret I can not support your request.

Forty years in town, county, State, State legislature, and Congress I have given my support to prohibition—to the eighteenth amendment and to the laws passed for its enforcement. I have stood for national prohibition and its enforcement against the unlawful liquor traffic, and I have during all these years had just one rule—find out where the unlawful liquor traffic stands and then vote and work for the opposite. [Applause.]

The present $24,000,000 item is put on by a combination of wets and drys, the wets united and the drys divided.

We have a strange situation in this House in the discussion of this rule. The time has come when "the lion and the lamb shall lie down together." The wet roaring lion, the gentleman from New York [Mr. LAGUARDIA], is lying down with the dry, innocent lamb, Doctor McBride, of the Anti-Saloon League. My observation has been that when at the close of a perfect day the lion and the lamb lie down together, in the morning the lamb turns up missing. [Laughter and applause.]

The day that Pilate and Herod became friends Christ was crucified. [Applause.]

Mr. BANKHEAD. Mr. Speaker, I yield five minutes to the gentleman from Maryland [Mr. PALMISANO].

Mr. PALMISANO. Mr. Speaker, I am in somewhat of a peculiar position. I am ranked here as a "wringing wet," so to speak, and listening to the gentleman from Maine, who just preceded me, he wants to know how the wets are going to vote, and then he knows that he ought to vote on the other side.

I have prepared a statement which I want to read into the RECORD. I am going to vote against the amendment, but I am not doing it for the same reason as are the wets and drys. I am voting against the amendment because my stand from the beginning in this House has been that I want to dispose of the criminals in the Prohibition Department. I am opposed to the Federal Government protecting the criminal agents against the wishes of the State. [Applause.]

The question of permitting the Prohibition Department to have an additional $24,000,000, about one-twelfth of the amount claimed by the administrator necessary to enforce the law, has somewhat divided the wets and the drys of this House. Some of the drys contend that the money is not sufficient and against the advice of the Secretary of the Treasury, who claims that it is not necessary at this time. Some of the wets are supporting it because they feel that the Government should make an honest effort to enforce the law. However, Mr. Speaker, I do not intend to vote against this amendment because of the statement of the Secretary of the Treasury, nor am I voting against it because I do not want to see an honest effort made to enforce the law, but I intend to vote against this measure because the

Federal Government and the Members of this House have positively refused to get rid of the criminals in the Prohibition Department, and for the further reason that when a prohibition agent is indicted by a local grand jury, whether it is for a misdemeanor or a felony, they not only refuse to suspend that agent pending the trial but they place no faith in the State judiciary by permitting the agent to be tried before the State tribunal, but invariably the district attorney files a petition to have the case transferred to the Federal court and there lets it die without a trial. When the Government makes an effort to dispose of the criminals and suspends agents who have been indicted for alleged crimes, I will then vote to permit the Government a fair trial in enforcing this law, but that I know the Government can not do because the sentiment is against them, and you can not enforce any law that the people themselves do not sanction.

Mr. BANKHEAD. Mr. Speaker, I yield eight minutes to the gentleman from Colorado [Mr. WHITE].

Mr. WHITE of Colorado. Mr. Speaker, the attitude of some of the gentlemen who are in favor of this rule, and who are opposed to the proposed $24,000,000 appropriation, makes it somewhat difficult for me to vote as I am going to vote, notwithstanding their attitude.

The gentleman from Michigan [Mr. CRAMTON] taunts the Democratic Party with the jokes of the greatest humorist of America, and says that my party ought to follow the humorist's suggestion and take a million and one-half dollars from this proposed appropriation and pay the deficit in its campaign expenditures.

I reply and inform the gentleman that the Democratic Party will never follow the practices of the Republican Party, to which he belongs, and pay its deficiencies as his party has done. [Applause.]

The Democratic Party has never been, and I am quite sure will never be, in a position or have the disposition to follow the course of the gentleman's party in that behalf. The Democratic Party has no Teapot Dome, no Fall, no Daugherty, no Sinclair, no Will Hays. [Applause.]

The gentleman is also far off the course when he claims that the recent election was a test between the "drys" and the "wets." If that were true, how does he explain the great vote by which the proposed prohibition laws submitted to the voters of Montana at the recent election was defeated and the majority given Mr. Hoover in the same State at the same election?

But I am almost amused by these earnest souls that never see any good in any party except their own or that with which they are associated. An example was furnished in the late election by the action of those who were choked and nauseated by the local stench that came from the corruption of Tammany a half a century ago, and then turned with open mouths and extended nostrils and drank in and seemingly enjoyed the awful national stench emanating from the cesspool of corruption made by members of the Republican Party in high office.

The gentleman from Michigan [Mr. CRAMTON] and the gentleman from Minnesota [Mr. NEWTON] stand on the floor of this House, with others, and boast of their dryness and of their loyalty to the prohibition cause, and charge that Members on this side of the House who oppose the appropriation are actuated in that behalf by their desire to rehabilitate the Democratic Party, and otherwise impugn their good faith; and the gentleman from Maine [Mr. HERSEY] charges that the wets and the drys stand united in favor of this proposed appropriation, and are doing so because of the desire of the former to discredit prohibition and of the latter to handicap the President elect. Such attacks and attitude are almost sufficient to cause any Democrat or a so-called wet to subordinate his own judgment as to the merits of the matter in question and vote in favor of the appropriation. However, I shall not do so. On the contrary, I shall perform my duty as I think becomes a Congressman. I am classed as a wet, and my best judgment is that this appropriation should not be made, and I am going to vote against it. [Applause.]

I am going to vote against it not for the reasons assigned by the gentlemen from Minnesota and Michigan and some others that oppose the appropriation. I shall vote against the item because, in my judgment, the prohibition law can not be enforced, and I do not propose to assist in making a useless expenditure of the taxpayers' money.

I am not actuated in this behalf by the promises of the gentleman from Michigan that the incoming administration will be any more efficient in the enforcement of the prohibition law than the present administration.

In fact, I am reminded by the assurances of the gentleman of the many past promises of his party. It promised time after time, for eight long years, while in full control of every department of the Government, that it would provide farm relief, in answer to the continuous demand for the same; and upon such unfulfilled promises won every intervening election. This was inevitable for the simple reason that the farmers and the northern elements of the Anti-Saloon League are always Republicans before they are economists or prohibitionists.

Mr. SCHAFER. Will the gentleman yield?

Mr. WHITE of Colorado. I regret to decline, but I have only a few minutes.

Now, what is the situation here? We have a rule which the majority are seeking to force through this House, and what do they say? Why, the gentleman from Michigan [Mr. CRAMTON] claims and asserts, in substance, that the country is standing on the eve of a dry administration, lead by Mr. Hoover, President elect, and that the wet and dry Democrats are seeking to handicap Mr. Hoover in that behalf and discredit his administration.

Does the gentleman mean to cast reflection upon the good faith of the present Republican administration? Does he imply or charge or claim that the present administration, with its many enforcement agents and its thousands of officeholders, has been and is hypocritical and not honestly in favor of the enforcement of the prohibition laws?

His party has been in power continuously since March 4, 1921, and I am informed, through personal investigation and otherwise, that substantially every prohibition enforcement agent and director has been appointed at the behest of the Anti-Saloon League or some of its associated organizations.

Is it not obvious that if prohibition is enforceable the Republican Party has not been honest in its pretentions and promises, or the country would now be dry? That party has followed the leadership and submitted to the domination of the Anti-Saloon League for many years past. It has permitted that organization to select agents of its own choosing to enforce this law, and along with that organization it now admits egregious failure of the whole thing and comes before this House to-day with new promises.

But what else do they do? They came to this Congress and asked that the prohibition-enforcement agents be placed under civil service and urged that if this were done prohibition could be successfully enforced. The Congress complied with the request, and then what happened? Immediately there came a great protest from the Anti-Saloon League and its associated organizations that the prohibition agents who had failed to pass the civil-service examination be not discharged, but continued in the service. Moreover, when the Civil Service Commission adhered to its findings the President of the United States, by Executive order, complied with the demands of the Anti-Saloon League and reinstated most all of those that had failed to pass the examination.

I can not characterize this action of the Anti-Saloon League other than a camouflage. In my judgment, there may be one way in which prohibition might be enforced, and that is to kill everyone who violates that law. And in that case, Mr. Speaker, I apprehend that on both sides of the dividing aisle of this Chamber there would be an awful lonesomeness.

However, even Mr. Hoover is not certain in regard to what can or may be done in the enforcement of this law. He has never said that he approves the prohibition law. He has declared that he is in favor of the enforcement of the eighteenth amendment, and every other right-thinking person is in favor of doing the same thing as long as it is a part of the Constitution. He has never even said that prohibition is a noble experiment. On the contrary, he simply said that "prohibition is an experiment, noble in purpose," and that a correct solution of its enforcement could only be ascertained after a thorough investigation and survey of the whole subject. Our Republican friends, both wet and dry, seized upon this statement and played it up 100 per cent during the late campaign.

They manifested, however, quite a different attitude when, on the 21st of last May, I introduced in this House a resolution to appoint a committee to make a broad and thorough investigation and survey of the entire subject of prohibition and its enforcement, or the modification thereof. But these gentlemen that are now so ardent in their desire to "let Mr. Hoover do it" remained silent and my resolution got no further than the Committee on Rules.

However, my own view is that a survey, by whomsoever made or initiated, will avail little, if anything, for the simple reason that it is based on a misconception of human nature. You cannot enforce any criminal law successfully unless the crime facts, the things which constitute the crime, embody in themselves an element of evil to such an extent that it automatically shocks the conscience of most people. [Applause.]

There is no such element of evil in the facts of crimes created by the Volstead Act. In such crimes as murder, robbery, burglary, arson, rape, theft, embezzlement, and like crimes,

there is an element of inherent evil in the crime facts that shocks the conscience of most everyone, and renders the laws creating such crimes enforceable. The result is that most all people respect those laws in which there is an inherent evil in the crime facts, and exert themselves to see that such laws are obeyed and enforced. But this is not so with the crimes under the Volstead Act.

Should you see a burglar attempting to enter your neighbor's house you would, however indisposed or sleepy, immediately give the alarm. But should you happen to glance in your neighbor's home and see him preparing a highball, or other intoxicating drink, what you would do is perhaps conjectural, but it is safe to assert that you would not exert yourself in preventing its preparation.

The SPEAKER pro tempore. The time of the gentleman from Colorado has expired.

Mr. SNELL. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. BLACK].

Mr BLACK of New York. Mr. Speaker, answering my friend, the major, I would rather dance with the bootlegger than be the cream in Bishop Cannon's coffee. Moreover, if I do dance, I do not intend to dance the Virginia reel. I want to congratulate my friends Mr. CRAMTON and Mr. COOPER of Ohio on the recovery of their God-given conscience from the Anti-Saloon League. It was worth $24,000,000 of the Government's money to hear the speeches of those two gentlemen here to-day.

Washington is confronted by the unholy spectacle of the racketeers of reform trying to browbeat the Congress into dissipating $24,000,000 of the public funds on prohibition.

Over the heads of legislators they are holding the threat of church opposition in the primaries. They want to separate not church and state, but they want to separate millions from the State for propagation of prohibition bigotry.

Such is their impatience that they can not wait until March 4 to claim their share of the loot of victory. They tasted blood on last election day and they must now poke their snouts into the Treasury. The whirlwind of the Lord is under way and going into high.

The ghostly commander of the fanatics, Bishop Cannon, has been flitting in and out of the District giving his commands. He has been of low visibility.

What they lost in brains when Wheeler died they gained in impertinence under McBride. He has issued written orders to Congress under penalty of political death warrant in case they are not obeyed and without benefit of clergy.

Congress should not only refuse the appropriation but should pass legislation to exterminate the plague of prohibition pests. It should not be called an appropriation, but an embezzlement featured by political hi-jacking.

The Government has been challenged by the church—the prohibition creed opposes itself to the rest of the Constitution and orderly government. The uncanny shadow of Bishop Cannon, with its sinister implication of a church-controlled Government, is across the Capitol. I trust that the shadow will be forever removed and that clear thinking will take the place of moral epilepsy in America.

I believe that Secretary Mellon owes it to the country to state whether or not prohibition can be enforced. All the money in the Treasury is not more powerful than the will and appetite of the American people.

Congress will lose more power by passing this discretionary appropriation. The legislative branch of Government is fading. The best proof of that is found in the scandals of the executive and judicial branches. We are becoming powerless and pure.

Ex-Sheriff Foley, of New York, once said that there were two classes of men—A, the fellow who digs a hole for his neighbor to fall in, and B, the samaritan, who pulls his neighbor out of the hole. To-day we must add a third and more altruistic class—the Democratic intelligentsia, who dig a hole for Andy Mellon to fall in and then fall in it themselves so that he may climb over their dead bodies to greater heights. Now when Cabinet appointments are problematical our Democratic leadership have responded nobly to the cartoonist's philosophy—"When a feller needs a friend."

I am glad that Republicans have taken a run-out powder on the fanatics. I congratulate the G. O. P. elephant on not being terrified by the mice of prohibition.

Mr. BANKHEAD. Mr. Speaker, I yield now to the gentleman from Alabama [Mr. ALMON].

Mr. ALMON. Mr. Speaker, I am in favor of the Harris amendment and will vote for it if I have an opportunity.

The incoming President, Mr. Hoover, said during the recent campaign that if he was elected that he would undertake to enforce the prohibition law. All agree that it has not been enforced, the chief excuse given was the want of sufficient money for this purpose. I am in favor of placing this large amount in the hands of the President, with the power and discretion to use it in such way as he thinks will accomplish the most good, so that it can not be claimed hereafter nonenforcement of this law is due to the want of sufficient funds. Let us do our duty, furnish the necessary money and put the responsibility for enforcement where it properly belongs. I will vote against the motion for the previous question, so that we can have a direct vote on the Harris amendment. The motion for the previous question is intended to deprive us of that right and privilege. I will also vote against the pending rule. We need no request from the Bureau of the Budget for this increase of appropriation for prohibition enforcement. If it should be more than is needed the President would not be required to spend it.

Mr. BANKHEAD. Mr. Speaker, I yield three minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, some years ago I was stopping in Saratoga Springs, N. Y., a place well known to thousands of people of this country. Mrs. Linthicum and I attended the Episcopal Church one Sunday evening in that city. The pastor, the Rev. Joseph Cary, announced that after the services he would conduct another service for the colored people, so that the waiters and maids of the hotels and the colored residents of the city might attend. I noticed during the services a man in the seat in front of me, who had gone to sleep, apparently very soundly asleep. He did not hear what was going on. After the white service was over we concluded we would remain for the colored service, especially so because I have always enjoyed the musical singing of the colored people in my southern Maryland home. The man in front was still sound asleep when the white congregation passed out and the colored congregation came in. They were seated in the same pew with this man, in front of him, all about him. The church was crowded with colored people, and when the man awoke he looked at those beside him, those in front of him, to the right and to the left, and quietly taking up his hat sneaked out of the church, a most astonished man, who had gone to sleep among the white folks and had awakened among the colored folks. [Applause.]

When I think of my position, having all these drys on the Republican side, including that stalwart leader, Mr. CRAMTON, the gentleman from Michigan; that hero of prohibition from Michigan, Mr. HUDSON; the staunch prohibitionist from Ohio, Mr. COOPER; and all their friends who have heretofore advocated everything in favor of prohibition, when I see them voting with me and with my friends of the "antiprohibition committee," I am not less astonished than was the man in Doctor Cary's church.

This amendment introduced by Senator HARRIS to the first deficiency bill and adopted by the Senate, proposes to give to the President the vast sum of $24,000,000—to be distributed by him for the enforcement of the eighteenth amendment and the Volstead Act. In the first place, this is a great sum to give to any one official to be disposed of in this manner. If I believed that this sum could be used to advantage, I should not object to it, because it would merely demonstrate that prohibition can not be enforced. I know so long as a grain of wheat or a grain of corn properly treated will, according to the laws of nature, produce alcohol, that prohibition can not be enforced. Not alone have we humanity to contend with, but we have the laws of nature and the frailty of mankind.

We learn from the Prohibition Unit that 75 per cent of their employees who took the civil-service examination were unable to pass the efficiency test; and now to-day, much to my surprise, the gentleman from Michigan [Mr. CRAMTON] tells us that not over 6 per cent of the men in the Prohibition Unit are under civil service. That graft, bribery, and corruption exist in the prohibition enforcement personnel is a matter of official declaration. It was Assistant Secretary of the Treasury Lowman, who is quoted as saying:

> There are many incompetent and crooked men in the service; bribery is rampant; there are many men in sheep's clothing; some days my arm gets tired signing orders dismissing crooks and incompetents.

The Prohibition Unit has even gone so far as to poison alcohol to prevent its use as a beverage, and yet arrests for drunkenness increase, the whole country is permeated with liquor, and conditions are far worse than they were under the old system. I should like to vote for $24,000,000, a part to be used for the establishment of a system similar to that in the Province of Quebec, Dominion of Canada. I should like to see light wines and beer permitted, not to be drunk on the premises. I think it is generally conceded that none of us want the old saloon back.

If you will adopt the system I suggest, I verily believe that drinking of intoxicants will become largely a thing of the past. I should like to see a part of the money used in the education

of the youth of the land, and of the adults as well, showing to them the effects of alcohol and the effects of drinking generally. Education had almost eradicated it before the eighteenth amendment was adopted.

I have not to my knowledge ever voted against an appropriation asked for the enforcement of the eighteenth amendment, a part of our Constitution, the prohibition act, even though I knew it was money wasted; but I can not vote for $24,000,000 which is not asked for by the Treasury Department, nor recommended by the President, and which I know if used will merely place more snoopers, snipers, and smellers in the prohibition-enforcement service to the detriment of the comfort and happiness of the people and a waste of the taxpayers' money. Some feel that Uncle Sam is very rich, that his resources can not be impaired, but let me ask you to keep in mind always the fact that the Treasury of the United States has only in its coffers money taken from the people as taxation, that every dollar wasted by such useless appropriations simply means more for the taxpayers to contribute.

Let me further remind you that everybody in this Nation is a taxpayer, either through the high protective tariff which the Republican Party has placed upon us, through the income tax, or through some indirect manner in which everybody must contribute to the support of the Government. It would mean simply $24,000,000 poured down a rat hole which can not be filled. [Applause.]

When we realize the vast sums already being expended for enforcement it is astounding. Observe these expenditures for 1926–27 which are still mounting, and ask yourself should not more have been achieved, to wit:

1926–27 appropriation for Coast Guard, $24,213,140, of which amount there was included for prohibition	$14,560,011
Treasury Department for enforcement of prohibition	10,635,685
Department of Justice, according to Mr. Harris, one-third of the total appropriation used for prohibition	8,000,000
Total	33,195,696
Investment for prohibition enforcement:	
1925–26 appropriation for new vessels and repairs for Coast Guard	19,194,900
1926–27 additional for repairs and ships	3,900,000
Taken over from the Navy 25 torpedo boats, which cost the Government $1,500,000 each	37,500,000
Total	53,594,900

Mr. SNELL. Mr. Speaker, I yield three minutes to the gentleman from Michigan [Mr. CLANCY].

Mr. CLANCY. Mr. Speaker, I am opposed to the House granting this additional $24,000,000 appropriation for prohibition enforcement. The Senate should have been satisfied with the large sum for prohibition already passed by the House and included in this deficiency bill when it was sent to the Senate some weeks ago. The Treasury Department is opposed to this $24,000,000 appropriation and until they were whipped into line by methods peculiar to the Anti-Saloon League some of the leading Anti-Saloon League officials were opposed to the $24,000,000.

A few days ago, and to-day also, the gentleman from New York [Mr. LAGUARDIA], who not only admits, but proudly declares from time to time that he is opposed to the eighteenth amendment, graciously advised the House that he is in favor of giving the prohibitionists this $24,000,000, and also offers gratuitous and detailed advice that much of it could be spent to good advantage in Detroit. If the case for this reckless expenditure of $24,000,000 of the people's money depends upon the Detroit situation, then the taxpayers can be saved this amount or it can be spent for purposes which are more fitting for the general welfare.

PROHIBITION AGENTS UNDESIRABLE

No fair or reasonable man, after a careful study of prohibition enforcement in Detroit by Federal agents would say that it has been a success, or that it has promoted the general welfare. He would also be compelled to admit that the more prohibition agents sent to Detroit the worse conditions became.

The peculiar iniquity of this amendment is its chief aim to produce additional hordes of prohibition agents. The Treasury Department through Secretary Mellon issued an official statement to that effect yesterday.

Six days ago in Detroit the trial opened in the Federal court of 23 prohibition agents charged with graft, corruption, and extortion, running into millions of dollars. Only within the very recent past the superintendent in charge of the Detroit River prohibition agents summarily quit his job and left for the East. For reasons best known to themselves and which are as yet a mystery to Detroit, 12 of his agents quit with him.

THE BLACK SHEEP OF THE AGENTS

For many months before the trap was sprung on the Detroit prohibition agents it was an open and notorious fact in the Detroit district that informed persons were freely declaring that there was only one honest, zealous prohibition agent in the Detroit border force.

At that time and before wholesale arrests and resignations threw slaughter into their ranks, there were scores of prohibition agents in the Detroit district.

After United States Secret Service men were imported into Detroit from Washington and wholesale arrests of prohibition agents followed, widespread publicity was given to the testimony that out of all the army of prohibition-enforcement agents in the Detroit district there was "only one honest, zealous man" and that he had been forced by hostility of prohibition agents and of beer and liquor-running agencies to quit the Federal prohibition squad and take refuge in the Detroit police force, walking a beat.

PROHIBITION KILLS TEMPERANCE

Before the Anti-Saloon League got busy and put over the eighteenth amendment in 1918, Detroit was rapidly becoming a temperance city. We had about 1,907 saloons in 1918. They were well regulated; none of them were open after 10 o'clock in the evening and none of them were within 400 feet of a church, school, or first-class residence section. Now, the intemperance of the eighteenth amendment has produced over 20,000 saloons; they are not regulated at all, most of them stay open until 2 o'clock in the morning, and some stay open all night. They are sometimes found in close proximity to churches and schools, and they spring up in the finest of our residential sections.

That the growth of intemperance and lawlessness and unregulated saloons under the eighteenth amendment is not peculiar to Detroit, but extends to practically all cities in the United States, is a fact quite easily proved. Prohibition Commissioner James M. Doran admitted just the other day that there are "only about 3,000 bootleggers in Washington now." This is right under the nose of Doctor Doran and his Prohibition Bureau and of a House and Senate preponderantly dry. Just before the Volstead Act went into effect there were 300 saloons in Washington, well regulated and disciplined and limited by law to 300 in number. Now we have 3,000 two-legged traveling saloons in the persons of the ever-present enterprising bootleggers.

MESSRS. HOLSAPLE AND KRESGE

Some of the leading lights of the Anti-Saloon League live in Detroit. One of our respected citizens is now president of the Anti-Saloon League of the United States. We have also as State superintendent of the Michigan Anti-Saloon League former Rev. R. N. Holsaple, who is recognized as one of the most extreme prohibition fanatics in the world. It is Mr. Holsaple who has been so lustily "crowing" about the great victory of the prohibitionists in sending to prison for a life term at hard labor the poverty-stricken mother of 10 children only because she violated the eighteenth amendment. What the average good Michigander considers to be Michigan's shame, Mr. Holsaple considers Michigan's crowning glory! Yet, when Mr. Holsaple's own brother-in-law was sent to jail for bootlegging, Mr. Holsaple was accused of using his great influence as head of the Michigan Anti-Saloon League and bringing pressure to bear on the State pardon and parole commissioner to secure leniency for the brother-in-law.

Detroit harbors the "angel" of the Anti-Saloon League, America's driest, most persistent lover, Sebastian S. Kresge, who is still going strong at 60, and who devotes all his spare time when he is not engaged in amours and dalliances, illicit and otherwise, in crying out that the people of Detroit, the people of America and of Europe, and other parts of the world must not be allowed to drink beer, light wines, and other beverages of which he does not approve.

For instance, Mr. Kresge thinks that 50,000,000 Frenchmen must be wrong in drinking light wines. He is certain that over 70,000,000 Germans lose their value as workers and as scientists in sticking to their beer all these ages, and that 45,000,000 of Englishmen are rapidly degenerating through their devotion to ale and porter.

It was Mr. Kresge who was wildly applauded recently at a prohibition gathering when he said he would give $500,000 to the Anti-Saloon League. Mr. Upshaw, a distinguished former Member of this House, did the proper thing by enthusiastically applauding my fellow townsman, Mr. Kresge, and pointing his finger at him demanded that the audience sing "Praise God from Whom all Blessings Flow."

What has been done with Mr. Kresge's $500,000 gift to the Anti-Saloon League? The league has been forced finally to file statements under the law as to its receipts and expenditures and in the 1928 report recently filed with the Clerk of the House, William Tyler Page, the Anti-Saloon League stated it received $86,404.82 and expended $83,863.11. Stanley S. Kresge is listed among the contributors in this statement as giving $10,000 on September 10, 1928, and Stanley is the son of Sebastian S. Kresge, the "angel." Anna S. Kresge, of Michigan, gave $100 on September 10, 1928.

But where and how does the Anti-Saloon League account for the receipt of the $500,000 donation, and what is just as important, how did the league spend this money? I have a personal interest in asking because the Anti-Saloon League has always actively tried to defeat me in primaries and in elections for Congress. I would like to know whether I have had the honor of having a portion of this $500,000 spent against me.

AGENTS BREED CRIME

It is superfluous for the gentleman from New York [Mr. LAGUARDIA] to point the finger of suspicion at Detroit and to hustle the Federal prohibition force to that city. Mr. Kresge and other distinguished drys of our State have already performed that service for Detroit and for the country. Prohibition agents have been sent in droves to Detroit.

The more prohibition agents they sent to Detroit, the worse conditions grew. To Detroiters many prohibition agents have been teachers of all sorts of crimes; among these are high-jacking, racketeering, grafting bribery, corruption, slaying of innocent citizens by gunmen methods, drunken driving of automobiles, illegal seizure of motor boats and other water craft, invasion of the neutrality of Canada by wilfully sending armed patrols into Canadian waters for which official apologies were made to Canada, and various other offenses.

It was proved in the recent Philadelphia scandals which are a stench in the nostrils of decent Americans that Gen. Smedley Butler's prohibition squad of selected agents were generally teachers—yes, professors—of crime who corrupted the rest of the police department and practically everyone to whom their influence extended. That has been true in Detroit. This experience in Philadelphia with prohibition agents and raiding squads has been proved over and over again in Detroit.

THE DRYS' REIGN OF TERROR

Probably through the influence of Michigan drys, whose names are a household word in the Nation, about three years ago Detroit was selected for a punitive exhibition by dry terrorists which was to prove an example and a warning to other communities in the United States. Col. A. J. Hanlon, a hard-boiled Army officer, who was to do "whatever should be necessary," was in charge. Another of the officials was Maj. Maurice Campbell, known now as the Broadway night-club raider. They opened the "reign of terror" by instructing their men to "get rough"; to discard the heavy revolvers in use, which were contemptuously called "pea shooters" by Colonel Hanlon, and get extra large revolvers, sawed-off shotguns, and rifles.

The campaign of terrorism was promptly inaugurated by the murder of an old letter carrier, named Neidermeier, who was entirely innocent of any wrongdoing and who had been hunting ducks with a companion on the Detroit River, and was returning in a skiff through a small creek without a drop of liquor in his boat. Two roughly dressed prohibition agents without uniforms hailed him from the bank of the creek as he passed close to it, and when he did not stop, either because he did not hear the hail through noise made by his outboard motor or because he was suspicious of the men on the bank being bandits, they opened fire on him at a distance of but a few yards with a large revolver and high-powered rifle, and while his back was turned, shot him through the back. He lingered in terrible agony for several days and then died. This was not the only act of violence by prohibition agents. There were many more.

I saw Colonel Hanlon and Major Campbell the next morning to get the details of the shooting, and was astounded to find that, while they knew the agents had mortally wounded an honest and harmless old man, a public official in the Federal service with great honor and credit for many years, they expressed no regret nor sympathy, but told me belligerently that more people were going to be killed in Detroit, whether innocent or violating the prohibition law, if they did not halt when yelled at by prohibition agents, even though roughly dressed and without uniforms. Colonel Hanlon said that a state of war existed between Detroit and the prohibition squad and that he was prepared to recognize it as such. Yet no prohibition agent was ever injured in Detroit except by due process of law. I called his attention to the fact that President Coolidge had said in his message to Congress about a month or so before that, happily the United States is at peace, but Colonel Hanlon replied that that did not matter to him.

I called attention to the numerous holdups and prevalence of stick-up men in Detroit largely due to the eighteenth amendment, and that innocent Detroit citizens were justified in running or trying to get away if roughly dressed men without uniforms ordered them to "throw up their hands." This made no impression on the colonel nor the major.

I then told these two that undoubtedly they were guilty as accessories before the fact, in inciting their agents to the murder of the old letter carrier, and that they were accessories after the fact in justifying the murder and in trying to save the two prohibition agents from due process of law.

GUILTY AS ACCESSORIES

I informed Hanlon and Campbell that if another murder of an innocent Detroit man, woman, or child took place that I would take steps to have them arrested as accessories to murder. I also declared that I was sure that our local institutions of self-government and our courts of justice would bring the slayer of old man Neidermeier to trial and to justice.

Although the Anti-Saloon League and the prohibition agents strained every nerve to save Benway, the slayer of Neidermeier, from justice, he was convicted and is now serving his six months in prison.

The prohibition squad sent a special attorney from the Department of Justice to Detroit to aid the local district attorney's office. Seven women were placed on the jury, and the need of rigorously enforcing the eighteenth amendment was argued to the jury; yet Benway was convicted of felonious assault with intent to kill. The penalty was six months to three years, and the judge gave him six months. He appealed to superior Federal courts, but is now serving his time.

I am happy to report that as the result of the cruel and unjustified murder of the old letter carrier by prohibition agents Colonel Hanlon was compelled to withdraw his orders to the prohibition agents to be "rough" and to "shoot quick and to shoot to kill." Instead he was forced by public sentiment to order his men to be extremely careful with their firearms and to shoot only in self-defense and when their own lives were in danger. Not only that, but the immigration officials on the Detroit border were also doing some high, wide, and handsome shooting.

I protested their lawlessness and they were given even more strict orders than the prohibition agents. The outburst of public indignation in Detroit compelled the transfer of Colonel Hanlon to the New Jersey district. Maj. Maurice Campbell was transferred to the New York district. Thus was Detroit given a brief breathing spell from the "reign of terror" through the sacrifice of the old letter carrier's life and other outrages.

GRAFT AND CORRUPTION

However, it was not long before an orgy of graft, corruption, and drunk-driving of automobiles was instituted by Federal prohibition agents foisted upon Detroit. As one indication of the general condition, I may inform the House that a year ago this past Christmas drunken prohibition agents in Detroit injured or wrecked 13 automobiles which they were driving or which they hit during their holiday drinking carnival.

Their graft and corruption on a large scale have occupied a prominent place in Detroit papers for the past several months, and the trial of these 23 prohibition agents who are now in the toils will give Detroiters and, in fact, all Americans further insight into the method of prohibition agents.

If Mr. LAGUARDIA and the sponsors of this wasteful and thoroughly unjustifiable expenditure of $24,000,000 have their way and send more prohibition agents into Detroit, they will further prove and demonstrate the axiom of the past few years: "The more prohibition agents in Detroit the more crime and menace to good government and the ideals of the Republic."

Figures which I have obtained from the Prohibition Bureau show that from January 16, 1920, to November 1, 1928, 177 persons connected with the Prohibition Bureau, excepting narcotic employees, were charged and convicted with drunkenness and disorderly conduct and other nonindictable offenses. The number separated for cause from January 16, 1920, to October 1, 1928, totals 1,291. This does not include the great number of agents in the Detroit district who were recently arrested and are now awaiting trial nor the considerable number who recently quit the service when their associates were arrested. Nor does it include the great number of crooks and near crooks who are still embedded in the prohibition service without charges pending against them. [Applause.]

Mr. SNELL. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker and gentlemen of the House, I do not propose to discuss the merits or demerits of the pending

resolution. I had expected to introduce an amendment, if the deficiency bill had come before the House for the purpose of amendments, by adding the words, after "prohibition enforcement," "narcotic enforcement." I believe the House will agree with me very largely that it would be perfectly proper to permit the use of part of the $24,000,000 provided to enforce the prohibition law for the enforcement of the narcotic laws. I do not know how many Members of the House have studied the narcotic situation in America at the present time; but due to the recent murder of Arnold Rothstein, the New York gambler, and his alleged connection with the international drug ring, public sentiment has been aroused and caused a demand to be made upon Congress for increased appropriations to facilitate securing evidence against the big dope rings. From the disclosures made at that time it was proved that in excess of $25,000,000 of illegal narcotics were smuggled within the last year into the port of New York and that the so-called crime wave in Chicago and New York and throughout this country can be directly traced back to the use of these smuggled drugs. One-third of the Federal prisoners are known to be addicts. Fifty per cent of all our crimes can be traced to the use of dope. Colonel Nutt, head of the narcotic bureau, told me that if he had an opportunity to use any substantial amount of Government money to buy information, he could pretty nearly put an end to the smuggling of these drugs. For instance, he said if he had $20,000 to give for information that he could stop 2 tons of morphine from coming into the United States of America, and that no money was to be paid out until the seizure was made. I think the Congress of the United States has a very distinct duty to provide sufficient funds to rigidly enforce the narcotic laws. The Congress provided for no additional appropriation this year in spite of the fact that the smuggling of drugs has become a national scandal. An alarming traffic in illicit drugs exists in the United States to-day and is eating into the lifeblood of the people and even seeping into the public schools. Only recently a trunk containing $2,000,000 worth of drugs was seized by Government officials. Think of the misery and deadly poison contained in that trunk alone! The Congress is not economizing when it stints on appropriations to enforce the narcotic laws. The total appropriation is only $1,411,260, about half of which is returned to the United States Treasury from registration fees and fines. It is the distinct duty of Congress to try to protect the American people from the greed of these smugglers who are to-day bringing all forms of narcotics into the ports of New York, San Francisco, New Orleans, and Florida; and unless Congress appropriates additional funds to enable agents to make large purchases of narcotics and thereby apprehend the big dealers and the higher-ups in the dope rings, why the situation will remain hopeless and their hands will be tied.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BANKHEAD. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

The SPEAKER pro tempore. The gentleman from Texas is recognized for five minutes.

Mr. BLANTON. Mr. Speaker, after to-day's vote the good ministers of my State will understand why the 17 Democratic Congressmen and the 2 Democratic Senators from Texas could not vote for the Hoover-Mellon combination. We knew that it does not stand for prohibition.

We know something about the situation here that our good minister friends in Texas do not know. We know about the Green-Mellon bill, the gigantic liquor combine bill which our former Chairman Green, of the Committee on Ways and Means, introduced here last session, and which was prepared by Secretary Mellon, to create the greatest liquor combine ever dreamed of, and which authorized such a tremendous liquor combine that the Committee on Ways and Means turned it down.

And then we know about the Hawley liquor combine bill which Mr. Mellon immediately drew up and sent for Mr. HAWLEY to introduce as a substitute, which likewise would have created the greatest liquor monopoly ever known to the country, and over the strenuous protest made by myself and other prohibitionists this House passed it, but before it could get through the Senate, thank God, the people spoke through Bishop Cannon and others, and when Bishop Cannon speaks the people act upon his advice, and justly, and it died in the Senate.

I am not criticizing the preachers of my State, because from their standpoint they justly rebuked us, as they really thought Hoover would enforce and that Smith would not, because in rebuking us they rebuked the liquor traffic in my State and in the Nation; but they will find out to-day when this vote is over that they were mistaken on the proposition. They will find out that they can not expect any liquor enforcement from Mr. Hoover as long as Mr. Mellon has strings on the administration, and they will find that they can not expect it from the Republican administration in Congress.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. I am sorry I can not.

My friend from Maine [Mr. HERSEY], who has been a strong prohibitionist, and whose dry stand on many occasions I have admired, said he always found out where the liquor crowd was and it was a safe policy to vote against that crowd. He is here to-day following the rider of the great white charger from Baltimore, sitting in his place here, to add encouragement to his crowd and take them down the line. Call the roll and you will find every one of the real fundamental wets of the House lined up with the gentleman from Maine, and with the gentleman from Michigan [Mr. CRAMTON], and with the other gentleman from Michigan [Mr. HUDSON], and with that great stalwart prohibitionist from Ohio, my good friend JOHN G. COOPER, and other Republican drys backing Mellon. Unfortunately they are obeying orders from the Treasury Department; they are obeying orders from the White House; they are obeying orders from the great influence that controls their party.

Oh, they say that I obeyed orders, possibly, in the last campaign. I say no. [Laughter.] Having no better alternative, through party loyalty to Democracy I supported a ticket that was repulsive to me. I supported a ticket and made speeches which embarrassed me, every one of them, when I made them. [Laughter.] But I want to say this: I told my people in every audience in Texas that I addressed that it was a choice between two evils; it was a choice for the American people to make, from which of the candidates could they expect the most of prohibition enforcement, and I knew they could not expect anything from Hoover and his Republican organization. [Applause.]

Mr. MICHENER. Mr. Speaker, I yield three minutes to the gentleman from Kentucky [Mr. ROBSION].

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for three minutes.

Mr. ROBSION of Kentucky. Mr. Speaker, ladies and gentlemen of the House, I might say that I have always been dry, politically and personally. [Applause.]

I come from a town that voted out the saloons 50 years ago. In this same town is Union College. The Kentucky Legislature 48 years ago passed an act making it unlawful to sell intoxicating liquors within 5 miles of this college.

I have always been an active supporter of the cause of prohibition in Congress and out of Congress. I favored the eighteenth amendment, voted for the Volstead Act, and every measure that has been before Congress since that time that would strengthen these measures. I stand foursquare for the honest and effective enforcement of our dry laws, as well as the other parts of the Constitution, but I can not support, ladies and gentlemen, this unsound and impracticable amendment. [Applause.]

What is the proposition now before us? As a general rule, this bill would be referred as a matter of course to the conferees of the House and Senate, and they would take up this matter and investigate it and report to the House and Senate. If we pass this rule that is now up for consideration, it will send this matter to conference. This amendment proposes to appropriate an additional $24,000,000. The need of this additional sum of money has not been investigated by any committee of the House or Senate.

After the conferees of the House and Senate have investigated this whole matter carefully, they will make report to the House and Senate, and then we will be better able to determine the best course to pursue. This $24,000,000 would not become available, anyhow, until July 1, 1929.

We must bear in mind, ladies and gentlemen, that this House has already appropriated millions and millions of dollars for this same purpose for the fiscal year beginning July 1, 1929. We have appropriated every dollar that has been asked for by the President, by the Director of the Budget, by the Treasury Department, and by the Department of Justice.

The President, the Director of the Budget, the Treasury Department, and the Department of Justice have not asked for this additional sum of $24,000,000, but on the contrary have declared their opposition to it. They say that Congress has provided all the money that can be used by the organization that we now have and can have by July 1 for this purpose, in a judicious and effective manner.

Since this matter was passed by the Senate, I have taken a thousand-mile trip through several States. On trains and everywhere, men and women were talking about this $24,000,000, and their expressions almost unanimously were along the lines of the editorial read to the House a few minutes ago by Mr. COOPER of Ohio to the effect that this is political bunk and that it is foolish and impracticable. [Applause.]

DEMOCRATIC POLITICS

I am against this amendment for several reasons. Many of my good friends on the Democratic side of the House coming from dry Democratic districts and dry States are in "bad" with their constituents because they helped to bring about the nomination and urged the election of Governor Smith, who is as wet as the Atlantic Ocean. I know they are in bad with their constituents, but they know it better than I do, and hence the zeal they are displaying in support of this $24,000,000 amendment. If these same politically dry Democratic friends had manifested half the zeal and used half the eloquence in their State conventions and at the Houston Convention for the dry cause that they are displaying to-day on the floor of this House, they would not have disappointed the fine Democratic men and women throughout the Nation who sincerely believe in the dry cause, by nominating Governor Smith for President of the United States. [Applause.]

When you good dry Democrats put up Governor Smith as your nominee and placed Mr. John Raskob, another wringing wet, at the head of your party, and they went about over this country denouncing the eighteenth amendment and the Volstead Act, you did more harm to the dry cause than you gentlemen could do good for it if you should talk from this floor here for two months and appropriate $50,000,000. You are now trying to pay off the deficit of $1,600,000 of your campaign by selling Governor Smith's wet speeches. It has been just a little over two months ago that the good Democrats who are now making speeches for this amendment and professing so much interest in the dry cause were themselves going everywhere urging the election of Governor Smith. I have never in my life seen such unmitigated gall and inconsistency.

Governor Smith is still the titular head of the Democratic Party, and Mr. Raskob is still your national chairman, both of them unrelenting and bitter foes of prohibition. They are now leading your party, and you gentlemen ought to first get rid of them before you undertake to lecture us dry Republicans and lead the real friends of the dry cause and law enforcement.

I followed Mr. Hoover earnestly and sincerely last summer and fall because he stands for the eighteenth amendment and for its honest and effective enforcement, and I now refuse to follow the leadership of the Governor Smiths and the Raskobs on this important question. The great dry leaders of the Republican Party in the Senate are opposed to this proposition. The recognized dry leaders of the House—CRAMTON, STALKER, HERSEY, COOPER, and others—have spoken in opposition to it and are voting against it. The Woman's Christian Temperance Union women of the country who have so earnestly and sincerely through all of the years worked for the dry cause declare in a telegram to a Member of the House that they are looking to Mr. Hoover for real law enforcement, and so does the Council of Churches and other great dry organizations; and I, too, am looking to Mr. Hoover.

He comes into office on the 4th of March, and Congress will be in session this spring and summer, and I know that Mr. Hoover will have some great constructive plan to carry out his promise of law enforcement to the American people, and he will submit this to Congress, and I do not want him to be hampered or embarrassed by this so-called plan cooked up by the Democrats for their own selfish political advantage and who were themselves trying to put a sopping wet into the office, the highest in the gift of the American people, less than three months ago.

I refuse to join with the Smiths and the Raskobs in their effort to discredit the cause of prohibition and to embarrass and hinder Mr. Hoover and at the same time to spend $24,000,000 to get a lot of Democrats out of a hole that they placed themselves in by their support of Smith and Raskob.

IT WOULD HURT PROHIBITION

If this amendment should be adopted, it would not only embarrass Mr. Hoover's administration—it would be a willful waste of the taxpayers' money and hurt the dry cause. The leaders of the dry cause came before Congress and urged that we were not succeeding in the enforcement of the law because this service was in politics and the appointments were political. They urged us to put the prohibition enforcement under civil service, and Congress did that. The real friends of prohibition insisted that every person appointed to this service should be carefully investigated as to their ability, fitness, and integrity. We wanted to get away from the scandals in the prohibition service. The Civil Service Commission has held two examinations, inviting people throughout the land to make application. Thousands did make application, and the Civil Service Commission has been investigating these applicants; but up to this time they have not secured sufficient eligibles to fill the jobs for which we have already provided appropriations.

If we should dump this $24,000,000 on to the President without a trained personnel to use it, we would again have to resort to the political appointments and without civil-service examinations and investigations. We would simply add to the scandals that have already embarrassed the real friends of the dry cause, and this money would be more or less wasted, so that when the appropriation bill for dry-law enforcement comes up next Congress the wets would come forward and urge that prohibition was a failure and point out that they had given all the money that the departments asked for and this $24,000,000 in addition and that we had added to the scandals and had accomplished little for law enforcement.

The press indicates that Mr. Hoover proposes immediately following his assumption of the presidency to have a careful survey made of this question and find out in what way we can improve this service and what measures and money are necessary for effective and honest enforcement. I, for one, feel that this is the wise course to pursue. Let us give Mr. Hoover his chance.

I am one of those who think prohibition has succeeded wonderfully. I was State campaign chairman for the Republican Party in Kentucky in 1927 and 1928, and came in contact with many, many groups of people, and during all that time I did not see a drunken person. I spent nearly two weeks in Kansas City both before and at the time of the Republican National Convention, and saw thousands of people, but did not see a drunken person. It is making real progress. I have always believed in this noble experiment, and the way to strengthen and carry it forward to success is to proceed along sane, sound, and sensible lines.

FIFTY MILLION IF NECESSARY

When Mr. Hoover assumes office and has an opportunity to investigate and formulate a broad, sane, and effective policy for law enforcement and advises Congress that he needs additional money, I stand ready to vote for whatever measures and funds may be necessary in addition to what we have already provided, even though it may be double the amount called for in this amendment; but I am unwilling to be stampeded into wasting the taxpayers' money and perhaps discredit the cause for which we have fought and in which we are deeply interested, by following the leadership of the Smiths, Raskobs, and other Democratic politicians. [Applause.]

My dry Democratic friends from the South and West might as well understand that their party is now in the hands of the wets, and these wets are determined to make the Democratic Party a wet party, and there is no good reason why we dry Republicans should be led out into the swamps and abandoned like our dry Democratic friends were at the Houston convention and in the last November election.

Mr. SNELL. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER. Mr. Speaker, the people I have the honor to represent are in favor of modifying the Volstead Act. I find myself in rather strange company this afternoon in my opposition to this prohibition monstrosity. However, I want at this time to state that I disagree with certain portions of the statements of the distinguished gentleman from Michigan [Mr. CRAMTON] and of the distinguished gentleman from Ohio [Mr. COOPER]. How can they deduce that the election of last year was a victory of the dry forces? It was neither a victory nor a defeat for the wet or dry forces. Their argument that the election of Mr. Hoover was a victory for the dry forces is not borne out by the results of the election. Nearly all of the States that Hoover lost are well known to be the driest of the dry, wherein the Ku-Klux Klan and Anti-Saloon League are exceptionally strong. The people of the State of Wisconsin in 1926, on a straight referendum, voted by a majority of almost 200,000 in favor of modification of the Volstead Act; and in the last election they voted by a majority of almost 100,000 in favor of Herbert Hoover. Not on the prohibition question, but because he was the best qualified candidate for the job. They voted for him because of his outstanding record of achievements and his position on great public questions such as the Great Lakes waterway and the protective tariff of the Republican Party. [Applause.]

I must say that while I am disappointed at some of the arguments of the distinguished gentlemen from Michigan and Ohio, I am pleased to find them casting aside the hired men of the Anti-Saloon League who are attempting to stampede Congress into passing this $24,000,000 prohibition monstrosity. Part of the $500,000 contributed to the Anti-Saloon League by the notorious Kresge, of New York, is no doubt being used to pay the salaries of these hired men and to pay the cost of their propaganda.

In his Milwaukee speech Governor Smith said that if we wanted the eighteenth amendment and the Volstead Act modified we should return the Democratic Party to power. If the Democratic Party was returned to power we would be no nearer modification than we are to-day. In fact, it would be a step backward, because man for man, the Democratic Party is the driest party in the land to-day. [Applause.]

Mr. SNELL. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Speaker, I can add nothing to the sound or substance of the debate but would make a few observations as to some of its peculiar angles; to wit, various Members from Florida, Georgia, and South Carolina advocating an appropriation of $24,000,000, which is not needed, which, if it passes, will kill any chance of an appropriation of $6,000,000 they are advocating for the rehabilitation of the devastated regions of their States, caused by the hurricane of a few months ago.

Again, I had supposed that when Will Upshaw retired from the House we would be without a vociferous leader of the prohibition forces when, behold, up steps Major LAGUARDIA, of New York, and assumes the leadership of the dry forces and defense of the eighteenth amendment.

Then my good friend, Mr. GARNER of Texas, consumes the time of the House to take another wallop at Andy Mellon. Texas showed good judgment in sending this statesman to Congress for the next two years, and I hope will repeat for many years to come. Texas also showed good judgment at the last election in going Republican and making sure that Mr. Mellon would be available and giving Mr. GARNER abundant opportunity to continue his feud and air his differences of opinion during a longer session.

Mr. HUDSPETH. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. HUDSPETH. The gentleman has referred to the good judgment of Texas. How about the good judgment of his own State?

Mr. UNDERHILL. I have shed more tears over that than the gentleman can imagine. I think Texas has shown good judgment, but I will not say much about the judgment of Massachusetts.

In closing I want to call attention to the uselessness of it all. We know the eighteenth amendment is here to stay and we only delude ourselves when we try to delude the public in a belief that there is a possibility of a change. Why can we not stop all of this foolishness and attend to business which will be of some benefit to the country and the public. [Applause.]

Mr. BANKHEAD. Mr. Speaker, I yield myself five minutes. [Applause.]

Mr. Speaker, ladies, and gentlemen of the House, I think it rather important, before we come to an actual vote upon the previous question on this resolution, that the entire membership of the House fully apprehend and understand exactly what the concrete parliamentary issue will be upon that vote.

The gentleman from Michigan [Mr. CRAMTON] stated in the beginning of his remarks that for the first time in his experience of some 12 or 14 years as a Member of this House, this extraordinary remedy of bringing in a rule to send a bill to conference has been resorted to. Well, gentlemen, if you will refer back to the controversy of only a few days ago upon the floor of this House, you will fully realize that remedy was required upon the part of the majority, not by any unusual obstruction upon the part of the minority Members of the House, but simply for the reason that the gentleman from Indiana [Mr. WOOD], in control of the appropriation bill, declined to give to the gentleman from Texas [Mr. GARNER] categorical assurance that in the event the conferees were appointed he would, beyond all question, bring back and submit to the House of Representatives for its judgment these three very important controversial amendments that the Senate placed upon the House bill. This assurance was not given and the bill then had to go to the Committee on Appropriations or the majority leadership had to resort to this remedy of securing a rule, and the latter was adopted.

Now, gentlemen, it seems to me that the issues in this case are plain. A good deal has been said in the course of this debate that in my opinion is not entirely relevant to the real issues involved here, but under the parliamentary situation the only possible way now that those of us who favor some instruction to the conferees upon these three important amendments, those of us who desire to have the Senate of the United State secure some expression from the Representatives in this body as to their attitude upon these important problems; the only possible way that we can get an opportunity, even though we should be in the minority upon the final vote, to register our opinion is to vote down the previous question when called for upon the adoption of this resolution; and this, gentlemen, would give to the gentleman from Tennessee [Mr. BYRNS], the ranking member on the Appropriations Committee, the opportunity of offering the amendments which he read to the House a few moments ago with reference to this prohibition enforcement item. It would also afford opportunity to amend this rule so as to have a vote now on these amendments.

Gentlemen, these are important questions that are involved here. There is not only the question of prohibition, but also the tremendously important question which has occupied considerable time here upon the floor of the House this session, the question of fixing some regulation for the payment of refunds and the allowance of credits upon income taxes. I am sure that the gentleman from Texas [Mr. GARNER] impressed upon the membership of this House the absolute importance, in justice to the Federal Treasury and to the taxpayers of this country, of undertaking to set up some form of regulatory machinery that would provide for the orderly auditing of these tremendous amounts of money before they are paid out of the Federal Treasury. This is involved in one of these amendments. It is a matter of importance to your constituents, however you may feel with reference to the prohibition question.

Then there is a provision inserted in the Senate upon the insistence of a well-known prohibitionist.

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

Mr. BANKHEAD. Mr. Speaker, I yield myself six minutes more, as I have no further requests for time on this side.

If you will refer to page 17 of the pending bill you will find amendment No. 17, proposed by the Senator from Virginia, Senator CARTER GLASS. I am sure that the gentleman from Michigan and the gentleman from Wisconsin can find no legitimate quarrel with the long and well-established reputation of that great Senator as an ardent advocate of the real cause of prohibition, although they might find some opportunity to question his position upon that question during the late national campaign. But, gentlemen, I want to call the attention of the Republican membership of this House to just exactly what the Glass amendment does.

Every one of you who will refresh his recollection with reference to the position of Mr. Hoover during the presidential campaign upon this question, will remember he asserted that he recognized there were many grave abuses with reference to the enforcement of the Volstead Act and the enforcement of the statutes made in pursuance thereof as far as regulation and control were concerned; that as a student of public affairs he solemnly acknowledged, regardless of his attitude upon the main question of the eighteenth amendment, that there was a broad and legitimate field for investigation upon the part of the Executive of this country for the purpose of undertaking to ascertain what remedy, if any, could be suggested and effectuated to correct that situation; and he stated in his campaign that if he were elected, soon after his inauguration he would take steps to appoint a commission to inquire into these abuses for the purpose not only of making recommendations to the Executive, but I imagine for the benefit of the lawmaking branch of the country. And what does this amendment do, I ask those of you who are advocating Mr. Hoover's position upon this question? It simply carries into effect, in plain and simple terms, with an adequate appropriation for its enforcement, this plan and gives an opportunity to the incoming President immediately upon his inauguration, to take the steps which he has indicated he thinks are so sorely needed. Can you find quarrel with that? Is there any politics in that? How can the Republican membership of this House in good conscience assert that simply because a Democratic Senator has made possible at this session of Congress the realization of your President elect's views upon this question, that you are going to turn it down, although it expresses those views, and then say it ought to be defeated simply because it is suggested by sinister political considerations?

Now, gentlemen, I have heard some strange language used here to-day upon the floor of this House. I did not think I would ever live to see the day when gentlemen, like my amiable friend from Michigan [Mr. CRAMTON] particularly, would stand upon the floor of this House and absolutely exhaust the vocabulary of scorn and contumely in opprobrium of those gentlemen naming some specific bishops in the last campaign whose support before the election he was seeking "even as the hart panteth after the water brook." [Applause.]

He comes in here this afternoon, this reputed leader of the dry forces in the Congress of the United States—whether the gentleman modestly disclaims it or not, he is so recognized by others—yet he says this great bishop of the Methodist Church, however earnestly and zealously he labored in the cause of what he con-

ceived to be for the best interests of prohibition—you say that he and all his associates in the moral cause represented by the Anti-Saloon League, are impostors and that they are all playing politics merely for the purpose of rehabilitating their political status.

Mr. CRAMTON. The gentleman has no right to put words in my mouth that I did not utter.

Mr. BANKHEAD. That is the logical and legitimate inference to be drawn from the words the gentleman uttered. [Applause on the Democratic side.]

These gentlemen, driven into a cul-de-sac, recognized the inconsistency of their position, come in here and in a quasi-humorous way, with scantily clothed sophistry, assert that the whole argument on the other side is based on politics.

The SPEAKER pro tempore. The time of the gentleman from Alabama has again expired.

Mr. BANKHEAD. I will take the remainder of my time.

I want to suggest to the gentleman from Michigan, and my good friend from Ohio [Mr. COOPER], and others who on the floor of this House have made arguments that this is purely an issue to readjust and rehabilitate the political fortunes, and to discredit the incoming administration of Mr. Hoover, to turn to pages 2659–2660, of the CONGRESSIONAL RECORD, and although I can not advert to the individual votes of Senators, they will see that by a vote of 50 to 27 the resolution embodying the Harris amendment was passed in the Senate of the United States. If the gentlemen will be courageous enough and fair enough to examine the personnel of the vote they will see many distinguished Republican Senators, and many who are as ardently dry as the gentleman from Michigan, voted for the amendment.

Gentlemen, it will not do to answer that the proposition was confined to politics. I will tell you how I am actuated in my vote. I represent what I know to be a dry district down in Alabama, I imagine that at least 90 per cent of my constituents are in favor of the enforcement of the law—the eighteenth amendment and the Volstead law. They know from evidences around them and from evidences brought to them from other parts of the country that in the last six years the Republican administration have not only had no enforcement of the prohibition law but what is much worse they feel that there has not been any honest effort to try and enforce the prohibition law. [Applause.]

I have no fault to find with the gentleman from New York [Mr. O'CONNOR] on my side of the House, or the gentleman from Wisconsin [Mr. SCHAFER], or the gentleman from Maryland [Mr. LINTHICUM], who are admittedly wet, who do not favor the eighteenth amendment but, my friends, in closing this debate upon this rule I make an earnest and sincere appeal to all gentlemen, leaders on the floor of the House, who pretend to and do believe in prohibition and in an honest effort to enforce it, to express by their vote that desire and obligation. [Applause.]

You are not going to be able, in my opinion, to deceive the American people with reference to this thing—to go out and tell them it was merely a vote on a parliamentary proposition. That is what you will do, I know that will be your excuse, and that will be your subterfuge, because you can not answer otherwise. You will say that this proposition was merely a vote on the previous question, but I want to assert and place it in the RECORD now, as the gentleman from Tennessee [Mr. BYRNS] said in his splendid and illuminating address, that the issue is squarely presented to you and the American people themselves will understand it. [Applause.]

I say to you, consider what your constituents, if they were here in this gallery this afternoon, would instruct you to do upon the merits, upon the essence, upon the very legislative sacrament of this proposition. I have no doubt that a great majority of your constituents from the dry districts if they were here would personally instruct you this afternoon to vote for the opportunity to make the prohibition laws of the country effective in an honest way.

Mr. ALLGOOD. Mr. Speaker, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. ALLGOOD. If this amendment is defeated, will not the wet forces throughout the country claim a great victory against prohibition?

Mr. BANKHEAD. I assume they would, and they would be entitled to do so.

Mr. YON. Mr. Speaker, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. YON. The gentleman from Massachusetts [Mr. UNDERHILL] intimated a while ago that if this amendment were put through, the rehabilitation measures that are pending for Florida, Georgia, and South Carolina would not pass. Has the gentleman any intimation that they would not?

Mr. BANKHEAD. I have no intimation on that subject.

Mr. YON. Does the gentleman think it is fair should this bill pass that they shall be held up?

Mr. BANKHEAD. I am not acquainted with the merits of the proposition to which the gentleman refers, but they should in no way be fairly affected by the result of the vote on this rule or the adoption of the prohibition amendment.

Mr. SNELL. Mr. Speaker, I now yield to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Speaker, in considering this amendment, which provides for an additional appropriation of $24,000,000 to be used for prohibition enforcement, I have come to the conclusion it is an unwarranted raid on the Federal Treasury and should be defeated. I know no political party, nor do I think of my own political welfare in arriving at my decision.

Why should I vote to take from the Public Treasury $24,000,000 to be used in an effort to enforce prohibition when the officials charged with the responsibility of enforcement openly declare there is not only no need for such an expenditure but they would not know how to use the money if Congress set aside such an amount for that purpose?

To consider this matter from a political standpoint is a position that can not be defended, nor should the views of the Member on the eighteenth amendment or the Volstead law be taken into consideration.

The Director of the Budget in a speech during the week says we are facing a deficit which might amount to $100,000,000 by July 1 unless drastic action is taken. Every Member of this House, regardless of political affiliations, should join in an effort to prevent such a condition. Personally, I now assure the Republican leaders they will receive my support in their efforts to keep appropriations within the revenues. This is a good time to commence the work.

The enforcement of prohibition has been discussed for years in both branches of Congress. Those possessing liberal views have been assailed for stating that enforcement has broken down. Now, however, we find the author of the amendment declaring enforcement up to this time has been a farce. He simply affirms the statements so often made on this floor and so vigorously denied by dry leaders. When those of us who are opposed to the eighteenth amendment and Volstead law have stated enforcement has broken down or the effort was a farce, we have been assailed by the leading drys. Now we find the advocates of prohibition taking the position that those opposed long since have taken.

This is but one of a number of methods prohibitionists—especially those who delight in rising on this floor and proudly proclaiming they were in part responsible for creating the sentiment that resulted in the adoption of the eighteenth amendment—advance to better conditions. A few days ago the gentleman from Kansas [Mr. SPROUL] tells us "we" are now preparing bills shortly to be introduced that will, when enacted, make the United States as dry as a desert. He does not disclose who the "we" represent, but, startling as his suggestions are, there is one advanced which I predict will cause even dry advocates to rebel against and that is the suggestion to do away with trial by jury. Of course, Congress can not do this by the enactment of a bill, as it will require an amendment to the Constitution, and before such an amendment is ever ratified by the States the eighteenth amendment will have been repealed.

In reference to the argument that those opposing this appropriation will be charged with hamstringing enforcement is answered by Dr. James M. Doran, Commissioner of Prohibition. Only last week he told me that he would not know what to do with the money if it was appropriated.

I do strongly criticize the methods used at times by enforcement officers and feel justified for so doing. I have on my desk at the present time a letter from a business man in St. Louis asking me to advise him if there is any law under which he can be reimbursed for damages suffered due to one of his salesmen accepting employment as a prohibition agent, without his knowledge and using his position as salesman to entrap citizens of St. Louis to violate the prohibition laws. This man, Merritt D. Padfield, sold paper to the retail trade, including proprietors of beverage parlors. He was employed by the Prohibition Unit last June, but continued his work as a paper salesman, he says, as a side line. That he worked with the approval of the Prohibition Unit as an undercover man is evident because he did not apply for a search warrant until a day or two before Christmas, when 61 arrests were made. He induced his paper customers to sell liquor or beer to him and a "friend," also a prohibition agent. The president of the paper concern, Mr. Russell W. Meredith, says his prosperous business has been ruined by the activities of this salesman. He has tried without success to find some legal course of action he could take against either the

salesman or Government, but we all know there is no statute under which he can recover damages. In one instance the salesman, when denied liquor by a customer, had the man call the company and ask the proprietor if Padfield was in their employ, and when told he was, secured the liquor for him.

The search and seizure amendment to the Constitution is violated almost daily by the prohibition agents. I have introduced a bill making it a felony for a Government officer to violate the fourth or fifth amendment to the Consitution; but of course the dry leaders will not sanction such action, and my bill sleeps quietly in the archives of the Judiciary Committee.

Within a week I read where a girl, a stenographer by day, is employed by night by prohibition officials to drink liquor and secure evidence; officers in charge of a posse killed a 6-year old girl riding with her parents near Windsor, Mo., while looking for suspicious characters thought to have liquor; a man was killed and a woman companion seriously injured when officers fired shotguns at an automobile thought to contain a load of Canadian whisky near Stella, Mo. It is only fair to state these officers in both the case of the young girl and the man and his companion were not Federal officers, but they claim they were trying to enforce prohibition laws. Federal agents do not visit dry territory in my State but confine their efforts to St. Louis and Kansas City, not destroying the source of supply but in 90 per cent of the cases arresting men and women charged with selling a drink of liquor or a bottle of beer.

Another occurrence worthy of special mention also within the last week was the raiding of a factory in my district where about 150 ladies are employed. Three brothers, Leo, Frank, and Joseph Bussman, manufacturers of the Bussman lamps sold all over the United States, operate a large electrical-appliance factory. Entering the factory by means of a ruse two Federal agents later appeared before the United States commissioner and swore to a warrant stating they had seen a barrel of whisky in the factory. Armed with the warrant, they raided the factory, carrying an ax and threatened to break up factory equipment if the whisky was not produced. They are charged by the proprietor with using profane language and threatening some of the women employees. In the end they claim to have found 10 ounces of alcohol. The alcohol did not belong to the employers but probably to one of the many employees. Still the agents arrested all three officers of the firm, charging them with possession of intoxicating liquors. Such methods should not be tolerated.

I see no reason to squander public funds—badly needed at the present time—by giving $24,000,000 additional for prohibition enforcement when the Secretary of the Treasury, the Commissioner of Prohibition, and all other Government officials charged with enforcement of this law say they do not want it and can not use it.

I am strongly of the opinion the people of the country, wet and dry alike, will condemn, rather than commend, those responsible for the effort to waste $24,000,000 of public funds.

Mr. SNELL. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. ADKINS].

Mr. ADKINS. Mr. Speaker, ladies, and gentlemen of the House, with us people out in the cornfields in the Middle West, who found the liquor traffic operating to our disadvantage, started the idea of driving the saloons out of business. The practical operation of the enforcement of the prohibition law has been that the people there have quit electing men and women to administrative, judicial, legislative, and law-enforcing offices who are going around "winking" to the other fellow that the prohibition law can not be enforced. We have brought enforcement down to about a petty larceny basis. You will never stamp out petty or grand larceny, but we can keep it down where we can live with it. We have it down to a point where we can live with prohibition enforcement better than we could with the liquor traffic. We have driven the professional bootlegger out into the large centers of population, and in some of those centers, I do not care how many law-enforcement officers you have, you could not enforce the law until it gets so that they can not live with it. Take places like Springfield and Chicago, and they are now rising up in arms and saying that we have got to suppress the bootleggers and crooks and that they are going to run them out. With reference to running them out, we are not going to let them run them back into our districts. Here is what the Champaign Gazette says about the lament from Chicago, where they have had a large amount of disregard for law enforcement:

> We should be prepared so that if any of the thugs get an idea of coming around here to pull off any of their rough stuff they'll get the crack in the ear that they deserve. Champaign County has the reputation of treating 'em rough, the treatment given the diamond bandit being a sample, and let's see that that reputation is sustained. The community has been unusually free from crime for many months, and every care should be taken to keep it so. Lack of preparation in view of the Chicago situation might result in serious consequences—it will be too late then to offer a lot of alibis. You know the old saying, "An ounce of prevention, etc." Now is the time.

The bootlegger doing business on a large scale has naturally got away from the communities where the communities elect judges, State attorneys, mayors, sheriffs, and city councils who are in sympathy with the prohibition law and gone into the centers where they elect officers not in sympathy with prohibition enforcement. Lawbreakers generally will naturally go to the communities where there is liberal treatment of liquor-law violators. Look the country over and you will find these "havens of refuge" getting fewer in number and their lawless element no doubt increasing. When they get to the point that it is dangerous to live with them, the citizens usually have a "house cleaning" and restore good government. In communities of that kind, no matter how many Federal officers you had or how many arrests made, few convictions would be had. Local public sentiment is the greatest law-enforcing agency we have. If the Government should spend this entire $24,000,000 on such communities, I think the enterprise would fail.

I do not think my people expect the Federal Government to police their towns. They can do that themselves.

I think the Federal Government should use its agencies to keep the supply of "booze" from coming in from other countries, suppress interstate shipments and other large sources of illicit supplies. The "petit-larceny" stuff in local communities will be taken care of by local authorities when conditions get where they have to do it.

An institution that had been with us as long as the liquor traffic has, I think we have made very good progress up to date.

My information is this body voted the department all the money they asked for to enforce the Volstead Act, and when I heard of this proposal to give the department $24,000,000 they had not asked for, had made no provision to use in any way, I did not give it a serious thought. In my legislative experience, both State and national, I have observed it was always a serious problem to provide money enough for the various agencies of government to function properly and at the same time not place an unbearable burden on the taxpayer.

This is certainly an unusual procedure to hand over $24,000,000 of the people's money there is no call for and no program for its use, and as I see it no justifiable reason for doing so. This wet-and-dry "bugaboo" that has been raised here this afternoon I do not take any stock in. I think everybody knows there is not 100 so-called wet votes in this House.

I think everyone knows if the Hoover administration needs more money for law enforcement this House will vote for it.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. BANKHEAD. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. WELLER].

Mr. WELLER. Mr. Speaker, ladies, and gentlemen of the House, I have listened with a great deal of attention this afternoon to the debate, especially to that part of the debate coming from the gentleman from Michigan [Mr. CRAMTON] and the gentleman from Ohio [Mr. COOPER], wherein they stated, and apparently were glad to do so, that the liquor question was the question that defeated Governor Smith as the Democratic nominee for the Presidency of the United States. I say that that is not the fact. Any man, who, as the leader of his party, could obtain 15,000,000 votes in the United States deserves recognition not only for his statesmanship but for his integrity and the things that he has accomplished. He has been four times elected Governor of the Empire State of New York. [Applause.] My friends, what defeated Governor Smith was something far more insidious, far more diabolical than that. In this country of ours where we boast of religious freedom, cradled as it was at Plymouth Rock and continued on by our forefathers in the Constitution, 1787–1789, the Ku-Klux Klan with its insidious propaganda was shot into the campaign. I, as a member of the Methodist Church for over 40 years, resent the propaganda and the snakelike virulent poison which was resorted to in this campaign. I resent it because it is un-American and unfair. That is what defeated Governor Smith for the Presidency of the United States. [Applause.] Our proud boast of religious freedom became a mockery.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. WELLER. May I have a half minute more?

The SPEAKER. All time has expired on that side.

Mr. WELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a paragraph

from the message of Gov. Alfred E. Smith to the legislature at Albany on January 4, 1928.

The SPEAKER. Is there objection?

There was no objection.

The extract referred to is as follows:

In the meanwhile, there devolves upon the State the sacred duty of sustaining the eighteenth amendment and the Volstead law. They are as much a part of the laws of this State as our own statutes and our own constitution. In fact, the Constitution of the United States itself declares that document and the laws made pursuant to it to be the supreme law of the land and the judges in every State bound thereby, anything in the constitution and the laws of any State to the contrary notwithstanding. Aside from the limited number of policemen who patrol the sparsely settled sections of the State, the State's police power is delegated and we find it exercised in the first instance by the village constable, the sheriffs, and deputy sheriffs, and the police officials of the cities. I speak only the truth when I say that the people of any locality get the degree of law enforcement upon which they insist and for which they are willing to pay. As far as I am concerned, in obedience to my oath to sustain the Constitution of the United States, I have repeatedly promised the people that so far as it lies in my power in the constitutional or statute law, I will remove from office upon proper proof being presented, any public official charged with laxity in enforcement of the law. Obedience to law is the foundation stone upon which the structure of government rests. Uniform enforcement, uniform obedience is necessary to preserve the dignity and the majesty of the law. Law enforcement must of necessity begin with arrest (p. 90).

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Speaker, before beginning my remarks, I wish to ask unanimous consent that all Members of the House may have five legislative days in which to extend their own remarks on the rule now under consideration.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that all Members of the House may have five legislative days in which to extend their own remarks on this legislation. Is there objection? [After a pause.] The Chair hears none.

Mr. TILSON. Mr. Speaker, in the few minutes at my disposal I wish to refer to two points which seem to me have not been sufficiently impressed. The first is that this is not and can not by any distortion of fact be made a contest between wets and drys. We have only to turn to the speeches which have been made here to-day and the men who have made these speeches to prove my statement. Men who have directly opposite views on the general question of prohibition are voting side by side on this resolution, both for and against it. Here is my friend from Michigan [Mr. CRAMTON] and also my friend from Ohio [Mr. COOPER] as examples on the dry side supporting the rule to send the bill to conference and opposing the $24,000,000 appropriation. Their honesty as well as their zeal in the prohibition cause is well known. On the other side of the aisle sitting before me is the gentleman from Maryland and a considerable number of others on his side who are conscientiously wet, but are supporting the same side in this controversy as the two earnest drys just mentioned, and all of these on both sides are entirely consistent so far as the proposed appropriation is concerned.

On the other side of the controversy we find the gallant young champion of the wets from New York [Mr. LAGUARDIA] urging the appropriation of the $24,000,000, and as much more as any enthusiast will suggest to prove that prohibition can not be enforced regardless of the amount appropriated.

Therefore I say that this is not a contest between the wets and drys, so that no one need fear having the slightest difficulty in explaining his vote on this score.

Coming through the Speaker's lobby a few minutes ago I heard an honored Democratic Member—I do not know whether he knew that I heard him—say that what was troubling him was the difficulty he had in determining how much of the proposed $24,000,000 appropriation is politics and how much of it common sense. I felt inclined to tell him that there was more of the former than of the latter. The political side, however, has been liberally discussed here to-day, and I shall not go further into it, but I shall refer to the common-sense side of it.

For what other purpose could an appropriation of $24,000,000, without an estimate from any department, without the approval of the Budget, without consideration by a committee, be brought into this House and receive serious consideration. A Member who attempted to bring such a proposition before the House on any other subject would be laughed to scorn. It would be said at once that such a course of procedure could not be good common sense. It would be pointed out at once that there should be an estimate and that it should have the approval of the Budget.

We now set great store by the Budget—and well we may because it has assisted greatly in systematizing appropriations and bringing about efficiency as well as economy. What will happen if a proposal of this sort, carrying a large sum of money sufficient to cause a deficit in the Treasury, can be brought in here by a haphazard amendment, without consideration by a department of the Government or the Budget, and passed without even knowing what it is going to be used for? If this should become the practice the budget system is doomed. [Applause.]

Is there a single good reason why we should proceed in the manner proposed by this amendment? Has there been an occasion, when, after consideration and an estimate by the proper department and a recommendation by the Budget, that an appropriation for prohibition enforcement has been refused? Has there been an occasion at any time when an appropriation asked for by a department and approved by the Budget has been refused by Congress for this purpose? Does anyone here believe for a moment that there will arise an occasion when funds will be refused by the Congress for the proper enforcement of the prohibition law? Then why should we proceed in this very unusual manner to disregard our budget system and make a huge appropriation for an uncertain, or at least, an undefined purpose? Ordinarily this House shies at large lump-sum appropriations without having a very clear understanding of the purposes for which they are to be expended. There is no justifiable cause for deviating in this instance from that very wise and wholesome rule.

Mr. Speaker, I yield back the remainder of my time.

Mr. SNELL. Mr. Speaker, I desire to take just a short time to close this debate.

I am very much surprised at the statement made by my good friend from Tennessee [Mr. BYRNS], who has a record in this House as being a very careful and consistent legislator in every respect. I am wondering whether he truly expressed himself in his speech to-day or at the time when he made a statement in the House, on December 18, 1928, relative to the other large appropriation that was proposed for the enforcement of prohibition. I want to call the attention of the House to the statement the gentleman from Tennessee made on that occasion, when he said:

I was unwilling, in the face of the fact that we are confronted with a deficit, which seems to be inevitable if the figures of the Treasury Department are correct, to vote $250,000,000 out of the United States Treasury when we have no program before us and no intimation or idea as to just how it would be expended if it were so appropriated and no request from the administration for further funds.

[Applause and cries of "Vote!"]

I wonder whether the gentleman was speaking, according to the record on that occasion, or was speaking for himself to-day as a conscientious legislator?

Mr. BYRNS. Mr. Speaker, will the gentleman yield?

Mr. SNELL. I can not yield at this time. Well, I want to be perfectly fair, and I will yield to the gentleman.

Mr. BYRNS. The proposition, then, was to put $250,000,000 in the hands of the Secretary of the Treasury. I said in that speech that I would vote for $25,000,000, and even $50,000,000. I would oppose now, as I did then, the appropriation of $250,000,000 for the Prohibition Unit alone. Why does not the gentleman read all of the remarks which I made at that time.

Mr. SNELL. The gentleman can put that in the RECORD if he likes. But what I have quoted was the closing remark that the gentleman made on December 18, 1928, and stated at that time that we had no requests for further funds.

Mr. BYRNS. Since then has not the Secretary of the Treasury said he needed money for the Coast Guard and the border patrol?

Mr. SNELL. There has been no statement made that he needed additional funds.

Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from New York moves the previous question. The question is on agreeing to that motion.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. POU. Mr. Speaker, I ask for the yeas and nays on that.

The SPEAKER. The gentleman from North Carolina asks for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Those in favor of ordering the previous question, when their names are called, will answer "yea"; those opposed will answer "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 240, nays 141, not voting 47, as follows:

[Roll No. 19]

YEAS—240

Ackerman	Dempsey	Johnson, Ind.	Robsion, Ky.
Adkins	Denison	Johnson, S. Dak.	Rogers
Aldrich	Dickstein	Johnson, Wash.	Rowbottom
Allen	Douglas, Ariz.	Kading	Sabath
Andresen	Douglass, Mass.	Kahn	Schafer
Andrew	Doutrich	Kearns	Schneider
Arentz	Dyer	Keily	Scars, Nebr.
Auf der Heide	Eaton	Kendall	Seger
Bacharach	Elliott	Ketcham	Selvig
Bachmann	England	Knutson	Shreve
Barbour	Englebright	Kopp	Simmons
Beck, Wis.	Estep	Korell	Sinclair
Beedy	Evans, Calif.	Kurtz	Sirovich
Beers	Fenn	Lampert	Smith
Begg	Fish	Langley	Snell
Berger	Fitzgerald, Roy G.	Lea	Somers, N. Y.
Black, N. Y.	Fitzgerald, W. T.	Leatherwood	Sproul, Ill.
Bloom	Fitzpatrick	Leavitt	Sproul, Kans.
Bowles	Fort	Leech	Stalker
Bowman	Foss	Lehlbach	Stobbs
Boylan	Frear	Letts	Strong, Kans.
Brigham	Free	Lindsay	Sullivan
Britten	Freeman	Linthicum	Summers, Wash.
Burdick	French	Luce	Swick
Burtness	Fulmer	McCormack	Swing
Bushong	Gambrill	McLaughlin	Taber
Campbell	Garber	McLeod	Tatgenhorst
Carew	Gibson	Magrady	Taylor, Tenn.
Carley	Gifford	Mapes	Temple
Carter	Glynn	Martin, Mass.	Thatcher
Casey	Golder	Mead	Thompson
Celler	Goodwin	Menges	Thurston
Chalmers	Griffin	Merritt	Tilson
Chase	Guyer	Michaelson	Timberlake
Chindblom	Hadley	Michener	Tinkham
Christopherson	Hale	Miller	Treadway
Clague	Hall, Ill.	Mooney	Underhill
Clancy	Hall, Ind.	Moore, Ohio	Updike
Clarke	Hall, N. Dak.	Morgan	Vestal
Cochran, Mo.	Hancock	Nelson, Me.	Vincent, Mich.
Cochran, Pa.	Hardy	Nelson, Wis.	Wainwright
Cohen	Haugen	Newton	Ware
Cole, Iowa	Hawley	Niedringhaus	Wason
Cole, Md.	Hersey	Norton, N. J.	Watres
Colton	Hickey	O'Connell	Watson
Combs	Hoch	O'Connor, N. Y.	Welch, Calif.
Connery	Hoffman	Oliver, N. Y.	Weller
Cooper, Ohio	Hogg	Palmisano	Welsh, Pa.
Cooper, Wis.	Holaday	Parker	White, Colo.
Corning	Hooper	Peavey	White, Me.
Crail	Hope	Perkins	Wiggiesworth
Cramton	Houston, Del.	Porter	Williams, Ill.
Crosser	Hudson	Prall	Williamson
Crowther	Hull, Morton D.	Pratt	Winter
Culkin	Hull, Wm. E.	Purnell	Wolfenden
Cullen	Igoe	Quayle	Wolverton
Dallinger	Irwin	Ramseyer	Wood
Darrow	James	Ransley	Wurzbach
Davenport	Jenkins	Reece	Wyant
Deal	Johnson, Ill.	Reed, N. Y.	Yates

NAYS—141

Abernethy	Doughton	Larsen	Robinson, Iowa
Allgood	Dowell	Lowrey	Romjue
Almon	Drane	McDuffie	Rutherford
Arnold	Drewry	McFadden	Sanders, Tex.
Aswell	Driver	McKeown	Sandlin
Ayres	Edwards	McMillan	Sears, Fla.
Bankhead	Eslick	McReynolds	Shallenberger
Bell	Evans, Mont.	McSwain	Speaks
Black, Tex.	Fisher	McSweeney	Spearing
Bland	Fletcher	Major, Ill.	Steagall
Blanton	Gardner, Ind.	Major, Mo.	Stedman
Box	Garner, Tex.	Manlove	Steele
Brand, Ga.	Garrett, Tenn.	Mansfield	Stevenson
Brand, Ohio	Garrett, Tex.	Martin, La.	Sumners, Tex.
Briggs	Gregory	Milligan	Swank
Browne	Green	Montague	Tarver
Browning	Greenwood	Moore, Ky.	Taylor, Colo.
Buchanan	Hare	Moore, Va.	Tucker
Bulwinkle	Hastings	Moorman	Vinson, Ga.
Busby	Hill, Ala.	Morehead	Vinson, Ky.
Butler	Hill, Wash.	Morrow	Warren
Byrns	Howard, Nebr.	Nelson, Mo.	Weaver
Canfield	Howard, Okla.	Norton, Nebr.	Whitehead
Cannon	Huddleston	O'Brien	Whittington
Carss	Hudspeth	O'Connor, La.	Williams, Mo.
Chapman	Hull, Tenn.	Oldfield	Williams, Tex.
Collier	Johnson, Okla.	Oliver, Ala.	Wilson, La.
Collins	Johnson, Tex.	Parks	Wilson, Miss.
Connally, Tex.	Jones	Patterson	Wingo
Cox	Kemp	Peery	Woodrum
Crisp	Kerr	Pou	Wright
Davey	Kincheloe	Quin	Yon
Davis	Kvale	Ragon	Zihlman
De Rouen	LaGuardia	Rainey	
Dickinson, Mo.	Lanham	Rankin	
Dominick	Lankford	Rayburn	

NOT VOTING—47

Anthony	Curry	Graham	Kiess
Bacon	Dickinson, Iowa	Griest	Kindred
Beck, Pa.	Doyle	Hammer	King
Bohn	Fulbright	Harrison	Kunz
Boies	Furlow	Hughes	Lozier
Buckbee	Gasque	Jacobstein	Lyon
Cartwright	Gilbert	Jeffers	McClintic
Connolly, Pa.	Goldsborough	Kent	Maas
Monast	Palmer	Strong, Pa.	Vincent, Iowa
Moore, N. J.	Reed, Ark.	Strother	White, Kans.
Morin	Reid, Ill.	Tillman	Woodruff
Murphy	Sanders, N. Y.	Underwood	

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Bohn (for) with Mr. Hammer (against).
Mr. Kunz (for) with Mr. Gilbert (against).
Mr. Doyle (for) with Mr. Cartwright (against).
Mr. Buckbee (for) with Mr. Reid of Illinois (against).
Mr. Bacon (for) with Mr. McClintic (against).
Mr. Dickinson of Iowa (for) with Mr. Gasque (against).
Mr. Beck of Pennsylvania (for) with Mr. Harrison (against).
Mr. Kindred (for) with Mr. Lozier (against).

Until further notice:

Mr. Griest with Mr. Underwood.
Mr. Woodruff with Mr. Goldsborough.
Mr. Kiess with Mr. Reed of Arkansas.
Mr. Connolly of Pennsylvania with Mr. Lyon.
Mr. Graham with Mr. Jeffers.
Mr. Hughes with Mr. Tillman.
Mr. Curry with Mr. Moore of New Jersey.
Mr. Murphy with Mr. Kent.
Mr. Strong of Pennsylvania with Mr. Jacobstein.
Mr. Morin with Mr. Fulbright.
Mr. King with Mr. Monast.
Mr. Palmer with Mr. Maas.
Mr. Sanders of New York with Mr. Furlow.
Mr. Vincent of Iowa with Mr. Anthony.

Mr. KETCHAM. Mr. Speaker, my colleague, Mr. VINCENT of Iowa, is unavoidably detained on account of illness. If he had been present, I am advised he would have voted "yea."

Mr. ENGLEBRIGHT. Mr. Speaker, my colleague, Mr. CURRY, if he had been present, would have voted "yea."

Mr. CLARKE. Mr. Speaker, my colleague, Mr. BACON, if present, would have voted "yea."

Mr. CANNON. Mr. Speaker, I am in receipt of a telegram from the gentleman from Missouri, Mr. LOZIER, who is absent on account of the death of his wife, stating that if he were present he would vote against ordering the previous question.

Mr. DOUGHTON. Mr. Speaker, my colleague, Mr. HAMMER, is temporarily indisposed and unable to attend the sessions of the House. If present, he would have voted "nay."

The result of the vote was announced as above recorded.

Mr. SNELL. Mr. Speaker, I move the adoption of the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. The Chair appoints the following conferees: Messrs. WOOD, CRAMTON, and BYRNS.

EXTENSION OF REMARKS—FIRST DEFICIENCY APPROPRIATION BILL

Mr. FREAR. Mr. Speaker, the proposal to add $24,000,000 to the present deficiency appropriation bill for the alleged purpose of furnishing additional funds to aid law enforcement comes before the House through an amendment adopted by the Senate. During the debate on this resolution to send the bill to conference various arguments have been offered for and against the $24,000,000 Senate item, but the real issue, to my mind, is smothered by irrelevant matters.

It is alleged that the $24,000,000 is needed for better enforcement of the eighteenth amendment. If that is the real issue, then Congress, on the request of any responsible governmental agency, by an overwhelming majority, would, unquestionably, appropriate double that amount, if asked for by any law-enforcement agency. The constitutional amendment is law; and during the last campaign both political parties advocated enforcement of the law. Whether the Senate amendment is offered to rehabilitate the Democratic Party, as has been repeatedly claimed by Republican speakers, or whether it is offered to disclose the inadequacy of ten times that amount, as claimed by the wet advocates, is not the issue.

No governmental agency has asked for $24,000,000 or $240,000,000 or for any other amount to enforce the law, in addition to that requested in the Budget. Of course, no sacredness attaches to $24,000,000 or any other figure that has arbitrarily been added to the bill in the Senate. In fact, opponents of the law declare they support the $24,000,000 amendment to demonstrate its ineffectiveness to enforce.

Personally, I believe law enforcement properly belongs to the Department of Justice and that a transfer to that department of eighteenth amendment violations would result in specific recommendations for additional judges and other needed officials to aid enforcement.

Opponents to the law argue that Secretary Mellon is not in sympathy with the law now administered by the Treasury Department; that neither $24,000,000 or any other amount will bring enforcement; and yet with few exceptions they are urging this amendment. Men of national prominence who favor law enforcement are confronted by this argument, but with legisla-

tors are asked to subscribe to the spectacle of Greeks bearing gifts intended only to confuse or destroy.

President Coolidge and President Hoover will be charged with the disbursement of the $24,000,000. Both have protested against the unbusinesslike proceeding of placing that responsibility on them when not asked for by any governmental agency.

Its disbursement or lack of disbursement would be certain to meet criticism from business and political sources, and the proposal is a legislative gesture that does not reflect credit on the intelligence or sincerity of the American Congress. Such a proposal would be deemed childish and inexcusable if loaded onto a village president against his protest. It would invite certain bankruptcy if a similar policy was adopted by any business interest, from a great corporation to a corner grocery store, and the American Congress represents the world's greatest corporation.

SHIFTING OUR RESPONSIBILITY

Surely we can not lend ourselves to a policy in times of peace of delegating to the President the determination of how $24,000,000 or $240,000,000 should be spent. That is our responsibility.

Congress, without strings, gave $100,000,000 to President Wilson in time of war, and while the necessities of the case required such action and the war covered a multitude of excusable extravagances, the heritage of a $100,000,000 Muscle Shoals power plant, repeatedly defeated in time of peace, was made possible only by such delegation of authority during war.

For several years items involving many millions of dollars recommended by River and Harbor Committees for navigation, Military Committees for nitrates, and Agricultural Committees for fertilizer at Muscle Shoals were successfully opposed prior to the war. Thereafter the expenditures at Government expense occurred by Executive order.

My own opposition to old-time "pork barrels," whether carried by river and harbor, public buildings, or other bills brought home the fact that committees, made up of Members having projects, were necessarily subjected to undue pressure under the old system that involved many independent appropriation committees. After a long struggle one of the greatest reforms ever brought about in Congress occurred with the passage of the national Budget law in 1921. That law prevents loose methods of legislation and has saved hundreds of millions of dollars to the Federal Treasury in the brief time it has been in force.

Realizing that our Federal Government was a corporation no different in character than other governments so far as its financial resources and disbursements were concerned, I urged repeatedly the adoption of a national budget. Without arrogating to myself any credit for legislative agitation or adoption of the Budget law that followed, I am forcibly reminded by to-day's proceedings of a 40-minute speech made December 14, 1917, on House Resolution 157 based on a resolution I had introduced for a national budget system.

At that time and during the World War I said:

> No sermon on the imperative necessity of strict public economy could be more impressive than a brief review of cold statistics I have offered which carry their own unanswerable argument, and it is because of this critical time in the Nation's history when governments are changing form and the toll of life and property is beyond human comprehension that this law-making body should meet the problem without evasion or legislative quibbling.

After referring to messages of President Taft and efforts to enact a budget law in the Sixty-second Congress, I added:

> A budget will require annual submission of carefully prepared estimates by the different departments of all proposed expenditures to a control agency there to be reviewed, pruned, and approved before submission to Congress for consideration. Congress will then intelligently determine what should be allowed for the support of government * * *. It will tend toward wise and disinterested consideration of appropriation bills, increased efficiency, curtailment of legislative logrolling, public waste and extravagance, and will materially shorten sessions of Congress. * * * Practically every government on earth—some 50 in number—have adopted some form of public budget in order to promote efficiency, economy, and responsibility. Our own Government alone invites wholesale extravagance by refusing to adopt any intelligent legislative financial policy.
>
> During this hour of national peril will our Democratic friends repudiate their party pledge and disregard their leader's (President Wilson's) request or will they, in fact as well as words, join hands with this side of the aisle and unitedly stand by the President in this effort to prevent public waste?

A budget resolution was set forth in full following the speech.

Our Democratic friends ignored their party pledge made at St. Louis in 1916, which advocated a single appropriation committee as a "practicable first step toward a budget system," and even as late as June 24, 1919, one of their most conspicuous and honored leaders expressed the "futility" of any budget legislative hopes. From another fairly lengthy discussion of the same subject on the above date I quote after prior interrogations by ex-Speaker Clark:

> Mr. FREAR. The budget committee has the preparation of the revenues and the expenditures of the revenues of the Government. That is the proper place for its consideration, the same as other governments. Every government on the face of the earth has a budget system except ours, and in no other government is there so much carelessness and so much looseness in regard to appropriations. I do not say this is the only practical budget system, but I say that any good budget system that contains the propositions I have mentioned will prove a great improvement over our present system. Of course, you will have to do away with your 14 appropriating committees, having control over 14 to 20 appropriation bills. That is a first and a hard proposal to accept.

CHAMP CLARK, THE DEMOCRATIC LEADER

> Mr. CLARK of Missouri. Mr. Chairman, I do not like to take up the gentleman's time——
>
> Mr. FREAR. I do not feel that I have the right to refuse to yield to the distinguished ex-Speaker.
>
> Mr. CLARK of Missouri. I hope the gentleman will get some more time; but this is one of the most important questions that has been discussed since I have been here. Has the gentleman ever figured on these 14 appropriation bills coming from 7 appropriating committees? There are 21 Members on each committee, and seven times 21 is 147. You have 147 Members against you to start with.
>
> Mr. FREAR. I appreciate that, and it is a far larger number than you have stated. The gentleman from Kentucky, Mr. Sherley, when chairman of the Appropriations Committee, said to me, "You will have over 200 against you to start with." But we are going to make the fight through public sentiment, and we must convince our own membership it is right.
>
> Mr. CLARK of Missouri. I am not opposed to it. I am just suggesting to you the futility of talking about it.
>
> Mr. FREAR. We have never got anywhere or anything on earth that we have not talked about. I know that the distinguished ex-Speaker, with all the power that he possesses, must be in sympathy with the proposition of saving time and saving money and——
>
> Mr. CLARK of Missouri. Yes; of course; and I am in sympathy with getting up some kind of a scheme to induce Members to come here and attend to business.
>
> Mr. FREAR. * * * I realize great obstacles that the ex-Speaker has mentioned, and I know the opposition to the project, and what is true here is true with respect to the body at the other end of the Capitol, and Senators are more jealous of their rights, their powers, and perquisites than are the Members of this body. But it has got to come. * * *

EX-SPEAKER JOE CANNON SAID THE BUDGET LAW FIGHT WAS FUTILE

> Mr. CANNON. Mr. Chairman, will the gentleman yield?
>
> Mr. FREAR. Yes. Certainly to the gentleman from Illinois.
>
> Mr. CANNON. Under our Constitution, with a Senate that changes one-third of its membership every two years, and with a House that changes every two years, how in the world can you have a budget governing the whole public service and get anything out of it? As I understand it, in Great Britain, when their budget is turned down, they go to the people at an election. You can not do that here. I suppose that is also so in France, and I suppose it is so in Italy.
>
> Mr. FREAR. If the distinguished Republican ex-Speaker, to whom we all listen with profound respect, as we also listen to ex-Speaker Clark, will reflect a moment, they will both realize that when the Republican Party challenges the record of the Democratic administration, or when the Democratic Party challenges the record of a Republican administration, we must stand on our record, on the moneys we demand and vote, and if a Republican Congress does not give a Democratic administration a sufficient amount of money to properly run the Government the public at large will not retain us in the service, but will turn us out. That is our responsibility. In other countries to which reference has been made they oust the ministry. Here we can not do that. It will take time to make necessary changes, but fundamentally the same principle is at the bottom of it. Under this resolution that I have proposed and under the two bills that are proposed we would have the same situation as exists in Great Britain, where an enormous amount of time and an enormous amount of money is saved compared with our lack of system. * * *
>
> * * * * * * *
>
> Mr. FREAR. I realize, as both distinguished ex-Speakers have said, that it is hard to attempt to outline in brief time the importance of this subject, but I am going to insert the bills, resolution, and other data, and if you will do me the honor to read them you will find a way pointed out, and you will find I have outlined not only the faults of the present system but the object to be attained by a new real budget plan.
>
> Mr. CLARK of Missouri. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended 10 minutes. If he can devise a way

to get a budget, I would like to hear of it. I am not opposed to the budget. I ask unanimous consent that the gentleman's time be extended 10 minutes. * * *

I have quoted briefly from my remarks in the House during the fight for a budget law to disclose that ex-Speakers Clark and Cannon, two of the most able men of this body during the last quarter of a century, both expressed the futility and hopelessness of any budget law for the United States. Less than a decade ago we were drifting financially in legislation without star or compass. We regulated our income by our expenditures. Then we passed the law to prevent such an amendment as that offered by the Senate and now before us.

Under the budget law we seek now to limit expenditures to income and to use the same judgment an individual would use in the regulation of his own business or family expenditures.

I repeat that no sensible man doubts that, irrespective of returns from fines or penalties that lessen actual costs of enforcement, Congress will appropriate every dollar asked for by any responsible governmental agency for law enforcement, and this applies to every governmental activity, whether it concerns the eighteenth amendment, narcotics, immigration, or other law violations.

The President has repeatedly called our attention to the necessity of observing Budget recommendations if we are to keep within income and estimates.

Congress should do this without Executive warning because the responsibility is ours under the law. Not one valid excuse or argument has been offered for this $24,000,000 super budget expenditure, nor for the unprecedented effort to load such expenditure onto an executive who repudiates the act in advance. To do so in opposition to the clear intent of the Budget law and against the announced opposition of the President is a spectacle that does not reflect credit on a body that makes a pretense of enforcing individual compliance with law by itself violating a plain provision of law and also of the Constitution that places responsibility for all expenditures with Congress.

I have not mentioned the charge that the $24,000,000 amendment is intended for political claptrap or for the rehabilitation of a political party or to injure law enforcement by its claimed futility.

These charges are beside the question and of slight importance compared with an effort to destroy the integrity of the Budget law without the shadow of an excuse for such action. Emergency expenditures will ever be called for by deficiency appropriations, but the Senate $24,000,000 amendment or any other amount is without any official sanction by those who have been selected by law. For that reason the resolution sending to conference should be passed, and the Senate conferees, without prejudice, should strike out this item because of the reasons mentioned. If any effort to prevent needed law enforcement appropriations is ever offered in either branch of Congress it may be necessary to propose amendments to that end, and they will be passed overwhelmingly. The purpose of this amendment, however, is not to meet any failure of such duty on the part of the Appropriation Committee or of either branch of Congress.

Mr. HUDSON. Mr. Speaker, I know that there is no occasion for me to use any of the time allowed me in the debate on this amendment to state to my colleagues my position on the eighteenth amendment or the Volstead Act for the enforcement by the Government of the same.

I gave six of the best years of my life to the writing into Michigan's constitution a prohibition amendment and then the enacting of an enforcement code that is equal, if not superior, to the Volstead law. The State amendment and its enforcement law has stood the test of every assault upon it as has the Volstead law of the national enforcement code, and the question of the prohibition of the beverage liquor traffic is firmly established in the State constitution as it is in the national Constitution.

The history of legislation in this Nation reveals the fact that no prohibitory law that has lived through 10 years has been repealed. I stand ready to-day to vote for any appropriation in any amount, be it $5,000,000 or $50,000,000 for the enforcement of the law, when such appropriation is requested by any or all departments that have to do with its enforcement and it can be shown how it can be used effectively, or upon the request of the President, who in theory, if not in practice, is responsible for the well-being and safety of this Nation of ours.

In the matter before us to-day of adding to the deficiency appropriation bill an item of $24,000,000 for enforcement, there has been no such request or suggestion. In fact, 60 days have not elapsed since every one of these departments has been before the Appropriations Committee on two separate occasions, first in the drafting of the regular appropriation bill covering the actions of these branches for the coming fiscal year and then again covering their requirements in this very bill, the first deficiency bill, now before us. On neither occasion did they separately or together suggest they could efficiently use any such an amount of money, this year or next year. The fact is that this body did enlarge their original estimates where it was found such additional amounts could be used.

No, my colleagues, this does not come before us fairly on its merits as a matter of adequate enforcement of the prohibition law, but rather as a clever political move, which it is thought will catch the fancy of people who desire the best conditions before they can have time to analyze just what is involved here.

On Tuesday morning I received, as I apprehend you, my colleagues, all did, a letter from Dr. F. Scott McBride, general superintendent of the Anti-Saloon League of America, asking support for the amendment and giving, at some length, the reason for his position. The press had carried a statement a few days before which indicated his opposition. This, he said, was a misconception of his position.

I immediately sent the following reply:

JANUARY 28, 1929.

Mr. F. SCOTT MCBRIDE,
General Superintendent Anti-Saloon League of America,
Washington, D. C.

MY DEAR DOCTOR MCBRIDE: Your circular letter of January 28 is on my desk this morning, and I note with great interest your appeal and reasons for the adoption of the Senate amendment to the first deficiency bill, providing $24,000,000 for the enforcement of the national prohibition law.

Even though your arguments are set forth very fully and as you see it very clearly, I still have misgivings as to the wisdom of the adoption of this item to the appropriation bill; and in that position I want to go on record as being more than willing, indeed anxious, to support every suggestion or intimation that President-elect Hoover may make for the strengthening and enforcement of the eighteenth amendment; and in that connection may I say that I have great confidence personally in what he may desire to do as well as what he may do in that connection. However, as it appeals to me now, it will be unwise to adopt this amendment until a suggestion is given by Mr. Hoover concerning the same.

Congress is going into special session within less than 60 days probably. When it meets in special session he will be President and there will be an overwhelming majority on both sides of the Capitol to carry out quickly and thoroughly his wishes. Until he has spoken I feel it will be unwise to put this amount of money at his disposal.

In the second place, I question very seriously the motive behind the original proposal for such legislation.

In the third place, until the Customs Service, the border patrol, and the Prohibition Unit patrol system can be unified and their organization under one effective head, the amount of money that we appropriate for the men we employ will go to make mighty little difference as to the effectiveness of enforcement. We need more than money, the enactment of the Stalker bill, and the enactment of a United States border patrol law.

With the best of wishes, I am,
Yours sincerely,

GRANT M. HUDSON.

Yesterday I received the following telegram from the State superintendent of the Michigan Anti-Saloon League:

DETROIT, MICH., *January 30, 1929.*

I earnestly hope you will support appropriation bill 15848 carrying $24,000,000 additional for prohibition enforcement, but on condition that it be safeguarded by being placed in the hands of President or President and Prohibition Commissioner, to be used as needed for more effective enforcement. I feel certain that I reflect the views and wishes of most of the temperance forces of this State.

R. N. HOLSAPLE.

To which I sent the following reply:

WASHINGTON, D. C., *January 30, 1929.*

Dr. R. N. HOLSAPLE.
McKerchey Building, Detroit, Mich.:

Have publicly announced my intention to vote against Harris amendment. Confident I can justify my position before constituency.

GRANT M. HUDSON.

This question to-day is entirely a political one, with two angles to it—one of a party who desires to emphasize that even though their candidate said he would seek the repeal of the law and went down to defeat on that platform, they still are entitled to a seat among the respectability by fathering this $24,000,000 for law enforcement, even though it is to be used or not to be used; that is of small interest. And the other angle, that they can by its adoption some way embarrass the incoming President, who has plainly stated his splendid position of supporting the eighteenth amendment and its enforcement.

Gentlemen, we have laws enough, regulations enough, money enough to enforce the law if they had strong purpose behind them. Only determination is wanting. Twenty-four million dollars will not put iron in the blood of the enforcing officers. That does not take money; it takes public sentiment. To illustrate how this public opinion can function to the success of halting lawlessness let me read the editorial from one of the dailies of my city:

LAW ENFORCEMENT IS SHOWN

Those who believe in law enforcement, and there are many such, have suffered rebuff of their demands by the claim from some great centers that law can not be enforced. Indeed, the showing has been such that there seemed weight to the contention.

But now here comes both New York and Chicago putting on the most drastic law-enforcement campaign in years, and it appears to be getting results. It begins to appear to those looking on from the outside that the condition in both the cities came to such a pass that it could not be tolerated, even by those who have previously winked at the situation, and now a thorough going clean-up program is on.

In Chicago the readers remember that on a day early this week some 3,394 criminal suspects were rounded up summarily. Even the right of habeas corpus appears to have been in some measure suspended. So quickly were the undesirables apprehended that it seems highly evident that the police of Chicago know exactly where to place their hands on those wanted. If they can do it one time, it can be done another.

The drastic clean-up in Chicago is in some measure the result of what has been going on in New York. How the campaign in the eastern metropolis was instigated by public demand, following the murder of a prominent gambler, has already been told in these columns. An unpretentious citizen might have been slain and the fact would hardly have been noticed, but the slaying of the picturesque Rothstein made newspaper copy. Mystery added to public interest until the whole city was agog over the crime. It became evident to the public that there was some species of police connivance in high quarters and the demand that something be done became political. Even Tammany meets the demands of an aroused public. So the crooks have been driven from New York, only to head for Chicago. * * * Both cities are demonstrating what can be done if there is a will to do it.

However, let me call the attention of the House to the fact that the amendment to the deficiency bill as it now lies before us does not do what even a sincere friend of the amendment might wish it to do.

Secretary Mellon in a letter to the Appropriations Committee of the House calls attention to that fact. I quote him as carried in the morning press:

It is my understanding—

The Secretary wrote—

that in order to make prohibition enforcement more effective the Senate intended to provide additional funds for certain purposes, such as the relief of congestion in the courts; increasing the fleet, equipment, and personnel of the Coast Guard; increasing the effectiveness of the Customs Service, including the border patrol; and increasing the personnel of the Bureau of Prohibition and the Department of Justice; and that inasmuch as it was impossible definitely to allocate the sums to be spent for certain specified purposes at this time, the additional funds provided were to be allocated as the President, in his discretion, might decide.

I feel that it is my duty to point out to you that an examination of the amendment reveals that it will not accomplish the purposes intended. The appropriation will not be available for any of the purposes above enumerated, except increasing the personnel of the Bureau of Prohibition and the Department of Justice, nor will it be available for the conduct of an educational program which ma, have been contemplated.

The amendment as adopted provides funds for increasing the enforcement force. Granting that the language should be construed most liberally and in the light of the desired ends which the Senate was seeking to accomplish, I fear that the appropriation would not be available for more than an increased personnel.

This being true, an examination of the amendment clearly reveals the Secretary's contention. I shall, if the rule is defeated to-day, immediately seek recognition to offer the following substitute for the amendment:

For the enforcement of the eighteenth amendment, the national prohibition act and supplemental acts, the tariff acts, and all laws pertaining to the traffic in intoxicating liquors and narcotics, the sum of $24,000,000, or such portion thereof as the President may deem useful, to be expended in the discretion of the President through the Department of Justice, Coast Guard, Customs Bureau, and Prohibition Bureau; and he may allot a sufficient sum or amount to the Civil Service Commission for the examination and investigation of eligibles for employment in the enforcement of such laws in the various agencies above mentioned in accordance with existing law, and to remain available until June 30, 1930.

Now, Mr. Speaker and my colleagues, it is useless for such denunciation of men or organizations as are indulged in to-day. There are no finer groups of men or women in the world as a whole than the men and women who are working in the temperance organizations of this country. There may be and there are some on the official staff of those organizations who lose the vision of great service and ethical living, but that is true in all stratas of human life and endeavor.

I repeat, as a whole, they are characters of worth and their service of the Nation is constructive and faithful.

Nor is it worth while to designate the men in our enforcing groups "snoopers, sneaks, and so forth." Again, while there are those who violate their oath and forget their purpose of service, thousands of these men are giving faithful, honest, and efficient service and that, too, in the face of almost without exception inadequate recompense. This service they render while in constant danger from the most dangerous class of law violators the Nation has ever known.

Mr. Speaker, I shall vote for the rule referring this matter to the conference committee realizing that there will be those without doubt as members of the conference who are leaders, recognized not only on this floor and in this body but throughout their State and Nation, in this matter of prohibition and law enforcement, and I am confident that their attitude as conferees will reflect a majority sentiment of the dry membership of this House.

Mr. IGOE. Mr. Speaker, my attitude on the question of prohibition is, I believe, well known, not only to the Members of this House but to my constituents as well. As one who conscientiously believes in personal liberty, I advocaed during my last two campaigns for office a modification of the Volstead law, and since I have been a member of this distinguished body I have continued my efforts in that direction, believing such action would at least partially restore to the citizens of this country their inalienable rights guaranteed them under the Constitution and would eventually eliminate the corrupt conditions now existing in practically every city, town, village, and hamlet within the boundaries of this great Nation.

It is my opinion that no law can be enforced unless it have the popular will of a majority of the people no matter what amount of money is appropriated or in whose hands the execution of the same is intrusted, especially when the appropriation is not asked for by the officials charged with the administration of such law.

The President has expressed his opposition to the $24,000,000 item for the reason it would conflict with his economy program. The Secretary of the Treasury has seen the futility of such an appropriation and has publicly denounced it on the excuse it is not needed. Doctor Doran, the Federal Commissioner for Prohibition, himself says that the great cause is in such a fix now that it would require a yearly appropriation of $300,000,000 and the establishment of a new and nation-wide system of Federal judiciary to enforce the Volstead Act. For five years every competent prohibition official in the service of the Government has declared that the annual appropriation is ridiculously inadequate and that instead of $30,000,000 a year $300,000,000 would be a more realistic estimate. What is the attitude of the aforementioned Government officials charged with the administration of the provisions of this ridiculous law, I ask? They seem to have a varied difference of opinion as to just what is needed to adequately care for the situation, and are, more or less, hiding behind a smoke screen. The facts are that all deep-thinking and fair-minded people of this country do not want this law enforced, and those intrusted with its execution are only lukewarm toward it. In view of this situation it is very evident that an appropriation of $24,000,000 will not materially relieve the outrageous conditions that confront us to-day.

I am, therefore, opposed to the Senate amendment to the deficiency bill for the reason: First, it would be a useless expenditure of the taxpayers' money; and, second, it has been encouraged and abetted by the members of the Anti-Saloon League, Bishop Cannon, Scott McBride, and others connected with the dry movement. These principal agencies of political activity on the part of the churches are:

The Federal Council of Churches, representing 28 denominations with 23,000,000 communicants, which specializes in pacifistic propaganda in opposition to military training and in lobbying against strengthening the Army and Navy.

The national conference of organizations supporting the eighteenth amendment, the recent amalgamation of 33 societies devoted primarily to maintaining and strengthening the national prohibition law.

The Methodist Board of Temperance, Prohibition, and Public Morals, an aggressive and influential propaganda and lobbying agency in the interest of prohibition and suppression of vice.

The Anti-Saloon League of America, the political machine functioning at the National and 48 State Capitals through which the churches brought about national prohibition and are now safeguarding the institution from modification.

The Church Peace Union and its subsidiary, the World Alliance for International Friendship through the Churches, another agency of the Protestant denominations for pacifistic propaganda.

These organizations alone expend more than $2,500,000 a year in their activities, while a multitude of affiliated organizations expend as much more.

With these various agencies organized as departments of their political activity, the churches are aiming to reduce the amount expended on national defense and to increase the amount devoted to the enforcement of prohibition. Millions for prohibition but not one cent for cruisers represents the attitude of the church lobby on the pending proposals to increase appropriations for prohibition enforcement by $24,000,000.

Through this appropriation these leaders of the so-called dry movement would expect to be called upon to suggest law-enforcement officers in sympathy with their motives to be placed on the pay rolls of the Prohibition Department. The statement was made on the floor of the House that only 60 per cent of the present force of over 2,000 field officers have been appointed pursuant to the civil service act applicable to the Bureau of Prohibition. Informal advices received from the Civil Service Commission indicate the examination recently held to determine eligibles for appointment as agents under the Prohibition Department will not be completed for a year or more. Therefore what are we to assume? That the remaining 40 per cent of vacancies are to remain vacant during this period or are temporary appointments to be made, thus enabling this organization to wield its influence in such a manner as to control these appointees.

I have heard it said repeatedly that the actions of the Anti-Saloon League could easily be likened to those of the gunman who meets a law-abiding citizen on the street, sticks a revolver to his head, and relieves him of his possessions. The only difference is, a gunman takes a chance with his own life, while these individuals are extracting money from the taxpayers without danger to themselves, under the guise of better civic government for the country.

Reference has been made to the last presidential election and the Members of the House have been admonished to keep faith with the American people. The statement was made that something like 15 per cent of the electoral vote of the last election has been interpreted by some as a wet vote and something like 85 per cent as a dry vote. Let me point out that scores of editorials from leading papers all over the country show that prohibition was defeated in the only two States having a chance to vote on it—Montana by 10,000, which gave Mr. Hoover about 26,000 majority, and Massachusetts by 250,000, which only gave former Governor Smith a majority of about 21,000. A complete analysis of the vote in the recent election will show that former Governor Smith received at least 3,500,000 more votes than he would have received if he had not favored modification.

I contend, therefore, the only real and logical way to enforce prohibition is to meet the will of the people and repeal the law now in force. The fanatics of Volsteadism uplift their hands in assumed holy horror. But I believe that the right of repeal is as sacred as the right of enactment. The organization of citizens for the purpose of bringing about, by legal means, the modification or repeal of any law which those citizens consider unwise or unenforceable I submit is commendable. It is the right of the free citizen to advocate the enactment of any law based on elementary morality, or the repeal or modification of any existing law, and to associate himself with others in that effort. It is also the right of the people to organize to oppose any law and any part of the Constitution with which they are not in sympathy. That is the very base of free speech and of our constitutional guaranties.

Let us then face the facts as we have them. Experience has taught us during the past few years that the prohibition movement is not in sympathy with the will of the people. The only alternative, then, is to relieve ourselves of that evil. Let us clean the slate. Repeal the eighteenth amendment and its accompanying act, and create new legislation that shall blot out utterly, for the welfare of our Government and of all our people, the terrors of prohibition. Let us have absolute repeal.

Mr. EDWARDS. Mr. Speaker, while there is nothing new in the arguments heard in connection with the proposed increase in the appropriation for enforcing the prohibition law, as would be effected by the Harris amendment, there is great interest in it. It is of more importance than the casual thinker would at first conclude. It is of interest to all.

It is a matter of general knowledge that those charged with the enforcement of the prohibition law have from time to time given "lack of funds" as an excuse for their failure to more effectively enforce the law. I am not one of those to admit the law is a failure, nor do I admit it is merely an experiment. It was never intended by those of us who framed the eighteenth amendment to the Constitution that it should be a failure or merely an experiment. I assert it is neither a failure nor an experiment. Great progress has been made in the comparatively short time the act has been in force and in it is a moral issue that will not down. Whether wet or dry, all admit the open saloon was an open shame and a menace to our civilization. While conditions are not now as ideal as they should be there is a marked improvement over the old conditions. None of us would turn back to conditions as they were prior to the eighteenth amendment. The most ardent advocate of rum has to admit its harmful effects upon those who use it habitually or to excess.

PEOPLE MUST BE EDUCATED

If prohibition was good and essential during the war, why is it not good and essential in peace time? If it is important to have sober citizens who can think sanely and safely during a period of war, is it not also important that our people be sober and able to think sanely and safely during an era of peace? There is nothing more important to a nation, especially our Nation, than the moral and physical welfare of its people.

No nation is stronger than its citizenship. A sober citizenship is much stronger than a liquor-debauched citizenship, with minds inflamed from the poisons of alcoholic beverages. There is no argument about this. The amendment offered in the Senate by the senior Senator from Georgia, Hon. WILLIAM J. HARRIS, would give an increase to the prohibition enforcement fund and would place it at the disposal of the President. This fund could be used in many ways to help carry on the important work of law enforcement. It could be used for educational work in educating the people of the Nation as to the harmful effect of strong drink, in building up stronger sentiment for law enforcement generally, and in an effort to build a better citizenship. It could be used to carry messages to the younger generations as to the importance of keeping the mind free from that which depletes the mental and physical being. It could be used to instill a loyal devotion among the old, as well as the young, to the Constitution of the United States. It can not be argued that educational work is not necessary, for only recently a man who was being interrogated in the courts of Washington as to his qualifications to serve on the jury frankly admitted he did not know there was any such thing as a prohibition law in the United States and admitted he had no knowledge whatever of what the eighteenth amendment to the Constitution is. In fact, I doubt if he knows that there is a Constitution at all. He is not alone in this. There are many others throughout the land who are as ignorant on it as he is. The light should be carried to them. A great many people violate the law through ignorance, while many violate it for the money they get out of it. One thing certain, there would be no sales if there were no consumers or buyers. When the people are educated, through temperance, when they fully realize the harm they do in helping some one else violate the law, there will be less drinking; and when the people know, especially the reckless young people, that they are harming and destroying themselves, as well as tearing the heartstrings of their parents and doing great harm to human society and to our Government, there will be still less drinking.

It has been said, and I expect with considerable force, that prohibition came at least 15 to 25 years sooner than it would have otherwise arrived through the temperance teachings that were being carried on. That it would have come sooner or later, despite the eighteenth amendment, there is no question. It was precipitated through war conditions that arose. Drinking was growing less each year. The good women and the temperance leaders were making great progress, and the harmfulness of strong drink was being stressed everywhere and many people were refraining from strong drink because they had learned it was bad for them.

CRIME MUST BE PUT DOWN

It is vital to the welfare of this Republic that its laws be respected and enforced. To admit that we can not enforce our laws is to admit a weakness that will destroy our Government, if it is true.

The prohibition question has never been a partisan question. It ought never to be a partisan question. It is a moral question. Some say it can not be enforced because it has not sufficient sentiment behind it. That is just the purpose of the amendment offered by Senator HARRIS, who is one of the outstanding drys of the Nation, to enable those charged with law enforcement to build up a healthy sentiment that will not only stand against law violations but will stand like a stone wall on all issues that make for the best interest and the substantial moral welfare of our Republic. Sentiment is swinging more

and more to respect for law and for law enforcement. People of sound thought, regardless of their views on the prohibition question as an issue to itself, are coming to the view that a more wholesome respect for law and for law enforcement must be built up. If we fail to enforce one law how long do you think it would be before highwaymen would be trying to break down the laws with respect to robbery? How long would it be before the world-wide monopoly, that fosters narcotic sales, would start the cry that a man has the right to buy and use narcotics, and how long would it be before sentiment is undermined with respect to that important law? No sane man who is a "dope fiend" wants to see his child develop into one. No drunkard wants his son to follow in his footsteps.

We must do the best we know, not for the present generation alone, but for generations yet unborn, and we must take a stand, as good citizens, on these moral questions as they arise. The milldam that holds back a great pond of water is strong and a thing to be admired, as it performs its useful purpose, yet if a little place is weakened and a trickle starts over it, a washing away and a weakening will take place, as it grows larger and larger, until a great wide break in the dam occurs. Then it is impossible to stop the flow. Our laws are a great bulwark. They can be likened to the strong milldam. Our laws hold back and prevent a great lot of crime. If permitted to be washed away with maudlin arguments about "personal liberty" and the like, the crime wave will become so large that it can not be controlled. The law has ever been the bulwark of our liberties. Our liberties are not lost because of law, but to the contrary, they are protected and guaranteed to us through and by law. The administration of the law, as to all classes, as to the rich and the poor, without favor or affection, should be enforced with equal justice and impartiality to all.

Dr. F. Scott McBride as well as Bishop Cannon have been misrepresented in the debate that has taken place on this question, and in fairness to Doctor McBride, I am inserting his statement in the RECORD as a part of my remarks, giving his position with respect to this amendment. Bishop Cannon's position is very much like that of Doctor McBride's.

The statement is as follows:

STATEMENT BY DR. F. SCOTT M'BRIDE, GENERAL SUPERINTENDENT ANTI-SALOON LEAGUE OF AMERICA, WASHINGTON, D. C., ON THE $24,000,000 APPROPRIATION FOR PROHIBITION ENFORCEMENT

I heartily approve of the appropriation of the fund passed by the Senate and the placing of this fund at the call of the President, to be allocated through the different departments having to do with prohibition enforcement. This can safely be used under a budget by the departments.

Following the dry victories of the recent election, it was a foregone conclusion that the dry Congress would give the President, who carries the responsibility for enforcement, what funds were necessary to aid him in the enforcement of the prohibition law.

In the very beginning of this discussion I publicly stated that the fund proposed should be accepted under a carefully prepared budget presented by the department. Later I called attention to the fact that the Secretary of the Treasury had not in his letter refused the appropriation, and that he had well said that some of the funds should be used in the Justice Department to give better court service; that other phases of the work he mentioned should be speeded up; and suggested that he go over the work and present a more intensive budget as a proper procedure.

I have never nor do I now favor making so large an appropriation to any one department, to be expended by that department head without a budget. That would be poor business. There can not, it seems to me, be any just objection to placing this fund at the call of the President, to be directed by him to the different departments having to do with prohibition enforcement. The amendment to the Harris amendment to this effect removes what legitimate objections there were to the original statement.

While the apparent politics involved prevented some of the leading drys from voting for the appropriation in the Senate, yet it need not do so in the House and in committee. The House, I think, should concur in the appropriation.

EVERY WET AGAINST AMENDMENT

As proof that my position is correct in this matter, aside from the dictates of my own conscience as to what is right, I assert, without fear of truthful contradiction, that every wet Democrat and every wet Republican, with the possible exception of one, and there are many wets in this House, voted against the amendment that gives the increased appropriation for dry-law enforcement. Now, why is this? Why are the wets all against it? The vote was not on the amendment itself but on the gag rule the Republican Rules Committee brought in here with which to avoid a vote on the question. Many have taken refuge behind this rule as a blind, but the question is, Will the people not peep behind the blind?

A STRONG APPEAL

The liquor forces are ever alert and active. Every method is being used that can be commanded by them to discredit temperance and prohibition. Many drys have been misled into voting against the Harris dry amendment because they say it costs too much. If prohibition can be enforced and established in theory and practice in the United States, its value to this Republic and the world can never be measured in dollars and cents. It will be worth all that it may cost.

I have a letter inclosing a resolution adopted by the College of Bishops of the Methodist Church South, which is a great body of good men, making a strong appeal, and, as a part of my remarks, I am inserting it in the RECORD, because it is along the right line and should be read far and wide. It is as follows:

BOARD OF TEMPERANCE AND SOCIAL SERVICE,
METHODIST EPISCOPAL CHURCH SOUTH,
Washington, D. C., January 25, 1929.

DEAR CONGRESSMAN: We are inclosing copy of action taken by the College of Bishops of the Methodist Episcopal Church South, at Memphis, Tenn., on January 1, 1929.

Cordially,

JAMES CANNON, JR., *President.*
EUGENE L. CRAWFORD, *Secretary.*

MESSAGE TO THE CHURCH

We would bring to our people another exceedingly important matter. The people of the United States have by the method prescribed in the Constitution branded the traffic in intoxicants as criminal. Therefore we would strongly emphasize that while effective enforcement of the eighteenth amendment at whatever expense of men and money must be the persistent aim of the legislative, judicial, and executive branches of both Federal and State Governments, it is the unquestionable duty of all patriotic citizens, and especially of all affiliated with the churches, to be exceedingly scrupulous in their personal observance of the prohibition law.

We call upon our Christian citizenship to give hearty, active, and continuous support to all proper methods and agencies to promote total abstinence and prohibition observance. We urge our pastors, Sunday school, and social workers to adopt and put into effect an adequate educative program to develop a steady growth of public sentiment in behalf of temperance and the observance of the prohibition laws among all our people. It is a significant and important fact that the bootlegger can be quickly put out of business when all the people of reputable standing cease to patronize him.

We also most respectfully and earnestly appeal to the secular press of our country—daily, weekly, and monthly—that it emphasize more frequently the good results which do and would follow the acceptance and observance of the prohibition law, which law is fundamentally simply an effort of organized society—that is, the State—to protect itself and to promote the general welfare by the restriction of the admittedly unnecessary and frequently hurtful indulgence of the appetite of the individual citizen. Furthermore, as nearly all the countries in the world are now grappling with the same evils which are inherent in the traffic in alcohol, it is vital that our own country should make effective the law which it has adopted after so many years of experiment and labor.

W. A. Candler, Collins Denny, Edwin D. Mouzon, John M. Moore, W. F. McMurry, U. V. W. Darlington, H. M. DuBose, W. N. Ainsworth, James Cannon, jr., W. B. Beauchamp, Sam R. Hay, Hoyt M. Dobbs, and H. A. Boaz.

AMERICAN INSTITUTIONS MUST BE PRESERVED

Some assert that the wave of lawlessness and the disrespect for law is the outcropping of lawless elements that have slipped into this country from other lands. It is not all due to that cause. We find far too many of our native stock as defendants in the criminal courts. Far too many American youths are developing into criminals. The home training is lacking, I fear, in many cases. It is a matter of serious concern, and men who think soberly are trying to find the real cause. Whatever it may be, it should be remedied. Too many people from good families are in the chain gangs and penitentiaries of this country. There must be a check to crime, and the check in some measure can be effected in the way these good bishops have indicated. A healthy sentiment for law and order must be built up and maintained. Every good citizen should do his part. The welfare of our Republic and our liberties are at stake. The immigration laws should be tightened up and everything else done that needs to be done to check the rising tide of crime that is sweeping the country. The prohibition law is not the only one being violated. It is not the cause of the crime wave either as some utterly thoughtless and reckless wets would have us believe. But for the prohibition law no one can even surmise how serious conditions would have been during this inexplainable crime wave. It is safe to say conditions would have been many times worse than they are. Regardless of the cost, this crime wave must be ended. I think much of it can be cured in the homes and the schools.

The mothers of the land, always powerful in their Godly influence, should bend their efforts as never before in the making of better men and women of their sons and daughters, and all of us should lend a helping hand in this work that is so vital to our country.

Mr. MORROW. Mr. Speaker, I followed with keen interest the debate in the Congress upon the amendment made by Senator HARRIS to the deficiency appropriation bill, said amendment providing for $24,000,000 to enable the President to determine methods for the enforcement of prohibition.

The majority party in the House decry this move as a Democratic move to rehabilitate Democrats who lost in the last election with their party again. Still the Republicans pose as the dry party now, just as they did in the election which has passed into history.

Had prohibition been the sole issue in the campaign now history, in my opinion, a somewhat different verdict would have been rendered. In much of the country the issue spoken aloud was prohibition, but the issue whispered was religion, and that un-American spirit, coming from people whose intelligence as to the knowledge of what constitutes a Christian and the doctrine of religious freedom in America was prejudiced, had a very telling effect upon the election in the interest of the Republican nominee.

Let us study the question of prohibition as to honest, impartial enforcement of the present law, and in so doing the conclusion must be that from the conditions existing in the Nation that the administration of the same is either incompetent or corrupt.

There should be some method vigorously put in force by investigation by some committee with sufficient funds and power to determine impartially what is wrong. That failure exists in many cities and other localities, where either there is no real effort at enforcement or the question of politics is a controlling factor, is apparent.

The enforcement of prohibition by an orderly and intelligent method would, if the same can be accomplished, be one of the greatest blessings that could come to humanity.

This not only applies to the United States but likewise applies to all other countries where alcoholic liquor is manufactured and used as a beverage. In my opinion, in order that this be brought about we must again go back to the educational feature which was dropped and the law of force started and now by corruption many of the officers of the law have been debased through the ill-gained money of the bootlegger until a considerable percentage of the Nation has become violators of the law.

The corrupt ring of bootleggers in every city in the United States at this time is an example of the manner in which prohibition has been enforced. The argument of those in power, and under whose control the enforcement is delegated, is that there is no proper program whereby this money can properly be expended successfully. The answer is—what has the party in power been doing during the eight years that it has been charged with this enforcement? What has the Secretary of the Treasury been doing in his organization of the Prohibition Unit? If he has not mapped out a program in eight years, and he is to be continued under the incoming President for four years more, surely unless the necessary funds are supplied the President-to-be after March 4 so that he can plan a program of enforcement, there must be admission by the party that now controls the reins of Government that prohibition is a political blind behind which they can hide and still win by a subterfuge and deception of the citizenship of the country.

It is admitted by the Secretary of the Treasury that there is great congestion in the courts on account of the vast amount of prohibition cases pending. This indicates that violations are becoming so numerous that many new courts must be established to handle the violations, which means additional judges and prosecutors. It would appear reasonable then that funds are needed, and needed badly, in order that we have a temperate Nation which our intelligence should justify.

The conditions existing justify Congress in thoroughly investigating prohibition enforcement in the Nation at this time, and placing the blame where it belongs, for the lack of law enforcement.

That existing conditions must call for drastic and unwarranted legislation, such as is demanded in the State of Michigan, which has become the most rabid State in its laws for violation of the eighteenth amendment, is deplorable. That State is demanding a penalty for violation of the liquor law of a sentence to the penitentiary for life; such legislation now is strongly opposed by the Republican governor, and he is threatening to veto the act if it is passed. This same State sent a poor, ignorant woman to the penitentiary for life for a third conviction. It is my belief that just such arbitrary, drastic, cruel power is what will cause the public to lose confidence in the purposes of the law. I want to say that I am a believer in the education of our people to the need of temperance in the Nation. Let us examine the thought of some of the real students of prohibition, and likewise note the faulty and wrong spirit prohibition has brought to the people of our country.

The head of the National United Committee for Law Enforcement says:

> The liquor law is being nullified from one ocean to another * * * homes are being converted into stills and wildcat breweries; stores of every variety are being camouflaged into places of distribution as substitute saloons. * * * And yet, while America burns with alcoholic eruptions and the handwriting flashes on the wall, Congress fiddles and splits hairs over a penny-ante appropriation in defense of the Constitution.

That same committee sends an "emergency message to the House," and states in part:

A MANDATE TO ENFORCE

> The country has spoken in emphatic terms on the issue of prohibition. It selected a candidate committed by platform and speech of acceptance to the effective enforcement of the eighteenth amendment by approximately 7,000,000 majority.
>
> The verdict of the people should be binding upon Congress as well as the President. The President has made known his policy of a fact-finding investigation and enforcement and ought to have the support of every patriot in Congress and out, until the prohibition policy has had a fair and impartial trial. For this reason we stand committed to hold up the hands of the President elect, and believe that he should have at his disposal, upon induction into office, a sufficient sum of money or "such part thereof as the President may deem useful * * * to be allocated as he may see fit."
>
> If such fund is not provided by the present short session, under the projected plans for an extra session, funds for the scientific investigation and enforcement of prohibition favored by the President elect will not be available for months to come, as there would be no machinery to appropriate such money.
>
> We are sure that the House would not wish thus to hamstring and hobble President Hoover. For this reason we favor the bill with one important and vital change.

Thus, when it is claimed by many writers and men who have studied the prohibition question that the use and sale of alcoholic and bootleg liquor is being used to-day in a greater amount than during any period since the enactment of the eighteenth amendment and the Volstead Act, and that criminals are being created by the sale of bootleg liquor, it is time that definite action be taken.

When those who supported the Republican candidate for President are claiming that an unprecedented victory was won on the prohibition issue, it would appear to me that the amendment should be adopted, which places in the hands of the President sufficient funds for the carrying forward of the enforcement of prohibition, if it can be enforced, and which gives him full discretion to plan a program for such enforcement of the eighteenth amendment.

FEDERAL PENAL AND REFORMATORY INSTITUTIONS

Mr. COOPER of Ohio. Mr. Speaker, I am directed by the special committee which was appointed to make a survey and investigation of all of our Federal penal institutions to present its report to Congress.

The SPEAKER. The gentleman from Ohio presents a report, which the Clerk will report.

The Clerk read as follows:

Mr. COOPER of Ohio submitted a report from the Special Committee on Federal Penal and Reformatory Institutions.

The SPEAKER. Referred to the House Calendar and ordered printed.

Mr. COOPER of Ohio. Mr. Speaker, I would like permission to have the report which I just sent to the Clerk's desk printed in the CONGRESSIONAL RECORD.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the report referred to may be printed in the CONGRESSIONAL RECORD. Is there objection?

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, may I inquire as to how many pages are in the report?

Mr. COOPER of Ohio. Only eight pages.

The SPEAKER. Is there objection?

There was no objection.

The report referred to follows:

JANUARY 31, 1929.

Hon. NICHOLAS J. LONGWORTH,
Speaker of the House of Representatives,
Washington, D. C.:

The following report of the committee appointed pursuant to House Resolution 233, Seventieth Congress, first session, is hereby submitted.

Resolution No. 233 reads as follows:

"*Resolved*, That a special committee is hereby created, to consist of five Members of the House of Representatives, to be appointed by the Speaker. Said special committee is authorized and directed to hold hearings and to obtain all available information from dependable sources relative to Federal prisoners confined in Federal, State, county, and municipal prisons and jails; the care of such prisoners as to housing, food, health, recreation, work, discipline, classification, medical treatment, and other pertinent facts; the rates of compensation paid for maintenance and board of such prisoners, the services rendered for such compensation, and the beneficiaries of such compensation; and the need for additional Federal penal and reformatory institutions to take care of the Federal prisoners.

"Said special committee is further authorized and directed to make a survey of the employment of prisoners in the penal and reformatory institutions of the United States and of the several States; to gather information and statistics from reliable sources of the amount and kind of goods, wares, and merchandise manufactured, produced, and mined in such institutions; to ascertain to what extent such goods, wares, and merchandise come into competition with goods, wares, and merchandise manufactured, produced, and mined by free labor; and to determine how such prisoners can be employed regularly and in what manner the goods, wares, and merchandise manufactured, produced, and mined by such prisoners can be best disposed of with the least disadvantage to free labor.

"Said special committee is authorized to sit in Washington or any other convenient place, to administer oaths and affirmations, to send for persons and papers, to employ necessary clerks and stenographers, the latter to be paid at a cost not to exceed 25 cents per 100 words, and said committee shall make a report to the House of Representatives of its findings, conclusions, and recommendations for legislation on or before the first Monday in February, 1929, and may prepare bills to carry out its recommendations for reference to the proper committees of the House of Representatives. The expenses attendant upon the work of said committee shall be paid out of the contingent fund of the House of Representatives upon vouchers authorized by said committee and signed by its chairman, but such expenses shall not exceed the sum of $20,000."

In the beginning the committee wishes to express its appreciation for the assistance rendered it in its survey of the situation and its hearings by Capt. A. H. Conner, the superintendent of prisons, and his staff at Washington and at the institutions; by Mr. Herbert D. Brown, Chief of the Bureau of Efficiency, and his organization, including Mr. J. B. Bennett, Dr. Amos W. Butler, and Joseph W. Sanford; by Dr. Hastings H. Hart, consultant in delinquency and penology of the Russell Sage Foundation; and by Maj. Sidney Brewster, assistant to the commissioner of corrections of New York City, and other witnesses who met with the committee at its hearings.

FINDINGS OF THE COMMITTEE

MAGNITUDE OF THE FEDERAL PENAL PROBLEM

Immediately after the committee began its work the magnitude and complicated nature of the problems covered by House Resolution 233 became apparent. For the fiscal year ending June 30, 1928, there was an average daily population of Federal prisoners in the United States of 18,606. For the past 10 years the Federal prison population has increased at an average rate of about 10 per cent a year. Federal prisoners are confined in the three penitentiaries located at Leavenworth, Kans., Atlanta, Ga., and McNeil Island, Puget Sound, Wash. In the penitentiaries are confined most of the Federal prisoners sentenced for more than one year. The United States Industrial Reformatory at Chillicothe, Ohio, on the old Camp Sherman military reservation has been established and construction commenced. The Industrial Institution for Women at Alderson, W. Va., has been completed. About 150 Federal male convicts are assigned to a road camp engaged in construction work at Alderson. Juveniles convicted of violating the Federal penal laws are sent to the National Training School for Boys in the District of Columbia. In addition to the number confined in these institutions, there was, during the fiscal year 1928, an average daily population of 9,658 persons serving short sentences or awaiting trial in some 1,100 State, county, and city jails throughout the country.

The office of the superintendent of prisons in the Department of Justice supervises the care and treatment of all Federal prisoners and is also responsible for the expenditure of over $8,000,000 annually. The maintenance and operation of all these institutions involve perplexing questions not only of physical care and discipline of the inmates but also problems connected with the operation of prison industries and the proper application of the technical sciences of penology and criminology.

The committee believes that the superintendent of prisons and his staff and the wardens and superintendents of the Federal penal and correctional institutions are doing the best they can under the existing circumstances.

CONGESTED CONDITIONS

The committee found that a very serious crisis confronted those who were administering the Federal penal system. Due to the lack of a proper program and to the tremendous increase in the number of persons arrested, convicted, and committed for violations of Federal penal laws, the penitentiaries are overcrowded with those sentenced to prison for more than one year. The committee also observed in all the county and municipal jails it visited that there was overcrowding and idleness. It also has received information which leads it to believe that these same deplorable conditions exist in many of the 1,100 local jails where short-term Federal prisoners are confined. The committee also found that the Federal Government has no power to remedy the conditions in these local jails in which persons convicted of offenses against the United States are confined, and has little or no control over their discipline, employment, or general care.

The committee found that the Leavenworth Penitentiary now has within its walls more than twice the number of prisoners it is able to accommodate. The normal capacity of the Atlanta Penitentiary is 1,712, and upon the day the committee visited it there were 3,107 prisoners in the institution. In both of these institutions there exists the vicious practice of "doubling-up," or placing two prisoners in single cells. Men are sleeping in dark, ill-ventilated basements, and corridors; improvised dormitories are in use; the kitchen and mess facilities are overloaded to more than twice their proper capacity. Not only do these institutions house more than can properly be accommodated but they have now almost reached their absolute physical capacity, and the committee does not see how any further prisoners can be jammed within their walls. The committee also found that no more prisoners should be confined in the McNeil Island Penitentiary, not only because it has reached its proper physical capacity but also because of the remoteness of its location in one corner of the country, far from the center of commitments, and because of the impossibility of securing sufficient fresh water. Only at the new Federal Industrial Institution for Women at Alderson, W. Va., did the committee find sufficient facilities for the proper care of the Federal prisoners committed to that institution. Temporary structures are being used to house Federal prisoners sent to Chillicothe, Ohio, pending the carrying out of a permanent building program. This program has been authorized by Congress and partly appropriated for. The work on this should go forward as rapidly as possible, and Congress should see that the funds are available for this purpose.

EMPLOYMENT OF FEDERAL PRISONERS

About 850 out of the average daily population of 3,149 for the fiscal year ending June 30, 1928, at the Atlanta Penitentiary are employed in the fabrication of canvas duck and the manufacture of canvas baskets for the Post Office Department. There are a considerable number of the inmates who are engaged in the maintenance and operation of the institution and about 200 are employed on the farm, but hundreds of the prisoners at Atlanta are in idleness or semi-idleness.

The only industrial activity at the Leavenworth Penitentiary consists of shops to manufacture shoes, brooms, and brushes for the Indian Service and certain other Government departments and for the inmates of the Federal penal institutions. At Leavenworth most of the prisoners are employed part time, but there is insufficient work to keep the prisoners properly engaged during ordinary working hours.

CONDITIONS IN NONFEDERAL INSTITUTIONS

Persons convicted or held for violations of United States statutes are committed not only to the Federal penitentiaries previously mentioned but are also sent to county and municipal jails, workhouses, and lockups. A few are boarded by the Federal Government in State institutions willing to accept them. In some non-Federal institutions, especially many county and city jails, the conditions are most deplorable. Many of these jails are congested just as badly as are the Federal penitentiaries at Leavenworth and Atlanta, and in most of these jails there is no provision for employing the prisoners. There is in many places no separation of the guilty from the innocent, the sick from the well, the young from the old, or the hardened criminals from impressionable first offenders. Federal prisoners are simply boarders in penal institutions and jails which are not subject to any but informal control of the Federal prison authorities. Therefore the Federal prison authorities have been powerless to remedy the conditions affecting these prisoners and persons held awaiting trial or as witnesses. The committee found that the Department of Justice pays rates of compensation for the board and maintenance of these prisoners varying from 20 cents to $1.25 a day.

USE OF PRISON-MADE GOODS

The law prohibits goods, wares, and merchandise made in Federal prisons from being sold on the open market. Goods produced in the Federal institutions must be disposed of only to the Federal Government and thus only come into indirect competition with free labor and private industry. The committee did not attempt to make any survey of the employment of prisoners in non-Federal prisons and the disposition of goods produced by such prisoners, because it felt that full information on this subject was obtained in connection with the hearings of the Committee on Labor of the House of Representatives on the Cooper bill, H. R. 7729, which divests prison-made goods, wares, and merchandise of their interstate character.

RECOMMENDATIONS

Congestion in the Federal penitentiaries and other institutions in which Federal prisoners are held makes it impossible to develop, under existing conditions, a satisfactory method of housing, segregating, classifying, employing, or properly caring for Federal prisoners. It is the judgment of the committee that none of these other problems can be adequately solved until the existing congestion in the institutions can be relieved, and, therefore, the committee considered it of primary importance to secure information as to how this gross overcrowding can be quickest and best remedied.

1. Administration of prison system: For the first hundred years following the establishment of the Federal Government little concern was felt for the relatively few persons who were convicted of violation of Federal statutes. They were boarded in local jails and State prisons with only nominal and incidental supervision by the Federal Government. In 1872 jurisdiction over Federal prisoners was transferred from the Department of the Interior to the Department of Justice where it has been since that time. The administration of the prison system has been in that department of the Government which is primarily responsible for the prosecution of law violators and the interpretation of the laws of the Nation. While the Attorney General is now charged with primary responsibility, the superintendent of prisons is actually in charge of Federal prisons and prisoners. The office of the superintendent of prisons is only a small division in the Department of Justice, and this committee recommends that in view of the extent and importance of its work it be made a major bureau in said department and that the superintendent of prisons be given an adequate organization to assist him.

2. Extension of the probation system: The committee has come to the conclusion, after giving the matter very careful thought, that the best method of promptly relieving the deplorable congestion in the Federal penitentiaries and in local jails where Federal prisoners are held would be to extend the Federal probation system. This is also the unanimous judgment of all criminologists and experts who have studied the subject. There are at present only six Federal judicial districts out of a total of 92 in which there are probation officers. In response to a recent questionnaire sent to the United States district judges by the superintendent of prisons' office the judges replied that a large number of persons convicted in their courts for violation of Federal statutes and now in various institutions might have been placed upon probation had they the means and personnel to investigate their character and trustworthiness. The actual out-of-pocket cost of maintaining Federal prisoners is about 83 cents a day at the present time. If the probation system had been in operation and these men placed on probation instead of being sent to prison there would have been a large saving in the cost of maintaining Federal prisoners in penitentiaries and jails. This would also have been a great benefit to society as a very large number of these men would be rehabilitated under the probation system. The committee believes that Congress should immediately provide funds to pay the salaries and expenses of probation officers as fast as they can be properly selected. The committee also believes that in view of the fact that these probation officers are selected by the Federal judges and act as personal advisors to the courts in matters of the greatest importance and the highest confidence, it would be advisable to give the judges the power to appoint such probation officers outside the civil-service limitations.

In this connection the committee believes that the entire Federal parole system should be altered. At the present time the law provides that the parole boards shall be composed of the superintendent of prisons, the penitentiary warden, and prison physician. This is an unfair and unwise burden to place upon these officials. Practically all of the States have established independent parole boards, relieving the wardens and local physicians from service upon such boards and the committee believes that a law should be enacted by Congress establishing such a board and giving it full authority to act on parole applications without requiring the approval of the Attorney General.

3. District of Columbia prisoners: At the time the Federal penitentiaries were visited by the committee there were 473 prisoners in the Atlanta and Leavenworth Penitentiaries committed from the District of Columbia for violations of strictly District of Columbia penal laws. These prisoners were sent to the already congested Federal penitentiaries because the District of Columbia prison authorities were unable to take care of them at the District Reformatory at Lorton, Va., where there is no walled inclosure or other sufficient facility to hold desperate prisoners. The committee understands that the District of Columbia has established a reformatory without the physical restraints and bars against escape usually found in penitentiaries and the Lorton reformatory is being developed along these lines. While this may be a desirable goal the committee is of the opinion that the District of Columbia should be required to provide adequate facilities to take care of all classes of its prisoners.

4. Military prisoners: There are at present confined in the Federal penitentiaries 172 military prisoners. When the committee visited Leavenworth it inspected not only the civil penitentiary but also the United States military barracks located only a short distance from the penitentiary. It found that there was ample room in these barracks to take care of all military prisoners and the committee recommends that there be transferred immediately to these disciplinary barracks all military prisoners now incarcerated in the civil penitentiaries and that in the future no more military prisoners be accepted in the already overcrowded civil penal institutions. The disciplinary barracks at Leavenworth has ample facilities for segregation and classification of all classes of military prisoners. At the present time the number of military offenders being sent to the military barracks is decreasing, due to a ruling of the War Department that wherever possible soldiers sentenced for minor infractions of the military regulations be confined within the respective corps areas in order to save transportation expenses.

5. Age limits at Chillicothe: The committee believes that it will be helpful in relieving congestion in the Federal penitentiaries and also make it easier to administer the United States Industrial Reformatory at Chillicothe, Ohio, if the minimum age limits for admission to that institution be removed. The law at present provides that only prisoners between the ages of 17 and 30 may be admitted to Chillicothe.

6. Narcotic institutions: Congress has passed the Porter bill (H. R. 13645) providing for the establishment of two institutions for the care of persons addicted to the use of habit-forming narcotic drugs. Nearly 30 per cent of the persons in the Federal penal and correctional institutions come within this category, and the establishment of these institutions will offer considerable relief from the existing congestion in the penitentiaries. The committee feels that the need for these institutions is immediate and pressing and that every effort should be made to expedite their establishment.

7. Establishment of road camps: Congress has before it a bill (H. R. 11285) which permits the utilization of the labor of Federal convicts in the construction of roads and other improvements on Federal reservations. If this bill becomes law it will assist in relieving the congestion at the Federal prisons and help in the solution of the employment problem. The committee believes that this bill should be given early consideration.

8. Employment problem in Federal penal institutions: The committee believes that every effort should be made to provide increased opportunity for employment of Federal prisoners.

A start toward providing employment for prisoners has been made at the Leavenworth Penitentiary, where there is a shoe factory and brush and broom factory in operation, and at the Atlanta Penitentiary, where there is a textile mill engaged in making cotton duck for Government mail sacks. At Atlanta there is also a shop where men are employed in making canvas baskets for the Post Office Department.

It is the committee's judgment that immediate steps should be taken to establish additional shops in the penitentiaries and other Federal penal institutions to make additional goods and articles which could be utilized by the United States Government. There is no doubt but that there is an ample market in the Federal Government for a sufficient quantity and variety of goods to keep all Federal prisoners employed.

The law under which the cotton-duck mill was established at Atlanta provides not only that cotton duck but also all of the mail sacks used by the Post Office Department in excess of the quantity being manufactured by the Post Office Department mail-sack shop in the District of Columbia at the time the law was passed be made at the Atlanta Penitentiary. The committee believes that this law should be immediately carried into effect and that there should be no further expansion of the Post Office Department mail-sack shop.

There have been sufficient funds earned by the prison industries at Atlanta to provide the funds for the construction of an additional building at once within the walls of the Atlanta Penitentiary, in which may be housed further employment activities, and the committee recommends that a sufficient amount of this money be made available for this purpose at once. The committee further recommends that necessary legislation be enacted giving the Attorney General general authority to establish additional industries in all of the Federal penal institutions. There will be no need for a separate appropriation for each proposed additional prison industry if the existing working-capital funds and the earnings of the present industries may be utilized by being consolidated into one working-capital fund.

9. Supervision of non-Federal institutions.—During the fiscal year ending June 30, 1928, there was an average daily population of Federal prisoners in county and local jails and other non-Federal institutions of 9,658, or slightly more than half of the total Federal penal population. In order properly to supervise the care of the Federal prisoners in these non-Federal institutions the committee recommends that the law be amended, making it possible for the classification of these institutions to accord with the services rendered by them to Federal prisoners. Under the present law the Attorney General may pay only for the cost of the actual and necessary subsistence of Federal prisoners in non-Federal penal and correctional institutions, and this law has been construed as preventing the payment for the care and maintenance of Federal prisoners in accordance with the quality and extent of such care and maintenance. This law should be amended accordingly.

The superintendent of prisons' office has only two inspectors to supervise the 1,100 non-Federal institutions in which Federal prisoners are held. Obviously this is an impossible situation and the committee recommends that funds be provided immediately by Congress to pay for a sufficient number of inspectors to inspect regularly all State and local institutions in which Federal prisoners are held, to the end that the Federal prisoners in local jails actually receive the items for which the Federal Government pays, and to assist in raising the existing standards of these institutions.

10. Additional institutions: The committee believes that under no circumstances should the existing Federal penitentiaries at Leavenworth, Atlanta, and McNeil Island be enlarged to accommodate more prisoners, but that as quickly as possible the prison population in Leavenworth and Atlanta be reduced to not more than 2,000 in each prison. Only in this manner can the vicious practice of placing two prisoners in cells designed for one be ended. The committee can not too strongly condemn this practice. The committee believes further that there should be two additional penitentiaries established as soon as possible. One should be in the northeastern part of the country, located as near as possible to the center of commitment from the Federal courts, and the other at such place as a board of experts may determine.

The committee also believes that there should be established a hospital for the care of the criminal insane with 500 beds as a beginning, to which could be transferred the criminal insane now located at St. Elizabeths Hospital in the District of Columbia as well as those prisoners requiring psychopathic treatment now held in the various penal institutions. We also recommend that all prisoners on their admission to Federal institutions be given a psychopathic examination.

The committee also believes that it is necessary to establish in the immediate future jails and workhouses for Federal prisoners in several of the more congested centers of population. The first step in this direction has already been taken, as the Federal Government has been compelled to establish a Federal detention jail in New York City owing to lack of facilities because the New York City authorities are no longer able to provide accommodations.

The committee earnestly urges:

1. That the narcotic institutions already authorized be appropriated for and constructed as rapidly as possible.

2. That two new penitentiaries and a hospital for the criminal insane be authorized as soon as possible.

3. The reformatory at Chillicothe, Ohio, should be pushed to completion.

4. That the Federal jails or workhouses to care for short-term and detention prisoners be authorized at New York City, Boston, Philadelphia, Baltimore, Cleveland, Cincinnati, Chicago, St. Louis, San Francisco, and such other places as the need from time to time shall require.

The prison problem is daily becoming more acute and there is an average increase in sentence of prisoners of 10 per cent per year. Even the most prompt building program will have difficulty in keeping up with the prison population. Responsibility for determining the type of institutions to be established, their location, and their priority should be placed squarely upon the executive branch of the Government.

Legislation carrying out the recommendations of this committee, in so far as it is required, will be promptly presented to the Congress, and we urge its immediate passage.

Respectfully submitted.

JOHN G. COOPER, *Chairman.*
W. F. KOPP.
JOHN TABER.
JOHN J. BOYLAN.
THOS. M. BELL.

NAVAL APPROPRIATIONS

Mr. FRENCH. Mr. Speaker, I ask that the Clerk read from the desk a statement by myself by way of a supplemental report on the naval appropriation bill.

The SPEAKER. Without objection, the Clerk will read the statement.

There was no objection.

The Clerk read as follows:

STATEMENT BY MR. FRENCH

The House on January 28, 1929, adopted House Resolution No. 278, requiring in connection with a reported bill or joint resolution that the House be advised with respect to any proposition in such measures to repeal or amend any statute or part thereof, the text of the statute or part thereof which is proposed to be repealed, and a clear indication of the respect in which modification is proposed.

The report on the naval bill (H. R. 16714) was sent to the Printing Office on the day House Resolution No. 278 was adopted. Hence, it was not practicable for the committee to comply with the terms of the new resolution in the report.

In compliance with the new rule I submit herewith a statement indicating wherein H. R. 16714, the naval appropriation bill, contrasted with the naval appropriation act for the current fiscal year, changes or modifies existing law, and I ask that the same be printed in the RECORD as part of my report.

Mr. SNELL. Mr. Speaker, what is the report that has just been read?

The SPEAKER. The Chair understands it is a supplemental report on the naval appropriation bill.

Mr. FRENCH. It is; and I would like to have printed in parallel columns the proposed change and the law as it now is.

The SPEAKER. The gentleman desires to have that printed in the RECORD?

Mr. FRENCH. I desire that it be printed for the information of the House.

The SPEAKER. Is there objection?

Mr. BANKHEAD. Is the gentleman going to have his bill show those provisions that are not authorized by law, if there be such?

Mr. FRENCH. The matter that I desire to have printed is in compliance with the new rule and will show proposed language in the bill and the language of existing law that may be amended.

Mr. BANKHEAD. The gentleman assures us there are no provisions in the bill that are not based upon existing law?

Mr. FRENCH. Not so far as I am aware; the change of language clarifies rather than changes the law.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The matter referred to follows:

H. R. 16714	EXISTING LAW
On page 12, lines 3, 4, and 5 the following clause appears, the italicized matter being new: "and for transporting members of such corps to and from camps, *ships, or other designated places of instruction.*"	The Naval Reserve Officers' Training Corps, established by the act of March 4, 1925 (U. S. C. 1137, sec. 821), requires that it be operated, as far as practicable, in conformity with the Reserve Officers' Training Corps of the Army. Such law (U. S. C. 185, sec. 441) provides that— "The Secretary of War is hereby authorized * * * to transport members of such corps to and from such camps at the expense of the United States so far as appropriations will permit * * *."

REREFERENCE OF A BILL

Mr. ROY G. FITZGERALD. Mr. Speaker, I ask unanimous consent that H. R. 16724, introduced yesterday and referred to the Judiciary Committee, be rereferred to the Committee on Claims. I have spoken to the gentleman from Missouri [Mr. DYER], of the Committee on the Judiciary, and that is agreeable to him. There is every reason why the bill should go to the Committee on Claims, because it relates to a series or kind of claims which are regularly coming up one at a time before the Claims Committee, and which the House has uniformly approved, recognizing an obligation to those who were injured in citizens' military training camps and other military camps. This bill provides that all such cases be referred to the United States Employees' Compensation Commission, as are similar claims for injuries at naval training stations under the provisions of the present law.

Mr. GARRETT of Tennessee. Where does the bill belong under the rules?

Mr. ROY G. FITZGERALD. It goes, in the opinion of the parliamentarian, under the rules, to the Judiciary Committee.

Mr. GARRETT of Tennessee. If it belongs to that committee under the rules——

Mr. ROY G. FITZGERALD. At least it might belong there, at least under one interpretation; and I am trying to state now the reason why the present bill should properly go to the Committee on Claims in this instance. If any member of the Committee on the Judiciary objected, of course, I would not press the request, but I would like to tell why this bill ought to go to the Claims Committee.

Mr. GARRETT of Tennessee. If the gentleman will permit——

Mr. ROY G. FITZGERALD. Certainly.

Mr. GARRETT of Tennessee. Of course, just the members of the respective committee can not and ought not to determine this matter by agreement among themselves. The whole House is interested, at least theoretically, in the proper reference of bills. If this bill properly belongs, under the rules of the House, to the Judiciary Committee—I know nothing in the world about it myself—but if it properly belongs to the Judici-

ary Committee, of course, it ought to remain within the jurisdiction of that committee. A change like this, of course, would establish a precedent.

Mr. ROY G. FITZGERALD. I would not concede that it belongs to the Judiciary Committee, but the parliamentarian thought it did and rather than question that I thought this was the fair way to present the question to the House with the reasons why it ought to go to the Claims Committee. By this course the jurisdiction of the Judiciary Committee is not questioned and no precedent affecting jurisdiction is set. The Claims Committee is taking up these claims one at a time and it is a waste of the time of both the committee and of the House, since it is the policy of Congress to compensate on the basis of the United States employees' act the young men injured in military and naval training, there seems to be no reason why the cases from the military camps may not be referred directly to the commission as are the naval claims for injuries under a general law..

The Claims Committee is the only committee concerned in the matter practically. It is seeking no new jurisdiction, but rather to repair an inequality or lack of uniformity in the general law which causes it—the Claims Committee—needless work and wastes the time of the House.

I might suggest that the bill with provision for the protection of naval trainees come from either the Appropriations or the Naval Affairs Committee.

The SPEAKER. The Chair would suggest to the gentleman from Ohio that he defer his request until to-morrow as the Chair would like to look into the matter.

Mr. ROY G. FITZGERALD. I will defer the request, Mr. Speaker.

Mr. DYER. Mr. Speaker, I would like to state that the gentleman from Ohio stated he had spoken to me about this matter, which he did, and I stated I had no objection myself, as a member of the Committee on the Judiciary; but I was not speaking for the committee itself or for the chairman, but only for myself.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. VINCENT of Iowa, at the request of Mr. KETCHAM, for the day, on account of illness.

Mr. HUGHES, for three days, on account of death in his family.

Mr. KENT, at the request of Mr. BOX, on account of pressing business.

Mr. BOHN, at the request of Mr. MAPES, for five days, on account of important business.

Mr. KUNZ, idefinitely, on account of illness.

Mr. GREGORY. Mr. Speaker, I desire to ask unanimous consent for leave of absence for my colleague the gentleman from Kentucky [Mr. GILBERT], who has been called home on account of serious illness in his family.

The SPEAKER. Without objection, granted.

FEDERAL PENAL AND REFORMATORY INSTITUTIONS

Mr. BOYLAN. Mr. Speaker, I ask unanimous consent to extend my remarks on the report just made by the Committee on Penal Institutions.

Mr. LaGUARDIA. Is it a minority report?

Mr. BOYLAN. No; it is not a minority report.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOYLAN. Mr. Speaker, although the committee did not see fit, for very good reasons, to include the subject I am about to discuss in its formal report, I think it ought to be brought to the attention of the House. I am certain from my discussions with Members of both the committee and the House that they do not approve the placing of "undercover" men in Federal prisons in an effort to spy on the officials and the inmates there. That has been done, as you all know, by the Assistant Attorney General in charge of Federal prisons, Mrs. Mabel Walker Willebrandt.

This action is indefensible on any grounds. I for one can not understand how any high official could conceive of such a practice in the United States. They had such systems in Russia, but even there they have been overthrown. It is certainly contrary to American traditions, the American system of government and administration, and a sense of decency. I do not believe that Mrs. Willebrandt's policy is indorsed by the President or by her immediate superior, Attorney General Sargent. It is my understanding that both of them highly disapprove of such tactics. Certainly the American people do. For if it continues, not only in the administration of prisons but in the enforcement of the prohibition laws, we will become a nation of spies, snoopers, and Benedict Arnolds. The House, I believe, knows the facts in the case. But besides resorting to this despicable system, the official responsible procured false commitment papers from a Federal judge in Detroit. Her action is to be condemned in language too strong for expression, in my opinion. And the only reason I did not insist upon criticism of her conduct in the formal committee report is that I did not want to destroy the value of the truly constructive recommendations which our committee has made in connection with the Federal penal system.

It is almost unnecessary for me to recall this same official's intemperate and un-Christian speeches during the campaign. Taking her pulpit in the churches, where only God's message of brotherly and sisterly love should be spoken, she inflamed the passions of our people, flouted religion itself, and created bitterness which may not subside for a generation. I am willing to forgive and forget, for I believe she knew not what she did in her excess of zeal and excitement, but I regret that such a spectacle should ever have been presented to the American people.

Intemperance, it seems to me, has marked the official conduct of this glowing apostle of prohibition and incarceration of agents provocateur in our Federal prisons. Fanaticism dictated her attempt to use the conspiracy clauses of our Federal laws in prosecution of violators of the Volstead Act in New York City. Like the legislators in Michigan, who send responsible mothers of large families to prison for life if snoopers have caught her with a pint of liquor on her person, Mrs. Willebrandt wanted to fill our unhealthy and overcrowded prisons and jails with hip toters and customers of a speak-easy or two. Thirty days and fines were not enough for her; she wanted her victims to rot and hunger in the dungeons for years. But the juries showed better sense and a better understanding of human nature than she did. They would not convict. And now, after devoting time and expense to this impossible persecution, the Federal Government has been forced to abandon its medieval forms of punishment.

Gentlemen, I regret the necessity of these references, but it is time that somebody called a halt on the headlong rush of certain officials swollen by their power. We are still citizens of a republican form of government. We have not yet surrendered to the Anti-Saloon League or its representatives in office. I predict we never will.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 9570. An act to provide for the transfer of the returns office from the Interior Department to the General Accounting Office, and for other purposes;

H. R. 11859. An act for the relief of B. C. Miller; and

H. J. Res. 350. Joint resolution to provide for the reappointment of Frederic A. Delano and Irwin B. Laughlin as members of the Board of Regents of the Smithsonian Institution.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 4979. An act to authorize the city of Niobrara, Nebr., to transfer Niobrara Island to the State of Nebraska.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Friday, February 1, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, February 1, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON FLOOD CONTROL

(10 a. m.)

For improvement of navigation and the control of floods of Caloosahatchee River and Lake Okeechobee and its drainage area, Florida (H. R. 14939).

For the improvement of the Caloosahatchie River, Fla. (H. R. 15095).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend the Federal farm loan act, as amended (H. R. 13173).

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Cotton manufactures, January 31, February 1.
Flax, hemp, jute, and manufactures of, February 4, 5.
Wool and manufactures of, February 6.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

COMMITTEE ON RIVERS AND HARBORS

(10.30 a. m.)

To authorize the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor (S. 1710).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

789. A letter from the president of Capital Traction Co., transmitting report of the Capital Traction Co. for the year ended December 31, 1928; to the Committee on the District of Columbia.

790. A letter from the president of Georgetown Gas Light Co., transmitting detailed statement of the business of the Georgetown Gas Light Co., together with a list of stockholders, for the year ended December 21, 1928; to the Committee on the District of Columbia.

791. A letter from the president of Washington Interurban Railroad Co., transmitting report of the Washington Interurban Railroad Co. for the year ended December 31, 1928; to the Committee on the District of Columbia.

792. A letter from the president of Washington Railway & Electric Co., transmitting report of the Washington Railway & Electric Co. for the year ended December 31, 1928; to the Committee on the District of Columbia.

793 A letter from the president of the Potomac Electric Power Co., transmitting report of the Potomac Electric Power Co. for the year ended December 31, 1928; to the Committee on the District of Columbia.

794. A letter from the Postmaster General, transmitting report with the facts in two claims of Mrs. Walter L. Turner, postmaster at Lagrange, Ga., for credit on account of losses sustained in the burglaries of the post office on February 16, 1928, and September 11, 1928; to the Committee on Claims.

795. A letter from the Secretary of the Interior, transmitting copy of a letter from the Commissioner of Pensions, together with the eighth annual report of the Board of Actuaries of the civil-service retirement aid and disability fund (H. Doc. No. 372); to the Committee on the Civil Service and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. COOPER of Ohio: Special Committee on Federal Penal Institutions. A report on the investigation of such institutions conducted pursuant to H. Res. 233 (Rept. No. 2303). Referred to the House Calendar.

Mr. HOUSTON of Hawaii: Committee on Naval Affairs. H. R. 8917. A bill to establish a hydrographic station at Honolulu, Territory of Hawaii; without amendment (Rept. No. 2311). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. S. 3770. An act authorizing the Federal Power Commission to issue permits and licenses on Fort Apache and White Mountain Indian Reservations, Ariz.; without amendment (Rept. No. 2313). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 16720. A bill to amend sections 4, 6, 8, 9, 10, 11, 12, 25, 29, and 30 of the United States warehouse act, approved August 11, 1916, as amended; without amendment (Rept. No. 2314). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 16655. A bill to authorize the survey of certain land claimed by the Zuni Pueblo Indians, New Mexico, and the issuance of patent therefor; without amendment (Rept. No. 2315). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 15723. A bill authorizing an appropriation of Crow tribal funds for payment of council and delegate expenses, and for other purposes; with amendment (Rept. No. 2316). Referred to the House Calendar.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 16527. A bill to authorize the Secretary of the Interior to purchase land for the Alabama and Coushatta Indians of Texas, subject to certain mineral and timber interests; without amendment (Rept. No. 2318). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 16568. A bill to repeal that portion of the act of August 24, 1912, imposing a limit on agency salaries of the Indian Service; without amendment (Rept. No. 2319). Referred to the Committee of the Whole House on the state of the Union.

Mr LEAVITT: Committee on Indian Affairs. S. 5180. An act to authorize the payment of interest on certain funds held in trust by the United States for Indian tribes; without amendment (Rept. No. 2320). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. REECE: Committee on Military Affairs. H. R. 14765. A bill for the relief of Samuel Hooper Lane, alias Samuel Foot; without amendment (Rept. No. 2312). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 16666. A bill for the relief of Katherine Elizabeth Kerrigan Callaghan; with amendment (Rept. No. 2317). Referred to the Committee of the Whole House.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. PEAVEY: Committee on War Claims. H. R. 5397. A bill for the relief of Alexander Boynton; adverse (Rept. No. 2305). Laid on the table.

Mr. SINCLAIR: Committee on War Claims. H. R. 6516. A bill to reimburse the Commonwealth of Massachusetts for expenses incurred in protecting bridges on main railroad lines and under direction of the commanding general Eastern Department, United States Army, and the commandant navy yard, Charlestown, Mass.; adverse (Rept. No. 2306). Laid on the table.

Mr. SINCLAIR: Committee on War Claims. H. R. 6517. A bill to reimburse the Commonwealth of Massachusetts for expenses incurred in compliance with the request of the United States marshal, dated December 6, 1917, to the Governor of Massachusetts, in furnishing the State military forces for duty on and around Boston harbor under regulation 13 of the President's proclamation; adverse (Rept. No. 2307). Laid on the table.

Mr. PEAVEY: Committee on War Claims. H. R. 11599. A bill for the relief of Frank M. Lyon; adverse (Rept. No. 2308). Laid on the table.

Mr. SINCLAIR: Committee on War Claims. S. 116. An act for the relief of R. S. Howard Co.; adverse (Rept. No. 2309). Laid on the table.

Mr. LOWREY: Committee on War Claims. S. 4337. An act for the relief of Booth & Co. (Inc.), a Delaware corporation; adverse (Rept. No. 2310). Laid on the table.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 16339) granting a pension to Sarah E. M. Ferguson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16574) for the relief of Miguel Pascual, a Spanish subject, and resident of San Pedro de Macoras, Santo Domingo; Committee on Naval Affairs discharged, and referred to the Committee on Claims.

A bill (H. R. 16710) for the relief of certain employees of the Alaska Railroad; Committee on Claims discharged, and referred to the Committee on the Territories.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WARE: A bill (H. R. 16764) authorizing the State Highway Commission, Commonwealth of Kentucky, to construct, maintain, and operate a bridge across the Ohio River at or near Carrollton, Ky.; to the Committee on Interstate and Foreign Commerce.

By Mr. HUGHES: A bill (H. R. 16765) to amend section 200 of the World War veterans' act, 1924, as amended; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 16766) to amend section 202, paragraph 7, of the World War veterans' act of 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. KNUTSON: A bill (H. R. 16767) to authorize the Secretary of the Interior to determine the value of services and expenses of delegates and representatives of the Chippewa Indians in the State of Minnesota, sent to Washington, D. C., by said Indians, and to certify the amount of the Secretary of the Treasury, for the purpose of making settlement therefor; to the Committee on Indian Affairs.

By Mr. LAGUARDIA: A bill (H. R. 16768) appointing a commissioner of jurors in each district containing a city or borough thereof with a population of more than 1,000,000 inhabitants; to the Committee on the Judiciary.

Also, a bill (H. R. 16769) to amend section 276 of the Judicial Code, as amended; to the Committee on the Judiciary.

By Mr. NEWTON: A bill (H. R. 16770) to permit common carriers to give free carriage or reduced rates to members of the Board of Railway Commissioners of the Dominion of Canada; to the Committee on Interstate and Foreign Commerce.

By Mr. WINTER: A bill (H. R. 16771) granting the consent of Congress to compacts or agreements between the States of Wyoming and Idaho with respect to the boundary line between said States; to the Committee on the Public Lands.

By Mr. LAGUARDIA: A bill (H. R. 16772) authorizing appropriation to increase the flying field area of Governors Island, N. Y.; to the Committee on Military Affairs.

By Mr. KEMP: A bill (H. R. 16773) to authorize an appropriation for the relief of the States of Missouri, Mississippi, Louisiana, and Arkansas, on account of roads and bridges damaged or destroyed by floods of 1927; to the Committee on Roads.

By Mr. DRIVER: Joint resolution (H. J. Res. 397) interpreting the Mississippi River flood control act of 1928; to the Committee on Flood Control.

By Mr. COLTON: Joint resolution (H. J. Res. 398) to extend the period of time in which the Secretary of the Interior shall withhold his approval of the adjustment of Northern Pacific land grants, and for other purposes; to the Committee on Rules.

By Mr. ROY G. FITZGERALD: Joint resolution (H. J. Res. 399) providing more economical and improved methods for the publication and distribution of the Code of Laws of the United States and of the District of Columbia, and supplements; to the Committee on Revision of the Laws.

By Mr. TATGENHORST: Concurrent resolution (H. Con. Res. 51) to appoint a committee from the Senate and House to represent the Congress of the United States at the celebration of the completion of the canalizing of the Ohio River from Pittsburgh, Pa., to Cairo, Ill., October 15–20, 1929; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 16774) granting a pension to Rosetta Emery; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 16775) granting a pension to Elias M. Littleton; to the Committee on Pensions.

By Mr. EDWARDS: A bill (H. R. 16776) for the relief of Edward C. Compton; to the Committee on Banking and Currency.

By Mr. GOLDER: A bill (H. R. 16777) for the relief of Harry A. C. Hall, alias Charles A. Brooks; to the Committee on Naval Affairs.

By Mr. GOLDSBOROUGH: A bill (H. R. 16778) for the relief of Mary S. Howard, Gertrude M. Caton, Nellie B. Reed, Gertrude Pierce, Katie Pensel, Josephine Pryor, Mary L. McCormick, Mrs. James Blanchfield, Sadie T. Nicoll, Katie Lloyd, Mrs. Benjamin Warner, Eva K. Pensel, Margaret Y. Kirk, C. Albert George, Earl Wroldsen, Benjamin Carpenter, Nathan Benson, Paul Kirk, Townsend Walters, George Freet, James B. Jefferson, Frank Ellison, Harold S. Stubbs, and the Bethel Cemetery Co.; to the Committee on Claims.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 16779) granting an increase of pension to Rachel Ann Evans; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 16780) granting a pension to Ella Girton; to the Committee on Pensions.

Also, a bill (H. R. 16781) granting a pension to Alfred Streeter; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 16782) granting an increase of pension to Mary A. W. Barr; to the Committee on Pensions.

By Mr. SPEAKS: A bill (H. R. 16783) to correct the naval record of Raymond Wallace; to the Committee on Naval Affairs.

By Mr. STEAGALL: A bill (H. R. 16784) for the relief of William J. Clark; to the Committee on Military Affairs.

By Mr. SWICK: A bill (H. R. 16785) granting an increase of pension to Mary Ruff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16786) granting an increase of pension to Annie Ensminger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16787) granting an increase of pension to Harriet T. Fry; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 16788) granting a pension to Hattie R. Feldman; to the Committee on Pensions.

By Mr. VINSON of Georgia: A bill (H. R. 16789) for the relief of Goldberg & Levkoff; to the Committee on War Claims.

Also, a bill (H. R. 16790) to ratify the action of a local board of sales control in respect of contracts between the United States and Goldberg & Levkoff, a firm composed of Joseph Goldberg, Samuel Goldberg, Shier Levkoff, and David Levkoff, of Augusta, Ga.; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8472. By Mr. CARTER: Protest of Keyston Bros., of San Francisco, Calif., against removing hides from the free list; to the Committee on Ways and Means.

8473. By Mr. CRAIL: Petition of California Railroad Commission, favoring House bill 15621 and amendments thereto; to the Committee on Interstate and Foreign Commerce.

8474. By Mr. GARBER: Petition of R. N. Clark, Ponca City, Okla., urging support of the Norbeck game refuge bill (S. 1271); to the Committee on Agriculture.

8475. Also, petition of the American Farm Bureau Federation, indorsing House bill 14070; to the Committee on Interstate and Foreign Commerce.

8476. By Mr. HUDSPETH: Petition of citizens of Alpine, Tex., asking favorable consideration of Smith-Smoot drainage bill; to the Committee on Irrigation and Reclamation.

8477. By Mr. KETCHAM: Petition signed by 84 citizens of Decatur, Mich., requesting that the House of Representatives bring to a vote and enact into law House bill 14676; to the Committee on Pensions.

8478. By Mr. McCORMACK: Petition of Mary E. Giblin, 37 Mayfield Street, Dorchester, Mass., vigorously protesting against enactment of the so-called Newton maternity bill and the equal rights amendment to the Constitution; to the committee on Interstate and Foreign Commerce.

8479. By Mr. MOORE of Kentucky: Petition signed by H. W. Sublett and 29 other citizens of Bowling Green, Ky., protesting against any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

8480. By Mr. O'CONNELL: Petition of the National Committee on Wild Life Legislation, favoring the passage of the Norbeck-Andresen game refuge bill; to the Committee on Agriculture.

8481. Also, petition of Mirakel Optical Co., Mount Vernon, N. Y., favoring the passage of the Norbeck-Andresen game refuge bill; to the Committee on Agriculture.

8482. Also, petition of the Dykes Lumber Co., New York City, favoring the passage of the Norbeck game refuge bill (S. 1271); to the Committee on Agriculture.

8483. Also, petition of Mrs. Florence Mosher Gilbert, Briarcliff Manor, N. Y., favoring the passage of the Norbeck game refuge bill; to the Committee on Agriculture.

8484. Also, petition of Llewellyn Legge, chief fish and game division, conservation department, State of New York, Albany, N. Y., favoring the passage of the Norbeck-Andresen game refuge bill; to the Committee on Agriculture.

8485. By Mr. QUAYLE: Petition of Mirakel Optical Co., of Mount Vernon, N. Y., favoring the passage of the Norbeck game refuge bill; to the Committee on Agriculture.

8486. Also, petition of Dykes Lumber Co., of New York City, favoring the passage of the Norbeck game refuge bill; to the Committee on Agriculture.

8487. Also, petition of Conservation Department, State of New York, Albany, N. Y., favoring the passage of the Norbeck-Andresen game refuge bill; to the Committee on Agriculture.

8488. Also, petition of the American Indian Defense Association (Inc.), Washington, D. C., favoring the passage of House bill 7204, a bill to authorize the creation of Indian trust estates; to the Committee on Indian Affairs.

8489. Also, petition of Brooklyn Chapter, Reserve Officers' Association of the United States, favoring an appropriation sufficient to train 26,000 reserve officers; to the Committee on Appropriations.

8490. By Mr. SANDERS of New York: Petition of about 1,759 employees and business men affected by the depression in the gypsum industries in Genesee, Monroe, and Erie Counties, in western New York State, to impose a duty on raw, partly manufactured, and manufactured gypsum; to the Committee on Ways and Means.

8491. By Mr. SINCLAIR: Petition of North Dakota Holstein Breeders' Association, indorsing the Haugen bill (H. R. 10958) to amend the definition of oleomargarine; to the Committee on Agriculture.

8492. By Mr. WINTER: Resolution from O. G. Rhode, president the Sheridan County Farm Bureau, Ranchester, Wyo., urging adequate protection for domestic sugar; to the Committee on Ways and Means.

8493. By Mr. YATES: Petition of Constance Hall Totten, Garfield Park, Chicago, Ill., urging support of bill increasing pensions of Union veterans, Civil War (S. 4559); to the Committee on Pensions.

8494. Also, petition of Clem Sikorg, Chicago, Ill., urging support of House bill 15526 and Senate bill 3281; to the Committee on the Post Office and Post Roads.

8495. Also, petition of G. W. Mingus, urging support of anti-alien representation amendment bill (H. J. Res. 102); to the Committee on the Judiciary.

8496. Also, petition of W. F. Judd of National Association of Letter Carriers, Bloomington, Ill., urging support of the Dale-Lehlbach retirement bill (S. 1727) and the La Follette-Mead short Saturday workday bill (S. 3281); to the Committee on the Post Office and Post Roads.

8497. Also, petition of Thomas O. Morris, president Tennessee Association of Drainage Districts, Obion, Tenn., urging support of Senate bill 4689; to the Committee on Irrigation and Reclamation.

8498. Also, petition of Harry L. Gandy, executive secretary National Coal Association, Washington, D. C., urging support of House bill 16301; to the Committee on Interstate and Foreign Commerce.

8499. Also, petition of L. D. Garrett, 50 East Forty-second Street, New York City, urging support of the Black bill (S. 3089) and the McSwain bill (H. R. 13509); to the Committee on Military Affairs.

8500. Also, petition of J. S. Abbott, secretary Institute of Margarine Manufacturers, urging support of Haugen bill (H. R. 10958); to the Committee on Ways and Means.

8501. Also, petition for strengthening of the immigration laws, by Stacy Neal, Sorento, Ill., and 90 other citizens of Sorento, Ill.; to the Committee on Immigration and Naturalization.

8502. Also, petition of O. E. Campbell, carrier No. 2, Winchester, Ill., urging support of Senate bill 3027; to the Committee on the Post Office and Post Roads.

8503. Also, petition of W. A. Wallace, committeeman, Virden, Ill., urging support of the Capper-Kelly bill (H. R. 11); to the Committee on Interstate and Foreign Commerce.

8504. Also, petition of U. G. Lee, vice commander of William McKinley Camp, Chicago, Ill., urging passage of pension bill (H. R. 14676); to the Committee on Pensions.

8505. Also, petition of the Chicago Association of Credit Men, by J. F. O'Keefe, secretary, urging that the Committee on Agriculture give consideration to the views of the Illinois-Missouri joint conference of credit men; to the Committee on Agriculture.

8506. Also, petition of E. O. Excell Co., Chicago, Ill., urging passage of Senate bill 4689 and Smith bill (H. R. 14116); to the Committee on Irrigation and Reclamation.

8507. Also, petition of Charles J. Rhoads, president Indian Rights Association, Philadelphia, Pa., urging support of House Joint Resolution 374; to the Committee on Indian Affairs.

8508. Also, petition of citizens of Illinois, urging passage of the Dale-Lehlbach civil service retirement bill (S. 1727); to the Committee on the Civil Service.

8509. Also, petition urging passage of Jones-Stalker bill (H. R. 1069); to the Committee on the Judiciary.

8510. Also, petition of George B. Lake, M. D., managing editor Clinical Medicine and Surgery, Chicago, Ill., urging defeat of House bill 14070; to the Committee on Interstate and Foreign Commerce.

8511. Also, petition of National Association of Letter Carriers, urging support of 30-year retirement bill and 44-hour week bill; to the Committee on the Post Office and Post Roads.

8512. Also, petition of Wilkinson, Huxley, Byron & Knight, Chicago, Ill., urging defeat of Senate bill 2366 and House bill 7951; to the Committee on the District of Columbia.

8513. Also, petition of Federal Motion Picture Council in America (Inc.), urging support of House bills 10761 and 13686; to the Committee on Interstate and Foreign Commerce.

8514. Also, petition urging support of Black bill (S. 3089) and Wainwright-McSwain bill (H. R. 12306); to the Committee on Military Affairs.

8515. Also, petition of the Symington Co., Chicago, Ill., urging opposition to Senate bill 668; to the Committee on Interstate and Foreign Commerce.

8516. Also, petition of H. A. Meyer, attorney, Greenville, Ill., urging support of Pullman surcharge bill (S. 668); to the Committee on Interstate and Foreign Commerce.

8517. Also, petition of Cora S. Reid, Daughters of American Revolution, Springfield, Ill., urging passage of the 15-cruiser bill (H. R. 11526) and Kellogg pact; to the Committee on Naval Affairs.

8518. Also, petition of White County rural letter carriers, of Illinois, urging passage of Reece good road bill (H. R. 5659) and Dale retirement bill (S. 1725); to the Committee on the Post Office and Post Roads.

8519. Also, petition of Daughters of American Revolution, urging passage of Joint Resolution 11; to the Committee on the Judiciary.

8520. Also, petition of Church, Traxler & Kennedy, lawyers, Chicago, Ill., urging support of cruiser bill (H. R. 11526); to the Committee on Naval Affairs.

8521. Also, petition of official board of the First Methodist Church, Springfield, Ill., urging support of cruiser bill and Kellogg Paris peace pact; to the Committee on Naval Affairs.

8522. Also, petition of the United National Association of Post Office Clerks, of Peoria, Ill., urging support of longevity bills (S. 3282; H. R. 15083); the Committee on the Post Office and Post Roads.

8523. Also, petition of ———, urging support of dog exemption bill (H. R. 11998); to the Committee on the Judiciary.

8524. Also, petition of board of directors of the Woman's Club of Springfield, Ill., indorsing the pending cruiser bill; to the Committee on Naval Affairs.

SENATE

FRIDAY, *February 1, 1929*

(Legislative day of Thursday, January 31, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate resumes the consideration of the unfinished business.

CONSTRUCTION OF CRUISERS

The Senate, as in the Committee of the Whole, resumed the consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

Mr. HARRISON obtained the floor.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Hale	Mayfield
Barkley	Dale	Harris	Moses
Bayard	Dill	Harrison	Neely
Bingham	Edge	Hastings	Norbeck
Black	Fess	Hawes	Norris
Blaine	Fletcher	Hayden	Nye
Blease	Frazier	Heflin	Oddie
Borah	George	Johnson	Overman
Bratton	Gerry	Jones	Pine
Brookhart	Gillett	Kendrick	Ransdell
Bruce	Glass	Keyes	Reed, Mo.
Burton	Glenn	King	Reed, Pa.
Capper	Goff	McKellar	Robinson, Ark.
Caraway	Gould	McMaster	Robinson, Ind.
Couzens	Greene	McNary	Sackett

Schall	Steck	Trammell	Walsh, Mont.
Sheppard	Steiwer	Tydings	Warren
Shipstead	Stephens	Tyson	Waterman
Shortridge	Swanson	Vandenberg	Watson
Simmons	Thomas, Idaho	Wagner	Wheeler
Smoot	Thomas, Okla.	Walsh, Mass.	

Mr. GLENN. I wish to announce that my colleague the senior Senator from Illinois [Mr. DENEEN] is absent from the Senate because of illness.

Mr. NORRIS. I desire to announce that my colleague the junior Senator from Nebraska [Mr. HOWELL] is still ill, and for that reason is detained from the Senate. I will let this announcement stand for the day.

Mr. BLAINE. I wish to announce that my colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably absent from the Senate. I ask that the announcement may stand for the day.

Mr. GERRY. I desire to announce that the senior Senator from South Carolina [Mr. SMITH] and the junior Senator from Louisiana [Mr. BROUSSARD] are detained from the Senate by illness.

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present.

Mr. HASTINGS. Mr. President, I send to the desk several letters which I have received in relation to the pending cruiser bill, which I ask may be printed in the RECORD.

There being no objection, the letters were ordered to lie on the table and to be printed in the RECORD, as follows:

WILMINGTON, DEL., *January 29, 1929.*

Hon. DANIEL O. HASTINGS,
The Senate, Washington, D. C.

MY DEAR SENATOR: Allow me to enter a protest against the passage of the so-called cruiser bill.

We have now a navy bigger than that of any other nation except England, with which nation we are about on a parity, and with which nation there is not the slightest possibility that we could have a war.

Besides this, after having indorsed the Kellogg peace pact, the passing of the cruiser bill will imply that we are not honest in our desire for peace and make us look ridiculous to the other nations of the world.

Very truly yours,

LEWIS W. BROSIUS.

Senator HASTINGS.

DEAR RESPECTED FRIEND: Will thee kindly use thy influence and vote against the passing of the cruiser bill to build more ships, when we are so hopeful that the Kellogg peace treaty will end all war. It surely is not a sensible thing to build ships for war and send forth the message of peace—that has been such a comfort to the whole world at large—to settle the differences of nations by peaceful methods.

Hoping this will add to the many letters sent thee to do thy duty to God and man.

Very cordially,

ELIZABETH F. NEWLIN.

JANUARY 30, 1929.

THE MANUFACTURERS' ASSOCIATION OF WILMINGTON
AND THE WILMINGTON EMPLOYEES' ASSOCIATION,
Wilmington, Del., January 30, 1929.

Hon. DANIEL O. HASTINGS,
United States Senate, Washington, D. C.

DEAR SENATOR: The Manufacturers' Association of Wilmington, representing 75 per cent of the manufacturers in the State of Delaware, wishes to strongly urge your support of the cruiser bill, H. R. 11526, now before the Senate.

Our Navy, according to the highest authorities, is below parity with all first-class powers and is incapable of adequately performing its functions as our first line of defense and the guardian of our expanding commerce.

President Coolidge, in his last Armistice Day speech, estimated that our unpreparedness for the Great War cost taxpayers $1,000,000,000 for every six days. We, therefore, feel that this is an investment our Government should make, that the time limit specified in the bill should be strictly adhered to and that the wave of pacifism threatening to strip us of all adequate defense should be strongly resisted.

Very truly yours,

HARRY I. BELL, *Secretary.*

WILMINGTON, DEL., *January 31, 1929.*

Hon. DANIEL O. HASTINGS,
United States Senate, Washington, D. C.

DEAR SENATOR HASTINGS: I sincerely hope you will use your efforts to have the bill authorizing the construction of additional cruisers brought up for a vote in such form that it will not include the time limit requiring all of the construction to be started or completed within the relatively short period talked of.

As a basis to trade with France and England in future negotiations, it may be policy to pass the bill. I feel rather some strong doubts as to whether there is, otherwise, justification for a program of construction of this size at this time, but in any event it would seem a great mistake to require that the entire program be entered upon within the next few years on account of the possibility of future treaties providing for reduction in expensive naval construction.

Yours very respectfully,

J. EDGAR RHOADS.

WILMINGTON, DEL., *January 31, 1929.*

Hon. DANIEL O. HASTINGS,
Senate Office Building, Washington, D. C.

DEAR DAN: You may think it rather peculiar that I, as a Quaker, should be writing to you to ask you to support the cruiser bill now before the Senate, but I feel very deeply on this question and can not agree with those who are making such a great "howl" against it, stating that an adequate navy is an invitation to attack.

To my mind, while these people are thoroughly sincere in their ideas, they are lacking in a knowledge of human nature. When we were boys we had no hesitancy in climbing a fence and going after apples—if we knew that the farmer was on the other side of the farm, and had no dog—whereas, if we knew that he had a good bulldog we walked carefully down the road and did not attempt to climb the fence.

With kindest regards and best wishes, I am,

Yours very sincerely,

JOSEPH BANCROFT.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal year, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOOD, Mr. CRAMTON, and Mr. BYRNS were appointed managers on the part of the House at the conference.

PETITIONS AND MEMORIALS

Mr. TYSON presented memorials of members of the faculty and student body of Lincoln Memorial University, of Harrogate, Tenn., remonstrating against the passage of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which were ordered to lie on the table.

Mr. BURTON presented a memorial of members of the Friends Boarding School, of Barnesville, Ohio, remonstrating against the passage at the present time of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Logan, Hocking County, Ohio, praying that the national-origins provision of the immigration law may be put into effect, which was referred to the Committee on Immigration.

REPORTS OF COMMITTEES

Mr BINGHAM, from the Committee on Territories and Insular Possessions, to which was referred the bill (S. 5621) to repeal paragraphs 127 and 128 of the act entitled "An act to discontinue certain reports now required by law to be made to Congress," approved May 29, 1928, reported it without amendment and submitted a report (No. 1584) thereon.

Mr. STEPHENS, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 3949) for the relief of Frank F. Moore (Rept. No. 1586);

A bill (H. R. 4267) for the relief of Ernest J. Hiscock (Rept. No. 1587); and

A bill (H. R. 10624) for the relief of William J. Casey (Rept. No. 1588).

Mr. WATERMAN, from the Committee on Claims, to which was referred the bill (S. 4817) for the relief of the Federal Construction Co. (Inc.), reported it without amendment and submitted a report (No. 1589) thereon.

He also, from the same committee, to which was referred the bill (H. R. 4266) for the relief of certain officers and former officers of the Army of the United States, and for the settlement of individual claims approved by the War Department, reported it with amendments and submitted a report (No. 1590) thereon.

Mr. ODDIE, from the Committee on Mines and Mining, submitted a report (No. 1591) to accompany the bill (H. R. 496) authorizing an appropriation for development of potash jointly

by the Department of Agriculture and the Department of Commerce by improved methods of recovering potash from deposits in the United States, heretofore reported by him from that committee without amendment.

Mr. CARAWAY, from the Committee on Claims, to which was referred the bill (S. 1109) for the relief of Little Rock College, Little Rock, Ark., reported it with an amendment and submitted a report (No. 1593) thereon.

He also, from the same committee, to which was referred the bill (H. R. 1939) for the relief of James M. Thomas, reported it without amendment and submitted a report (No. 1594) thereon.

Mr. McNARY, from the Committee on Commerce, to which was referred the bill (S. 4841) establishing a fund for the propagation of salmon in the Columbia River district, reported it with amendments and submitted a report (No. 1595) thereon.

Mr. BLACK, from the Committee on Claims, to which was referred the bill (H. R. 11510) for the relief of Montana State College, reported it without amendment and submitted a report (No. 1596) thereon.

MEMORIAL TO MAJ. GEN. HENRY A. GREENE

Mr. BINGHAM. From the Committee on Military Affairs I report back without amendment, and unanimously, the bill (H. R. 12404) authorizing erection of a memorial to Maj. Gen. Henry A. Greene at Fort Lewis, Wash., and I submit a report (No. 1585) thereon.

Mr. JONES. The bill entails no expense on the Government, but simply permits the erection of this memorial on the Army post grounds at Fort Lewis, where General Greene was commander for a long time. I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Henry A. Greene Memorial Association, a corporation organized and existing under the laws of the State of Washington, be, and is hereby, authorized to erect and maintain a suitable building, under such regulations as the Secretary of War may prescribe, in and upon the United States military reservation at Fort Lewis, Wash., the plans of such building to be first approved and the building to be constructed in such location as may be prescribed by the Secretary of War: *Provided*, That the use of such portion of the ground floor of said building as may be necessary shall be given to the Post Office Department of the United States, free of charge, for the post-office service of the reservation, so long as said building remains on said grounds.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day, February 1, 1929, that committee presented to the President of the United States the enrolled bill (S. 4979) to authorize the city of Niobrara, Nebr., to transfer Niobrara Island to the State of Nebraska.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CAPPER:

A bill (S. 5648) to amend section 8 of the act entiled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes," approved March 4, 1913, as amended; to the Committee on the District of Columbia.

By Mr. WALSH of Massachusetts:

A bill (S. 5649) for the relief of John J. Holmes; to the Committee on Naval Affairs.

By Mr. FESS:

A bill (S. 5650) granting a pension to Ella P. Neeld; and

A bill (S. 5651) granting an increase of pension to Maria L. Evans; to the Committee on Pensions.

By Mr. HAWES:

A bill (S. 5652) granting a pension to Barbara E. James (with accompanying papers); and

A bill (S. 5653) granting a pension to Susan E. Weaver (with accompanying papers); to the Committee on Pensions.

By Mr. SCHALL:

A bill (S. 5654) authorizing the Secretary of War to execute a satisfaction of a certain mortgage given by the Twin City Forge & Foundry Co. to the United States of America; to the Committee on Military Affairs.

By Mr. BARKLEY:

A bill (S. 5655) granting a pension to Sarah Whoberry; to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 5656) authorizing the Secretary of the Treasury to grant a right of way for a levee through the Carville Marine Hospital Reservation, La.; to the Committee on Commerce.

By Mr. ROBINSON of Indiana:

A bill (S. 5657) granting a pension to Winfred Tucker; to the Committee on Pensions.

PREFERENCE FOR DISABLED WAR VETERANS IN CENSUS BUREAU

Mr. ASHURST. I submit a concurrent resolution which I ask may be read.

The concurrent resolution (S. Con. Res. 35) was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that in the selection of such persons as are to be employed without reference to civil service, in the preparation of the fifteenth and subsequent decennial censuses direct preference shall be given to the disabled veterans of wars in which the United States has been engaged.

Mr. ASHURST. It seems that there is now no committee on the census; hence I ask that the resolution be referred to the Committee on Commerce.

The VICE PRESIDENT. The concurrent resolution will be referred to the Commerce Committee.

FIRST DEFICIENCY APPROPRIATIONS

The PRESIDING OFFICER (Mr. McNARY in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15848) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, that it accede to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. WARREN, Mr. PHIPPS, Mr. KEYES, Mr. OVERMAN, and Mr. GLASS conferees on the part of the Senate.

Mr. HARRIS. Mr. President, on yesterday the House refused to agree to the Senate amendments to the deficiency appropriation bill, in which my amendment relative to prohibition enforcement was included. I shall not criticize anyone's vote or their motives and I shall make no partisan statement. I have consulted both Republican and Democratic Senators supporting this legislation and I have tried to keep partisanship out of the discussion entirely. Nothing I have said could be construed that way. It certainly will not be my fault if this effort to secure appropriation sufficient to enforce the prohibition law is made a partisan question.

But I want to analyze the vote of the House yesterday without reflecting on or criticizing any Member of that body. It shows that the leaders of the majority of the House joined the Tammany Hall Congressmen from New York City, the Philadelphia, Pittsburgh, Chicago Congressmen, and the Representatives from the other great wet cities in the country in the other House, who do not believe in the prohibition law or its enforcement.

Mr. MOSES. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from New Hampshire will state the point of order.

Mr. MOSES. The Senator from Georgia is discussing what took place in another part of the Capitol, and under the rule he is not permitted to do that.

The PRESIDING OFFICER. The point of order is well taken.

Mr. HARRIS. Mr. President, several Members of the House in discussing this bill referred to me as its author, and one Member went so far as to criticize my motives in offering the $24,000,000 amendment to enforce prohibition.

Mr. President, I ask permission to have read at the desk an amendment which will be submitted to the conferees by Congressman BYRNS, one of the conferees on the part of the House on the disagreeing votes of the two Houses upon the deficiency bill. This amendment is entirely satisfactory to me and those of us in this Chamber who supported my amendment.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

For the enforcement of the eighteenth amendment, the national prohibition act and supplemental acts, the tariff acts, and all laws pertaining to the traffic in intoxicating liquors and narcotics, the sum of $24,000,000, or such portion thereof as the President may deem useful,

to be expended in the discretion of the President through the Department of Justice, Coast Guard, Customs Bureau, Prohibition Bureau; and he may allot a sufficient sum or amount to the Civil Service Commission for the examination and investigation of eligibles for employment in the enforcement of such laws in the various agencies above mentioned in accordance with existing law, and to remain available until June 30, 1930.

Mr. HARRIS. Mr. BYRNS, one of the conferees on the part of the House, will, I have been informed, offer that amendment when the conferees meet. It will meet very largely the objections of the Secretary of the Treasury. Of course, if he is opposed to any enforcement of the prohibition law, then, no matter what we agree to would be acceptable to him. This amendment does not force the spending of $1 extravagantly—only such part as is necessary—and I have faith in President-elect Hoover, who would have charge of this fund under my amendment.

Mr. SMOOT. Mr. President, I do not see how it is possible for the conferees to put such an amendment in the deficiency bill. It is entirely different from anything contained in the language of the provision of the House or in the language of the amendment adopted by the Senate. Such a procedure would be not only against the rules of the House but against the rules of the Senate.

Mr. GLASS. Mr. President, I suggest that other conferees be appointed if the Senate now thinks those already designated are not capable of determining these questions for themselves.

CONSTRUCTION OF CRUISERS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

Mr. HARRISON. Mr. President, yesterday we were told, in a very eloquent speech delivered by a distinguished Senator, that those who oppose the time-limit provision in the cruiser bill are advocating a new dispensation on earth; that they think the hearts of men have changed and that no more is there any selfishness in the world. I submit, Mr. President, that some of us, at least, who believe in striking out the time-limit provision as it is now written still believe that there yet remains some selfishness in the world, but at the same time there has been a change in the thoughts and hearts of men affecting the peace of mankind.

There have been times, of course, when wars had to be fought and the people had to be taxed in order to prosecute them; but through the process of time civilization has developed, and I believe that the people of the world to-day are more interested in adopting plans that will preserve the peace of the world than they are in proposals imposing larger expenditures for the preparation of wars; so I expect to show, if I can, that the opposition of some of us to the time-limit provision is based upon reason and practice.

The speech of the distinguished Senator from Missouri [Mr. REED] on day before yesterday was most eloquent. He has been most consistent in advocating preparation for war and the maintenance of a very large navy. I recall with pleasure the magnificent fight he waged against the adoption of the Washington conference agreement, and recall the many defects which he pointed out in the understanding then consummated. I recall, too, Mr. President, the long fight made on this side of the aisle in the cause for peace. I would not now detract one iota from the efforts of Democratic leadership in trying to evolve some plan for all the peoples of the world that future wars might be prevented and peace preserved.

It was pointed out in the debates at the time the League of Nations covenant was being discussed here that if we did not become a party to it we would have to go on a war rampage of naval competition. So it does not frighten me at this particular time to see bobbing up once in a while distinguished leaders, not only here but in the newspapers of the country, who opposed a plan of peace at that time and who now criticize as pacifists and poltroons those of us who believe in the elimination of the time limit in this bill. Many of them have been as consistent in opposing proposals of peace as they have been consistent in asking for large expenditures for preparation for war. If this country had exerted as much time and effort in cooperating with other nations to mold some plan, or working with them in some plan, to preserve peace and minimize the likelihood of future wars as it has in trying to find some way to destroy or effect these plans, we would not now be discussing this cruiser proposal. I did not think—and, in my opinion, but a small percentage of the American people thought at the close of the great World War—that we should hear in this body at this early date speeches so militant in character, so eloquent in presentation, that we could almost feel ourselves in the vortex of another war. Following the great World War some of us at least believed that the damage wrought, the suffering inflicted, the economic disarrangement imposed would naturally influence a modification, if not cessation, in another gigantic preparation for another war.

I read with interest the speech of the Senator from Missouri [Mr. REED] as he, in that inimitable style of his, pictured the unpreparedness of this country when we entered the World War and how we had a scarcity of airplanes, machine guns, and other implements of war. One reading that speech might think that it was a detraction, in a way, from the great part that we played in that war. I shall not attempt to answer that. The glory of this country is written in the part played not only by the soldiers at the front and the men who manned our guns upon the seas, but by the great civilian population of this country, as well as by the statesmanship which guided the ship of state through those troublesome times.

The part played in that titanic struggle by our men and women in every walk of life will ever remain a great achievement and will reflect a lasting glory upon the country.

We are told that islands are fortified close to us; that Great Britain has a larger number of cruisers than we and has been expending great sums of money in the building of more. Mr. President, I know of no time when our country had a navy that was equal to the navy of Great Britain; nor do I now remember just when those fortifications, which we are told are pointing their guns toward us, were constructed; but, if I recall correctly, they have been there for decades; and yet not for almost 120 years have we engaged in war with Great Britain. And one must stretch his imagination now to believe that there is any likelihood of a war with that great Empire. They have been our allies in times of great moment and for a long time. I hope it will ever continue.

Mr. President, we are also told that the time limit should be placed in this proposed legislation; that it is necessary that it be placed there in order that the cruisers shall be built. I expect to show, before I conclude, that in no other instance where we have authorized the construction of battleships, cruisers, torpedo boats, or what not, has such a provision been inserted in any legislative proposal. Such action would be unprecedented, and the Senators who are leading this fight know that it would be unprecedented; yet, because some of us would eliminate it, we are characterized before the country as pacifists; cartoons are published in the newspapers ridiculing those of us who raise our voices here in the interest of peace, in the interest of economy, and in the interest fo adhering to the long-established customs and precedents governing such legislation as this in the past.

It is said that the Washington disarmament conference was a failure. In many respects it was a failure, but I have not any doubt that the men who represented this Government at that conference did their utmost to accomplish more than they did accomplish. I have not any doubt that they would have been delighted, as I know from reading the record, to have succeeded in the effort they made to have secured a limitation of cruisers and submarines and armament other than battleships; but they failed; they were unable to do it; and just so long as inventions are made and developments are brought about in naval construction and in military armaments or implements of warfare we are going to have naval and military competition. One country will say, "We want so many submarines to perfect our commerce"; another country will say, "We want so many cruisers in order to break blockades, so that we may develop our trade and commerce." One country is willing to make a desired concession to the other country if the other is willing to concede its particular contention; and so the mad race goes on and nothing is accomplished.

I submit, therefore, that we have in the end to get to some plan such as is proposed by the Senator from Idaho [Mr. BORAH]—which I am delighted to see those who direct the destinies of the pending measure accept—that will ultimately bring about a conference that will establish the rules and regulations governing the rights of belligerents and the rights of neutrals. When we shall have done that, we can fix a basis for the limitation of armaments.

I am not frightened by the fact that we have failed in one instance. It is not the first time that a laudable mission which has been embarked upon has failed and then afterwards something has been accomplished. The whole world is full of instances where men have failed the first time to accomplish some achievement upon which they have set out, but on the secord or third or perhaps the seventh attempt have succeeded. Merely because the Washington disarmament conference failed is no reason to suppose that another conference might also fail.

Mr. NORRIS. Mr. President——

Mr. HARRISON. I yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, I dislike to hear the Senator say that the Washington disarmament conference failed.

Mr. HARRISON. I did not catch the Senator's remark.

Mr. NORRIS. The Senator said that the Washington disarmament conference failed. Yet it is admitted that it did reach an agreement as to battleships; and it is likewise admitted that every nation at that conference has abided by the agreement as to battleships. So it seems to me that something was accomplished.

Mr. HARRISON. Something was accomplished.

Mr. NORRIS. If it had not been for the conference, we would probably be in a controversy now about building battleships.

Mr. HARRISON. I repeat, something was accomplished.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. CARAWAY. The very Senators who now here in the Senate are proclaiming that the Washington conference was a failure, a year or two ago were pointing to it as one of the greatest achievements of the Republican administration.

Mr. HARRISON. Yes; that is true. However, in some particulars it did not obtain everything that those who represented our Government desired. Of course, as the result of that conference we did scrap some battleships. It is variously estimated that the loss to us as a result was about $150,000,000; and I believe the estimate has gone as high as $400,000,000. I do not know the exact figures, for I have never been able to ascertain that there is any real agreement among naval experts as to any particular proposition. As I have read the debates in the House, and as I have read the records and documents available to the Senate, I have found that there is some difference of opinion as to the amount of tonnage and as to the number of ships in the British Navy as compared to ours, and particularly with reference to what are called cruisers. Some tell us that the great number of vessels shown on paper to be possessed by Great Britain are in many instances small cruisers; that they are not as fast moving as ours; that they are not as good as some of the great submarines we have constructed. However, I pass that by. I assume that Great Britain has a larger navy than ours. I wish that we could be placed upon a parity with her some time. I would prefer that it be accomplished, if possible, by the British scrapping hers rather than ours being increased; but if the parity in time can not be achieved in such manner, then we will have to build toward her. But why hasten at this time? What necessity for it? Why the orderly way in which we have proceeded in the past to authorize construction be changed? It does seem to me, in this day of high civilization and broad statesmanship, that the nations could get together and adopt proper rules and regulations touching belligerent and neutral rights upon the seas, that a proper limitation upon armaments could be concluded. And if those high missions can be accomplished, there may be no need for these cruisers being constructed.

Mr. BROOKHART. Mr. President——

The VICE PRESIDENT. Does the Senator yield to the Senator from Iowa?

Mr. HARRISON. I yield.

Mr. BROOKHART. I should like to call the Senator's attention to the fact that only the other day, I think, it was figured out quite definitely that the cost of the ships which we scrapped, together with the cancellation of the contracts, involved about $175,000,000.

Mr. HARRISON. It is immaterial, so far as the purpose I now have in mind is concerned, whether the cost was $175,000,000 or $400,000,000.

Mr. HALE. It can be ascertained from an examination of the figures. The work which had been done on these ships which were scrapped cost about $150,000,000, and it cost $25,000,000 additional to settle the contracts which had been entered into.

Mr. HARRISON. Exactly; and the Senator from Maine and those who stand with him now want to see this great Government of ours begin within five months the construction of five cruisers, when they know that a disarmament conference is going to take place in 1931 that might result in scrapping some of the ships which will then be in course of construction, at the same time being forgetful that in this country we are still paying taxes for the burden of war and are suffering from the aftermath of the war.

Mr. HALE. We know, and the Senator himself knows perfectly well, that if the ships provided for by this bill shall be constructed we will not have to scrap them. It is not conceivable that Great Britain will scrap the ships that she has already built.

Mr. HARRISON. That may be; I will accept the advice of the naval expert upon that proposition; but I do know that when the Washington disarmament conference ended we had some battleships being constructed, and they were scrapped, and that act cost the American people a great deal of money. I know, furthermore, that when the war was ended by the treaty of Versailles the German Navy was destroyed. We did not ask to take over the German ships; England did not insist on taking over the German ships; nothing was said as to that, except that the ships should be scrapped. Yet here we are preparing to tax the American people again to build more ships, when we know that a disarmament conference is to meet in 1931, and perhaps another one this or next year.

Mr. HALE. The Senator also knows that the only reason we were able to bring about any agreement at the Washington disarmament conference was on account of the ships that we had building.

Mr. HARRISON. I can not believe that the statesmen of Great Britain were so weak that the reason they accepted a ratio of 5-5-3 with reference to battleships was because we had then some battleships in course of construction. That is the reason now advanced for this particular cruiser bill; that we must have in the yards being constructed some more cruisers in order to bludgeon Great Britain and Japan into limiting the construction of battle cruisers, perhaps.

Mr. HALE. Mr. President, Great Britain, as she has a predominant navy, is perfectly satisfied with the status quo. If we are going to get her to cut down, we have got to show that we are going to keep up our Navy, or we will get nowhere in any conference; and if we provide merely for paper ships our "bluff" will be "called."

Mr. HARRISON. Here we are wanting to begin within five months, not willing to wait a year on five of them, not willing to wait two years nor three years, but wanting to begin five of them in four months by the 30th of June of this year, when we read in the papers that already Germany has invented a cruiser with 11-inch guns that can shoot many miles farther than the guns on these cruisers that we are going to construct.

Mr. HALE. What good would that do Germany?

Mr. HARRISON. No good, except that here is one nation in a mad race, in competition with another country, to build a bigger cruiser, a faster cruiser. It may be Great Britain or Japan will invent one more powerful and faster than the German type; then we will have to scrap these and adopt a new type.

Mr. HALE. Under the treaty of Washington such a ship could not be constructed.

Mr. HARRISON. Then those nations not members of the Washington conference have the advantage of us.

Mr. President, I shall not occupy the time of the Senate long, but I feel deeply and in earnest with reference to the time limit in this proposal. I said that it is unprecedented. The other day the Senator from Maine cited me to the law of 1924. We fixed a limit then. I want to read that law.

It will be remembered that in 1916, when war clouds were gathering in every part of the world, when every day we were approaching closer to the vortex of war, when these delicate questions were constantly presenting themselves to the administration, and the President of the United States and the naval board and the military authorities knew we must begin to prepare, and President Wilson went from one end of the country to the other arousing the people to the necessity of it; we needed those things, he said, pretty quickly; and so we passed the naval bill of 1916.

Was a provision written into the law at that time imposing a time limit? Did the law then say that we were to begin in five months the construction of five of the cruisers or five of the battleships? No, Mr. President. In that law we provided for a good deal. We provided for 10 first-class battleships. We provided for 6 battle cruisers. We provided for 10 scout cruisers. We provided for 50 destroyers, for 9 fleet submarines, for 58 coast submarines, for 1 submarine of another type, and for other instruments of war.

It is said that we have done nothing toward preparedness. It is said that we are a weak nation; that other nations have been constructing cruisers and other implements of war while we have sat quiescent and done nothing. That is not true. That was in 1916. In 1924 we came along, under the leadership of the Senator from Maine, and constructed more of these implements of war. At that time we provided for eight of these cruisers. We provided for other implements of war. We have done very well. The big fight on this bill is not against the 15 cruisers, not against giving the President the right to build them, but it is against the provision in regard to beginning

upon 5 of them within five months, by the 30th of June of this year, 5 more of them in one year and five months, and 5 more in two years and five months.

Mr. HALE. Mr. President, the Senator will recall that under the 1916 program, which put no time limit on the construction of the vessels authorized, certain vessels were authorized that have not yet been constructed. That is something that the Senate does not want to see happen in regard to these cruisers.

Mr. HARRISON. The Senator from Maine does not recall the facts about that bill. The bill of 1916 provided that the construction of those vessels was to be begun by the President by 1919. He was given three years in which to begin their construction. If the Senator will investigate the law, he will find that that is what it says. The President was given until 1919 to construct them. We hoped that perhaps he would not have to construct them. We gave him the power and the discretion to begin at any time within three years; and in 1918 we wrote a provision in the law also, because at that time some of them had not been constructed, saying that he was to begin as soon as practicable before the expiration of the time fixed in the law of 1916.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Mississippi yield to the Senator from Nebraska?

Mr. HARRISON. I yield to the Senator.

Mr. NORRIS. I should like to call the attention of the Senator from Mississippi to the fact that because of the improvement now over the conditions that existed a few years ago, the very delay that has taken place, and a repetition of which the Senator from Maine says he wants to avoid, will result, when the ships are constructed, in much better and more efficient and more useful ships than though they had been started and completed within a year or so. I call the Senator's attention also to the fact that that delay has not injured us or anybody else one particle.

Mr. HARRISON. Now I want to read, if the Senator will permit me, getting back to this proposition, what happened in 1924. Here is the report of the Senator from Maine in 1924. That law did not provide for beginning construction in a year or two years, nor did it say that five cruisers should be built within five months. The law of 1924 provided that their construction must be started before 1927.

Mr. HALE. That is correct.

Mr. HARRISON. The President was given three years from 1924.

Mr. HALE. The time limit was set within which they should be constructed.

Mr. HARRISON. Time within which they were to begin construction, and that three years off.

Mr. HALE. Yes.

Mr. HARRISON. Will the Senator agree now to write a 3-year provision in this bill?

Mr. HALE. No, Mr. President; I will not——

Mr. HARRISON. Of course the Senator will not.

Mr. HALE. Because I think it is a much more orderly procedure to provide for building five each year.

Mr. HARRISON. The Senator is inaugurating a new system here. All of those who have gone before, in providing for the building of battleships and cruisers, thought it was all right to give the President three years in which to begin construction; but the Senator wants to force his new President to begin on five of them inside of five months.

Here is what the Senator said at that time, in 1924, in his report:

> In view of the above facts, it is the opinion of your committee that the proposed program of eight light cruisers is a very modest one, and that it should be proceeded with as rapidly as practicable. In order to provide for this there has been incorporated in the bill a proviso that all eight vessels be laid down not later than July 1, 1927.

The Senator from Maine had confidence in President Coolidge. He was perfectly willing to give him the discretion of three years in which to build those cruisers. He said their construction must be proceeded with as rapidly as practicable; but to his new President, whom he stood for in Maine, whom he went to the Republican convention and advocated, he is not willing to give the discretion of building these cruisers for the next three years.

Mr. WHEELER. And that notwithstanding the fact that the President elect has said that he wants this time limit eliminated.

Mr. HARRISON. Yes. Here is a bill that was introduced, carrying out the views of the Naval Board, in 1927. That is this program. Senators will recall that at that time it amounted to a billion dollars. It was so stupendous—it was, I might say, so ridiculous—that it did not even receive the approval of the chairman of the Naval Affairs Committee of the Senate. It did not receive the approval of anybody in the House of Representatives, so far as I know; not even the approval of the Secretary of the Navy—or, if he did approve it, he has kept quiet about it lately—and so they reduced the amount to $740,000,000. I presume, if they had carried through their plan, and if we now had before us the plan of expending $750,000,000, those of us who would say "strike out the time limit" and advocate not starting on the construction of so many of the vessels within five months would be classed as poltroons; we would be held up to the country as pacifists.

What has happened to change those who first suggested the plan of providing for $750,000,000 to the amount now of two hundred and eighty-odd million dollars? Have we been told?

Here is the bill that was introduced by the chairman of the Naval Affairs Committee in the House at that time—Mr. Butler. Here is the way it reads. How different it is from this bill which some of us would have amended and are held up as pacifists by those who have never read the bill, by those who know nothing of the bill. Here is the difference in the two propositions.

Mr. Butler, carrying out the Naval Board's recommendation, introduced this bill:

> That for the purpose of further increasing the Naval Establishment of the United States the President of the United States is hereby authorized to undertake the construction of the following vessels: 25 light cruisers, 9 destroyer leaders, 32 submarines, and 5 aircraft carriers.

Nothing is said about a time limit on the proposition. It just authorizes the construction of them, carrying out the administration's idea with reference to them; and that was for the building of 25 cruisers at that time.

Mr. HALE. Mr. President, that bill was not reported to the House as introduced.

Mr. HARRISON. No.

Mr. HALE. The Senator does not know whether a time limit would have been put in or not had the bill been reported in that form.

Mr. HARRISON. No; it was not reported at the time, and so, after a while, they introduced the other bill cutting it down to $285,000,000, I believe; and then it was that they put in the time limit.

Mr. HALE. The original program, Mr. President, covered a period of five years. It would have covered, really, nine years after the laying down of the ships before they would have been finished. At that time a large part of the existing Navy would have become obsolete; and that was a general, comprehensive program to take care of what would be necessary in the future. At the expiration of that time, with the new ships, the Navy would not be as large, as far as numbers of ships are concerned, as it is at the present time.

Mr. KING. Mr. President, will the Senator yield?

Mr. HARRISON. Yes.

Mr. KING. I think the Senator from Maine has not quite accurately represented the situation. The fact is that Mr. Wilbur, speaking for the administration, and stating that he spoke with the authority of the President at that time, came before the committee and supported a bill which called for from 71 to 74 ships, none of which were battleships—25 cruisers, a number of destroyers, auxiliary crafts, and so on.

Mr. HALE. Thirty-two submarines.

Mr. KING. I know what I am speaking about—71 to 74 in all, at a cost, he said, of approximately $740,000,000. As a matter of fact, the cost would have been considerably more than $1,000,000,000; and it was stated in his testimony that this was only a starter. Mr. BRITTEN, speaking for the chairman of the committee, asked if this was only a starter, and Mr. Wilbur said yes; it was only a starter.

The fact is that the Senator from Maine and several others have yielded to the navalistic spirit which is flagellating the country, and they wanted to spend more than a billion dollars, and that was to have been merely a starter. Then would have come the construction of additional battleships, and, as Mr. Wilbur said, the cost would have been more than two and one-half billion dollars. That is the policy to which the Senator from Maine is committed.

Mr. HALE. Mr. President, I do not think the Senate understands the situation with regard to our Navy.

A navy is not self-perpetuating. The extreme limit of the life of vessels of the Navy is 20 years; and that limit is applied to battleships and aircraft carriers and cruisers. For destroyers the extreme limit, as determined at Geneva, was 16 years, and for submarine 30 years. Taking an average of 20 years

for the life of vessels of the Navy, that means that every year it is necessary to renew one-twentieth of the fleet that we now have if it is to be kept up to its present strength.

Our Navy at the present time is not composed altogether of new vessels. In fact, we have very few new vessels. It was not composed of new vessels at the time of the Washington conference. We have done almost no replacing since the time of the Washington conference. Therefore, what would ordinarily be laid aside to spend every year on replacement of the Navy increases for the years to come; and this proposed legislation was an attempt to forward the program of the Navy Department in an orderly way, to provide for the future replacement of vessels, and to bring us up to the necessary strength that we should have.

That will have to be done in the future if we are to take care of our Navy. We can not afford, every time we are to replace ships of the Navy, to have the outcry all over the country that we are trying to arm so as to fight foreign nations. It is a perfectly orderly procedure to provide each year ahead for the construction of the vessels of the Navy, and that I want to see done, and that this particular bill before us does in providing these 15 cruisers which we are now asking.

Mr. NORRIS rose.

Mr. HARRISON. Did the Senator from Nebraska want to say something?

Mr. NORRIS. I wanted to suggest that the Senator from Maine says we are not arming to fight other nations. I was curious to know why we were arming, then.

Mr. HALE. We are arming so that we shall not have to fight other nations.

Mr. NORRIS. Oh, yes.

Mr. HARRISON. Mr. President, the same argument has been made every time we have had a naval bill before us, and I had hoped that the Senator would explain why in 1916, when we passed a naval bill, we gave the President three years in which to start the work under it, and in 1924 gave him three years to start work under it, but now it is proposed that he have only five months in which to start work.

Mr. CARAWAY. We had a Democratic President then, and they had confidence in him.

Mr. HARRISON. The Senator from Maine had more confidence, I take it, in President Wilson than he has in the President elect.

Mr. President, I can see no reason why we should not strike out this time limitation. As I have cited, in these other instances we gave the President three years. If we have confidence in the President elect—I have confidence in him, and it looks as if some of us have more confidence in him than the Senator from Maine has—if we are right in the proposition that we might limit armament construction as a result of the conference to be held in 1931, if we are right that we ought to agree upon the rules and regulations for the conduct of nations upon the seas as to the rights of belligerents, and the rights of neutrals, then let us give the President a free hand. Let him have an opportunity for real accomplishments when we go into these conferences. Let him have the power to build the cruisers, and in working out the plan for these conferences he may, if he pleases, use this legislation as a weapon of diplomacy, in order to force the hands of the other participants. Let us not go ahead and start the building of some ships within four or five months which might be scrapped. I do not know whether they will be or not; nobody else knows. The naval experts say that of course they will not be scrapped. They told us that the battleships would not be scrapped; but they were scrapped. I know that the American people to-day are not able to bear the heavy load of taxation which some people would force down upon them. They are still suffering from war responsibilities, and if I vote to put in this time limitation, and the disarmament conference should come on and should stop the further construction of those particular cruisers, I would have to explain to my constituents why it was that I voted against striking out the time limitation.

What harm can come from striking it out? What injury can come to the country from writing into the law, if you please, a 3-year provision, or a 2-year provision, or making it applicable following the adjournment of the next disarmament conference, in the meanwhile giving the President the power and the authority to build these cruisers? No one can say it would do an injustice to the country. We are not about to get into war with any country in the world.

Mr. HALE. How does the Senator know whether we are or not? The Senator can not say whether we will get into a war with any other country or not. Nobody thought we would get into a war a year before the World War.

Mr. CARAWAY. Everybody knew we would be in the war.

Mr. HARRISON. The Senator has something in his breast, something he has not revealed to us, about some controversy with some foreign country with which we are about to get into a war. He ought to tell us about it.

Mr. HALE. I have not, nor had Senators in the Senate at that time.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. FRAZIER. The fact that President Coolidge recommended the cutting out of the time limit would indicate that the President does not think there is any immediate prospect of war.

Mr. HARRISON. Of course, he wants it cut out. The State Department no doubt wants to put it off. The President elect of the United States wants to put it off.

Mr. KING. Perhaps the Senator thinks we are going to have war with Nicaragua and wants us to be prepared by having more battleships.

Mr. HALE. I think the President of the United States has already notified the country, through his talk with newspaper men, that he is ready to go ahead and authorize the construction of a certain number of ships. What we want to do is to provide by this bill when those ships shall be built, as we have a right to do as a body, under the terms of the provision of the Constitution by which we are required to provide and maintain a Navy.

Mr. HARRISON. If we notice there are many of the cruisers which are now being constructed that will not be finished until 1931. Who is calling for the immediate construction of the cruisers provided for in this bill? We have not been told that the naval board has done so. The proponents of this bill disclaim that the Secretary of the Navy has recommended it. The President of the United States is not insisting upon it. On the other hand, the President is appealing to his followers here to stand by him, and give to him and his successor the discretion to build them within the next three years, or to wait until at least after the next disarmament conference.

Mr. WHEELER. The Daughters of the American Revolution and the Navy League are back of it.

Mr. HARRISON. I think some people have been misled as to what is in this bill. I think that many of the societies which are advocating the immediate building of these cruisers under a time limit that is unprecedented do not know the real facts about the matter. Their purposes are high-minded but they are deceived. They do not recall that in all prior instances we have given the President three years in which to construct the vessels. They are misled by the speeches of such distinguished gentlemen as the Senator from Maine.

Who is it that is bringing influence to bear? Of course, it would help the Bethlehem Steel Co. It would probably help other steel interests in this country. The Government would need more armor plate, they will need to utilize more steel. It would give more employment to the men of those concerns, perhaps. It would add to their profits; yes. Of course, the chambers of commerce at Newport News, and perhaps at Norfolk, and perhaps at San Francisco, and other places in the country where there are great navy yards, have passed their resolutions, as have other organizations in those places. Perhaps the influential political leaders in the centers where these ships would be constructed have written to their Senators and their Representatives appealing to them to support this measure. But, Mr. President, that should not influence us in this particular instance.

Mr. HALE. The Senator knows that that consideration would not influence a Senator in this body.

Mr. HARRISON. I know it would not influence the Senator from Maine. That idea would be ridiculous.

Mr. HALE. Nor the Senator from Mississippi, or any other Senator.

Mr. HARRISON. I have no navy yards in my State, so I am immune.

Mr. HALE. It is unworthy of the Senator to make that suggestion.

Mr. HARRISON. Well, I will withdraw it. I must say to my friend, though, that I am glad I have no navy yard in my State, because I fear then I would be getting a lot of letters about it.

Mr. FRAZIER. Mr. President, at the time of the discussion on this pending bill on the floor of the House one of the members of the Naval Affairs Committee of the House at that time made the statement that unless this bill were passed the shipyards would have to go out of business.

Mr. HARRISON. Mr. President, I want to see a navy adequate for the defense of this country, as everyone else here does. I have so voted throughout my 18 years of public service. I am willing to give to the President the authority to build these 15 cruisers, with the time limit left out.

Mr. HALE. But the Senator is hoping that he will not build them.

Mr. HARRISON. Yes; I hope it will not be necessary to build them. I sincerely hope, as an advocate of peace in this country, that Mr. Hoover will show those high qualities of statesmanship which will lead him to call a conference, and that the conference will be successful, so that we can limit armaments, not only battleship construction, but the construction of submarines, airplanes, battle cruisers, and everything else of the kind. I hope we can agree upon rules and regulations as to rights of belligerents and neutrals upon the seas, and that it will not be necessary to build any more battleships or any more cruisers. The Senator objects to that.

Mr. HALE. Mr. President, I would like to read what the President elect, Mr. Hoover, said in his acceptance speech on August 11 last.

Mr. HARRISON. We have read that.

Mr. HALE. He said——

Mr. HARRISON. I read that three or four times. It did not sound very good to me at the time.

Mr. HALE. I want to read it, if the Senator does not object. Mr. Hoover said:

> We believe that the foundations of peace can be strengthened by the creation of methods and agencies by which a multitude of incidents may be transferred from the realm of prejudice and force to arbitration and the determination of right and wrong based upon international law.
>
> We have been and we are particularly desirous of furthering the limitation of armaments. But in the meantime we know that in an armed world there is only one certain guaranty of freedom—and that is preparedness for defense. It is solely to defend ourselves, for the protection of our citizens that we maintain armament. No clearer evidence of this can exist than the unique fact that we have fewer men in Army uniform to-day than we have in police uniforms, and that we maintain a standing invitation to the world that we are always ready to limit our naval armament in proportion as the other naval nations will do likewise. We earnestly wish that the burdens and dangers of armament upon every home in the world might be lessened. But we must and shall maintain our naval defense and our merchant marine in the strength and efficiency which will yield to us at all times the primary assurance of liberty; that is, of national safety.

And, Mr. President, our Navy is not in that condition now.

Mr. HARRISON. Mr. President, I am not finding fault with those sentiments of Mr. Hoover which have been read, nor am I finding fault with the communication the Senator from Maine read to the Senate the other day. The Senator does not doubt that the President elect is against the time limit in this cruiser measure?

Mr. HALE. I have no knowledge of the matter other than the information contained in the telegram.

Mr. HARRISON. The only two gentlemen in this body who entertain any doubt as to the position of the President elect are the present Presiding Officer [Mr. ODDIE in the chair] and the chairman of the Naval Affairs Committee, the Senator from Maine [Mr. HALE]. Everyone else knows that the President is opposed to the time limitation. He has appealed to Senators to strike it out. He wants to have a free hand in the conferences which are to be held. He is hopeful that we can arrive at some common understanding with the nations of the world. He is hopeful that he can carry on his policy of economy and make a saving for the taxpayer by wiping out the necessity of carrying on this great naval construction. I doubt not that he has appealed to the Senator from Maine himself to strike out the time limitation. But the Senator is a hardened sinner when it comes to that. So is the present Presiding Officer in regard to that matter. So it was that President Coolidge himself, knowing the sympathies of the Senator for him, of their close and intimate friendship, sent the communication of the President elect to him, and the Senator himself read it to this body, and this is what Mr. Hoover said, and this was only January 28.

Mr. CARAWAY. But the Senator knows we must "construe that broadly." The present Presiding Officer so stated.

Mr. HARRISON. Yes; the present Presiding Officer said, "You must construe this broadly." I am construing it broadly.

Mr. CARAWAY. What does "construe it broadly" mean?

Mr. HARRISON. Mr. Hoover said:

> As you know, I warmly support your own views, and you may so inform others if you wish to do so.

He did not say that he warmly supported the views of the Senator from Maine, or of the Naval Affairs Committee. He did not say that he warmly supported the views of the Senator from Nevada [Mr. ODDIE], a member of that committee. He said "I warmly support your own views," with reference to that matter, and the President's views were that the time limit should be stricken out of the bill.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. BINGHAM. Is the Senator now trying to make up for the fact that his State was one of the few that did not vote for Mr. Hoover, and therefore to get on the right side of the President elect?

Mr. HARRISON. Oh, no; I am always with those of the opposite party when they are right. The trouble with some of you gentlemen is that you are wrong so often you do not know the right when you see it.

Mr. KING. If he did, he would do what the Senator from Connecticut never has done—be on the right side.

Mr. HARRISON. I am glad to find out one thing, because I knew that it would creep out sooner or later—that some Senators on the other side have no confidence in the next President of the United States.

I wish him success in his international dealings with nations in the conference that is coming on. I want to give to him the power to build the cruisers if it is necessary, but the Senator from Maine and the Senator from Connecticut, warm friends that they are of the President elect, do not agree with me in that regard.

Mr. HALE. We are upholding the hands of the President when we do this.

Mr. HARRISON. Oh, yes; you are—but I have said all I want to say. I am going to vote to strike out the time limit. I shall do it in the interests of peace, and I shall do it in the hope that the President elect will be able to conclude some kind of an understanding with reference to marine law and a limitation of all kinds of naval armament.

Mr. HALE. Mr. President, the Senator referred to the time limit in the 1916 program. That limitation was stricken out in the 1919 appropriation bill, where the words appear:

> But not later than June 30, 1919, is hereby repealed.

Mr. HARRISON. The Senator from Maine knows that in 1916 that wording was inserted in the bill.

Mr. HALE. That was in the original bill and stricken out in 1919.

Mr. HARRISON. Of course it was; and in 1918 it was written in again, giving the same length of time in which to construct.

Mr. HALE. The words appear here:

> Not later than June 30, 1919, is hereby repealed.

This was done in 1919.

Mr. HARRISON. That shows the correctness of our position.

Mr. DILL. Mr. President, I desire to ask the Senator from Maine a question in connection with the time-limit provision. If we leave the time-limit provision in the bill, what is there that will compel the President to actually build the ships within the time mentioned in the bill?

Mr. HALE. The provisions of the bill do not direct the President to construct the cruisers. The bill merely authorizes him to do so. I think it is safe to say that very few Presidents, in view of the expressed wish of Congress that the vessels shall be started by such and such a time, would decline to act in accordance with that expressed wish.

Mr. DILL. If the time limit is taken out, is it not possible for the President to build just as many of them as fast as he wants to build them?

Mr. HALE. Of course, all that the President can do is to make recommendations to Congress for the appropriations.

Mr. DILL. We can build them all in the next two years if we have no limitation in the bill, can we not?

Mr. HALE. Yes; but if we have no limitation, they could be built at any time in the future, or not at all.

Mr. DILL. And if we have the limitation the President still is not compelled to build them, is he?

Mr. HALE. He is not absolutely compelled to do so; but if Congress has expressed itself on the matter, I think no President would turn that down, especially after what happened in the case of the last three cruisers authorized in 1924. Congress at that time expressed itself as standing for what it had already authorized and insisted on its rights in the matter.

Mr. DILL. The fact is that when we authorize the cruisers the President then is at liberty to make recommendations to Congress, and Congress is at liberty to accept those recommendations in the form of appropriations to build the cruisers just as fast as we want to build them. The mere fact that we have a provision directing them to be built within a certain number of years is not compulsory, and if the President sees fit to turn down that recommendation he may do so.

Mr. HALE. He could; and should he do so, I am very certain that Congress would take the matter into its own hands

and make the necessary appropriations and direct the construction of the necessary cruisers.

Mr. HEFLIN. Mr. President, I want to ask the Senator from Maine a question. Section 4 of the cruiser bill reads as follows:

SEC. 4. In the event of an international agreement, which the President is requested to encourage, for the further limitation of naval armament, to which the United States is signatory, the President is hereby authorized and empowered to suspend in whole or in part any of the naval construction authorized under this act.

Has section 4 been changed or amended in any way?

Mr. HALE. No; I have not seen any amendment suggested.

Mr. HEFLIN. It stands as it is now?

Mr. HALE. Yes.

Mr. HEFLIN. If that is the case, then the President can suspend the building and none of the cruisers can be constructed unless he wishes?

Mr. HALE. That is very true, after an agreement has been reached on limitation of armaments. That is quite true.

Mr. NYE. Mr. President, in any part which I might take in this debate upon the cruiser bill I want at the outset to have it clearly understood that my attitude, though in opposition to this cruiser program upon the general cause for armaments, is not in keeping with that of those who believe the hour has arrived when the United States can afford to or should utterly abandon armaments or submit its defenseless self to the possible thrusts of other nations.

Instead I quite approve such acts as will afford complete and adequate means of defensive warfare, and I desire to see every reasonable precaution taken against any possible attack upon us.

But this program calling for the construction of 15 new cruisers and 1 plane carrier at a cost of a quarter of a billion dollars or more is to my mind both morally and economically unsound. It is a program, I often fear, too much of bluff and bluster, calling for a gigantic expenditure for instruments of war which would not be worth as much as the powder to blow them up in another war, bringing as it will, if more war must come, modern means of warfare which would leave cruisers helpless to defend themselves. It is a program which is wholly uncalled for at this time, engineered in the main by our Admiral Plunketts, aided by the private shipbuilders. It is a program calling for appropriations which are going to be a severe drain upon the Treasury which must soon produce that material wherewithal essential to the stabilization of our agricultural industry and thus perfect or improve our first line of defense. It is a program calling for just the opposite reaction to that which is desired at this time, namely, the desire for better understanding among the nations of the world and consequent decreasing of armaments. It is a program that might very easily find us within a few years moving more of our ships out into the Atlantic for scrapping, just as was done only a few years ago; a program, however, to which shipbuilders have no objection. It is a program based upon false premises in that it aims at parity with Great Britain whereas that parity is already enjoyed, if we will accept the word of President Coolidge; and in that it is based upon the presumption that there is danger of war with Great Britain, whereas there is no such danger in view unless we are going to assume that the interests of our international money barons is going to invite the antagonism of Great Britain and call for a display of arms in their defense and in defense of their interests. Far better, to my mind, that we spend our money if need be in curtailing the selfish ones than providing for their defense after their selfishness has led them into trouble.

In his message to Congress two years ago President Coolidge told us that our Navy was equal to the British Navy, slightly behind with cruisers, but ahead with submarines and destroyers. "Only one navy in the world approaches ours and none surpass it," said the President then. Since that time it is my understanding that the United States has laid the keels for 7 or 8 new cruisers, while Britain has laid for 6. According to reliable statistics compiled from figures authorized by responsible advocates of this bill, the United States has 40 cruisers now, as compared with 64 for Great Britain. But while we are short on cruisers, the United States has 295 destroyers against 187 for Great Britain and 124 submarines against 74 for Great Britain. The tonnage of the cruisers, destroyers, and submarines owned by the United States is approximately 768,000, while the tonnage of British cruisers, destroyers, and submarines is something like 65,000 less, or 703,000 tons. This would certainly not indicate that we were out of step with Great Britain in any manner, and instead satisfies my mind that we have won more than a parity with Great Britain in the matter of naval strength.

While these figures are not altogether material to the argument I am making at this time, I think it well that they be presented the Senate for the purpose of inviting such criticism as will bring out the true facts.

Mr. KING. Mr. President, will the Senator from North Dakota yield to me?

Mr. NYE. I have caused to be hung upon the wall of the Chamber a chart showing the number of ships and the tonnage in unlimited classes built, building, and appropriated for in the navies of the United States and Great Britain. Above the horizontal line the chart indicates the number of cruisers, the number of destroyers, and the number of submarines which are the property of the United States, and the last three columns above the horizontal line indicate the cruisers, destroyers, and submarines which are the property of the British Empire. Beneath the horizontal line is shown the comparative naval strength by tonnage of the two countries in destroyers, cruisers, and submarines. I now yield to the Senator from Utah.

Mr. KING. Mr. President, the Senator from North Dakota [Mr. NYE] a moment ago gave the number of cruisers Great Britain has, as well as the number which belongs to the United States. With the Senator's permission I would like to state that of the 67 cruisers credited by him to Great Britain, 9 are obsolete and of this number some have been disposed of. I should also like to state that one of them, the *Comus*, was laid down in 1913, and 38 were laid down between 1914 and 1918. Most of this number were completed during the war, and all of them with the exception of the *Comus*, were projected during the World War and for use in that great conflict. Six of the 39 were specially designed to combat German naval craft operating in the North Sea; 2 of them have a tonnage of 7,500 tons; 3 have a tonnage of 9,750 tons each, and one 9,770; the remaining 33 cruisers are small craft ranging between 3,750 and 4,700 tons. The armament carried by these cruisers consists of four 6-inch guns, and the cruisers were constructed largely for patrol duty in the North Sea.

They were not built for what might be called sea service, and possessed many of the weaknesses that are found in craft which were hastily built during the war to meet a situation of peril and danger. Most of these boats were subjected to enormous strain because of the arduous service to which they were put, and many of them are practically obsolescent and will, within a short time, be obsolete. They are not comparable in size and strength or fighting qualities to the ten 7,500-ton cruisers completed by the United States between 1923 and 1925.

Some of the proponents of this bill failed to state that the United States, in addition to the 10 cruisers last referred to, is constructing eight 10,000-ton cruisers which, perhaps, will be superior to any ships afloat falling within that category, nor do they mention the fact that the United States has 22 cruisers, some of which are 14,500 tons displacement. It is true these cruisers are old and most of them are obsolete.

Scant reference is made by the advocates of this bill to the character of the small cruisers built by Great Britain during the war and their lack of capacity and quality for naval service.

Mr. HALE. Mr. President, I did not hear the first part of the statement of the Senator from Utah. I did, however, hear him state that the British cruisers are not fitted for long ocean voyages. I think he is entirely mistaken about that. They are vessels running from 3,750 tons to 9,750 tons.

Mr. KING. I know the vessels and their tonnage from the *Comus*, which has a displacement of 3,750 tons, to the *Hawkins*, which has a displacement of 9,750 tons.

Mr. HALE. Those vessels are fitted for long ocean voyages, and they are all used for long ocean voyages.

Mr. KING. Of course, the Senator from Maine is an authority upon this subject, and he often challenges statements of Senators, even though he does not hear them, who speak upon the other side.

Mr. HALE. Will the Senator restate what he said, for I only heard what he said as I came into the Chamber?

Mr. NYE. Mr. President, I object to any further delay. I think the Senator from Utah has offered some very worthwhile comments at this particular point in addition to what I stated.

I should like also to call the attention of the Senate to the fact that 41 of these 64 cruisers are not of the 10,000-ton type or of the greater efficiency type, but are under 6,000 tons, and also that 33 of these 64 "modern" cruisers are not so modern but what they saw service in the late great World War.

Mr. President, the chart which I have caused to be hung up on the wall shows the comparative strength of the two nations in a naval way which I have just recited; but, of course, it is answered, and I expect will now be answered, that this does not account for the entire strength of the two navies; that we are

forgetting the battleships, that we are forgetting other monsters of the sea that enter into the channels of war in time of war. With that thought in mind, I have prepared a table as to capital ships which I wish could be presented as the strength in destroyers, cruisers, and submarines is presented by virtue of the wall chart. However, the table which I have prepared shows the capital ships, carriers, and other combatant ships of the first and second line possessed by these two great countries. This table accounts for the ships which are built, ships which are in the building, and ships which have been appropriated for.

Of capital ships—battleships and battle cruisers—built and building and appropriated for, the United States has 18, Great Britain has 20. The tonnage of those of the United States is 525,850, while the tonnage of the British ships is 556,350.

Of aircraft carriers, built and being converted, the United States has three, representing a tonnage of 78,700. Great Britain has six, representing a tonnage of 107,550.

Of first and second line cruisers, the United States has 40, with a tonnage of 334,425, while Great Britain has 64, with a tonnage of 397,140.

Of destroyers of the first and second line built, building, and appropriated, including the 25 which are now in the service of the Coast Guard, the United States has 295, representing a tonnage of 340,994, while Great Britain has 187, representing a tonnage of 230,470.

Of submarines built, building, and appropriated for, the United States has 124, representing a tonnage of 92,979, while Great Britain has 74, representing a tonnage of 75,425.

Of light mine layers the United States has 14, with a tonnage of 16,674, while Great Britain has none.

Of mine layers of the first line each country has two, those of the United States representing a tonnage of 7,600 and those of Great Britain a tonnage of 11,810.

Of mine layers of the second line the United States has two and Great Britain none. The tonnage represented by the two of the United States is 8,496.

Thus, Mr. President, we have a total of ships possessed by the United States of 498 compared with a total of 357 accruing to Great Britain. The tonnage represented by the vessels of the United States is 1,405,718, while the tonnage of the British Navy is 1,407,565. Of combatant ships the United States has 141 more than Great Britain. With relation to these ships, in tonnage, Great Britain has the edge over us with a margin of 1,847 tons.

Mr. TYDINGS. Mr. President——

Mr. NYE. I yield to the Senator from Maryland.

Mr. TYDINGS. Mr. President, in connection with the comparison of the navies I hope the Senator will go on and show a comparison of the armies. If he will bear with me for just a moment, I should like to point out to him that with our population of 118,000,000 people we have a standing Army of 137,000 men; while Great Britain has a standing army of 400,000 men; France, 727,000 men; Russia, 644,000 men; Italy, 380,000; Poland, 280,000 men; Yugoslavia, 240,000; Japan, 210,000 men. As national defense embraces not only the Navy but the Army, in order to find out how well prepared we are we should also consider the armies of other countries and not merely their navies.

Mr. NYE. Yes; and I hope that I have considered both sides; and yet I do not see that the facts which the Senator has presented at this time have any material bearing upon the immediate program which now lies before the Senate.

Of the 64 British cruisers to which I have called attention 41 are under 6,000 tons and 33 saw service in the World War. The British have completed 15 cruisers and the United States 10 cruisers since the Washington conference. Each country has 8 under construction at the present time.

Mr. HALE. Mr. President, I think the Senator will want to show that the 10 that we have completed are cruisers carrying 6-inch guns and the 15 that Great Britain has completed and is now building carry 8-inch guns.

Mr. NYE. I will say to the Senator that it was not my plan, in view of all the facts which have been offered for the RECORD with relation to this program, to go into that feature at this time, because I am not making it a material part of my argument but only presenting what I am sure are the facts.

The United States has eight 10,000-ton cruisers, while Great Britain has thirteen 10,000-ton cruisers.

Mr. HALE. No, Mr. President, Great Britain has seven 10,000-ton cruisers already built, 8 building, 2 more appropriated for and 3 more authorized; so that she will have 20 such vessels when they shall have been completed. It is fair to say, however, that six of these are not 10,000-ton vessels but cruisers of 8,300 tons, though they do carry 8-inch guns.

Mr. NYE. Two of the cruisers to which the Senator makes reference have been delivered to Australia, have they not?

Mr. HALE. That has nothing to do with it, Mr. President.

Mr. NYE. Why, then, is not the Senator including in his figures the naval strength of Canada and of the other dominions of Great Britain?

Mr. HALE. I have included the naval strength of the dominions of Great Britain.

Mr. NYE. But not of Australia.

Mr. HALE. Certainly, including Australia.

Mr. NYE. I did not so understand, and I am glad to have that correction by the Senator. However, Mr. President, as nearly as I can ascertain, an increase of five cruisers at this time would give us parity with Great Britain. Of 10,000-ton cruisers, three, I understand, are appropriated for by Great Britain, but their construction is being held in abeyance awaiting ostensibly to see what the United States is going to do.

Mr. HALE. No; I think not as to the two that have been appropriated for. I think that applies to the three that have been authorized.

Mr. NYE. I meant "authorized," Mr. President.

Mr. HALE. But there never has been a question of their giving them up. It is simply a question of postponing them, as they did once before.

Mr. NYE. With relation to cruisers, however, let it be noted that among those owned by the United States are the fastest cruisers afloat to-day. I recite these facts not because they are material to the argument I am about to make but merely that the record may be clear; and I thank the Senator for offering whatever corrections were entered at this juncture.

Mr. HALE. I think, Mr. President, the fact that our cruisers are faster cruisers than the cruisers of Great Britain is due to the fact that they have put on their cruisers a certain amount of armor which we do not have on ours; and this additional weight cuts down the speed of the cruisers to a very limited extent. They are still very fast cruisers.

Mr. NYE. Mr. President, we now have this program before us to build almost overnight 15 new cruisers. By the time they are completed there is no doubt in my mind but that if cruisers are still to be constructed those that we are authorizing now will be so obsolete and out of date that men like the Senator from Maine are going to come back before the Senate and say, "We have been outstripped now, and these 15 cruisers mean absolutely nothing to our strength."

I have before me a page taken from a recent edition of the Washington Daily News—that of January 23, to be exact—bearing the heading:

German mystery ship may cause junking of existing navies. New craft said to be greatest fighting ship ever built.

The article is written by Mr. William Philip Simms; and I ask that it may be incorporated in and made a part of my remarks at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[From the Washington Daily News of Wednesday, January 23, 1929]

GERMAN MYSTERY SHIP MAY CAUSE JUNKING OF EXISTING NAVIES—NEW CRAFT SAID TO BE GREATEST FIGHTING SHIP EVER BUILT—HAS BEEN EVOLVED BY GERMAN SCIENTISTS SINCE NATION WAS LIMITED TO 10,000-TON CRAFT—BUILT OF SPECIAL STEEL—CAN MOUNT SIX 11-INCH GUNS WHEREAS 8-INCH ARE OUR BIGGEST—SPEED 30 MILES AN HOUR

By William Philip Simms

Is the United States Navy, our first line of defense and safeguard against invasion in time of war, about to be converted into so much junk by the invention of a brand-new and more efficient type of vessel?

Similarly, are all the other existing navies of the world—including that of Great Britain, with which we demand parity, ton for ton—on the eve of being relegated to the limbo of the obsolete or the not-so-good?

Is the treaty of Washington framed to limit the naval armaments of the United States, Britain, Japan, France, and Italy, to be turned into a scrap of paper by recent marine developments in the sixth country entirely outside the jurisdiction of that treaty?

SECRET GERMAN SHIP

These questions are being asked uneasily not alone in Washington but in London, Tokio, Paris, and Rome following revelations from Berlin concerning the secret ship which German scientists have evolved and which conservative naval experts pronounce the most remarkable fighting craft ever laid down.

Forbidden by the treaty of Versailles to have a regular navy through being limited to craft not exceeding 10,000 tons displacement, Germany has been quietly seeking for years to evolve a baby battleship which

would be a match for the big fellows. Necessity being the mother of invention, she now seems to have found what she was looking for.

It is called the *Ersatz Preussen*—Prussia's substitute for a dreadnought or the beginning of a "synthetic" German Navy. And while it may not answer to a technician's definition of proper navy, in practice it may be able to lick the stuffing out of the real thing, if and when the test comes—which is all that any German could require or any other nation fear.

MADE OF SPECIAL STEEL

The *Ersatz Preussen* displaces 10,000 tons. Her hull is in one piece, electrically welded from stem to stern. It is made of a special steel secretly developed by the Krupps and is similarly armored. She mounts six 11-inch guns with a 30,000-yard range and can fire a salvo every 20 seconds, making her more than a match for any three 10,000-ton cruisers in the British or American Navy. Eight-inch guns are the biggest our cruisers may mount.

Powered with internal-combustion Diesel engines of a new pattern, she can do approximately 30 miles an hour. Up to now engineers have figured motors of this kind would have to weigh upward of 60 pounds per horsepower, but the *Ersatz Preussen's* are said to develop one horsepower for every 17.5 pounds weight. And so economical are they in fuel consumption that at 20 knots an hour the mystery ship could do 10,000 miles without refueling or nearly 20,000 miles at a slower and more economical speed, making her the earth's most dangerous potential commerce raider.

BUILT REGARDLESS OF EXPENSE

Germany has built this ship regardless of expense. She represents the hitherto unthinkable in warships. She is to fighting craft what the German Big Bertha that fired 75 miles on Paris was to artillery. Experts said it could not be done yet it was done. What is to keep Germany—or England or Japan or any other country with the price—from building a navy composed of ships developed from these and obtaining complete mastery of the seas?

Obviously the world must reckon with this new naval weapon. Henceforth a naval conference which left Germany out, would get nowhere because she might undo anything the conferring powers might do. It is also obvious that ships built now, without taking the *Ersatz Preussen* into consideration, would likely be obsolete before they were laid down.

The future battleship, many experts believe, may surpass even Germany's latest. It may have the combined attributes of the dreadnought, the submarine, the cruiser, and the aircraft carrier, all in one. It may fight in the air, on the sea, and under the sea. Admiral William S. Sims, one of the clearest thinkers our Navy has produced, makes it plain that he is not blind to the possibilities. Thus the limitation of naval armament, when next the problem arises, of necessity must not only include more than five nations to be effective but must be vastly wider in scope as well.

Mr. HALE. Mr. President, I think that matter has already been brought up in the Senate. The Senator knows, of course, that that sort of a ship would not be allowed under the terms of the Washington conference, and I can not see that it has any special significance.

Mr. NYE. It has just this significance—that there is every reason in the world why, within the next few months, or two or three years at the outset, the nations of the earth are going to come to their senses long enough to sit down with their feet under one table again and determine that it is time to take real, definite, forward-looking action that is going to put a stop to this ever-crowding program, first on the part of Britain and then on the part of the United States—a program which finds the United States now stepping into this program calling for 15 new cruisers, with Great Britain sitting back to see what we are going to do about it; and if we proceed and go through with it, as I am afraid we are going to do, Great Britain then immediately will respond with a like building program, not to seek a parity with us, but to put themselves ahead of us. Then it will be up to us again to repeat our part in that program—an endless, never-ending program of building, building, building machines that to my mind in the next war are going to be of little or no utility.

Mr. HALE. Mr. President, does not the Senator think that we will be stronger in a conference on the limitation of armament if our Navy is not in a negligible condition at the time?

Mr. NYE. I do not. I have heard and read much of that argument, but I can not grasp it. I can not make it a part of my mind at all.

Mr. HALE. Does not the Senator think that the partial success we obtained at the 1922 conference was largely due to the fact that we had a great program building that no other country could hope to equal?

Mr. NYE. Possibly, and yet I doubt it; and if we are to look upon it as having served that purpose prior to that conference and at the time of the conference, then we are going to have to admit that it is an exceedingly expensive program to bring about anything of that kind.

In connection with my argument there, the New York Times of this morning, in the first column on the first page, contains an article by Edwin L. James, a dispatch from London, under the heading Britain Will Build Navy Equaling Ours, Bridgeman Asserts. I read only two paragraphs from that article:

It is the position of the British Government that it has no right to appear to interfere in the Senate discussion of the cruiser bill, which is entirely the business of the United States; but after the United States has decided on its course of action it becomes the business of Britain to keep level with American cruiser construction, said W. C. Bridgeman, First Lord of the Admiralty, in discussing the naval situation before the Constitutional Club to-day, when he made the official British position clear. Denying that Britain would set the pace in construction of big cruisers, the official head of the British fleet said others had set the pace, and that while committed to a policy of naval equality with the United States, Britain nevertheless did not intend to be outstripped. She had done more than her part toward naval reduction, he said.

Mr. HALE. Mr. President——

Mr. NYE. I yield to the Senator.

Mr. HALE. Does not the Senator think it is rather a joke for Great Britain to state that she will keep her navy up to our Navy when she is very far ahead of us at the present time?

Mr. NYE. I do not concede that she is far ahead of us.

Mr. HALE. I think most experts would concede that; would they not?

Mr. NYE. The Senator's own figures, from which I have quoted here this afternoon, indicate that in actual tonnage she excels us by a margin of only 2,000 tons or so.

Mr. HALE. The Senator is including in that actual tonnage a vast number of surplus destroyers that we have on hand.

Mr. NYE. And of surplus British ships to offset it.

Mr. HALE. No; I think they will not offset it.

Mr. NYE. Has the Senator offered anything in the RECORD to show how much or how little offset there might be on the part of the British Navy?

Mr. HALE. I have not built up the tables in exactly that way; but, of course, that could be done.

Mr. NYE. If these that are included in the Senator's figures are obsolete, why has he included them?

Mr. HALE. They are not obsolete. These figures are right up to date, and are furnished me by the Navy Department. The Senator has included in his tonnage a great many ships which are not ordinarily considered combatant ships. Ordinarily, when you take the combatant ships of a navy, you refer to battleships, battle cruisers, carriers, cruisers, destroyers, and submarines.

Mr. NYE. Then what of the 20, 22, or 24 British ships which are stipulated only for virtually coast-guard purposes in the North Sea?

Mr. HALE. Oh, I simply gave a list of the combatant ships that were being carried on the navy lists.

Mr. NYE. Then the Senator will admit that there is an offset?

Mr. HALE. No; I do not. Of course, we shall have to be building a great many more combatant ships in the near future ourselves; but as far as these destroyers are concerned, I want to say that they were built by us in these large numbers largely at the instigation of Great Britain.

During the war we had a great number of capital ships on the stocks, and we were going ahead with the completion of these ships. On the request of the British that we help them to control the submarine menace we built destroyers, whereas the British built cruisers. That left us at a manifest disadvantage at the end of the war. We were willing to do so because we were all acting in a common cause at the time; but that accounts for our great surplusage of destroyers.

We have 266 destroyers at the present time. We keep up only 104 with the fleet, and it is inconceivable that we should use them all. We simply keep them laid up in the navy yards. Each year these vessels are going behind. They are not up to the modern type of destroyer that is now being constructed.

All of the other countries that are parties to the Washington agreement have gone ahead and built a new type of destroyer called the destroyer leader. We have not any of these ships at all. This is a much more powerful, much more seaworthy vessel than the present destroyer. We are falling back as far as destroyers are concerned. If we put in commission the destroyers that we do have it will cost us a great deal of money to do so. We probably would do it if we got into a war, because we have not cruisers enough for the work of cruisers. We

should have, to a certain extent, to use these destroyers for that purpose; but destroyers can not take the place of cruisers, and we would be nearly as well off if we did not have this great surplusage of destroyers.

Mr. NYE. Be all of that as it may, I venture the guess that if we get into another war one of the last things we will do, after all is said and done, is to equip more above-surface vessels for use in war time. I think it is not going to take long in the next war, if we must have another war, to convince us all that they are not a tool of any utility.

Mr. HALE. Mr. President, that is entirely at variance with the experience of the other countries of the world, all of which are building up their surface-vessel equipment.

Mr. KING. Mr. President——

Mr. NYE. I yield to the Senator from Utah.

Mr. KING. The Senator referred to the parity or equality of our fleet. May I add to what he said the statement of Mr. Hector Bywater, who is one of the ablest writers upon naval matters?

Mr. NYE. I am glad the Senator is making reference to that. He stated, in substance, that taking all factors into consideration, "the American fleet is adjudged to be superior to the British fleet," and that "even in gun power the advantage is held to lie with the American fleet."

It is a fact that seven of the capital ships that were built by the United States between 1919 and 1923 are superior in construction and equipment and in fighting strength and power to those of the British Navy, with perhaps the exception of the *Nelson* and the *Rodney*, the two most recent capital ships constructed by Great Britain.

Mr. President, from a somewhat careful investigation of the qualities and character of the British and American naval vessels, I believe that Mr. Bywater's statement is true; and I believe that the American fleet in a naval battle would be able to defeat Great Britain's fleet.

Mr. HALE. Mr. President, that is entirely a matter of speculation.

Mr. KING. Undoubtedly, Mr. President, there are elements of uncertainty in every naval contest as there are factors of uncertainty in battles upon land. Many battles on land and sea are won or lost as the result of contingencies or accidents or fortuitous circumstances against which no human foresight could have provided.

The matter of visability may determine a naval contest; a torpedo fired from a submarine may prove the decisive factor in an important naval battle. An accidental hit may destroy a battleship or battle cruiser and thus give the balance of power to the fleet to which the submarine belongs.

It is my opinion that the American capital ships are superior to those of the British fleet. We are superior in submarines and in destroyers. And in aviation we are far ahead of Great Britain. Our aircraft carriers, although fewer in number, are superior to those of Great Britain. Our battleships carry airplanes but the British capital ships do not. Weighing all facts which go to determine the fighting qualities of a fleet, I think I am absolutely safe in saying that the American fleet is superior to the British fleet.

The President of the United States has stated that no fleet surpasses ours and that it is the equal of any. Since he made that statement we have pushed forward the construction of eight 10,000-ton cruisers, one of which was launched a day or two ago. The Senator from Maine has referred to the large number of destroyers belonging to our fleet, and has said that they were constructed at the suggestion of Admiral Sims. I do not know whether he intends, by that statement, to convey the impression that destroyers are not necessary auxiliary craft. The fact is that they are not only highly important but absolutely indispensable to a modern fleet.

The development of the submarine has given to the destroyers an increased importance. Senators will recall that early in the World War German submarines were taking heavy toll of the merchant ships, not only of belligerents but of neutral nations. When Admiral Sims, representing the United States, went to Great Britain the latter part of 1916, or early in 1917, he quickly discovered that the Allied cause was seriously endangered by the ravages of the submarine. My recollection is that he urged our Government to provide naval craft to aid in combating the submarine. After the United States entered the war it addressed itself with commendable vigor to the construction of those vessels deemed important, if not vital, in defeating the Central Powers. More than 260 destroyers were built. They measured up to the highest standard of efficiency and of technical development. They are efficient and up to date at the present time.

Mr. NYE. And would last as long in the event of another war as the 10,000-ton cruisers of the best type would.

Mr. KING. It is true that all of our destroyers are not in commission, but they are well cared for in suitable berths and within a few days would be ready for service upon the high seas.

The Senator from Maine referred to the leaders. I suppose he has in mind what some call flotilla leaders. They are large destroyers to head the destroyer squadrons. However, the number of flotilla leaders possessed by Great Britain is small and its destroyer fleet is very much below that of the United States. The United States, in my opinion, is superior to Great Britain in capital ships, in destroyers, in submarines, in air carriers, and in airplanes. In the air our country is supreme, and on the surface of the sea and under the sea I believe we are superior to any other nation in the elements of naval warfare. It is true that Great Britain has a larger number of cruisers than the United States. As I stated, we have constructed 10 modern cruisers each having a displacement of 7,500 tons. The eight 10,000-ton cruisers which will soon be completed will perhaps be superior to those of any other fleet. But as I have indicated, more than 30 of Great Britain's cruisers are very small, having been built for patrol duty in the North Sea during the World War and no great importance can be ascribed to them in the appraising of the value, strength, and power of a great navy such as that proposed by the United States or Great Britain. In my opinion our ten 7,500-ton cruisers possess greater importance and value than the small patrol cruisers which are so often referred to by proponents of this bill when they seek to convey the idea that Great Britain has an enormous number of cruisers. As all naval writers and experts state, the value of a navy does not depend upon the number of ships in the fleet, nor for that matter is the fighting quality of a fleet dependent upon the size of its guns. Von Scheer had no guns of greater caliber than 12 inches in the Battle of Jutland, but he was able to destroy mighty British cruisers, and, as I believe, he won that memorable contest. The Senator from Maine during the debate has repeatedly insisted that in the event of a conference to secure the limitation of armaments, the position of the Government would be much stronger if it had a larger battle fleet; in other words, if we were to sit down at an international table to secure or promote disarmament, our chance of success would be increased by the number of cards we hold in our hands. I do not quite understand this logic or psychology. I do not like the thought of sitting down with the nations as if we were about to play a game of cards and gamble with the lives and destinies of men and nations.

The statement has been made that the United States was victimized at the Washington conference, or at any rate our Government was the one which made the greatest sacrifice. Senators forget that Great Britain, immediately following the war, scrapped more than 1,300,000 tons of her naval craft; that Japan scrapped a large number of ships belonging to her navy. The United States, however, under the whip and spur of the navalists of the United States pushed forward the 1916 program which called for the construction of approximately 156 naval craft, at a cost of more than a billion dollars. Sixteen battleships and battle cruisers were included within this stupendous program. No nation had ever projected a program of such magnitude and such stupendous cost. France and Italy scrapped many of their naval vessels; but the United States seemed unable to resist the militaristic spirit and yielded to the demands of the naval board and spent tens of millions of dollars to bring about the speedy completion of the 1916 naval program.

The Senator from Idaho [Mr. BORAH], in January, 1921, offered a resolution in the Senate directing the Naval Affairs Committee to report whether, in its opinion, it was practical and a sound policy to suspend the naval construction for a 6-month period, in order that an investigation might be had as to the requirements of our Government and the necessity of the ships. Other reasons were mentioned in the resolution and it was finally adopted.

The Committee on Naval Affairs, of which I was then a member, made a rather imperfect, in my opinion, investigation, pursuant to the resolution. The General Board of the Navy, of course, set its seal of disapproval upon the resolution and the committee followed the General Board. I was unable to agree with my colleagues and submitted a minority report in which attention was challenged to the naval situation throughout the world, the effects of the war, the wisdom of carrying forward the 1916 naval program, and the importance of bringing about a limitation of naval armaments. I am glad to say that the Congress did not follow the recommendations of the naval board and the Naval Committee. There was an insistent demand that

the 1916 program should be modified. The Republican Party in its convention of 1920 had declared in favor of reduced expenditures for naval construction, and later President Harding called the Washington conference to bring about a limitation in naval armaments.

As I have stated, Great Britain and Japan, following the armistice, scrapped many ships and showed no inclination to engage in competitive naval development. Indeed, Great Britain did not lay down a single naval vessel, except one submarine, as I recall, between the armistice and the Washington conference. But in the United States the navalists and the naval board and other elements were demanding that the United States build more battleships and carry to completion the 1916 program.

In 1919 belligerent speeches were made throughout the United States, and there was constant talk of war between the United States and Japan. Speeches were made in the Senate——

Mr. NYE. Like many of those now being made.

Mr. KING. Relative to the imperative necessity of our building the most powerful navy in the world. I recall that in the Senate and in many of the newspapers of our country Japan was referred to as the nation with which we would soon be at war. In 1919 our fleet was sent from the Atlantic to the Pacific through the Panama Canal. The effect of this naval maneuver, in view of the belligerent and jingoistic talk in the United States of war in the Pacific, compelled Japan to take notice of what was occurring in the United States. Senators will recall that the Japanese Government as well as the Japanese people were greatly disturbed; indeed, they were filled with apprehension as to the purpose of the United States.

Undoubtedly the situation in the United States and the talk to which I have referred produced reactions unfavorable to peace in Japan. The result was that the Japanese Government formulated her 8–8 naval program, which called for the construction of 16 capital ships, some of which, as I recall, would have been larger than those then being constructed by the United States. Some naval writers believe that the 8–8 program when completed would have given Japan a navy as great if not greater than that provided the United States under the 1916 program. Whether this is true or not, the fact is that Japan began the execution of her 8–8 program. A little later Great Britain talked of constructing four great naval vessels of the *Hood* type. The situation had become by this time so acute that, as I have stated, President Harding called the Washington conference.

It may be, as some Senators have indicated, that at the Washington conference we had more cards in our hands than other nations. It may be that because we had more naval vessels on the ways and under construction the United States exercised greater influence, as the 1916 program was not in process of completion. However, I do not accept that view. Neither Great Britain nor Japan desired to increase their military burdens. The allied nations were suffering from the effects of the war. They were more interested in industrial development, in economic rehabilitation, and in furnishing food and clothing to their suffering nationals. It is urged now by some that we should project an extensive naval program upon the theory that in so doing we will have greater influence and power in any conference called to bring about disarmament or limitation of armament.

Mr. President, in my opinion our Nation should take the lead to bring about disarmament and to promote world peace. Senators have frequently referred to its wealth and power. Because it does have wealth and power it should feel the responsibility resting upon it and the solemn duty which it owes to the world. Where much is given, much is required; a nation blessed of God and secure from every danger should carry forward the standard of moral and world leadership; it should set an example for peace and so lead other nations to follow in its footsteps. In listening to this debate I could not help but feel that there was a spirit of boastfulness, because of the financial resources and wealth of the United States. It seemed to me that our fortunate situation should bring a degree of humility not a spirit of arrogance; that it should lead us to desire that our Nation should wear the crown of moral leadership, and that this Nation should be known for its attributes of justice and righteousness, which exalt a nation rather than for its physical strength and material riches.

Mr. NYE. Which is right in keeping with the argument which I now wish to make.

Mr. HALE. Mr. President, will the Senator yield?

Mr. NYE. I will not yield for any more elaboration of these statistics at this time.

Mr. HALE. The Senator from Utah has made several statements that I would like to comment on.

Mr. NYE. Then let the Senator, if they are in conflict with anything he has previously offered for the RECORD, present his statements at this time.

Mr. HALE. I simply wanted to say, Mr. President, in answer to some of the things the Senator from Utah has said—and the Senator from Utah, I know, dislikes to project himself into a debate—that I can not answer all that he has said at this time, because I can not recall everything that he has said. But he did speak about Admiral Sims and the destroyers. The Senator is quite right in stating that Admiral Sims did suggest that we use these destroyers, and he did that, presumably, after conference with the British, and it was carrying out what they wanted and was the entirely reasonable thing to do.

Mr. KING. What we wanted.

Mr. HALE. What we wanted at the time; but it left us in a somewhat involved position for the future.

The Senator has also spoken about our gambling with the lives of our men. It seems to me that the man is gambling with the lives of our men who prevents us from providing the kind of cruisers we really need for our Navy. If we do not have those cruisers, we shall have to use the cruisers we now have. America, if we get into war, will send out every ship that she can to take part in the war, and American seamen will man those ships.

Mr. NYE. Where is this war we are going to have?

Mr. HALE. I do not know. I hope that there will be no war; but if we ever do get into a war the American seamen who are sent out on these miserable old cruisers which we now have—and which we would still have to use—will have a very small chance of surviving when they get into conflict with ships of a superior size and fighting quality.

Mr. NYE. My conclusion, Mr. President, is that those cruisers will have just about as much chance as the finest type of cruiser that could be laid down.

Mr. ODDIE. Mr. President, I ask the Senator if he will not yield for some comment in regard to some statistics he has given?

Mr. NYE. I will be glad to yield.

Mr. ODDIE. In connection with a comparison of the cruiser strength of this country and that of Great Britain we should not overlook the fact that Great Britain has many times more fast merchant ships than we have, which will, to a certain extent, take the place of cruisers in an emergency.

Mr. NYE. Mr. President, let the Senator from Nevada offer an amendment to this bill substituting merchantmen for cruisers, and we will all join with him, and I will join with him in the argument which I am to present this afternoon.

Mr. ODDIE. I do not think that is apropos at all.

Mr. NYE. Oh, no!

Mr. ODDIE. I am citing these figures to show that Great Britain has an enormous preponderance of fast merchant ships, which could in an emergency be made into a certain class of cruisers, ships of long radius of action and great speed.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. BURTON in the chair). Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. NYE. I yield to the Senator from Idaho.

Mr. BORAH. I only wanted to say that the very able argument of the Senator from California [Mr. JOHNSON] yesterday was based upon the proposition that we did not care what Great Britain had.

Mr. ODDIE. I am not commenting on what the Senator from California said, but I do want it understood clearly that as we are comparing cruiser strength of the two countries, Great Britain has an enormous instrument of offense in these fast merchant ships which can be made to take the place of certain cruisers in an emergency.

Mr. GLASS and Mr. DILL addressed the Chair.

The PRESIDING OFFICER. Does the Senator from North Dakota yield; and if so, to whom?

Mr. GLASS. We are selling all the merchant ships we have.

Mr. DILL. I was going to say that if we adopted the suggestion of the Senator from Nevada, we would have to adopt some sort of provision against the selling of our merchant ships as long as they are running.

Mr. NYE. Quite right, Mr. President.

The criticism which has been offered against those who have ventured to oppose this cruiser construction bill has had but one purpose in mind, and that has been to convey the thought that such opponents as there are were moved by influences which were not patriotic and by influences which were blind to the possible needs for adequate preparation to defend ourselves and defend our honor. Constantly are sarcastic references made to the so-called pacifists. If one supports the position taken by

President Coolidge two years ago when he declared that our strength was ahead of that of Great Britain, then that one is a pacifist, and I presume that those who are in support of that endeavor now being made to deprive Army officers of provision for maintenance of more than one horse, thus depriving Army officers of their polo ponies, immediately become pacifists. I expect to hear the same argument a little later on.

It is a strange world; but, for my own part, I am ready to suffer such sneering criticism as is directed against those, among whom I number myself, who are unqualifiedly opposed to this program, which I have previously referred to as one of unsoundness from a moral and economic standpoint.

To my mind, the leading thought in connection with this controversy must be that one involving the occasion for and the need of a better spirit of good will than now seems to exist on the part of all the people of the world.

The nations of the world have brought about a peculiar kind of companionate marriage—armaments and peace—and this body is acting as parson to such a union in the attempt to make the cruiser bill partner legislation with the ratification of the multilateral peace treaty. It is like uniting fire and water. There are those who seem to assume that these two policies of government—the renouncing of war as a national policy and as an instrument of settling international differences, and the increasing of armaments—can exist side by side without any relation one to the other. Again, to use the physical analogy, one might as well expect fire and water not to spread, or if put into the same receptacle to keep respectfully apart.

Peace suggests compassion, trustfulness, good will, good faith, and at least reasonable forbearance. War and the instruments of hostility are supported by hate, greed, brutality, and the right of might. The Senate is trying to convince this and other nations that there is no anomaly in uniting the policies of war and peace, and, alas, many other countries have already adopted a plan of making treaties of peace while at the same time expanding their means of warfare. Since the World War this incongruity has spread until we have the spectacle of the most extensive international agreements looking toward peace and likewise the largest increase in armaments of any period in the world's history.

The entire situation reminds me of the conduct of a British divine who, after writing a pamphlet entitled "Come to Jesus," became displeased with a brother minister and wrote him a letter expressing his feelings in no uncertain terms. Before sending his epistle he showed it to a friend to get his opinion of it. The friend advised that he should put a caption on his strong, expressive letter, and when the first divine inquired what the caption should be, his friend said: "Put across the top of your letter these words, 'Go to the devil, by the author of Come to Jesus.'"

Later in this discussion I shall give the staggering figures of the burden of armaments in the different nations, including our own, countries still bowing under the cost of the recent world conflict, which amount for the United States alone, when the last sum is paid to worthy veterans, will equal, according to an estimate stated by President Coolidge, $100,000,000,000, or one-half the wealth of America when we entered this war. I shall also review the progressive moves made in recent years looking toward the assurance of permanent peace, and I shall ask the question: Are the forces promoting peace and the forces increasing armaments the same? If they are not the same, then I shall ask: Which of these groups are sponsoring the real desire of the peoples of the world? If throughout the nations the growth of armaments is not necessary to, aye, is even a great hindrance to, the progress toward lasting amity among the civilized countries, then how can this great legislative body vote for the building of 16 war vessels simply because a group interested in increasing the armaments of warfare asks that these vessels be built?

Mr. President, let us accept the possibility that the United States may need additional cruisers; are not naval heads the last group to be consulted about the extent of a naval building program? Did they not thoroughly discredit themselves as advisers in the last session of the Congress when they proposed to have the taxpayers of this peace-loving Nation dig down into their pockets to pay for the largest peace-time navy-building program ever presented to a national legislature?

They asked for 71 vessels, the initial expenditure to be $750,000,000 and the final cost around $4,000,000,000. The "bigger Navy" advocates have changed their tune, and now ask for 15 cruisers and 1 aircraft carrier. Why just this number; why not 20 vessels? They are asking not for what America may need, but for what they think they can get. I repeat that this group has discredited itself with respect to its ability or intention to present an unprejudiced analysis of the needs of our Navy. The people do not have faith in it as an unbiased advisor with regard to armaments. It is not a peace arm of the Government; it is a war arm. Navy leaders said we needed 71 vessels; now they say 16. Perhaps we should make the number 40. At least we should have a body appointed to determine the need, desire, and wisdom of adding to the United States Navy's strength without the handicap of a purely fighting tradition, a body that can take facts and weigh them in all their relationships.

To make clear that the point I am making is not personal bias as regards the attitude of the American naval leaders toward parleys for the reduction of sea armaments, let me briefly refer to their attitude with respect to such matters in recent years. When Congress in 1916 passed the Navy bill authorizing the construction of 10 first-class battleships, 6 battle cruisers, and numerous smaller ships, making a total of 113 vessels, the General Board of the Navy defined the American policy as the creation of a "navy equal to the most powerful" maintained by any nation. America was not actually in the war at this time, but the danger was imminent, and this slogan had the protection of the psychology of war that spread from the other side of the Atlantic. We entered the war the next year, and this particular program was pushed aside, while our facilities were utilized in building submarines and other types of vessels immediately required. When the war closed, the Navy had not forgotten its plan for this prodigious program earlier conceived, and the construction which would have placed the American Navy ahead of the British Navy by 1924 was resumed.

It was partly to forestall the completion of this prodigious program, the thought of which paralyzed the war-torn peoples of the world, that the Washington Limitation of Armament Conference was called in 1921. The success of this conference was not due to the naval experts of any navy; neither our own nor other naval leaders gained control of the conference. In the face of the inward wishes of the General Board of the American Navy and its purpose to make our Navy the greatest of any nation, we scrapped 30 ships, 19 of which were completed and 11 under construction. Civil officials, under the leadership of Secretary Hughes, negotiated this conference with others of their kind from other nations (Plain Talk, p. 133).

The naval experts contributed for this conference facts and figures, but stayed in their rightful places. What would have resulted at this conference had naval leaders been given full rein is indicated by what happened at Geneva two years ago at another limitation of naval armaments conference, when navy men of Great Britain and America brought a hopeless deadlock with respect to a reduction. And as if this unnecessary failure were a glory, the naval experts came forward last year with the proposal to build 71 vessels.

I reassert that this group with its ideal ever directed toward the largest American Navy possible is unfit to recommend a naval construction bill to the United States Congress. Who will deny that the bill now before us represents what the big-navy advocates were able to save from their initial program, not all they want? Their strategy and tactics mark it. In the House Naval Affairs Committee, where the extensive hearings on this measure were held, these hearings amounted to a love feast for the naval officers and their friends, and most of the time given to hearings was used by advocates of the measure, who were already here in the city and had their support well organized. The opposition, largely unorganized and not here on the ground to make known their attitude, was given little consideration until public opinion made itself felt throughout the body of Congress. Then it was that the present cruiser bill was salvaged from the wreckage.

Note the last-minute strategy applied. The original bill provided that under the event of the calling of an international conference the President might halt the construction program, but this was changed cleverly, so that under the terms of the bill which passed the House and is now before this body for action, the President may not halt the construction until after an international agreement to cut armaments has been absolutely effected. And a second addition inserted by the naval group provides that the 15 vessels be laid down 5 each year until by 1931 all would be under construction. The House has approved this, but the President disapproved it directly in that innocent-appearing phrase in his message to the present session of Congress when he said that he advocated that "the bill before the Senate with the elimination of the time clause be passed." This would take away from the standpoint of its sponsors about half of the half-loaf victory, which the measure promises to the "bigger navy" sponsors.

But whether the Navy have a fourth or a full victory with respect to the cruiser bill, I reject the proposal and ask that facts upon which to base a measure of this kind be looked at, first, by a commission of unbiased minds. Experience has

proven that it did not pay to let the naval experts of the countries control the Geneva naval-cut conference. When our Navy was hopeful of its 71-vessel construction proposal, as a method of arousing public support, its author, Admiral Hughes, declared before the House Naval Affairs Committee that it was aimed at the British Navy, and Admiral Plunkett pictured the imminency of war between the two leading Anglo-Saxon nations so vividly that it called for denial by President Coolidge and denunciation by Senator BORAH, who said:

A few days ago an admiral in the English Navy put out a similar statement. If anything could possibly bring on war between two great nations it is these enlarged naval programs in connection with declarations from the navies of the respective countries that war is inevitable. This was the insane policy which obtained between Germany and Great Britain from 1900 to 1914 and was one of the great contributing causes to the World War.

Thus my first objection to the cruiser bill before us is that the wrong group created it, and it will never be free from the taints of the prejudice involved, and therefore a fresh bill from an entirely different source is fundamental in giving the American people a square deal with respect to a possible increase in the size of the American Navy.

The President, under the influence of naval officials, has shown a change of front since in his address before the American Legion at Omaha, Nebr., in 1925, he said:

In spite of all the arguments in favor of great military forces no nation ever had an army large enough to guarantee it against attack in time of peace or to insure its victory in time of war. No nation ever will.

No doubt this country could, if it wished to spend more money, make a better military force, but that is only part of the problem which confronts our Government. The real question is whether spending more money to make a better military force would really make a better country.

I would be the last to disparage the military art. It is an honorable and patriotic calling of the highest rank. But I can see no merit in any unnecessary expenditure of money to hire men to build fleets and carry muskets when international relations and agreements permit the turning of such resources into the making of good roads, the building of better homes, the promotion of education, and all the other arts of peace which minister to the advancement of human welfare.

Happily the position of our country is such among the nations of the world that we have been and shall be warranted in proceeding in this direction.

Speaking in the same tone in his message to Congress two years ago, he said:

Only one navy in the world approaches ours, and none surpasses it.

In recent months his language has implied a different attitude. In his last Armistice Day address he said:

All human experience seems to demonstrate that a country which makes reasonable preparation for defense is less likely to be subject to hostile attack and less likely to suffer a violation of its rights which might lead to war.

This hardly explains the outcome of the British and German naval expansion just before the World War. There is little doubt but the concern of their respective navies was contributory in bringing on this conflict. If the President's assertion is true, then the world owes solicitous attention to Germany, for that country under the Versailles treaty was limited to a navy of 6 small battleships, 6 light cruisers, 12 destroyers, and 12 torpedo boats, and no submarines, even for commercial uses. If this offers sufficient defense for Germany in the eyes of other nations, it is inconsistent if they provide proportionately larger naval units for themselves. Of course, the United States is not a party to the Versailles treaty, but after taking the lead in reduction of battleships, it is hardly in keeping with the spirit of that move for the Chief Executive now to say:

The size of the Navy which America is to have will be solely for America to determine; no outside influence should enlarge it or diminish it, that since there is no definite agreement to bind the United States the attitude of any other country is not to be permitted to alter our policy.

However much we ignore the attitude of other nations toward us, these will not ignore our program of naval armaments. It was the resumption of our 1916 naval program at the close of the war which led to a naval expansion by Japan and threatened the world with such an enormous competition for sea power that Secretary Hughes called the Washington Limitation Conference with its resultant victory for world peace. Whatever may be said of our independence with respect to what other nations think of our plans to increase armaments, we know well that other countries are influenced by our program and attitude.

Experience tells us that if England and America start out for sea parity in a competitive spirit that war is as likely to be the result as it was in the case of Germany and England. Because such a war is unthinkable is the greater reason why, with all the sanity we can bring to the cause, this great country, freer from the dread of conflict than any other leading power, should, by word and deed, forward world peace.

Does anyone think for a moment that the citizens of this country would have refused to shoulder the $4,000,000,000 naval building program which was the original size of the cruiser bill if there had been convincing evidence of its need? But they found that it sprang from a greed born of a desire to outstrip the British Navy. They distrusted its source. Their stand was protected by Congress. Why should it not so be with respect to the present proposal, which is the miniature saved from the original and has the same source?

Public opinion awaits justice. In a democracy such as ours, if public opinion is not sacred, what is? With regard to peace, it has won victories in these recent years but in spite of armaments. Peace agreements have usually been born enslaved, or their wings immediately clipped, and all because the peoples of the world can not command the representation which will choke off the militarism, which clings persistently to this age, and give the ideals and means of peace a fair and open chance. Their victories are barely made when along come the gods of war and wrap them in the warrior's garments. It is what the Senate is now asked to do with respect to the treaty renouncing war.

But, in spite of this condition there has been progress. Public opinion was literally on the march when a few weeks ago conflict broke out between Paraguay and Bolivia and armies which have trampled across so many paper treaties find that when the cry to halt is from an unsmothered, firm-spoken public opinion, the warring governments take heed. And it is just this vital connection between the peace agreements and the people which mark the progress. And this achievement is practically a new phenomenon in the world. Although it is yet of small stature it is no longer invisible. Witness its strength when it set itself against the Anglo-French naval agreement which was secretly negotiated and aimed at deceiving the American Government. It is the support of the peoples themselves which give vitality to treaties and agreements which mark the most outstanding advance toward permanent amity between the nations of Europe since the World War.

We have had on the Western Hemisphere in the Pan American Union a peace agency sponsored by public opinion, and for more than two decades it has worked. Now comes the Kellogg pact, which represents similar forward steps on a world-wide scale. Note what characterizes the making of these agreements. Their negotiations are open. They are not hedged about with technicalities which destroy and make obscure their meaning. Their language is simple and direct. They are no longer disguised guarantees for war. These characteristics mark them as different from the old type of agreements among nations. It is possible for the peoples of the nations to understand and support such international treaties, and they do.

The cost of armaments to-day, Mr. President, is most staggering. To indicate how really staggering it is, I ask for the inclusion in the RECORD at this point of a full-page article taken from the New York Times of Sunday, August 12, 1928, bearing the headline The Cost of Arms is $3,500,000,000 a Year. I understand that the maps and charts which accompany the article can not be reproduced, but I do ask unanimous consent to have the article itself printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, the article may be inserted in the RECORD.

The article is as follows:

[From the New York Times, Sunday, August 12, 1928]

THE COST OF ARMS IS $3,500,000,000 A YEAR—LEAGUE SURVEY SHOWS WORLD HAS 5,500,000 SOLDIERS, COSTING EVERY HUMAN BEING $2 YEARLY TO MAINTAIN—SEA POWER IS DECREASING, BUT NAVIES STILL HAVE 5,047,300 TONS OF WARSHIPS AFLOAT

By P. W. Wilson

In the progress toward disarmament the events of the next few weeks are bound to be important. In Paris the multilateral treaty renouncing war is to be signed by the principal powers of the world. At Geneva the preparatory commission appointed by the League of Nations to find a basis for limiting armaments is expected to resume its discussions, with the United States and Russia participating. Throughout the world there is a public opinion increasingly watchful of the progress of these long and complicated negotiations.

Of particular pertinence at this time, therefore, is the Armaments Year Book for 1927–28, just issued by the League of Nations—a complete, detailed, and authoritative survey of the armaments of the world and the cost of those armaments at the most recent available date.

The statistics of armies, navies, and aircraft, with expenditure thereon, and the particulars of munitions and of the natural resources (of importance for national defense) of the various countries are bewildering in their complexity. But there are certain facts, simple and challenging, that emerge. The cost of armaments, the number of men under arms, and the tonnage of navies can be stated with some approach to exactitude.

THE COST OF PREPARATIONS

After allowing for varying rates of exchange we may take it that the annual expenditure on preparations for war is as follows:

Armies	$2,400,000,000
Navies	1,100,000,000
Total	3,500,000,000

These approximations include aircraft, sometimes naval and sometimes military.

The total expenditure of $3,500,000,000 is equal to the entire expenditure of the United States for all purposes, including interest and repayment of debt. It is also equal to a charge of $2 a head, or $10 a family, for the entire human race, including those hundreds of millions of people in Asia and Africa to whom as yet money has scarcely a meaning.

On the other hand, it is easy to overstate the effect of disarmament on national budgets. We are often told that four-fifths or three-fourths of such budgets are due to "the cost of war."

That is true. But the heaviest cost of war in time of peace is debt, and a national debt is not directly affected by disarmament, which would deal only with current expenditure. An examination of the budgets of the world suggests that if suddenly there were to be a suspension of all expenditure throughout the world on armies and navies and aircraft and munitions the average relief to the taxpayer would amount to about one-sixth of his burden.

THE SIZE OF THE ARMIES

Let us turn next to the size of armies. Here we are warned that the statistics supplied by the various nations are the result of differing methods of computation. But a reasonable enumeration results in the broad conclusion that the number of soldiers at this moment serving their whole time with the colors is about 5,500,000.

It should be clearly understood that this figure represents only the standing armies. In addition there are the reserves, who have completed their training and what may be called civilian troops, like the National Guard in the United States and the territorials in Great Britain.

The British dominions, to give a case, maintain a permanent force of only nominal strength—3,500 for Canada—but around this nucleus there are large bodies of men who undergo what may be described as holiday training and who in an emergency would be an important factor, as the Great War demonstrated, in military operations.

The population of the world may be taken as 1,800,000,000. An aggregate standing army of 5,500,000, then, is only a little more than one soldier to every 300 civilians. This, then, is what we may call the military ratio for the human race.

In the United States the population is 118,000,000 and the standing Army is 145,000. The military ratio, to repeat our phrase, is thus little more than 1 soldier to 800 civilians. If, then, we take the United States as an example of a country which has demobilized its forces to a purely defensive standard, and if we apply this standard of 1 in 800 to the world as a whole, we find that the result would be a diminution of standing armies from 5,500,000 to 2,200,000. In other words, no fewer than 3,300,000 regular soldiers would be disbanded.

The returns to the League of Nations show that the navies of the world, taken as a whole, have been substantially reduced. In 1913 warships of all kinds were rated at 6,895,600 tons. The figure rose during the war to 7,350,400 tons. It has fallen to 5,047,300 tons—a figure which may be visualized as the equivalent of a fleet of 100 mammoth liners like the *Leviathan*, the *Majestic*, and the *Berengaria*.

While this reduction has been proceeding, the mercantile fleets of the world have grown from 47,000,000 tons in 1913 to 65,000,000 tons in 1927. This means that in 1913 there was 1 ton of navy to 7 tons of mercantile marine, whereas to-day there is only 1 ton of navy to 13 tons of mercantile marine.

Every day peaceful commerce is claiming a more and more absolute control of the ocean.

To sum up this general statement we may say, then, that the world is spending $3,500,000,000 for armies and navies, or about one-sixth of its aggregate of national incomes; that it is keeping approximately 5,500,000 men under arms, or 1 soldier to 300 civilians; and that it has 5,000,000 tons of naval shipping on the ocean, or 1 to 13 tons of mercantile marine. Let us now look a little more closely into these armies and navies.

The military ratio for the world is, as we have seen, 1 soldier to 300 civilians. It is a ratio that varies greatly in different countries and different continents.

First, take Latin America. Including Mexico, we have a population of 90,000,000. But an examination of 19 sovereignties shows that the armies in this area aggregate 250,000 men. To give two cases: Brazil has an army of 47,000 men and Mexico an army of 72,000. For Latin America the military ratio is 1 soldier to 360 men, or more than double that of the United States.

There is Canada with 9,000,000 citizens. She can manage with 3,500 permanent troops. But Bolivia, with 3,200,000 citizens, has 8,000 effectives, while Cuba, with 3,370,000 citizens, maintains 12,500 troops. A bright spot on the map is Panama, where national defense consists of "a general and two majors and the outlay on a military band."

Another area where the military ratio exceeds that of the United States, namely, 1 soldier to 800 citizens, is the Far East. The population of China is returned as 448,000,000. Her army is stated to be 1,600,000, which works out at 1 soldier to 280 citizens.

It is fair to add that, in many quarters, there is some measure of skepticism over this huge army or series of armies in China. But, according to the most conservative estimates, the number of troops is very large, say 1,000,000.

INDIA'S LOW RATIO

The most pertinent comparison here is with India. The population of India is 319,000,000. The standing army is 234,000, and the military ratio is thus 1 soldier to 1,363 civilians, or only one-fifth of the military ratio for China.

With a population of approximately 60,000,000 Japan has an army of nearly 200,000. Her military ratio is thus 1 soldier to 300 civilians, and, curiously, it is thus equal to the similar ratio for the world as a whole.

Indeed, there is an even more interesting comparison. Britain, on her islands, is the Japan of Europe; Japan, on her islands, is the Britain of Asia; and Japan and Britain have nearly the same military ratio. The population of Britain and Northern Ireland is 45,000,000; the standing army is 145,000; and this works out at 1 soldier to 310 civilians, or nearly three times the ratio of the United States.

The explanation of the Japanese Army is simple. China is disturbed and Russia is on the borders of China. Between the Japanese and the British Armies there are, however, two distinctions to be drawn. The Japanese soldier is a conscript, recruited for short service, and the entire manhood of the nation is thus trained for war. The British soldier is a professional, enlisted for a term of years, and he passes into a reserve, limited, therefore, in numbers.

Also, the British Army is the force reservoir for an empire of more than 400,000,000 inhabitants. As a whole, the military ratio for that empire is well within the peaceful standard maintained by the United States.

It is when we touch the Continent of Europe that we find ourselves in the area of highest military ratio.

The standing armies of Europe total nearly 3,000,000. This means that a continent with one-quarter the population of the world maintains more than one-half of the mobilized manpower.

In the armies of Europe there is manifest an immense change. Before the war the standing armies of the Central Powers were:

Germany	655,000
Austria-Hungary	400,000
Bulgaria	60,000
Total	1,115,000

Now consider the Allies. Before the war their standing armies were:

France	645,000
Russia	1,200,000
Italy	300,000
Belgium	46,000
Serbia	361,000
Rumania	98,000
Total	2,650,000

The Serbian figure, though official, must be accepted with caution. Also, the Russian Army was ill-equipped. But there was clearly a balance between two national groups.

Consider the position to-day. The armies of what used to be the Central Powers are as follows:

Germany	99,000
Austria	20,000
Hungary	34,500
Bulgaria	30,000
Total	183,500

In other words, the countries vanquished in the war have had their land forces put upon a peace footing. Conscription has been abolished and enlistment is voluntary.

IMMENSE EUROPEAN ARMIES

On the other hand, the Allies are maintaining immense armies:

France	625,000
Poland	263,000
Rumania	150,000
Yugoslavia	116,000
Czechoslovakia (approximately)	125,000
Belgium	65,000
	1,344,000
Italy	250,000
Russia (approximately)	560,000
Total	2,154,000

Over the Central Powers this represents a superiority of 8 to 1. If Britain be added, the superiority is 9 to 1.

A reason for this situation is the new political alignment. It is true that the Central Powers are disarmed. But there are two powers which stand outside what may be called the allied group. Italy has an army of 250,000 and Russia has an army which we may take to be 560,000.

In Europe, as in Latin America, the military ratio is increased by the division of the Continent into numerous sovereignties.

In 15 of the smaller independent countries of Europe there are 70,000,000 citizens. They maintain 400,000 men under arms. With 6,500,000 people, Greece—to give one instance—has an establishment of 67,000 troops; with 3,500,000 people, Finland has 28,500 soldiers. These 15 countries have no more than two-thirds of the population of the United States. Yet they have three times as many soldiers as the United States in their standing armies.

Of armies, we may then say broadly that throughout the entire English-speaking world and its dependencies, whether American or British, the military ratio is a minimum. In Latin America the ratio is higher than this minimum; in the Far East it is still higher, and in Europe the military ratio reaches its maximum. We need only add that over wide areas of the world—for instance, Africa, the Middle East, Siam, Burmah, the Malay Peninsula, and Australasia—armaments are negligible.

NAVIES OF THE WORLD

Let us now subject the navies to analysis. The League of Nations indicates precisely what has happened to sea power as the result of the war. Certain navies have been increased; others have been decreased.

Let us take the decreases first. They are, in tons:

	1913	1926	Decrease
Germany	1,030,000	151,000	879,000
Britain	2,208,000	1,184,000	1,024,000
France	683,000	529,000	154,000
Italy	337,000	295,000	42,000
Russia	339,000	125,000	214,000

The interpretation of these figures is simple. The German Navy has largely disappeared. The British have been able, therefore, to reduce their fleets by more than a million tons.

The increases are:

	1913	1926	Increase
Japan	536,000	695,000	159,000
United States	843,000	1,290,000	447,000

On paper, then, the United States has a larger—a considerably larger—Navy than Great Britain. With all navies, however, a real question, as experts know, is not aggregate tonnage, but a much more vital factor, namely, the date of the vessels in the navies. Hence, in both the United States Navy and the British there is an official allowance for what is described as depreciated tonnage; that is, one-twentieth per annum for a battleship, one-seventeenth per annum for light cruisers, and one-twelfth per annum for destroyers and submarines. For the United States Navy the depreciation is 488,000 tons. For the British Navy it is 495,000 tons. If these figures are to be accepted as conclusive, it would appear that, contrary to a very general impression, the United States Navy is, taken as a whole, as recent in construction as the British.

Here, however, it should be stated that the two British superdreadnoughts, *Rodney* and *Nelson*, with their nine 16-inch guns, twelve 6-inch guns, and 34 smaller guns, are entered as still "building," a remark which also applies to 12 cruisers of the *Kent* class, representing a displacement of 108,000 tons.

TONNAGE OF SHIPS FALLING

The character of navies is changing. The tonnage of battleships has been reduced from 3,897,000 in 1913 to 2,168,000 in 1926. It is a reduction not a little due to the terms and the influence of the Washington conference. The tonnage also of cruisers has fallen from 2,205,000 in 1913 to 1,191,000 in 1926.

On the other hand, the tonnage of destroyers has risen from 517,000 in 1913 to 903,000, while submarines also have developed from 95,000 tons in 1913 to 268,000 in 1926. The importance of any limitation of smaller warships is thus manifest.

The problem of armaments involves much more than the arithmetic of armies and navies. There is also what France calls "potential," namely, the animal, vegetable, and mineral resources of the various countries, the length of their coast line, the density of their population, the development of their railways, and other imponderable factors, including diplomatic commitments.

Hence, it has been maintained that the problem of limiting armaments by treaty is essentially insoluble; and the real question to-day is whether public opinion accepts such demurrers as final.

An essential factor is the growing importance of equipment. As industry is no longer manual as it used to be, but mechanical, so in a sense is fighting. A small army, well supplied with modern devices, is much more powerful than a larger army in which the equipment is merely traditional.

A measure of disarmament would be the abolition of compulsory recruiting in all its forms. This would compel all nations to enroll professional armies on terms of long service, and would limit the reserves accordingly.

Mr. NYE. Mr. President, as to the United States we know the burden of war costs and national defense is on the increase. The President states that there has been an increase of $118,000,000 within the past four years. When we count the sums given to the Army and Navy we are likely to forget the additional amounts provided for in the deficiency appropriations. The last session of Congress voted in all $755,516,175 for the War and Navy Departments. Of this amount $48,000,000 was provided for the increase of the Navy. The naval craft under construction in 1929 will include two submarines and eight cruisers. Of the latter two will be completed during this year. In view of the stupendous sums paid out each year to the gods of war, our national-defense development is receiving about all the taxpayers of the country can bear or will stand. The direct cost of the War of 1812 was more than the total Federal expenditures up to that time. The direct cost of the Civil War was more than all the Federal expenditures of the Government up to the time. And since then its cost has increased 150 per cent through pensions. The cost of the World War to the United States when the last pensioner has received his last Government check will bring the total to almost triple its original cost, which has been estimated at around $35,000,000,000. Of this war burden upon the American people the Secretary of the Treasury in a recent annual report has this to say, after stating that above 80 per cent of the Federal expenditures are used to pay war bills:

> When the average citizen grumbles over the size of his income-tax payment he often visualizes his hard-earned money being spent by the Government to compile reports on business or agricultural conditions or to erect public buildings, send diplomats abroad, carry on scientific investigations, or make and enforce laws.
>
> As a matter of fact, a small part of the taxpayer's dollar goes into work of this sort, only about one-sixth being used for all multitudinous types of ordinary civil functions added together. One-half of each tax dollar is used for the service of the public debt, also a war bill. The remaining one-third of the taxpayer's dollar is spent in behalf of military veterans.

Between 1917 and 1923 our military expenditures totaled $18,000,000,000. A writer has shown how much this amount really is. It would pay the 679,000 public-school teachers in 271,000 schools a salary equal to twice the amount they received during this period and for the same years; it would in addition have paid the running expenses of 618 colleges and doubled the salaries of all their teaching staff; doubled the endowment of 145 colleges, which now have a $1,000,000 fund or over; and an amount would yet remain sufficient to purchase 1,000,000 homes at $4,000 each, buy the capital stock of 30,000 banks in the United States, all the stock of the telephone and telegraph companies in the United States, and leave in the bank an account of nearly a billion dollars.

No item of armaments are ever small and these expenditures sneak in unaware. Take the deficiency items. The Navy received from both deficiency appropriations for the current year $28,583,945, so that the Navy's appropriations exceeded the Budget estimates by about $2,000,000. The Navy items calling for increase in appropriations are under building construction as surface ships, aircraft, submarine bases, aircraft stations, ammunition depots, docks, and navy yards.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Maine?

Mr. NYE. I yield.

Mr. HALE. The Senator does not mean that the naval appropriations exceeded the Budget estimate by the amount he has given. All of the items in the deficiency bill were estimated for by the Budget, if I recall correctly the circumstances.

Mr. NYE. Yes; but the naval appropriations exceeded the first estimates of the Budget Bureau.

Mr. HALE. Yes; the first estimates, but not the final estimates.

Mr. NYE. Mr. President, armaments are everywhere. The American Air Service, which I wish well, is comparatively new. The leaders in aviation are desirous that this field of service contribute to world amity. Colonel Lindbergh, Commander Byrd, and others have made good-will flights. Our good-will air-

men circumnavigated the globe. Since 1924 the American Congress has appropriated for the promotion of aviation a grand total of more than a half billion dollars. More than $450,000,000 of this has gone to the War and Navy Departments. The estimates for 1930 give in round numbers $6,000,000 to the aviation division of the Department of Commerce, but an amount in direct and indirect appropriations to the War and Navy Departments totaling above $100,000,000. If it is commerce and transportation and mail service we desire to promote by air routes, why do most of the funds go to the national defense branches of the Government? It is because armaments have hogged the Government and in this and other nations have become monsters which mankind is bowed in attempting to feed. Not only that these monsters have forced their psychology and viewpoint upon his bent figure and his outlook is so obscured that he thinks he has not the right even to make peace agreements with neighboring peoples without wedding his child to an armament monster.

The military burden being carried by all the people of the world is one that must be reckoned with. The increasing cost can not go on and on without inviting disaster.

It is not surprising that from all lands come murmurings of complaint by the people, and expressions of the burning desire to get away from the crushing military load.

I read, Mr. President, from a very interesting editorial published under date of January 28 by the Detroit News and Journal with the caption Must We Travel the Same Old Route?:

MUST WE TRAVEL THE SAME OLD ROUTE?

The attitude of the people of America toward the cruiser bill now before the Senate shapes up as follows: Great enthusiasm for the bill on the part of a few Senators, a few people; great enmity to the bill on the part of a dozen Senators, a few people; and great apathy toward the bill on the part of the overwhelming majority.

That apathy is easy to understand. The people have been told—so often that they believe it—that the American Navy has fallen behind the British Navy in strength, and is not very far ahead of the Japanese. They have been told that the Washington conference adopted a 5-5-3 ratio for these navies (which is not true, as this ratio applied only to capital ships) and that we are not keeping up to this ratio. They have been told that in the case of war with an enemy (unnamed and unknown), our commerce will be at the mercy of that enemy. They have been informed that the covenant of the league, the Locarno treaties, the Pan American decision to avoid war, the Kellogg multilateral treaty, are but scraps of paper, and that the only insurance of our safety lies in having a navy at least as powerful as the British.

On the other hand, their common sense tells them that they have no intention of picking a quarrel with any nation, and that we are so safe from invasion and our resources for self-maintenance are so great that no nation is at all likely to declare war on us. It tells them that even if a people should go mad with war fever, responsible ministers would scarcely dare to commit it to a conflict in the face of so many solemn covenants between so many signatories. It tells them that this continental Nation, with its few outlying possessions, has no such need of a navy as has an island power with dominions and colonies all over the world, in every continent—an island power that could be starved into submission by an effective blockade.

Common sense would tell the great majority that there is no need of a large increase in cruiser construction were it not for the vague unrest created by the advocates of the cruiser bill. There is no war; there is no enemy in sight; but would it not be better to play safe, even at the expense of several hundred million dollars? Perhaps the treaties will not hold; perhaps the pledged word of governments is not to be trusted; perhaps a combination may be formed against us; perhaps this; perhaps that.

So we shall probably pass the bill and construct more cruisers—not against Great Britain or any nation in particular, but against a cloudy eventuality. And then Great Britain will have to increase her navy—not against us, but to protect her commerce. And then Japan will have to increase hers, for is she also not an island empire? And then Mussolini will have to strengthen his, and France hers, and Brazil hers, and so on down the line. Whereupon, our Navy being again inferior, we shall have to build still more vessels, and the game begins all over again.

We saw all these things happening prior to 1914. We saw protective alliances being formed, all sorts of insurance against war being taken out, and the armament race going madly on. The result was that the insurance failed, war was created out of an already created war psychology, and for four dizzy years the world stood on the brink of general ruin. A great navy a protection? Rather it is a liability! There is far more protection in such scraps of paper as the Kellogg treaties supported by a world-wide public opinion. And that opinion exists, and was never stronger for peace than it is to-day. But it may become bewildered by preparations for war, by the adoption of an attitude of general suspicion, by imagining that the world is full of enemies waiting to strike and armed to the teeth. Let us rather have faith in the peoples, in their pledged word, and in the lessons that the recent war drove home to them.

Under these circumstances what a wonderful opportunity is America's! After years, yea, after generations, of education the people of most lands—the people of all great lands—know what occasions war, and they see it all as a thing which no well-regulated community would tolerate for a moment. Yet they are finding set up in their midst that force which constantly cries out, "Prepare!" and they are caused eternally to dig and dig and dig that there may be the wherewithal to foot the bill of preparing—funds which put in the shadow such sums as are spent for education or other worthy, forward-looking, progressive purposes; and these people know, too, that the preparation being made can eventually mean but one thing, namely, a test of strength.

Our lot in the United States is no different than that of other nations. We know that other peoples are as adverse to all talk of war and preparation for war as are we; but our Congress, like the set-up in other countries, is prevailed upon to see that Americans keep digging that we may produce, nationally, $4 for war purposes for every dollar we pay for educational or other purposes removed from militarism.

With all people dreading, as do we, the thought of more war, the drums of war, the drums of death, the drums of suffering and of pain, there stands out at this hour the pressing need for one thing, and the United States is better fitted to supply that one thing than any other nation. What is needed is not the complete abandonment of preparation for war. I shall not be one to urge or aid disarmament to the point which would leave us open to attack and defenseless. Indeed, I have already said that I believe in ample and adequate defenses. But there is sore need for some great nation like our own to make it very, very clear by its actions that it never plans to molest another nation or do more than defend itself against attack. There is need that one neighbor in this great world neighborhood afford evidence that others need not fear attack from him; that while he is prepared to defend himself against the attack of others, he is not making ready to single out a neighbor or neighbors upon whom to practice his strength.

What a wonderful opportunity is America's right now!

We can abandon this economically and morally unsound cruiser program, leave ourselves amply prepared to meet any possible attack, and convince the people of the world of our sincerity of purpose; and, setting that sort of an example, I am confident that people of other lands will quickly shame their war lords away from that purpose upon which they are constantly bent—a purpose that they will follow so long as all the world continues giving them such food for argument as we give them now if we inaugurate this cruiser program—and in the end we will find nations preparing not for war but for peace. The world but needs a moral example to be set by one great people. The world only awaits some nation to take the lead, some one people to start the ball rolling. Why not America, where our make-up is of the people of all the world, where blood and sympathies are balanced through blood and sympathies from every corner of the universe?

Some one nation must start in such a direction lest we all break and witness the very crumbling of civilization under the weight of superarmaments and the burden of the cost of supplying and maintaining them. It ought to be America. Let it be America.

Do we take a long chance by such a step? Do we jeopardize our safety or our honor by trying such a program? Not if we maintain those standards of defense which are ours to-day, and not in the present state of world unpreparedness for war. We have everything to gain and naught to lose by taking the lead in this program of abandoning preparation for offensive warfare.

Abandon or modify this cruiser program and we will at the same moment abandon talk about possible war with Great Britain or any other country, and with that loss to the militaristic cause I am confident that public sentiment in all lands would call for and cause a like program in their own countries.

Is it a dangerous step? Is it not an effort worth the try? I answer that to my own satisfaction by asking another question: How much backing would accrue to those who now urge this cruiser program upon us if England did not by her acts—in the main, the acts of her admirals—which are acts just enough to invite exaggeration through fabrications, make available some small opportunity for the fuss now made over the British Navy and naval plans? In other words, what chance would there be for this cruiser program now before us if Great Britain showed no tendency to be preparing for war away from her own shores? Why, Mr. President, in that event this cruiser

program would have about as much chance of success in Congress as there is chance of the outbreak of another World War to-morrow.

Abandonment of this cruiser program, or at least postponement of it, is well worth the try. Lay it aside for a year, two years, with the express purpose of seeing what the world result might be, and if then it appears that our example is not being followed by the force of sentiment in other great nations, and first of all Great Britain, I will readily join in prevailing upon my constituency to participate in such a program as will convince the world that we mean to build to meet the most extreme sort of military emergency, and will do it knowing full well that I am aiding in a program bound eventually to rush nations again into war—a more terrible war than imagination can fathom; a war which no one will win; a war in which all participants will lose; a war bound to crush civilization; and a war which will find cruisers of about as great utility for war purposes as the toy sailboats with which the children amuse themselves in the bathtub.

Mr. President, if there is a labor problem to be met, if our shipbuilders are without work, let us appropriate means with which to build merchantmen in their yards, build things of utility which will contribute to progress and not to destruction. But let us, in any event, seize upon this opportunity which is given us as a nation to set the pace which is the only pace that can possibly win economic and moral victory of a lasting kind for all the world.

Mr. HALE. Mr. President, I desire to ask the Senator who has just spoken if he does not think we have done what he suggests since the time of the Washington conference? We have gone ahead with practically no new construction in our Navy, hoping that we could get an agreement on limitation of armaments that would amount to something. We have practically stood still, and at the same time all of the other countries that were parties to the conference have gone ahead and greatly increased their armaments. How long does the Senator think we ought to keep that up? It seems to me we have a very good illustration of the fallacy of the argument.

Mr. NYE. Mr. President, to my mind, the situation that exists at this time in Britain and here in the United States is a situation which, if we were to postpone or to abandon the program now before us, would quickly call for a like display of good will on the part of the British people—not on the part of the British Admiralty, by any manner of means, but on the part of the British people—and when that demand became ripe, when it was properly expressed, as it certainly would be expressed, in opposition and in antagonism to the program of the British Admiralty, there is no doubt in my mind but that we could seek that measure of understanding with Great Britain which would make not only unnecessary but foolish in the extreme such a program as we now have before us, voiced by some as being a program preparing for war—with whom? With Great Britain.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. NYE. I yield.

Mr. NORRIS. While the Senator from North Dakota is considering what the Senator from Maine describes as a fallacy, I should like to have the Senator from North Dakota consider what I believe to be the fallacy of the argument of the Senator from Maine. He says that we are passing this bill, or going to pass it, not to fight anybody but to prevent war. I judge from that, if that be true, that we are liable to get into a war if we do not build more ships. Then, in the next breath, he says that since the peace conference of 10 years ago we have not built any naval vessels to speak of; and if both of those propositions be correct, the question arises in my mind, why is it that we are not in war now?

Mr. NYE. Let the Senator from Maine answer that.

Mr. HALE. Mr. President, no one knows when a war may come about. I can not predict that; neither can the Senator from Nebraska. Certainly where we have held off on our building program for the last few years——

Mr. NORRIS. Does the Senator think that after holding off for 10 years we are now in danger of war?

Mr. HALE. I think we are in much more danger of war than we were before.

Mr. NORRIS. How much more? Will the Senator tell us with what country we are in danger of war?

Mr. HALE. I do not know of any particular country, but all of these other countries that have naval armaments have increased their armaments since that time.

Mr. NORRIS. Yes; and we have increased ours to some extent.

Mr. HALE. Very little.

Mr. NORRIS. The Senator himself says that we have not done very much at it, and that is probably true; but he wants now to build a lot of warships to keep us out of war.

Mr. HALE. Yes.

Mr. NORRIS. If that is a true theory, then when we do not build warships it must follow that we get into war, and I am wondering why we have not gotten in.

Mr. HALE. Not of necessity that we must get in, but that we may get in.

Mr. NORRIS. And we may get in if we build more.

Mr. HALE. No; we are much more likely not to get in if we are strong.

Mr. NORRIS. That was the experience of Germany and Great Britain. They both built, and they both got into war.

Mr. HALE. Oh, yes.

Mr. NORRIS. It was the nations that had navies that got into war, whereas, if the Senator's theory is true, the nations that had navies would not have been in war, and the nations that did not have navies would have done the fighting.

Mr. HALE. And if Great Britain had not gone into the war what would have happened to the rest of the world?

Mr. NORRIS. Well, I am not a prophet, if the Senator wants to ask me.

Mr. HALE. There is very little question what the German fleet would have done if Great Britain had not gone to war.

Mr. NORRIS. The fact remains that neither Great Britain nor Germany would have been in the war had they not both been armed to the teeth.

Mr. BARKLEY obtained the floor.

Mr. HALE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	George	McMaster	Simmons
Barkley	Gerry	McNary	Smoot
Bingham	Gillett	Mayfield	Steck
Black	Glass	Moses	Steiwer
Blaine	Glenn	Neely	Stephens
Bleuse	Goff	Norbeck	Swanson
Borah	Gould	Norris	Thomas, Idaho
Bratton	Greene	Nye	Thomas, Okla.
Brookhart	Hale	Oddie	Trammell
Bruce	Harris	Overman	Tydings
Burton	Harrison	Pine	Tyson
Capper	Hastings	Ransdell	Vandenberg
Caraway	Hawes	Reed, Mo.	Wagner
Couzens	Hayden	Reed, Pa.	Walsh, Mass.
Curtis	Heflin	Robinson, Ark.	Walsh, Mont.
Dale	Johnson	Robinson, Ind.	Warren
Dill	Jones	Sackett	Waterman
Edge	Kendrick	Schall	Watson
Fess	Keyes	Sheppard	Wheeler
Fletcher	King	Shipstead	
Frazier	McKellar	Shortridge	

The PRESIDING OFFICER. Eighty-two Senators having answered to their names, there is a quorum present. The Senator from Kentucky [Mr. BARKLEY] is entitled to the floor.

Mr. REED of Missouri. With the consent of the Senator from Kentucky, I ask unanimous consent to have inserted in the RECORD an article by Rear Admiral Fiske in the February number of Plain Talk, which I think affords some very interesting information. I believe, in view of the great reputation and character of the author, the article is well worthy of the study of the Senate.

The PRESIDING OFFICER. The Senator from Missouri asks unanimous consent to have inserted in the RECORD an article by Rear Admiral Fiske printed in what is known as Plain Talk for February. Is there objection? Consent is given.

The article referred to is as follows:

[From Plain Talk, February, 1929]

HOW BRITISH GUILE SCUTTLED THE AMERICAN NAVY

By Rear Admiral Bradley A. Fiske, United States Navy, retired

[We all know that following the Great War, we actually had, counting ships under construction, the greatest Navy in the world, and that we abandoned the construction of many capital ships through agreement with other powers, chiefly England. We know that England, keeping the limitations treaty to capital ships, is now asking superiority in cruisers. This article shows how we were duped. Admiral Fiske, foreseeing depredations on our merchant marine by England and Germany alike, fought for a larger Navy until his retirement. After we got into the Great War we started the preparations that he had unsuccessfully urged, but at the cost of a year's delay and a consequent cost in lives and dollars that is incalculable. It is something to think about]

The pictures of Uncle Sam have always shown him as a typical Yankee, tall and lank, with a humorous but exceedingly shrewd expression about the eyes. Doubtless, he was shrewd in settling the domestic

questions that concerned him most in his younger days; but he has not always been shrewd in international affairs and when the World War broke out on August 1, 1914, he was given a perfect opportunity for exercising shrewdness and failed to seize it.

On that day the General Board of the Navy sent in a long letter to the Secretary of the Navy, pointing out the various dangers to our peace that a war between the world's two greatest sea powers made inevitable—especially those dangers inseparable from questions of neutrality—and urging that immediate and adequate steps be taken to prepare the Navy to defend our neutral rights, etc. In many conferences which I had with the Secretary of the Navy after this, I (as his virtual chief of staff) urged him to follow our advice. I pointed out that a state of adequate preparedness on our part would not tend to involve us in the war, but would act in the contrary way, because then the belligerent nations on each side would be sedulous to enlist us on their side, if possible, and extremely careful to refrain from any actions that might provoke us and cause us to take part on the other side.

Had the Navy's advice been followed, Germany would have made every effort to gain and hold the sympathy and support of a Nation that was able to throw a deciding force into the scale on either side and certainly would not have been so unwise as to sink the *Lusitania*, with many prominent Americans on board, or to torpedo our merchant vessels. And we should not have been given any compelling cause for entering the war. The European nations would have settled their quarrel much sooner than they did, though not, of course, until they were exhausted, both militarily and economically. As a further result, only one nation on the earth would have remained great and prosperous—the United States.

But Uncle Sam rejected the Navy's expert advice. He flatly refused to prepare at all and yet tried to carry on sea commerce as a neutral with both sides. As the General Board had predicted, dangerous questions as to breaches of neutrality very soon came up. These, at first, were with Great Britain, because of her seizing our merchant ship in and near the English Channel, under charges of breaches of neutrality and violations of blockade, sending them into British ports for examination and holding them there for what seemed to us long periods of time.

However, when we entered the war it was on her side. The reason, of course, was that Germany, overestimating our degree of unpreparedness and the extent of the pacifistic nonresistance into which President Wilson had beguiled our people, adopted a policy of unrestricted submarine warfare and sank some American merchant ships without previous warning or subsequent assistance. Subjected thus to continual and grave injuries and insults (because we were deemed too weak to resent them), America finally plunged headlong into a war 3,000 miles away, which we had had no hand in causing, for which we were dangerously unprepared, and in which we had had, at first, no real or material interest.

It has been said by many people not conversant with naval strategy that we did have an acute material interest in the outcome of the war because, if Germany had conquered Britain and the rest, she would then have come across the Atlantic and conquered us. But the United States Naval War College would tell you the reverse. Germany could not possibly have done this; that is, if our Navy had been prepared.

Of course, it would have been a "selfish" policy to let the European nations commit suicide together while we sat by, shrewdly observant and peacefully secure in our neutral rights, behind the shelter of our guns. But intelligent selfishness sometimes results more advantageously for everybody than unintelligent altruism. Surely it must be clear to anybody now that it would have been far better, at least for the United States, if it had acted as any other nation in the world would have acted and had let the nations who were having a perfectly natural quarrel about business matters settle their quarrel in their own way.

When America finally entered the war it entered with all the ardor of a youthful though untrained fighter. Our service was so effective that it rescued the side that would otherwise have been overwhelmed.

Of course, our unprepared condition made us late in entering the war. One might suppose that the side which we rescued would forgive us for this. It did not. Probably it would have done so if it had not conceived the notion that it was Uncle Sam's duty to assist and that only blame should attach to us for our slowness. We of the United States may think such a frame of mind unreasonable and that the Allies should be thankful to us that we rescued them at all.

But such a feeling on our part would seem unreasonable to anyone who understands even a little of the elements of human nature, for the simple reason that it is unreasonable to expect either nations or individuals to hold an unbiased view of any question in which their own interests are involved.

But whether the view of the Allies after the war was unreasonable or not, it seems to be a fact that they did take that view. Furthermore, the superskillful statesmen of Great Britain made a very large fraction of the people of the United States take it. Many of our papers and many of our statesmen were eloquent in broadcasting the idea. Closely connected with this idea, also eloquently broadcast, was the idea that wars were 100 per cent bad and that the best way to preserve peace was for all the nations to limit their armament. After a few years of the spreading of this idea, the United States invited the great maritime nations to a conference on limitation of armament.

At that time our Nation was the most powerful in the world not only economically but navally, for we possessed the actual and potential factors that constituted a navy far more powerful than any other. It was not unreasonable that this should be the case; not only because our country was then the richest in the world but also because we had wisely conserved its riches and built up its Navy at great cost. And there was a further reason, which was the fact that the progress of the world had isolated this Nation and had made it the perfectly natural target for the perfectly natural envy and jealousy of all the other nations. To imagine that such a position would not have made it such a target is to imagine human beings as being very different from what they really are.

That our Government conceived the idea of the limitation of armament conference in its own mind and proposed it of its own initiative is the prevalent impression. The fact is that it closely followed the receipt of information by our Government that the British cabinet was ready to abandon the old 2-power stand and to welcome the American Navy to "equality" with the British!

But even if that nation did make the suggestion and even if she did, in cooperation with her ally Japan, bring about the decision that was ultimately made, such an action should not cause bad feeling on our part toward them. We should merely smile and realize that it was the duty of the statesmen of Great Britain and Japan to do whatever they could for the prosperity of their nations. Their loyalty and honor were due to their mother countries and not to us.

The three major nations in the conference were the United States, Great Britain, and Japan. Of these three, Great Britain and Japan were at the time actual allies and had been actual allies for 20 years. The conference, therefore, was really between two parties. One party was the United States, the other party was the two allies—Great Britain and Japan. The natural result was that the decision was to the disadvantage of the United States and to the advantage of Great Britain and Japan.

The major parts of the decision were two in number.

One part was the voluntary abnegation by the United States of her naval superiority over Great Britain and Japan, a substitution of parity with Great Britain and a 5 to 3 ratio with Japan.

The other major part of the decision was an agreement by the United States not to make any further improvements in the defenses of the Philippine Islands or to increase their capacity as a naval base.

Referring to the parity between Britain and the United States, the decision involved parity in only battleships and airplane carriers. The discussions preceding the decision indicated a willingness on the part of Britain to include parity in other classes of ships, but for reasons that need not be mentioned now the only parity to which the three countries agreed in writing was parity in battleships and airplane carriers. There has been considerable said since then in American newspapers as to the "principle" underlying the agreement, but in fairness we ought to admit that any such talk is very vague and is subject to numerous misunderstandings and that the only things to which the three nations committed themselves were those to which they signed their names. Clearly the loose talk which some Americans have indulged in concerning the "principles" of the agreement and the oral remarks which Mr. Balfour and others made have nothing to do with the case any more than have any of the oral discussions which have preceded any business agreement in ordinary business life.

The 5 to 3 ratio regarding Japan, most people not conversant with naval strategy have accepted as being fair and reasonable, on the theory that such a ratio represented the approximate ratio between the resources of the United States and Japan. But this reasonableness is only apparent. It is not real, for the simple reason that in any war between this country and Japan our fleet would have to go out to Japan, 7,000 miles away from our bases in the United States and very close to the bases of Japan, and accept a strategic disadvantage so great that the 5 to 3 ratio is not anywhere near great enough to permit our fleet to fight with any reasonable prospect of success.

As to the second major part of the decision—this has impressed our people very much less than has the numerical reduction of our fleet; and yet it is immensurably more important. Our agreement not to defend the Philippines serves the double purpose of making it very easy for Japan to capture them and almost superhumanly difficult for us to recapture them. That the value of these considerations is thoroughly appreciated by the British and Japanese will be easily realized.

It is necessary to bear in mind that the British and Japanese were actual allies when the conference was held and had been allies for virtually 20 years and that the Japanese had at least two powerful naval bases in Japan, while the British had decided to build a powerful naval base at Singapore. By looking at any map, it can be seen that the "communications" of these two allies in the East lay between Singapore and Japan and that our naval base at Manila flanked those communications.

By two military countries, such as the British and the Japanese preeminently are, such a situation could not be regarded with indifference, because in case of war with us it would constitute a military danger, while in time of peace it constitutes a permanent vantage point in commercial dealings.

For both peace and war, therefore, it was highly desirable for Britain and Japan to get rid of our naval base at Manila. At that time the naval base there was extremely weak, holding as it did only one small floating dry dock. But the far-sighted statesmen of Britain and Japan, visualizing the certain increase in the value of China for their sea commerce, realized that if the United States should make Manila a real naval base, it might prove extremely troublesome to the line of communications between Japan and Singapore.

In order to induce us to emasculate it the Japanese first effected the ruse of preparing their navy for war and then insisted that they would not sign any agreement at all unless we agreed not to increase the defense of the Philippines or their capacity as a naval base. Their pretense was that any increase of defense there would menace the security of Japan. Yet Japan was more than a thousand miles away and flanked all lines of communication between the United States and the coast of Asia.

After the decision of the conference had been published in 1922, the people of the United States acclaimed it, because they had been led to believe that it was a great triumph of statesmanship.

It would have been a great triumph of statesmanship if the following statement of Secretary Hughes had been correct:

"This treaty ends—absolutely ends—the race in competition in naval armament. At the same time it leaves the relative security of the great naval powers unimpaired."

But that statement was wholly incorrect. As to the first sentence in it, anyone who reads the newspapers knows that the decision did not end "the race in competition in naval armament." He knows that all it ended was (by the terms of the decision itself) the competition as to battleships and airplane carriers. He knows that the race in all the other factors of naval armament is proceeding as keenly as before. Anybody with even a moderate knowledge of naval strategy would have known in 1922 just what the General Board told Mr. Hughes that this would inevitably happen.

As to the second sentence in the statement of Secretary Hughes, it is equally incorrect. Before the decision the United States was fairly secure in the Philippines and she had started to make herself wholly secure by the simple and inexpensive process of equipping the Philippines with enough airplanes, submarines, etc., to prevent an enemy from disembarking from his ships in open boats, proceeding to the shore in those open boats, and landing from those boats on the shores of the island. But the decision rendered the islands helpless before any determined foe. Was our "relative security unimpaired?" If you had valuables in a safe-deposit vault, guarded by armed watchmen, and equipped with locks, would you feel that the security of those valuables was "unimpaired", if the watchman and time locks were removed?

Mr. Hughes's statement being wholly incorrect, the decision of the conference, instead of being a great triumph of statesmanship, was a great blunder of statesmanship.

It should be clearly understood that no member of the American delegation was a Navy officer. One would naturally suppose that in a conference in which the whole subject of discussion was one that hinged on the relative values of naval units there would have been at least one member who understood those relative values. It had been suggested that at least one Navy officer should be a member. But this suggestion was rejected, and not only did the delegation contain no Navy officer, but the civilian delegates, during all their discussions, paid little heed to the advice of Navy officers, and in their final decision went flatly counter to it. The General Board did all in its power to prevent the American delegates from making the decision which they did, a decision which every intelligent man in the world, who is unbiased and knows the facts, now realizes was worse than a crime; it was a blunder.

Yet press and pulpit vied with each other in praising it. One of the editors of a prominent American magazine declared it to be the most beneficent incident in the progress of the human race since the coming of Jesus Christ. Much, if not most, of the reason for this was the superskillful propaganda coming from England and the associated fact that the publicity relative to the British activities which was given out in Washington to the newspapers was given to them at the British Embassy by an Englishman, Lord Riddell. The CONGRESSIONAL RECORD of March 22, 1922, states:

"Mr. Wickham Stead, editor of the London Times, in a recent speech quoted in the Montreal Statesman, stated the following:

"'The American delegates refused to give out any news during the conference. They left the whole matter with the British publicity agent, Lord Riddell.'"

When one looks back now and realizes the state of feeling in the United States at that time one can see that our people, including the Secretary of State and his colleagues of the delegation, had been propagandized into a condition so emotional as almost to constitute psychosis.

Not long after a bill was presented to Congress for carrying into execution the details of the limitation. It was presented by Mr. Butler, the chairman of the House Naval Committee. It was passed almost unanimously. In the Senate only one man voted against it—Senator France.

The situation since has been made immeasurably worse by the fact that, while we have bound ourselves not to make any improvements whatever in our feeble little base at Manila, Britain has proceeded with characteristic British determination and thoroughness to complete her naval base at Singapore at a cost of at least $35,000,000. There is no pretense whatever that this base is anything but a naval base. The British do not pretend that it is a commercial base or a base for the propagation of the Gospel, or for any other purpose whatever, except the use of force whenever ability to take advantage of the use of force may seem to them desirable.

It must be plain to any intelligent person now that the present situation was brought about as the result of proper foresight and persuasive ability on the part of the British and Japanese at the conference in Washington, combined with an amazing lack of foresight and a fatuous credulity on the part of our American delegates. Nowhere in history can there be found an equal lack of common sense on the part of any men of equal national standing, intrusted with their country's safety. The foresight shown by the British and Japanese was really not extraordinary, for many similar examples can be found in history. Their foresight and persuasiveness appear extraordinary merely because we see them against the background of the extraordinary ineptitude of the Americans.

In order to visualize the situation correctly, it is essential to clear away the "bunk" that beclouds it and realize that the great nations of the earth are essentially business firms. They are the most powerful business firms in the world. The directors of these great business firms are called governments.

In carrying on their relations with each other all governments have two main official agencies, diplomacy and war. Diplomacy is conducted by the State Department and war by the Army and Navy. Like all other business organizations, governments have many mutual and common interests and many reasons for refraining from strife. To effect their peaceful purposes they employ diplomacy, an agency of great antiquity. With the progress of civilization this agency has been continuously and increasingly developed, until now in every civilized country it constitutes a veritable machine.

So long as this machine operates successfully between any two countries, their mutual relations proceed satisfactorily and they remain at peace. But every man-made machine is subject to derangement, and the diplomatic machine is no exception to this rule. When the diplomatic machine finally breaks down, the two nations involved, being separate and independent sovereigns and having no common superior to direct them or any code of enforceable law to appeal to, have no means of settling their dispute except war.

The ends that could be achieved by war, however, have often been achieved by diplomacy. This being adequately realized by all the great nations except the United States, those nations have created diplomatic organizations just as carefully selected, as finely trained and as reliable in every way as the Army and Navy. It was by reason of the excellence of her diplomatic machine that Britain secured, at the conference in 1921–22, an advantage so great that it has been aptly termed "Britain's greatest naval victory." It wiped out the United States as the principal rival of Britain on the sea and perpetuated Britain's mastery on the sea to a degree that Americans do not realize. Mr. Balfour was promptly created an earl and a Knight of the Garter. The reward was wholly inadequate to his deserts. There was no reward possible on this earth that would have been even approximately adequate for a triumph of diplomacy so magnificent and complete, so clearly implicit in the assurance of the perpetuation of Britain's empire on the sea.

Although we had voluntarily sacrificed our safe position on the sea, yet Congress failed, in the years that followed, to keep the Navy up even to the low strength decided on. Britain and Japan, on the contrary, went strenuously ahead and built their navies up increasingly, with the result that, relatively, we kept falling more and more behind. This condition naturally alarmed our Navy officers; but the mental condition of the country was such that our people could not be made to see the future dangers which the situation was developing. Finally, however, Navy officers were able to make the authorities realize that, in one particular at least, the danger was very clear. This danger was the fact that Britain, Japan, and the other nations were building a large number of cruisers of great speed and steaming radius, which, in case of war, could exercise the double function of preying on our commerce and acting as scouts for their own fleets; while we were doing nothing whatever in the matter.

The result of all the agitation was that a further conference was called at Geneva, which, after a preparatory conference, met in June, 1927. Our idea in bringing about this conference was to have the same

kind of limitation apply to cruisers and other kinds of vessels that had been applied by the Washington conference to battleships and airplane carriers.

Before the conference met, I naturally had talks with many Navy officers about it. Not one officer to whom I talked had the slightest notion that we could accomplish anything. Of course, we did not. How could any sane person who understood the situation believe that Great Britain would yield to our suggestion? Obviously, if she had yielded, she would have sacrificed part of the advantage that she had gained over us. It was represented by us that the "spirit of the conference" in Washington in 1922 had been that the ratio decided on should apply to all classes of warships.

But what did that have to do with the case in 1927? The British delegation attended the conference in 1927, charged with the responsibility to their government of furthering the interests of their country. Why should they neglect that responsibility and play into the hands of a rival country? The only possible reason that could be advanced was that the United States had done what she had in 1922. But would any business man in New York, engaged in any "deal" with a rival business man, agree to make a fool of himself simply because his rival had made a fool of himself five years before?

The main single contention at Geneva in 1927 was concerned with large and small cruisers. The British delegates, in the discharge of their responsibilities to their country, endeavored to induce the American delegates to consent to limiting the size of cruisers and their guns to dimensions too small for the purposes of the American Navy, which virtually has no bases and no merchant ships that could be readily converted into warships. Such dimensions, of course, were perfectly suitable for the British Navy, because it has many bases and a multiplicity of great merchant ships easily convertible into warships.

After the Geneva conference broke up without coming to an agreement, an instructive thing happened in the United States. If ever our Government showed conclusively its utter lack of shrewdness in international affairs, it was when it exhibited a tremendous disappointment over the lack of agreement. As to the people themselves, they displayed actual resentment against the American delegates, because they had failed to agree to the British proposals! Many of the greatest newspapers in this country concentrated their wrath on the Navy officers on the delegation, and declared that the next time such a conference was to be held, we should be very careful that no admiral should take part in it. Can anyone imagine a state of mind more stupid?

The principal outstanding fact of international importance since the so-called "failure" of the Geneva conference was the speech in our House of Representatives made by Mr. Butler, in which he deplored the fact that he, himself, had introduced the bill cutting down our Navy and declared frankly that he and all the rest of Congress had been "fooled." This statement was exactly true; and the fact that we all had been fooled is now admitted by a large section of our people. There are, nevertheless, very many people and very many great newspapers that hold virtually that our delegates to the conference of 1921–22, instead of being fooled, acted in the noblest and wisest manner possible.

It is obvious that we are dropping still farther behind, even in the ratio in power decided on in 1921 and 1922. That Congress should have permitted this is not at all surprising. It is the kind of thing that Congress usually has done, a trait that English diplomats perfectly realized.

It has finally come about that the United States is in a situation at once ridiculous and dangerous. With the purest intentions in the world, we have allowed ourselves to be cajoled into giving up not only our naval supremacy on the sea but also the only considerable base we had in all the world, the Philippine Islands. For let us realize frankly that our agreeing not to increase the wholly inadequate defenses of the Philippine Islands has made it not only possible but easy for Japan to capture them whenever she wishes.

Let us look at the map again, and realize that that long stretch of China coast offers the most tempting opportunities in all the world for the sale of manufactured goods; that Britain and Japan have realized this for many years and have acted in accordance with that realization; that Britain and Japan came to an agreement at the start of the century which resulted in a formal alliance; that, although that formal alliance was canceled in 1922 as part of the agreement of the Limitation of Armament Conference; yet, nevertheless, the same conditions of mutual interests which brought about the alliance persist and, so long as those mutual interests persist, no formal alliance is essential. Let us also realize that Japan has powerful bases at one end of the line that runs along the east coast of China and that Britain will shortly have a tremendous naval base at the other end.

Let us realize that we are committed to the policy of the open door in China, and that this policy is contrary to the interests of Great Britain and Japan. This being the situation, is it not plain, in case of those conflicts of interest which continually occur in foreign trade, that we should be tremendously handicapped if we tried to insist on our rights as against those of the allies? How can we profitably insist on anything when we have no means with which to back up our insistence? Let us not forget, in case of a conflict of vital interests regarding matters in eastern Asia between us on the one hand and the allies on the other, that there will be no court competent to decide the matter and no policemen to enforce the decree of the court, even if there were such a court. Each state holds itself sovereign.

It may be objected that Japan's interests lie with Russia rather than with England; that Germany, Russia, and Japan will constitute a coalition which will dominate the world in the proximate future. Perhaps they will, but certainly they do not now; and until they do, if ever, it must be clear that Japan will fear Russia more than she will fear any other country, for the same reasons that she feared her in 1904, and the last thing she will want to lose will be the support of the British fleet.

It may be objected that this article is materialistic and takes no account of the teachings of Christianity. Possibly. But I should like to have some one point out an instance where any nation, in its relation with other nations, has not acted according to the materialistic methods which Americans themselves follow in their private business dealings with each other—with the single exception of the United States in the case under discussion. No people can surpass the Americans in shrewd business dealings with each other; and yet no other nation has ever approximated the childish faith in human nature which Americans as a nation show in European nations. We, as the richest nation in the world, the nation becoming richer still and with amazing speed, are so absorbed in making money that we fail to realize that other nations may not look at many matters as we do. The very fact of our absorption in money making shuts our eyes to what other nations may be doing. But it makes other nations open their eyes to what we are doing, and it tempts them to ask themselves if they can not, by guile or force (or by guile and force), get some of the money that they think we are making.

Mr. BARKLEY. Mr. President, I had not intended to consume any of the time of the Senate in a discussion of this measure, because it seems to me that some effort ought to be made to dispose of the measure in order to give proper consideration to other important bills that await our attention. However, as this debate has progressed I have felt that a candid expression of the viewpoint of each Senator here might be beneficial in clearing away some evident misapprehensions which seem to surround the consideration of this whole matter of naval construction and equipment.

In the first place, I desire to make my own position clear. Unfortunately, in this as in other controversial questions there are extremes on both sides. There are those who would plunge our country into an extravagant and unnecessary prodigality of expenditure for naval and military equipment without regard to either necessity or propriety. On the other hand, there are some who would abolish, even under present conditions, all semblance of preparation for resistance to encroachments upon our territory or our rights by any nation whatsoever. I do not belong to either of these groups. I believe in peace. I have supported to the best of my ability every movement that held out any hope of future permanent peace among the nations of the earth, and I am prepared to follow that course in the future.

I am not unmindful of the fact that we must consider the conditions of society as they are and not as we might wish them to be. I feel that in the consideration of our duty in a matter of the nature and scope of national defense we must keep in mind both our longing for peace and our obligations to the people of our own country in their pursuit of life, liberty, and happiness.

We have often said, and it can not be too often repeated, that we want nothing that belongs to any other nation or people except their good will and friendship. We do not want their territory. We do not wish to deprive them of any right to which they are entitled as members of the family of nations. We desire and court the same sentiments toward us from all the other nations of the world. This feeling, not only on our own part but, as I believe, on the part of practically all other nations, was recently manifested by the negotiation of the Kellogg-Briand multilateral treaty renouncing war as an instrument of national policy and pledging one another not to resort to any but pacific means to settle international controversies.

As between the peace pact and the cruiser bill, I voted to give the peace pact first consideration, because I believe the time has arrived in the affairs of the world—in fact, it arrived long ago—when peace should be given the first chance to work out the problems which trouble the nations of the earth.

When the Washington disarmament conference had concluded its deliberations and a treaty was signed fixing the 5–5–3 standard for the navies of Great Britain, the United States, and Japan, respectively, it was the general belief among the people of America, if not of the other nations, that competition in naval construction among the three great naval powers of the world was at an end. It was hailed as the dawn of a new day of real disarmament, and it was believed that this great controversy was well on its way to permanent settlement. It would not be fair to intimate or leave the impression that this great confer-

ence failed to accomplish a long and valuable step in that direction. In the matter of what are known as capital ships among the respective navies I think it can be truthfully said that a great step was taken in the direction of permanent disarmament, though it probably ought also to be said that the capital ship in the intervening years since then has become relatively less important as a part of any navy than it had been prior to that conference.

However, there were certain important fields in naval construction and equipment with which the Washington conference did not deal, or at least which were not included in the limitations fixed by the treaty then negotiated. One of these has to do with the construction and maintenance of cruisers, which is the important subject covered by the bill now under consideration. Every nation signatory to that treaty can build any number of cruisers which it wishes or can afford to build without violating the terms of that treaty.

There seems to have been an unnecessary amount of confusion created and misinformation disseminated concerning the relative cruiser strength of the three great naval powers of the world—Great Britain, the United States, and Japan. And likewise there has been an undue amount of dispute and confusion as to the relative needs of these nations not only for cruisers but for all characters of naval vessels and equipment.

I do not understand why in a debate of this sort it has been so difficult to arrive at the real facts about the strength not only of the navies involved in capital ships under the Washington treaty but in their respective strength with reference to the cruiser situation with which we are trying to deal in this legislation.

I wish to call attention to what I deem authentic information upon this subject obtained from an impartial source and not colored by any fantastic fears or ambitions on the part of any group or interest.

The following table gives the number of modern cruisers already built by the three nations, United States, Great Britain, and Japan:

Modern cruisers built

UNITED STATES

Completed	Name	Obsolete	Standard tonnage	Speed (knots)	Main guns
1923	Omaha	1943	6,600	34	12 6-inch.
1923	Milwaukee	1943	6,600	34	Do.
1923	Richmond	1943	6,600	34	Do.
1923	Detroit	1943	6,600	34	Do.
1923	Concord	1943	6,600	34	Do.
1923	Cincinnati	1943	6,600	34	Do.
1924	Raleigh	1944	6,600	34	Do.
1924	Trenton	1944	6,600	34	Do.
1924	Marblehead	1944	6,600	34	Do.
1925	Memphis	1945	6,600	34	Do.

Total modern cruisers built, 10; aggregate tonnage, 66,000. Between 1908 and 1923 the United States completed no cruisers.

BRITISH EMPIRE

Completed	Name	Obsolete	Standard tonnage	Speed (knots)	Main guns
1911	Weymouth [1]	1931	4,860	25	8 6-inch.
1911	Dartmouth [1]	1931	4,860	25	Do.
1912	Yarmouth [1]	1932	4,860	25	Do.
1913	Melbourne (A) [1]	1933	5,120	25	Do.
1913	Sydney (A) [1]	1933	5,120	25	Do.
1914	Birmingham [1]	1934	5,120	25	9 6-inch.
1914	Lowestoft [1]	1934	5,120	25	Do.
1915	Calliope [1]	1935	3,920	29	4 6-inch.
1915	Castor [1]	1935	3,920	29	Do.
1915	Champion [1]	1935	3,920	29	Do.
1915	Carysfort [1]	1935	3,895	29	Do.
1915	Cleopatria [1]	1935	3,895	29	Do.
1915	Comus [1]	1935	3,895	29	Do.
1915	Conquest [1]	1935	3,895	29	3 6-inch.
1916	Brisbane (A) [1]	1936	5,120	25	8 6-inch.
1916	Gambrian [1]	1936	3,920	29	4 6-inch.
1916	Canterbury [1]	1936	3,920	29	Do.
1916	Constance [1]	1936	3,920	29	Do.
1916	Centaur [1]	1936	4,120	29	Do.
1916	Concord [1]	1936	4,120	29	5 6-inch.
1917	Caledon	1937	4,180	29	Do.
1917	Calypso	1937	4,180	29	Do.
1917	Caradoc	1937	4,180	29	Do.
1917	Cardiff	1937	4,290	29	Do.
1917	Ceres	1937	4,290	29	Do.
1917	Curlew	1937	4,290	29	Do.
1918	Coventry	1938	4,290	29	Do.
1918	Curacao	1938	4,290	29	Do.
1918	Carlisle	1938	4,200	29	Do.
1918	Dauntless	1938	4,850	29	6 6-inch.
1918	Danae	1938	4,850	29	Do.
1918	Dragon	1938	4,850	29	Do.
1918	Vindictive	1938	9,998	30	6 7-inch.

[1] All will become obsolete before 1937.

Modern cruisers built—Continued

BRITISH EMPIRE—continued

Completed	Name	Obsolete	Standard tonnage	Speed (knots)	Main guns
1919	Cairo	1939	4,200	29	5 6-inch.
1919	Calcutta	1939	4,200	29	Do.
1919	Colombo	1939	4,200	29	Do.
1919	Dunedin	1939	4,850	29	6 6-inch.
1919	Delhi	1939	4,850	29	Do.
1919	Hawkins	1939	9,800	30	7 7.5-inch.
1921	Durban	1941	4,850	29	6 6-inch.
1922	Capetown	1942	4,200	29	5 6-inch.
1922	Despatch	1942	4,850	29	6 6-inch.
1922	Diomede	1942	4,850	29	Do.
1922	Adelaide	1942	5,100	25	9 6-inch.
1924	Frobisher	1944	9,860	30.5	7 7.5-inch.
1925	Effingham	1945	9,770	30.5	Do.
1926	Emerald	1946	7,100	33	7 6-inch.
1926	Enterprise	1946	7,100	33	Do.
1927	Adventure	1947	6,740	28	6 4.7-inch.
1927	Cornwall	1947	10,000	31.5	8 8-inch.
1927	Cumberland	1947	10,000	31.5	Do.
1927	Berwick	1947	10,000	31.5	Do.
1928	Kent	1948	10,000	31.5	Do.
1928	Suffolk	1948	10,000	31.5	Do.
1928	Australia	1948	10,000	31.5	Do.
1928	Canberra	1948	10,000	31.5	Do.

Total modern cruisers built, 56; aggregate tonnage, 316,776.

JAPAN

Completed	Name	Obsolete	Standard tonnage	Speed (knots)	Main guns
1910	Tone	1920	3,760	23	2 6-inch.
1912	Chikuma	1932	4,000	26	8 6-inch.
1912	Hirato	1932	4,400	26	Do.
1912	Yahagi	1932	4,400	26	Do.
1919	Tatsuta	1939	3,230	31	4 5.5-inch.
1919	Tenryu	1939	3,230	31	Do.
1920	Kuma	1940	5,100	33	6 5.5-inch.
1921	Tama	1941	5,100	33	7 5.5-inch.
1921	Kitakami	1941	5,100	33	Do.
1921	Kiso	1941	5,100	33	Do.
1921	O-i	1941	5,100	33	Do.
1922	Nagara	1942	5,170	33	Do.
1922	Natori	1942	5,170	33	Do.
1922	Kinu	1942	5,170	33	Do.
1923	Yura	1943	5,170	33	Do.
1923	Yubari	1943	2,890	33	6 5.5-inch.
1923	Isudzu	1943	5,170	33	7 5.5-inch.
1924	Sendai	1944	5,195	33	Do.
1925	Abukuma	1945	5,170	33	Do.
1925	Jintsu	1945	5,195	33	Do.
1925	Naka	1945	5,195	33	Do.
1926	Furutaka	1946	7,100	33	6 8-inch.
1926	Kako	1946	7,100	33	Do.
1927	Aoba	1947	7,100	33	Do.
1927	Kinugasa	1947	7,100	33	Do.
1928	Nachi	1948	10,000	33.5	8 8-inch.

Total modern cruisers built, 26; aggregate tonnage, 136,415.

The following table shows the number of cruisers under construction or authorized and appropriated for:

Cruisers under construction or authorized and appropriated for

UNITED STATES

Laid down	Name	Standard tonnage	Speed (knots)	Main guns
1926	Pensacola	10,000	32.5	10 8-inch.
1927	Salt Lake City	10,000	32.5	Do.
1928	Augusta	10,000	32.7	9 8-inch.
1928	Houston	10,000	32.7	Do.
1928	Chicago	10,000	32.7	Do.
1928	Chester	10,000	32.7	Do.
1928	No. 26	10,000	32.7	Do.
1928	No. 28	10,000	32.7	Do.

Total cruisers building, 8; aggregate tonnage, 80,000.

BRITISH EMPIRE

Laid down	Name	Standard tonnage	Speed (knots)	Main guns
1926	Devonshire	10,000	33	8 8 inch.
1926	London	10,000	33	Do.
1927	Shropshire	10,000	33	Do.
1927	York	8,300	33	6 8-inch.
1927	Sussex	10,000	33	8 8-inch.
1927	Dorsetshire	10,000	33	Do.
1927	Norfolk	10,000	33	Do.
1928	Exeter	8,300	.....	6 8 inch

Total cruisers building, 8; aggregate tonnage, 76,600. Authorized and appropriated for 1928 program, two 8,300-ton cruisers.

Cruisers under construction or authorized and appropriated for—Con.

JAPAN

Laid down	Name	Standard tonnage	Speed (knots)	Main guns
1924	Myoko	10,000	33.5	8 8-inch.
1925	Ashigara	10,000	33.5	Do.
1925	Haguro	10,000	33.5	Do.
1927	Tagao	10,000	33.5	Do.
1927	Atago	10,000	33.5	Do.
1918	Chokai	10,000	33.5	Do.
	NOT YET LAID			
	Maya	10,000	33.5	Do.

Total cruisers building, 6; aggregate tonnage, 60,000. Authorized and appropriated for 1928 program, one 10,000-ton cruiser.

Attention to the fact that the ratio in tonnage of modern cruisers built, building, and about to be built is not the Washington conference ratio of 5–5–3, but 1.8 for the United States, 5 for the British Empire and 2.5 for the Japanese Empire.

The following table makes a comparison of the modern cruiser strength of the three respective nations referred to:

Modern cruiser strength compared

	United States		Great Britain		Japan	
	Number	Tonnage	Number	Tonnage	Number	Tonnage
Modern cruisers completed with guns less than 8-inch caliber	10	66,000	49	246,776	21	98,015
Modern cruisers completed with 8-inch guns			7	70,000	5	38,400
Modern 8-inch gun cruisers building	8	80,000	8	76,600	6	60,000
Modern 8-inch cruisers about to be laid down			2	16,600	1	10,000
Total modern 8-inch cruisers	8	80,000	17	163,200	12	108,400
Total modern cruisers of all calibers built and building	18	146,000	60	409,976	33	206,415

It will be seen that the United States now has only 10 modern cruisers in service in the Navy, with an aggregate tonnage of 66,000; while Great Britain has 56 modern cruisers in service in her navy, with a total aggregate tonnage of 316,776; and that Japan has 26 modern cruisers in her navy with an aggregate tonnage of 136,415. These modern cruisers of the United States have a total of 120 guns, those of Japan have a total of 169 guns, and those of Great Britain have a total of 339 guns.

The number of modern cruisers now being built by the United States is 8, aggregating 80,000 tonnage; the number being built by Great Britain is 8, with a total tonnage of 76,600, with 2 about to be laid down, aggregating a tonnage of 16,600; and the number being built by Japan is 6 with an aggregate tonnage of 60,000.

Therefore, the United States has built and building, 18 modern cruisers aggregating a tonnage of 146,000; Great Britain has built and building, 60 modern cruisers with a total tonnage of 409,976; and Japan has built and building, 33 modern cruisers with a total tonnage of 206,415.

In other words, at present Great Britain has more than five times as many modern cruisers in use as the United States, with five times the total tonnage; while Japan has now in use more than twice as many cruisers as the United States and more than twice the tonnage.

It has been claimed that instead of having only 10 cruisers now in use the United States has 32 in the service. But in order to arrive at this figure it is necessary to include 22 old cruisers, all of which are obsolete, the newest of which is more than 21 years old and the oldest is 36 years old. These old vessels are of practically no value in warfare, and are not entitled to be counted in comparison with modern cruisers either in our own or in other navies.

It is an interesting fact, not generally known, and I have no doubt will be surprising to learn, that from 1908 to 1923 the United States did not build a single cruiser to be added to our Navy.

It is not necessary to draw any invidious comparisons in order to arrive at the conclusion that because we are undertaking in this bill to authorize the construction of 15 additional cruisers, in view of the fact that now we only have 10 with a total aggregate tonnage of 66,000, Great Britain having a total of 56 with over 316,000 tons, that we are necessarily building in competition with Great Britain or that a war, either imminent or remote, with that great country is in prospect.

We have in the course of construction 8 additional cruisers, so that we have already building and under construction a total of 18, aggregating a total tonnage of 146,000. Therefore after we complete the 8 cruisers now under construction, making a total of 18 modern cruisers, we will only have a total of 146,000 tons compared with 316,000 tons now possessed by Great Britain of cruisers which are already in use.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. ROBINSON of Arkansas. These programs of construction on the part of the nations to which the Senator has just referred proceeded while the United States was standing absolutely still and doing no construction in respect to cruisers.

Mr. BARKLEY. That is practically correct.

So that not only now are we less equipped with cruisers than Japan, but after we finish the 8 now under construction, and after Great Britain finishes the 8 she is building, and Japan finishes the 6 she is building, we will still be very far below Japan in cruiser strength. So that by comparison of the three navies from the standpoint of cruiser strength in total tonnage and in total guns we are third in rank among the three great maritime nations of the world.

We know the average age for efficient use of a cruiser of this type is 20 years. We also know it requires an average of about five years to build one of such cruisers.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. SWANSON. I want to emphasize the fact the Senator has just brought out. As I understand it, if a passenger-carrying ship were 25 to 30 years old, it would be considered very questionable whether it would be safe to continue it in use, and yet they want 22 cruisers, the average age of which is 25 years, to be manned with sailors and seamen when it is hardly permitted to carry passengers on a vessel that old. The average age of these cruisers is 25 years, and if one of them should be sent out and anything happened to it, the people who now criticize the pending cruiser bill would be denouncing the Navy for its dereliction in using such ships.

Mr. BORAH. Mr. President——

Mr. BARKLEY. I yield.

Mr. BORAH. I only desire to say that I am surprised at the Senator's moderation.

Mr. SWANSON. The Senator is surprised at anybody's moderation these days. There is none of it here at home.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Montana?

Mr. BARKLEY. I yield.

Mr. WALSH of Montana. I am curious to know who "they" are. Who are demanding that these 25-year-old ships be manned?

Mr. SWANSON. Some of the pacifists in the country. I did not hear the Senator's speech. If he advocates it, he is making a mistake.

Mr. WALSH of Montana. If he is!

Mr. SWANSON. I hope he is not.

Mr. WALSH of Montana. Up to the present time he is not. I was merely curious to know who it was the Senator referred to as wanting such ships used.

Mr. SWANSON. Some Senators have used those ships in trying to show the strength of the American Navy. I think the Government would be derelict in its duty—indeed, it would be almost criminal—if it were to take ships with an average age of 25 years and send them into the line of battle.

Mr. WALSH of Montana. I think most of us would agree with the Senator, but I was curious to know who those people are who urge doing any such thing.

Mr. SWANSON. We have heard estimates made in the Senate including those ships as a part of the American Navy, and comparing the American Navy, including those ships, with the British Navy and the Japanese Navy.

I hope the Senator from Montana will be frank enough to say those ships ought to be excluded. I hope the Senator from Idaho [Mr. BORAH] will also be frank enough to say those ships ought to be excluded from any estimate of the relative strength of the American Navy, the British Navy, and the Japanese Navy.

Mr. BORAH. I do not think the Senator heard that statement in the Senate. He has it confused with outside voices.

Mr. SWANSON. If the Senator will read some of the speeches made in the Senate where an effort was made to compare the relative strength of our Navy with the navy of Great

Britain, he will see that I am correct. Some Senators have said that we have as many cruisers as Great Britain. The only way that result can be arrived at is to include the 22 old cruisers to which I have referred. The Senator said they ought to be excluded.

Mr. BORAH. Who said that?

Mr. SWANSON. The Senator from Idaho said they ought to be excluded. He would not send anybody out in a 25-year-old ship to fight in the American Navy for our country.

Mr. BORAH. I thought the Senator a while ago had me including them.

Mr. SWANSON. I say they ought to be excluded.

Mr. BORAH. Now, the Senator is right.

Mr. BARKLEY. I hope all this extraneous debate is not going to be excluded.

Mr. SWANSON. I hope the next time a Senator undertakes to make a comparison between the American Navy, the Japanese Navy, and the British Navy, he will not include those 22 cruisers having an average age of 25 years. If any Senator does that I hope the Senator from Montana or the Senator from Idaho will rise in his place and say they ought to be excluded.

Mr. WALSH of Montana. I am still curious to know what Senator did include them.

Mr. SWANSON. All the estimates I have seen have shown that they were included.

Mr. BARKLEY. One of the reasons why I injected the old cruisers into the discussion was because a few days ago, during the address of the Senator from Nevada [Mr. ODDIE], when he took the position that the 15 cruisers now proposed were for replacement purposes, he was asked to name the cruisers they were to replace. The Senator from Maine [Mr. HALE] had inserted in the RECORD the names and ages of the 22 cruisers to which I have referred. Then, the Senator from Montana stated that they had been replaced so many times that he wondered when we were going to cease replacing those identical cruisers; when as a matter of fact we only have 10 cruisers now in operation and only 8 cruisers in the yards under construction, and if the 8 were finished we would have only 18, so it could not be contended that the 22 old ones replaced any that are now in use.

Mr. WALSH of Montana. Did the Senator refer to me?

Mr. BARKLEY. No; I referred to the junior Senator from Montana [Mr. WHEELER].

An effort has also been made to create the impression that we are and have been for some time engaged in a race or competition with Great Britain, not only in battleship construction, but in cruiser construction. I think when we consider the fact that for 15 years, from 1908 to 1923, we did not turn out a single cruiser of any kind, we can not be truthfully accused of having, at least for a great many years, been engaged in any competition with Great Britain or any other country in the building of this type of warships.

In 1915, when the famous triangular controversy with Great Britain and Germany over the rights of neutrals on the high seas was approaching a climax, President Wilson submitted to Congress a program of preparedness calling for the construction of 156 naval vessels, costing $686,000,000, and soon thereafter he departed on his tour of the country to arouse the people on the subject.

This building program was stopped when the United States entered the war in 1917 and the shipbuilding activities of the United States were turned to the construction of a different type of ships.

After the war the 1916 program was resumed, and the General Board advocated such construction as might be necessary to give the United States a "navy equal to the most powerful maintained by any nation in the world." At the same time Mr. Winston Churchill was saying to the British people: "Nothing must lead you to abandon that naval supremacy upon which the life of our country depends."

At the Washington Conference on Limitation of Armaments in 1921 the United States proposed, and Great Britain accepted, the principle of "equality" or "parity" between the sea forces of these two great naval powers. However, it was not possible to apply that principle to any except "capital" ships and aircraft carriers. It had been the original intention of the United States to apply it to all classes of naval vessels, but difficulties that could not be surmounted arose when it was sought to apply this principle to cruisers and submarines. Great Britain was ready to outlaw submarine warfare altogether, and in this had the sympathy and support of the United States. But France and Italy refused to accede to this application, and, therefore, the only limitation that was placed on cruisers was a stipulation that they should not exceed 10,000 gross tons and should be armed with guns not to exceed eight inches in caliber; but no agreement was reached as to the number of cruisers any nation should have, or the total cruiser tonnage of each nation.

In 1927 President Coolidge sought a further conference among the five nations signing the Washington treaty, upon the subject of a limitation of cruisers. To this conference France and Italy refused to be a party, and it was therefore limited to Great Britain, Japan, and the United States.

When the British and American delegates began to consider this phase of naval limitations, it was inevitable that each should look at the problem from the standpoint of their experiences in the war. Great Britain's preponderance in cruiser strength had enabled her to destroy the commerce of the enemy, control that of neutrals, and protect her own sea lanes for the transportation of food and munitions. As a result of our own cruiser inferiority, the United States was compelled to suffer interference with her trade which in all probability would not have been suffered if we had been sufficiently equipped with cruisers to protect our legitimate interests on the high seas.

After we entered the war on the side of the Allies these controversies were merged in the common interest, and I believe the two Governments have entered into some kind of an agreement for the settlement of the claims arising out of the interruptions suffered by our people on the high seas as a result of the war.

When the 3-power conference on further naval limitations met at Geneva in 1927 it was natural for the delegates of Great Britain and the United States to arrive at a stumbling-block over the question of the uses of cruisers in the protecting of neutral trade in times of war, for neither nation seemed willing to recede from its position taken before our entry into the war. The delegates were not authorized at that conference to discuss the uses of cruisers in time of war. They were only authorized to discuss types and tonnage, and a deadlock was soon encountered which made it impossible to reach any agreement whatever.

The Kellogg-Briand multilateral treaty offers an opportunity in the future not only to bring about a further limitation of armaments but also to settle the age-old question of the rights of belligerents and neutrals upon the high seas in time of war. But until that question is settled, especially the rights of neutrals upon the high seas in time of war, it is difficult to settle the matter of relative strength which any maritime nation should possess in the protection of its legitimate commerce among the nations and among belligerents while war is in progress.

I am very greatly interested in the position taken by the Senator from Idaho [Mr. BORAH] on the subject of the rights of belligerents and neutrals. I think it would be a happy occasion if we might look forward to the solution of that problem by some sort of peaceful arrangement and understanding that might be arrived at between the maritime nations of the world. But in these days when war comes, in view of the fact that armies alone do not make war against opposing armies but the population of a nation likewise makes war against the population of the opposing nation, industry, labor, transportation, finance, all of the accumulated forces of the people of the respective nations being mobilized as instruments of warfare against their antagonists, it is not entirely easy to see how the nations can even arrive at an understanding or an agreement as to what is the freedom of the seas or what is contraband of war any more than it was possible to arrive at a definition of self-defense in the consideration of the treaty which was recently ratified by the Senate of the United States and entered into by nearly all of the nations of the earth.

In that connection, Mr. President, I desire to insert in the RECORD at the end of my remarks a very able and intelligent article which appeared in the New York Times of last Sunday, January 27, by Prof. James T. Shotwell, discussing the question of the Kellogg-Briand treaty and its relationship to the settlement of the question of freedom of the seas and contraband of war.

The PRESIDING OFFICER (Mr. GLENN in the chair). Without objection, the article will be printed in the RECORD at the conclusion of the remarks of the Senator from Kentucky.

(See Exhibit A.)

Mr. BARKLEY. Mr. President, in discussing the relative strength of the nations in vessels capable of protecting legitimate commerce we must also keep in mind that Great Britain has some 40 or more merchant vessels which are capable of being converted into cruisers when needed for naval purposes in time of war. So when we add these 40 vessels which are capable of conversion into war-time cruisers to the 56 now already in the British Navy Great Britain has 96 potential cruisers against our 10 at present and our 18 when we shall have finished the 8 now under construction.

As already stated, when the Washington conference met in November, 1921, it was the purpose of the United States to insist upon naval equality with Great Britain. Great Britain agreed to that principle, and it was applied to capital ships but was not applied to cruisers. Why, may I ask, should cruisers have been eliminated from the agreement? If the interests of the United States and Great Britain are so nearly equal in extent and importance as to justify equality in naval strength, why should this equality be limited to the type of ships which many intelligent observers believe has lost a large part of its value and effectiveness in naval warfare? Why should there be a limitation as to battleships but no limitation as to cruisers? It is difficult for any fair-minded man to understand the reason for limitation in one type and unlimited right and power in the other type.

In the discussion of this question it is fortunate that we may view it in the calmest and most friendly spirit. There is no asperity or ill feeling injected into this matter because of the necessity of mentioning the name of Great Britain. We admire the people of Great Britain. Many of us have descended from them. The ties of kinship, of common language, and common ideals all militate against military conflict between these two great English-speaking nations. It would be a tragedy beyond repair if these two great nations, which have contributed so much to the welfare of the human family throughout the world, should find themselves in armed conflict. Such a conflict, Mr. President, is almost unthinkable, and I do not entertain the fear that such a conflict is either imminent or remote.

But it is entirely conceivable that conflicts to which we ourselves may not be a party may involve sacred rights and obligations upon the high seas, the transgression of which we would be compelled in honor to protest.

In recent years the United States has increased its list and quantity of manufactured products by leaps and bounds. These products find their way into all the markets of the world, and it must be so if labor in America is to be continuously and profitably employed. American imports and exports have become almost equal to those of Great Britain. American coastwise trade in 1926 amounted to more than 227,000,000 tons, valued at more than $15,000,000,000. Like Great Britain for centuries the United States has just come to realize to what extent American daily life depends upon imports from other countries.

Any interruption of our overseas trade would not only seriously affect our lives and comfort but would throw millions of men and women out of employment, depriving them of the means to live and depriving them of their power to purchase the products of other men's labor.

While the world looks to-day with hopeful eye to the day when no such danger may exist, to the day when all controversies may be settled without resort to arms, the question which confronts the people of America and confronts us here in our representative capacity, is whether it is wise to leave ourselves unprotected while we are praying for the realization of this ideal, or whether we should within reasonable limits prepare for such contingencies as may arise in the event our peaceful hopes are not realized?

If the 15 cruisers provided for in this measure were now completed and in the service of the United States Navy, we would still be far below Great Britain in cruiser strength, and but little stronger than Japan. We would have then something like 300,000 tonnage to more than 400,000 for Great Britain and over 200,000 for Japan.

That would not mean parity or equality in the sense in which I think the average man in this country and in Great Britain and in Japan looks upon that term as applied to these great countries. It would mean additional strength so definite as to serve as a check upon the ambitions of other nations to persist in the effort to maintain an overpowering supremacy on the high seas. It would constitute a strength which would compel attention and respect in any future efforts further to limit naval armaments among the maritime nations of the world.

I have faith, Mr. President, that the United States and Great Britain will yet be able to arrive at a just understanding about this delicate problem which will confront them when they shall meet again in conference.

On last Saturday night, in the city of Birmingham, England, Sir Austen Chamberlain, British Secretary for Foreign Affairs, gave expression to the conviction that the problem of naval armaments, which he described as the "only difference" between his country and the United States, could be settled amicably. "Do not be discouraged if we have not solved the problem at once," he said.

During the course of his remarks at a dinner in Birmingham, which was attended and addressed by the American ambassador, Mr. Houghton, Mr. Chamberlain said further:

As we seek to be loyal to other friends, so shall we seek to be loyal to that other nation which is nearest and most akin to us in racial and moral outlook of all the nations of the world.

The existing difference is as to how we shall apply a limitation of naval armaments fairly and justly to our different circumstances and conditions. We admit freely and willingly the parity between the United States forces and our own. It is an admission which we have never made to any other nation and which we would have made to no other nation.

That admission itself is significant, when the British Secretary for Foreign Affairs in a public address freely and openly admits the right of parity between the United States and Great Britain, and in that connection states that no such admission would be or ever has been made as to any other nation compared with Great Britain.

Such differences as have occurred have not therefore been differences of principle, but merely differences arising out of the difficulties of applying that principle to the very different circumstances and needs of the two countries.

The Foreign Secretary said he believed the "passing difficulty" loomed larger than similar differences with any other country because of the common thought and outlook of the two peoples.

I venture to say—

Said he—

that it is inconceivable that, with patience and the proper and opportune moment, friends should not be able to resolve technical difficulties which have hitherto prevented them from reaching an agreement.

The problem is to find some conclusion whereby we can measure naval strength so that the parity which both nations desire may be reached, and reached at a level which will not mean an increase in the armaments of the world, but a reduction.

Do not be discouraged if we have not solved the problem at once. Nearly 50 nations represented at Geneva have been trying to find a common measure for the limitation of armaments. I doubt if any two nations saw exactly alike on any one of the different arms which are comprised within that phrase, limitation of armaments.

Last night, in the city of London, Mr. W. C. Bridgeman, who is now the First Lord of the Admiralty, speaking on disarmament, expressed confidence in the United States as a peace-loving nation, and said that the bill for new cruisers now before the American Senate was of no concern to Great Britain. If our proposal to add 15 new cruisers to the 10 we already have and the 8 we are now building gives no concern to Great Britain, why should it give concern to anybody in the United States who may fear that the interests of Great Britain are to suffer because we undertake to approach that parity which was in the minds of all the statesmen who assembled in 1921 and 1922 in an effort to bring about actual parity in naval strength between these two great nations?

He said, further:

I don't wish to criticize the number or size of anything America thinks necessary in the matter of cruisers, because I believe that the future peace of the world will be much safer in the hands of countries who have a generous confidence in each other than in the hands of scaremongers who try perpetually to make us believe there is grave risk of war.

I join in the belief expressed in the language I have quoted from Sir Austen Chamberlain and from Mr. Bridgeman. I earnestly believe that in the course of human events these two great nations, whose power and influence throughout the world should make for permanent peace, can arrive at a sensible and friendly solution of this great question. Until that time has arrived, no nation can complain or look upon us with fear or suspicion if we seek to approach that parity or equality to which we are admittedly entitled, and upon which not only our own security but the peace of the world may largely depend; and if the emergency is so great in order for us to begin to approach that parity which is our right, and which is admitted as our right by the foremost statesmen of Great Britain, I see no reason for delaying beginning that program until some other conference may have met and probably failed to arrive at a conclusion for the very reason that we have not done the thing which we are seeking to do in this bill.

Therefore, Mr. President, I not only intend to support this measure but I intend to vote to retain the time limit which the measure carries in its present form.

EXHIBIT A

[From the New York Times, January 27, 1929]

(Will the Kellogg-Briand treaty serve as a stepping-stone for the development of a common policy of freedom of the seas, in accordance with the traditional American attitude toward this doctrine? This question is discussed in the following article by the professor of history at Columbia University, who points out the intricacy of a problem that has long remained unsolved.)

By James T. Shotwell

What is the effect of the pact of Paris—the Briand-Kellogg multilateral peace treaty—upon the problem of naval armament? This is the most important single question in the foreign policy of the United States at the present time. I do not refer to the discussion over the 15-cruiser bill, for that is only a relatively small and temporary part of a problem which covers the entire field of national security. Has the strategy of war been changed by the emergence of a new strategy of peace? Have the uses of army and navy been shifted in any degree from their traditional place in the realities of politics? Is there some middle ground between pacificism and militarism which will permit of an international adjustment of armaments without becoming involved in a competition which tends eternally to increase? Ten years after the close of the World War these questions which proved insoluble except in terms of conflict in the decade from 1904 to 1914 have come back upon us, not this time as a European problem, but as one in which the United States plays a major part.

PRESSING FOR A SOLUTION

If it were possible it would certainly be better to postpone the consideration of this grave question until we have caught our breath, as it were, after the ratification of Secretary Kellogg's treaty. But the pressure of events offers us no such breathing space. International questions can not be put off to suit the convenience of a nation which is not ready to consider them, if other nations insist upon their immediate consideration; and the question of armaments is a most insistent one because of the very fact which Sir Edward Grey so emphatically points out in his memoirs that failure to solve does not leave things standing as they are, but heads directly for the fatal race of nations in the implements of destruction which in turn leads toward destruction itself. Breathless or not, we must seek the solution, for the problem was already on our hands before the negotiation of the multilateral treaty was begun.

Now, the first step in the orientation of naval policy to the peace pact is to reach an understanding as to what is involved in each of them; only after we know what the one has accomplished and the other seeks to accomplish is it possible to work out an agreement between them. If the pact of Paris is only a moral gesture, and if the great sea powers are pursuing irreconcilably divergent aims, the question of disarmament is frankly insoluble. Happily, neither of these two statements is true; the pact is a real and binding obligation and the naval policies are capable of adjusting to it.

Let us see in a few words what the pact contains. It is a twofold pledge: Article 1 renounces war as an instrument of national policy and article 2 states that the solution of disputes must never be sought except by "pacific means." At first sight these commitments are vague and uncertain, but if we analyze them in terms of policy and definitely seek to apply the treaty, the vagueness disappears. For instance, insert in place of the word "national" the word "American," "British," or "Japanese"; the phrase has a very different ring. Then if we think of war not as a general concept but as definitely taking place on land, sea, or in the air, the commitment, so far as we are concerned, narrows down to this: That the United States declares that it will not wage war as an instrument of American policy wherever such a war might be waged.

Apply this to the sea and we reach the conclusion that we have renounced the belligerent use of the American Navy for the purpose of furthering our national aims and policies. This surely involves a restudying of sea strategy, although it is also part of the Navy's business to plan for those violations of the treaty which deny these very conditions. Navy policy, therefore, henceforth has a double problem, one of adjustment to the new strategy of peace and one of a safeguarding of that peace against the sort of violation which continues to present international dangers.

LEGITIMATE DEFENSE

In the discussion over the treaty it was stated that there could be no agreed definition of legitimate defense, and yet legitimate defense was excepted from the operation of the treaty. Moreover, each nation should decide for itself when it should use its belligerent forces as an instrument of national policy. If this were the full measure of the commitment and there were no indication of the way to test whether the war was defensive or not, then it would be only a gesture, and naval policy would be justified in ignoring it in the calculations of strategy and armament. But, fortunately, the treaty itself is better than its theory.

In article 2 there is a test which will establish the presumption of guilt at the outbreak of war; for the nation which proceeds to war for the settlement of its claims, instead of invoking or attempting "peaceful means" of settlement, is a violator of the pact, and according to the preamble, as interpreted by the Secretary of State, all other nations are thereupon freed from the treaty obligation to remain at peace with it.

Now the "pacific means" at hand are prescribed by other treaties to which the United States and most of the other signatories are parties. They must be kept in mind in interpreting the pact itself, for they are equally binding with it. They are treaties which prescribe the court of arbitration for issues which can be brought to trial, and conciliation and conference for those matters which lie in the heated atmosphere of political dispute. There is, therefore, a visible alternative to war, the nations must definitely choose one or the other path, and against the nation which refuses the peaceful means of settlement will stand the presumption that it has violated the pact by resort to war as the instrument of its national policy. For a treaty which covers so vast a field as the pact of Paris, the commitments are remarkably definite and clear. How do they affect the problem of armaments?

In approaching the problem of armaments from the standpoint of policy we are reversing the emphasis of all the recent discussions. Instead of basing the argument primarily upon the work of the military or naval expert whose duty it is to measure and evaluate the fighting forces of nations, we are finding it necessary to call upon the statesmen to reconsider the uses to which these forces are to be put in the future. Instead of attempting to trade cruiser for cruiser for a potential competitor, we should rather attempt to trade policy for policy and see if there is a lessening or an increasing likelihood of need for the forces themselves.

As a matter of fact, it is this political approach to the problem which has determined both success and failure in the recent history of armament negotiations, although on the surface it seemed as though the navy or military experts were determining the agreement by establishing parallel units of limitation in ships or equipment. The Washington conference, for instance, by the emphasis which it put on the ratio of 5-5-3 in capital ships seemed to be a triumph for the technical method of approach, as the Geneva conference of 1927 was an outstanding instance of failure in this line. But it was, after all, the political approach at the Washington conference which determined the acceptance of numerical categories.

The end of the Japanese-British alliance and the creation in its place of the 4-power pact in the Pacific and the 9-power agreement secured a new orientation of naval policy for Britain, the United States, and Japan, and in this new situation these powers were able to escape from the situation which had developed out of the realignment of armaments resulting from the World War. Without going back into the history of the Washington conference in detail, it is sufficiently clear that political factors dominated sea strategy; indeed, it is because the American Navy feels that the political strategy dominated to a point of disrupting its building program without due regard to the technical factors that the Washington conference is viewed so adversely by some of the Navy spokesmen. Whether the statesmanship which directed the Washington conference was wise or not is, however, a matter of history. But the Geneva conference clearly showed that the only hope of a solution of the problem as a whole lies in the field so effectively explored by Mr. Hughes in 1922—namely, that of policy as over against that of the purely technical expert.

Now, what are the major objectives of a political kind that affect American sea strategy, and what are the objectives of the British? All through American history there has been one supreme principle of naval rights which has remained an ideal unattained, and that is the freedom of the seas. On the other hand, the British have almost as consistently opposed this principle. The reason for the two national attitudes lies chiefly in the fact that the presumption of the United States has been that in most wars it would be a neutral; therefore it was but natural that it should be the champion of neutrals against belligerents throughout all its history, except in the short intervals when it itself was at war, as in the Civil War and in the World War.

On the other hand, Great Britain, involved as it is in the maintenance of a world-wide empire, has been more likely to think in belligerent terms and more likely to be drawn into wars arising almost anywhere throughout the world; but it is a strange fact that when in the nineteenth century British merchant interests were deeply engaged in neutral trade, there were intervals when Britain also gave support to ideas similar to those which are traditional in the United States.

The pact of Paris touches the very base of this controversy by its denial of the legitimacy of war as an instrument of a nation's policy, for if war is no longer the free prerogative of nations, then neutrality has also changed its character. This fact is recognized in that clause of the preamble which states that the violator of the treaty should be denied the benefits of it; for those denying the benefits are the neutrals in the war which is thus envisaged. But while no new duties are formally placed upon these neutrals, the withdrawal of their guarantee of continued peace with the treaty-breaking state is certainly out of harmony with any claim upon their part to push their trade with the power that has run amuck in the world. The situation is not the same as it was when to champion neutrality meant to lessen the sphere of

belligerency and thus to further the cause of peace. In the new attitude toward war neutrality as well as belligerency can no longer be used as the free instrument of national policy; it has acquired a moral character.

This means that the doctrine of the freedom of the seas has changed its setting. It was a claim upon the part of a neutral to retain the peace-time conditions of its trade, even with belligerents, stopping only short of those measures which would make it an accomplice or an ally of a belligerent. The method of asserting this historic doctrine, therefore, was to reduce as far as possible the interference of belligerents with this trade; and the way sought to achieve this, in part at least, as at the conference of London, was to enumerate those articles and strictly limit those conditions with which the belligerent might interfere, thus leaving everything else open to the neutral.

INCREASING DIFFICULTIES

This effort to limit the interference of the belligerent was something like the parallel effort to limit the damages on land by The Hague regulations governing land warfare. Unfortunately, the experience of the World War showed that when war has become the industry which it is to-day, there are few articles of commerce which do not serve as munitions or supplies, and the difficulty of enumerating free goods has accordingly increased.

Now the way of approach to this problem lies in the application to it of the Kellogg pact; and, by a strange paradox, it is that part of the pact which is least definite that seems likely to be most useful. The one weakness in the pact is that each nation is left free to judge for itself whether its own or other future wars are defensive—and hence legitimate—or are the forbidden use of war as an instrument of national policy.

The pact itself only classifies war into these two categories. That itself is some help. Henceforth there is one kind of legitimate war; for all the reservations to the renunciation of war come under the general category of defense. There is self-defense, which is admitted as a self-evident right. There are the obligations under the covenant of the league and the treaties of Locarno and the neutrality treaties, all of which fall under the general category of "cooperative defense" against illegal attack; and the Monroe doctrine has been happily defined within the same category. But while there is a general agreement as to the character of the exceptions, there is no provision to prevent a fatal failure to agree as to which nation is really on the defensive and which the violator. It is distinctly stated that—so far as this pact is concerned—each nation must judge for itself this final question.

AN ADDITION TO THE PACT

Unless this situation is met somehow, there is real danger of the pact failing utterly to avert the division of nations in time of crisis into hostile formations, each intent on the defense of its rights or championing the defense of others. The obstacle to the application of the pact which this possibility presents may, however, be made into a stepping-stone of progress if we join to the pact of Paris, which renounces war, the pact of the Pacific, of 1922, which offers a way to secure common judgment and therefore common action with reference to disputed questions. In short, the very agreement which formed the political substructure of the Washington conference—namely, the 4-power pact for the maintenance of peace in the Pacific—may prove the means for so clarifying the working of the Kellogg pact as to connect it directly with the problem of sea strategy.

There is nothing very revolutionary in thus joining together the recent peace pact with the existing pact which erected the structure of peace in the Pacific Ocean area; yet, by bringing these two treaties into proper relations with each other, we may find not only a way for preventing disagreement in the application of the present treaty but the path, as well, toward freedom of the seas in a new sense of the term, and through it to naval disarmament.

A BRIDGE OF PEACE

The first two articles of the 4-power pact are applicable to all problems of American policy, and if applied generally, instead of in their present limited scope, would furnish the bridge between us and the organization of peace in Europe, without undue involvement on either side. All that would be called for would be that in case of a controversy between the signatory nations there should be "consultation" in which the United States would participate. Neutrals, as well as potential belligerents, would "consult together."

The European powers have already pledged themselves to enter into such consultations, in case of war or the threat of war, through the treaty of Locarno and the covenant of the league, but the United States, remaining outside the structure of these bodies, has no such obligation. As the multilateral treaty extends over too many signatories for any workable arrangement which would call for them all to consult together—except in the League of Nations—any such agreement should be formed with special regard to practical considerations. If, for example, the preparation for the renewal of the Washington conference in 1931 were to build upon this basis of an agreement to consult together as to the determination on an alleged violation of the Briand-Kellogg pact, or on alleged policies based upon this possibility, there would be a basis upon which to build other engagements as well.

These other engagements might very well take shape in a general way along the lines suggested in the resolutions of either Senator CAPPER or Senator BURTON, although the details would be modified by both the existing pact and the agreement to which reference has just been made. It might be in the shape of either a unilateral declaration upon the part of the United States or in the form of international agreement, but the substance of it would be that there would be a declaration of policy upon the part of all the signatories, including the United States, not to protect their nationals when engaged in giving aid and comfort to a signatory of the pact of Paris which has violated that pact by resorting to war without a reference of its case to the pacific means of settlement which are indicated in Article II as implemented in the parallel treaties of arbitration and conciliation.

WILSON'S POINT

If some such program as this could be carried out—and the points raised here are not more than preliminary suggestions for the solution of one of the most intricate of all problems—then we should be able to apply to naval strategy that phrasing of the demand for freedom of the seas which was set forth in the second of Mr. Wilson's 14 points:

"Absolute freedom of navigation upon the seas, outside territorial waters, alike in peace and in war, except as the seas may be closed in whole or in part by international action for the enforcement of international covenants."

As I have stated in another connection, it may yet be found that the very one of the 14 points which was surrendered in Paris—under the belief that it was no longer valid with the United States in a League of Nations—may prove to be a means for readjusting the United States to that organization of peace, and may do this by building upon American precedent and ideals. The reason why President Wilson gave up insistence upon the freedom of the seas was that he envisaged all the world within the league, and if that had happened there would have been no neutrals left. Therefore, the doctrine which is the fundamental expression of neutral rights could, in his opinion, be no longer insisted upon in the old terms.

NEW DUTIES OF MEMBERS

Now, the pact of Paris also modifies the duties of neutrals, and hence, for the United States as well as for the league, the old historic doctrine is no longer valid in its earlier form. Yet the principle remains in a new setting. By the renunciation of war the signatories are morally bound not to aid or abet a violating power. This does not mean joining in the suppression of the violator, but it does mean a complete freedom of the seas upon the part of all the law-abiding powers and a denial of it only in two cases, either by international action under the covenant or by the concurrent action of the nonleague members after agreement through consultation as to whether a nation at war has violated the pact of Paris or not.

Thus both the pact and the covenant rest upon the same fundamental principle set forth in article 11 of the covenant that "any war or threat of war whether immediately affecting any members of the league or not" is a matter of concern to all civilized nations.

Mr. BORAH. Mr. President, the Senator from Kentucky in his able presentation of this matter referred to the discussion of Sir Austen Chamberlain and others upon a certain occasion. I ask unanimous consent to insert in the RECORD an editorial from the Manchester Guardian that is based upon that occasion, not as a part of the Senator's speech but to follow his speech, as it refers to the same subject matter which he was discussing.

The PRESIDING OFFICER (Mr. GLENN in the chair). Without objection, the article will be printed in the RECORD.

The matter referred to is as follows:

[From the Manchester Guardian]

It is a good thing the Foreign Secretary should have said Saturday night that "we have no nearer and dearer friendship than our friendship with the United States." That is certainly true, and it is a good thing the British Foreign Secretary should have said so. He could have no better guiding principle for his foreign policy.

We do not for a moment doubt that he sincerely believes this principle. But are he and those who with him are responsible for the conduct of British foreign affairs guided by it? Unfortunately not. They are more impressed by French naval armaments and the Admiralty's anxiety than by the incomparably greater power and influence of the United States. They are more moved by the superficial and superfluous Francophile sentiment than by the deep and urgent call of Anglo-American friendship. This friendship is being strained, and there is justified concern on both sides of the Atlantic.

But Sir Austen hardly admits the reality of this disquieting fact. He seems to admit nothing more than passing difficulties—not any difference of principle, but "only a difference as to how we shall apply limitation of naval armaments." This difference exists but can easily be removed if only the admirals of both countries are kept in their proper places.

FREEDOM OF THE SEAS ISSUE

It is a minor and not a fundamental difference. If it is removed, as it can be, it still leaves untouched the real problem that divides Britain and the United States. This problem, which Sir Austen Chamberlain did not even mention, is the so-called freedom of the seas. So long as it remains unsolved, "near and dear friendship" is doomed, and so is the world's peace.

Senator BORAH, speaking on the United States cruiser bill last Thursday, showed knowledge far deeper than Sir Austen Chamberlain's of the crisis in Anglo-American relations. "To my mind," he said, "this uneasiness is founded on conditions now existing on the sea in reference to maritime law." He pleaded for an Anglo-American agreement that would preserve the freedom of neutral trade on the high seas in time of war.

Freedom of the seas means a complete change in Britain's traditional conception of naval warfare. Nevertheless, despite the Admiralty, the change will have to be accomplished. In the world as it is to-day the weapon of the blockade can no longer be used effectively by Great Britain unless, as in the Great War, she has most of the world, and especially the United States, on her side.

But this same weapon, effective against her enemies in special conditions never likely to recur, will be swiftly and mortally effective against herself in conditions that are extremely probable in any future war between great powers.

Freedom of the seas means permanent friendship between the United States and immunity from blockade, and therefore from destruction for this country. Continued unfreedom of the seas means enmity with the United States and sooner or later destruction for ourselves.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 34) authorizing the reenrollment with an amendment of the joint resolution (S. J. Res. 171) granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid-transit railway.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 7200) to amend section 321 of the Penal Code.

LEVY AND COLLECTION OF COTTON TAX (S. DOC. NO. 214)

The PRESIDING OFFICER (Mr. BURTON in the chair) laid before the Senate a communication from the Secretary of the Treasury, in response to Senate Resolution 302, of January 21, 1929, regarding the levy and collection of a cotton tax during the period following the Civil War, which was referred to the Committee on Finance and ordered to be printed.

ADMINISTRATION OF EMERGENCY OFFICERS' RETIREMENT ACT (S. DOC. NO. 215)

The PRESIDING OFFICER laid before the Senate a report from the Director of the United States Veterans' Bureau, in response to Senate Resolution 301, of January 25, 1929, requesting and directing the Director of the Veterans' Bureau to furnish the Senate at the earliest possible moment certain information in connection with the administration of the disabled emergency officers' retirement act (the Tyson-Fitzgerald Act).

Mr. McKELLAR. The report is in response to a Senate resolution. I move that it be referred to the Committee on Finance and printed as a Senate document. It is a matter of very great importance to every Senator here.

The motion was agreed to.

REPORTS OF CERTAIN DISTRICT UTILITY COMPANIES

The PRESIDING OFFICER laid before the Senate reports submitted, pursuant to law, of the following public-utility companies in the District of Columbia for the year ended December 31, 1928, which were referred to the Committee on the District of Columbia:

Washington Railway & Electric Co.;
Potomac Electric Power Co.; and
The Washington Interurban Railroad Co.

CALOOSAHATCHEE RIVER AND LAKE OKEECHOBEE DRAINAGE AREAS (S. DOC. NO. 213)

Mr. JONES presented a report from the Chief of Engineers of the Army, dated January 31, 1929, relative to a review of reports on Caloosahatchee River and Lake Okeechobee drainage areas, Florida, submitted in House Document No. 215, Seventieth Congress, first session, with a view to determining whether any modification is advisable in the report, particularly in the light of the flood of September, 1928, etc., and moved that the report, with the accompanying papers, be referred to the Committee on Commerce and printed with illustrations, which was agreed to.

ROCK CREEK AND POTOMAC PARKWAY

Mr. SMOOT. Mr. President, last evening I asked unanimous consent for the consideration of the bill (S. 5339) to enable the Rock Creek and Potomac Parkway Commission, established by act of March 4, 1913, to make slight changes in the boundaries of said parkway by excluding therefrom and selling certain small areas, and including other limited areas, the net cost not to exceed the total sum already authorized for the entire project.

The Senator from Tennessee [Mr. McKELLAR] and the Senator from Nebraska [Mr. NORRIS] asked that it go over until they could make an examination of the bill. They have no objection whatever to the bill, and I want to have it passed and sent to the House as soon as possible, as it is almost an emergency matter.

Mr. JOHNSON. What is the bill?

Mr. SMOOT. It is a bill to enable the Rock Creek and Potomac Parkway Commission to buy certain little pieces of land in order to straighten out the parking between Rock Creek Park and Potomac Park.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the authority of the commission created by section 22 of the public buildings act, approved March 4, 1913 (37 Stat. 885), is extended to include the acquisition of such additional lands and premises lying adjacent to or in the immediate vicinity of the taking lines as shown on the map on file in the office of the executive and disbursing officer and known as the map of the Rock Creek and Potomac Parkway (in four sheets), dated May, 1923, as may in its discretion, subject to the approval of the Commission of Fine Arts, be necessary for the best development of the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park: *Provided*, That the total sum expended for lands needed for this parkway shall not exceed that authorized by section 22 of the public buildings act, approved March 4, 1913, and amended by the second deficiency act of May 5, 1926: *Provided further*, That the commission may exclude such lands and premises, not now owned by the United States but within the taking lines heretofore authorized for the said parkway, as may in its discretion, and upon the advice of the Commission of Fine Arts, be found not to be desirable or necessary for the connecting parkway: *Provided further*, That the Director of Public Buildings and Public Parks of the National Capital may dispose of the lands so excluded, either by public auction or at fair appraised value or to the owners of adjacent property at a price not less than that paid for it, as the best interest of the United States may justify: *Provided further*, That after payment of the necessary expenses of said sales, the net proceeds thereof shall be covered into the Treasury of the United States to be credited to the appropriation disbursed by the Rock Creek and Potomac Parkway Commission.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COAST GUARD STATION, STATE OF WASHINGTON

Mr. JONES. From the Committee on Commerce, I report back favorably, with an amendment, House bill 14151, to provide for establishment of a Coast Guard station at or near the mouth of the Quillayute River in the State of Washington, and I submit a report (No. 1592) thereon.

One hundred and twenty miles of about the most dangerous coast in the country are at present without any life-saving station whatever. The department has placed this station at the head of its list. The bill has passed the House unanimously, and I ask for its present consideration.

Mr. ROBINSON of Arkansas. Mr. President, what is the amount appropriated?

Mr. JONES. Not more than $50,000, or so much thereof as may be necessary.

Mr. ROBINSON of Arkansas. I have no objection.

The PRESIDING OFFICER (Mr. GLENN in the chair). Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, at the end of the bill, to insert "and the sum of $50,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for this purpose," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to establish a Coast Guard station on the Pacific coast at or in the vicinity of the mouth of the Quillayute River, in either Clallam or Jefferson County, State of Washington, in such locality as the commandant of the Coast Guard may recommend; and the sum of $50,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for this purpose.

Mr. KING. Mr. President, I should like to ask the Senator from Washington if provision is not made for a station in this vicinity in one of the bills which have been passed?

Mr. JONES. This bill has passed the House, but no other bill has made provision for this station. This is at the head of the list of stations that the department has recommended.

Mr. KING. Creating new stations?

Mr. JONES. Yes. There are 120 miles of coast without any life-saving station.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CIVIL SERVICE AND THE BOSTON POSTMASTERSHIP

Mr. WALSH of Massachusetts and Mr. NORRIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. WALSH of Massachusetts. Mr. President, I understand that the Senator from Nebraska desires to obtain the floor to speak upon the cruiser bill. I wish to express my appreciation of his courtesy in letting me have the floor for a few minutes to speak upon an entirely different matter.

Mr. President, the Senate has now before it the nomination of a postmaster at Boston. The nomination will be confirmed, for I know of no objection which is to be raised to the ample qualifications which the nominee possesses for the post. I do not intend to discuss either Colonel Gow, whom the President has named, nor Postmaster Baker, whom Colonel Gow supersedes, both of whom are highly respected citizens.

But the circumstances attendant upon this appointment afford such a glaring example of the travesty and debasement of the principle of civil service as applied to the selection of first-class postmasters that I can not let the occasion pass without directing the attention of this body and the country to a situation which, if it is to be taken as establishing a precedent, I regard as exceedingly unfortunate, in that it would seem to indicate that we are fast reverting to the old, supposedly abandoned spoils system in the matter of post-office appointments by retaining the form and discarding the substance of the civil service laws.

The postmaster now incumbent at Boston was originally appointed in the last year of the Wilson administration as a nonpartisan business-man selection, though a Republican in politics, after a competitive civil-service examination. At the expiration of his first 4-year term in 1924, after a delay of many months, with frequent newspaper comment respecting a "fight that was being waged on Baker" by elements in the Republican organization in Massachusetts, who were said to wish to award the plum to an "active Republican," the President reappointed the incumbent.

His second term expired last spring and he has been a holdover since that time. If the postmaster was rendering inefficient service, if the good of the Postal Service required that he be ousted and a better administrator named in his place, I submit that he should have then been promptly removed and his successor named. If, on the other hand, he was entitled on his record to continuance in office, his reappointment should have been equally promptly forthcoming. The logic of that statement seems to me to defy contradiction.

The President, however, did nothing. He said nothing. Postmaster Baker, meantime, was a storm center between those who desired his continuance in office, which included practically 100 per cent of the postal employees of Boston and Greater Boston, and those few but powerful politicians who desired to oust him. The morale of the Boston post office was impaired. Months passed; but as soon as the election was over, indications appeared that the Post Office Department and the White House finally desired to "settle the question" of the Boston postmastership.

The newspapers in Boston contained frequent allusions to the "efforts of the Republican organization" to agree upon a man for the place. Subsequently Washington dispatches pictured the President as waiting for a unanimous recommendation and impatient at the further delay; and several Boston papers, as early as Saturday, December 8, on their first page, under headlines Gow to be New Post Office Chief Here, recounted that the Republican national committeeman of Massachusetts was on his way to Washington to "take up with the President" the Boston postmastership and would ask that Colonel Gow receive the place.

Three days later, following this conference, the President directed the Civil Service Commission to hold a postmastership examination at Boston. In commenting on this the Boston newspapers reported that Gow had been selected, and that he would receive the appointment "as soon as the Civil Service Commission has a chance to certify his name."

Subsequent events, unhappily, confirmed this prophecy, and clearly demonstrated what a farce the civil-service routine amounted to in this instance.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. NORRIS. Does the Senator mean to say that the appointment was made before the Civil Service Commission was asked to certify any names?

Mr. WALSH of Massachusetts. No. If the Senator will refrain until I complete the statement, I think he will understand that, while the appointment was alleged to have been agreed upon, the examination was actually held later to which I am about to refer.

Let me quote at this point a paragraph from a Washington dispatch published in Boston on December 28:

> The Civil Service Commission is making something of a mystery of the names and the number of applicants for examination for the Boston postmastership vacancy. The fact seems to be that to date the applications have been so few as to make the whole examination procedure seem slightly ridiculous. Time for filing applications expires next Monday. In theory the commission is to select and qualify three applicants out of the entire field, and the President may then appoint any one of the three so qualified. This presupposes that at least three persons within the city of Boston will make application for this important and lucrative post. But the fact has been pretty well advertised that the appointee has already been selected in advance, namely, Charles R. Gow.

The examination proceeded. As most of my colleagues know but as most persons in the country do not know, the civil-service examination in the case of a first-class post office consists almost entirely of a personal interview with the various candidates by an inspector of the Civil Service Commission and an inspector of the Post Office Department acting jointly and a check-up on the various indorsements and recommendations that may be submitted to them.

The civil-service ratings reached the White House last Monday morning, and the appointment of Colonel Gow was before the Senate within a few hours. The President acted with celerity.

On the eligible list of three submitted by the commission Colonel Gow stood first with a rating of 89.20 per cent; Postmaster Baker second with 82.20 per cent. The third candidate was rated 72 per cent. Colonel Gow's rating reflected a 5 per cent war veteran's preference. The commission explained that in the "actual examination" Colonel Gow was rated 84.20 per cent, 2 points ahead of Baker, who was postmaster for eight years.

So by all this hocus-pocus—and I submit that in this instance "hocus-pocus" fittingly describes the chain of events—the President was permitted at one and the same time to name the candidate whom the Republican organization had selected for the place and the candidate who stood at the head of the civil-service list, which the President had asked for as a preliminary to the appointment.

I ask to have annexed to my remarks and printed in the RECORD—because, after all, this statement is more for the RECORD—a statement issued by the Civil Service Commission.

The PRESIDING OFFICER. Is there objection?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT GIVEN OUT BY CIVIL SERVICE COMMISSION DECEMBER 31, 1928

(Preceded by information that nine applications had been filed up to noon December 31 and that one or two more might come in before end of day.)

There should have been 25 or 30 applicants for this important position. Why this apparent lack of interest? It is the old story. The news was broadcast that some one had been selected in advance, therefore due competition was lacking.

The situation is not unusual; indeed, it is usual. The Civil Service Commission announces postmaster examinations and all other examinations in good faith and conducts them impartially. But its certification of eligibles for a postmastership is referred by the Post Office Department to some local dispenser of patronage for the selection of the one who is to be nominated by the President. It is known in advance that this will be done; the information is given wide publicity in the community. The natural result is a very small number of applicants. This increases the chance of the "favorite" to land among the high three in the rating. He can not be nominated unless he is among the high three.

There are a number of unfortunate results of this practice. Competition is discouraged at the start, and often the highest eligible, believing that an injustice has been done if he does not receive the appoint-

ment, condemns the Civil Service Commission and all its works. Under the present regulations any one of the high three eligibles may be nominated for appointment. The full possibilities of open competition in postmaster examinations can not be realized until the 4-year tenure law is repealed and appointments are made strictly on a merit basis. Such a change would establish public confidence and encourage much wider competition. Under the present anomalous conditions the Civil Service Commission suffers unjust criticism and the prestige of the merit system is lowered.

Notwithstanding all this, the commission's postmaster examinations are serving a good purpose. The unworthy and the unqualified are weeded out. The standards of postmasterships have been raised. If some one is named in advance for the appointment, he can not receive it unless he is qualified, both as to business experience and character. If he is not, the commission will not certify him as eligible.

Mr. WALSH of Massachusetts. Mr. President, I submit that this represents an intolerable condition. Let us have done with pretense. If postmasters are to be named for political consideration, or for any other reason, but named none the less by the Executive on his own sole decision, let the appointments be made by Executive order. If they are to be made under civil-service procedure, let us have the reality and not merely the form. To use the civil service as a mask to conceal the true considerations which dictate the ousting of one man and the selection of another is political hypocrisy with which I have no sympathy.

The Boston case is typical of innumerable other instances throughout the country. The appointment of postmasters is largely partisan under the appearance of civil-service procedure. That in this instance the appointee, Mr. Gow, is a man of ability and integrity does not remove the objection that I register to the pretense of civil service in postmastership appointments and the consequent disrepute of the civil-service system among the people.

This case illustrates also how misleading was the civil-service plank in the national Republican Party platform in 1924. I quote from that platform:

> By Executive order the appointment of presidential postmasters has been placed on merit similar to that applying to the classified service.

That was the boast of the Republican Party in its platform of 1924. Let us see how far they strayed from the merit system as applied to the classified service.

Appointments in the classified service are by law removed from all political consideration, and an appointee under the classified service can not be removed except for specified causes and an opportunity for a hearing given. It is unlawful for an official making an appointment from the civil service classified service to consider the political affiliations of the three names certified. Under the method now in vogue, political considerations can be and are taken into consideration by the Post Office Department—there being no Executive order or law forbidding it, as in the case of the classified service. Further, in the case of first-class postmasters there is no examination held, merely an investigation made by representatives of the Post Office Department and the civil service.

Mr. President, I have tried to express my views as moderately as possible. I want to be correct in my statement of the facts and refrain from coloring or exaggeration. I have no objection to the confirmation of Mr. Gow, who, in my opinion, possesses excellent qualifications; I do object and protest vigorously against the sham and mockery of claiming and pretending to make these appointments upon a real civil-service status.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield to the Senator from Nebraska.

Mr. NORRIS. I am very much interested in the disclosures the Senator has made. I think it is the duty of the Senator, however, to follow the matter up, and I would like to see it followed up. I would like to see what the defense in this case is. As a believer in civil service, one who has always tried to befriend the civil service law and the Civil Service Commission in what they do, I realize that very serious charges are made against them, and I would like to have the Senator introduce a resolution directing the Committee on Civil Service of the Senate to investigate the facts in this case and make an official report to the Senate.

I agree with the Senator entirely in this respect—that we either ought to have this civil service law in regard to postmasters observed in good faith, or we ought to throw away the pretense and go back to the pie-counter system and admit what we are doing.

Mr. WALSH of Massachusetts. That is exactly my position. But I want to say, in answer to the Senator from Nebraska, that an investigation would serve no good purpose. The facts are, I think, substantially as set forth by me. We would finally come back to this fact, that a civil-service examination was held, Mr. Gow was reported at the head of the civil-service list as first, and what Senator could challenge, without some evidence, which is not obtainable, the fact that that examination was made in good faith?

I have set forth the story of this appointment in order that the public could draw their own inferences with respect to the extensive degree that politics and the slight degree that civil service prevails in postmastership appointments.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Maryland?

Mr. WALSH of Massachusetts. I yield to the Senator.

Mr. BRUCE. I must have misapprehended the statement of the Senator, because I do not see that there was any irregularity at all. As I understand the statement of the Senator, three names were handed to the President; that is to say, an eligible list with three names on it from which he could select a postmaster. In point of fact, he selected the postmaster who got the highest rating.

Mr. WALSH of Massachusetts. That is true, but the Senator must consider the earlier facts as well as the final act of appointment.

Mr. BRUCE. That rating, mind you, was given to him, as I understand it, by a representative of the Civil Service Commission along with the postal inspectors. For the life of me, I do not see where any wrong was done. It may have been my own stupidity that kept me from seeing it.

Mr. WALSH of Massachusetts. Four years ago, when the first term of Mr. Baker expired, no examination was held, and the incumbent was reappointed. This year political opposition was raised, a man was selected for the office, an examination was held, and as a result of the examination, as the Senator has stated, Mr. Gow stood first on the list and was thus appointed. The Senator must take into consideration not the final step but all the preliminary activities.

Mr. BRUCE. Examinations are constantly held under those circumstances in connection with the selection of postmasters. The wrong comes where an eligible list is handed up, and the President, instead of taking the first man on the eligible list, chooses, for political reasons, to take somebody lower down in the scale of merit. That happened in the city of Baltimore some years ago. We have a very good postmaster there; I am not saying anything against him. Our present Republican postmaster is a very fine man in every respect, and I think he has made an excellent official. But there was an examination some years ago, and a Democrat, that is to say, the former postmaster, one of the most capable men we have ever had in Federal office in the city of Baltimore, had the highest rating. Yet he was not appointed.

The gentleman who is now postmaster at Baltimore—and, as I say, a very admirable official in every regard—was selected, although his rating was lower than that of the incumbent. I can see that a case like that might well justify such feelings as those which the Senator has expressed. But here, as I understand, there was an examination, in which the prior incumbent participated with two other contestants. However, his rating, as the result of the examination, was not so high, and one of his competitors obtained the highest rating, a gentleman by the name of Gow, I believe. The Senator did not give us a very clear idea as to how searching that examination was, but the examination as to the qualifications of these applicants, as I understand it, was one that was conducted by a representative of the Post Office Department of the Government and by the United States Civil Service Commission. Anyhow, the two postal inspectors rated the applicants for the position, and they rated the applicant to whom the Senator is objecting as having obtained the highest mark in the competition. The three names were handed up to the President, and I think the President would have done a wrong thing if he had not appointed the highest.

Mr. WALSH of Massachusetts. I am not objecting to the appointment of Mr. Gow. I am objecting to the fact that a postmaster held this office for eight years, a man appointed under civil service originally, reappointed by a Republican President, and has been ousted after an examination which was brought about through political influence, for the purpose of giving somebody else a job. The postmaster, if appointed under real civil service, should have had the right to have charges brought against him before he was dismissed, a right to have a hearing, a right to have his qualifications determined. If he was only a political appointee, the President had the right to put him out. But under the pretense of civil service to-day no appointee has a civil-service status that is respected when politicians want another man named to supplant the incumbent.

Mr. BRUCE. I say, if the former postmaster under that examination was not able to obtain the highest gradation of merit and one of his competitors did attain it, his competitor should have been appointed.

Mr. WALSH of Massachusetts. The Senator, as well as I, has a perfect right to draw his own inferences. Then the Senator thinks there ought to be a competitive examination?

Mr. BRUCE. I do.

Mr. WALSH of Massachusetts. Every four years?

Mr. BRUCE. Yes.

Mr. WALSH of Massachusetts. Whether the man is retained under civil service or not, and the highest man is named? That is not the practice, except where the incumbent is to be ousted.

Mr. BRUCE. Yes; because the nature of these examinations is such that if there is a fair examination—and I think in most cases, though perhaps not in all, the examinations are fair—the chances most decidedly are that the prior incumbent of the office will obtain the highest mark.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Montana?

Mr. WALSH of Massachusetts. I yield.

Mr. WHEELER. Does not the Senator know there is no real examination at all, but all they do is to go out there and submit questions and call on some people in the community to see which is the best man? That is the only examination that is held.

Mr. BRUCE. This examination was conducted by one of the representatives of the Government. He was a subordinate of the United States Civil Service Commission and I know enough about that commission to know that it does not lend itself readily to any "hocus-pocus," to use the expression of the Senator from Massachusetts. I believe that, whatever the examination was, and until I know the contrary, it was fairly conducted. It may not have been such an examination as it should have been, but I am taking the examination as it was.

Mr. ROBINSON of Arkansas. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. The Senator does not suggest that it is the practice or that it has been the practice heretofore to hold civil-service examinations for postmasters who have been appointed within the service? The object of making the appointments under the civil service, as I understand it, is to take the positions out of political influence and secure persons well qualified, and that once one is admitted into the service through the civil-service examination he remains there until he becomes incapacitated. Examinations are not usually held, where there is no charge against the postmaster, after he has once been admitted through the civil service.

Mr. BRUCE. I was about to relate a case which came to my notice in the State of Maryland. There was quite a ludicrous incident brought to my attention several years ago. An examination was held. The incumbent was a Democrat. It was during the Coolidge administration. He made the highest mark and then there was a tremendous effort made——

Mr. ROBINSON of Arkansas. Mr. President, will the Senator permit me to interrupt him? As I understand it, the actual practice is to establish a list of three eligibles, and from that list any one may be chosen. In certain southern cities I know of the actual choice is made from the list through what is called the patronage referee. He is a Republican of influence in the State and in the organization. He takes the list of three and selects any Republican on the list, even though he may be lower in grade than two Democrats—I mean lower in his civil-service grading.

Mr. BRUCE. I am not speaking of the South, because everybody knows post offices in the South are mere merchantable commodities.

Mr. ROBINSON of Arkansas. I do not think that is altogether true. I think the plan applies throughout the Union. The object is evidently to give deserving but somewhat qualified Republicans preference over unworthy Democrats who are highly qualified.

Mr. BRUCE. I am not speaking from a partisan point of view, because I do not believe that partisanship has anything whatsoever to do with the administration of the Federal merit system of appointment.

Mr. ROBINSON of Arkansas. Does not the Senator understand that a list of three eligibles or more is established for the purpose of giving the department the opportunity of recommending, not necessarily the one standing highest on the eligible list, but some one who is generally acceptable from a political standpoint?

Mr. BRUCE. I think the object of creating the appointment list in the way in which it is done is to give the appointing power a little discretion. The point in this case was that the President did not go down to the man who got the second rating. He took the man who got the highest rating.

Mr. ROBINSON of Arkansas. There was a case of a postmaster already qualified and in the service, having passed previous examinations and supposed to remain in the service until he became either incompetent or charges were preferred and sustained against him. One of the objects of the civil service is to give the incumbent the benefit of security in his position.

Mr. BRUCE. The Senator may think that is the best system. I am not stopping to ask whether that is the best system or not, but it is not the system, so far as my observation goes, now in vogue. The term of a postmaster ends. He undergoes a competitive examination then with other applicants for the postmastership. My observation is that the incumbent is very apt to be reappointed because, by virtue of the special experience he has had as postmaster and the practical nature of the tests applied, he is more likely to come out from the examination with a higher rating than his rivals.

Mr. WHEELER. Does not the Senator know as a matter of fact that where the postmaster is satisfactory to the politicians in his State they do not give him any examination, but reappoint him without examination; and where he is not entirely satisfactory they do give him an examination for the purpose of getting rid of him?

Mr. BRUCE. Undoubtedly. There is no doubt that the appointment of postmasters under such conditions as those obtaining in Boston tend to create great political abuses. In Maryland a man who happened to be postmaster, the existing incumbent in the office, got the highest mark on the examination. There was a Republican woman who was also an applicant for the appointment, and a tremendous amount of influence was brought to bear to have her made postmistress instead of the existing incumbent being made postmaster. The existing incumbent, seeing what was about to happen to him, made an appeal to me and I was about to present the matter to the Senate, and present it in the most indignant terms I could command, when the Republican politicians of the State, interested in this lady securing the position, found another job for the existing incumbent. They bought him off with another job, so I never had any opportunity to present the matter to the Senate. I do not say that is the usual case. At times postmasters are undoubtedly appointed through political influence and as the result of political abuses, but not always by any means.

Mr. WHEELER. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator from Montana.

Mr. WHEELER. I would like to say for the Senator's benefit that I can tell of a similar case to that in the city of Boston which is taking place right in my own home city of Butte, Mont.

Mr. WALSH of Massachusetts. They are taking the office away from the incumbent, despite the protests of the Civil Service Commission?

Mr. WHEELER. Yes.

Mr. BRUCE. I do not see why the existing incumbents of the postmasterships should not be reappointed. I can see that there is room for difference of opinion there, but I do not see anything bad in a system that enables the existing incumbent of a post office to become the subject of a competitive examination.

Mr. WHEELER. But they do not give him any competitive examination at all. A representative of the commission simply goes out there and inquires of a few people as to who they think would be the best man, and then they have him appointed on that basis.

Mr. BRUCE. The Senator means the examination is not searching enough?

Mr. WHEELER. I mean it is not an examination at all.

Mr. BRUCE. Then the subordinate of the Civil Service Commission lent himself to a fraud in the administration of the postal laws or the civil service laws. I do not believe it. I am not saying that a perfectly reasonable and just man like the Senator from Massachusetts might not draw an entirely different inference from mine under the circumstances. It is hard for me to believe until most convincing testimony be laid before me that the United States Civil Service Commission would send to Boston a member of its staff and that that man would deliberately pervert the purposes of the Federal merit system of appointment.

Mr. GLASS. Mr. President, are we going to postpone our declaration of war against Great Britain until this post-office matter is settled? [Laughter.]

Mr. BRUCE. I know the Senator always favors war in any form, especially when I am the other belligerent.

Mr. WALSH of Massachusetts. Mr. President, the Senator from Maryland seems to fail to recognize the point I have been trying to make. I am not criticizing the Civil Service Commission. I am objecting to the absence of real civil-service methods. We now have only the name, without the substance of civil service.

Mr. BRUCE. Perhaps I did.

Mr. WALSH of Massachusetts. In repeated instances, where examinations have been held and the incumbent has been first on the list, the second or third eligible has been chosen. My objection is not to whether the first person or second person or third person was chosen, but my objection is to giving the impression that these appointments are under civil service when they are not. It is a very unusual coincidence that the Republican national committeeman of Massachusetts was able to put his hand upon the man whom he wanted to name and whom he sought to have the President name by an Executive order without even an examination, and was finally able to have an examination held and have him selected for the post.

The thing I am insisting upon is that all the civil-service rules be applied and lived up to in the matter of the appointment of postmasters as well as other appointments on the classified list, or else done away with entirely. The appointments of postmasters to-day are largely partisan. The choice of the three names certified comes down to a political test.

I have not any objection, I repeat, to Mr. Gow. I am not opposing his nomination. It so happens that Mr. Gow is an exceptionally well-qualified man for the office. I am not challenging the examination. But I am challenging the claim that a man can be appointed under civil service, be reappointed under civil service, and finally be ousted by a group of politicians using influence at the expiration of the man's term of office, having another examination held, and a political selection made, with the incumbent's apparent civil-service rights, regardless of his efficient service, being entirely disregarded.

Mr. GILLETT. Mr. President, I was not here when my colleague began his remarks, but I understand he has used the Boston postmastership appointment as an illustration of the violation of civil-service principles. I think he has taken a very unfortunate illustration. I do not blame my colleague at all for being peeved that Mr. Baker is not reappointed. He was appointed as a Democrat and although I believe about two years ago he changed and registered himself as a Republican, still I understand he has always, very naturally and very properly, been a supporter of my colleague from Massachusetts.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the senior Senator from Massachusetts yield to his colleague?

Mr. GILLETT. I yield.

Mr. WALSH of Massachusetts. I must state to the Senator that Mr. Baker has been a Republican, so far as representations to me have been made, and that not later than the recent campaign he wrote me a letter in which he said:

> I am a Republican and I am not supporting you, and I want you to know it.

Mr. Baker has repeatedly asserted to me that he has never supported me or any other Democrat, but is a Republican and was voting for the Republican candidate. The trouble that has come to Mr. Baker is not due, in my opinion, to his republicanism, but is due to his unwillingness to use his office for partisan political ends.

Mr. GILLETT. Mr. President, I am very glad to have that information, though it is quite contrary to what I had understood, but I think the statement is correct that it is only within a couple of years that Mr. Baker has become a Republican. He was appointed by President Wilson; but I admit that that is irrelevant. I have always been a hearty supporter of the civil service; I wish we could take the post offices entirely out of politics; but in this instance it seems to me the facts prove this is not a political appointment.

In the first place, Mr. Gow stood higher on the list than did Mr. Baker, who also competed, and the man who stood highest on the list was selected.

I do not come from that section of Massachusetts; I come from the western part of the State, and I do not know much about Boston or the administration of the post office there. I only know what has been told me, and I have been told that two complaints have been made against Mr. Baker; first, that he was not efficient; and, second, that he allowed the post office organization to be used to assist the Democratic Party. That, I think, was the chief complaint against him. It may be true or it may not be true, but I have been so told by a great many prominent Republicans in Boston whom I know. That is the general impression, and I know that for that reason they would like to be rid of Mr. Baker.

However, Mr. President, after the examination was held, the man who stood third on the list was one of the most influential, expert, and experienced politicians in the city of Boston as well as an experienced and efficient administrator. If the President had desired to make a political appointment, the third man would have been selected because, beyond all question—and I have known him for years—while he is an admirable, high-class man he is also one of the most experienced men in the political world in Boston.

As for Mr. Gow, I have known most of the politicians in Massachusetts for many years, but I never knew Mr. Gow, and never heard of him, to my knowledge, until he was recommended for this position. So it seems to me it is rather an exaggeration to charge that this is a political appointment, when the man who stood highest on the list was selected, and a man who has never, so far as I know, been active in political life. I admit with regret that the merit principle does not always control, but, in this instance, it seems to me clear that the best man was chosen.

Mr. WHEELER. Mr. President, along the line of the statement of the Senator from Massachusetts [Mr. WALSH] with reference to postmasters, let me state what took place in my home city of Butte, Mont. Four years ago a Republican was selected for the postmastership there after having passed the civil-service examination. In December of last year his term expired. He has made probably one of the most efficient postmasters we have ever had in the city of Butte; he has the commendation of the president of the chamber of commerce, the leading merchants of the community, and of many of the leading Republicans, but notwithstanding that fact I learned that some one else was to be appointed in his place. I called up the Post Office Department to ascertain whether or not the department was contemplating any change and to ascertain whether or not there was anything against the present postmaster. I was informed that, so far as the department knew, there was nothing against him, but that the Republican national committeeman of Montana, Mr. Schurtzler, is insisting that the department appoint another Republican to take the place of the present Republican postmaster. So the department has ordered, if you please, another civil-service examination to be held in the city of Butte for the purpose, and the sole purpose, of ousting this Republican, who has given entire satisfaction to the community there, in order that it may appoint some one else whom the Republican national committeeman for that State would rather have in that place.

It can not be claimed that the present postmaster of the city of Butte is a Democrat, because he has been affiliated with the Republican Party and its organization ever since he has lived in that city. It can not be contended in any way, shape, or form that he has been a supporter of mine, because he has always supported the Republican ticket, so far as I know. I submit that if that sort of thing is going to continue, we should not contend that the postmasters are under the civil service, but should realize that the administration is merely using the civil service as a cloak for the purpose of appointing whomsoever the local State politicians may choose for these positions. In this particular instance, I think, the reason why the department wishes to punish the postmaster is because of the fact that while he was postmaster he would not turn over the post office and permit it to be used for political purposes.

As a Democrat I do not like to interfere in a Republican fight, but why claim that the civil service applies to postmasters? Why not be frank and say the politicians can and do dictate the appointments and can and do oust men who are in the service, providing that the postmaster does not donate to the Republican campaign fund or bend the knee to the politicians?

CONSTRUCTION OF CRUISERS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

Mr. NORRIS. Mr. President, in taking the floor in opposition to the pending cruiser bill I do so with the utmost respect for the views of those who favor it. To begin with I concede that all the Members of the Senate whether they favor the bill or whether they are opposed to it, as well as a vast majority of the people of the United States regardless of which side of the question they may be on, as, indeed, all persons in the civilized world, divided as they are on the question, alike are moved by perfectly honest and honorable intentions and are trying to do what in their respective judgments they believe to be best in order to obtain and to secure international peace. To my mind this discussion, however, has disclosed that so far as this bill or the necessity for it is con-

cerned, it must be considered with relation to only one other nation besides our own.

There is no other nation comparable to the United States in naval armament except Great Britain. It seems to me that the debate both here and elsewhere has demonstrated the fact that if it is necessary or advisable to build the cruisers proposed to be constructed by this measure it is because there is danger of war with Great Britain. Without the proposed cruisers we are, with the exception of Great Britain, in a class by ourselves so far as naval armament is concerned. No other nation is sufficiently near to us in naval armament to cause any uneasiness so far as naval armament is concerned in case of war with any other nation. Therefore it seems to me to follow logically that we are building this addition to the Navy for fear there might be war with Great Britain; yet no one is willing to admit such a fear; no one is willing to admit that he even believes that there is at present anything upon the political horizon that can possibly bring on war with Great Britain; indeed, the very able Senator from Kentucky [Mr. BARKLEY], who has spoken this afternoon upon the question, has frankly stated in effect that he saw no danger now and did not believe there ever would be any danger of war with Great Britain.

I believe when he made that statement he expressed the judgment of most of the experts of the civilized world on the subject as well as the judgment of most of the leaders both in our country and elsewhere. It is hardly conceivable that Great Britain and the United States should ever engage in war.

The naval armament of the two nations, it is conceded, I think, in some respects gives an advantage to Great Britain, while in some other respects it gives an advantage to the United States, and in still other respects the two nations are tied. To my mind—and this argument is not original with me; I have heard it and read it ever since there has been any controversy over the size of our Navy—we under no circumstances need as large a navy as does Great Britain. Even if we admit we are going to war with Great Britain, we would have a great advantage, because Great Britain must have a sufficient navy to protect the island mother country from any possible interference with her trade, and particularly trade in the necessaries of life, for within 30 days, if that trade were interrupted, the British people would be starving.

She has possessions over the world which she must protect, and that requires a much larger navy than is required to protect any possessions that we may have. While in case of war there would be great distress, perhaps, if it were carried on for any great length of time and our country was completely cut off from all the other countries of the world, yet we know that if the worst should come to the worst we could practically live within ourselves, within our borders, for an unlimited length of time. Therefore, even if we should go so far as to say that we may have war with Great Britain, we would have such an advantage on account of the physical condition of our country and the possibility of supplying all our needs within our own country that we would not need half as large a navy as Great Britain would be required to have in order to protect her people for any length of time, even though it be a short time.

Mr. President, it may be that those are right who contend that the way to get an agreement with Great Britain is to build a navy as big as hers, or bigger, and then we will be in position to bring her to consent to a further limitation of armaments. I do not believe that argument is logical, although, as I said at the beginning, I am not criticizing the man who believes that that is the way to bring about this kind of an agreement. The truth is that the entire world is watching the two leading nations, Great Britain and the United States, in the race for naval supremacy, and the other nations are patterning after these two.

I read just the other day of the action of Italy, which had decided to lay down some new cruisers. The article referred to the fact that both Great Britain and the United States were increasing their navies; why should not Italy be allowed to do the same thing without any criticism being made against her for so doing?

As I say, the nations of the entire world are watching these two Governments in this race; and they are basing their action in the way of increase of armaments and increase of expenditures for additional warships upon the pace that is set by Great Britain and the United States.

I think Great Britain, since the disarmament conference, although she had a perfect right to do it, was very unwise in the steps she took to build additional cruisers. Although I do not agree with anyone who says that in any way, directly or indirectly, she was bound by the disarmament conference not to do it, I think she made a mistake in doing it. I think she is to blame in the action she has taken for at least one-half of the sentiment that has grown up in this country behind this bill, and that her action has caused in every other nation of the world a feeling that it was its duty likewise to increase its naval armament, since Great Britain had taken the lead; and I concede that if we follow along that argument it would be logical for us to say, "Great Britain has increased her navy and we ought to increase ours, because, as far as battleships are concerned, she has more of them than we have now, and she is building still more."

Mr. President, if there were either danger of war with Great Britain or a certainty of war with Great Britain, if I did not believe that we could engage in that war with a smaller navy than she had with an equal chance of success, I should feel that we were justified in following her lead, because, after all, a national armament is something that depends upon what the other governments do. I concede that. But if we admit, which I think is fair, that there is not any danger of war with Great Britain, and if we admit, which I believe a fair consideration of the subject will compel us to do, that even in a war with Great Britain we do not need a navy of the same size that she has to have, then, as I look at the matter, the reason for building these cruisers disappears.

Who has a duty before the world to perform when other nations are looking to Great Britain and the United States, the two most powerful nations in the world, and are following in their footsteps? Can either one of those nations say, "We owe no obligation to humanity"? Can either one of those governments, in the face of the present civilization of the world, fail to say, "We ought to pay some respect in this armament race to the opinions of others who are following us and trying to pattern after us"? Those two nations can, without any loss of prestige, without any possible fear of injury, even in case of war, pay some attention to that sentiment of the civilized world.

While Great Britain has not done that, as it seems to me, she ought to have done, the question comes up to us now, "Can we do it without any danger?" If we can, we owe it not only to the civilized world but to our own people—especially to our own taxpayers, who must bear the burden—to do that thing.

I see no reason why we can not do it. I do not believe there is any danger of war with Great Britain; and even if I did believe there was danger of war to-morrow, while I should vote then for additional cruisers, because I should want to surpass Great Britain if possible, yet, for the reasons I have stated before, I should not feel handicapped because Great Britain had more cruisers than we had.

Therefore, Mr. President, it seems to me that we ought to set before the world an example of our consideration, an example of our desire for world peace. Somebody must do it. Somebody must stop this interminable race, which, if not stopped, will, from taxation alone, ruin the civilized world. It is handicapping it now; and this race is one in which every nation can engage, in which every nation will engage, in which every nation will be more or less driven to engage unless somebody stops it.

We are better equipped than any other nation in the world to stop it. As far as a war is concerned, it seems to me that at the present time we stand without a peer in the civilized world. It has been truly said that under the conditions of modern warfare navies and armies do not fight the battles. The resources of the country, the private citizens, the manufacturers, agriculture, all the different classes of citizenship, must be, and in a modern war are, mobilized behind the men at the front. The scientific men, the chemists, the men in the flying machines, the men in all walks of life, between the plowhandles and behind the counter, and the women in the kitchens and in the homes all over the land, are part of the fighting forces in every modern war.

The debt that a government owes when it begins a war is a great handicap, depending upon its size. We are better equipped in that respect than any other nation in the world. Our resources are more unlimited than those of any other nation. We are now the creditor nation of the entire world. Our credit is better than that of any other nation. We have as intelligent and as patriotic a citizenship as any nation in the world. We can put behind our Navy and our Army a force in the industrial field and in all the activities of life that can not be put behind any other navy or army in the civilized world. Therefore it seems to me, without any possible danger of war with any nation in sight, with a horizon perfectly clear, that we can afford to take the step that somebody must take if we are going to stop this unreasonable, this uncivilized, this inhuman race for naval supremacy.

We run no risk in doing this; and it seems, therefore, that we can well give an example to the world that even if Great Britain has not done what we feel she ought to have done, we are ready to take the step and to say to the world and to say

to Great Britain, "We are going to wait, now; we are going to pause, and we ask you to pause with us. We call your attention to the fact that unless you do we will ultimately have to get into this race, and in that event we will do the best we can to outstrip you"; and she knows we can do it. The world knows we can do it. It is in no sense in a bragging or boastful way that I say it. It is common knowledge that we can go into this race for military supremacy, because of our resources and our financial position in the world, and outstrip any other nation. Therefore, in that respect, being the leader in the entire civilized world, it seems to me it is up to us to say, "We are willing to stop. We can go further than anybody else, but we are willing now to quit. We are going to pause, and say to you now, 'Great Britain, you pause with us. You agree with us on a limitation of armaments, and particularly as to cruisers. If you do not, of course, we can not prevent the demand that will come ultimately from our people that we enter the race and that we compete with you in this naval race.'"

Mr. President, one of the greatest advocates of a big navy in modern times was Theodore Roosevelt, a man whom I always admired, and whom I usually followed. He advocated the building of a big navy. He advocated all the time, without interruption, that the United States should increase its Navy. At that time we were away below Great Britain. We were not even second in a military sense; and in his argument, as far as I know, he never argued that we should try even to equal Great Britain with our Navy.

I want to read an extract from a book by Theodore Roosevelt entitled "Fear God and Take Your Own Part." On page 87 of that book Mr. Roosevelt said:

> There are two immediately vital needs to be met, that our Navy shall at the earliest possible moment be made the second navy in point of size and efficiency. We do not need to make it the first. Great Britain is not a military power, and our relations with Canada are on a basis of such permanent friendliness that hostile relations need not be considered. But the British Empire would quite properly be neutral if we were engaged in war with some great European or Asiatic power.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Nebraska yield to the Senator from Maryland?

Mr. NORRIS. I do.

Mr. BRUCE. But the Senator, of course, should not forget that there has been an enormous expansion in our foreign commerce since Roosevelt's time.

Mr. NORRIS. Oh, yes; I know there has been. I admit that.

Mr. BRUCE. For instance, our commerce with South America has gone up from about $260,000,000, as I recollect, to a billion dollars.

Mr. NORRIS. But the reasons given by Mr. Roosevelt, then, are true now. One of the main reasons is our friendliness with the great empire of Canada, a part of the British Empire, just on our north, with a boundary line extending from the Pacific to the Atlantic, much of it along the Great Lakes and navigable streams; and yet in all that stretch of thousands of miles there is not a gunboat, not a naval vessel, not an armed soldier, not a fort of any kind. Canada, lying next to us, with the possibility of becoming in the future one of the greatest empires in the world, is a demonstration of the utter lack of the necessity for trying to train armies and build forts along the boundary line, and build navies in order to keep peace.

The Senator from Maine has argued over and over again that we need this armament, not for war but to prevent war. If his argument is sound, we would have had 50 wars with Great Britain on account of the boundary line between our country and Canada, where there is no fort, and where there are no soldiers. Compare that with the boundary line between France and Germany before the World War, those countries on each side armed to the teeth, with guns and cannon and standing armies, ready at a moment's notice to grapple at each other's throats. They got into war, and where we had no soldiers and where there were no forts, there peace reigned, and still reigns, without any thought of war.

Mr. President, a race for armament will bring a combat in time. It seems to me there can be no escape from that, if we do not limit it. The World War, to a great extent, is a demonstration of that. With Great Britain armed to the teeth, with a navy the greatest in the world, and Germany at that time with the second navy, perhaps, arming every day; with every citizen in the Empire a trained soldier, with guns and ammunition and forts without comparison standing out before the whole world, they kept on arming, and they kept on and on. One would get some new guns and that would be given as a reason why the other government should do the same thing, with a result that was inevitable. They ultimately clashed. That is what we will do if we keep on in this unreasonable and illogical race.

I repeat, Mr. President, there is no danger to our country, there is no danger to our institutions, if we refuse to pass this bill. We are not going to be singled out by any country in the world and attacked; and no one believes that we will be. That will not happen. There is danger, however, if we set the example before the world which many of the nations believe we have already set. Many of the smaller nations, copying after the two models, Great Britain and the United States, are building additional warships and cruisers, training more men, building more forts. They say, "Look at Great Britain, look at the United States, towering away above us in armament. We must do something or they in time will override us." Are they afraid of us? Do they agree with Senators like the Senator from Maine that the building of this navy is no indication of war? No matter what our intentions are, by the building of these cruisers, by the expansion of our military course, we are leading on to the time when those nations may feel, to their detriment and to their injury and to their mortification, the overtowering strength brought about by our military expansion. That is what they think of us. That is why they are building ships.

Mr. HALE. Mr. President——

Mr. NORRIS. We are building these ships to a great extent because Great Britain has built cruisers since the disarmament conference.

Mr. HALE. Mr. President, will the Senator yield?

Mr. NORRIS. In a moment. We are giving that as a reason. Yet Senators say this does not mean anything except peace. A man who has a peaceful intention, who is pursuing peace, does not usually go to a hardware store and buy all the ammunition there is in town, and strap it around him, and get revolvers, and march down the street. That is not the way peace is brought about.

Mr. HALE. Mr. President, I would like to ask the Senator whether that is not just what these other countries are doing. We are the only country that has not gone ahead and increased its armament appreciably since the disarmament conference.

Mr. NORRIS. Does the Senator think that if we did not build more cruisers we would be in danger of Brazil attacking us, or Nicaragua attacking us, or Costa Rica attacking us, or Spain attacking us, or Italy attacking us, or Bulgaria attacking us? Is there any danger from any of those countries?

Mr. HALE. Probably not, and probably there is no danger of England or Japan or France or Italy attacking us. But why should we be the only ones who can not increase our naval force when all of the other great powers are increasing theirs?

Mr. NORRIS. The Senator is now making the same argument that is made in England, the same argument that is made in every parliament in the world. It is just as he said—if all the others are doing it, why should we not do it? That is the argument that is made.

Mr. HALE. But we have not done it.

Mr. NORRIS. But they are doing it to some extent, and every time they build a new battleship they point to the United States as an excuse for building it.

Mr. HALE. All that I want, and all those who are in favor of this bill want, is to see that we keep along on a parity with other nations and to indicate that when they are willing to cut down we are more than willing to cut down.

Mr. NORRIS. I understand that. I give the Senator credit for being perfectly sincere. I said that at the beginning of my remarks. I am not complaining about that. But I find fault with what I believe is the Senator's weak logic in the matter. I do not agree with his reasoning.

Mr. HALE. We have tried for six years to get them to cut down.

Mr. NORRIS. I realize what the Senator wants to do.

Mr. HALE. We have shown, in those six years, by our holding off and their going ahead, that it does not tend to get them to decrease their armament, when we have refused to go ahead and develop ours. We have shown the fallacy of the Senator's reasoning, it seems to me.

Mr. NORRIS. Perhaps we have, to some extent. I am not defending Great Britain. I think she is greatly to blame. Perhaps I am prejudiced because I am an American citizen; but I try to look at the matter fairly, and as I look at it I think Great Britain is subject to criticism for the course she has taken. I am not defending her. I think she is guilty of the same thing that the Senator from Maine would be guilty of if we let him have his way. It is unnecessary to do that, as I look at it. It is not only unnecessary, but it would be detrimental to world peace.

Who is going to stop this race? Who is going first to say, "Let us stop"?

Mr. HALE. We are not trying to get ahead of Great Britain. We are not even trying by this bill to catch up with Great Britain.

Mr. NORRIS. This bill is only a stepping stone. This bill is only the beginning. If this goes on the next bill will be for more cruisers, and, as the Senator himself said in the debate, the cruisers last only about 16 years and the battleships about 20.

Mr. HALE. Twenty for both.

Mr. NORRIS. Assuming that to be correct, that means that every year we must build one-twentieth of the size of our Navy in order to keep on the same level that we had to begin with.

Mr. HALE. Quite right.

Mr. NORRIS. When we do that, and then take on the expansion that is going to come when we get into this race, or, rather, if we stay in it, what will be the end? Where is the taxpayer coming in? If we have to build one-twentieth of the Navy every year and, in addition to that, provide for a lot of new vessels, where are we going to stop? It is going to bankrupt this country, as well as every other civilized country in the world. I am trying to make clear that somebody ought to stop it.

Perhaps we have gone as far as we ought to. The Senator says—and there is some reason in the remark—that we have not done as much building as Great Britain has and therefore it is up to her to stop. That may be. I will not dispute that. I am inclined to agree with the Senator. But if she does not stop it, and we are in no danger if we stop for a while, at least, let us say to Great Britain, "Now, we want you to stop or we will have to get in"; and they well know what the result will be when we go in with the intention of building a larger navy than they have. They know we can do it. The world knows we can do it. It is because we are able to do it that we, more than any other nation in the world, for the benefit of international peace and the survival of civilization, ought to be willing to keep out of the armament race as long as we run no risk in doing so.

Mr. KING. Mr. President——

Mr. HALE. Mr. President, if every time we suggest——

The PRESIDING OFFICER. Does the Senator from Nebraska yield?

Mr. NORRIS. I would like to have the Senator from Maine observe the rules. He starts right out without getting permission. I have the floor and I can not be interrupted without my consent. I will tell him in advance that I will always consent, but I want to do it in order. The Senator from Utah addressed the Chair first and I think I ought to yield to him first.

Mr. HALE. I think that is reasonable.

Mr. KING. Mr. President, the Senator from Maine is such an authority on the subject that I give him the preference and yield to him.

Mr. NORRIS. I yield to the Senator from Maine, then.

Mr. HALE. I have already said to the Senator from Nebraska that I thought it was entirely reasonable for him to yield to the Senator from Utah.

Mr. BORAH. I suggest that the Senator from Nebraska go ahead.

Mr. KING. Mr. President, I was about to observe that no sooner was the disarmament treaty signed after the Washington conference, than our naval authorities began agitating for bulges upon our war vessels, and for the elevation of the guns, and agitating for the construction of a large number of 10,000-ton cruisers.

In May, 1924, there was passed through the House, at the dictates of the Naval Board and Navy, a bill for the construction of eight 10,000-ton cruisers. Great Britain had not laid down a single keel for 10,000-ton cruisers. When we took that action, and they began agitating for all those modernizations upon our battleships, and forced that bill through the House for the eight 10,000-ton cruisers, Great Britain, though there was a labor government there at the time, in September, 1924, passed a bill through Parliament for the building of five cruisers of 10,000 tons each.

Our attitude has been belligerent from the beginning. It was belligerent before the Washington conference, and with the signing of the Washington conference treaty the Navy Department, or some of the board within the Navy Department, were constantly agitating for enormous increases of the Navy. Our attitude has been provocative of distrust and resentments and fear in many other parts of the world. Then a little later the navalists demanded the construction of new naval vessels, advocating 71, at a cost of more than $1,000,000,000. So all of the fault is not entirely upon one side.

Mr. HALE. Mr. President, will the Senator from Nebraska yield?

Mr. NORRIS. I yield to the Senator.

Mr. HALE. In reply to what the Senator from Utah has said, I will say that in the summer of 1923 Mr. Amery, who I believe at that time was First Lord of the Admiralty, announced the program of the Government to be to build four additional cruisers.

Nothing was said at that time about the size of the cruisers; but it was stated that Japan and other countries were building, and so it was incumbent on Great Britain to go ahead and build the new cruisers. The program of 1924 that was adopted was directly carrying this out, except that they added one cruiser to it, and in 1924 they actually laid down a certain number—five, I think it was—of new cruisers.

Mr. KING. Oh, no.

Mr. HALE. That was before we had passed the bill authorizing the cruisers. If the Senator will recall, that bill was introduced in the House in May and came over to the Senate in June and passed the Senate, and the Senator himself thereafter filed a motion to reconsider, and the whole matter was carried over until December. On December 11, I think it was, the bill authorizing eight cruisers was passed by the Senate. We did not proceed to build the cruisers until a somewhat later date.

Mr. KING. Mr. President, will the Senator yield further?

Mr. NORRIS. I yield.

Mr. KING. The Senator has not contradicted what I said, that immediately after the Washington conference we manifested our displeasure—I say we; I mean some of the officials of the Government—with the Washington conference and demanded modernization of battleships, and Great Britain contended that the program which we were outlining was in violation of the treaty. Subsequently, we were compelled to admit that the charge that Great Britain was elevating her guns in violation of the treaty was not true. Mr. Hughes was compelled to make that admission. But in addition to outlining the program for the modernization of the battleships—and I think the modernization as far as it went and was contemplated was in violation of the matter if not the spirit of the treaty—in May, 1924, pursuant to this policy of the naval board, a bill was passed through the House and came to the Senate providing for the construction of eight 10,000-ton cruisers. Great Britain had not laid down a single keel at that time and not until September, when the Ramsay MacDonald government was in control, was the bill passed for the building of any of the 10,000-ton cruisers.

Mr. HALE. I have already attempted to show the Senator that this was contemplated in 1923 as laid down in the program put forward by Mr. Amery, and that they were the ones who first started the building of the 10,000-ton cruisers.

Mr. NORRIS. The Senator will admit that was no official action on the part of the British Government. The facts are, as the Senator has related them, that we authorized the building of additional cruisers——

Mr. HALE. We did not authorize them until December.

Mr. NORRIS. But we did not commence to build them perhaps until after Great Britain had authorized them, and that is what we ought to expect. If we authorize the building of a lot of ships, we ought to expect every other nation in the world to immediately come in and add others to their navy, whether we commence actually building them or not.

Mr. HALE. Mr. President, will the Senator yield?

Mr. NORRIS. Yes; I yield.

Mr. HALE. We did not authorize it until December, 1924. They began building their ships in September, 1924.

Mr. NORRIS. The Senator knows that the effort was made here to do it. We can not get away from the fact that every nation in the world having a navy is watching what we are doing here now—every one, without any exception. When we pass this bill it is going to be given as a reason for the building of cruisers all over the civilized world. They are already taking our action on the bill, which is partially completed by its passage through the House, and giving it as a reason for the ships they have already laid down. Why not? We do the same thing. We always give as an excuse when we are enlarging our Navy that some other nation is doing it. That is true in Great Britain. When they build some more ships they refer to what we have done. France will do it; Italy will do it; and Japan just did it the other day. We can not escape it. We can not escape the logic of the things that must follow our action.

Mr. HALE. Mr. President, will the Senator yield again?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Maine?

Mr. NORRIS. I yield.

Mr. HALE. I can not quite follow the Senator in his reasoning that we should not do it because the rest of the world would do it if we did.

Mr. NORRIS. No; I did not say that.

Mr. HALE. Will the Senator let me finish?

Mr. NORRIS. Not that the rest of the world would do it. The Senator must quote me correctly.

Mr. HALE. Will the Senator let me finish?

Mr. NORRIS. Yes. I only want the Senator to quote me correctly.

Mr. HALE. The Senator said other nations will build because we are building.

Mr. NORRIS. Yes.

Mr. HALE. And that they find fault with our building. Am I right?

Mr. NORRIS. Not necessarily find fault. I said they give that as a reason for adding to their navies.

Mr. HALE. But they have already added to their navies, and there seems to be no indignation in the world at what they have done.

Mr. NORRIS. And they will continue to do it as we add to our Navy. Who is going to stop it? Who ought to stop it? Shall we say to Brazil and Italy, "In order to show good faith you must not build. You must not build any cruisers. You must not build an airplane carrier." We ought not to complain of some of those nations who are not in the same class with us so far as naval armaments are concerned.

Mr. HALE. It has nothing to do with those nations, but why should we lay back and be the only one to have an inefficient and improperly equipped navy, when the other nations of the world are going ahead and increasing their navies?

Mr. NORRIS. And at the same time we have the largest Navy in the world with one exception, and we have the best equipped Navy perhaps without any exception.

Mr. HALE. No; I can not agree with the Senator.

Mr. NORRIS. Of course, experts disagree on that.

Mr. HALE. I do not think any of the experts disagree about our need for cruisers.

Mr. NORRIS. A good many experts claim that, taking all our armament and all our vessels, and comparing them with Great Britain, with the exception perhaps of cruisers, we are ahead in every respect. We are ahead in fighting machines and submarines and torpedo-boat destroyers, many times ahead, and our battleships are probably better—at least so the experts tell me, although I am no expert like the Senator from Maine——

Mr. HALE. I do not claim to be an expert.

Mr. NORRIS. The Senator would not admit that we had a good cruiser, anyway, until the bill is passed, I suppose.

Mr. HALE. Oh, yes; we have some excellent cruisers building.

Mr. NORRIS. But the experts tell me our battleships are much more efficient and in some respects outclass the battleships of Great Britain.

Mr. HALE. I do not think that is the general view of the situation.

Mr. NORRIS. It may not be. Of course, I do not know. When experts disagree I have to hunt a hole.

Mr. HALE. I said yesterday that however our Battle Fleet may compare with the British battle fleet—that is, battleships and cruisers—we accepted the provisions made in the conference of 1922, and if we did not get battleships that were the equal of those of Great Britain it was our own fault at that time. I would certainly not say that in battleships we are ahead of Great Britain.

Mr. NORRIS. I understand the Senator would not say that, and he may be right. I do not know. There are other experts who do not agree with the Senator from Maine on that point.

Mr. HALE. I have never heard that statement made.

Mr. NORRIS. Let us take the cruisers alone, just the cruisers. If we consider our territory and the territory of Great Britain, I think we are way ahead of Great Britain, even in cruisers, in a war with Great Britain. She has to protect territory all over the world. We do not. She has to protect herself, an island that could not live 30 days if she could not get food in there. Her people would be starved. That does not apply to us. We do not need as large a navy, as Roosevelt said and as many other experts have said. We do not need as large a navy as Great Britain, and particularly with Canada on our north a hostage. A war with Great Britain would mean what? Great Britain could not defend the Canadian line, and while, even if we were in war with Great Britain, I would not want one foot of Canadian territory, yet it is perfectly apparent that our Army could overrun Canada. That is perfectly apparent.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. NORRIS. I yield.

Mr. REED of Pennsylvania. We tried it about 100 years ago, and were driven back inside of our own lines.

Mr. NORRIS. When the Senator compares our condition now with the conditions which existed then, when we were fighting for independence, he is giving an illustration which, to my mind, has not anything whatever to do with the case which we are now considering.

Mr. REED of Pennsylvania. I beg the Senator's pardon. We were not fighting for independence in 1812, 1813, and 1814.

Mr. NORRIS. That was our second war for independence.

Mr. REED of Pennsylvania. We got chased out of Canada when we tried to invade it.

Mr. NORRIS. I presume that is true. I have no quarrel with the Senator on that point. But the Senator does not think that if we had a war to-morrow with Great Britain, with the small resources of Canada, valuable as they are, but small as compared with the United States, with the 120,000,000 people that we have against her 7,000,000 or 8,000,000 or 9,000,000, that she could defend herself against us?

Mr. REED of Pennsylvania. Why does the Senator talk always about Great Britain? Of course, it is true we have had six major wars in the last 153 years and Great Britain has been in three of them, but might we not have a war with alliances of other nations than Great Britain?

Mr. NORRIS. Yes; we might have such a war. I am glad the Senator called my attention to it, because I want to speak now of the navy race again, something that he has reminded me of. If we are going to build a navy big enough so that nobody can overcome us, then there is only one logical outcome, there is only one logical aim, and that is we must aim to construct a navy that will be bigger than all the navies of the world combined. I do not think there is any question whatever about it. We may have a war with Great Britain and Germany and France and Italy and Nicaragua all combined against us, and we would need a navy larger than all of them put together. But no one so far has proposed that we should do that, and yet if we enter a race against Great Britan, a possibility, it is said, where there might be war, I can see there is a possibility of a combination of the world against the United States and then we would need a navy larger than all the navies of the world put together. In other words, this race for naval supremacy has no end. It means destruction, not only to our country but to all the civilized countries of the world.

There is no logical stopping place. It is a race that every nation has a right to enter, the same as we have the right to enter it. It is a race in which all the nations will enter if we keep on. It will be a race among all the nations of the world. There is no end to it. When we build ships they will build ships. When they build ships we will build ships. There never will come a time when it will stop until by the destruction of our civilization, either by war or by taxation itself, when the people will become slaves, when our ordinary people will become peasants, when the debt of the world will be so great that it will be beyond the possibility of all the laborers and all the farmers and all the manufacturers to produce enough profit and enough money to pay the debt that this interminable race will bring upon us.

Mr. HALE. I do not know what the Senator means by a race. I do not think the Senator can persuade the Senate that when we are merely trying to bring our Navy up to a state of moderate efficiency we are indulging in a race with Great Britain.

Mr. NORRIS. Let me say to the Senator——

Mr. HALE. I can say, Mr. President——

Mr. NORRIS. Now, if the Senator wants to interrupt me he should ask permission.

Mr. HALE. The Senator yielded to me.

Mr. NORRIS. I did not. I beg the Senator's pardon, but the Senator started right out and cut me off. If the Senator wants me to yield and will ask me in the proper way I will probably yield, even though I would like to answer the question he has already asked before I yield to him to ask another one.

The Senator from Maine says our intention is philanthropic, it is Christian, it is brotherly; we do not want to use our Navy to fight with; we have no intention of offending any other nation. I concede he is honest in that expression; I concede he believes that to be true, and so other nations have no right to complain if we build a big navy. Then, we have no right to complain if they do. So, in order to satisfy the people of other countries, we ought to send the Senator from Maine around to them when they are building battleships and have him tell them, "The idea you have that we are trying to build a big navy is all wrong; we do not mean to use it at all; we are not going to use our battleships to fight with; we are not going to load our guns; we are not going to use the ammunition; we are not going to use the naval vessels that we have built; we have built them as an emblem of peace; and you are wrong in the feeling that you

have." I suppose they would all believe him and they would scrap their navies.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. NORRIS. I yield.

Mr. BORAH. I should like to have an executive session. If the Senator is willing to yield for that purpose, I will move an executive session.

HAY GROWERS IN CERTAIN COUNTIES OF TEXAS

Mr. SHEPPARD. Mr. President, will the Senator from Nebraska yield to me for a moment before the Senator from Idaho makes his motion?

Mr. NORRIS. I will yield to the Senator from Texas.

Mr. SHEPPARD. Mr. President, the Senator who objected to Senate bill 4818 when the calendar was last called has advised me that he has withdrawn his objection. I should like to have the bill considered and passed at this time.

Mr. NORRIS. I did not hear the Senator's request.

Mr. SHEPPARD. I ask that a bill on the calendar, objection to which has been withdrawn since the calendar was last called, may be considered and passed at this time.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4818) for the relief of hay growers in Brazoria, Galveston, and Harris Counties, Tex., which was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and is hereby, authorized and directed to examine and settle, on the basis of facts and figures to be found and reported by the Secretary of Agriculture, the claims of hay growers in Brazoria, Galveston, and Harris Counties, Tex., who were prevented during the year 1925 from harvesting their hay because of quarantine restrictions against the spread of the hoof and mouth disease: *Provided*, That the allowance made on any such claim shall not exceed the amount paid thereon by the livestock sanitary commission of Texas, pursuant to an act of the State legislature approved October 6, 1926. There is hereby appropriated, from any money in the Treasury not otherwise appropriated, a sufficient amount, not to exceed $218,177.50, to enable the Secretary of the Treasury to pay such of the claims as may be allowed by the Comptroller General.

The PRESIDING OFFICER. The Chair is informed that there has been offered to the bill an amendment which is pending. The amendment will be stated.

The CHIEF CLERK. At the end of the bill, on page 2, line 7, after the words "Comptroller General," it is proposed to strike out the period and insert in lieu thereof a colon and the following:

Provided further, That no part of the amount of any item appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys to exact, collect, withhold, or receive any sum which in the aggregate exceeds 10 per cent of the amount of any item appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXECUTIVE SESSION

Mr. NORRIS. I now yield to the Senator from Idaho.

Mr. REED of Pennsylvania. Mr. President——

Mr. BORAH. Let me say to the Senator from Pennsylvania that the Senator from Nebraska wishes to hold his place on the floor for the opening of the session in the morning.

Mr. REED of Pennsylvania. Can it not be understood that he will hold his place with the right to proceed in the morning?

Mr. NORRIS. I am satisfied to have that understanding.

Mr. REED of Pennsylvania. With that understanding, Mr. President, I ask unanimous consent that the unfinished business may be temporarily laid aside and that the Senate may proceed to the consideration of the War Department appropriation bill.

Mr. NORRIS. Mr. President, I should have to object to that. I do not think we ought, while we are debating the cruiser bill, have some other bill pending. The debate could go on just the same, it is true, but I do not see any advantage the appropriation bill will gain by having that course taken, and, unless there is some particular reason why it should be done, I do not think the Senator ought to ask for it.

Mr. REED of Pennsylvania. I was merely anxious to have the appropriation bill before the Senate, so that if the debate on the cruiser bill shall be concluded to-morrow we might go ahead with the Army appropriation bill.

Mr. NORRIS. The Senator can then get up the Army appropriation bill.

Mr. REED of Pennsylvania. I can renew the request then; that is true.

Mr. BORAH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session, the doors were reopened.

Mr. JONES. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate took a recess until to-morrow, Saturday, February 2, 1929, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 1 (legislative day of January 31), 1929

UNITED STATES DISTRICT JUDGE

Edward K. Massee to be United States district judge, district of Hawaii.

UNITED STATES CIRCUIT COURT JUDGE

Charles S. Davis to be judge of the circuit court, first circuit, Territory of Hawaii.

UNITED STATES ATTORNEY

John Paul to be United States attorney, western district of Virginia.

APPOINTMENT IN THE REGULAR ARMY

CHIEF OF BRANCH

Brig. Gen. Charles Higbee Bridges to be The Adjutant General, with the rank of major general, for a period of four years from date of acceptance, with rank from December 31, 1928.

POSTMASTERS

INDIANA

Paul F. Walton, Oaklandon.

MASSACHUSETTS

Charles R. Gow, Boston.

MISSOURI

Anna Tabler, Jasper.
William H. Reynolds, Smithton.
Roy E. Dusenbery, Van Buren.

NORTH CAROLINA

James V. Benfield, Valdese.

VIRGINIA

John M. B. Lewis, Lynchburg.

WYOMING

Henry H. Loucks, Sheridan.

HOUSE OF REPRESENTATIVES

FRIDAY, *February 1, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, our Lord, come richly into our hearts, for if they are full of love they are safe from the fear of evil and our dispositions are sweetened by Thy grace. Our natures are teeming with tendencies, desires, and ambitions. Help us to guard our wandering wills and subdue the threatening flames of passion; clear our perceptions and enable us to keep our manhood unstained. In our minds and hearts let there be strangely mingled enthusiasm and restraint, courage and quietness. It is the Spirit of God that makes life worth while. May we open the doors of our souls to Him, and all things will brighten with every step. Just now take our lives, so full of possibilities, and in the distant years may they count as trophies at Thy feet. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 12404. An act authorizing erection of a memorial to Maj. Gen. Henry A. Greene at Fort Lewis, Wash.;

H. R. 14920. An act granting the consent of Congress to the State of Wisconsin to construct, maintain, and operate a free highway bridge across Rock River at or near Center Avenue, Janesville, Rock County, Wis.; and

H. R. 15324. An act authorizing the attendance of the Marine Band at the Confederate veterans' reunion to be held at Charlotte, N. C.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 16301. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1930, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 5129. An act authorizing Thomas E. Brooks, of Camp Walton, Fla., and his associates and assigns, to construct, maintain, and operate a bridge across the mouth of Garniers Bayou, at a point where State Road No. 10, in the State of Florida, crosses the mouth of said Garniers Bayou, between Smack Point on the west and White Point on the east, in Okaloosa County, Fla.;

S. 5515. An act to amend section 95 of the Judicial Code, as amended; and

S. Con. Res. 34. Concurrent resolution authorizing the reenrollment with an amendment of the joint resolution (S. J. Res. 171) granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid-transit railway.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14800) entitled "An act granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war."

The message also announced that the Senate insists upon its amendments to the bill (H. R. 15848) entitled "An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1929, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1929, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WARREN, Mr. PHIPPS, Mr. KEYES, Mr. OVERMAN, and Mr. GLASS to be the conferees on the part of the Senate.

HAWAIIAN BOXING MATCHES

Mr. HOUSTON of Hawaii. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 7200 and agree to the Senate amendment.

The SPEAKER. The gentleman from Hawaii asks unanimous consent to take from the Speaker's table the bill H. R. 7200 and agree to the Senate amendment. Is there objection?

The Clerk read the title to the bill, as follows:

H. R. 7200. An act to amend section 321 of the Penal Code.

The Senate amendment was read.

Mr. CRAMTON. Reserving the right to object, where did all these details as to the length of the round and the intermission originate?

Mr. HOUSTON of Hawaii. They originated in the House.

There was no objection.

The Senate amendment was agreed to.

OMNIBUS PENSION BILL

Mr. W. T. FITZGERALD presented a conference report on the bill (H. R. 14800) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war, for printing in the RECORD.

INAUGURATION TICKETS—RULES OF THE HOUSE

Mr. SNELL. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SNELL. Mr. Speaker, many Members have been disturbed by an announcement made in the local press saying that the number of tickets for the inauguration for Members of the House have been reduced to four. Where this information came from I do not know, but the Members of the House will be supplied with seven tickets, as was announced several days ago.

I want to further state that these tickets will not be ready until about a week before the inauguration ceremonies. They will be distributed by the Sergeant at Arms of the House, and an announcement will be made on the floor when they are ready.

Several have called me up over the phone and asked me about tickets for the employees of the House. We expect to have a special stand, which will seat about 1,200 people, which will take care of the employees of the House and the Senate.

Now, I would like to propose a parliamentary inquiry to the Speaker, or at least call the attention of the Speaker to something that I do not think is in accordance with the rules of the House. There has been a growing custom lately that during a roll call Members go into the well of the House and create such confusion that it is very difficult for the clerks to hear and impossible for Members in the Hall to hear their names when called. In my judgment this is all wrong. Furthermore, there is no provision in the rules that provides for a Member to explain his vote or how a colleague would vote if present. I think the Speaker should call attention to these infractions of the rules.

The SPEAKER. I am glad that the gentleman from New York has asked this question. The Chair has had in mind making a statement touching the matters he mentions. In the first place, the Chair thinks that gentlemen should not ask leave of absence for their colleagues on the floor of the House. It simply consumes time. They should be in writing and blanks are provided for that purpose. Hereafter the Chair will refuse to recognize gentlemen who ask for leave of absence for their colleagues from the floor.

As to the second question asked by the gentleman from New York, whether the announcement by Members that their colleagues if present would vote so-and-so, is contrary to the rules of the House. The Chair has no knowledge of any rule that gives Members that privilege. Of course, a Member might obtain unanimous consent to make such a statement, and the Chair hereafter will ask if there is objection to making the statement.

With regard to Members standing in the well of the House during an important roll call, the Chair thinks that the rule prohibiting it ought to be strictly enforced, and will enforce it from now on. The Chair thinks that during a quorum call it would not be necessary to apply the rule very strictly, but where there is a roll call as important, for instance, as the one yesterday a large number of Members standing in the well is contrary to the rule, and from now on the Chair will strictly enforce that rule.

BILLS ON CONSENT CALENDAR

Mr. DENISON. Mr. Speaker, I desire to propound a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DENISON. The rules of the House provide that bills must be on the Consent Calendar for three days before they can be called up. I am informed that that means three days in which the House is in session. Is that the Speaker's interpretation of the rule?

The SPEAKER. The Chair thinks that the phrase "three days" means three legislative working days, that if the House is not in session it is not a legislative day, and that day, therefore, would not be included.

The present occupant of the chair has held that a holiday was not a legislative day. The Chair thinks that a day when the House is not in session is a holiday to that extent.

Mr. DENISON. I think that ruling of the Speaker was made in connection with the resolution for an investigation, filed by the gentleman from New York [Mr. LAGUARDIA]. He called it up right after the holidays and the Speaker held that the rule requiring seven days should elapse before it could be called up were days in which the House was in session.

Mr. SNELL. Would there not be a different situation from that of a regular holiday in the case of a week day when the House might be in session but on account of a particular situation did not happen to meet.

The SPEAKER. The attention of the Chair is called to the fact that the calendar is not printed on days when the House is not in session. Therefore, it might be physically impossible to print in the calendar the bill which it is proposed to put on the Consent Calendar. Speaker Cannon ruled on December

20, 1909, that the better practice would be that bills should be upon the printed calendar for three days in order that they might be called on the Monday provided in the rule for the calling of the Consent Calendar. (Cannon's Precedents, sec. 8117.) On February 7, 1910, Speaker Cannon again ruled as follows:

The Chair in construing this rule has held that a bill on Unanimous Consent Calendar shall be upon the printed calendar. Why? So that every Member of the House by consulting the calendar may be informed what bills are subject to unanimous consent upon that calendar.

This decision may be found in Cannon's Precedents, section 8118. That being the case, the Chair thinks that the ruling with regard to holidays not counting as legislative days ought to be also applied to days when the House is not in session.

Mr. GARNER of Texas. Mr. Speaker, let us have a concrete demonstration. Next Wednesday is Consent Day. Suppose the House adjourned on Thursday until Monday, under the ruling of the Chair a bill placed on the calendar on Wednesday could not be called up the following Monday.

Mr. DENISON. That is the reason I made the inquiry.

Mr. GARNER of Texas. And in order to take full advantage of the Consent Calendar, the House must stay in session then even if it adjourned from day to day.

The SPEAKER. The Chair thinks so, and in such a case the bill must have been put on the calendar on Tuesday so that it would be on the calendar for three legislative days. If the House should not be in session on Saturday, a bill, to be considered on the Consent Calendar on Monday, must have been filed on the preceding Wednesday.

Mr. LEAVITT. And what is the effect of that on Calendar Wednesday?

The SPEAKER. It would have no effect on Calendar Wednesday.

RAPID-TRANSIT RAILWAY ON UNITED STATES PROPERTY IN NEW YORK CITY

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Concurrent Resolution 34, authorizing the reenrollment with an amendment of the joint resolution (S. J. Res. 171) granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid-transit railway and consider the same at this time.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table Senate Concurrent Resolution 34 and consider the same. The Clerk will report the concurrent resolution.

The Clerk read as follows:

Senate Concurrent Resolution 34

Resolved by the Senate (the House of Representatives concurring), That the action of the Vice President and the Speaker of the House of Representatives in signing the enrolled joint resolution (S. J. Res. 171) granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid-transit railway be rescinded, and that in the reenrollment of the said joint resolution the Secretary of the Senate be, and he is hereby, authorized and directed to strike out the following language: "at a point on Wall Street in the city of New York on the southern boundary of the property belonging to the United States and occupied wholly or partly by the Subtreasury Building, said point lying either at the southwest corner of the Subtreasury Building or in a southerly direction therefrom on a line in prolongation of the westerly wall of the Subtreasury Building and extending thence northerly along the westerly wall of the Subtreasury Building, or along a line in prolongation thereof, beginning."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate concurrent resolution.

The concurrent resolution was agreed to.

NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes. Pending the placing of the motion, I might suggest that the demand for time in general debate on this side of the House at present amounts to something like four or five hours. What is the demand on the other side?

Mr. AYRES. About three or four hours, so far.

Mr. FRENCH. Then, pending the motion, I suggest that we do not attempt to limit the time for general debate at this moment. I ask unanimous consent that the time for general debate be controlled equally by the gentleman from Kansas [Mr. AYRES] and by myself.

The SPEAKER. The gentleman from Idaho moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill, and, pending that, asks unanimous consent that the time for general debate be controlled equally by himself and by the gentleman from Kansas. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, and I do not intend to object, in view of the statement made that there are to be 7 or 8 or 9 hours of general debate, can not the House have some assurance that the reading of the bill under the 5-minute rule will not be undertaken to-morrow, so that Members might be free to govern themselves accordingly?

Mr. FRENCH. Mr. Speaker, the inquiry is a fair one. I am not able to say whether or not Members will use all of their time or ask for somewhat more. Apparently the time to be consumed in general debate will occupy all of to-day and at least so much of to-morrow that I think I may as well say now that if we should conclude the general debate to-morrow, I shall not ask to begin the reading of the bill under the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Idaho that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill, H. R. 16714, with Mr. LUCE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16714, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 16714) making appropriations for the Navy Department and the Naval Service for the fiscal year ending June 30, 1930, and for other purposes.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FRENCH. Mr. Chairman, I yield the gentleman from New York [Mr. CLARKE] 20 minutes.

Mr. CLARKE. Mr. Chairman, I ask the courtesy of the House in presenting my little picture that I be not interrupted.

Mr. Speaker, I am going to yield this afternoon to the walrus and the carpenter, who, as you will remember, were friends Alice encountered in Wonderland.

You will recall that meeting and at least a fragment of the conversation, which is quite familiar:

"The time has come, the walrus said,
To talk of many things.
Of ships and shoes and sealing wax
And cabbages and kings."

I have always felt, Mr. Chairman, that the walrus was discussing just one subject—the tariff. The time has come for such discussion in Congress preparatory to that tariff readjustment which we now face.

We live in the American wonderland, a wonderland of magic cities and things done with magical precision. I am going to talk to you this afternoon about one of those magic cities, of ships that bring shoes; of the present necessity for some tariff sealing wax.

I shall try to show you that "if we know our cabbages" as well as we think we do in this House, we will pay some attention to the present-day need of a few million American kings. When I say kings I mean American workmen. They are the only kings we have in this country worth consideration.

"The time has come, the walrus said." Mr. Chairman, the walrus was correct. Let me tell you something about a magic city in this American wonderland and the threat which menaces it and other magical American cities to-day, because ships bring shoes and there is no sealing wax.

THE MASTER SHOEMAKER OF THE MAGIC CITY

What Thomas Edison is to electricity, what Henry Ford is to the automobile industry, even that and just a little more is the beloved George F. Johnson to the shoe industry. Some call George F. the master shoemaker, but I feel that no such term is inclusive enough, for almost with magic hand has he translated a struggling, indifferent enterprise located in a small country town, with a single factory that gave employment to

but 200 people and produced but a thousand pair of boots per day, into three good-will cities—Johnson City, Endicott, and West Endicott—all within a radius of a few miles, with an aggregate population of 30,000, with 22 factories with a combined production averaging over 130,000 pairs of shoes per day. With 17,000 workers, each with a personal interest in the enterprise, for after a dividend has been paid on preferred and the common stock, the balance of the profits is equally divided between the workers and owners of the common stock. In addition many of the workers are stockholders in the company. There has never been a strike, production is maintained, and in 1925 the workers gathered dividends amounting to nearly $1,200,000, or practically 5 per cent, on the $21,700,000 paid in actual wages in one year. George F., the beloved, as he is called, watches over and protects the interests of every employee. Food is assembled in public markets promoted by a community organization. The magic city provides three hospitals with complete medical service, without charge to the employees and their families, pensions for the old, sick relief and death benefits, a large park and playground, swimming pools, and everything to make life attractive to the workers and promote the feeling of shareholders in this great common enterprise.

The homes which are mostly owned by the employees are built and sold at cost and sometimes less. Free band concerts all bear testimony that the heart as well as the head of George F. is giving every consideration to promoting the interest of the family and generating a higher standard of living as well as an enlarged American spirit.

For the first time in the history of the shoe industry the competition of cheap labor abroad and the introduction of American shoe machinery and American methods has threatened the magic city as well as the industry, so the workers and owners of these vast manufacturing concerns come before the Congress urging that the shoe industry, in common with other American industries, shall have protection from cheap labor and unfair competition in order to promote and continue this wonderful era of prosperity we are now in, generating better homes and finer Americans in an environment healthy and wholesome.

That Mr. Chairman, is the magic city which has arisen under propitious influences and through human genius, up yonder in the country whence I come, the district I am proud to represent.

There are many unique features to this magic city, because George F. Johnson is unique; yet I know from personal observation that in a general way it fairly reflects the life, the problems, the standards, and the people of dozens of shoe-manufacturing communities in the districts represented by nearly 100 of the Members of this House.

In the manufacture of shoes alone, Mr. Chairman, 17 of our States are vitally concerned, and by actual count there are 72 of our congressional districts where shoemaking is one of the leading industries. What I am going to say this afternoon touches the lives and the welfare of many millions of persons outside my own district. Otherwise I would not take up the time of the House in this discussion, for this is a national body, and national problems are entitled to right of way. I think that what I have suggested indicates that this is a truly national problem.

The people of the magic city, like the people of the other shoe-manufacturing communities of the country, Mr. Chairman, are fairly representative of the American standard of living. When I speak of the American standard, I mean bathtubs as well as radio sets, comfortable and hygienic houses as well as automobiles; well-dressed, well-educated children as well as fur coats; and money to put on the collection plate on Sunday as well as money to spend on vacation in the summer.

In short, I am talking about a typical American cross section of modest, reasonable, but comfortable living, which includes some things which were regarded as luxuries a few years ago. Now note, if you please, they still are regarded as luxuries in many parts of the world, but are taken as a matter of course in the American standards of living.

Some of those things, Mr. Chairman—and we will not be too specific, lest we give offense to the people of other lands, where no offense is intended—strike the line of demarcation between the living standards of the American workman and the living standards of workmen and their families in other parts of the world.

Realization of that fact is fundamental in this entire tariff question which presently the Congress will face in special session with decks cleared for equitable revision.

The American workman lives as he lives because of the prosperity attendant upon the industry in which he is engaged. Just as long as that industry continues in normal prosperity, just so long will he be able to enjoy the same sort of substantial, sensible living that his neighbors in other lines of industry enjoy.

I am not one of those who believe that Congress can or should attempt to legislate prosperity. I think that is the wrong way of looking at the whole problem. Again and again on the floor of the House and in its committee rooms I have urged that it is not the function of the Congress and it is not the intent of Government to lift this group or that group bodily from a particular economic condition through artificial means. That is not the American idea. History suggests that is a trick of legislative bodies of decadent peoples.

But I think we are all agreed, Mr. Chairman, to this general proposition—that it is the function of the Congress to insure equal opportunity. That is all we are discussing when we talk about the threat which is now menacing the magic city and the American shoe business generally.

The shoe industry, Mr. Chairman, is unique among American industries in its relation to the tariff schedules of this country. It has not enjoyed the tariff protection accorded to most of the other manufacturing industries of the United States on the bulk of its output. Now and again, as tariff schedules have been revised, there have been suggestions for a protective duty on the all-leather boots and shoes which now have no protection, but the superiority of American shoe-making machinery has been such that no real economic necessity was found to exist by the tariff makers for a protective schedule on boots and shoes.

One result of that economic condition has been to stimulate the master shoemakers of this country to a high plane of mass production. They have improved their machinery both in efficiency and in total output. They have made, and are making, more shoes and better shoes than may be found anywhere else in the world.

American brains and American hands have made that possible. Sallying forth into the world arena with no protective tariff shield to aid them, they have fought a good fight and they have held their own. As long as their mechanical weapons of production were superior, they could do that, and still pay American wages in competition with the cheap-labor made shoes of other countries.

If it had been merely a case of competing on a base of labor costs alone, Mr. Chairman, the American shoe industry would have found protection necessary, because there is a vast difference between the wages paid the American shoemaker and the wages paid the foreign shoemaker. The average wage in the magic city is $1,500 a year, and I understand the average wage of the foreign shoemaker is about $300 to $500 a year, from one-fifth to one-third of the reasonable American scale.

But there was a compensating factor and that factor was the American-invented and produced shoemaking machinery, of which I have spoken. Its mass production, its high state of perfection gave the American manufacturer an advantage in production costs which enabled him to compete with the foreign shoe manufacturer and still pay American labor a living wage.

So things went along very well until the foreign shoe manufacturer, as was inevitable, began to buy and use American machines for shoe manufacture.

Mr. COOPER of Ohio. Will my friend yield there?

Mr. CLARKE. I do not care to yield at the moment.

Mr. COOPER of Ohio. Will the gentleman yield when he gets through?

Mr. CLARKE. I will be glad to do so.

As long as only the American manufacturers employed the mass-production, cost-reducing machinery, they could pay American wages and still beat the foreign manufacturer with his low-paid help and his not so efficient shoemaking machinery.

But as soon as the foreign shoe manufacturer began to equip himself with that same sort of machinery, then his cheap labor, as contrasted with the high-paid American labor, became a determinative cost factor.

In other words, with the machinery equation equal or nearly so, on both sides of the water, then the labor-cost equation, plus transportation, would govern the production and marketing cost. The man with the cheapest labor could undersell the man with the more expensive labor because his production costs would, of course, be lower.

Very well, you say, but that is just a theory and that is just a hypothesis. What we want to know is what happened. Did anything actually happen to bring about this menace you suggest? Mr. Chairman, it did. It began to happen a long time ago. It is still happening. Now, it has become a threat, and because of that threat the shoe manufacturers are going before the Ways and Means Committee up yonder and ask for a protective duty. Let me show you a few million reasons why they are compelled to do that.

Mr. Chairman, here is a picture of the menace which is threatening the magic city and every other shoe manufacturing community in the United States:

	Boots and shoes		Slippers	
	Pairs	Valuation	Pairs	Valuation
1923	398,929	$1,346,176	653,964	$280,014
1924	586,689	1,995,252	581,466	301,904
1925	814,643	2,429,374	180,322	130,860
1926	1,069,741	3,380,972	377,387	321,381
1927	1,477,435	5,199,656		
1928 [1]	2,334,594	7,437,746		

[1] Eleven months only.

In preparing this table I have begun with the Commerce Department reports of 1923, representing the general period in which the present tariff began to operate.

The importations of all leather boots and shoes duty free into the United States in 1923 are 398,929 pairs, valued at $1,246,176.

And at the same time, the importation of duty free leather slippers amounted to 653,964 pairs valued at $280,014.

The imported shoe figure of 1924, Mr. Chairman, is somewhat larger than that of 1923. It represents importations of 586,689 pairs of all-leather boots and shoes, duty free, valued at $1,995,252. And while the slipper figure is slightly smaller, representing only 581,466 pairs of all-leather duty free slippers, it will be noted that the value increases over 1923 and is $301,904.

Now we come to 1925, and what do we find?

This imported shoe is growing, Mr. Chairman; it is a size 8 now—814,643 pairs of duty free, all-leather boots and shoes imported during that year with a value of $2,429,374, in competition with the output of the magic city and the other shoe communities of the United States.

Again the slipper falls off; it is not as important, yet it represents 180,322 pairs of duty-free, all-leather slippers, valued at $130,860.

Now, it is not normal and it is not reasonable that a shoe fitting one person or one condition in one year should be two full sizes larger the next. Yet here we have the same shoe of free duty import of 1926, Mr. Chairman, and it is now a size 10. It represents 1,069,741 pairs of all-leather boots and shoes of the ordinary grades, valued at $3,380,972. And you will note the slippers are climbing again—377,387 pairs, worth $321,381.

What is happening to account for this increased army of foreign-made shoes clattering up the gangplanks to American shores—an army bigger than Pershing took to France in the first instance? Certainly it is not accounted for by an increasing army of shoemakers in foreign lands. No, Mr. Speaker, there is only one thing that can account for it. American manufactured shoemaking machinery, bought by foreign manufacturers and operated by cheap foreign labor, with resultant low production costs, is being turned against the American market.

Under the cover of those American-made machine guns an invading army of a million and more sweeps on to the American coast in 1926.

The next year—1927—as might reasonably be expected in view of what I have just pointed out, that army has increased to 1,477,435 pairs of duty-free, all-leather boots and shoes worth $5,000,000, Mr. Chairman, or nearly five times as much as the importation of 1923. In four years, then, we have watched the development of a threat which has increased almost 500 per cent. The exact valuation as indicated by the commerce reports is $5,199,656.

Only the first eight months of 1928 importations on duty-free, all-leather boots and shoes are represented by these figures.

But the size of it suggests that the progressive invasion I have been describing is a real threat and an increasing threat. In the first 11 months of 1928, 2,334,594 pairs of all-leather boots and shoes joined the army of invasion which threatens the communities of which I speak.

And that, Mr. Chairman, represented an increase of 76.4 per cent, over the 1,323,574 pairs of duty-free boots and shoes imported during the corresponding period of 1927.

The $7,437,746 represented by the 1928 imports is just that much money taken away from the American shoe manufacturing trade. Increased American demands do not compensate for it. And I ask you, Mr. Chairman, and the gentlemen of this House who have borne with me so patiently, how, when he is so threatened in the home market by American-made shoemanufacturing machinery, plus cheap foreign labor, the American shoe manufacturer is going to be able to compete in foreign markets?

Mr. BLACK of Texas. Would it disturb the gentleman to yield there?

Mr. CLARKE. It would until I complete my statement and then I will yield.

I think it is a plain case. I think everyone in this House can see that this big boot here is kicking the American shoe manufacturer, and the American shoe worker in the face. It seems to me that the threat against the magic city and the other shoe communities of America is anything but fanciful in view of the picture I have presented here.

The threat is directed not only at American business per se. It extends to the shoemaker behind the machine; to his home, his wife, his children, and the living conditions which he now enjoys. It reaches to his butcher, his baker, his clothier, his banker, and his grocer. Wherever in this country men live by the trade which is as old as civilization itself, that threat is felt.

A trampling army of duty-free, foreign-made boots and shoes is outside the walls of the magic city, Mr. Chairman.

We Americans have a habit of waiting until armies begin to move before we discuss arming. I think that it is time to begin talking preparedness for the protection of the magic city and the other boot and shoe making communities of America.

As long as our workmen enjoyed the production cost differential created by efficient American-made machinery, this was not a pressing question. Now the shoe is on the other foot, and Mr. Chairman, it is a foreign foot, aiming a swift kick at American living standards.

I listened in at the Ways and Means Committee tariff hearings the other day, and I heard my friend and colleague JOHN GARNER, of that good Republican State of Texas, tell a New England manufacturer that the Democratic theory of tariff was to give everybody the same treatment. That is the simple remedy of the situation I have described to you, so there is no partisanship involved in the discussion of this tariff schedule, at least. The shoe manufacturers of the country, who have hitherto enjoyed none of the protection accorded other industries, are now facing that economic situation which furnishes the justification for a protective tariff. In it they are asking nothing for themselves at the expense of the ranchman and the farmer. Without attempting to speak for all of them, let me put into the RECORD at this point a part of a letter I received recently from the master shoemaker himself, George F. Johnson, builder of the magic city.

ENDICOTT, N. Y., *January 1, 1929.*

DEAR JOHN: You want an argument from my point of view on why we should ask for free hides, while we are insisting that we shall have taxed shoes. I am perfectly frank, John, when I say that, from my point of view, free hides are not important to the shoemakers or tanners. If taxed to satisfy the agricultural interests, it will work no hardship to any particular single concern. It will simply react on all alike, like any other tax which is put upon articles of general use. The "ultimate consumer" pays the bill. All shoes will cost more money. If it satisfies the farmers (who, God knows, need some consideration from their Government), I would be the last one in the world to offer opposition.

In the matter of shoes it is a different story. We need a protective duty. There is a great deal of labor in shoes, and our Government has stated that they intend to protect the working man. And so let's have a tariff on shoes, and a good stiff one, so that we can pay our laboring people about $1,500 a year while our foreign competitor only pays $300 to $500.

I hope this is a clear, if brief, statement of the true situation. You are at liberty to use it in any way you see fit.

Sincerely,

GEORGE F. JOHNSON.

And there you have it, Mr. Chairman; a glimpse into the unselfish heart of this man who so well represents the industry now threatened by these millions of pairs of shoes that are scuffling up the American gangplanks each year in ever-increasing armies of invasion.

I think the case is plain—the case of ships and shoes and sealing wax, and cabbages and kings.

The ships bring shoes, and unless we use some tariff sealing wax, Mr. Chairman, our American workmen, who are the only kings we have in this country, are likely to come to the conclusion that we do not know our economic "cabbages." We need this tariff. If the shoe I have shown you fits, put it on.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. CLARKE. I will.

Mr. COOPER of Ohio. I will say I approve of everything the gentleman from New York says in regard to protecting the shoe manufacturer against foreign competition. Last year 64,000,000 square feet of upper calfskin leather came in duty free. We have some leather industry. I am going to go along with the gentleman to get a tariff for shoes, and I was wondering if he will go along with us to get a tariff for leather?

Mr. CLARKE. Reciprocity is the life of trade. I think that is a fair proposition.

Mr. COOPER of Ohio. I would like to know what the gentleman thinks about it.

Mr. CLARKE. I think it is a reasonable proposition.

Mr. COOPER of Ohio. Does the gentleman believe the leather industry should be protected?

Mr. CLARKE. I certainly do. I think every American industry is entitled to protection.

Mr. COLE of Iowa. Where do we come in; we have cattle in Iowa and from cattle we get hides. Ought that not be protected?

Mr. HUDSPETH. Will the gentleman yield?

Mr. CLARKE. I will.

Mr. HUDSPETH. I did not recognize the State from which I came by the gentleman's designation a while ago when he said the great Republican State of Texas, but he pictured the dire, yea very dire, situation in regard to the leather manufacturer and boot and shoe manufacturer and the gentleman read a letter——

Mr. CLARKE. From George F. Johnson, one of the largest manufacturers——

Mr. HUDSPETH. That this gentleman was willing to grant a small increase in tax on hides. Is the gentleman aware of the fact that when his party took the tariff off hides in 1909 boots and shoes went up 100 per cent?

Mr. CLARKE. I do not know the exact situation.

Mr. HUDSPETH. Well, that is so.

Mr. CLARKE. I do not know about it.

Mr. HUDSPETH. Now, can the gentleman transfer himself back down there to that good Democratic State of Texas and talk with the cattlemen, where it does not pay them in many instances to skin the old cow? Will the gentleman join me to secure a duty on hides—just a reasonable duty?

Mr. CLARKE. I will; and I will also endeavor to get the gentleman to vote the Republican ticket. [Laughter.]

Mr. HUDSPETH. He can never get the gentleman from Texas to vote the Republican ticket if he lives a thousand years. It does not pay the farmer down there in many instances to skin the cow and market the hide. I hope the gentleman will join me in giving an equitable duty on all those products of the farm and ranch.

Mr. CLARKE. I hope to be able to do so, and I hope the State of Texas will continue to be a Republican State. [Laughter.]

Mr. HUDSPETH. No; it will be a Democratic State as long as you live and then some. My district is Democratic and it produces more cattle and more hides and more beef and more goats and more sheep than any other district in the United States. [Applause.]

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. CLARKE. Certainly.

Mr. LINTHICUM. I am interested in the question of shoes. I want to ask the gentleman what the total production of shoes is in this country?

Mr. CLARKE. I have not those figures to-day, I will say to my friend from Maryland, but I propose to follow up this preliminary statement later with a detailed statement of the production of shoes and of the producers who are engaged in the trade, and give you the whole picture.

Mr. LINTHICUM. There was at least one pair of shoes to each person in the country, I understand. That would be 120,000,000?

Mr. CLARKE. Yes.

Mr. LINTHICUM. The gentleman says that in about eight months there has been imported about 2,000,000 pairs of shoes?

Mr. CLARKE. Our increase has been over 70 per cent above the figures for 1927.

Mr. LINTHICUM. Is that of the higher class or medium or low class shoe?

Mr. CLARKE. That is for the medium and some of the higher ones.

Mr. LINTHICUM. One other thing. The gentleman stated, in speaking of this magic city of George F. Johnson, that the wages paid were about $21,000,000.

Mr. CLARKE. Yes. And the workers share in the capital stock and share in the profits.

Mr. LINTHICUM. I understood the profits were so large as to pay the employees 5 per cent on their stock in addition to their wages?

Mr. CLARKE. Yes.

Mr. LINTHICUM. That does not look like hard times in the industry.

Mr. CLARKE. Here are the cold facts staring us in the face right now.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield there?

Mr. CLARKE. Yes.

Mr. COOPER of Ohio. Is it not a fact that the importation of foreign shoes at this time is in its infancy, and that unless we do something it will be only a little while until the importations increase to such an extent that our local shoe industries will be put out of business?

Mr. CLARKE. Yes. In 11 months of 1928 there was an increase of 75 per cent of importations over those of the previous year, which went 500 per cent above what it was in the year before.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. CLARKE. Yes.

Mr. COLE of Iowa. Is the statement true that when hides and leather were put on the free list the price of shoes went up?

Mr. CLARKE. I do not know whether it is or not. I am not familiar with that. I do not know as to the accuracy of that.

Mr. COLE of Iowa. I thought it was so stated. Is it not true that in spite of the fact that leather and hides went on the free list, shoes have held up higher than other commodities relatively?

Mr. CLARKE. I do not think so in proportion to other commodities.

Mr. COLE of Iowa. Is it not true that with respect to other commodities shoes are higher now?

Mr. CLARKE. They are on about the same economic standard as other things.

Mr. COLE of Iowa. Is it not true that shoes are higher? Take clothes, for example. You can buy suits of clothes and overcoats for $6.60, so advertised in the Washington papers.

Mr. CLARKE. What kind of suits are they?

Mr. COLE of Iowa. They are pretty good suits.

Mr. CLARKE. They may be good for corn husking in Iowa [Laughter.]

Mr. COLE of Iowa. We do not wear suits for that. We wear overalls and jackets.

Mr. OLIVER of Alabama. Mr. Chairman, in the absence of the gentleman from Kansas [Mr. AYRES] I am authorized to yield 10 minutes to the gentleman from Texas [Mr. BLACK].

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes.

Mr. BLACK of Texas. Mr. Chairman, recently the Texas Legislature passed two resolutions upon certain important questions and has sent these resolutions to Texas Members of Congress. While they deal with important subjects they are brief, and I ask that the Clerk may read the resolutions in my time, for the information of the House.

The CHAIRMAN. Without objection, the Clerk will read the resolutions.

There was no objection.

The Clerk read as follows:

Senate Concurrent Resolution 12, by Mr. Moore

Whereas the Civil War records of the States composing the Confederate States of America were carried as spoils of war by the Federal forces to Washington and placed in the War Department of the United States, where they now remain; and

Whereas these records can now no longer be considered of any real worth to the United States Government other than historical; and

Whereas the fealty of all States comprising the Union since the Civil War has been proved and sealed by a common baptism of fire and blood; and

Whereas these old records are now but mute testimonials to the valor and courage and patriotism of southern manhood and are historical data cherished only by the States from which they were taken by the fortunes of war; and

Whereas the respective States are anxious to repossess this data and these war records for their historical value, and a worthy sentiment of proud possession: Now, therefore, be it

Resolved by the Senate of the State of Texas (the House of Representatives concurring), That the Congress of the United States be, and they are hereby, requested by appropriate act to return to the respective States these war records, muster rolls, and other such documents taken from the respective Southern States at the close of the Civil War, and our Representatives and Senators in Congress are urged to secure the passage of such measure.

Senate concurrent resolution, by Mr. Berkeley

Whereas an important hearing on agricultural schedule will be held within the near future in both the House and the Senate of the United States Congress: Therefore be it

Resolved by the Senate of Texas (the House of Representatives concurring), That it go on record favoring a fair and adequate tariff rate on all products of both the farm and ranch, and that we request the Members of both Houses of Congress to give careful study to such sched-

ule with special attention to the interest of the farmer and stock raiser; be it further

Resolved, That a copy of this resolution be wired to each Senator and Congressman from Texas and a copy be sent the chairman of the Agricultural Committee in both Houses of Congress.

Mr. BLACK of Texas. Mr. Chairman, these two resolutions that have been read deal with meritorious subjects. I shall not speak at length upon them at this time. The first resolution deals with the Confederate military records which were seized during the Civil War and which some of the States desire now returned to them for their historical archives. I think that is a reasonable and proper request, and I hope it will receive the favorable consideration of the proper committee of the House.

The second resolution deals with the subject just discussed by the distinguished gentleman from New York [Mr. CLARKE], the question of fixing tariff rates. Our legislature has asked that when the next Congress comes to write a tariff law it shall give equal protection to the products of the ranch and the farm and the orchard as is given to the products of the factory and the mine.

In the making of tariff laws under Republican administration heretofore industry has been the favorite child of protection, and the products of the farm, the ranch, and the orchard have frequently been dealt with as the stepchild of protection by those who wrote the tariff laws. I hope that the Members of Congress from the agricultural States will see to it that in the writing of the next tariff law equal treatment and equal justice shall be given to the products of the farm, the ranch, and the orchard as is given to the products of the factory and the mine. In doing that it will be necessary to follow some sort of a consistent rule, and I think the Democratic platform which was adopted at the Houston convention is as clear and fair a declaration upon the kind of a rule that should be followed as I have seen anywhere. I am going to take the liberty of reading just a brief part of that platform. The Democratic platform declares for a tariff where the—

> Duties will permit effective competition, insure against monopoly, and at the same time produce a fair revenue for the support of Government. Actual difference between the cost of production at home and abroad, with adequate safeguard for the wage of the American laborer, must be the extreme measure of every tariff rate.

Now, our friends the Republicans, in the presidential campaign last fall scoffed at that declaration and that rule of tariff making; but I call your attention to the fact that that platform declaration is substantially the same as the platform declaration of the Progressive Party in 1912, upon which Mr. Roosevelt, running as a Progressive candidate, received a much greater electoral vote and a much larger popular vote than did President Taft, running upon a platform indorsing the Payne-Aldrich tariff bill. I want to read the Progressive Party tariff platform in 1912 and show that it is substantially the same as the Democratic Party platform on the tariff in 1928.

Mr. MICHENER. Also read the Republican platform in 1912.

Mr. BLACK of Texas. Now, let me read the Progressive platform of 1912 with reference to the tariff:

> We believe in a protective tariff which shall equalize the differences of competition between the United States and foreign countries, both for the farmer and the manufacturer, and which shall maintain for labor an adequate standard of living.

That declaration is the attitude of the Democratic Party at the present time.

Now, as I see it, there are three schools of thought in this country upon the tariff question, and I may say in passing that I look upon it as a great deal more of an economic question than I do as a political question. There are three schools of thought. One school—and I think it is distinctly in the minority—is in favor of free trade. There is another school, which has too often had the ear of the people writing these tariff laws, that believes in making the rates so high that they will exclude foreign importations, prevent competition, and become the most effective agency that can be devised for monopolizing industry.

Then there is a third school of thought which believes, as declared in the Progressive platform of 1912 and declared in the Democratic platform of 1928, that the measure of tariff rates should be the difference in the cost of production at home and the cost of production abroad. If you adopt that rule, you have some measure by which to go, some measure by which you can mete out justice and you can defend a tariff law of that kind. I commend it to the Members of the next House of Representatives and suggest that they see to it that the farmers and those who toil upon the ranches and those who are engaged in the orchard business receive a square deal in the writing of the next tariff law. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I yield the gentleman three additional minutes.

Mr. MICHENER. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. MICHENER. I want to call the gentleman's attention to the fact that when the Fordney-McCumber bill was drafted all the tariff asked for by the farmers was carried in the bill with the exception of hides, and I want also to call his attention to the fact that the Underwood bill placed practically everything that the farmer produces on the free list. Is not that true?

Mr. BLACK of Texas. I think that is stating the matter too broadly. I am not sure, but my recollection is that, for example, on hides the Underwood tariff law had some slight duty.

Mr. HUDSPETH. No; there was none at all.

Mr. BLACK of Texas. Then possibly I am mistaken on that item, but let me say this in answer to the gentleman——

Mr. HASTINGS. I would like to inject just one statement. Is it not a fact that the farmers have been worse off since the passage of the Fordney-McCumber law than they have ever been in the history of this Republic?

Mr. BLACK of Texas. I do not think anyone will dispute that. It is perfectly natural, of course, and it is a perfectly fair inquiry that I be asked, as the gentleman from Michigan has asked, for a bill of particulars as to where the Fordney-McCumber tariff law does not deal fairly with the farmer. I take as my authority that it does not do so a distinguished Member on the Republican side of the House. If the gentleman from Michigan will get the Tariff Review of September, 1928—and I believe that is the leading protective-tariff magazine in the United States—he will see there an article by Mr. C. G. SELVIG, who represents the ninth Minnesota district in Congress, in which he deals with the unfairness to agriculture of the Fordney-McCumber tariff law. The subject of his article is The Tariff and Its Relation to Agriculture. I want to read to you some of the rates he uses for the purpose of comparison. In that article he appends a table which shows that the ad valorem duty on cotton clothing is 66 per cent; on wool clothing, 48 per cent; on cotton fabrics, 44 per cent; on wool fabrics, 71 per cent; whereas on corn, he says, reduced to an ad valorem basis, it is only 17 per cent and on wheat 34 per cent.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. OLIVER of Alabama. Mr. Chairman, I yield the gentleman three additional minutes.

Mr. BLACK of Texas. In that table he shows that the ad valorem duty on iron and steel is 30 per cent; on copper and brass, 38 per cent; whereas on hogs, reduced to an ad valorem basis, it is 4 per cent and on pork it is 3 per cent.

No wonder that Mr. SELVIG says—

> that when the McCumber-Fordney tariff bill was written the farmers did not get a square deal.

Now, that is what a distinguished Republican said, and to back up what he said he inserted in his article a table that compared the duties on agricultural products with the ad valorem duties on manufactured products, and if the gentleman from Michigan [Mr. MICHENER], a distinguished Member of the House, will get that table and read it I am satisfied he will agree with the gentleman from Minnesota [Mr. SELVIG] that in the writing of that tariff law the farmer did not get a square deal, and the best proof of it is the condition of agriculture at the present time. As the gentleman from Oklahoma [Mr. HASTINGS] has said, I do not recall any time, scarcely, in the history of the country when, taking agriculture as a whole, it has been in a worse condition than at the present time. The situation is bad in many sections of the country, make no mistake about that.

Mr. MICHENER. And that condition commenced after the deflation of 1920.

Mr. BLACK of Texas. Oh, that condition commenced——

Mr. MICHENER. Is there any question about that?

Mr. BLACK of Texas. That condition commenced and has had its full fruition during the last eight years of Republican administration.

Mr. MICHENER. And the condition is getting better.

Mr. BLACK of Texas. I wish it were, but I fear not. Only last night I read a statement from a gentleman in one of the counties out in the State of Illinois, in which he stated that no

longer is it possible to borrow a single dollar on farm lands in his county. And why? Everyone knows that the value of real estate is determined by its earning power and the reason farm lands have no loan value in some sections of the country is on account of the fact they no longer have an earning power. Something must be done to correct the unfavorable situation of agriculture. The rehabilitation of this great basic industry should strike a responsive chord in the heart of every Member of Congress who is interested in the happiness and prosperity of the American people.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HARDY. Mr. Chairman, I yield four minutes to the gentleman from New York [Mr. CROWTHER].

Mr. CROWTHER. Mr. Chairman, I listened with a great deal of interest to the gentleman from Texas [Mr. BLACK], and I have a very high regard for his opinion on legislative matters in general and regret as deeply as anybody here the fact that he is not to continue to be a Member of this body. [Applause.] His passing is just another example of the fact that men who have the courage of their convictions, men who think clearly and speak logically and understandingly, and have what is now called initiative, but when I lived in New England we called it "guts," are sometimes not appreciated by their constituencies. [Applause.]

Of course, I can not wholly agree with him on his attitude regarding the tariff. [Laughter.] Like many other members of his party his attitude has materially changed during the last few months. It was a very interesting spectacle during the campaign, and after the campaign to see the very sudden conversion of a great many members of the Democratic Party to the policy of a protective tariff, largely as a result of the vaccine virus that was injected by telegraph with a gentleman named Raskob on the handle end of the hypodermic syringe. I am of the opinion, however, that there are some vaccinations that do not take, and while there may be very many Democrats in the coming days when we are going to consider tariff legislation who will point with pride to the section of their platform which provides for a policy of a protective tariff, I am rather inclined to believe their old prejudices will warp their judgment and cause them to discover some unconscionable items in the bill that will prevent them from voting for it.

The gentleman from Texas [Mr. BLACK] is concerned, as we all are, for the return of prosperity to agriculture; however, I do not think the farmers' troubles all lie at the door of the tariff. Certain it is, that when you Democrats last wrote a tariff bill you never gave the farmer any consideration at all. His basic products you put on the free list; in fact, you skinned him alive and nailed his hide on the barn door as Exhibit A in the Underwood bill, a measure designed to be for revenue only and failed to accomplish even that. [Laughter.]

Then came the writing of the Fordney-McCumber bill following the emergency tariff bill which helped to clear up the agricultural depression, and while that did not raise prices materially, it stabilized the markets as many of those in the wool industry can testify. I do not know whether that applied to Angora-goat hair in connection with wool of the sheep or not, but at any rate the general wool industry was benefited by the emergency tariff act, and you will remember that a very prominent Democrat, the gentleman from Texas [Mr. GARNER], who is to be the leader on your side in the next Congress, I understand, made one of the finest tariff speeches ever made on this floor. Think of it! A tariff speech in favor of the emergency tariff act which was under consideration at that time. It has never appeared in the CONGRESSIONAL RECORD, but it was made in the hearing of most of us who are here to-day. [Laughter.] Mr. Chairman, as an old-fashioned Republican protectionist who believes that no rate of protection is too high that really protects an American industry, I always am concerned as to one particular subject and that is that the manufacturers seeking protection shall pay at least a reasonable share of their profits in good wages. Why? Because as Republicans we boast of the improved living conditions that result as a development of American industry under a protective-tariff policy. I am desirous of keeping the purchasing power of our folks who toil on the farm and in the shop as high as possible.

Being a Republican protectionist of this character, I do not want, as some Members have charged me here, to erect a Chinese wall around the country so that nobody can get in; but I do want the wall to be so high and the footing so insecure that importers are liable to break their necks trying to get in with foreign competitive merchandise [laughter], because, as I have said before, every dollar that we spend for imported goods goes into the pay roll of an importer or goes into his exchequer to pay a European pay roll.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HARDY. I yield the gentleman from New York one minute more.

Mr. HUDSPETH. Will the gentleman yield?

Mr. CROWTHER. I will be glad to yield to the gentleman from Texas, if he will be brief.

Mr. HUDSPETH. I will be very brief. How does the gentleman stand on a tariff for the old farmers' product of hides?

Mr. CROWTHER. I am for a duty on hides.

Mr. HUDSPETH. I thank the gentleman, and I am glad to know that the gentleman has come across to that view since the last time we had a tariff bill up.

Mr. CROWTHER. The gentleman is not quite fair with me; he has charged me before with taking a position against the duty on hides, and I explained my position at that time.

Mr. HUDSPETH. I know the gentleman has explained, but the gentleman did not vote for a tariff on hides.

Mr. CROWTHER. And I explained why very clearly. You will remember that there were four words left out of the hide clause—"of the bovine species."

Mr. HUDSPETH. Yes; of the bovine species. That means cattle.

Mr. CROWTHER. Of course; and that language should have been in the bill, but when it was left out that made every sheepskin, every lamb skin, and every goat skin a hide, and dutiable.

Mr. HUDSPETH. Certainly; and why not put a duty on them?

Mr. CROWTHER. Because at that time the manufacturers were paying a duty on the wool, on the skin, and we would have taxed them out of business by assessing a duty on the hides and the wool as well. The duty on wool on skins was levied according to the decision of the Director of the Customs.

Mr. HUDSPETH. We are willing to give the other man a reasonable duty, why not give the man who produces a duty and increase the number of goats and sheep in this country so that we will not have to do any importing?

Mr. CROWTHER. If that can be done by an adjustment of tariff rates, I am for it.

Mr. HUDSPETH. That can be done.

Mr. CROWTHER. I believe in a duty on these raw products, provided we have a sufficient compensatory duty on the manufactured products in which they are used.

Mr. HUDSPETH. I agree with the gentleman.

Mr. GREEN. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. GREEN. I hope the gentleman will insist on retaining the tariff on imported palm fiber of three-quarters of a cent a pound as protection for the Florida-grown mosses. There is a duty now on palm fiber, and our moss growers are very much interested in having that duty increased.

Mr. CROWTHER. Due to the recent election returns from the State of Florida, if it was in my power so to do, I would be most happy to grant Florida all that they need in the line of protective tariff. [Laughter.] I do not think Florida can complain of her treatment, even in her Democratic past.

Mr. Chairman, let me say this: I do not believe that the charge can be made against the Republicans that ever during a discussion of the tariff, or during the practical application of it, or in the construction of a bill, you can charge us with being sectional. We never ask a witness before the committee as to his political affiliations. No Member of the House was ever denied the duty on a commodity that was raised or produced in his territory because he was a Democrat. In the practical application of this policy we believe there should be no sectionalism—no North, no South, no East, no West—and that if it is humanly possible the effort should be made to have tariff benefits accrue to the farmer as well as to the manufacturer. [Applause.]

Mr. Chairman, in extending my remarks, I desire to print a letter that I sent to the Manufacturers Record on December 10, 1928.

WASHINGTON, D. C., *December 10, 1928.*

RICHARD H. EDMONDS,

Editor Manufacturers' Record, Baltimore, Md.

DEAR MR. EDMONDS: The recent Republican victory in the national campaign carries with it some tremendous responsibilities, and not least among the many is the necessity of tariff revision. Cement, brick, leather, shingles, and boots and shoes and hides are at present on the free list. The flexible clause offered a degree of relief to those manufacturers and agriculturists who were so fortunate as to be on the protected list, and the results have been extremely beneficial in those cases which have been adjudicated under this clause. However, the present law provides no remedy or relief for the folks who find their products on the free list. They have no avenue of escape and no door to knock at for relief. They must, in old New England phraseology, "grin and

bear it." When an industry has been hanging by its eyelids for several years, as in the case of shingles and leather, they may have accustomed themselves to "bearing it," but they certainly owe us no apology for "not grinning." As an old-fashioned protectionist who believes that no rate is too high that really protects an American industry that pays its honest share of profits in decent wages I, of course, welcome the conversion of my Democratic colleagues to the policy of protection. Before they serve actively in the preparation of a tariff bill I think, in view of the hysterical haste with which they crowded to the front at the telegraphic call of their candidate, that they should serve a reasonable period of probation. I have heard of vaccinations that did not take.

I trust that we shall have a special session closely following the close of the session on March 4, and that we may revise the agricultural and industrial rates to the satisfaction of everybody—producer, wage earner, and the farm folks. It must be done as quickly as possible if it is to be of any value to agriculture in 1929. The present law has proved its value to American industry, but changed industrial conditions abroad demand that its weak spots be strengthened. Let's do it now.

Yours truly,

FRANK CROWTHER.

Mr. OLIVER of Alabama. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, the question of a more rigid enforcement of the prohibitory law is an acute one in the minds of the people of to-day. The Senate amendment, known as the Harris amendment, now in conference, provides as follows:

For increasing the enforcement force, $24,000,000, or such part thereof as the President may deem useful, to be allocated by the President, as he may see fit, to the departments or bureaus charged with the enforcement of the national prohibition act and to remain available until June 30, 1930.

The people will not be deceived by the parliamentary tactics to avoid a direct vote on the Senate amendment. Unanimous consent was requested to take up the bill with the Senate amendments and consider them, and if this course had been pursued a direct vote could have been secured on the Harris amendment. This was refused. The leaders in confusion adjourned the House. Instead of a direct vote on the amendment a rule was brought in to send the bill to conference, in the hope that the Senate conferees would recede and thereby avoid a direct vote on the amendment. That was the plain and only purpose of the special rule. Analyze the vote and you will find that all of those opposing the rigid enforcement of the prohibitory law voted in favor of the previous question, which had the parliamentary effect of preventing an amendment to the rule which would have permitted a direct vote on the Harris amendment, which provided the necessary appropriation to enforce prohibition.

It is argued by those opposed to prohibition that the law can not be enforced and it is maintained by those who favor prohibition that sufficient funds are not appropriated to enforce the law.

This amendment will provide funds for a fair test. It places $24,000,000 in the hands of the President and permits him, in his discretion, to allocate it to the various departments or bureaus charged with the enforcement of the national prohibition act. This answers the argument of those who have heretofore maintained that sufficient funds have not been provided. The issue here is clear-cut. Everyone in favor of the better enforcement of prohibition voted against the previous question, because that would have enabled the friends of prohibition to offer an amendment to the rule providing for a direct vote on the Harris amendment, and all those who are not in sympathy with the rigid enforcement of the prohibition law and who do not want to give the law a fair test voted against it. The question can not be dodged by a special rule. The people throughout the country will understand the vote.

I do not see how any Member of the House who is in favor of the eighteenth amendment and the legislation enacted to vitalize it can find any objection to this amendment or to the language of it. It places in the hands of the incoming President sufficient funds to enable him to utilize every department and bureau of the Government charged with the enforcement of the prohibitory law to the very best advantage. There is no question but what the sentiment of the country is in favor of prohibition.

The eighteenth amendment was submitted to the legislatures of the several States by resolution passed by Congress on December 17, 1917, and was declared to have been ratified in a proclamation of the Secretary of State, dated January 29, 1919, by 36 of the 48 States of the Union. The record shows that the legislatures of 46 of the 48 States finally ratified the amendment.

After the amendment had been ratified by the legislatures of 36 of the States, this being sufficient to adopt it, the amendment was thereafter ratified by the legislatures of the States of Missouri, Wyoming, Minnesota, Wisconsin, New Mexico, Nevada, and Vermont. And it was ratified by the State of New York on January 29, 1919, the date of the issuance of the proclamation by the Secretary of State; by the State of Pennsylvania on February 25, 1919, and by the State of New Jersey in 1922.

I call attention to these dates in order to emphasize the number of States that ratified the amendment after the proclamation was issued by the Secretary of State.

This record conclusively answers the argument frequently heard that this amendment was not adopted as other amendments submitted by Congress to the several States.

Only two States, Connecticut and Rhode Island, did not ratify this amendment.

Violent protests against prohibition are heard, particularly from the Representatives in the House and Senate from the States of Illinois, Massachusetts, Maryland, Missouri, Pennsylvania, New Jersey, New York, and Wisconsin; but all of these States, in the method defined by the Constitution, ratified this amendment.

The eighteenth amendment differs from any other amendment to the Constitution in that, first, it postponed the enactment of legislation to enforce prohibition until one year after the ratification of the amendment; second, the power to enforce the article by legislation is concurrent with Congress and the several States; and, third, the amendment was required to be ratified within seven years from the date of submission.

This amendment places the responsibility for the enforcement of prohibition upon both the Federal and State authorities.

The principal argument made against prohibition is that it can not be enforced. This I deny. Every criminal enactment by Congress or by the legislatures of the several States can be enforced by conscientious and sympathetic public prosecutors. Of course, if the prosecuting attorney does not favor the legislation and does not have the proper cooperation by the marshals and sheriffs of the respective communities, he is greatly hampered in the enforcement of the law. Generally speaking, those who argue that the law can not and has not been successfully enforced do not want it enforced. They want to embarrass the enforcement officers in every possible way.

On the other hand, some enforcement officers, in an effort to find an excuse for their failure to rigidly enforce the law, urge that they do not have sufficient funds to employ subordinate officers or that the funds appropriated are not sufficient to bring into the service employees of a high type.

It is also argued that funds have not been available for patroling the Canadian and Texas borders. This amendment provides the funds and places them in the hands of the President of the United States and charges him with the responsibility of the enforcement of the prohibitory law. He need not spend more than is deemed necessary to give the enforcement of this law a fair test.

My record in favor of prohibition is well known throughout my State. I have always lived in a part of the State of Oklahoma, which was formerly the Indian Territory, where prohibition has always been in force.

I appeared before the committee when statehood was being urged for the present State of Oklahoma in support of the provision requiring prohibition in eastern Oklahoma for 21 years from statehood, and when this was submitted to the people by the constitutional convention I voted for state-wide prohibition.

Since I have been in Congress I have consistently voted for all prohibition measures and for all appropriations reasonably necessary to enforce the prohibitory law.

I am the author of an amendment added to the Indian appropriation bill approved May 25, 1918, which had for its purpose assisting the officers in eastern Oklahoma to enforce the prohibitory law. It put teeth into the law and made the possession of intoxicating liquor in the Indian country a criminal offense.

I voted for prohibition for the District of Columbia and I am in favor of the present amendment, because I believe that this additional appropriation is reasonable and necessary to enforce the law.

I voted to override the President's veto of the Volstead Act. If this amendment is adopted and vetoed, I will vote to override it.

My judgment is that inferior courts should be established or the number of commissioners authorized to be appointed by the Federal courts enlarged and these commissioners given jurisdiction over first-offense violations of the prohibitory law. Second. I favor making a distinction between the possession of intoxicating liquor and the manufacture or sale of it for profit. If the inferior courts were given this jurisdiction and the violators of

the prohibitory law were tried as soon as apprehended, it would greatly aid in the effective enforcement of the law.

Everyone knows that those who make and sell liquor for profit hope to avoid conviction by delays through postponement of their cases, in the expectation that in the meantime witnesses will have removed from the country or disappeared, and that the Government will be without testimony to convict them.

The vast majority of the violators of the law have no defense other than to rely upon technicalities and the inability of the Government to make out its case. If they were brought to trial immediately the witnesses will not have disappeared and their memories will be fresh and convictions will be almost certain.

For the second and each subsequent offense I would increase the penalty, first to one year in the penitentiary, and second, to a minimum of not less than three years. Enact such a law and place at the head of the enforcement bureau a man in sympathy with it and one in whom the public has confidence, and then appoint or elect prosecuting officers and marshals and sheriffs who are really in sympathy with the law, and with sufficient funds appropriated the law can be enforced.

It is urged that because many cases are made public in which the law has been violated and no convictions had that therefore it should be repealed. This is true of every criminal statute, State and Federal. Because criminal statutes are violated is no justification for their repeal.

I favor prohibition because I believe that it is best for the individual himself to abstain from the use of alcoholic beverages, and in proportion as you make it more difficult to secure, the less amount, of course, will be consumed. Persons addicted to the use of alcoholic liquor, who drink occasionally, will at times, unfortunately, drink to excess, and this leads to a loss in efficiency and earning power of the individual. It is an economic waste.

You no longer see officials or prominent men intoxicated in public. Attorneys are not employed who drink to excess. No one wants to ride on a train in charge of an engineer who drinks. Physicians and surgeons are no longer trusted or their services availed of who are known to be habitual users of intoxicating liquors. And these illustrations apply to all professions, laborers, and classes without exceptions. Why? The people know they are unsafe and not reliable. The public is being educated away from the use of intoxicants.

I favor prohibition because I believe alcoholic liquor destroys, in a large measure, the happiness and contentment of the home; wages are spent upon drink which should be used to clothe, feed, educate, and otherwise maintain the family; and I think no one will deny that the excessive use of alcohol does tend to destroy the happiness of the home.

I favor prohibition for the reason that, in my judgment, alcoholic liquor is directly or indirectly the cause of a very large percentage of the crimes committed and is responsible for the very great cost of our criminal courts. Most of the serious criminal cases in my district, involving assault with intent to kill, murder, or manslaughter, are directly traceable to the excessive use of intoxicating liquor. I am sure the same is true in a large measure in every section of the country. These trials are a very heavy burden upon the taxpayers of the country.

The Volstead law enacted to vitalize the eighteenth amendment to the Constitution and all amendments thereto should receive the support of every officer—municipal, county, State, and Federal—from coast to coast.

Alcohol tends to blunt the moral sensibilities, weakens the mental powers, and lessens personal efficiency. I think no one can successfully controvert that statement. It does not bring sunshine and happiness to the home, but distress and misery. Its use leads to excessive indulgence and this does not increase the attendance at Sunday schools or churches. The day of the corrupting influence of liquor and saloons has gone never to return. We must educate our children, not debase them. Let us give them the advantage of our full earning power instead of dissipating our earnings in the purchase of alcohol and passing our time in idleness.

I have never heard or read a satisfactory defense of use of liquor. The following are usually urged:

The first defense is that it interferes with our personal liberty, which, of course, is unsound, if not for our best interest, and no one contends that the use of liquor is; and, second, that it can not be enforced and this, I repeat by way of emphasis, I emphatically deny; and, third, the question of the expense in the enforcement of prohibition is urged, which, of course, is nothing as compared with the expense of our criminal courts added to the economic waste due to loss of efficiency and earning power of the individual; and, fourth, the loss of revenue to the Government, and if we are correct in our belief that alcohol tends to debase instead of uplift the individual, the Government should not be maintained through revenue derived from this source.

It is being urged through speeches made on the floor of the House and in the Senate, and throughout the country, that there is much sentiment for the modification or repeal of the Volstead Act, and many bills to that effect have been introduced from time to time and referred to the Committee on the Judiciary. Their introduction enables various organizations to solicit funds for propaganda purposes.

I think this committee should promptly, each session, report one of these bills and place it upon the calendar for an early vote at the beginning of each session. If this were done, in my judgment, it would disclose that there is only a handful of Members favorable, upon a direct record vote, to the modification or repeal of the Volstead Act, and the public would not then be longer deceived. Until this show-down is had, the sentiment in Congress will continue to be misrepresented on the floor of the House, through the public press, by letters, and by individual conversations. In my judgment there would be an end to the solicitation of funds for the repeal or modification of this law if a report were made by the Judiciary Committee and a record vote had in the House early after the meeting of each session.

As long as this amendment is a part of our Constitution it is the duty of Congress and of the various State legislatures to enact legislation and appropriate funds to insure its rigid enforcement.

I sincerely trust that the Senate conferees will not yield upon the Harris amendment and that this amendment may yet be brought back to the House by the House conferees so that a direct test vote may be had upon it. [Applause.]

Mr. OLIVER of Alabama. Mr. Chairman, I yield 30 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, ladies, and gentlemen of the committee, I am almost tempted to apologize for talking on a subject which was considerably discussed yesterday afternoon, and which was again discussed a few moments ago by the distinguished gentleman from Oklahoma [Mr. HASTINGS]. Yet the subject is so much on everybody's tongue as to excuse my offering it again for discussion. I refer to prohibition.

I desire to approach this subject from a somewhat unusual angle and to point out to you some of the peculiarities, some of the very anomalous circumstances connected with the enforcement of these prohibitory statutes.

I hold in my hand a bulletin, No. 1075, issued by the United States Department of Agriculture as a farmers' bulletin. It tells those who might read it how to make nonfermented grape juice in the home. If you will peruse the pages of this bulletin you will find the most up-to-date method of how to make not only nonfermented grape juice, but how to make wine.

Mr. TUCKER. What distillery issued that?

Mr. CELLER. No distillery issued it; it is issued by the United States Department of Agriculture. You can get these bulletins at the Department of Agriculture, and you will find that it tells you of the old methods of making wine. It tells of the new methods of making wine—how to crush the grapes, how to ferment the grapes, how to decanter the juice, how to bottle it, how to increase or decrease the degree of fermentation. It gives you the whole history of the process of making wine. You are not told with any degree of emphasis where to stop as far as alcoholic content is concerned. You are not told when to stop the process of fermentation. You simply let your conscience be your guide.

Mr. McKEOWN. Will the gentleman yield?

Mr. CELLER. I am glad to yield to my friend from Oklahoma.

Mr. McKEOWN. I wonder if the Government is putting out this bulletin to offset the one put out by the wine makers telling you how not to make wine.

Mr. CELLER. Well, I am not aware of that. One thing is certain, this bulletin is surely encouraging wine making in the home. Now, it is difficult to understand how in one breath we endeavor to appropriate millions of dollars in what we consider to be an earnest attempt to enforce prohibition and in the other breath countenance the issuance of bulletins of this sort from the Department of Agriculture. The one action is surely contradictory of the other. The "drys" ought to be the first to rise in wrath against the issuance of these bulletins. They are outrageously silent.

What has been the result of these bulletins? I have gathered some data from the Department of Agriculture on the grape production, and I find that in my own State of New York and in the State of California a great impetus has been given to the production of grapes, not for table use, but primarily for the use of manufacturing wine. I presume, as the result of these bulletins which are scattered broadcast throughout the

Nation, this great encouragement has been given to the art of grape growing, grape crushing, and wine making. The Department of Agriculture, Division of Crops and Estimates, gives the following startling increases in grape production:

	1918	1919	1920	1921
California	1,184,000	1,330,000	1,273,000	1,100,000
United States		1,561,000		

	1922	1923	1924	1925
California	1,706,000	2,030,000	1,535,000	1,912,000
United States	1,981,171	2,227,395	1,777,722	2,064,085

	1926	1927	1928
California	2,114,000	2,364,000	2,178,000
United States	2,423,413	2,605,238	2,636,076

Mr. MORTON D. HULL. Is the bulletin dated; and if so, what date does it bear?

Mr. CELLER. This bulletin, Farmers' Bulletin 1075, was issued October, 1919, and revised September, 1925. I will say, for the edification of the gentleman or any of his constituents, that he or they can get all of these wanted down in the Department of Agriculture.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes.

Mr. LINTHICUM. Mr. Chairman, the gentleman remarked that it seemed peculiar that the Government should issue a pamphlet like that, telling how to make grape juice and wine and at the same time try to enforce a law against the making of wine.

Mr. CELLER. That is correct.

Mr. LINTHICUM. Is that much different from the practice of the Government in that it seeks to prosecute the bootlegger, and yet if the bootlegger makes some money, makes him make a return and pay taxes to the Government?

Mr. CELLER. No. I think the gentleman is correct in his observations, and the question answers itself. The practice in both instances is indefensible. Let us take another angle of the situation, and I assure you that I do not in any wise intend to be personal in my observations. I respect the wishes of any man or woman in this House with respect to their attitude toward prohibition. I have my own views and I desire at times to express them. What is the situation with reference to the production and manufacture of corn sugar in this land? Prior to prohibition there was not very much use apparently for corn sugar, because, as you know, corn sugar is the main ingredient in the manufacture of what is known as "white mule," "moonshine," "rot gut," or "third rail," beverages that used to be in common use among the negroes of the South, but which now are in quite common use the entire country over.

In 1909 there were in round numbers 159,000,000 pounds of corn sugar manufactured. In 1914 that had increased to 174,000,000 pounds. In 1919, at the advent of prohibition, it decreased to 137,000,000 pounds, only to jump, in 1923, to 537,000,000 pounds, and to 580,000,000 pounds in 1925. In 1927 the figures almost doubled. There were produced in this country 904,830,682 pounds of corn sugar. Let me tell you something very interesting about corn sugar: In 1922 a process was invented whereby they could crystallize corn sugar. Theretofore it had to be shipped, if shipped at all, in a semiliquid state, very much like molasses. In 1922 an entire new industry was developed, and its great growth was abetted by prohibition. They were able to crystallize corn sugar and send it forth in cans. It is now shipped dry, crystallized, and air-tight. That is why you have this tremendous increase in the production and sale of corn sugar. What do the people do with this corn sugar? It is notorious that all over the land they are learning in the homes how to distill spirits out of corn sugar by the mere addition of yeast and water and the distillery process. The obnoxious part of the "moonshine" process was always the dreadful, foul smell of the mash. The smell always led to detection. The crystallized corn sugar does away with the mash and its awful smell. To the corn sugar Mr. Home Distiller adds yeast and water and rye; sometimes he uses barley or malt. The mixture is allowed to ferment and then is run through a distillery apparatus, which is readily purchased in a malt and hop store, a department store, a mail-order house, or in the chain-grocery store. And so we are fast developing into a home-distilling Nation. I forgot to tell that caramel is used for coloring.

The following figures from the United States Bureau of the Census concerning corn sugar tell a tale that compels attention. The legitimate uses for corn sugar are limited to baking, ice cream, and confectionery trades. Those trades could not possibly absorb the staggering number of pounds of corn sugar now produced. Corn sugar has become the handmaiden of the bootlegger. It is strange that while the per capita consumption of sugar is declining the per capita consumption of corn sugar is tremendously increasing. I am told that "racketeers" and "higher-up" bootleggers are fighting for control of distribution of corn sugar in the Central and Western States.

United States production of corn sugar (also known as dextrose and grape sugar)

[United States Bureau of the Census]

Year	Pounds	Per cent of increase or decrease	Value	Per cent of increase or decrease
1909	159,060,478		$3,620,816	
1914	174,368,818	+9.63	3,765,515	+3.99
1919	157,276,442	−9.19	9,314,977	+147.37
1921	152,055,872	−3.32	4,542,238	−51.24
1923	537,909,513	+235.75	16,797,033	+269.79
1925	580,370,043	+7.89	19,505,495	+31.40
1927	904,830,682	+55.90	25,635,262	+16.12

Source: Census of Manufactures, 1927, U. S. Bureau of the Census.

You can not disregard these facts and figures. I appeal not only to the prohibitionists but to the antiprohibitionists of this House and elsewhere, and I hope you will take what I say in a kindly light. I mean nothing vindictive against prohibitionists. I want to see the laws of the country enforced. I want to do all in my power to have them enforced. I am just as desirous for temperance as any man or woman in this House, but we must not lose sight of these facts. They spell intemperance. We must not blind ourselves just because we happen to be on one side or the other of the prohibition question. We must not be impervious of the truth.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes.

Mr. BLACK of New York. Does the gentleman know whether or not the bootleggers' protective association has applied to the Ways and Means Committee for an increase in the tariff to protect them?

Mr. CELLER. What is the situation with reference to another product in this country, and that is malt sirup? I could not get the exact figures from the Bureau of the Census or the Department of Agriculture, but I am told that in 1927 there were produced in this country $30,343,478 worth of malt sirup. That is the wholesale price. I do not care where you come from, from what city or hamlet or village, but you can go into any grocery store, you can go into any chain grocery store, you can go into any department store in the larger cities, and buy malt sirup, or you can order it from any mail-order house and receive it in cans. Before prohibition there was not this tremendous demand for the sale of malt sirup. The only use to which I know malt sirup was put in those days was for flavoring in the manufacture of confectionery or ice cream, or it was prepared especially to give nutriment to feeding mothers. There are foods known as Mellon's Food and several others—and that has no relation to the Secretary of the Treasury—that contain this product, but there was no tremendous demand or use for malt sirup prior to prohibition. Now there is a tremendous demand for it. Every grocery store or delicatessen store throughout the land can supply you with it. What do the people do with it? I venture the assertion that there is more beer produced, home brew, in this land to-day than was produced by all of the brewing companies combined.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. CELLER. When I finish my thought. The process by which home brew is made, because of this improved method of distribution and sale of malt sirup, is quite simple. At this very moment in thousands of homes throughout the land they are taking these cans of malt sirup and dumping their contents into crocks or stone jars or boilers, or even bathtubs, and by the addition of raisins or yeast and water, by bottling it, by putting it into the ice box for 10 days, are producing what is known as "home brew." It usually contains 4 to 8 per cent by volume of alcohol. It is a very serious situation, something that should compel your interest, be you dry or wet. I yield to the gentleman from Oklahoma.

Mr. McKEOWN. Does the gentleman not think that by his last remarks he is contributing considerable information to the uninformed as to how they may use this malt sirup?

Mr. CELLER. Maybe no; maybe yes. I think it is information that is known to everybody in this room. I am simply giving you current history. It is known throughout the length and breadth of the land. I am sure the gentlemen know me too well to think I would in the slightest degree encourage law violators.

Mr. McKEOWN. Would the gentleman be in favor of forbidding the use of grapes, of stopping the sale of malt sirup, and such things, so as to try to have the prohibition laws enforced as the gentleman would like to see them enforced?

Mr. CELLER. No; these articles have legitimate uses. I stressed this because there seems to be an inherent, fundamental desire for those things. The people will get them whether you have prohibition or not. They will, in order to get the drink you deny them, go to these extremes. You can not stop them. No law can curb them. That is why you have this tremendous increase in the production of malt sirups, corn sugar, and such like.

Mr. UPDIKE. Will the gentleman yield?

Mr. CELLER. I will.

Mr. UPDIKE. I was very much interested in the gentleman's figures. I just wondered if the gentleman from New York had any figures in reference to the amount of liquor destroyed by prohibition-enforcement officers during the period of time he has set out here?

Mr. CELLER. I do not doubt the enforcement officials in some parts of the country are doing the best they are capable of, and that a good number of barrels of whisky and barrels of beer, or whatever it might be, are being destroyed, but that does not change the situation. I am giving these facts for your mental digestion so that you who may not agree with me may offer something constructive, change a law which has not succeeded in driving out "drink." I think I am bringing to bear upon this subject something of a constructive nature by bringing these facts to your attention. There is another vexatious proposition connected with the question. I refer to diplomatic liquor. I addressed a communication to the Commissioner of Prohibition, or rather to Doctor Doran, of the prohibition-enforcement office, and I asked him whether he would be willing to give me the amount of liquor imported into this country by the attachés and the consular and diplomatic agents accredited by foreign governments to this country, and he said that he could not give me those figures although that in our customs regulations, to wit, 405, there is the following:

SEC. 405. Members and attachés of foreign embassies and legations may receive articles imported for their personal or family use free of duty upon the department's instructions in each instance which will be issued only upon request of the Department of State. Collectors will take charge of all packages addressed to diplomatic officers of foreign nations which arrived in advance of the receipt of instructions for free duty. Notifications of such arrivals should be sent to the Secretary of the Treasury.

Now, the practice under that regulation is for the embassy to indicate to the Department of State that somebody in the embassy, or a number of persons in the embassy, desire to import some liquor, and then the collector at the particular port is notified that that liquor, or whatever it may be in the way of intoxicating beverage, shall come in duty free. The collectors have the figures. They compile them and send those figures to the customs department in Washington and that department in turn sends them to the Prohibition Commissioner. Now, heretofore we have always been able to procure the amount of importations of all goods and commodities which were made by the diplomats or attachés of the consular offices. We are told, for example, how much olive oil is imported, how much clothing, how much household goods, but we can not find out, I have not been able to discover, how much liquor they import. Why secrecy? Is there any need for secrecy in that regard? There must be something wrong if we are unable to get those figures, and I am sure you will all quite agree with me that they should be made public. They always were made public prior to prohibition. Why not now? Why should they be hidden from Members of Congress at this present day? Well, it seems to be quite notorious that you can get embassy liquor of all sorts. Benedictine and crême de menthe, vermouth and crême de cocoa, Haig and Haig and Dewar's Scotch, Bushmills Irish, Martel and Hennessy brandies and Canadian Club whisky, and many other foreign brands, quite readily in the city of Washington. It spills over legal barriers, and you can readily procure it in Washington.

Mr. MICHENER. Mr. Chairman, will the gentleman yield there?

Mr. CELLER. In a moment.

Now, trucks gather these diplomatic importations at the Canadian border, at Baltimore, and New York, and they come to Washington under Government escort. There, by a house-to-house delivery the embassies are furnished with these delectable refreshments.

We are told that just before Christmas several hijackers attacked one of these trucks and were about to deprive the diplomatic community of about $10,000 worth of Christmas cheer. And, furthermore, see how far this diplomatic immunity is carried. I recall an instance where, in one of those dance or amusement places in Washington called the Madrillon, one of the clerks or attachés of an embassy had liquor on the table. He was accompanied by one or two female companions. The agent seized the liquor. The attaché was apprehended but soon let go when he declared his identity and claimed immunity. His ladies were held. His two companions suffered when he, with diplomatic immunity, went unpunished. There is something fundamentally wrong about this discrimination. Surely it is undemocratic to deny to one group of persons that which is not denied to another group of persons. Both drys and wets can subscribe to that principle. I am sure no harm will be done to diplomacy if we take away this immunity. Our citizens want the same privileges or immunities that everyone here enjoys.

Mr. MICHENER. Now will the gentleman yield?

Mr. CELLER. Yes.

Mr. MICHENER. Does the gentleman believe in the eighteenth amendment?

Mr. CELLER. I believe in the eighteenth amendment if it can be enforced. I believe in the principle underlying it—namely, temperance. Since it can not be enforced we should drop it. But since we have tried it for 10 years and have been unsuccessful there must be something wrong with it. I am trying to get some sort of modification. After 10 years we must come to the conclusion that the eighteenth amendment is unenforceable.

Mr. MICHENER. The gentleman, as a very intelligent man, has taken much interest in this matter, and has taken up much time in the House in the last few years in discussing this question. Does the gentleman believe in the principle involved in the eighteenth amendment?

I say, evidently the gentleman does not believe in the principle involved. The next question is this: The gentleman has concerned himself, as I suggested, with this question. Have his efforts been for the purpose of enforcing the law or for the purpose of discrediting the law?

Mr. CELLER. I offer these facts for whatever they may be worth to anybody in this Chamber or to the whole country. To my mind the only conclusion you can come to from facts of this sort is that the eighteenth amendment is unenforceable.

Mr. MICHENER. But the gentleman——

Mr. CELLER. I refuse to yield further. I am sorry. But I think I have answered the gentleman.

Mr. MICHENER. The gentleman evidently has missed the point of my question. Certainly he has not answered it. I admire the gentleman's courage. I asked him whether his efforts have been directed to the purpose of assisting the enforcement of the eighteenth amendment or to breaking down and destroying it?

Mr. CELLER. I can not after its 10 years of failure subscribe to any kind of a doctrine or any kind of plan or procedure that seeks to enforce the eighteenth amendment, because all the money used to enforce it would be absolutely wasted and hopelessly expended. I think it is like a rope of sand. Whatever funds you might appropriate would be just as useless as endeavoring to whisper in the ear of a corps or pouring water through a sieve.

Mr. LAGUARDIA. Would the gentleman be in favor of severing relations with those countries that import those liquors?

Mr. CELLER. I do not think we have to do that. If it is a matter of treaty negotiation, I think we have a right to call upon the President with the advice and consent of the Senate to deny those privileges to diplomats which are denied to me or any other citizen.

Mr. LAGUARDIA. The same rights are afforded here to a representative of a foreign country as are accorded to our representatives by foreign countries, as, for example, in the importation of Boston baked beans.

Mr. CELLER. No. If only a diplomat could import Boston baked beans, I contend that the other people there should have the same right; otherwise they would have just grounds for complaint.

Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has three minutes remaining.

Mr. CELLER. I would like to have seven more minutes. I have something that I want to disclose.

Mr. AYRES. Mr. Chairman, I give the gentleman seven more minutes.

The CHAIRMAN. The gentleman is recognized for 10 minutes more.

Mr. CELLER. Mr. Chairman, I have brought here something to show the anomalous situation of which I told you at the inception of my talk. I show you here [exhibiting a bottle] something called a "tonic." It is produced and bottled in my town in great quantities. You can readily identify it in any drug store. It is alleged to be a "tonic"—maybe it is. It is good to drink. It is made from white Tokay wine and is bottled under a permit—permit N. Y. H. 13369—authorized by the Commissioner of Prohibition. What a farce! What a joke!

Mr. GREEN. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GREEN. I would like to inquire of the gentleman what is in that product that he is exhibiting?

Mr. CELLER. I refuse to yield to a parliamentary inquiry.

Mr. LAGUARDIA. Mr. Chairman, I make the point of order that the gentleman from Florida is out of order.

Mr. CELLER. I do not offer this just to be smart or even facetious. I am quite serious.

Mr. GREEN. I make the point of order that the speaker is out of order when he exhibits the contents of a bottle and does not tell us what is in it.

Mr. CELLER. I am going to tell the gentleman. I will say to the gentleman from Florida that I will not only tell him what is in it but offer him some if he wishes it. This is a wine product. It is nothing but white Tokay wine with a 20 per cent degree of alcohol, or 40 proof, as they call it in the trade, and there, I believe, is a slight trace of pepsin in it. It tastes very much like the famous French appetizer called "Dubonnet."

Mr. GREEN. Mr. Chairman, I insist on the point of order.

Mr. CELLER. It is legal and it can be purchased in drug stores, grocery stores, department stores.

Mr. GREEN. Mr. Chairman, I submit that the gentleman is exhibiting something that is in violation of the law and in doing so he is violating the rules of the House. I insist on the point of order.

The CHAIRMAN. About one year ago a similar matter was under consideration and the Chair has asked the parliamentarian to refer to it.

Mr. LAGUARDIA. Will the gentleman from New York inform the committee that it is being sold under permit?

Mr. CELLER. Yes; it is being sold under permit. It is a lawful product for that reason.

Mr. LAGUARDIA. Tell your colleague it is sold under permit.

Mr. GREEN. I insist on the point of order.

Mr. CELLER. In order to quiet the gentleman from Florida——

The CHAIRMAN. The gentleman will suspend until the parliamentarian refers to the ruling directly bearing upon this matter, when an identical matter was under consideration a year ago.

Mr. LAGUARDIA. Mr. Chairman, I desire to be heard in opposition to the point of order which the gentleman from Florida makes, his point of order that the gentleman from New York, who now has the floor, is violating the rules of the House, to quote the gentleman from Florida's own words, because he has in his hands a bottle the contents of which the House is not informed. Now, it is no violation of the House rules for a speaker to offer an exhibit, whether or not the contents of the particular exhibit or the possession of it is a violation of law. That is the responsibility of the gentleman who now has the floor. I submit it is no more a violation of the rules to display a bottle than it is to display a map. The gentleman has already stated to the committee that what he has in his hands is sold under the law under a permit and the permit is stated on the bottle.

Mr. GREEN. But, as I understand it, the gentleman from New York in his speech has stated that it contains 20 per cent or more of alcohol and therefore it is an intoxicating beverage, and if that is the case I insist that the gentleman is out of order.

Mr. LAGUARDIA. Every tonic contains alcohol, even hair tonic. If the gentleman will give attention to conditions in his own State of Florida——

Mr. GREEN. I will say to the gentleman that my State is dry.

Mr. LAGUARDIA. It is rotten wet, and that is why you have all the people there.

Mr. GREEN. I beg the gentleman's pardon. He does not know conditions there.

Mr. LAGUARDIA. I have seen them. I have been in your hotels and seen it served openly.

Mr. MICHENER. Mr. Chairman, I want to impress upon the Chair the statement made by the gentleman from New York when he says this is a drinkable substance; that it contains 20 per cent of alcohol by volume, and that it is used as a beverage.

Mr. CELLER. No; I did not say that.

Mr. MICHENER. No other inference could be drawn from what the gentleman said. He said, in fact, it was wine; he named the kind of wine and stated it had a slight tinge, as he said, of pepsin. Therefore it certainly would be intoxicating.

The Chair, I hope, is able to take judicial notice of the fact of what is or is not intoxicating, and if the Chair follows the holdings of the courts in this land to-day, he will conclude that what the gentleman holds in his hands is intoxicating. I insist that if it is intoxicating and that if it is in violation of the law of the land, to possess an intoxicant for beverage purposes, that it certainly is a violation of the rules of the House to bring that which is a violation of the law of the land into the House, and openly proclaim that he has in his possession and that there is being sold throughout the land a thing which is in violation of the law.

Mr. CELLER. May I be heard on the point of order, Mr. Chairman?

The CHAIRMAN. The Chair will be pleased to hear the gentleman briefly.

Mr. CELLER. Yes; I will be very brief.

Of course, Mr. Chairman, I have no desire to bring anything of an intoxicating nature into the House if it is a beverage, but as I said at the inception of my remarks this is a tonic, and that is clearly indicated upon the label on the bottle, where it is stated that it is a constitutional tonic; an appetizing, blood-building preparation. It happens to contain 20 per cent by volume of alcohol, but, as I stated, it is medicated with pepsin or peptonoids. There may be only a small trace of pepsin, but yet it is sufficiently medicated so that they have a permit. Thus, since it bears the seal of Government approval or "permit," it is perfectly legal to buy, sell, carry, drink, and bring it into this House.

Mr. LAGUARDIA. May I say to my colleague that if he does not watch his exhibits they will get into the hands of the drys and he will lose them.

Mr. BEEDY. I make the point of order that the gentleman is out of order, inasmuch as he has not addressed the Chair.

The CHAIRMAN. The point of order is sustained and the gentleman will be seated. The gentleman from New York [Mr. CELLER] has the floor on the point of order.

Mr. CELLER. Mr. Chairman, as I endeavored to state before I was interrupted in an unparliamentary manner, I assure you I have no intention to bring anything into this House which might be deemed unlawful. This exhibit, as I said at the inception of my remarks, was issued under a permit that came out of the office of the Commissioner of the Prohibition Department. It is just as lawful, therefore, as any medicated product that contains alcohol that you could buy in any drug store. It just so happens I purchased this in a drug store in Brooklyn, and I purchased it as a tonic, and I was told it was a tonic, and subsequently I discovered that what was a tonic, and may be for certain purposes a tonic, is nothing but Tokay wine, a wine which we know to be fortified with brandy of a percentage by volume of alcohol of 20, medicated with pepsin or peptonoids.

Now, it just so happens that there is only a small amount, as I gather from my knowledge of chemistry and of these ingredients, of peptonoids, merely to give it flavor, a certain bitterness, probably to make it somewhat unpalatable, yet anyone tasting that beverage would have his appetite whetted for an additional quantity. It gives no sense of repletion like a food would give, and it may be unlawfully used as a beverage, but it is not an unlawful beverage. It may be abused in its use, but as it has been sold it is perfectly lawful.

But this is what I desired to convey to the membership of the House. Because of the absurdity of prohibition, the hopelessness of enforcing it——

Mr. GREEN. Mr. Chairman, I make the point of order the gentleman is not addressing himself to the point of order.

The CHAIRMAN. The gentleman will confine himself to the point of order.

Mr. CELLER. I have concluded, Mr. Chairman.

Mr. LEHLBACH. Mr. Chairman, I desire to be heard very briefly on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. LEHLBACH. Whether this exhibit is permissible on the floor depends on the character of the exhibit and not on what the gentleman from New York thinks or says it is. This is a medicine, sold in the open market, and with the approval of

the United States Government, under a permit issued by the Internal Revenue Bureau. If that is the case, there is no reason for barring it from the floor of the House or barring it from the possession of anyone. Because the gentleman from New York [Mr. CELLER] makes assertions or allegations concerning it which are not proof or evidence of anything, that has no bearing, because the exhibit must stand on its own merits and on its own character.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. LEHLBACH. Yes.

Mr. LINTHICUM. Does not the gentleman remember the decision of last year when Doctor SIROVICH, a Member from New York, wanted to use certain exhibits here? It was not a question of what was contained in those exhibits, but it was a question of getting unanimous consent of the House to produce those exhibits on the floor here.

Mr. LEHLBACH. I do not know whether the cases are on the same basis or not.

Mr. LINTHICUM. I remember that very well.

Mr. GREEN. Mr. Chairman, the gentleman from New York, in the course of his speech, has stressed the fact that it contains 20 per cent alcohol and that something was placed in it to give it an unpalatable taste. Then the gentleman mentioned that pepsin was mixed with it in order to make it a little more palatable, and the whole trend of the gentleman's speech is that the contents of this bottle are being used as an intoxicating beverage, and therefore I contend it is out of order.

Mr. MICHENER. And, if the Chair will permit, the very purpose in bringing it here, as stated by the gentleman himself, is to bring to the House the fact that there are being vended and sold in the country intoxicating liquors under misbrand. There could be no other purpose that the gentleman could have in bringing that remedy in here, any more than if he brought in a a pound of Epsom salts or any other medicine or remedy. His real purpose in bringing the matter here is to call to the attention of the House the fact that he holds in his hands a beverage which is in fact intoxicating and which is being sold in violation of law under the permit of and with the consent of the officers whose duty it is to enforce the law.

Mr. TILSON and Mr. BLACK of New York rose.

The CHAIRMAN. The Chair recognizes the gentleman from Connecticut.

Mr. TILSON. Mr. Chairman, I understand that this was brought in and offered merely as an exhibit to illustrate some portion of the gentleman's remarks.

Mr. MICHENER. Oh, no.

Mr. TILSON. Perhaps, I was misinformed. I was out of the House when the gentleman began his remarks. But is not this the usual case of an exhibit, for which the gentleman would have to have unanimous consent, and that is all there could be to it so far as the rules of the House are concerned.

The CHAIRMAN (Mr. KETCHAM). The Chair is ready to rule. It seems to the Chair that the gentleman from Connecticut [Mr. TILSON] has stated the real heart of the matter in respect to this point of order.

The Chair refers to section 427 of Jefferson's Manual where he finds this statement which seems to be controlling:

> A Member has not a right even to read his own speech, committed to writing, without leave.

And further, from section 891 of the rules, the Chair finds this statement:

> The reading of papers other than the one on which the vote is about to be taken is usually permitted without question, and the Member in debate usually reads or has read such papers as he pleases, but this privilege is subject to the authority of the House if another Member objects.

Objection has been made by the gentleman from Florida [Mr. GREEN] and it seems to the Chair that the statements from the manual and from the rules are controlling, and therefore the Chair sustains the point of order, that if the gentleman from Florida [Mr. GREEN] objects to the gentleman from New York [Mr. CELLER] displaying this article the gentleman from New York must remove it, and the gentleman from New York will proceed in order.

Mr. LEHLBACH. Mr. Chairman, the point of order should have been raised when leave was impliedly requested. When exhibits are brought here, as the manual says, as a matter of course it is admitted unless there is objection; but objection is to be made, as all objections are, at the time the exhibits are offered.

The CHAIRMAN (Mr. KETCHAM). The Chair does not think the position taken by the gentleman from New Jersey is correct. The point of order was made as soon as the purpose of the gentleman was apparent. The point of order was made in proper time. The Chair sustains the objection raised by the gentleman from Florida, and the gentleman from New York will proceed in order.

Mr. GREEN. Mr. Chairman, what has taken place after the point of order was sustained should be stricken from the RECORD.

Mr. MICHENER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN (Mr. LUCE). The gentleman will state it.

Mr. MICHENER. During the absence of the present occupant of the chair the then Chairman overruled a point of order and suggested that the gentleman from New York proceed in order. The gentleman [Mr. CELLER] having the floor has in his possession, as he has stated to the House, a bottle which contains a liquid substance which he says is 20 per cent alcohol; that it is potable, and is used as a tonic or beverage; that it is sold on the market, and he presents the bottle for the purpose of stating that the law is being violated; that he holds in his hand an article sold in violation of law.

Mr. CELLER. No, Mr. Chairman; I did not say that. I did not say it was unlawfully purchased or unlawfully sold or that it was potable as a beverage or used in any illegal fashion.

Mr. MICHENER. That was the plain inference from the gentleman's statement. The point was made that if this substance was an intoxicating beverage, as contended by the gentleman when he presented it, it would be a violation of law for him to possess it openly and flaunt it to the public. Therefore, it was my conclusion that it would certainly be a violation of the rules of the House unless the House wanted to abrogate its rules by unanimous consent, and he has not asked unanimous consent.

Mr. CELLER. Mr. Chairman, I respectfully take exception to the characterization of my remarks by my colleague from Michigan. I did not say, nor did I by any inference indicate, that this liquid was unlawful. I clearly indicated that it was issued under a permit.

The CHAIRMAN. Objection is made to the display of the article in question. The Chair is ready to rule, and the gentleman from New York can not proceed until the article in question is removed from the Chamber.

Mr. CELLER. I assure you, my good friends, it was not my intention to bring anything of an unlawful character into the House. Let the bottle, of course, be removed. I am sure you gather the plain intent of my bringing the tonic here. It gives dramatic carriage to the idea of the hopelessness of prohibition, its hypocricy and deceit.

Mr. BEEDY. Mr. Chairman, I make the point of order that the ruling of the Chair has not been complied with; the article has not been taken from the Chamber, but has been secreted in the messenger's desk. [Laughter.]

Mr. CELLER. At the beginning of my talk—and I say this for the benefit of those who were not in the Chamber at the time—I said I desired in all sincerity and good faith to point out certain anomalous situations that cluster around prohibition. It was not my purpose to be facetious or smart, but to bring out facts, and I did show by the increased manufacture of malt sirup and corn sugar and wine that there were violations of the prohibitory statute all over the land. I ask, What are you going to do about it? I ask in all sincerity. I also answered some questions by saying that prohibition is not the solution, and if it is not we must effect some changes, that we must not blind ourselves to the facts that stare us in our face and leap out at us, as it were. I say that we must experiment and try something else. Only by trial and error will true temperance come. [Applause.]

Under extension of remarks I submit a statement obtained from the Department of Commerce showing exports from Canada and imports into the United States of intoxicating beverages.

Trade of Canada with the United States

[Exports from Canada to the United States]

Alcoholic beverages	1926	1927	First 10 months 1928
Total	$21,454,310	$23,772,829	$19,312,304
Ale and beer	5,521,902	5,455,841	4,209,012
Whiskey	15,475,270	17,884,043	14,788,879
Others	457,138	332,945	314,413

Is this not proof positive of a tremendous illicit traffic—a traffic in the face of all the absurd praises of prohibition? Notice the yearly increase. The total figures for 1928, which I was unable to procure, would show a tremendous increase over 1927. This vast quantity of liquor carefully kept track of by the Canadian Government through consular invoices flows into the United States despite a rigid border control.

An examination of the Balance of International Payments of the United States tells the same story. Assistant chief of finance and investment division, Ray Hall, Department of Commerce, in the pamphlet entitled "Balance of International Payments," 1926, said:

SMUGGLING OF LIQUORS

The official balance of payments for 1924 was the first to contain an estimate of illicit-liquor imports. This was based upon a careful study of the recorded imports and exports of liquor of border and distant countries. The total was estimated at $40,000,000. This, in the opinion of some officials connected with the Customs Service, was low; but some prohibition-enforcement officers, on the other hand, challenged it as too high.

In the official balance of payments for 1925 the same figure, $40,000,000, was adopted. The estimate is necessarily a rough one, but it will be adopted for 1926 as the net sum actually paid to foreigners on this account. According to official Canadian statistics, Canada exported to the United States during 1926 whisky valued at $15,475,270 and ale and beer valued at $5,521,902, and other alcoholic beverages, raising the total to $21,454,310. Smuggling out of Canada must have increased this figure. In addition, it appears that rum running along the Atlantic coast from Europe and the West Indies is a factor.

Mr. Hall "got the devil" from prohibitionists in publishing these truths, and the figures for subsequent years are not available to us. In the pamphlet entitled "Balance of International Payments, 1927," Mr. Hall says the following:

The last three bulletins on balance of payments have contained estimates of the sums paid to foreigners for smuggled liquor, as indicated by the recorded exports of liquor by border and other countries. A section of the press stressed these estimates to the exclusion of the more important results of the surveys, and certain public officers found ground to object to such publicity. Similarly there are objections to publishing "official" estimates of the smuggling of narcotics and other articles, of understatement of imports to evade ad valorem duties, or of loss by bad debts in foreign trade. Yet this group of items has an important influence on the balance of payments; its debits are much greater than its credits. The best way to meet the situation seems to be to bulk all the estimates in the group. By this method the writer concludes that, for the special purpose of a balance of payments, a debit entry should be made in the commodity group of items of about $189,000,000 in 1927 and of about $180,000,000 in 1926. Estimated payments by American exporters to foreign consular offices in the United States for consular invoice fees are also included in this debit entry; in some instances these fees are so high as to resemble taxes.

I herewith submit a letter which I wrote Prohibition Commissioner Doran and his reply thereto:

JANUARY 16, 1929.

Hon. JAMES M. DORAN,
Commissioner Bureau of Prohibition,
Treasury Department, Washington, D. C.

DEAR DOCTOR DORAN: I have searched in vain for data concerning the amount of wines and liquors imported into this country since prohibition for diplomatic uses.

Based upon international custom and comity, duties on goods imported by consular and diplomatic offices are remitted. The Treasury Department, through the collectors, keeps a record of those importing and the amount and kinds of goods brought in.

Section 405 of Customs Regulations is as follows:

"Members and attachés of foreign embassies and legation may receive articles imported for their personal or family use free of duty upon the department's instructions in each instance, which will be issued only upon request of the Department of State. * * * Collectors will take charge of all packages addressed to diplomatic officers of foreign nations which arrive in advance of the receipt of instructions for free duty. Notifications of such arrivals should be sent to the Secretary of the Treasury."

The publishing agency for giving out the information concerning diplomatic imports is the Department of Commerce. That department gives me the following figures of imports for diplomats and consuls, exclusive of liquor:

Fiscal years:	Value
1919	$67,309
1920	72,891
1921	47,904
1922	34,339
1923	33,486
1924	45,565
1925	69,150
1926	36,353
1927	83,133

The above merely includes clothing, olive oil, household effects, etc., but no liquor. The Department of Commerce says it can not publish liquor imports because it has been refused the information by both the Bureau of Customs and the Prohibition Bureau. It published the liquor data prior to 1919 because it received the data from the Treasury Department. Amounts were then inconsequential because liquor was easily purchased here prior to prohibition.

Why the secrecy? Why the concealment? Is the amount now imported so staggering? Will publication cause a scandal?

I have discovered that most of the liquor comes by way of Baltimore—the nearest port to Washington—and armed Government guards escort the trucks into the Capital City and deliveries are made at the embassies and homes of foreign officials in a sort of house-to-house delivery.

The Washington Post recently told how two highjackers imperiled the transportation of a truck load of rare wines and liquors destined to bring Christmas cheer to several legations.

These trucks, thus guarded by United States officials, are frequently seen on the highways from Baltimore and Washington. Some come down from Canada and New York under Government escort.

It is common knowledge that much of this diplomatic liquor trickles down the throats of many who do not wear the braids of diplomacy. Diplomatic liquor is peddled all over Washington.

There is a well-defined market for benedictine, chartreuse, crême de cocoa, crême de menthe, Paul Roger and Moet & Chandon champagne, as well as French Three-Star Martel and Hennessy brandies, Bushmill's Irish, and Haig & Haig, and Dewar's Scotch whiskies.

Not long ago at the Madrillon, a restaurant and dance place in Washington, prohibition or police officials broke up a table where liquor was used. I believe two girls were arrested and later released. Their escort was untouched. He claimed immunity as an attaché of an embassy. It was his liquor. I doubt the validity of such a claim as to liquor in a public place.

However, the incident shows the extreme to which diplomatic-liquor immunity may be pushed.

I desire for public purposes, therefore, the amounts of liquor imported by consular and diplomatic officials. We may watch them drink, but, unless you tell us, we may not know how much they drink.

Very truly yours,

EMANUEL CELLER.

JANUARY 17, 1929.

The Hon. EMANUEL CELLER,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I have received the letter of January 16, 1929, from your office requesting that you be furnished statistics showing the amounts of liquor imported by consular and diplomatic officers for beverage purposes since prohibition.

I desire to invite your attention to House Document No. 598, Sixty-seventh Congress, fourth session, from which you will note that similar information concerning the importation of intoxicating liquors by the members of foreign missions in Washington was requested of the Secretary of the Treasury in House Resolution No. 503, and that the Secretary of the Treasury replied under date of February 13, 1923, to the chairman of the Committee on the Judiciary that the Treasury Department could not properly give out any reports or other information as to importations of intoxicating liquors by foreign diplomatic representatives in view of their diplomatic status and the protection of persons and property which that entitles them.

As to the privileges and immunities to which a foreign ambassador, duly accredited to this Government, is entitled, I have to refer you to a letter dated February 20, 1923, addressed to the Speaker of the House of Representatives by the Secretary of the Treasury, which is also included in House Document 598, and which reads as follows:

"In permitting the free entry of intoxicating liquors consigned to representatives of foreign governments having a diplomatic status in the United States, the Treasury acts in accordance with the established principles of international law and the statutes of the United States, including the provisions of sections 4063 and 4065 of the Revised Statutes of the United States."

I am, sir, very truly yours,

J. M. DORAN, *Commissioner.*

Mr. FRENCH. Mr. Chairman, if the preparation of the Navy appropriation bill and its presentation to this body were limited to the consideration of ships and provisions and fuel and docks and guns and armor and machinery and long columns of figures representing money, it would be a dreary and monotonous task that your committee would be called upon to perform.

Only to one whose vision is limited can the great supply bill for the Naval Establishment carry any such meaning. The bill that you are called upon to consider is concerned with engineering and scientific investigations that are of incalculable value to commerce and industry and progress; it is concerned with efficiency in use of coal and fuel oil, with the procurement of helium, with the discovery and adaptation of means of radio communication and the development of electrical energy; it works through its laboratories and experiment stations; it is concerned with health, and through its hospitals and medical staff is making its contribution to public welfare; it is concerned with programs of relief in hours of disaster on land and sea; it is concerned with navigation, with charting new lanes for commerce, and protecting and fostering trade; it is bound

up with the relationship of your country to other powers; it marks the measure of your country's responsibility in world affairs; it has to do with programs that mean peace or war, stability of civilization, or its destruction. The very money totals may be translated into terms of human life and human welfare.

The appropriations for the support of the Navy for the several years commencing with 1921 have been as follows:

Appropriations

Year	Direct	Indirect	Total
1921	[1] $433,279,574.00		$433,279,574.00
1922	[1] 410,673,289.23		410,673,289.23
1923	294,873,697.00	[2] $8,000,000.00	302,873,697.00
1924	294,456,528.00	35,450,000.00	329,906,528.00
1925	275,105,067.00	22,500,000.00	297,605,067.00
1926	302,862,378.00		302,862,378.00
1927	319,917,575.00	5,000,000.00	324,917,575.00
1928	338,826,626.22	5,945,000.00	344,771,626.22
1929	364,233,362.00		364,233,362.00

[1] Naval act only. [2] Maximum.

The pending bill carries as it is reported by the Committee on Appropriations $347,450,488 in direct appropriations, and in addition a reappropriation of $1,128,500, contract authorization in the amount of $10,000,000, and authorization to draw upon the naval supply account fund to the extent of $3,500,000.

With the exception of the current year's appropriation this is the largest bill for the support of the Naval Establishment since the conclusion of the treaty limiting naval armaments.

Should the cruiser bill that is pending in the Senate become a law more money may need to be added to the construction program, and unquestionably additional funds will be required through deficiency bills on account of our service in Nicaragua and the Orient; and probably increased expenditures on account of additional costs of submarine construction, where the earlier estimates as to costs have proven too low.

SHIPS IN COMMISSION

Next year we plan to have in commission approximately the same ships that we have in commission to-day, and to increase the number by five cruisers that are under construction and by two submarines of the V type.

OFFICERS AND ENLISTED PERSONNEL

The situation touching officers and enlisted personnel ought not to change greatly from year to year. We have at present, or as of September 30, 1928, 5,378 officers of the line as against an authorized strength of 5,499. The shortage as of that date was but 121 and the officer strength will be filled or practically filled by the graduating class from the Naval Academy of June.

Your committee believes that the officer personnel should be maintained at all times at approximately the authorized strength.

The enlisted personnel was fixed at 84,000 for the current year. For 1930 your committee has increased this number by 500 men, making a total provided for in the bill of 84,500. The increased number of men will not meet the number of men required for the complements of the ships that will be brought into commission. Rather your committee expects that the men for these ships will be found chiefly through withdrawing from active service the older cruisers and placing in reduced commission certain other ships, the wisdom of whose present full commission status is open to serious doubt.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. I would like to proceed with my statement and then yield.

Mr. BRIGGS. My question is in connection with the gentleman's discussion of this point. The newspapers report that the personnel is being so cut down in this appropriation bill that they will have to retire a number of ships for the Navy. I would like the gentleman to give us some expression upon that.

Mr. FRENCH. Under the current appropriation the enlisted personnel of the Navy is 84,000. The bill that we are reporting proposes to add 500 enlisted men to the personnel of the Navy, making a grand total of enlisted personnel of 84,500. I have indicated that probably five cruisers will go into commission, two possibly in December and January, at approximately one year from now, and the other three at the close of the fiscal year, and these ships will require some 2,400 men. The two submarines will require nearly 100 men in addition. Naturally, as you cast up in your mind the number of men who will be required to man those ships, you will see that the new men—that is 500—will not meet the need. The rest of the enlisted men should be found in the present enlisted personnel. It will not be necessary to retain all of the ships in commission that are now in commission. In other words, we have at this time five cruisers of the so-called second line, old cruisers. Those cruisers ought to be withdrawn from the service, and if they shall be withdrawn there will be released more than 2,000 enlisted personnel who can be applied to the new ships that will go into commission. In addition to that, there are certain ships of the naval establishment that by another year ought to be withdrawn from the active commissioned status. It will not require very much reduction, and we have not the slightest doubt that in those ways the personnel can be found that can man the ships that will be in commission, including the ones that will be brought into commission upon their completion.

ALLOCATION OF EXPENDITURES

At the opening of my remarks I indicated that the bill that your committee is presenting at this time carries a less sum than for the current year. The difference is $14,895,364. Broadly speaking, this difference is on account of two items—increase of the Navy and major alterations of naval vessels. If the cruiser bill shall pass the situation may be altered.

For 1930, on account of the Welch Act, we have added $800,000, and we were required to include another $700,000 on account of wage adjustments in the different navy yards. For the Bureau of Engineering the bill carries $19,686,300, an increase of $264,600 over the current year. For the Bureau of Construction and Repair we are proposing $17,927,500, or an increase of $699,900 over the Budget for 1929. For the Bureau of Ordnance we have made a decrease in the amount of $282,650, and the figures carried in our bill represent an amount of $11,669,400.

Your committee has proposed money for the replacement of tools in navy yards to the extent of $1,500,000 in excess of the amount recommended by the Budget. We did this in the interest of what we believe to be soundest economy. It was disclosed to the committee that through the use of certain types of machinery and tools that are obsolete the cost of work in the placement of material has materially increased. We were advised that it was costing $2.94 in labor to put into place $1 of material, whereas with machinery and tools of modern type coupled with efficient labor, the labor cost could be reduced 44 cents for every dollar of material expended. When you think of the large expenditures that must be made annually under the Bureaus of Engineering and Construction and Repair, it is a matter of vital consideration that we give to these bureaus tools and machinery with which they can best accomplish their work.

The program that we have in mind of replacement will cover a period of two years; it will cost $3,000,000, but it will return, in our judgment, an equal amount of money value through bringing more nearly up to date the items of repair that must be met in the maintenance of the Naval Establishment.

BUREAU OF AERONAUTICS

That your committee recognizes the importance of the aviation arm of the service is apparent from the fact that for years the amounts carried for aviation are in large figures. The current appropriation is $31,956,000. The estimate for 1930 is $31,560,000. The committee recommends $31,360,000, which is $596,000 below the current appropriation and $200,000 under the estimate.

Of the funds proposed for 1930, $10,000,000 will be employed to satisfy contracts for planes ordered under the authorization contained in the 1929 appropriation, and the bill includes authorization for contractual obligations in 1930 to the extent of $10,000,000 in excess of the appropriation proposed for such year.

In addition to the direct appropriation for naval aviation there are many instances where expenditures incident to this branch of the service are lodged against other appropriations. For the past three fiscal years the entire expense incident to the air arm has averaged in excess of $44,000,000 per annum.

The fiscal year 1930 will be the fourth year of the 5-year 1,000 useful plane program authorized in 1926. The pending bill makes provision for the procurement of 273 additional planes to apply on the program, over and above 36 for the Naval Reserve, bringing the total of new planes purchased and to be purchased since the commencement of the program in the fiscal year 1927 to 1,124. When the program started there were 351 useful planes on hand and 288 on order. The predicted status at the end of the next fiscal year on the basis of the estimate is 910 planes on hand and 208 on order. The large wastage figures suggest that we have been proceeding too fast, if anything.

The bill includes $1,000,000 toward the construction of one of the two rigid airships authorized by the act of June 24, 1926. In explanation of what has been done and is proposed with respect to these dirigibles may I quote from the statement to the committee by the Chief of the Bureau of Aeronautics:

Following the appropriation made for the fiscal year 1929 and based on authority contained in the act of June 24, 1926, contracts for two

rigid airships of approximately 6,500,000 cubic feet capacity each were made October 6, 1928, with the Goodyear-Zeppelin Corporation, of Akron, Ohio, the winner of the design competition and the low bidder. The contract price for the first ship is $5,375,000 and for the second $2,450,000, a total of $7,825,000 for the two, or $175,000 less than the limit of cost fixed by the statute.

The first ship is to be completed by April, 1931, and the second 15 months after trials of the first have been completed and the ship removed from the contractor's shed. Contract for the second ship, however, may be canceled without liability at any date prior to the preliminary acceptance of the first airship.

In accordance with the terms of the contract, the contractor is to be paid his actual costs as they are earned, following in this respect the same procedure as is customary in connection with contracts for other naval vessels. The estimated rate of these payments, based on a close study of probable labor roll and material expenditures, is approximately $150,000 per month, or a total of $1,800,000 for the fiscal year 1930. To meet this obligation it is estimated that $800,000 out of the $2,000,000 available for the current year will remain unexpended and will carry forward June 30, 1929, thus leaving the sum of $1,000,000 only to be supplied as a new appropriation for 1930.

PERSONNEL UNDER AERONAUTICS

The situation touching pilots in connection with the 1,000-plane program is not as satisfactory as we could wish.

Upon December 1 last, under the 5-year 1,000 useful plane program, we had 959 planes on hand and 192 on order, whereas on September 30, 1928, we had 520 officers qualified as pilots in both the Navy and the Marine Corps and enlisted-men pilots from both of these groups numbering 175, or a total number of pilots of 695.

On the basis of the figures that I have indicated, our program for the training of pilots is not keeping pace with the procurement of planes. Up to the present the main source of officer pilots for the Navy has been from the officer personnel. The number needed, however, is such that it can not be supplied from the officer personnel, and other ways must be found. The bill as it comes to the House from the Budget proposes a more liberal program for the training of reserve officer pilots, and for the coming year we are planning that 75 reserve pilots will be attached to the fleet. This will not meet the situation, but the plan proposed may point out the way for the solution of the problem.

THE NAVAL RESERVE

The pending bill does not propose material change in the Naval Reserve situation except as it pertains to the training of aviation pilots. The current appropriation for the Naval Reserves is $4,075,820. The Budget estimate for 1930 is $4,750,000. The committee is proposing $4,697,931, or $622,111 more than the current appropriation and $52,069 less than the estimate. The expansion proposed under this head is interrelated with the Navy's problem of developing pilots of the desired caliber in numbers sufficient for current and prospective requirements. Like the Army, the Navy, too, is looking beyond its officer school to supplement its officer-pilot personnel; but, unlike the Army, which has authority of law to commission as second lieutenants in the Regular Army qualified aviators of the Officers' Reserve Corps, the Navy, under present law, is restricted in the augmentation of its force of commissioned-officer pilots, outside of Naval Academy graduates, to yearly details to fleet air duty of such qualified Naval Reserve aviators as may consent to serve. This bill makes provision for 75 reserve-officer aviators to be so detailed during the fiscal year 1930, as against 50 the current fiscal year. It is this program and the plan to continue and possibly enlarge upon it that accounts for the additional funds proposed in the Budget and the pending bill.

The sum proposed in the Budget for the aviation branch is $1,684,834.

THE MARINE CORPS

I shall not need to discuss the program touching the Marine Corps as it is indicated in the pending bill. No material change is in contemplation.

We are carrying money appropriations for 18,000 men and for approximately the same number of officers as are provided for in current law, save as this number will be modified by attrition or by normal increase from time to time.

MAY WE REDUCE THE NAVY BURDEN?

After thus speaking somewhat of the general situation touching the Naval Establishment and indicating something of the sizable items and the programs provided for in the pending bill, I am going to ask this House to consider with me for a few minutes the question of our naval program as we look ahead.

In 1922 we entered into an agreement with other leading nations of the world for the limitation of armaments. Last week the Senate of the United States ratified the multilateral peace treaty, which has been referred to as the treaty for outlawing of war.

When I remind you, as I have done to-day, that the naval burden upon our people exacts an annual expenditure of something like $350,000,000, and when I point out to you that unless our naval programs shall be modified as we approach the years that are immediately ahead, our annual expenditure will be vastly greater than it is to-day, it becomes imperative that we pause and consider whether or not a better program may not be devised.

If the people of the United States and the people of foreign countries meant what they said when, through the means provided in the several countries in their organic acts, they ratified the multilateral peace treaty, may we not hope that the immediate corollary of this action upon the part of nations will be the lessening of the burdens of war that rest upon our peoples.

Unquestionably the peoples of the world recognize that by reason of natural resources, a population that is not crowding upon our area, the freedom that we have had from some responsibilities that have weighed heavily upon other nations, the people of the United States are in the strongest position financially and economically of all great peoples of the world. If this is true, then what I indicate in my remarks as a course that ought to be welcome to the people of our country ought to be welcome in even more impelling degree to the populations of Great Britain and Japan and France and Italy, the German-speaking peoples, and in fact to the peoples of all nations.

To-day the papers carry a statement by the chief lord of the British Admiralty, Hon. W. C. Bridgeman, indicating that Great Britain is prepared to go still further in reduction of armaments if other nations are prepared to do the same. Mr. Bridgeman says:

> I don't wish to criticize the number or size of anything America thinks necessary in the matter of cruisers, because I believe that the future peace of the world will be much safer in the hands of countries who have a generous confidence in each other than in the hands of scare mongers who try perpetually to make us believe there is grave risk of war.

I like those words from Mr. Bridgeman. They echo the thought that is in the minds of the thoughtful people on this side of the Atlantic. The people of our country generally and the people of Great Britain generally do not look upon these nations as even potential enemies. They look upon our nations as bound together by such ties of blood and community interests as will make war between them impossible. But even so, as Mr. Bridgeman has stated, when he says Great Britain is willing to cooperate with other nations looking to a reduction still further of armaments, we can not hope for a reduction by going alone. We can not attain reduction of armament of the world through the United States making an example and alone reducing. Nations have pride, and, whether it be right or wrong, this very element suggests that the program for naval armament reduction can best be carried forward by teamwork. It can best be carried forward by teamwork on the part of such countries as the United States and Great Britain and upon the part of such nations as were parties to the conference looking to the limitation of armaments that met in Washington nearly seven years ago.

Under the terms of the limitation of armaments treaty, page 3, article 21, a treaty that was entered into nearly seven years ago by the five nations of the world that at that time undoubtedly represented the overwhelming power of the world when measured from a military point of view, it is provided that a conference of all contracting powers shall convene as soon as possible after the expiration of the eight years from the coming into force of the armaments treaty. This conference will consider what changes, if any, in the treaty may be necessary to meet new developments. This conference will fall due in 1931.

As we look forward to that conference, what have we a right to expect?

The treaty that it will be called upon to consider did not undertake to limit the number of types or the tonnage of all the types of naval craft. In tonnage the treaty referred to battleships and aircraft carriers alone. But the treaty went further and limited the caliber of guns that could be borne and the numbers that could be carried upon other types.

REPLACEMENT COST

The replacement cost of ships of the Naval Establishment of the United States, in a rough way, may be said to be upward of $1,200,000,000.

There is pending to-day in the Senate the cruiser and aircraft carrier bill under the provisions of which, if it shall be enacted into law, there will be added values of $275,000,000. You will

then have a grand total of approximately $1,500,000,000, representing an investment in naval craft by the time the conference will meet, after making allowances for the striking off of present values that in another two or three years on account of obsoleteness or obsolescence will need to be removed.

This brings me to the question, What is the life of a ship? and, necessarily, the question that goes with it, What is the replacement cost?

In the Geneva conference that was held nearly two years ago different lengths of life were suggested for different types of ships. Hon. W. C. Bridgeman, for Great Britain, suggested:

	Years
Capital ships	26
8-gun cruisers	24
Submarines	15

Our own representatives to the conference suggested somewhat shorter periods of life.

Now, as a matter of fact, the life of a ship is in part an arbitrary factor. When we speak of the life of a ship we mean the period of years within which the particular ship will be effective. We recognize that ships that are filled with delicate machinery or machinery that is subject to frequent change must necessarily have a shorter life than ships of sturdier type with less intricate machinery, and where everything pertaining to the ship has come to be more nearly standardized.

If we shall say, however, that the length of the life of a ship is 20 years, it is merely to say that the entire Naval Establishment of our country, if it be kept up to a standard of efficiency suggested by that period of time, will need to be replaced within a period of 20 years.

But I said that the life of a ship is in part arbitrary. Nations are competing with each other not only in numbers of types and in sizes and in range of guns, but in machinery, in devices of all kinds that have to do with greatest effectiveness of ships as weapons of war.

Upon the basis of an average life of a ship of 20 years, the annual replacement cost of ships of the United States to-day will average close to $60,000,000.

In three years from now by the addition of ships that you are proposing to lay down the annual replacement cost will have been increased by from $12,000,000 to $15,000,000, or an aggregate total of cost for replacement will have been attained by that time of more than $70,000,000 every year.

One of the things that I could hope the conference of nations that will meet in two years from now will take into consideration would be the fixing of an arbitrary age for the life of ships of various types. If the average life could be extended to 25 years—a proposition that would be as fair for one nation as for another—it would scale down the annual replacement cost 25 per cent, or reduce it $15,000,000 to $18,000,000 annually. This would be the effect upon the Naval Establishment of our country upon the basis of its present and proposed strength.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BRITTEN. Of course the replacement of cruisers now in contemplation will not occur until 20 or 22 years from now.

Mr. FRENCH. Of course.

Mr. BRITTEN. Then that expenditure will stop.

Mr. FRENCH. Of course, but the gentleman will also remember that other ships—ships of other types—will be approaching their age limit when these ships will be put into commission. In other words, in order that there may be an orderly program of shipbuilding and replacement going on, necessarily the newer ships will be put at the last end of the replacement program, while the older ones will undergo replacement first of all.

Mr. BRITTEN. And the gentleman I think will also agree with me that of all the cruisers we have, not counting the obsolete ones, none will be ready for replacement for 15 years.

Mr. FRENCH. That is true, but I am speaking of replacement that will occur for the entire Naval Establishment—battleships, cruisers, submarines, destroyers, aircraft carriers, everything that goes to make up the ships of the Naval Establishment.

Mr. MORTON D. HULL. Does the gentleman regard that this cruiser bill now pending in the Senate is a replacement program?

Mr. FRENCH. Personally I supported the bill a year ago upon the theory that it is part of a replacement program. I believe it is a replacement program, and I think that upon the adoption of that program we ought to wipe out and withdraw from our active fleet all of these old cruisers to which the gentleman from Illinois has referred.

REDUCING NUMBER WITHIN TYPES

When the armaments conference shall meet in some two years from now, why should we not reduce the numbers of ships of different types whose numbers and tonnage are fixed in the present treaty?

Of capital ships, the United States and Great Britain are limited to 525,000 tons each; Japan, to 315,000 tons; France and Italy, each, to 175,000 tons. This is the limit following the replacement program that will be complete in 1934. Pending that program, the tonnage of these nations will approximate in relative importance the figures given. Under the terms of the treaty, after 1931, a replacement program may be begun. Some of the older ships will be replaced by new. Three battleships will be withdrawn from our fleet, not to be replaced. Adjustment by replacement and withdrawal will be made likewise in the battle lines of other nations that are parties to the treaty.

But why do the United States and Great Britain require 15 capital ships each, and why Japan 9? Why not 10 each for the United States and Great Britain and 6 for Japan, and corresponding ratios for other nations?

Mr. BRITTEN. Will the gentleman yield?

Mr. FRENCH. In just a moment. If we were to do what I propose, having in mind that it would mean a reduction of five capital ships for the United States and the same for Great Britain, having in mind that the replacement cost of one battleship is approximately $40,000,000, it would mean a saving to the United States Treasury of $200,000,000 for replacement of capital ships alone, the same saving for Great Britain, and a comparable amount for all the other nations that may be parties to the compact.

Mr. BRITTEN. Does the gentleman believe that if the capital ships, so-called dreadnaughts, are reduced materially in number in all the navies in the world, that in the case of a government having a preponderance of merchant marine that government would not profit by such reduction?

Mr. FRENCH. Not necessarily. When you speak of reduction of capital ships you would have to equalize through maintenance of other types of ships. There is no question of the advantage to any nation of a strong merchant marine.

Mr. BRITTEN. Then, in the gentleman's estimation, call it suggestion; no, I will not say he is making a suggestion, but an argument; that by reducing the capital ships you are playing into the hands of Great Britain in having the supremacy of the seas.

Mr. FRENCH. No; not at all.

Mr. BRITTEN. The gentleman spoke of the advantage to a nation of a preponderance of sea power in merchant marine, and that would mean Great Britain?

Mr. FRENCH. Other factors are to be taken into account—cruisers, destroyers, submarines, aircraft, and so forth. We would not run down merchantmen with capital ships. We would use other types and other means.

Mr. BRITTEN. Suppose we are inferior in cruisers to Great Britain; is not the gentleman playing into the hand of Great Britain in offering a suggestion of that kind to the House?

Mr. FRENCH. Not at all. I am offering a suggestion looking to the meeting of the next conference, looking to some elements that ought to be taken into consideration in the shaping of a program at that time. The question the gentleman raises will of course enter into the deliberations.

Mr. TABER. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. TABER. I understand the gentleman from Illinois to mean that the merchant marine takes the place of capital ships in the line?

Mr. BRITTEN. The merchant ship takes the place of a gunboat in the destruction of commerce. The gentleman knows that as well as I do.

Mr. THATCHER. Will the gentleman yield?

Mr. FRENCH. Gladly.

Mr. THATCHER. Would the gentleman state to the House his opinion on the time limit touching the 15-cruiser program, in the matter of their construction?

Mr. FRENCH. The gentleman is referring to the present bill in the Senate?

Mr. THATCHER. Yes.

Mr. FRENCH. Last year when the cruiser bill was being considered in the House I indicated my approval of the program of building 15 cruisers. I said at that time, however, that I was opposed to the time limit. I am opposed to the time limit now on principle, but I said at that time that I did not think that the time-limit feature should mean the defeat of the program. I shall tell you why. From the standpoint of economies in construction and unknown future contingencies the question of the time when a ship should be built should be left for the administration and the Congress from year to year to work out. The Congress now ought not to attempt to project itself into the situation to such an extent that it will undertake to control the amount of money that next year, two years from now, or

three years from now could wisely be put into a particular program.

Your question leads me to a problem that I had hoped to discuss, and I had just as well do so now; that is the question of orderly construction of and replacement of ships of the Navy.

REPLACEMENT UPON THE BASIS OF EVEN LOAD

For the current fiscal year the appropriation bill carried for the increase of the Navy $54,775,000.

The bill this year, including direct appropriations and reappropriations, contract authorizations, carries approximately $37,000,000.

It is quite likely that it will be necessary for the Congress to appropriate additional sums to complete certain of the fleet submarines. More than that, it is possible that money may be asked for the commencement of construction of ships under the cruiser aircraft program. It is quite conceivable that the amounts appropriated for increase of the Navy for 1930 will exceed $40,000,000.

In my judgment it is of highest importance that new construction work for the Navy shall go forward upon the basis of an even cost per year. We ought to anticipate the future as nearly as may be. We ought to arrange our replacement programs as nearly as may be that an even load of replacement may be carried at all times.

This principle, I believe, is in the interest of sound policy for two reasons.

It is in the interest of sound policy from the standpoint of international relationships. There is nothing more calculated to arouse the suspicions of rival nations than a vast expanse of building program of the Naval Establishment. Witness the rivalry in Europe that began some 25 years ago. Witness the apprehension as reflected by chancelleries and legislative bodies and editorials of leading papers and magazines of the world every time an unusual program is adopted by any nation. If a definite policy may be worked out and maintained looking to an even flow of replacement of ships of our Naval Establishment, and if that policy may be so reasonable as to meet with the natural accord of other great nations, it will go far toward maintaining friendly relations between the peoples of the United States and of foreign lands.

An even program of replacement should be adopted and followed for economic reasons. It should be adopted and followed in the interest of economy and efficiency in construction. It should be adopted in the interest of and for the greatest well-being of the men who are employed in all types of work in navy yards, from the skilled designers and technical forces, upon the one hand, to the skilled artisans and craftsmen upon the other.

It is nothing less than disastrous for fluctuations to occur in the steady run of work of a type that requires training and skill and where it is not easy for those who are trained and acquainted with the work to adapt themselves to other lines in event of a slack period, and when it is quite impossible in a short period of time to build up an adequate personnel with any degree of fitness and skill for the carrying forward of the work.

When the World War came to an end there were something like 25 private shipbuilding establishments in the United States of rather sizeable dimensions. We had something like six navy yards under the Federal Government that were capable of carrying forward ship construction of types up to and including the cruiser and a less number that were capable of building ships of the first line. Then what happened?

Ship construction in the United States almost came to an end. We have to-day less than one-half the private yards in the country that we had 10 years ago. The navy yards of the Government reduced their forces, dismantled their ways, put out of use and out of repair machines and tools that with the slowing down of construction work were no longer needed.

From the point of view of economy and efficiency, it seems that I need hardly do more than call to the attention of the House the situation that I have just outlined to indicate its utter ruthlessness.

Properties in navy yards were reduced in value. As to much of the property there was no salvage. Financial disasters overtook private builders. Men who were skilled in drafting, in designing, in working out details of construction, men who were equally skilled in the shops as artisans and craftsmen of all kinds were dismissed from their employment. They sought out new activities in which they could earn a living. Their places were not taken by new employees because there was no demand. Can you realize what such a revolution as that meant to an industry from an economic point of view?

Consider for a moment the other angle of the question. Suppose that after a program of no replacements being carried forward, it should suddenly be agreed that large replacements would be the order of the day. It could well be that the present shipyards under the Navy and under private ownership would not be adequate to carry forward the work. It might well be that new companies would be organized and new plants built. Whether or not this would be true, a reaction that inevitably would occur would be the reaction of competition of companies, upon the one hand, against the Government, and the Government against the companies, upon the other, for the assembling of forces in the technical room, in the drafting room, forces of machinists and technicians capable of carrying forward efficiently and well. More than that, new men of limited experience or no experience at all would be inducted into service in blocks too large to be properly absorbed.

To barely recite that which I have outlined is again to indicate the enormous inefficiency that would necessarily flow from such procedure.

Consider the question from the standpoint of the employee of the navy yard or of the private shipbuilding concern, and what I say now has reference to all employees. Navy-yard employees are a fine type of men. Those employees are of the type on which the best in our Nation rests. They are trained; they are skilled; they are industrious; they are men who love home; they have families, many of them, and probably most of them. They are not different from other people in their desire to acquire a property that they can call home. They want to be able to make plans for community life, plans for the education of their children, plans as they look ahead for advancing on through the years, during the rearing of a family, and plans for the laying by of something for the day when the earning power may be less.

To people such as I have just referred, a program of vacillation, a program that means the building up of navy yards during a period of two or three years only to see them dismantled during another period of two or three years is nothing less than tragic and disastrous.

Mr. OLIVER of Alabama. May I say, in connection with the very interesting and thoughtful statement the gentleman has made, and one which, I am sure, will commend itself to the business judgment of the House, that it is important to remember, if we are to keep an even load of replacements, to add each year proper types of ships to the Navy, so that we can be sure of replacing in an orderly way those types of ships needed to be replaced and not add simply certain types to the exclusion of all others.

Mr. FRENCH. The statement made by the gentleman is absolutely correct and it is pertinent in connection with the time-limit principle as applied generally. I think the gentleman will agree with me, however, that so far as the cruisers that are now proposed are concerned they do constitute a type which could fit into the replacement program most economically and, very wisely from the standpoint of national defense.

Mr. OLIVER of Alabama. I think that was the opinion of every member of the subcommittee.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. COLE of Iowa. I have no desire to interrupt the gentleman's speech, because I am always interested in what the gentleman who now has the floor has to say on these subjects, but I would like to ask this question: Is there anything in the claim that by the time we get the 15 new cruisers built they will be obsolete? For instance, the statement is made, as published in the newspapers a few days ago, that in Germany they have invented a new kind of cruiser, one that is lighter than our 10,000-ton cruisers, one that carries more guns, one that carries 11-inch guns, and one that has a speed of 20 knots an hour.

It is claimed by those who oppose this cruiser program that with such new developments under way in other nations it is believed that by the time we could get these cruisers completed they would be obsolete. Is there anything in that expressed fear, in the opinion of the gentleman?

Mr. FRENCH. I would say in reply that the question of obsoleteness is always a relative one. As to some types of ships and some methods of warfare and defense changes occur very slowly and gradually while as to others changes occur very rapidly. I think that so far as our committee is concerned the most rapid changes of all are occurring with airplanes, where, for instance, airplanes that three years ago stood as the most approved and best type are to-day so well on the road of obsolescence that the department is putting them out of service as fast as they can be replaced. Now, what I say with regard to airplanes is not true with regard to cruisers. I am acquainted with the reports in the papers touching the type of cruiser that the German people are said to have developed. I do not know any more about it than the papers have indicated, but I would say that as to a ship of the cruiser type I would hope and believe that replacement on account of obsolescence would not be so fast as to make any cruiser that we would build in another several years, in the light of the information we now

have, so obsolete as to call for its being thrown into the discard before a reasonable time of life. That is a question, though, that will need to be met as we undertake the construction of the cruisers, and it is a question, too, that again goes back to the time element. The Congress and the administration ought to be free, as a matter of general principle, to take advantage of anything new that comes along to slow up, if necessary, and not be projected into a construction program just because it is said by law that certain ships must be built before a certain day. I do not think the change in major ships is going on so rapidly that we need to feel that obsolescence is going to overtake them and that they will be worthless within a comparatively short period of life.

Mr. ANDREW. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. ANDREW. Are we not estopped and are not the British also estopped from constructing a cruiser with 11-inch guns, as the Germans are reported to be constructing? Are we not estopped by our agreement?

Mr. FRENCH. Under the agreement we could not put 11-inch guns on cruisers; no.

Mr. COLE of Iowa. If we adopt this program for 15 cruisers now and if some new invention should be made or some new type developed we could avail ourselves of that; could we not?

Mr. FRENCH. We could to the extent that it would be within the treaty. The particular feature, however, touching size of guns, we could not avail ourselves of because of the treaty.

Mr. BRITTEN. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BRITTEN. The gentleman, of course, has confidence in the Navy Department taking advantage of every modern and new improvement in the construction of cruisers in the next three or four years?

Mr. FRENCH. Oh, I feel that our engineers would be on their toes to see to it that our ships were the best that could be built.

Now, let me refer to the Dallinger amendment and the language of the pending bill which may have some effect upon that amendment. You will recall the language of the Dallinger amendment as being in substance to the effect that as applied to the proposed 15 cruisers the first ship and each alternate ship thereafter shall be constructed in a Government navy yard. I think my colleague, the author of the amendment, will say that is a fair summation. That amendment was added upon the floor of the House without an opportunity for any great consideration by the Members, without having had the benefit of the discussion and consideration that was given to the general bill itself by the committee that reported the bill and without being referred to the Committee on Appropriations which, generally speaking, looks after the economic factors in detail of the construction of craft for the Naval Establishment. We have carried language for several years, which language is the result of conferences between the conferees of the Senate and the House of Representatives, language that after a great deal of spirited discussion, exchange of suggestions and ideas, has finally come to be accepted as fair by the membership generally in both the House of Representatives and the Senate. That language, in general, is to the effect that no part of the moneys appropriated in the naval appropriation bill shall be available for the Naval Establishment for use or expenditure under contracts, for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article, or articles that at the time of the proposed repair, purchase, or acquirement can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit, and when, in the judgment of the Secretary of the Navy, such repair, purchase, acquirement, or production would not involve an appreciable increase in cost to the Government. In other words, under the langunge we have carried the advantage would rest with the navy yards of the Government, although the Secretary could avail himself of the opportunity of awarding a contract and of making purchases elsewhere if time and facilities permitted or if considerable economies could be effected by so doing. In the bill we have brought before you we have used the same language with this exception. We have said:

> No part of the moneys appropriated and/or made available for the Naval Establishment for the fiscal year 1930 shall be used or expended—

And so forth.

Mr. DALLINGER. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. DALLINGER. Then the object of putting the language you just speak of in the bill is to defeat the Dallinger amendment, which has been adopted by both the House and the Senate; is not that correct?

Mr. FRENCH. The object of it is to put all construction work for 1930 under a common program, a program that has been heretofore approved by the House and Senate, a program that your committee has approved as to all construction work for 1930. We could not, unless we used the language for the year 1930, bring under this provision all moneys that might be carried in other bills.

It is expected that money will be carried in the deficiency bill for certain naval work. Estimates were not ready for us to consider. The items had not been submitted to the Congress. I do not know that they will be, but if they shall be they will need to be considered by the deficiency subcommittee. We think that language ought to be carried in this bill that will permit the same principle to attach there. Again, if the bill providing for cruisers shall be passed before this bill shall become the law, then undoubtedly this language would attach to that bill and to the building program there so far as moneys carried for 1930 would be concerned.

In my judgment, I think that is the right course. I think it is the right course, as one who concedes that the navy yards ought to be given the preference, as one who thinks that an even load ought to be carried for the navy yards, as one who thinks, however, in addition to that, that this Government of ours ought to have the benefit of competition on the part of private industry of this country as industry competes with itself in the offering of bids for the construction of the ships for our Naval Establishment.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent to continue for possibly 15 minutes, so I may round out my statement.

The CHAIRMAN. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. BLACK of New York. Will the gentleman yield?

Mr. FRENCH. I will be pleased to yield.

Mr. BLACK of New York. I am wondering if the gentleman anticipates, in case the cruiser bill passes, that in the deficiency bill there will be an appropriation for the plans or for the construction of any of the new cruisers?

Mr. FRENCH. I would not want to say anything on a subject I am not advised upon. I do not know.

Mr. DALLINGER. Will the gentleman yield?

Mr. FRENCH. I shall be glad to yield.

Mr. DALLINGER. The gentleman speaks about the competition between private yards and navy yards. Is the gentleman from Idaho aware of the fact that when the navy yards have been asked to bid upon the construction of one of these Government vessels, the officials of the yard have been ordered in every case to add a certain amount to their bid for overhead, amounting in many cases to a very considerable sum—an amount of overhead that is carried in your regular appropriation bill anyway—so that the net saving to the Government or the net cost to the Government of these vessels has never appeared? Is the gentleman from Idaho aware of that fact?

Mr. FRENCH. I am aware that, for a great many years, there has been an indefinite line between the amount that should be charged up to new work and the amount that should be carried as overhead. I want to say very frankly I do not think the overhead for an establishment ought to be added into new work as a part of the cost of the new work when that overhead must be carried on anyway.

Mr. McMILLAN. Will the gentleman yield there?

Mr. FRENCH. Yes.

Mr. McMILLAN. Is it true, as the gentleman from Massachusetts has said, that the department orders these yards in that connection to include that as a part of the cost in the construction of a vessel?

Mr. FRENCH. Certain yard expenses must be included.

Mr. McMILLAN. I think it is very important, if I may say so, that that should be considered and brought out if such a thing is the case.

Mr. DALLINGER and Mr. BRITTEN rose.

Mr. FRENCH. I yield first to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Is the gentleman from Idaho aware that after the debate in the House in which it was alleged that the cost of these vessels would be more in the Government navy yards than in private yards that the chairman of the Naval Affairs Committee in the other body admitted the other day that after careful investigation by his committee, considering all the testimony, the net cost of the construction of these

vessels in Government navy yards is at least no greater than in private yards?

Mr. BRITTEN. Following the question of the gentleman from Massachusetts [Mr. DALLINGER] a few moments ago about the overhead, it is barely possible that the Navy Department directs its estimators in the navy yards to add a certain amount for overhead that goes into the actual construction of the ships and yet is applied throughout the yards. In other words, a man may do a certain amount of work on the construction of a new ship and a certain amount of his time may be employed on repairs in another direction; and the overhead that the gentleman refers to might include items like that and, I think, properly so.

Mr. LAGUARDIA. That is not overhead; that is actual cost.

Mr. BRITTEN. I think they construe it as overhead.

Mr. FRENCH. As a matter of fact, as has been suggested, and as I suggested a few moments ago, this question involves the meaning of words used differently by different persons. The fact of the business is there are certain overhead expenses that ought to be charged to any new project that would be charged if it were in a private institution, and ought to be charged in a Government institution. The overhead to which I referred a minute ago and said I did not think should be charged, is overhead such as is incident to the invested capital in the plant. I do not think such overhead should be charged. I do not think that the cost of maintaining the plant in a way that it would need to be maintained but for the new work should be added to the new work. On the other hand, the overhead apart from that, in a rough way, it seems to me it is fair to allocate upon the new work that is cared for within the plant.

Mr. NEWTON. Will the gentleman yield there?

Mr. FRENCH. Yes.

Mr. NEWTON. What is the practice of the Navy in connection with the salaries of the officers who are engaged in a Government yard in construction work? Is that figured as a part of the expense of construction?

Mr. FRENCH. I do not understand that it is.

Mr. NEWTON. It does not seem to me it should be, because their salaries are going to be paid anyway, regardless of the particular task they have in hand.

Mr. FRENCH. That is true, and that would fall into the first class to which I referred a moment ago.

Mr. NEWTON. Yes; I thought so.

Mr. FRENCH. As overhead that would go on just the same whether the new ships were built or not.

Mr. DALLINGER. In spite of the fact to which I have just referred, that the chairman of Naval Affairs Committee in the Senate admitted that the net cost to the Government of the construction of a cruiser was not greater than that in a private yard, is not the gentleman from Idaho aware that those in charge of the Navy Department are not disposed to build any of the proposed cruisers in a Government navy yard unless compelled to by statute?

Mr. FRENCH. I do not think that is true. I think the gentleman is entirely wrong. The fact is we have three cruisers to-day being built in the navy yards. More than that, in yards where we are not building cruisers, in order that they would be ready to do construction work, we would need to spend hundreds of thousands of dollars in improvements in order that they might be in shape to fabricate ships.

It may be a desirable thing to do that thing. I think probably it is. But it seems to me that the greatest service can be rendered by permitting the matter to be handled under the language your committee has proposed. We ought not to meet the question by removing competition, by saying that a navy yard shall build the first ship and that no private concern may compete, and a navy yard shall build the third and the fifth and every alternate ship throughout the list and private shipbuilding companies shall not compete. By such provision you will say, though not in words, that navy yards will not compete when it comes to building the fourth, sixth, eighth, and tenth and other even-numbered cruisers that will be built under the program. I want to see competition that will bring out the best in the navy yards and the best in private industry. Our country deserves it and the Navy deserves it.

Mr. DALLINGER. It ought to be fair competition, but it never has been.

Mr. BLACK of New York. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BLACK of New York. In the last construction of cruisers the navy yards from the east coast were not permitted to compete. The navy yards on the west coast got it all. New York got the hull of the *Pensacola*. There has been no competition between the navy yards and the private yards on the east coast, and that is the reason of this language.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. TAYLOR of Tennessee. About what percentage of cost of a cruiser is chargeable to labor?

Mr. FRENCH. I think it would run about 65 per cent. Take the great repair work in the navy yards where we are doing work that is not altogether comparable, it runs about $1 material to $2.45 for labor, where we have good tools and labor that is efficient.

Mr. KETCHAM. Will the gentleman yield?

Mr. FRENCH. I yield.

Mr. KETCHAM. In that connection would the gentleman be willing to state the percentage of cost that is to be charged for overhead?

Mr. FRENCH. I can not make that statement.

Mr. KETCHAM. Can not the gentleman make it in connection with the proposed statement?

Mr. FRENCH. I do not know that it could be definitely made, because there may be varying factors attaching to different yards.

Mr. KETCHAM. The point is made that as between private yards and navy yards overhead is going on anyway in the navy yards, whether we build the ships or not. I thought it might be helpful if the statement could be made just what the overhead should be.

Mr. FRENCH. I do not think a statement that would be illuminating could be made. For instance, here is a large yard in which was originally invested ten or twenty million dollars. It may be that the yard has been running on a reduced basis for years. To build one cruiser might draw upon only a small part of the facilities of the yard. It would not be fair to charge as overhead any undue part of the expense of keeping up the yard for the building of that one cruiser. If several cruisers were built manifestly the overhead would be much less. Other yards might be used where the investment cost is much less.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. LAGUARDIA. All of the ordnance on these ships is made at the Government arsenals, is it not?

Mr. FRENCH. Not all of it; we purchase small-arms ammunition for target practice; we purchase a limited number of forgings, some powder, besides projectiles which we assemble in torpedo stations.

NAVAL AND MARINE ACTIVITIES IN FOREIGN AREAS

Mr. Chairman, in conclusion may I refer to the activities of the Navy and Marine Corps in connection with special services that these organizations have been called upon to render.

During the last year, as the people of our country well know, the situation in the Orient has been such as to cause gravest concern and to require the presence of expeditionary forces from our country and other countries that disorders might be suppressed; that hasty and ill thought-out conclusions flowing from the volatile state of mind of a people undergoing revolution might not react unfortunately upon nationals of foreign lands, and that in general the peace of the world to the greatest extent possible might be maintained.

In carrying forward this program, ships of our fleet have been in Chinese waters with officers and enlisted men, and officers and men from the marines have rendered service in Tientsin, Peking, and Shanghai. These forces are being reduced, already instructions have been issued for the withdrawal of marines from Tientsin, and a happier situation apparently is in prospect for the people of the Republic of China. Words of praise can not express too highly the appreciation with which the American people hold the services of the officers and men of the Navy and the Marine Corps, as with dignity and forbearance they have extended helpfulness and good will in behalf of the people of the United States.

In Nicaragua the heaviest responsibilities have fallen upon the marines.

Prior to August, 1925, for 13 years there had remained on duty in Nicaragua a legation guard from the United States marines of about 125 officers and men. Shortly after the withdrawal of this guard, in August, 1925, troublesome times again set in and by September, 1925, there were difficulties and unrest of grave portent. In 1926 a revolution was under way on the east coast. Shortly thereafter a limited number of marines and sailors were landed for the protection of the lives and property of American citizens and of other foreign people.

In 1927 the situation was more unsettled and in the late spring, under an arrangement that had been entered into following the visit to Nicaragua of Henry L. Stimson upon the part of the President, marine forces of the United States were called upon to help maintain orderly government under a program that

had the approval of the people of Nicaragua who stood for law and order and decency in government.

I need not follow in detail the activities of the Government of Nicaragua as it was assisted by the marine forces of the United States in the suppression of banditry, the breaking up and dispersing of lawless gangs, and the establishment of order.

In November, 1928, carrying out a part of the agreement that had been made by the responsible authorities of Nicaragua and Mr. Stimson representing the Government of the United States, the marine forces assisted in the Nicaraguan election, an election the result of which has commanded the respect and confidence of the Nicaraguan people.

Upon the part of Nicaragua and in harmony with the Stimson agreement, the Nicaraguan Government built up and trained a nonpartisan national guard or constabulary with the assistance of the officers of the Marine Corps and the Navy, and the result of the whole program has been most fortunate from the standpoint of peace and orderly processes and good government in our sister Republic. The work that has been done by the officers and men of the marines and by the officers and enlisted men of the Navy has been at sacrifice of life and has meant an additional burden upon the Tresaury of the United States.

You will find in the hearings conducted by our committee a printed list of the names of the officers and men of the Marine Corps who have died in the Nicaraguan service, together with their home addresses.

It is most unfortunate that at any time orderly government can not proceed in every land. It is fortunate, however, that when at times the orderly processes of government are supplanted by lawless forces it is possible for peoples who are not involved to assist in the safeguarding of property, in the protection of human life, and in the restoration of government.

The naval and marine forces in Nicaragua are being reduced.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield there?

Mr. FRENCH. Yes.

Mr. LAGUARDIA. I am glad to hear the gentleman say that the forces in Nicaragua are being reduced. Does the gentleman intend to convey the information that the marines are being withdrawn from Nicaragua?

Mr. FRENCH. Yes; that program is going on as to marines no longer needed.

In our hearings it was indicated that the peak was reached when we had in Nicaragua on July 31, 1928, 456 officers and men of the Navy and 5,365 officers and men of the Marine Corps, or a grand total of 5,821. This number is being diminished. The naval forces have all, or practically all, been withdrawn. The marine detachments that had been borrowed from battleships are now being returned to their ships, and there will be left of the marines in Nicaragua upon the completion of this program approximately 3,650 men.

I have no doubt that with the further establishment of orderly processes this number will be reduced, and again I am sure that I express the thought of the people of our country when I say that we take deep pride in the courage, the earnestness, the fidelity, the self-sacrifice, the devotion of officers and men of the marine service and of the Navy who have contributed so conspicuously to the well-being of humanity in a sister Republic.

Mr. LAGUARDIA. I was informed by the Commandant of the Marine Corps, and I should think the RECORD ought to show it clearly, that the marines that have been withdrawn are those marines that were taken from the ships.

Mr. FRENCH. That is correct.

Mr. LAGUARDIA. And that of the expeditionary force not a single solitary marine has been recalled to date.

Mr. FRENCH. No. We will have upon the completion of the program of withdrawing of forces that is now going on approximately 3,650 marines in Nicaragua. I am not able to look into the future and indicate what the conditions will justify our country in doing and to what extent the Government of Nicaragua will need our cooperation.

Mr. LAGUARDIA. The fact remains that we have 3,000 marines in Nicaragua to-day.

Mr. FRENCH. And probably will have a few more than that for an indefinite period.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. COLE of Iowa. The fact that Sandino, whom the gentleman from New York [Mr. LAGUARDIA] has at intervals defended on this floor, is resuming activities is evidence of the other fact that our marines are being withdrawn.

Mr. LAGUARDIA. Mr. Chairman, now that Admiral COLE of Iowa has subdued Sandino, I say the fact remains that 3,600 of our marines are in Nicaragua and not one marine that was sent there with the expeditionary force has been withdrawn to date.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. WAINWRIGHT. The gentleman from Idaho [Mr. FRENCH] has paid just tribute to the Navy and the marines in connection with the supervision of the recent election in Nicaragua, but I am sure the gentleman would not have it overlooked that the chief commissioned man supervising the election was a very distinguished officer of the United States Army, Brig. Gen. Frank L. LaCoy, assisted by others of the military force.

Mr. FRENCH. I am sure that words of mine can not adequately express the sense of appreciation that the people of the United States feel toward the officer to whom my colleague has referred and toward the officers and men of the Marine Corps and officers and men of the Navy who have rendered this arduous and fine service in Nicaragua with such dignity and such resourcefulness and helpfulness in the maintenance of peace and good order, looking again to the establishment of orderly processes in our sister Republic.

Mr. LAGUARDIA. And it is only fair to state that the Liberal Party that we went down there originally to destroy won the election and established law and order.

Mr. FRENCH. And is in highest accord with the conduct of our officers and men in the election that was held.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. ARENTZ. There are only 15 per cent whites in Nicaragua, and if the United States Government can skeletonize the marine force in Haiti, which is all black, I am in hopes that they can skeletonize the marine force in Nicaragua, with its 15 per cent whites, and in time that we may be able to teach them how to run their own Government.

Mr. LAGUARDIA. We better learn to run our own Government first.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. COLE of Iowa. I do not think the statement of the gentleman from New York [Mr. LAGUARDIA] that our forces went down there to destroy any particular party ought to go unchallenged on this floor. We did not go down there to destroy anybody, but to preserve peace.

Mr. FRENCH. The statement of the gentleman from Iowa [Mr. COLE] is, of course, correct. The Government of the United States has never sought and never has had a part in the political differences of the people of Nicaragua. The thing that we are interested in and were interested in is protection of our nationals and their interests, and protection of the nationals of other countries and preventing, if possible, a lawless condition to exist and to expand, threatening the peace of the Americas, and led by lawless bandits who respected not the rights of others, even the people of their own land.

Mr LAGUARDIA. And that was exactly the way the Liberal Party was characterized and described when we first sent the marines down there.

Mr. SIMMONS. It is my understanding also that the marines are remaining in Nicaragua at the request of the President of the Liberal government.

Mr. FRENCH. Not only the Liberal government but the outgoing government were in accord in inviting the forces of the United States to go there and take part in preserving order and in conducting the election.

Mr. KETCHAM. In that very connection, is it not interesting to observe repeatedly in the case that the Conservatives are not so greatly concerned in having the marines remain there, but the Liberals are?

The CHAIRMAN. The time of the gentleman has expired.

Mr. WAINWRIGHT. And if it is not a fact that the presence of American marines in Nicaragua was followed by the settlement and cessation practically of a bloody revolution in that country?

Mr. FRENCH. In my judgment that must be the inevitable conclusion of thoughtful people.

May I close, as I did one year ago, with the assurance to this House that through the contact and touch the members of your committee have at all times with the Naval Establishment we have pride in its officers, we have pride in its personnel, we have pride in the spirit that permeates the institution itself and that has become a part of its splendid traditions. I thank you for the fine attention you have accorded me. [Applause.]

Mr. AYRES. Mr. Chairman, I yield one minute to the gentleman from Georgia [Mr. COX].

Mr. COX. Mr. Chairman, in view of certain references made to the senior Senator from Georgia in the discussion of House

Resolution 303 on yesterday, and a recent article published in the Washington Post, I wish to read into the RECORD three brief editorials from three Georgia newspapers. I ask leave to revise and extend my remarks, and I wish to insert in the RECORD those three short editorials.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to revise and extend his remarks——

Mr. TILSON. May I hear that request repeated? I did not hear it.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to revise and extend his remarks and to insert therein three short editorials.

Mr. TILSON. I wish the gentleman would reserve his request until we are in the House instead of in committee.

Mr. COX. I hope the gentleman will not object, because I will feel forced to ask for sufficient time in which to read them.

Mr. TILSON. Of course, the gentleman could not read them if anybody objected, even if he had the time. This question of putting editorials in the RECORD is one to which several Members of the House have consistently objected, and the gentleman ought not to ask that privilege in the Committee of the Whole. If the gentleman will wait until we are in the House, I shall make no objection.

Mr. BANKHEAD. Mr. Chairman, I will say this is not an unusual request.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BANKHEAD. It has been done a great many times.

Mr. TILSON. But it ought not to be done in the Committee of the Whole House on the state of the Union.

Mr. BEGG. Mr. Chairman——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BEGG. One minute.

The CHAIRMAN. The time is in the control of the gentleman from Idaho and the gentleman from Kansas.

Mr. BEGG. I will ask the gentleman from Idaho to yield one minute in order for me to ask a question.

Mr. AYRES. I yield one minute additional.

Mr. BEGG. I would like——

Mr. COX. For the present, I withdraw the request.

Mr. TILSON. I hope the gentleman will do so for the present.

Mr. BEGG. Is it not, in fact, a violation of the rule for a Member to ask unanimous consent to extend his remarks in the committee at any time?

Mr. TILSON. Oh, no.

Mr. LAGUARDIA. Not if the Member has the floor at the time.

Mr. BEGG. It is my impression that it is a fact. I know the Speaker has made a statement repeatedly to that effect.

Mr. TILSON. A Member may ask unanimous consent to extend his remarks in committee, but no general request can be made in committee giving to Members generally that privilege. The gentleman from Georgia [Mr. COX] is no doubt within his rights in asking unanimous consent to extend.

Mr. BANKHEAD. The gentleman from Massachusetts [Mr. UNDERHILL] is not here.

Mr. TILSON. He had an opportunity to be here.

Mr. MAPES. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MAPES. Is not this a fact: Did not the Speaker at a former session of Congress state that it was desirable that Chairmen of the Committee of the Whole should not submit unanimous-consent requests to extend remarks on subjects other than those under debate?

The CHAIRMAN. The Chair is of the opinion that that is not a parliamentary inquiry.

Mr. MAPES. Then I make it as a statement of my recollection of the matter. [Laughter.]

Mr. AYRES. Mr. Chairman, I yield 20 minutes to the gentleman from Oklahoma [Mr. HOWARD].

The CHAIRMAN. The gentleman from Oklahoma is recognized for 20 minutes.

Mr. HOWARD of Oklahoma. Mr. Chairman and members of the committee, this afternoon has been to a very considerable degree confined to the discussion of the tariff. I rise to discuss that question also, but propose to confine my discussion to one great industry which is in need at the present time of rehabilitation and to the same kind of treatment that is extended by the Congress and the Nation to other great industries. I refer, Mr. Chairman and members of the committee, to the oil industry.

The oil industry has in the last few years grown to be one of the most important in America. It is also one of the most necessary. For the last two years, however, as a whole it has suffered a depression that has been felt by labor, by the producers of crude petroleum, and the farmers and landowners from whose land oil is produced.

This depression has resulted from two causes. One of them has been overproduction in this country, caused mainly by the peculiar conditions under which oil is produced. In the last few months leaders of the industry have sought, through the American Petroleum Institute, the Mid-Continent Oil & Gas Association, and other organizations, to adopt a policy of conservation that will be beneficial and for which they are to be congratulated. In this effort they deserve the support of every public official and the public.

Another and very important reason for this condition comes about on account of the large amount of oil imported into this country from Mexico, Venezuela, and other foreign countries. This oil comes into the United States free of duty. It can be produced with the cheap labor of these foreign countries at a less cost than can our oil, with the result that, in my opinion, there can be no great revival of our American oil industry until it is protected from the unwarranted competition just referred to.

To adjust this condition, on December 3, 1928, I introduced in the Congress H. R. 14462, a bill to amend the tariff act of 1922 by placing crude mineral oils on the dutiable list.

In the placing of a protective tariff on any commodity it is but natural that we ask to what extent are importations interfering with American production? The records disclose that about 77,000,000 barrels of crude oil are coming into this country each year and on it the importers are paying no duty. The records of the Department of Commerce show that for the six months ending November 30, 1928, the imports and exports of crude and refined oil were:

	Barrels
Exports, from Atlantic coast only:	
Crude	312
Refined	11,170,812
Imports for same period:	
Crude	35,269,961
Refined	3,611,660

Naturally this great flood of duty-free oil with our comparatively small amount of exports is of great injury to the American industry, and this also discloses a source of revenue to the Government and a protection to an American industry that would be of benefit to both.

Mr. BARBOUR. Mr. Chairman, will the gentleman yield there?

Mr. HOWARD of Oklahoma. Yes.

Mr. BARBOUR. I understood the gentleman a moment ago gave the exports and imports of oil from and to the Atlantic coast.

Mr. HOWARD of Oklahoma. Yes.

Mr. BARBOUR. Have you the figures covering the imports to and exports from the Pacific coast?

Mr. HOWARD of Oklahoma. No. These figures do not include the exports from the west coast.

Mr. BARBOUR. Do the figures apply to oil imported to America and exported from the Atlantic coast?

Mr. HOWARD of Oklahoma. Yes. My figures apply to the total amount brought into this country, and the total amount that was exported from Atlantic coast ports only.

Mr. BARBOUR. Most of our exports of oil go from the Pacific coast, do they not?

Mr. HOWARD of Oklahoma. I do not know what the proportion is.

Mr. BARBOUR. I am very much interested in the question which the gentleman is discussing. May I ask him a further question?

Mr. HOWARD of Oklahoma. I shall be glad if the gentleman will.

Mr. BARBOUR. Is it the gentleman's intention to urge a protective tariff on oil in the coming tariff bill?

Mr. HOWARD of Oklahoma. Yes, sir.

Mr. BARBOUR. May I ask the gentleman this question: What is the attitude of the oil producers of Oklahoma touching the proposal to place a protective tariff on oil?

Mr. HOWARD of Oklahoma. I have been told by those whose interests lie with the importers that they are in opposition, and that the independents, whose full interest in the industry is American oil entirely, are in favor of the tariff.

Mr. BARBOUR. I am interested in this because I represent a large oil-producing district in California. I have received communications advocating a protective tariff on oil, but so far as I am advised, none of those requests have come from oil producers. I am interested in knowing what the situation is in the gentleman's State.

Mr. HOWARD of Oklahoma. I will say to the gentleman from California that I introduced the bill I referred to for the purpose of bringing the matter before the Committee on Ways and Means. The gentleman from Oregon [Mr. HAWLEY], chairman of the Committee on Ways and Means, has informed me

that, either on February 20, 21, or 22, the committee will give anyone interested an opportunity to be heard.

Mr. BARBOUR. Will the gentleman permit one other question?

Mr. HOWARD of Oklahoma. Yes.

Mr. BARBOUR. Are the independent producers of Oklahoma organized?

Mr. HOWARD of Oklahoma. The oil producers in Oklahoma, independent and others, are practically all members of the same organization, the Mid-Continent Oil & Gas Association.

Mr. BARBOUR. Is it their intention to support this proposal?

Mr. HOWARD of Oklahoma. I have had several letters and telegrams from large independent producers in which they say they are supporting the measure and will probably be here at the time I mentioned.

Mr. BARBOUR. Can the gentleman state what the attitude of the American Petroleum Institute is?

Mr. HOWARD of Oklahoma. I understand from the newspaper reports that Mr. Reeser, the president of the American Petroleum Institute, has stated that he thought the plan of conservation would be sufficient and did not know that a tariff would be necessary or beneficial.

Mr. BARBOUR. Would the gentleman express an opinion as to that suggestion? That suggestion has been made to me, that we could accomplish the same thing by not producing so much oil at this time; in other words, by conserving it in the ground.

Mr. HOWARD of Oklahoma. Let me say to the gentleman on that point that in the last year or two in Oklahoma through a plan of conservation we have reduced the production at times approximately 300,000 barrels a day, but at the same time the imports on the Atlantic coast have increased very materially. A great many producers believe they might bring about a plan of conservation that would remedy the situation. But I call attention to the fact that since the American Petroleum Institute meeting, since the matter has been under discussion, the royalty owners in Kansas, in Texas, and in Oklahoma have had meetings and have protested against the State legislature in either of their States entering into any attempt to pass legislation that would control the production of oil.

Mr. BARBOUR. The royalty owners are the people who own the land and have leased it on a royalty basis to the producers.

Mr. HOWARD of Oklahoma. They are the farmers and those who have bought an interest in royalties of the farmers. But it is my contention that both conservation and this tariff will be needed before the oil industry is put on its feet again.

Mr. BARBOUR. I want to say that the gentleman has raised a very important question. I have been seeking information in regard to it and I appreciate the information the gentleman has given us.

Mr. NEWTON. Will the gentleman yield?

Mr. HOWARD of Oklahoma. Yes.

Mr. NEWTON. The gentleman has given us some very interesting information. Can the gentleman give us some idea as to what our natural resources are in oil and about how many years it will be before it will all be consumed?

Mr. HOWARD of Oklahoma. Well, let me say to the gentleman in answer to that question that it is about like the question of how old is Ann, for I call his attention to this fact, that 10 years ago the geologists made estimates as to the amount of oil in the earth at that time, and since then we have taken out of the earth more oil than they estimated was in it.

Mr. BARBOUR. We are continually bringing in new fields.

Mr. HOWARD of Oklahoma. Yes. That is true in your field in Los Angeles, where less than two months ago they went 1,000 feet deeper than they have ever gone before and brought in larger wells.

Mr. BARBOUR. I will say to the gentleman that is not in Los Angeles but in the San Joaquin Valley of California.

Mr. HOWARD of Oklahoma. The same is true at Wichita, Kans., and the same is true at Oklahoma City, where 10 years ago they imagined there was no oil and it was condemned, but recently, close to Wichita and close to Oklahoma City, they have brought in wells producing from 5,000 to 8,000 barrels a day.

Mr. NEWTON. Then the gentleman feels there is no limit to the oil supply?

Mr. HOWARD of Oklahoma. On that point I think it is problematical. If the gentleman is referring to the conservation of natural resources, I call his attention to the fact that in this country there are billions of pounds of shale that will produce oil and science will bring forth an economical way of producing oil out of that shale. Further than that, science is bringing forth now substitutes for gasoline and the day may not be far distant when gasoline will not be in demand, and then, if we follow the argument made by some, of conserving our American oil and using that from foreign countries, we might find that through this policy we will have left millions and millions of dollars' worth of natural resources in the bowels of the earth that will have practically little, if any, value.

Mr. WOOD. Will the gentleman yield?

Mr. HOWARD of Oklahoma. Yes.

Mr. WOOD. I will say to the gentleman that eight years ago this winter we had some of the experts before the Appropriations Committee and they then gave it as their expert opinion that within 10 years from that time the oil fields of this country would be entirely exhausted.

Mr. HOWARD of Oklahoma. And to-day there are 600,000,000 barrels stored on top of the ground in the State of Oklahoma alone.

Mr. CRAIL. Will the gentleman yield?

Mr. HOWARD of Oklahoma. Yes.

Mr. CRAIL. I want to say that the price of low-gravity crude oil in southern California has been reduced to 45 cents per barrel in some fields, and in other fields lower than that, below the cost of production; and it seems to me that instead of trying to interfere with the oil industry there ought to be a tariff duty levied on low-gravity crude oil.

Mr. HOWARD of Oklahoma. I will support a tariff on all grades. In answer to the gentleman, let me say this: That within the last few days, in the Mid-Continent oil field, they have reduced the price of oil from 20 to 35 cents a barrel, but the consumers have not felt that reduction in the price of the gasoline or lubricating oils they use.

Mr. BARBOUR. Will the gentleman yield to me for the purpose of asking the gentleman from California a question?

Mr. HOWARD of Oklahoma. Yes.

Mr. BARBOUR. Has the gentleman any information as to whether the California oil producers are in favor of a tariff on oil?

Mr. CRAIL. I will say that I have had considerable correspondence and some telegrams in regard to that, with the information that there are 250,000 barrels of crude oil per day being shipped into the United States from South America, which is making it necessary for the independent producers to sell low-gravity crude oil at a price less than the cost of production.

Mr. BARBOUR. That is, this correspondence and these telegrams have come from the producers of oil?

Mr. CRAIL. Yes. The oil producer, as distinguished from the refiner, has had hard times the last two years, largely as a result of the importation, free of duty, of large quantities of crude oil from foreign countries.

Mr. JONES. Will the gentleman yield?

Mr. HOWARD of Oklahoma. Yes.

Mr. JONES. I would like to suggest that I have had complaints to the effect that certain companies, with the privilege of the free importation of oil, feed in just enough oil to keep the crude price down to a low point, and at the same time maintain the refined price, ostensibly, or at least these people think, for the purpose of getting the control out of the hands of the local people into the hands of certain concerns.

Mr. HOWARD of Oklahoma. I am going to cover that shortly.

Mr. JONES. I have had numerous complaints to that effect, that they feed in just enough oil to keep the price down to where the local people can not afford to produce it or own it and thus lose control of it, and these certain companies have such control that the price of the crude oil makes little difference to them, because they sell it in the refined form at the full price.

Mr. HOWARD of Oklahoma. I will say to the gentleman that both the independents and others joined to cut down the production in Oklahoma nearly 300,000 barrels per day within the last year, and the other fellows brought it up the coast.

Mr. JONES. And when they try to put on a conservation program they simply feed in still more and keep the price of the crude down just the same.

Mr. HOWARD of Oklahoma. That has been the result, and nothing but a tariff will remedy it.

Mr. JONES. It seems to me so.

Mr. SCHAFER. Will the gentleman yield?

Mr. HOWARD of Oklahoma. Yes.

Mr. SCHAFER. We have heard a lot about the producers' views on a proposed tariff; can the gentleman give any information as to what would be reflected with respect to the consumers?

Mr. HOWARD of Oklahoma. I will say to the gentleman that I am going to touch on this shortly, but I will say now that if you can name me a natural resource or a manufactured article where the tariff does not have some effect in raising the price, then I will answer the gentleman's question.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. AYRES. Mr. Chairman, I yield the gentleman 10 minutes more.

Mr. HOWARD of Oklahoma. That Congress may have a fuller conception of the situation, I desire here to read to you a letter, which is based on sound logic and facts, that I received a few days ago.

AMARILLO, TEX., *January 12, 1929.*

Congressman E. B. HOWARD,
Tulsa District of Oklahoma, Washington, D. C.

DEAR SIR: It is my understanding that you are preparing a bill providing for a tariff on oil and that you now have this bill or will have this bill before the present session of Congress.

Notice that you are working on this matter should be interesting to independent oil producers, royalty companies, landowners, and even States throughout the entire oil-producing districts of the United States.

A disastrous condition has occurred and been maintained for the past two years, which has adversely affected every investment in or contingent to the oil-producing business, save and except those investments which are so organized that they represent a vertical line of business, having production, transportation, refining, and marketing. The last-mentioned interests have benefited largely and comprise large corporations only, and actually represent but a small fraction of the commonwealth of this country, and should not be permitted to maintain a condition and special interest which operates adversely and disastrously to the vested rights and the welfare not only of individuals but of counties, towns, cities, and even States.

An examination of producing-oil areas and geographic surveys of the Nation shows that there are millions of acres of proven, semiproven, and potential oil lands. This land is the vested property of individuals, States, or of the Nation. The act of proving this land to contain great mineral wealth immediately enhances the value of such lands far above that for which it could be valued for any other purpose. The finding of oil in any community or State represents an increase in local and national wealth; that is, providing such increase in wealth accrues to those to whom it rightfully belongs.

It is a common fallacy for the public at large to think and believe that the discovery and production of oil confers benefits only upon that particular landowner and that particular oil company which is so fortunate as to enjoy the direct benefits of such discovery. However, a most casual investigation will show that this is not correct.

Railroads haul immense tonnage to such oil fields and generally invest much capital in extensions, switch tracks, terminal facilities, etc.

Supply houses, material men, lumbermen, and countless lines of manufacturers are at once interested, investing capital in warehouses, labor organizations, and untold millions of dollars of storage supplies.

Adjacent towns and even cities are at once made famous by the fact that new sources of national wealth are found at their doorsteps, and generally reflect an immediate expansion and growth in the way of new industries, new office buildings, jobbing houses, and untold millions in investments in real estate, home building, and countless other lines affecting the welfare of that entire community. Because of this added population and contingent lines of business, cities expand and grow and counties undertake bond issues for paving highways.

The State in which this community is located immediately becomes the beneficiary of increased taxes, and even the income-tax men of the Federal Government at Washington find this new community of sufficient interest to send special agents to check the income of the Government, which is a beneficiary from income taxes in these new and flourishing districts.

When it is considered that not only thousands of small towns, hundreds of thousands of individuals, and the welfare of countless counties of various States throughout the Union are affected by the possibility of production and the oil industry, but also that great cities, such as Los Angeles, Austin, Dallas, Shreveport, Beaumont, Fort Worth, Amarillo, Tulsa, Oklahoma City, and numberless other large cities throughout Indiana, Pennsylvania, Louisiana, Wyoming, Montana, Colorado, and other States, can suffer and do suffer tremendous losses in wealth, population, and shrinkage in business due to the violent fluctuations in the revenue received from the production of oil without any local power or machinery to prevent these disasters, then it is time for the people or their constituted authority to investigate the conditions that permit such a situation to exist and reoccur from time to time.

The marketing of the products of petroleum oil is a well-organized and profitable business, the bulk of the business being conducted by about 200 powerful corporations throughout the entire United States.

The refining of these oil products is a highly technical and well-organized business, also largely under the control of these same corporations.

The transportation of oil is also a well-organized business, allied with and largely under the control of the above-named corporations.

It will be noted that the sales price of petroleum products which the public at large obtains is well regulated and suffers no violent fluctuations that would cause disastrous losses and disorganization to either the transportation, refining, or marketing companies in the petroleum industry.

It is only in the production department of the industry which has the most to do with the welfare of the greatest number of individuals, small corporations, allied industries heretofore mentioned, and the taxable value of cities, counties, and States that boom conditions are enjoyed or disaster suffered, which wipes out the investments of literally hundreds of thousands of people, either in the oil-producing business or in allied lines of industries and community activities.

This situation is brought about by the violent fluctuations in the price of crude oil, which is arbitrarily set from time to time by those corporations which are primarily interested in the transportation, refining, and marketing of crude oil and its products.

The law of supply and demand governs the actions of this last-named group. When the production of crude oil shows to be in excess of current refinery demands and at the same time new crude-oil discoveries are encountered, the posted field price for crude oil is ruthlessly put down, thereby paralyzing smaller producing companies in all allied lines of industry and depreciating property values through the entire district, adjoining cities, States, and the Nation.

This disastrous shrinkage may occur overnight upon the discovery of one or two new potential oil fields which show promise of furnishing sufficient additional oil to warrant safety in such procedure to the transporters, refiners, and marketers of crude oil.

Although this new strike may be in a far-western State, yet every field throughout the Nation and every community in which such fields exist immediately suffer by this general marking down in the price of crude oil.

There appears to be no proportional relation whatever between the price which the public at large pays for refined products and the price which producers and marketers receive for the production of crude oil.

When the posted price of crude oil was $3.60 a barrel throughout the midcontinent field the public paid from 20 to 30 cents per gallon for gasoline and 20 to 40 cents per quart for lubricating oils.

With the posted field price at an average of 80 cents per barrel in the Panhandle oil fields, the price of refined products still hovers around 20 cents per gallon for gasoline and a good fair price for lubricating oils.

It then can not be stated that a fair profit to independent oil producers, which affects the welfare and taxable values of landowners and property owners in adjoining cities and communities, is the yardstick by which the petroleum industry is operated and that the public at large in buying the refined products are gainers through the fact that the producers are suffering such losses.

There are too many intermediate stations between the production and valuation of crude oil and the ultimate purchase of its products for such condition to exist.

The oil industry and its allied lines of business is to-day the biggest industrial business in the United States. Its ramifications affect more people than any other line of business. As such, it is the only line of business that has been marshaled, organized, and controlled by a relatively few closely allied corporations without any endeavor on the part of the commonwealth to intelligently comprehend and better regulate this industry.

Great credit should be given to those corporations who have developed this tremendous industry, and in writing you this letter it is not to be construed as a disparagement or attack upon any of them in the conduct of their business.

It is most likely that this condition would exist in any other line of business which affected the public largely if no protective tariff were obtained to safeguard the vested interests of this country.

If it were possible for a great merchandising corporation, such as Montgomery Ward or others, to obtain an unlimited supply of cheaply manufactured articles from Europe and import same to this country and distribute into a vast organization of retail stores owned and controlled by it, you would immediately note the same depression in business in countless towns and cities, due to the fact that tens of thousands of small merchants would be forced to close their doors, thousands of allied lines of industry would close down, and untold millions of dollars of wealth would be wiped out solely to the benefit of this one big merchandising corporation.

In the universal interest of landowners, tens of thousands of small independent oil producers, communities, counties, cities, and States, some sensible and flexible tariff should be considered and adopted which will protect and safeguard the vested rights and interests of all those directly connected with or whose business depends upon the production of crude oil throughout this Nation.

Trusting that you will give this matter the serious thought and earnest work which it deserves, and believing that the very act of making a comprehensive effort to stabilize this industry will meet the approval not only of the people to be benefited but also the sympathetic cooperation of transporters, refiners, and marketers of crude oil and its products, I remain,

Very truly yours,

JOHNSON RANCH ROYALTY CO. (INC.),
By ED. R. MAYER, *President.*

Mr. Chairman, there is no greater field for securing sound and valuable information than the newspapers of this country, es-

pecially is this true of any discussion of a subject in their editorial columns. Naturally a newspaper published at the center of oil production in America would have given thorough and scientific study to the question of a tariff on oil before commenting on it editorially. Tulsa is the center of the oil-producing industry of America. Newspapers published in that city naturally give mature and sober thought to the good of the industry and all its branches. They naturally, also, give due consideration to the interests of the consumers, for they realize that any injury to him, any undue advantage of him, would be detrimental to the producer's market and to the industry as a whole. Here I desire to read to you an editorial published in the Tulsa Tribune, commenting on the bill which I have introduced, and may I say to you before reading it that the Tribune is a well-edited, conservative, and fearless publication that gives thought to subjects of this kind before expressing an opinion. The editorial says:

FOR THE OIL TARIFF

Congressman E. B. HOWARD'S bill, proposing a tariff on petroleum imports, although deplored in the keynote speech made to the Chicago convention of the American Petroleum Institute by Axtell J. Byles, of the Tide Water Oil Co., may yet command the undivided support of independent oil producers of the United States and of the public. Mr. Byles, failing to enumerate his reasons for opposing the tariff, pointed out the only possible alternative when he urged adoption of a world-wide plan for cooperation in the production of oil.

A condition inimical to the security of the independent oil producer whose production is confined to domestic fields has already developed in increased importations of Latin-American oil. British and American operators of prolific leases in Mexico, Venezuela, Colombia, and other Latin-American countries are able to deliver petroleum products to the markets of the United States at prices that threaten the profits of the domestic producer.

Leases secured by the concessions route, cheap labor, low water freight rates, and lower foreign taxes all combine to reduce the costs of production of Latin-American oil and of its delivery to American ports. The producer who pays the Oklahoma, Kansas, Texas, Louisiana, or Arkansas landowner a high price for a lease, who pays his employees the American wage scale, whose holdings are subject to taxation by city, State, and Federal Governments, and who uses his wealth toward the industrial and social development of his community and Nation can not meet the competition of the importers.

The tariff as proposed by Congressman HOWARD is at present not only necessary to the continued prosperity of the American oil industry, but the interests of all the people of the oil-producing States are also involved. It is largely due to the independent oil producer that the oil industry has become an integral part of the economic life of the oil-producing States. It is Bill Skelly, Waite Phillips, and others of the type who have used the profits of production of oil in Tulsa territory to build Tulsa. Similarly in every other oil-producing section of the United States.

One objection that may be raised to Congressman HOWARD'S bill by Congressmen from other States is that it might increase the costs of petroleum products to the American consumer. But if the independent producers should be forced out of the industry by the trust importing foreign oil, the dangers to the interests of the consumer would be infinitely greater than any that lie in the proposed tariff. The independent producer, developing American leases as rapidly as the oil could be absorbed by the growing army of gas engines, has kept prices down to a fair level and thus has aided the growth of the automobile industry and served the whole American public. As long as he holds the upper hand in the oil industry, the interests of the motoring public will be safe. It would be well for representatives of automobile manufacturers and motorists, who will consider the Howard bill, to keep this in mind.

The Howard bill is thoroughly in accord with the policy of protection. If New England factories turning out products used by the whole American public are protected by the tariff, the oil industry, which benefits a greater area than these factories, obviously is entitled to the same protection. No section of the country, nor any other industry, should begrudge it.

Should the independent producer be given a pledge by the importers that importations of Latin-American crude will be cooperatively curbed to remove every element of unfair competition, they might be willing to pass up the protection of the tariff. Mr. Byles has suggested this, and there is a possibility that his suggestion may be heeded by the producers who have seen the effectiveness of the Oklahoma proration agreement, which he so highly praised. But before declining to enter the fight for the tariff, every independent producer should be convinced that his interests will be safe without it.

Mr. Chairman, in connection with the editorial just read I want to call your special attention to the following paragraph, which answers one question that naturally arises in the minds of everyone considering a tariff on any commodity and also answers the question of the gentleman from Wisconsin [Mr. SCHAFER]. That paragraph reads:

One objection that may be raised to Congressman HOWARD'S bill by Congressmen from other States is that it might increase the costs of petroleum products to the American consumer. But if the independent producers should be forced out of the industry by the trusts importing foreign oil, the dangers to the interests of the consumer would be infinitely greater than any that lie in the proposed tariff. The independent producer, developing American leases as rapidly as the oil could be absorbed by the growing army of gas engines, has kept prices down to a fair level and thus has aided the growth of the automobile industry and served the whole American public. As long as he holds the upper hand in the oil industry, the interests of the motoring public will be safe. It would be well for representatives of automobile manufacturers and motorists, who will consider the Howard bill, to keep this in mind.

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The above quotations are but a few of the many that I could give you in justification of this tariff, but under the circumstances I see no necessity for lengthy argument. The next Congress and the next administration will be entirely under the control of the Republican Party, which is pledged to a protective tariff in all its platforms, which have contained the following language:

We reaffirm our belief in the protective tariff to extend needed protection to our productive industries.

Then the leaders of the Republican Party are pledged to a protective tariff for American industry. Recently, the gentleman from Connecticut [Mr. TILSON], Republican House leader, a man in whom I have the greatest confidence, and I have never seen a man that I considered more sincere or reliable in any statement he makes, made this statement throughout the country:

The principles and benefits of a protective tariff must be extended to all American industries.

And then, further than that, in a speech at Tulsa, the oil capital of the world, on Thursday, September 27, 1928, Senator CURTIS, then candidate and now Vice President elect, said:

In the last two revenue bills I proposed a duty on oil. You, in Oklahoma, I see, have requested the limitation of oil production. I took a market report and found that last year we imported 77,000,000 barrels of oil into this country. I suggest that we shut out those 77,000,000 barrels and you would not have to shut down production here.

This means a promise from the Vice President elect that he will give the oil industry a tariff. I plead with him, although I should not need to, because certainly Senator CURTIS will keep his promise, and with his great power he should be able to deliver a tariff to the oil producers of the country and they are expecting it. [Applause.]

Not only this, Mr. Chairman, but I call the attention of the Democrats to the fact that in their platform written at Houston, Tex., they said that they favored—

a tariff for any industry that would make up the actual difference between cost of production at home and abroad, with adequate safeguards for the wage of the American laborer.

Now, I want to say that when I am home this summer as a private citizen and you are perspiring over this tariff bill, I can not but expect that the Republican Party, through the leaders of the party, including Senator CURTIS, and the Democrats, standing on their platform made at Houston, will place an equitable tariff on crude oil and its products, and give the American independent producer, the American laborer, and the American farmer on whose land this oil is produced the protection that you will give to other people in the coming tariff bill. [Applause.]

Mr. DENISON. Will the gentleman yield?

Mr. HOWARD of Oklahoma. Yes; if I have any time.

Mr. DENISON. The gentleman has presented a very forceful argument in favor of a protective tariff policy, and I agree with the gentleman entirely and I am in favor of putting a tariff on crude oil. I want to say that the gentleman's remarks are very interesting, coming from a Democrat and one of the leading Democrats of Oklahoma, and coming from Oklahoma. I am wondering if my friend from Oklahoma believes in the application of that same policy or that same principle of protection to other things produced in this country.

Mr. HOWARD of Oklahoma. I thank the gentleman for asking me that question, because as a Member of this Congress I have voted for every tariff presented, calling the gentleman's attention to the fact that after the war, when we had found we had begun to manufacture in this country articles that we had

not manufactured previous to the war, and you presented bills here to that effect, I supported those bills. Of course, the gentleman knows that I was not a Member of Congress when the Fordney-McCumber bill was passed. I supported an emergency tariff on agriculture and have, and always will, support every tariff bill that equalizes the opportunities of American capital with that of foreign nations and protects American labor from the ill effects of cheap foreign labor. [Applause.]

Mr. DENISON. I am very glad to hear the gentleman say that.

Mr. FRENCH. Mr. Chairman, I yield 15 minutes to the gentleman from Nebraska [Mr. SIMMONS].

Mr. SIMMONS. Mr. Chairman, on January 11, 1929, I presented to the House a report on fiscal relations between the United States and the District of Columbia which has been printed as House Document No. 506.

January 29, 1929, the Evening Star carried the following statement made by the Senator from Connecticut [Mr. BINGHAM], chairman of the Senate Subcommittee on Appropriations for the District of Columbia.

Without reading the whole article I ask unanimous consent to insert it in the RECORD.

Mr. BANKHEAD. Mr. Chairman, I would like to inquire of the gentleman is this going to create any controversy with reference to the attitude of the United States Senator——

Mr. SIMMONS. I take it not.

Mr. BANKHEAD. I think we are going pretty far in our debates recently in criticizing acts and activities of Members of the other body. That is against the rules.

Mr. SIMMONS. I am not violating the rule. The matter referred to is not a discussion on the floor of the other body. This is a press report carried in outside publications and has no reference to anything that took place in the other body.

Mr. TILSON. Will the gentleman yield?

Mr. SIMMONS. I will.

Mr. TILSON. Does the article serve as a text for the gentleman's own remarks?

Mr. SIMMONS. Yes; that is the reason I ask that it be printed as a part of my remarks.

Mr. TILSON. The gentleman is going to proceed to discuss that statement?

Mr. SIMMONS. Yes, sir.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The statement referred to is as follows:

A study of this report leads to a feeling of satisfaction that there has been prepared such a detailed independent study of the taxation and fiscal affairs of all cities in the United States having an estimated population of between 300,000 and 1,000,000.

It is obvious that the city of Washington, with a population of something more than half a million, has very similar problems and that in attempting to judge the nature of the fiscal relations between the Government of the United States and the District of Columbia such figures are of help.

As has been pointed out by Representative SIMMONS, the chairman of the subcommittee of the House Committee on Appropriations in charge of the District of Columbia appropriation bill, some matters have been left out which should have been given consideration. I understand that in accordance with his suggestions a supplementary report is in progress of preparation and I shall read it with interest when it appears.

INCLINED TO AGREE WITH BUREAU

I am inclined to agree with the Bureau of Efficiency that the solution of the problem of fiscal relations lies in determining the Federal Government's liability toward the cost of running the District of Columbia along the lines of the tax liability of the Federal Government as a municipal taxpayer in connection with the ordinary costs of government and also its liability on account of extraordinary expenditures occasioned by the fact that Washington is the National Capital and that the District is not at liberty to tax Government property.

Four interesting questions rise: (1) What is the liability of the Federal Government as a municipal taxpayer? (2) What is the loss of tax revenue to the Government of the District of Columbia on account of excessive exemptions of real property? (3) How much of the cost of excess park acquisition and maintenance should be met by the Federal Government? (4) How much of the liability of the Federal Government as a municipal taxpayer should be offset by reason of the very considerable economic benefits accruing to the District owing to the presence here of national monuments and great public buildings which make Washington the mecca of hundreds of thousands of tourists?

HOLDS $7,440,939 FAIR CHARGE

According to the report a fair charge on the Federal Government as a municipal taxpayer would be $7,440,939. As a matter of fact, the Federal Government makes a contribution of $9,000,000, which leaves a balance of $1,550,061 to be applied to the items of excess park acquisition and maintenance and recovery of revenue lost on account of excessive exemptions of real property from taxation.

It appears to me that there might properly be added to that balance the $451,857 with which the report charges the Federal Government as a tax on intangible personal property. I have grave doubts as to the justification for such a liability on the part of the Federal Government. If this were added to the balance, it would give us $2,011,000 to be applied to the excess items.

A study of the tables would seem to show that a fair charge in connection with the parks would be about $1,100,000, leaving about $900,000 to apply to the loss of revenue due to excessive exemption.

A careful study of the schedules of exempt property valuations shows that the ratio of exempt to taxable real property is three times as high for Washington as for other cities. At first sight it would appear that this would justify a very great increase in Federal aid to the District. However, when there is deducted from the exempt property United States property on which it may be assumed we are now paying taxes under cover of the $9,000,000 appropriation, there still remains a total of $283,991,600 of exempt property apart from that owned and used by the Federal Government. This item is made up of exemptions for educational and scientific institutions, religious purposes, hospitals, charitable and benevolent institutions, embassies and legations, and a very considerable amount of public property used for parks and for the benefit of the city of Washington. A study of the tables shows that this is larger than that of any other city in the country of comparable size except the city of Boston, where there is an unusual amount of United States and Massachusetts State property.

A fair average amount of exempt taxable property for a city of this size is about $180,000,000. By reason of this being the Capital of the Nation there is located here an unusual number of nontaxable institutions and an unusual amount of nontaxable public property, bringing the total to more than $100,000,000 in excess of that amount. It seems to me fair that the United States should pay toward the expenses of the District of Columbia an amount of money equivalent to normal taxes on that $100,000,000 of real property that is in excess of ordinary average exemptions for a city of this size. That means something over $1,700,000. Of that amount it is fair to say that the Federal Government is at the present time paying $900,000, or the balance of the lump-sum contribution, in my opinion.

A study of the report offers the further thought that the District taxpayers are not being taxed more heavily than other cities of this size.

Finally, the showing regarding the extraordinary amount of park area provided here by reason of this being the Nation's Capital and which makes our park area nearly twice as much as most cities of this approximate size, would justify the Federal Government bearing the amount equivalent to the difference between the cost of parks in average cities of this size and that of the Nation's Capital, or, say, $1,100,000.

In conclusion, it would seem to me fair that the United States should contribute something over $800,000 more as its share of running the government of the District and I would suggest that the bill be amended by adding $800,000 to the $9,000,000 lump sum now included in the bill.

My study of the report leads me to believe that the Federal Government ought to make an effort to pay taxes on its tangible property in the District of Columbia and the lump sum contributed by the Federal Government to the District revenues ought, I believe, to vary as the value of the property of the Government varies.

Mr. SIMMONS. The Senator in the statement asks four questions and answers three of them. The question unanswered is No. 4 of the above, which I quote:

How much of the liability of the Federal Government as a municipal taxpayer should be offset by reason of the very considerable economic benefits accruing to the District owing to the presence here of national monuments and great public buildings which make Washington the Mecca of hundreds of thousands of tourists?

The Senator does not answer the question and does not attempt to give the United States any credit for the "offset." I feel that the "offset" suggested is too restricted in its scope. In my statement on fiscal relations in the House last week, Wednesday, January the 23d, I suggest the scope of the "offset" and several easily determinable amounts. Repetition here is not necessary Senator BINGHAM answers the first question: "What is the liability of the Federal Government as a municipal taxpayer?" by reaching the sum of $6,989,082 as the proper amount and rejects the Bureau of Efficiency figure of $7,440,939. The Senator shares the same "grave doubt" that I expressed as to the justification of a charge against the United States as an intangible tax and he therefore deducts, properly, I think, from the $7,440,939 which the Bureau of Efficiency reached, leaving a total of $6,989,082 as the normal "tax" bill of the United States to the District of Columbia. The Senator, however, accepts without question the "tax" on tangible personalty of $1,536,315—in spite of the fact that that charges the United States for the fiscal year 1928 with 51 per cent of the taxable tangible personal property of the District. I submit, as I did in my previous statement, that that is an absurd charge against

the United States. Either it is too high as a "charge" against the United States, or it means that the District citizen is not paying his full share of District tangible taxes. In either event the charge is unfair to the United States on a comparative basis. But let us accept the Senator's figures of $6,989,082 as a proper "tax"—leaving $2,010,918, which the $9,000,000 lump-sum payment gives to the district over and above a normal "tax." The Bureau of Efficiency in its report on fiscal relations, page 5, arrives at a tax "payable by the United States to the District of Columbia of $7,440,939," divided as follows:

Real property tax	$5,452,767
Tangible personalty	1,536,315
Intangible personalty	451,857
Total	7,440,939

The Senator then asks question No. 2:

What is the loss of tax revenue to the government of the District of Columbia on account of excessive exemptions of real property?

This question is answered in table No. 5 of the report, page 11. The table shows that Washington has exempt from taxation $283,991,600. The Senator says that this is excessive in comparison with other cities, and says that $180,000,000 is a fair average amount for a "city of this size." Presumably he has selected Buffalo as the model city, for Buffalo has as its ratio of exempt to taxable property 17.33 per cent as against 17.35 per cent as the average of all cities shown in the table except Washington. The Senator, therefore, assumes that Buffalo's exempt property and Washington's ought to be equal and proposes to charge to the United States $100,000,000 of "excess exemptions." The error in the Senator's calculations arises from the fact that he does not include the whole equation. Buffalo has assessed real estate of $1,031,770,390. Washington has assessed real estate of $1,438,844,177 (this figure includes $320,751,015 of United States real property, on which the Bureau of Efficiency figures a real tax of $5,452,767).

The ratio of exempt to taxable real property in Buffalo is 17.33 per cent. The ratio of exempt to taxable real property in Washington is 19.74 per cent.

Table No. 2 shows that Buffalo has an assessed value per capita of $1,865.77, while Washington's assessed value per capita is $2,740.66. The Detroit bureau of governmental research table inserted in the hearings on the District of Columbia bill, page 572, shows that Buffalo is assessed on an estimated basis of 78 per cent of actual value, while Washington is assessed on an estimated basis of 90 per cent actual value. The Bureau of the Census figures that Buffalo real property is assessed at 75 per cent of its real value, while Washington is assessed at 100 per cent. (See table, p. 1076, hearings on District of Columbia bill, fiscal year 1929.) It is perfectly obvious that Buffalo has lower percentage of value as the basis of the assessment of real property and that this lower percentage is reflected both in the amount of real property exempt and real property taxed. The true comparison between Buffalo and Washington is not the isolated table of exemptions alone but by a comparison of exemptions to real property taxed in both cities. On that basis Washington has 19.74 per cent exempt, while Buffalo has 17.33 per cent exempt. The average exempt ratio is 17.35 per cent, thus making Washington 2.39 per cent above the average in real property exemptions. Washington is 2.41 per cent above Buffalo in exemptions. For facility in figuring let us accept 2.4 per cent as the proper figure; $1,438,844,177 is the total assessed taxable real property; 2.4 per cent of that is $34,532,260; add, then, $35,000,000 to the assessed "taxable" property charged to the United States, and Washington will then be reduced to the average of the cities studied in exemptions. A tax of $1.70 a hundred on $35,000,000 gives $595,000. That, in my opinion, is the maximum of possible losses by virtue of "excessive exemptions" of real property in answer to question No. 2.

It will be interesting to analyze the Senator's $180,000,000 figure as the measure of exempt property.

The Bureau of Efficiency report, after deducting the $320,750,000 of United States property on which taxes are assumed as paid under the $9,000,000, still leaves $283,991,600 of property as exempt from taxation. This latter sum is made up as follows:

Educational and scientific purposes		$35,000,000
Religious purposes		25,000,000
Cemeteries		2,000,000
Hospital, charitable, and benevolent institutions		13,000,000
All other, including embassies and legations		5,000,000
Total, private property exempt		80,000,000
Other exempt public property:		
United States property dedicated to use of the District	$31,915,412	
District of Columbia park property (small areas, playgrounds, etc.)	3,035,971	
District of Columbia owned property (municipal)	50,000,000	
United States park property	119,040,217	
		203,991,600
Grand total, exempt property		283,991,600

The foregoing statement shows a total of exempt property of $283,991,600, of which $80,000,000 is private property. The remainder is public property, either owned by the United States or by the District.

If, as the Senator proposes, the total exemptions are reduced from $283,991,600 to $180,000,000, or in the sum of $103,991,600, it is logical to find out just what that $180,000,000 would then consist of, or upon what property the United States would be asked to pay taxes by reducing the total amount of exempts by $103,991,600, upon which, at the rate of $1.70, the United States would be asked to assume $1,767,857.20 in taxes.

In arriving at the matter from either direction certain property must inevitably be included in the exempt list. There can be no question about leaving in the present exemptions the following property, which is either wholly municipally owned or which is United States owned and dedicated to District uses without any rent charge from the United States, namely:

United States property dedicated to District use	$31,915,412
District of Columbia owned park property	3,035,971
District of Columbia owned property (municipal)	50,000,000
Total	84,951,383

Deducting this sum of $84,951,383 from the Senator's $180,000,000 still leaves $95,048,617 for exempts under his calculation. What would that consist of? Shall it include all of the $80,000,000 of privately owned exempt property and thus leave the United States to pay taxes on $104,991,600, or 87 per cent, of the $119,040,217 of the federally owned park property which is a municipal benefit and usable by the people of the District as freely as their city-owned park property? Or shall the United States pay taxes on some part of the privately owned exempt property and taxes on a smaller percentage than 87 per cent of the federally owned park property? Whichever way you take the suggested $180,000,000 figure of exemptions the result will either require the United States to pay taxes on some of the privately owned exempt property or on a larger percentage than it should be called upon to pay for exemption of parks which it owns and which it makes available to all intents and purposes as municipal parks. On the other hand, by using the Bureau of Efficiency report and arriving at the average of exemptions for other comparable cities, I have shown that a fair reduction in the $283,991,600 of exempt property would be $35,000,000, bringing the figure down to $249,000,000 instead of the $284,000,000.

That figure of $35,000,000 should be applied, not on the $84,951,383 of District-owned property and United States property dedicated to District purposes, not on the $80,000,000 of privately owned property, but to the $119,040,217 of Federally owned park property. By doing this the United States would assume taxes on approximately 30 per cent of the parks which it owns and which have made it unnecessary for the municipality to go in as deeply for park acquisitions as some other cities have been compelled to do, and largely by bond issues. The taxes on this 30 per cent would, as I have heretofore pointed out, amount to $595,000.

This $35,000,000 is the only fair reduction in the $284,000,000 of exempt property that should be made, based upon the equitable average figures of the Bureau of Efficiency report. The $35,000,000, however, is $68,991,600 less than the $103,991,600 by which the Senator would reduce the total exemptions. I respectfully suggest that this difference of $68,991,600 of exemptions—which, at $1.70, would carry taxes of $1,172,857.20—is the answer to the fourth question which he asked, but did not answer, namely:

How much of the liability of the Federal Government as a municipal taxpayer should be offset by reason of the very considerable economic benefits accruing to the District, owing to the presence here of national monuments and great public buildings which make Washington the Mecca of hundreds of thousands of tourists?

The Senator suggests a reduction in the total exemptions of $103,991,600 which, applying the $1.70 tax rate, would charge the United States with $1,767,857.20. I suggest following the Bureau of Efficiency report figures and reduce the exemptions by $35,000,000, which, applying the $1.70 tax rate, would charge the United States with taxes of $595,000. The difference between the two sets of figures is $68,991,600 of exemptions and $1,172,857.20 in taxes to the United States. I know of no better place for him to find the answer to his fourth question.

I am pleased at the Senator's finding that the District taxpayer is not being taxed more heavily than other cities of this

size. The tables of the report show that they are taxed under cities of their size.

Then the Senator asks this question:

How much of the cost of excess-park acquisition and maintenance should be met by the Federal Government?

He states that the Federal Government should bear—

the amount equivalent to the difference between the cost of parks in average cities of this size and that of the Nation's Capital, or, say $1,100,000.

How he arrives at that figure is not disclosed. Table No. 1, page 7, shows that Washington has 1 acre of parks to every 140 people, while the average is 1 acre to 253 people.

Table No. 13, page 76, answers the Senator's question. It shows that Washington has a per capita cost of $2.38 for "recreation" as against an average of $1.65 for the comparable cities, or 73 cents per capita above the average. This is the item in which the parks are carried. Five hundred and fifty thousand persons, at 73 cents each, equals $401,500 that this excess costs above the average.

We have, then, from the Bureau of Efficiency report the following answer to the Senator's question:

Ordinary tax load	$6,989,082
Loss by excessive exemptions	595,000
Excess park maintenance	401,500
Total	7,985,582

This leaves, by the $9,000,000 payment by the Federal Government, $1,014,418 over and above all items which the Senator included in his statement, with the exception of park purchases, which is a variable sum, from year to year. No figures are available as to who paid the cost of park lands already acquired. The bill this year carries $1,000,000 for park purchases. Upon the basis of these figures the United States is not only paying a fair tax on its property, the excess cost of exemptions, and excess park maintenance above the average, but over and above that is paying $1,000,000 for parks in the city. [Applause.]

Mr. FRENCH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LUCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16714, the naval appropriation bill, and had come to no resolution thereon.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WASON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 16301) making appropriations for the independent establishments of the Government for the fiscal year 1930, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

Mr. GARRETT of Tennessee. That is agreeable to the minority?

Mr. WASON. Yes.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent to take from the Speaker's table the bill H. R. 16301, the independent offices appropriation bill, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The Chair appointed the following conferees: Mr. WASON, Mr. SUMMERS of Washington, Mr. ALLEN, Mr. CULLEN, and Mr. VINSON of Kentucky.

THE HARRIS AMENDMENT

Mr. COX. Mr. Speaker, in view of certain references made to the distinguished senior Senator from Georgia in the discussion in the House yesterday on House Resolution 303, I ask unanimous consent to extend my remarks in the RECORD by inserting therein three short editorials appearing in as many newspapers of Georgia.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, what are the editorials about?

Mr. COX. They are in refutation of an inference made in the discussion of yesterday to the effect that the Senator was actuated by political motives in offering his prohibition amendment calling for added appropriations for the enforcement of the prohibition law.

Mr. SCHAFER. And the editorials maintain that he was not?

Mr. COX. Yes.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. COX. Yes.

Mr. CRAMTON. I shall not object, but I would observe this, since I was one of those who mentioned the name of the Senator from Georgia yesterday, I did not, and I do not think that any one ascribed motives, political or otherwise, to the Senator from Georgia.

Mr. RANKIN. Oh, the gentleman is mistaken about that; and I can show him the RECORD.

Mr. CRAMTON. I do not yield. I did ascribe political motives to the Democratic Party in this House in their movement conducted with reference to that question, and I doubt if the newspapers of Georgia have any better evidence upon that than we have here; but I do not object. I have a very high regard for the Senator from Georgia.

Mr. TILSON. Mr. Speaker, in view of the fact that this relates to a matter that was discussed here yesterday, I think it is proper that these editorials should go in the RECORD, and therefore hope that no one will object.

Mr. SCHAFER. Mr. Speaker, further reserving the right to object, in view of the fact that the new wet leader in the House does not object, I shall not object.

Mr. GARRETT of Tennessee. Do I understand that the gentleman from Michigan [Mr. CRAMTON] says that he attributed political motives to the Democratic Party? An astounding presumption!

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COX. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the three short editorials published in Georgia newspapers, which are as follows:

[From the Albany Daily Herald, January 29, 1929]

SENATOR HARRIS

The several gentlemen who are reported to be grooming themselves for Senator WILLIAM J. HARRIS'S office might do well to put their ears to the ground before spending time and money in an effort to return him to private life. We have no quarrel with those who aspire to high office, but the man who imagines he can beat Senator HARRIS in 1930 is so lacking in judgment that he prejudices his own case. He tempts us to conclude that he is lacking in the qualifications with which a Senator should be endowed.

If opposition to the Senator is to be an echo of 1928, and if his opponent is to base his claim on the vote cast in Georgia last November, a study of the returns will give no comfort to the anti-Harrisites. Senator HARRIS will be reelected in 1930, no matter what the issue or who the challenger.

[From the Adel News]

SENATORS HARRIS AND GEORGE

With no reference whatever to the last national campaign, but solely from the viewpoint of ability and conscientious service to their State and the Nation as well, this paper here and now goes on record as standing squarely with Senators HARRIS and GEORGE should they have opposition for their seats in the United States Senate in the next election, which is some time off now. It would be a sad day for Georgia should she swap them for some of the politicians who have been suggested as their successors. It would be worse than a calamity to the State and to the country.

[From the Atlanta Constitution, January 31, 1929]

THE HARRIS AMENDMENT

A story printed in the Washington Post of Sunday represents Senator HARRIS as offering his now famous $24,000,000 amendment to the deficiency bill for increased prohibition enforcement as a clever move "to mend his political fences in Georgia." The story relates that by the Senator's campaign support of Governor Smith he so alienated the dry anti-Smith Democrats of this State as to put in jeopardy his reelection to the Senate next year, but it says his authorship of this amendment "assures that reelection."

No man in high official life in Georgia for half a century has had a closer hold on his constituents than Senator HARRIS.

In the campaign of last year Senator HARRIS knew perfectly well the character and extent of the Georgia opposition to Governor Smith, and had he been a timid politician with loose principles and chameleon convictions, he easily might have paltered with the situation. Instead he accepted loyally the actions of his party and, like the courageous man that he is, he gave to the party and to its candidates his faithful support. And the State would have been amazed to witness him doing anything less than that.

There was not a moment during the late campaign, nor has there been one since, when the reelection of Senator HARRIS was dubitable. It needed no reenforcement by this $24,000,000 prohibition appropriation or any other. No one in Georgia ever doubted the Senator's conscientious devotion to the prohibition cause and all understand that the appropriation he champions is a sincere nonpolitical and non-

electioneering endeavor to promote the better enforcement of the prohibition law.

He was plenarily fortified in declaring to the Senate that prohibition enforcement, so-called, is an all too palpable "farce," and he is fully justified in putting up to the authorities—the Congress and the administration—whether they are set to continue the great farce or accept some helpful part of the enormous fund they admit will be demanded to secure any very obvious betterment of present conditions.

At least Senator HARRIS has brought the crucial issue face to face with those whose duty it is to make prohibition effective, if that is at all possible. They must now agree with him, accept the proffered aid, or throw up their hands in admitted despair.

As for his support of Governor Smith's candidacy after nomination, that added to the popular esteem for Senator HARRIS instead of derogating from it. He thereby enhanced his reputation as a 100 per cent Democrat who was and is loyal enough to subordinate a personal desire to the demands of the great party of which he is so distinguished and useful a leader.

PRINTED HEARINGS BEFORE COMMITTEE ON WAYS AND MEANS

Mr. BEERS. Mr. Speaker, I present the following privileged report from the Committee on Printing, which I send to the desk and ask to have read.

The Clerk read as follows:

House Concurrent Resolution 48

Resolved by the House of Representatives (the Senate concurring), That, in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on Ways and Means of the House of Representatives be, and is hereby, empowered to have printed 2,500 additional copies of the hearings held before the committee entitled "Tariff Readjustment, 1929" during the current session.

With the following committee amendments:

In line 6, after the word "the" where it appears for the first time, insert the word "consolidated," and, in line 7, after the word "committee," insert the words "relative to."

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. BEERS. Yes.

Mr. GARRETT of Tennessee. Can the gentleman inform us, or if not, can the chairman of the Committee on Ways and Means inform us, whether the hearings are being printed daily?

Mr. HAWLEY. The daily hearings are being printed daily.

Mr. GARRETT of Tennessee. And are they right up with the work there?

Mr. HAWLEY. Yes. The hearings of one day will be in printed form the second morning after that day.

Mr. GARRETT of Tennessee. Mr. Speaker, some Members have spoken to me about getting copies of these hearings. There seems to be a misunderstanding on the part of some Members about committee hearings. Some seem to think that they are obtainable at the document room and that they are distributed through that room. I think it well to have the statement go in the RECORD that no committee hearings, except by special order, are ever distributed through the document room or the folding room. They are distributed from the committee rooms themselves. I take it that any Member interested can by going to the Committee on Ways and Means obtain copies of these hearings.

Mr. HAWLEY. Yes. We have been sending them out and will continue to do so so long as the supply lasts. We are taking the full thousand that we are entitled to print. This resolution provides for printing the consolidated hearings, when they are corrected, and they will be available to everybody in the committee room.

Mr. GARRETT of Tennessee. This is the usual resolution?

Mr. HAWLEY. Yes.

Mr. LAGUARDIA. On two occasions I have asked for hearings on certain schedules and I been unable to obtain them.

Mr. HAWLEY. At first we thought that 600 copies would be sufficient, but an unprecedented number of witnesses has appeared and the 600 limit was raised to the full thousand.

The question was taken, and the committee amendments were agreed to.

The resolution was agreed to.

COMPILATION OF FACTS REGARDING AMENDMENTS TO THE CONSTITUTION

Mr. BEERS. Mr. Speaker, I have another privileged resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 82

Resolved, That the compilation made by M. A. Musmanno from the CONGRESSIONAL RECORD of the facts regarding all amendments of the Constitution of the United States proposed since 1889 be printed as a public document.

The question was taken, and the resolution was agreed to.

SUITS AGAINST DISTRICT OF COLUMBIA—CONFERENCE REPORT

Mr. ZIHLMAN. Mr. Speaker, I call up the conference report on the bill (S. 3581) to authorize the Commissioners of the District to settle claims against the District of Columbia.

The conference report was read.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3581) entitled "An act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: In lieu of the language inserted by the House insert the following:

"SEC. 2. The Commissioners of the District of Columbia are hereby authorized and empowered to grant relief in claims for refund of taxes paid, or for cancellation of assessments heretofore made and subsequent to September 1, 1916, in such cases where like assessments, or assessments against property of similar character, have been held to be void or erroneous by decision of the Supreme Court of the District of Columbia, the Court of Appeals of the District of Columbia, or the Supreme Court of the United States: *Provided*, That any claims for refunds of taxes heretofore paid or for cancellations of assessments heretofore made shall be filed within one year from the approval of this act.

"Nothing contained in this act shall be construed as reducing the period of the statute of limitations."

And the House agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same.

FREDK. N. ZIHLMAN,
CHARLES L. UNDERHILL,
RALPH GILBERT,
Managers on the part of the House.

ARTHUR CAPPER,
JOHN J. BLAINE,
WILLIAM H. KING,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3581) entitled "An act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia," submit the following detailed statement in explanation of the effect of the action agreed upon and recommended in the conference report, namely:

On No. 1: By this amendment the House struck out the section of the Senate bill limiting proceedings to cancel tax assessments or recover taxes paid to one year from the date of the decision of a court of last resort holding void the tax law.

The House amendment limited the time for filing such claims to a period of one year from the approval of the act, but under such amendment the claims to be filed within the year might involve taxes or assessments over an unlimited period of years. On the other hand, the bill as passed by the Senate would allow no relief unless a court of last resort (presumably the Supreme Court of the United States) held the tax law or assessment void. This would not cover cases arising under the so-called Borland law or amendment since September 1, 1916, in which certain assessments for paving or repaving have been held erroneous by the District Supreme Court, the Court of Appeals, or the Supreme Court of the United States.

By the action of the conferees the Senate recedes from its disagreement to the amendment of the House No. 1, and agrees to the same with an amendment limiting the claims to be filed within a year from the approval of the act to those involving taxes or assessments since September 1, 1916, the date of the Borland amendment or law. This puts a practical limitation on the claims to be handled by the commissioners, and is in accordance with the recommendation of the corporation counsel of the District of Columbia. Passage of the bill, so amended, will afford relief to those who have been unjustly taxed or assessed and discriminated against, as determined in other cases of like character by the courts.

On No. 2: The bill as reported to the Senate by its District of Columbia Committee limited settlements by the District Commissioners to $5,000 in amount. The Senate, in passing the bill, reduced the amount to $3,000. The House, by its amendment No. 2, restored the amount of authorized settlement to $5,000, which is in accordance with the bill as originally drafted by the District Commissioners and the corporation counsel, and also the general policy of Congress with respect to claims against the Government. By action of the conferees, the Senate recedes from its disagreement to the amendment of the House No. 2, and agrees to the same.

FREDK. N. ZIHLMAN,
CHARLES L. UNDERHILL,
RALPH GILBERT,
Managers on the part of the House.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which I have no desire to do, can the gentleman give any information as to the prospect of getting legislation completed in reference to condemnation proceedings in the District of Columbia?

Mr. ZIHLMAN. I will say to the gentleman that the House has already passed that legislation. The House committee appointed a subcommittee to follow that legislation in the Senate. The Senate have agreed to the bill with some slight amendments, which I understand are acceptable to the corporation counsel and attorney for the Department of Justice. My understanding is that the bill is on the Senate Calendar, amending the code providing for condemnation in the District of Columbia.

Mr. CRAMTON. There is some one following it up and making some effort to get it to us?

Mr. ZIHLMAN. The District Committee of the House have had a subcommittee wait upon the Senators composing the District of Columbia Committee and have enlisted their cooperation in agreeing on a bill which I understand is now on the Senate Calendar.

Mr. CRAMTON. That applies to purchases for the District of Columbia and not for the Federal Government?

Mr. ZIHLMAN. This is for the Federal Government. In addition the Senate has reported a bill changing the method for the District of Columbia government. The bill passed by the House and amended by the Senate applies to purchases by the Government.

Mr. CRAMTON. Both of these bills are of great importance.

Mr. ZIHLMAN. And the committee has been following up the legislation in every possible way.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

JOHN W. STOCKETT

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 2319, to disagree to the Senate amendments, and that the conferees be appointed.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 2319) for the relief of John W. Stockett.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, can the gentleman from Kansas give us some idea about this situation? It is my recollection of it that the Senate bill raised this allowance far beyond the agreement arrived at by the House. What is the fact?

Mr. STRONG of Kansas. The Senate raised it to $142,500. The House reduced it and put on an amendment limiting the attorney's fee to 10 per cent.

Mr. CRAMTON. What is the provision as to the attorney's fee in the Senate bill?

Mr. STRONG of Kansas. Nothing.

Mr. CRAMTON. The House bill fixed $50,000 as the amount of the claim, and the Senate raised the amount to $142,500. There seems to be nothing to prevent the extra $100,000 going to the attorney. Is the gentleman from Kansas in a position to give any assurance to the House as to the attitude of the conferees?

Mr. STRONG of Kansas. The War Claims Committee by a unanimous vote requested the conferees that might be appointed from that committee to insist on the House amendment. If I am on the conference, I shall do that.

Mr. LAGUARDIA. Is it not a fact that after the passage of this bill by the House the person involved has made a statement to the effect that he was perfectly satisfied with the amount carried in the House bill?

Mr. STRONG of Kansas. I am advised by the clerk of the Senate committee that they have a signed statement from the claimant that he is willing to accept the House amendment.

Mr. CRAMTON. If the House should accept a provision to pay $142,500, with no limitation as to the attorney's fee, you might as well go out of the business of having a War Claims Committee or a Claims Committee and pass these bills as the Senate demands. But I am so well satisfied that the House conferees will not yield to that sort of legislation that I shall not object.

Mr. SNELL. Is this the bill concerning which common rumor says that as it passed the Senate it carries three times the amount the claimant would have been satisfied with?

Mr. STRONG of Kansas. I am not prepared to answer that.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. STRONG of Kansas. Certainly.

Mr. GARRETT of Tennessee. I suppose all this is going into the RECORD. Referring to the statement of the gentleman from New York [Mr. LAGUARDIA], I do not know anything about a private agreement; but from the record itself, the official record of the committee and of the Congress, there certainly is no indication that anywhere a bill was put through for more than the claimant thought he was entitled to; but, on the contrary, the claimant believes that he was entitled to three times as much as is contained in the bill, and measured by the amount paid upon other patents of a similar character, his claim would lie.

Mr. CRAMTON. Will the gentleman from Kansas yield in order that I may answer the gentleman from Tennessee?

Mr. STRONG of Kansas. Yes.

Mr. CRAMTON. Whatever may be the equitable amount due to the claimant, under a bill that has no limitation as to attorney's fees, there is no certainty as to what the claimant himself will get. Does the gentleman from Tennessee think that it is a safe or proper practice for Congress now to adopt, to pass a claims bill with no limitations on the attorney's fee?

Mr. GARRETT of Tennessee. Well, Mr. Speaker, I see no real necessity for answering that question——

Mr. CRAMTON. Not a particle of necessity——

Mr. GARRETT of Tennessee. But I will say that I do not think that Congress ought to interfere with a contract. However, the attorney's fee question is not involved in this request to go to conference. The only reason why I have interposed was that this claim must not be prejudiced by remarks, not made by the gentleman from Michigan, but by the gentleman from New York [Mr. LAGUARDIA], that the bill has been lobbied through for three times as much as the claimant wanted.

Mr. LAGUARDIA. I want to say that the Supreme Court in the Massey case held that the Congress could fix the rate for attorney's fees.

Mr. GARNER of Texas. Why do you not have it fixed in all cases? You ought to have a general law.

Mr. LAGUARDIA. I am willing to make it general.

Mr. CRAMTON. If the gentleman will yield further, the practice is well established, so far as I know, as to all of these claims. For instance, we discussed it at length on Wednesday in connection with Indian claims, where it has been settled that 10 per cent should be the limit, and we have considered going further than that in some cases and providing that in no event should the amount be over $25,000.

Mr. GARNER of Texas. What I am suggesting is that we ought to pass a general statute as to all these claims, providing a maximum fee, if you desire, and a minimum fee, so that it will apply to all bills alike. We discussed this in the Ways and Means Committee with reference to certain limitations, the report having come to Congress that claims for tax refunds are costing the taxpayers 50 per cent of their refunds and some of them running as high as $300,000 and $400,000 on one claim. It seems to me it will not be long before Congress will have to take charge and see whether a taxpayer is overcharged for the services of an attorney, so it seems to me Congress should take a comprehensive view of it and pass a general statute as to applications for refunds out of the Treasury and for appropriations out of the Treasury by Congress.

Mr. CRAMTON. As far as I am concerned, I am not disposed to oppose any such limitation, however broad it is, but until that good time arrives I do not want to see any claim bill go through without a limitation, and it has this much weight with me, that if I did not fully trust the committee that is going to have charge of it in conference and feel sure they would not permit the bill to go through as it passed the Senate, I should object to its going to conference at all.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The SPEAKER. The Chair appoints the following conferees: Messrs. STRONG of Kansas, SINCLAIR, and LOWREY.

CHRISTOPHER COLUMBUS MEMORIAL LIGHTHOUSE AT SANTO DOMINGO

Mr. PORTER. Mr. Speaker, I ask unanimous consent to file a supplemental report from the Committee on Foreign Affairs on House Joint Resolution 354, authorizing the appropriation of the sum of $871,655 as the contribution of the United States toward the Chistopher Columbus Memorial Lighthouse at Santo Domingo.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to file a supplemental report from the Committee on Foreign Affairs on House Joint Resolution 354, which the Clerk will report.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Were any minority views filed?

Mr. PORTER. No. I will say for the information of the gentleman that some question arose as to the cost of maintaining this memorial after it was constructed. I received information yesterday from the Dominican Government that it was perfectly willing to pay all the expenses of maintenance, and that is what I have put in the supplemental report.

Mr. LAGUARDIA. This is a memorial to Christopher Columbus?

Mr. PORTER. Yes.

Mr. LAGUARDIA. Who was not a Nordic.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. KNUTSON, at the request of Mr. CLAGUE, on account of sickness.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee did on this day present to the President for his approval bills and a joint resolution of the House of the following titles:

H. R. 9570. An act to provide for the transfer of the returns office from the Interior Department to the General Accounting Office, and for other purposes;

H. R. 11859. An act for the relief of B. C. Miller; and

H. J. Res. 350. Joint resolution to provide for the reappointment of Frederick A. Delano and Irwin B. Laughlin as members of the Board of Regents of the Smithsonian Institution.

ADJOURNMENT

Mr. FRENCH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 52 minutes p. m.) the House adjourned until to-morrow, Saturday, February 2, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, February 2, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

To authorize and direct the Secretary of War to execute a lease with Air Nitrates Corporation and American Cyanamid Co. (H. R. 8305).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

COMMITTEE ON RIVERS AND HARBORS

(10.30 a. m.)

To authorize the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor (S. 1710).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

796. A letter from the Comptroller General, transmitting report and recommendation to the Congress concerning the claim of Clyde H. Tavenner for the refund of the unused portion of money deposited by him with the Public Printer for the printing of speeches in 1916 when he was a Member of Congress; to the Committee on Claims.

797. A letter from the president of the Washington Gas Light Co., transmitting detailed statement of the business of the Washington Gas Light Co., with a list of its stockholders, for the year ending December 31, 1928; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. NEWTON: Committee on Interstate and Foreign Commerce. S. 5452. An act to amend the trading with the enemy act so as to extend the time within which claims may be filed with the Alien Property Custodian; without amendment (Rept. No. 2323). Referred to the House Calendar.

Mr. MORROW: Committee on Indian Affairs. S. 5146. An act to reserve certain lands on the public domain in Santa Fe County, N. Mex., for the use and benefit of the Indians of the San Ildefonso Pueblo; without amendment (Rept. No. 2324). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. S. 5147. An act to reserve 920 acres on the public domain for the use and benefit of the Kanosh Band of Indians residing in the vicinity of Kanosh, Utah; with amendment (Rept. No. 2325). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 16451. A bill to provide for the inspection of the battle field of Star Fort, S. C.; without amendment (Rept. No. 2326). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. S. J. Res. 182. A joint resolution for the relief of farmers in the storm and flood stricken areas of Southeastern United States; with amendment (Rept. No. 2327). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. S. J. Res. 111. A joint resolution authorizing the acceptance of title to certain lands in the counties of Benton and Walla Walla, Wash., adjacent to the Columbia River bird refuge in said State established in accordance with the authority contained in Executive Order No. 4501, dated August 28, 1926; without amendment (Rept. No. 2328). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 14938. A bill to provide for the use of net weights in interstate and foreign commerce transactions in cotton, to provide for the standardization of bale covering for cotton, and for other purposes; with amendment (Rept. No. 2329). Referred to the Committee of the Whole House on the state of the Union.

Mr. WATRES: Committee on the Post Office and Post Roads. H. R. 16131. A bill to enable the Postmaster General to make contracts for the transportation of mails by air from island possessions of the United States to foreign countries and to the United States and between such island possessions, and to authorize him to make contracts with private individuals and corporations for the conveyance of mails by air in foreign countries; with amendment (Rept. No. 2330). Referred to the Committee of the Whole House on the state of the Union.

Mr. GIBSON: Committee on the District of Columbia. H. R. 13752. A bill to provide for the construction of a children's tuberculosis sanatorium; with amendment (Rept. No. 2341). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LEAVITT: Committee on Indian Affairs. H. R. 15440. A bill for the relief of Frank Yarlott; with amendment (Rept. No. 2322). Referred to the Committee of the Whole House.

Mr. HAUGEN: Committee on Agriculture. H. R. 13258. A bill for the relief of H. L. Redlingshafer for payments made in official capacity disallowed by the General Accounting Office; without amendment (Rept. No. 2333). Referred to the Committee of the Whole House.

Mr. HAUGEN: Committee on Agriculture. H. R. 15635. A bill for the relief of George A. Hormel & Co.; without amendment (Rept. No. 2334). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 4890. An act authorizing the Secretary of the Treasury to pay the Gallup Undertaking Co. for burial of four Navajo Indians; without

amendment (Rept. No. 2335). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 1338. An act for the relief of James E. Jenkins; without amendment (Rept. No. 2336). Referred to the Committee of the Whole House.

Mr. ROWBOTTOM: Committee on Claims. H. R. 14910. A bill for the relief of Cary Dawson; without amendment (Rept. No. 2338). Referred to the Committee of the Whole House.

Mr. GUYER: Committee on Claims. H. R. 15421. A bill for the relief of D. B. Heiner; without amendment (Rept. No. 2339). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 16122. A bill for the relief of E. Schaaf-Regelman; without amendment (Rept. No. 2340). Referred to the Committee of the Whole House.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. BUSHONG: Committee on Claims. H. R. 9519. A bill for the relief of David McD. Shearer; without amendment (Rept. No. 2331). Laid on the table.

Mr. BUSHONG: Committee on Claims. H. R. 11494. A bill for the relief of Marijune Cron; without amendment (Rept. No. 2332). Laid on the table.

Mr. BUSHONG: Committee on Claims. S. 1442. An act for the relief of Brewster Agee; adverse (Rept. No. 2337). Laid on the table.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 16181) for the relief of Petro Melazzo; Committee on Appropriations discharged, and referred to the Committee on Claims.

A bill (H. R. 16745) for the relief of Pasquale Mirabelli; Committee on Appropriations discharged, and referred to the Committee on Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KENDALL: A bill (H. R. 16791) to extend the times for commencing and completing the construction of a bridge across the Monongahela River at or near Point Marion, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. STOBBS: A bill (H. R. 16792) to amend sections 599, 600, and 601 of subchapter 3 of the Code of Laws for the District of Columbia; to the Committee on the District of Columbia.

By Mr. JOHNSON of Washington: A bill (H. R. 16793) to provide for the continued employment of certain research specialists beyond the age of retirement, and for other purposes; to the Committee on the Civil Service.

By Mr. KELLY: A bill (H. R. 16794) to amend the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925; to the Committee on the Post Office and Post Roads.

By Mr. NEWTON: A bill (H. R. 16795) to amend the third proviso of section 202 of the World War veterans' act, 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. SUMMERS of Washington: A bill (H. R. 16796) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce; to the Committee on Agriculture.

By Mr. HUDSPETH: Joint resolution (H. J. Res. 400) to require the Secretary of War to return to the several States from which they were carried away as spoils of war the muster rolls and other records of their citizens in the war between the States; to the Committee on Military Affairs.

By Mr. SOMERS of New York; Joint resolution (H. J. Res. 401) providing for a joint committee to investigate and report upon the facts governing the administration of justice in bankruptcy and equity receivership cases in the United States District Courts of the Southern and Eastern Districts of New York; to the Committee on Rules.

By Mr. ABERNETHY: Concurrent resolution (H. Con. Res. 52) for the appointment of a committee of the House and Senate to cooperate with the New Bern Historical Society and a committee of the Legislature of the State of North Carolina in the observance of certain historical events which occurred during the Colonial and Revolutionary period at New Bern, N. C.; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. JOHNSON of Indiana: Memorial of the General Assembly of the State of Indiana, indorsing and urging the passage of the cruiser bill now pending in Congress; to the Committee on Naval Affairs.

By Mr. SELVIG: Concurrent resolution of the Legislature of the State of Minnesota, approved January 25, 1929, memorializing the Congress that it is the sense of the members of the Minnesota Legislature that an adequate agricultural tariff be enacted at the earliest possible date; to the Committee on Ways and Means.

By Mr. NEWTON: Memorial of the State of Minnesota, favoring readjustment of tariff schedules affecting agricultural commodities; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALDRICH: A bill (H. R. 16797) granting a pension to Frank A. Russell; to the Committee on Pensions.

By Mr. BUSHONG: A bill (H. R. 16798) granting a pension to Sarah E. Reinert; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 16799) granting a pension to Henry Clark; to the Committee on Pensions.

By Mr. GIBSON: A bill (H. R. 16800) for the relief of the State of Vermont; to the Committee on Military Affairs.

By Mr. HADLEY: A bill (H. R. 16801) for the relief of J. P. Boland; to the Committee on Claims.

By Mr. HOOPER: A bill (H. R. 16802) granting a pension to Rebecca Ruth Bartram; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 16803) granting an increase of pension to Geraldine Wheatley; to the Committee on Invalid Pensions.

By Mr. McSWEENEY: A bill (H. R. 16804) granting a pension to Mary L. Sumney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16805) granting a pension to Margaret Frizzell; to the Committee on Invalid Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 16806) granting a pension to Maude A. Sarbaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16807) granting an increase of pension to Hester Benjamin; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 16808) granting a pension to Charlye H. Lannert; to the Committee on Pensions.

By Mr. O'BRIEN: A bill (H. R. 16809) granting a pension to Idella F. Lemmons; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 16810) granting a pension to Ida Van Loan McWhood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16811) granting a pension to Lizzie F. Briggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16812) granting an increase of pension to Susannah Finkle; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 16813) for the relief of William Henry Tittle; to the Committee on Military Affairs.

Also, a bill (H. R. 16814) for the relief of William McKinley Laws; to the Committee on Military Affairs.

Also, a bill (H. R. 16815) for the relief of Walter F. Kirchoff; to the Committee on Naval Affairs.

Also, a bill (H. R. 16816) to correct the military record of John J. Mullen; to the Committee on Military Affairs.

By Mr. VINSON of Georgia: A bill (H. R. 16817) granting a pension to Ruth E. Dillman; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8525. By Mr. BARBOUR: Petition of residents of Coalinga, Calif., indorsing House bill 14462, proposing a tariff of $1 per barrel on crude oil; to the Committee on Ways and Means.

8526. By Mr. BOYLAN: Petition of retail shoe dealers, opposing any change in present tariff rates of hides and leather used in manufacture of shoes; to the Committee on Ways and Means.

8527. By Mr. BULWINKLE: Petition of W. G. Thompson and others, of Charlotte, N. C.; to the committee on Ways and Means.

8528. By Mr. CONNERY: Resolution of City Council of Peabody, Mass., for placing a tariff on finished leather; to the Committee on Ways and Means.

8529. By Mr. GARNER of Texas: Resolution of the Legislature of the State of Texas, requesting appropriate legislation for return of certain war records to the States; to the Committee on Military Affairs.

8530. By Mr. JOHNSON of Texas: Resolution of the Texas Legislature, favoring a fair and adequate tariff on all products of farm and ranch; to the Committee on Ways and Means.

8531. Also, resolution of the Texas Legislature favoring the return of the Confederate records to each of the States relative to the military service of their citizens in the Civil War; to the Committee on Military Affairs.

8532. By Mr. KVALE: Petition adopted at a mass meeting under auspices of Cooperative Livestock Shipping Association, Willmar, Minn., on January 29, 1929, and presented by O. B. Augustson, chairman of committee, urging prompt enactment by Congress of legislation to provide for adequate supervision of weights and grades of livestock at all direct buying points; to the Committee on Agriculture.

8533. Also, petition of national legislative committee, Veterans of Foreign Wars, by T. M. Thomson, a member, Minneapolis, Minn., urging prompt and favorable action by Congress on House bill 14676; to the Committee on Pensions.

8534. Also, petition of Julia R. Johnston and Eva Norris, Sophia L. Rice Auxiliary, No. 10, Willmar, Minn., urging enactment of legislation increasing pensions for disabled veterans of the Spanish-American War, also for their widows and orphans; to the Committee on Pensions.

8535. By Mr. LINDSAY: Petition of Reserve Officers' Association of the city of Brooklyn, N. Y., favoring sufficient appropriation to provide for the training of 26,000 reserve officers; to the Committee on Military Affairs.

8536. Also, petition of Seldner & Enequist (Inc.), and sundry citizens of Brooklyn, N. Y., praying for passage of Senate bill 1271, known as the Norbeck bird conservation bill; to the Committee on Agriculture.

8537. By Mr. LINTHICUM: Petition of J. Lawrence Fox, Howard A. Kelly, Mrs. J. Bannister Hall, jr., Edwin G. Baetger, jr., Sifford Pearre, Bertram N. Bruestle, J. W. Lindan, Douglas Gorman, William Cunningham, and Glen F. Kahn, all of Baltimore, Md.; Raymond M. D. Adams, Port Deposit, Md.; and Dr. Henry Barton Jacobs, and D. G. McIntosh, jr., Baltimore, Md.; to the Committee on Agriculture.

8538. By Mr. McCORMACK: Petition of Mrs. John J. Broderick, Miss Marie A. Broderick, and Mrs. Charles Flynn, 69 Roseclair Street, Dorchester, Mass., protesting against the so-called Newton maternity bill and the equal rights bill; to the Committee on Interstate and Foreign Commerce.

8539. By Mr. O'CONNELL: Petition of C. A. Week, Fieldston, New York City, favoring the passage of the Norbeck game refuge bill; to the Committee on Agriculture.

8540. Also, petition of Mrs. Paul C. Ranson, Miami, Fla., favoring the passage of the Norbeck game refuge bill; to the Committee on Agriculture.

8541. Also, petition of the General Federation of Womens Clubs, favoring the passage of the Norbeck game refuge bill; to the Committee on Agriculture.

8542. By Mr. PRATT: Petition of history department of the Monticello, Sullivan County, N. Y., high school, favoring approval of the cruiser bill and adequate appropriations to enforce the prohibition law; to the Committee on Naval Affairs.

8543. By Mr. ROBINSON of Iowa: Petition of George Boysen, Boysen Shoe Co., and residents of Cedar Falls, Iowa, regarding tariff on hides and leather; to the Committee on Ways and Means.

8544. By Mr. ROMJUE: Petition of W. E. Mitchell, J. A. Brown, et al., of Union Township drainage district, La Grange, Mo.; to the Committee on Irrigation and Reclamation.

8545. By Mr. SELVIG: Resolution of the McCrea Farmers' Club, Mrs. E. H. Brown, secretary, of Warren, Minn., that Congress enact a farm-relief measure at an early date; to the Committee on Agriculture.

8546. Also, resolution of the Warrenton Community Club, Warren, Minn., that Congress enact a farm-relief measure at an early date; to the Committee on Agriculture.

8547. Also, resolution of the Joe River Farmers' Club, St. Vincent, Minn., representing 30,000 acres of land, signed by J. W. Brown, president, and John Anderson, secretary, that Congress enact a farm-relief measure at an early date; to the Committee on Agriculture.

8548. Also, resolution of the Boxville Farmers' Club, signed by Mrs. George E. Willey (secretary), M. W. Munger, Elmer Erickson, John L. Dalquist, and others, of Warren, Minn., that Congress enact a farm-relief measure at an early date; to the Committee on Agriculture.

SENATE

SATURDAY, *February 2, 1929*

(Legislative day of Thursday, January 31, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had adopted a concurrent resolution (H. Con. Res. 48) to provide for the printing of 2,500 copies of the consolidated hearings on "Tariff readjustment, 1929," in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3581) authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16301) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1930, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WASON, Mr. SUMMERS of Washington, Mr. ALLEN, Mr. CULLEN, and Mr. VINSON of Kentucky were appointed managers on the part of the House at the conference.

The message also announced that the House insisted upon its amendments to the bill (S. 2319) for the relief of John W. Stockett, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STRONG of Kansas, Mr. SINCLAIR, and Mr. LOWREY were appointed managers on the part of the House at the conference.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

H. R. 6864. An act to authorize the Postmaster General to require steamship companies to carry the mail when tendered;

H. R. 13414. An act to amend section 1396 of the Revised Statutes of the United States relative to the appointment of chaplains in the Navy;

H. R. 13507. An act to amend section 3 of Public Act No. 230 (37 Stat. L. p. 194);

H. R. 14920. An act granting the consent of Congress to the State of Wisconsin to construct, maintain, and operate a free highway bridge across the Rock River at or near Center Avenue, Janesville, Rock County, Wis.;

H. R. 15324. An act authorizing the attendance of the Marine Band at the Confederate veterans' reunion to be held at Charlotte, N. C.;

H. J. Res. 340. Joint resolution to authorize the Secretary of the Treasury to cooperate with the other relief creditor governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program, and to conclude an agreement for the settlement of the indebtedness of Austria to the United States; and

S. J. Res. 171. Joint resolution granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid transit railway.

SALES OF FOREIGN MANUFACTURED LEATHER (S. DOC. NO. 217)

The VICE PRESIDENT laid before the Senate a communication from the chairman of the United States Tariff Commission, transmitting, in response to Senate Resolution 169 of March 19, 1928, a report relative to the extent of the sales of foreign manufactured leather from goat skins and kid skins in the United States since January 1, 1925, and the rates of wages paid workers in the tanning of black and colored kid in the United States and competing countries, which was ordered to lie on the table and to be printed.

REPORT OF THE WASHINGTON GAS LIGHT CO.

The VICE PRESIDENT laid before the Senate a communication from the president of the Washington Gas Light Co., transmitting, pursuant to law, a detailed statement of the business of that company, together with a list of its stockholders, for the year ending December 31, 1928, which was referred to the Committee on the District of Columbia.

CLAIM OF CLYDE H. TAVENNER

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, transmitting, pursuant to law, his report and recommendation concerning the claim of Clyde H. Tavenner for refund of the unused portion of money deposited by him with the Public Printer for the printing of speeches in 1916 when he was a Member of Congress, which, with the accompanying report, was referred to the Committee on Claims.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of War, transmitting, pursuant to law, lists of documents and files of papers which are not needed or useful in the transaction of the current business of the department and have no permanent value or historic interest, and asking for action looking toward their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. REED of Pennsylvania and Mr. FLETCHER members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Immigration:

Senate Joint Memorial 5

To the Honorable Senate and House of Representatives of the United States of America in Congress assembled:

Whereas there is now pending a bill in the Congress of the United States, introduced by Senator HARRIS, of Georgia, providing for an amendment to the immigration laws of the United States so as to place Mexico under the quota provisions applying to other nations; and

Whereas under present conditions many thousands of Mexicans are entering the United States without any restrictions, and the cheaper labor of Mexico is rapidly coming in competition with American labor, and if this condition continues the standard of the American worker will be greatly lowered; and

Whereas the Legislature of the State of Oregon feels that this condition is unjust and should be promptly remedied: Now, therefore, be it

Resolved by the Senate of the State of Oregon (the House of Representatives jointly concurring therein), That we, your memorialists, the Senate of the State of Oregon, the House of Representatives concurring, respectfully request and petition the Congress of the United States to promptly pass the legislation hereinabove referred to, placing Mexico under the same quota provisions concerning immigration as apply to other nations; and be it further

Resolved, That the secretary of state of the State of Oregon be, and he hereby is, requested and directed to forthwith transmit a certified copy of this joint memorial to the Vice President of the United States, the Speaker of the House of Representatives of the United States, and to each of our Senators and Representatives in Congress, urging their support on behalf of the matter embraced in this memorial.

Adopted by the senate January 24, 1929.

A. W. NORBLAD,
President of the Senate.

Concurred in by the house of representatives January 25, 1929.

R. S. HAMILTON,
Speaker of the House.

(Indorsed: Senate Joint Memorial No. 5, introduced by Senator Moser and Representative Anderson, John P. Hunt, chief clerk. Filed: January 28, 1929, Hal E. Hoss, secretary of state.)

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Hal E. Hoss, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify: That I have carefully compared the annexed copy of Senate Joint Memorial No. 5 with the original thereof adopted by the Senate and House of Representatives of the Thirty-fifth Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon January 28, 1929, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 28th day of January, A. D. 1929.

[SEAL.] HAL E. HOSS, *Secretary of State.*

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of Iowa, which was referred to the Committee on Finance:

STATE OF IOWA,
SECRETARY OF STATE.

I, Ed. M. Smith, secretary of state of the State of Iowa, keeper and custodian of the acts and resolutions of the general assemblies, do hereby certify that the attached instrument in writing is a true and correct copy of Senate Concurrent Resolution No. 5 as adopted by the Forty-third General Assembly of Iowa.

In testimony whereof I have hereunto set my hand and affixed the official seal of the secretary of state at the capitol in Des Moines this 30th day of January, A. D. 1929.

[SEAL.] ED. M. SMITH, *Secretary of State.*

Senate Concurrent Resolution 5 (by Shaff), memorializing the Congress of the United States to adopt an adequate tariff schedule on molasses imported for the manufacturing of industrial alcohol

Whereas the corn growers of the Corn Belt have met with a limited demand for corn that has been produced and not used for feeding purposes the past several years; and

Whereas because of this lack of demand and the depressed condition of agriculture generally the price of corn has been substantially below the cost of production in this Corn Belt area; and

Whereas one of the greatest single contributing factors in placing agriculture on a parity with other industries is that the price of corn be such as to allow the producer an adequate return for his labor and investment; and

Whereas the dairy and livestock feeding industry would be benefited by the further use and manufacture of corn incident to the making of industrial alcohol and the large amount of distillers' dried grains that would arise therefrom; and

Whereas this would furnish a splendid demand for low-grade corn not well fitted for commercial usage: Now, therefore, be it

Resolved by the Senate of the General Assembly of Iowa (the House concurring), That we petition and pray the Congress of the United States to amend the tariff schedule as affecting the duty on molasses imported for the manufacture of industrial alcohol to such an extent that it will be more economical to use corn in its manufacture than to use imported molasses; be it further

Resolved, That on the passage of this resolution the secretary of state shall certify a copy hereof each to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, the Secretary of Agriculture, and the Secretary of Commerce at Washington, D. C.

Introduced January 28, 1929.

Taken up by unanimous consent.

Adopted.

WALTER H. BEAM,
Secretary of the Senate.

To the house January 29, 1929.

Rule 34 suspended; resolution adopted.

A. C. GUSTAFSON, *Chief Clerk.*

REPORTS OF COMMITTEES

Mr. BROOKHART, from the Committee on Military Affairs, to which was referred the bill (H. R. 132) authorizing the erection of a sanitary, fireproof hospital at the National Home for Disabled Volunteer Soldiers at Dayton, Ohio, reported it without amendment and submitted a report (No. 1597) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (H. R. 12714) for the relief of the Rocky Ford National Bank, Rocky Ford, Colo., reported it without amendment and submitted a report (No. 1598) thereon.

Mr. DENEEN, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 8807) for the relief of James O. Williams (Rept. No. 1610);

A bill (H. R. 9716) for the relief of Charles H. Salley (Rept. No. 1599); and

A bill (H. R. 10913) to compensate Talbird & Jenkins for balance due on contracts with Navy Department dated March 20 and October 9, 1919 (Rept. No. 1600).

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill (H. R. 13825) to authorize appropriations for construction at military posts, and for other purposes, reported it with amendments and submitted a report (No. 1601) thereon.

Mr. JONES, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 5550) to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant frequency monitoring radio station, and for other purposes (Rept. No. 1602); and

A bill (H. R. 16129) to provide for the acquisition of a site and the construction thereon and equipment of buildings and appurtenances for the Coast Guard Academy (Rept. No. 1603).

Mr. EDGE, from the Committee on Finance, to which was referred the bill (S. 5453) authorizing the payment of Government life insurance to Etta Pearce Fulper, reported it without amendment and submitted a report (No. 1604) thereon.

Mr. SMOOT, from the Committee on Finance, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 4938) granting war-risk insurance to the estate of Herbert Toll (Rept. No. 1607); and

A bill (H. R. 10760) to authorize the settlement of the indebtedness of the Hellenic Republic to the United States of America, and of the differences arising out of the tripartite loan agreement of February 10, 1918 (Rept. No. 1608).

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (H. R. 5780) to provide for the further carrying out of the award of the National War Labor Board of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co., Bethlehem, Pa., reported it without amendment and submitted a report (No. 1609) thereon.

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (H. R. 3967) for the relief of the next kin of Edgar C. Bryon, reported it without amendment and submitted a report (No. 1611) thereon.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 5201) to authorize an appropriation for the relief of the States of Missouri, Mississippi, Louisiana, and Arkansas on account of roads and bridges damaged or destroyed by floods of 1927, reported it with amendments and submitted a report (No. 1613) thereon.

RATING OF FLYING SCHOOLS

Mr. JONES. Mr. President, from the Committee on Commerce I report favorably with an amendment the bill (S. 5350) to amend the air commerce act of 1926 with reference to the examination and rating of schools giving instruction in flying and I submit a report (No. 1606) thereon.

I call the attention of the Senator from Connecticut [Mr. BINGHAM] to the bill.

Mr. BINGHAM. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER (Mr. McNARY in the chair). Is there objection to the request made by the Senator from Connecticut? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment.

The amendment was, on page 1, line 6, before the word "examination," to strike out "annual" and insert "necessary," so as to make the bill read:

Be it enacted, etc., That section 3 (d) of the air commerce act of 1926 is amended by striking out the period at the end thereof and adding a semicolon and the following: "and provide for the necessary examination and rating of civilian schools giving instruction in flying, as to the adequacy of the course of instruction, as to the suitability and airworthiness of the equipment, and as to the competency of the instructors."

Mr. ROBINSON of Arkansas. Mr. President, I think the Senator from Connecticut should make a brief statement in explanation of the bill.

Mr. BINGHAM. Mr. President, I shall be very glad to do so. When the air commerce act was passed in 1926 there were only one or two flying schools in the country, and it did not occur to anybody to give the Department of Commerce the duty of rating those schools in case a rating should be asked for. At the present time, however, there are nearly 250 such schools, and they are springing up every day. No one knows whether they are good, bad, or indifferent, and there is no method of finding out. Some of them, with unlicensed pilots and unlicensed planes, are attempting to instruct pupils. The bill is for the protection of those who desire to learn flying. It is not compulsory.

Mr. ROBINSON of Arkansas. What power does it propose to give the Department of Commerce?

Mr. BINGHAM. It merely adds to the functions of the Department of Commerce the duty to rate flying schools just as the department to-day has the duty of rating airports and other air navigation facilities when such a rating is asked for. So far as I know, there is no objection to the passage of the bill, but there is a very general demand for it.

Mr. KING. Mr. President, I wish to ask the Senator from Connecticut whether there is any provision in the bill which will prohibit States from licensing schools which are engaged in teaching aeronautics?

Mr. BINGHAM. Not at all. The bill does not propose to interfere with State rights in any particular.

Mr. ROBINSON of Arkansas. Is the bill accompanied by a unanimous report from the committee?

Mr. JONES. It is.

Mr. KING. The bill, as I understand, proposes to give the Federal Government the power to license and rate flying schools.

Mr. BINGHAM. It is not a question of licensing flying schools, but merely rating them, just as the Government now rates airports.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Commerce to the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF THE DISTRICT CODE

Mr. CAPPER. Mr. President, from the Committee on the District of Columbia I report back the amendments of the House to the bill (S. 2366) to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions, and move that the Senate disagree to the House amendments, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

Mr. ROBINSON of Arkansas. Will the Senator state the effect of the House amendments?

Mr. CAPPER. I ask that the House amendments may be read.

The CHIEF CLERK. On page 2, strike out lines 15 to 18, inclusive, and insert:

2. That any such degree shall be awarded only after such quantity and quality of work shall have been completed as are usually required by reputable institutions awarding the same degree and approved by the Board of Education of the District of Columbia: *Provided*, That if more than one-half the requirements for any degree are earned by correspondence or extramural study such fact shall be conspicuously noted upon the diploma conferred: *Provided further*, That no diploma shall be issued conferring a degree in medicine or any healing art, or in law, for study pursued or work done by correspondence.

And on page 4, line 22, after the word "thereof," insert:

And provided further, That after notice has been given as hereinabove provided and during said 30-day period or during the time said decision is under review by the Supreme Court, no diploma shall be awarded or degree conferred by the licensee.

The VICE PRESIDENT. The Senator from Kansas moves that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. BLAINE, Mr. HASTINGS, and Mr. COPELAND conferees on the part of the Senate.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DALE:

A bill (S. 5658) granting an increase of pension to Celina Plant (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 5659) granting an increase of pension to Amanda B. Birch; to the Committee on Pensions.

By Mr. THOMAS of Oklahoma:

A bill (S. 5660) granting an increase of pension to Rachel Ann Evans (with accompanying papers); to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 5661) granting a pension to Henry Y. Blackwell; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 5662) to authorize a second 5-year building program for the public-school system of the District of Columbia which shall provide school buildings adequate in size and facilities to make possible an efficient system of public educa-

tion in the District of Columbia; to the Committee on the District of Columbia.

By Mr. REED of Pennsylvania:

A bill (S. 5663) granting an increase of pension to Annie B. Kenyon (with accompanying papers); to the Committee on Pensions.

Mr. NORRIS. On behalf of my colleague [Mr. HOWELL], who is detained from the Senate on account of illness, I desire to introduce a bill.

By Mr. NORRIS (for Mr. HOWELL):

A bill (S. 5664) to extend the times for commencing and completing the construction of a bridge across the Missouri River between Council Bluffs, Iowa, and Omaha, Nebr.; to the Committee on Commerce.

By Mr. WALSH of Massachusetts:

A bill (S. 5665) for the relief of Paul A. Oehme;

A bill (S. 5666) for the relief of Frank P. Hoyt; and

A bill (S. 5667) for the relief of Joseph Gorman; to the Committee on Military Affairs.

CHANGES OF REFERENCE

Mr. DENEEN. Mr. President, I ask unanimous consent that the Finance Committee be discharged from the further consideration of the bill (S. 5187) to exempt from taxation certain property of the National Society of the Sons of the American Revolution in Washington, D. C., and that the bill be referred to the Committee on the District of Columbia. It is a bill regarding certain property here in the District of Columbia.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent to discharge the Committee on Finance from the further consideration of S. 5187 and that the bill be referred to the Committee on the District of Columbia.

Mr. ROBINSON of Arkansas. I did not understand what the Senator said the bill is.

Mr. DENEEN. It is a bill to exempt from taxation certain property of the National Society of the Sons of the American Revolution in Washington, D. C.

Mr. ROBINSON of Arkansas. It should properly have gone to the Committee on the District of Columbia?

Mr. DENEEN. Yes.

The PRESIDENT pro tempore. Without objection, the Committee on Finance is discharged from further consideration of the bill, and the bill is referred to the Committee on the District of Columbia.

On motion of Mr. REED of Pennsylvania, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 7939) to authorize settlement of damages to persons and property by Army aircraft, and it was referred to the Committee on Claims.

On motion of Mr. SMOOT, the Committee on Finance was discharged from the further consideration of the bill (S. 5473) granting a pension to Mary H. Goldberger, and it was referred to the Committee on Commerce.

AMENDMENT TO NAVAL APPROPRIATION BILL

Mr. JONES submitted an amendment intended to be proposed by him to House bill 16714, the naval appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place under "Public works, Bureau of Yards and Docks," insert:

"Navy yard, Puget Sound, Wash.: Extension of Dry Dock No. 2 (limit of cost, $700,000), $400,000."

OPEN EXECUTIVE SESSIONS—PROPOSED AMENDMENT OF RULE XXXVIII, PARAGRAPH 2

Mr. JONES. Mr. President, I desire to present a notice and ask that it may be read at the desk.

The VICE PRESIDENT. The notice will be read, as requested.

The Chief Clerk read as follows:

I hereby give notice that on Monday, February 4, or as soon thereafter as may be possible, I shall move to amend paragraph 2 of Rule XXXVIII of the Standing Rules of the Senate, relating to proceedings on nominations in executive session, so as to make paragraph 2 of said rule read as follows:

"2. Nominations shall be considered in open executive session unless the Senate, in closed executive session, shall by a majority vote determine that any particular nomination shall be considered in closed executive session. When nominations are so considered in executive session all information communicated or remarks made by a Senator when acting upon nominations concerning the character or qualifications of the person nominated shall be kept secret. If, however, charges shall be made against a person nominated, the committee may, in its discretion, notify such nominee thereof, but the name of the person making such charges shall not be disclosed. The fact that a nomination has been made, or that it has been confirmed or rejected, shall not be regarded as a secret; and all roll calls in closed executive session, together with a statement of the question upon which such roll calls are had, shall be published in the RECORD.

Mr. JONES. I desire to have printed in the RECORD a copy of a speech made by the Hon. Orville H. Platt, of the State of Connecticut, April 13, 1886, dealing with this very matter. The speech was brought to my attention just this morning.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The speech referred to is as follows:

OPEN EXECUTIVE SESSIONS

SPEECH OF HON. ORVILLE H. PLATT, OF CONNECTICUT, IN THE SENATE OF THE UNITED STATES, TUESDAY, APRIL 13, 1886

The Senate having under consideration the resolution submitted by Mr. Platt, January 29, 1886, and reported adversely from the Committee on Rules, February 8, 1886, relating to the consideration of executive nominations in open sessions of the Senate.

The PRESIDENT pro tempore. The Senator from Connecticut [Mr. Platt] submitted amendments to the resolution. The resolution will be read as proposed to be modified.

The Chief Clerk read as follows:

"*Resolved*, That Executive nominations shall hereafter be considered and acted upon in open session, except when otherwise ordered by vote of the Senate, and so much of section 2, Rule XXXVI, and section 2, Rule XXXVIII, of the standing rules of the Senate as conflict with or is inconsistent with the above is to the extent of such inconsistency rescinded."

The PRESIDENT pro tempore. The resolution being pending, the Senator from Connecticut has the floor.

Mr. PLATT. Mr. President, this is a political question which I propose to discuss; a political question but in no sense a question of party politics. It rises above all party politics, and should be discussed upon a higher plane than mere partisan questions are usually discussed. I consider it to be to-day the most needed measure of administrative reform in this Government, and I wish to discuss it from the standpoint of deliberate and dispassionate argument and reason. My opinions in relation to the question have slowly changed, and I have come to-day to feel that the Senate of the United States can engage in no more important business than the change of its rules in respect to the consideration of executive business, especially so far as the business of nominations is concerned.

I desire at the outset to have it understood exactly what this question is and what it is not. It is a simple proposition to change the rule relative to the consideration of Executive nominations, so that in the future the rule shall be that they shall be considered in open session, leaving only the exceptional cases to be considered in secret session. The present rules upon this subject I shall read. The first rule which seems to relate to it is Rule XXXV.

"On a motion made and seconded to close the doors of the Senate, on the discussion of any business which may, in the opinion of a Senator, require secrecy, the Presiding Officer shall direct the galleries to be cleared; and during the discussion of such motion the doors shall remain closed."

My resolution and the amendments which I have proposed do not interfere with this rule. Rule XXXVI, sections 2 and 3, is as follows:

"2. When acting upon confidential or executive business the Senate Chamber shall be cleared of all persons except the Secretary, the Chief Clerk, the principal legislative clerk, the executive clerk, the minute and journal clerk, the Sergeant at Arms, the Assistant Doorkeeper, and such other officers as the Presiding Officer shall think necessary, and all such officers shall be sworn to secrecy.

"3. All confidential communications made by the President of the United States to the Senate shall be by the Senators and the officers of the Senate kept secret; and all treaties which may be laid before the Senate, and all remarks, votes, and proceedings thereon shall also be kept secret until the Senate shall, by their resolution, take off the injunction of secrecy.

Rule XXXVIII, section 2, is as follows:

"2. All information communicated or remarks made by a Senator when acting upon nominations, concerning the character or qualifications of the person nominated, also all votes upon any nomination, shall be kept secret. If, however, charges shall be made against a person nominated, the committee may, in its discretion, notify such nominee thereof, but the name of the person making such charges shall not be disclosed. The fact that a nomination has been made, or that it has been confirmed or rejected, shall not be regarded as a secret."

Then, to refer again to Rule XXXVI, in section 4, which I desire to read, and which I can not read and which no Senator can hear read without a sense of personal degradation, we find the following:

"4. Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate, and to punishment for contempt."

So that if a Senator or an officer shall disclose any remarks made by a Senator when acting upon nominations, or the votes upon the nominations, he is liable to expulsion from this body.

A history of legislative and executive proceedings of the different legislative bodies of the United States is exceedingly interesting, and I must to some extent refer to it in my remarks.

But first I desire to examine these rules so far as they enjoin secrecy. I suppose it is apprehended that this rule which makes a Senator liable to expulsion from this body if he communicates or discloses any of the remarks which have been made in secret session when the confirmation of a nomination is pending has been a rule from the foundation of the Government, and that when we seek to change the rule we are departing from the well-established practice of the fathers. But that is an entire mistake. The first rule for requiring any secrecy in the matter of executive nominations was passed on the 3d of January, 1820. Up to the 3d of January, 1820, there was no intimation or suggestion in the rules of the Senate that secrecy was enjoined or expected so far as action on nominations was concerned. Whatever of secrecy was implied was implied simply and purely because of the fact that the Senate sat with closed doors, but so far as the rules were concerned no secrecy whatever was enjoined in this respect.

Mr. MORRILL. May I ask the Senator from Connecticut if up to that period all the proceedings of the Senate were not in secret session?

Mr. PLATT. I will come to that before I get through with this argument, and I think I shall show that the public sentiment of this country compelled the opening of these doors after they have been five years closed in legislative business, and I think I shall show that the same public sentiment now demands that they shall be opened as a rule upon the consideration of executive nominations.

As I said, the first rule in regard to nominations was adopted January 3, 1820. It is to be found in the report of the Senate Committee on Rules, page 34, when, for the first time, the Senate enacted a rule that—

"All information on remarks touching or concerning the character or qualifications of any person nominated by the President to office shall be kept secret."

But no penalty, mark you, was attached at that time. No penalty was attached by the rules to any disclosure of the executive proceedings of the Senate until 1844, when this rule was enacted:

"Any officer or member of the Senate convicted of disclosing"—

Now, mark—

"for publication any written or printed matter directed by the Senate to be held in confidence shall be liable, if an officer, to dismissal from the service of the Senate, and in case of a Member, to suffer expulsion from the body."

The rule requiring that information and remarks concerning the character and qualification of Members had then been in existence for 14 years; and yet when the Senate in 1844 proposed to attach a penalty for the disclosure of the secrets of executive session, it was expressly confined to the "disclosing for publication any written or printed matter directed by the Senate to be held in confidence," and it was not until 1868 that the present rule, which I have said no Senator can read and no Senator can hear read without a sense of personal degradation, was adopted—March 25, 1868:

"Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate, and to punishment for contempt."

Remarks and information touching the character and qualifications of a candidate having been made secret, of course that rule now applies to such remarks and information.

So it is seen that the departure from the practice of the fathers has been toward the establishment of a rigid iron-bound rule of secrecy, the violation of which is the expulsion of the Member. It has been in my judgment a departure from the spirit of the fathers in direct opposition to the will and best interests of the people and against the general welfare of the Government.

Now what is my resolution? That there may be no mistake about it I will read it as it will be if the amendment which I have proposed shall be adopted:

"*Resolved*, That Executive nominations shall hereafter be considered and acted upon in open session except when otherwise ordered by the Senate. And so much of section 2, Rule XXXVI, and section 2, Rule XXXVIII, of the standing rules of the Senate as conflict with or is inconsistent with the above is to the extent of such inconsistency rescinded."

The objection which I have most frequently heard is the one of which I have spoken, that this practice of sitting with closed doors is of long standing, dates back to the formation of the Constitution and the commencement of the sessions of the Senate, and the inference is that whatever is old is wise and good and should be retained and never departed from. But I have shown that the departure has been in the line of more rigid secrecy and in the line of punishing for a disclosure of the secrets of the Senate, and I have to remind Senators that no great measure of reform in this world has ever made progress that did not make it over the ramparts of custom and tradition.

It seems to me that the answer may be rested on the history of the rule as I have cited it to the Senate. That whatever secrecy was implied from closed doors existed, I admit. It existed from the start. That any more secrecy than is implied by closed doors existed at the time of the commencement of the sessions of the Senate, I deny. That any greater secrecy existed in relation to the consideration of executive business than existed with the consideration of legislative business while the Senate sat with closed doors, I deny. It was not until 1800, 11 years after the Senate commenced its sessions and 6 years after the doors were opened in legislative business, that any rule of secrecy was applied to any kind of business transacted in executive session. So whatever secrecy the fathers observed for six years after the Senate was opened as to legislative business was the same secrecy with regard to executive business that they adopted with regard to legislative business and no more. I shall endeavor to show by some references to history, as briefly made as I can, that that was not a very rigid rule of secrecy; that even in the Continental Congress, which sat with closed doors, and in the legislative sessions of the Senate, which for the first five years were held with closed doors, there was no rigid secrecy maintained. Members of the House, the newspapers, knew what was being discussed in the legislative sessions of the Senate although the doors were closed.

I have said that the Continental Congress sat with closed doors, but it was early in the history of the Continental Congress that Alexander Hamilton introduced the following motion, to be found on page 52 of Elliot's Debates, fifth volume:

"A motion was made by Mr. Hamilton, seconded by Mr. Wilson, that whereas Congress were desirous that the motives and views of their measures should be known to their constituents in all cases where the public safety would admit, when the subject of finances was under debate the doors of Congress should be open."

Mr. HOAR. What is the date of that?

Mr. PLATT. February, 1783. That was in the Continental Congress, and I call attention to Mr. Hamilton's preamble and I commend it to Senators in the consideration of this resolution:

"Whereas Congress"—

It is not whereas the people were desirous of knowing what Congress was doing, but—

"Whereas Congress were desirous that the motives and views of their measures should be known to their constituents in all cases where the public safety would admit, etc."

That is the doctrine which ought to-day to prevail in the Senate of the United States. The Senate of the United States ought to desire that their constituency should know what they are doing here and the discussions which take place upon any and all measures which may be before the Senate.

The first Congress was to meet March 4, 1789, but a quorum not assembling the House of Representatives did not organize until April 1, 1789, and then transacted no business except of a mere formal character. On the 6th of April, 1789, a quorum of the Senate appeared and, as Senators know, the votes for President and Vice President were counted. On the 8th of April, two days afterwards, the House of Representatives, departing from the custom established, threw open the doors of the House for the transaction of all business, and, except in rare instances of public danger, those doors have never been closed since. John Adams, writing to his wife on the 19th of April, 1789, said:

"Before this, I presume, the printers in Boston have inserted in their gazettes the debates of the House of Representatives, which are conducted with open galleries. This measure, by making the debates public, will establish the National Government or break the confederation. I can conceive of no medium between these extremes."

The Senate did not open its doors, but a resolution to conduct the legislative sessions of the Senate with open doors was introduced very early. The Senate meeting in April, 1789, in the following April, 1790, on the 29th of the month, a resolution for open legislative sessions was offered, as we are told in Maclay's notes, by the Senators from Virginia. The Senators from Virginia were then William Henry Lee and William Grayson. I desire to correct myself. That motion was not offered by the Senators from Virginia, but was, as Maclay tells us, laid on the table at the instance of the Virginia Senators. Grayson died, and James Monroe succeeded him, and took his seat in February, 1791, and on the 24th of February, 1791, as soon as possible after taking his seat he renewed the motion that the legislative sessions of the Senate should be with open doors. That was debated for two days in the Senate, and was defeated by a vote of 9 to 17. The record of it is to be found in Senate Journal, volume 1, pages 281 to 287.

March 26, 1792, the motion was again renewed by Monroe; it was then defeated by a vote of 8 to 17. April, 1792, the motion was varied, and the motion was then to admit to the discussions in the Senate two persons who might be recommended by each Member of the House of Representatives. That was also defeated, 6 to 16.

On the 4th of February, 1793, a resolution was offered, as follows:

"*Resolved*, That the conducting of the legislative and judicial powers of the Senate in public, and suffering an account of their measures and deliberations to be published in the newspapers, is the best means of diffusing general information concerning the principles, motives, and

conduct of individual Members; and that, by withholding this information, responsibility becomes unavailing, the influence of their constituents over one branch of the Legislature in a great measure annihilated, and the best security which experience has devised against the abuse of power and a maladministration abandoned."

It was negatived by yeas 7, nays 21; but I call the attention of Senators to the language of this resolution, because it is as pertinent in relation to the conduct of ordinary executive business as it was with regard to legislative business. On the same day a motion was made to agree to another resolution, in these words:

"*Resolved, therefore,* That it be a standing rule that the doors of the Senate Chamber remain open whilst the Senate shall be sitting in a legislative and judicative capacity, except on such occasions as, in their judgment, may require secrecy; and that this rule shall commence and be enforced on the first day of the next session of Congress."

That resolution got 10 votes in this body, and there were 18 against it. So that the proposition all the time gained, as the present proposition has all the while gained and will all the while gain until it shall be adopted.

Then the Senate on the 11th day of February of that year, very much as we brought into this Senate the discussion of matters which were raised upon the consideration of nominations by the resolutions of the chairman of the Committee on the Judiciary, voted without division that the discussion and consideration of the question of whether Albert Gallatin, elected a Senator from Pennsylvania, was qualified for a seat in the Senate, it being objected that he had not been nine years a citizen of the United States, should be with open doors. It was so held; and the result of it was that it being once seen that a question of a legislative character could be discussed with open doors without any prejudice to the public interests, the Senate on the 24th of the same month passed a resolution that at the commencement of the next session the legislative sessions of the Senate should be open and that a gallery should be constructed.

I have referred to this to show how the measure grew from the time when Alexander Hamilton introduced his resolution in the Continental Congress, which received only the affirmative vote of the State of Pennsylvania, to the time when, as Hildreth in his history says, public sentiment compelled the doors of the Senate to be opened when it was sitting in a legislative capacity.

It will be observed that on the same day that this resolution for opening the doors was passed, the present rule, the rule which stands to this day, that the Senate should upon the motion of any Senator, seconded by another Senator, close its doors, was enacted. It seems to have been a kind of compromise, something such as is now suggested, that when any matter relating to a nomination comes up which in the judgment of the Senate should be conducted with closed doors the Senate may by vote order it so to be done.

It is interesting to note a fact of which we are told, that the first motion to conduct the legislative sessions of the Senate with open doors having been laid on the table at the instance of the Senators from Virginia, James Monroe came, at the next session, to the Senate instructed by a vote of the Legislature of Virginia to renew the motion and to press it to a favorable conclusion. I will not stop to refer to the interesting character of that debate, as shown by contemporaneous history. The resolution which I have referred to, of February 4, 1793, shows the line along which it must have been conducted. I think I will make a single reference to Maclay's notes, pages 296 and 297, for the purpose of showing that the very same arguments were urged against open legislative sessions which are now urged against open executive sessions.

The Virginia Senators having mentioned their instructions—

"This brought the subject of instructions from the different legislatures into view—"

Which I do not care to refer to. Senator Maclay spoke on the main question. He says:

"As to the late conduct of the Legislature of Pennsylvania, I spoke with but few of them. I had no instructions from them, and, all things considered, I was happy that I had given my voice on a former occasion for it."

That was for open session—

"The reasons which I gave then operated still in full force on my mind.

"The first was: That I knew of no reason for keeping the door of any legislative assembly open that did not apply with equal force to us.

"The second was: That I thought it a compliment due to the smallest State in the Union to indulge them in such request.

"The objections against it—"

And I ask Senators to note these objections, because they are the same which are raised to-day in regard to open sessions in executive matters—

"namely: That the Members would make speeches for the gallery and for the public papers, would be the fault of the Members. If they waged war in words and oral combats; if they pitted themselves like cocks; or played the gladiator for the amusement of the idle and curious, the fault was theirs. That let who would fill the chairs of the Senate, I hoped discretion would mark their deportment. That they would rise to impart knowledge, and listen to obtain information. That while this line of conduct marked their debates, it was totally immaterial whether thousands attended, or there were not a single spectator."

I have said that the rule of secrecy had been very slight, if any. I think there was really none. The only question was whether the public should be permitted to hear the debates, not whether the debates should be communicated by Members to persons outside, and the correspondence and contemporaneous writings of that day show that Members of the Senate did not hesitate to tell what was said and done in the Senate, and one curious instance I will stop to refer to. Maclay, on page 269, speaking of the vote upon the memorial which had been sent from Pennsylvania to the Senate against the funding of the public debt, which was then under consideration, says this:

"Mr. Morris—"

A Pennsylvania Senator—

"was the only nay. I was in good humor myself, although I considered the vote of this day as waging a war with the public creditors, in which I will most probably lose my reelection, and was sorry to see my colleague manifest such a degree of peevishness. He left the Senate Chamber immediately after the vote."

Now, I want to refer to the writing of Fisher Ames. On the 23d of December, which was the day on which the vote was taken, writing to Thomas Dwight, of Connecticut, he says:

"The creditors in this State have sent us a huffing memorial, which I inclose. It came in when the price of debt affords an answer to it. No notice was taken of it. The Senate, I hear, have proposed to answer them by resolving that a revision of the funding act is improper."

That was in the commencement of his letter. At the end of it he says:

"The Senate have just voted, R. Morris only dissenting, in substance as I stated before. I wonder how the petitioners could overcome their Philadelphia modesty so far as to present such a ——— memorial. You may fill the blank for yourself."

Showing that Mr. Morris, being the only "nay" in the Senate, took his hat, rushed out of the Senate and rushed into the House and poured his woes into the ear of Fisher Ames. It is only one of numerous curious instances which show that there was no rule of secrecy unless it was upon particular matters in which there was a special effort made to keep them secret.

As I have said, there had been no rule of the Senate involving secrecy in any particular. The rules of the Senate were first adopted April 16, 1789, were 19 in number, and may be found in its Journal, volume 1, page 13. Nothing was said about keeping any of the proceedings, either legislative or executive, secret. The only rule of the Senate in relation to executive nominations adopted prior to December 22, 1800, was adopted on the 21st of August, 1789, and is the rule which is now in force in relation to the conduct of public business when executive nominations are considered. It is to be found in Executive Journal, volume 1, page 19, and it is in these words:

"*Resolved*, That when nominations shall be made in writing by the President of the United States to the Senate, a future day shall be assigned, unless the Senate unanimously direct otherwise, for taking them into consideration. That when the President of the United States shall meet the Senate in the Senate Chamber, the President of the Senate shall have a chair on the floor, be considered as at the head of the Senate, and his chair shall be assigned to the President of the United States. That when the Senate shall be convened by the President of the United States to any other place, the President of the Senate and Senators shall attend at the place appointed. The Secretary of the Senate shall also attend to take the minutes of the Senate.

"That all questions shall be put by the President of the Senate, either in the presence or absence of the President of the United States; and Senators shall signify their assent or dissent by answering, viva voce, 'aye' or 'no.'"

Is it not remarkable, if any more secrecy were implied as to executive business than as to legislative business, that when they were adopting this first rule for the conduct of executive business there should not have been some mention in it that these proceedings should be kept secret?

It ran on, then, without any further rule on the subject, for six years after the Senate adopted a resolution that the legislative sessions should be open. December 22, 1800, the Senate passed this rule; it is the first rule in the Senate with regard to secrecy, and let us see what it applied to; it did not apply to the consideration of nominations:

"*Resolved*, That all confidential communications made by the President of the United States to the Senate shall be by the Members thereof kept inviolably secret; and that all treaties which may hereafter be laid before the Senate shall also be kept secret until the Senate shall by their resolution take off the injunction of secrecy."

Does some one say the confidential communications included executive nominations? That is shown not to be the case by the occasion on which it was adopted. It was adopted upon the transmission of a message of John Adams, then President of the Senate, submitting in-

structions given to the envoys extraordinary and ministers plenipotentiary to the French Republic in the following words:

Gentlemen of the Senate:

In conformity with your request in your resolution of the 19th of this month, I transmit you the instructions given to our late envoys extraordinary and ministers plenipotentiary to the French Republic.

It is my request to the Senate that these instructions may be considered in strict confidence, and returned to me as soon as the Senate shall have made all the use of them they may judge necessary.

JOHN ADAMS.

UNITED STATES, *December 22, 1800.*

If the Senate had been considering all messages sent by the President to the Senate as secret, why did he in the message request them to consider this particular measure in strict confidence? The fact that the rule was adopted in relation to confidential communications on the reception of this message shows plainly the character of the communications to which it was applied. It was to communications of the character that had just been transmitted to the Senate only. In that case the instructions given to Minister Short to France, and to-day that is what we understand by the term "confidential communications." That was six years, as I said, after legislative sessions had been adopted. During these six years nominations and confirmations were published daily in the newspapers, or at least every few days.

There are some very curious things to be found in the Executive Journal, if it be said that there was any rigid secrecy maintained in regard to such matters; for instance, on page 149 of the first volume of the Executive Journal I find this:

"That the Secretary of the Senate pay no further compensation to the printers for the weekly publication of the Journals."

So that in that early day, just about the time that the Senate concluded to hold its legislative sessions with open doors, for some reason or other (and it appears to have been a newspaper warfare) the Secretary of the Senate in executive session was instructed to pay no further compensation to newspapers for the publication of the Journals.

The most important event that occurred in those days was the nomination of Mr. Jay to be envoy extraordinary of the United States to His Britannic Majesty for the purpose of negotiating a treaty of commerce and amity. It created a good deal of discussion not only in the Senate but in the country, and a reference to the public journals of that day shows that the country understood perfectly well what that discussion was in the Senate. It turned on the question of whether we wanted any treaty with a power with which we had been so recently at war, and it turned further upon this public question, whether a gentleman who was then one of the judges of the Supreme Court of the United States ought to be appointed as envoy extraordinary to England to negotiate that treaty without resigning his office upon the bench.

That nomination was confirmed on the 19th day of April, 1794, and on the 21st of April, 1794, two days thereafter, the Senate voted that any member of the Senate might have an extract from the Journal; but we find this very curious circumstance, that on that very 19th day of April, on which Mr. Jay was confirmed as envoy extraordinary, John Adams wrote his wife—to be found in page 156 of his letters—calling his wife, as he does in all of these letters, with touching sentiment his "dearest friend":

"The Senate has been three days in debate upon the appointment of Mr. Jay to go to London. It has this day been determined in his favor—18 versus 8."

That was before the Senate had allowed any person to take a copy of the proceedings; and under our rule now I understand that John Adams, then Vice President of the United States, would have been liable to expulsion for writing that to his wife It shows the difference between former times and the present time.

The most important epoch of that time following upon the nomination of Jay was the negotiation of the treaty, its return to the United States, and its ratification by the Senate. That treaty, for the first time in the history of the Senate, was received under an injunction of secrecy. It was communicated by George Washington. I will not stop to read the message. It was ordered that the Senators "be under an injunction of secrecy upon the the communication this day received from the President of the United States."

That was June 8, 1795, and yet they were holding open legislative sessions, and it is the first indication of a rule of secrecy or of any keeping of secrets to be found in the Executive Journal; and the contemporary historians tell us that great efforts were made to keep that treaty secret. John Adams, in writing to his wife, does not disclose anything about the contents of that treaty, but he says, "Mum, mum, mum." He treats it entirely different from the way in which he treated the question of Jay's nomination pending before the Senate.

If it had been the practice to receive everything under an injunction of secrecy, why should there have been a special order made that this treaty should be received under an injunction of secrecy? The treaty was ratified June 24, 1795. The next day many Senators were absent and the injunction of secrecy was removed, but it was reconsidered at the same session and the Secretary was directed to notify the absent Senators. They came in the next day, and they took the injunction of secrecy off from the proceedings, but they specially enjoined that no Member of the Senate should divulge a copy of that treaty. There was an effort to maintain secrecy something in the way we do at the present time. What was the result?

Before I come to the result I want to say this: James Madison, writing when that treaty was under consideration by the Senate to James Monroe, then minister to France, communicated about as good an abstract of the contents of the treaty to James Monroe as he could have done if he had seen the treaty itself; and yet he says the most extraordinary efforts in official quarters have been made to keep it secret and he has got no hint of it whatever from official quarters. But what was the result of this effort to keep the text of the treaty secret? The vote to keep the text of the treaty secret was on the 25th of June, 1795. On the 26th or 27th a really good sketch of the treaty was published in the Aurora, in Philadelphia, where the Senate was then holding its sessions, and on the 29th Mr. Mason, a Senator from Virginia, wrote a note to the editor of the Aurora stating that he had seen a sketch of the treaty, and as he desired that there should be no inaccuracies and the public should understand just what it was, inasmuch as the sketch had been published, he sent him a copy of the treaty which he was at liberty to do with as he pleased; and it was published the next day in pamphlet form, and the next day after that, in the Daily Advertiser, and it flew all over the country with lightning rapidity. That was the way they used to keep secrets in those days. I refer to it merely for the purpose of showing not that they violated the injunction of secrecy, but that this was an individual instance where, on account of great considerations relating to the public welfare, an injunction of secrecy was put on in the executive sessions of the Senate. It is curious in this instance to remark too that Washington, just a day before the publication of the treaty, at the instance of Senator Mason, had directed it to be published so that the people might not be misinformed about it.

There are plenty of indications, if I could stop to enumerate them, to show that absolute secrecy was not observed or required in reference to executive proceedings, but that the whole matter was left to the judgment of Senators, supposing that when there was any subject the telling of which would go against—as Alexander Hamilton said in his resolution—public safety, then the Senators would have prudence and judgment enough to keep it secret. That was the original idea, and that was the only injunction of secrecy in those early days.

Mr. SAULSBURY. I wish to ask the Senator whether the order for the publication of the Jay treaty was not made for the purpose of eliciting discussion throughout the country in order that Members of the Senate might know what disposition to make of that treaty? It certainly did lead to a very extended discussion in Boston, New York, Charleston, and all over the country; very able speeches were made in reference to the provisions of that treaty. I wish to find out from the Senator whether the order for publication was not made in order that the Members of the Senate might be informed by their constituents as to the public opinion in reference to the treaty.

Mr. PLATT. I must have been unfortunate in not making myself clear. The injunction of secrecy which was especially ordered by the Senate, and the first injunction of secrecy ever ordered by it in relation to any matter pending before it in executive session, was rigidly observed—rigidly observed both in executive quarters and in the Senate. The greatest efforts were made to do so, and the Senate by vote enjoined that although the proceedings by which it was ratified in the Senate might be made public, no Senator should make the treaty public until after the ratifications had been exchanged by the President. It was in direct violation of that that the treaty was published. It was not till after it had gone through with this discussion in the Senate, where it had been discussed for three weeks in a special called session of the Senate—it was not till after its ratification by the Senate that it leaked out and was published.

I have said that in 1820 a rule was adopted that the remarks and information communicated by a Senator upon the consideration of a nomination should be kept secret and it had been attempted once before in 1813 in the Senate, and I refer to this because it is particularly important. The records in the Executive Journal are too long for me to read and detain the Senate with. The history of the attempt will be found in Senate Executive Journal, volume 2, pages 374 to 415.

The effort was made in executive session to adopt the very rule that was afterwards adopted in 1820, namely, that a Senator should not be permitted to divulge remarks or information communicated by a Senator upon the consideration of executive nominations. It failed signally. It went through all the forms of reference and report, and finally was dropped. So in 1813 the attempt was made to enjoin secrecy and failed, and it was not until 1820 that the Senate succeeded in adopting any rule of secrecy applicable to what was said in executive session with regard to nominations. The fact that it failed in 1813 shows that it was not the rule or the practice at that time. This binding the Senate down by this iron rule of secrecy with regard to what is said respecting the character and qualifications of a person nominated to office is a recent matter.

But, Mr. President, I must not encumber the RECORD with more citations from the Executive Journal—which is an interesting book, if Senators will study it—upon this subject. I have only alluded to one

or two things as illustrating my proposition, but I wish before I come to the more practical and argumentative part of my remarks to enumerate hurriedly the efforts that have been made in open session of the Senate to do away with this rule.

Much of the history of this subject is contained in the Executive Journals of the Senate since 1829. Up to that date the Executive Journals were published by order of the Senate, but since that date they are kept secret, no one other than Senators, the officers of the Senate sworn to secrecy, and the President may know the history of the country contained in those secret books, and if I refer to it I am liable to expulsion. But I may refer to what has been done in legislative session.

On February 20, 1841, Senator William Allen, of Ohio, introduced a resolution for open sessions. The Senator from Vermont [Mr. Edmunds] the other day in the discussion of the question of the production of papers by the Executive referred to this Senator as "Uncle Billy Allen," and I take it it was not a term of reproach, but a term rather of endearment. Certainly he was a Senator representing the great State of Ohio, and he introduced this resolution:

"*Resolved*, That the fortieth rule for conducting business in the Senate, and which requires the Senate to close its doors when in executive business, be rescinded, except as to the action of the Senate on treaties."

That was laid on the table by a vote of 26 to 20. It was laid on the table, I have no doubt, to cut off discussion; but the fact that 20 to 26 Senators in that day voted to not lay it on the table shows that it had some strength and support even as far back as 1841. Senator Allen never got an opportunity to discuss that again in open Senate. He renewed it at every session of the Senate.

Mr. ALLISON. Will it disturb the Senator if I ask him if there was anything like a party vote appearing in that case?

Mr. PLATT. I think not.

Mr. ALLISON. No party division?

Mr. PLATT. I think not, but here are the yeas and nays; the Senator can tell from them. I have not examined them to see:

"YEAS—Messrs. Archer, Barrow, Bates, Bayard, Choate, Clay of Kentucky, Clayton, Dixon, Evans, Graham, Henderson, Huntington, Ker, Mangum, Miller, Morehead, Phelps, Porter, Prentiss, Sevier, Smith of Indiana, Southard, Talmadge, and Woodbridge—26.

"NAYS—Messrs. Allen, Benton, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, King, Linn, McRoberts, Monton, Nicholson, Pierce, Smith of Connecticut, Sturgeon, Tappan, Williams, Woodbury, Wright, and Young—20."

Senator Allen renewed his resolution again at the next session, February 23, 1842. No opportunity was given to discuss it then. A motion to go into executive session cut off the debate.

Then again he renewed it December 28, 1843. He renewed it again February 23, 1848, and it was again laid on the table by a decided vote, 39 to 13, probably an unfortunate time to press its consideration. I give the ayes and noes:

"YEAS—Messrs. Ashley, Badger, Baldwin, Bell, Berrien, Bradbury, Breese, Butler, Calhoun, Cass, Clarke, Corwin, Crittenden, Davis of Massachusetts, Dayton, Dix, Downs, Felch, Greene, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, Lewis, Mangum, Mason, Miller, Moor, Niles, Pearce, Phelps, Rusk, Sevier, Spruance, Sturgeon, Underwood, Upham, Webster, and Yulee—39.

"NAYS—Messrs. Allen, Atchison, Atherton, Bagby, Bright, Clayton, Davis of Mississippi, Dickinson, Douglas, Hale, Hannegan, Houston, and Turney—13."

At the special session in 1853 Senator Chase, of Ohio, introduced the following resolution, thus supplementing the effort of his predecessor, Senator Allen:

"*Resolved*, That all sessions and all proceedings of the Senate shall be public and open, except when matters communicated in confidence by the President shall be received and considered, and in such other cases as the Senate by resolution from time to time shall specially order; and so much of the thirty-eighth, thirty-ninth, and fortieth rules as may be inconsistent with this rule is hereby rescinded."

That resolution was discussed at some length. It was supported by Senators Chase, Borland of Arkansas, and Sumner, the predecessor of the distinguished Senator from Massachusetts, from whose speech I desire to read a single quotation:

"At the first organization of the Government the proceedings of the Senate, whether in legislation or on treaties or on nominations, were with closed doors. In this respect the legislative business and executive business were conducted alike. This continued down to the second session of the Third Congress, in 1794, when, in pursuance of a formal resolution, the galleries were allowed to be opened so long as the Senate were engaged in their legislative capacity, unless in such cases as might, in the opinion of the Senate, require secrecy; and this rule has continued ever since. Here was an exercise of the discretion of the Senate, in obvious harmony with public sentiment and the spirit of our institutions.

"The change now proposed goes still further. It opens the doors on all occasions, whether legislative or executive, except when specially ordered otherwise. The Senator from South Carolina [Mr. Butler] says that the Senate is a confidential body, and should be ready to receive confidential communications from the President. But this will still be the case if we adopt the resolution now under consideration. The limitation proposed seems ample for all exigencies, while the general rule will be publicity. The executive sessions with closed doors, shrouded from the public gaze and public criticism, constitute an exceptional part of our system, too much in harmony with the proceedings of other governments less liberal in character. The genius of our institutions requires publicity. The ancient Roman who bade his architect so to construct his house that his guests and all that he did could be seen by the world, is a fit model for the American people."

Let me also quote a single sentence from the speech of Senator Chase especially pertinent to the proposition now under consideration. It will be noticed that his resolution provided for open sessions upon the consideration of treaties as well as nominations. After speaking of the propriety of considering treaties in open session as a rule, he went on to say:

"So many and, indeed, almost all nominations are confirmed or rejected upon principles of public or party policy, without reference to private character. I see no reason why debates and votes upon these should not be public. Whenever any questions involving moral character are raised, it will be in the power of any committee or any member to move that the doors be closed."

The resolution went over after debate, and, as the session adjourned in two days thereafter, no action was taken.

Then at the following session of Congress Mr. Chase renewed his resolution. It was laid on the table without discussion, at the instance of Senator Mason, by a vote of 23 to 14. I give the yeas and nays:

"Yeas—Messrs. Allen, Badger, Bell, Butler, Cass, Cooper, Dawson, Dixon, Evans, Everett, Fish, Fitzpatrick, Foot, Johnson, Jones of Tennessee, Mason, Sebastian, Shields, Smith, Stuart, Thompson of New Jersey, Toombs, and Toucey—23.

"Nays—Messrs. Chase, Dodge of Wisconsin, Dodge of Iowa, Douglas, Gwin, Hamlin, Norris, Pettit, Slidell, Sumner, Wade, Walker, Weller, and Williams—14." (Congressional Globe, 1st sess., 33d Cong., p. 240.)

The discussion of the subject came up in the Senate upon the resolution of Mr. Wade, submitted January 21, 1862, asking for a joint rule for legislative secret sessions upon important matters touching the conduct of the war. In that discussion the question of secret sessions was pretty thoroughly discussed. I will not stop now to refer to the discussion, because I see that I am consuming altogether more time than I had intended, and because I may wish to quote some extracts therefrom upon another point further on in my remarks.

To leave now the historical argument—and I think the practice of the fathers shows that it will be no very great departure from the principle which governed them if we should open the doors for the discussion of such nominations and such only as we think may properly be discussed with due regard to the public safety—leaving that branch of the argument I wish to come to more practical considerations; I wish to answer some of the other objections which are pressed against the proposition.

And here, Mr. President, I take my stand on the proposition enunciated by you on the 9th day of February last, when you said with great terseness and vigor and condensation of thought, "there ought to be no secrets whatever in this Government of ours, a government of the people." It comprehends the whole question. There is but one, and there can be but one, possible limitation to that proposition, and that is an absolute necessity for secrecy.

And now I propose to examine this question to see whether any such absolute necessity exists, and I believe that to all fair-minded Senators I can demonstrate that there is no such absolute necessity existing, and if I do then I ask their assent to this proposition, that unless that absolute necessity can be shown, unless public safety, public welfare, demand it, no consideration of convenience to a Senator and no desire or disinclination on the part of a Senator to evade responsibility of any kind whatever should lead him to give his vote for the continuance of the practice longer.

Secrecy is odious to every human being in this world except when he practices it himself. It is against the spirit of a free government. I said it was odious. Whenever you see secrecy you are suspicious that something is wrong. It is a relic of monarchical power and privilege that has no business in this day of democratic tendencies, and when we seek to make this Government even more actually democratic than it was expected to be by its founders. It is a lineal descendant of the privy council that has always been hated in this country. We demand that the President shall have no secrets from us. Why? We think that if he has secrets there is something that ought to be disclosed, that what is done in secret should be proclaimed on the housetops. Secrecy is as odious to us as it is to others when the President insists upon practicing it. But what do the people say to us? They say you demand that the President shall have no secrets from the Senate. We demand that the Senate shall have no secrets from the people. How are we to get away from the inexorable logic of that statement on the part of the people?

Mr. President, publicity is the cure of all evils, whether they be governmental or financial or social. Publicity is the one thing upon which

we must most rely in this country for the correction of evils. Why do we investigate matters? We order here and in the other House investigation after investigation, because we think something is done in secret which ought to be revealed. We believe when we get the slightest inkling of anything which has been concocted in secret that something is wrong; that it is the duty of each branch of Congress to turn on the lights, and the people sustain us in it. Usually when that which was done in secret is dragged out into the light we find that something wrong has actually been done. It is as true now as it was 18 centuries ago that "men love darkness rather than light because their deeds are evil."

Now, I want to marshal for a moment the arguments which have been made in favor of secret sessions; and the first is this: The argument has always been made, it was made in the discussions to which I have referred, that open sessions will deter Senators from frankly and freely communicating what they know when bad men are nominated, and therefore objectionable men will be confirmed. Well, we have tried the secret system for 100 years; and do not bad men get confirmed now? And when we see that the secrecy system does not work, that it does not improve the standard of our civil service, is it not worth while to try the other course and see whether publicity will not improve it? I admit that the consideration of a nomination in open session may involve some unpleasant duties for Senators; but is this Senatorial life a bed of roses? Has it no unpleasant duties and no unpleasant consequences?

To imagine it to be a bed of roses requires all the imagination and stoicism of Guatomozin when he was stretched on his bed of torture. We have no such difficulty in relation to other matters involving the discussion of character. We have no difficulty in expressing our opinion with regard to individuals when they come up here in a way that brings them before the open sessions of the Senate. The Senator from Indiana [Mr. Harrison], in the speech he made the other day, did not have any hesitation in telling us what he thought about the appointments that had been made in the State of Indiana; and yet when every one of those appointments are considered by the Senate the doors must be closed, because the Senator from Indiana can not tell without unpleasant consequences to himself what he thinks and what he knows about the men who are nominated for office there.

Even the Senator from Kansas [Mr. Ingalls] finds no difficulty, when he desires to do it, to discuss the character of men nominated and appointed to office in open sessions of the Senate. I turn to the able speech which he made only the other day, and I read this:

"The postmaster at Sioux City, Iowa, was convicted and sentenced in Dakota for violation of the pension laws.

* * * * * * *

"In Rhode Island a Democratic postmaster was appointed who had been in the preceding three months arrested nine times for violation of the liquor law."

And so on, giving the names of the officers, what they had been arrested for. He finds no difficulty in doing that. We had a discussion here recently on the educational bill, and what did the Senator from Kansas do? He discussed openly in the open Senate a nomination then pending before the Senate in executive session, the nomination of Zach. Montgomery to be assistant attorney general for the Interior Department. Every word that he said was directly relevant and proper to be said in executive session on the consideration of that nomination; yet was there any trouble about it? Did the heavens fall? Was it unpleasant to the Senator? Was it unpleasant to anybody else?

Take another illustration. Take the applications that we have here for restoration to the Army of people who have been dismissed from the service. Is there ever any hesitation or shrinking on account of its being unpleasant for a Senator to say what he thinks about the men? I have here in my hand a quantity of reports where the whole record of the man is spread out on the records of the Senate. Some Senators seem to be more troubled with the idea that it would be unpleasant, not to produce the bad record of a man, but unpleasant to say those things about a man which would wound his feelings, perhaps when he is really a very good man, except that he is not calculated for or adapted to the office. But here in one case General Sherman accepts a man's dismissal for utter worthlessness, and yet there was a proposition to restore him to the Army discussed. I will not take time in referring to more of these.

One answer to that argument is that bad men will not be presented here for discussion; the incompetent will not be presented here for us to discuss as they are now presented, if it be understood that their characters and qualifications are open to public discussion and are to receive public consideration. The whole business of appointing men to office will change. We shall have fewer recommendations of bad men, fewer nominations of bad men, fewer confirmations of bad men, if publicity can attend the whole business of office-seeking and office-getting from the White House to the Senate.

I want to say this in reply to that argument: There are very few such cases, and they will be fewer. It may undoubtedly be pleasanter to say a harsh thing, or an unkind thing, or an unpleasant thing behind a man's back rather than to say it before his face; but is it fairer to say it; in justice and decency and fair play, ought we not to say with respect to any man nominated here before the public and the world just what we would say about him behind those closed doors? I think we had; but we shall have less frequent opportunity or occasion to say it if these doors are open. How rarely it is now that a Senator is called upon to say an unpleasant thing with regard to a person who is nominated for office here who is otherwise a good man, a man whose feelings you do not want to wound, whose sensibilities you do not want to hurt.

What Senator can remember the time when in executive session here such things have required to be said about any man? If we have those cases where a Senator does not really want to wound the sensibilities of a candidate, the rule which I desire the adoption of still permits our going into executive session with closed doors; but do Senators think they enjoy exemption as it is now? Do you think that the man whom a Senator talks about here does not know what that Senator says about him? If he is rejected, he knows that he is rejected for cause; he knows that he is rejected because his Senator has not stood by him, probably; but he surmises ten times as much as he would if that Senator's conduct and every word he said had been made public and open to the world. So this argument falls to the ground by its own weight. The consequences are more unpleasant now than they would be to take the responsibility in open session.

Let us test this argument a little more closely. A good many of us are lawyers. Do we hesitate to say in open court, when we are paid for it, what we think about the character of witnesses and parties in a cause? Not at all. No lawyer ever flinches from that duty. Why should we seek to flinch from it here? We are paid to do our duty here as elsewhere, and why should we flinch from doing it here any more than in court?

But again we have popular elections. Every four years a man is nominated for President, and from one end of the land to the other his whole character is discussed before the people. Senators go upon the stump; they say what they think about each candidate; his past record is dragged to light; every foible of his life is paraded; the whole question of his character and qualifications is everywhere discussed with the utmost publicity, and why should we seek to shield ourselves behind closed doors when persons are nominated to office by the President, when we never think of desiring to shield ourselves or evade the responsibility of saying what we think about the President himself when he is nominated for office?

So judges and governors are elected, governors by the people and judges sometimes by the people and sometimes by legislatures, elected openly, their characters canvassed openly. If a person thinks they are good men, nice men, but will not make good judges, he says it, and he says it openly. He is never deterred by any consideration that he will wound anybody's feelings from expressing what he thinks when a President is nominated, when a governor is to be elected, when judges are to be elected, or even a justice of the peace is to be elected. Why, then, should we become so nervous when we are asked to tell what we think about the character and qualifications of a man who is nominated for office by the President instead of by a convention? We ourselves are nominated and elected in open legislatures, where our characters are discussed, where our qualifications are considered, and our whole history is brought to light and arguments made pro and con. If a member of the legislature thinks we are fair men for some positions, but not for the Senate, does he ever forego the expression of that belief from the fear of wounding our tender susceptibilities?

Mr. President, we have election contests here sometimes. Look at the book which has been compiled by the Committee on Privileges and Elections, study the questions which have been raised here with regard to the admission and the expulsion of Members when questions of bribery to secure election, charges involving moral character, have been made against Senators and against the mode of their election; has there ever been any shutting of the doors to the investigation of those questions, and to the discusison of such issues from the fear of wounding a Senator's feelings? They have been investigated in open daylight; they have been discussed in open Senate, and you could no more have shut the Senate doors upon such discussions than you could shut them upon all legislative questions. Yet it is just as unpleasant for a Senator to say what he thinks about a person who has been certified as elected to the Senate, about his conduct and about the charges against him, as it is to say it with regard to the nomination of a man here. Take one noted case. My eye being on the Senator from Illinois [Mr. Logan] now brings it to my mind. For years and years there has been discussed here in open session the conduct of Fitz-John Porter, and that Senator has not hesitated to say what he thought boldly, openly, in view of the whole world, about that gentleman who is seeking to be restored to the Army, and when the bill passes, if it does pass, and when the President nominates him to be a colonel, if he ever does, then these doors must be shut in order to consider whether we shall confirm him or not. Then the character and conduct of Fitz-John Porter must be discussed in secret.

Sir, this argument becomes something of a farce when you look it in the eye. What is the essence of it? It is a plea for personal privilege on the part of Senators; it is a plea to be exempt from unpleasant duties. I like to be exempt from unpleasant duties, but I do not want to plead that and I do not believe any Senator wants to plead that when such exemption from public duty militates against the public welfare.

I want to say one thing more in reply to this argument. I have not been here as long as a good many Senators, but I have been here some years now. I affirm here now that I never have heard a word said in executive session which ought to have been said there or which any person thought ought to have been said there which might not just as well and just as appropriately have been said in open session in relation to the confirmation of nominations.

But another argument is that we shall consume a great deal of time and encumber the RECORD. If that argument is good, we had better go back to the days of secret legislative sessions. That was an argument used against opening the doors in legislative session; and if all debates were secret and we had no RECORD, and what a man said was not published in the RECORD, possibly we could get along with business a little more rapidly. Will we go back to secret legislation sessions on that account? If not, it is no argument against open executive sessions provided it be for the public welfare and the public interests that they shall be held. It is inconsistent with the last argument. The two can not stand together.

Again, another objection I have heard is that there will be cases where public policy and the conservation of the public morals require that they shall be discussed in secret session. Who ever heard of such a case? Who ever heard of a case discussed in secret session of the Senate that might not have been discussed openly and everything relating to it be published openly, without any prejudice to the public morals? It applies with much more force to cases in court than it does in the Senate; and yet no Senator here will stand up and say that the doors of the courts in this year 1886 shall be closed against any testimony in any case whatever. I think myself that the publication of very much which is done in court tends to debauch the public morals; but public sentiment is so far in favor of publicity and no secrecy that it will not permit, and it is right that it should not permit, the doors of the courts to be closed, even in cases where the details having a tendency to prejudice public morals are under discussion.

But it is said that there is a distinction between the capacity in which we act in executive matters and in which we act in legislative matters, and that in this distinction, in this difference between our duty as legislators and our duty in confirming or rejecting officers lies the real reason why we ought to act with closed doors. I admit that in a sense we are a part of the executive power; but when we thus act, exercising that duty and that function, we are still Senators, and the crucial test is this: If we are free from responsibility to the people when we act on the confirmation of nominees, when we discharge that portion of our duties which is executive, then I agree that it is quite proper to close the doors; but if we are Senators still, if we are responsible to the people for our trust, if we ought to report to the people how we discharge that trust, then the distinction which is sought to be drawn between our legislative and our executive functions falls entirely to the ground. I apprehend that we are Senators still, that we represent somebody still, that we are not beyond responsibility, that we are not beyond accountability for our trust, when we act in the matter of the confirmation of officers. The administration of law is involved in the confirmation of officers. The whole question of administration, whether the Government shall be well administered or poorly administered, is involved in the question of what officers are appointed and what officers are confirmed; and it is as important that the people should know in this regard and for this reason how officers are appointed as it is that they should know how the laws are made.

I want to read from the report made by Garrett Davis, upon the Sylvester case in relation to secrecy. It was a part of the report of the Judiciary Committee in the discussion of the power of the President to withhold papers:

Why should there be any secrecy in these matters?—

That is, in relation to removal from office—

"Secrecy is not an element of our system—its great and fundamental law is public opinion; and how can this be wisely and justly formed when the facts which are necessary to enlighten it are concealed as 'state secrets'? It is only falsehood and corruption, wrong and oppression, that are sought to be wrapped in darkness; the officer who means and acts well dreads not the sunlight. There may be rare cases where secrecy in the removal of public officers would promote the public good; but the mischief and immorality inseparable from such a system will preponderate a thousandfold."

It is doubly applicable to the matter of confirming officers rather than to their removal.

The PRESIDENT pro tempore. It is the duty of the Chair to lay before the Senate the unfinished business at this hour, being the resolution reported by the Senator from Maine [Mr. Frye] from the Committee on Foreign Relations, February 3, 1886.

Mr. FRYE. Let it be laid aside informally until the Senator from Connecticut concludes.

The PRESIDENT pro tempore. If there be no objection, the unfinished business will be laid aside informally until the Senator from Connecticut concludes. The Chair hears no objection.

Mr. PLATT. I thank the Senate. I will conclude without consuming very much more of the time of the Senate.

Is there any other argument than those which I have examined why we should continue these secret sessions? Yes; I have heard one other, that it is a senatorial prerogative which it is wise for us to maintain. I do not want to stop to discuss that question; but I believe that right in that argument perhaps is the greatest disinclination which some Senators may have to the opening of these doors; but I desire to say just this: There are two words which the people want to see expunged from the political vocabulary of this country, and it is time they were obsolete. Those words are "prerogative" and "privilege." If it were not for being alliterative I would say there are two more words they desire to see expunged, and those are "patronage" and "perquisites." The people desire to have done with them and we had better have done with them. This is no place to assert prerogative. We had better stand pretty close to the people and trust the people if we want them to trust us.

But I must do more than answer objections, Mr. President; I must take the affirmative. I say, then, we must do this thing in self-defense, as Senators and as a Senate.

This is not a popular body, either in the political or colloquial sense of the term; indeed, I have come to the conclusion that it is fast coming to be a very unpopular body in the estimation of the citizens of this country. Some Senators will say it never was intended to be a popular body; some Senators will say now, as we said in the Constitutional Convention, that here should be a body constituted with a long term to be elected not by the people, but by the States, to be removed from direct responsibility to the people, in order that they might check the tendencies to democratic extravagances; some men may say now, as they said then, that it was well to mold one branch of this legislature somewhat upon that branch of the English Parliament known as the House of Lords. Such seems to have been the idea of Senator Butler in the discussion in the Senate on the Chase resolution in 1853. I quote from Senator Butler's remarks (Appendix Congressional Globe, 32d Cong., 2d sess. p. 321):

"This is not a pure democracy. If the Government of the United States was an undisguised and simple democracy, perhaps the gentleman might well insist upon a resolution of this kind. They might make the Senate the arena for the discussion of every subject, as was done in Athens, or in democracies where the people directly had a vote. But we are a confederacy of organized republics, and we live under a Constitution—a Constitution by whose obligations I feel bound, as well as the usages under it."

But this Government was formed a century ago. The men who framed it made a theoretical democracy, but there were anomalies in that Government which they so founded, and the Senate is one of them. They were theoretical democrats, but they were far from being actual democrats; and whoever observes the signs of the times in this year will see that the day, not of theoretical democracy, but of actual democracy is hastening on to its accomplishment and completion. Whoever looks abroad, whoever notices what is going on in all civilized countries can not fail to see the great ground swell which is to lift the people of the world into more active and close participation in the affairs of government. It is well we should not shut our eyes to it; it is well to get away from this idea that we do not represent the people, that we represent the States.

What are the States we are sent to represent? Can you disconnect the States from the people of the States? By no means. The people are the States; and when it is said that a Senator represents here the State and is not directly responsible to the people, that is only a fiction; it is only a nominal representation. Our real responsibility is to the people of the State that we represent. What do I mean? Do I mean that the Senate is to be influenced by public clamor? No; I think myself I have as much courage to withstand public clamor as perhaps any Senator. I do not mean to be influenced by public clamor; but when I believe that public sentiment with great unanimity demands a thing I am going to be very careful to draw the distinction between that public sentiment and public clamor and not mistake the will of the people deliberately formed for public clamor.

No, Mr. President, the idea that we can set ourselves up above the people, not let the people know what we are doing, is not in accordance with the spirit of the age. This world has come to believe in the philosophy of the Divine Master, "And whosoever of you will be the chiefest shall be servant of all." That is what a Senator must be. As the President and the governor and every other officer within the body politic, he must be the servant of the people.

This means popular information and scrutiny of all governmental proceedings; it means better government; it means better administration; it means the abolition of all exclusiveness, of privilege, of prerogative, of aristocratic tendencies. For better or for worse, that day has come. The people are to be omnipotent in government.

What has this to do with secret sessions, says some one? The people believe that this Senate is aristocratic, that it holds itself above them, and does not consider itself responsible to them. I do not like to make that statement, but I believe it to be just and proper that I should make it, because I believe that to a large extent, to a much larger extent than Senators suppose, it is the view which the people have of this body

that we intend here to maintain aristocratic privilege; that we intend here to maintain secret prerogative; that we intend here to put ourselves above responsibility to the people.

In this, Mr. President, the people are largely mistaken. They misunderstand us; they misunderstand the character and desires of Senators; but, notwithstanding, that is their belief, and nothing has done so much to create that belief and perpetuate it as the fact that we close these doors when we consider nominations to office. It is just because the Senate, from habit and custom, from a disposition not to depart from what are supposed to be the good old ways, maintain certain things, and among them this matter of secret sessions that the people think we have set ourselves above them.

The popular sentiment, Mr. President, is for open executive sessions with regard to nominations as a rule. It is not public clamor; it is real, true, and genuine popular sentiment. How is popular sentiment reflected in this country except by the press? I venture to say that of the nearly 14,000 newspapers in the land probably 10,000 of them, political or independent, a very large proportion of them, have declared their belief that this measure should be adopted. I am met by some Senator by saying that he does not care what the press says, that an issue has been raised between the press and the Senate, and he is not going to be influenced by any such consideration as that. I desire to say here one or two very frank words. With that journalism which concedes to public men neither honest motive nor private virtue I have no sympathy and no respect. It is a malignant kind of journalism which I can not respect and which all right-minded men must condemn. But that is not the true character of the public press of this country as a whole. The country newspapers, the newspapers that have no special correspondent here, are all against these secret sessions. All over this land without regard to section these country newspapers, which represent the real sentiment of the country, which go where the minister and the schoolmaster and where the voice of the Senate does not otherwise go, have declared in favor of this measure.

The men who publish those newspapers think of our Government, they study public questions a great deal more than we suppose, and the fact that there is but one voice in the press shows where public sentiment is on this subject. Public sentiment compelled open legislative sessions of the Senate, and it now demands open executive sessions of the Senate.

Whence arises this demand? It is not idle curiosity. It is not that a few reporters may look in on these proceedings and send the news to the journals which they represent. Oh, no; that is not it. It is the desire of the people for a better administration of the Government. It is a desire of the people that the standard of official life and character shall be elevated; and they know the only way to do it is by having the qualifications of men discussed openly in the Senate Chamber.

I should like to read extracts from newspapers, but I will content myself with reading one. I read it from a Democratic paper in my own State—a conservative paper, a paper that does not mean to misrepresent Senators or the Senate. It is from the New Haven Register:

"But it is in the confirmatory powers of both the National and State Senates that the evil of the secret-session system most clearly discloses itself. Many an unworthy public official is imposed upon the community by the Senate to please the whim and caprice of 'a brother Senator,' because the responsibility for his confirmation can not be fixed. Whereas if the country only knew what Senators indorsed the nominations of this class of servants, not one of them would dare vote for a confirmation. Moreover, the secret session encourages a disreputable class of politicians to seek public office. They know that whatever their faults are they will not be held up to the contemplation of the country. They are sure to have 'a pull' with either their own or some other fellow's Senator, which a secret session will permit to be worked for all it is worth in bargains and trades. The results are that the responsibility for bad officials is hopelessly divided, and bad officials get into office."

Pardon a single other extract from among thousands. It is from the New York Independent:

"There is no good and sufficient reason why these sessions should be secret, and the action of the Senate should be known to the people only in the result. Secrecy gives an opportunity for bargains between Senators and bargains between the President and Senators in respect to appointments to office that would not exist to anything like the same extent if the sessions were open and the general public permitted to see all that is done. Both the President and the Senate, with open sessions, would act under a sense of responsibility—the one in making nominations and the other in acting upon them—that would be favorable to the best interests of the civil service of the country. Both would be influenced by the fact that the eye of the public is upon them."

These extracts from conservative newspapers show what the sentiment is in regard to the way we conduct business here. I want to say the press in this respect is largely mistaken, but you can not eradicate that idea from the public mind.

But there is another argument, which is also an argument of self-defense. I have said that secrecy begets suspicion. Go to a dinner party, to any social gathering, and see two persons whispering together, and you think they are saying something which they ought not to say, and probably about yourself. Secrecy begets suspicion; and it is only human nature which the public are exemplifying when they believe that something wrong is done behind these doors in the way of bargains and trades and arrangements by which men are confirmed to office.

I say no Senator can afford to expose himself to any such suspicion. Every Senator knows it exists. Every Senator knows that very largely through this country the idea is that we bargain with each other about confirmations, or that we confirm nominees out of good nature, or that through some idea of senatorial courtesy we fail to oppose men whom we ought to oppose or favor men whom we ought not to favor. Every Senator knows it, and I for one do not want to endure it. I do not want it longer to exist. A poet said:

"O wad some power the giftie gie us
To see oursels as others see us!"

I wish Senators would try to exercise that gift. I wish they would try to understand how they are regarded in this respect, what the people think of the way in which we conduct business here in the secret sessions of the Senate, and the motives which influence us in the confirmation of persons to office. I agree I am glad to testify that it is a great mistake in the popular mind, but as I said you can not eradicate it. No record for honesty, no record of an honorable life, no record which a man has made of pure motives and pure intentions exempts or excuses himself from this belief on the part of the people. If you doubt it, ride in the cars, in any public vehicle, listen to the conversation along the streets, hear what motives are attributed to Senators who we know are honorable by people in ordinary conversation. If there were no other argument but this in favor of open sessions I should insist upon it that the people might know what my motives were in regard to the confirmation or rejection of men.

But Mr. President, there is no secrecy. We are hugging an old custom for its name rather than for its actual results. We are pinning the Senate to the skirts of an ancient tradition when there are no results to be obtained from it. There is no secrecy possible. There never has been any secrecy possible in any matter about which the public desired information that took place in executive session. I do not say how much or how little, or whether any at all of the reports which we see from day to day in the newspapers published after each executive session is true, but I think I am justified without revealing any secrets of executive session, without doing what the Senator from Vermont intimated was done in his colloquy the other day with the Senator from Kentucky, violating a senatorial oath and becoming guilty of senatorial perjury—I believe I may say that the secrets of this body are to a greater or less degree exposed and disclosed. Mixed they may be with untruth, mixed they may be with the fertile imagination of the newspaper reporter, nevertheless no Senator will deny me in saying that more or less of what occurs in executive session is disclosed.

It is disclosed either by Senators or by the officers of the Senate, and when I say that I do not mean to cast the slightest suspicion upon the officers of the Senate. I do not want to be in a body where I am subjected to the suspicion of dishonorable disclosure. We are a class here, as lawyers, as clergymen, as bank presidents, and as business men are a class; and when one does a thing that is discreditable we all suffer.

I repeat, there is no secrecy possible with regard to the executive sessions as to those matters which the public want to know. Let me refer, as I have referred, to the Jay treaty. I refer to the treaty of Washington. I shall not stop to dwell upon it. I refer to the case of the Spanish treaty. I hold in my hand three pamphlets, International Awards and Arbitrations, by George Ticknor Curtis, a reply by Mr. Foster, and another reply by Mr. Curtis. They all tell the public that there is a treaty pending here, and in what they say of the treaty they give extracts from it, and yet if there is a treaty pending here to-day known as the Weil and La Abra treaty I may not say so, and I may not say one word in relation to it without incurring the degrading punishment of being expelled from the Senate.

Let me quote from the discussion in the Senate in 1862 upon the Wade resolution, to which I have alluded. Mr. Foster, a Senator from my own State, said:

"Mr. President, I am not disposed to oppose the adoption of this joint rule, but I must be permitted to express my great doubts as to our acting in secret with efficiency. I do not believe that secrecy is an element of power in our Government. I believe it is an element of weakness, decidedly. We have at the present time what are facetiously called secret sessions of the Senate; and, sir, what is done in secret session, or what is reported to be done is brought before the eye of the public I think rather earlier and more minutely than what is done in open session. I do not say that it is correctly reported, but it is so reported that the public give it credit; and if it is false, it is more likely to do harm than though the truth were reported. I do not see, therefore, that we gain by attempting to conceal our transactions from the public eye. I am not disposed, however, to enlarge upon that topic. I am perfectly willing to accord with the Senate in passing the rule if it is deemed best to do so." (Congressional Globe, 37th Cong., 2d sess., pt. 1, p. 491.)

Mr. Trumbull, of Illinois, said, speaking of a clause providing for expulsion in case of disclosure:

"That is the rule now, sir, for punishing the disclosure of what occurs in the executive sessions of the Senate; and what have we seen since this session began? Why, sir, we have seen published nearly everything that has occurred in executive session; and the rule which the Senator now proposes to adopt to prevent it is no more stringent than the present rule of the Senate. I should hope, if this rule be adopted, that we shall be able to keep our secrets and that the punishment prescribed by the rules would be inflicted upon the violators of them. I wish that punishment could be inflicted upon the violators of the rule during the present session of Congress in this respect. We have hardly had an executive session, certainly not one where there has been any discussion or any question dividing the body, that nearly everything that has transpired has not been published the next day to the world—published with exaggeration, published with misrepresentations, placing Members in a false position. I would infinitely prefer that our regular reporters should be here and publish what we do say and how we act than that these garbled accounts should go out to the public to create bad feeling in the country. I do not know that we have any assurance that this new rule will be better observed than the present rule is; but if it is adopted, I hope it will be.

"I do not mean to oppose the adoption of a rule to go into secret session for the purpose indicated by the chairman of the War Committee. I want to see greater harmony between the different departments of the Government, closer connection between them, each bolstering up the other, and that we may go along hand in hand to put down this rebellion in the shortest possible time. Therefore, reluctant as I am to vote for a resolution imposing secrecy upon ourselves, I shall consent to this if it can be modified so as not to place the body absolutely at the disposal of a single Member." (Congressional Globe, 37th Cong., 2d sess., pt. 1, pp. 491, 492.)

What a farce it is, Mr. President. The whole community, the world, are laughing at us that we pretend to have secret sessions. We ourselves would be infinitely better off if every word that is said here were known to the remotest portion of the globe than with the pretended publications of what we do and say, mixed up with the imagination of reporters and the untruthfulness which accompanies the reports.

There is nothing left to us but silent endurance when we are misrepresented. I could name matters in which to-day my people suppose that I have voted one way because it has been so stated in the newspapers and I voted the other way. I have nothing left to do but to endure and to submit to the misrepresentation, because I can not disclose what my vote was or the motive which led me to give it unless I can get the injunction of secrecy removed; and that goes, as every Senator knows, as a matter of courtesy very often to a particular Senator. The public believes these disclosures.

But there is another reason why we should make the discussion of nominations open, and that is because the discussion of the question whether an officer nominated to the Senate shall be confirmed or not often involves the most critical and important policy of the Government. We have had an instance within the last few days of the discussion as to the right of the President to withhold papers upon the consideration of nominations. It was so important as to be taken out of the secret business of the Senate and made the matter of a public discussion. Why? Because it involved a principle. So almost every nomination here that does not go as a matter of course involves a principle of administration, a policy of administration, a policy of government. Take a few instances.

Take Jay's nomination. Take the removals for political reasons in 1835, when Marcy uttered that famous sentence that "they agree to the rule that to the victors belong the spoils of the enemy." That was in secret session. It arose in secret session upon the question of the confirmation of a nomination. For a knowledge of that important discussion we are indebted to the fact of the removal of the injunction of secrecy in the particular instance, so that Senators might by publication of their speeches let the country know what was said in secret session. They were afterwards written out and published, and thus only we get the information. A great many matters of great public importance have been discussed in secret sessions upon the consideration of nominations that have never gone to the public; the seal of secrecy has never been removed from them. I have heard speeches made in the Senate in secret session which ought to be in every schoolbook in the land, and yet they are sealed by that rule which makes me liable to expulsion if I disclose them.

Without enlarging upon such cases, I instance the nomination of ministers to the Panama Congress, the nomination of directors for the United States Bank, the Kearney nomination, where Mr. Benton, as Senator Hale said in the discussion of this subject in 1853—I suppose he alludes to him—discussed that nomination for three weeks in executive session. It turned upon the policy of the government of the Territory of New Mexico while under a military governor. Take the case of Burnett, now pending; take the case where we confirmed a man nominated to office only a few days ago, the case of Judge Merrick. I ask Senators who were in executive session that day whether it would not be better for this whole people that every word which was said on that occasion should be spread upon the record, whether important principles were not discussed which the people ought to know about.

I have alluded to these instances only to show that except in the cases which go without contradiction, or the very few contested cases which arise upon the record of the candidate, almost all of these nominations involve some important principle of the administration of the Government. What occasion is there for concealment? We hear frequently about the policy of the President. Where is the policy of a President shown more than in the class, the character, the tone of the men whom he nominates for office?

That leads me, Mr. President, to my concluding proposition. The nomination of an Indian commission may involve our whole Indian policy; the nomination of a postmaster may involve the whole policy of civil-service reform; and we never shall have a real, thorough reform of our civil service until the widest possible publicity is given to the methods of presidential nominations and senatorial confirmation. This thing has been going from bad to worse during the hundred years that we have closed up these doors, and the people have become more or less aroused on this subject. They do not believe that the methods of seeking office, of getting office, of making nominations and confirming men to office are calculated to inure to the welfare of this Government, and they want a change. They think they have a right to know by what means men secure nominations and obtain confirmation. They want to know how it is done and why it is done—and they are right.

What is the principle underlying the idea of civil-service reform? I want to say that I believe in that principle. It is that fitness and good character shall be the real primary tests and qualifications for office. Nay, more than that, not only that the man shall be fit and good but that he shall be the fittest and best man obtainable for the office. That is the principle of civil-service reform, and it has no limitations to men who discharge mere clerical duties. It applies to all officers, to the heads of departments, to Senators, to Members of the House, to every man who is nominated by the President, to come before this body for confirmation. The best government is only attainable by the appointment of the fittest and best men. Negative fitness and goodness will not do in this respect. We must have absolute fitness and absolute goodness in the character of our officers or the whole system of republican institutions is in danger.

What was the abuse which has aroused the people in this respect? The abuse was that offices were bestowed as rewards for political service, or adherence to the fortunes of men who could manage appointments; that patronage controlled appointments. That is the reason why men have become earnest in this matter of civil-service reform. How was that carried on? It was carried on by the solicitation of politicians to the appointing power, by recommendations from politicians to the appointing power, by nominations secured by such solicitations, persistent solicitations by politicians, by Senators and Representatives who should act only in a legislative capacity. That was the way it was possible; solicitation privately made, patronage privately dispensed, confirmations secretly accomplished. These are the things which have aroused the people, and Senators know that I speak the truth when I say it.

Has it ceased, Mr. President? In this discussion I exclude the question whether officers should be changed when a political administration is changed. Admit that or deny it, the reason for open executive sessions is still the same. If the officeholders are to be taken from one political party because that party is in power, you still want to get the best and the fittest men in that party, and it is only thus that you can secure the best government by that party.

It is a mockery to speak of civil-service reform as accomplished because 13,000 or 14,000 mere clerks are appointed by competitive examinations and are not liable to be discharged on the change of an administration. We confirm 4,000 men in the Senate, not including military and naval officers, any one of whom has ten, twenty, nay, fifty times the political influence of any clerk who is appointed under the civil-service rules, and how are these men appointed? Go stand on the steps of the White House; see who goes there. Go stand within the library of the President; see how he is persistently approached and solicited to appoint men to office.

I wish to put in a table, which I have obtained as approximately correct from one of the civil service commissioners, showing the number of persons whom we confirm here to political offices:

Memorandum of officers whose appointment is by nomination and confirmation

Department of State:		
Department officers	3	
Consular and Diplomatic Service (about)	800	
		803
Treasury Department:		
Department officers	33	
Collectors of internal revenue	85	
Officers of customs	200	
Mint officers	26	
Supervising inspectors of steam vessels	10	
Assistant treasurers	9	
		363

Interior Department:		
Department officers	21	
Surveyors general	17	
Receivers of land offices	109	
Registers of land offices	109	
Indian inspectors	5	
Indian agents	61	
Pension agents	18	
Territorial governors, 9; Territoral secretaries, 9	18	
Utah commissioners	6	
		364
Post Office Department:		
Department officers	4	
Postmasters	2,248	
		2,252
Department of Justice:		
Department officers	8	
Supreme Court justices	9	
Court of Claims justices	5	
Justices Supreme Court of District of Columbia	6	
Circuit court judges	12	
District judges	54	
District attorneys	69	
Marshals	69	
Territorial judges	29	
		261
Whole number requiring confirmation		4,043

Whole number of civil employees, about 110,000; of these, 52,632 are postmasters. Places subject to civil-service examination, about 15,000, namely, departments at Washington, 6,000; postal, 6,000; customs, 3,000.

Is it possible for a President, no matter how good his intention, how strong his desire may be, to select for officers the best and most capable men even from the ranks of his own party until the present methods are done away with?

Until there shall be some degree of publicity attending the procuring of nominations, until the President shall be in some degree relieved from the solicitations to which he is subjected, until we speak openly in regard to the character of men who get nominations and the official standard of the service to which such men are appointed, this thing will go on. It is a farce and a mockery and a delusion to talk about civil-service reform as an accomplished fact while this goes on.

There is no party consideration in this; either party will be advantaged and neither party can be hurt by the adoption of this resolution. Is patronage no longer known? Can President Cleveland select the best qualified men while the country knows that recommendations are to be hidden and confirmations are to be surrounded by secrecy?

How, then, is civil service to achieve its ultimate triumph? One road and one road only leads to the goal of its perfect success. That road passes through those open doors. Give to the people every opportunity to scrutinize the means, the influence, by which men obtain nominations to office, the causes for which incumbents are removed, the methods by which confirmations or rejections are secured.

While the Senate holds the President to his promised transaction of the business of selection of officials behind glass doors, let it, in the language of Senator Sumner, imitate the example of "the ancient Roman who bade his architect so construct his house that his guests and all that he did could be seen by the world." Then the whole scene will be changed; the man whose character can not stand public scrutiny either at the Executive Mansion or in the Senate Chamber will no longer be a candidate for appointment, or if a candidate he will be an unsuccessful one—offices will then in truth begin to seek the man, for it will be useless for the man to unduly seek the office. Office holding will, as it should in a free government, become honorable and honored.

Bestow the offices as publicly as possible. Let all the people know why and how they are bestowed, and they will see to it that the standard of official life is raised to its highest plane. Still surround the bestowal of office with concealment, with mystery, with secrecy, and the standard of official life will inevitably sink to its lowest level.

Mr. President, this Senate Chamber, constructed as it is to exclude the joyous sunlight and the pure air of heaven, is the most fitting place in which to conduct this business of secretly considering nominations to office. Here the sunlight never enters; here we may never breathe the pure air of heaven; here we languish and sicken and eventually die; here every vital physical and mental energy is impaired if not paralyzed. While we remain we must live in a dungeon.

This Chamber is an architectural failure—I had almost said an architectural outrage; but it has its fair complement in the way we conduct the business here regarding nominations. That conduct is a political failure; it is fast coming to be a political outrage. We can not change the construction of this Chamber, but we can change our method of doing our executive business. Do we wish to restore our political health? Do we desire a new lease of political and beneficent life? Then these doors must be opened. We must let in the light; the "keen, bright sunlight of publicity must illumine our transactions; we must breathe in the pure and vitalizing atmosphere of popular responsibility."

PROPOSED SALE OF UNITED STATES LINES (S. DOC. NO. 218)

Mr. McKELLAR. Mr. President, I ask unanimous consent that the report of the Shipping Board relative to the sale of the United States Lines be laid before the Senate.

The PRESIDING OFFICER (Mr. McNARY in the chair) laid before the Senate a communication from the chairman of the United States Shipping Board, submitting in response to Senate Resolution 317, of January 29, 1929, a report relative to the proposed sale of the United States Lines, and stating, in part, "Inasmuch as the American Merchant Lines combination passenger and cargo vessels are included in the offers for sale and are covered by the bid under consideration herein, the board has included information on the American Merchant Lines as well as the United States Lines."

Mr. McKELLAR. I ask that the report may be referred to the Committee on Commerce and be printed.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

ADDRESS OF PRESIDENT COOLIDGE AT MOUNTAIN LAKE, FLA.

Mr. TRAMMELL. Mr. President, on yesterday at Mountain Lake, Fla., upon the occasion of the dedication of the Bok carillon singing tower, President Coolidge made a most excellent address and one full of interest. I think it would be very proper to have it inserted in the RECORD, and I ask unanimous consent that that may be done.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF PRESIDENT COOLIDGE AT MOUNTAIN LAKE, FLA.

Our country is giving an increasing amount of attention to art. We have reached a time when our people have more leisure for enjoyment and more means for gratifying their taste. Even during its colonial history it was not without some progress in this direction. Very early it produced painters of historic merit. Some of the architecture of the eighteenth century continues to hold a very high place, but with the exception of a few public buildings, these creations were for private use and reached but a few people.

While the United States has been by no means lacking in spiritual vision, and, considering the circumstances of its surroundings, has been remarkable in the devotion of its religious life, yet, being new and undeveloped, it has been necessary for our people first of all to give their attention to the material side of existence. We have been forced to get things done. We have been required to build cities, improve harbors, open mines, cut down forests, lay out great systems of transportation, till the soil, erect factories, open banks, and develop commerce. We have been making a new Nation out of raw materials. What others have done in many centuries we have crowded into the short space of 300 years. It is only in the last generation that the great body of our people have been sufficiently relieved from the pressing necessities of existence so that they could give some thought to the art of living.

It is significant of our institutions and of the spirit of our national life that in the opening up of the new era we have attempted to give to the people at large what in other days had been enjoyed only by a fortunate and privileged few. This effort began with popular education. The free public school, the endowed academy and college, the high school, and the State university were the beginnings of this movement. They have more recently been supplemented by public art galleries, popular concerts for the presentation of the best music, and the opening of innumerable public parks. The useful and the practical are being supplemented by the artistic and the beautiful.

This has been done in no small and niggardly way, but on a vast scale representing an outlay of many hundred millions of dollars.

Many people have given large sums to these purposes, and municipal, State, and national resources have been employed in ever-increasing amounts.

It would be a mistake to suppose that the organization of the material side of existence has been completed. It is more likely that it has only just begun. But it has progressed far enough so that a moderate amount of industry and thrift is all that is needed to relieve the great mass of our people from the pinch of poverty, and when these are supplemented with such training and skill as it is possible for almost anyone to acquire, to raise them to a position of comparative affluence. Above this line there are an increasing number of individuals who have sufficient resources to enable them to minister in a most substantial way to the humanitarian and artistic side of life. Some of the largest fortunes which were ever accumulated in the United States have been almost entirely devoted to such charities.

We can not observe this movement without smiling a little at those who but a short time ago expressed so much fear lest our country might come under the control of a few individuals of great wealth. They claimed that the rich were growing richer and the poor were growing poorer. Our experience has demonstrated that the reverse of this would be much nearer the truth. So many of our people have large amounts of property that it has taken on the aspect of being common. The distinction that it once carried is gone. It is also doubtful if there ever was a time when even great wealth gave its possessors so little power as at present. Their money is of very little value in determining political action. Capital is so easily secured for any promising enterprise that it is no longer necessary to be rich to go

into business, even on an extensive scale. The possession of money has never been sufficient to gain the social attentions of persons of culture and refinement.

On the other hand, the advantages that are enjoyed by people of moderate means, including the great mass of wage earners, were never so great as they are at present. Not only is their income proportionately greater than ever before, but their whole method of life, their opportunities to secure benefits which but a short time ago were the exclusive possession of the rich, have been tremendously increased. I have already referred to the broadening field of education. Another new element is the wide use of the automobile. Whole families are able to have the beneficial results of travel at an outlay which is so small that it is practically within the reach of everyone. Within the last few years the radio has come to afford entertainment and instruction to a great body of our people. Through these instrumentalities the vision has been extended to embrace the wide circle of our rich scenery, and the hearing has been amplified so that it may listen to the eloquence and music of many distant places. Through the medium of the motion picture all that is attractive and instructive in the art of acting and the presentation of scenery is to be had at a very moderate cost. All of this has greatly enriched the life of those who were recently looked upon as poor.

These grounds which we are dedicating to-day are another extension of this rapidly developing movement. It has been designated as a sanctuary because within it people may temporarily escape from the pressure and affliction of the affairs of life and find that quiet and repose which comes from a closer communion with the beauties of nature. We have not secured the benefits which I have enumerated without being obliged to pay a price. The multiplicity and the swiftness of the events with which we are surrounded exhaust our nervous energy. The constant impact upon us of great throngs of people of itself produces a deadening fatigue. We have a special need for a sanctuary like this to which we can retreat for a time from the daily turmoil and have a place to rest and think under the quieting influence of nature and of nature's God.

It is not only through action but through contemplation that people come to understand themselves. Man does not live by bread alone. This thought is expressed in the motto of the sanctuary in the words of John Burroughs: "I come here to find myself. It is so easy to get lost in the world." We are so thickly crowded with the forest of events that there is not only danger that we can not see the trees, but that we may lose our sense of direction. Under the influence of these beautiful surroundings we can pause unhampered while we find out where we are and whither we are going. Those who come here report the feeling of peace which they have experienced. In the expression of an ancient writer, it is a place to which to invite one's soul, where one may see in the landscape and foliage not what man has done but what God has done.

The main purpose of this sanctuary and tower is to preach the gospel of beauty. Although they have been made possible through the generosity of Mr. Edward W. Bok, he does not wish them to be considered as a memorial or a monument. While it has been his purpose to give some expression here to his own love of the beautiful, in form, in color, and in sound, he has also sought to preserve the quiet majesty of the trees, increase the display of coloring in the flowers, and combine stone and marble in the graceful lines of the tower, all in a setting surrounded by green foliage and reflected in sparkling waters over which the song of the nightingale will mingle with the music of the bells.

As the tourist and the traveler in search of recreation and a change from the more rigorous climate of the North come to this wonderful State of perpetual springtime and summer, they can pause and think how much our country can profit by cultivating an appreciation and understanding of the beautiful in nature and in art as they are here combined. The material prosperity of our Nation will be of little avail unless it is translated into a spiritual prosperity. We need a deeper realization of the value and power of beauty. While few have the means to present such a gorgeous display as will here strike the eye and the ear, it is well to remember that beauty is not dependent upon large areas or great heights. Some of the most appealing and fascinating homes in the world are small. They may represent but little outlay and be the abode of people of moderate means, but if there dwells a fine character within it will shine forth and give to all the surroundings a touch of peace and loveliness which the most spacious palace can not surpass.

Wherever communities are formed there is ample opportunity for this kind of expression. Those who visit here can not escape taking away with them an inspiration for better things. They will be filled with a noble discontent which can not fail to react in some degree against all forms of physical and spiritual ugliness. They will go forth as missionaries of the beautiful because of what they have seen and heard. The streets of distant towns will be cleaner. Lawns will be better kept. A larger number of trees will spread their verdant shade over highways and homes. Public buildings will take on more beautiful lines, making life more graceful and more complete. Certainly, we need to put more emphasis on improvements of such a nature.

The influence of an example like this is always contagious. The noticeable improvement of architecture in this country had its inception in the exhibition of the fine buildings of the World's Fair at Chicago. The five years following the fair at San Francisco changed the whole face of the State of California. This combination of influences has resulted in the recent enactments of Congress to span the Potomac with a memorial bridge and adorn the avenues of the Capital City with stately public buildings. Already there is a very healthy and beneficial competition in this field among various cities of the United States. Civic centers are being laid out with spacious squares surrounded by public buildings which will reflect the power and dignity of the beautiful in community life.

This sanctuary and tower are not only endowed with a beauty of their own, but they are a representation of the beneficent spirit of the giver. They are another illustration that the men of wealth of the United States are not bent on the accumulation of money merely for its own sake, or that they may use it in selfish and ostentatious display. A most cursory examination of the facts would soon disclose that our country leads the world in its charities and endowments. It would be difficult to recall any line of endeavor capable of ministering to human welfare, not only in our own country but in many places abroad, which is not being helped by the generosity of our people of wealth. Not only that, but the charities of this Nation stand on a plane which is occupied by them alone. They have never been tainted with any effort to hold back the rising tide of a demand for the abolition of privilege and the establishment of equality, but have rather been the result of a sincere philanthropy. They have not come from any class consciousness; certainly, not from any class fear. They represent in all its beauty and purity the love of man and the desire to benefit the human race. We have a strong sense of trusteeship. While giving every credit to the genius of management and holding strongly to the right of individual possessions, we realize that to a considerable extent wealth is the creation of the people, and it is fitting, as in this case, that it should be expended for their material, intellectual, and moral development.

While there is much to be said for the statement that there is nothing new in the world, there are yet many things that are new in our country. In the Netherlands, Belgium, France, and England the carillon has been in existence for hundreds of years. It goes back to the fourteenth century. In the Netherlands, which supplied the inspiration for this singing tower, a community that does not have a carillon is not regarded as complete. While in the United States we have always been accustomed to the bells of the churches, and later to their use in transportation and industry, yet the carillon has been very little appreciated. Only a few have been built. This singing tower only brings our entire number up to 30. It will take its place, therefore, of giving our people what is to them a comparatively new form of music, as they have the pleasure of listening to its melodious cadence. It contains 61 bells and is the largest and heaviest ever cast in a single order. So intricate is the task of turning them out perfectly tuned and in complete harmony that their construction has taken nearly a year. The people of this locality have already been listening to them, and in the future the beauty of their song will impress itself upon the endless line of coming generations. As they gaze upon the structure which holds them and are moved by their music, it will all blend in one harmonious whole; and more and more they will realize the significance of the designation given to such structures by the Dutch of "singing tower."

This wonderful work with all its loveliness of form, of color, and of sound, is another evidence of the breadth and completeness of the life of our Republic. We should find, if we sought for it, a considerable literature undertaking to prove the necessity of a ruling class for national political well-being and the need of a privileged nobility as the best method of providing for the cultural and artistic life of a people. It is not to be denied that under such a system, when tempered with a wholesome regard for liberty under the law, there has been great progress. But in many respects it is of a narrow and limited nature. The brilliance at the top of the social structure has always been insufficient to furnish light for the great mass of the people. When we erected our institutions on the basic theory of equality our ability under such conditions to produce the finer things of life was immediately challenged. The correctness of our theory has been more and more demonstrated by the course of events. We have been able to raise up individuals who stand out in history undimmed by any comparisons to which they can be subjected. Our artistic growth has been constant and in its individual examples and its general application is not excelled by any other people. In its main purpose to create a nation and increase intelligence, stability, and character our Republic has met with unexampled success. It has been thoroughly demonstrated that the principle of equality is sound. Our institutions have endowed our people with insight and vision. The individual has been developed, the Nation has become great. The belief that there is nothing which our people can not do, and no power which our people ought not to have, has been the main source of our progress. Faith in our people stands vindicated beyond further discussion. Into their hands we have entirely intrusted the future destiny of our Nation.

It is a trait of human nature to wish to personify its ideals. This is the chief reason that the kingly office continued to exist after it had served its main purpose of being sufficiently skilled in military leadership so as to increase the order and security of the country. The people found it easier to have their conception of sovereignty embodied in a personality. The monarch reflected the greatness which came from them. It was very seldom that he created it. It was much easier under those circumstances to secure a response when calling on the people to make sacrifices for the national welfare. They felt they were doing it for the king. They could see him in person and hear his expression of approbation. For his glorification not only were men willing to take up arms, but they found in him an inspiration for their art. Their music, their literature, their sculpture, and their painting dealt with royal subjects. Even Shakespeare gave royal titles to a number of his productions.

In the course of long human experience actions of this nature are not accidental. If they did not serve some useful purpose in the development of the race, either they would not have occurred at all or would have been of a transitory nature. They persisted because they gave the people a better conception of the abstract idea of national unity and national sovereignty. Even when our own Constitution was adopted this idea was so firmly intrenched that it was with great difficulty and hesitation that the people of that period were able to cast aside the idea of a personal sovereignty. That they did so stamped their action as extremely revolutionary. But finally our Nation and our States have planted themselves squarely and securely on the theory that all the powers of government emanate from the people. They stand as our sovereign. They are our national monarch. That act was a recognition of their own inalienable nobility.

Gradually, for complete revolutions do not occur in a day, we have transferred our allegiance to the people. It is for them that our songs are made, our books are published, our pictures are painted, our public squares are adorned, our park systems are developed, and the art of the stage and the screen is created. While these things are done by individuals, this movement is "of the people, by the people, and for the people." It is no accident that this superb creation which we are dedicating to-day is the conception of a man whose only heritage was that of good breeding, an American by adoption, not by birth, who has felt the pinch of poverty, who has experienced the thrill of hard manual labor, and who has triumphed over many difficulties.

Edward W. Bok is making this contribution in recognition of his loyalty to his sovereign—the people. It is another demonstration that when they are given the opportunity the people have the innate power to provide themselves with the wealth, the culture, the art, and the refinements that support an enlightened civilization.

Now, therefore, in a spirit of thankfulness for the success of our institutions, which is here attested, and appreciation of the munificent generosity which is here exhibited, in my capacity as President of the United States I hereby dedicate this Mountain Lake Sanctuary and its Singing Tower and present them for visitation to the American people.

ST. PAUL FEDERAL LAND BANK

Mr. BLEASE. Mr. President, I ask unanimous consent to have printed in the RECORD an article from the St. Paul Pioneer Press of Tuesday, January 22, 1929, relative to the St. Paul Federal Land Bank.

The PRESIDING OFFICER (Mr. GEORGE in the chair). Without objection, it is so ordered.

The matter referred to is here printed, as follows:

[From the St. Paul Pioneer Press, St. Paul, Minn., Tuesday, January 22, 1929]

PAUL A. PREUS AND OFSTHUN INDICTED HERE—FORMER OFFICIALS OF LAND BANK ACCUSED OF $50,000 PLOT—BOND FIXED AT $10,000—FORMER GOVERNOR'S KIN ARRAIGNED BEFORE UNITED STATES DISTRICT JUDGE SANBORN

Paul A. Preus and Thomas O. Ofsthun, former high officials of the St. Paul Federal land bank, were disclosed Monday as having been indicted on conspiracy charges when Mr. Preus, a brother of former Gov. J. A. O. Preus, surrendered to the United States marshal here.

Mr. Ofsthun will surrender, his attorney announced. Both were indicted secretly Saturday on charges of conspiring to misappropriate more than $50,000 of the bank's funds in land deals approximating $1,000,000. The indictment brings the number of officials charged with criminal activities to four.

Preus, former treasurer of the land bank, was arraigned before United States District Judge John B. Sanborn immediately following his surrender. He pleaded not guilty and the $10,000 bond was set by the court.

BONDS FIXED AT $10,000

Mr. Preus resigned as treasurer of the Federal land bank in July, 1926. Mr. Ofsthun resigned as assistant treasurer in April, 1923. He no longer was connected with the institution when the alleged defalcations took place, but served as secretary of the State rural credits commission.

Preus appeared with Harry Weiss, his attorney, at the office of L. L. Drill, United States district attorney, and was taken before Federal Judge John B. Sanborn for arraignment. He pleaded not guilty to the charges and his bond was set at $10,000 which was furnished.

Mr. Weiss announced that he also is attorney for Ofsthun and that the latter, who is out of the city, will appear and give himself up, probably Tuesday. Preus and Ofsthun have been associated in business in Cleveland since investigation of the bank's affairs began more than a year ago. Their families live in St. Paul.

CARRIES 2-YEAR TERM

Penalty for conviction on the charges against Preus and Ofsthun is two years in Leavenworth Penitentiary or a fine of $10,000, or both.

Through his attorney, Mr. Preus authorized the following statement after his arraignment:

"We have not had the opportunity to learn the details of the charges against Mr. Preus, and until we do so we will be unable to make a definite statement. But any transactions in which he was involved were approved by the board of directors of the Federal land bank.

"When all the facts are brought out, these transactions will be found to be in the best interests of the bank. And when all the facts are brought out it will be found that Mr. Preus can fully account for any money involved in transactions in which he was concerned at the bank."

CLOSES LONG INQUIRY

The indictment and surrender culminated one of the most far-reaching and startling investigations ever conducted by the Federal Government here. James A. Wharton, assistant United States district attorney, was in charge of the investigation.

H. J. Speeter, also a former assistant treasurer of the bank, and John E. Martin, former general counsel, were indicted by a Federal grand jury here last spring on charges of defrauding the institution of approximately $5,000. They are awaiting trial.

Administration of the land bank's affairs by its present officials is in no way connected with the investigation or the indictments against the former officials, and H. K. Jennings, former president, also is said to have been cleared of blame.

The indictment naming Preus and Ofsthun reveals an intricate system of alleged misappropriation and accuses them of 11 overt acts, through which they are alleged to have carried out the conspiracy. In the alleged overt acts they are charged with misappropriating, between September 9, 1925, and May 8, 1926, the sums of $1,235.35, $11,853.55, $2,274, and $37,447.60, totaling $52,828.50.

The history of their alleged operations was made public at the office of the United States district attorney.

FORECLOSURE DEALS CITED

Preus became treasurer of the St. Paul Federal land bank in December, 1917. Ofsthun's connection with the bank began the same year, but he was not appointed assistant to Mr. Preus until 1918. As assistant treasurer Ofsthun became familiar with the fact that the bank sells farms it obtains under foreclosure.

In 1922 Ofsthun became heavily indebted to Preus through the failure of the Hingham State bank they had reorganized at Hingham, Mont. When Ofsthun resigned as assistant treasurer of the Federal land bank here in 1923 he was appointed secretary of the Minnesota Rural Credits Bureau.

He continued as secretary of the credits bureau until July 1, 1925. Shortly after that he asked Preus to obtain a position for him at the land bank. Preus told him that none was open at the time. At this meeting, however, according to Government investigators, Preus assured Ofsthun that he would be "taken care of," whether or not there was a position open at the bank.

OFFERED TO BUY FARMS

In August, 1925, Ofsthun offered to purchase from the bank for $250,000, 94 North Dakota farms it had obtained under foreclosure. With his offer he inclosed a $15,000 check as part payment. The offer was accepted, after which Ofsthun immediately assigned his interest in the farms to E. W. Backus, millionaire Minnesota lumberman.

Meanwhile the Investment Land Corporation had been formed by Backus and Frank Thompson, widely known St. Paul politician. Ofsthun was made secretary of the corporation, and Backus's interest in 91 of the 94 farms was assigned to the corporation.

Ofsthun appraised the land for the Investment Land Corporation and was paid for his services by that company. In September, 1925, he presented a bill of $1,253.35 to the land bank for the same services. The bill was approved and paid by Preus as treasurer of the bank.

The same month back rentals on the farms totaling nearly $23,000 were paid to the bank. In the purchase contract between the bank and the Investment Land Corporation no mention was made that a portion of this sum be paid the corporation. The indictment charges, however, that $11,853.55 of this sum was paid by the bank to Ofsthun at the direction of Preus.

Several foreclosed farms then were sold by the bank through sources other than the land corporation, although Ofsthun was paid $2,274 by the bank as commission for selling them.

Early in 1926 the Midwest Farms Corporation was formed by the Backus-Thompson interests to purchase more foreclosed farms from the bank. Ofsthun, already secretary of the Investment Land Corporation, also became an employee of the new company.

In February, 1926, Ofsthun offered the bank $250,000 for 106 foreclosed farms. Soon after this the Midwest Farms Corporation offered the bank $275,000 for the same farms and the offer was accepted. Ofsthun then informed Preus that he (Ofsthun) was entitled to $25,000 as commission on the deal.

This transaction was followed by the sale by the bank of 24,000 acres of foreclosed land, valued at several hundred thousand dollars. Ofsthun then presented a bill to the bank of $12,447.60 in commission he asserted he was entitled to in the sale of the 24,000 acres.

Preus allowed both the $25,000 and $12,447.60 bills and sent Ofsthun a check for $37,447.60, according to the indictments. Ofsthun was out of the city when he received the check. He immediately sent the check to a St. Paul bank with instructions that Government bonds be purchased for the amount. On May 28, 1926, the day Ofsthun received his receipt for the bonds, Preus obtained a safety deposit box in a St. Paul bank. Ofsthun had a safety deposit box in another St. Paul bank, but was deputized to open Preus's box.

PAID $37,447.60 ON TWO DEALS

Shortly after this the Midwest Farms Corporation learned that Ofsthun had been paid $37,447.60 as commission on the two deals and that he had invested the sum in bonds. The corporation alleged that it was entitled to this commission and Thompson demanded the bonds from Ofsthun.

Thompson and Ofsthun then went to Ofsthun's deposit box and took from it a sealed package. A few minutes later they obtained a similar package from Preus's box. The packages were placed in Thompson's possession.

Reports of illegal transactions in the land bank here reached the Federal Farm Loan Board at Washington. Early in 1928 two bank examiners for the board informed Assistant District Attorney Wharton that they had disclosed evidence of fraud at the institution.

Mr. Wharton then took charge of the investigation and at his request Department of Justice operatives and Government accountants were assigned to the case. Mr. Wharton and Mr. Drill had numerous conferences on the matter with the Farm Loan Board and with Attorney General Sargent in Washington.

Assistant Attorney General O. H. Luhring and two special assistants to Attorney General Sargent assisted Mr. Wharton in presenting the case to the grand jury here last week. The special assistants were Oliver E. Pagan and William F. Stern, nationally known indictment experts.

Presentation of the case began Tuesday and ended Thursday. Witnesses who testified before the body included Mr. Backus, Mr. Thompson, and Miss Myrtle Cunio, of Cleveland, former private secretary to Mr. Preus.

Mr. Wharton gained national recognition in 1927 when he obtained indictments of six former officials of the Southern Minnesota Joint Stock and Land Bank of Redwood Falls.

INTERPRETATION OF MULTILATERAL TREATIES

Mr. BORAH. Mr. President, I have asked the Senator from Nebraska [Mr. NORRIS] to yield to me for a moment to read into the RECORD a statement from the American Journal of International Law with reference to the interpretation of multilateral treaties. There was much discussion during the debate on the multilateral treaty as to the correct interpretation of treaties and as to the effect of the notes upon the part of Great Britain, France, and other countries upon the treaty.

This is an article by Quincy Wright, one of the board of editors of the American Journal of International Law. I think there are several paragraphs which the Senate would be glad to have in the RECORD. In the first place, he says that with reference to bilateral treaties a different rule obtains touching the construction of the same and the effect of notes upon the construction than to a multilateral treaty, and then he says:

With respect to multilateral law-making treaties, however, it is not common to utilize preliminary materials except in so far as incorporated in reservations formally attached to the instrument on signature or ratification and accepted by the other parties to the convention. During the World War the French prize court even refused to accept the report of the drafting committee as a conclusive interpretation of the declaration of London. "The clear and precise provisions of an article which the state had adopted, though the declaration itself had not been ratified, could not be weakened by any extraneous document." In the Tunis nationality decrees case the Permanent Court of International Justice paid no attention to peace-conference discussion introduced by France in support of a particular interpretation of paragraph 8, article 15, of the League of Nations covenant. Instead, the paragraph was interpreted by textual analysis and general principles of law. The same was true with respect to the Rumanian effort to interpret the definitive statute of the Danube by preliminary material. The court recalled "that preparatory words should not be used for the purpose of changing the plain meaning of the text," and refused to consider confidential preparatory material at all. The league council has expressly ruled that reservations to multilateral treaties must be made at signature and can not be attached to accessions. The International Labor Office has similarly ruled that labor conventions resulting, as they do, from a process assuring proper consideration of the interests not only of states but of industrial classes, must be considered as ne varietur documents. Multilateral treaties have sometimes by their own terms prohibited reservations or permitted them only for specified articles. The misunderstandings which would result from reservations or interpretations of such treaties, made in any but the most formal manner and with full opportunity for consideration by the ratifying authority in all the states, has been fully appreciated.

Thus, with respect to interpretation it seems both reasonable and in accord with practice to regard treaties between two or a small number of states as analogous to contracts, while multilateral law-making treaties bear more resemblance to statutes. The latter analogy seems especially applicable to multilateral treaties open to general accession, since the acceding states are usually officially cognizant only of the text and formal reservations and can not be supposed to have accepted interpretations suggested in the preliminary conversations of the original negotiators.

The Kellogg pact is not in precisely this class, because even the acceding powers have, though rather informally, been apprised of the preliminary correspondence. Thus it can not be said that the interpretative notes are without weight. The manner of their presentation and the express or tacit acceptance of most of them by the original signatories precludes such a conclusion. It is believed, however, that they are to be treated merely as evidence of the sense of the text and not as modifications of or exceptions from it, or even as conclusive interpretations.

Preliminary correspondence in regard to a draft treaty may attempt to modify the obligations of all the parties, modify the obligations of particular parties, or interpret the text. The first and second can, it is believed, be done, at least in the case of a multilateral treaty, only by a formal amendment or reservation accepted by all the parties, and if the notes do not acquire that status, they have no effect upon the text which has received formal ratification. Notes purporting merely to interpret the text may, of course, be formally accepted as reservations, in which case they are as binding as the text. They are, in fact, "authentic" interpretations. If they do not acquire this status, their importance depends on the character of the negotiation. In the case of bilateral treaties, such notes, if accepted or not protested by either party, have been regarded as authoritative. They indicate the meaning intended by the parties. In the case of multilateral treaties, however, there is a strong presumption that the terms of the text have the established meaning recognized throughout the family of nations. Such notes may furnish evidence of that meaning, but they are not conclusive of it.

In the present case it does not appear that any of the notes were intended either to amend the text or to give a privileged position to any of the parties. The only one suggesting such an intent is that in which Great Britain calls attention to:

"Certain regions of the world, the welfare and integrity of which constitute a special and vital interest for our peace and safety. His Majesty's Government have been at pains to make it clear in the past that interference with these regions can not be suffered. Their protection against attack is to the British Empire a measure of self-defense. It must be clearly understood that His Majesty's Government in Great Britain accept the new treaty upon the distinct understanding that it does not prejudice their freedom of action in this respect. The Government of the United States have comparable interests, any disregard of which by a foreign power they have declared that they would regard as an unfriendly act. His Majesty's Government believed, therefore, that in defining their position they are expressing the intention and meaning of the United States Government."

Though this may seem to assert a special privilege for Great Britain and the United States, it can readily be read as an interpretation (reasonable in the light of article 21 of the league covenant) that action in pursuit of any internationally recognized "regional understandings" is not within the prohibition of the treaty. The gist of the other notes was summed up in Secretary Kellogg's address to the American Society of International Law on April 28, 1928, as simply the application of established international law to the text of the treaty, and the address was sent to the powers on June 23, 1928, with the invitation to sign.

Thus, while it is believed the importance of the notes lie in the evidence they give of the interpretation which international law would accord to the text, in the opinion of the writer little exception can be taken to their interpretation. It would seem that use of force in self-defense, in pursuance of internationally recognized regional understandings, in fulfillment of guarantees recognized by treaty, or against a state which has itself resorted to war in violation of the pact, is not a resort to war "for the settlement of international controversies" or "as an instrument of national policy." (From the January, 1929, issue of the American Journal of International Law; by Quincy Wright, of the board of editors, pp. 103–106.)

Mr. JOHNSON, Mr. BINGHAM, and Mr. WALSH of Montana addressed the Chair.

The VICE PRESIDENT. Does the Senator from Nebraska yield; and if so, to whom?

Mr. NORRIS. I yield first to the Senator from California.

Mr. JOHNSON. I wish to ask the Senator to yield for a question to the Senator from Idaho.

Mr. NORRIS. I yield for that purpose.

Mr. JOHNSON. Does the Senator from Idaho agree with the interpretation and the conclusions of the writer?

Mr. BORAH. No; not in detail, but I do agree that a different rule applies to multilateral treaties than applies to bilateral treaties. I go further than the author as to the ineffectiveness of the notes.

Mr. MOSES. Mr. President, I was not here when the Senator began reading. Who was the writer?

Mr. BORAH. Quincy Wright.

Mr. MOSES. Having heard from Mr. Quincy Wright in full, I suppose when the treaty comes up for interpretation we will hear from others.

Mr. BORAH. Very likely, and undoubtedly of great authority.

Mr. NORRIS. I yield now to the Senator from Connecticut.

Mr. BINGHAM. I was merely going to ask a similar question.

Mr. NORRIS. Then I yield to the Senator from Montana.

Mr. WALSH of Montana. Mr. President, I am not fully advised, so I inquire, who is Mr. Quincy Wright?

Mr. BORAH. He is one of the editors of the Journal of International Law.

CONSTRUCTION OF CRUISERS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

The VICE PRESIDENT. The Senator from Nebraska [Mr. NORRIS] is entitled to the floor.

Mr. HALE. Mr. President, I ask unanimous consent that certain resolutions and communications which I now present from various associations and societies in favor of the passage of the cruiser construction bill may be printed in the RECORD and lie on the table. There are about 10 of them.

There being no objection, the communications and resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

The following resolution was unanimously passed at the fourth annual Women's Patriotic Conference on National Defense, held in Memorial Continental Hall, Washington, D. C., at which 38 patriotic organizations were represented by 684 delegates:

"*Resolved*, That it is the sense of the Women's Patriotic Conference on National Defense, consisting of 38 patriotic organizations in convention assembled, that we unqualifiedly support the program for naval defense, namely, fifteen 10,000-ton cruisers and one airplane carrier, same to be laid down in a 3-year time limit (1931), and that we demand its immediate adoption."

LUCY R. D. FICKLEN,
Chairman Women's Patriotic Conference on National Defense.
GRACE H. BROSSEAU,
President General National Society,
Daughters of the American Revolution
Mrs. THOMAS SPENCE,
President American War Mothers.

ORGANIZATIONS PARTICIPATING IN WOMEN'S PATRIOTIC CONFERENCE ON NATIONAL DEFENSE, JANUARY 29, 30, AND 31, 1929

American Gold Star Mothers.
American Legion Auxiliary.
American Veteran and Allied Patriotic Organizations.
American War Mothers.
American Women's Legion.
Auxiliary to Sons of Union Veterans of Civil War.
Bergen County Women's Republican Club of New Jersey.
Colonial Daughters of the Seventeenth Century.
Daughters of the Cincinnati.
Daughters of the Colonial Wars (Inc.).
Daughters of the Union Veterans of the Civil War, 1861–1865.
Government Club of Chicago.
Government Club of New York.
Ladies' Auxiliary, Veterans of Foreign Wars of the United States.
Ladies of the Grand Army of the Republic.
Law League of Kansas.
National Auxiliary, United Spanish War Veterans.
National Society, Colonial Daughters of America.
National Society of Colonial Descendants of America.
National Society, Dames of the Loyal Legion.
National Society, Daughters of the American Colonists.
National Society, Daughters of the American Revolution.
National Society, Daughters of Founders and Patriots of America.
National Society, Daughters of the Revolution.
National Society, Daughters of the Union, 1861–1865.
National Society of New England Women.
National Society, Patriotic Builders of America (Inc.).
National Society, United States Daughters of 1812.
New York City Colony, National Society of New England Women.
Service Star Legion (Inc.).
Society of Sponsors of the United States Navy.
The Guadaloupe Club, 1848.
The National Patriotic Council.
The National Women's Relief Corps.
Women's Naval Service.
Women of Army and Navy Legion of Valor, United States of America.
Women's Overseas Service League.
Woman's Constitutional League of Virginia.

NEW YORK, N. Y., *January 29, 1929.*

Hon. FREDERICK HALE,
Chairman Committee on Naval Affairs,
United States Senate, Washington, D. C.:

The National Association of Manufacturers and National Industrial Council, representing thousands of industrialists in every State of the Union, has the largest investment in permanent peace, but we realize that adequate protection for our expanding commerce and respect for our position in the world demand reasonable naval defense. Without it, we can not feel secure. Our utter lack of preparedness cost our taxpayers in the last war, according to the estimates of the President of the United States, $170,000,000 a day. We urge, in the name of reasonable security, immediate passage of the naval bill which you are presenting with such admirable skill. In this statement I express the assured sentiment of the great body of American manufacturers. The goal is peace, but we realize the practical necessity for adequate protection.

JOHN E. EDGERTON,
President National Association of Manufacturers
and Chairman of National Industrial Council.

AMERICAN MARINE MUTUAL ASSOCIATION
OF MASTERS, MATES, AND PILOTS (INC.),
Boston, Mass., January 3, 1929.

Hon. FREDERICK HALE,
Chairman Senate Committee on Naval Affairs,
Washington, D. C.

DEAR SENATOR HALE: The bill now pending in Congress for the construction of fifteen 10,000-ton cruisers has aroused the deepest interest in the minds of the masters and licensed deck officers of American merchant ships.

The lessons of the past are still fresh in their memory. They know from actual experience what happens to the merchant ships of a neutral nation when any of the great maritime powers are at war with each other. It would seem that having surrendered superiority in battleships, gained at an enormous cost, we ought not to be asked to accept an inferior position in cruiser tonnage, thus placing our ocean-borne commerce at the mercy of any nation possessing greater sea power than our own.

No sane person, be he landsman or sailor man, desires to see war, with all its attendant losses and horrors, but rather do we believe that the best guaranty of peace is to be found in the ability to protect ourselves from unjust aggression at sea through unlawful seizure of our merchant ships by European belligerents.

It is the unanimous opinion of the members of our association that the enactment of this bill will tend to promote peace rather than to provoke war.

DENIS MCCARTHY, *President.*
ALBERT J. MONROE, *Secretary-Treasurer.*

MILITARY ORDER OF FOREIGN WARS OF THE UNITED STATES.
NATIONAL COMMANDERY,
New York, N. Y., December 24, 1928.

CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
United States Senate, Washington, D. C.

DEAR SIR: I trust that immediate favorable action will be taken on the cruiser bill, and that nothing will be done to emasculate this absolutely necessary safeguard. The Military Order of Foreign Wars stands firmly behind any step which helps toward the prosperity and protection of our country.

Respectfully yours,

WM. SEAMAN BAINBRIDGE,
Commander General.

NEW YORK CITY, *January 5, 1929.*

(Mrs. Calvin Coolidge, honorary chairman; Miss Maude Wetmore, chairman; Mrs. Rogers H. Bacon, secretary; Miss Anne Morgan, treasurer; Mrs. Coffin Van Rensselaer, executive secretary)

Hon. FREDERICK HALE,
United States Senate, Washington, D. C.

MY DEAR SENATOR HALE: At a meeting of the executive council of the woman's department of the National Civic Federation assembled in New York on January 3, 1929, the following resolution was adopted:

"Whereas a navy adequate for the national defense is essential to the development and safety of the Nation; and

"Whereas the President of the United States has stressed the need for greater cruiser strength: Therefore be it

"*Resolved*, That consistent with the established policy of the woman's department on national defense, the council indorses the naval construction bill pending in the Senate of the United States, and urges its prompt passage unamended."

Sincerely yours,

MAUDE WETMORE, *Chairman.*

THE DISTRICT OF COLUMBIA SOCIETY OF THE ORDER OF THE FOUNDERS AND PATRIOTS OF AMERICA,
Washington, D. C., January 24, 1929.

Hon. FREDERICK HALE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The Washington, D. C., Society of the National Association of Order of the Founders and Patriots of America adopted the inclosed resolution at a recent meeting. We will be pleased to have you present it to the Senate and have it inserted in the CONGRESSIONAL RECORD. The Order of Founders and Patriots has some 8,000 members.

Very truly yours,

EDWARD NELSON DINGLEY,
Governor of Washington, D. C., Society.

WASHINGTON, D. C., *January 22, 1929.*

Resolved, That the Washington Society of the Founders and Patriots of America urge the prompt passage of the bill now before the United States Senate providing for the construction by the Government of 15 cruisers and 1 aircraft carrier. National defense is vital to the future safety and welfare of the United States of America.

EDWARD NELSON DINGLEY,
Governor.

SAMUEL HERRICK,
Past Governor.

D. B. AXTELL, *Secretary.*

RESERVE OFFICERS' ASSOCIATION OF THE UNITED STATES,
January 4, 1929.

Senator FREDERICK HALE,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: The Reserve Officers' Association of the United States, with a membership of more than 26,000 officers, and which is the representative organization of the 115,000 reserve officers of the Army of the United States, is deeply interested in all matters pertaining to the defense of this Nation. We are, therefore, vitally concerned about the enactment into law at this session of Congress of the cruiser bill, providing for 15 additional cruisers for our Navy. We have given careful study to the subject of our Navy's needs and are familiar with the terms and at least some of the results of the disarmament conference held at Washington. We are so thoroughly convinced as an association that this bill should be speedily enacted into law we have made it, upon our own initiation, a major consideration in our legislative program for this session of Congress.

I am confident I express the practically unanimous sentiment of the Organized Reserves, which in time of war constitutes about 85 per cent of our entire land forces, when I say that the passage of the cruiser bill is of the greatest importance to an adequate national defense and the future welfare of this country. Permit me, therefore, to urge you, and through you the Senate of the United States, to cause the passage of this important legislation without unnecessary delay.

The land forces of the country must have the cooperation of an adequate naval force in time of emergency. Therefore naval inferiority weakens the entire defense scheme to the success of which this association is dedicated.

Sincerely yours, ROY HOFFMAN, *President.*

THE DISABLED AMERICAN VETERANS OF THE WORLD WAR,
LEGISLATIVE AND REHABILITATION DEPARTMENT,
Washington, D. C., December 20, 1928.

Hon. FREDERICK HALE,
Chairman Naval Affairs Committee, United States Senate,
Washington, D. C.

MY DEAR SENATOR HALE: On the eve of the consideration of this matter of supreme importance to the American national defense, I desire to record the vigorous support of the Disabled American Veterans to the naval construction bill.

Composed exclusively of men who still carry the disabilities of their World War service, we feel that the Disabled American Veterans are particularly qualified to speak with authority on the necessity of proper preparedness.

The organized disabled men of this country are unitedly behind the Kellogg pact as a movement toward lessening the chances of war, but we see no inconsistency in the maintenance of proper protection at sea merely because we are cooperating in the hope of removing the probability of further armed conflict.

Upon the construction of a modern fireproof building one of the first actions taken by the owners is to sign policies covering fire insurance, and the Disabled American Veterans feel that proper preparedness under our Constitution no more invites war than insurance invites fire.

Well-meaning but misled groups, under the skillful leadership of those who would dull the national conscience by their false heresies of internationalism, are prepared to Chinafy this country by weakening or destroying our forces of protection, so, as you enter the battle for our naval defense I am taking this opportunity to assure you of the appreciation and support of tens of thousands of men who still bear the scars of their national service.

Cordially yours,

MILLARD W. RICE,
National Commander Disabled American Veterans.

NATIONAL HEADQUARTERS,
UNITED SPANISH WAR VETERANS,
Washington, D. C., January 28, 1929.

Hon. FREDERICK HALE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: By direction of Commander in Chief William L. Grayson I am inclosing for your information a resolution urging upon the Senate the necessity for the immediate passage of the cruiser bill. This resolution was adopted at a meeting of the national legislative committee of the United Spanish War Veterans held in Washington, D. C., Monday, January 21.

Yours very truly,

[SEAL.] JAS. J. MURPHY,
Quartermaster General.

Resolution adopted by national legislative committee, United Spanish War Veterans, January 21, 1929

Whereas our lack of preparedness upon entering the war with Spain caused untold hardships and much needless sacrifice of lives; and desiring to profit by the lessons of that experience by being better prepared in case of another war, we embodied in the fundamental law of our organization a clause "constantly to exert an influence to the end that our Government at all times shall provide an adequate defense"; and believing that our national security is again endangered because of the present lack of preparedness when compared to that of other countries, and believing the passage of the cruiser bill now pending before the United States Senate would be in no sense a war gesture, but only an effort to provide for long-delayed and necessary replacements to our Navy: Therefore be it

Resolved by the national legislative committee of the United Spanish War Veterans, That we respectfully urge upon the United States Senate the necessity for the immediate passage of the cruiser bill.

Mr. HALE presented numerous letters, papers, and telegrams in the nature of petitions from various civil, military, and patriotic organizations and citizens, praying for the prompt passage of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, which were ordered to lie on the table.

Mr. NORRIS. Mr. President, when the Senate took a recess last night I was making some remarks relative to the international race in the building of naval armaments. I would like to call attention to the fact that the building of naval vessels has been for a great many years and still is in a state of continual improvement, resulting in increasing the efficiency of all naval armaments and vessels. In a naval war there is an advantage with the country having the newest naval vessels. If we should delay the construction of the naval vessels provided for in this bill we would be able to build better vessels on account of that delay than would be built if construction were undertaken now under the terms of the bill. Therefore it seems to me, inasmuch as everybody admits there is no danger of war or conflict with any other nation, that we should lose nothing by a delay, and that the proposition to strike out the time limitation in this bill ought to receive favorable consideration. Even though we are in favor of building all the vessels provided for in the bill, if by delay we can obtain more efficient and better vessels and profit by Great Britain or other

countries pursuing immediately their building program, we ought, it seems to me, avail ourselves of the opportunity.

We have all read in the newspapers, no doubt, in the last few days of a cruiser which it is said is about to be constructed in Germany which is so far in advance of all the cruisers now in existence that it would have no difficulty in putting out of business quite a number of cruisers of the same size. That may not be true; I do not know anything about it except what I have read in the press; but it is a matter of common knowledge that the newest vessels are much superior in efficiency to those which have been previously built. A ship that was built yesterday is surpassed by the one that is built to-day, and the one that is constructed to-day becomes almost obsolete in comparison with the one that may be constructed to-morrow. So a delay, particularly when there is no danger involved, in the construction of these ships ought to give us a better navy and a more efficient fleet of ships than if we provided for their immediate construction.

Mr. President, wars do not just happen; they are made; they are the result of the actions of nations. They are not accidents; they come as a logical result of the conduct of nations in time of peace. There would have been no World War if Germany and Great Britain and France had not been armed to the teeth. It is perfectly natural, it is perfectly human, that when men or nations continue to arm themselves, to increase their armaments in a race with each other, ultimately they will come into conflict. It seems to me that if the world continues its present course in providing armaments, the result, as demonstrated by the history of the past, must be ultimately another World War. I do not know when; I do not know how soon; but nations can not violate the universal law of human nature without suffering the consequences. The naval vessels being built by one nation because some other nation is building naval vessels will result in a third nation building naval vessels and increasing its armament; that will result in the fourth nation taking the same course; and then the first nation, her ships being somewhat obsolete and out of date, will have to commence another circle. So the nations of the world travel around and around in a circle, piling up armaments, creating new instruments of human destruction, inventing new ways of taking human life, and eventually, with a chip on the shoulder of every nation in the world, one gets knocked off and the conflagration commences, as it did in the World War. That would not happen without these superarmaments; that would not take place if it were not for the suspicion that is aroused all over the world by the various nations adopting new methods of warfare and laying down new forms of ships, built for the purpose of destroying human life and property.

We can not avoid that suspicion. One has only to read the newspapers to know that this process is going on now. It is common knowledge everywhere in the civilized world that each nation is watching every other nation, and the course they will pursue will depend upon what other nations shall do. Unless some nation breaks this vicious circle, and says to the world, "We want to put an end to this unnecessary expenditure of public funds," which, if it does not bring a world conflagration, will bring a world subdued and bowed in poverty from taxation alone, no one can foresee what the result may be.

No nation is better qualified or equipped to make that proposition to the world than are we. Occupying the position that we do, with our financial resources, and with a Navy equal to any other navy in the world, unless it be the navy of Great Britain—and as to that there is an honest dispute and disagreement—with no cloud of danger upon the world's horizon, running no risk to our safety and running no risk in any way, we should make the move. All the civilized peoples of the world are waiting for such a move, the common people of every civilized nation on earth are now hoping that America may take the step.

Mr. President, a few days ago we ratified the peace treaty, which, in substance, binds us, as it will bind every other nation which may ratify it, not to use force or go to war to settle disputes that may arise in the future. If we should pass this bill, it would follow, it seems to me, that we would be proceeding on the theory that either we or some other nation or nations are going to violate that treaty; we would be proceeding on the assumption that that treaty is not going to be lived up to by the nations of the world. We are not willing to admit that we are going to violate it; we are not even willing to charge openly that any other nation, naming the nation, is going to violate it; but we are going on the assumption that some nation will violate it, and, hence, it will be of no account. Let us go on the other assumption just for a moment and see what the result will be. Let us assume for the moment that the civilized nations of the world that enter into that treaty are doing so in good faith, are going to obey its mandates, are going to abide by the solemn agreement which they make; take that assumption, and what would be the result?

Assuming that they will all ratify it, as I presume they will, it follows that war between civilized nations will disappear; that war will no longer be an element in the settling of international disputes; that standing armies and huge navies will be useless and of no account; that the world will be able to save the money which is now being expended for armaments and for navies and use it for other purposes or permit the people to keep it in their pockets. Is no that as fair an assumption as to assume that the treaty is only a scrap of paper and is not going to be obeyed?

Why should we select this treaty, framed on the beneficient theory of bringing about peace among the nations, and say it is going to be violated? We here ratify by the dozen treaties with the various nations of the world, and we ratify them on the assumption that the signatories are going to keep their word and are going to abide by the agreements which they thus make. Such agreements are harder to keep than the agreement contained in the so-called multilateral treaty. That is the easiest agreement to keep that has ever been made in the history of the civilized world. It only says that the nations of the world will not resort to war to settle disputes; that they outlaw war; that they are going in the future to settle their disputes in some peaceful way. Everybody wants to do that. One can go abroad through the world to-day and find no statesman, no citizen of any country, but desires to see that condition brought about. Why are we afraid? Why are we treating this treaty in a different light from any other treaty upon which we act; and why are we going to follow up that kind of agreement, assuming as I do, and as I believe, that we have ratified it in good faith, by providing for a larger naval expenditure than we have ever provided for in the history of the country in time of peace? Why are we now, right on the heels of that peace treaty, going to provide for a larger navy? What would be the use of the Navy if that treaty is to be adhered to? What is the use of all these ships if we are going to settle our disputes in the future by peaceful means? Why are we construing that treaty in this way when we have never construed any other treaty in a similar way?

Were we fooling? Were we playing? Did we not mean what we said? Do the other nations of the world show any indication that they are not in earnest? Are they any less desirous for peace than we? When we agree that we will not settle our disputes by force, we have made it unnecessary to have the force; and, on the other hand, the reverse is true: When we make that solemn agreement that we will not resort to war, we are naturally suspected of bad faith when we follow it up with the greatest naval program that we have ever undertaken oustide of a time of war.

Mr. President, in conclusion, I want to say that it strikes me that we are not giving to the civilized world the right kind of a demonstration of our good faith in that treaty. Why can we not wait to see whether the other nations agree to it? Why can we not let that treaty go for a few years and see how it works? Let us ascertain whether some of these nations are not acting in good faith. Why not test ourselves, especially when we can do it without any possible danger to our rights as a nation or our liberties as a people?

Mr. BURTON. Mr. President, the discussion of this measure has been conducted with great frankness in the Senate. There has been severe criticism of the course of foreign countries; their good faith has been questioned, and forecasts of war with Great Britain or other nations have been expressed which are quite unusual in a legislative body. Perhaps it is better so, that the question should be discussed fully and freely.

As a Member of the Senate, I am unwilling to take the responsibility of opposing authorization for the construction of 15 cruisers. There is a possibility, though remote—very remote, as I verily believe—that the world may again become involved in conflict. The defense of our country and its dwellings is a duty which no patriotic citizen can shirk. At the same time, I do favor the elimination of the time requirement governing their construction, as suggested by the able Senator from Idaho [Mr. BORAH] and others, and supported, as I understand, not merely by the President of the United States but by the President elect, thus leaving the date of construction to the judgment of the President or to future action by Congress in the successive naval appropriation bills.

It was maintained yesterday that the pending bill contains a provision for the suspension of the proposed building program in case an agreement looking to disarmament is reached, and the intimation was that this is sufficient; but there is provision

for the commencement of measures for the building of a third of the ships by June 30 next, and who could expect an agreement for disarmament to be reached in so short a time? Thus, this provision in the pending bill is not sufficient.

This is a crucial time. Shall the Kellogg treaty be an event of far-reaching importance in the cause of world amity or shall it be a mere gesture, as it has been termed by some of its critics? The effectiveness of this treaty must depend upon national policies and the forces of public opinion. The future of world peace depends very largely upon our own United States. We are in a position of leadership financially, industrially, and in all the great features which tend to make up national life; and our attitude on this subject will be most influential and may be controlling. We must face this responsibility; a nation like an individual has responsibilities which it must perform.

There will be no denying that the world's greatest desire at this time is to be relieved from the horrors of war. There are numerous factors at work which constitute sharply contrasting tendencies in this regard—some for and others against peace.

The threat of war is stimulated by the distrust and antagonisms which have existed among the nations of Euorpe for centuries. These have been accentuated by the late war, with its bitter recollections, and by the treaty of Versailles and later treaties, which imposed severe restrictions and large indemnities upon the vanquished. These treaties sought to remake the map of Europe, placing racial or national groups aggregating more than sixty millions of people under the domination of nations unfriendly or hostile, and, as it is alleged, in some cases altogether inferior in culture.

We may also mention the appropriation of the colonies of Germany.

To this, if I may summarize things looking toward war, must be added the regrettable fact that expenses and preparation for war, as compared with expenses prior to the Great War in 1914, have increased and are increasing in almost every nation in Europe. Great Britain, in the last year for which figures are available, expended for military purposes—army and navy—about $200,000,000 in excess of the amounts in 1914 and prior years. Incidentally, I may remark, when complaint is made of the burden of the indebtedness of that country to the United States, that this increase is $40,000,000 more than the approximate amount of annual payments on Great Britain's debt to us, and that several of the other countries, if they were to devote their military expenditures for a few years to the liquidation of the indebtedness to us, would pay off the full amount.

Among other things disastrous to peace may be mentioned the failure thus far of conferences and negotiations for disarmament and the utter failure of the naval conference called by President Coolidge.

I have thus briefly summarized the principal facts which threaten the cause of peace. Now, let us look to the other side of the picture.

On the other hand, there have been notable achievements for peace since Armistice Day in November, 1918.

The situation is very much influenced by the frightful dread of another war, which, with the progress of invention, would inevitably prove more deadly and destructive than the last and might even destroy modern civilization. Harmony and cooperation are coming to be universally regarded as essential for the rehabilitation of nations which have suffered most; also for the prosperity and happiness of the people. Moral and intellectual forces were never more active for a better understanding than now.

In measures looking to peace, chronologically, the League of Nations comes first, which embodies the idea of consultation and united action. While it is not probable that this country will assume membership in this organization, we have nevertheless cooperated in important meetings held at Geneva. The League has settled a number of minor differences, such as the controversy between Bulgaria and Greece, and has created bureaus which are devoted to the correlation of efforts of international societies, gathering information for universal benefit and further promoting uniform regulations as to labor which seek to ameliorate its condition. Anything which brings nations into closer contact has a potent influence for peace.

We may also mention the conference at Washington, 1921-22, placing a limit on battleships. Our action in that conference has been very much criticized; but not only was a limitation placed on the construction of battleships, but rights for China were secured, and our contentions in regard to that country were vindicated. Also, a treaty was negotiated for the settlement of controversies among the nations bordering on the Pacific.

Besides, there is the World Court, which has been functioning for several years and has given very general satisfaction in its decisions upon controversies between nations resorting to it.

Then there are the Locarno treaties of 1925, which provide means for the prevention of war between nations among which there had been serious friction.

There have been many arbitration treaties, some providing for the compulsory settlement of controversies, as between Denmark and Holland; others less broad in their scope, but all marking a distinct advance upon existing agreements.

The treaty of mutual guaranty between England, France, and Germany seeks to assure the prevention of aggression by France against Germany or Germany against France.

To all these must be added the notable achievements of the last year—arbitration and conciliation treaties in considerable number in which the United States has taken the lead. Special mention should be made of the treaty framed for amicable settlement of controversies among the nations of the New World. And last of all, the treaty for the renunciation of war, containing in a second clause—more important, perhaps, than the first—a declaration for peaceful settlement of international disputes. This last treaty assumes supreme importance.

A first objection to the 15 cruisers is the expense of $255,000,000 involved. Not only is the original construction of a ship expensive, but according to recent estimates the annual upkeep of a cruiser costs $1,247,000.

I say with the utmost earnestness that there is grave danger that the incoming administration will be embarrassed by a deficit. Our country is expanding in its activities.

Especial mention may be made of the cost of protection to the people of the Mississippi Valley and the construction of the Boulder Dam, which will entail very considerable expense. Enlargement of old activities or creation of new will require large appropriations. In the face of this fact we have to note that there has been a decrease of approximately $40,000,000 in the collection of internal-revenue taxes, and the prospective tariff bill, which it is expected will be enacted in the coming special session, may still further diminish the other class of taxes derived from import duties. Certainly those of either party do not wish to embarrass the next administration by the threat of a deficit, as the country must in large measure rely for its prosperity on diminished taxation and the assurance that national revenues equal national expenditures.

More important considerations, however, rest upon the influence of our action on the future peace of the world. Can anything be more absurd than the building of huge warships in preparation for a possible war between Great Britain and the United States? These two countries—with common language and traditions—ought to find some means of avoiding this enormous and unnecessary expense. Is it beyond the possibilities of diplomacy to secure such agreement? If so, a situation confronts us which indicates that we are lacking in the achievements essential to modern progress.

Fear of war with Great Britain is farcical.

In the first place, no nation in the world is so interested in the maintenance of peace and the promotion of foreign trade. In the next place, the British Isles depend for their food supply and raw material very largely on the United States and Canada. In recent years more than two-thirds of their imports of wheat and flour have come from Canada and the United States. The proportion of other essential commodities is even larger. If these supplies should be shut off it is difficult to understand how the people of Great Britain could be saved from starvation.

Still further, in case of war, Canada, the fairest jewel among British outlying possessions, would almost immediately be overrun by troops of the United States, and there would be an absolute cessation of exports from that country. Both are particularly vulnerable to attacks from us; the one more especially from the military standpoint, and the other from the economic standpoint. I make these statements in no offensive sense, because we are exceptionally friendly both to Canada and Great Britain. Though rivalry has been keen and bitter feeling has been aroused at times, for more than 100 years a way has been found to compose every difference.

The life of a warship is limited to a comparatively brief period. Twenty years is the standard adopted by some, 15 years by others. Battleships and cruisers go on the scrapheap in a comparatively short time. Some years ago, indeed, almost exactly 25 years from this day, in this Congress I referred to the high-sounding names of English warships—the *Colossus*, the *Powerful*, the *Thunderer*, the *Terrible*.

The very names were sufficient to frighten the timid.

I might add other names—the *Vindictive*, the *Revenge*, the *Spitfire*, and so on. So far as I can learn, not one of those

great ships ever fired a shot in any conflict; long ago they were broken up.

New methods of warfare have been devised, and it may be said that in a general survey of the situation defensive warfare has made greater progress than offensive. There are not lacking many military experts who maintain that the airplane will be the most effective instrument of warfare in the future. Special emphasis should be laid upon the fact that the submarine and the destroyer, in both of which we have supremacy, have almost irresistible force for defense. Capt. Yates Stirling, now a rear admiral, and regarded as one of the ablest of our naval officers, has said:

> Battleships and battle cruisers, the monarchs of the sea, are as helpless before the submarine as a prize fighter is helpless before a burglar with an automatic pistol drawn. Our submarines could drive from our coasts the very largest fleet of battleships and cruisers.

I do not believe, Mr. President, that the sentiment of this country will approve our engaging in offensive warfare. If we forecast the future, our provision should be for sufficient equipment of war to provide not for attack but for defense.

Lieutenant Commander Gill says of the battle cruiser:

> The chief utility of the battle cruiser is now held to be that of a scout and raider.

It is reported—and the report has been serious enough to be recognized in an editorial in a local newspaper—that Germany has built a cruiser far and away more formidable than any of those heretofore constructed or projected, having 11-inch guns and a much larger cruising radius.

This is but an illustration of the fact that the types of warcraft become obsolete year by year, and there is not merely the ordinary obsolescence or wearing out but they are naturally superseded by other craft, the products of later inventions which render new ships more formidable than any existing warships can be.

It may be confidently asserted that the most ambitious advocates of the program presented will not be satisfied with 15 cruisers, nor yet with 30, nor even 50. To some it is the beginning of a race for what they may call "parity," but to others it means a requirement for a navy equal to that of any two nations in the world.

Of what are the advocates of this bill afraid? When the United States was much less powerful in arms, and, indeed, in trying situations, we were not attacked. In the Civil War the shutting off of the supply of cotton by the blockade deprived the countries of western Europe of their principal material for clothing. The English Navy was quite as powerful, relatively, then as now, and yet there was no intervention. In support of the successful enforcement of the Monroe doctrine, when was a shot ever fired or a sword drawn? In 1895, when our Navy was of the weakest, we demanded of Great Britain that the Venezuelan dispute as to boundary be arbitrated. This was the extreme application of the Monroe doctrine in more than a hundred years since it was first declared; and yet Great Britain, at first refusing, nevertheless yielded to our demand. In 1898, in the Spanish-American War, a majority of the nations of Europe would have liked to have intervened on behalf of Spain. It must be said that, according to all records, England was our friend at this time. Yet there was no intervention, and with a navy which was of no very considerable power we successfully fought out the war.

We have heard it iterated and reiterated that we must have a navy equal to that of Great Britain. I can not agree to this contention. The situation of the two countries is very radically different. Great Britain, with her island empire, densely populated, depends upon outlying portions of the world, her colonies and other countries, for the very means which give her life and economic existence. Various estimates are made as to how soon England, Scotland, and Wales would starve if food supplies were shut off from the outside. But in any event it is but a fraction of a year and probably rather a small one.

Again she has outlying possessions over the sea which demand that she give them protection, and to secure the units of the Empire it is necessary that cruisers and other warcraft be ready to protect them. I may say in this connection that when the count is made of the number of cruisers which Great Britain has we must take into account the three or four assigned to Australia and the two or three assigned to New Zealand, showing that the whole of her fleet would not be immediately available in the British Isles or for attack upon us.

I wish to call the attention of the Members of the Senate to an article by Theodore Roosevelt in the Kansas City Star of December 17, 1918. Among all our public men in the last two or three decades no one was more insistent upon a powerful navy than Theodore Roosevelt. In the year 1904 I expressed some sentiments against the number of battleships provided for in the then pending bill. As a result I received a letter from him, four pages in length, with many interlineations, conveying protests; a letter which I have regarded as so important that I filed it with an historical society. He was a great advocate of a larger navy. What did he say about our seeking to equal the navy of Great Britain? I quote:

> Over here representatives of the administration are demanding a navy bigger than that of Great Britain. The only possible interpretation of these facts is that the administration proposes to threaten Great Britain with having to get in a neck-to-neck competition with America to build the greatest navy in the world. Under these conditions the American people should, with common sense, look at what their own needs are and at what the needs of their allies are. Sooner or later any program will have to be tested by its results, and even if the United States started to emulate Great Britain's Navy, the enthusiasm to do so would vanish when it appeared that there was no earthly interest of ours to be served by the action. * * * Great Britain is an island separated from the huge military commonwealths of Europe by very narrow seas, and separated from her own greatest colonies by all the greatest oceans. To her, supremacy in the navy is a matter of life and death. America ought to have a first-class navy, but if she did not have a ship she might yet secure herself from any invasion. But Great Britain's Empire would not last one week, and she could not make herself safe at home one week, if her navy lost its supremacy. Incidentally to saving herself, the British Navy rendered incalculable service to us during the last four and a half years, and for the last 30 years has been a shield to the United States.

It has not yet been forgotten that when there was a threat of trouble out in the harbor of Manila the British admiral sent a friendly message to Admiral Dewey.

> Great Britain is not a military power in the sense that any of the nations of Continental Europe, or, indeed, Asia, are military powers. She had almost as much difficulty in developing her army in this war as we had in developing our Army. Her army is no more of a threat to other peoples than ours is.

Mr. BRUCE. Mr. President, may I interrupt the Senator for a moment to ask a question?

The PRESIDING OFFICER (Mr. GEORGE in the chair). Does the Senator from Ohio yield to the Senator from Maryland?

Mr. BURTON. I yield.

Mr. BRUCE. The Senator remembers, however, I am sure, in connection with what he is quoting Mr. Roosevelt as saying, that there has been an enormous expansion of our American commerce since Mr. Roosevelt's time. For instance, if my memory serves me aright, our commerce with South America has increased since 1914, when we had a commerce of a value of $300,000,000, to a commerce of a value of $1,000,000,000. There has been a tremendous increase of several hundred per cent in our commerce with Africa, and a similar increase in our commerce with Asia. It seems to me those facts ought certainly to be taken into account in connection with any views which Mr. Roosevelt expressed.

I may say that, looking at the conditions which surrounded him, I for one agree with him entirely in the correctness of his conclusions. I do not think the special need of Great Britain for naval armament is comparable with ours. I think their naval strength and our naval strength are not commensurate terms. But I do submit to the Senator that it seems to me he ought to take into account the tremendous increase in our foreign commerce since Mr. Roosevelt's time.

Mr. BURTON. I recognize the pertinency of the comment of the able Senator from Maryland. I shall speak of the matter of commerce before I am through. I will say, however, at the very outset that as a comparative proposition, when we put side by side our commerce before 1914 and our commerce in the years succeeding the great conflict, I do not see any great difference in the requirements. True, a large share of exports were carried in foreign vessels and a large share is probably still carried in foreign vessels. It is true we have reached out into portions of the earth which were not much frequented by our traders in earlier days and have vastly increased our commerce with South America, with Asia, and with Africa. But the relative position is not so different from what it has been in prior years.

Mr. KING. Mr. President, will the Senator permit an interruption?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Utah?

Mr. BURTON. I yield.

Mr. KING. With the Senator's permission, I suggest—what he knows perhaps better than I—that one of the principal causes of Germany's industrial development and the remarkable increase in her foreign trade and commerce, is to be found in the fact that she has been relieved from military and naval burdens. While some nations have been spending hundreds of millions annually for the maintenance of armies and navies, Germany has employed her revenues for internal development and for carrying her products to the nations of the earth. Her percentage of increase in foreign commerce has been, I think, as great as that of the United States. Armies and navies have not been deemed essential by Germany since the war in order that she might find world markets. She has not needed guns to open the ports of the world nor navies to take her flag and her products to almost every land.

In my opinion those persons representing the best thought of Germany support the position that battleships are not the most effective agents of peace nor the most successful instrumentalities to carry on trade and commerce. It is not a formula that must be accepted that trade only follows the battleship and the mailed fist.

The Senator from Maryland referred to the increasing foreign trade of South America. Senators know that the Latin-American countries are not militaristic and do not favor standing armies or big navies. Indeed, the entire naval tonnage of the Latin-American Republics is wholly insignificant. Brazil, Argentina, and other South American nations whose trade has so greatly expanded during the past two or three years have brought about this happy situation without cruisers or battleships. Mr. President, I repeat, battleships are not necessary in order to secure trade. Good will, good wares, and good salesmanship, all of which Americans possess in a high degree, will put our commerce upon the seven seas and into every part of the world.

Mr. BRUCE. Mr. President, will the Senator from Ohio permit me again to interrupt him?

Mr. BURTON. Certainly.

Mr. BRUCE. But the Senator from Utah forgets, it seems to me, that Brazil and Argentina are protected by our battleships and battle cruisers.

Mr. KING. Mr. President, will the Senator from Ohio permit a further interruption?

Mr. BURTON. I yield.

Mr. KING. In my opinion the Latin-American Republics do not accept the view expressed by the Senator from Maryland. They do not ask the United States to protect them from invasion or to assume a protectorate over them. They do not ask that our battleships and other vessels of war shall protect them, or that this great Republic shall constitute itself their guardian. The Senator from Ohio is quoting from Mr. Roosevelt. May I call attention to a statement of the latter to the effect that such nations as Brazil, Argentina, Chile, Uruguay, and Paraguay are so advanced in stability and power that there is no need of applying the Monroe doctrine to them. He further stated that they are able to help themselves, and that any help accorded them by the United States would be given as an auxiliary rather than as a principal, and of that character that we would give to Australia or Canada.

Mr. President, the Monroe doctrine has been misinterpreted and it has provoked resentments among our Latin-American neighbors whose friendship we should always possess.

Mr. BRUCE. May I interrupt further to say that the information of the Senator is entirely different from mine. I heard the Brazilian ambassador make the very interesting statement a few nights ago that Brazil is the only country in South America that ever formally acquiesced in the Monroe doctrine.

Mr. BURTON. Departing from the discussion of the Monroe doctrine back to the quotation from President Roosevelt, I continue:

> Therefore we Americans find ourselves, as regards the British Navy, in this position: That it is of vital consequence to Great Britain to have the greatest navy in the world; it is emphatically not of any consequence to us to have as big a Navy as Great Britain, and in all ordinary circumstances the British Navy can be counted upon as a help to the United States, and never as a menace. In such circumstances, to set ourselves to work to build a navy in rivalry with Great Britain's, and above all to do this as political bluff, is worse than silly. Our own Navy should be ample to protect our own coasts and to maintain the Monroe doctrine.

Now, Mr. President, I will soon come to the subject of commerce, but as preliminary to the treatment of that subject I wish to say the economic progress of the world at present has no handicap comparing in seriousness with that created by the expansion of military establishments and the withdrawal from productive employment of millions employed in armies and navies. I can not agree with the opinion that war is a necessary and inevitable event, part of the world's history in the past, and that it will be part of the history of the future. On the other hand, manifest destiny would demand a more sensible, a more rational means for the settlement of international controversies.

I have the greatest admiration for the heroism of men who have engaged in war on the battle field, but, after all, are there not opportunities in the peaceful life of nations for similar heroism? Can we not compare the achievement of Captain Fried and his efficient officer, Manning, in their skill and heroism in a deed in which they did not destroy life, but saved 32 despairing seamen from the perils of the sea?

> Peace hath her victories
> No less renown'd than war.

The argument has been made that the cruisers provided for by the pending bill are necessary for our commerce. Let us consider that suggestion. When will we be likely to export more automobiles or cash registers at the point of a gun? The demand for our products would be most substantially diminished from any nation over which we should seek to domineer or from which we should obtain a political or commercial concession by the sword. Trade does not follow the battleship or the cruiser. It is, as the Senator from Utah [Mr. KING] has said, a matter of good will, of good wares, and good salesmanship.

Thus the threat of war would be a hindrance rather than promote commerce. Then, as a practical question, is it possible with the aid of 15 cruisers to guard the lanes of commerce on the seven seas? A single raider cruiser or merchant ship equipped with a few guns could in any part of the world, as did the German cruiser *Emden*, create havoc in our commerce. It is not 15 cruisers, nor yet 30 cruisers, or more, that could guard all the avenues of trade.

In the last analysis the aid of cruisers would only be available to force a belligerent country to withhold restrictions on our commerce. This would mean war, in which we would be engaged, and the volume of foreign trade would diminish.

I trust the great principle of free ships make free goods and the immunity of neutral commerce may be secured by agreement. That was one of the principal contentions of President Wilson when he left this country for the Paris conference. I can not be sure of my information, but I have been told that he was informed by Lloyd George that if he insisted on that contention the conference could not continue along amicable lines.

It may be said historically that until about the time of the beginning of the French Revolution the principle of the immunity of neutral shipping was maintained by the nations. Great Britain at about that time began, largely because of her dominance on the seas, to insist on the new doctrine. We have stood strongly for the rights of neutral ships, our diplomats and legislators taking a stronger position in that direction than our courts, for some of the earlier decisions were not altogether in accordance with that doctrine. We have stood for the free passage of neutral ships and neutral commerce, except that we live in a veritable glass house by reason of some things that were done between 1861 and 1865. Mr. Wharton, in his very able work on international law, said that except for the abnormal and exceptional spasm of the Civil War we have always stood for the rights of neutrals. We certainly stand for them now; and, as was remarked by the able Senator from Idaho [Mr. BORAH] in a speech some days ago, there are strong arguments to the effect that the protection of neutral commerce would be for the advantage of the nation which has insisted upon the right of search and upon interference with the rights of neutrals. I can not relinquish the idea that, as a result of conference and that concession which nations should make to each other, our contention may yet be granted.

Mr. KING. Mr. President, will the Senator yield?

Mr. BURTON. I yield.

Mr. KING. Mr. President, I did not quite understand the Senator's allusion to the Napoleonic wars and the question of blockade. Speaking with the interpretation which I placed upon his remarks, I think it should be said that Great Britain believed that the ambitions of Napoleon would lead to the destruction of Europe, and if unchecked perhaps the overthrow of the British Empire. The British people took the view that the only way of combating Napoleon was to enforce a blockade in most of European waters and to prevent Napoleon from obtaining supplies and commodities from various countries of the world. The blockade which Great Britain attempted to enforce undoubtedly interfered with the commerce of neutral countries.

During the World War the allied nations believed the situation justified a blockade of German ports and the adoption of measures to prevent munitions of war and substantially all products from reaching the Central Powers. There was an interference with neutral shipping, and many neutral nations complained against the allied nations.

Mr. BURTON. Mr. President, I think there is much in what the Senator from Utah has said. I would, however, for a full understanding of the subject, call attention to the distinction between a blockade and the seizing of ships on the ocean because they carry contraband. There is a decided difference between the two. I do not know that we are ready to demand that blockades shall be abolished. The Paris conference of 1856, in asserting certain principles, laid down the principle that a blockade, to be respected, must be effective; and that principle has been insisted on by other nations since. I think that the course of Great Britain toward us in the late war was marked by severity and by much that was arbitrary, though her action can readily be explained in view of the terrible contest in which she was engaged. The correspondence seems to reveal that our minister, Mr. Page, was, perhaps, unduly partial to Great Britain and sought to justify some of her actions which naturally in the assertion of our rights he would not have sanctioned.

In this connection I want to say that our consul general at London at that time, Mr. Skinner, now minister to Greece, at Athens, played a very important part and is entitled to very much credit for reaching agreements and framing regulations in regard to the treatment of our ships seized on the sea which very much ameliorated the situation as regards our own shipping.

Mr. President, I wish to say another thing in that connection: I do not quite agree with some things that have been said here to the effect that commerce, the maintenance of the rights of traders, is the principal cause of war. It may preponderate, especially when we take into account the needs of a country such as Great Britain—and, under some circumstances, the same thing might be said as to Japan—which must depend upon commerce with the outside world for its very lifeblood.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BURTON. I yield.

Mr. BORAH. But the Senator will agree that it is a historic fact that we have really never had any trouble with Great Britain except over commerce?

Mr. BURTON. I think I should modify that a little. If we take into account the discussions preceding the declaration of war against Great Britain in 1812, we realize that, while the main contention was in regard to impressment and the seizure of our ships, there was a "hang over" from the Revolutionary War, resentment at the slowness of Great Britain in evacuating territory belonging to us, and a sort of general ill will, which I think had something to do with that declaration. As the Senator will recall, Mr. Webster most vigorously opposed our engaging in that war. There were men of youth and enthusiasm, including, especially, Mr. Clay, who insisted on war; but I do not think the action of Great Britain in the matter that has been mentioned was the sole cause of our entering that contest.

Mr. BORAH. It might not have been the sole cause, but it was certainly the dominating cause.

Mr. BURTON. Perhaps so.

Mr. BORAH. And the only cause which was alleged upon the surface. We did not say anything about any "hang over" from the Revolutionary War or indicate any other reason.

Mr. BURTON. We did not say anything about it in our declaration, but it had a potent influence on the public opinion of the time.

Mr. BORAH. I suppose that is true; but the reason for our going to war was the interference by Great Britain with our commerce and with our sea rights.

Mr. BURTON. Yes; but, in addition to reasons of commerce as a cause of war there is the national spirit, which I think has been intensified in some degree since the World War—the idea that every citizen thinks he depends upon the prestige and strength of the country to which he belongs for his standing in the world.

That national spirit causes citizens of any country to be extremely sensitive in case of any incident, such as interference with the rights of a fellow citizen, or anything which interferes with national pride. Then, again, there is the desire for enlargement of territory that is as old as the life of nations, the desire to increase their borders. Then, still further, there have been, of course, dynastic quarrels which have led to war; in earlier years religious animosities were a fruitful cause of conflicts, and I might enumerate other causes, such as the recollection of past grievances or oppression by another country.

Unfortunately, this disposition on the part of some peoples is neither dead nor even dying. It presents a threat to the peace of the world.

In the present situation, while there must be due regard for national defense and protection of all our interests, it is not rational that our policies should be dominated entirely by our fears. Let us not be lacking in hope and faith—hope that the future has things in store for us, for the welfare and progress of mankind, surpassing anything in the past; faith that we shall not altogether be fettered by apprehensions of danger, but that there will be good will among the peoples which shall lead them to better relations. This country, so strong, so peace loving, should prove a pathfinder, an example for the world in looking toward a better day.

Why should there not be progress in the one cause most needed in the world, that of peace? There has been wonderful progress in everything which pertains to the material world. The facilities and comforts of life have been many times multiplied. Medical science has prevented disease and postponed death. The world is being made new. Can not the intelligent efforts of the diplomats and legislators of the world, supported by a powerful public opinion, be brought to bear on this great problem, which is the one thing needful?

Mr. SHORTRIDGE obtained the floor.

Mr. HEFLIN. Mr. President, with the Senator's permission, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McKellar	Shortridge
Bayard	Frazier	McMaster	Simmons
Bingham	George	McNary	Smith
Black	Gerry	Mayfield	Smoot
Blaine	Gillett	Moses	Steck
Blease	Glass	Neely	Steiwer
Borah	Glenn	Norbeck	Stephens
Bratton	Goff	Norris	Swanson
Brookhart	Gould	Nye	Thomas, Idaho
Bruce	Greene	Oddie	Thomas, Okla.
Burton	Hale	Overman	Trammell
Capper	Harris	Phipps	Tydings
Caraway	Harrison	Pine	Tyson
Copeland	Hawes	Ransdell	Vandenberg
Couzens	Hayden	Reed, Mo.	Walsh, Mass.
Curtis	Heflin	Reed, Pa.	Walsh, Mont.
Dale	Johnson	Robinson, Ark.	Warren
Deneen	Jones	Sackett	Waterman
Dill	Kendrick	Schall	Watson
Edge	Keyes	Sheppard	Wheeler
Fess	King	Shipstead	

Mr. GERRY. I wish to announce that the junior Senator from Louisiana [Mr. BRUOSSARD] is necessarily detained by illness. I ask that this announcement may stand for the day.

Mr. BAYARD. I desire to announce that my colleague [Mr. HASTINGS] is absent on account of illness. This announcement may stand for the day.

The PRESIDING OFFICER. Eighty-three Senators having answered to their names, a quorum is present. The Senator from California will proceed.

Mr. SHORTRIDGE addressed the Senate in support of the bill. After having spoken for some time—

Mr. JONES. Will the Senator from California yield?

Mr. SHORTRIDGE. I yield to the Senator from Washington.

CAPT. GEORGE FRIED

Mr. JONES. Mr. President, I am going to move that the Senate take a recess for five minutes in order to give Senators an opportunity to greet Capt. George Fried.

Mr. GEORGE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Deneen	Hawes	Oddie
Bayard	Dill	Hayden	Overman
Bingham	Edge	Heflin	Phipps
Black	Fess	Johnson	Pine
Blaine	Fletcher	Jones	Ransdell
Blease	Frazier	Kendrick	Reed, Mo.
Borah	George	Keyes	Reed, Pa.
Bratton	Gerry	King	Robinson, Ark.
Brookhart	Gillett	McKellar	Sackett
Bruce	Glass	McMaster	Schall
Burton	Glenn	McNary	Sheppard
Capper	Goff	Mayfield	Shipstead
Caraway	Gould	Moses	Shortridge
Copeland	Greene	Neely	Simmons
Couzens	Hale	Norbeck	Smith
Curtis	Harris	Norris	Smoot
Dale	Harrison	Nye	Steck

Steiwer	Thomas, Okla.	Vandenberg	Waterman
Stephens	Trammell	Walsh, Mass.	Watson
Swanson	Tydings	Walsh, Mont.	Wheeler
Thomas, Idaho	Tyson	Warren	

Mr. NORRIS. I desire to announce the absence of my colleague [Mr. HOWELL] on account of illness.

Mr. BLAINE. I wish to announce that my colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. BRATTON. I wish to announce that my colleague [Mr. LARRAZOLO] is absent on account of illness. This announcement may stand for the day.

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present.

Mr. JONES. Mr. President, I know that Senators will gladly avail themselves of an opportunity to meet Captain Fried, commander of the steamship *America*.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. JONES. I yield to the Senator from New York.

THANKS TO OFFICERS AND CREW OF STEAMSHIP "AMERICA"

Mr. COPELAND. Mr. President, Senators will remember that a few days ago I introduced a bill proposing to recognize the heroic conduct and devotion to duty and skill on the part of the officers and crew of the U. S. S. *America*. The bill has received the unanimous indorsement of the Committee on Commerce. From that committee I now report back favorably the bill and I submit a report (No. 1605) thereon. I ask unanimous consent that the bill may receive consideration at this moment.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5578) recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crew of the U. S. S. *America*, and for other purposes, which was read, as follows:

Be it enacted, etc., That the term "crew" as used in this act shall mean and include any person carried on the ship's register or serving on the ship in any capacity, regardless of rank or rating, at the time of the rescue referred to in this act.

SEC. 2. That the thanks and appreciation of the Congress of the United States be, and they are hereby, tendered to the officers and crew of the U. S. S. *America* as constituted on January 23, 1929, for the heroic conduct shown and noble service rendered in the rescue of the officers and crew of the Italian steamship *Florida*.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECEPTION TO CAPT. GEORGE FRIED

Mr. JONES. Mr. President, in order that Senators may meet Captain Fried, commander of the steamship *America*, I move that the Senate stand in recess for five minutes.

The motion was unanimously agreed to, and the Senate took a recess for five minutes.

The Senate being in recess, Capt. George Fried was escorted into the Chamber by the Vice President, and standing in the area in front of the Secretary's desk greeted the Members of the Senate as they were introduced to him by the Vice President. At the expiration of the recess the Senate reassembled and the Vice President resumed the chair.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14800) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war.

CONSTRUCTION OF CRUISERS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

Mr. SHORTRIDGE resumed and concluded his speech, which is as follows:

Mr. SHORTRIDGE. Mr. President, I do not rise to pronounce a eulogy on our country or to deliver a philippic against any nation. Perhaps it were easy to do either; but to pronounce a eulogy is untimely and to deliver a philippic would be extremely unwise.

My respect for the different opinion of others prompts me to express my own, and, if not unduly interrupted, I shall not long engage the attention of the Senate.

The importance of this proposed legislation is appreciated by us all; it can not be overstated. It is proposed to authorize the construction, within a period of three years, of 15 modern cruisers and 1 aircraft carrier. Patriotic men and women may differ as to the necessity for building, or the wisdom of building, this or any number of cruisers now or at any time. Some would commence now; others would indefinitely delay. Some good and patriotic citizens think the building of these or any number of cruisers will be provocative of war; other good and patriotic citizens think the building of these cruisers will be a guaranty of peace.

The coordinate branch of Congress, made up of a large number of patriotic men drawn from the 48 States, decided that the welfare of our Nation called and calls for the proposed increase of our naval force.

With unfeigned respect for the matured judgment of others equally devoted to our common country, and not unmindful of the arguments which have been made in support of their views, I have come to the conclusion that the House of Representatives acted wisely when they passed this measure and sent it to us for our consideration.

In reaching a decision we should remember the past, consider the present, and endeavor to look into the future.

We should, of course, bear in mind the cost of maintaining an adequate navy, but we should not overlook the value of the rights to be safeguarded.

It is an hour for dispassionate thought, not for perfervid declamation; an hour to consider the world as it is, not as it might be.

OUR CONSTITUTIONAL DUTY

I trust it will not seem superfluous for me to remind ourselves that Article I, section 8, of the Constitution provides—

The Congress shall have power * * * to provide and maintain a Navy.

And that Congress is vested with power, which runs hand in hand with duty—

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, * * *.

Washington, Hamilton, Franklin, Ingersoll, Wilson, Madison, all of those wise men who framed our Constitution and started this Republic on its voyage, agreed that a navy was needed to guard the precious cargo.

It has been asked: Why do we need a navy now?

I wish, first, briefly to consider the subject from the standpoint of the United States as a neutral, and second, to consider the subject from the standpoint of the United States as a belligerent.

THE UNITED STATES AS A NEUTRAL

As a neutral, let us first consider the proposition as to the necessity for an adequate navy.

We are a separate nation, one among many rival nations.

The "parliament of man," the "federation of the world," is a dream, the beatific vision of the poet, the realization of which lies far, far in the future.

There always have been, there always will be, separate nations. Perhaps it was divinely so ordained.

Standing on Mars Hill, in Athens, God's immortal ambassador, St. Paul, said:

God hath made of one blood all nations of men for to dwell on all the face of the earth, and hath determined the times before appointed, and the bounds of their habitation.

Wherefrom we may infer that, whereas in a broad sense all mankind is of one blood, as being above the beasts of the field, they are divided into separate nations and the "bounds of their habitation" determined.

We have become a great and prosperous nation, and it may be our greatness excites the fear, our prosperity arouses the envy, of other nations. We have territorial possessions.

I listened with an attentive ear to the thoughtful, the dispassionate, discussion of this question by the learned Senator from Ohio [Mr. BURTON], and particularly did I take note of his reference to the wide extended possessions of Great Britain. We, too, have extended possessions, far extended, far remote from continental United States. Our flag floats over Alaska, the Philippines, Hawaii, American Samoa, the Panama Canal Zone, Porto Rico, the Virgin Islands.

These territories contain 716,141 square miles. They have a population of 14,256,422. The value of shipments from these possessions to the United States in 1927 amounted to $371,639,000. The value of shipments from the United States to these possessions amounted to $273,181,000.

The details for 1927 may be interesting.

Alaska contains an area of 590,884 square miles; a population of 55,036; value of shipments to the United States amounted to $51,314,000; value of shipments from the United States amounted to $35,604,000.

Hawaii contains an area of 6,449 square miles; a population of 333,420; value of shipments to the United States amounted to $106,370,000; value of shipments from the United States amounted to $79,666,000.

The Philippine Islands contain an area of 114,400 square miles; a population of 12,354,000; value of shipments to the United States amounted to $115,984,000; value of shipments from the United States amounted to $69,521,000.

Porto Rico contains an area of 3,435 square miles; a population of 1,440,000; value of shipments to the United States amounted to $96,902,000; value of shipments from the United States amounted to $86,319,000.

The Virgin Islands contain an area of 142 square miles; a population of 20,728; value of shipments to the United States amounted to $819,000; value of shipments from the United States amounted to $1,799,000.

(At this point Mr. SHORTRIDGE yielded to Mr. JONES and a recess was taken to receive Captain Fried.)

Mr. SHORTRIDGE. Mr. President, previous to the recess, I was considering the United States as a neutral and the rights of a neutral, and was briefly calling attention to our wide, extended territorial possessions, perhaps almost as far extended in point of distance as those of Great Britain. I had alluded to the remark of the Senator from Ohio [Mr. BURTON], who advanced the thought that because of Great Britain's far-extended possessions she was fully justified in maintaining a navy far greater than that of the United States. I also called attention to the fact that our flag floats over Alaska, over the Philippines, over Hawaii, over a portion of the Samoan group, over the Panama Zone, over Porto Rico, over the Virgin Islands, and on some other small spots, so to speak, lost in the ocean. I had called attention to the commerce already developed between us and our outlying territorial possessions and to the population of those several territories. Why was I doing that? Obviously in order to show that we also have valuable possessions and valuable rights which as a neutral—I trust we shall never be required to assert our rights as a belligerent—as a neutral we should safeguard and protect. In other words, Mr. President—and I say it not as a matter of patriotic pride but as a fact—the sun never sets on the American flag and beneath that flag wherever it floats are millions of happy, prosperous, and secure people.

In addition to our great internal domestic trade we have a vast foreign commerce. In 1928 our exports amounted to $5,129,000,000 and our imports to $4,090,000,000. Need I add that this commerce extends to practically all separate nations or countries on the earth, and need I add further that rights growing out of this world-extended commerce are similarly extended to all parts of the world? The rights growing out of this world-extended commerce in a sense exist all around the earth. Thus it is seen we have great world-extended interests, to become greater, which as a nation we are morally and, of course, legally justified in guarding and protecting, and the duty is ours who have been chosen in part to speak for this Nation, it is the Senate's duty to do whatever shall be deemed necessary to guard and keep safe those great and increasing interests.

The seven seas are the common heritage of mankind. No one nation owns or should own the seven seas or any one of the seven seas. No one nation should rule or claim the right "to rule the waves." In time of peace—and I am still thinking of neutrals' rights—in time of peace all is well; merchant vessels come and go unmolested; and the seas are free and there is "freedom of the sea." But in time of war—what then? The right to navigate the seas is interfered with. Hence arises the question as to the right of neutral nations to trade with the belligerents, and hence the question, What is contraband of war? And that question provokes another, Is there any recognized law or rule determining what is and what is not contraband of war? That is a phrase which we all understand, but which perhaps many of the good people throughout our country do not fully understand.

Attempts have been made to agree as to what is and what is not permissible commerce with a belligerent nation. For example, in 1856 there was adopted by the consent of many nations what was known as the declaration of Paris, which laid down certain rules in respect of contraband, meaning, in respect of what kind of commodities might be carried unmolested to a belligerent nation by a neutral nation. The declaration of Paris provided:

1. Privateering is and remains abolished.
2. The neutral flag covers enemy's goods, with the exception of contraband of war.
3. Neutral goods, with the exception of contraband of war, are not liable to capture under enemy's flag.
4. Blockades, in order to be binding, must be effective. That is to say, maintained by a force sufficient to prevent access to the coast of the enemy.

I need not pause to point out—it has been stated here by different Senators—how these rules were flagrantly disregarded so far as we were concerned during the World War. Of course, it is highly desirable that the law or rules as to the trading and commercial rights of neutrals should be codified; that is to say, agreed upon by maritime nations. If these rights could be agreed upon, and if the rules to protect them should be observed by belligerent nations, commerce would continue and friction would be avoided; but is there reason for rational hope or belief that certain great nations will agree to a codification of neutrals' trading rights during war time, or that those rights would be respected by belligerents engaged in mortal combat?

The chairman of the Foreign Relations Committee [Mr. BORAH] and the Senator from Montana [Mr. WALSH] appear to think that some satisfactory agreement with the great powers as to neutrals' rights can be reached, and hence they plead for delay in order that an effort may be made to reach such an agreement—an agreement, of course, to be desired, a consummation, indeed, devoutly to be wished. If I understand their position, each of these learned Senators admits that, failing such an agreement, we should build more cruisers.

It will be seen in a few moments that I have compressed my thoughts into a few words, for I do not intend long to delay the Senate. Therefore, without elaborating my reasons, I submit to these two learned Senators, I submit to this body, that to postpone this legislation will not hasten or assist in reaching any desired agreement as to neutral rights.

Judged by the past, judged by current pronouncements, judged by present cruiser building in every great or potentially great maritime nation on earth, I have no reason to believe that they will enter into any such desired agreement, or—which is perhaps of more present importance—that they will cease building cruisers pending conference and negotiations for such agreement.

Why, then, indefinitely postpone action? If we need additional cruisers to protect our neutral rights, now, in my humble judgment, is the time to commence to build them.

I ventured somewhat timidly, perhaps somewhat afraid—though I am not conscious of being much afraid—to question the chairman of the Foreign Relations Committee as to whether he thought or whether he had reason to think or to hope that by delay satisfactory agreements in respect of neutral rights could be reached; and I am still waiting for a definite reply. It is true he in part replied by saying that at least we should make the effort to arrive at such an agreement; but why make an abortive effort? Why make a futile effort? And I repeat myself to say that I have heard no reason given for hope that such an agreement would be sooner reached by our postponing action upon this bill.

Mr. President, that phrase, "neutral rights," is very fully understood by the Senate; but I would have the country understand that those rights are essential to the commerce of this Nation. It is not carrying argument too far to say that those rights are essential to the prosperity of the people of our country—and those rights should be guarded. We ought not to surrender or abandon them. We ought not to suffer them to be utterly disregarded, ignored, trampled upon—not unless we are willing to abandon foreign commerce; not unless we are willing to keep to the shore.

Therefore, if cruisers are needed for any purpose, one of those purposes is to protect our rights as a peaceful neutral Nation engaged in lawful, peaceful commerce with the peoples of the earth.

THE UNITED STATES AS A BELLIGERENT

And now may I devote a few moments to considering this proposition from the standpoint of the United States as a belligerent, as a nation engaged in war?

It is perfectly clear, as I have said, that our rights as a neutral will be ignored in the future, as in the past, if we are impotent to defend them. We should be able to defend them; and, being able to defend them, they will not be ignored or violated. Moreover, if our neutral rights are respected, as they will be if we are known to be able to defend them, we shall not be drawn into war. Thus, our commercial rights will

be safeguarded and war be avoided; and a capable navy will accomplish these two great national blessings. If that is not perfectly manifest, perfectly obvious to the dullest mind, I am unable to make it manifest.

Of course, if we become a belligerent nation, we are vitally interested in a capable navy. We are now at peace, the nations are at peace; and there is no present necessity to assert our neutral rights. Our policy is peace. We have no ambition to gratify by war. We do not covet the possessions of any nation. We meditate no attack upon any nation or any people. No nation washed by any sea need fear us or our Navy. We are solemnly committed by treaty to a peaceful, pacific solution of all international controversies.

That treaty will be kept by us—kept in letter and in spirit—and we hope it will be likewise kept by every signatory power, great and small.

It is not statesmanship, it is not the true spirit of America, to scoff and sneer at this great treaty ratified by the Senate of the United States. But, Mr. President, if war should come, what then? Upon our part it will be, in truth and in fact, a defensive war. I hesitate and regret even to contemplate such a misfortune; but if we should be attacked, we must be able to defend ourselves and keep the Stars and Stripes where it has ever been, triumphant in the sky.

If equipped and known to be equipped to defend ourselves on sea and land, war will not come upon us. No nation will be insane enough to attack us. I do not say that boastfully; I do not say it to offend; but I repeat and say that no nation washed by any sea will attack us if it be known that we shall be ready to put forth our power.

Yes; our policy is peace on earth with all nations, on land and on sea, "entangling alliances with none." We are midway between mighty oceans. We see the waters across which the Pilgrims ventured, "lone, wandering, but not lost," now the great highway of commerce. We see the waters first disturbed by Magellan, then a "gray and melancholy waste," now traversed by countless ships laden with products of our and alien lands. We would have these oceans plowed and furrowed by the keels of peaceful vessels, not reddened by the blood of war. We would be friendly rivals with other nations in commerce, in the arts and sciences, in every peaceful effort to advance the cause of righteous civilization.

No, Mr. President, no, gentlemen of the Senate, I do not forget the past, its lessons, its crimes, its follies, and I would not have my country forget the past.

I look down the ages and I, too, see sire and lad, matron and maid, go to death as to a banquet of love, for their country, for its altars and its fires. I see the wreck and ruin, the pain and agony, the horror and desolation, caused by wicked, unrighteous war, and I wonder whether man, created in God's image, will ever cease to be the fighting animal and dwell in peace and happiness on the earth given him. I do not know. I only hope.

But this I do know: A righteous, peace-loving nation, adequately armed to defend itself, is safe. Such a nation—and I would fain believe that ours is such—armed to defend itself, can look heaven and earth in the face without a blush and without a fear.

We have been repeatedly reminded of ancient, medieval, modern foreign wars, and told that it is more than foolish to enter into peace treaties. They who thus declaim against treaties forget that such treaties have stayed for long periods of time the bloody hand of war.

True, sir, treaties have been broken. Treaties may be broken, but he is less than a statesman who advises his country not to enter into treaties of peace.

We have been told of our own wars—our Revolutionary War, the War of 1812, the Mexican War, the war with Spain, and the World War, and we have had sad memories awakened by being reminded of our Civil War. Time has healed that wound. Brave men met brave men, and gallant soldiers stormed forts and heights by gallant soldiers defended. If America grieved over what she thought was the folly of some of her sons, yet she was proud of the valor of them all. Thank God we have long ago taken up Mason and Dixon's line and wrapped it around the hearts of our people. I love to believe that from the blue above the spirits of General Lee and General Grant reunited in death, look down upon their countrymen reunited forever.

They are reunited, sir, with one hope, with one altar, with one love, and, thus united, with one future; thus united, abhorring war and cherishing peace; thus united and standing among the nations "with malice toward none, with charity for all," they will see to it that the rights of America, on land and on sea, shall be guarded and preserved.

Why do I do myself the pleasure to say these words? It is to emphasize the fact that, as a united people, we are strong, and yet smitten with the love of peace with all the nations of the earth. There is no nation, great or small, east or west, or south or north, that has any reason to question our good faith or to fear because we think it is necessary to enlarge our naval force. We are at peace and would continue at peace with them all. But lest others may have hostile intent, lest others may harbor ambition for territorial expansion and world control, lest others break the peace and imperil our rights or our safety, lest others seek to drive us from the sea, out of that abundance of caution that Washington enjoined we should be able to defend ourselves against any force that may come against us. In time of peace I would insure its continuance, and peace with us will be continued if we have a Navy such as this bill is designed to provide for and maintain.

We can not call back yesterday. There is an Arabian maxim to this effect:

> Four things come not back—the spoken word, the spent arrow, the past life, the lost opportunity.

Mr. BRUCE. Mr. President, I recall another old oriental saying:

> Even God can not cancel the past.

Mr. SHORTRIDGE. That is a very appropriate thought. We can not call back yesterday, but we can hear, and we should hearken to the warning voice of history and heed the stern command of duty.

We hold in trust this Republic. If we be not recreant, if we be not decadent, if we be not impotent we shall keep our country safe and free, a righteous nation wedded to peace, a "government of the people, by the people, and for the people", an example, it may be an inspiration, for all the peoples of the earth.

Why hesitate, therefore? Why postpone? In time of peace let us prepare to insure peace. In time of our strength and peace let us provide for the continuance of our strength and peace.

I thank those who have done me the honor to remain while I have spoken. I trust no word has escaped me which is offensive to any who differs. I trust that nothing said during this debate by any of us will disturb any foreign country or cause the representative of any foreign country to think that we purpose increasing our Navy in the manner suggested by this bill as the result of any feeling of hostility, or as indicative of any hostile action on our part in the future.

Mr. BRUCE. Mr. President, I would like to ask the Senator a question before he takes his seat. Does he not think, because he looks at this matter from the same viewpoint as that entertained by many other Senators, that we have no disposition to match ship and ship, gun and gun with Great Britain in anything in the nature of naval competition, but that we are simply adopting a standard of prudence which Great Britain has prescribed for us by her actions?

Mr. SHORTRIDGE. I very fully entertain that view. To detain Senators for just a moment longer, I do not regard this bill as a step in the direction of competitive building or running a race. While I am not indifferent to other countries, I am only and forever thinking of my own. When I allude to the wide Pacific, when I call attention to Alaska, when I mention the Philippines, when I point to Samoa or the Panama Canal, or turn my eyes to look eastward across the Atlantic, all the while I am thinking of my country and what may happen to my country. I am not saying that any one of the nations in the directions suggested now contemplates attacking our country or its rights. But I am thinking of my country, and I want a capable, up-to-date, adequate navy, presumably and I hope in fact fully able to protect the United States of America.

We are a continent. We are great upon a continent, and we are great upon far extended territory. We are great upon the seas in the sense that our rights float upon the sea. I want no trouble with any of the nations which may be near or far from any of the possessions I have suggested. God knows I want no trouble with Mother England. We had two wars with her. The Senate will pardon me if I say that during all the discussion here in the Senate I have heard much about "wicked wars"; little, if anything, about righteous wars. I say there have been righteous wars.

Mr. BRUCE. There have been noble and holy wars.

Mr. SHORTRIDGE. Noble and holy and glorious wars, approved by Heaven and by all good men. I have always been careful, however, in denouncing war to characterize it as "the wicked wars, the unrighteous wars," where a nation has sought to overrun and oppress another or to rob it of its legitimate

rights. Far from my thought or my belief is it that we will have war with Great Britain. But if any such misfortune as that should overwhelm the world, then the words of the great man who came from the great State of Maryland represented by the great Senator will come true. I dare say that Maryland never produced a greater orator or more splendid champion of America than Henry Winter Davis. Let us not pursue the painful thought. But having said so much, speaking as we do the language that Shakespeare spoke, paying homage to her greatness and remembering her contributions to human civilization, I do not propose that Britannia shall rule the waves and drive Uncle Sam off the seas.

Mr. BRUCE. But the Senator has no idea that Great Britain entertains any such thought. I imagine that the Senator believes that we, with our enormous foreign commerce, ought to be governed by the same prudential considerations as those by which Great Britain wisely governs herself.

Mr. SHORTRIDGE. The Senator has expressed my thought in his last sentence.

Mr. SACKETT. Mr. President, I want to say a few words in regard to the pending bill, because it seems to me there are two significant facts represented in the bill which ought to have the consideration of the Senate. Those significant facts are, first, that the class of ships which is proposed to be built under this bill is the only class of naval craft that is used equally in time of war and in time of peace. The light cruiser has a mission, both in war and in peace, in the protection of the commerce of our country.

The second significant fact which the Senate ought to consider is that when we talk of a race in naval armament, we should remember that this class of ships, the cruiser, useful equally in peace as it is in war, is the only class of ships that Britain, the great rival naval power of the world, has built and is building in excess of the normal demands of the accepted 5-5-3 ratio when compared with other classes of craft in the United States Navy.

Those two significant facts, I believe, form the basis of a theme which it would be well for America, as a growing nation, with a growing world trade, to consider most carefully, and this theme forms the basis for the needs of this increased cruiser program and produces the need of its immediate construction.

I look back to the time when the war was ending, when the whole world was torn apart, and the credit of the nations was in jeopardy. I remember the way in which the British cabinet assisted its business interests in the immediate work of location of the great oil fields of the world. I bow with respect to the business acumen of that body of men which it seems had in view the ultimate exhaustion of the oil supplies of the United States; which also had in view the tremendous indebtedness which they had acknowledged to this country. These men saw that the control of the oil fields of the world would put Britain eventually in a position to supply that needed essential in this country's development, and through the tribute paid for oil assist themselves by making us join in paying the British debt to America.

When I look at their record of cruiser building, the building of the kind of ships of the navy most useful in times of peace; when I look at the needs of Great Britain in the establishment and development of her world trade, for she is a manufacturing nation, with less relative power of consumption at home than any other nation; when I think of this class of ships as already going into the far parts of the earth assisting her effort to regain the trade that had once been hers, I again acknowledge the business acumen of the British cabinet that could see in the development of that class of naval ships, for the protection of its enormous sea-borne commerce, the great hope of the British nation for reconstructing itself financially after the cataclysm of the war.

And what of America? Largely as a result of the war the foreign trade of America grew and developed, and since has further grown and developed during the time required for reconstruction by the other nations, until to-day its foreign export trade is greater than that of any other nation in the world.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Utah?

Mr. SACKETT. I yield.

Mr. KING. I ask for information, because I do not wish to misunderstand the Senator. I understood the Senator to say that following the war Great Britain utilized the war vessels which had been constructed during the war for the purpose of carrying her trade and commerce throughout the world.

Mr. SACKETT. Not the war vessels for carrying the trade, but for developing the trade.

Mr. KING. I think the Senator upon reflection will reach the conclusion which the facts justify, namely, that Great Britain following the war very promptly scrapped 1,367,000 tons of her war vessels.

Mr. SACKETT. Yes.

Mr. KING. And subsequent to that scrapped 1,000,000 tons more.

Mr. SACKETT. Yes.

Mr. KING. The vessels which she utilized for trade and for carrying the trade and carrying her flag were the merchant ships which avoided and escaped the submarines and those which she has constructed since.

Mr. SACKETT. I agree with the Senator. I was not speaking of merchant ships at all. I was speaking of the number of cruisers which Great Britain had at the end of the war and which she has built since, the only class of naval armament in which she has gone ahead of the United States in the development of naval craft; that she had a reason for so doing; that she had a great world trade which had been injured and hurt as a result of the war; that the whole life of Great Britain is dependent upon that trade being built up and continued, because she is dependent financially upon the world trade; that protection of world trade is an assurance of the development of world trade, and that the ability of Great Britain to protect that trade with the one class of naval vessels which is useful equally in war and peace assures the opportunity for British merchants and British enterprise to develop an export trade all over the world. That is the point I am making.

Mr. KING. Mr. President, will the Senator yield further?

Mr. SACKETT. I yield.

Mr. KING. May I observe to the Senator, though doubtless he is as familiar as I am and perhaps more so, that immediately after the war all of the cruisers which Great Britain had and which antedated 1910 in their construction were relegated to the scrap heap?

Mr. SACKETT. Absolutely.

Mr. KING. And the only cruisers which she now has are about 46, from the *Comus* down to the *Audacious*, the former having been laid down in 1910, and the few which have been constructed during the past few years, aggregating about 10 or 11.

Mr. SACKETT. Sixty-four in all laid down and constructed.

Mr. KING. Nine out of the 64 have been retired absolutely. But the point I am trying to make is that the larger part of her cruisers, from the *Comus* down, those 3,000 tons plus up to 4,000 tons plus, as Mr. Bywater states, are patrol boats for North Sea service, and are not seaworthy. I have his quotation here, but I do not wish, of course, to project myself into the speech of the Senator. The point I am making is that the cruisers of Great Britain, the overwhelming majority in number, are small cruisers, more patrol boats than anything else, and do not serve, as I read the record, the purposes assigned to them by the able Senator.

Mr. SACKETT. I think the Senator will find that those British cruisers are to-day patrolling the lines of trade throughout the world. They are located often in foreign ports as their bases, but they serve as a signal of British protection over their world trade.

We have not anything like the number of their cruisers, and yet to-day the United States has a sea-borne trade greater than that of Great Britain. I want to put into the RECORD at this point some figures which have been given me by the Department of Commerce, which, perhaps, the Members of the Senate have not as yet contemplated. Taking the world trade of Great Britain and of the United States, and segregating that part of the world trade of both countries which is not dependent upon protection on the sea, which would mean, in the case of the United States, the trade with Canada and with Mexico, and in the case of Great Britain, the trade with central Europe, involving merely water carriage across the English Channel, it will be found that for 1927 the foreign trade of the United States, excluding that with Mexico and Canada, was $7,491,594,000, while the foreign trade of the United Kingdom, excluding that with northwest and central Europe, was $6,931,160,000. But when we discuss the need of naval vessels of the cruiser type for the protection of foreign trade, it is not so much the import trade which is important, but it is the export trade which means so much to the life of the country itself.

In exports America had, omitting the trade with Canada and Mexico, a business of $3,919,695,000; while England had, including her export trade with Norway, Iceland, and Denmark, but excluding that with France, Germany, and Austria, a business of $2,962,424,000, nearly a billion less. That is the comparison of the trade valuable to the development of the

respective countries which can be aided, assisted, and protected and built up by the use of a proper cruiser fleet. I leave to the "admirals of the Senate"—and they seem to be many in number—the value of such cruisers as an instrument of naval warfare; but I will not yield to the ideas of those same "admirals" as to the value of this cruiser program to American trade and what it means to the prosperity of the country.

Since the World War we have reached the time in the general progress of business in this country when in many lines we have approached the saturation point of demand, and still production is increasing. Not only is agriculture, not only is the bituminous-coal industry to-day suffering from an export surplus, but one after another of the great industries of this country are approaching that condition. We have either got to slow down and make our production the equivalent of the domestic demand or we have got to induce the export of the various commodities which are now reaching the point of saturation by aiding in the development of our foreign trade.

I am going to offer for the RECORD, with the permission of the Senate, tables showing the distribution of our foreign trade. The tables are taken from the report of the Department of Commerce for 1927, and I ask that they may be included in the RECORD as a part of my remarks without the usual reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The tables are as follows:

Imports and exports of the United States, the United Kingdom, and Japan by geographic regions and by countries

[Calendar year 1927. All values in thousands of dollars]

Countries	United States			United Kingdom			Japan		
	Imports	Exports	Total	Imports	Exports	Total	Imports	Exports	Total
Grand total	4,184,742	4,865,375	9,050,117	5,925,533	3,948,961	9,874,494	1,033,137	944,558	1,977,695
1. North America	985,458	1,253,027	2,238,485	1,382,983	550,363	1,933,346	350,821	410,925	761,746
a. Northern	484,499	845,307	1,329,806	1,253,028	484,757	1,737,785	345,787	408,298	754,085
United States				973,918	325,764	1,299,682	319,394	395,307	714,701
Canada	475,028	836,532	1,311,560	268,019	152,657	420,676	26,393	12,991	39,384
Newfoundland and Labrador	9,066	8,483	17,549	10,915	4,560	15,475			
Miquelon and St. Pierre Islands	58	280	338	1	1,757	1,758			
Greenland	347	12	359	175	19	194			
b. Southern	500,959	407,720	908,679	129,955	65,606	195,561	5,034	2,627	7,661
Mexico	137,815	109,148	246,963	26,878	10,877	37,755	9	600	609
Central America	40,430	76,348	116,778	21,995	12,984	34,979			
British Honduras	3,749	2,061	5,810	549	949	1,498			
Costa Rica	6,035	7,298	13,333	13,295	2,015	15,310			
Guatemala	10,179	10,632	20,811	345	2,151	2,496			
Honduras	9,311	8,487	17,798	6,292	2,701	8,993			
Nicaragua	4,227	6,950	11,177	959	1,256	2,215			
Panama	5,384	34,051	39,435	326	2,063	2,389			
Salvador	1,545	6,869	8,414	229	1,849	2,078			
West Indies and Bermudas	322,714	222,224	544,938	81,082	41,745	122,827	4,888	503	5,391
British—									
Bermudas	1,107	3,774	4,881	10	2,073	2,083			
Barbados	496	1,616	2,112						
Jamaica	9,723	8,641	18,364	7,762	7,946	15,708			
Trinidad and Tobago	7,461	5,930	13,391	9,519	7,139	16,658			
Other British West Indies	3,862	5,750	9,612	[1] 4,691	8,170	14,861			
Cuba	256,786	155,383	412,169	32,116	10,585	42,701	4,888	503	5,391
Dominican Republic	11,026	18,871	29,897	9,772	1,436	11,208			
Dutch West Indies	29,933	6,431	36,364	16,210	2,711	18,921			
French West Indies	105	2,704	2,809	34	156	190			
Haiti	1,247	11,071	12,318	788	891	1,679			
Virgin Islands of the United States	968	2,053	3,021	5	49	54			
Porto Rico				175	589	764			
Other countries							137	1,524	1,661
2. South America	518,275	438,159	956,434	548,577	297,775	846,352	4,967	9,902	14,869
a. Caribbean	118,840	86,261	205,101	18,053	34,445	52,498			
Colombia	87,803	48,694	136,497	11,499	17,018	28,517			
British Guiana	981	1,501	2,482	4,010	5,859	9,869			
Surinam (Dutch Guiana)	1,412	1,183	2,595	496	876	1,372			
French Guiana	46	139	185	53	10	63			
Venezuela	28,598	34,744	63,342	1,995	10,682	12,677			
b. East coast	312,075	278,666	590,741	420,305	222,272	642,577	1,090	5,111	6,201
Argentina	97,240	163,485	260,725	372,277	134,329	506,606	950	4,518	5,468
Falkland Islands		67	67	3,591	1,786	5,377			
Brazil	203,027	88,737	291,764	21,711	71,382	93,093	140	593	733
Paraguay	913	1,317	2,230	501	555	1,056			
Uruguay	10,895	25,060	35,955	22,225	14,220	26,445			
c. West coast	87,360	73,232	160,592	110,219	41,058	151,277	3,810	1,558	5,368
Bolivia	218	4,942	5,160	32,790	2,083	34,873			
Chile	61,857	37,889	99,746	36,249	26,332	62,581	3,730	978	4,708
Ecuador	5,194	5,531	10,725	1,197	2,117	3,314			
Peru	20,091	24,870	44,961	39,983	10,526	50,509	80	580	660
Other countries							67	3,233	3,300
3. Europe	1,276,466	2,313,782	3,590,248	2,307,626	1,472,534	3,780,160	183,827	70,116	253,943
a. Northwestern and central	1,050,866	1,976,378	3,027,244	1,811,767	1,131,567	2,943,334	175,407	65,814	241,221
Sweden	47,896	44,689	92,585	122,809	51,994	174,803	5,163	236	5,399
Norway	22,231	23,361	45,592	62,806	38,737	101,543	1,998	28	2,026
Iceland	92	202	294	1,874	2,978	4,852			
Denmark	4,145	58,605	62,750	242,939	51,429	294,368	400	658	1,058
United Kingdom	357,931	840,059	1,197,990				72,666	30,783	103,449
Irish Free State	1,597	10,882	12,479	210,346	221,474	431,820			
Belgium	72,234	116,216	188,450	225,984	122,952	348,936	6,788	1,046	7,834
France	167,800	228,781	396,581	308,563	204,850	513,413	12,948	25,623	38,571
Netherlands	87,242	148,220	235,462	216,232	126,748	342,980	1,888	1,606	3,494
Austria	10,611	4,364	14,975	11,845	13,753	25,598	1,355	130	1,485
Czechoslovakia	31,726	7,442	39,168	45,502	9,928	55,430	1,330	2	1,332
Hungary	941	1,753	2,694	1,995	5,031	7,026			
Germany	200,554	481,681	682,235	290,807	337,808	628,615	62,292	5,031	67,323
Switzerland	45,866	10,123	55,989	70,055	43,885	113,940	8,579	671	9,250

[1] Includes Barbados.

Imports and exports of the United States, the United Kingdom, and Japan by geographic regions and by countries—Continued

Countries	United States			United Kingdom			Japan		
	Imports	Exports	Total	Imports	Exports	Total	Imports	Exports	Total
3. Europe—Continued.									
b. Northeastern	31,055	92,000	123,055	261,121	114,984	376,105	4,352	416	4,768
Estonia	432	918	1,350	10,950	4,151	15,101			
Finland	8,670	16,488	25,158	77,298	18,390	95,688			
Latvia	4,469	1,029	5,498	29,204	6,253	35,457			
Lithuania	520	218	738	1,898	1,226	3,124			
Poland and Danzig	4,825	9,261	14,086	39,414	29,997	69,411	3,590	4	3,594
Soviet Russia in Europe	12,139	64,086	76,225	[2] 102,357	54,967	157,324	762	412	1,174
c. Southwestern	149,753	219,495	369,248	197,500	156,661	354,161	3,836	2,233	6,069
Azores and Madeira Islands	1,814	1,946	3,760	1,158	2,102	3,260			
Gibraltar	53	1,450	1,503	78	4,214	4,292			
Italy	108,970	131,651	240,621	81,527	76,530	158,057	3,000	1,833	4,833
Portugal	4,565	10,672	15,237	22,965	21,023	43,988	199	3	202
Spain	34,351	73,776	108,127	91,772	52,792	144,564	637	397	1,034
d. Southeastern	44,792	25,909	70,701	37,238	69,322	106,560	143	1,398	1,541
Bulgaria	892	468	1,360	336	4,550	4,886			
Greece	29,646	15,028	44,674	15,071	23,953	39,024			
Malta, Gozo, and Cyprus Islands	226	1,112	1,338	1,903	8,516	10,419			
Rumania	649	4,925	5,574	11,563	13,573	25,136			
Turkey in Europe	12,394	3,380	15,774	5,995	12,088	18,083	143	1,398	1,541
Yugoslavia and Albania	985	996	1,981	2,370	6,642	9,012			
e. Other countries							90	255	345
4. Asia	1,256,757	559,605	1,816,362	769,015	783,980	1,552,995	413,847	400,394	814,241
a. Western	26,874	7,478	34,352	73,885	50,265	124,150			
Aden	3,060	587	3,647	1,489	3,431	4,920			
Arabia and Iraq	4,379	1,039	5,418	8,389	19,397	27,786			
Palestine and Syria	4,232	3,636	7,868	9,406	11,782	21,188			
Persia	7,527	1,569	9,096	45,978	11,757	57,735			
Turkey in Asia	7,676	647	8,323	8,623	3,898	12,521			
b. Southern and southeastern	657,887	184,687	842,574	593,693	586,183	1,179,876	229,238	159,618	388,856
British India	131,603	63,297	194,300	320,403	420,217	740,620	128,288	79,450	207,738
Ceylon	40,846	2,674	43,520	81,034	29,734	110,768			
British Malaya	277,784	13,624	291,408	105,495	73,927	179,422	17,007	17,380	34,387
Other British East Indies				1,986	1,314	3,300			
Netherland East Indies							49,200	39,152	88,352
Java and Madura	51,600	23,558	75,158	49,163	29,948	79,111			
Other Netherland East Indies	39,788	8,579	48,367	19,032	13,013	32,045			
French Indo-China	142	1,427	1,569	3,319	1,903	5,222	15,730	2,785	18,515
Philippine Islands	115,980	69,522	185,502	[3] 11,519	5,927	17,446	8,459	15,567	24,026
Siam	570	1,940	2,510	1,572	10,020	11,592	10,554	5,284	15,838
Other Asia	174	64	238	170	180	350			
c. Eastern	571,996	367,440	939,436	101,437	147,532	248,969	182,343	236,935	419,278
China	151,680	83,471	235,151	59,415	47,818	107,233	107,163	158,436	265,599
Hong Kong	14,785	18,866	33,651	2,320	24,337	26,657	758	31,541	32,299
Kwantung	2,688	6,698	9,386	[4]			62,794	43,271	106,065
Japan	402,105	257,570	659,675	39,697	74,910	114,607			
Chosen				5	467	472			
Soviet Russia in Asia	738	835	1,573				11,628	3,687	15,315
d. Other countries							2,267	3,841	6,108
5. Oceania	54,531	193,714	248,245	485,021	411,725	896,746	60,318	28,930	89,248
Australia	38,627	159,124	197,751	256,703	310,263	566,966	58,239	23,973	82,212
New Zealand	12,671	32,517	45,188	226,122	99,267	325,389	199	1,585	1,784
British Oceania	1,069	1,156	2,225	1,655	1,927	3,582			
French Oceania	2,164	917	3,081	112	112	234			
Other Oceania				[3] 419	156	575	[5] 1,880	3,372	5,252
6. Africa	93,255	107,088	200,343	409,163	410,426	819,589	17,258	24,290	41,548
a. Mediterranean	39,338	25,145	64,483	175,204	101,995	277,199	11,679	13,752	25,431
Algeria and Tunisia	4,650	6,855	11,505	16,769	9,723	26,492			
Egypt	33,292	11,182	44,474	139,153	71,727	210,880	11,679	13,752	25,431
Italian Africa	11	55	66	419	686	1,105			
Morocco	732	3,296	4,028	2,740	8,584	11,324			
Spanish Africa:									
Canary Islands	652	2,343	2,995	15,485	8,336	23,821			
Other Spanish Africa	1	1,414	1,415	638	2,939	3,577			
b. Other Africa	53,917	81,943	134,860	233,959	308,431	542,390	5,579	10,538	16,117
Ethiopia	28	18	46	1,075	83	1,158			
Belgian Congo	16,015	729	16,744	2,292	2,243	4,535			
British Africa:									
West	23,945	13,777	37,722	56,295	78,866	135,161			
South	8,742	52,486	61,228	114,172	165,597	279,769	513	5,519	6,032
East	1,614	4,843	6,457	47,326	27,549	74,875			
Liberia	362	756	1,118	297	1,007	1,304			
French Africa, n. e. s.:									
Madagascar	108	360	468	2,209	399	2,608			
Other French Africa	1,639	2,928	4,558	7,290	10,930	18,220			
Portuguese Africa:									
Mozambique	1,300	4,872	6,172	2,292	15,587	17,879			
Other Portuguese Africa	173	1,174	1,347	711	6,170	6,881			
Other countries							5,066	5,019	10,085
7. Miscellaneous				23,148	22,158	45,306	2,098		2,098
Whale fisheries				97	1	98			
Deep sea fisheries				6,379	10	6,389			
Channel islands				16,672	22,147	38,819			
Not distributed							2,098		2,098

[2] Includes Soviet Russia in Asia. [3] Includes Guam. [4] Included in Japan. [5] Includes Hawaii.

NOTE.—The total trade of the United States, excluding that with Canada and Mexico, aggregated $7,491,594,000.

Mr. SACKETT. Mr. President, the initiation and development of the foreign trade of the United States is a very delicate business operation. That trade is carried on at tremendous distances from the seat of government. It goes into many lands less developed and less protected than our own. It has to be fostered; it has to be advertised; it requires for its development the residence in foreign countries of many Americans in order to carry out the whole chain of distribution from the producer in this land to the consumer in others. Those engaged in the export trade have to invest large sums of money in order to bring about its full development, and it is only when business feels safe that business is willing to undertake so hazardous an enterprise. The great American foreign commerce, which came to us as a gift of the World War, can be maintained only by keeping open under all conditions the channels of foreign trade; it can be developed only when we are in a position to protect our people who must go to foreign countries in order to establish that trade which means so much to the prosperity and development of America.

Mr. SMITH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from South Carolina?

Mr. SACKETT. I yield.

Mr. SMITH. If it is perfectly convenient, I should like to ask the Senator what proportion of our foreign trade is with Central and South America, if the Senator has the figures?

Mr. SACKETT. I can give the Senator from South Carolina the totals of our foreign trade with Central and South America. With Central America our imports amounted to $40,430,000; our exports amounted to $76,348,000. With the West Indies and the Bermudas our imports amounted to $322,000,000 and our exports to $222,000,000, a total of $544,000,000.

In our South American trade imports amounted to $518,000,000, in round figures, and our exports amounted to $438,000,000. That is with the whole of South America. It is divided into the countries of the Caribbean, the east coast, and the west coast. The table shows the figures as to each country, and that is the reason I ask to have it printed in the RECORD, in order that it may be before the Senate.

Mr. SMITH. So our trade with South and Central America amounts to something approximating $2,000,000,000?

Mr. SACKETT. It amounts to about $1,000,000,000 for imports and $900,000,000 for exports.

Mr. SMITH. But that trade, both ways, amounts approximately to $2,000,000,000?

Mr. SACKETT. Yes. The point to which I want particularly to call attention of the Senate is the difficulty of maintaining and developing any business at long distance from headquarters, such as the central Government at Washington, unless those who are induced to enter into that business are assured that the business will continue unmolested. The class of vessels which we have now under consideration, apart entirely from their usefulness in time of war and their place as a part of the Grand Fleet, are equally valuable in times of peace to make that assurance of export business double sure.

I was amazed the other day to hear the Senator from Mississippi [Mr. HARRISON] on the floor of the Senate decry the use of the cruiser as an instrument of our naval preparedness. No State in the Union is more dependent upon the continuity of our export trade than is the State of Mississippi with its cotton. The history of the Civil War and the history of the late World War show that the fact that cotton could not seek its normal market across the sea caused more distress and damage to those who produced it than any other feature of the economic situation. We can not expect those who conduct the business of the United States of America in far-off foreign lands to risk their capital, to risk their enterprise in those distant countries unless there stands behind them the assurance of the continuity of trade, unless there stands behind them the assurance of the safety both of capital and labor.

There is no other class of naval craft in which we are to-day in competition with any nation on the earth. The race in armaments of which we hear so much is not a race in the interest of warfare; it is an economic race in the interest of foreign trade. Every one of the products of this country of which we produce a surplus must find an outlet in the markets of the world. I know of no class of products that need the foreign trade which is developed and protected by the use of cruisers in time of peace to a greater extent than do the agricultural products of this country. Unless the wheat which is grown in surplus quantities in America can get into the markets of the world we are going to have a surplus here that will destroy even the present value of that commodity. Unless cotton can be carried into the marts of the world there is no need of producing the quantity of that commodity which is now grown upon our own soil.

Those of us who have been in a foreign port and have seen an American naval vessel enter the harbor can understand in a way how that vessel is in a sense a supersalesman for every American product which is exported. Her arrival becomes a prominent feature on the first page of the local newspaper; attention is drawn to America; comment is made of the increasing American trade, and in that way the great and valuable asset which we hold to-day is assisted and built up by the use of naval vessels in time of peace. It is a matter we do not want to treat lightly, for if we lose our foreign trade, if it is interrupted by wars between other nations—and it would be interrupted unless we had the naval vessels able to protect our own cargoes—that trade is gone for a long period.

Great Britain sees the advantage of protection and the assurance to her merchants engaged in foreign trade which cruisers furnish. Let us not be backward in recognizing that to-day there is an economic race between the two great exporting countries of the world.

I do not favor such an armament as might in any measure be regarded as promoting the likelihood of war between the two great English-speaking nations. The British Admiralty does not object to the building of the cruisers proposed by this bill to be constructed by the United States. The first lord has been quoted upon this floor to that effect, but we have heard coming from others in Great Britain violent objections that we were in a naval race for war purposes. Those objections, however, do not come from the one representative body of the English nation that would have a right to speak on war preparation. They come rather as a deterrent to the United States providing the very class of vessel which the English merchant knows is the one kind of vessel that can hinder the development of his world trade by maintaining the development of the world trade of the United States.

If we lose the ability to dispose of our surplus in the world market, we will find that loss having its effect upon the prosperity of this entire country. Without a world market we can not produce in the quantities to which we are entitled; but with a world market maintained and developed and protected, and with the assurance to the merchants who do the distribution work of that market that they have behind them the influence and the power of the United States, prosperity in this country is aided and confirmed.

CARLISLE COMMISSION CO.

Mr. FESS obtained the floor.

Mr. NYE. Mr. President, will the Senator from Ohio yield to me?

Mr. FESS. I yield.

Mr. NYE. I ask unanimous consent to report back favorably, from the Committee on Claims, without amendment, House bill 10774, for the relief of the Carlisle Commission Co., and I submit a report (No. 1612) thereon. I call the attention of the Senator from Missouri [Mr. REED] to this bill.

Mr. REED of Missouri. Mr. President, I am obliged to leave the floor of the Senate. I ask unanimous consent for the present consideration of the bill just reported by the Senator from North Dakota.

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Ohio yield for that purpose?

Mr. FESS. I do.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. REED of Pennsylvania. Let it be read, or will the Senator from Missouri tell us what it is?

Mr. REED of Missouri. The bill is to pay a balance due on hay furnished during the war. The Government held back 20 per cent of the price, as they always held it back. They held it back for an indefinite period. The War Department has reported that every part of the contract was carried out and that these men are entitled to their money. The bill has been before the committee of the House, and has been approved. It is an absolutely straight out-and-out debt.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to the Carlisle Commission Co. the sum of $38,403.43, with interest at 4 per cent from December 17, 1920, to reimburse the said Carlisle Commission Co. for losses incurred by it in the carrying out of certain war contracts

calling for the supplying of hay and straw and the furnishing of other services to the forage branch of the War Department, which sum represents the difference between the amount claimed by the Carlisle Commission Co. of $218,903.43 which claim was approved by the War Department claims board, appeals section, on October 25, 1920, and the amount of $180,500 being the sum actually paid the said company by the War Department.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. REED of Missouri. I thank the Senator from Ohio.

THE FIFTEENTH DECENNIAL CENSUS

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Ohio yield to the Senator from Georgia?

Mr. FESS. I yield.

Mr. HARRIS. The House bill on the calendar to provide for the fifteenth and subsequent decennial censuses has been objected to when the calendar was being considered by unanimous consent by the Senator from Maryland [Mr. BRUCE] because of an amendment which he wished to place in the bill requiring civil-service examinations of enumerators.

Mr. President, about 100,000 of these enumerators will be selected. Their employment will last for only a few days. Many will not stand the civil-service examinations, and in my judgment, we will not get as good men if this plan is insisted upon. I shall place in the RECORD statements from many of the census supervisors 10 years ago, showing the difficulty they had at that time. I also place in the RECORD the tests that are being required of all applicants, so that the Senator from Maryland and other Senators interested in the matter can see just what the Director of the Census is doing in regard to these appointments.

When I was Director of the Census Bureau the present director, Mr. Steuart, was associated with me, and he is one of the most efficient public officials I have known; he is doing everything necessary, and if we allow him to proceed in the way he recommends he will do this work very much better and cheaper than if we handicap him by insisting upon civil-service examinations for enumerators. I am a great believer in the civil service and oppose the spoils system ordinarily, but in this instance it will not be satisfactory.

Enumerators will have to be appointed for each township. Civil-service examinations could only be given in a few central locations. The distance many applicants would have to go for examination, and the consequent expense and loss of time, together with the uncertainty of appointment, would prevent people from taking a test for a job that would last for but 15 to 30 days. This, together with the general dislike for public examinations would keep many excellent prospects from applying, and result in failure to secure applicants in hundreds of districts. The examination would necessarily have to be given some weeks before the appointments would be made, and a considerable percentage of those passing the examination would have secured permanent appointment in the intervening time.

The PRESIDING OFFICER. Is there objection to printing in the RECORD the matter referred to by the Senator from Georgia? The Chair hears none.

The matter referred to is as follows:

COMMENTS TAKEN AT RANDOM FROM THE REPORTS OF VARIOUS SUPERVISORS IN REFERENCE TO PUBLIC TESTS WHICH WERE GIVEN BY THE SUPERVISORS BEFORE THE APPOINTMENT OF ENUMERATORS FOR THE CENSUS OF 1920

Thirteenth Pennsylvania: "Almost invariably those submitting the poorest tests did the best work."

First North Dakota: "Twelve hundred people wrote letters of inquiry, but after receiving the printed matter less than 100 took the examination."

Fourth Maine: "Many excellent people will not take the test for so short a job."

Seventh Massachusetts: "Many excellent enumerators were frightened off by test."

Fourth New York: "Some of my best people passed the poorest tests."

Eighth New York: "Many taking test November 1 had secured work by January 1."

Fifteenth New York: "Many can not pay railroad fare or take the time necessary to go to distant points. For this reason there were often no applicants from certain districts."

Eighth New Jersey: "Some of the best on paper were the worst shirkers in the field."

Third Pennsylvania: "Many enumerators were appointed without a test and these did the best work and proved the most satisfactory. No supervisor should be required to have applicants take examination for so short a job. A pound of instructions is worth a ton of examination."

Third Ohio: "As a gauge of competency the test is practically a failure, as some of the best men will not take the examination for so short a job."

Eighth Ohio: "Best enumerators were obtained by having some responsible person recommend them."

Eighth Indiana: "I am opposed to the test. A competent person will not go through this for so short a job."

Third Illinois: "Only four came to public examination. Rest took it at home."

Fourth Missouri: "Supervisor should be allowed more latitude. People dread a public examination."

Tenth Mississippi: "People as a rule shy of examination unless they lead to something worth while."

Sixth Georgia: "Was forced to beg many to serve as enumerators."

Sixth Minnesota: "Public examination a failure. Applicants would not come so far."

First Iowa: "Failure for lack of applicants."

Fifth Iowa: "Public test proved impractical. Applicants, especially unsuccessful ones, were put to unnecessary expense."

First South Dakota: "Public test failure; lack of applicants."

Second Kansas: "Expense of coming to some central point and the dislike of all examinations keep away many good people."

Sixth South Carolina: "The average applicant will not attend a public examination."

Third Kentucky: "Many able, competent men will not take a test for so short a job."

Fifth Tennessee: "Could not secure applicants for public test."

Tenth Alabama: "People refused to take a competitive examination."

First Mississippi: "Method was a farce. Better enumerators could have been obtained in other ways."

Seventh Louisiana: "A man is needed who knows the roads and the farmers and how to handle them. Some of my worst work was done by men who passed fine examination and some of the best by men who failed."

Second Montana: "It required an unwarranted expenditure of money on the part of the applicant to take a public test."

Second Wyoming: "Public test not practicable owing to distance."

First New Mexico: "Most of them had no examination, and I could not persuade applicants to take them."

Sixth California: "No one will travel several miles to take a test for a 2-week job that he may not even get."

INSTRUCTIONS FOR FILLING OUT THE POPULATION SCHEDULE

1. Note: The following instructions form a part of the detailed instructions which have been prepared and are later to be furnished to the census enumerators for their guidance in the actual work of enumeration in November, 1929. They are given here for the information of applicants for appointment as census enumerators, and should be studied carefully, in connection with the illustrative example, and used in filling out the test schedule.

2. The census day: All returns on the population schedule should relate to the census day, November 1, 1920. Thus persons dying after November 1 should be enumerated, but persons born after November 1 should not be enumerated.

3. Who is to be enumerated in your district: All persons are to be enumerated, in general, at their "usual place of abode" on November 1, 1929. This means the place where they may be said to live or belong, or the place which is their home.

4. As a rule the usual place of abode is the place where a person regularly sleeps. Note, however, that where a man happens to sleep at the time of the enumeration may not be the place where he usually sleeps.

5. The following persons are to be enumerated with the families in your district, and inquiry regarding such persons must be made of every family:

a. Members of the family absent on the census day, either in foreign countries or elsewhere in the United States on business or visiting.

b. Children attending schools or colleges located in other districts.

c. Members of the family who are ill in hospitals or sanatoriums.

d. Servants, laborers, or other employees who live with the family, sleeping on the premises.

e. Boarders or lodgers who have their usual place of abode in the house being enumerated.

6. Every dwelling, store, factory, warehouse, houseboat, and all other places of shelter in which it is possible for persons to reside must be visited and careful inquiry made for persons to be enumerated. Members of railroad, road, or other construction camps, lumber camps, convict camps, and persons on State farms must be enumerated, as well as all inmates of prisons, reformatories, jails, almshouses, insane hospitals, homes for the aged, institutions for orphans, blind, deaf, incurables, and feeble-minded, and soldiers' homes. Soldiers, sailors, and marines, and officers of the Army and Navy of the United States, as well as the resident civilian employees at military and naval stations or camps, must be enumerated at their places of duty.

ILLUSTRATIVE EXAMPLE of Completed Population Schedule

Form 15-9

DEPARTMENT OF COMMERCE—BUREAU OF THE CENSUS

FIFTEENTH CENSUS OF THE UNITED STATES: 1929

POPULATION SCHEDULE

Enumeration District No. 10-4 — Sheet No. 3 A

Supervisor's District No. 4

State *California* — Township or other division of county *Alameda township* (Insert proper name and, also, name of class, as township, town, precinct, district, etc. See instructions)

County *Fresno* — Incorporated place *Buena Vista village* (Insert proper name and, also, name of class, as city, village, town, or borough. See instructions)

Name of institution ____ (Insert name of institution, if any, and indicate the line on which the entries are made. See instructions) — Ward of city ____

Enumerated by me on *November 5*, 1929 — *Robert J. Brown*, Enumerator.

	Place of abode: Street, avenue, road, etc.	House number	Number of dwelling house in order of visitation	Number of family in order of visitation	Name of each person whose place of abode on November 1, 1929, was in this family. Enter surname first, then the given name and middle initial, if any. Include every person living on November 1, 1929. Omit children born since November 1, 1929	Relationship of this person to the head of the family	Tenure: Home owned or rented	If owned, free or mortgaged	Does this family live on a farm?	Personal description: Sex	Color or race	Age at last birthday	Single, married, widowed, or divorced	Attended school or college any time since Sept. 1, 1928	Whether able to read and write	Place of birth of each person and parents of each person enumerated. If born in the United States, give the State or Territory. If of foreign birth, give the country of birth: Person	Father	Mother	Code (For office use only. Do not write in blanks subscribed): State	Country	No. (over)	Citizenship: Year of immigration to United States	Naturalized or alien	Whether able to speak English	Occupation: Code (For office use only. Do not write in blanks subscribed)	Trade, profession, or particular kind of work done, as spinner, salesman, retailer, etc.	Industry or business in which at work, as cotton mill, dry goods store, shop yard, etc.	Veterans: Whether a veteran of the U. S. military or naval forces (write 'Yes' or 'No')	What war or expedition	Number of farm schedule	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	A	B	C	19	20	21	D	22	23	24	25	26	
1	Walnut Street	203	42	42	*Lasalle, George F.*	*Head*	O	M	No	M	W	39	M		Yes	*Canada-French*	*Canada-French*	*Canada-French*				1908	Na	Yes		*Cashier*	*Bank*	Yes	*World War*		1
2					*———, Rose*	*Wife*				F	W	38	M		Yes	*England*	*England*	*England*				1910	Na	Yes		*Housework*	*Own home*				2
3					*———, George F., jr.*	*Son*				M	W	10	S	No	No	*Illinois*	*Canada-French*	*England*						Yes		*None*					3
4					*Price, Emma O.*	*Sister-in-law*				F	W	40	D		Yes	*England*	*England*	*England*				1910	Pa	Yes		*Bookkeeper*	*Grocery store*				4
5		203	43	43	*Ruckle, Jacob*	*Head*	O	F	Yes	M	W	65	M		Yes	*Ohio*	*Switzerland*	*Switzerland*						Yes		*Farmer*	*Truck farm*	No		1	5
6					*———, Mary M.*	*Wife*				F	W	43	M		Yes	*Michigan*	*Michigan*	*Michigan*						Yes		*Housework*	*Own home*				6
7					*Marot, Jean*	*Boarder*				M	W	25	S		Yes	*France*	*France*	*France*				1928	Al	No		*Cook*	*Restaurant*	No			7
8	Lake Avenue	425	44	44	*Justice, Elsa M.*	*Head*	O	F	No	F	W	59	Wd		Yes	*Pennsylvania*	*Pennsylvania*	*Pennsylvania*						Yes		*Home supervision*	*Own home*				8
9					*Hugo, Mary*	*Daughter*				F	W	32	M		Yes	*Pennsylvania*	*New Jersey*	*Pennsylvania*						Yes		*Housework*	*Own home*				9
10					*———, Jules*	*Son-in-law*				M	W	33	M		Yes	*France*	*France*	*France*				1919	Na	Yes		*Commercial traveler*	*Hardware*	No			10
11					*———, William J.*	*Grandson*				M	W	8	S	Yes		*New York*	*France*	*Pennsylvania*								*None*					11
12					*———, Martha S.*	*Granddaughter*				F	W	11/12	S			*New York*	*France*	*Pennsylvania*								*None*					12
13					*Dunn, Lizzie*	*Servant*				F	Neg	40	S		No	*Virginia*	*Virginia*	*Virginia*						Yes		*Servant*	*Private family*				13
14				45	*Mahoney, Jeremiah*	*Head*	R		No	M	W	30	S		Yes	*Ireland*	*Ireland*	*Ireland*				1926	Fa	Yes		*Foreman*	*Coal mine*	No			14
15					*———, Charlotte*	*Sister*				F	W	28	S		Yes	*Ireland*	*Ireland*	*Ireland*				1927	Al	Yes		*Stenographer*	*Insurance office*				15
16		427	45	46	*Lawson, Stephen*	*Head*	R		No	M	Neg	27	M		No	*Maryland*	*Virginia*	*North Carolina*						Yes		*Laborer*	*Nursery*	No			16
17					*———, Lily M.*	*Wife*				F	Neg	22	M		Yes	*Delaware*	*Delaware*	*Maryland*						Yes		*Laundress*	*At home*				17
18					*———, Edward H.*	*Son*				M	Neg	1 1/12	S			*Pennsylvania*	*Maryland*	*Delaware*								*None*					18
19																*Here ends the enumeration of Buena Vista village.*														19
20																															20

NARRATIVE

Robert J. Brown, the enumerator of district 10-4 in the 4th supervisor's district of California, began on Tuesday, November 5, 1929, the completion of the enumeration of the village of Buena Vista, being part of the township of Alameda, county of Fresno. He had enumerated 41 families of this village on previous days, having filled two sheets, making this sheet the third.

He began his work on this day at No. 203 Walnut Street, the 42d dwelling house in the order of visitation. The house was occupied by a single family, consisting of George F. Lasalle, his wife Rose, his son George F. Lasalle, jr., and his wife's sister, Mrs. Emma O. Price. George F. Lasalle was born in Canada, of French-Canadian parents, in June, 1890, and came to the United States in 1908, becoming naturalized five years after his arrival. He is the cashier of the First National Bank and owns the house in which he lives, subject to a small mortgage. Mr. Lasalle was in the Marine Corps during the World War.

Rose Lasalle, the wife, was born in England of English parents, and will be 39 years old in February. She has had one child, George F., jr., still living. She came to this country in 1910 and was naturalized in 1915. Mrs. Lasalle has no occupation other than attending to the duties of her household. She reads, writes, and speaks French, English, and German.

George F., the son, was born in October, 10 years ago, in Chicago, Ill. As result of fever when 2 years of age, he is not in good health and, owing to his physical condition, it has not been possible to teach him to read or write. He is able to speak the English language.

Mrs. Price was born in England 40 years ago last September. She married when quite young, but, her husband having deserted her, she obtained a divorce and came to this country with her sister. She is now a bookkeeper in the grocery store of Smith, Brown & Jones, and has taken out her first papers for naturalization.

At house No. 203 Walnut Street there live Jacob Ruckle, his wife Mary M., and a boarder, Jean Marot. Miss Belle Olmstead, 29 years old, of Denver, Colo., is making a short visit to her sister, Mrs. Ruckle.

Jacob's parents came from Switzerland in 1860 and settled in Ohio, where Jacob was born 65 years ago last May. He owns and operates a very prosperous truck farm, on which he employs several laborers. Both farm and house are free of any encumbrance. This is the first farm schedule. He speaks and writes German, English, and French.

Mary M., Jacob's wife, who will be 44 years old the 15th of November, was born in Michigan, in the same village in which her father and mother were born. Mrs. Ruckle keeps the financial accounts of her husband in addition to doing the usual housework.

Jean Marot, unmarried, is a cook in the Delicatessen Restaurant. He is a young Frenchman, and reads, writes, and speaks only his native language. He came to this country in June, 1928, when just 24 years of age. His parents are still living in Lyon, France, where they as well as Jean were born. He is not naturalized.

Next to house No. 203 is a large building in course of construction. Turning around the corner into Lake Avenue there are several vacant lots, the first house being numbered 425 and occupied by two families.

The first and second floors of this house are occupied by Mrs. Elsa M. Justice, a widow, who owns the house, free of any encumbrance. Living with her is her daughter, Mary Hugo, and her husband Jules, their two children, William J., who was 8 years old on February 2 last, and Martha S., who will be 12 months old on November 6, and Lizzie Dunn, a servant.

Mrs. Justice was born in Pennsylvania, Independence Day, 1870, and lived there three years after her marriage. Her father and mother were also natives of that State. She graduated from the State normal school and married, when 25 years old, a native of the State of New Jersey. Mrs. Justice takes general charge of the home, although she does very little of the housework herself. Mary was born October 21, 1897.

Mary Justice and Jules Hugo, who is exactly three years older, were married in January, 1926, and to them three children have been born, two of whom are living. Mr. Hugo was born in France of French parentage. He came to this country in 1919 and was naturalized in 1926. He is a traveling salesman for the hardware house of Roberts & Lee of New York. Prior to her marriage Mary was a teacher in the public schools, but her household duties now engage her attention, as there is too much work for the servant to do alone. William J. Hugo was born in New York and is attending the fourth grade school. Martha S. Hugo was also born in New York.

Lizzie Dunn, the servant in the family of Mrs. Justice, is a Negro woman, who says she was 40 years of age on her last birthday, unmarried, and she and her parents were born in Virginia. She has a limited education, being able to read but not to write.

The third floor of house No. 425 is occupied by Jeremiah Mahoney and his sister Charlotte who rent their apartment from Mrs. Elsa M. Justice. Mr. Mahoney was 30 years old on his last birthday and Charlotte, 28. They are both single and were born in Ireland, where their parents were also born. Mr. Mahoney came to the United States in 1926 and has taken out his first papers for citizenship. Miss Mahoney did not come until the next year and has not yet taken out her citizenship papers. Both Mr. and Miss Mahoney are well educated. He is foreman in a coal mine and she is stenographer in an insurance office.

The next house, No. 427, is occupied by a Negro family of the name of Lawson. The family consists of Stephen, his wife, Lily M., and his son, Edward H. They rent their house. Stephen is 27, Lily, 22, and Edward H. was 1 on July 29. Stephen is a laborer in a nursery and can not read or write. Lily labors in washing. She has a common school education and can both read and write. Stephen was born in Maryland, his father was born in Virginia, and his mother in North Carolina. Lily and her father were born in Delaware, but her mother was born in Maryland. Their little son, Edward, was born in Pennsylvania. The Lawson house is the last house within the corporate limits of Buena Vista village.

TEST SCHEDULE—To be Filled by Applicant for Appointment as Census Enumerator

Form 15-4

DEPARTMENT OF COMMERCE—BUREAU OF THE CENSUS

FIFTEENTH CENSUS OF THE UNITED STATES: 1929

POPULATION SCHEDULE

State _____ Township or other division of county _____ (Insert proper name and, also, name of town, or township, town, precinct, district, etc. See instructions)

County _____ Incorporated place _____ (Insert proper name and, also, name of town, or city, village, borough, or township. See instructions)

Name of institution _____ (Insert name of institution, if any, and indicate the item on which the records are made. See instructions) Ward of city _____

Enumeration District No. _____ Supervisor's District No. _____

Enumerated by me on _____, 1929 _____, Enumerator.

Sheet No. A

	PLACE OF ABODE				NAME	RELATION	TENURE			PERSONAL DESCRIPTION				EDUCATION		PLACE OF BIRTH			CITIZENSHIP			OCCUPATION			VETERANS				
	Division, township, city, etc.	House number	Number of dwelling, beginning with number of visitation	Number of family in order of visitation	of each person whose place of abode on November 1, 1929, was in this family. Enter surname first, then the given name and middle initial, if any. Include every person living on November 1, 1929. Omit children born since November 1, 1929	Relationship of each person to the head of the family	Home owned or rented	If owned, free or mortgaged	Does this family live on a farm	Sex	Color or race	Age at last birthday	Single, married, widowed, or divorced	Attended school since Sept. 1, 1929	Whether able to read and write	Place of birth of each person and parents of each person enumerated. If born in the United States, give the State or Territory. If of foreign birth, give the country of birth.			Year of immigration to the U. S. (If foreign born)	Naturalized or alien	Whether able to speak English	Code (For office use only. Do not write in this column)	Trade, profession, or particular kind of work done, as spinner, salesman, clerker, etc.	Industry or business in which at work, as cotton mill, drug grocery store, whole good, etc.	If within a relative of the U. S. soldiers or navy forces under Flood for any war or expedition		Yes or No	What war or expedition		
																PERSON	FATHER	MOTHER	State	Country	No. years									
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	A	B	C	19	20	21	22	23	24	25	26	27	28	
1																																1
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INSTRUCTIONS

Read the instructions on the back of the Illustrative Example through carefully before attempting to fill out the test schedule or schedules. (There will be an additional test schedule for agriculture for enumerators in rural districts.) **The reading of the instructions and the filling out of a certificate attesting thereto are required of all applicants for the position of enumerator.** (See certificate on the other side of this sheet.

The following paragraph should be carefully read before beginning work on the test.

From the information furnished in this narrative, **and no other,** you must make the entries on the above schedule. Do not sacrifice accuracy to speed; be sure you know the proper entry and where it should go before making it, so as to avoid erasing or interlining. Write legibly. Follow the instructions printed on the Illustrative Example. All work must be done in ink. No information as to how the test schedule should be filled out, other than the printed instructions, can be given. The schedule is to be filled out in your own handwriting, without any assistance from anyone.

Before returning the schedule, fill out the application and certificate on the other side of this sheet and have the indorsements filled out as indicated.

NARRATIVE

The enumerator for Jefferson Township, situated in Grant County, and designated as Enumeration District 27-3 in the 9th Supervisor's District of Indiana, began work on the morning of Friday, November 8, at 407 Wilson Street, in the town of Jackson. On the six previous days he had enumerated 250 families, occupying 239 dwellings, which had completely filled 10 sheets, making this the 11th. He had also enumerated 5 farms.

At 407 Wilson Street the enumerator saw Mr. Henry T. Dumond, a World War veteran, who said his family consisted of his wife, himself, and four children. He said he owned the house, on which there was a small mortgage, that he was cashier in the Farmers' Bank. He was born in Annapolis, Maryland, in December, 1887. His father was also born in Maryland but his mother was born in New York. Mrs. Dumond, whose given name is Elizabeth Anne, was born and educated in Indianapolis, Indiana. The children were born in the house where they are now living. Mrs. Dumond's mother was born in Scotland and her father in Illinois. She was 38 on her last birthday. The eldest son, John J., was 14 on his last birthday and was in his second year at high school. Little Henry was 6 on his last birthday and did not go to school. Anne Louise was born on June 20, 1927, and the baby, Joan, was born on November 5, 1929. Mrs. Dumond keeps house and has a servant, but the servant goes home every night.

At 409 Wilson Street the servant said the lady of the house was out but that the husband, Rev. Wm. J. Allen, was in. The enumerator asked to see him. Mr. Allen was very glad to give the information, as he wanted his family correctly enumerated. He said his household consisted of himself, his wife, Margaret Ellen, and his adopted son, Julian, and his mother-in-law, Mrs. Mary Lane Palmer. The servant also lived on the premises. Mr. Allen was born in Canada in September, 1873, but came to the United States in 1893 and was graduated from Bowdoin College in 1900, when he was ordained as a minister. He said he was now pastor of the Congregational Church. His father and mother were born in England but came to Canada in 1873, where they are still living. His wife was born in Bath, Maine, in June, 1882, and graduated from the high school there. Her father was born in Massachusetts and her mother in Connecticut. Her mother's parents were born in northern Ireland. After her father's death 5 years ago her mother came to live with Mrs. Allen. Her mother was 65 on her last birthday. She was a great reader and very fond of letter writing. She made her home permanently with them and had general supervision of the house as Mrs. Allen was Secretary of the Y. W. C. A. and had to be away from home all day. Mr. and Mrs. Allen had a married daughter who lived in Boston. Julian, their adopted son, was 19 years of age and was away at college. Julian was born in Indiana and so were his own parents. The servant's name is Jane Brown. She was divorced from her husband 2 years ago; she was 25 on February 2 and can read but not write. She was born in Maryland and her father and mother were born there, too. Jane is colored but apparently has some slight mixture of other blood with the Negro blood. Mr. Allen lives in a parsonage furnished by the church.

The occupants of the next house, No. 411, were a bachelor brother and an unmarried sister, John Andrew White, jr., and Sarah Andrew White, and a roomer, Joseph Cortel. The enumerator saw Miss White, who kept house for her brother, and she said that her father, who lived with them, had died 5 days before on his 91st birthday. He was a retired physician. Both he and his parents were born in Yonkers, N. Y. His given name was John Andrew, too. Her mother was a French-Canadian by birth and had been dead several years. Her brother was the head of the family and owned the house free of debt. He was a bulldog contractor and was 50 years old on his last birthday. He had graduated at the Manual Training High School in Chicago, both he and also at the Manual Training High School in Chicago, Ill. Mr. his sister having been born and educated in Chicago, Ill. Mr. White was a soldier in the Spanish American War and his father was a veteran of the Civil War. Miss White said she did not mind telling her age, that she was 52 on April 1, but she did not want the enumerator to tell her age to anyone, as the neighbors were curious to know whether she or her brother was the older. The enumerator assured her that all the information collected at the census was strictly confidential. Miss White said the roomer, Mr. Cortel, was 28 years old and unmarried. He was born in New Jersey but he did not know where his parents were born, except that they were Americans too. She said he was a clerk in the drug store. Miss White keeps no help.

At the end of the street is a farm of 50 acres which is within the corporate limits of Jackson. It has 2 houses on it, both of which front on Oak Road. Citizens have tried to get the owner of the farm, John E. Mason, who lives in the big house, to subdivide the farm into building lots, but Mr. Mason says he and his father were born on the farm and he expects to die on it. He is proud of the fact that it has belonged to his family, free of encumbrance, for 100 years. His mother was born in Tennessee, and so was his wife, whose name was Katherine Llewellyn before her marriage. Her father was born in Georgia and her mother in Wales. Mrs. Mason was 64 in June and Mr. Mason was 70 on November 7. He farms the land himself. He has one hired man, Jim Hunter, a Negro, who lives with his mulatto wife, Ella, in the small house on the far corner of the farm. While Jim pays no actual rent for the house, he renders service in place of rent. Jim and Ella are both 25 years of age, and can both read and write. Mrs. Mason having taught them. Mr. and Mrs. Mason are highly educated people. Jim was born in Indiana and his parents were born in Maryland, while Ella and her parents were born in Ohio. Ella works for Mrs. Mason, although Mrs. Mason does a good deal of the housework herself. The Masons have no children living at home. Mrs. Mason's niece, Mary Llewellyn Wilson, 16 years old, of St. Louis, Mo., is spending two months with her aunt. This farm completes the enumeration of the town of Jackson.

APPLICATION FOR APPOINTMENT AS A CENSUS ENUMERATOR

I, _____, hereby apply for appointment as a census enumerator at the Fifteenth Census and certify that this application is in my own handwriting.

NOTE.—A definite answer is required to each of the following questions. If in any case the space provided is not sufficient, use a separate sheet of paper and refer to the question by number.

1. Are you a citizen of the United States? _____
2. If a naturalized citizen, when and where were you naturalized? _____
3. In what place do you live? (*a*) State _____ (*b*) County _____ (*c*) City or town _____ (*d*) Ward (if any) _____
4. How long have you been a resident of this place? _____
5. What is your sex? _____ 6. Color? _____ 7. Age at last birthday? _____
8. Where were you born? _____
9. Were you ever in the U. S. military or naval service? _____
10. Date enlisted _____
11. Date of honorable discharge _____
12. In what company and regiment, or on what vessel? (Do not give service in militia) _____
13. What is your education? (State last school attended, as eighth grade, second year high school, etc., or explain in any other convenient way.) _____
14. Do you speak English? _____
15. Do you speak any language other than English? _____ 16. If so, what language or languages? _____
17. What is your present occupation? _____
18. What is your profession or business experience? (State briefly, and if at present an officeholder, name the office you hold.) _____
19. Have you ever been employed on census work or in the collection of any kind of statistical information? _____
20. If so, in what capacity and for how long? _____
21. If as an enumerator, for what place or district? _____
22. Are you physically capable of a full discharge of the duties of a census enumerator? _____
23. In case you were to be appointed as an enumerator, what would be your first, second, and third choice of territory? 1 _____ 2 _____ 3 _____

CERTIFICATE OF APPLICANT

I HEREBY CERTIFY that the answers to each of the foregoing questions are true to the best of my knowledge and belief; that I have carefully read the Instructions on the back of the Illustrative Example of Completed Population Schedule; and that the test schedule on the other side of this sheet has been filled out in my own handwriting without assistance from any person or persons.

Signature of applicant _____

Sign your first name in full, your middle initial, and your surname in full. If female, prefix "Miss" or "Mrs."

Post office _____ State _____

Street and number _____

Date _____, 1929.

INDORSEMENTS

Instructions.—Indorsements must be secured from two representative citizens of the community in which the applicant resides. The signers of the indorsements must be at least 21 years of age, and acquainted with applicant not less than one year. Indorsements *will not be accepted* from any person who is in any way related to the applicant.

INDORSEMENT NO. 1

I HEREBY CERTIFY that _____ is a thoroughly trustworthy and honest person, of good habits, and, in my opinion, fully capable of discharging the duties of a Census Enumerator, if appointed. I have been personally acquainted for _____ years with said applicant, who is *not related* to me in any way.

_____
(Name)

_____
(Business)

_____
(Address)

Date _____, 1929.

INDORSEMENT NO. 2

I HEREBY CERTIFY that _____ is a thoroughly trustworthy and honest person, of good habits, and, in my opinion, fully capable of discharging the duties of a Census Enumerator, if appointed. I have been personally acquainted for _____ years with said applicant, who is *not related* to me in any way.

_____
(Name)

_____
(Business)

_____
(Address)

Date _____, 1929.

Form 15–4

DEARTMENT OF COMMERCE

BUREAU OF THE CENSUS

FIFTEENTH CENSUS

POPULATION

APPLICATION FOR APPOINTMENT AS CENSUS ENUMERATOR

(Applicant will write full name, post-office address, and date of application in the spaces below)

Name _____

City or town _____

County _____

State or Territory _____

Date _____

(Not to be filled by applicant)

Supervisor's District No. _____

_____ District of _____

Enumeration District No. _____

NOTE.—This application and test schedule must be filled out and returned promptly. Any false statement made by an applicant will render him ineligible for appointment.

7. Classes not to be enumerated in your district: The following persons should not be enumerated with the families in your district, even though they may happen to be there at the time of your visit:

a. Students whose homes are not in this district.

b. Persons temporarily visiting with the family.

c. Transient inmates of hospitals or sanatoriums. *Inmates, however, who have no other place of abode must be enumerated at the institutions.*

d. Servants or other persons employed by the family but not sleeping on premises.

e. Officers and crews of foreign vessels.

THE HEADING OF THE SCHEDULE

8. Fill out the spaces at the top of each page above the heavy black line before entering any names on that page. Enter in the place provided the State, county, supervisor's district number, and enumeration district number; township or other division of county, and incorporated place, if any.

9. Township or other division of county: Write not only the name or number by which the division of the county is known, but also the name of the class (as township, town, precinct, district, ward, beat, etc.) to which it belongs. For example: Center Township (Center alone is not enough); Washington Town; Austin precinct; precinct 10, etc.

10. Name of incorporated place: Give both the proper name of the incorporated place and the name of the class by which it is known (as city, town, village, or borough). For example: Mount Pleasant City, Newton Borough, etc.

THE BODY OF THE SCHEDULE

11. Column 1. Street, avenue, road, etc.: This column applies to cities and all other localities where the streets or roads are known by names, or numbers, or letters. Write the names of the street, avenue, place, alley, or road lengthwise, in the manner shown on the illustrative example.

12. The places at which you begin and end work on any street are to be marked by heavy lines in ink (———) across the first and second columns. (See illustrative example, line 7.)

13. Column 2. House number: Write the house number, if there is one, opposite the name of the first person enumerated in the house.

14. Column 3. Number of dwelling house in order of visitation: In this column the first dwelling house you visit should be numbered as "1," the second as "2," and so on until the enumeration of your district is completed. The number should always be entered *opposite the name of the first person enumerated in each dwelling house*, and should not be repeated for other persons or other families living in the same house. (See illustrative example, line 8, and omission of number at line 14 for second family in the same house.)

15. Column 4. Number of family in order of visitation: In this column number the families in your district in the order in which they are enumerated, entering the number *opposite the name of the head of* EACH *family*, as shown on the illustrative example. Thus the first family you visit should be numbered as "1," the second as "2," and so on, until the enumeration of your district is completed.

16. Column 5. Name of each person enumerated: Enter the name of every person whose usual place of abode on November 1, 1929, was with the family or in the dwelling place for which the enumeration is being made.

17. Order of entering names: Enter the members of each family in the following order, namely: Head first, wife second, then children (whether sons or daughters) in the order of their ages, beginning with the oldest, and lastly, all other persons living with the family, whether relatives, boarders, lodgers, or servants. Be sure to get every member of the household. Do not omit the babies or adopted children, or the sons and daughters away at school or college.

18. How names are to be written: Enter first the last name or surname, then the given name in full, and the initial of the middle name, if any. Where the surname is the same as that of the person in the preceding line do not repeat the name, but draw a horizontal line (———) under the name above, as shown in the illustrative example.

19. Column 6. Relationship to head of family: Designate the head of the family, whether husband or father, widow, or unmarried person of either sex, by the word *"Head"*; for other members of a family write *wife, son, daughter, father, mother, grandson, daughter-in-law, uncle, aunt, nephew, niece, boarder, lodger, servant*, etc., according to the particular relationship which the person bears to the head of the family.

20. Column 7. Home owned or rented: This question is to be answered only opposite the name of the *head* of each family. If the home is *owned* write "O"; if the home is *rented*, write "R." Make no entries in this column for the other members of the family.

21. If a dwelling is occupied by more than one family it is the home of each of them, and the question should be answered for each family in the dwelling.

22. Owned homes: A home is to be classed as *owned* if it is owned wholly or in part by the head of the family living in the home, or by the wife of the head, or by a son, or a daughter, or other *relative* living in the same house with the head of the family. It is not necessary that full payment for the property should have been made or that the family should be the sole owner.

23. Rented homes: Every home not owned, either wholly or in part, by the family living in it should be classed as *rented*, whether rent is actually paid or not.

24. Column 8. If owned, free or mortgaged: This question applies only to those homes classed in column 7 as owned homes and not to rented homes. Write "M" for mortgaged and "F" for owned free.

25. All owned homes which are not fully paid for, or upon which there is any encumbrance in the form either of a mortgage or of a lien upon which judgment has been had in a court, are to be reported as mortgaged.

26. Column 9. Does this family live on a farm? Write "Yes" in this column, opposite the name of the head of the family, if the family is living on a farm (as defined in the agricultural instructions), including the families of both farm operators and farm laborers. All persons who live on a farm, whether they work there or not, are to be counted in the farm population. Write "No" in this column if the family is not living on a farm.

27. Column 10. Sex: Write "M" for male and "F" for female.

28. Column 11. Color or race: Write "W" for white; "Neg" for Negro; "In" for Indian; "Ch" for Chinese; "Jp" for Japanese; "Fil" for Filipino; "Hin" for Hindu; "Kor" for Korean. For a person of any other race, write the race in full in this column.

29. A person having any percentage of Negro blood is to be returned as a Negro. Both black and mulatto persons are to be returned as Negroes, without distinction.

30. Column 12. Age at last birthday: This question calls for the age in completed years at last birthday. Remember, however, that the age question, like all other questions on the schedule, relates to November 1, 1929. Thus a person whose exact age on November 1, the census day, is 17 years, 11 months, and 25 days, should be returned simply as 17, because that is his age at last birthday prior to November 1, although at the time of your visit he may have completed 18 years.

31. Ages of children: Take particular pains to get the exact ages of children. In the case of a child not 5 years old, the age should be given in completed months, expressed as twelfths of a year. Thus the age of a child 3 months old should be entered as $\frac{3}{12}$, a child 7 months old as $\frac{7}{12}$, a child 1 year and 3 months old as $1\frac{3}{12}$, a child 3 years and 4 months old as $3\frac{4}{12}$, etc. If a child is not yet a month old, enter the age as $\frac{0}{12}$. But note again that this question should be answered with reference to November 1. For instance, a child who is just a year old on the 5th of November, 1929, should nevertheless be returned as $1\frac{1}{2}$, because that is its age in completed months on November 1.

32. Column 13. Single, married, widowed, or divorced: Write "S" for a single or unmarried person; "M" for a married person; "Wd" for widowed (man or woman); and "D" for divorced.

33. Column 14. Attended school any time since September 1, 1929: Write "Yes" for a person who attended school, college, or any educational institution at any time since September 1, 1929, and "No" for any person of school age—5 to 20 years—who has not attended school since that date. For persons below or above school age, leave the column blank, unless they actually attended school.

34. Column 15. Whether able to read and write: Write "Yes" for a person 10 years of age and over who can read and write in any language, whether English or some other, and "No" for such person who can not both read and write in some language. For persons under 10 years of age, leave the column blank.

35. Column 16. Place of birth of person: If the person was born in the United States, give the State or Territory in which born. The words "United States" are not sufficiently definite. A person born in what is now West Virginia, North Dakota, South Dakota, or Oklahoma should be reported as so born, although at the time of his birth the particular region may have had a different name. Do not abbreviate the names of States and Territories.

36. If the person was born outside the United States, enter the country in which born, as Belgium, France, Hungary, Italy, Lithuania, Norway, Poland, Serbia, Sweden, Denmark, China, Japan, etc., as the case may be.

37. Do not return a person as born in Great Britain but indicate the particular country, as England, Scotland, Wales, etc. Distinction must be made between Northern Ireland and Irish Free State.

38. French Canadians should be distinguished from other Canadians. For a French-speaking person born in Canada, enter Canada-French; for all other persons born in Canada, enter Canada-English (even though they may not actually speak English).

39. If a person was born in Cuba or Porto Rico, so state, and do not write West Indies.

40. If a person was born abroad, but of American parents, write in column 16 both the birthplace and *Am. cit.*—that is, American citizen. If the person was born at sea, write *At sea.*

41. Spell out the names of countries, and *do not abbreviate* in any case.

42. Columns 17 and 18. Place of birth of parents: Enter in columns 17 and 18, respectively, the State or country in which were born the father and the mother of the person whose own birthplace was entered in column 16. In designating the birthplace of the parents, follow the same instructions as for the person himself (see pars. 35 to 41). In case, however, a person does not know the State or Territory of birth of his father (or mother), but knows that he (or she) was born in the United States, write "United States" rather than "unknown."

43. Column 19. Year of immigration to the United States: This question applies to all foreign-born persons, male and female, of whatever age. It should be answered, therefore, for every person whose birthplace was in a foreign country. (See column 16.) Enter the year in which the person came to the United States. If he has been in the United States more than once, give the year of his first arrival.

44. Column 20. Naturalized or alien: This question applies to all foreign-born persons, male and female, of whatever age. It should be answered, therefore, for every person whose birthplace was in a foreign country, as follows:

45. For a foreign-born person (male or female), 21 years of age and over, write—

"Na" (for naturalized), if he or she has become a full citizen, either by taking out second or final papers of naturalization, or, while he or she was under the age of 21 years, through the naturalization of either of the parents, generally the father. (See par. 46.)

"Pa" (for papers), if he or she has declared intention to become an American citizen and has taken out "first papers."

"Al" for (alien), if he or she has taken no step toward becoming an American citizen.

46. A foreign-born child under 21 years of age is to be reported with the same citizenship (naturalized or alien) as the father (or mother if he or she has no father), unless such child has taken out first papers, in which case write "Pa." Note that a person must be at least 18 years of age to take out first papers.

47. Column 21. Whether able to speak English: Write "Yes" for a person 10 years of age and over who can speak English, and "No" for such person who can not speak English. For persons under 10 years of age, leave the column blank.

48. Column 22. Trade or profession: An entry should be made in this column for *every* person enumerated. The entry should be either (1) the occupation pursued—that is, the word or words which most accurately indicate the particular kind of work done by which the person enumerated earns money or a money equivalent, as *physician, carpenter, dressmaker, salesman, newsboy;* or (2) *none* (that is, no occupation). The entry *none* should be made in the case of all persons who follow no gainful occupation.

49. Persons retired or temporarily unemployed: Care should be taken in making the return for persons who on account of old age, permanent invalidism, or otherwise are no longer following an occupation. Such persons may desire to return the occupations formerly followed, which would be incorrect. If living on their own income, or if they are supported by other persons or institutions, the return should be *none.* On the other hand, persons out of employment when visited by the enumerator may state that they have no occupation, when the fact is that they usually have an occupation but merely happen to be idle or unemployed at the time of the visit. In such cases the return should be the occupation followed when the person is employed.

50. Persons having two occupations: If a person has two occupations, return only the more important one—that is, the one from which he gets the more money. If you can not learn that, return the one at which he spends *the more time.*

51. Column 23. Industry: An entry should be made in this column in all cases where the entry in column 22 has been that of an occupation. But where the entry in column 22 is *none,* leave column 23 blank. The entry, when made, should be the name of the industry or business in which this person works, as *coal mine, dry-goods store, bank.* Never enter in this column such indefinite terms as mine, store, *"Jones & Co.," etc.* (See also examples in par. 64.)

52. Women doing housework in their own homes: In the case of a woman doing housework in her own home or supervising such work done by servants, and having no other employment, enter in column 22 "Housework" or "Home supervision," as the case may be, and in column 23 "Own home."

53. Where a woman not only looks after her own home, but also has employment outside or does work at home for which she receives payment, the outside work or gainful employment should ordinarily be reported as her occupation, unless this takes only a very small fraction of the woman's time, in which case she should be returned as indicated in paragraph 52.

54. If two or more women do housework in the home and have no other employment, make the entry, as directed, for each one. It is not intended, however, that grown daughters or relatives living in the family and simply helping with the housework for a short time each day should be given the occupational designation "Housework" or "Home supervision." For such persons the entry in column 22 should be "None," and column 23 should be left blank.

55. Women doing housework for wages: A woman doing *housework for wages* should be returned in column 22 as *housekeeper, servant, cook,* or *chambermaid,* as the case may be; and the entry in column 23 should state the kind of place where she works, as *private family, hotel,* or *boarding house.*

56. If a woman, in addition to doing housework in her own home, *regularly* earns money by some other occupation, whether pursued in her own home or outside, that occupation should be returned in columns 22 and 23. For instance, a woman who regularly takes in washing should be reported as *laundress* or *washerwoman,* followed in column 23 by *at home.*

57. Children working for parents: Children who work for their parents at home merely on general household work, on chores, or at odd times on other work, should be reported as having no occupation. Those, however, who somewhat regularly assist their parents in the performance of work other than household work or chores should be reported as having an occupation.

58. Avoid general or indefinite terms: Give the occupation and industry precisely. For example, return a worker in a coal mine as *foreman—coal mine; laborer—coal mine; teamster—coal mine;* etc., as the case may be.

59. The term "laborer" should be avoided if any more precise designation can be secured, as *foreman, inspector, watchman,* etc. Where the term "laborer" is used, be careful to state accurately the industry or business in column 23.

60. Avoid in all cases the use of the word "mechanic," but give the exact occupation, as *carpenter, painter, machinist,* etc.

61. Distinguish carefully between retail and wholesale merchants, as *retail merchant—dry goods; wholesale merchant—dry goods.*

62. An employee in a store engaged in selling goods should be called a *salesman,* and not a clerk. A *stenographer, typewriter, bookkeeper,* or *cashier,* etc., should be reported as such, and not as a clerk.

63. Distinguish a traveling salesman from a salesman in a store; the former preferably should be reported as a *commercial traveler.*

64. Illustrations of how to return occupations:

Column 22	Column 23	Column 22	Column 23
Civil engineer	*Railroad.*	*Salesman*	*Dry goods store.*
Carpenter	*Shipyard.*	*Janitor*	*Apartment house.*
Blacksmith	*Own shop.*	*Locomotive engineer*	*Steam railroad.*
Cook	*Hotel.*	*Lawyer*	*General practice.*
Servant	*Private family.*	*Teamster*	*Farm.*
Cashier	*Bank.*	*Agent*	*Insurance.*
Laborer	*Coal mine.*	*Spinner*	*Silk mill.*
Stationary engineer	*Lumber mill.*	*Clerk*	*Bank.*
Teacher	*Public school.*	*Mixer*	*Bakery.*
Machinist	*Steel mill.*	*Trimmer*	*Bookbindery.*
Housework	*Own home.*	*Home supervision*	*Own home.*

65. Column 24. Veterans: Write "Yes" for a man who is an ex-service veteran of any United States war or expedition, and "No" for a man who is not a veteran. No entry is to be made in this column for males under 21 years of age or for females of any age whatever.

66. Column 25. What war or expedition: Where the answer in column 24 is "Yes," give the name of the war or expedition in which the man served, as World War, Spanish-American War, Civil War, Philippine insurrection, Boxer rebellion, Mexican expedition, etc.

67. Column 26. Number of farm schedule: If the head or any member of the family operates a farm, enter in this column the number of the agricultural schedule filled out for that farm. Make this entry opposite the name of the member of the family operating the farm.

Mr. BRUCE. Mr. President, will the Senator from Ohio yield to me for just a moment?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Maryland?

Mr. FESS. For what purpose?

Mr. BRUCE. To reply, in two or three sentences, to what has been said by the Senator from Georgia.

Mr. FESS. I can not yield for a speech, Mr. President.

Mr. BRUCE. I was not asking the Senator to yield for a speech, but simply that I might make a very brief reply to the Senator from Georgia.

Mr. FESS. I will yield to the Senator, but not for a speech.

Mr. BRUCE. I thank the Senator.

I simply wanted to say that I do not think that the Senator from Georgia has exhibited exactly his usual fairness in making the statement that he did a few moments ago. The Senator well knows that the census of 1910 was taken pursuant to such methods as my amendment proposes. That is to say, it was taken in some respects by a corps of field agents selected in conformity with the merit system of appointment. It is generally admitted, so far as my reading goes, that that was one of the most accurate and satisfactory censuses ever taken in the history of the country.

CONSTRUCTION OF CRUISERS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

Mr. FESS. Mr. President, I hold in my hand a letter from a retired bishop of the Methodist Episcopal Church who has written upon the subject of the cruiser bill, and who makes a very clear statement of the position of those who are opposed to it. It appears that his view is that the cruiser bill is starting a rivalry on the sea that we thought had been ended by the Washington conference; and it also appears that his view is that we will not feel entirely safe unless we have ship for ship, gun for gun, and so forth.

I am of the opinion that the bishop has made a pretty clear statement of the view of those who up to this stage have been opposing the cruiser bill. In fact, the early part of the propaganda was in opposition to both the bill and the time limit. The more recent propaganda is dropping opposition to the bill, and is now directed specifically to the time limit. I do not mean that all persons who had opposed the bill are withdrawing their opposition; but at this time the vocal opposition, so far as I get it, is to the time limit.

Our colleague from Kentucky [Mr. SACKETT] dealt with what I regard as the most concrete single fact in the argument, and that is the growing friction that can not be avoided in two great countries that are bound to be, to an increasing extent, rivals in their foreign commerce. In what I am about to say with regard to Great Britain I want it distinctly understood that there is not any Member of the Senate who has a greater admiration for what she has accomplished than I have. In fact, most of my intellectual life has been spent in reading history, especially our own history, with a background of that of Great Britain; and when I speak of these facts they are not intended to be offensive in the least. Certainly that is not my purpose.

It is well known that about 80 per cent of the activity of the British Empire is devoted to overseas trade. That trade has been built up over a period of about 200 years; and Great Britain's achievement up to this time has been the wonder of civilization. Her coaling stations are so located that to-day one of her freighters with her bunkers filled with coal can scarcely be found in any civilized part of the globe from which that freighter can not reach a British coaling station before the coal is exhausted. Great Britain has her naval stations or bases so placed that she commands every sea upon which commerce floats. She has an open port in every country where trade is going on, and, in addition, she has command of most of the cables. Besides this, to meet this demand for trade on the sea, she has a merchant marine that to-day carries a large part of our own trade, a good portion of which at least we ought to carry ourselves.

In this organization for overseas trade Great Britain finds her chief activity; and while she is now suffering with a great unemployment problem with which every American has sympathy, she looks for relief of that problem to the increase of this her chief activity of overseas trade.

As the Senator from Kentucky [Mr. SACKETT] said, Great Britain's foreign trade has now reached the enormous figure of $10,000,000,000 annually; but she has been building up that trade for 200 years and during the last few years it has grown by leaps and bounds. On the other hand, only a fraction of the activity of the United States is devoted to foreign commerce; but, while it has been growing only a short time, the overseas commerce of the United States is rapidly approaching the figure of Great Britain and in less than five years without doubt will easily pass it.

I am reminded of the eloquent words of Mr. Gladstone in 1873 in an article that appeared in the North American Review, where, speaking of the two countries engaged in trade, he made this statement:

> Oh, brave mother! Oh, braver daughter! You have passed us in a canter.

And then he made that remarkable utterance that has been quoted a thousand times:

> As the British constitution is the most subtle instrument, so the American Constitution is the most wonderful instrument ever stricken off by the brain or purpose of man at any one time.

That statement was made after his comment upon the rapid growth of the United States; and when we remember that but a fraction of the activities of the American Republic are devoted to a foreign commerce that in time is going far to outrun that of the mother country, and that a large percentage of the mother country's activity is devoted to her foreign commerce, there is not any question but that in the future there will be more or less friction between the two great friends belonging to the Anglo-Saxon race. I do not mean that that friction will result in war; farthest from it. I have no conception that the friction will ultimately lead us to war; but there is the promise of friction that may give us some concern.

My beloved colleague [Mr. BURTON], who never speaks without being heard and appreciated on two continents, a moment ago made the statement that it is perfect folly to think of a strained relation that might lead to war between Great Britain and the United States. He said it is a farce. I am rather of the opinion that while that is an extreme statement, it has some basis; but I do not want Senators to forget that in 1914, 1915, 1916, and 1917 we had our chief dispute, not alone with Germany, but with Britain, our great friend.

I happened to be a member of the Foreign Affairs Committee of the House at the time, and the two things that were disturbing us as a Nation were, first, the incursions upon our rights by German submarines, and, second, the restrictions upon our rights by the British Admiralty. I was asked at that time to compile for the committee the documents detailing the dispute between us and Germany in regard to the submarines, and, on the other hand, the documents detailing the dispute between us and Britain in regard to restraints of trade.

Mr. President, I hold in my hand now a document of 200 pages, all devoted to the orders of the British council, and our protests, officially signed by the two Secretaries of State, Mr. Bryan and Mr. Lansing. These protests were vigorous, in language which sometimes looked as if it approached the belligerent.

One of the reasons for the difficulty was the freedom with which the mother country, the United Kingdom of Great Britain, would change the rule as to what were items of contraband. We were proceeding under international law, and Article XXVIII fixes the articles that are permitted not to be contraband. The provision was:

> The following may not be declared contraband of war:

The word "may" in international law is equivalent to a command.

"Raw cotton." Yet cotton was made contraband.

"Wool." Wool was made contraband.

"Silk." That was omitted.

"Jute." As I recall, that was not put on the list.

Flax was, hemp was, and here is a list, printed in this volume, of three and a half pages of items put on the contraband list, not included originally under international law. We protested on the ground that the action in putting various articles on the list of contraband was totally in violation not only of international agreement but in violation, distinctly, of neutral rights on the sea, with special reference to our own country. That was one of the sources of constant friction, and was the occasion for many of these protests.

At one time the protests went to such an extent that we passed a resolution to protect foreign trade, that was not only aimed at Germany, but at any other country that was belligerent. In that resolution we gave to the President, by act of this body in conjunction with the House, the power to use the Army and the Navy to protect our rights. That was in 1915.

The point I raise is that, with the inevitable friction that will grow out of more or less dispute in time of war, it is not safe to say that we are wholly exempt from any danger of war.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. FESS. I yield.

Mr. ROBINSON of Arkansas. The Senator will also recall that the Congress passed what is known as the armed neutrality act, expressly authorizing merchant ships to arm for their own protection while engaged in the commerce of the United States.

Mr. FESS. I remember that very distinctly.

Mr. ROBINSON of Arkansas. The passage of that act came some months prior to our entry into the war.

Mr. FESS. Yes; that is true. What I want to impress upon the Members of the Senate is that, while nations are friendly, and are organized against war, we are not certain that in times of stress questions will not arise, and that they might eventuate into difficulty.

There is another consideration which I think is worthy of our thought at this time. The United States has always shown her faith in trying to induce nations to limit their armaments below the point where there would be danger of aggression. That has been one of the ambitions of this Nation.

When President Wilson was in the thickest of the fight, one of his cardinal principles, major in its purpose, was to induce the nations to agree upon some basis for a limitation of armaments, not alone as a saving from the burdens of war but especially to lessen the chances of war. One of the specific provisions of the

covenant of the League of Nations was to set in motion the machinery ultimately to result in a limitation of armament on land and sea. It is certainly obvious to everyone who has followed the efforts of the League of Nations that that has been one of the special activities the special committees of the league have been working on. They have had several conferences on it.

Mr. ROBINSON of Arkansas. The preparatory commission has been unable to agree even on a program for disarmament for consideration by the League of Nations.

Mr. FESS. A very pertinent remark, which is accurate. In addition to what the league has been attempting, the United States was willing to undertake to lead in limitation of arms, and in connection with the Army we did not feel that it was necessary for us to wait for Europe to join us. We proceeded to reduce our Army, as every Member of the Senate knows. When the recommendation was made for a rather large Army, something over 500,000, we cut it to 180,000 at the very first session of Congress after the war. Then, when we considered it subsequently, we cut it a second time to 150,000, and finally we have gotten it down to a very low point of 127,000. During this time we have not been waiting for Europe to join us, but we have been making our purpose clear that it would be our wish that they should join in the same movement.

Europe came with this sort of a proposal, that unless a security treaty could be effected whereby nations which might be invaded would have the help of other nations in case of invasion, they must not be required to reduce their armies; and in the failure to secure those treaties the armies were not reduced, although we proceeded, showing our good faith, in the limitation of our Army to the minimum.

I recall that the Cannes conference of 1920, I think it was, or 1921, recommended a form of limitation of security, with four nations joining—Great Britain, France, Italy, and Belgium. But France rejected the proposal, after a change of ministry, when Briand was superseded by Poincaré.

Then, after that, came what we know as the Genoa conference. But the nations failed to get together because of dispute over what was to be done with the Russian delegates, a dispute between the former allies and the former central powers.

That was followed by the notable Geneva conference which published the Geneva protocol. That consisted of the nations mentioned before and a fifth member, namely, Japan; but because of a dispute over shipping Britain rejected the proposed agreement. So that up to 1925 there were four efforts in Europe to induce conferences to reach a plan of limitation, and every one of them failed.

Then came the Locarno conference. There was a proposal of a security treaty, and it was signed and ratified. When that was done there was an effort to get another conference to move in the direction of general limitation, and we know what the result was. Nothing has been done in the way of the limitation of armies, although a lack of a security treaty was given as a reason why there was not any limitation. From 1925 to this time, instead of the nations limiting their armies, the armies are gradually increasing in size.

It is rather a hopeless, vain effort on the part of peace-loving people to seek to have the dangers of war reduced, it seems to me. The United States has about lost any hope that its dream may come true.

In 1927 a conference was called in Geneva, first in February, then later in midsummer, along about July, and ending, I think, in August. That was the famous conference in which our effort to induce the naval powers to complete what the naval limitation conference held here at Washington did not complete.

Mr. ROBINSON of Arkansas. Mr. President, the Senator has omitted to state that in that conference only three naval powers were willing to join. The other principal naval powers even refused to participate.

Mr. FESS. I thank the Senator for correcting the omission. France and Italy withdrew, and refused to go on, and it was left to the United States, Britain, and Japan.

Mr. ROBINSON of Arkansas. And they could not agree upon any program or agenda for consideration in the conference, or plan of limitation, and the conference wholly failed.

Mr. FESS. That is true, it was a total failure. My colleague [Mr. BURTON], who was in Europe at the time of that conference, not at the conference, but close to where it was held, and following what it was doing, admitted, speaking of it a moment ago, that it was a total failure.

Mr. ROBINSON of Arkansas. Later, when the preparatory commission of the League of Nations was attempting to form a program for consideration with respect to the limitation of naval armament, two of the great powers, France and Great Britain, entered into an agreement which was known to be repugnant to the United States, namely, an agreement to contemplate a limitation as to large cruisers, and practically no limitation as to small cruisers, and no limitation as to submarines.

Mr. FESS. That is correct.

Mr. ROBINSON of Arkansas. Great Britain wanted a very large number of small cruisers suitable for her purpose, her naval bases being scattered throughout the seas, and small cruisers being deemed especially adapted to the protection of British commerce, while she was anxious to limit the larger cruisers, with the greater capacity for navigation. France was utterly unwilling to enter into any effective limitation as to submarines. So, up until the present time, with every nation in the world professing its readiness to limit armament, and with all the executives of the principal nations calling or joining in conferences for that purpose, nothing whatever has been accomplished, and while we have stood still with respect to the building of cruisers, the other nations have gone forward as if a competition actually existed.

Mr. FESS. I thank the Senator for saying what I was going to say.

Mr. ROBINSON of Arkansas. I apologize to the Senator for anticipating him.

Mr. FESS. He said it a good deal better than I would have said it. It is the thing I had in mind and I was ready to make the statement that in view of our efforts and our successive failures—not successful, but successive failures—in trying to induce the powers to agree on limitation, what is the common-sense view for a Senator to take to-day facing this problem? When we had it up before and the conference of 1927, which the Senator just mentioned, was in the offing, I opposed going on with the cruiser program, and especially the time limit, because I thought that certainly there would be a disposition on the part of those two countries with which we had had agreements in Washington back in 1922 to go on and apply to the cruisers or auxiliary ships the ratio that had been applied to capital ships in 1922.

I opposed going on with the cruiser program at that time for that reason. And yet that conference was held, our proposals were rejected, and anybody who will read the proceedings of either that conference or of the council of the League of Nations in their efforts to secure disarmament and see the complications that arose and who would still have any hope of securing an agreement without our being in a position to command it, has more confidence than I have. As a Senator who was opposed to the cruiser program when we were awaiting a conference on limitation that was yet to meet, with that conference adjourned after the rejection of our plan, and remembering the manner in which our proposal had been spurned, I do not hesitate for a second to say that it seems to me that there is no alternative for me as a responsible Senator in this body.

It is not because we want to be warlike. We will use every effort and every ounce of influence that we have to induce those countries to agree to a ratio. The ratio agreed to in 1922 limiting capital ships, was applauded around the world; and yet people did not observe that that was only a partial limitation. When we found that the capital ships were limited and all nations respected the limitation, we also found that other nations immediately began to build auxiliary cruisers; so that with our standing still, our disparity in defense was soon as great as it had been in capital ships before we began the building program. With those countries, parties to the limitation agreement for a ratio of 5–5–3, now in the midst of the program of building while we are standing still, instead of the ratio being 5–5–3, we are a poor third in the form of auxiliary battleships that will put us to as much of a disadvantage as if it were in battleships.

With that situation facing us, with the assurance that there is no desire on the part of those countries to meet the ratio, there is only one thing for me to do, if I follow my best judgment. We have asked Great Britain to reduce a certain tonnage, permitting us to go up to a certain tonnage. We originally proposed 100,000 tons increased tonnage for us, and asked Great Britain to reduce 143,000 tons. Britain refused to do it. I am not in position to charge it against her for not doing it. It may be that her overseas situation would require it. If she can not come down for any reason, then should we not go up, or should we rest in the belief that only those who are unprepared to defend themselves are safe?

I can not rest on any such basis as that, and it is not because our Nation is warlike, because it is not warlike. I defy anybody to show where America has ever been the aggressor.

She has not been. This country is the most altruistic country in the history of the world. In 1898 we were in a war which we tried to avoid with Spain, with no great test in the contest. When the war was ended this Nation turned Cuba over to her own control, under our regulation for a time to give her opportunity to establish herself, and then she was given full control of her own affairs. While we did not have any basis or obligation to do what we did to Spain in the matter of the Philippines, we turned and made her a gift of $20,000,000. Is there any aggression there?

See what we did in the Panama Canal matter. We built the canal. We expended $400,000,000 to build it. The world wanted us to keep it open, open in time of war not only to merchant ships but to warships; and, although some people think it was doubtful wisdom, we even put every nation of the world on an equality with ourselves to use that canal as we use it, on the theory that we were marrying the oceans for the trade of the world and not for our own protection. I defy history to show a record of greater cosmopolitan philanthropy than that.

I recall what every Senator recalls, the Boxer difficulty. In 1900, when the time was ripe for China to be carved up and the armies of Europe were located in China, had it not been for the President of the United States, China would have been carved up; but we stated that if there shall be any indemnity, that indemnity is not to be at the expense of the integrity of China. We took the millions of dollars that were our portion of the indemnity and returned them to China for the purposes of education. It was not only the President but it was the American Congress that wanted to do it.

And yet we are charged with being aggressive, charged with being a Shylock, charged with being a dollar Nation that loves nothing but the dollar. That charge is not true. It is not well founded.

Our Nation, on the other hand, has no desire to interfere with any other nation's rights. All we want is to have the same open field in the pursuit of our development, without interfering with any other people, that other nations claim for themselves. In view of the fact that it is just as inevitable as that we are here that the growing commerce of the future will produce friction, it is not unwise for us to be put in the same position of parity to defend ourselves in case of dispute. It is not conceivable, under the modern impetus of science and communication, where all the world is but a neighbor to-day, that these ancient civilizations, these seething populations which up to date have little consuming power, will always remain so. Just as certain as that we are here the millions of China and the millions of India and the hundreds of thousands of population that have heretofore not been productive in a great sense and therefore not consumptive will, under the impetus of new principles of industry introduced, become not only great producers, but will become great consumers.

It is as certain as that the sun will rise that there will be great trade between the Occident and the Orient, that now is in its infancy, and the United States and Great Britain are the two countries that will be engaged in that trade, and while I do not think that rivalry between the two nations will inevitably reach war, yet I am sure it will inevitably reach the point of friction. It is bound to do that. It is not a case of war preparation for us to be anxious to get Britain, our competitor, to agree to be on about the same basis of defense as we are.

When we speak about the peace pact we must all remember that it exempts self-defense, and as Britain increased her contraband list in time of the World War on the basis of self-defense, who is it in this Chamber that can logically claim the time might not come that Britain would insist that our growing merchant marine is impinging upon her self-defense, because as we take from her she might claim we are increasing her problems of unemployment and the maintenance of her integrity. I do not claim that that will happen, but it might happen.

So, Mr. President, looking the thing over from one end to the other, speaking as a man who has always stood for movements for peace, and certainly as peaceable as it is possible for one to be, I think the only common-sense view to take of the measure is that if we can not get our competitor to come down to our ratio by our going up a little, then we are left with no alternative except to go up to her basis. That is not in the interest of war. That is in the interest of peace, for a peaceful nation is never so secure from war as when it is in a position to command its peace. For that reason I shall not only vote for the cruiser bill but I shall vote to retain the time-limit provision in the cruiser bill.

Mr. SMITH. Mr. President, it is late. I had intended to speak at some length on a phase of the question which has not yet been discussed, but hoping that I may be able to have something to say during the time limit on debate, I shall content myself this afternoon with calling attention to certain elements which are involved in the question of the development of our trade and in our national defense.

I think perhaps it may have been psychologically—if I may use that term—unwise for us to have brought up the question of the construction of these cruisers so soon after the action of this body in ratifying by a very large vote the Kellogg peace treaty. We may believe that the building of the proposed additional number of cruisers is not incompatible with our sincerity in ratifying the peace treaty, but our action is susceptible of a very sinister construction by those who have not our viewpoint and may not believe as we believe. I should have preferred at least to have deferred action on this question until such time as certain indicated conferences and meetings had taken place and we had ascertained the result. However, the question is here; it is before us, and is to be decided.

For one I do not see that the construction of these cruisers and the purpose for which we openly and aboveboard avow we are constructing them in any way conflicts with the immemorial stand of America in reference to war. As the Senator from Ohio [Mr. BURTON] has said—and I think the statement is not subject to successful contradiction—we have never been since the establishment of this Republic an aggressor, and are not so even in this attempt adequately to protect our commerce abroad. That effort has my hearty support; but there is a phase of the question affecting the manner in which we are proposing to provide for what is termed "national defense" which has not been brought to the attention of the Senate.

I asked the Senator from Kentucky [Mr. SACKETT] if he had the figures as to our export and import trade with South and Central American countries. According to what he stated, and to my previous information, that trade represents about one-third of our total import and export business; yet, Mr. President, in view of the conditions that exist, it is a startling thing to find that on 3,000 miles of the Atlantic seaboard we have not a single facility either for defense or for the care and protection of vessels of the merchant marine and their convoys, the cruisers and other naval vessels which might be called upon to safeguard our world-wide commerce. South of Cape Hatteras to the Mexican border—a distance of approximately 3,000 miles—there is not a single Government facility equipped to take care of either a merchant ship or of a cruiser if disaster should overtake them either in the Gulf of Mexico, the South Atlantic, or the Caribbean Sea.

In case of need they would have to be towed more than a thousand miles around the most dangerous point on our whole Atlantic seaboard—Cape Hatteras, known as the "boneyard of the Atlantic."

I wish to call the attention of the Senate to certain facts furnished me by the Navy Department. I have a letter from the Chief of Naval Operations of the United States Navy, in which he states:

> Referring to the information which you have requested, for use in connection with the speech which you expect to make on the cruiser bill, I am inclosing an outline chart of the world which shows the various United States and British naval facilities in the West Indies and vicinity.
>
> *The actual coast-line distance from Cape Hatteras to the Mexican border is 2,645 miles.*

I want this statement and those figures emphasized and put in italics in the report that will be made of what I am saying.

> The actual coast-line distance from Cape Hatteras to the Mexican border is 2,645 miles; the actual distance from Cape Hatteras to Portsmouth, N. H., is 530 miles.
>
> Amounts appropriated for public works at east coast navy yards from the 1st of July, 1919, to the 30th of June, 1929, were as follows:
>
> (a) North of Hatteras, $6,511,370.

A distance, remember, of 530 miles.

> (b) South of Hatteras, $1,215,000.

The only navy yard south of Hatteras in existence to-day is at Charleston, S. C., and he informs me that—

> The navy yard at Charleston, S. C., is not at present equipped to build a 10,000-ton light cruiser, such as is contemplated in the present cruiser bill. It is estimated that it would cost about $2,000,000 to equip the Navy yard for this purpose.

North of Hatteras we have 7 navy yards and 18 dry docks, costing approximately $1,000,000,000. I desire to put in the RECORD the figures as to the annual expenditure on those yards and dry docks. From the time of the establishment of these stations to June 30, 1928, during the whole history of our so-called program of national defense, including preparation for invasion

and the defense of our coast, there has been expended along 530 miles of seacoast $852,976,000.

There is a map which I have caused to be hung on the rear wall of the Senate Chamber, to which I desire to direct the attention of Senators. From Cape Hatteras to the Mexican border [indicating on map] a distance of approximately 3,000 miles, we have expended in all the history of our preparedness measures, in all the history of our program of defense, $82,000,000.

Mr. WHEELER. Mr. President, have not some of the battleships and cruisers of the Navy been named after some of the States and cities of the South?

Mr. SMITH. I think that has been done, and for that we are profoundly thankful, but they scrapped the one which was named after Charleston, and returned the silver service that the State of South Carolina had presented in recognition of having a battleship named after the State.

I desire, however, to call attention to another fact. Let Senators bear in mind that a billion dollars has been expended on 530 miles of coast line and $82,000,000 on 3,000 miles.

Mr. WHEELER. That emphasizes how much is thought of the section of the country from which the Senator comes; that is all.

Mr. SMITH. Exactly.

Mr. President, we talk about national defense; we are about to spend a quarter of a billion dollars in building additional cruisers as aids, it is said, to the development of our commerce, and where is it proposed to spend this enormous sum of money? There was a controversy on the floor of the Senate the other day as to whether it was not proper, in recognition of the rights of all the people, to divide the building of the proposed cruisers on a basis of 50-50, so that half of them could be constructed by private yards and the other half by navy yards, showing that we were recognizing the right of distribution in the expenditure of this vast sum of money, and in order that financially the benefit might accrue more equitably to the people in various sections of the United States, even in a matter involving adequate defense.

Mr. WHEELER. Mr. President——

Mr. SMITH. I yield to the Senator from Montana.

Mr. WHEELER. Is it not a fact that one of the reasons some are giving is that they want to build the cruisers in that way so that they can take up the slack and make times more prosperous in some of the States where unemployment exists?

Mr. SMITH. Mr. President, you and I know that such a thing could not possibly have occurred had not up to the present time the question of our national defense been a question of sectional pork barrelism. Any great government having the responsibility of providing an adequate national defense would not otherwise have congested in 530 miles of seacoast practically the entire amount appropriated for the purpose of adequately equipping and defending our coast line.

Mr. WHEELER. Is there not a navy yard in South Carolina?

Mr. SMITH. Let me read some figures as to that. I can state them in the rough. Of all the navy yards, only one, that at Charleston, is in a stand-by condition. A certain commission was appointed for the purpose of investigating what navy yards could be economically abandoned. That commission named about three, and preeminent among those three was the only one from Cape Hatteras to the Mexican border.

I am not standing here alone selfishly pleading that this manifest political method of providing for national defense may be wiped out; but as the great Republican Party during the 60 years of its existence has proclaimed itself to be the great national party and has claimed that in an unsectional manner and unselfishly it is trying adequately to meet the responsibilities of a national party, how does it happen that, including about two navy yards on the long western coast and one down below Cape Hatteras, we have in the aggregate on the great coasts on the west, on the south, and on the southeast, appproximating 5,000 miles, about three facilities for taking care of naval vessels as against eight in the 500 miles north of Cape Hatteras, on which there have been expended a billion dollars?

Mr. WHEELER. I assume now, since the South went Republican at the last election, that some of the cruisers will be built at the Charleston Navy Yard, and some new navy yards will be provided in the South.

Mr. SMITH. Mr. President, every speech made here has been based on the right and proper and patriotic ground that with the rapid development of the facilities and resources of this country, our commerce is expanding likewise; that ultimately we will become the granary and the predominant manufacturing center of the world; that no matter how rapidly our population may increase, it can not increase faster than our manufactured and agricultural and stock production. We have not even touched the border of the possibilities of America's industries, both natural and artificial; and what have we done to prepare, in the first place, for the outgoing of this wonderful commerce that is now in process of development? It does not take a prophet to see what 10 or 15 years may bring forth. What have we done to facilitate the export of this vast volume of goods that is piling up?

What happened in the World War?

Mr. BROOKHART. We sold our Government ships; I remember that.

Mr. SMITH. The Senator says we sold our Government ships. Yes; that was a part of the program. But during the World War, when it became evident that we were going to send millions of men abroad, and we not only had to feed and protect and equip and transport them but we had in the main to provide for feeding and sustaining the European armies that we had joined with to save the world for democracy, what happened?

Every Senator here knows that the North Atlantic ports were so congested that the loaded cars could not be gotten in, nor the empties out. Actually, there was coal on coal cars in the port of New York that had the November snow on it along in March and April. The ships could not get sufficient coal for their bunkers. The foodstuffs piled up, as Senators all know, and vast quantities of them were lost. Why? Because we had developed only that little coterie of congested ports, and it was the neck of a bottle that was totally unable to take care of the vast volume of business that was necessary to meet the exigencies of the case.

Immediately the cry came to make available the ports down in the South Atlantic and the Gulf of Mexico, not subject to be frozen during the winter, but open the year around. Provision was made to install the proper facilities at Wilmington. A great yard was projected at Philadelphia, known as Hog Island, and one of practically equal size at Charleston, S. C.

Mr. WHEELER. It was properly named Hog Island, was it not?

Mr. SMITH. From all indications, perhaps it was. For some reason, however, after the soundings had been taken and the excavations made and the foundations prepared for the great dry dock at Charleston, that is as far as it ever went; but all of those that had been projected in the North Atlantic section, even after the war was over, ultimately went through.

Mr. BROOKHART. Does the Senator object now to building cruisers to keep those places filled all the time?

Mr. SMITH. It is not a question of that. I am calling attention at this juncture to the fact that, no matter how many cruisers we may build, any trouble in the South Atlantic, the Gulf of Mexico, or the Caribbean Sea will entail the possible loss of a vessel, or an unconscionable expense to tow it from there around the bone yard of the Atlantic, where the shoals run out for more than 200 miles, and cause a dangerous sea even in the most profound calm. It is necessary to tow around that part of the coast in order to get vessels into these facilities, the only ones provided. If enemy vessels were down here, our whole shipping would be at their mercy so far as any convenient place to repair any damage that may be done is concerned.

Now, what does this part of our country face?

The South Atlantic and the Gulf face the Caribbean Sea, the Isthmus of Panama, and the much-spoken-of Nicaraguan canal, the only possible highways of commerce between the Orient and American shores. Nature has provided that the gateway shall be across this isthmus, cutting off the disastrous and dangerous trip around Cape Horn, the whole length of the South American coast. Nature, with the ingenuity of man, has provided that this isthmus may be opened up, and vessels may pass through. Then they are in the South Atlantic, the Caribbean, or the Gulf, and there is not a facility or any accommodation whatever within 1,500 miles of this great gateway of commerce where vessels engaged in war may be repaired.

All of us know that if ever there comes a war of aggression against America, the battle will be fought in and around those gateways to the Orient. We all know it; and yet we have not a facility south of Hatteras by which we could protect the commerce that comes through those gateways, or that seeks any repairs once the vessels are through.

The Navy Department has furnished me a map which I should like to show to those who are interested in this matter. There is a feature of it to which I wish to call attention.

Here is our coast-line, beginning at Portsmouth, N. H., running around, going down through the Gulf of Mexico; and here is the South American continent. Of course this will cut off any vessels coming from the Orient. Will you observe that nest of eggs. Those are the navy yards and dry docks on the Atlantic seaboard.

Mr. BROOKHART. All of those are right up close around Wall Street; are they not?

Mr. SMITH. Right in one little spot, here are eight.

Mr. WHEELER. Those are close to Maine, New Hampshire, and Massachusetts?

Mr. SMITH. To be sure. This map was furnished to me by the Navy Department. Those are all there are. If you will notice, England has more respect for her trade down there than we have for ours. Look at the coaling and naval stations that the foreigners have in and around that neck of the woods.

Mr. BROOKHART. Let me suggest to the Senator that if the southern Senators will join those of us from the Northwest, we will clean out that nest of eggs.

Mr. SMITH. Mr. President, I want to call attention now to just one little matter that is significant. A Senator told me this morning—I do not want this to be considered a criticism of the efficiency of Senators, or their equipment for discharging their senatorial duties—that he had heard it said that you had to carry some water along in tubs and buckets in order to have water enough to get into Charleston. Mark you, he said that when every man who knows enough about his country to be here pretending to represent it knows that there is not a finer harbor on all the Atlantic seaboard than the harbor of Charleston. She did have an unfortunate physical difficulty in what is called the bar; but the Government, years ago, built what are known as jetties, and the erosion of the tide coming in and going out, confined to the small space between the jetties, has so deepened the channel that I myself, in the last few years, have seen the American fleet come in and go out of that harbor under its own steam.

Mr. WHEELER. I think they had reference to Newport News, down in Virginia.

Mr. SMITH. Let us not stir that up right now. I would rather have that held in abeyance for a while.

Mr. SWANSON. Mr. President, I did not catch the Senator's remark.

Mr. SMITH. The Senator need not inject it now.

The dry dock at Charleston is the only one on the South Atlantic. The dock formerly at New Orleans was a floating dock, and it has been sold. The one at Pensacola was also disposed of and carried up North somewhere. Some of the cruisers we now have—those of the old type that have the old-fashioned curved bow and stern—could come into the Charleston dry dock and be repaired; but these new cruisers, though not very much greater in length, have no curvature at bow and stern. They are perfectly straight. Therefore one of these cruisers coming to that dry dock could not be accommodated, because the dry dock was built with terraces or steps to accommodate the old curvature.

I want to make one more observation before I close for the day. When the Senate convenes on Monday, if I am physically able, I will endeavor to finish what I have to say in reference to this matter; but I should like those who have been listening to me to give their attention at this time to this statement:

The engineers made a survey of this dock at the Charleston yard, and they found that by extending the back end of it 35 or 40 feet, at a cost of $300,000, it would accommodate these new cruisers. That yard, as everyone knows, is the best-equipped yard in the country for the character of work it does and can do. I shall take occasion on Monday to read the testimony of admirals and other naval officers who have had occasion to use that yard as to the excellence of its work; but in view of the pendency of this cruiser bill I asked for an extension of 30 feet. It did not require the building of any caissons. All that would be necessary would be to shut the floodgate, pump out the water, and have the constructors extend the dock 30 feet. Then it would accommodate any of the cruisers or any of the battleships of our Navy; but in spite of the recommendation of officers of the Navy, there is not a word in the naval bill looking toward that small addition to the only facilities of the kind on our coast south of Hatteras!

Mr. WHEELER. But we are going to build all these ships either in New England or at Newport News. Why should we go down and help build up the navy yard at Charleston?

Mr. SMITH. I am not pleading for Charleston alone, Mr. President.

Mr. SWANSON. Mr. President, if the Senator will yield a moment, I am tired of the Senator from Montana always talking about the Chesapeake Bay. I wish to say that in the early days a survey was made by the English Crown of all its North American possessions, in an endeavor to find the best place for the location of a navy yard, and it was located at Norfolk, on the Chesapeake Bay, bordering on Hampton Roads. No report has ever been made by any board seeking to abolish this navy yard on Chesapeake Bay, which is the best body of water in the world. I am tired of people always minimizing the importance of that bay. The Senator does not know anything about what a good body of water is. He ought to do down there. We treat mountain people nicely when they go there, and if he will come down, we will show the Senator what a real body of water is.

Mr. HEFLIN. Mr. President, the Senator from Virginia should take the Senator from Montana over there and show it to him.

Mr. SWANSON. I will some time. The Senator from Montana thinks Hamptons Roads are macadam roads. He does not know it is a body of water. He has been disturbed, thinking we were building ships on macadam roads. He does not know what Hampton Roads is.

Mr. BROOKHART. Mr. President, I would like to ask the Senator from Virginia, while all that is true, what is the matter with South Carolina?

Mr. SWANSON. I wish to say that when an effort has been made to abolish the navy yard at Charleston, I have made every effort to have it retained. I have joined in abolishing no navy yard like that at Charleston. The Senator will recall that several times efforts have been made to reduce the activities down there. I know full well that if we ever got into a war and Charleston Harbor had been closed, we would spend more in six months to bring it back than all it had cost up to that time.

Mr. BROOKHART. Then why does not the Senator join us, and we will start something to put South Carolina and Florida and that section of the country on the map?

Mr. SWANSON. When the time comes, the Senator from Iowa would vote against any increase for South Carolina, nine times out of ten, at least.

Mr. SMITH. Mr. President, I do not like to have the Charleston Navy Yard, in South Carolina, made conspicuous as being the only possible place where there could be a navy yard. There are as many facilities for navy yards and naval construction south of Hatteras as there are north of Hatteras. Why have they not been put in those places? Does any man on this floor believe that the defense of this country, and the necessity for maintaining our commerce, could best be served by putting within 500 miles every navy yard and dry dock the Government constructed? Does he believe that that was the result of calm, considerate judgment in reference to the best development of the country and its best defense?

Mr. FRAZIER. Mr. President, I think that if the Senator from South Carolina should ask any of the North Atlantic representatives, they would tell him that the North Atlantic States are the only part of the Union that is any good any way.

Mr. SMITH. Mr. President, the action to which I have referred seems indefensible. We can not get rid of the fact that it smacks of criminal neglect of the public welfare for private purposes. We know that, and if I am to commit myself to a broad scheme of national defense, it must not be such as to indicate that I have been a party to a certain section's benefit, without an adequate return to the entire American people.

Mr. WHEELER. Mr. President, will the Senator yield for a question?

Mr. SMITH. I yield.

Mr. WHEELER. Does the Senator think that if we are going to have war with England, as several gentlemen have intimated, we made a very serious mistake when we did not fortify all the boundary line along North Dakota and Montana and Washington, and the rest of those Northern States, against Canada?

Mr. SMITH. I am predicating what I say upon the basis that the argument and the contention for these cruisers has been founded on the necessity for the protection in time of war of our merchant marine and our exports and imports on the seas, and also to provide an adequate defense in case of war or emergency. I am taking that broad ground. What are the facts? The facts are that we are still continuing to congest all of our activities in a little bight of the coast 500 miles long, leaving 4,000 miles absolutely defenseless, without any facility whatsoever for taking care of this huge sum of money we are going to put into these cruisers, sending them out on the high seas, the South Atlantic, the Gulf of Mexico, the Caribbean, the very gateway of all of our oriental commerce in those waters. We are to send them out, and in case of any accident allow them to limp around or be towed thousands of miles to very inconvenient places.

Mr. FRAZIER. Mr. President, they are also neglecting 3,000 miles of international boundary between Canada and the United States, are they not?

Mr. SMITH. We are talking about cruisers; we are talking about water defense; and I am not taking cognizance of the land forces. I am talking about the absurd position in which this Congress and the preceding Congresses have put themselves, when a party called a national party and standing for equal national defense congests in one little bight of the coast all those facilities.

Mr. BROOKHART. Mr. President, I want to call the Senator's attention to the fact that in that respect the Republican Party has been about as generous to the North as to the South, because we have over a thousand miles of water front along the border of Canada, with not even a motor boat to protect it, and we have had it that way for considerably over a hundred years. We have more commerce going through the Sault Ste. Marie Canal than goes through either the Suez or the Panama Canal, and, as I recollect it, it is twice as much as goes through both of them, or something like that. So the Republican Party have not been very generous toward the North, too; they have spent no money there.

Mr. SMITH. Oh, when it comes to a question of millions of dollars, they become cannibalistic; they eat themselves, as they did when that was a sparsely settled territory.

I am simply calling attention to the absurd position in which we find ourselves, boasting of our desire to adequately defend our country, boasting of the fact, and I agree that we ought to do what is proper for our defense. It is our duty, as Senators and Representatives, to see that our country, with its vast wealth, its unlimited opportunities, shall not be offered as a temptation to any nation or nations of the earth, that step by step with our development should go, pari passu, our defense arrangements.

Mr. President, I shall vote for measures looking to proper defense. I believe that we have no right to leave unprotected the priceless treasures of this Nation, not only our resources, but our form of government. I shall vote to do it. But I will not vote to make a laughing stock of the manner in which we go out to do it, and to put all of our efforts in one little isolated community, and leave the great sweep of our coast without a single facility for adequate defense.

Mr. President, I am not feeling well, and had no business to-day attempting to call attention to these absurdities right at our doors. On Monday, if I have an opportunity, I want to call attention to the fact which all must recognize, that the great Mississippi River, starting with our inland seas, bisects our Continent, and pours into the Gulf of Mexico, the greatest waterway on earth. Yet nowhere around is any facility for the development of commerce, or for the protection of the commerce that would come down naturally and ultimately will come down the Mississippi and the Mississippi Valley to the South Atlantic and Gulf ports, because, as the population gets denser and we get more standardized, and the struggle for existence gets sharper, this absurd thing of carrying across country and over mountains and up and down grades the commerce of the valley will cease, and all of these people will take advantage of that great waterway, and this will be the great commercial export and import center of this country. It is the natural logic of physical conditions.

I will continue, if I have an opportunity, on Monday, with a vast amount of details which I want to bring out before I shall have closed what I have to say.

Mr. TYSON. Mr. President, the hour is very late, and I give notice that on Monday, at the convening of the Senate, I shall address myself to the pending cruiser bill.

Mr. JONES. Mr. President, some Senators construe the unanimous-consent agreement, which was entered into with reference to the bill, to preclude the consideration after 4 o'clock of any amendment except the amendments then pending. I think it ought to be understood that the unanimous-consent agreement would permit the discussion under the 10-minute rule of any amendment that may be proposed before 4 o'clock. But in view of the difference of opinion, some Senators have asked that the unanimous-consent agreement may be modified so that amendments offered before 4 o'clock, even though they may not be technically pending, may be considered after 4 o'clock under the 10-minute limit. I understand under the rule that, in order to modify the unanimous agreement, I must give one day's notice, so I propose to give the notice and I shall ask that the matter come up on Monday.

The PRESIDING OFFICER (Mr. McNARY in the chair). The Chair will state to the Senator from Washington that that rule applies only when there is a definite time set for a vote, but not where there is merely a limitation of debate.

Mr. JONES. Then I ask that the proposed modification of the unanimous-consent agreement may be read.

The PRESIDING OFFICER. The proposed modification of the unanimous-consent agreement will be read.

The CHIEF CLERK. It is proposed to modify the unanimous-consent agreement by providing that amendments introduced before 4 o'clock shall be treated as pending at and after 4 o'clock.

The PRESIDING OFFICER. Is there objection to the proposed modification?

Mr. BRUCE. Mr. President, I do not understand the proposal. Is it the idea that amendments may be offered after 4 o'clock and that then there will be time allowed to consider and discuss them?

Mr. JONES. No; it is proposed that amendments may be offered before 4 o'clock and, even though they may not be actually pending, that they may be considered after 4 o'clock under the 10-minute rule. No amendment may be proposed after 4 o'clock.

Mr. BURTON. Mr. President, will the Senator from Washington yield?

Mr. JONES. I yield.

Mr. BURTON. I should like to ask what is to be done in this situation. Suppose an amendment is proposed before 4 o'clock which, if successful, would necessitate the introduction of another amendment or, if defeated, would make it desirable to introduce another amendment. What would be done in that case. Would such an amendment be entirely excluded from consideration?

Mr. JONES. They would be excluded under the unanimous consent agreement already made.

Mr. NORRIS. Mr. President, I would like to make a suggestion to the Senator. It will be a physical impossibility for more than one amendment to be pending at the same time. Everybody concedes that. An amendment pending at 4 o'clock, if every Senator took advantage of the 10-minute rule, might prohibit or prevent any other amendment from being offered. The Senator from Ohio has very well suggested that some amendment may be agreed to that would make necessary some other change in another amendment. I think we ought to modify the agreement by striking out the words "and no amendment shall be proposed after 4 o'clock p. m. on said day."

Mr. SWANSON. Mr. President, I do not see how a unanimous-consent agreement can be altered at this hour by unanimous consent. A great many Senators who agreed to the unanimous consent agreement are not here now. It can be done Monday, but I would object until Monday when more Senators will be present.

Mr. NORRIS. I have no objection to taking it up Monday, but it is perfectly apparent that we can not offer an amendment when one is pending. I suppose the Senator's change would make all amendments that have now been offered and that are printed possible of consideration under the rule. Is that the intention?

Mr. JONES. All that may be offered before 4 o'clock.

Mr. NORRIS. For instance, I offered an amendment the other day, but it is not a pending amendment.

Mr. JONES. No; but it would be under my proposal.

Mr. NORRIS. I would not want to be prevented from offering that amendment. We are liable to get into the very difficulty which the Senator from Ohio has suggested. It is not going to hurt anyone if we take that clause out. I suppose if that had been suggested the other day the Senator from Kansas [Mr. CURTIS] would have willingly taken that language from his proposed agreement.

Mr. HALE. Mr. President, I would like to hear what the proposal is. I was not in the Chamber when it was read.

Mr. JONES. I gave notice that on Monday I would propose to modify the unanimous-consent agreement. I had not looked at the rule and I had the impression that notice had to be given to modify the unanimous-consent agreement, but the Chair says that I am in error. My proposal was simply to provide that amendments which may be offered before 4 o'clock may be treated as pending.

Mr. HALE. I think that was the intention of the agreement.

Mr. JONES. I think so myself. Of course, the situation suggested by the Senator from Ohio is liable to arise, that we might have an amendment proposed before 4 o'clock which would have to be amended itself, but, under the unanimous-consent agreement, such an amendment to that amendment could not be proposed after 4 o'clock.

Mr. SWANSON. My recollection is that the unanimous-consent agreement provides that no amendments are to be proposed after a certain hour, when the debate is limited to 10 minutes. I think the Senator from Nebraska has usually insisted on that, and I think very properly so. For instance, a Senator might come here with a surprise amendment which no one had ever heard or thought of, and had no opportunity to discuss, and we might be forced to vote on it without any opportunity to consider it.

Mr. NORRIS. It could not be done under this unanimous-consent agreement because debate is allowed.

Mr. SWANSON. It does not give much time to discuss such an amendment fully. We had one case, I remember, where an amendment was brought in and everybody knew very little about it, and as a consequence of that incident we have usually put into such agreements such a provision as the Senator has now suggested. I do not remember definitely the occasion of which I

speak. I think the Senator from Nebraska usually insisted on this provision more than anyone else, and I agreed with him.

Mr. NORRIS. The Senator is partially mistaken. I have always insisted that instead of limiting debate absolutely we should cut down the length of the speeches and let the debate terminate itself.

Mr. SWANSON. I am not willing to have an amendment brought in here after 4 o'clock by surprise when nobody knows anything about it.

Mr. NORRIS. Nobody wants it to be done.

Mr. SWANSON. Then what is the suggestion?

Mr. NORRIS. My suggestion to the Senator from Washington was to meet the very logical objection of the Senator from Ohio by striking out the last clause in the unanimous-consent agreement.

Mr. SWANSON. Then we could debate any amendment we please, but we could not speak more than 10 minutes on it?

Mr. NORRIS. Yes.

Mr. SWANSON. I have no objection to modifying it so that it is clearly the intention that any amendment to an amendment can be offered after 4 o'clock.

Mr. NORRIS. That would take care of it. That would obviate the difficulty to a great extent.

Mr. SWANSON. I suggest that we let it go over until Monday.

Mr. JONES. Very well; there is no hurry about it.

The PRESIDING OFFICER. The proposed modification of the unanimous-consent agreement will lie on the table until Monday.

DEFORESTED AMERICA (S. DOC. NO. 216)

Mr. CAPPER. Mr. President, I have a very valuable paper here entitled "Deforested America," by Maj. George P. Ahern. It contains very valuable information as to the problem of deforestation in this country, and I ask unanimous consent that it be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDEPENDENT OFFICES APPROPRIATIONS

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 16301) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1930, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. WARREN, Mr. SMOOT, Mr. JONES, Mr. OVERMAN, and Mr. GLASS conferees on the part of the Senate.

THE TARIFF

The PRESIDING OFFICER laid before the Senate the following concurrent resolution from the House of Representatives (H. Con. Res. 48), which was read:

Resolved, etc., That, in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on Ways and Means of the House of Representatives be, and is hereby, empowered to have printed 2,500 additional copies of the consolidated hearings held before the committee relative to "Tariff readjustment, 1929" during the current session.

Mr. SHIPSTEAD. Mr. President, I ask unanimous consent for the immediate consideration of the concurrent resolution.

The PRESIDING OFFICER. Is there objection?

Mr. ROBINSON of Arkansas. Have the hearings been printed?

Mr. SHIPSTEAD. The concurrent resolution relates to the hearings up to date. It has just come over from the House, with an urgent request that it be passed immediately.

Mr. ROBINSON of Arkansas. I have no objection to the consideration of the concurrent resolution.

The concurrent resolution was considered and agreed to.

WAR DEPARTMENT APPROPRIATIONS

Mr. REED of Pennsylvania. Mr. President, the hour is very late, and I know that Senators do not want to stay here for a long consideration of the Army appropriation bill. It was my thought, however, that we might take it up and dispose of some of the amendments upon which there is no question whatever. If the Senate will permit us to spend 10 or 15 minutes in the consideration of the bill, I will agree to postpone consideration of any amendment about which there may be question, or to go back on Monday, when we take the bill up again, and have reconsidered any amendment which any Senator may then object to. I think with that understanding there can be no prejudice to anyone in acting on any amendment to-day.

I ask unanimous consent that the unfinished business may be temporarily laid aside, and that the Senate proceed to the consideration of House bill 15712, making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes.

Mr. GEORGE. Mr. President, I understand that the Senator would not ask for the passage of the bill this afternoon, even though we should finish the amendments?

Mr. REED of Pennsylvania. Oh, no. I shall ask that we postpone consideration of amendments to which I know there is objection, and on Monday or Tuesday, or whenever we take the bill up again, I shall agree, at the request of any Senator, to ask for a reconsideration of any action taken to-day.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. REED of Pennsylvania. I ask unanimous consent that the formal reading of the bill be dispensed with, and that the bill first be read for action on the committee amendments.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. REED of Pennsylvania. I ask also that the secretary may be authorized to correct the totals at the conclusion of the consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will proceed to read the bill.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the subhead "Contingencies of the Army," on page 7, line 5, after the word "proper," to strike out "and for examination of estimates of appropriations in the field, $12,000" and insert "$10,000," so as to read:

For all contingent expenses of the Army not otherwise provided for and embracing all branches of the military service, including the office of the Chief of Staff; for all emergencies and extraordinary expenses, including the employment of translators and exclusive of all other personal services in the War Department or any of its subordinate bureaus or offices in the District of Columbia, or in the Army at large, but impossible to be anticipated or classified, to be expended on the approval or authority of the Secretary of War, and for such purposes as he may deem proper, $10,000.

The amendment was agreed to.

The next amendment was, under the subhead, "General Staff Corps—Contingencies, Military Intelligence Division," on page 8, line 3, after the word "information," to strike out "$55,000" and insert "$62,480," so as to read:

For contingent expenses of the Military Intelligence Division, General Staff Corps, and of the military attachés at the United States embassies and legations abroad, including the purchase of law books, professional books of reference, and subscriptions to newspapers and periodicals; for cost of maintenance of students and attachés; for the hire of interpreters, special agents, and guides, and for such other purposes as the Secretary of War may deem proper, including $5,000 for the actual and necessary expenses of officers of the Army on duty abroad for the purpose of observing operations of armies of foreign states at war, to be paid upon certificates of the Secretary of War that the expenditures were necessary for obtaining military information, $62,480, to be expended under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 10, after line 5, to insert:

JUDGE ADVOCATE GENERAL'S DEPARTMENT

OFFICE OF THE JUDGE ADVOCATE GENERAL

Settlement of War Claims, act of 1928: For every expenditure requisite for and incident to the work of the War Department in connection with the settlement of war claims as authorized by the act entitled "An act to provide for the settlement of certain claims of American nationals against Germany, Austria, and Hungary, and of nationals of Germany, Austria, and Hungary, against the United States and for the ultimate return of all property held by the Alien Property Custodian," approved March 10, 1928, including the authorized traveling expenses of commissioned officers and other employees, rent in the District of Columbia and in foreign countries, the employment of personal services in the District of Columbia and elsewhere, without regard to the civil service laws and regulations or to the classification act of 1923, as amended, printing, binding, photographing, stationery,

office supplies and equipment, and such other expenses as may be necessary and proper for carrying out the provisions of the act herein referred to, $100,000, together with the unexpended balance of the appropriation of $160,000 made for this purpose in the second deficiency act, fiscal year 1928, approved May 29, 1928.

The amendment was agreed to.

The next amendment was, under the subhead "Finance Department—Pay, etc., of the Army," on page 11, line 7, before the word "pay," to insert "pay of officers, National Guard, $100"; in line 13, before the word "aviation," to insert "pay of enlisted men of National Guard, $100"; and on page 12, line 5, after the word "available," to strike out "$6,611,033" and insert "$6,636,033," so as to read:

For pay of officers of the line and staff, $32,082,469; pay of officers, National Guard, $100; pay of warrant officers, $2,053,872; aviation increase to commissioned and warrant officers of the Army, $1,585,508; additional pay to officers for length of service, $8,626,302; pay of enlisted men of the line and staff, not including the Philippine Scouts, $51,410,547; pay of enlisted men of National Guard, $100; aviation increase to enlisted men of the Army, $528,210; pay of enlisted men of the Philippine Scouts, $1,040,390; additional pay for length of service to enlisted men, $3,049,453; pay of the officers on the retired list, $7,749,121; increased pay to retired officers on active duty, $168,650; pay of retired enlisted men, $11,484,253; increased pay and allowances of retired enlisted men on active duty, $6,152; pay of retired pay clerks, $5,062; pay of retired veterinarians, $1,785; pay of not to exceed 65 civil-service messengers at $1,200 each at headquarters of the several Territorial departments, corps areas, Army and corps headquarters, Territorial districts, tactical divisions and brigades, service schools, camps, and ports of embarkation and debarkation, $77,340; pay and allowances of contract surgeons, $51,756; pay of nurses, $850,660; pay of hospital matrons, $600; rental allowances, including allowances for quarters for enlisted men on duty where public quarters are not available, $6,636,033.

The amendment was agreed to.

The next amendment was, on page 12, line 15, after the word "mounts," to strike out "$210,000" and insert "$250,000," so as to read:

additional pay to officers below the grade of major required to be mounted and who furnish their own mounts, $250,000.

The amendment was agreed to.

The next amendment was, on page 12, line 16, after the words "in all," to change the appropriation for pay, etc., of the Army from $133,550,368" to "$136,615,568."

Mr. REED of Pennsylvania. Mr. President, that is a misprint, and therefore I move to amend the committee amendment to make it read "$133,615,538."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 12, line 16, amend the committee amendment by striking out "$136,615,568" and inserting in lieu thereof "$133,615,538."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 12, line 18, after the word "fund," to strike out the colon and the following provisos:

Provided, That the number of horses owned by any officer of the Army occasioning any public expense, including extra compensation, shall be reduced to one on July 1, 1929, and no appropriation contained in this act shall be available for any expense on account of a Government-owned horse used by any officer who has a privately owned mount occasioning public expense, including extra compensation, except in the case of an officer serving with troops whose privately owned mount may be sick or injured, and except in the case of an officer away from his regular post of duty: *Provided further*, That during the fiscal year 1930 the sum herein appropriated for pay of officers shall not be available for the pay of any persons initially appointed or commissioned in any of the promotion-list branches of the Regular Army after June 30, 1929, except (1) from graduates of the United States Military Academy, (2) from warrant officers and enlisted men of the Regular Army, and (3) persons appointed or commissioned in accordance with law in the Army Air Corps.

The amendment was agreed to.

The next amendment was, under the subhead "Expenses of courts-martial," on page 14, line 13, before the word "and," to insert "retiring boards" so as to read:

For expenses of courts-martial, courts of inquiry, military commissions, retiring boards, and compensation of reporters and witnesses attending same, contract stenographic reporting services and expenses of taking depositions and securing other evidence for use before the same, $80,000.

The amendment was agreed to.

The next amendment was, on page 14, line 21, after the word "than," to strike out "$25" and insert "$50," and on page 15, at the end of line 3, to strike out "$110,000" and insert "$170,000," so as to read:

APPREHENSION OF DESERTERS, ETC.

For the apprehension, securing, and delivering of soldiers absent without leave and of deserters, including escaped military prisoners, and the expenses incident to their pursuit; and no greater sum than $50 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of $10 to each prisoner discharged otherwise than honorably upon his release from confinement under court-martial sentence involving dishonorable discharge, $170,000.

The amendment was agreed to.

The next amendment was, under the subhead "Quartermaster Corps," on page 19, line 16, after the word "reports," to strike out "$9,945,194" and insert "$10,069,129," so as to read:

Regular supplies of the Army: Regular supplies of the Quartermaster Corps, including their care and protection; stoves required for the use of the Army for heating offices, hospitals, barracks, and quarters, and recruiting stations, and United States disciplinary barracks; also ranges, stoves, coffee roasters, and appliances for cooking and serving food at posts in the field and when traveling, and repair and maintenance of such heating and cooking appliances; authorized issues of candles and matches; for furnishing heat and light for the authorized allowance of quarters for officers, enlisted men, and warrant officers, including retired enlisted men when ordered to active duty, contract surgeons when stationed at and occupying public quarters at military posts, officers of the National Guard attending service and garrison schools, and for recruits, guards, hospitals, storehouses, offices, the buildings erected at private cost, in the operation of the act approved May 31, 1902 (U. S. C. p. 219, sec. 1346), and buildings for a similar purpose on military reservations authorized by War Department regulations; for sale to officers, and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakery and bake-oven equipment and apparatus; for ice for issue to organizations of enlisted men and offices at such places as the Secretary of War may determine, and for preservation of stores; authorized issues of soap, toilet paper, and towels; for the necessary furniture, textbooks, paper, and equipment for the post schools and libraries, and for schools for noncommissioned officers; for the purchase and issue of instruments, office furniture, stationery, and other authorized articles for the use of officers' schools at the several military posts; for purchase of commercial newspapers, market reports, etc.; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; for forage, salt, and vinegar for the horses, mules, oxen, and other draft and riding animals of the Quartermaster Corps at the several posts and stations and with the armies in the field, for the horses of the several regiments of Cavalry and batteries of Artillery and such companies of Infantry and Scouts as may be mounted, and for remounts and for the authorized number of officers' horses, including bedding for the animals; for seeds and implements required for the raising of forage at remount depots and on military reservations in the Hawaiian, Philippine, and Panama Canal Departments, and for labor and expenses incident thereto, including, when specifically authorized by the Secretary of War, the cost of irrigation; for the purchase of implements and hire of labor for harvesting hay on military reservations; for straw for soldiers' bedding, stationery, typewriters and exchange of same, including blank books and blank forms for the Army, certificates for discharged soldiers, and for printing department orders and reports, $10,069,129, of which amount not exceeding $3,000,000 shall be available immediately for the procurement of fuel for the service of the fiscal year 1930.

The amendment was agreed to.

The next amendment was, in the item for "Incidental expenses of the Army," on page 21, line 20, after the numerals "$3,898,496," to strike out the colon and the following proviso:

Provided, That no appropriation contained in this act shall be available for any expense incident to the employment of a greater number of officers, enlisted men, or civilian employees in connection with work incident to the assurance of adequate provision for the mobilization of matériel and industrial organizations essential to war-time needs than were so employed during the fiscal year ending June 30, 1929.

The amendment was agreed to.

The next amendment was, on page 23, line 13, after the words "in all," to change the amount of the appropriation for Army transportation from $16,802,731 to $16,843,882.

The amendment was agreed to.

The next amendment was, on page 23, line 21, after the word "for," to strike out "transportation of" and insert "transporting children of Army personnel to and from school, and," so as to read:

No money appropriated by this act shall be expended for the hire, operation, maintenance, or repair of any motor-propelled vehicle which shall be employed wholly or in part for personal, social, or similar use,

except such use as is prescribed by order for transporting children of Army personnel to and from school, and Army personnel in connection with the recreational activities of the Army.

The amendment was agreed to.

The next amendment was, under the subhead "Horses for Cavalry, Artillery, Engineers, etc.," on page 24, at the end of line 25, to strike out "$397,500" and insert "$480,000," so as to read:

For the purchase of horses within limits as to age, sex, and size to be prescribed by the Secretary of War for remounts for officers entitled to public mounts, for the United States Military Academy, and for such organizations and members of the military service as may be required to be mounted, and for all expenses incident to such purchases (including $150,000 for encouragement of the breeding of riding horses suitable for the Army, in cooperation with the Bureau of Animal Industry, Department of Agriculture, including the purchase of animals for breeding purposes and their maintenance), $480,000.

The amendment was agreed to.

The next amendment was, under the subhead "Military posts," on page 26, line 3, after the word "made," to insert a colon and the following proviso:

Provided further, That no part of the sums appropriated or authorized to be contracted for in this paragraph shall be available for construction at Scott Field, Ill.

Mr. REED of Pennsylvania. Mr. President, I ask that the consideration of this amendment may be deferred.

The PRESIDING OFFICER. It will be deferred.

The next amendment of the Committee on Appropriations was, under the subhead "Barracks and quarters and other buildings and utilities," on page 26, line 24, after the word "sewage," to strike out "$11,648,041" and insert "$11,650,784," so as to read:

For all expenses incident to the construction, installation, operation, and maintenance of buildings, utilities, appurtenances, and accessories necessary for the shelter, protection, and accommodation of the Army and its personnel and property, where not specifically provided for in other appropriations, including personal services, purchase and repair of furniture for quarters for officers, warrant officers, and noncommissioned officers, and officers' messes and wall lockers and refrigerators for Government-owned buildings as may be approved by the Secretary of War, care and improvement of grounds, flooring and framing for tents, rental of buildings and grounds for military purposes and lodgings for recruits and applicants for enlistment, water supply, sewer and fire-alarm systems, fire apparatus, roads, walks, wharves, drainage, dredging channels, purchase of water, and disposal of sewage, $11,650,784;

The amendment was agreed to.

The next amendment was, on page 26, line 24, to strike out the following proviso:

Provided, That not more than 19 procurement-planning offices may be maintained during the fiscal year 1930, and not more than 1 such office may be maintained in any city. Where space was occupied in a public building on December 31, 1928, wholly or in part for procurement-planning work, no appropriation contained in this act shall be available for renting space for procurement-planning work in a city where such public space was so occupied;

The amendment was agreed to.

The next amendment was, under the subhead "Air Corps, Army," on page 34, line 16, after the word "aircraft," to strike out "$33,359,409" and insert "$36,239,643," so as to read:

For creating, maintaining, and operating at established flying schools and balloon-school courses of instruction for officers, students, and enlisted men, etc., $36,239,643.

Mr. REED of Pennsylvania. I ask that the consideration of this amendment may be deferred.

The PRESIDING OFFICER. It will be deferred.

The next amendment was, on page 34, line 24, after the word "or," to strike out "lighter-than-air craft" and insert "observation balloons"; on page 35, line 3, after the word "exceeding," to strike out "$3,267,000" and insert "$3,848,376"; and in line 7, after the word "than," to strike out "$17,439,280" and insert "$19,738,138," so as to make the proviso read:

Provided, That not to exceed $3,026,199 from this appropriation may be expended for pay and expenses of civilian employees other than those employed in experimental and research work; not exceeding $50,000 may be expended for the procurement of helium, of which sum such amounts as may be required may be transferred in advance to the Bureau of Mines; not exceeding $2,255,930 may be expended for experimental and research work with airplanes or observation balloons and their equipment, including the pay of necessary civilian employees; no part thereof may be expended for the production of lighter-than-air equipment; not exceeding $3,848,376 may be expended for improvement of stations, hangars, and gas plants for the Regular Army and for such other markings and fuel-supply stations and temporary shelter as may be necessary; not less than $19,738,138 shall be expended for the production or purchase of new airplanes and their equipment, spare parts, and accessories, of which not to exceed $2,250,000 shall be available for the payment of obligations incurred under the contract authorization for these purposes carried in the War Department appropriation acts for the fiscal year 1928 and 1929; and not more than $6,000 may be expended for settlement of claims (not exceeding $250 each) for damages to persons and private property resulting from the operation of aircraft at home and abroad when each claim is substantiated by a survey report of a board of officers appointed by the commanding officer of the nearest aviation post and approved by the Chief of Air Corps and the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 36, line 13, after the word "purchase," to strike out the comma and "maintenance, repair, or upkeep of any airplane acquired after July 1, 1929," and insert "of any airplane ordered after the approval of this act," so as to make the further proviso read:

Provided further, That none of the money appropriated in this act shall be used for the purchase of any airplane ordered after the approval of this act which is equipped or propelled by a Liberty motor or by any motor or airplane engine purchased or constructed prior to July 1, 1920.

The amendment was agreed to.

The next amendment was, under the subhead "Medical and Hospital Department," on page 38, line 11, after the name "Medical Department," to strike out "$1,246,571" and insert "$1,265,000," so as to read:

For the manufacture and purchase of medical and hospital supplies, including disinfectants, for military posts, camps, hospitals, hospital ships and transports, for laundry work for enlisted men and Army nurses while patients in a hospital, and supplies required for mosquito destruction in and about military posts in the Canal Zone; for the purchase of veterinary supplies and hire of veterinary surgeons; for expenses of medical supply depots; for medical care and treatment not otherwise provided for, including care and subsistence in private hospitals of officers, enlisted men, and civilian employees of the Army, of applicants for enlistment, and of prisoners of war and other persons in military custody or confinement, when entitled thereto by law, regulation or contract: *Provided*, That this shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furlough; for the proper care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reasonable damages not otherwise provided for for bedding and clothing injured or destroyed in such prevention; for the pay of male and female nurses, not including the Army Nurse Corps, and of cooks and other civilians employed for the proper care of sick officers and soldiers, under such regulations fixing their number, qualifications, assignments, pay, and allowances as shall have been or shall be prescribed by the Secretary of War; for the pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men and to render other professional services from time to time under proper authority; for the pay of other employees of the Medical Department; for the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the enlisted force of the Medical Department; for the supply of the Army and Navy Hospital at Hot Springs, Ark.; for advertising, laundry, and all other necessary miscellaneous expenses of the Medical Department, $1,265,000.

The amendment was agreed to.

The next amendment was, on page 38, line 14, after the name "Germany," to strike out the colon and the following additional proviso:

Provided further, That civilian employees of the Army shall be required to pay not less than cost prices for Army medical supplies purchased by them pursuant to the provisions of the act approved April 23, 1904 (U. S. C. p. 215, sec. 1236.)

The amendment was agreed to.

The next amendment was, under the subhead "United States Military Academy—Pay of Military Academy," on page 47, line 24, after the numerals "$4,000," to insert "constructing quartermaster in addition to his regular pay, $1,000," and on page 48, at the end of line 2, to strike out "$49,830" and insert "$50,830," so as to read:

Permanent establishment: For eight professors, $30,159; chaplain, $4,000; constructing quartermaster in addition to his regular pay, $1,000; additional pay of professors for length of service, $11,579; subsistence allowance of professors, $4,092; in all, $50,830.

The amendment was agreed to.

The reading was continued to line 4, page 50.

Mr. REED of Pennsylvania. On page 50, line 2, there is a misprint in the date. The proper date is "February 18, 1928." I offer that amendment in behalf of the committee.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 50, line 2, strike out the numerals "28" and insert the numerals "18," so as to read "February 18, 1928."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Militia Bureau—National Guard—Arming, equipping, and training the National Guard," on page 51, line 13, to increase the appropriation for compensation of help for care of materials, animals, and equipment, from $2,328,553 to $2,453,375.

The amendment was agreed to.

The next amendment was, on page 51, at the end of line 18, to strike out "$9,501,800" and insert "$9,871,780," so as to read:

For expenses, camps of instruction, field and supplemental training, including medical and hospital treatment authorized by law, and the hire (at a rate not to exceed $1 per diem), repair, maintenance, and operation of motor-propelled passenger-carrying vehicles, $9,871,780.

The amendment was agreed to.

The next amendment was, on page 51, at the end of line 22, to strike out "$317,500" and insert "$375,000," so as to read:

For expenses, selected officers and enlisted men, military service schools, including medical and hospital treatment authorized by law, $375,000.

The amendment was agreed to.

The next amendment was, on page 51, at the end of line 24, to strike out "$79,500" and insert "$122,200," so as to read:

For pay of property and disbursing officers for the United States, $122,200.

The amendment was agreed to.

The next amendment was, on page 52, line 8, after the name "National Guard," to strike out "$320,000" and insert "$351,000," so as to read:

For travel of officers and noncommissioned officers of the Regular Army in connection with the National Guard, $351,000: *Provided*, That not to exceed $2,000 of this sum shall be expended for travel of officers of the War Department General Staff in connection with the National Guard.

The amendment was agreed to.

The next amendment was, on page 52, line 20, after the name "National Guard," to insert "and the appropriation for 'Arms, uniforms, equipment, etc., for field service, National Guard,'" so as to read:

When approved by the Secretary of War 10 per cent of each of the foregoing amounts under the appropriation for "Arming, equipping, and training the National Guard," and the appropriation for "Arms, uniforms, equipment, etc., for field service, National Guard," shall be available interchangeably for expenditure on the objects named, but no one item shall be increased by more than 10 per cent.

The amendment was agreed to.

The next amendment was, under the subhead, "Organized Reserves," on page 54, line 19, after the word "training," to strike out "$2,635,623" and insert "$2,845,966," so as to read:

Officers' Reserve Corps: For pay and allowances of members of the Officers' Reserve Corps on active duty for not exceeding 15 days' training, $2,845,966.

The amendment was agreed to.

The next amendment was, on page 54, at the end of line 25, to strike out "$473,577" and insert "$506,557," so as to read:

For mileage, reimbursement of actual traveling expenses, or per diem allowances in lieu thereof as authorized by law, $506,557.

The amendment was agreed to.

The next amendment was, on page 55, line 55, to change the total appropriation for the Officers' Reserve Corps from $3,838,678 to $4,082,001.

The amendment was agreed to.

The next amendment was, on page 56, line 3, after the word "exceed," to strike out "$519,662" and insert "$752,757"; in line 21, to strike out "$1,656,351" and insert "$2,396,561"; and in the same line, after the amount just inserted, to strike out the comma and "and in addition thereto there is hereby made available for this purpose the sum of $224,750 of funds received during the fiscal year 1930 from the purchase by enlisted men of the Army of their discharges," so as to read:

Headquarters and camps: For establishment, maintenance, and operation of divisional and regimental headquarters and of camps for training of the Organized Reserves; for miscellaneous expenses incident to the administration of the Organized Reserves, including the maintenance and operation of motor-propelled passenger-carrying vehicles; for the actual and necessary expenses, or per diem in lieu thereof, at rates authorized by law, incurred by officers and enlisted men of the Regular Army traveling on duty in connection with the Organized Reserves; for reimbursement for the use, including upkeep and depreciation costs, of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department, except that not to exceed $752,757 of this appropriation shall be available for expenditure by the Chief of the Air Corps for the production and purchase of new airplanes and their equipment, spare parts, and accessories; for transportation of baggage, including packing and crating, of reserve officers on active duty for not less than six months; for medical and hospital treatment, continuation of pay and allowances not to exceed six months, and transportation when fit for travel to their homes of members of the Officers' Reserve Corps and Enlisted Reserve Corps of the Army injured in line of duty while on active duty under proper orders or while voluntarily participating in aerial flights in Government-owned aircraft by proper authority as an incident to their military training, and for the preparation and transportation to their homes and burial expenses of the remains of members of the Organized Reserves who die while on active duty, as provided in section 4 of the act of June 3, 1924 (U. S. C. p. 183, sec. 369; p. 185, secs. 451, 452; p. 186, secs. 453–455), $2,396,561.

The amendment was agreed to.

The next amendment was, under the subhead "Citizens' Military Training, Reserve Officers' Training Corps," on page 59, after line 17, to strike out "for medical and hospital treatment, subsistence until furnished transportation, and transportation when fit for travel to their homes of members of the Reserve Officers' Training Corps injured in line of duty" and insert "for medical and hospital treatment until return to their homes and further medical treatment after arrival at their homes, subsistence during hospitalization and until furnished transportation to their homes, and transportation when fit for travel to their homes of members of the Reserve Officers' Training Corps who suffer personal injury in line of duty while en route to or from and," so as to read:

For the procurement, maintenance, and issue, under such regulations as may be prescribed by the Secretary of War, to institutions at which one or more units of the Reserve Officers' Training Corps are maintained, of such public animals, means of transportation, supplies, tentage, equipment, and uniforms as he may deem necessary, including cleaning and laundering of uniforms and clothing at camps; and to forage, at the expense of the United States, public animals so issued, and to pay commutation in lieu of uniforms at a rate to be fixed annually by the Secretary of War; for transporting said animals and other authorized supplies and equipment from place of issue to the several institutions and training camps and return of same to place of issue when necessary; for purchase of training manuals, including Government publications and blank forms; for the establishment and maintenance of camps for the further practical instruction of the members of the Reserve Officers' Training Corps, and for transporting members of such corps to and from such camps, and to subsist them while traveling to and from such camps and while remaining therein so far as appropriations will permit or, in lieu of transporting them to and from such camps and subsisting them while en route, to pay them travel allowance at the rate of 5 cents per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp and for the return travel thereto, and to pay the return travel pay in advance of the actual performance of the travel; for reimbursement for the use, including upkeep and depreciation costs, of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department; for pay for students attending advanced camps at the rate prescribed for soldiers of the seventh grade of the Regular Army; for the payment of commutation of subsistence to members of the senior division of the Reserve Officers' Training Corps, at a rate not exceeding the cost of the garrison ration prescribed for the Army, as authorized in the act approved June 3, 1916, as amended by the act approved June 4, 1920 (U. S. C. 184, sec. 387); for medical and hospital treatment until return to their homes and further medical treatment after arrival at their homes, subsistence during hospitalization and until furnished transportation to their homes, and transportation when fit for travel to their homes of members of the Reserve Officers' Training Corps who suffer personal injury in line of duty while en route to or from and while at camps of instruction under the provisions of section 47a of the national defense act approved June 3, 1916, as amended (U. S. C. 185, sec. 441); and for the cost of preparation and transportation to their homes and burial expenses of the remains of members of the Reserve Officers' Training Corps who die while attending camps of

instruction as provided in section 4 of the act approved June 3, 1924 (U. S. C. 186, sec. 455); and for the cost of maintenance, repair, and operation of passenger-carrying vehicles, $2,667,917:

The amendment was agreed to.

The next amendment was, under the subhead "Citizens' Military Training Camps," on page 62, line 18, after the words "blank forms," to strike out "for medical and hospital treatment, subsistence until furnished transportation, and when fit for travel, travel allowances at 5 cents per mile to their homes of members of the citizens' military training camps injured in line of duty while attending" and insert "for medical and hospital treatment until return to their homes, further medical treatment after arrival at their homes, subsistence during hospitalization, and, when fit for travel, travel allowances at 5 cents per mile to their homes of members of the citizens' military training camps injured in line of duty while en route to or from and while at," so as to read:

For furnishing, at the expense of the United States, to warrant officers, enlisted men, and civilians attending training camps maintained under the provisions of section 47d of the national defense act of June 3, 1916, as amended by the act of June 4, 1920 (U. S. C. 185, sec. 442), uniforms, including altering, fitting, washing, and cleaning when necessary, subsistence, and transportation, or in lieu of such transportation and of subsistence for travel to and from camps travel allowances at 5 cents per mile, as prescribed in said section 47d; for such expenditures as are authorized by said section 47d as may be necessary for the establishment and maintenance of said camps, including recruiting and advertising therefor, and the cost of maintenance, repair, and operation of passenger-carrying vehicles; for reimbursement for the use, including upkeep and depreciation costs, of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department; for gymnasium and athletic supplies (not exceeding $15,000); for mileage, reimbursement of traveling expenses, or allowance in lieu thereof as authorized by law, for officers of the Regular Army and Organized Reserves, traveling on duty in connection with citizens' military training camps; for purchase of training manuals, including Government publications and blank forms; for medical and hospital treatment until return to their homes, further medical treatment after arrival at their homes, subsistence during hospitalization, and, when fit for travel, travel allowances at 5 cents per mile to their homes of members of the citizens' military training camps injured in line of duty while en route to or from and while at camps of instruction under the provisions of section 47a and section 47d of the national defense act approved June 3, 1916 (U. S. C. 185, secs. 441, 442), as amended, and for the cost of preparation and transportation to their homes and burial expenses of the remains of civilians who die while attending camps of instruction, as provided in section 4 of the act approved June 3, 1924 (43 Stat. 365); in all, $2,742,158.

The amendment was agreed to.

The next amendment was, under the subhead "Ordnance equipment for rifle ranges for civilian instruction," on page 65, line 22, after the word "law" to strike out "$123,750, and, in addition, not to exceed $75,250 of funds received during the fiscal year 1930 from the purchase by enlisted men of their discharges" and insert "$209,000," so as to read:

For arms, ammunition, targets, and other accessories for target practice, for issue and sale in accordance with rules and regulations prescribed by the National Board for the Promotion of Rifle Practice and approved by the Secretary of War, in connection with the encouragement of rifle practice, in pursuance of the provisions of law, $209,000.

The amendment was agreed to.

The next amendment was, under the subhead "Shiloh National Military Park," on page 73, line 2, after the numerals "$35,000," to insert a semicolon and "for repairs of roads, $23,750; in all, $58,750," so as to read:

For continuing the establishment of the park; compensation of superintendent of the park; clerical and other services; labor; historical tablets; maps and surveys; roads; purchase and transportation of supplies, implements, and materials; foundations for monuments; office and other necessary expenses, including maintenance, repair, and operation of one motor-propelled passenger-carrying vehicle, $35,000; for repairs of roads, $23,750; in all, $58,750.

The amendment was agreed to.

The next amendment was, under the subhead "National monuments," on page 74, line 13, after the words "Tomb of the Unknown Soldier," to strike out "For payment of the cost of the accepted design, including all working drawings, for completing the Tomb of the Unknown Soldier in the Arlington National Cemetery, as authorized by the public resolution approved July 3, 1926 (44 Stat. 914–915), $3,500" and insert "For every expenditure requisite for or incident to the payment of the cost of the accepted design, including all working drawings and supervision of erection, and cost of the memorial, for completing the Tomb of the Unknown Soldier in the Arlington National Cemetery, as authorized by the public resolution approved July 3, 1926 (44 Stat. 914–915), $47,500, to remain available until expended: *Provided*, That in carrying into effect the provisions of said public resolution the Secretary of War is authorized to do all the things necessary to accomplish this purpose, by contract, with or without advertising, under such conditions as he may prescribe, including the engagement, by contract, of services of such architects, sculptors, artists, or firms or partnerships thereof, and other technical and professional personnel as he may deem necessary without regard to civil-service requirements and restrictions of law governing the employment and compensation of employees of the United States," so as to read:

Tomb of the Unknown Soldier: For every expenditure requisite for or incident to the payment of the cost of the accepted design, including all working drawings and supervision of erection, and cost of the memorial, for completing the Tomb of the Unknown Soldier in the Arlington National Cemetery, as authorized by the public resolution approved July 3, 1926 (44 Stat. 914–915), $47,500, to remain available until expended: *Provided*, That in carrying into effect the provisions of said public resolution the Secretary of War is authorized to do all the things necessary to accomplish this purpose, by contract, with or without advertising, under such conditions as he may prescribe, including the engagement, by contract, of services of such architects, sculptors, artists, or firms or partnerships thereof, and other technical and professional personnel as he may deem necessary without regard to civil-service requirements and restrictions of law governing the employment and compensation of employees of the United States, and when an appropriation shall have been made therefor, there may be constructed, in accordance with detailed plans and estimates to be prepared under the direction of the Secretary of War, approaches and surroundings, approximately 480 feet by 220 feet, together with the necessary adjacent roadways, to the Tomb of the Unknown Soldier, in the Arlington National Cemetery, Va., all to be in harmony with design for the Tomb of the Unknown Soldier accepted by the Secretary of War and approved by the Arlington Cemetery Commission, the American Battle Monuments Commission, and the Fine Arts Commission.

Tablet at the site of the Battle of Kettle Creek, Ga.: For every expenditure requisite for or incident to the payment of the cost of erecting a tablet or marker on the site of the Battle of Kettle Creek, Ga., in accordance with the provisions of the act approved May 23, 1928 (45 Stat. 718), $2,500.

The amendment was agreed to.

The next amendment was, on page 76, after line 15, to insert:

Old Fort Niagara, N. Y.: For repair, restoration, and rehabilitation of the two blockhouses, the bake house, the magazine, and the French barracks, at Old Fort Niagara, N. Y., including construction of a rest room adjacent to the "castle," and the restoration and construction of the old French drawbridge, $25,000, to be expended only when matched by an equal amount by donation from local interests for the same purpose, which amount the Secretary of War is authorized to expend.

The amendment was agreed to.

The next amendment was, under the subhead "Construction and maintenance of roads, bridges, and trails, Alaska," on page 78, line 22, after the word "amended," to strike out "$500,000" and insert "$1,000,000," and in the same line, after the word "immediately," to insert a comma and the words "and to include $1,000 compensation to the president of the Board of Road Commissioners for Alaska, in addition to his regular pay and allowances," so as to read:

For the construction, repair, and maintenance of roads, tramways, ferries, bridges, and trails, Territory of Alaska, to be expended under the direction of the Board of Road Commissioners described in section 2 of an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905, as amended (U. S. C. 1584, secs. 321–337), and to be expended conformably to the provisions of said act as amended, $1,000,000, to be available immediately, and to include $1,000 compensation to the president of the Board of Road Commissioners for Alaska, in addition to his regular pay and allowances.

The amendment was agreed to.

The next amendment was, under the subhead "Flood control," on page 81, line 14, to strike out "$1,000,000" and insert "$400,000," so as to read:

Flood control, Sacramento River, Calif.: For prosecuting work of flood control in accordance with the provisions of the flood control act approved March 1, 1917 (U. S. C. 1090, sec. 703), as modified by the flood control act approved May 15, 1928 (45 Stat. 534), $400,000.

Mr. REED of Pennsylvania. Mr. President, the amendment just read on page 81, line 14, I ask may be deferred until later; and I make the same request with regard to the amendment from lines 15 to 22 on the same page. The Senators from California wish to be heard on those amendments.

The PRESIDING OFFICER. The amendments will be passed over.

Mr. HARRIS. Mr. President, I understand the lighter-than-air craft item has gone over?

Mr. REED of Pennsylvania. The item relating to lighter-than-air craft has gone over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the heading "National Home for Disabled Volunteer Soldiers," beginning at the top of page 82, to strike out:

Central Branch, Dayton, Ohio: Current expenses: For pay of officers and noncommissioned officers of the home, with such exceptions as are hereinafter noted, and their clerks, weighmasters, and orderlies; chaplains, religious instruction, and entertainment for the members of the home, printers, bookbinders, librarians, musicians, telegraph and telephone operators, guards, janitors, watchmen, fire company, and property and materials purchased for their use, including repairs; articles of amusement, library books, magazines, papers, pictures, musical instruments, and repairs not done by the home; stationery, advertising, legal advice, payments due heirs of deceased members: *Provided*, That all receipts on account of the effects of deceased members during the fiscal year shall also be available for such payments; and for such other expenditures as can not properly be included under other heads of expenditures, $89,000;

Subsistence: For pay of commissary sergeants, commissary clerks, porters, laborers, bakers, cooks, dishwashers, waiters, and others employed in the subsistence department; food supplies purchased for the subsistence of the members of the home and civilian employees regularly employed and residing at the branch, freight, preparation, and serving; aprons, caps, and jackets for kitchen and dining-room employees; tobacco; dining-room and kitchen furniture and utensils; bakers' and butchers' tools and appliances, and their repair not done by the home, $470,000;

Household: For furniture for officers' quarters; bedsteads, bedding, bedding material, and all other articles, including repairs, required in the quarters of the members and of civilian employees permanently employed and residing at the branch; fuel; water; engineers and firemen, bathhouse keepers, janitors, laundry employees, and for all labor, materials, and appliances required for household use, and repairs, if not required by the home, $203,000;

Hospital: For pay of medical officers and assistant surgeons, matrons, druggists, hospital clerks and stewards, ward masters, nurses, cooks, waiters, readers, drivers, funeral escort, janitors, and for such other services as may be necessary for the care of the sick; burial of the dead; surgical instruments and appliances, medical books, medicine, liquors, fruits, and other necessaries for the sick not purchased under subsistence; bedsteads, bedding, and all other special articles necessary for the wards; hospital furniture, including special articles and appliances for hospital kitchen and dining room; carriage, hearse, stretchers, coffins; and for all repairs to hospital furniture and appliances not done by the home, $370,000;

Transportation: For transportation of members of the home, $1,000;

Repairs: For pay of chief engineer, builders, blacksmiths, carpenters, painters, gas fitters, electrical workers, plumbers, tinsmiths, steam fitters, stone and brick masons, and laborers, and for all appliances and materials used under this head; and repairs of roads and other improvements of a permanent character, $85,000: *Provided*, That no part of the appropriation for repairs for any of the branch homes shall be used for the construction of any new building;

Farm: For pay of farmer, chief gardener, harness makers, farm hands, gardeners, horseshoers, stablemen, teamsters, dairymen, herders, and laborers, tools, appliances, and materials required for farm, garden, and dairy work; grain and grain products, hay, straw, fertilizers, seed, carriages, wagons, carts, and other conveyances; animals purchased for stock or work (including animals in the park); gasoline; materials, tools, and labor for flower garden, lawn, park, and cemetery; and construction of roads and walks, and repairs not done by the home, $25,000;

In all, Central Branch, $1,243,000.

For "Current expenses," "Subsistence," "Household," "Hospital," "Transportation," "Repairs," and "Farm," at the following branches, including the same objects respectively specified herein under each of such heads for the Central Branch, namely:

Northwestern Branch, Milwaukee, Wis.: Current expenses, $69,000;
Subsistence, $310,000;
Household, $149,000;
Hospital, $295,000;
Transportation, $500.
Repairs, $63,000;
Farm, $17,000;
In all, Northwestern Branch, $903,500.

Eastern Branch, Togus, Me.: Current expenses, $58,500;
Subsistence, $124,000;
Household, $107,000;
Hospital, $75,000;
Transportation, $500;
Repairs, $35,000;
Farm, $26,000;
In all, Eastern Branch, $426,000.

Southern Branch, Hampton, Va.: Current expenses, $65,000;
Subsistence, $270,000;
Household, $130,000;
Hospital, $169,000;
Transportation, $1,000;
Repairs, $50,000;
Farm, $16,000;
In all, Southern Branch, $701,000.

Western Branch, Leavenworth, Kans.: Current expenses, $71,600;
Subsistence, $269,000;
Household, $148,000;
Hospital, $150,000;
Transportation, $500;
Repairs, $81,000;
Farm, $25,000;
In all, Western Branch, $745,100.

Pacific Branch, Santa Monica, Calif.: Current expenses, $80,000;
Subsistence, $505,000;
Household, $145,000;
Hospital, $400,000;
Transportation, $1,000;
Repairs, $70,000;
Farm, $30,000;
In all, Pacific Branch, $1,231,000.

Marion Branch, Marion, Ind.: Current expenses, $58,000;
Subsistence, $270,000;
Household, $105,000;
Hospital, $319,000;
Transportation, $1,000;
Repairs, $60,000;
Farm, $20,000;
In all, Marion Branch, $833,000.

Danville Branch, Danville, Ill.: Current expenses, $69,000;
Subsistence, $240,000;
Household, $124,000;
Hospital, $117,000;
Transportation, $500;
Repairs, $54,000;
Farm, $16,000;
In all, Danville Branch, $620,500.

Mountain Branch, Johnson City, Tenn.: Current expenses, $62,000;
Subsistence, $285,000;
Household, $95,000;
Hospital, $235,000;
Transportation, $500;
Repairs, $52,000;
Farm, $31,000;
In all, Mountain Branch, $760,500.

Battle Mountain Sanitarium, Hot Springs, S. Dak.: Current expenses, $45,000;
Subsistence, $120,000;
Household, $80,000;
Hospital, $115,000;
Transportation, $500;
Repairs, $24,000;
Farm, $6,500;
In all, Battle Mountain Sanitarium, $391,000.

When approved by the Board of Managers, 10 per cent of each of the foregoing amounts for the support of the National Home for Disabled Volunteer Soldiers shall be available interchangeably for expenditure on the objects named, but the total for each home shall not be increased by more than 10 per cent.

For clothing for all branches; labor, materials, machines, tools, and appliances employed and for use in the tailor shops and shoe shops or other home shops in which any kind of clothing is made or repaired, $178,000.

Board of Managers: President, $4,000; secretary, $500; general treasurer, who shall not be a member of the Board of Managers, $5,000; chief surgeon, $4,500; assistant general treasurer, $3,500; inspector general, $3,500; clerical services for the offices of the president, general treasurer, chief surgeon, and inspector general, $19,500; clerical services for managers, $2,700; traveling expenses of the Board of Managers, their officers and employees, including officers of branch homes when detailed on inspection work, $14,000; outside relief, $100; legal services, medical examinations, stationery, telegrams, and other incidental expenses, $1,700; in all, $59,000.

Total, National Home for Disabled Volunteer Soldiers, $8,091,600.

And in lieu thereof to insert:

Central Branch, Dayton, Ohio: Current expenses: For pay of officers and noncommissioned officers of the home, with such exceptions as are hereinafter noted, and their clerks, weighmasters, and orderlies; chaplains, religious instruction, and entertainment for the members of the home, printers, bookbinders, librarians, musicians, telegraph and telephone operators, guards, janitors, watchmen, fire company, and property and materials purchased for their use, including repairs; articles of amusement, library books, magazines, papers, pictures, musical instruments, and repairs not done by the home; stationery, advertising, legal advice, payments due heirs of deceased members: *Provided*, That all receipts on account of the effects of deceased members during the fiscal year shall also be available for such payments; and for such other expenditures as can not properly be included under other heads of expenditures, $104,500;

Subsistence: For pay of commissary sergeants, commissary clerks, porters, laborers, bakers, cooks, dishwashers, waiters, and others employed in the subsistence department; food supplies purchased for the subsistence of the members of the home and civilian employees regularly employed and residing at the branch, freight, preparation, and serving; aprons, caps, and jackets for kitchen and dining-room employees; tobacco; dining-room and kitchen furniture and utensils; bakers' and butchers' tools and appliances, and their repair not done by the home, $492,500;

Household: For furniture for officers' quarters; bedsteads, bedding, bedding material, and all other articles, including repairs, required in the quarters of the members and of civilian employees permanently employed and residing at the branch; fuel; water; engineers and firemen, bathhouse keepers, janitors, laundry employees, and for all labor, materials, and appliances required for household use, and repairs, if not repaired by the home, $228,000;

Hospital: For pay of medical officers and assistant surgeons, matrons, druggists, hospital clerks and stewards, ward masters, nurses, cooks, waiters, readers, drivers, funeral escort, janitors, and for such other services as may be necessary for the care of the sick; burial of the dead; surgical instruments and appliances, medical books, medicine, liquors, fruits, and other necessaries for the sick not purchased under subsistence; bedsteads, bedding, and all other special articles necessary for the wards; hospital furniture, including special articles and appliances for hospital kitchen and dining room; carriage, hearse, stretchers, coffins; and for all repairs to hospital furniture and appliances not done by the home, $500,000;

Transportation: For transportation of members of the home, $1,000;

Repairs: For pay of chief engineer, builders, blacksmiths, carpenters, painters, gas fitters, electrical workers, plumbers, tinsmiths, steam fitters, stone and brick masons, and laborers, and for all appliances and materials used under this head; and repairs of roads and other improvements of a permanent character, $103,000: *Provided*, That no part of the appropriation for repairs for any of the branch homes shall be used for the construction of any new building;

Farm: For pay of farmer, chief gardener, harness makers, farm hands, gardeners, horseshoers, stablemen, teamsters, dairymen, herders, and laborers; tools, appliances, and materials required for farm, garden, and dairy work; grain and grain products, hay, straw, fertilizer, seed, carriages, wagons, carts, and other conveyances; animals purchased for stock or work (including animals in the park); gasoline; materials, tools, and labor for flower garden, lawn, park, and cemetery; and construction of roads and walks, and repairs not done by the home, $37,000;

In all, Central Branch, $1,466,000.

For "Current expenses," "Subsistence," "Household," "Hospital," "Transportation," "Repairs," and "Farm," at the following branches, including the same objects respectively specified herein under each of such heads for the Central Branch, namely:

Northwestern Branch, Milwaukee, Wis.: Current expenses, $84,000;
Subsistence, $314,000;
Household, $165,500;
Hospital, $440,000;
Transportation, $500;
Repairs, $73,000;
Farm, $22,000;
In all, Northwestern Branch, $1,099,000.

Eastern Branch, Togus, Me.: Current expenses, $73,000;
Subsistence, $135,500;
Household, $117,500;
Hospital, $112,000;
Transportation, $500;
Repairs, $44,000;
Farm, $31,000;
In all, Eastern Branch, $513,500.

Southern Branch, Hampton, Va.: Current expenses, $82,000;
Subsistence, $286,000;
Household, $141,000;
Hospital, $252,000;
Transportation, $1,000;
Repairs, $67,000;
Farm, $24,000;
In all, Southern Branch, $853,000.

Western Branch, Leavenworth, Kans.: Current expenses, $89,100;
Subsistence, $286,000;
Household, $168,000;
Hospital, $220,000;
Transportation, $500;
Repairs, $82,700;
Farm, $30,000;
In all, Western Branch, $876,300.

Pacific Branch, Santa Monica, Calif.; Current expenses, $93,000;
Subsistence, $509,000;
Household, $167,000;
Hospital, $535,000;
Transportation, $1,000;
Repairs, $82,000;
Farm, $38,000;
In all, Pacific Branch, $1,425,000.

Marion Branch, Marion, Ind.: Current expenses, $71,400;
Subsistence, $271,000;
Household, $111,000;
Hospital, $394,000;
Transportation, $1,000;
Repairs, $63,000;
Farm, $23,000;
In all, Marion Branch, $934,400.

Danville Branch, Danville, Ill.; Current expenses, $82,600;
Subsistence, $252,000;
Household, $138,500;
Hospital, $162,000;
Transportation, $500;
Repairs, $60,000;
Farm, $20,000;
In all, Danville Branch, $715,600.

Mountain Branch, Johnson City, Tenn.: Current expenses, $84,000;
Subsistence, $291,000;
Household, $104,000;
Hospital, $311,000;
Transportation, $500;
Repairs, $60,500;
Farm, $35,000;
In all, Mountain Branch, $886,000.

Battle Mountain Sanitarium, Hot Springs, S. Dak.: Current expenses, $60,000;
Subsistence, $124,000;
Household, $83,300;
Hospital, $180,000;
Transportation, $500;
Repairs, $26,000;
Farm, $8,500;
In all, Battle Mountain Sanitarium, $482,300.

When approved by the Board of Managers, 10 per cent of each of the foregoing amounts for the support of the National Home for Disabled Volunteer Soldiers shall be available interchangeably for expenditure on the objects named, but the total for each home shall not be increased by more than 10 per cent.

For clothing for all branches; labor, materials, machines, tools, and appliances employed and for use in the tailor shops and shoe shops or other home shops in which any kind of clothing is made or repaired, $187,000.

Board of Managers: President, $4,000; secretary, $500; general treasurer, who shall not be a member of the Board of Managers, $7,000; chief surgeon, $6,000; assistant general treasurer, $5,000; inspector general, $5,000; clerical services for the offices of the president, general treasurer, chief surgeon, and inspector general, $22,320; clerical services for managers, $2,700; traveling expenses of the Board of Managers, their officers and employees, including officers of branch homes when detailed on inspection work, $14,000; outside relief, $100; legal services, medical examinations, stationery, telegrams, and other incidental expenses, $1,700; in all, $68,320.

Total, National Home for Disabled Volunteer Soldiers, $9,506,420.

Mr. FESS. Mr. President, should not that amendment go over?

Mr. REED of Pennsylvania. The amendment seems to be very long, but it is simply to take care of the increase in pay of the employees at soldiers' homes as required by the Welch Act. It has the approval of the Budget Bureau and of the War Department.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The PRESIDING OFFICER. That completes all the committee amendments, except those which have been reserved for future consideration.

The reading of the bill was concluded.

Mr. REED of Pennsylvania. I understand there is a desire to have a brief executive session.

Mr. BINGHAM. Mr. President, will the Senator withhold the motion to proceed to the consideration of executive business for a moment?

Mr. REED of Pennsylvania. Yes.

Mr. BINGHAM. There is an amendment which I desire to propose, on page 34, line 21, with regard to the procurement of helium. I move to strike out the words "of which sum such amounts as may be required may be transferred in advance to the Bureau of Mines."

The object of the amendment is merely to enable the Army to purchase helium as cheaply as it may be offered, whether by the Bureau of Mines or by private parties, and not to force it to purchase it at the Bureau of Mines, as is the interpretation of the present language in the bill.

The PRESIDING OFFICER. Is there objection to the amendment proposed by the Senator from Connecticut?

Mr. HARRIS. Mr. President, the Senator from Connecticut, perhaps, was not in the Chamber when the Senator from Pennsylvania, in charge of the bill, stated that any amendment to which there should be objection would be passed over to be considered later.

Mr. BINGHAM. I understand that there is no objection to this amendment.

Mr. HARRIS. I have no objection to the amendment myself.

Mr. REED of Pennsylvania. The amendment suggested by the Senator from Connecticut has nothing whatever to do with the question of the maintenance of Scott Field, about which the Senators from Illinois are naturally interested. I myself see no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Connecticut.

The amendment was agreed to.

Mr. VANDENBERG. Let me ask the Senator if any of the amendments to the bill have relation to Selfridge Field by way of reducing the appropriation?

Mr. REED of Pennsylvania. There is no amendment reported by the committee which reduces the allotment to Selfridge Field.

Mr. VANDENBERG. I thank the Senator for the information.

EXECUTIVE SESSION

Mr. REED of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, February 4, 1929, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 2 (legislative day of January 31), 1929

UNITED STATES ATTORNEY

Charles R. Hollingsworth to be United States attorney, district of Utah.

UNITED STATES COAST GUARD

William J. Kossler to be lieutenant commander.

Gordon P. McGowan to be lieutenant (junior grade) (temporary).

COAST AND GEODETIC SURVEY

To be junior hydrographic and geodetic engineers (with relative rank of lieutenants (junior grade) in the Navy)

Henry James Healy.
John Holman Brittain.
Walter Joseph Chovan.
George Alvin Nelson.
Wilbur Ryel Porter.

To be aides (with relative rank of ensign in the Navy)

Clifton James Wagner.
Roswell Clarence Bolstad.
Arthur Newton Stewart.
James Nutty Jones.

APPOINTMENTS IN THE ARMY

Archibald Campbell to be Assistant The Adjutant General with the rank of brigadier general.

APPOINTMENTS BY TRANSFER

Capt. Ernest Cleveland Bomar, Ordnance Department.
Kenneth Rowntree to be captain, Coast Artillery Corps.

APPOINTMENTS BY PROMOTION

William Adalbert Sproule to be colonel, Veterinary Corps.
Walter Fraser to be colonel, Veterinary Corps.
Robert Bruce McBride to be colonel.
Henry Carlos Rexach to be lieutenant colonel.
William Thomas Carpenter to be lieutenant colonel.
Benjamin Mart Bailey to be lieutenant colonel.
Ambrose Robert Emery to be lieutenant colonel.
Abraham Tabachnik to be major.
William Robert Stewart to be major.
Leander Russell Hathaway to be major.
Alfred Isaac Puryear to be captain.
Clyde Henry Plank to be captain.
Joel DeWitt Pomerens to be captain.
Daniel Bern Floyd to be captain.
Joseph Cuthbert Dolan to be captain.
Otis McCormick to be first lieutenant.
Wendell Blanchard to be first lieutenant.
Thomas Du Val Roberts to be first lieutenant.
Clinton Frederick Robinson to be first lieutenant.
Frederic Allison Henney to be first lieutenant.
David Jerome Ellinger to be first lieutenant.
Francis John Clark to be first lieutenant.
Leonard Lawrence Bingham to be first lieutenant.
Floyd Allen Mitchell to be first lieutenant.
Samuel Vance Krauthoff to be first lieutenant.
Joseph Peter Shumate to be first lieutenant.

POSTMASTERS

ALABAMA

James W. Snipes, Florala.
Elizabeth H. Siddall, Girard.
Sister M. Loreta, Holy Trinity.
Allen R. Byrd, Luverne.
Jesse D. Newton, Odenville.
John F. Morton, Tuscaloosa.
Evelyn E. Morgan, Uniontown.

CONNECTICUT

Fred T. Koehler, Windsor Locks.

IDAHO

Eudora D. Blood, Dover.

NEW MEXICO

George A. Titsworth, Capitan.

SOUTH CAROLINA

Robert L. Edmunds, Sumter.

TENNESSEE

Matthew C. Bratten, Liberty.
John G. Holmes, Trezevant.

HOUSE OF REPRESENTATIVES

SATURDAY, *February 2, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou who art the Mighty One, Master of all forces and the Lord of men and angels, we most humbly acknowledge Thy claims and the right of Thy sovereignty as Lord of Lords and King of Kings. We praise Thee for a Father in Heaven who is a refuge for His children on earth. Thy merciful hand is always reaching out toward us, challenging every other one. May we clasp it. Thou wilt lift us out of weakness into strength, out of sin into goodness, and out of death into life. Oh, urgently persuade us that life is too precious and the world too fair for us to darken them with the clouds of selfishness and neglect. Thou who art so worthy to be worshipped, adored, and served come with us; make every morning a rose dawn and every evening a heavenly calm. In the holy name of our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 14151. An act to provide for the establishment of a Coast Guard station at or near the mouth of the Quillayute River, in the State of Washington.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 4818. An act for the relief of hay growers in Brazoria, Galveston, and Harris Counties, Tex.

S. 5339. An act to enable the Rock Creek and Potomac Parkway Commission, established by act of March 4, 1913, to make slight changes in the boundaries of said parkway by excluding

therefrom and selling certain small areas and including other limited areas, the net cost not to exceed the total sum already authorized for the entire project.

PENSIONS

Mr. ELLIOTT. Mr. Speaker, I call up the conference report on the bill (H. R. 14800) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war, and ask for its immediate consideration.

The Clerk read the title of the bill.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent that the statement on the part of the managers be read in lieu of the report.

The SPEAKER. Without objection, the Clerk will read the statement.

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 14860) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: On page 17 of the engrossed amendments strike out lines 5 to 8, inclusive; on page 22 of the said engrossed amendments strike out lines 21 to 23, inclusive; on page 31 of the said engrossed amendments strike out lines 3 to 5, inclusive; and the Senate agree to the same.

W. T. FITZGERALD,
RICHARD N. ELLIOTT,
ARTHUR H. GREENWOOD,
Managers on the part of the House.

ARTHUR R. ROBINSON,
PETER NORBECK,
PETER G. GERRY,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House on H. R. 14800 state, by the way of explanation, that 2,935 House bills were included in said omnibus pension bill when it was reported to the House, December 5, 1928. The bill was called up in the House and passed December 14, 1928, and 21 amendments were offered striking out the names of proposed beneficiaries who had died since the bill was reported on December 5, 1928. The 2,914 House bills were considered by the Senate Committee on Pensions and favorably reported back to the Senate with amendments, the amendments being names of 52 proposed beneficiaries who had died since the passage of the bill in the House. They added to the House bill as an amendment 171 private Senate bills, and it was over the differences of opinion that existed in 5 of these bills that the House asked for a conference, and after carefully reviewing these cases the managers mutually agreed to restore 2 of the 5 cases, striking out 3 Senate bills and making a total of 168 private Senate bills amended to the House bill. The House lost no bills other than the ones they requested to be struck out because the proposed beneficiaries had died.

W. T. FITZGERALD,
RICHARD N. ELLIOTT,
ARTHUR H. GREENWOOD,
Managers on the part of the House.

The conference report was agreed to.

On motion of Mr. ELLIOTT, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

APPROPRIATIONS FOR DEPARTMENT OF AGRICULTURE

Mr. DICKINSON of Iowa. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 15386) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes, with Senate amendments, disagree to the Senate amendments, ask for a conference, and that conferees be appointed.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. DICKINSON of Iowa, WASON, SUMMERS of Washington, BUCHANAN, and SANDLIN.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOLADAY. Mr. Speaker, I ask unanimous consent that on next Thursday, immediately after the reading of the Journal and the disposition of matters on the Speaker's table, I may be allowed to address the House for 30 minutes on certain matters that have been inserted in the CONGRESSIONAL RECORD challenging the honesty and the integrity of all the newspaper correspondents of Washington, of the Department of Agriculture, and of the Bureau of Standards.

The SPEAKER. The gentleman from Illinois asks unanimous consent that on next Thursday, after the reading of the Journal and the disposition of matters on the Speaker's table, he may address the House for 30 minutes on the subject referred to. Is there objection?

There was no objection.

CRUISER BUILDING

Mr. GARDNER of Indiana. Mr. Speaker, the Indiana State Legislature now in session has passed a joint resolution indorsing and urging the passage of the cruiser bill. I ask unanimous consent to extend my remarks in the RECORD by inserting that resolution in the RECORD.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD by inserting a resolution recently passed by the Legislature of Indiana on the subject of the cruiser bill. Is there objection?

There was no objection.

Mr. GARDNER of Indiana. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following joint resolution passed by the Legislature of the State of Indiana:

STATE OF INDIANA,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I, Otto G. Fifield, secretary of state of the State of Indiana, and being the officer who under the constitution and laws of said State is duly constituted the custodian of the public records of the State of Indiana and the keeper of all books and papers thereto pertaining, and being empowered to authenticate exemplifications of the same, do hereby certify that an exemplified copy, carefully compared by me with the original of the same now in my official custody as secretary of state, and found to be a full, true, and correct copy of enrolled concurrent resolution indorsing and urging the passage of the cruiser bill now pending in Congress, is as follows, to wit:

"SECTION 1. *Be it resolved by the House of Representatives of the State of Indiana (the State Senate concurring)*, That the General Assembly of the State of Indiana hereby indorses and approves of the cruiser bill now pending in Congress, and recommends and urges that this bill be promptly enacted into law, and that the cruiser-building program be entered upon at once and carried to a speedy conclusion.

"SEC. 2. The secretary of state is hereby directed to transmit a certified copy of this resolution at once to the President of the United States Senate, to the Speaker of the National House of Representatives, and to each of the Senators and Representatives in Congress from the State of Indiana."

JAMES M. KNAPP,
Speaker of the House of Representatives.

EDGAR D. BUSH,
President of the Senate.

Approved, January 23, 1929.

HARRY G. LESLIE,
Governor of the State of Indiana.

Filed January 23, 1929, 11.15 a. m.

OTTO G. FIFIELD,
Secretary of State.

And I hereby further certify that the herein exemplification is in due form and made by me as the proper officer, and is entitled to have full faith and credit given it in every court and office within the United States.

In witness whereof I have herunto set my hand and affixed the seal of the State of Indiana, at the city of Indianapolis, this 30th day of January, A. D. 1929.

[SEAL.]

OTTO G. FIFIELD,
Secretary of State.

UNITED STATES OF AMERICA,
STATE OF INDIANA,
Executive Department.

To all to whom these presents shall come, greeting:

I, Harry G. Leslie, Governor of the State of Indiana, do hereby certify that Otto G. Fifield, who signed the foregoing certificate, was at the

time of signing the same, and is now, secretary of state of the State of Indiana, duly elected and qualified to that office, and that full faith and credit are due his official attestations; and further that he is the custodian of the manuscripts containing the enrolled acts and joint resolutions of the General Assembly of the State of Indiana, and authorized by law to furnish, on demand, to any person, a duly certified copy of all or any part of any law or act on file, or deposited, pursuant to law, to be kept in his office, and of which a copy may be properly given; that the foregoing attestation is in due form and by the proper officer; that, under the constitution I am the keeper of the seal of state of the State of Indiana; and that, under the laws, all copies of any records, deeds, laws, acts, official bonds, registers, and papers, or such parts thereof as shall be necessary, deposited by authority of law, to be kept in his office, duly certified by the secretary of state and sealed with the State seal, shall, in all cases, be evidence equally and in like manner as the originals.

In witness whereof I hereunto set my hand and caused the seal of the State of Indiana to be affixed. Done at the city of Indianapolis, this 30th day of January, 1929.

[SEAL.] HARRY G. LESLIE, *Governor.*

By the governor:

OTTO G. FIFIELD,
Secretary of State.

STATE OF INDIANA,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I, Otto G. Fifield, secretary of state of the State of Indiana, hereby certify that Harry G. Leslie, who signed the immediately foregoing certificate, was at the time of signing the same, and is now, Governor of the State of Indiana, duly elected and qualified, and that as such, full faith and credit is, and ought to be, given to his official acts and proceedings; that, under the constitution of the State of Indiana, the governor is the keeper of the seal of the State of Indiana.

And I further certify that the foregoing signature is a genuine signature of Harry G. Leslie, governor, and that the foregoing certificate signed by him is in due form.

In witness whereof I have hereunto set my hand and affixed the seal of the State of Indiana, at the city of Indianapolis, this 30th day of January, A. D. 1929.

[SEAL.] OTTO G. FIFIELD,
Secretary of State.

ADDRESS OF HON. FRANK GARDNER

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech of my colleague the gentleman from Indiana [Mr. GARDNER] on good citizenship and character building, delivered at the Eastern High School commencement.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. GREENWOOD. Mr. Speaker, the following commencement address was delivered by my colleague, Hon. FRANK GARDNER, of Indiana, to the graduating class of Eastern High School on January 31, 1929:

CITIZENSHIP AND CHARACTER BUILDING

"America is God's crucible, the great melting pot, where all the races of Europe are melting and reforming."

As you know, this is a statement made by David in the book called "The Melting Pot."

At the time of the early history of this country many of the people of Europe were being sorely oppressed because of their religious views, and they were being heavily burdened and many hardships were being inflicted upon them by the ruling heads of Europe. Many of the best people of Europe came to this country because they were oppressed, because they were so burdened, because they were seeking liberty, and because they considered this a land of promise. And looking across the waters they saw this land of promise beckoning to them.

Again David, of the Melting Pot, says:

"When I look at our Statue of Liberty, I just seem to hear the voice of America crying, 'Come unto me ye that labor and are heavy laden and I will give you rest.'"

These people did come to this country—this land of promise—and they came not as Englishmen, not as Irishmen, not as Germans, but they came to this land of promise as Americans. They went through the melting pot and came out Americans. They established a new race of people—Americans. They established a new country—the greatest country God's sun ever shone upon—America.

Even after coming to this country they were still oppressed by the tyranny of a foreign ruler, which brought on a revolution that resulted in a free country for a liberty-loving people. As a result of that conflict our forefathers wrote a Declaration of Independence and a code of laws that we call our Constitution, which has been the basic law of our land even to this day. Good citizenship demands that we love and obey the provisions of that Constitution and the laws based thereon, and it is the duty of every American citizen to preach and teach love of country and obedience to law and order, and by so doing create a better citizenship. And there is always a need for a better citizenship.

The better we educate the younger generation the better that generation will be qualified for citizenship, and by educating the individual we are benefiting the community and the country, and thus we are raising the standard of citizenship. It is the good influence of the home, the church, and the school that produces a better citizenship. In the home lessons are learned that guide the individual through life. The church has a wonderful influence for good. But it is the influence the school has upon the child to which I desire to call your attention. Aside from the home and the church, there is nothing else that does so much for the upbuilding of the child—and through the child, the community—as does the influence of our public schools. Good teachers have a wonderful influence in molding the character of the child. Aside from the material benefit derived by the child from his studies in school, the school is molding the character of the child, and is fitting the child for his life work.

We are justly proud of our public-school system, and the pupils are fortunate who have the privilege of attending Eastern High School, under the management and instruction of its able principal, Professor Hart, and his corps of efficient teachers. They are doing a wonderful work, and are producing good results, and their efforts should be, and are, appreciated. I am sure that Mrs. Gardner and I appreciate the fact that our daughter Aldine has had the opportunity of attending Eastern High School, and has had the benefit of the instruction of these teachers, and has the privilege of being one of the graduates of the class of 1929.

In the study of physics, one of the laws we learn is that there is no force lost. That is, when a force is started it continues on forever. Shakespeare recognizes this fact when he says:

"We become a part of everything we meet."

I like to think that our lives are not lost, but that we live on and on forever. That is, the good we do through life has its influence that passes on through the coming generations. So it is with what this class has learned in this school. As these graduates go out into the world they impart knowledge, and the good they produce influences their associates. In that way the work done in this school by these teachers will go on and on doing good.

To the graduating class of 1929—I want to congratulate you on this your graduation. We call this a commencement. That means the beginning of your career. You have completed the requirements for graduation from this high school, and you have done well. I am sure that what you have learned will be helpful to you. What you have learned, of itself, will be helpful to you, but your greatest benefit will be that you have learned to think, and to reason. This is fast becoming an age when one must succeed by reason of his ability to think and reason rather than by his manual labor.

Those of you who have the opportunity to do so should strive for a higher education. As time goes on an education becomes more and more helpful to success in life. And it is the education, and the training you receive in youth, that develops you and forms your character, and makes you what you will be in your future life. In youth you are making your life for the future. The good deeds that you do now in youth are builders for your future life. We fashion our own character, and all experience teaches us that we become that which we make ourselves. Our every act leaves its impress upon our character. George Eliot says:

"Our deeds shall travel with us from afar
And what we have been makes us what we are."

That is very true. Our deeds and our acts in youth so mold and form our character that we can truly say with George Eliot:

"What we have been makes us what we are."

I am anxious to impress upon you that your life in youth makes you what you will be in the future. That it is this period of your life in which you are laying the foundation for a better future life. So bear in mind:

"Golden years are fleeting by;
Youth is passing, too.
Learn to make the most of life,
Lose no happy day.
Time will never bring thee back
Chances swept away.

Leave no tender word unsaid,
Love while life shall last,
The mill will never grind
With the water that is passed.

"All that thou canst call thine own,
Lies in thy to-day.
Power, intellect, and health
May not, can not last;
The mill will never grind
With the water that is passed."

Let me impress upon you that you bear in mind that this is still the land of opportunity. That you can not change the past. That it is necessary for you to improve the present. That the future is open before you. Remember—

"What hath been written shall remain,
Nor be erased nor written o'er again.
The future only remains for thee;
Take heed, and ponder well what that shall be."

EXTENSION OF REMARKS

Mr. YON. Mr. Speaker, I ask unanimous consent to extend my remarks by having inserted in the RECORD an article by Vincente G. Bunian on the Philippine situation, printed in The Nation of January 23, 1929.

Mr. UNDERHILL. I object, Mr. Speaker.

REREFERENCE OF A BILL

Mr. STOBBS. Mr. Speaker, I ask unanimous consent that the bill (H. R. 16792) to amend sections 599, 600, and 601, of subchapter 3 of the Code of Laws for the District of Columbia, that has been referred to the District of Columbia Committee, be rereferred to the Committee on the Judiciary. I have taken this up with the chairman of the District Committee, and in view of the fact that the subject matter of this bill has already been considered by a subcommittee of the Judiciary Committee, the chairman of the District of Columbia Committee has no objection to the request.

The SPEAKER. The Chair hesitates somewhat to recognize the gentleman for this purpose, because he is absolutely clear that the reference to the District of Columbia Committee was proper. The bill seeks to amend the District Code in order to permit the incorporation of a certain society. The incorporation of similar societies has invariably been referred to the District of Columbia Committee.

The Chair would not recognize the gentleman if this was to be considered as setting a precedent in such cases, but if the gentleman has consulted with the chairman of the District of Columbia Committee, and it is mutually agreeable to the two committees, the Chair will recognize the gentleman for this purpose.

Is there objection to the request of the gentleman from Massachusetts?

Mr. GARNER of Texas. Mr. Speaker, reserving the right to object, the gentleman from Tennessee [Mr. GARRETT], the leader of the minority, is not in the Chamber at the moment, and gentlemen will recall that the other day, when a similar matter came up and it was proposed to make a change in the reference of a bill from one committee to another, where the bill was properly in that committee, the gentleman indicated he might object, and the Speaker asked the gentleman making the request to defer it, as I recall. This is a similar case, as I understand it.

The SPEAKER. It is not precisely similar.

Mr. GARNER of Texas. As I understand it, this is a bill that is properly before the District of Columbia Committee, and by agreement between the chairman of the District of Columbia Committee and the chairman of the Judiciary Committee they are going to make a rereference of the bill to the Committee on the Judiciary; is that correct?

Mr. STOBBS. No; there is no agreement between the chairman of the Committee on the Judiciary and the chairman of the District of Columbia Committee. The subject matter of this bill came before the Committee on the Judiciary in a different form and was properly before our committee.

Mr. GARNER of Texas. What is the gentleman's committee—the Judiciary Committee?

Mr. STOBBS. The Judiciary Committee. It was heard by a subcommittee of the Judiciary Committee and is now pending before the full committee, and it has been decided that if this legislation is to be put into effect it ought to be put into effect by amending the District Code.

Mr. GARNER of Texas. Will not the gentleman defer his request until the gentleman from Tennessee, the minority leader, can be here, because the gentleman from Tennessee has discussed this matter and I wish the gentleman would withhold it until that time.

Mr. STOBBS. I will be very glad to do that.

Mr. UNDERHILL. Reserving the right to object, does this involve the issue of a charter to a corporation?

Mr. STOBBS. That is just the trouble; the Judiciary Committee did not want to act upon it because there could be an incorporation under the law of the District.

The SPEAKER. The Chair understands the situation to be this: The gentleman from Massachusetts introduced a private bill which he had the right to refer to any committee he chose to, and it was referred by the gentleman to the Committee on the Judiciary. Subsequently he introduced this bill as a general law amending the District of Columbia Code, covering all such cases. That being a public bill, the Chair referred it to the District of Columbia Committee. The Chair thought that under such circumstances no other reference could be possible, inasmuch as it would only affect the incorporation of societies in the District of Columbia.

NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16714, the naval appropriation bill.

The SPEAKER. The Chair recalls that the request for the division of the time only applied to yesterday.

Mr. FRENCH. Pending my motion, Mr. Speaker, I ask unanimous consent that the time be equally divided, to be controlled one-half by the gentleman from Kansas and one-half by myself, and so apportioned that whatever loss one may have sustained yesterday may be regained to-day.

The SPEAKER. The gentleman from Idaho moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill, and pending that he asks unanimous consent that general debate be divided between himself and the gentleman from Kansas, and that such time as either one consumed in excess of the other be counted in the distribution to-day. Is there objection?

There was no objection.

The motion of Mr. FRENCH was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LUCE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

Mr. FRENCH. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts [Mr. WIGGLESWORTH].

Mr. WIGGLESWORTH. Mr. Chairman and gentlemen of the committee, I hesitate to take the time of the House on a question which is not actually before it at this time. In view, however, of the fact that the cruiser bill is now before the Senate, of the probability of its return to the House by reason of amendment, and of the recent remarks in the House by my distinguished colleague from Massachusetts, I desire to record my opposition as well as that of the district which I have the honor to represent to the so-called Dallinger amendment, requiring the construction in navy yards and other plants of the Government of 8 of the 15 cruisers provided for under the bill, including 3 of the 5 which are to be first constructed.

I regret to find myself in disagreement with my colleague, but can not escape the conviction that the amendment is fundamentally wrong in principle and contrary to the best interests of the country as a whole in so far as it attempts to substitute a decision at this time by legislation for the exercise of the sound discretion by the Secretary of the Navy when the question of awarding contracts for construction actually arises. It is impossible, in my opinion, to give appropriate consideration prior to that time to such matters as comparative costs, efficiency, facilities, and needs in competing yards, and only in the light of such consideration, in my judgment, can it be fairly determined to what extent it is advisable for the Government to enter the business of shipbuilding.

It will be recalled that the amendment was adopted in the House by a vote of 115 to 102. It was not my privilege to be present at the time, but it appears that the amendment was adopted in the light of figures submitted tending to indicate that a substantial saving might be expected in respect to all cruisers constructed in Government yards as compared with those constructed in private yards. Subsequently at hearings before the Senate Committee on Naval Affairs it became apparent that these figures had been misinterpreted and that in at least one instance exactly the opposite conclusion was warranted.

The amendment is opposed by the Navy Department. It is opposed by the Shipping Board. At the time of adoption by the

House it was opposed by the chairman of the Committee on Appropriations and the chairman of the Committee on Naval Affairs. The distinguished chairman of the Committee on Appropriations, Mr. Madden, stated that in his opinion all ships built in a Government yard would cost $1,000,000 more than if built elsewhere. This opinion appears to be confirmed by actual experience in respect to the cruiser which is just about to be completed in the New York Navy Yard. The distinguished chairman of the Committee on Naval Affairs, Mr. Butler, mentioned a higher figure. The National Council of American Shipbuilders estimates the increased cost at a minimum of $2,318,000, with nothing included for plant depreciation, repairs and upkeep, insurance other than employees' liability insurance, or general expenses.

I do not purport to have any expert knowledge of comparative costs. It is presumably impossible to make any accurate comparison in advance of the receipt of competitive bids. The mere possibility, however, of any such saving as is suggested by those referred to, seems to me the strongest kind of argument for allowing the Secretary of the Navy to exercise discretion in the matter as and when the occasion arises. I do not believe it is sound to adopt a program in the absence of essential figures which, when available, may indicate that we are imposing an unnecessary burden of millions of dollars on the people of this country.

It should be noted in this connection that while the amendment requires the construction in Government yards of three of the five cruisers first to be constructed, there are only two of these yards, those at New York and Puget Sound, which are in a position at this time to do any of the required construction work. I am advised that facilities at Mare Island will not be available for about two years and that those at Boston, Philadelphia, and Norfolk can only be made available by the expenditure of further and substantial sums.

The needs of the Government yards have been advanced in justification of the amendment. It has been stated that there are hundreds of millions of dollars invested in the Government yards and that they have been operated at from 10 to 50 per cent of their respective capacities. This is no doubt true but it is also true that there are hundreds of millions invested in the private yards and that they have been in a deplorable condition.

If I am correctly informed, there were 23 private yards in 1916, not counting those of a temporary nature created for war purposes only. To-day there are 11, the latest casualty occurring, I believe, in Los Angeles in December. Unless those private yards which are capable of large naval construction are sustained by naval contracts, there is grave danger that the number will become still smaller. Largely as a result of the reduction of armament conference and the admission of foreign-built ships to American registry, there has been a continuous decline in shipbuilding in this country ever since 1921. I understand that in each of the years 1922 to 1927, inclusive, the total merchant shipbuilding was less, with one possible exception, than that in any pre-war year since 1897. The vessels contracted for by each of the principal yards are said to have averaged less than two and one-half per year, representing, exclusive of five cruisers, employment for about 1,250 persons per yard, or say one-quarter of the number considered necessary for profitable operation. Technical staff requiring years of training and one of the most vital elements in the design and construction of naval vessels has dwindled to about 25 per cent of that available in 1916. I am advised that no private yard engaged in new construction is operating in excess of one-third of its capacity.

A description of the condition of the industry as a whole appears in some detail in a statement with which Members of the House may be familiar—a statement made by Mr. H. G. Smith, vice president of the National Council of American Shipbuilders, before the Committee on Merchant Marine and Fisheries, on February 29, 1928. The needs of the Government yards may appear to be great, but we must not lose sight of those of the private yards. In the last analysis, the Government yards would continue to exist in the absence of any construction work. To the private yards such work is lifeblood. The construction of a cruiser provides employment for substantially the same number of persons wherever it takes place, and if needs are to be a determining factor, then, in my opinion, the needs of all competing yards, both Government and private, should be given the most careful consideration at the time of the award of contracts.

The immediate question, as I see it, is not a question between Government yards and private yards. It is rather a question of permitting the preservation and appropriate development of both with due regard to the financial burden imposed upon the country as a whole. Both in their proper spheres are indispensable. The essential part played for the Navy by the Government yards is perfectly apparent. The part played by private yards is of real concern, not only to the Navy but also to the merchant marine.

Prior to 1914 from 75 to 80 per cent of our naval vessels were built in private yards. When the crisis came in the World War these yards not only executed enormous programs for destroyers and submarines, in addition to building a great number of vessels for the Emergency Fleet Corporation, but also took care of the repair and reconditioning of naval vessels for which there were inadequate facilities in Government yards, to the extent of some $75,000,000. The Secretary of the Navy recognizes clearly that both types of yard are vital to our system of national defense. In appearing before the Senate Committee on Naval Affairs, he stated that if we are to maintain our present Navy, replace the units in it as they become obsolete, and add to it the reasonable number of auxiliaries contemplated by the present bill, we shall need the facilities of all the Government yards and of all the private yards that are now equipped to do this sort of work and doing it. The Secretary of the Navy, in my judgment, is in the best possible position to determine upon the award of contracts when the question actually arises in the light of the needs and facilities of all the yards and of the interests of the taxpayers generally. I believe that he should be allowed to exercise his best judgment in the matter to this end.

The Dallinger amendment deprives the Secretary of the Navy of all discretion in respect to a specified number of cruisers. To this extent it eliminates a fundamental element of competition and requires construction in Government yards regardless of economy, efficiency, available facilities, comparative needs, or any other considerations. It obligates the Government to enter the business of shipbuilding to an extent which may well prove to be uneconomic and inadvisable. I believe it to be unsound and I believe its unsound character will become increasingly apparent. I sincerely hope that a way may be found in the Senate, in conference or otherwise, either to eliminate the amendment completely or to so modify it as to restore to the Secretary of the Navy a discretion in the matter comparable to that which he has heretofore exercised.

Mr. DENISON. Will the gentleman yield?

Mr. WIGGLESWORTH. I yield to the gentleman from Illinois.

Mr. DENISON. I was going to ask the gentleman if he could inform the House why it is we can not build these ships in the Government yards more economically from the Government standpoint than in private shipyards. In private shipyards we know the contractor must figure on a substantial profit, and, as I understand, the Government does not pay any higher wages to employees than those paid for similar work in private yards. If these facts are true, why is it the Government can not save money by having these ships built in its own shipyards where profit does not enter into consideration?

Mr. WIGGLESWORTH. If, in fact, we can build more economically in Government yards, that fact should be established and should be taken into consideration at the time of the award of contracts. Those who contend that it is more economical to build in private yards maintain, as I understand it, that the labor cost in a Government yard largely exceeds that in a private yard. In a statement which I shall include in my remarks there is a computation made which shows a very marked difference in this respect.

Mr. DENISON. Of course, the Government has on hand in the various navy yards a large force of men. Now, the expense of maintaining these men will continue whether they are at work or not. That element must be taken into consideration in determining the question as to where these ships are to be built. The men employed in the Government yards are on the Government pay roll and I take it there would be a considerable overhead expense continuing with Government yards whether they are at work or not, and from the standpoint of economy that fact ought to be taken into consideration.

Mr. DALLINGER. Will the gentleman yield?

Mr. WIGGLESWORTH. Gladly.

Mr. DALLINGER. Is it not a fact that the chairman of the Committee on Naval Affairs in the other body admitted the other day that the net cost to the Government in Government yards in building cruisers was not greater than that in private yards?

Mr. WIGGLESWORTH. I do not remember the exact words which he used. I think he stated in effect that it was not clear that this was a fact from such investigation as his committee had made. This seems to me to be an added reason for deferring decision in the matter until we have further and essential facts.

Mr. DALLINGER. Mr. Chairman, will the gentleman yield?

Mr. WIGGLESWORTH. Certainly.

Mr. DALLINGER. Does the gentleman think the policy of the other great powers and the policy of this country in the greater part of its history in having its war vessels built in its own yards was wrong, or does he think that they should have been built in private yards?

Mr. WIGGLESWORTH. I think that a decision as to the place of construction can best be made when all possible evidence is at hand in the light of the considerations to which I have referred. I think the Secretary of the Navy is in the best possible position to make the decision. Obviously I do not wish to be understood as advocating that all the cruisers be constructed either in the Government yards or in the private yards. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WIGGLESWORTH. Under leave granted I insert the following:

STATEMENT BY THE NATIONAL COUNCIL OF AMERICAN SHIPBUILDERS CONCERNING THE CONSTRUCTION OF CRUISERS IN GOVERNMENT NAVY YARDS

The National Council of American Shipbuilders is composed of the principal companies in the United States engaged in building and repairing vessels and in manufacturing marine equipment. Its membership comprises 90 per cent of the companies engaged in these industries.

A bill now pending in Congress, H. R. 11526, if enacted will authorize the construction of 15 light cruisers and 1 aircraft carrier, the construction of 5 cruisers to be undertaken during each of the fiscal years ending June 30, 1929, 1930, and 1931, and of the aircraft carrier prior to June 30, 1930.

The bill contains the following provisions, viz:

"And provided further, That the first and each succeding alternate cruiser upon which work is undertaken, together with the main engines, armor, and armament for such 8 cruisers, the construction and manufacture of which is authorized by this act, shall be constructed or manufactured in the Government navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States."

The bill as introduced in the House of Representatives did not contain this restrictive provision, which is an amendment proposed in the House by Hon. FREDERICK W. DALLINGER, and is known as the Dallinger amendment.

The members of the National Council of American Shipbuilders are opposed to this amendment and, in opposition thereto, submit the following statement:

By this amendment, 8 of the 15 cruisers are required to be built in Government navy yards or other Government plants, 3 during the first year, 2 during the second year, and 3 during the third year.

The House passed the bill and the Senate Committee on Naval Affairs reported it to the Senate with the following amendment to the Dallinger amendment:

"except such material or parts thereof as the Secretary of the Navy may find procurable by contract or purchase at an appreciable saving in cost to the Government."

The bill is now pending before the Senate, and, if passed as reported by the Senate Committee on Naval Affairs, it would still require 8 of the 15 cruisers to be built in Government navy yards although their machinery, ordnance, or other parts may be ordered of private manufacturers, if an appreciable saving in cost may be effected thereby.

The Senate Committee on Naval Affairs held a hearing on the Dallinger amendment, when the Secretary of the Navy opposed the amendment on the ground that it limited competition 'not only in the securing of the contracts, but in the performance of the work after it has been allotted to the yards.'

The principal argument in support of the Dallinger amendment is an alleged lower cost of the construction of vessels in Government navy yards than in private shipyards. This argument was supported by statements made on the floor of the House, which are to the same effect as the statements contained in a letter submitted to the Senate Committee on Naval Affairs by Mr. N. P. Alifas, president of District 44, International Association of Machinists, and printed in full in the Senate committee's hearings. The following are quotations from his letter:

"For instance, when the construction of the cruisers *Pensacola* and *Salt Lake City*, authorized by the act of December 18, 1924, was contemplated in March, 1925, the New York Navy Yard's estimate, including the main engine, was $7,799,499, and the bid of the Cramp Shipbuilding Co., upon similar specifications, was $8,673,833, a difference of $874,384 in favor of the navy yard. Although the New York yard was equipped to build both vessels, it was awarded only the construction of one, minus the main engines; and the Cramp Shipbuilding Co., which has since gone out of business, was awarded one cruiser and both sets of engines, together with certain auxiliaries, by adding $2,296,209 to their original bid. Considering economies possible if the New York yard had built both vessels and both sets of engines, doubtless $2,000,000 could have been saved our Government.

"On April 5, 1927, bids were opened by the Navy Department for the construction of the six remaining cruisers authorized by the act of December 18, 1924. The Mare Island Navy Yard's carefully revised estimate for two cruisers, including main engines, was $7,539,815 each.

"The Puget Sound Navy Yard's estimate for two cruisers, including main engines, was $8,045,000 each. The New York, Boston, Philadelphia, and Norfolk Navy Yards, although equipped to do this work, did not estimate. However, the New York yard estimate on the *Pensacola* indicates that the estimates of these yards would be about the same as the Pacific coast yards, and that they follow the same practices in estimating.

"The Mare Island and Puget Sound Navy Yards were awarded only one vessel each. The American Brown Boveri Corporation was awarded one vessel at $10,815,000. The Bethlehem Shipbuilding Corporation was awarded one vessel at $10,675,000, and the Newport News Shipbuilding Co. was awarded two vessels at $10,567,000 each. The navy-yard estimate and the private shipyard bids were upon the same specifications and therefore all of these figures are comparable.

"Comparing the average estimates of the two Pacific coast navy yards with the average bid of the three eastern private shipyards, the difference is $2,863,592.50 per vessel; or a total loss to the Government of $11,454,370 due to having four of these vessels constructed at private shipyards instead of at navy yards."

The statements contained in this letter are based on a misinterpretation of the figures then at the disposal of Mr. Alifas. He compares an estimated cost of building a cruiser in the New York Navy Yard, including its main engines, with the bid by the Cramp Shipbuilding Co. on a duplicate cruiser. In his comparison of costs Mr. Alifas uses $7,799,449, the estimate of the New York Navy Yard, and includes therein the main engine, and the bid of the Cramp Shipbuilding Co. The fact is that the estimate of the New York Navy Yard did not include the engines. Admiral Beuret confirms this error of comparison in his letter to Hon. FREDERICK HALE, chairman of the Senate Committee on Naval Affairs, under date of April 30, 1928, which letter is printed in the hearings before the Senate committee. The correct estimate of the New York Navy Yard, as given by Admiral Beuret, is $9,788,462. The bid of the Cramp Shipbuilding Co. is $8,673,833, so that instead of a saving of money to the Government by building a cruiser in the New York Navy Yard, as claimed by Mr. Alifas, such a cruiser will cost much more than one built in a private shipyard.

Admiral Beuret in his letter also corrects Mr. Alifas's figures with reference to the estimate of cost of each of the two cruisers now being built at the Mare Island and the Puget Sound Navy Yards, respectively, by showing that to each estimate of these yards must be added the sum of $219,250, the cost of plans not included in the estimate.

Mr. Alifas claims that the Government lost $11,454,370 due to having four cruisers constructed in private shipyards instead of in navy yards. It is shown above that his conclusions are based on a misinterpretation of information available. The Secretary of the Navy, in his remarks before the Senate Committee on Naval Affairs, states:

"On a study of the figures presented by the private yards and those of the navy yards on the west coast, we felt justified in awarding contracts to the west coast navy yards, although in grave doubt from their previous work and experience as to whether they could build for the figures presenred or as low as the bids from private yards.

"We have tried to encourage the employees in the west coast naval yards to fulfill their tacit agreement to keep within their estimate. Admiral Robinson of the Bremerton yard feels sure that they can do it in that yard, and Admiral Dayton at Mare Island hopes that they also can build within their estimates.

"While we do not believe that they can or will, we felt justified in assigning them a cruiser each, in the hope that they would build for less than the private yards, and with reasonable certainty that they would not exceed the private bids."

The National Council of American Shipbuilders is of the opinion that the cost of building the cruiser in the Mare Island Navy Yard and the other in the Puget Sound Navy Yard will greatly exceed the contract prices of the private shipbuilders for similar cruisers now in the process of construction in their shipyards. This opinion is confirmed by the following quotation from a letter of the Bureaus of Construction and Engineering to the Secretary of the Navy, relative to these cruisers, under date of March 12, 1927:

"The cost of the work in a navy yard will necessarily be higher than that in a private shipyard for the following reasons:

"(1) The organization in a navy yard is not a shipbuilding organization based on and guided by shipbuilding experience. On the contrary, the organization is controlled largely by those without actual shipbuilding experience.

"(2) The civil service restrictions which make it impossible for the manager to 'hire and fire' necessarily impose on the manager restrictions which increase the cost of production.

"(3) The wages paid Government employees in a navy yard are appreciably higher than those paid for corresponding requirements in a private shipyard.

"(4) The Government pays full wages, without work, for 44 days a year made up of 30 days' annual leave, 7 national holidays, and 14 Saturday half holidays. The private contractor pays only for work done.

"(5) The navy yard may or may not be authorized to institute piecework. To a limited extent it is authorized in some navy yards but not authorized in others. Even so, however, the navy yard is so hampered in its management of piecework, not only by the law which prohibits time studies of operations, but also by the control exercised by the department on the management of the piecework in the yard, that the benefits are very much less than in a private yard. Also, up to the present time the navy yards have not been able to secure necessary departmental approval for handling 'contract' work on new construction. This particular item, i. e., piece and contract work, affects materially the cost of building a ship.

"(6) The lack of continuity in the progress of the work due to drawing off the men from time to time as required by the repair work in the yard.

"(7) The inability to secure competent draftsmen to properly and expeditiously handle the plans. The reasons for this are twofold—first, the limit placed by Congress on funds from which draftsmen can be paid; and, second, the shipyards themselves constitute the only source from which competent draftsmen can be secured."

(NOTE.—This letter is printed in full on pages 68-70 in the hearings before the Senate Committee on Naval Affairs on April 27 and 28, 1928.)

The National Council of American Shipbuilders contends that the Dallinger amendment was passed by the House of Representatives on incorrect and misleading information and is in opposition thereto, both as it passed the House and as amended by the Senate Naval Committee, because:

1. The higher cost of construction of cruisers when built in Government navy yards than in private shipyards.

2. Private shipyards and the Government navy yards are assets of equal national importance; and their respective needs and the importance of maintaining personnel organizations should be considered when contracts are awarded for the construction of naval vessels. The Secretary of the Navy is in the position to know these respective needs and the award of contracts to private shipyards or to Government navy yards should, therefore, be left to his discretion, which the Dallinger amendment denies.

HIGHER COSTS OF NAVY-YARD CONSTRUCTION

There is no mystery about costs. The elements of costs are substantially the same in a navy yard and in a private shipyard. The actual cost to the Government of a new cruiser to be built in a private shipyard is the amount of the accepted bid of the private shipbuilder, which is definitely known when the contract is placed. The actual cost to the Government of a cruiser to be built in a navy yard can only be determined after the cruiser is built—which is some three years after the date of the contract. The impossibility of comparing navy-yard and private-shipyard costs at the time of placing contracts is therefore obvious.

Congress should be informed of the relative costs of vessels built in private shipyards and in Government navy yards. If a vessel built in a private shipyard costs more than a similar vessel built in a navy yard, the fact should be disclosed. If the contrary is true, that fact should be shown. The facts are ascertainable, and to this end the Navy Department has cooperated with the national council in an investigation to ascertain the factors entering into the cost of building both in a navy yard and in a private shipyard, and an analysis of such cost has been made.

This analysis shows the inevitable fact that a navy-yard built vessel will cost more than a private-shipyard built vessel.

Statistical naval accounting is done under two heads:

(a) Cost accounting under administrative classifications (titles and accounts) and units of output; i. e., by purposes and objects.

(b) Appropriation accounting under legislative authorization; i. e., by sources.

A navy yard has two main divisions, one of which is military and the other industrial. The latter is the division that has to do with the construction and repair of vessels.

An accurate distribution of cost by "purposes and objects" is the only distribution that gives the correct cost of building a vessel in a navy yard. In recent years the Bureau of Supplies and Accounts of the United States Navy Department has allocated to the cost of production of the industrial division of each navy yard items of expenditure which would be charged against the vessel if built in a private shipyard.

The National Council of American Shipbuilders is informed that the cost of construction of naval vessels built prior to 1920, as listed in the annual reports of the Chief of the Bureau of Supplies and Accounts, contain overhead charges (plant operating expense) of not over 30 per cent of the direct labor charged to such vessels. Experience in shipbuilding has demonstrated that this percentage is entirely too low. The *Pensacola*, a cruiser, now being built at the New York Navy Yard, will be the first vessel built in a navy yard to which the Navy Department will allocate its entire building costs.

The navy yard estimate for the cost of construction of a new vessel, in competition with the bid of a private shipyard, does not include all items of cost. For instance, the estimate does not include the cost of working plans, which for a single cruiser may amount to $500,000 in addition to the overhead expense thereon. The estimate does not include any repairs on machinery or equipment occasioned by their use. It is therefore evidence that such an estimate can not be considered as the basis of a fair comparison of the probable cost of the vessel with the price specified in the firm bid of a private shipbuilder.

In April, 1927, the Navy Department contracted with three private shipbuilders for the construction of four cruisers. The average contract price for each cruiser is $10,656,000. The average estimated direct material cost included in this price is $4,268,000, and the direct labor estimate $3,675,000.

An analysis made by the national council shows a probable cost of $12,974,000 for each of the cruisers, if built in a Government navy yard, as follows:

MATERIAL COST

The probable cost of material for a cruiser to be built in a navy yard will be about the same as the cost for a similar cruiser, if built in a private shipyard. The estimated material cost is therefore $4,268,000.

DIRECT LABOR COST

The direct labor cost of the construction of a cruiser in a Government navy yard will be greater than the labor cost of construction of a similar cruiser in a private shipyard.

The navy yards situated at Boston, Philadelphia, and Norfolk are classified as industrial navy yards. In the immediate vicinity of each is one of the three remaining large private shipyards capable of building naval vessels. They are the Fore River plant of the Bethlehem Shipbuilding Corporation (Ltd.), at Quincy, Mass.; New York Shipbuilding Co., Camden, N. J.; and Newport News Shipbuilding & Dry Dock Co., Newport News, Va. The following wage comparisons are based upon average wages prevailing in the three navy yards, and similar averages prevailing in the three private shipyards. The number of employees at each wage has been taken for both the navy yards and private shipyards from actual figures furnished in each case.

An analysis of the wage sheets of the three navy yards and of the three private shipyards discloses a force of 7,105 currently employed by the three navy yards at an average hourly wage of $0.723 per hour; and a force of 7,077 men by the three private shipyards, who, if on an hourly wage basis, would earn an average hourly wage of $0.564 per hour, a difference of 28 per cent, due to two reasons:

(a) The wage is higher in navy yards than in private shipyards.

(b) A larger percentage of employees in navy yards are placed in the highest class and are paid the highest wage of their respective trades, a condition that does not prevail in the private shipyards.

The three navy yards rate from 74 per cent to 90 per cent of their employees in the highest class of each trade, or an average for the three navy yards of 82 per cent of the total working force in the highest class. On the other hand, the three private shipyards employ not over 35 to 50 per cent of their employees in the highest class of each trade.

It has been stated that employees of private shipyards are paid wages as high or higher than employees of navy yards are paid. It is evident that this is not a fact from the analysis based on hourly wages alone. Employees engaged on incentive work in private shipyards, however, do earn more than day workers. Navy yards have adopted systems of incentive work only to a limited extent, while private shipyards have adopted such systems whenever practicable, and employ on an average approximately 40 per cent of their labor force under some form of incentive system. The private shipbuilders believe in such systems and have practiced them for years and are fully convinced of their economic advantages. The 40 per cent of incentive workers thus employed by the three private shipyards earn wages higher than the figure of $0.564 per hour mentioned above as the hourly wage of day workers. Earnings of incentive workers in the three private shipyards average approximately 25 per cent more than the earnings of their day workers. Thus the average earnings of workmen under incentive systems are $0.705 per hour. The economic advantage of work under an incentive system is due to the fact that while workmen under such a system earn 25 per cent more than day workers, they produce, at the same time, 50 per cent more, so that for each $1 paid to a workman under an incentive system his actual production is greater than for each $1 paid to a day worker. Therefore by paying higher earnings to a workman under an incentive system the cost of production is decreased and not increased. If 60 per cent of a labor force is employed as day workers at an hourly wage of $0.564 and 40 per cent is employed under an incentive system at hourly earnings of $0.705, the average earning of the entire force will be:

$0.564	× 60 =	$33.840
.705	× 40 =	28.200
	100 =	62.040

Average rate, $0.6204 per hour.

The number of direct-labor hours required to build a cruiser in a private shipyard, therefore, may be determined by dividing $3,675,000, the estimated labor cost, by $0.6204, the average earning, or a total of 5,923,600 hours. Had the private shipyards dispensed with incentive work and employed day workers only, the time required to build the cruiser would have been 7,108,320 hours. Assuming an equal output per man per hour at each of the three navy yards and of the three private shipyards, it follows that it would require 7,108,320 working hours to build the cruiser in a navy yard employing day workers only. At $0.723 per hour the navy yard hourly wage gives a labor cost of $5,139,315 to build a cruiser in a navy yard as compared with a labor cost of $3,675,000 to build one in a private shipyard.

OVERHEAD EXPENSE

The figures for productive labor, shop expense, expense chargeable on Navy accounting system and idle-plant expense, as reported by the Bureau of Supplies and Accounts, for six of the leading industrial navy yards for the fiscal year 1927, are as follows:

Yard	Productive labor	Total shop expense	Expense chargeable on Navy accounting system	Idle plant expense
Boston	$3,300,164.52	$2,667,254.55	$2,065,172.06	$602,082.49
New York	2,765,687.75	3,489,667.99	2,455,985.84	1,033,682.15
Philadelphia	3,191,818.82	4,474,119.96	2,455,224.39	2,018,895.57
Norfolk	3,263,082.21	3,675,276.63	2,361,889.56	1,313,387.07
Mare Island	2,781,961.16	3,252,421.43	2,228,254.24	1,024,167.19
Puget Sound	2,441,157.47	2,916,702.00	2,096,257.33	820,444.73
	17,743,871.93	20,475,442.62	13,662,783.42	6,812,659.20
Per cent		115	77	38

Overhead expense in shipbuilding is generally expressed as a percentage of the cost of such expense to the cost of direct labor. In the above table, figures 115, 77, and 38 are the percentages which the total cost in each of these columns bears to the total productive labor cost in column 1. The figure 77 in column 3, for instance, is obtained by dividing $13,662,783.42, in column 3, by $17,743,871.93, in column 1. The figures in column 2 are in each instance the sum of the corresponding figures of columns 3 and 4. Under the accounting system of the Navy Department, "Idle-plant expense," in column 4, is not charged against the cost of production. Column 3, "Expense chargeable on Navy accounting system," covers, firstly, variable items of expense occasioned by work under way and properly distributed to all industrial work, and, secondly, fixed expense, a part of which occurs whether there is industrial work in progress or not.

The amount of $13,662,783.42, expense chargeable to production on Navy accounting stytem in column 3, or 77 per cent of productive labor, includes $1,346,520.84 of such industrial fixed overhead.

Although a part of this industrial fixed overhead is undoubtedly occasioned by the productive work under way, the National Council of American Shipbuilders has given consideration to the claim that fixed expense should be ignored in determining navy-yard cost of new construction, although opposed to this claim in principle it has, however, eliminated such expense in the figures that follow:

Eliminating the fixed expense, or $1,346,520.84, from the expense as charged under Navy accounting system, in column 3, we have a total variable expense of $12,316,262.58, or 69.4 per cent, of the cost of productive labor.

As shown above, the estimated productive labor cost for one of the four cruisers, if built in an east-coast navy yard, would be $5,139,315. The overhead expense is therefore 69.4 per cent of this figure, or $3,566,685.

We have now obtained the estimated material, labor, and overhead expense costs for a cruiser if built in a Government navy yard, and therefore the total minimum cost will be as follows:

Direct material	$4,268,000
Direct labor, 7,108,320 hours, at $0.723 per hour	5,139,315
Overhead expense, 69.4 per cent of direct labor	3,566,685
Total cost to the Government	12,974,000

As previously stated, the average contract price for each of the four cruisers now in course of construction by private shipbuilders is $10,656,000 each. The minimum estimated navy-yard cost is therefore $2,318,000 greater for each cruiser than the average cost to be paid by the Government under the contracts for the construction of the four cruisers by private builders.

While the above figure of $12,974,000 is the estimated minimum navy-yard cost, it does not include any charge for plant depreciation, which the private builders estimate to be approximately $800,000 per cruiser. Further, the above navy-yard cost does not include charge for insurance, except for employees' liability insurance, nor for administrative and general expenses, nor for fixed expenses, such as repair and upkeep of plant and equipment, all of which are proper charges against production. All such items of cost must be borne by the private shipbuilders, whereas they are absorbed by the navy yards in "military" expense and are not included in the cost of production. The Government pays no taxes, while the private shipbuilding company pays approximately $110,000 per cruiser for State, county, and municipal taxes, which it can pay if it has work sufficient to enable it to remain in business and make a profit.

PRIVATE SHIPYARDS AS A FACTOR OF NATIONAL SECURITY

The national council asserts that the private shipyard and the Government navy yard are factors of equal importance to our national security.

The prime industrial function of a navy yard is to repair and maintain naval vessels. During a period of war the demands on the navy yards are so great as to require all of their facilities for these purposes. The construction of naval vessels in progress in navy yards at the commencement of a war is interrupted and can only be completed after the termination of a war. The experience of the navy yards during the World War confirms the truth of this statement. Therefore any new naval vessels required should be built in private shipyards, which national service they can not perform in times of an emergency unless they are able to maintain their organizations for this purpose in times of peace.

While navy yards are building naval vessels in time of peace they are performing work that they can not do in time of war, and are depriving the private shipyards of the work, which enables them to maintain their organizations and to be prepared to serve the Navy in time of war.

In the hearings before the Senate Committee on Naval Affairs on April 27 and 28, 1928, Admiral Capps emphasized the importance of the private shipbuilding industry to the Nation and the necessity of preserving it in time of peace to perform a national service in time of war, as follows:

"* * * I feel compelled to recall the grave experiences of the recent war due to congestion of work in public and private shipyards. At that time the navy yards had not only all repair work of the fleet to take care of, but, through contract provisions, the Navy Department had the right to use 70 per cent of the possible capacity of all the important private yards, so that the Emergency Fleet Corporation, in addition to the work it had to do in providing such a vast increase in shipping, had to do it in newly created yards, with newly trained personnel—and the conditions were serious to the last degree. In my judgment—and I speak from the experience I have had before, during, and since the Great War—the gradual reduction of our outside shipbuilding resources merits grave consideration, since we are now in a state far less satisfactory in the way of being able to build merchant vessels, men-of-war, and all the things needed for merchant marine development than we were in 1916 or 1917; and if this goes on, we may lack the necessary shipbuilding resources to maintain the fleet and effect replacements when the 'limitation of armament treaty' expires.

"The preservation, without undue sacrifice of private manufacturing resources, of all kinds requisite for the national defense is quite vital to the Government, and especially so in the case of our rapidly diminishing shipbuilding industry, and that is why I feel very strongly that claims of possible economy, one way or the other, should not have too much weight. Thorough competition should be encouraged; and that is what is provided for if the Secretary is given discretionary authority in inviting bids, and inquiring into the detailed estimates submitted with the bids. The competitive idea, in my judgment, is vital all along the line, either in Government yards or private yards."

The importance of the private shipyards is fully confirmed by experience during the World War, when substantially all of the facilities of the navy yards on the Atlantic coast were employed in repairing, reconditioning, and outfitting existing naval vessels. These navy yards were unable to comply with the demands made upon them for work of this character and were therefore obliged to employ the private shipyards to build naval vessels, and also to repair and recondition those in service. This is evidenced by the fact that the Navy Department paid approximately $75,000,000 to the private shipyards for such work. The Bureaus of Construction and Engineering, in a letter to the Secretary of the Navy, previously referred to in this statement, confirms the essential character of the private shipyards as a national asset in the following statement:

"An added reason for private construction—and one entirely apart from the economy of the situation as outlined above—is to be found in the fact that the shipyards (those that have built the major portion of our fleet) are a vital necessity for national defense. It is well known that with the practical cessation of merchant-fleet construction during recent years, some, if not all, of these yards are in a very precarious condition financially. Unless work is given them in the near future, it is doubtful if several of these we have most relied on for many years past for our best war products will survive as shipbuilding yards. In these circumstances the placing of orders for these cruisers in private yards is considered of great importance, particularly if the cost of the work therein is materially less than in navy yards.

"Summing up the above, it is believed that consideration of economy, of early construction, and of conserving national assets for turning out war products point clearly to the fact that the Government's interest can best be served by placing these vessels in private yards, provided reasonable bids are received, as there is every reason to expect."

The private shipbuilding industry is in a deplorable condition, and if this condition continues the industry will cease to perform the important national functions that it has performed in the past. Since the World War the private shipyards have had only five contracts for naval construction. During the year 1928 the United States is building only 2 per cent of the merchant vessel tonnage of the world now under construction, which is less than the tonnage under construction by any other important maritime nation as reported in Lloyd's quarterly reports.

Since 1921 a continuous decline of shipbuilding in the United States has been in progress. Unfinished war contracts for both the Navy and the Emergency Fleet Corporation and considerable new contracts acquired in 1919 and 1920 maintained fair activity in the private shipyards until the end of 1921, although the amount of new shipbuilding tonnage contracted for in 1921 was very small. From 1922 to 1927, inclusive, the total merchant shipbuilding each year, as shown by Lloyd's report, was, with one possible exception, less than during any pre-war year since 1897. The building of vessels in progress during this period in the United States presents a deplorable condition when compared with the ship construction in progress in foreign countries. The comparative amount of tonnage of merchant shipbuilding built in the United States and in certain foreign countries from 1922 to 1927 is as follows:

	1922	1923	1924	1925	1926	1927
Great Britain and Ireland	1,031,082	645,651	1,439,885	1,084,633	639,568	1,225,873
Germany	525,829	345,062	175,113	406,374	180,548	289,622
France	184,509	96,644	79,685	75,569	121,342	44,335
United States	97,161	96,491	90,155	78,766	115,217	124,276
Sweden	30,038	20,118	31,211	53,750	53,518	67,361
Total tonnage launched in the world	2,467,084	1,643,181	2,247,751	2,193,404	1,674,977	2,285,679

NOTE.—Ships launched on Great Lakes not included in amount for United States.

Of the five larger shipyards now building steel vessels, the average number of vessels contracted for during the last seven years has been less than two and one-half vessels for each yard per year. Included in this number are five naval vessels, contracts for which were made in 1927. The table below gives the type, number, and tonnage of these vessels:

	Number	Gross tonnage (displacement)
Scout cruisers	5	50,000
Passenger vessels	18	128,647
Combination vessels	4	21,888
Cargo vessels	9	37,758
Tankers	28	245,150
Cable ship and yachts	10	
Dredges and cutters	12	

The following table shows the total shipbuilding activities of five of the larger shipyards on the east coast of the United States on January 1, 1928, which has been only slightly improved since that date:

	Number of building ways		
	Vacant	Occupied	Total
New York Shipbuilding Co	20	1	21
Federal Shipbuilding & Dry Dock Co	11	1	12
Newport News Shipbuilding & Dry Dock Co	6	3	9
Sun Shipbuilding & Dry Dock Co	7	1	8
Fore River Plant of Bethlehem Shipbuilding Corporation	6	4	10
Total	50	10	60

Types of vessels on the building ways

	Cruiser	Oil barge	Steamship	Tug boat	Tanker	Revenue cutter	Total
New York Shipbuilding Co	1						1
Federal Shipbuilding & Dry Dock Co		1					1
Newport News Shipbuilding & Dry Dock Co			2	1			3
Sun Shipbuilding & Dry Dock Co					1		1
Fore River Plant of Bethlehem Shipbuilding Corporation			1			3	4
Total	1	1	3	1	1	3	10

Aside from Government vessels, only two of these vessels are seagoing, the others are for bay or harbor service. Two of the three larger private shipyards equipped for building naval vessels, according to a recent report, employ less than 2,000 workmen each. For normal and economical operation each yard should employ not less than from 3,500 to 5,000 workmen.

Prior to the war the large shipyards of the United States had been principally engaged in building naval vessels. From 75 to 80 per cent of the naval vessels of the United States had been built in private shipyards. The facilities of the larger shipyards were installed primarily to construct and equip naval vessels, and the technical and mechanical organization were largely trained to design and construct such vessels.

Four of the larger shipyards were at that time largely engaged in naval construction. Since the reduction in armament conference, in 1921, the only contracts for the construction of naval vessels that have been awarded to private builders are for five scout cruisers. The larger yards have lost, therefore, the back log on which they depended before the war to maintain their organizations. There has never been sufficient high-grade commercial work in any of our private shipyards to maintain the size or character of organizations necessary to design and build naval vessels. This type of organization can only be preserved by designing and building such vessels.

There had been no merchant shipbuilding of consequence for the foreign trade for many years. The building of merchant vessels had been confined, as now, to vessels for the coastal and intercoastal trade and to miscellaneous small crafts for sound, bay, and harbor service.

The absence of shipbuilding has not only reduced working forces and organizations of existing shipyards, but it has resulted in the closing of many yards. At the beginning of 1916 there were 23 private shipyards in the United States building sea-going vessels. At the present time only 12 are making any pretense of maintaining an organization to build such vessels, and several of these are engaged almost wholly in ship-repair work. Among the yards that have been closed are such well-known yards as those of William Cramp & Son Ship & Engine Building Co.; Bath Iron Works, Bath, Me., which has been recently reopened; Sparrows Point plant, in Maryland; Harlan plant, in Wilmington, Del.; and Alameda plant, in Alameda, Calif., of the Bethlehem Shipbuilding Co. It is interesting to note, in comparison with the above, that Great Britain has no less than 57 shipyards now building sea-going vessels, and Germany has 18. Of the private shipyards in the United States that were building naval vessels prior to the World War, only 4 have maintained their organizations, 3 for building all types of naval vessels, and 1 for submarines only.

The important part performed by naval contracts in the maintenance of the shipbuilding industry in four of the larger shipyards in the United States on December 31, of each of the years of 1911, 1912, and 1913, is shown on the attached statement, Exhibit "A." The same statement shows the lack of such contracts on December 31, of each of the years of 1926 and 1927, and on October 31, 1928.

The highest grade of work that a shipyard can perform is the construction of naval vessels. The performance of work of this character is ultimately dependent upon the maintenance of a highly developed technical staff by engineers and designers, which can only be created and maintained by building naval vessels. There is no type of merchant vessel construction that requires so highly developed a technical staff as that of naval construction.

The technical staff can only live and thrive in a shipbuilding establishment continuously employed on naval work or the highest grade commercial work, such as large passenger vessels, and where opportunity to undertake the construction of new types is frequently available, so that each ship represents a progressive improvement over the last. This is the only way that progress can be made.

The technical staffs of the private shipyards are, therefore, the neck of the bottle in all shipbuilding, and particularly so in building naval ships on account of their exacting requirements. These staffs, representing the result of many years of trial and elimination of men to build them up, would be disbanded if the private shipyards were obliged to close through lack of naval work. Once disbanded, they could only be very slowly reassembled. The maintenance of a competent technical staff, therefore, depends upon a shipyard having continuous naval or high-grade commercial work. Should the Navy Department award a contract to a shipyard whose technical staff had been disintegrated owing to lack of work, the shipyard could not construct such a vessel for several years owing to the necessity for reassembling, building up by a process of trial and elimination, and final seasoning of a new technical staff before the detail, designs, and plans could be made.

Without these technical staffs of the private shipyards the Navy would be limited to duplicating ships already built whose plans had already been made. Progress would stop.

In conclusion and as a summary of its objections to the Dallinger amendment to the bill authorizing the construction of additional naval vessels, the National Council of American Shipbuilders submits the following:

"(1) By virtue of his office, the Secretary of the Navy has a comprehension of the naval vessels required by the United States and should

appreciate the essential necessity of maintaining the private shipyards as auxiliaries of the navy yards. He is familiar with the facilities of the navy yards and private shipyards and is in a position to ascertain the amount of work on hand in the private shipyards and their need of additional work sufficient to employ normal staffs of designers and engineers and forces of skilled mechanics to enable them to perform efficiently their national service as auxiliaries of the navy yards.

"Therefore, whenever Congress authorizes the construction of naval vessels the Secretary of the Navy should have the authority to consider the conditions of the private shipyards and to exercise his discretion whether the construction of naval vessels should be undertaken by private shipyards or by navy yards. The Dallinger amendment deprives the Secretary of the Navy of this authority and discretion.

"(2) The cost of the construction of a cruiser in a Government navy yard is greater than in a private shipyard.

"(3) The Government, by its increasing tendency to build more and more naval vessels in its navy yards, threatens the destruction of private shipyards as naval auxiliaries.

"As a general policy the National Council of American Shipbuilders is opposed to the Government competing with its citizens in business, although it recognizes that the practice of the Government has been to build a few naval vessels in its navy yards, and it is not opposing this practice. It is, however, opposing the Dallinger amendment because, if the cruiser bill be enacted with the amendment, it will result in an unnecessary and uneconomic extension of the practice of the Government of building a few vessels in navy yards to its building a greater number at a time when shipbuilding in the United States is at the lowest ebb of its existence.

"(4) The President of the United States and the President elect have definitely expressed their attitude on the subject of government in business. The President at the Union League Club, Philadelphia, on November 17, 1927, said:

"'It would be entirely wrong to assume that our present position has been secured as a result of accident. It has come from a carefully thought out policy, which has been for the most part consistently followed. We have always held very strongly to the theory that in our country, at least, more could be accomplished for human welfare through encouragement of private initiative than through Government action. We have sought to establish a system under which the people would control the Government and not the Government control the people. If economic freedom vanishes, political freedom becomes nothing but a shadow. It has, therefore, been our wish that the people of the country should own and conduct all gainful service. When the Government once enters a business it must occupy the field alone. No one can compete with it. The result is a paralysing monopoly.'

"Hon. Herbert Hoover in his acceptance of the presidential nomination said:

"'Government should not engage in business in competition with its citizens. Such actions extinguish the enterprise and initiative which has been the glory of America and which has been the root of its preeminence among the nations of the earth.'

"The National Council of American Shipbuilders therefore recommends that the Dallinger amendment be eliminated from the pending bill (H. R. 11526) authorizing the construction of 15 light cruisers and 1 aircraft carrier."

EXHIBIT A

BETHLEHEM SHIPBUILDING CORPORATION (LTD.)

FORE RIVER PLANT, QUINCY, MASS.

(Contracts marked * are naval contracts)

Statement showing contracts on hand as of December 31, 1911

*Submarine E-1, *Skipjack*, United States Government.
*Submarine E-2, *Sturgeon*, United States Government.
*Battleship *Rivadavia*, Argentine Government.
*Torpedo boat destroyer No. 39, *Henley*, United States Government.
*Submarine *K-1*, United States Government.
*Submarine *K-2*, United States Government.
*Submarine *K-5*, United States Government.
*Submarine *K-6*, United States Government.
*Torpedo boat destroyer No. 46, *Duncan*, United States Government.
Suction dredge *New Orleans*, United States Engineers.
Trawler *Swell*, Bay State Fishing Co.
Trawler *Surf*, Bay State Fishing Co.

Statement showing contracts on hand as of December 31, 1912

*Battleship *Rivadavia*, Argentine Government.
*Submarine *K-1*, United States Government.
*Submarine *K-2*, United States Government.
*Submarine *K-5*, United States Government.
*Submarine *K-6*, United States Government.
*Torpedo boat destroyer No. 46, *Duncan*, United States Government.
*Battleship No. 36, *Nevada*, United States Government.
*Submarine tender *Fulton*, United States Government.
*Torpedo boat destroyer No. 55, *Cushing*, United States Government.
Sulphur steamer *Frieda*, Union Sulphur Co.
Tanker steamer *Richmond*, Standard Oil Co.
Carfloat, New York, New Haven & Hartford Railroad.
Carfloat, New York, New Haven & Hartford Railroad.
Trawler *Wave*, Bay State Fishing Co.
Trawler *Billow*, Bay State Fishing Co.
Trawler *Breaker*, Bay State Fishing Co.
Carfloat, New York, New Haven & Hartford Railroad.
Carfloat, New York, New Haven & Hartford Railroad.

Statement showing contracts on hand as of December 31, 1913

*Battleship *Rivadavia*, Argentine Government.
*Submarine *K-1*, United States Government.
*Submarine *K-2*, United States Government.
*Submarine *K-5*, United States Government.
*Submarine *K-6*, United States Government.
*Battleship *Nevada*, United States Government.
*Submarine tender *Fulton*, United States Government.
*Torpedo boat destroyer No. 55, *Cushing*, United States Government.
*Submarine *L-1*, United States Government.
*Submarine *L-2*, United States Government.
*Submarine *L-3*, United States Government.
*Submarine *L-4*, United States Government.
*Submarine *M-1*, United States Government.
*Torpedo boat destroyer No. 57, *Tucker*, United States Government.
Tanker steamer *Amoico*, Boston Molasses Co.
Freight steamer *Atlantic*, J. S. Emery Co.
Freight steamer *Pacific*, J. S. Emery Co.

Statement showing contracts on hand as of December 31, 1926

*Airplane carrier *Lexington*, United States Government.
Ferryboat *Governor Carr*, Jamestown & Newport Ferry Co.
Carfloat *No. 65*, New York, New Haven & Hartford Railroad.
Carfloat *No. 66*, New York, New Haven & Hartford Railroad.
Carfloat *No. 67*, New York, New Haven & Hartford Railroad.
Carfloat *No. 68*, New York, New Haven & Hartford Railroad.
Oil barge *No. 2*, Cities Service Transportation Co.

Statement showing contracts on hand as of December 31, 1927

*Scout cruiser *No. 26*, United States Government.
Cutter No. 45, *Chelan*, United States Coast Guard.
Cutter No. 46, *Pontchartrain*, United States Coast Guard.
Cutter No. 47, *Tahoe*, United States Coast Guard.
Cutter No. 48, *Champlain*, United States Coast Guard.
Cutter No. 49, *Mendota*, United States Coast Guard.
Freighter *Edward F. Farrington*, Middlesex Transportation Co.
Passenger and freight steamer *New Bedford*, New England Steamship Co.

Statement showing contracts on hand as of October 31, 1928

*Scout cruiser *No. 26*, United States Government.
Cutter No. 47, *Tahoe*, United States Coast Guard.
Cutter No. 48, *Champlain*, United States Coast Guard.
Cutter No. 49, *Mendota*, United States Coast Guard.
Trawler *Shawmut*, Massachusetts Trawling Co.
Trawler *Trimount*, Massachusetts Trawling Co.
Trawler *Wm. J. O'Brien*, R. O'Brien & Co.
Collier *Berwindglen*, Wilmore Steamship Co.
Collier *Berwindvale*, Wilmore Steamship Co.
Passenger and freight steamer, New England Steamship Co.

WILLIAM CRAMP & SONS SHIP & ENGINE BUILDING CO.

(Contracts marked * are naval contracts)

Statement showing contracts on hand as of December 31, 1911

*Submarine No. 26, *Thrasher*, United States Government.
*Battleship No. 32, *Wyoming*, United States Government.
*Torpedo boat destroyer No. 40, *Beale*, United States Government.
*Cruiser *Cuba*, Cuban Government.
*Gunboat *Patria*, Cuban Government.
Power boat *Co[illegible]er*, J. M. Guffey Petrol Co.

Statement showing contracts on hand as of December 31, 1912

*Submarine No. 26, *Thrasher*, United States Government.
*Torpedo boat destroyer No. 47, *Aylwin*, United States Government.
*Torpedo boat destroyer No. 48, *Parker*, United States Government.
*Torpedo boat destroyer No. 49, *Benham*, United States Government.
*Torpedo boat destroyer No. 50, *Balch*, United States Government.

Statement showing contracts on hand as of December 31, 1913

*Submarine No. 26, *Thrasher*, United States Government.
*Torpedo boat destroyer No. 47, *Aylwin*, United States Government.
*Torpedo boat destroyer No. 48, *Parker*, United States Government.
*Torpedo boat destroyer No. 49, *Benham*, United States Government.
*Torpedo boat destroyer No. 50, *Balch*, United States Government.
*Torpedo boat destroyer No. 51, *O'Brien*, United States Government.
*Torpedo boat destroyer No. 52, *Nicholson*, United States Government.
*Torpedo boat destroyer No. 53, *Winslow*, United States Government.
*Gunboat No. 19, *Sacramento*, United States Government.

Freight steamer *Santa Clara*, W. R. Grace & Co.
Freight steamer *Catalina*, W. R. Grace & Co.
Freight steamer *Cecilia*, W. R. Grace & Co.
(Cramp yard closed June, 1927)

NEW YORK SHIPBUILDING CO., CAMDEN, N. J.

(Contracts marked * are naval contracts)

Statement showing contracts on hand as of December 31, 1911

*Battleship *Moreno*, Argentine Government.
*Destroyer *Jarvis*, United States Government.
*Cruiser *Elli*, Greek Government.
*Destroyer *Downes*, United States Government.
*Battleship *Arkansas*, United States Government.
*Tug *Sonoma*, United States Government.
*Tug *Ontario*, United States Government.
Tanker *Rayo*, Standard Oil Co.
Tanker *El Segundo*, Standard Oil Co.
Tanker *Gulfoil*, Gulf Refining Co.
Pontoon, United States Government.

Statement showing contracts on hand as of December 31, 1912

*Battleship *Moreno*, Argentine Government.
*Destroyer *Downes*, United States Government.
*Battleship *Oklahoma*, United States Government.
*Destroyer *Ericsson*, United States Government.
*Cruiser *Elli*, Greek Government.
River steamer *Washington Irving*, Hudson River Day Line.
Tanker *Vesta*, Standard Oil Co.
Collier *Norfolk*, Coastwise Transportation Co.
Tanker *Socony*, Standard Oil Co.
Passenger steamer *Congress*, Old Dominion Steamship Co.
Carfloat No. D–24, New York Central Railroad.
Carfloat No. D–25, New York Central Railroad.
Freight steamer *Tyler*, Pacific Coast Co.
Carfloat No. 32, New York Central Railroad.
Carfloat No. 33, New York Central Railroad.
Carfloat No. D–53, New York Central Railroad.
Carfloat No. D–54, New York Central Railroad.

Statement showing contracts on hand as of December 31, 1913

*Battleship *Moreno*, Argentine Government.
*Destroyer *Downes*, United States Government.
*Destroyer *Ericsson*, United States Government.
*Destroyer tender *Melville*, United States Government.
*Destroyer *Jacob Jones*, United States Government.
*Destroyer *Wainwright*, United States Government.
*Cruiser *Elli*, Greek Government.
*Battleship *Oklahoma*, United States Government.
Collier *Hampden*, Coastwise Transportation Co.
Ferry *Mayor Gaynor*, city of New York.
Carfloat No. 3, New York, Philadelphia & Norfolk Railroad.
Carfloat No. 18, New York, Philadelphia & Norfolk Railroad.

Statement showing contracts on hand as of December 31, 1926

*Airplane carrier *Saratoga*, United States Government.
Thirty-three patrol boats, United States Coast Guard.
Ferry *Grenville Kane*, Electric Ferries (Inc.).
Ferry *W. A. Baldwin*, Electric Ferries (Inc.).
Ferry *Frederick Peirce*, Electric Ferries (Inc.).
Ferry *Governor Moore*, Electric Ferries (Inc.).
Ferry *Frank E. Gannett*, Electric Ferries (Inc.).
Ferry *Charles W. Culkin*, Electric Ferries (Inc.).
Decked barge No. 3, Reading Co.
Decked barge No. 4, Reading Co.
Carfloat No. 11, Reading Co.
Carfloat No. 12, Reading Co.
Carfloat No. 13, Reading Co.
Carfloat No. 14, Reading Co.
Carfloat No. 15, Reading Co.
Carfloat No. 16, Reading Co.

Statement showing contracts on hand as of December 31, 1927

*Cruiser No. 25, *Salt Lake City*, United States Government.
*Cruiser No. 27, *Chester*, United States Government.
Cement barge, International Cement.

Statement showing contracts on hand as of October 31, 1928

*Cruiser No. 25, *Salt Lake City*, United States Government.
*Cruiser No. 27, *Chester*, United States Government.
Lighter.

NEWPORT NEWS SHIPBUILDING & DRY DOCK CO., NEWPORT NEWS, VA.

(Contracts marked * are naval contracts)

Statement showing contracts on hand as of December 31, 1911

*Submarine *Tuna*, United States Government.
*Torpedo-boat destroyer *Fanning*, United States Government.
*Battleship *Texas*, United States Government.
Revenue cutter *Miami*, United States Coast Guard.
Revenue cutter *Unalga*, United States Coast Guard.
*Collier *Proteus*, United States Government.
*Collier *Nereus*, United States Government.
Freighter *Evelyn*, Bull Steamship Co.
Freighter *Carolyn*, Bull Steamship Co.
Passenger and freighter *Lenape*, Clyde Steamship Co.

Statement showing contracts on hand as of December 31, 1912

*Battleship *Texas*, United States Government.
*Collier *Proteus*, United States Government.
*Collier *Nereus*, United States Government.
Passenger and freighter *Lenape*, Clyde Steamship Co.
Oil Tanker *Illinois*, Texas Steamship Co.
Freighter *Lorenzo*, New York & Porto Rico Co.
Oil barge *Tamesi*, Southern Pacific Co.
Freighter and passenger *Matsonia*, Matson Navigation Co.
Oil tanker *Topila*, Southern Pacific Co.
Freighter and passenger *Manoa*, Matson Navigation Co.
Freighter *Lewis K. Thurlow*, Crowell & Thurlow Steamship Co.
Freighter *Peter H. Crowell*, Crowell & Thurlow Steamship Co.
Oil tanker *J. D. Archbold*, Standard Oil Co.
Freighter *Adeline Smith*, Smith Lumber Co.

Statement showing contracts on hand as of December 31, 1913

*Battleship *Texas*, United States Government.
*Battleship *Pennsylvania*, United States Government.
*Oil barge *No. 5*, United States Government.
*Oil barge *No. 6*, United States Government.
Oil tanker *J. D. Archbold*, Standard Oil Co.
Freighter and passenger *Carolina*, New York & Porto Rico Co.
Freighter *Neches*, Clyde Line.
Freighter *Medina*, Clyde Line.
Oil tanker *John D. Rockefeller*, Standard Oil Co.
Dump scow, United States Engineers.
Dump scow, United States Engineers.
Dump scow, United States Engineers.
Dump scow, United States Engineers.

Statement showing contracts on hand as of December 31, 1926

Revenue cutter *Northland*, United States Coast Guard.
Freight and passenger *California*, Panama Pacific Line.
Freight and passenger *Iroquois*, Clyde Line.
Freight and passenger *Shawnee*, Clyde Line.
Freight and passenger *Algonquin*, Clyde Line.
Freight and passenger *Caracas*, Red "D" Line.
Oil barge *No. 9*, War Department.

Statement showing contracts on hand as of December 31, 1927

Freight and passenger *California*, Panama Pacific Line.
Freight and passenger *Virginia*, Panama Pacific Line.
*Cruiser *No. 30*, United States Government.
*Cruiser *No. 31*, United States Government.
Bay steamer *Yorktown*, Chesapeake Steamship Co.
Tug *W. J. Harahan*, Chesapeake & Ohio Railroad.
Steam yacht, George Baker, jr.

Statement showing contracts on hand as of October 31, 1928

Freight and passenger *Virginia*, Panama Pacific Line.
*Cruiser *No. 30*, United States Government.
*Cruiser *No. 31*, United States Government.
Freight and passenger, Panama Pacific Line.
Steam yacht, George Baker, jr.

QUINCY, MASS., *December 18, 1928.*

Hon. RICHARD B. WIGGLESWORTH,
Member of Congress:

Quincy does not indorse the Dallinger provision in the naval bill. Sincerely hope that you may use your good offices to help the workers in the private yards. With unemployment acute in New England, the shipyard workers in the Fore River plant should be given consideration in new bill.

THOMAS J. MCGRATH, *Mayor.*

IN COUNCIL, CITY OF QUINCY, *December 17, 1928.*

Whereas the Fore River Shipbuilding Corporation, an industry of Quincy, has successfully built 163 of the finest warships of our Navy; and

Whereas this shipyard is and has been of great value to our Nation in time of war and peace; and

Whereas this plant employs many residents of Quincy; and

Whereas the naval bill, authorizing the construction of 15 cruisers and 1 aircraft carrier, at an estimated cost of $274,000,000, is now before the Senate committee of our National Government with an amendment, known as the Dallinger amendment, which provides that eight of these ships be built in Government navy yards: Therefore be it

Resolved, That the city council of Quincy records itself opposed to the Dallinger amendment; and be it further

Resolved, That a copy of this resolution be sent to Senators WALSH and GILLETT and Representative WIGGLESWORTH, of Massachusetts.

Adopted December 17, 1928.

Attest:

EMERY L. CRANE, *Clerk of Council.*

Approved December 18, 1928.

THOMAS J. MCGRATH, *Mayor.*

A true copy.

Attest:

[SEAL.] EMERY L. CRANE, *City Clerk.*

QUINCY, MASS., *December 15, 1928.*

Congressman RICHARD WIGGLESWORTH:

Quincy Chamber of Commerce wishes to go on record protesting against Dallinger amendment. Letter of details follows.

HARRY H. KERR, *President.*

[From the Quincy Board of Trade Bulletin, week of December 21–28]

S O S CALL IS FORWARDED TO CONGRESS—QUINCY TRADE BOARD PROTESTS DALLINGER AMENDMENT—CALL CRUISER BILL UNFAIR—WOULD BE HARDSHIP FOR FORE RIVER BUILDERS, CLAIM

Aroused to decisive action by a news dispatch from Washington acquainting them with the effect on steel shipbuilding of the Dallinger amendment to the pending cruiser bill, the Quincy Point Board of Trade, on Wednesday evening, passed a resolution urging that the amendment be stricken from the bill by the Senate.

President William M. Prime was in the chair with J. M. Spence, secretary.

The resolution as unanimously passed by the board follows:

"*Resolved*, That President Coolidge, in recommending the passage of legislation necessary for the early construction of 15 cruisers has acted with the utmost discretion as a means of strengthening the Nation's defense.

"*Resolved further*, That the Fore River Plant of the Bethlehem Shipbuilding Corporation (Ltd.), after a period of postwar struggle, is sorely in need of new work to keep an efficient organization of steel shipbuilders employed at the port of Quincy; be it further

"*Resolved*, That the Dallinger amendment to the pending cruiser bill in the United States Senate, which calls for the building in navy yards of a major portion of these ships, as published in the Quincy Evening News on Wednesday, is undesirable and opposed to the Nation's best interests; Therefore be it

"*Resolved*, That we, the Quincy Point Board of Trade, at our regular meeting on Wednesday, December 12, go on record as opposing the passage of this bill unless the Dallinger amendment be stricken out. It is further

"*Resolved*, That we notify our Congressman, RICHARD B. WIGGLESWORTH, and our Senators, DAVID I. WALSH and FREDERICK H. GILLETT, of our action and ask their support."

BRAINTREE BOARD OF TRADE,
Braintree, Mass., December 20, 1928.

Hon. RICHARD B. WIGGLESWORTH,
Washington, D. C.

DEAR SIR: The members of the Braintree Board of Trade are strongly opposed to the Dallinger amendment to the naval bill.

We believe that navy yards should be responsible for maintenance and repairs of existing naval vessels only.

During the past two years many of our citizens have been laid off for lack of work at the Fore River plant, Quincy, Mass., and there is good reason to believe that there will be a further reduction.

The existence of this plant, which has built 163 ships for the Navy, should not be jeopardized by putting new construction in navy yards.

Past history has proven conclusively that private shipyards are an absolute necessity to our Government.

We respectfully request that you make every endeavor to assist in defeating this amendment.

Yours very truly,

E. E. ABERCROMBIE, Jr., *Secretary.*

WEYMOUTH CHAMBER OF COMMERCE (INC.),
East Weymouth, Mass., January 3, 1929.

Hon. RICHARD B. WIGGLESWORTH,
United States Representative,
440 House Office Building, Washington, D. C.

DEAR REPRESENTATIVE WIGGLESWORTH: The Weymouth Chamber of Commerce respectfully invites your attention to the bill now pending in Congress, which would in effect provide for the construction of United States cruisers exclusively in Government navy yards. We believe that the passage of such legislation would be very unfortunate. Of course, the town of Weymouth has a direct interest in the prosperity and volume of business available for the Bethlehem Shipbuilding Corporation (Ltd.), located on the Weymouth Fore River.

The amount of work that is done at this yard has a direct bearing upon the prosperity of all tradespeople and other industries in our vicinity, because the pay roll distributed by the Bethlehem Shipbuilding Corporation is to a very large extent expended in the neighboring municipalities. We also feel that if the Government abandons the construction of naval vessels in private shipyards and places this work exclusively in navy yards it will destroy the most necessary and effective protection and security that this country could have in the time of war.

Obviously, a private shipyard can not afford to maintain the particular employees, organization, and apparatus necessary for the construction of Government ships, unless it receives sufficient contracts from the Government to make it possible to do so. Therefore, in time of war nothing but the Navy will be prepared to construct war vessels for the Government. We think this would be extremely dangerous. The World War is too recent to cause us to forget that ships were the thing that was most necessary and yet most lacking.

To discard our private shipyards as a source of supply of Government war vessels would seem to us to be an undertaking attended by the utmost hazard, and a position that we do not believe this country ought to take. It appears to us that the better policy would be to give these private shipyards sufficient business to enable them to keep their organization, equipment, machinery, and personnel up to the very highest standard. If this is done, a security for adequate defense will be provided.

More than that, there is a real question of how much advantage really results to the citizens of this country from the construction of these ships in Government yards. Such construction, undoubtedly, costs much more (if figured upon a basis of computation that reflects true costs) than if they were constructed in private yards. These excess costs must be made up in some form by the taxpayers. It may perhaps help one class, but to the detriment of another.

We are unable, therefore, to see any real advantage in depriving the private shipbuilding companies of the contracts for the construction of these cruisers. We sincerely hope that you will find it compatible with the interests of the country to oppose the pending legislation.

Respectfully,

STANLEY HEALD,
President Weymouth Chamber of Commerce (Inc.).

BROCKTON, MASS., *January 7, 1929.*

Congressman RICHARD WIGGLESWORTH,
House Office Building:

Please enter protest of city of Brockton against naval bill amendment requiring all construction and repair work of new naval program to be done in Government yards. We believe naval construction and repair at Fore River yards, Bethlehem Shipbuilding Co., always has been economical and efficient. Share of this work should be open to bids of Fore River yards in interest of Brockton and district employees.

HAROLD D. BENT, *Mayor.*

BOSTON, MASS., *December 20, 1928.*

Hon. RICHARD WIGGLESWORTH,
Member of Congress, House Office Building, Washington, D. C.:

We understand Dallinger amendment to naval cruiser bill provides for building six scout cruisers in navy yards. May we invite your attention to fact that to-day there are only three private shipyards in United States that can undertake large naval work, and unless these yards are kept alive by these naval contracts one or more of them will probably meet the fate of other shipyards that have passed out of existence in recent years. Such loss of this industry might well become of national importance. We, therefore, wish to record our protest against Dallinger amendment and to bespeak your interest and support of proposition that contracts for building new cruisers be given private shipbuilding concerns and navy-yard work be confined to reconditioning, maintaining, and repairing Navy fleet.

FRANK S. DAVIS,
Manager Maritime Association, Boston Chamber of Commerce.

Mr. FRENCH. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. FISH].

The CHAIRMAN. The gentleman from New York is recognized for 20 minutes.

Mr. FISH. Mr. Chairman and members of the committee, at the outset of my remarks let me congratulate the Subcommittee on Naval Affairs for their intelligent and able handling of the naval appropriations; so much so that there is hardly any controversy on the bill now pending before the House.

The interest of the country at the present time is concentrated on our sister body, which is considering the 15-cruiser bill. I voted for that measure when it was in the House. I shall vote for the 15-cruiser bill again if it comes back from the other body, but I would oppose the time limit. I think the time limit is unnecessary and unprecedented. I think it is simply tying the hands of the Chief Executive. It shows a lack of confidence and faith in both President Coolidge and the incoming

President, Mr. Hoover, and in my opinion it would restrict and hamper Mr. Hoover in calling a conference to further limit the so-called light cruisers. Further on in the time allotted to me I intend to speak in favor of calling another conference to try to reach an agreement to establish a limitation on these so-called light cruisers, which, of course, are not light at all. They are 10,000 tons. They have 8-inch guns, which have a greater hitting power than the old 12-inch guns. They are more powerful than the battleships of 25 years ago and cost more.

Before discussing the question of another conference, I would like to defend in this House—I propose to do it now and each year hereafter, if necessary—and answer the pernicious attacks made against the Limitation of Armament Conference of 1921–22, held here in Washington under the Harding administration. For some reason it has become almost a popular sport to denounce that conference, to say that it was a farce and a fraud and practical treason to the Government. These charges were not made at the time, but have developed since. We must not forget that our delegates were Secretary Hughes, Senator Lodge, and Senator Underwood—three of the ablest Americans holding public office. Senator Lodge was one of our foremost statesmen, chairman of the Senate Committee on Foreign Relations, a man who had always stood for a big navy and for adequate naval appropriations; and the Democratic Party was represented by one of the ablest men that ever sat in this House or in the Senate, former Senator Underwood. He knew all about the appropriations for the Navy from his long and conspicuous service in this House and in the Senate, and had followed the naval program closely for a great many years. Both of these Senators were American patriots, and they were not fooled by foreign influences and they were not a party to selling out our country and scrapping real battleships in return for blue prints.

That is what the big-navy men, my friends, want you to believe at the present time—that our delegates, along with former Secretary Hughes, were fooled and deceived into scrapping real battleships, those already built or in process of building, in exchange for blue prints by Great Britain and Japan.

I would like anybody who is interested in this question to go back and read the speeches made by former Senator Underwood and former Senator Lodge in March, 1922, showing definitely how the 5–5–3 ratio was reached and what battleships were sunk by Great Britain and Japan and what were destroyed by ourselves. Great Britain sank 22 battleships and Japan sank 16, and they were not blue prints, as some big-navy men would have you believe to-day. In my opinion, these wild charges are nothing but propaganda in an effort to undermine the faith of the American people in international conferences to limit naval armaments.

Mr. ANDREW. Mr. Chairman, will the gentleman yield?

Mr. FISH. I will later on.

The thinking people of America believed then and still believe that the Washington conference was the greatest step forward in the direction of peace that had been taken since the World War or up to the signing of the Kellogg multilateral treaty.

What happened? Almost overnight by the adoption of a policy to reduce naval armaments proportionately, by the adoption of the 5–5–3 ratio for capital ships all talk and thought of war between the United States and Japan disappeared. The papers were filled with it up to the time of the Washington conference; and just as soon as the conference adopted the 5–5–3 ratio all this talk of war disappeared from our press and from the floors of the Congress of the United States. For the first time in history Great Britain, which had ruled the seas for centuries, agreed to a naval parity with the United States. This was the first time she had ever conceded equality on the high seas to another nation since the Spanish Armada, and she agreed to naval parity because she realized that we had become a great commercial, industrial, and exporting nation, and entitled to a large navy to protect our commerce in all corners of the world.

By the establishment of the 5–5–3 limitation on capital ships Great Britain showed a willingness to change her famous song, Britannia Rules the Wave, and agree to naval parity with the United States. On what? On battle cruisers and on battleships above 10,000 tons, and that was adopted by the acceptance of the 5–5–3 ratio, and Japan came into it. As a result capital ships were sunk on all sides. We were left with 18 capital ships; Great Britain with 20, but she will eventually have 18; and Japan was left with 10. No one has violated the spirit or the letter of that agreement for limitation on capital ships. That agreement not only brought about genuine friendship with Japan but also with England and did away with naval competition as far as the great battleships were concerned, those that cost from $30,000,000 to $40,000,000.

The principle of proportional limitation of naval armament was established for the first time in the history of the world by peaceful and mutual agreements. That was the outstanding result, but, if you want to discuss the financial side, the Washington Conference on Naval Limitation saved us over $200,000,000 a year since that time, or over a billion and a half up to date. Yet there are men going around to-day, big militarists, saying that former Secretary Hughes was a pacifist and implying at the same time that Senator Lodge and Senator Underwood were pacifists also, and had practically committed treason against our country. So it is time that somebody in this Congress should not only defend the principle involved in the 5–5–3 ratio and pay tribute to the wisdom of our American delegates for promoting peace and good will among the leading naval powers but also to point out that the American delegates did everything they could at that conference to bring about a limitation of light cruisers under 10,000 tons, and of submarines and of all other auxiliary vessels under 10,000 tons. But unfortunately Great Britain and France were not ready or willing to go that far. However, our delegates made a concrete offer and did everything within their power to extend the 5–5–3 ratio to naval vessels under 10,000 tons.

Now, since that date Great Britain—and it is just as well to tell the truth, because we are not going to have any war; it is inconceivable that we will go to war with Great Britain—has gone ahead ruthlessly to build light cruisers and has taken advantage of the fact that no agreement was reached to limit light cruisers. They have not violated the letter of the Washington agreement, but they have gone right ahead building these light cruisers, so that now they have 64 light cruisers built or in process of building. That is why our hand is forced. That is why we have to build 15 light cruisers that we do not need. We only need them because England has brutally gone ahead with the building of light cruisers ever since the conference, as the result of which Japan has followed suit and has 33 light cruisers. So we have to appropriate $270,000,000 for more light cruisers that we do not need in order to keep our end up in this naval race. When anybody says to you this is not naval competition they do not know what they are talking about. We are only building because we are forced to by naval competition. Against whom is Great Britain building light cruisers in such large numbers except the United States, and we in turn are paying back the compliment; even a blind man can see this deplorable situation. It is naval competition that has been and always will be one of the major factors in bringing about war. It is what brought about the war between Great Britain and Germany in 1914. Back in the nineties Germany and Great Britain were the best of friends, but just as soon as Germany announced its big naval program it began to cause bitterness, bad feeling, enmity, and hostility that led to war and was bound to eventuate in war. We are not going to have war with Great Britain, because it is inconceivable and everybody knows that such a war would mean the destruction of what is left of civilization, with nothing to be gained. But at the same time let us place the responsibility where it belongs for this naval competition. The responsibility belongs purely to the British Government, to the Tory government that is in power, which really is against any parity or equality with the United States. They still believe that Britannia rules the waves and still insist that if they can not rule through big battleships and battle cruisers they are going to rule it through light cruisers and other forms of naval armament not prohibited by the Washington conference.

Mr. DENISON. Will the gentleman yield?

Mr. FISH. For a brief question.

Mr. DENISON. If that is true, and I am inclined to agree with the gentleman, does not the gentleman think that we should build these cruisers as soon as possible?

Mr. FISH. I am in favor of building the 15 light cruisers. I have voted for every adequate proposal for naval preparedness that has come to the House; I voted for the elevation of guns and for the construction of cruisers against the wishes of President Coolidge a few years ago and I am in favor of the 15 cruisers now. Of course, I was against the preposterous proposition that was presented by the Secretary of the Navy to the Naval Affairs Committee in favor of 71 vessels, which, thank goodness, has been scrapped, but I am opposed to the time limit, first, because it is unprecedented and I do not believe we should tie the hands of the President, but more than that, because I am in favor of calling another conference this year to extend the 5–5–3 ratio to light cruisers. I earnestly hope that President Hoover will call such a conference some time this fall to be held in Washington to consider establishing a limitation on light cruisers. I am in favor of letting him have the power to say whether these 15 cruisers are to be begun this

year, if there were enough yards in which to build them, but we should not tie his hands and say they must all be begun in three years. If a time limit were fixed, then you would have to go right ahead with their building, whether we had a conference or not, and the main reason I am speaking here now is, first, in defense of the limitation of armament conference held in Washington in 1922.

Secondly, because I am in favor of another conference to limit light cruisers to be held in Washington at the call of the President this year, and I am sure in my heart that the English people and the British people themselves want this limitation. It is only a small handful of men belonging to the old order of things, the so-called die-hards, who do not represent all the Conservative Party by a long ways in England; but these men as long as they are alive want to see England dominating the waves and until they are dead politically they are going to maintain that principle and therefore I hope that a resolution such as the one I am about to read will be adopted. I do not believe we can get it on this bill because a point of order would be made against it or that we have time to get it through before we adjourn, but I would like to get it through the next Congress, if there is any possibility of doing it:

Resolved, That it is the sense of the Congress of the United States that the President call a conference of the leading naval powers, including Great Britain, Japan, France, and Italy, to be held in Washington during 1929, to consider further limitation of naval armament, with particular reference to light cruisers and all other naval vessels of 10,000 tons or under.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. FISH. I can not yield. I have not enough time. If I should have any time left I will be pleased to yield.

In addition to the criticism and the persistent and the consistent attacks upon the achievements of the Limitation of Naval Armament Conference of 1922, there have been persistent criticisms of our delegates, Admiral Hilary Jones, and Ambassador Gibson, for failing to reach an agreement in the conference called at the instance of President Coolidge in June, 1927, at Geneva.

If you will study what happened at that conference you will find that the British delegates insisted that the United States agree to give up the 8-inch guns on the light cruisers, and if the United States delegates had agreed to that it would have simply meant that Great Britain, with its enormous merchant marine could have armed every one of them with a 6-inch gun and controlled the seas forever. That is what was behind the British demand, the sine qua non of the British naval authorities; and our delegates, thank God, stood up and refused to surrender, because if they had there never would have been any parity or equality between the United States and Great Britain on the high seas for generations to come; and yet there are men in this House and in the press and throughout the country who have attacked our delegates for failure to reach an agreement. I am in favor of the principle of calling conferences, more conferences, and still more conferences, because the people of England are the same kind of people we have here. They want peaceful relations between Great Britain and the United States. They want to do away with this naval competition. They want to do away with this endless burden of taxation, and if Mr. Hoover, when he becomes President, calls such a conference to meet here in Washington, I believe that the delegates from Great Britain, Japan, and the United States can agree to some tonnage limitation, say 300,000 tons, on light cruisers.

Personally, I do not care exactly what the tonnage limitation is as long as there is a limitation, because it is only through limitation that we can do away with the rivalry brought about by naval competition which is existing to-day. It is going on at this very minute, in spite of these beautiful phrases you see about the friendship of the United States to Great Britain and of the United States to Japan. We are entering, we have entered, and we are now in naval competition with Great Britain and Japan, and this will continue just as long as there is no tonnage or other kind of limitation established for light cruisers.

It ought to be an easy matter to call this conference and extend the 5-5-3 ratio to light cruisers and other auxiliary vessels under 10,000 tons or provide for a tonnage limitation.

Mr. WAINWRIGHT. Now will the gentleman yield?

Mr. FISH. I yield.

Mr. WAINWRIGHT. The gentleman has referred to the proposal to build these 15 cruisers as entering into competition with Great Britain. I would like to ask the gentleman how he figures there would be any competition involved, in view of his statement that since the naval conference in 1922 Great Britain has either laid down or built 62 cruisers?

Mr. FISH. Sixty-four.

Mr. WAINWRIGHT. If that is so, how does the gentleman figure that building 15 cruisers is competition?

The CHAIRMAN. The time of the gentleman from New York [Mr. FISH] has expired.

Mr. FRENCH. Mr. Chairman, I yield 10 minutes more to the gentleman.

Mr. FISH. All the 64 British cruisers are not 10,000-ton cruisers, and they do not all carry 8-inch guns. These modern cruisers we are providing are 10,000-ton cruisers, and they do carry the big 8-inch guns, and that will give us approximately 33 cruisers altogether and 23 modern 10,000-ton cruisers with 8-inch guns. They may not be equal to the 64 in numbers, but they approximate the naval strength of the British cruisers.

Mr. TABER. Will the gentleman yield there?

Mr. FISH. I yield.

Mr. TABER. The number of cruisers that Great Britain has laid down since the disarmament conference is 15.

Mr. FISH. I am glad the gentleman has brought that out. That is the number laid down. I think England has authorized some more, too.

Mr. TABER. There are more authorized, but the rest of the 64 that she has in commission are older.

Mr. FISH. That answers the question—they are older. These new vessels we are putting down or authorizing, making about 33 all together since the armistice, are not possibly equal to all the 64 British cruisers combined but they approximate that strength, because the British cruisers are older and have lighter gun power in many cases.

Mr. HOUSTON of Hawaii. Will the gentleman yield?

Mr. FISH. Yes.

Mr. HOUSTON of Hawaii. There are only 8 laid down and under construction with 8-inch guns at the present time, and 15 provided by this bill.

Mr. FISH. Yes; the other 10 have smaller tonnage and smaller guns.

Mr. HOUSTON of Hawaii. Making a total of 23 with 8-inch guns.

Mr. DENISON. Will the gentleman yield for a question?

Mr. FISH. Yes.

Mr. DENISON. Does not the gentleman think that if we go ahead and authorize these additional cruisers and let the world know that we mean business by putting a time limit in the legislation, we will be more apt to get another limitation of armament conference than if we merely authorize the blue prints?

Mr. FISH. No; I do not think so at all. The Commander in Chief of the Army and the Navy is the President of the United States. We ought to have confidence and faith in him, and certainly we Republicans should have faith in our own President.

Mr. DENISON. The gentleman has no more confidence in the new President than I have.

Mr. FISH. I know that; I am not casting any reflections.

Mr. DENISON. I was wondering in view of the fact that we are already constructing additional cruisers, and if we are going to add 15 more——

Mr. FISH. Not at all. The President has authority to go ahead, and might go ahead quicker than the time limit. He might construct them in two years. It might serve his purpose to say if you do not agree in this conference in 1929 we will build these cruisers in 18 months. I think he can do that, not only to bring about the conference—but to get results. Moreover, this proposed time limit comes pretty near being a lack of confidence in the Commander in Chief.

Now, a naval limitation conference is to be called April 15 under the auspices of the League of Nations. I introduced last year a resolution authorizing $75,000 to send delegates to a similar conference under the League of Nations. It was repeatedly said then that the proposed conference would be a farce. In my heart I knew that was so, but I advocated it on the floor of the House as a matter of good faith for the United States to send delegates and participate in any bona fide efforts to limit naval armaments.

What happened? The resolution went through, and the delegates were sent to the league conference, which turned out to be a mere gesture if not a farce, as a lot of little nations without any navies took part and effectively prevented the leading naval powers reaching any agreements. Often one little nation without a navy objected and that was the end of the whole proceedings. Or groups of European nations would line up on every question, not on the merits of the proposal but on the basis of understandings and ententes.

You must remember that Article V of the League of Nations requires unanimous consent and if any gentleman in the assembly or the council of the league objects, that ends the proceedings. I only wish to God that they might come to some

limitation under the league. But I feel reasonably certain that the new conference will not amount to any more than the old conference held in the spring of 1927.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. FRENCH. I yield to the gentleman two minutes more.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. FISH. I yield.

Mr. CONNALLY of Texas. I thoroughly sympathize with the gentleman in his views on disarmament, but how is the gentleman going to get an agreement unless it is unanimous? You can not make a nation disarm.

Mr. FISH. That is a fair question; but the conferences that we have called in the past only included the leading naval powers. If a naval limitation conference were called this year in Washington it would probably be confined to Great Britain, the United States, Japan, Italy, and France, with some chance of reaching an agreement; but if you go ahead and include Poland, Czechoslovakia, and Yugoslavia, and even smaller countries, it is ridiculous on the face of it to expect any results from such a conference. I thank the chairman for the time he has given me, and I hope the chairman himself will help bring about an extension of the 5–5–3 ratio to light cruisers and other auxiliary vessels under 10,000 tons. [Applause.]

Mr. AYRES. Mr. Chairman, I yield to the gentleman from Alabama [Mr. OLIVER] such time as he desires.

Mr. OLIVER of Alabama. Mr. Chairman, I did not intend at this time to make any statement, but I will take a few minutes to correct some inaccuracies, or perhaps I should say incomplete statements, by the gentleman from New York [Mr. FISH]. An incomplete statement is an inaccurate statement. The gentleman from New York [Mr. FISH] stated that some two years ago he voted to override the recommendation of the President of the United States in which the President requested Congress to postpone appropriations for the construction of cruisers already authorized. The reason assigned by the President for asking a postponement of such appropriations was that he intended in the very near future to ask for a conference with Great Britain, Italy, France, and Japan.

Later on the gentleman from New York [Mr. FISH] states that the Secretary of the Navy submitted a preposterous proposal for a building program after the failure of the conference called by the President.

The gentleman is inaccurate in confining his statement to the fact that it was the Secretary of the Navy who submitted what he terms a "preposterous proposal." This proposal of the Secretary of the Navy, he will find on inquiry, was made with the full knowledge and approval of the President. It would not have been made by the Secretary of the Navy and would not have been considered in extenso by the Naval Affairs Committee had they not been informed that it met with the approval of the President and was not in conflict with the financial program of the Budget. The surprising thing is that the President, who shortly before had opposed any appropriation for building cruisers then authorized, so soon after the failure of the conference called by him was submitting what the gentleman from New York [Mr. FISH] and many others have rightly characterized as a preposterous proposal. Leading friends of the President on the Naval Affairs Committee were of the opinion that the recommendation of this "preposterous building program," without any suggestion as to when the building of any of the ships so recommended would be started, was nothing more than an idle, blueprint proposal. It was largely because of this prevailing belief that the House committee wrote into the bill authorizing the building of 15 cruisers a time limit. In effect, they said, "No; this proposal of the President, rightly characterized by the press of the Nation and by the Members of Congress as preposterous and unreasonable, we disapprove; but since, Mr. President, you admit and show the urgent need for more cruisers, and since the House, by affirmative vote before the Senate took action, approved your suggestion to defer appropriations until the conference could be held; and since now you propose a large building program, which the country does not favor, yet does favor, as Congress does, a reasonable building program, we will provide for such a building program and require it to be laid down within a definite time."

That is the history of the 15-cruiser construction program, and I am in position to make such statement for the reason that, serving with the subcommittee when the suggestion was first made that we defer any appropriations for cruisers then authorized, I said to the committee, "I will not consent to defer such appropriations unless assured that the President of the United States makes the request, and makes it for the plainly declared purpose of asking a conference with Great Britain, Japan, France, and Italy with a view of placing further limitations on naval armaments."

If you will refer to a speech in support of the position afterwards taken by our subcommittee, at the President's request, you will find that I said then if a conference is called, and there appears no reasonable prospect of an agreement with the nations participating in such conference to further limit armaments, then I favor undertaking at once a construction program that will maintain, approximately at least, that parity of naval power provided for at the Washington naval conference. That is all that this building program now pending in the Senate seeks to do. It is, in fact, a replacement program, as stated by the gentleman from Idaho [Mr. FRENCH] on yesterday, since there must soon go out of commission, because of obsolescence, many cruisers now carried on our list as ships of some military value. As these 15 cruisers come into service, I agree with the gentleman from Idaho [Mr. FRENCH] that old ones found to be obsolescent should not be kept in active commission thereafter.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. OLIVER of Alabama. Yes.

Mr. DENISON. The gentleman has been on this committee for some time. I have a great deal of respect for his judgment. I want to know whether the gentleman does not think that it is better policy for us as a Government to map out our program for our naval expenditures and go ahead and build the ships, rather than to authorize them with some sort of a condition depending upon calling some sort of a conference? It seems to me that that is in the nature of a bluff, and I never did approve of that, either as a personal matter or as a Government matter. It seems to me we ought to authorize these cruisers and then we ought to go on and build them.

Mr. OLIVER of Alabama. I think the gentleman is entirely correct. And may I say this, that Great Britain, at the conference to which the gentleman from New York [Mr. FISH] referred, opposed the building of any cruisers of the types which the gentleman from New York rightly says we can not forego building, because if we submit to the proposal of Great Britain by a further limitation as to tonnage and gun power of light cruisers, then you, in fact, have no limitation, because within the limits proposed by Great Britain the merchant marine becomes a competitor, and we know the superior strength of the British Government as to a merchant marine. That is why our naval officers wisely concluded that so long as Great Britain was insistent that we accede to the conditions and limitations she proposed, there could be no conference, and I think the American people have given hearty approval to this position taken by our naval officers.

What is happening? This branch of Congress, by a large vote, with the approval of the American people, has authorized a 15-cruiser building program, to be laid down within the next three years. It is a reasonable replacement program, and with the completion of that program, we still will be weaker in cruiser strength than Great Britain; why, then, should we hesitate to go on with the program? The gentleman from Idaho [Mr. FRENCH] has given serious study to the question, and his speech yesterday was one evidencing sound economic thought as to replacements. He feels that the 15-cruiser building program is entirely consonant with sound economic reasons for a replacement of old cruisers soon to become obsolescent, and he undertook to point out how we may in the future practice economy by wisely following some safe and sound replacement program of this kind. [Applause.]

Mr. AYRES. Mr. Chairman, I yield to the gentleman from Florida [Mr. SEARS] such time as he desires.

Mr. SEARS of Florida. Mr. Chairman, I ask unanimous consent to revise and extend my remarks, and in doing so to incorporate therein part of a speech which I made in 1922.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to revise and extend his remarks and incorporate therein part of a speech which he made in 1922. Is there objection? [After a pause.] The Chair hears none.

Mr. SEARS of Florida. Mr. Chairman, I am indeed grateful to the membership of this House for the opportunity of addressing you this afternoon.

On the 4th of March I will have served my people and our State in Congress for 14 years, and I appreciate to the fullest extent so signal an honor.

Forty-eight years ago my father moved to Kissimmee, Fla., and there I have resided ever since. For more than twenty times I have gone before those good people asking their support, and I am proud of the fact that I can say I have never lost my home precinct and only my home county one time, the year I returned from college. Those people knew me as a child, a boy, and all during manhood. That they have always so loyally supported me is appreciated more than I can express. I can only say they have been more kind to me than I deserve, and my only hope is I merit their confidence and esteem.

Last June I failed of nomination, but do not consider it a defeat. Two years ago, with the same candidate opposing me, I received 22,000 votes and was renominated. At that time there were only two candidates in the race, and my opponent then was the one who defeated me this time. Last June I received 42,000 votes, or nearly 100 per cent increase, but failed to receive the nomination. More than 56,000 voted in the district for the first time and the total vote cast at the primary was over 98,000. I simply refer to this to show you my friends are not only still loyal but that they persuaded 20,000 who did not know me to vote for me.

I have another unique record. While I have been elected to Congress seven times I have made 14 races, 2 every 2 years, except possibly one time. Those of you who keep up with athletics know that the legs of Wagner and Cobb finally gave way and they retired from the game. Perhaps I made so many races is the reason why I did not run fast enough the last time. But enough of this, for perhaps it does not interest you.

In every public address I have made in the district I stated I did not care who received the credit so long as the fourth congressional district and our beloved State, Florida, received the benefit. Therefore, I have neither sought nor received publicity. I am satisfied to let my record and the future determine whether I have been faithful and efficient.

In view of the charge repeatedly made, Mr. Chairman, that I have accomplished nothing since I have been in Congress, I think it but fair to myself to briefly refer to a few of the major measures which I have advocated and pushed to a successful conclusion. This is done with no egotism, because there is no egotism in my make-up. With you, as with them, I have always been just "Joe."

I do so solely that in years to come, perhaps, after I have passed to the great beyond, my friends can refer to my record and say that their support was justified.

When I entered Congress the St. Johns River from Jacksonville to the ocean only had a depth of 25 feet, the depth of a river being determined by the most shallow point. By hard work, and a never-say-die spirit, I am glad to state that now there is a depth from Jacksonville to the ocean of 30 feet, and at Mayport a lightship is stationed and complete jetties have been constructed.

At Miami there was a depth of about 10 feet, and this was gradually filled up until the *City of Miami* was forced to be taken off her run. Year in and year out I fought for Miami, because I appreciated the possibilities of that magic city, and to-day there is a depth of 25 feet and an authorization to complete the channel and harbor to a depth of 30 feet.

Fort Pierce, West Palm Beach, Hollywood, and other cities have spent and are spending millions of dollars constructing their harbors without a single dollar from the Government. At Hollywood in the near future there will be completed a harbor of practically 35-foot depth at a cost of approximately $6,000,000, paid for by the Joe Young Corporation, the city of Hollywood, and the city of Fort Lauderdale. There are also practically completed harbors at West Palm Beach and Fort Pierce. If I had been permitted to remain in Congress I am satisfied I would have secured for these cities the governmental aid they are entitled to. If Florida had been treated as other States had been treated all of our harbors would have been completed without a dollar of expense to the taxpayers down there; but before I entered Congress the policy of the Government was changed and local cooperation has been required.

More than $18,000,000 has been spent or authorized for improvements in the fourth congressional district. This does not include moneys for good roads. And yet honesty forces me to state many rivers and harbors have been neglected because there are more than 1,500 miles of rivers and about 600 miles of seacoast in the district, extending from Jacksonville to Key West, which I have had the honor to represent. I have been severely criticized because I did not scatter my work and secure a pittance for each harbor, making none complete; but I did not surrender under the pressure, but hewed to the mark, never beginning a new project until an old one had been completed.

I have been a member of the House Committee on Roads for years, and the first bill reported out by the committee was by a majority of 1, and I had the pleasure of voting with the majority, and think I can, therefore, in fairness claim I was instrumental, working with those just as enthusiastic as myself, in embarking the Government on the building of good roads. Since I have been a member of that committee there has been spent by the Government in Florida, in round numbers, $9,000,000, and there is an unobligated balance apportioned to the State of more than $2,000,000, or, in all, approximately $11,000,000 for Government and State aid roads. There will also be an allotment in 1931 under the bill already passed.

In other words, there has been spent more than $18,000,000 in the district, and added to this the more than $11,000,000 spent on public roads, making in all more than $29,000,000 by the Government during my tenure of office, and yet day in and day out, in season and out of season, I was severely and unjustly criticized for not working for Florida and for doing nothing for my constituents.

There is now set aside for the State $4,500,000 for public buildings; so I think I can truthfully say, while some may have been more efficient, none could have more consistently and persistently worked for the State than I have worked.

In fairness to the State, let me remind you these appropriations have been largely made possible because our cities and the State have met the Government practically dollar for dollar on all expenditures.

While I have worked for the fourth congressional district, I have not known congressional lines and have worked just as hard for each and every part of the State. Nationally I have followed the same course, and it has been my pleasure to cooperate with my colleagues from other States in securing appropriations to which I thought they were entitled.

It was my pleasure to serve six years under a Democratic administration. Four years of that time I was chairman of the House Committee on Education—to my mind, one of the most important committees of the House, especially to the youth of the Nation. I am satisfied I can truthfully say during those four years none of my colleagues who served with me on the committee will say I did not act fairly and impartially and that I knew no party lines.

During the last eight years I have served as a member of the minority party. Perhaps the many courtesies and kindnesses shown me by my colleagues on the Republican side is due to the course I pursued as a member of the majority party. This was clearly shown at the last session when I made the fight for the refund to Miami of the money advanced by that city to the Government for harbor improvement.

That fight refunding to Miami $1,105,000, the other $500,000 of the total amount advanced being refunded by the Chief of Engineers, was won because of the support of about 60 of my Republican colleagues, even though I was opposed by the leaders of the House. By securing this refund I saved the taxpayers of Miami alone between forty and sixty thousand dollars, or between four and six years' salary as a Member of Congress.

The fact that Miami did not give me a majority should not be held against the city, for practically all of those who knew of my work loyally stood by me and, unfortunately, in many cases were severely criticized for so doing.

No man likes to lose, but I believe I can truthfully say I harbor no animosity toward anyone who opposed me honestly and legitimately. For those who knowingly and unfairly criticized me I have but the utmost contempt.

Because of the influx of people from other States I doubt if any Member of Congress has secured more aid in the way of special relief bills and pensions for the soldiers of all wars and their widows than I have. While I am a southerner by birth and the son of a Confederate soldier, I am glad I was big enough and broad enough to see that those good people, the majority of whom were Republicans, secured the relief to which they were entitled. Fortunately or unfortunately for myself, they could not assist me in the primary as they did not participate, but in handling claims I have never cared nor have I asked to what party the applicant belonged.

Early in life I selected several mottoes which I have tried to live up to. One of them is:

> If any little word of mine can make some life the brighter;
> If any little song of mine can make some heart the lighter;
> God help me to speak that little word and do my bit of singing;
> And drop them in some lonely vale and start the echoes ringing.

In view of what I have done for those soldiers of all wars I feel that I have lived true to my motto and the thousands of heart beats in Florida for my welfare is sufficient compensation for whatever I may have accomplished for them, and my sole regret is that I was not able to do more.

The foregoing has referred to the wonderful State of Florida, but fate has been exceedingly kind to me and my field, therefore, has been in a broader sense.

As a member of the committee it was my great privilege and pleasure to help perfect and pass the first bill for vocational training, making it possible for the boys and girls of our Nation to learn a trade and thereby make life easier for them, which at its best is a rough and hard road to travel.

Mr. Chairman, I voted for war, although I did all in my power to keep this country of ours out of war, but when I cast

my vote I dedicated my heart and soul and the best that was in me to the brave boys who went abroad or remained in the camps at home to help protect and defend our wonderful country and my life and liberty and yours. Therefore, it was with great pleasure that I was permitted as chairman of the committee to introduce and help perfect the first bill for the rehabilitation of disabled soldiers and this bill was passed and out of it has grown that great and wonderful institution, the Veterans' Bureau, which is doing so much for the disabled soldiers. The day has not been too long; the night too dark or stormy for me to comply with all requests received from ex-service men, but for this they owe me nothing. They are under no obligation to me and I retire from Congress feeling that I am indebted to them. The thousands of letters of thanks I have received is sufficient reward for whatever I may have accomplished in their behalf. I have watched the Veterans' Bureau grow until it is the great institution of the Government we find to-day. I have watched directors come and go. The main fault I have to find is that about as soon as a man becomes thoroughly acquainted with the work, possibly for political reasons or otherwise, another takes his place and we again have to go through the same process of building up.

As I will retire shortly from Congress, and therefore can not be accused of having any ulterior motives, I feel it is not inappropriate for me to say I have never found a man more courteous, more competent, or more efficient than General Hines, the present Director of the Veterans' Bureau. I sincerely trust, if he so desires, he will be permitted to remain at his post and continue the wonderful work he is doing for the ex-service men. What I like about him is his frankness. He also has that wonderful faculty of knowing how to deal with men and he does not try to mislead, but gives a positive answer. I like to deal with such men and I again say no more efficient one could be selected for the work which he is doing.

There are many connected with the Veterans' Bureau who have been more than kind to me, and I have found them efficient.

To mention each and every department of the Government is a physical impossibility, besides, time will not permit, but my experience has been that the majority of them are exceedingly courteous, and I shall never forget their cooperation and assistance.

I feel, however, in view of the courteous treatment I have always received, whether their decisions were favorable or unfavorable, I should state I have never found more efficient Government officials than the Chief of Engineers and the other Government engineers of the War Department; also their office assistants. I am satisfied my 14 years' experience with practically every department of the Government and the friendships I have formed there will be of valuable assistance to me in the future and will, at least, be a pleasant memory.

I have compiled a complete statement of my record, but will not ask that it be inserted in the CONGRESSIONAL RECORD, for it would take up too much space and the satisfaction of knowing that each one whom I have assisted is familiar with what I have done for him is sufficient.

I shall also not undertake to call attention to the hundreds and, perhaps, thousands of individual cases I have handled for my constituents before the various governmental departments during my tenure of office. The fact that I am a lawyer has made it possible for me to push these claims to a successful conclusion.

My colleagues know the stand I have taken on all taxation matters and such assistance as I have rendered in reducing the taxes, thereby taking off the shoulders of the people a part of the burden under which they were staggering. I sincerely hope at the next session the exemption allowance given both single and married people will be materially increased, for I am satisfied the present exemption is not sufficient. This great Government of ours will not feel the small amount of taxes lost by so doing, and yet it would assist millions who have to use every legitimate means in an effort to make ends meet.

When we were considering the income tax bill during the World War, the bill carried a paragraph making drop letters 3 cents instead of 2. I offered an amendment to the bill, and the amendment was adopted, retaining the postage at 2 cents; and no one can estimate the millions of dollars saved the citizens of the Nation by the adoption of that amendment. In arguing for the adoption of the amendment at that time, May 22, 1917, I said in part as follows:

Mr. SEARS. Mr. Chairman, the first amendment I have offered, if passed by this House, will leave the postage exactly as it is now on first-class mail matter. In other words, first-class mail matter will be carried at 2 cents an ounce or fraction thereof. I have introduced the amendment because I believe it should be adopted, and I trust this House will agree to it. There is to my mind no excuse for placing upon the people an additional burden of 1 cent an ounce or fractional part thereof when the first-class mail has for past years been paying to this Government $80,000,000 more than it costs the Government to transport it. In talking to a gentleman the other day, he said that this was the most equitable tax in the bill, that everybody paid it, and that he and I were once poor, but that now we could pay it. I want to say that I remember the days when I was poor, and that is why I do not care to place an additional tax on the people, when already they are paying $80,000,000 more than it costs the service they are receiving.

It does not amount to much, my friends, but to my mind when you pay 1 cent extra on first-class mail that is now paying this enormous profit to the Government you are taking from the poor laboring man and the washerwomen and the poorer class of people throughout the country who are not able to buy periodicals the widow's mite to place upon the letter that they may write to their relatives and thus place an extra burden on them, even though that burden may be small. [Applause.]

Mr. MCKENZIE. Is it not a fact that this provision hits the large mail-order houses harder than anyone else?

Mr. SEARS. It does not; because the mail-order houses send out their catalogues under the third-class postage, 2 ounces for 1 cent. Their business is carried to the people, and the people in writing back to the mail-order houses will have to place 3 cents on the letters, and the people pay the freight and the mail-order houses, as usual, escape.

I want to say, briefly, that it looks as though it is useless to appeal to this House unless a lobby is back of a proposition. No one has raised his voice, no one has talked for keeping the first-class mail at the present rate, and not a single Member of this House has received a telegram to keep it at that rate; but I believe, if the past is any criterion, when we reach the next section in this bill, where telegrams have been numerous from our friends back home, we will hear loud talking and much proclaiming that the rate should not be increased; but the poor people in your district, my colleagues, who can not reach you in that way, who know nothing of this tax, and therefore have not wired you, will have raised no sentiment for my amendment. But I want to tell you it is not necessary for them to wire me, and I do not believe it is necessary to wire you. By this no criticism is intended for anyone who writes or wires me. On the contrary, I invite and welcome information.

As to the second amendment, it provides that in cities where there are city carriers the rate shall be 2 cents on first-class matter for each ounce or fractional part thereof. I want to say to the Ways and Means Committee that if you do not adopt that amendment you will lose in revenue. The merchant in your home town, where there is a city carrier, can go out and get a boy, where he has two or three thousand letters to deliver, and deliver those letters at a price less than 2 cents each, and therefore the merchant will not use the mail and will not pay 3 cents on those letters. They are going to use the cheapest way to deliver the mail, and you will find that in these small cities they will employ carriers to deliver their mail once a month instead of delivering same through the post office. If they do use the mails, however, as I stated, that tax will go upon the people that patronize the local grocery or the dry-goods man in your district, and I trust, at least, that the House will remember the people back home that sent them to Congress and not compel them to place a 3-cent stamp on first-class mail matter where it is a drop letter. Again I say to you, you can not defend the placing of 3-cent postage upon first-class mail where it does not go out of your home town and only place a postage of 3 cents on mail that goes from New York to California. I believe that instead of raising the $70,000,000, as estimated by the Committee on Ways and Means, if you do not adopt the second amendment I have offered, the Ways and Means Committee will reduce the postage on drop letters by ten to fifteen million dollars throughout the country. I sincerely trust this amendment will also pass.

Mr. Chairman, I ask unanimous consent that that amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

"Page 51, line 17, after the word 'thereof,' insert:

"'*Provided*, That the rate of postage on drop letters of the first class shall be 2 cents an ounce or fraction thereof.'

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida, which the Clerk has just reported.

The question was taken; and on a division (demanded by Mr. SEARS) there were—ayes 47, noes 21.

Mr. RAINEY. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed Mr. RAINEY and Mr. SEARS to act as tellers.

The committee again divided; and the tellers reported—ayes 80, noes 45.

So the amendment was agreed to.

I also offered an amendment, which was adopted, eliminating the tax imposed on the annual exhibitions of the firemen and policemen throughout the country, thereby savings thousands of dollars which have gone to the benefit fund for retired policemen and firemen and their widows.

Having worked seven years in a drug store while attending college and after my college course, I knew of the injustice and unfairness of the stamp tax placed on patent medicines and cosmetics. I am glad to state I was instrumental in having this tax removed.

Any druggist can tell you what the adoption of this amendment meant to him.

I have been severely criticized, Mr. Speaker, because I was not active and did not work for Florida and tell of her wonderful advantages. The charge makes me laugh, because I have talked Florida to my colleagues so much that I hardly have the nerve to look them in the face.

When I first entered Congress the population of the fourth congressional district was less than 200,000, and to-day it has grown to over 650,000.

Many of my colleagues have called on me to assist former constituents of theirs, and they know it has always been a pleasure for me to go the limit for them.

So, my colleagues, I could go on all the afternoon calling attention to matters affecting my State and the Nation, but I hope and believe I have already called attention to enough to offset the oft-repeated statement of those who have always opposed me and who have repeatedly stated I have accomplished nothing and that I have loafed on the job.

Now, Mr. Chairman, I do not desire to impose further on the good nature of the House, but there is also another motto which I have tried to follow:

Have you ever noticed when a fellow dies,
His friends from far and near
All gather round and have nice things to say;
But the dead don't hear.
They bring him flowers made up in wreaths,
That sometimes fill a room;
But the dead don't even get a smell
Of the fragrance they exhume.
So, my friends, if it is just the same to you,
I would rather you would instead
Give me the flowers while I am living,
Use the hammer when I'm dead.

Therefore, I want to say no man could have had a greater honor conferred upon him than the privilege of being a Member of the House of Representatives and serving with the best body of men, mentally, morally, and in every way, taken as a whole, than the membership of this House.

I would like to mention each and every one of you, but you know this is not possible. I will, therefore, say that during the time the Democratic Party was in power there has been no more able and impartial Speaker than the late lamented and beloved Champ Clark, or the Democratic leader, the late Claude Kitchen, or the Republican leader, the late James R. Mann, and this is just as true of the present Speaker and the present majority and minority leaders.

I am proud that I can state while I have had many oral battles on the floor of this Chamber there is not one word or line in the CONGRESSIONAL RECORD which reflects on a single Member of Congress, for I do not believe in dealing in personalities. If Members of Congress would be more careful and not reflect on the membership, I am satisfied throughout the country the standing of the House would be increased.

I believe I have the friendship, confidence, and esteem of each and every Member, and what I have accomplished has been due to your cooperation and assistance.

The people have a right to choose the one they believe the best qualified to represent them, and I have never complained but have always cheerfully submitted to the voice of the people.

I do not know what the future holds in store for me, but I shall face it with a bright smile and return to my people with a clear conscience and again have the pleasure of mixing and mingling with them and joining in their efforts to bring before the people of the country the wonderful advantages of our climate and soil.

My sole regret in retiring from this body is the fact that in the future my road and your road will lead in a different direction and that intimate association with you will no longer be permitted me. I do assure you, however, from the bottom of my heart I hope the future holds in store for each and every one of you the best of health, happiness, and success during the years to come. [Applause.]

Mr. AYRES. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, during my entire service in Congress I have made every possible effort to wind up the affairs of the Five Civilized Tribes in Oklahoma. The last report of the Secretary of the Interior shows that with the exception of a number of suits brought under jurisdictional acts passed by Congress in 1924 the affairs of all of these tribes, with the exception of the sale of the coal and asphalt deposits belonging to the Choctaws and Chickasaws, have been wound up.

I have cooperated in every possible way with the Members of the Oklahoma delegation in Congress and the Department of the Interior in an effort to have these coal and asphalt deposits sold.

We enacted legislation several years ago authorizing the Secretary of the Interior to sell these deposits, subject to certain limitations and restrictions named in the act. Many years ago these deposits were appraised. They have been offered for sale a number of times. Only a comparatively small amount of the deposits have been sold.

On January 15, 1929, I pressed the matter of the winding up of the affairs of the Five Civilized Tribes and particularly the sale of the coal and asphalt deposits of the Choctaws and Chickasaws upon the attention of the Secretary of the Interior in a letter reviewing what had been done and urging upon the Department the importance and advisability of completely winding up the affairs of these tribes and the disposition of these coal and asphalt deposits. I asked to be informed in what way I could cooperate and be of assistance in this, as the following letter indicates:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 15, 1929.

Hon. ROY O. WEST,
Secretary of the Interior, Washington, D. C.

MY DEAR SIR: I am greatly interested in cooperating in every possible way to assist in winding up the affairs of the Five Civilized Tribes in Oklahoma.

Agreements were entered into between the representatives of the Choctaw and Chickasaw Nations and the commissioners representing the United States on the 23d day of April, 1897, between the representatives of the Creek Nation and the commissioners representing the United States on the 27th day of September, 1897, which agreements were approved by Congress on June 28, 1898. An agreement was made with the representatives of the Seminole Nation on the 16th day of December, 1897, which was approved by Congress on July 1, 1898, and an act was passed by Congress July 1, 1902, submitting to the Cherokee people for ratification, an agreement which was approved by the Cherokee people at an election held on August 7, 1902.

All of these agreements and acts of Congress, supplemental treaties, and amandatory acts of Congress, provided for the making of the tribal rolls, the allotment of the tribal lands in severalty, and the disposition of their money, among the enrolled members of the tribes found entitled thereto.

Your attention is invited to the first paragraph on page 69 of the Annual Report of the Secretary of the Interior for the fiscal year ended June 30, 1928, entitled "Five Civilized Tribes in Oklahoma," which reads in part as follows:

"The remaining tribal property (including amounts uncollected from sales of tribal land and minerals) of the Choctaw and Chickasaw Nations is valued at $10,444,104. The amounts to be collected from Choctaw and Chickasaw tribal property heretofore sold aggregate $944,754. The present tribal property of the Creek Nation is valued at $92,050, and that of the Seminole Nation at $30,000. The amounts to be collected on Creek tribal property heretofore sold aggregate $27,334. A few small tracts of land belonging to the Cherokee Nation are yet to be disposed of and the sum of $153 remains to be collected on Cherokee tribal property heretofore sold, otherwise the Cherokee tribal affairs, except pending litigation in the United States Court of Claims, are practically closed."

I would appreciate it if you would furnish me with data showing the various items referred to in the above-estimated values of tribal property undisposed of belonging to the respective tribes. Congress has enacted legislation which would enable the department to completely wind up all of the affairs of the Five Civilized Tribes. If any additional legislation is necessary I will be glad to cooperate with the other members of the Oklahoma delegation and the department in securing its enactment.

I think that the members of these tribes, and particularly the members of the Choctaw and Chickasaw Tribes, have a right to complain against the delay in the winding up of their affairs. They were the first to make agreements with the commissioners representing the United States, in 1897, and this first agreement was ratified by Congress on June 28, 1898, more than 30 years ago. The rolls were completed and closed on or before March 4, 1907, almost 22 years ago. The lands were allotted to the members of these two tribes, and the other members of the other Five Civilized Tribes, and these allotments were completed some 20 years ago. The tribal property referred to, as

belonging to the Choctaws and Chickasaws, in the report above referred to, valued at $10,444,104, largely consist of coal and asphalt deposits. Legislation has been enacted from time to time looking to the sale of these coal and asphalt deposits.

I am aware of the fact that these deposits have been offered for sale and that bids have not been received on a large part of these deposits submitting offers which the department felt justified in accepting. These deposits were appraised a number of years ago. Since that time oil and gas have been discovered in great areas and used as a fuel substitute for coal. Coal has also been discovered in large areas in public and private lands in many of the Western States, and these discoveries, and financial difficulties, and other reasons assigned by the department from time to time, are urged as excuses for not winding up the affairs of the Choctaw and Chickasaw Tribes.

Under the jurisdictional acts passed in 1924 all of the Five Civilized Tribes have been authorized to institute suits in the Court of Claims, with the right of appeal to the Supreme Court of the United States, on all claims which they may have against the Government of the United States. Many of these suits have already been instituted, and it is the hope of the attorneys representing the tribes that they may be brought to trial and finally disposed of within the next two years. In the meantime, the remaining tribal property, including the mineral deposits, belonging to the Choctaws and the Chickasaws should be disposed of.

I wanted to inquire what, if any, effort is being made looking to the disposition of this remaining tribal property and whether anything was done by the department during the past year looking to the disposition of this property? I favor the disposition of the remaining undisposed of tribal property to the very best possible advantage to the tribes, and I have particular reference to the coal and asphalt deposits. I favor this property being advertised as extensively as possible, using the experience of those familiar with the method of advertising public property for sale, and these deposits offered and sold at a time and under circumstances during the calendar year of 1929, which will insure the bringing of the greatest possible amount to the tribes.

If any additional legislation is necessary to effect this sale, I want to be advised and will be glad to actively cooperate with the department and the other members of the Oklahoma delegation to secure its enactment. I do not believe we are justified in further withholding from sale these mineral deposits because the Government has not received an offer approximating the appraised value, made years ago, before the discovery of large quantities of oil and gas and coal throughout the various Western States.

There were 20,799 enrolled members of the Choctaw Tribe and 6,304 enrolled members of the Chickasaw Tribe. The rolls were completed and closed as of date of March 4, 1907. It is estimated that one-third of the original enrolled members of these tribes have since died. The determination of their heirs is an ever-increasing question. In my judgment, the affairs of all of these tribes, except the suits pending and authorized to be instituted under the jurisdictional acts of 1924, should be wound up during the next fiscal year ending on or before June 30, 1930. I want to inquire particularly what, if any, efforts are being made for the sale of the remaining coal and asphalt deposits belonging to the Choctaw and Chickasaw Tribes, and whether or not the department has in contemplation the sale of these deposits in the near future, and also what, if anything, it is necessary for Congress to do to aid the department in the sale of these deposits, or in any other manner to assist the department in the winding up of the affairs of these tribes.

Very respectfully,

W. W. HASTINGS.

On January 25, 1929, I received a reply from the Secretary of the Interior reviewing the entire matter and inclosing a copy of a draft of a bill suggesting legislation which the department thought would help expedite the sale of these coal and asphalt deposits. The letter reviews the record of what has been done by the department in this matter, and is as follows:

THE SECRETARY OF THE INTERIOR,
Washington, January 25, 1929.

Hon. W. W. HASTINGS,
House of Representatives.

MY DEAR MR. HASTINGS: Reference is made herein to your letter of January 15, 1929, in which you inquire as to the remaining tribal property of the Five Civilized Tribes in Oklahoma and as to what steps are being taken looking to the disposal thereof and the winding up of the tribal affairs.

For your information as to the undisposed-of tribal lands and other property of the Five Civilized Tribes, there are transmitted herewith copies of pages 15 to 22, inclusive, of the annual report of the Five Civilized Tribes Agency for the fiscal year ended June 30, 1928, containing a statement as to the remaining tribal property of said tribes. It appears therefrom that the tribal lands and property of the Cherokee, Creek, and Seminole Nations have, with the exception of a few tracts, been allotted, sold, or otherwise disposed of as provided by law.

Of the undisposed-of property of the Choctaw and Chickasaw Nations, the coal and asphalt deposits in the segregated mineral area of said nations constitute the principal item.

Under the act of Congress approved February 8, 1918 (40 Stat. L. 433), authorizing the Secretary of the Interior to appraise and offer for sale the coal and asphalt mineral deposits in the segregated area of the Choctaw and Chickasaw Nations, said coal and asphalt mineral deposits were offered for sale three times and, out of a total of 517 tracts, but 94 tracts were sold.

Under the act of Congress approved February 22, 1921 (41 Stat. L. 1107), authorizing the Secretary of the Interior to reappraise and offer for sale the remainder of the segregated coal and asphalt mineral deposits, in accordance with the act of February 8, 1918, as to terms and conditions of payments, a sale was held in 1925, at which time 426 tracts were offered for sale and only 4 were sold. The Superintendent for the Five Civilized Tribes in his report relative to the sale last above mentioned states as follows:

"This sale was attended by a very few prospective buyers, although the usual plan of advertising of sales had been used by this office—circulars, descriptive advertisements, and notices posted in post offices, banks, and other public places.

"The coal industry in Oklahoma at the present time is in a very bad condition and with but little prospect for improvement for some time to come. Operators are endeavoring to run their mines with non-union men, and, of course, this is causing more or less trouble with the unions. The falling off in the demand for coal due to the railroads and other industries using oil and gas, which has within the last two years reduced the output at least 50 per cent, has been one of the principal reasons for the depressed conditions existing at the present time.

"Further, a number of prospective purchasers, although responsible in every way, were unable to borrow funds to finance their intended purchases. A number of these have signified their intentions of making bids upon the mineral tracts desired as soon as financial arrangements can be made.

"It can not be expected that outside operators will come into Oklahoma and purchase mineral tracts with the intentions of opening new mines when they would have to face the unsatisfactory conditions now existing. However, a number of prominent men now operating mines in Oklahoma express their opinions that there were favorable indications of improvement which might come within a reasonable time.

"I do not think there should be a further effort made to offer for sale the coal and asphalt deposits until such time as it would be justified by a decided improvement in the present existing condition."

Subsequently bids from purchasers to buy three separate tracts at the appraised value were accepted.

In view of the conditions which have since existed relative to the coal and asphalt mining industry in Oklahoma, it has not been deemed advisable nor to the best interests of the Choctaw and Chickasaw Nations to offer during the past few years the tracts of the segregated coal and asphalt deposits for sale at public auction.

On September 25, 1928, the Franklin County Coal Co. filed a formal application for a 1-year option on the coal and asphalt deposits underlying certain tracts for the purpose of prospecting for coal and for the right to purchase, within the option period, upon certain terms and conditions set forth in the application the coal and asphalt deposits underlying said particular tracts.

In view of certain legal questions involved, the matter was taken up with the Solicitor for the Department of the Interior. A copy of the solicitor's opinion of November 19, 1928, relative to the matter is inclosed for your information. In view thereof the department declined to grant the application of the Franklin County Coal Co.

In view of the solicitor's opinion, it has been suggested that it might be to the best interests of the Choctaw and Chickasaw Nations if certain legislation might be obtained providing for the sale of the remainder of the segregated coal and asphalt deposits belonging to the Choctaw and Chickasaw Nations and permitting the Secretary of the Interior, in his discretion and under certain circumstances, to offer the tracts at either public auction or private sale at not less than the reappraised value, and to further provide that under certain circumstances he might grant options to purchase and grant to the party to whom such option might be given the right to prospect for coal and asphalt on the tracts covered by the option.

A copy of a draft of a bill setting forth the suggested legislation is inclosed for your further information. It may be said in regard thereto, however, that although the governor of the Chickasaw Nation is inclined to favor legislation along the line of the inclosed draft, the principal chief of the Choctaw Nation is opposed thereto.

It appears from your letter that you favor offering, during the present calendar year, for sale, after extensive advertising, the remaining tribal property of the Five Civilized Tribes, and especially the segregated coal and asphalt deposits belonging to the Choctaw and Chickasaw Nations. In view of your letter, the matter of offering for sale at public auction at an early date said coal and asphalt deposits belonging to the Choctaw and Chickasaw Nations, and other tribal property of the Five Civilized Tribes, will be taken up with C. L. Ellis, district superintendent in charge of the Five Civilized Tribes Agency, and he will be requested to submit a full report in the matter, with his views and recommendations as to what action should be taken. Upon receipt

of his report the matter will be carefully considered and such action taken looking to the offering of the tribal property for sale at the earliest practicable date consistent with the best interest of the above-named Indian nations.

Very truly yours,

ROY O. WEST.

I have added a third section to the proposed bill and introduced it on January 29, 1929, H. R. 16696, which provides for the sale of the remainder of the coal and asphalt deposits of the Choctaw and Chickasaw Tribes.

Section 1 of the bill authorizes the reappraisement of these deposits and their sale at not less than the reappraised value, to the highest bidder, at public auction, or at private sale at not less than the reappraised value, and in the event there is no sale it permits, for the reasons stated in the Secretary's letter, after the deposits have been twice or more offered for sale at public auction, that the Secretary may grant options for terms of not to exceed six months to prospective purchasers to go upon the land and make tests and borings, in the hope that they may be induced to become interested in the purchase of the areas explored.

The second section makes plain that the Secretary of the Interior is authorized to further reappraise the tracts remaining unsold.

Section 3 authorizes the Secretary of the Interior, after any tract has been duly advertised and has been offered for sale at public sale three times and twice reappraised, and remaining unsold, to again readvertise and sell at public auction to the highest bidder regardless of the last reappraised value, any tract remaining unsold, reserving to the Secretary of the Interior the right to reject any and all bids and the sales are subject to his final approval. This section contemplates the ultimate sale of these deposits. Every effort is to be made to secure the best possible price. The tribes are protected against the deposits being sold at too low a price by the proviso which is added reserving the right to the Secretary of the Interior to reject any and all bids, and requiring his final approval before any sale is consummated. The bill is short, easily understood, and is as follows:

A bill providing for the sale of the remainder of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma, and for other purposes

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to reappraise and sell, at not less than the reappraised value, to the highest bidder at public auction and under such rules, regulations, terms, and conditions as the Secretary of the Interior may prescribe, the remainder of the coal and asphalt deposits, leased or unleased, in the segregated mineral lands in the Choctaw and Chickasaw Nations, Oklahoma, and belonging to said Indian nations: *Provided, however,* That where any tract of said coal and asphalt deposits has been or may be offered for sale at two or more public auctions after due advertisement and no sale thereof was made, the Secretary of the Interior may, in his discretion and under such rules and regulations and on such terms and conditions as he may prescribe, sell such tract at either public auction or by private sale at not less than the reappraised value: *Provided further,* That, in the cases of tracts of the coal and asphalt deposits that have been offered twice or more for sale at public auction and no sale made, the Secretary of the Interior may, in his discretion and under such rules, regulations, terms, and conditions as he may prescribe, grant options for terms of not to exceed six months to purchase such coal and asphalt deposits and renew and extend any such option for an additional term or terms of not to exceed six months, giving and granting the right to make such tests and borings as may be necessary to demonstrate the nature and extent of such mineral deposits.

SEC. 2. The Secretary of the Interior may, in cases where tracts remain unsold and the facts are found to justify, cause further reappraisement to be made of such tracts.

SEC. 3. The Secretary of the Interior may, in his discretion, and under such rules, regulations, terms, and conditions as he may prescribe, in cases where any such tract or tracts of coal and asphalt deposits, after due advertisement, have been three times offered at public sale, and have been twice reappraised and remain unsold, cause any such tract or tracts to be readvertised and sold at public sale to the highest bidder, regardless of the last reappraised value of any such tract or tracts: *Provided,* That the Secretary of the Interior shall have the right to reject any and all bids and all sales shall be subject to his approval.

Mr. GARBER. Mr. Chairman, will my colleague yield there?

Mr. HASTINGS. I shall be glad to.

Mr. GARBER. Of course, the gentleman recognizes that we esteem him as one of the most capable and efficient representatives of the Indians of Oklahoma. I want to inquire whether or not his bill provides for exploration of the land before the bidding. Would it not be beneficial and advisable to permit an exploration before?

Mr. HASTINGS. If I did not make it clear in my remarks, I will say to my colleague that this bill does provide for that. Section 1 provides that it shall be offered at public sale and sold at not less than the appraised value. It provides for the reappraisement of the deposits. Then it provides that the deposits may be sold at private sale at not less than the appraised value, and it then authorizes the Secretary of the Interior to give permits to prospective purchasers to go on the various tracts and make explorations and such tests as they may see fit, which may be advantageous or helpful to them in deciding upon the amount of their next bid on any tract.

Mr. GARBER. These coal lands and asphalt lands are of great prospective value, are they not?

Mr. HASTINGS. Yes.

Mr. GARBER. And in order to induce outside capital to come into the State and contribute toward the best price, would it not be advisable to permit of exploration before making a bid?

Mr. HASTINGS. The bill authorizes that to be done as provided in section 1.

Mr. HOWARD of Oklahoma. As a matter of fact, the rules and regulations of the Land Office and the Interior Department both permit of making these explorations.

Mr. HASTINGS. The Secretary refers to and incloses an opinion of the Assistant Attorney General of the department, which I have not inserted in the RECORD because of its length, holding that the department did not have that right under existing law, and for that reason asks for this additional authority.

Mr. HOWARD of Oklahoma. How many acres of that land remain unsold?

Mr. HASTINGS. The number of tracts sold and remaining to be sold will be found in the Secretary's reply. His letter states that there were 517 tracts and that of these 94 have been sold.

As stated in my letter to the Secretary of the Interior the first agreement made between the Choctaw and the Chickasaw Tribes and the United States, providing for the making of the rolls of these tribes, the allotment of their lands, and the winding up of their affairs, was made on April 23, 1897, almost 32 years ago. The rolls were completed and all of their lands allotted more than 20 years ago. Leases were made on a number of tracts covering these coal and asphalt deposits. Many of these leases have expired and all will expire within the next three years. A few years ago large royalties were received from them. The report of the Department of the Interior, under date of January 30, 1929, shows that there was received and placed to the credit of the Choctaw and Chickasaw Tribes, as royalty from coal and asphalt deposits for the fiscal year ending June 30, 1928, $88,843.81, while the tribal expenses for the same period aggregated $97,728.26.

This clearly shows that the royalties are falling off and are not sufficient to pay the current tribal expenses.

Three solutions have been proposed for the disposition of these coal and asphalt deposits:

First. That they be sold to the Government of the United States at their appraised value. A bill to this effect has been introduced in the House but was adversely reported upon by the Department of the Interior, and everyone familiar with the situation knows that there is no hope of inducing the Government to buy these deposits inasmuch as within the last few years coal has been developed under large areas of land in the Western States, some of which are public lands still owned by the Government.

Second. It has been suggested that these deposits be sold to the State of Oklahoma. No proposition has been made on behalf of the State to buy them and none is expected to be made. The bill which I have introduced would permit either the Government of the United States or the State of Oklahoma to purchase any or all tracts covering these deposits.

The third and the only sure and practical way to dispose of these deposits is to sell them to the highest bidder after due advertisement and after every effort is made to get the very best possible price for the tribes. These deposits have been offered for sale some two or three times. Only a few tracts have been sold. Within the last few years oil and gas have been discovered under large areas throughout the South and West which come in competition with coal.

Since the final rolls were made it is estimated that more than one-third of the original allottees have died. The question of the determination of their heirs is becoming more complicated each year. The members of these tribes are entitled to have these coal and asphalt deposits sold to the very best advantage and they are entitled to have the proceeds thereof distributed among the enrolled members of the tribes.

In my judgment these deposits are not worth any more than the price for which they can be sold. Of course, I am anxious

to get the greatest price possible, but surely everyone must appreciate that after these deposits have been offered three times at public sale and twice reappraised, and also offered at private sale, after prospective purchasers have been given the privilege of going upon the land and making tests, that every effort possible has been made to secure for these tribes the value of these deposits. If the members of these tribes had this money distributed among them per capita, it could be utilized to a splendid advantage in the improvement of their other lands, and in that way make them more valuable and productive. If a private estate had been delayed for 32 years in being wound up, the heirs would be entitled to complain against such an unreasonable delay. The members of these tribes are entitled to complain against the delays of Congress and the delays of the Department of the Interior in not taking the responsibility of selling these deposits after every effort has been made to secure for them all that they will bring after every precaution has been taken.

The interests of the members of these two tribes should, of course, be first considered and protected. The cities and towns contiguous to these deposits are vitally interested in their development. It would mean a larger population and more employment.

The counties in which these deposits are found and, in fact, the whole State are interested in having these deposits sold and developed, not only because the population of those sections would be increased but these properties would then be placed upon the tax duplicates and would aid in paying the local, county, and State expenses. Whether looked at from the standpoint of the members of the tribes or the citizenship of the community or from a State standpoint, every effort should be made to dispose of these coal and asphalt deposits.

At best it will require a few years—three to five—to dispose of them. In the meantime suits are being brought under the 1924 jurisdictional act in behalf of these tribes on all claims which they may have against the Government of the United States, and they should be determined within the time the coal and asphalt deposits are disposed of. When determined, and provided these coal and asphalt deposits are sold, the affairs of these two tribes should be completely wound up.

The responsibility is ours to prudently, cautiously, yet steadily, press these matters to their final solution. No one has offered any other solution; in fact, no one presses any solution. I have introduced this bill in the earnest hope that it may be enacted at an early day, believing that it will solve the question and will enable the department to dispose of these deposits, distribute the proceeds among the members of the tribes entitled to them, attract a larger population to the areas covered by these tracts, afford more employment to labor, place these coal and asphalt deposits upon the tax duplicates, and add to the general happiness and prosperity not only of the members of the tribes but the entire citizenship in the several counties in which these deposits are found and of the whole State. [Applause.]

Mr. AYRES. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Texas is recognized for 20 minutes.

Mr. BLANTON. Mr. Chairman and gentlemen, when the proposal first came before us for Congress to delegate its power and authority to the Post Office Department and the Treasury Department to determine and say where new post-office buildings should be located in the United States, I was against it, because I did not believe that we could depend upon getting a distribution of same that would be fair to all sections entitled to buildings. And I did not believe that it would be wise for Congress thus to delegate its inherent power and authority.

For a number of years the Government has owned a desirable building site, both in Coleman and Sweetwater, Tex., both of which places are entitled to buildings. The post office at Sweetwater, Tex., last year paid a clear profit of over $30,000 to the Government above all expenses. As the patriotic and deserving citizens of these two cities had made sacrifices in helping the Government to obtain sites, I felt that they should be cared for first, and their two buildings together would cost only a small part of the appropriation demanded by a big city.

Prior to the time he moved to suspend the rules and pass S. 4663 authorizing an appropriation of $275,000,000 for public buildings the chairman of the committee [Mr. ELLIOTT] called me off in the Speaker's lobby and informed me that my opposition was unfounded, as my district was going to be taken care of, and that he was assured both by Mr. Wetmore, of the Treasury Department, and Governor Bartlett, of the Post Office Department, that provision would be made for my two cities. I told him that if they would be cared for I would gladly support the building program. He assured me that I could rely upon it.

I went to my good friend and colleague, Mr. LANHAM, who was the ranking Democrat on said committee, and he also verified the assurance that Mr. Wetmore and Governor Bartlett would provide my two buildings. And I then supported and helped to pass the program.

In moving to suspend the rules and pass S. 4663, Chairman ELLIOTT had only 20 minutes for debate, and though there are 21 members on his committee, he yielded to me, and from my remarks in the RECORD of February 7, 1927, I quote:

Mr. ELLIOTT. Mr. Speaker, I yield one minute to the gentleman from Texas [Mr. BLANTON].

The SPEAKER. The gentleman from Texas is recognized for one minute.

Mr. BLANTON. Mr. Speaker, all of us have sense enough to know that this bill is going to pass and the money is going to be spent. One who does not believe is not posted. And inasmuch as my constituents are taxed with the other people of the United States to raise this money for post-office buildings, I want some of such buildings to be built in my district. And since this huge sum of money is to be spent, I want a proper proportion of it spent in my district.

* * * * * * *

The money will be spent. And I have been assured both by Governor Bartlett and Chief Architect Wetmore that if they can be allowed this additional money provided for in this bill, cities in my district that for years have been entitled to buildings, and some of which have had sites for years, would come within their program, and I feel that I have no right to vote in a way that would deprive my district of getting its proportion of the buildings to be constructed. If there were a substitute proposition here for us to designate the places where buildings are to be built, I would vote for it. But there is but one proposition before us under this motion to suspend the rules, and that is the bill before us, just as it is written, which must be voted up or down.

Self-preservation is the first law of nature. There has been a program arranged and agreed upon by the two departments and our committee whereby post offices of certain classes are going to be taken care of and given buildings. I am assured that certain cities in my district are going to come within that program and I am going to get what is coming to my district. Therefore I am going to vote for the bill. [Applause.]

I did not see either Mr. Wetmore or Governor Bartlett at that time, as Senator SHEPPARD and I had already had conferences with them about these buildings, and when I was assured by Chairman ELLIOTT and the ranking minority Member, Mr. LANHAM, that Mr. Wetmore and Governor Bartlett had assured them I would be cared for I accepted their statement, and deemed it an assurance from the departments. And said bill, S. 4663, was passed under suspension by the vote of 294 to 83.

Then the matter of authorizing the $250,000,000 in addition to the $25,000,000 provided for in section 3, came before the House again on December 17, 1927, when Chairman ELLIOTT moved to suspend the rules and pass H. R. 278, and from the debate that ensued I quote from the RECORD the following:

Mr. ELLIOTT. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. BLANTON. Will the gentleman yield?

Mr. LANHAM. Yes.

Mr. BLANTON. When this legislation was up last year there were assurances made by Mr. Wetmore, of the Treasury Department, Governor Bartlett, in the Post Office Department, by the chairman of the committee [Mr. ELLIOTT], and the distinguished gentleman, as ranking minority member [Mr. LANHAM], to certain Congressmen with respect to a certain building program. May we rely on those assurances concerning this bill?

Mr. LANHAM. I will say to my colleague that any assurance I am able to give I hope any man can rely upon at any time. Under the existing policy of the law I have to rely, like everyone else, upon those who are in charge of the construction.

Mr. BLANTON. Some of us are relying on those selfsame promises. The assurance I have had from the four authorities mentioned that buildings would be constructed at Sweetwater and Coleman, Tex., on sites there which the Government has owned for years causes me to support this bill.

And during Mr. LANHAM's remarks, he was interrupted by one of our other colleagues from Texas, as follows:

Mr. HUDSPETH. Will the gentleman yield?

Mr. LANHAM. Yes.

Mr. HUDSPETH. Relative to promises, my colleague is on the Public Buildings Committee, and he has watched the procedure. Have they not proceeded so far in pretty much of a businesslike manner? I did

not get in under the wire myself, I will state to my colleague; but have they not proceeded in a businesslike way?

Mr. LANHAM. I think they have.

During the discussion of this measure, with only 20 minutes to the side, my distinguished colleague, Mr. HUDSPETH, who ably represents the El Paso-San Angelo district, spoke for the bill, and I quote the following colloquy between him and the gentleman from Mississippi [Mr. BUSBY], another ranking member on the committee, showing that in this debate it was recognized that my support of the measure was based upon assurances relied upon by me that provision would be made for my district:

Mr. HUDSPETH. * * * I want to say to my friend, the gentleman from Mississippi [Mr. BUSBY], who is opposing this measure, that I tried through the old method—the one he advocates now—when I first came here and while this district was developing, to get some public buildings established. Some of the older Members advised me as follows: "Claude, introduce bills designating your places." Well, I introduced a bill to establish one, I think, in almost every county or town in my district having a population of over 2,000. I do not know of anybody who surpassed my speed limit in that respect except my colleague the gentleman from Texas, Judge BLANTON. He had one almost proposed in every precinct in his district, as I showed you here one day. [Laughter.] Of course, I am speaking somewhat facetiously as to Judge BLANTON'S bills, but he introduced quite a flock. I think he opposed this bill the last time while I voted for it. He has got a building at Sweetwater. Well, I am glad of it. I trust every colleague of mine who needs a building will get one—especially the Texas delegation. Some say the way to get you a building designated is to fight this bill. Well, I do not believe this, as I said to my colleague and friend FRITZ LANHAM to-day, and he agreed with me. The Building Committee—Mr. Schuneman, Governor Bartlett, Mr. Martin, and the architect Mr. Wetmore—I believe are trying to handle this matter in a business way and use business methods—they have a big problem, but I believe they will work it out fairly and squarely. They impress me as being fair men.

Mr. BUSBY. If the gentleman will permit, I want to correct him. The gentleman [Mr. BLANTON] did not oppose the bill. He simply opposed the proposition until he had promises for two places.

And that bill was passed under suspension of rules by the vote of 275 to 27.

I believe that Assistant Secretary Schuneman and Mr. Wetmore, of the Treasury Department, and Governor Bartlett, of the Post Office Department, will see to it that buildings are constructed in Sweetwater and Coleman. Both of these places deserve them. Both come within the requirements. It would be business economy to the Government to own its own buildings at these places. And I have faith in these departments giving these cities a square deal.

I would not have brought the matter up here had it not been for the fact that I am soon to retire from Congress. Were I to remain here, these departments would not be allowed to overlook the matter. But after I leave there might otherwise be a tendency to forget. So I am bringing the matter to their attention, and I am also letting the people of these two cities know the situation. They must not become impatient. And they should not bother other Congressmen who have their own problems. Only within the past fortnight the Board of City Development of Sweetwater sent telegrams and a personal representative to my colleague, Mr. HUDSPETH, asking that he help them get their building. They did not realize that Mr. HUDSPETH is exhausting every possible means known to the ingenuity of man to get a building for Colorado and other deserving cities in his own district, and that during his 10 years of able, energetic, and efficient service here not one single post-office building has yet been constructed in his own district. And while he would gladly do anything within his power to help my district, and I would gladly do anything within my power to help his district, each of us is leaving no stone unturned in our efforts to get needed buildings for our district.

The deserving cities of Breckenridge, Ranger, Eastland, and Cisco in my district, are all entitled to buildings, and their enterprising citizens are going to take steps in the near future to help the Government acquire suitable sites, as they know this is a crucial and important step toward getting buildings.

Mr. Chairman and members of the committee, my service in the House is soon to end. For 12 years I have given the very best that was in me, without stint, to the people of the country; not merely to the people of my district, but to the people of the United States whenever they called on me. I have done everything within my power to be of some service to the Nation. I do not believe in violating the Sabbath, but I have had to work some every Sabbath day since I have been in Congress for 12 years to keep up with the business of my office and with the demands made upon me. I have worked every holiday. I have never turned down the call of the ex-service man, and they have called on me, I think, from every State in the Union. I have one rule in my office that must not be disobeyed, and that is when an ex-service man calls on me for help, he gets it. I do not ask him where he lives, or ask him why he does not call on his own Congressman or Senator. I help him.

I am sorry to leave Congress, and am sorry to leave the association of the splendid colleagues I have had for 12 years. I am sorry to see my distinguished colleague from Oklahoma [Mr. HOWARD] leave. He has been earnest and diligent. I am sorry to see my friend from Florida [Mr. SEARS] leave. He has been here rendering valuable service for 14 years.

It always will be a pleasant recollection to me that while I aspired to the Senate and was defeated, I helped to elect the able man who did succeed. There could not have been a chance for my election after the Houston convention. I knew it. The Houston convention spoke my death knell in my campaign, because all of my part of the country in the western half of Texas was against what was done at the Houston convention, and loyalty to my party forced me to support the nominee. But with my good friend and colleague in the House, TOM CONNALLY, and myself in the same race, we went through a heated campaign, lasting for several months, he on the stump speaking three or four times a day, and I on the stump speaking as many days, as many times, as he did, we went through that campaign as friends and there was not an unkind word said by me about him, nor by him about me, and when I was eliminated I had the pleasure of helping him to attain his ambition to go to the Senate. [Applause.] And he and I are still good friends, and he will have my hearty support in every endeavor he makes on the other side of the Capitol. [Applause.]

I want to thank all of you, my colleagues, for your patience in bearing with me. I have had to oppose many bills in which you were interested. I have blocked many of them. You could not understand it. You thought, may be, there was something personal in it. There was not. It was a report that I had had from some department to the effect that some bill ought not to pass. I gave every bill that I attempted to block careful consideration, and I had a report from some department against it when I took a stand against it. Possibly that helped to cause some of you to misunderstand me, but I did what I thought was my duty. I thank all of you at this time, and I wish all of you well. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. AYRES. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. BLACK].

The CHAIRMAN. The gentleman from New York is recognized for 20 minutes.

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, I do not suppose there is any Member of the House who holds more divergent views from the gentleman from Texas than myself, but I want to say that, although he has been a strong fighter and at times an exuberant fighter, to my mind he has always been a fair fighter. [Applause.] I particularly want to thank him for a little favor he did me in my first term here. It was on this bill. I was fighting for an amendment. The amendment had evidently been carried, but not being acquainted with the parliamentary procedure, it was necessary for me to make another motion that I neglected to make. The Chair, in a whispered ruling, offset the effect of the vote, but the gentleman from Texas came to my rescue. He made the proper motion and saved the day for the amendment. I did not know him then as well as I know him now, and he did not know me, but I do not suppose that made any difference to him. I want to reiterate that I have never in a legislative hall met a man more fearless and more fair in debate in the advocacy of his own principles.

Mr. Chairman and gentlemen of the committee, I want to read an excerpt from an article entitled "America and England," written by Mr. J. Ramsay MacDonald, in the Nation of January 30, 1929. He says, among other things:

It would be highly improper for me to pass any opinion on the new American cruiser program; if I did so, it would quite properly be resented. But I may be allowed, as an outsider who is greatly concerned with the moral authority which every great state must possess if we are to secure the conditions of a world's peace, to say that the execution of that program will be a great blow to the Nation from which the Kellogg pact originated.

It is edifying when America discusses increases in the Navy to have British statesmen preach disarmament for America. Their piety on these occasions outrages common decency. The apex in international hypocrisy has been reached by Mr.

Ramsay MacDonald. Why? Because it was this smug gentleman who completely unbalanced the formula of the Washington treaties.

It is no use dissembling the situation. We are building cruisers because Great Britain built cruisers. It was during the government of MacDonald that Great Britain started on its cruiser program that threatened our world position. Against the desire of his own Labor Party he added five cruisers to the British Navy, and it was this violation of the spirit, if not of the letter, of the Washington treaties that made Britain the pacemaker in the naval race. The responsibility for the British back-breaking naval race can be laid fairly at the door of our latest mentor, Mr. Ramsay MacDonald.

I do not doubt that he is for peace, providing that is a peace coupled with British superiority on the seven seas. The statement from the laborite marks a departure in British tactics. Formerly the war lords of the Admiralty used to censure our proposed naval construction; now the Admiralty has used pacifistic weal instead of the bulldog growl to halt our progress.

The morality of MacDonald is typical of the British. Away off in the recesses of the Einstein world there still reverberate the agonized cries, and there still flash the reflection of the innocent blood of victims in all parts of this universe of the British lust for supremacy. If history has a lesson, it is: Beware Great Britain preaching sermons.

In 1922 we, the leading Nation of the world, had the leading navy in the world. That was our right, and that was the fact. But such a navy was immediately burdensome on the American people, though it might be ultimately beneficial. That navy we reduced, and conceded a parity, contrary to precedent, to a country that was unequal economically to reach our high naval estate.

An analysis of the treaty reveals that even in the treaty navies we worked out an inferiority for this Nation. The British delegates saved the mighty *Nelson* and *Rodney* from the havoc of the treaty. This capital-ship advantage was not sufficient for the British Admiralty, and so Mr. MacDonald obliged the Admiralty with cruiser construction as he obliges them to-day with sanctimonious advice directed overseas. It is like a defendant advising the judge to go straight.

Our delegates exchanged our naval lead for the disruption of the British-Japanese alliance. That was no consideration. In addition, we agreed not to fortify the Pacific. The British and Japanese did openly abrogate the treaty. But a combination of British duplicity, oriental cunning, and the wireless can restore it. All that the dangerous treaty needs to give it life is a sharp spark of the radio from London to Tokyo.

The British are not as stupid as they look, and the Japanese are as wise as they look.

I do not agree with the too prevalent notion that Shaw has 95 per cent of the British brains. They are a poker-faced tribe. They sent some of their shrewdest card players to the Washington conference. We trusted them and swapped good steel chips for unredeemable I. U. S.'s. I fully believe that when I arrive at the underworld of the hereafter all the Plutonian imps will wear monocles and call it 'ell. They will rule the sulphur seas, too.

In view of the secret Franco-British proposals that Mr. Hearst exposed, it might be well to investigate the British-Japanese treaty to see whether it is dead or shamming. It is a strange circumstance that while the Japanese protested against our fortifying the Pacific, they have not against the proposed great naval construction of the British at Singapore. Moreover, it is well to understand that as the island empire of Britain built cruisers to protect itself, the island empire of Japan paralleled with the protection afforded by new fleet submarines. If the treaty were in existence Japanese submarines and British cruisers would go far toward filling out a joint fleet. Nor have the Japanese protested against the naval activities of Australia. At Geneva the Japanese threw the weight of their influence with the British.

Here is a book entitled "National Policy and Naval Strength," by Vice Admiral Richmond, of the British Navy. Speaking of events just prior to the war he points out that the Kaiser probably thought:

> He had disarmed Britain's Navy by the agreements arrived at concerning sea war.

I wonder if we, too, are too trustful of Great Britain's agreement on the Japanese alliance? I wonder if we, too, have too much faith in foreign diplomacy? I wonder if we, too, like Wilhelm the Second, are being misled by open statements?

The British are attacking our cruiser bill with the multilateral pact which renounces war as an instrument of national policy. The British war on a cooperative basis. They always have allies, and war is not renounced as an instrument of international policy. If the pact calls upon us to defeat the cruiser bill, surely it calls upon the British to borrow our scrapping machinery and to reduce their navy to the point where we are not second to it.

There is some concern about the time limit in the cruiser bill. In the clever hands of the chairman of this subcommittee the time limit will defer to the Budget. We have not appropriated for ships authorized 12 years ago; they are paper ships, if paper can last that long.

There is one solution in the naval situation; that is, build till they stop.

I suggest to Mr. Ramsay MacDonald that he look upon his own constituent, view the sleek admirals and sleeker statesmen, and, if he has time, the starving miners. Ask himself, then, if the nation that tolerates such inequalities is high-minded, and if his logic does not fail him, he will advise that the money available for the Admiralty be diverted to the salvation of his labor following. In the long run the United States will be happier if it takes its advice from the intelligent, rugged realist from Missouri, instead of from the apparent idealist, but actually selfish realist, Mr. MacDonald. [Applause.]

Mr. BLACK of New York. Mr. Chairman, I yield back the remainder of my time.

Mr. FRENCH. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Chairman, I desire to address the House for a few minutes on a matter that has been pending before this body for some time and a matter that I consider highly important from the standpoint of the employees in the Government service, as well as to the Government itself. The matter I refer to is that of a bill pending, known as S. 1727, to amend the retirement act.

This bill has been on the calendar of the House for almost two sessions. It passed the Senate and was referred to our committee last session. The Civil Service Committee of the House reported it to the House unanimously on May 10, 1928. (Committee of the Whole House, Union Calendar, No. 495, Rept. No. 1580.)

A resolution was presented to the Rules Committee asking for a rule under which this bill might be considered and the Rules Committee voted the rule requested May 23, 1928. (House Calendar No. 478, Rept. No. 1827; Resolution No. 222.) That rule is still pending. The chairman of the Rules Committee has reported this resolution to the House, it is on the House Calendar, Resolution No. 222, and just why he does not call up the rule is a perplexing question to many Members of Congress, as well as to the inquiring public.

There is absolutely no question as to the merits of this proposed measure, and I can hardly believe that this body would allow the very small extra cost to the fund which is involved—less than one-half of 1 per cent—to interfere with a measure involving the welfare of so many thousands of people, especially when it is remembered that the fund available for the payment of annuities amounted to more than $103,000,000 last July and is constantly on the increase.

In order to give you some idea, Mr. Chairman, of the inaccuracies of some of the figures that have been submitted in regard to this particular legislation, I wish to call attention to the estimates of the fund and its future status that were submitted by the actuaries back in 1919 when the original bill, then in charge of Senator Sterling in the Senate and of Congressman LEHLBACH in the House, was under consideration. These figures set forth the estimated balance, year by year. There is also given the actual balance after the law was in operation. Up to July 3, 1926, when the last amendment to the retirement law was enacted by Congress, it was estimated in 1919 that there would be $12,757,500 in the fund; the actual amount on hand was $54,629,004.93. In 1927, while the estimated amount was $15,307,000, the actual fund on hand proved to be $68,336,760.95. And on July 1, 1928, although the estimate was $14,058,000, the actual amount on hand was $83,078,430, not including the Government appropriation of $19,950,000. These figures certainly prove that the actuaries' estimates were largely a matter of supposition on their part.

It is very evident, Mr. Chairman, that the amazing growth of this fund is astounding both to the actuaries and Members of Congress. The estimated cost by the actuaries has been so far in excess of the actual amount that the result is almost ridiculous. The contributions of 3½ per cent of the employees' salaries alone amount to more than $28,000,000 annually, and together with the Government's contribution of something like $20,000,000 there is an aggregate sum of almost $50,000,000 a year. The total expenditures during the past fiscal year amounted to less than $15,000,000.

While the House Civil Service Committee was holding hearings on the pending retirement legislation on January 14, 1926,

one of the witnesses appearing at that time was Dr. A. H. Thompson, of the Pension Office, who was directly under the Commissioner of Pensions and had much to do with the adjudication of pension and retirement claims. To prove how this fund would grow from July 1, 1928, to July 1, 1941, he prepared a tabulated statement which I submit herewith for your attention. He estimates that by 1941 there would be a total contribution by the employees of nearly $175,000,000, including interest, over and above all expenditures. This amount, plus the Government's annual contribution of $19,950,000, would make an aggregate sum, including interest, of $537,332,944. In this connection it must be borne in mind that when these estimates were submitted it was anticipated that all expenditures would be paid out of the fund contributed by the employees.

Now, in order to show how these estimates would work out year by year, I am submitting Doctor Thompson's complete tabulation for the information of the Members of the House. There is also a table taken from the report of the Secretary of the Interior on the operation of the retirement law, showing the amount of employees' contribution each year, with interest, the amount which was begun to be appropriated in the last session of Congress with the interest thereon, the total expenditures, including annuities and refunds annually, and the balance on hand at the end of each fiscal year to July 1, 1928. There are some 405,000 employees in the Government service who come within the purview of the retirement law and the amount of their annual contribution into the retirement fund is more than $28,000,000, representing 3½ per cent of their salaries.

There are many retirement laws in this country of ours that are much more liberal than is proposed in this pending legislation; yet I shall not attempt to discuss the many systems in operation and their individual merits, but will briefly call attention to the retirement law in my own State, Massachusetts, which provides for voluntary retirement at age of 60 after 15 or more years of service; or, after 35 years of continuous service regardless of age. The annuity is one-half the retirant's final compensation. This law has been in operation for many years and in comparison with our present retirement law and even the proposed amendment, is much more liberal.

I understand from statements that have been given out regarding this legislation that the average annuity is something over $700 under our present law. Under the amendment which is now pending—and which I trust will soon become a law—the average would be raised to something like $800.

It has long been recognized by many of our most successful business enterprises that retirement of superannuated employees is a sound business proposition and numbers of these concerns pay the entire cost of annuity. If it is a good, conservative business proposition for large industries and other private enterprises of this country, then, aside, Mr. Chairman, from the humanitarian aspect of the question, would it not be, logically, a saving business proposition for our Government to treat its employees as well as or better than these business concerns? My own viewpoint would be that we should set an example in this matter as well as in all other matters pertaining to the welfare of the people.

Now, Mr. Chairman, surely this great Government of ours can not afford to allow a measure so important as this to be held up or postponed any longer. Think of the thousands upon thousands of employees who have given their lives' work to the Government and who have been retired under the provisions of the act of May 22, 1920, on annuities so inadequate that they barely provide existence! In fact, many of the annuities are so small that it is impossible to live on them. Outside assistance must be given.

I consider it my duty—and I feel sure that a majority of Members of Congress are in agreement with me—to insist that this matter be taken up and adjusted so that our Government may give evidence of its willingness to show a proper disposition toward the well-being of its employees.

With reference to the estimated small additional cost by reason of this pending bill, at the present time, owing to the enormous size of the fund in hand and its constant growth—as previously stated—it is not necessary for Congress to make any further appropriation nor will it be, from all indications, for years to come. It was eight years after the original law was enacted—May, 1920—before Congress began to appropriate for the fund, although, as a matter of fact, an appropriation sufficient to take care of the accrued liabilities ought to have been made at the beginning in order that interest might have been accumulating thereon; and while I will not say that it will be eight years hence before this matter is properly worked out, I do know that just now no further appropriation is necessary. In future years, if it is proved that additional cost warrants further appropriation, the matter can be taken care of at that time.

Mr. Chairman, may I ask this question of my colleagues: Is there any legislation pending before this body that is more urgent than this retirement bill? Is there any other measure that covers the material needs of such a large number of people and at the same time offers the Government so logical a business proposition? I feel sure that all of our Members are familiar with the intent of this proposed amendment and its remedial measures, and I urge the Republican leader and members of the steering committee of this body to request the chairman of the Committee on Rules to bring the measure before the House at once, that its Members may have the opportunity to discuss its merits and vote upon the bill. To refuse to do so is a defiance of the fundamental principles of representative government.

The tables referred to are as follows:

I. *Estimate and actual experience of retirement law*

[From Report No. 99 by Senator Sterling July 23, 1919. From Reports of Secretary of Interior]

Act of May 22, 1920, estimated in 1919	Estimated balance	Actual balance
July 1, 1921	$4,356,500.00	$9,672,842.03
July 1, 1922	7,828,500.00	18,134,263.91
July 1, 1923	10,416,000.00	25,510,288.97
July 1, 1924	12,119,000.00	33,536,193.19
July 1, 1925	12,937,500.00	44,665,778.56
July 1, 1926, 3½ per cent	12,757,500.00	54,629,004.93
July 1, 1927	15,307,000.00	68,336,760.95
July 1, 1928	14,058,000.00	83,078,430.00

Without contributions from the Government: Estimated surplus July 1, 1930, at 2½ per cent, $6,192,500.

II. *Estimate by Dr. A. H. Thompson*

July 1—	Contributions by employees	Government	Interest	Annuity and refunds	Balances
1929	$25,932,000	$19,950,000	$4,042,670	$17,996,000	$132,994,670
1930	26,148,000	19,950,000	5,319,786	19,598,250	164,814,206
1931	26,364,000	19,950,000	6,592,568	21,096,750	196,624,024
1932	26,364,000	19,950,000	7,864,984	22,498,500	228,305,108
1933	26,796,000	19,950,000	9,132,104	23,811,000	260,373,312
1934	27,012,000	19,950,000	10,414,892	25,039,500	292,710,704
1935	27,288,000	19,950,000	11,708,428	26,190,750	325,406,382
1936	27,440,000	19,950,000	13,016,255	27,279,000	358,542,637
1937	29,965,000	19,950,000	14,341,705	29,879,200	392,920,142
1938	30,199,000	19,950,000	15,716,805	30,884,000	427,901,947
1939	30,433,000	19,950,000	17,116,077	31,826,400	463,574,624
1940	30,667,000	19,950,000	18,542,984	32,711,200	500,023,408
1941	30,901,000	19,950,000	20,000,936	33,542,400	537,332,944

III. *Operations of civil service retirement law*

RETIREMENT AND DISABILITY FUND

The following table is extracted from the report of the Hon. Hubert Work, Secretary of the Interior, on the operation of retirement law, beginning with the first annual report of June 30, 1921, down to and including the last annual report of June 30, 1928. The items specified in this table show the amount of contribution of the employees each year with interest, the amount of annuities paid out with refunds, and the balance on hand at the end of each fiscal year:

Total receipts for fiscal year ending June 30, 1921, including contributions with interest	$12,586,389.37
Total disbursements	2,913,547.34
Balance in fund June 30, 1921	9,672,842.03
Balance in fund July 1, 1921	9,672,842.03
Total receipts for fiscal year ending June 30, 1922, including contributions with interest	14,853,748.99
Total disbursements	6,392,327.11
Balance in fund June 30, 1922	18,134,263.91
Balance in fund July 1, 1922	18,134,263.91
Total receipts for fiscal year ending June 30, 1923, including contributions with interest	15,155,609.28
Total disbursements	7,779,584.22
Balance in fund June 30, 1923	25,510,288.97
Balance in fund July 1, 1923	25,510,288.97
Total receipts for fiscal year ending June 30, 1924, including contributions with interest	16,632,485.93
Total disbursements	8,556,581.71
Balance in fund June 30, 1924	33,586,193.19
Balance in fund July 1, 1924	33,586,193.19
Total receipts for fiscal year ending June 30, 1925, including contributions with interest	20,028,867.69
Total disbursements	8,949,282.32
Balance in fund June 30, 1925	44,665,778.56
Balance in fund July 1, 1925	44,665,778.56
Total receipts for fiscal year ending June 30, 1926, including contributions with interest	20,173,691.86
Total disbursements	10,210,465.49
Balance in fund June 30, 1926	54,629,004.93
Balance in fund July 1, 1926	54,629,004.93
Total receipts for fiscal year ending June 30, 1927, including contributions with interest	27,168,463.84
Total disbursements	13,460,707.82
Balance in fund June 30, 1927	68,336,760.95

Disbursements on account of annuities and refunds for fiscal year ending July 1, 1928	$14,761,614.75
Contribution by employees (3½ per cent of salary)	28,500,000.00
Total in fund July 1, 1928	83,078,430.00
Appropriated by Government	19,950,000.00
Total amount in retirement and disability fund July 1, 1928	103,028,430.00

Number died during the past fiscal year, 1,271.

Number of employees on retirement roll July 1, 1928, 15,383.

Number of deaths since the law became effective, more than 7,000.

There are 405,000 employees of the Government service who come within the purview of the retirement law and they pay into the retirement fund 3½ per cent of their salary, which amounts to more than $28,000,000 annually.

Mr. GIBSON. Will the gentleman yield?

Mr. DALLINGER. Gladly.

Mr. GIBSON. The gentleman has stated the parliamentary situation with respect to this bill. How can it be called up for action?

Mr. DALLINGER. The chairman of the Committee on Rules can demand recognition from the Speaker at any time. The rule is on the House Calendar and it is Resolution No. 222.

Mr. GIBSON. Can anyone call it up except the chairman?

Mr. DALLINGER. No one except the chairman of the Committee on Rules.

Mr. GIBSON. The gentleman has stated that there is an accumulation of $83,000,000 in this fund.

Mr. DALLINGER. It was over $100,000,000 last July.

Mr. GIBSON. Where does the $83,000,000 come from?

Mr. DALLINGER. The entire fund except the $19,000,000 that was in the appropriation bill last year comes from the employees.

Mr. GIBSON. Entirely?

Mr. DALLINGER. Yes. As I understand it, when this matter was first proposed it was supposed to be a 50-50 proposition but as it stands to-day the Government is only standing 0.48 of 1 per cent of the cost and the employees are standing 3½ per cent.

Mr. GIBSON. The gentleman has stated there is some cost resting on the Government. Is there any offset against that in the way of a saving?

Mr. DALLINGER. It was estimated by the Bureau of Efficiency that the saving to the Government would be 6 per cent.

Mr. GIBSON. What is the ultimate cost to the Government on the percentage basis? It is something like 3.70 per cent, is it not?

Mr. DALLINGER. I think so.

Mr. GIBSON. And on that basis there will be an actual saving to the Government?

Mr. DALLINGER. Absolutely.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. DALLINGER. Yes.

Mr. LAGUARDIA. While in theory it would seem that only the chairman of the Committee on Rules could call this bill up for consideration, and it is generally conceded that if it is called up it will pass in five minutes——

Mr. DALLINGER. Absolutely.

Mr. LAGUARDIA. As a practical matter, if 40 Members will join with us, by invoking the rules of the House we can soon tie up all action in the House until this bill comes on the floor of the House.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. AYRES. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman, the gentleman from Massachusetts [Mr. DALLINGER] has raised a very interesting question in his criticism of the leadership of the Republican Party in this House in failing to bring this very important retirement bill before the House for its consideration under the rule which was passed through the Rules Committee a good many months ago, and which is now on the Calendar of the House. I voted for the rule and favor the bill.

The gentleman from Massachusetts very correctly stated that if the chairman of the Rules Committee would see fit to do so, at any time, under the privileged status occupied by the rule, he could call it up in this House for consideration.

My friend from Massachusetts a few moments ago seemed to be seeking some real reasons why the chairman of his party's Rules Committee and the steering committee of the Republican Party in this House and those who are responsible for legislation under our system of government had failed to measure up to their pressing duty to bring this matter before the House for consideration. I think I can state to the gentleman from Massachusetts the reason the chairman of the Rules Committee has so far failed to act, although great pressure has been brought to bear against him.

I think if the gentleman from Massachusetts [Mr. DALLINGER], who is so deeply interested in this question, would go to the other end of the Avenue and consult with one of his fellow citizens from the State of Massachusetts by the name of Mr. Calvin Coolidge and could persuade that distinguished gentleman to give his consent to the consideration of the proposed bill that the gentleman from New York [Mr. SNELL], the chairman of the Rules Committee, by the acquiescence of the gentleman from New Jersey [Mr. LEHLBACH], the chairman of the House committee, would get immediate action upon this proposition.

Reliable information has been published in the papers—and that is the only source of my information—that the real reason this legislation in which some 400,000 American employees are interested, together with their families, has not been taken up so far at this session of Congress is because the President of the United States has not as yet been convinced of the wisdom of that act; and I commend to my friend from Massachusetts this source for gratification of his curiosity as to why this bill is being delayed in the House of Representatives, and I urge him, if he is really anxious to find a solution of his problem and an answer to his question, that he make an appointment with the President of the United States.

Mr. DALLINGER. Will the gentleman yield for a question?

Mr. BANKHEAD. Yes.

Mr. DALLINGER. I would like to ask the gentleman from Alabama if he believes everything he reads in the papers?

Mr. BANKHEAD. I do not believe everything I read in the papers; but I will ask the gentleman from Massachusetts, in turn, this question: Has the gentleman ever consulted with his fellow citizen from Massachusetts about this bill?

Mr. DALLINGER. Mr. Chairman, I do not consider it is any business of mine to do that. It is the business of the House of Representatives, not the President, to determine what it shall pass and what it shall not pass. After a bill is passed by the Congress, then it is the duty of the President to take the part that is given him by the Constitution—and not until then.

Mr. BANKHEAD. I will ask the gentleman from Massachusetts if he is in a position to assert that the report published in the newspapers that the President is not satisfied with this bill and has so far been unwilling to give his consent to bringing it up is without justification?

Mr. DALLINGER. I do not know anything about it, Mr. Chairman, and I do not think it is incumbent upon the House of Representatives——

Mr. BANKHEAD. That being true——

Mr. DALLINGER. We are elected by the people to legislate.

Mr. BANKHEAD. And the Members, in their capacity as legislators, according to the information which I have been given, are being blocked at the request of the President of the United States, who is the head of the Republican Party; and he is the man who is responsible for the failure of the Republican leaders in this House to call up this bill for consideration. [Applause.]

Mr. FRENCH. Mr. Chairman, I yield three minutes to the gentleman from Massachusetts [Mr. STOBBS].

Mr. STOBBS. Mr. Chairman, we are very fortunate to-day in having in the gallery a very distinguished visitor to this House, a man who has reflected great glory upon the American merchant marine by reason of his exploits and more particularly by conduct of recent occurrence. It is a very great pleasure to me, as the Representative of his home city, the city in which he was born and brought up and where the members of his family are living at the present time, where he spent his boyhood days in the public schools, to have the privilege of presenting him to this House. We are proud of his distinguished achievements and of our distinguished visitor. We have every reason in this country to be proud of this splendid type and product of our merchant marine and of the great glory and credit he has reflected upon it. His exploits bring back to our minds the stories of the days of the vikings, and I think those of us who know that he comes from Scandinavian ancestry are warranted in believing that he has in his veins the true spirit and blood of the vikings.

Mr. Chairman, it gives me great pleasure to present to this House, Captain Fried, commander of the *America*. [Applause, the Members rising.]

Mr. AYRES. Mr. Chairman, I yield 30 minutes to the gentleman from Kansas [Mr. SPROUL].

Mr. SPROUL of Kansas. Mr. Chairman and members of the committee, Indian affairs and the duty of the Government toward the Indians is a subject now attracting and receiving much attention from the Members of Congress. And well it should attract and receive their attention, because, in my judgment, the Government has not been discharging its duty to the Indians. Our Government is now more than 140 years of age; most of the time we have been functioning under our present

Constitution. And yet the Government has never established and enunciated a well-defined policy of constitutional and legal duty toward the Indians. So it seems to me, Mr. Chairman, that it is high time that the Congress should, by appropriate legislation, determine and enunciate its constitutional duties toward the Indians and their property, together with a well-defined program for the discharge of those duties.

The Constitution, in paragraph 3, section 8, Article I, provides that the Congress shall have the power to regulate commerce with the Indian tribes, as follows:

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

The Supreme Court has defined the relationship between the Federal Government and the Indian tribes to be that of guardian to ward, and to be of a plenary character within those equitable relationships, as follows (5 Pet. 1):

* * * Meanwhile, they are in a state of pupilage. Their relations to the United States resemble that of a ward to his guardian; they look to our Government for protection; rely upon its kindness and its power; appeal to it for relief to their wants; and address the President as their Great Father.

The Secretary of the Interior has been charged with the management of Indian Affairs and with all matters arising out of Indian relations (sec. 463, Rev. Stat.). Congress has provided (sec. 681, the Compiled Statutes 1916):

There shall be in the Department of the Interior a Commissioner of Indian Affairs. * * * The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs and all matters arising out of Indian relations.

The Secretary of the Interior and the Commissioner of Indian Affairs are charged by law with the duty of acting as the guardian of the property of the Indians and as the protector of their rights. (Quoting from West *v.* Hitchcock, 205 U. S. 85; Tiger *v.* Western Investment Co., 221 U. S. 316; see also 118 U. S. 375; U. S. *v.* Boyd, 68 Fed. 582; U. S. *v.* Freeman, 3 How. 556; U. S. *v.* McTanney, 7 Pet. 1; 26 Am. & Eng. Encyc. of Law, 604; Booth's Opinion, August 2, 1922; Knight *v.* U. S. Land Association, 142 U. S. 161; Williams *v.* U. S., 138 U. S. 514; Miller *v.* Raun, 145 U. S. 209.)

Inasmuch as the Supreme Court has defined the relationship to be that of guardian to a ward, it is appropriate to understand the meaning of guardian, and also the duties of a guardian to his ward.

[Black's Law Dictionary]

Guardian: A guardian is a person lawfully invested with the power, and charged with the duty, of taking care of the person and managing the property and rights of another person, who, for some peculiarity of status or defect of age, understanding, or self-control, is considered incapable of administering his own affairs. (Bass *v.* Cook, 4 Port. (Ala.) 392; Sparhawk *v.* Allen, 21 N. H. 27; Burger *v.* Frakes, 67 Iowa, 460, 23 N. W. 746.)

A guardian is a person appointed to take care of the person or property of another. (Civ. Code Cal. sec. 236.)

One who legally has the care and management of the person or the estate, or both, of a child during its minority. (Reeve, Com. Rel. 311.)

Mr. GARBER. Will the gentleman yield?

Mr. SPROUL of Kansas. I yield.

Mr. GARBER. Is it not true that in an unbroken line of decisions the courts have universally held that the relationship between the Federal Government and the Indians has been that of guardian and ward?

Mr. SPROUL of Kansas. That is a fact. Now, up to about 1870 the Indians were dealt with by treaties through the Senate and the President. Since that time the Congress by joint resolutions and legislative enactment has dealt with the Indians. To proceed, we note there are two kinds of wards over which guardianships are placed. The most prominent type of ward is that of a minor, a child, prior to arriving at 21 years of age and development of capacity of understanding the duties and responsibilities in managing one's own person and property, together with the general duties of citizenship. In most State jurisdictions such period is fixed by law to be 21 years of age. The other type of ward is that of mental incompetency of a permanent character.

The Indians as wards of the Government, generally speaking, come under the type or class of the minor character existing between birth and the statutory fixed period of competency.

The Supreme Court describes this particular character of ward by saying that the Indians are in a state of pupilage. Pupilage is defined as—

the state of being a scholar or under the care of an instructor for education and discipline. (Webster's International Dictionary.)

The Congress therefore is informed in a positive and uncontroversial way as to the character and type of wardship with which the Government has to deal as guardian.

Determining the Indians to be in a state of pupilage necessarily means that they are susceptible of being educated, trained, and developed into capable and responsible citizens, not only for the conduct and management of their own personal activities but to possess, manage, and control their property.

If the Government, as the guardian of the Indians, has in its possession and under its control the property of the Indians, as a guardian has possession and control of its ward's property, then a pertinent question arises as to the duties of the Government with reference to the property of its Indian wards who are declared to be in a state of pupilage.

Mr. GARBER. Will the gentleman yield?

Mr. SPROUL of Kansas. I will.

Mr. GARBER. The gentleman is well recognized as a student of Indian affairs, is a member of the committee, and an excellent lawyer. May I inquire if it is not also a part of the law of guardianship toward a ward that the guardian must make an accounting of the property, and when the competency of the Indian is once legally determined, then should not that property be forthcoming? In other words, can the guardian appropriate or convert or otherwise jeopardize the property of his ward in any way?

Mr. SPROUL of Kansas. I thank the gentleman for the suggestion of what the law is, and I reply that all of the authorities upon domestic relations provide, and the law dictionaries define, the duties of a guardian concerning the property of a ward to be, to manage, conserve, and care for the property of the ward, and to make reports to the proper authorities concerning such property. And upon the arrival of the ward at the stage of mental development, responsibility, and capacity to manage his own business affairs, to deliver over to the ward's estate, together with accretions thereon.

Mr. Chairman and members of the committee, in view of the provisions of the Constitution relative to the powers of Congress over Indian affairs, the decisions of the Supreme Court declaring the relationship of the Government to the Indians to be similar to those of guardian to a ward, and in further view of the enactments of Congress creating the Secretary of the Interior and the Commissioner of Indian Affairs to be the agency of the Congress in the management of Indian affairs, both with reference to political and property rights, and with reference to the management of the property of Indians; there certainly can be little question as to our duties toward the individual Indians and toward their property. All we have to know are the duties of a guardian to a ward during his minority period and to discharge them, and to deliver to him all of his property upon his reaching his independence and majority. There are something like 200 tribes of Indians scattered about over the United States, composing altogether about 300,000 Indians. The big problem of their proper management is now before Congress. What shall we do with them?

Now, as to the further duty of the Congress toward the Indians, in my opinion, the Congress should declare, in view of its constitutional and legal duties, that it should furnish the necessary supply of means of support; of medical attention; of hospitalization; of sanitation; and of proper and suitable vocational and economic business education, including instruction and training concerning social relationships and duties as citizens to the various kinds of governments in the United States.

And to these ends normal training schools should be established, together with curriculum, for the proper education and training of teachers, school superintendents, and school faculties, to teach the younger members of the various Indian tribes the qualifications essential to independent, self-reliant, and capable citizenship.

It should further be declared to be the duty and purpose of the Government to deliver to each Indian within a certain period of time, when he should become qualified to manage, protect, and preserve his property, his or her property. Mr. Chairman, the Government's paramount duty toward the Indians is the qualifying of them for independent citizenship.

Its second duty to them is to manage, protect, and conserve their property until such time as they are capable of receiving it and then to deliver their property to them.

By pursuing this policy toward the Indians and their property the Government of the United States will be discharging its whole duty to the Indians, excepting, of course, those members who are too old or infirm to be taught to assume the duties and responsibilities of independent and capable citizenship; such Indians should continue wards of the Government, subject to the application of their own wealth to the cost of their maintenance.

The pursuing of such a policy 40 or 50 years will result in the emancipation of the Indians and the lifting from the Government a tax burden of many millions of dollars per year. And so, I recommend and urge the adoption by Congress of the policy suggested herein.

There is pending before the House, Mr. Chairman, a bill, H. R. 7204, which if passed and put into effect would, in my candid opinion, be in direct conflict with what, to me, is a positive and clear duty of the Government to the Indians with reference to them and the management of their property.

The bill would authorize an irresponsible, inexperienced, youthful Indian to enter into a trust contract for the permanent jeopardizing of his property while in such dependent and incapable age. Such a contract would determine irretrievably and unchangeably the beneficiaries of his estate; those who are to get the property, perhaps, after he is dead. The Indian with a long life, perhaps, before him, much of which it should be hoped would be as an independent, free, and capable citizen, would never be able to change the beneficiaries or get his property and use it.

If this bill should pass and the property of the Indians be disposed of in trust estates while the Indians are incompetents, in my opinion, such action would be in direct conflict with the duties of the Government in managing, conserving, and protecting their property and delivering it to them when they arrive at a period of competency. It prevents the Government discharging its duty to the Indians.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. SPROUL of Kansas. I yield to the gentleman.

Mr. HASTINGS. Now, in respect to approving these trusts, I am not going to go into it now. I expect to discuss it at some length next Wednesday. But I ask the gentleman to discuss this feature: Does this bill, H. R. 7204, change or modify in any respect the present authority of the Secretary under existing law to approve trusts? I assert that it does not, and I challenge any man to show that it does.

Mr. SPROUL of Kansas. I thank the gentleman for the suggestion, and agree with him that it may not enlarge the powers as to a certain class of contracts of incompetents. The present bill, H. R. 7204, does vest in the Secretary of the Interior and the Commissioner of Indian Affairs the power to even give away the property of the Indians.

Mr. HASTINGS. If the gentleman will just yield again, I shall not interrupt him again.

Mr. SPROUL of Kansas. I yield.

Mr. HASTINGS. I challenge that statement. Inasmuch as the gentleman has the floor in his own time and has plenty of time to discuss it, I challenge the statement of the gentleman from Kansas that there is any such language embodied in that bill. He can not put his finger on it. I think I know this bill. I have given it a great deal of study, and I do not think we ought to talk lightly about it. We ought to talk to the point in making a statement, but I suggest that we ought to be able to put our finger on the language that carries out such a statement. It is not in the bill.

Mr. SPROUL of Kansas. The bill provides, as I remember it, that the Secretary of the Interior has the power to approve trust agreements with any restricted Indian over 21 years of age.

Mr. HASTINGS. That is right.

Mr. SPROUL of Kansas. And there are, so far as I remember, no exceptions.

Mr. HASTINGS. Will the gentleman yield again?

Mr. SPROUL of Kansas. Yes.

Mr. HASTINGS. Does the gentleman mean to say that section 1 of that bill would permit the Secretary of the Interior to approve a trust made by a mentally incompetent Indian? Surely the gentleman is too good a lawyer to do that.

Mr. SPROUL of Kansas. The mentally incompetent Indian is not excepted in the bill.

Mr. HASTINGS. The gentleman is too good a lawyer, after having made a careful study of that question, to say that. I ask him if it is his opinion that under that section the Secretary of the Interior would have the power to approve a trust not of a restricted Indian, but one who has been adjudged mentally incompetent? It is unthinkable that my good friend from Kansas would make such a statement.

Mr. SPROUL of Kansas. I will say in reply to the gentleman from Oklahoma that Congress has exclusive jurisdiction over the Indian affairs, and if a law is enacted authorizing the Secretary of the Interior and the Commissioner of Indian Affairs to approve any trust contract made by any incompetent Indian over 21 years of age, then certainly such act would warrant the conclusion that the Congress had meant what it said; and that if Congress had meant to except an Indian under guardianship or a mentally incompetent from making trust agreements, then certainly such exception would have been made in the bill.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. FRENCH. Mr. Chairman, I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from Kansas is recognized for five minutes more.

Mr. SPROUL of Kansas. In the Jackson Barnett case the court held that $550,000 was given away from an incompetent restricted Indian, but that the act was void. At that time there was no special or general law authorizing the making of trust estates urged by the Commissioner of Indian Affairs, except the general law to manage Indian affairs. Notice carefully what Mr. Burke says concerning the purpose of this bill, H. R. 7204. I wish to say further that one of the originators of the bill, one of the proponents of the bill, has said deliberately that he sought to secure the authority, which the United States courts have held that he did not have, to approve contracts of incompetence. He said he was seeking authority to do what the Federal courts said he did not have the right to do. I quote from his statement:

TESTIMONY OF COMMISSIONER BURKE AT COMMITTEE HEARINGS ON H. R. 7204

I had occasion to have something to do with a case that has attracted a great deal of attention throughout the country, due to misunderstanding and much misrepresentation, involving the estate of one Jackson Barnett. I think you have all heard about it.

At that time there arose an agitation over the Barnett case and through propaganda and misrepresentation, there was finally litigation begun to set aside the trusts created by Jackson Barnett on the ground that he did not have mental capacity to make a trust, and that the Secretary of the Interior did not have the power under the law to approve such a transaction. Even the Department of Justice intervened in that case with the plaintiff, who is an alleged next friend who represents a syndicate in Oklahoma that have contracts with alleged heirs of Jackson Barnett, that of whatever money they may receive from Barnett's estate upon his death they are to receive not less than 30 nor more than 50 per cent. The suit was tried in the United States Court in the Southern District of New York. The court sustained the theory of the plaintiff and held that Jackson Barnett did not have sufficient mental capacity to understand what he was doing when he made that distribution of his estate by the execution of the trust agreement, and therefore that the secretary could not approve it. That case is now on appeal to the Court of Appeals; that is, from the decision of the United States District Court for the Southern District of New York, and probably may eventually go to the Supreme Court.

Mr. LETTS. When was that decision rendered?

Mr. BURKE. Last August, 1927; a few months ago. In passing I will say for the information of this committee and anybody else that is interested, that in my opinion an incompetent Indian is incompetent and there is no such thing as a competent, incompetent Indian.

There may be differences in degree as to their intelligence, but I will make this statement without fear of contradiction: That any person in whom an Indian has any confidence whatsoever, an incompetent Indian, that that friend will get his thumb mark to any instruments that he attempts to get if he is of the generation of Jackson Barnett, uneducated, ignorant, with no business experience. They are all more or less alike; and I will say this to the committee, because it is true, and Judge Standeven will support it, that in a number of contracts that came up here from Oklahoma, and there were several, for trusts executed by an Indian, in one instance, in the presence of the superintendent when he was interrogated and before he executed the trust, and that in more than one-half of those cases, we received telegrams or letters from the Indian repudiating them almost as soon as the contracts reached Washington, and just as soon as word went back that we had that information from the Indian, we got another telegram or letter from him and he was on again. It was a case of off again, on again, gone again.

That is the Indian, and so when you say that an Indian who is incompetent, must do something, must initiate something, it is contrary to any theory of the law that I know anything about, that any incompetent person can legally do something. He is incompetent because he can not do it, and it is for the Secretary of the Interior to determine whether such an Indian who does do something has sufficient intelligence to understand it, and his action and decision is conclusive and can not be reviewed by any court. That is our theory of the law, and that is the legal question involved in the Jackson Barnett case.

After this question of law was raised and we began to give the subject more study, we discovered that the method of making the trust was that the restrictions were removed from the funds and upon approval of the trust——

With that situation, we concluded if we are to continue allowing Indians to enter into such contracts, we ought to have legislation authorizing it, first, because there has been a question raised in the Barnett case as to the authority of the Secretary of the Interior to do it. That

is the first question. Second, that we should find a way to take away any incentive to set trusts aside, and so this bill provides that in the event the trust is set aside for any reason, the money will revert back to the custody of the Secretary of the Interior; therefore there would not be any inducement for anyone to institute proceedings or get the Indian to institute proceedings to have it set aside.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. HASTINGS. Of course I am not responsible for any loose talk that anyone may make with reference to what they think about a bill. But I want to challenge the gentleman to read closely the language of section 1 of that bill, H. R. 7204, and he will find that it only permits the making of these trust agreements, and of course that must be construed in no other way than by the competent Indians.

Mr. SPROUL of Kansas. The gentleman can place his own construction upon it; but the Supreme Court in construing these powers is not expected to presume that an exception is meant. It will be governed by the clear language of the act.

The common rule of law laid down in all of the works on statutory construction and interpretation say that when the wording of a statute is clear and unmistakable, it is presumed that the legislative body meant and intended to do and say what such construction of the statute clearly indicated. I cite Lewis's Sutherland on statutory construction:

The statute itself furnishes the best means of its own exposition; and if the intent of the act can be clearly ascertained from a reading of its provisions, and all its parts may be brought into harmony therewith, that intent will prevail without resorting to other aid for construction.

Now, in view of the fact that the Commissioner of Indian Affairs has approved just the kind of a contract that we are speaking about, one of an Indian altogether incompetent, by which his property was given away, the courts have held that in such a case the contract was void; that Congress had not at any time given the same kind of authority which is sought in this case.

Mr. HASTINGS. Then why does not the gentleman offer an amendment to that section?

Mr. SPROUL of Kansas. Because I have no doubt about it.

Mr. HASTINGS. Neither have I.

Mr. SPROUL of Kansas. I do not have any doubt about it.

Mr. HASTINGS. Has the gentleman ever offered that sort of an amendment?

Mr. SPROUL of Kansas. No.

Mr. HASTINGS. Why?

Mr. SPROUL of Kansas. Because I am opposed to the bill. I am opposed to any power being vested in any officer which authorizes him to do the extreme opposite of his duty.

Mr. HASTINGS. Will the gentleman yield for one more question?

Mr. SPROUL of Kansas. I do.

Mr. HASTINGS. I want to say to the gentleman here and now that this bill has been fully discussed and has been before the Committee on Indian Affairs a long time, and this is the first time I ever heard that objection raised against this bill, or that kind of an interpretation attempted to be placed upon that bill.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. ARENTZ. The argument I have heard from others against this bill, which I hoped the gentleman from Kansas would touch on, is relative to the construction of the Oklahoma law in regard to trusts; institutions which may take trust funds and care for the Indians. The letters that have come on our desks from associations apparently have the Indian in mind.

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. FRENCH. Mr. Chairman, I yield to the gentleman five minutes more.

Mr. ARENTZ. Those letters have laid particular stress upon the fact that the State of Oklahoma does not protect its own citizens in the safeguards that it places about trust companies.

Mr. HASTINGS. I have never heard of any criticism in the State of Oklahoma along the lines mentioned by the gentleman from Nevada. I am sure the gentleman can point his finger to no case where the interests of all citizens have not been protected under our trust laws.

Mr. GARBER. Will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. GARBER. Can the gentleman from Nevada point out in what direction the literature he has referred to calls his attention to the defects of the trust laws of Oklahoma?

Mr. ARENTZ. No; I can not exactly do that.

Mr. GARBER. I want to assure the gentleman from Nevada that the trust laws of the State of Oklahoma have been very carefully drawn. They have worn well and they have been interpreted repeatedly by the supreme court of the State. They are not loosely drawn and they safeguard and protect in every particular the trust estate.

Mr. SPROUL of Kansas. Mr. Chairman, I merely referred to the provisions of the trust law to illustrate what I considered to be a disregard of our duties as the guardian of a people who are in a state of tutelage.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. SPROUL of Kansas. I yield.

Mr. HOWARD of Oklahoma. Does not the gentleman know that under the present law the Secretary of the Interior can do everything provided for in House bill 7204 and has done it, and that the only reason or necessity for House bill 7204 is that now when he turns the money of the Indian loose, it is loose forever? But, under 7204 we propose, at the request of the Secretary of the Interior, to throw a safeguard around the trust created afterwards by providing that should the trust fail the money goes back restricted and under the supervision of the Government. In other words, it remains restricted at all times, and that is why the Secretary of the Interior and the Commissioner of Indian Affairs ask Congress for this measure.

Mr. KNUTSON. Will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. KNUTSON. I have no doubt that the gentleman's apprehension over 7204 is based largely upon the observations he made with respect to the administration of the estates of Osages which were in the hands of guardians in that State.

Mr. SPROUL of Kansas. No, indeed. They are based on my judgment as to our duties to the Indians. When an Indian ward arrives at the state of competency I can not feel that the Government should be unable to deliver him his money, and I can not conceive of such situation as being in harmony with our duty as guardian, because in every State all over the country, and everywhere, there is nothing else required of a guardian upon the arrival of the ward at competency than to deliver him his money. As this bill provides that it can not be done, we can not discharge our duty as guardian of the Indians. That is an impossibility.

Mr. HOWARD of Oklahoma. Will the gentleman yield further?

Mr. SPROUL of Kansas. I yield.

Mr. HOWARD of Oklahoma. Does not the gentleman understand that under this measure our ward, the Indian, has a right to direct the trust and where it shall go, not only to himself but to his beneficiaries?

Mr. SPROUL of Kansas. No; I do not understand that, because of the state of mind and state of incapacity of the ward. He would not be a ward if he were more than 21 years of age and were not incapable.

Think of a young Indian man or young Indian woman, restricted and incompetent, with immature mind and incapacity, being asked by some big trust company to create a trust estate, by the officer or agent of a big trust company. In reality, who would be the originator of the idea? Who would prepare the terms of the trust agreement? We suggest that the idea would be originated by the trust company officials and the agreement would be drawn by the trust company officials. They would virtually constitute both parties to the agreement.

The trust agreement of Mollie Davis, a restricted and incompetent Creek Indian woman, not only provides for the unchangeable alienation of her $300,000 during her lifetime but undertakes to vest the same in certain beneficiaries who will take over the property after her death. Is it conceivable that a young, restricted, and incompetent Indian, perhaps unmarried, could make a satisfactory designation of beneficiaries to take over his estate after his death, many years, possibly, in the future, and always be satisfied, never desiring to change his beneficiaries? Such a thing is unthinkable.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. FRENCH. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. SPROUL of Kansas. The big trust company of Oklahoma has been represented by strong lobbies in the last two sessions of Congress, urging the passage of H. R. 7204. It is interesting to note that these two large institutions, the Exchange Trust Co. and the Exchange National Bank of Tulsa, have been closely associated with the Sinclair interests and certain Standard Oil subsidiaries who have been recently involved in litigation with the Government over the Government's oil reserves. It is further interesting to note that in those big

lawsuits the Government was successful in recovering back the oil leases and property valued at many millions of dollars.

The amount of the Indian moneys which would be available to this big trust company and others, should this legislation pass, would be from $30,000,000 to $40,000,000, to be involved in trust agreements with young and immature minds, which agreement shall extend for years after the Indians die. That is the kind of a bill it is; and while the Indians may be easily influenced, and are in need of money, it is intended to let the big trust companies influence them to sign such trust-estate agreements.

Mr. HASTINGS. I want to ask the gentleman if he can point to a single line in this bill that gives any new authority to the Secretary of the Interior.

Mr. SPROUL of Kansas. I could; yes.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. FRENCH. Mr. Chairman, I yield the gentleman one additional minute.

Mr. HASTINGS. I will repeat the question. I want to ask the gentleman if he can point to a single line in this bill which permits the Secretary of the Interior to approve a trust which he does not already have under existing law. I state there is not, and I state further, that all this bill does, in the event that one of these trusts is declared illegal, is to cause the money or property to be brought back under the direction and supervision of the Secretary of the Interior.

Mr. SPROUL of Kansas. In the first place, I do not think there is any law authorizing him to approve trust agreements. In the second place, I think if there was such a law there would not be such a tremendous lobby from the big oil bank of Tulsa here trying to get this bill enacted.

Mr. HASTINGS. Oh, let us answer the argument. I want to know if this changes the existing law in that respect.

Mr. SPROUL of Kansas. I do not think it does. It makes no amendments of another act, so far as I know. It is a new law.

Mr. HASTINGS. That answers the question.

Mr. SPROUL of Kansas. The Secretary of the Interior under the present law, I am sure, has the authority to invest restricted Indians' money in nontaxable Government bonds, municipal bonds, first real-estate mortgages, not to exceed 50 per cent of the value of the property, and other securities; but I do not know of any law, general or special, which authorizes the Secretary of the Interior or the Commissioner of Indian Affairs to authorize and approve the creation of Indian trust-estate agreements. If there is any such act of Congress, I have no knowledge of it.

Mr. FRENCH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LUCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 16714, the Navy appropriation bill, had come to no resolution thereon.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 6864. An act to authorize the Postmaster General to require steamship companies to carry the mail when tendered;

H. R. 7200. An act to amend section 321 of the Penal Code;

H. R. 13414. An act to amend section 1396 of the Revised Statutes of the United States relative to the appointment of chaplains in the Navy;

H. R. 13507. An act to amend section 3 of Public Act No. 230 (37 Stat. L. 194);

H. R. 14920. An act granting the consent of Congress to the State of Wisconsin to construct, maintain, and operate a free highway bridge across the Rock River, at or near Center Avenue, Janesville, Rock County, Wis.;

H. R. 15324. An act authorizing the attendance of the Marine Band at the Confederate Veterans' reunion to be held at Charlotte, N. C.; and

H. J. Res. 340. Joint resolution to authorize the Secretary of the Treasury to cooperate with the other relief creditor Governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program and to conclude an agreement for the settlement of the indebtedness of Austria to the United States.

The SPEAKER announced his signature to a joint resolution of the Senate of the following title:

S. J. Res. 171. Joint resolution granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid-transit railway.

ADJOURNMENT

Mr. FRENCH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 22 minutes p. m.) the House adjourned until Monday, February 4, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Monday, February 4, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON INDIAN AFFAIRS

(10.30 a. m.)

To authorize the creation of Indian trust estates (S. 4222) and matters concerning the Osage Indians.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To consider general legislation before the committee.

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

To authorize and direct the Secretary of War to execute a lease with Air Nitrates Corporation and American Cyanamid Co. (H. R. 8305).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

Continuing the powers and authority of the Federal Radio Commission under the radio act of 1927 (H. R. 15430).

EXECUTIVE COMMUNICATIONS, ETC.

798. Under clause 2 of Rule XXIV, a letter from the Acting Secretary of War, transmitting report of an accumulation of documents and files of papers which are not needed or useful in the transaction of the current business of the department and have no permanent or historical interest, was taken from the Speaker's table and referred to the Committee on Disposition of Useless Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WILLIAMSON: Committee on Indian Affairs. S. 2482. An act for the relief of the White River, Uintah, Uncompahgre, and Southern Ute Tribes or Bands of Ute Indians in Utah, Colorado, and New Mexico; with amendment (Rept. No. 2347). Referred to the Committee of the Whole House on the state of the Union.

Mr. REID of Illinois: Committee on Flood Control. H. R. 16397. A bill granting authority to the Secretary of War to relocate levee of Conway district No. 1, Conway County, Ark.; without amendment (Rept. No. 2348). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SINCLAIR: Committee on War Claims. H. R. 5971. A bill for the relief of William S. Welch, trustee of the estate of the Joliet Forge Co., bankrupt; with amendment (Rept. No. 2345). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 6757. A bill for the relief of W. C. Moye and Nannie Moye; with amendment (Rept. No. 2346). Referred to the Committee of the Whole House.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. BUSHONG: Committee on Claims. H. R. 3193. A bill for the relief of William Dalton; adverse (Rept. No. 2342). Laid on the table.

Mr. SINCLAIR: Committee on War Claims. H. R. 4074. A bill for the relief of William K. Gelsinon; adverse (Rept. No. 2343). Laid on the table.

Mr. PEAVEY: Committee on War Claims. H. R. 10982. A bill for the relief of Charles Curtis (Inc.); adverse (Rept. No. 2344). Laid on the table.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 16818) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Wellsburg, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of South Dakota: A bill (H. R. 16819) to amend the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. NEWTON: A bill (H. R. 16820) regulating hours of labor of certain watchmen, building guards, firemen, and engineers in the custodial service; to the Committee on the Civil Service.

By Mr. SPEAKS: A bill (H. R. 16821) to limit the application of the internal-revenue tax upon passage tickets; to the Committee on Ways and Means.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 16822) to authorize the expenditure of $91,000 to enlarge and buy equipment for the Kiowa Indian Hospital, located at the Fort Sill School reservation in Comanche County, Okla.; to the Committee on Indian Affairs.

By Mr. McFADDEN: A bill (H. R. 16823) to amend section 9 of the Federal reserve act and section 5240 of the Revised Statutes of the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. GUYER: A bill (H. R. 16824) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.; to the Committee on Interstate and Foreign Commerce.

By Mr. CHINDBLOM: Joint resolution (H. J. Res. 402) to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended; to the Committee on Immigration and Naturalization.

By Mr. FISH: Joint resolution (H. J. Res. 403) that the President call a conference of the leading naval powers in Washington during 1929; to the Committee on Foreign Affairs.

By Mr. CELLER: Concurrent resolution (H. Con. Res. 53) to prohibit the importation of intoxicating beverages by representatives of foreign governments; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the General Assembly of the State Legislature of Iowa, memorializing the Congress of the United States to amend the tariff schedule as affecting the duty on molasses imported for the manufacture of industrial alcohol; to the Committee on Ways and Means.

Memorial of the Thirty-fifth Legislative Assembly of the State of Oregon, urging the passage by Congress of the proposed amendment to the immigration laws placing Mexico under the quota provisions applying to other nations; to the Committee on Immigration and Naturalization.

By Mr. CARSS: Memorial of the Minnesota State Legislature, memorializing the Congress of the United States that an adequate agriculture tariff be enacted at the earliest possible date; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EVANS of California: A bill (H. R. 16825) granting a pension to Perry D. Gath; to the Committee on Pensions.

Also, a bill (H. R. 16826) granting a pension to Josephine Mickle; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 16827) granting an increase of pension to Edward Sheehy; to the Committee on Pensions.

By Mr. GREENWOOD: A bill (H. R. 16828) granting a pension to John Grisham; to the Committee on Invalid Pensions.

By Mr. HALE: A bill (H. R. 16829) for the relief of George D. Johnson; to the Committee on Naval Affairs.

By Mr. HOPE: A bill (H. R. 16830) granting a pension to Myrtle Austin; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 16831) granting an increase of pension to Mary E. Hammer; to the Committee on Invalid Pensions.

By Mr. McCLINTIC: A bill (H. R. 16832) granting a pension to Samuel L. Gibson; to the Committee on Pensions.

By Mr. REED of New York: A bill (H. R. 16833) granting an increase of pension to Gertrude A. Haight; to the Committee on Invalid Pensions.

By Mr. SEGER: A bill (H. R. 16834) granting an increase of pension to Sarah Roberts; to the Committee on Invalid Pensions.

By Mr. SPROUL of Kansas: A bill (H. R. 16835) granting a pension to Martha J. Rice; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 16836) for the relief of Walter L. Turner; to the Committee on Claims.

Also, a bill (H. R. 16837) for the relief of C. J. Colville; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8549. Petition of League of the American Civil Service, Margaret Hopkins Worrell, president, transmitting a resolution passed by said league favoring the postponement of the Lehlbach civil service bill until such time as a more equitable bill may be prepared; to the Committee on the Civil Service.

8550. By Mr. BRIGGS: Copy of Concurrent Resolution 12 of the Senate of the State of Texas, unanimously adopted by both houses of the Forty-first Texas Legislature, urging the return to the respective States of the South all war records, muster rolls, and other Confederate documents now in the custody of the United States Government; to the Committee on Military Affairs.

8551. By Mr. CANNON: Petition of Anna Neadham and other members of the Women's Relief Corps, Grand Army of the Republic, St. Charles, Mo., urging increase of pensions of widows of Civil War veterans; to the Committee on Invalid Pensions.

8552. By Mr. EATON: Petition of Upper Delaware and New Jersey Ship Canal Conference for Industrial Owners and Management, Business Men, and Chamber of Commerce Officials, urging construction of a canal joining the Delaware River and New York Bay, through the State of New Jersey; to the Committee on Rivers and Harbors.

8553. By Mr. McCORMACK: Petition of Mrs. Francis E. Slattery, president League of Catholic Women, 1 Arlington Street, Boston, Mass., protesting against enactment of the so-called Newton maternity act; to the Committee on Interstate and Foreign Commerce.

8554. By Mr. MORROW: Petition of New Mexico Cattle and Horse Growers' Association and the New Mexico Wood Growers' Association, indorsing the action of the Secretary of Agriculture prohibiting the entry into any port of this Nation of garbage from vessels arriving from foreign ports; to the Committee on Agriculture.

8555. By Mr. O'CONNELL: Petition of the Federal Council of the Churches of Christ in America, with reference to the general pact for the renunciation of war and declaration on increase of armaments; to the Committee on Military Affairs.

8556. Also, petition of Ernest L. Smith Construction Co. (Inc.), New York City, favoring the passage of the Norbeck game refuge bill; to the Committee on Agriculture.

8557. Also, petition of the Rockaway Bird Club, Long Island, N. Y., favoring the passage of the Norbeck game refuge bill; to the Committee on Agriculture.

8558. Also, petition of Parker, Stearns & Co., Brooklyn, N. Y., favoring the passage of the Norbeck game refuge bill; to the Committee on Agriculture.

8559. Also, petition of Richey, Browne & Donald (Inc.), Maspeth, N. Y., opposing the passage of the Cramton bill (H. R. 5527); to the Committee on Patents.

8560. Also, petition of Morrison, Kennedy & Campbell, New York City, favoring the passage of the Norbeck game refuge bill; to the Committee on Agriculture.

8561. Also, petition of Edward Lippincott Tilton, New York City, favoring the passage of the Norbeck game refuge bill; to the Committee on Agriculture.

8562. Also, petition of Frost's Veneer Seating Co. (Ltd.), New York City, favoring an increase in the tariff on plywood under paragraph 410; to the Committee on Ways and Means.

8563. Also, petition of Pace, Gore & McLaren, New York City, favoring the passage of House bills 9200 and 14659 and Senate bill 1976, for additional Federal judges for New York; to the Committee on the Judiciary.

8564. By Mrs. OLDFIELD: Petition of H. M. Townsend et al., of Lawrence County, Ark., urging the establishment of a moratorium for the payment of drainage bonds; to the Committee on Irrigation and Reclamation.

8565. By Mr. SEGER: Resolutions of Upper Delaware and New Jersey Ship Canal Conference for Industrial Owners, Business Men, and Chamber of Commerce Officials, favoring construction of a canal joining the Delaware River and New

York Bay through New Jersey; to the Committee on Rivers and Harbors.

8566. By Mr. WELCH of California: Petition of legislative committee, United Spanish War Veterans, Department of California, requesting enactment of House bill 14676; to the Committee on Pensions.

8567. By Mr. WHITTINGTON: Petition of P. H. Lowrey and others, for Government in aid of drainage districts; to the Committee on Irrigation and Reclamation.

8568. Also, petition of C. G. Nichols and others, for Government in aid of drainage districts; to the Committee on Irrigation and Reclamation.

SENATE

MONDAY, *February 4, 1929*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

God of all grace and love, who hast filled the world with beauty, open our eyes, we beseech Thee, that we may behold Thy gracious hand in all Thy works in earth and sea and sky. Thou hast hallowed by love our homes, wherein we find joy to heighten our life and mirth to refresh us in our work; and because we are weak and dependent give unto us the gladsome help of Thy loving-kindness. Open our hearts that we may share the faith Thou hast revealed in Thy Son until the littleness of our knowledge is lost in the greatness of Thy love. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Thursday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	King	Sheppard
Barkley	Fletcher	McKellar	Shipstead
Bayard	Frazier	McMaster	Shortridge
Bingham	George	McNary	Simmons
Black	Gerry	Mayfield	Smith
Blaine	Gillett	Moses	Steck
Blease	Glass	Neely	Steiwer
Borah	Glenn	Norbeck	Stephens
Bratton	Goff	Norris	Swanson
Brookhart	Gould	Nye	Thomas, Idaho
Bruce	Greene	Oddie	Thomas, Okla.
Burton	Hale	Overman	Trammell
Capper	Harris	Phipps	Tydings
Caraway	Harrison	Pine	Tyson
Copeland	Hastings	Pittman	Vandenberg
Couzens	Hawes	Ransdell	Wagner
Curtis	Hayden	Reed, Mo.	Walsh, Mass.
Dale	Heflin	Reed, Pa.	Walsh, Mont.
Deneen	Johnson	Robinson, Ark.	Warren
Dill	Jones	Robinson, Ind.	Waterman
Edge	Kendrick	Sackett	Watson
Edwards	Keyes	Schall	Wheeler

Mr. BLAINE. I wish to announce that my colleague [Mr. LA FOLLETTE] is necessarily absent. I ask that this announcement may stand for the day.

Mr. NORRIS. I desire to announce that my colleague the junior Senator from Nebraska [Mr. HOWELL] is absent on account of illness.

Mr. GERRY. The Senator from Louisiana [Mr. BROUSSARD] is necessarily detained from the Senate by illness.

Mr. JONES. I desire to announce that the junior Senator from Rhode Island [Mr. METCALF] is absent from the Senate owing to illness.

The VICE PRESIDENT. Eighty-eight Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 14151) to provide for establishment of a Coast Guard station at or near the mouth of the Quillayute River in the State of Washington.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 7200. An act to amend section 321 of the Penal Code; and

H. R. 12404. An act authorizing erection of a memorial to Maj. Gen. Henry A. Greene at Fort Lewis, Wash.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, additional schedules and lists of papers on the files of the Treasury Department not needed in the transaction of public business and having no permanent value, and asking for action looking toward their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. REED of Pennsylvania and Mr. SIMMONS members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Mr. ODDIE presented the following joint resolution of the Legislature of the State of Nevada, which was ordered to lie on the table:

Senate joint resolution, approved January 30, 1929, memorializing President-elect Hoover to give his best consideration to the proposal of the appointment of Louis S. Cates, of Utah, as Secretary of the Interior of the United States

Whereas Louis S. Cates, of the State of Utah, has been favorably recommended for the post of Secretary of the Interior; and

Whereas the people of the State of Nevada recognizing the outstanding ability and fitness of Mr. Cates for such position: Now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, That President-elect Hoover be, and he is hereby, respectfully requested to give every proper consideration to the name of Louis S. Cates in selecting a Secretary of the Interior for his Cabinet.

Resolved, That properly certified copies of this resolution be forwarded to Mr. Hoover and to our Senators and Representatives in Congress.

MORLEY GRISWOLD,
President of the Senate.
V. R. MERIALDO,
Secretary of the Senate.
R. C. TURRITTIN,
Speaker of the Assembly.
V. M. HENDERSON,
Chief Clerk of the Assembly.

Mr. WALSH of Massachusetts presented the following telegrams, in the nature of memorials, relative to the cruiser construction bill, which were ordered to lie on the table and to be printed in the RECORD:

BOSTON, MASS., *February 2, 1929.*

Senator DAVID I. WALSH,
Senate Office Building, Washington, D. C.:

Massachusetts committee to modify cruiser bill opposes passage bill in present form at present time. Urges as very minimum removal time clause. Emphatically desires reduction number cruisers or deferring total building program. Approves Borah amendment definition neutral rights. We earnestly desire your support for this program.

Lawrence G. Brooks, chairman; Mrs. Elizabeth Tilton, vice chairman; Prof. Clarence R. Skinner, vice chairman; Mrs. J. Mealcolm Forbes, secretary-treasurer; Miss Florence H. Luscomb, executive secretary; J. Edgar Park, president Wheaton College; Samuel H. Thompson, president State Chamber of Commerce; H. L. Chipman, president Cape Cod Association of Churches; citizens of Boston and Cambridge; Henry B. Cabot, Dr. Richard C. Cabot; Prof. Z. Chaffee, jr.; President John A. Cousens; Dr. Hilbert F. Day; Dr. Robert C. Dexter; Miss Zara Dupont; Mrs. Janes W. Elliott; Miss Eugenia B. Frothingham; Rev. Dr. William E. Gilroy; Mrs. Edward Ingraham; Prof. and Mrs. Lewis J. Johnson; Miss Martha L. Lathe; Rabbi Harry Levi; Miss Lucy Lowell; Mrs. Colin W. MacDonald; David K. Niles; Rev. George L. Paine; Mrs. George H. Parker; Mrs. Wenona Osborne Pinkham; Prof. Bliss Perry; Mrs. Charles I. Quirk; Mrs. William Z. Ripley; Rev. E. Talmadge Root; Mrs. Francis B. Sayre; Prof. A. M. Schlesinger; Robert H. O. Schulz; James H. Sheldon; Rev. George H. Spencer; James B. Watson; Mrs. Gertrude M. Winslow; Rev. Smith O. Dexter, Concord, Mass.; Mrs. Albert Warren Levis, Dorchester; Miss Charlotte E. Powell, Dorchester; Rev. H. Russel Clem, Fall River; Prof. Gorham W. Harris, Newtonville; Rev. John W. Darr, Northampton; Prof. Sidney B. Fay, Northampton; Rev. James Guden Gilkey, Springfield; Amanda L. Peterson, Worcester; Dr. and Mrs. Samuel B. Woodward, Worcester; all signatures individual, not organization.

BOSTON, MASS., *February 4, 1929.*

Senator DAVID I. WALSH,
Senate Office Building:

Please add the following members of the Massachusetts committee to modify cruiser bill to the list sent you Saturday: Emily G. Balch, President Women's International League for Peace and Freedom; Rev. Albert

C. Dieffenbach, editor the Christian Register; Mary E. Woolley, president Mount Holyoke College; citizens of Boston, Brookline, and Cambridge; Rabbi Samuel J. Abrams; L. O. Hartman; Leslie W. Hopkinson; Mrs. Elsa Tudor Leland; Herbert C. Parsons; Moorfield Storey; Charles F. Weller; Effie T. Attwill, Lynn; Charles W. Squares, Lynn; Helen Tarboy, Swift River; Katharine McDowell; Rice Worthington. We urge elimination of time clause, reduction of number of cruisers, and modification of sea law.

R. D. FORBES, *Secretary.*

Mr. COPELAND presented the following letter, in the nature of a petition, relative to the cruiser construction bill, which was ordered to lie on the table and to be printed in the RECORD:

NEW YORK CITY, *January 31, 1929.*

DEAR SENATOR COPELAND: As women voters in New York City, ever since the vote was granted to women, we, the undersigned hereby wish to express our views in regard to the important matter of the building of cruisers by the United States.

We are most emphatically in favor of the unqualified protection of our own country—first and foremost, and in every way possible, and consider the building of these cruisers a safeguard which we should take immediate steps to procure. There should be no delay, and we urge you to work to secure the passage of the bill in favor.

Many who oppose the construction are more interested in other countries than they are in the United States, and many others are not well informed, although they mean well.

Respectfully yours,

WENONA P. MARLIN,
360 East Fiftieth Street.
ALTHEA EWING,
31 Tiemann Place.
M. ELIZABETH HURLEY.
EVELYN M. HURLEY.

Mr. BINGHAM presented a petition of sundry citizens of New Haven, Conn., praying that action be deferred on the pending cruiser construction bill, which was ordered to lie on the table.

Mr. BURTON presented petitions of sundry citizens of Cincinnati and vicinity, in the State of Ohio, praying that action be deferred on the pending cruiser construction bill, which were ordered to lie on the table.

Mr. GILLETT presented petitions of sundry citizens of Boston, Springfield, Winchester, Brookline, Somerville, Everett, Worcester, Watertown, Brighton, Cambridge, Newton, Newtonville, and Weymouth, all in the State of Massachusetts, praying that action be deferred on the pending cruiser construction bill, which were ordered to lie on the table.

Mr. JONES presented a memorial of sundry citizens of Spokane, Wash., remonstrating against the passage of the naval construction bill, which was ordered to lie on the table.

Mr. DENEEN presented a memorial of sundry citizens of Mound City, Villa Ridge, America, and Cairo, all in the State of Illinois, remonstrating against the passage of legislation limiting the power of radio stations, which was referred to the Committee on Commerce.

RESTRICTION OF IMMIGRATION

Mr. HARRIS. Mr. President, I present a resolution adopted by the main body of the Immigration Restriction League on January 25, 1929, which I ask may be printed in the RECORD and referred to the Committee on Immigration.

I also ask to have printed in the RECORD and referred to the committee an article from the Saturday Evening Post of January 4, 1929, entitled "Shut the Back Door"; and another article from the Saturday Evening Post of November 24, 1928, entitled "Time to Put Up the Bars." Both articles refer to my bill to place Mexico under the quota as other countries are now required by the law restricting immigration. The Legislature of Oregon recently unanimously passed resolutions urging the passage of my measure.

There being no objection, the resolution and magazine articles were referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

Whereas Senate Joint Resolution 192, introduced by Senator NYE, provides for a further postponement of one year in putting into effect the national origins clause of the immigration act of 1920 by which the inequalities in the quotas of certain countries determined on the 1890 foreign-born census basis are removed so that our immigration is apportioned fairly in accordance with the number of people in our present population of each national origin; and

Whereas said national origins provision is a fundamental part of the system of quota restriction adopted by Congress in 1924, and further delay in putting the same into effect amounts to repudiation of our whole present system of restriction:

Resolved by the main body of the Immigration Restriction League (Inc.), at a regular meeting held on the 25th day of January, 1929, That said Senate Joint Resolution 192 is against the public interest and should not be enacted into law.

I hereby certify that the above is a true copy of a resolution passed by the main body of the Immigration Restriction League (Inc.) on the 25th day of January, 1929.

WM. L. RAU,
Secretary Main Body Immigration Restriction League (Inc.).

[From the Saturday Evening Post, November 24, 1928]

TIME TO PUT UP THE BARS

It is not without show of reason that the country is asking how much longer we are going to defer putting the Mexican Indian under the quota law we have established for Europe. According to the Immigration Study Commission, of Sacramento, in a single recent week 322 motor cars filled with Mexican laborers and their families passed northward over a single highway in southern California. Hosts of others swarmed in over other roads and large bands entered in carload lots by rail.

The commission computes that if a local American farmer has 3 children he is likely to have 27 great-grandchildren. Mexican laborers often have 9 children, or even more. At the 9-child rate, any of these Mexicans who are coming in by the trainload might be expected to average 729 great-grandchildren. It requires no imagination to estimate the overwhelming competition for jobs that the white American's great-grandchildren will be up against.

No temporary considerations of expediency should carry the smallest weight in preventing the proper economic protection of our own flesh and blood.

[From the Saturday Evening Post, January 4, 1929]

SHUT THE BACK DOOR!

The people of the southwestern border States who are making a determined but rather ineffectual fight to shut out the hordes who are swarming into the country from Mexico deserve the hearty support of the rest of the country. Their protests against this uncontrolled immigration are based not upon theoretical considerations but upon actual conditions under which they have to live and which they can not avoid without pulling up stakes and moving to some other part of the country. Their letters tell of able-bodied Americans who are out of employment because they can not subsist and decently rear two or three children upon the wages on which Mexican laborers can live contentedly and bring up seven or eight youngsters. They complain of the unwarranted burden put upon them in maintaining poorhouses, asylums, and correctional institutions for some of these unwelcome guests.

It would seem as if the justice of their cause and the serious character of the situation with which they are trying to cope would enlist the sympathy of the whole country and bring speedy relief. In the past, at least, these things have been too much to hope for. Those who seek relief are plain, everyday, small-town Americans who lack organization and influence, who do not know how to take their own part in this particular sort of fight and who therefore remain rather inarticulate and ineffective. Opposed to them are employers of cheap labor, both private and corporate, who are well organized.

These people of the border are not taking their troubles lying down. They react to them quite as strongly as they ought to, but they are not reacting along effective lines. Various civic bodies in the Southwest are hearing from them. Many letters of protest come to this office. But, after all, neither civic societies nor magazines are intrusted with the making of our national laws, and the efforts which should be focused upon Congressmen, Senators, and members of the Immigration Committees of both Houses are largely dissipated.

Congress has a great deal to do and only a few weeks in which to do it, but no more pressing duty confronts it than that of slamming the back door of the country and shooting the bolt.

REPORTS OF COMMITTEES

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 11289) for the relief of Katherina Kautz and Fred G. Kautz, heirs of the estate of Christian F. Kautz, deceased (Rept. No. 1615); and

A bill (H. R. 12007) for the relief of Mr. and Mrs. Peter J. Egan (Rept. No. 1616).

Mr. TRAMMELL, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 432) for the relief of Martin E. Riley (Rept. No. 1617);

A bill (H. R. 9943) for the relief of Sawyer Motor Co. (Rept. No. 1618);

A bill (H. R. 10191) for the relief of G. J. Bell (Rept. No. 1619);

A bill (H. R. 11385) for the relief of Dr. Andrew J. Baker (Rept. No. 1620); and

A bill (H. R. 11749) for the relief of H. A. Russell (Rept. No. 1621).

Mr. DENEEN, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 7392) for the relief of John I. Fitzgerald (Rept. No. 1622); and

A bill (H. R. 8511) for the relief of the American Foreign Trade Corporation and Fils d'Asian Fresco (Rept. No. 1623).

Mr. PINE, from the Committee on Military Affairs, to which was referred the bill (S. 5270) to authorize the Secretary of War to donate a bronze cannon to the city of Phoenix, Ariz., reported it without amendment and submitted a report (No. 1627) thereon.

He also, from the Committee on Indian Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 12520) for the relief of the Nez Perce Tribe of Indians (Rept. No. 1624);

A bill (H. R. 13977) authorizing the Secretary of the Interior to settle claims by agreement arising under operation of Indian irrigation projects (Rept. No. 1625); and

A bill (H. R. 15523) authorizing representatives of the several States to make certain inspections and to investigate State sanitary and health regulations and school attendance on Indian reservations, Indian tribal lands, and Indian allotments (Rept. No. 1626).

Mr. FRAZIER, from the Committee on Indian Affairs, to which was referred the bill (S. 5113) to authorize an appropriation to pay half the cost of a bridge near the Soboba Indian Reservation, Calif., reported it with an amendment and submitted a report (No. 1628) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 5519) to authorize the Secretary of the Interior to purchase land for the Alabama and Coushatta Indians of Texas, subject to certain mineral and timber interests (Rept. No. 1629);

A bill (S. 5563) to repeal that portion of the act of August 24, 1912, imposing a limit on agency salaries of the Indian Service (Rept. No. 1630); and

A bill (H. R. 13692) authorizing the Coos (Kowes) Bay, Lower Umpqua (Kalawatset), and Siuslaw Tribes of Indians of the State of Oregon to present their claims to the Court of Claims (Rept. No. 1631).

Mr. STEIWER, from the Special Committee Investigating Presidential Campaign Expenditures, to which was referred the subject matter of the resolution (S. Res. 255) authorizing the Special Committee on Investigation of Campaign Expenditures to investigate certain purchases of sugar in Cuba and Porto Rico and its disposition, agreed to May 28, 1928, submitted a report (No. 1614) thereon.

He also, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 1979) for the relief of the Union Shipping & Trading Co. (Ltd.) (Rept. No. 1632); and

A bill (H. R. 2492) to extend the benefits of the United States employee's compensation act of September 7, 1916, to John L. Jenifer, a former employee of the Government Printing Office, Washington, District of Columbia (Rept. No. 1633).

Mr. STEIWER also (for Mr. HOWELL), from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 967) for the relief of George J. Illichevsky (Rept. No. 1634); and

A bill (H. R. 12711) for the relief of certain members of a trail crew employed by the Forest Service (Rept. No. 1635).

Mr. NYE, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 5326) for the relief of Jessie L. Kinsey (Rept. No. 1636); and

A bill (H. R. 10327) for the relief of Charles J. Hunt (Rept. No. 1637).

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (H. R. 7166) to allow credit in the accounts of disbursing officers of the Army of the United States on account of refunds made to purchasers of surplus war supplies, reported it with amendments and submitted a report (No. 1638) thereon.

Mr. ROBINSON of Indiana, from the Committee on Pensions, to which was referred the bill (H. R. 16522) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 1639) thereon.

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (S. 5127) to carry into effect the twelfth article of the treaty between the United States and the Loyal Shawnee Indians proclaimed October 14, 1868, reported it with amendments and submitted a report (No. 1640) thereon.

He also, from the same committee, to which were referred the following bill and joint resolution, reported them each without amendment and submitted reports thereon:

A bill (H. R. 8901) to amend and further extend the benefits of the act approved March 3, 1925, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes" (Rept. No. 1641); and

Joint resolution (H. J. Res. 343) authorizing an extension of time within which suits may be instituted on behalf of the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to June 30, 1930, and for other purposes (Rept. No. 1642).

Mr. BLACK, from the Committee on Claims, to which was referred the bill (H. R. 4084) for the relief of the persons suffering loss on account of the Lawton, Okla., fire, 1917, reported it without amendment and submitted a report (No. 1643) thereon.

Mr. JONES, from the Committee on Commerce, to which was referred the bill (S. 5254) to extend the times for commencing and completing the construction of a bridge across Port Washington Narrows, within the city of Bremerton, Wash., reported it with an amendment and submitted a report (No. 1644) thereon.

Mr. STECK, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 12898) to extend the collect-on-delivery service and limits of indemnity to sealed domestic mail on which the first-class rate of postage is paid, reported it without amendment.

Mr. GOFF, from the Committee on the Judiciary, to which was referred the bill (H. R. 5769) to authorize the consolidation and coordination of Government purchases, to enlarge the functions of the General Supply Committee, and for other purposes, reported it with amendments and submitted a report (No. 1645) thereon.

Mr. WATERMAN, from the Committee on the Judiciary, to which was referred the bill (H. R. 12203) to authorize the designation and bonding of persons to act for disbursing officers and others charged with the disbursement of public money of the United States, reported it with amendments and submitted a report (No. 1646) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH of Massachusetts:

A bill (S. 5668) granting a pension to Bessie M. Jenkins; to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 5669) granting pensions and increase of pension to nurses of the war with Spain, the Philippine insurrection, or the China relief expedition; to the Committee on Pensions.

A bill (S. 5670) authorizing the payment of war-risk insurance to Laura E. De Armoun; to the Committee on Finance.

A bill (S. 5671) for the relief of Michael Power;

A bill (S. 5672) for the relief of Eustace J. Lancaster; and

A bill (S. 5673) for the relief of George Deck; to the Committee on Military Affairs.

By Mr. GILLETT:

A bill (S 5674) for the relief of Oscar P. Hebert; to the Committee on Military Affairs.

By Mr. STEIWER:

A bill (S. 5675) providing for the final enrollment of the Indians of the Klamath Indian Reservation in the State of Oregon; to the Committee on Indian Affairs.

By Mr. CAPPER:

A bill (S. 5676) to amend an act entitled "An act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes," approved May 17, 1928; to the Committee on the District of Columbia.

By Mr. FLETCHER:

A bill (S. 5677) to amend section 2 of the act, chapter 254, approved March 2, 1927, entitled "An act authorizing the county of Escambia, Fla., and/or the county of Baldwin, Ala., and/or the State of Florida, and/or the State of Alabama to acquire all

the rights and privileges granted to the Perdido Bay Bridge & Ferry Co. by chapter 168, approved June 22, 1916, for the construction of a bridge across Perdido Bay from Lillian, Ala., to Cummings Point, Fla."; to the Committee on Commerce.

By Mr. McNARY:

A bill (S. 5678) to authorize the United States to be made a party defendant in any suit or action which may be commenced by the State of Oregon in the United States District Court for the District of Oregon, for the determination of the title to all or any of the lands constituting the beds of Malheur and Harney Lakes in Harney County, Oregon, and lands riparian thereto, and to all or any of the waters of said lakes and their tributaries, together with the right to control the use thereof, authorizing all persons claiming to have an interest in said land, water, or the use thereof, to be made parties or to intervene in said suit or action, and conferring jurisdiction on the United States courts over such cause; to the Committee on the Judiciary.

By Mr. DENEEN:

A bill (S. 5679) for the relief of Charles N. Neal; to the Committee on Military Affairs.

By Mr. ROBINSON of Indiana:

A bill (S. 5680) granting a pension to Frances S. Snow; and

A bill (S. 5681) granting a pension to Winifred Tucker; to the Committee on Pensions.

By Mr. GLENN (for Mr. LARRAZOLO):

A bill (S. 5682) for the settlement of claims arising with respect to the War Finance Corporation cattle in Mexico; to the Committee on Claims.

By Mr. JOHNSON:

A bill (S. 5683) authorizing replacing of the causeway over Mare Island Strait, Calif.; to the Committee on Naval Affairs.

By Mr. NORBECK:

A bill (S. 5684) to amend the War Finance Corporation act, approved April 5, 1918, as amended, to provide for the liquidation of the assets and the winding up of the affairs of the War Finance Corporation after April 4, 1929, and for other purposes; to the Committee on Banking and Currency.

By Mr. McKELLAR:

A bill (S. 5685) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tiptonville, Tenn.; to the Committee on Commerce.

By Mr. HAWES:

A bill (S. 5686) to amend the act entitled "An act to regulate interstate transportation of black bass, and for other purposes," approved May 20, 1926; to the Committee on Interstate Commerce.

AMENDMENTS TO APPROPRIATION BILLS

Mr. ROBINSON of Arkansas. I submit an amendment intended to be proposed by me to the deficiency appropriation bill, which I ask may be printed, printed in the RECORD, and referred to the Committee on Commerce.

The amendment was referred to the Committee on Commerce, and ordered to be printed, and to be printed in the RECORD, as follows:

That section 7 of the Public Act No. 391, Seventieth Congress, approved May 15, 1928, be amended by adding thereto the following proviso:

"*Provided*, That of said sum $1,200,000, or so much thereof as may be necessary, may be allotted by the Secretary of War on the recommendation of the Chief of Engineers in the reimbursement of levee districts or others for expenditures for the construction, repair, or maintenance of any flood-control work on any tributaries of the Mississippi River that may be threatened, impaired, or destroyed by flood or that have been impaired, damaged, or destroyed by flood; and also in the construction, repair, or maintenance, and in the reimbursement of levee districts or others for the construction, repair, or maintenance of any flood-control work on any of the tributaries of the Mississippi River that have been impaired, damaged, or destroyed by caving banks, or that may be threatened or impaired by caving banks, of such tributaries, whether or not such caving has taken place during a flood stage."

Mr. WATSON submitted an amendment intended to be proposed by him to the legislative appropriation bill for the fiscal year 1930, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

Under the office of the Sergeant at Arms and Doorkeeper of the Senate, strike out "upholsterer and locksmith, $2,100; cabinetmaker, $1,800; three carpenters, at $1,800 each" and insert "foreman cabinetmaker, $2,700; locksmith, $2,400; upholsterer, $2,400; carpenter, $2,400; woodfinisher, $2,400."

OPERATION OF RADIO STATIONS BY PUBLIC-UTILITY CORPORATIONS

Mr. BLACK submitted an amendment intended to be proposed by him to the bill (S. 4937) continuing the powers and authority of the Federal radio act of 1927, and for other purposes, which was referred to the Committee on Interstate Commerce and ordered to be printed.

AMENDMENTS TO CRUISER CONSTRUCTION BILL

Mr. HEFLIN submitted an amendment; Mr. BURTON, Mr. BROOKHART, and Mr. HARRISON each submitted two amendments; Mr. NORRIS submitted three amendments; and Mr. BINGHAM submitted four amendments intended to be proposed by them severally to House bill 11526, the cruiser construction bill, which were ordered to lie on the table and to be printed.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On February 2, 1929:

S. 2362. An act to authorize the payment to Robert Toquothty of royalties arising from an oil and gas well in the bed of the Red River, Okla.;

S. 2989. An act for the relief of John B. Moss;

S. 3453. An act for the relief of Clara Percy;

S. 4454. An act for the relief of Jess T. Fears;

S. 4927. An act for the relief of Peter Shapp; and

S. J. Res. 198. Joint resolution to provide for the maintenance of public order and the protection of life and property in connection with the presidential inauguration ceremonies in 1929.

On February 4, 1929:

S. 4979. An act to authorize the city of Niobrara, Nebr., to transfer Niobrara Island to the State of Nebraska; and

S. J. Res. 59. Joint resolution authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President.

PROHIBITION ENFORCEMENT

Mr. BRUCE. Mr. President, I would like to have inserted in the RECORD a special dispatch from Concord, N. H., to the Boston Herald, stating that the New Hampshire Senate has just unanimously passed a bill to protect private dwellings from unwarranted search by dry forces, by a penalty of $500 fine and six months' imprisonment for any officer making an illegal search. This, I apprehend, is another evidence that the worm is beginning to turn.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SEEKS TO PROTECT HOUSES FROM RAIDS—NEW HAMPSHIRE SENATE PASSES BILL TO JAIL ERRING DRY AGENTS

(Special dispatch to the Boston Herald)

CONCORD, N. H., January 30.—What promises to be one of the most bitter fights in New Hampshire prohibition legislation was precipitated here to-day when the senate introduced and unanimously passed a bill to protect the private dwelling from unwarranted search by dry forces under penalty of $500 fine and six months' imprisonment for any officer making an illegal search.

The bill virtually declares that a man's home is his castle, and that he may keep liquor there for his own use or for the entertainment of bona fide guests. It defines a private dwelling to include a single room as follows:

"The term 'private dwelling' shall be construed to include the room or rooms used and occupied not transiently but solely as a residence in an apartment house, hotel, or boarding house."

This is the senate's reply to the persistent efforts of the Anti-Saloon League to have a law enacted which would make the buyer of intoxicating liquor equally guilty with the seller. Such a bill is now being considered by the house. It has passed that body twice in the last two sessions only to be killed each time in the senate, which now proposes to kill it again.

The act definitely states that no house may be searched without a warrant, and that no warrant shall be issued unless there is unmistakable evidence that the householder is violating the law by selling or manufacturing liquor. It provides that before a warrant may be issued the justice shall hear and write down the evidence, and preserve it for possible court action.

The senators argue that the constitution of New Hampshire protects the householder to an unusual degree, but that the proposed dry legislation would all but remove his constitutional rights. They state that in their zeal to secure evidence and conviction dry officials have overstepped their rights as officers of the law, and that the time has come to guarantee the householder the protection and immunity granted him in the State constitution.

NATIONAL INSTITUTE OF HEALTH

Mr. RANSDELL. Mr. President, I wish to announce that to-morrow, immediately after the Senate convenes, I shall address the Senate on Senate bill 4518, to establish and operate

a national institute of health. If the cruiser bill is not finished to-day I shall attempt to get recognition as soon as the cruiser bill is disposed of.

REPORT OF THE WAR FINANCE CORPORATION

The PRESIDING OFFICER (Mr. BARKLEY in the chair) laid before the Senate the Eleventh Annual Report of the War Finance Corporation, submitted pursuant to law, for the year ended November 30, 1928, which was referred to the Committee on Finance.

CONSTRUCTION OF CRUISERS

The VICE PRESIDENT. In accordance with the unanimous-consent agreement previously entered into, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

Mr. TYSON obtained the floor.

Mr. HALE. Mr. President, will the Senator from Tennessee yield?

Mr. TYSON. I yield to the Senator from Maine.

Mr. HALE. I ask unanimous consent that the unanimous-consent agreement on the cruiser bill may be modified so that amendments introduced before 4 o'clock this afternoon shall be treated as pending at and after 4 o'clock.

Mr. McMASTER. Mr. President, would not the Senator include in the proposal that all amendments which are now lying on the table may be considered as having been introduced?

Mr. HALE. That is what the modification provides for.

Mr. ROBINSON of Arkansas. Mr. President, has the Senator considered the effect of the proposed modification on the limitation of debate?

Mr. HALE. I do not think that it would make any difference in that respect.

Mr. HEFLIN. It would not change the 10-minute limitation which goes into effect after 4 o'clock.

Mr. ROBINSON of Arkansas. Permit me to call attention to the fact that the agreement provides that any Senator may speak 10 minutes upon any pending amendment. If all amendments are pending, it follows that he may speak as many periods of 10 minutes each as there are pending amendments, so that the suggestion in the form in which it is presented modifies the unanimous-consent agreement by extending the limitation of debate in the way I have indicated. If the general parliamentary rule that only one amendment can be pending is modified so as to make all amendments pending, since any Senator can speak 10 minutes on any pending amendment, he may therefore speak 10 minutes each on all the amendments, and that will prolong the debate very greatly.

Mr. SWANSON. Mr. President, the Senator from Arkansas is correct; but that was really the understanding by which the unanimous-consent agreement was reached. It was inaptly drawn and provides for "pending amendments." There can be only one amendment pending at 4 o'clock.

Mr. ROBINSON of Arkansas. But the modification to the agreement would make all amendments pending at 4 o'clock.

Mr. SWANSON. That is really what was intended by the original unanimous-consent agreement, and if that had not been done the unanimous-consent agreement would never have been entered into. I believe in keeping the faith with Senators even if the agreement was inaptly drawn, and I hope there will be no objection to the modification proposed.

Mr. ROBINSON of Arkansas. I shall certainly not object to it, but I want the Senate to understand that when any Senator takes the floor after 4 o'clock under the modification of the unanimous-consent agreement he may speak 50 minutes if there are five amendments pending. That is the legal effect of the proposed modification.

Mr. SWANSON. That is the understanding.

Mr. ROBINSON of Arkansas. If that is the desire of Senators, I shall not object.

Mr. McKELLAR. Mr. President, may we have the proposed modification read again?

Mr. HEFLIN. Yes; let it be read.

Mr. NORRIS. If that be true, it would not change what a Senator could do, anyway. If the amendments were offered one after another, he could not speak twice on the same amendment. When he had spoken once, that would be the end of it.

Mr. SWANSON. That was the understanding.

Mr. ROBINSON of Arkansas. I am not objecting to the proposed agreement, but I want it to be understood.

Mr. McKELLAR. Mr. President, can we have the agreement read?

The VICE PRESIDENT. The clerk will read the unanimous-consent agreement which has already been entered into, and then the proposed unanimous-consent agreement submitted by the Senator from Maine.

The Chief Clerk read as follows:

Ordered, by unanimous consent, That on the calendar day of Monday, February 4, 1929, upon the approval of the Journal, the Senate will proceed to consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes; and no Senator shall speak more than once or longer than 30 minutes upon the bill, or more than once or longer than 30 minutes on any amendment offered thereto; and that after the hour of 4 o'clock p. m., on said calendar day, no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 10 minutes upon any pending amendment, and no amendment shall be proposed after 4 o'clock p. m. of said day. (January 29, 1929.)

Mr. TYSON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Tennessee will state his parliamentary inquiry.

Mr. TYSON. Mr. President, I understand that the debate now proceeding is not to be taken out of my time.

The VICE PRESIDENT. The Senator is correct; it will not be taken out of his time.

Mr. McKELLAR. Now, let the proposed modification of the unanimous-consent agreement be read.

The VICE PRESIDENT. The clerk will read the unanimous-consent request proposed by the Senator from Maine in modification of the agreement already entered into.

The CHIEF CLERK. The Senator from Maine proposes to modify the unanimous-consent agreement as follows:

Modify the agreement by providing that amendments introduced before 4 o'clock shall be treated as pending at and after 4 o'clock.

Mr. SWANSON. Mr. President, there can be but one amendment pending at 4 o'clock under the rules. This would cut out all but the pending amendment, the one first offered, while it was distinctly understood that all amendments offered prior to 4 o'clock should be considered pending so that they could be voted on.

Mr. ROBINSON of Arkansas. The language of the proposed modification expressly makes them all pending. In other words, by the language proposed we rescind the ordinary parliamentary rule. I have no objection to it, but I did not think the Senate understood it.

Mr. HEFLIN. Mr. President, as I understand the Senator from Virginia, only one amendment can be pending at a time, and that amendment is to be considered by the Senate, and when it is voted up or voted down another one will be pending, and so on.

Mr. ROBINSON of Arkansas. But the proposed agreement provides that they shall all be pending at 4 o'clock. That is the vice of the proposed amendment; but I do not object to it.

Mr. HEFLIN. I think the purpose of that, Mr. President, if I understand the Senator from Maine, is to allow any Senator who wants to offer an amendment to the bill to submit his amendment and have it on the table prior to 4 o'clock.

Mr. HALE. At 4 o'clock.

Mr. SWANSON. That is what we understood the unanimous-consent agreement to mean.

Mr. HALE. In view of the discussion of this matter I withdraw the request for unanimous consent at the present time, to take it up later.

Mr. SWANSON. I renew the request for unanimous consent.

Mr. DILL. Mr. President, the understanding was that every Senator should have an opportunity to offer amendments and to speak upon them if he desired, and it is the purpose of the proposed agreement to carry out that understanding.

Mr. SWANSON. I think it carries out the intent of the agreement that was entered into. Senators would not have consented to the agreement if it had not been understood that amendments submitted prior to 4 o'clock would be considered pending at that time.

Mr. HALE. I think it is entirely right that amendments submitted before 4 o'clock should be considered as pending and should be subject to debate; but I do not think that any Senator should have the right to speak 50 minutes if, for instance, there are five amendments pending. I think the intention of the Senate was that each Senator should have the right to speak but 10 minutes on any single amendment.

Mr. ROBINSON of Arkansas. I suggest, instead of the unanimous-consent agreement now proposed, that it be modified in this way:

I ask unanimous consent that all amendments heretofore printed and intended to be proposed to the pending bill—the cruiser bill—may, in a parliamentary sense, and in accordance with the intent of the unanimous-consent agreement, be re-

garded as having been proposed prior to the hour of 4 o'clock to-day.

That will accomplish the purpose.

Mr. SWANSON. That would limit it to printed amendments. A Senator might want to submit an amendment at 4 o'clock which was not printed and would therefore be out of order.

Mr. ROBINSON of Arkansas. I object to the request of the Senator from Virginia if he objects to the one I have suggested.

Mr. SWANSON. It was the understanding upon which the unanimous-consent agreement was entered into that it should include all amendments offered up to 4 o'clock The modification proposed by the Senator from Arkansas would require a Senator to have the amendment printed, and only those that had been printed up to the hour of 4 o'clock would be in order. It was distinctly understood that all amendments proposed prior to 4 o'clock should be considered as pending at that time, else the Senate would not have agreed to it. That is my understanding.

Mr. ROBINSON of Arkansas. I will strike out the word "printed." I think that word should not be in there; I did not observe that it was in there, and it is improperly there. The modification suggested by me, however, will accomplish the desire of the Senator from Maine if the word "printed" be left out, so as to read:

That all amendments presented——

Mr. NORRIS. Presented before 4 o'clock.

Mr. SWANSON. Presented before 4 o'clock.

Mr. ROBINSON of Arkansas. That all amendments presented before the hour of 4 o'clock and intended to be proposed to the pending bill—the cruiser bill—may, in a parliamentary sense, and in accordance with the intent of the unanimous-consent agreement, be regarded as having been proposed prior to the hour of 4 o'clock.

Mr. SWANSON. That is all right.

Mr. WATSON. That is all right.

Mr. HALE. Would it not be well to add to that that no Senator shall speak on any one pending amendment for more than 10 minutes?

Mr. ROBINSON of Arkansas. That will not be needed; it is already in the agreement.

Mr. WATSON. That is right.

The VICE PRESIDENT. Is there objection to the unanimous-consent request of the Senator from Arkansas? The Chair hears none, and, without objection, the agreement is entered into.

Mr. HARRISON. Mr. President, will the Senator from Tennessee yield to me in order that I may offer an amendment and have it printed?

Mr. TYSON. I yield for that purpose.

Mr. HARRISON. I offer an amendment which I should like to have read and printed. It is very short.

The VICE PRESIDENT. The amendment will be stated.

The Chief Clerk read as follows:

Amendment intended to be proposed by Mr. HARRISON to the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, viz: Strike out all after the enacting clause through the comma in line 5, page 2, and insert in lieu thereof the following:

"That the President of the United States is hereby authorized to undertake prior to January 1, 1932, the construction of 15 light cruisers, to cost, including armor and armament, not to exceed $17,000,000 each, and 1 aircraft carrier, to cost, including armor and armament, not to exceed $19,000,000: *Provided*."

The VICE PRESIDENT. The amendment proposed by the Senator from Mississippi will be printed and lie on the table.

Mr. WALSH of Montana. Mr. President——

Mr. TYSON. I yield to the Senator from Montana.

Mr. WALSH of Montana. I observe by the RECORD that on Saturday the Senate adjourned until 12 o'clock to-day. I inquire what is the present order of business?

The VICE PRESIDENT. The Senate is proceeding under the unanimous-consent agreement, and the cruiser bill is the unfinished business.

Mr. TYSON. Mr. President, I doubt if there has ever been a subject more ably discussed from every angle than the cruiser bill now before the Senate. There has been much propaganda on both sides of this question. A great many of our citizens feel that the construction of these cruisers is absolutely necessary to the welfare and safety of the country; on the other hand, there are many who feel that the building of these cruisers would be a useless expenditure and an indefensible waste.

There is still another group which is controlled largely by idealism and the love of peace to the point where they feel the passage of this bill, in the face of the fact that we have just ratified a treaty to renounce war and pledging ourselves "never again to seek settlement of any conflict or dispute except by peaceful means," would be little short of downright hypocrisy and bad faith.

I give everyone of these classes of people credit for good faith and believe that they are all acting for what they believe to be the best interest of the country; but the responsibility is upon the Congress of the United States to do its duty as we see it, and in the best interest of the country.

Mr. President, I can not hope to add much to the splendid arguments which have been made, and I shall not use many figures, as every possible figure has already been presented to the Senate. There are people in my State who are opposed to this bill, and there are others who are in favor of it; therefore, which ever way I vote, I am going to disappoint some of my constituents.

I would refrain from saying anything on this subject except for the fact that I have seen something of war. Having served in the Spanish-American War, and having commanded a brigade of American troops overseas, at Ypres in Belgium and along the Hindenburg line on the Somme in France, during many stirring months of the World War, my comrades of those wars, as well as my own people, may feel that I would fail in my duty did I not express myself to the Senate on this question.

Mr. President, merely because I have served in two wars, I do not claim to know more about this question nor nearly so much as many of those who have expressed their views here to the Senate, and I have been very greatly enlightened by the discussions which have taken place.

Ordinarily the authorization for the building of 15 cruisers, while involving a large expenditure, ought not to be a question of great international moment, but, under the surrounding circumstances, the authorization and the building of the cruisers provided for in this bill become a great and momentous proceeding, one fraught, perhaps, with great consequences, not only for our own country, but it may have a great influence on the future peace of the world.

The distinguished senior Senator from Montana [Mr. WALSH], in delivering his able address to the Senate a few days ago, said:

It is perfectly evident that the construction of the cruisers contemplated by this bill under consideration looks to a war primarily with Great Britain and secondarily with Japan.

This is a very frank statement, but, Mr. President, it is necessary to speak plainly.

I look at the subject a little differently from the senior Senator from Montana.

It is true there are only two powers in the world which have navies at all commensurate with ours, and those two, of course, are Great Britain and Japan, but, in my opinion, if this bill shall be passed and the cruisers be constructed, we shall have no war in the near future with either Great Britain or Japan. It is our duty to look to the future and to take no unnecessary chances.

The question, as I see it before us is, Have we an adequate navy at this time to defend our interests under any and all circumstances? Upon the answer to that question depends the determination as to whether or not these cruisers should be built at this time.

I do not think Great Britain has any desire to have a war with us. In fact, I think that one of the last things in the world that Great Britain should want is a war with the United States.

Notwithstanding the fact that we have been twice at war with Great Britain, I wish to say here and now that, in my opinion, with the exception of France, Great Britain has been one of the greatest friends this country has had. For the majority of the people of these United States she is bone of our bone and blood of our blood.

Mr. President, I realize what a calamity it would be not only to us but to the world if we should have a war with Great Britain. I appreciate Great Britain; I appreciate her people and I would not do anything that would injure her legitimate interests or lessen her greatness, and I want to go upon record as to my admiration and friendship for that great nation.

My ancestors on both sides were English, and I feel pride in that fact. With all due respect to other nations, I feel that with the exception of our country, Great Britain has done, and is doing more, perhaps, for the betterment of mankind, the advancement of civilization, and the peace and happiness of the world, than any other nation; and though she has taken a great part of the earth, either by force or purchase or colonization, it is only just and right to say that she is not alone in that respect, and that every land over which the British flag floats is a land of law and order; that its people enjoy the benefits of English rule.

She has now acquired more than one-fourth of all the land upon the habitable globe, the possessions of that nation are found in every part of the earth, and the courage of her people is such that the British flag has never been hauled down in any land which Britain ever possessed except in the American Revolution, and then only to the descendants of Englishmen.

Our Nation and the British nation have been living in peace and amity for 115 years. With this long period of peace and friendship and with our ties of the World War to bind us closer together, if we are reasonable and prudent, we shall continue to dwell in peace and amity as we have in the past.

But, Mr. President, my first duty is to my own country. I have made this statement about Great Britain in order that our people may realize the improbability of war with Great Britain provided we pursue a proper course, for there is only one contingency, in my judgment, upon which a war can and may arise, and that contingency may arise at any time when Britain is at war with another country by interfering with our commerce upon the seas.

I do not believe Great Britain would declare war upon us; but should Great Britain be at war with one or more nations, and should she attempt to control the seas, as she has in the past, and should she interfere with our commerce to neutral countries, then we might be compelled to go to war with her in order to maintain our rights upon the seas. If we are weak in naval strength she will not consider us differently from other neutrals. It takes a long time to build a navy, and we must always be prepared for this contingency.

Great Britain has without doubt in all the years of her existence determined that she will control the seas; she has controlled the seas so long that she believes it her right; she believes it to be necessary to her existence, to her supremacy, and to the control of the great areas in every part of the earth which she now possesses.

At present, it is admitted by all that our Navy is not equal to that of Great Britain. We are behind her in tonnage and behind her in cruisers. If we are to have a navy, we should have a good one. We should have a balanced navy. That is to say, we should have a sufficient number of the different classes of ships so that all of the other ships that we have at any time may be made most effective. To balance our Navy we must have more cruisers.

It has been repeatedly shown the Senators that the United States in cruiser strength is far below the cruiser strength of Great Britain and Japan. It is unnecessary to go into further detail about this matter. We know that the United States has built and is building 18 modern cruisers, aggregating 146,000 tons; that Great Britain has built and is building or has authorized some 66 modern cruisers, with a total tonnage of 409,976; and that Japan has built and is building or has authorized 33 modern cruisers, with a total tonnage of 206,415.

It will thus be seen that the United States is far below Japan, and has only about one-third of the tonnage of Great Britain.

In 1921 we had a great disarmament conference in Washington, and went into a treaty in regard to capital ships and airplane carriers, but not in regard to cruisers and auxiliary ships. Since that disarmament conference we have built practically nothing. On the other hand, Great Britain and Japan have been building at a very rapid rate, especially in modern cruisers.

I do not claim for a moment that they have done anything contrary to the Washington treaty. They had a perfect right to build these cruisers. It was agreed at that conference that the United States, Great Britain, and Japan should be on a parity of 5–5–3 as to capital ships and aircraft carriers. It has been suggested by some that if we build more ships it would appear as if we are looking to war with one of these great countries; but I ask the question, Why is Great Britain continuing to build so that she has such a great tonnage beyond what we have? Why is Japan continuing to build so that she has a great tonnage beyond that which we have?

We must remember that our military and naval experts will tell us that we do not need a greater navy to defend the seacoast of the United States; that our seacoast must be largely defended by seacoast fortifications, by airplanes and submarines; and that any navy of the world can be kept off our shores. What we need with a navy is to defend and protect our rights far from our shores—in other words, to protect our commerce in every part of the world. Now, it is conceded that a cruiser is the best of all ships to protect our commerce in every part of the world. We further must realize the fact that our foreign commerce is to-day something over $9,000,000,000, that of Great Britain about $10,000,000,000, and that of Japan about $2,000,000,000 yearly; and that our commerce is increasing faster than that of any other country.

If Great Britain and Japan have no ulterior motive, it is to be presumed that these great countries are building these cruisers to protect their commerce as well as to defend their countries. Now, if Great Britain, with 25 great naval bases scattered all over the world at most convenient locations, needs 66 modern cruisers with 409,976 tons to defend her commerce of $10,000,000,000 annually, and if Japan, with 5 naval bases, needs 33 modern cruisers to defend a yearly commerce of $2,000,000,000, how many cruisers does the United States of America, with only 7 bases, need to defend a commerce of $9,000,000,000 yearly?

Can we expect to defend our commerce with 18 modern cruisers, with 146,000 tons, when it requires that great number of modern cruisers for these two countries to defend their commerce?

Is there any reason why the United States should not build at this time 15 modern cruisers to defend her vast commerce? If she builds these cruisers, even then she will not be up to Great Britain, and only a little ahead of Japan, in cruisers.

On the other hand, if Great Britain and Japan are arming, against whom are they arming? Great Britain certainly is not arming against any particular country in Europe, as all the navies there could not challenge her; and against whom is Japan arming, as there is no country except the United States that might challenge her in the Pacific?

At the disarmament conference in 1921 the United States certainly expected to keep a navy on a parity with Great Britain and to have a navy greater than Japan as 5 is to 3. Have we changed our minds, and do we feel that such a navy is not now necessary?

The President of the United States has recommended these cruisers, but he wishes the time limit struck out. The House of Representaitves of the United States has passed this bill with the time limit over the recommendation of the President, and by a very great majority. The great majority of the people of the United States, as I understand, expect the United States to keep its Navy at least near a parity of 5–5–3 with Great Britain and Japan.

Now, the question is, Are we justified in deferring the building of these cruisers when our Navy is already so far inferior to those of Great Britain and Japan?

Section 4 of this bill provides as follows:

> In the event of an international agreement, which the President is requested to encourage, for the further limitation of naval armament, to which the United States is signatory, the President is hereby authorized and empowered to suspend, in whole or in part, any of the naval construction authorized under this act.

Mr. President, this gives the President of the United States the right to suspend the construction of any of these ships if we can arrive at an international agreement.

The laying down of these ships is extended over a period of some three years. It seems to me that we could have an international limitation of naval armament conference even this year and arrive at an agreement, if the naval powers desire an agreement; and if no agreement can be arrived at this year, why should we delay?

It is argued that if we have no time limit, we can negotiate with Great Britain and Japan in such a way as we will not have to build these cruisers, because they will agree on a limitation of armament. If we had had no conference for the limitation of armament with Great Britain and Japan since 1921, there might be strong justification for placing no time limit on these cruisers; but in July, 1927, as everyone knows, we went into a limitation of arms conference at Geneva with these two great powers; and notwithstanding that strenuous effort was made, it was impossible at that time to agree, and we were largely flouted.

If we could reach no agreement a year and a half ago, is there any reason to assume that we will do better again if our condition is the same in regard to cruisers and armament as that which obtained at the Geneva conference?

The chairman of the Foreign Relations Committee, the Senator from Idaho [Mr. BORAH], and the Senator from Montana [Mr. WALSH], both of whom are opposed to this bill and are for striking out the time limit, have stated that if no agreement can be had with Great Britain and Japan, then they are willing to go ahead and build these cruisers; but, Mr. President, I wish to emphasize that in my judgment our only chance to reach any satisfactory agreement on limitation of armament in the future is to build them now.

Some of the Senators seem to feel that we can negotiate with Great Britain and get her to agree to our idea of the freedom

of the seas. I do not believe she will agree to anything that is against her vital interest, and we can not blame her. I doubt if it would be to her interest to agree to the freedom of the seas. In time of war she might not interfere with our commerce, because of our naval strength; but she will certainly interfere with the commerce of those neutrals which have small navies whenever her paramount interests demand it. She has done it in the past, and she will do it in the future. Necessity knows no law. If she were at war with some other nation, and feared to interfere with our commerce, she could let our commerce go free, but still interfere with the commerce of other nations, and still gain a great advantage.

I do not believe she will agree to the freedom of the seas for all nations. I think it is an iridescent dream to expect Great Britain, with her far-flung Empire, built up as it is upon her supremacy of the seas, to agree to the freedom of the seas.

Many Senators believe it was a great mistake for us to have scrapped our ships. Whether that is true or not, it is now an accomplished fact. Now, do we need these ships; are we able to build them; and is it advisable for us to do so?

It is going to be a great expense to the country to build them to start with, and it will be a still greater expense ultimately to operate them and replace them.

I believe the reason why the Geneva conference failed was because the other powers felt we would not build more cruisers, because we would not be willing to spend the money, and they could maintain their lead.

Some Senators may not believe in a limitation of armament conference, but I do. I feel that much can be accomplished ultimately in such a conference; and if we do not have armament limitation conferences we are sure to get on a competitive basis. If we can get the five naval nations of the world together under proper conditions, or even three of them, and reason this matter out, I am confident the conference can limit the number of ships that each nation is to have, and thus limit armament and limit expense. If we do not do this, there will be no end to the construction of ships and the increase in expenditures for the Navy.

It is said Great Britain expects to continue to build. If that be the case, the Navy Department of the United States will continue to demand more and more ships in order that we may keep upon a parity with Great Britain.

Japan will naturally continue to build more and more in order to keep up her parity, and so will France and Italy, and thus there will be no end to this armament race. It can only be adjusted, in my judgment, by a limitation of armament conference based upon reason and common sense. Unless we can limit armament by some sort of agreement it will not be 10 years before the Navy of the United States will be costing us annually $500,000,000. If we do not build these cruisers our influence in the next conference will be even less than it was at Geneva, and nothing will be accomplished.

When we consider the great program handed the Congress by the Navy Department at the beginning of this Congress, providing for an expenditure of some $750,000,000 for new ships, we can have some conception of the magnitude of the expenditures which we will be called upon to make if this race for supremacy of the seas is not halted.

To wait in building these cruisers is an evidence of uncertainty and weakness.

I have said nothing about the Pacific Ocean. I feel that it is necessary to be frank about this matter. My opinion is that if we have war it is quite as likely to be in the Pacific as in the Atlantic.

It is true we have been at peace with all the powers having possessions in the Pacific, with the exception of Spain, since time immemorial, but we have our farthest outlying possessions in the Orient—the Philippines—which, we must admit, are a source of weakness to the United States. If we should ever have trouble in the Orient the Philippines would be very difficult to protect, and to keep a navy sufficiently large to protect the Philippines is one of the paramount duties of this country. If we are to maintain those islands and to maintain our prestige in the world we can not under any circumstances permit them to be permanently taken from us. To-day they are practically unprotected, the Washington treaty having forbidden their further fortification for defense. Those islands are more than 4,000 miles from our Hawaiian possessions, and it behooves us as a world power to be prepared at all times to protect them if we are to keep them as a part of our country. I ask Senators, have we a navy at this time sufficient to protect the Philippines under all conditions?

We have been asked, Against whom are we building? But we have practically stopped building. Other nations are building, and again I ask, Against whom are they building?

The distinguished Senator from Missouri [Mr. REED], in making his great speech before the Senate a few days ago, spoke of the fact that Great Britain seemed to be arming against us, and pointed out the fact that she owned the great fortress of Halifax within close striking distance of many of our great cities; that she owned the Bermuda Islands, which strike at the very heart of the United States; that she owned the island of Jamaica, which almost commands the Panama Canal and from which airplanes could go and reach and bomb and, perhaps, blow up the canal in five and one-half hours.

Mr. President, frankness compels me to say that while Halifax is a great port and an almost impregnable fortification and of great value to Britain, yet Canada is unprotected and Jamaica and the Bermudas very little protected, and I consider the Bermudas and Jamaica for Great Britain in much the same class as I consider the Philippines for the United States; instead of being a real benefit, Bermuda and Jamaica are elements of weakness to Great Britain, as are the Philippines an element of weakness to the United States.

The United States could without doubt take the Bermudas at the very outbreak of war, and also Jamaica, and it would be necessary for Great Britain to come and retake them. If we should be so unfortunate as to be at war with Britain—which God forbid—we would want nothing better than to have Great Britain concentrate her fleet in the Caribbean Sea, 4,000 miles from home, surrounded by our destroyers and submarines, faced and fronted by our battleships and cruisers, and attacked from the air by our airplanes from the Panama Canal, Guantanamo Bay, and other near-by points. I doubt if a single ship would ever return to the British Isles. The power and prestige of the British Navy would be broken. You can rest assured that the Admiralty of Great Britain would be too sensible to ever permit such a catastrophe.

On the other hand, should a war arise between us and one of the great powers in the Orient, the Philippines might immediately be taken, as they are practically defenseless now. They are only 1,000 miles from the mainland of one of the three greatest naval powers of the world, with a population of 80,000,000 people, with a strong and increasingly stronger navy, now having many more cruisers than we have.

If the Philippines were ever taken, we would be compelled to permit them to remain in the enemy's hands or else send a great fleet to retake them without a base at that great distance from home. This fleet would require thousands of ships and would extend in continuous line from 300 to 500 miles.

If we had an insufficient navy what would happen? No one has greater confidence in the ability and courage of our Navy than I have, but such an expedition would be one of the most herculean tasks ever undertaken. We had an example when Russia sent her great fleet against Japan in 1905. We saw the result when the Russian fleet was sunk to the bottom of the sea. Not a single ship escaped capture. A word to the wise ought to be sufficient.

Mr. President, as I said in the beginning, this is one of the most momentous questions ever presented to the Senate. It is regrettable that we have to put additional expense on the country, but I am confident it is the only thing to do at this time. We can not go into a limitation conference in the future in the condition we are now in and have that influence which we should have and which we must have.

If anything definite or of value is to be accomplished in a conference, we must be as nearly on a parity with Great Britain as it is possible to be, and we must let the other naval powers of the world realize that if they want to go into a race for supremacy in armament on the seas, that the United States, although reluctant, can and will keep its Navy on a parity with that of any other country in the world. We will then be able, in my judgment, to accomplish something. We will be able to get these naval powers to realize that it is a hopeless race, and then they will be willing to listen to reason, and to limit their armament, and yet be able to give every reasonable defense to their respective countries.

Mr. President, I am not one who wants to criticize Great Britain or France or, for that matter, any of the countries of Europe, for maintaining large standing armies and navies at this time. I have always felt they have displayed good judgment in keeping properly prepared since the World War. Security to them is the most vital thing in all the world.

I have felt since the World War that had it not been for the British Navy and the French Army and the determination of the British and French people to maintain peace in Europe there would have been war there since the World War. It was the overpowering might of the navy of Great Britain and the army of France, acting in conjunction with that great instrumentality for peace, the League of Nations, that has maintained the peace of Europe during the last 10 years. That, of course, has been supplemented by the armies of the other powers allied with

Great Britain and France. Security is the greatest object of every nation.

I am not a pessimist on conditions in Europe. In fact, I do not believe there will be war in Europe as long as Great Britain and France and Italy can maintain the positions which they now hold in Europe, and, therefore, I am not expecting them to disarm so as to jeopardize their security. The great object in Europe to-day, as it is in the whole world, is to maintain the status quo.

It is true, as has been stated by the junior Senator from Maryland [Mr. TYDINGS] in his able address, that the standing armies of the countries which were allied with Great Britain and France in the World War are larger than ours, and it is to be hoped they can be reduced; but at the same time I believe that these standing armies make for peace at this time.

As long as the Locarno treaty can be maintained there will be peace in Europe, and with the great instrumentalities which have now been provided for settling disputes through the League of Nations, the World Court, and finally through the Kellogg pact, there ought to be little chance for war.

In conclusion, Mr. President, I wish to say that every country must look out for its own interests and do what it feels best to ultimately maintain its own security and safety.

The United States has isolated itself from the rest of the world. Many and great jealousies have arisen against us since the World War. We stand largely alone, and therefore we must defend ourselves alone, and for that reason I feel that we should have a navy adequate for the protection of our own great interests and for those doctrines which we have undertaken to defend.

While it is to be regretted that we have to build any additional instruments and machines of war at this time, yet I believe building these cruisers now will ultimately be found to be in the best interest of peace and security, and those are the great ends to be accomplished.

Mr. President, I ask unanimous consent to have inserted in the RECORD at the close of my remarks an editorial from the Washington Post, and also an article by Mr. Frank H. Simonds appearing in the Evening Star yesterday.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post Saturday, January 26, 1929]

BUILD THE SHIPS FIRST

By suggesting that the building of new cruisers should be optional with the President, and by proposing that the nations get together before 1931 to agree upon the laws of war at sea, Senator BORAH would make the peace and safety of the United States dependent upon the uncertainty of an agreement with foreign nations. Mr. BORAH says that he is willing to take this risk for the sake of saving expense.

The agreement sought by Senator BORAH would require the strongest sea power in the world to abandon its policy of centuries and accept an American doctrine that it has repudiated for over a century. There is no intimation, much less any assurance, that the great power in question will ever make such an agreement. There is every reason to believe that it will refuse to make any agreement that would deprive it of the supremacy of the seas, including the power to seize and confiscate ships under the American flag.

If no agreement should be reached the United States Navy would be in a weaker position than it is now, and the Nation would still be confronted with the duty of providing protection for its commerce or scuttling from the high seas because of the aggression of a stronger foreign power.

Unless the necessary cruisers are begun the United States during all the time it suspends building will be subject to the danger of being drawn into a foreign war on account of the seizure of American ships. If the cruisers are actually under construction, the world will be put on notice that American neutral commerce can not be seized with impunity.

Thus Senator BORAH's proposition tends to endanger American commerce and involve the United States in war. The Nation can not afford to take this risk for the sake of saving the expense of building a few cruisers.

The laws of war at sea should be made certain by international agreement. Mr. BORAH's amendment stating that Congress favors a restatement and recodification of the rules of sea law in time of war is a good proposal and should be adopted; but Congress should not make the blunder of leaving the United States unprotected in the meantime, risking everything in the hope that the nations will agree to new rules of sea law.

No nation in the world is placing its trust solely in the hope that international agreements will do away with the need of national defense. The United States should not rest its security and peace solely upon such a hope. The peace, security, and commerce of the United States must be protected by modern warships flying and defending the American flag.

When Congress has provided this protection it will be timely to seek agreements with foreign powers that will define the respective rights of belligerents and neutrals on the high seas.

Until Congress provides for the actual construction of warships necessary for the national defense there will be no certainty of national defense. Without power to defend its commerce the United States will be drawn into the first maritime war that breaks out, whether the nations are trying to agree upon sea law or not.

President Coolidge favors a plan that would leave to the President's discretion the actual building of ships for national protection. But Congress is responsible for the national defense, and upon Congress rests the responsibility for declaring war. The incoming President should not be loaded with a responsibility that does not belong to him. Let the building of cruisers be made mandatory. Then the country will be safer and not dependent upon the permission of some foreign nation to carry on American neutral commerce in time of war.

[From the Sunday Star, Washington, D. C., Sunday, February 3, 1929]

MACDONALD BRITISH NAVY VIEW HELD THREAT TO UNITED STATES—POLICY WOULD MAKE AMERICA COLONY OF ENGLAND, UNABLE TO MAINTAIN OWN POSITION IN WAR TIMES, WRITER SAYS

By Frank H. Simonds

While it is fair to assume that when J. Ramsay MacDonald, the former Labor Premier, was thinking primarily of his British public and the approaching general election, he bestowed upon the United States Senate the rather amazing warning that passage of the naval bill would spoil the effect of the Kellogg pact, two facts must be noted by all American observers.

First, one must recognize that the effect of his proposal is precisely the same as that of his Tory successors in power. So far every British proposal, official and unofficial, would in effect leave the American Navy in a position of hopeless inequality. The single difference between the arguments of Mr. MacDonald and those of the Tories lies in the fact that Mr. MacDonald is seeking to involve moral reasons for insuring the permanence of American inferiority.

PROPOSAL HELD INCONSISTENT

The second point about the MacDonald proposal is that it is totally inconsistent with his own record when in power. The Labor government over which he presided came into office after an election in the last weeks of 1923.

One of the very first measures he presented to the new Parliament was a bill for constructing five 10,000-ton cruisers, the first Britain—and I think any country—had undertaken after the Washington conference, which ended its work in the spring of 1922.

The measure was not a party bill. MacDonald did not have a clear majority in the House of Commons and the legislation was passed by a combination of Labor, Liberal, and Tory members. But Mr. MacDonald was not then willing to run political risks, such as the possible fall of his ministry, to invoke party discipline against the bill. He actually stood aside and permitted the passage of the measure, which opened the way to the creation of a decisive British superiority in the cruiser branch in post-Washington craft. It is this fact which makes it a bit inconsistent, to say the least, for Mr. MacDonald to appeal to the American Senate to display a moral standard somewhat above parity with his own.

Moreover, the example of the Labor government in 1924 was eagerly followed by the succeeding Tory ministry of Baldwin. In 1925 the provision was made for six new Washington cruisers, two charged to the Australian Navy account, while the next year two more were authorized, along with one 8,000-ton cruiser, larger than any we had or had authorized since the conference. Thus in three years the British program now approaching completion undertook to build thirteen 10,000-ton cruisers and one 8,000, in all 14 ships of 138,000 tons. In this period we built and authorized none.

DIFFERENCE IN STRENGTH CITED

We have to-day ten 7,000-ton cruisers, the only cruisers in our fleet which have not become obsolete by age. We also have eight building. Against the 10 pre-Washington cruisers of our Navy the British have 49. Against eight standard cruisers authorized after the big British expansion begun under MacDonald, we have eight authorized. If Mr. MacDonald's proposal prevailed, we should be limited to 18 cruisers, with a tonnage of 150,000, against about 400,000 tons of British cruisers distributed among 64 ships. And in post-Washington strength we should have 8 ships of 80,000 tonnage against 15 British of 146,000 tons. While the Washington ratio, fixed for battleships and designed to extend to cruisers was 5–5, between the British and ourselves, Mr. MacDonald would have us, for moral considerations, agree to a cruiser ratio about 3–5 in British favor.

Since there is at least a strong probability that Mr. MacDonald will be the next Prime Minister of Britain, Americans must be prepared to meet this line of attack. What Mr. MacDonald is certain not to propose is any form of naval equality which would be arrived at by the scrapping of British tonnage not become obsolete. No Labor government

could survive in present-day Britain which advocated any such policy as Mr. Hughes proposed at Washington involving the scrapping of nearly a quarter of a million tons of new craft.

AMERICA PLACED IN FALSE POSITION

The real trouble in all the naval discussion lies in the fact that the scrapping of this tonnage placed us in a hopelessly false position. At the close of the Washington conference Great Britain outnumbered us in cruisers 3 to 1. In the next few years the British proceeded to authorize a large number of new cruisers while we sat still. The country was first under the mistaken impression that it had obtained parity in all branches. Later the Coolidge administration became convinced that it could get parity without building. Thus, while the British were building 13 standard cruisers, we limited our efforts to talking and then reluctantly undertook eight cruisers.

Unless we are prepared to accept the principle that at any time when Great Britain is at war our commerce and our merchant marine will be subjected to regulation in accordance with British interests, which amounts to accepting dominion status, we must be prepared to defend our rights with the amount of cruiser, as well as battleship, tonnage requisite. As long as there is greater advantage for the British in invading our rights than in respecting them, they will do as we have done and would do under similar circumstances.

What is hopelessly illogical about our position is the continuing notion that we can attain equality without construction, that the British will obligingly surrender a 3 to 1 advantage to please America. There is no reason why they should, and there is not the smallest chance that they will.

SEES SENTIMENT FOR BIG NAVY

But of course, as even Senator BORAH has recognized, sooner or later the well-nigh unanimous sentiment of this country will back a proposition to give us a navy which will take us out of the prospective position of a colony or a dominion, in case Great Britain is involved in war. And every discussion which ends without adjustment will simply add to American and British bad feeling and suspicion.

British policy at Geneva was stupid in the extreme, because it haggled over details with a country which always possessed the power to construct not an equal but a dominant navy. But American policy in perpetually chattering about the right to parity and then shrinking from the costs of naval construction is quite as imbecile.

If we build the 15 cruisers proposed in our naval program, then when the Washington conference reconvenes in 1931 the actual situation between the British and American fleets, if the British adhere to their present policy of a naval holiday, will be 4–3. But a very considerable number of the smaller British cruisers will be approaching the age limit. Then the question of equality can be regulated by an adjustment between replacements and new construction. Agreement on 350,000 tons might prove a reasonable compromise. But to go to the conference with 150,000 and ask the British to come down to our level would be absurd.

To reason that because we have been most active in pushing through the Kellogg pact we should abandon all adequate naval defense is, in the vernacular, "the bunk," pure and simple. No other signatory of that document has given the smallest evidence of intending to make it the basis for a reduction of its means of defense. No signatory has suggested that a cosignatory should do this, with the single exception of the British, who, through Mr. MacDonald, urges that we should indulge in this pleasant experiment.

BORAH'S PARALLEL IS GIVEN

Senator BORAH has referred in the Senate to the parallel between German and Britain before 1914 and the United States and Britain now. I have myself written of this parallel and been severely criticized by British friends. Yet it does remain true that the naval dispute has created a bitterness to-day strongly reminiscent of the earlier episode. We are undertaking to challenge British position on the seas, just as clearly as and even more dangerously than the Germans did. The British are resisting this challenge, but passively rather than actively, and with no thought of war. They have resolved that even if we build a fleet equal to theirs they will not fight us.

But, on the other hand, they are just as firmly resolved not to help us by scrapping their cruisers. They will not go to war with us, but they will oppose us by every known means of peaceful obstruction. Instead of Trafalgars and Jutlands we have had Washington and Geneva conferences, and at Washington the success of Lord Balfour put both Nelson and Jellicoe to shame. And instead of making an alliance with a foreign country against us they are using pacifists like Ramsay MacDonald to appeal to the embattled pacifists of the United States.

But the thing has gone so far now that sensible people in both countries perceive that the only possible basis for adjustment of the troubles lies in the construction by the United States of a fleet which shall be strong enough to insure that when next Britain goes to war the United States will not be transformed into a dominion or a colony, made an unconsenting accomplice of British sea power, and eventually dragged into the British struggle, as we were in 1912 and 1917, because we were not able to "wage neutrality."

UNITED STATES SHOULD DECIDE OWN WAR STATUS

Whether in the next war we decide to be neutral or the ally of Britain, we must be left with full power to make the decision on our own. Just as long as we can not maintain neutrality the British sea power will undertake to regulate the seas in British interests, as we should do and have done under like circumstances. When J. Ramsay MacDonald asks us in the name of the Kellogg treaty to abandon our naval program, the effect of what he asks is that, as an example to the world of our own pacific intentions, we should agree to permit Great Britain to continue to rule the seas. And because, as a Briton Mr. MacDonald believes that British naval supremacy is inherently right, he perceives no inconsistency in this amazing demand.

Moreover, what is most amusing about the MacDonald episode is that the distinguished Labor leader is, in effect, borrowing a leaf out of the book of the late Lord Northcliffe, whom he despised. He is undertaking to break down the solidarity of American public opinion. He is conducting what amounts to a peace offensive, which would win the naval conflict for Britain. If it were successful, this appeal of a British pacifist to American pacifism would leave British sea power supreme—and, as a practical matter, would insure that eventually American resentment would mount still higher, and the conviction that we had been deliberately deceived, however unjust, would still further poison Anglo-American relations. (Copyright, 1929.)

Mr. BORAH. Mr. President, I want formally to offer an amendment which I think has really been offered heretofore, but for fear there may be some question about the technical offering of it I present the amendment at this time so as to have it on the table.

Mr. GEORGE. Does the Senator from Idaho wish to have the amendment reported?

Mr. BORAH. I do not think it is necessary under to the rule to have it read. It has been read several times during the debate. I simply desire to offer it so as to be within the rule.

The PRESIDING OFFICER (Mr. GLENN in the chair). The amendment will be received and lie upon the table.

Mr. GEORGE. Mr. President, I do not rise to discuss the pending measure at any length, and if the Senate is ready to take a vote I will not proceed.

Frequent reference has been made to the inconsistency between a vote for the cruiser bill and the prior vote of the Senate in ratifying the peace pact.

The logical sequel of the peace pact is not the disappearance of armies and navies, at least the immediate disappearance of armies and navies. The logical sequel of the peace pact is the setting up of some kind of machinery for the settlement of international disputes by pacific means. Ultimately the peace pact, of course, looks to the disappearance, or at least to rigid limitation, of armies and navies. But that is not the immediate sequel nor is it the logical sequel.

It must be borne in mind that the peace pact was ratified in a world already armed. It must further be borne in mind that the very discussion of the peace pact was clothed in great measure in the terminology of war. It must be borne in mind also that there was said to be nothing in any of the provisions of the pact and nothing arising out of any of its implications forbidding defensive war. In other words, the peace pact does not provide for the disarmament of any nation; it does not provide for limitations upon armaments—land, naval, or air.

No one, of course, quarrels with the effort to limit armaments, and no one would oppose a further conference looking to limitations upon armaments, whether land, naval, or air. But the logical condition precedent to disarmament or to drastic limitations upon armaments is not the conclusion of treaties limiting armaments simply, but is the setting up of some sort of machinery under which the nations can with safety to themselves disarm or machinery which will give to the nations some assurance that they may with safety to themselves disarm.

Limitation of armament without some pacific means for the settlement of international disputes merely postpones armament—that is all. The Washington arms conference, if a great conflict should come, would prove conclusively that we had simply postponed the providing of armament. Such temporary postponement may be desirable in some circumstances. Anything that relieves the peoples of the world from great and increasing burdens of taxation is desirable. But mere postponement of armament makes for waste, extravagance, and enormous loss not only of matériel but of human life itself when we are faced with the necessity of making hasty preparations in the face of some great emergency.

Therefore, when we look back at the peace pact, if one were inclined to disparage it, which I am not, because I think it makes the next step toward peace possible, yet if we look back at the peace pact and if we study the notes which were interchanged between the powers, and if we consider the extraordi-

nary precautions which we insisted upon before we gave our consent to it, it might with truth be said that the peace pact is the great treaty of national defense. In the discussions on the peace pact the emphasis was placed on the right and doctrine of self-defense. Certain it is that it does not prohibit defensive wars. Certain it is that the definition of defensive war is left as broad as the air. Certain it is that it applies only to aggressive war. But beyond that it does not set up machinery nor attempt to set up machinery by which pacific settlement of international disputes may be reached. Unless some means can be found for the settlement of international differences without resort to war the hope of disarmament rests upon the unsubstantial basis of a dream, in my judgment.

What I have said is not in disparagement of the treaty, but I have said so much because so many of our people, in which the foreign minister of Germany in presenting the peace pact to the German people joined, have stressed the fact that the peace treaty should lead immediately to disarmament. I have said so much not by way of disparagement of the treaty, but for the purpose of emphasizing which, in my opinion, is the logical sequel of the treaty.

Perhaps it were unavoidable, but in the course of the discussion we have dwelt upon the supposed purpose and motive of other nations. We would do well to dismiss from our minds the "inveterate antipathies toward particular nations" and the "passionate attachments for others," against which Washington warned us, when we undertake to determine our policy and to discharge our duty under the Constitution.

In determining the size of our Navy we must have regard to the naval strength of other nations, and yet the measure of our strength upon the seas is not necessarily measured by strength of other nations upon the seas.

Certainly that is not the only consideration. Therefore it seems to me that a vote for the bill as it stands, incorporating in it the amendment offered by the Senator from Idaho [Mr. BORAH], as that amendment has been in turn amended by the Senator from Montana [Mr. WALSH], is to be justified not upon a naked comparison between our naval strength and the naval strength of Great Britain or of Japan or of any other nation, but it rests logically upon the duty to provide an adequate Navy for the United States, the relative strength of other nations upon the seas being considered merely as a factor, though an important factor in the decision.

Mr. President, much has been said in the course of the debate about the elimination of the time clause of the bill. Waiving aside the question of how far the President of the United States, as Commander in Chief of the Army and Navy of the United States, may retain in any event a wide discretion in the laying down of these cruisers, the Congress of the United States should exercise its power, face its responsibility, and meet its obligation. Under the Constitution it is the duty of the Congress to provide and maintain a Navy. If anything has weakened in public esteem the legislative branch of the Government, Federal or State, more than any other one thing it is the disposition of the legislature to place upon the executive department responsibilities which clearly rest upon the legislative branch of the government.

Mr. President, the admission that we should authorize the construction of the cruisers is an admission that we need the cruisers under existing conditions. It is said that the next disarmament conference may so limit naval armament as to make the construction of the cruisers unnecessary. Those who ask us to grant the authority to the President to build the cruisers, those who insist that mere authority is sufficient, predicate their argument primarily upon the proposition that if we authorize and direct the laying down of the cruisers within a specified time, we will have become parties to a great naval race with Great Britain. Be it so, but those who ask us merely to authorize the President to grant the authority so that we may have a club in our hands when we enter the next naval disarmament conference, overlook the fact that if unhappily that conference shall result as did the conference at Geneva in 1927, then, in that event, we will confessedly enter the race with Great Britain for supremacy on the seas. I would avoid it. I would rest the vote for the cruiser bill upon the necessity and the duty of the Congress to provide and to maintain an adequate navy in existing circumstances, leaving the future to profit by events which we hope may occur.

Mr. President, I have said more upon the matter than I anticipated saying, but the fourth section of the bill giving to the President the power to suspend construction of the cruisers, if any agreement is in the meantime actually reached limiting naval armament, should satisfy the most exacting. But there can be no possible objection to the additional amendment offered by the Senator from Idaho [Mr. BORAH], urging that the rights of neutrals upon the seas be clarified and codified. However, Mr. President, the codification of the laws of the sea will never be brought about in a manner acceptable to us so long as means for the pacific settlement of international disputes are unprovided. The world will never disarm, nor is disarmament logical, until and unless some means be provided by which nations may with some degree of confidence and assurance submit their disputes without resort to war.

It has been said—and it has been said truly—that the next war will not be a war between armies and between navies but it will be a war of peoples against peoples; that all of the resources and industries of the respective countries will be at war. Every reflecting man must accept that statement.

Mr. President, whatever agreement may be reached touching the law of the sea, whatever agreement may be brought about determining the rights of neutrals upon the high seas, in the next great war in which the battle will be not between armies and navies alone but between every resource of the countries involved, the commerce of the world will not be exempted from that conflict. There the first impact of war will be felt. I do not disparage the making of them, but it will make no difference what kind of treaty may be made, whenever great powers come to grips, and one feels that its life is at stake, if it have the dominance of the sea it will fight upon the sea against merchant ships as well as against men of war.

How illusive is the dream of unbroken peace. Ocean commerce has been the fruitful source of war. Can it be possible that in a future war, which will not be limited to armed forces on the land or on sea nor in the air, the commerce of the world, belligerents and neutrals, can hope to escape?

Whatever progress we may make in defining the law as to the rights of neutral nations on the high seas in time of war, we might as well dismiss from our minds the hope that such a treaty will be scrupulously regarded when any great power, having the dominance of the seas, believes that its life is actually at stake.

Mr. President, I shall vote for this bill as it stands and against all amendments to it except the amendment offered by the Senator from Idaho, which simply invites conference for the purpose of codifying, as far as possible and as early as possible, the law of the seas.

Mr. FRAZIER. Mr. President, on the 15th of January last the Senate voted to ratify the so-called Kellogg peace pact. That pact provided, among other things, for the renunciation of war as a solution of international controversies, and also stated that it would be the policy of the signatory powers not to settle their disputes by means of warfare.

Article 2 of that peace pact provides:

> The high contracting parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

It seems to me, Mr. President, the term "pacific means" can imply nothing, by any stretch of the imagination, that would include the building of cruisers or battleships or any other form of naval armament. "Pacific means" must imply peaceful methods.

Of course, when the Kellogg peace pact was under discussion in the Senate there were quite a number of Senators who objected to it—I presume we might call them "conscientious objectors"—and they spoke at some length in voicing their objections to that pact; but when the final vote came on the 15th day of January there was only one of those conscientious objectors who had the courage of his convictions to stand up here and be counted as voting "nay" against that peace pact.

There was a great deal of sentiment expressed for the peace pact. The people all over the Nation seemed to be for it; various organizations petitioned the Senate, through various Members of the body, to ratify it, and expressed their position in its favor. There seemed to be a general sentiment for it.

Of course, those who spoke, apparently, against the peace treaty and then voted for it may say that the report submitted by the Committee on Foreign Relations in connection with the treaty modified or changed its meaning; but, Mr. President, it was not the committee's report that we adopted; it was the Kellogg peace pact, and it seems to me that that pact must mean what it says. In my opinion, the report of the Foreign Relations Committee no more modified or changed the meaning of the peace pact than does the statement of the genial Senator from Maine, the chairman of the Naval Affairs Committee of the Senate [Mr. HALE], change the meaning of the cruiser bill when he states that we want these cruisers for peace purposes.

Mr. President, cruisers are not built for peace purposes; cruisers are built for war, and the building of the cruisers

proposed by the pending bill means a preparation for war. I can take it in no other way.

At the present time, under the authority of former legislation, we have in course of construction eight cruisers. Two of them, I think, are practically completed, but not as yet in full operation. So I may say that all eight of them are under construction. If the pending cruiser bill shall be passed 15 more will be added to those already in course of construction, which will make a total of 23 cruisers. Mr. President, can anyone by any stretch of the imagination claim that the construction of 23 cruisers implies "pacific means"? Can the building of those cruisers be construed in any way as an evidence of our attitude to seek only "pacific means" for the settlement of disputes under the Kellogg peace pact?

If the Kellogg treaty means what it says—and it seems to me it must mean what it says—the building of the cruisers authorized by the pending bill and even the construction of the eight cruisers which have been heretofore authorized means that the Senate did not take seriously the Kellogg peace pact when they voted for it almost unanimously on the 15th day of January.

When the cruiser bill was first introduced in the House of Representatives on the 4th day of December, 1927, it provided for 25 light cruisers and some other war vessels. Immediately upon the introduction of that bill—and the bill was undoubtedly introduced at the request of the Navy Department—when it was learned that it provided for so many cruisers and other war vessels and that the amount of money required to build them would run practically to a billion dollars there was a wave of protest all over the country against the expenditure of so much money in peace time for war purposes. I recall very well that some of the newspaper reporters in their dispatches stated it to be their opinion that never had there been such a wave of protest against any measure ever introduced in the House of Representatives as there was against the cruiser bill. Hearings were held by the House committee at some length; finally it was agreed by the committee to cut down the number of cruisers, and so the bill that we have before us providing for the construction of 15 cruisers and an airplane carrier is the result of consideration by the Committee on Naval Affairs of the House after the protests had come in or had begun to come in.

If, Mr. President, in the estimation of the Navy Department there was need of 25 cruisers, 9 destroyer leaders, 32 submarines, and 5 aircraft carriers a year ago last December, it seems to me there is just as much need for them to-day, and it is impossible for me to understand why the authorization was cut down from 25 cruisers and war vessels of other types to 15 cruisers and 1 airplane carrier as provided in the pending bill.

Either we need the 15 cruisers or more, or we do not need them at all. In my estimation, they are not needed. The fact that President Coolidge and President-elect Hoover have stated in no uncertain terms that in their estimation the so-called time clause should be eliminated makes it evident that at least the President of the United States and the President elect do not feel that there is any immediate need for the building of these cruisers.

I hope that the time limit can be cut out; but there is apparently a lot of opposition to the cutting out of the time limit. I do not know why. Whether the Members of the Senate who are standing for the time limit have lost faith in President Coolidge, whether they have no faith in the President elect, Mr. Hoover, I do not know; but if they have faith in President Coolidge and in President-elect Hoover it seems to me there should be no opposition to cutting out the time limit and leaving the question up to the President to decide when these cruisers shall be built.

Mr. President, we have heard discussed here on the floor by a number of Members the fact that another disarmament conference is pending in the next few months, in all probability. There is also pending an election over in England; and practically all of those who have spoken for this cruiser bill have compared the navy of Great Britain with our Navy, and our Navy with the navy of Great Britain. They have compared them from every conceivable angle—the age of the battleships and cruisers that we now have, their size, their tonnage, their speed, the size of their guns, and almost everything else, I think; but practically every argument, if you call it an argument, for this cruiser bill has been based on the fact that our Navy is not up to the standard of that of Great Britain.

There is pending an election over in England, to be held next May, I think; and the reports from the papers over there indicate that the disarmament question is going to be one of the main campaign issues in that election. It is possible that if the so-called Liberal group are put into power at the next election in England there will be a vast change in the sentiment of the Government of Great Britain on this disarmament question, and it seems to me that it would be a great mistake to have even five cruisers laid down before that time, with the expenditure of a great deal of money that would necessarily be involved in the building of the five cruisers at $17,000,000 apiece.

I do not know whether the proponents of this measure who are advocating the time clause, and insisting that it be left in the bill, are afraid to eliminate it because they are afraid the shipbuilders and the Steel Trust, the gun manufacturers, the munition factories, and other big interests that will undoubtedly get a large share of the profits if those five cruisers are laid down, will be displeased and will lose the profits that they will make if the five cruisers are laid down. It would seem to me that the proponents of the time clause practically admit, by their serious objection against having it stricken out and leaving the proposition up to the President, that they think if the time clause is eliminated the 15 cruisers will never be built.

I hope the time clause will be eliminated, and I believe if it is the cruisers never will be built, because I feel that the sentiment against war that is vastly on the increase all over the world will have a wonderful effect on the next disarmament conference, and it will mean a real disarmament conference; it will mean the cutting down of the navies instead of an increase in the navies.

It seems to me, Mr. President, that the place of the United States should be to take the lead for world peace, as we did by the peace pact known as the Kellogg-Briand peace treaty, and not try to take the lead in preparation for war, as we would be doing if we should pass this bill and authorize the building of 15 more cruisers and an airplane carrier.

It is no wonder that the rank and file of our people are opposed to war and opposed to this cruiser bill, for the cruiser bill means preparation for war. It can not be taken, as I see it, in any other way.

We have not forgotten the late World War. We lost in killed, among the best of our young men, 125,000. There were 205,000 more of the same class of men wounded. There were 24,400 of those young men medically selected to go into the service who came back with their reason all gone or partially gone; and practically all of those 24,400 boys are in insane asylums or sanitariums to-day, being treated for their various forms of insanity. Those facts alone ought to be enough to convince every thinking citizen of our great Nation that we do not want any more war.

The argument that the building of the cruisers is for peace purposes and not for war is, to my mind, a most childish argument. A great American early in our history made the statement that "We have no way of judging the future but by the past." It seems to me that we can not take any other lesson from the past experience of our own Nation and various other nations than that building of battleships and preparing for war means war, and not peace.

At the beginning the World War France, Great Britain, Germany, and Russia had great navies. When Germany went into the war, of course, she knew about those navies. She also knew that if she went into the war it meant that she would have to fight Russia and France and Great Britain. She knew that their combined navies were a great deal larger than her own, and yet she went into the war. England's great navy and the great navies of France and of Russia did not prevent the World War. No other great navy prevented any war, either, so far as I know.

I have here some extracts from speeches made on the floor of the House of Commons in recent months. They were made in favor of disarmament and doing away with at least a part of England's great navy. They go on to tell about the cost of the navy and that the armament was no source of defense, and they criticize some of the wars that England has gone into as being mercenary and unfair and unjust, and in no way for defense or for protecton or for the welfare of the common people.

It has been said here on the floor that we want a great navy for insurance purposes, to insure the safety of our homes, our families, our property, our commerce, and so forth. Here is a statement from Mr. Lansbury, a member of the House of Commons, in which he said:

It was said just now that the British Navy was an insurance. I have heard that before on many occasions. I used to hear Lord Grey, then Sir Edward Grey, and I heard that famous speech of Lord Haldane, who spoke for three hours on the reorganization of the War Department, and the whole argument used on those occasions was that we were to insure that if we had a big navy and an efficient army

that would really mean there would not be any war. We know that it did not come off. We had a war, and it is as true now as it has been at any time in the history of this country that every war that Britain has been engaged in, certainly in my lifetime, and every war that I know anything about, has had for its object not the uplifting of people, not the freeing of people, but the plunder of people by the most powerful class.

One of these speakers quotes Mr. Gladstone in what he said with regard to the war that England had years ago with China.

In a speech by Rennie Smith, a member of the house, he says armaments are no security:

I submit that the experience of the last 10 years proves that we have destroyed that aggressive civilization and the military power against which we were building until 1914, but we have not obtained that security which was our chief aim. The late war led to the colossal expenditure of £40,000,000,000, and the end of it, with 10,000,000 killed, we still have to face the problem of security. We are just as far off a solution as we were in the old days before the German aggression. Even this year we are spending £117,000,000 on armaments, and that is nearly as much as the whole of the seven great powers spent collectively in 1881.

It seems as if they got into the habit of building these cruisers and battleships during the World War, and they can not get away from it.

The statement has been made that we have not any Army or Navy, or anything to make a satisfactory showing with, at the present time. I have a clipping from the Washington Star of January 15, 1929. It is headed:

AMERICA'S GREATEST ARMADA, CARRYING 200 NEW PLANES, READY FOR MANEUVERS

SAN DIEGO, CALIF., January 15.—Carrying the greatest unit of Navy fighting planes ever assembled, ships of the United States Battle Fleet were ready to sail to-day from San Diego and San Pedro for winter maneuvers in the vicinity of Panama.

More than 200 planes, none over 9 months old, were with the fleet, which in itself numbers approximately 80 surface and submarine craft.

And it goes on to tell about the size of some of them.

Mr. President, at the present time we have the largest standing Army and the largest number of men available for war purposes that we have ever had in peace time.

We have to-day the largest Navy we have ever had in peace times. Now, the proponents of this cruiser bill want to have us appropriate $274,000,000 to build more cruisers and airplane carriers.

One of the chief arguments made is that the cruisers are needed for defense. I submit that there has never been a time in the history of the United States when we have ever needed any cruisers or battleships for defense. No war we have ever fought has been fought, strictly speaking, in defense. Yet it is said that all we want these cruisers for is defense. Defense of what? There is no answer to that question, to my mind.

Furthermore, in the event of a world war, there would be no defense in cruisers or battleships. As was stated on the floor of the Senate a few days ago, Admiral Sims, who was in command of the American Navy in European waters during the World War, and made a pretty good record under the conditions under which he labored—and there is no doubt about that; it has never been questioned—made the statement that in the event of a world war, if airplane carriers came here bearing bombing planes, the safest place for the United States Navy would be up the Mississippi River as far as they could get. I think he was right. He went on to explain that one bomb from one of those bombing planes would sink a battleship that cost $50,000,000 in less time than it takes to tell about it.

I have here, Mr. President, a number of clippings which go to prove, in my estimation, that in the event of another world war cruisers or battleships would be of no use in the defense of life or property. But, as I said, we have gotten into the habit, throughout all these years of our country's history, of building navies, and maintaining standing armies for defense purposes.

I have here an editorial appearing in the Washington Times of January 28, 1929, and it reads:

WE HAVE TANKS, WHY BOTHER WITH CAVALRY?

A caterpillar tractor, equipped with heavy guns, fighting men inside of it, protected by thick armor, is one of the most powerful and fearful weapons of modern war.

The tank is an American invention, developed here years ago, utilized by Europe in the Great War, can go almost anywhere.

It can cross streams, climb hills, crawl over rocks, traveling safely where horses can not go.

Such a tank as this could plough its way cruelly, remorsely through 10,000 or 100,000 cavalry, mounted men and horses of the old kind.

This tank will keep going as long as its fuel lasts; horses and their riders could do no more against it than flies could do against cavalry horses.

Having this weapon, why does this country continue to spend money on cavalry and men that ride horses, offering good targets to machine guns and bombs from the air, soft as putty before the attack of the fighting tank? The answer is simple.

It takes men a long time to change, a long time to adjust themselves to new conditions.

When they first made automobiles, they put "dashboards" in the front, although there were no horses to kick mud against the dashboard.

When they first had steamboats, they put sails on them because they said, "What shall we do in case steam gave out; of course we must have sails."

Now, they have the airplane, a machine costing $50,000, able to destroy with one bomb a $50,000,000 battleship, but they still build battleships.

And, having these tanks, they still equip and maintain cavalry regiments.

And, having airplanes in the air, they will for a while, at least, continue to send out infantry, crawling along the ground like caterpillars.

A few gas bombs, able to kill everything within a square mile of where they land, would, of course, soon end the infantry nonsense.

Nothing else will end it.

Skulls are thick, habit is strong, military and naval dodos are many of them too old to think.

And some of them are interested in the battleship building.

So the public spends hundreds of millions unnecessarily.

Mr. President, there is a great deal of truth in that editorial. Hundreds of millions of dollars are spent every year for battleships and standing armies and a navy, and for other war preparations, which might well be spent for some really good, humanitarian purpose, that would benefit all the people of the country.

I have here an editorial from the Washington Herald of December 16, 1928, written by Mr. Brisbane in his column. It says:

Chicago hears of a gas that would "destroy armies as a man might snuff out a candle." That gas was mentioned in the British House of Lords, with the warning that a single bomb dropped on a city would destroy all life within a mile of the spot where it landed.

Dr. Hilton Ira Jones, research chemist, who describes the gas, does not believe that the nations "want to use it for war, but seek a gas that would incapacitate, not kill."

The learned chemist is too hopeful.

If nations in the big war had possessed that gas, it would have been used promptly.

I think Mr. Brisbane undoubtedly is right; it would have been used. Those engaged in that war used the strongest, most powerful gas they had at that time.

Doctor Jones also showed a new metal called "beryillium," saying, "that metal will revolutionize the airplane industry." It has twice the tensile strength of steel, weighs about one-half as much as aluminum, is hard enough to cut glass, and you can not scratch it with a sharp file.

Modern warfare puts a new aspect on the war situation and on the defense situation.

Last summer experiments were carried on over London and over Paris with bombing planes. There was a sort of a sham battle over London in August. I have a clipping here from the Manchester Guardian of August 14, 1928, which reads:

Air "war" over London. Last night's spectacle is first phase of maneuvers. Bombers over Air Ministry. Eight raiders brought down, flying in gale and heavy rain.

I will read just a small portion of this:

The annual exercises of the air defense of Great Britain opened last night. Altogether 250 planes, with searchlight and antiaircraft units and special constable observers, are taking part in the maneuvers.

That was the report of the first night. Another clipping from the Manchester Guardian of August 18, 1928, states:

LONDON'S EXPOSURE TO AIR ATTACK—QUICKLY MADE UNINHABITABLE—STARTLED COMMENT IN FRENCH PRESS—EDUCATION IN VALUE OF ENTENTE

The Air Ministry last night issued its final report on the air "war" on London.

The day bombers are stated to have made 57 raids. In the course of these they were attacked 39 times on the way in and 37 on the way out. Only nine raids succeeded in completely evading the defense.

In that one demonstration nine of these bombing planes succeeded in getting by the defense and flying over the city of London. The sham battle lasted, as I recall, four days.

Here is another article from the Manchester Guardian of August 14, 1928, in which it is said:

Air maneuvers. Official bulletins. Some of the raiders reach London.

They again state that nine times the raiders succeeded in getting over the city of London.

Here is another one under date of August 16, from the Manchester Guardian. It states:

Nearly 200 planes in action.

It proceeds to state that it was impossible to keep all the bombing planes out. One of the officials stated that London was too large a target to be protected in the event of attack by bombing planes.

Here is another article from the Manchester Guardian of August 18:

THE AIR "WAR" OVER LONDON—MINISTRY'S FINAL REPORT—ONE HUNDRED AND SEVENTY DAY BOMBERS BROUGHT DOWN—TWO HUNDRED TONS OF BOMBS CARRIED

The air maneuvers over London are finally summed up in an official communique issued by the Air Ministry last night:

There were during the four nights 57 raids, of which only 9 were completely successful in evading the defense. In all 171 "enemy" bombers were brought down.

The New York World of August 17, 1928, also contained an article from a staff correspondent, written under a London headline, as follows:

AIR WAR ENDS IN LONDON; CITY TORN BY STRIFE—TORY PRESS, CITING SUCCESS OF RAIDERS, CRIES FOR BIGGER AVIATION FORCE "TO MAKE FOE SLOW TO ATTACK"—LIBERAL PAPER ASSAILS CLAIMS OF ALARMISTS—LLOYD GEORGE SAYS MANEUVERS PROVE NEED OF CUTTING DOWN ARMAMENT OF THE AIR

LONDON, August 17.—With half of London in theoretical ruin and the "air war" ended, the expended controversy on what the five days of mimic combat prove is in full swing. Also, as expected, the views of lessons to be learned depend invariably upon the political affiliations of the observer.

"To save Westminster Abbey we must destroy Notre Dame. That is the point to which modern civilization has brought us," remarks the New Statesman, contending that defense of any capital within range of enemy bombers is impossible.

The Tory press is already clamoring for more, bigger, and better bombers to enlarge the air forces which the New Statesman calls "probably the best in the world by a pretty wide margin. * * *"

The Daily Herald, Labor organ, adopts a pacifist view, declaring defense is impossible, and quoting the verdict of Lord Halsbury that 50 tons of the latest arsenical gas would wipe out the heart of London.

Another article is as follows:

NEED OF CUTTING ARMAMENT IS CLEAR, SAYS LLOYD GEORGE

LONDON, August 17.—If the recent air maneuvers over London have proved anything, they have proved the cutting down of armament of the air is most urgent, in the opinion of David Lloyd George, the Liberal leader.

Commenting in an Evening Star interview on the lessons of the air maneuvers, which many experts declare revealed that London was vulnerable to an air attack, Lloyd George said:

"It is horrible to think of what war in the air will mean in the future. It will be devastation, annihilation—nothing less."

Lloyd George said the whole thing showed "that pacts are not of the slightest use unless you tackle disarmament. It is useless to have pacts so long as nations are perfecting the machinery of destruction. It is bound to end sooner or later in a smash."

That is the statement of Lloyd George in regard to his conclusions as to the bombing expedition over London.

The New York World of August 19, 1928, had this to say in the headlines:

London dismayed by air-war peril. Public concern aroused by results of maneuvers. No defense possible.

This is an Associated Press dispatch from London:

The capital of the British Empire is absolutely at the mercy of an air attack from the Continent, army experts believe.

Toward the end of the dispatch it is said:

Further, it was pointed out that if attacking planes were destroyed while over London their cargoes would fall on the city and terrible damage would result. Some newspapers are frankly disturbed at the result of the tests.

The New York Times of August 19, 1928, had this to say:

Britons in dilemma. With antiwar compact near, they see air raids and great naval display.

Englishmen this week have been wondering what is the practical value of the idealism which prompts the signing of compacts to outlaw war.

The article goes on to discuss the situation there in the sham battle of the air and states that London is too big a target and that it could not be protected.

I have here another article from the New York Times of September 2, 1928, with the headline:

London helpless against air war.

I will read just a brief extract:

Umpires estimated that during the opening 15 hours of the initial attacks some 50,000 pounds of explosives could have been dropped. The accuracy of the attacks from heights of approximately 16,000 feet was almost as precise as that of gunfire.

The article goes on to state that these fighting bombing planes at that time were flown by civilian flyers, and that the ordinary civilian flyer could go into the air fight in the event of war with very little additional experience. It then goes on to say:

In the air warfare of to-morrow we are confronted not only with the destruction of buildings or ships and the comparatively few casualties thereby involved, but also with the annihilation of whole populations by poison gas.

Had the 22 tons of bombs theoretically rained upon London on August 13 contained poison gas instead of explosive they would have killed off approximately half the population of the city of London.

Another quotation states the expression of the French experts on the same proposition.

Mr. REED of Missouri. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. FRAZIER. I yield.

Mr. REED of Missouri. Does the Senator think under those circumstances that we ought not to have airplanes?

Mr. FRAZIER. I am using this evidence to show that the cruisers would be of very little benefit in the event of another war because the airplanes and bombs could sink the cruisers as well as destroy cities.

Mr. REED of Missouri. But does the Senator think we ought not to have airplanes?

Mr. FRAZIER. I am frank to say to the Senator from Missouri that, in my opinion, airplanes for business purposes and commercial purposes are, of course, necessary. But, in my opinion, there is no necessity for war bombing planes—that is, provided we can get an understanding with other nations.

Mr. REED of Missouri. So the Senator is against airplanes as well as against cruisers?

Mr. FRAZIER. I am against war of any kind or preparations for war.

Mr. REED of Missouri. Of any kind?

Mr. FRAZIER. Yes, sir.

Mr. REED of Missouri. I thank the Senator.

Mr. FRAZIER. I have another article from the Manchester Guardian, of England, of August 18, 1928, which says:

The Air Ministry last night issued its final report on the air maneuvers over London—

It then goes on to explain—

that London is too big to be adequately protected. In another war its vital parts would soon be in ruins and the rest made uninhabitable by gas.

Then it goes on to state what might be expected in the event of another war. I want to read just a brief extract appearing at the close of the article:

If a government can not understand what the people think and fear, it would do well to reflect on the events of 10 and 11 years ago. The Governments of Russia, Germany, Austria, and Bulgaria were overthrown by revolutions. Nor did the breath of revolution leave the victorious powers wholly uncaressed.

In 1917 French regiments turned their backs on the front and began to advance on Paris with cheers for a new social order. In the next war the victor will suffer more than the vanquished did in the last, and its rulers will hardly escape the vengeance of the ruled. The memory of what may follow another war should not leave the governments or, indeed, the governing classes (for what happened in Russia may happen elsewhere) wholly unimpressed. To make another war impossible is the first duty of every government and should be a test by which every government must stand or fall. The abolition of war should dominate all foreign policy and should be the supreme issue in every election. No candidate should have a chance who is not pledged

to do this. Public opinion in England has been deeply stirred by the lesson of the air maneuvers. The government can not afford to remain unresponsive.

That is the viewpoint of an English paper. A short time after that there was a sham battle fought over the city of Paris, the capital of France. According to an article in the New York Times of September 15, 1928:

Nearly 400 fighting planes and 2,000 members of the French Aviation Corps held the "fate" of Paris in their hands to-day during the most elaborate aerial maneuvers ever carried out in Europe. For several hours this formidable army of the air, divided into "enemy" forces and "defense" forces, fought a stubborn battle, the stake of which was the capital of France.

They drew the same conclusion—that there would be practically no defense of a great city like Paris in the event of another world war and bombing planes being used.

Mr. President, there is a great deal of sentiment throughout the country against the cruiser bill. I want to read just one or two extracts from letters and newspaper articles which have come to me.

I have a letter from Dr. Frank D. Adams, president of the Universalists General Convention, written from Detroit, Mich., in which he said:

In common with millions of peace-loving and peace-making American citizens I am earnestly hoping that our Nation will not nullify its splendid action in ratifying the Kellogg peace treaty by enacting the pending cruiser bill. I can not conceive that the enactment of this bill can do other than announce to an amazed world that our action the other day was insincere and hypocritical. Can America do this satirical thing without losing her soul?

I have here a sermon preached by the Rev. Burris Jenkins in Kansas City, Mo. I want to read just a short extract. Speaking of the naval bill, he said:

Such naval races inevitably lead to war.

I think he is correct in that.

Certainly, if this Kellogg peace pact is not a piece of hypocrisy on our part, we shall not begin seeking for pacific means by building additional warships and entering on a naval race with anybody. If we mean good will, we shall act good will, for actions do speak louder than words.

In the Nation of January 30, 1929, appeared the following:

At every point the cruiser bill is indefensible, but most unworthy of all is the contention that we have no means of leading the world toward naval disarmament save the threat of 15 more cruisers. As Americans we indignantly protest at this derogation of the United States, this throwing away of all her potential moral leadership in the movement to lead the way without fear toward a disarmed world.

Mr. President, it seems to me that perhaps jealousy may enter in, but fear largely is the sole motive. The proponents of the cruiser bill say that they are afraid if we do not keep our Navy up to the standard of Great Britain, it will mean we will be attacked and our lives endangered, and all that sort of thing. I do not think their reasoning is good because, as I have stated, past experience does not bear out the contention.

Mr. President, it seems to me that it is the duty of the United States Senate to do what we can to prevent war and not to promote war, as the building of the cruisers would, in my opinion, seem to do. Members of the Senate will recall that at the beginning of the first session of this Congress I introduced a measure known as Senate Joint Resolution No. 1, which provided for the submission to the people of a proposed amendment to the Constitution of the United States which would legally outlaw war. In my opinion, before war can be done away with it must be legally made impossible. With the Kellogg peace pact or any other pact that we may agree to, as long as the provision remains in the Constitution of the United States giving the Congress the power to legalize, not only defensive warfare but offensive warfare, or any other kind of warfare, we are likely to have war. I still believe the joint resolution should be passed. I propose to take it up at some future time.

Mr. President, if we can agree, as I trust we may at a disarmament conference in the near future, to cutting down the size of the navies of the world, it seems to me that some proposition should be made by the United States Government looking toward the establishment of a policing power of the seas. Freedom of the seas? Yes. Let us have our seas policed by an international police power just as our border line between the United States and Canada is policed by a few international policemen now. We have about 3,000 miles of that border unprotected by any fortifications. One of the Members of the British House of Parliament in a speech referred to having visited Canada and said:

Near Niagara Falls I saw a great monument to Sir Isaac Brock, who fell in the war between Canada and the United States, in 1812; but for more than 100 years there has been no war between the United States and Canada and there is not a single fort along the 3,000 miles of boundary. The security lies in the fact that there are no forts; in disarmament they find security.

Mr. President, I think the Member of the English Parliament was correct in his statement. In the Kellogg-Briand peace pact we promised to our people world peace. If we shall pass the pending cruiser bill we shall be stating in the face of that promise we made to our people on the 15th of last month—19 days ago—that we are preparing for war. We promised peace and we prepare for war. We said in the Kellogg peace pact, in substance, that we hoped that the other nations of the world would adopt it and abide by it; but if we shall pass the cruiser bill we shall be serving notice on the world that while we ratified the peace pact we did not mean it, and we are going to take no chances; that we are going to prepare for war. "We promised peace and prepare for war," seems to be the slogan of the proponents of this bill.

Mr. GERRY. Mr. President, in 1913 I was a member of the Naval Affairs Committee of the House of Representatives. In that year the committee held very extensive hearings in reference to the Navy, and leading officers of the Navy went very thoroughly into the naval conditions under the theories of naval warfare then existing. I have often looked back on that testimony and been amazed at the knowledge and the accuracy of the prophecies of those naval officers. After considering that testimony and comparing what those officers said would happen in case of war with what did happen, I have felt great confidence in the ability of the service to see ahead and to create a sound, constructive naval policy. At that time the same arguments were made that are being made to-day; that the battleship was obsolete; that the submarine was the great offensive and defensive weapon; that we should not incur the additional expense necessary to build battleships, but that we should rely on submarines and our coast defenses. The airplane was then, to a great extent, in its infancy; and there was not the same attention paid to it as is paid to it now.

The same argument was used that is employed now, namely, that there was no danger of war; that, while Germany was building a great navy and had a great army, it was a mistake for us to try to compete with her; and that by so doing we would encourage war. We even went so far as to sell two battleships to Greece, because there was such little likelihood of war that it was safe for us to dispose of them.

Then, in 1914, the great World War came; and we saw England and the Allies saved because of the preponderance of the British Navy which had luckily been mobilized just prior to the declaration of war. We learned then the lesson which naval officers had previously taught of the importance of a fleet in being. We saw the English fleet, because it had that preponderance, lying in Scapa Flow, able to bottle up the German fleet in Wilhelmshaven. We also saw that the British merchant marine was able to travel on the seven seas, and that German shipping was immediately driven off until only a few raiders were left to cruise the highways of commerce; and they, too, in turn then were quickly driven to port and interned or destroyed. The British fleet not only gave to Great Britain and the Allies command of the sea but the possibility of carrying her commerce upon it, and they forced the Germans to do what always the weaker naval power has been forced to do under such circumstances, to resort to commerce destroying in an effort to win the war. France had done this in the days of Jean Bart and again in the days of Napoleon.

Germany went to submarine warfare, and we saw the tremendous havoc to shipping and the very serious condition which resulted because of England's peculiar insular position, and because a weapon of warfare was being used in a way that, on account of international law, had not been seriously considered possible before the war.

Then what did we find? We found that the submarine menace was beginning to be controlled as soon as the convoy system began to be employed. America entering the war furnished the additional ships, principally destroyers, that enabled largely the successful convoying of troop ships as well as merchant ships.

The second step was when in the last days of the war a practical mine was invented, the North Sea and the Straits of Dover were mined from shore to shore, and the submarines were bottled up. It would have been impossible, however, to have mined the North Sea and to have bottled up the submarines if it had not been for the command of the sea which the battleships and cruisers of the "grand fleet" gave to the Allies.

We learn from the Battle of Jutland another lesson. In the Battle of Jutland, if my recollection is correct—and I am speaking now entirely from memory—there was not a submarine in operation with the fleet. If I recollect correctly, the Germans tried to plant their submarines in front of Scapa Flow, in order to catch the grand fleet when it came out. In that effort they failed, and when the Battle of Jutland was fought there was not a submarine active in the engagement. Not only that, but, although the battle was fought, relatively speaking, close to the German shore, the Zeppelins never came in contact with the fleet or took any part in the action. The deciding factor that ended the contest between the two fleets was the destroyer attack which the Germans launched and from which Jellicoe turned his fleet. It was the destroyer that was one of the great factors in that battle, but submarines and airplanes were not factors at all. The naval destruction wrought by the German airplane craft was practically nil, and naval experts have contended that if the Germans had made a cruiser and destroyer attack on the shipping on the Downs they would have been able to destroy more English merchantmen than would have resulted from months of submarine warfare.

Whether that is true or not, the fact remains that the dominance of the grand fleet prevented the loss of the war to the Allies.

In the Washington conference we proved that we were willing to make enormous sacrifices in order to prevent naval competition and to come to an agreement with the great nations of the world in regard to their navies. Whether that conference was wise or not the future will have to tell; but there is no controverting the fact that the United States at that conference did one of the most generous acts, one of the practical acts to prove her sincerity, that any nation in the world has ever done.

Agreements were reached on practically everything except cruisers and submarines. We agreed on a ratio of 5-5-3. I believe that the United States has a sacred duty to live up to that ratio, and when we live up to that ratio I believe that we promote peace, not war.

I do not believe for one minute—and I do not think the American people believe—that the United States should have a navy second to any other in the world. The nations at the Washington conference have agreed that we were entitled to a navy that is the equal of any other.

Mr. President, we can not have the 5-5-3 ratio balanced and carried out to its logical conclusion unless we build these cruisers. Unless our fleet is balanced in every particular, unless our fleet has all the auxiliaries necessary properly to augment its naval strength and to make it as efficient as the navies of other great nations of the world, we are not carrying out our share of the agreement, and we are not living up to the 5-5-3 ratio.

The danger after a great war is that people say there will not be another one, as they are saying to-day. They forget the lessons of the past. They think about taxes, and they are liable to let their navy deteriorate. We did that after the Civil War. At the end of the Civil War, with our advancement in ironclads, we were the dominant navy of the world; and we let it go to nothing, so that for a time our Navy was pitiable in its impotency, because it had no new vessels. The influence that we had for our own policies was weakened immeasurably. To-day those American policies speak for the peace of the world. The weight of the American people is for peace. Nobody who knows America can question that. The fact that moral force is behind our Government for peace, in my opinion, does not mean that it is not also behind it for preparedness and for proper protection. If we have the preparedness that we are entitled to—and that we should have—we are bound to be listened to with greater care when we enter into the councils of the nations of the world.

As a Senator I feel that it is absolutely my duty to vote for this bill, and to vote for it with the specific statement that the cruisers and the airplane carrier shall be built within the time limit. When I do that, I feel that I am voting for a program that is American, and carrying out one that is solely America's own business. If we build these cruisers, we will be nearing a parity with the other nations of the world. When we are on that parity, if we then want to limit our armaments, that is another question. I do not believe for one moment that other nations will find any difficulty in dealing with America as to limitation of armaments, provided we are given a square deal and our policy of having a navy that is equal to any other is maintained.

We do not seek aggression, but we do insist that this great Nation shall have the power for good that a restrained strength always gives.

To my mind the attitude of America is that of a man who seeks to maintain peace, but also seeks his own self-respect and keeps himself fit so that he can protect himself if necessary.

Mr. NEELY obtained the floor.

Mr. BURTON. Mr. President, will the Senator yield to me?

Mr. NEELY. I yield to the Senator from Ohio.

Mr. BURTON. I desire to introduce an amendment to the pending bill, which I ask may be read at the clerk's desk. It is very brief.

The PRESIDING OFFICER (Mr. BARKLEY in the chair). The Secretary will state the amendment for the information of the Senate.

The Chief Clerk read as follows:

Strike out the following words: "according to the following program: "(a) Five light cruisers during each of the fiscal years ending June 30, 1929, 1930, and 1931"—

Said words appearing in lines 5, 6, 7, and 8, page 1.

Mr. BURTON. I also desire to introduce another amendment, which need not be read, which is merely supplemental to the one already read.

The PRESIDING OFFICER. The amendments will lie on the table and be printed.

Mr. KING. Mr. President, will the Senator yield?

Mr. NEELY. I yield to the Senator from Utah.

Mr. KING. I offer two amendments to the pending bill, and ask that they lie upon the table and be regarded as pending; and I suggest the absence of a quorum.

The PRESIDING OFFICER. The amendments will be received, and the Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	King	Sheppard
Barkley	Fletcher	McKellar	Shipstead
Bayard	Frazier	McMaster	Shortridge
Bingham	George	McNary	Simmons
Black	Gerry	Mayfield	Smith
Blaine	Gillett	Moses	Steck
Blease	Glass	Neely	Steiwer
Borah	Glenn	Norbeck	Stephens
Bratton	Goff	Norris	Swanson
Brookhart	Gould	Nye	Thomas, Idaho
Bruce	Greene	Oddie	Thomas, Okla.
Burton	Hale	Overman	Trammell
Capper	Harris	Phipps	Tydings
Caraway	Harrison	Pine	Tyson
Copeland	Hastings	Pittman	Vandenberg
Couzens	Hawes	Ransdell	Wagner
Curtis	Hayden	Reed, Mo.	Walsh, Mass.
Dale	Heflin	Reed, Pa.	Walsh, Mont.
Deneen	Johnson	Robinson, Ark.	Warren
Dill	Jones	Robinson, Ind.	Waterman
Edge	Kendrick	Sackett	Watson
Edwards	Keyes	Schall	Wheeler

Mr. NORRIS. I wish to announce that my colleague [Mr. HOWELL] is necessarily detained from the Senate by reason of illness.

The VICE PRESIDENT. Eighty-eight Senators having answered to their names, a quorum is present. The Senator from West Virginia [Mr. NEELY] is entitled to the floor.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. NEELY. I yield to the Senator.

Mr. BROOKHART. I have had an amendment printed, and I desire formally to offer it now, so that it may be pending, under the unanimous-consent agreement.

I also desire to offer a further amendment, to reduce the number of cruisers to 10.

I offer another amendment, in the nature of a substitute, providing that this money shall be used to make toll bridges free.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. NORRIS. Will it be sufficient, under the unanimous-consent agreement, for Senators who desire to propose amendments before 4 o'clock, instead of interrupting a Senator who may be speaking, simply to send the amendments to the desk?

The VICE PRESIDENT. That will be all right.

Mr. NEELY. Mr. President, the debate on the pending cruiser bill has extended over all the parallels of parliamentary latitude, comprehended all the degrees of forensic longitude, and sounded many of the depths and shoals of the wisdom of peace and the folly of war.

Unhappily for the tranquillity of the war-weary world, the language of a part of the debate has been intemperate enough to indicate that the dove of peace has been exiled, and that the vultures of war are swarming over the heads of the Members of the United States Senate.

Instructions and expressions of opinion which I have received from my constituents convince me that the sentiment of the people of West Virginia is overwhelmingly in favor of the im-

mediate passage of the cruiser bill. Therefore, as the servant of my constituents, I shall endeavor by my vote to translate their wishes into action. But I would be derelict in the performance of a larger official duty which I owe not only to the people of my State but to those of the entire country, if I did not make it plain that my vote in favor of the bill must not be attributed to my sharing the apprehensions expressed, the fears disclosed, or the purposes suggested, by some of the other Members of the Senate who, during the debate, have breathed out "threatenings and slaughter" such as I have heard in neither House of Congress since the dark days of the World War.

No one can go before me in holding the distinguished senior Senator from Missouri [Mr. REED] in the highest esteem. For his preeminent ability, matchless oratory, undoubted sincerity, and irresistible powers of argumentation, I have boundless admiration. But in spite of my admiration and esteem my poor sentiments are in irrepressible conflict with many of those that the Senator expressed in the memorable speech with which he held both the Senate and its galleries spellbound last Wednesday afternoon. I fervently hope and devoutly pray that many of the opinions that he so eloquently voiced are not shared to any great extent by the people of this country, or any other land. If they are, then, indeed, does everyone who hates war and hopes for peace live in a fool's paradise under the spell of a delirious dream and the hallucination of a nightmare more hideous than anything that Doré ever painted with his magic pencil, or Dante ever wrote with his facile pen.

If bitter invective, biting sarcasm, and withering scorn were lethal things, every pacifist, every hater of war, and every lover of peace would, at the conclusion of the Senator's speech, have been as dead as Sennacherib's Assyrian host after it had perished at the hands of the destroying angel. Although I do not approve of the slogan, "Peace at any price," I nevertheless rejoice in believing that countless millions of lovers of peace still live, and their number is increasing everywhere, every day, and every hour.

It must be admitted that in the Senator's address "the native hue of resolution" is not "sicklied o'er with the pale cast of thought"; and that it will not be his fault if the enterprise of great pith and moment of making the United States the supreme naval and military power of the world goes awry. The Senator frankly told us that he favors a navy so strong that no two countries can successfully attack us. But why limit the imaginary attacking forces to two nations and our program of preparation to 15 cruisers? Why assume that only two nations will combine against us, when the Senator so vividly describes the terrifying military preparations that have been made by France, Russia, Italy, Poland, Yugoslavia, Czechoslovakia, and Japan, to say nothing of Great Britain, which seems to be the Senator's bête noir. The Senator after informing us of the great military strength of various countries that are staggering under intolerable burdens of war indebtedness, assures us that "the war councils of every great nation have prepared plans for the sinking of the American fleet, the bombardment of American cities, and they have laid out the roads over which the armies are to travel in case of war with the United States."

Mr. President, if I shared what I believe to be the Senator's fears I should consider it my duty to offer an amendment to the bill which would provide for the building of not 15 but of fifteen hundred cruisers and billions of dollars' worth of other instrumentalities of military destruction and defense.

If I correctly interpret the Senator's stirring address, it means that we should not only build the greatest of navies, but that we should emulate the examples of military achievements furnished the world by Alexander and his phalanxes, Hannibal and his elephants, Rome and her trained legions, William the Conqueror and his mailed cavalry, and Napoleon and his vast army.

Mr. President, I do not believe that the Senator has correctly interpreted the wishes, the hopes, the ideals, or the prayers of the American people. Since the United States has just ratified a treaty of peace with practically all of the great nations, renouncing war, I can not believe that the fathers and mothers of this country want their boys to follow the footsteps of the old Napoleon, whose grand army and old guard spread the cold gray spell of hideous militarism, frightful desolation from the fruitful fields of sunny Italy to the sterile shores of the frozen ocean. I do not believe that the mothers and fathers of this land want their boys to emulate the example of Alexander the Great, who, with his iron-shod foot on the throat of prostrated humanity, wept because there were no more worlds for him to conquer, and who, in the agony of his grief, died a drunkard at the age of 33.

The Senator may scoff at the sentimentality of the mother who, with her prattling babe clasped to her breast, sings "I didn't raise my boy to be a soldier." But in spite of the Senator's blighting contempt for all such pacific sentiments I believe that that song is more popular with a majority of the mothers of America than the "song of sword" which the Senator has sung, and which, if persistently sung with his ability and skill in the various parliaments of the world, will, in my opinion, result in another world-wide war as certainly as the day will follow the night. The Senator is thrilled by thoughts of boys dying for their country. But let us experience a greater thrill in thinking of boys living for their country, and rendering conspicuous service to suffering humanity.

Is it not high time for the American people to find more happiness in striving for peace than in preparing for war?

The Senator assures us that he does "not say that Great Britain contemplates war upon the United States." But he points an accusing finger at Britain's fortifications in Bermuda; to those near the southern end of South America; to her fortresses upon both the Atlantic and Pacific coasts; and asks us to tell him why these fortresses and fortifications are being maintained, as if the answer must be "to make war against the United States."

But we should remember that these fortifications and fortresses have existed for generations. Ninety-five years ago Daniel Webster spoke of them in language if not as forceful, certainly as picturesque and elegant as that used by the able Senator from Missouri. Mr. Webster described Great Britain as—

> A power which has dotted over the surface of the whole globe with her possessions and military posts, whose morning drumbeat, following the sun and keeping company with the hours, circles the earth with one continuous and unbroken strain of the martial airs of England.

Yet with all of the fortifications and fortresses which Britain has maintained ever since Mr. Webster uttered the foregoing words in 1834, she has not made war upon the United States. And is it not unthinkable that she ever will make war upon us?

The people of the United States and Great Britain, because of the identity or similarity of their origin, language, customs, laws, and ideals, have more in common than any other two great nations of the earth. For Britain to make war upon the United States or the United States to make war upon Britain would be to destroy the peace of the world and endanger the very existence of the Caucasian race. Such an awful event would be the greatest tragedy since Calvary; the greatest calamity since the crucifixion.

I refuse to believe that there is even a probability that the two greatest English-speaking nations will ever go to war against each other.

The Senator from Missouri deplores the danger in which a nation lives without being prepared for war. Although the Senator may be the best of prophets, it will not be conceded that he is the only Member of this body who is familiar with the world's history; and if that history teaches one thing more conclusively than another, it is the impressive lesson that preparation for war has never promoted the cause of peace. All history corroborates the gospel that says—

> He that killeth with the sword must be killed with the sword.

Whether in Europe or Asia or Africa, whether in the valley of the Euphrates, the Tigris, the Tiber, or the Nile, every warlike nation of the past has in its turn been conquered by some greater military power. Rameses the Second, the Pharaoh who oppressed the Israelites, carried the Egyptian arms in triumph into Asia. Later Necho subdued all of the enemies of Egypt and extended her rule over all the land between the Mediterranean and the Euphrates.

A little later Necho's vast empire was overthrown by Nebuchadnezzar, King of Babylon, who was miraculously transformed into a beast of the field.

Next Cyrus with his host of Persian warriors destroyed Babylon. Xerxes, a successor of Cyrus, had a navy great enough, perhaps, to satisfy the desires and dreams of the "jingoes" and "junkers" of modern times. With it the ambitious and whimsical Xerxes built a bridge from Asia to Europe in an effort to conquer Greece. But after a naval battle off the isle of Salamis, which resulted in a victory for the Greeks, Xerxes returned to Persia in dismay, leaving behind him General Mardonius with 300,000 men.

The following year the Greeks, under Aristides and Pausanius, slew Mardonius at the Battle of Platea, and from then until now a Persian army has never been seen in Greece.

Time passes and the warlike multitudes of Greece are conquered by the even more warlike millions of Italy, and Greece, with all of her possessions and military glory, in 168 B. C. became a Province of the Roman Empire and even lost her name.

And the empire on the banks of the Tiber that for centuries ruled the world with an iron rod finally fell and in 476 A. D., at the command of Odoacer, a German military chieftain, Rome sent to Constantinople her kingly scepter, robe, and crown.

But it is unnecessary to go to antiquity for proof of the assertion that militarism has never promoted peace.

Fifteen years ago Germany's military preparation, in proportion to her population and her wealth, exceeded that of any other nation in the history of the world. To-day her former Kaiser is an exile in Holland, his kingly power has perished, his empire has become a republic, and the German people, under the plan of the illustrious President of the Senate, are now paying the greatest war debt that ever burdened a nation.

Fifteen years ago England, and France, and Russia, and Italy, and the United States, and Japan all possessed enough preparation—if preparation were ever sufficient—to preserve the world's peace. But all of these great powers went to war. And, strange to relate, Switzerland—one of the most civilized nations of the world—without a battleship, without a cruiser, and without a submarine, lived in the midst of the World War's conflagration, without her people ever seeing a single firebrand, flare, or spark ever falling within her bounds. Holland, without a navy or an army to compare with those of Germany or England or France, preserved her neutrality throughout the World War and was untouched by the war's desolation.

Mr. BRUCE. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Maryland?

Mr. NEELY. I yield.

Mr. BRUCE. The Senator forgets that Switzerland has a system of universal military training.

Mr. NEELY. But she has never had a great standing army and her military preparation has never involved any great sacrifice or expense.

Many other similar examples could be cited to prove that those who live by the sword perish by the sword and that preparation for war has never resulted in peace.

So I purpose to vote for the cruiser bill, not as a preparation for war against England or France or Japan, or any other nation, but simply as a prudent, precautionary measure which the President, the Commander in Chief, has recommended, and which an overwhelming majority of my constituents who have expressed themselves upon the subject inform me that they desire.

I believe that war is less likely now than ever before. I believe that the world is improving, that civilization is advancing, and that Christianity is spreading. I hope for—

> The coming of that morn divine
> When nations shall as forests grow,
> Wherein the oak hates not the pine,
> Nor beeches wish the cedars woe,
> But all in their unlikeness blend,
> Confederate in one golden end.

I venture to hope and believe that the recent war, which is still fresh in our recollection, has so sickened the world with bloodshed, so horrified it with slaughter, and so appalled it with agony and woe as to impel mankind everywhere to forsake the demon of hate and swear eternal allegiance to the everlasting god of love.

May we not believe that the sun of righteousness will eventually rise with healing in his wings and illumine every highway; that the hands of the Infinite will finally make every crooked path straight; and that the pure white light of the crucified Christ, streaming down from the ineffable throne of God, will at last dispel the darkness that obscures our vision, stays our progress, and envelopes our little lives.

Instead of predicting war and delivering encomiums upon military pomp and grandeur and apotheosizing the splendors of "camps and sieges and battles"; instead of disturbing the tranquillity of the world by thought or word or deed, let us ceaselessly hope and constantly pray that the Prince of Peace, in all His glory, will yet establish His everlasting kingdom in the hearts of men, that Pope's dream of the Messiah may be fully realized, and that—

> All crime shall cease and ancient fraud shall fail,
> Descending justice lift aloft her scale,
> Peace over the world her olive wand extend,
> And white robed innocence from heaven descend.

Mr. HEFLIN. Mr. President, I send to the desk an amendment which I shall offer as an additional section to come in at the end of the bill.

The VICE PRESIDENT. The amendment will lie on the table.

Mr. ROBINSON of Arkansas. Mr. President, the debate on the cruiser bill authorizing the construction of 15 light cruisers and 1 aircraft carrier is approaching a conclusion. The Senate is about to vote on the various issues involved in the measure.

The discussions have been conducted on a high plane and have not only covered the controversies directly involved. They have also extended to many topics somewhat remotely related to the subject matter before the Senate.

Since the cruiser bill was made the unfinished business, the contest has shifted ground. Dispute first arose over the authorization of the ships, the opposition being based on the alleged prospects for early agreement by the principal powers to limit all classes of combat vessels.

Recently, that very much desired consummation has been made to appear improbable, or remote, and many of those who at first sought to defeat the legislation now combine their efforts with such advocates of the measure as are content to secure a mere general authorization without fixing a definite time limit for the construction of the ships. The effect of eliminating the time limit would be to vest in the President complete discretion and authorize him to postpone actual construction indefinitely. The existence of such power in the Executive, it is claimed, would give this country great advantage over other countries in the negotiation of treaties for the limitation of armament.

A fundamental fallacy underlies this assertion. All international conferences on armament have heretofore taken into consideration the relative strength of the participating powers at the time of the negotiations. The Washington conference was governed largely by the theory that to adopt any other principle would tend to enlargement rather to reduction. So it seems probable that complete suspension of construction by the United States while other countries go forward, will increase the disparity and place the United States at further disadvantage when the time actually arrives for agreement. This argument is based on the assumption that in order to agree on a program of any character Great Britain, France, Italy, Japan, the United States, and Germany may not be expected to break away entirely from old customs and precedents and enter upon an entirely new method or program for the limitation of their respective armaments.

If the past is to be regarded as illuminative of the present and future, other nations can not be relied on to discontinue naval construction merely because the United States has pursued or announced such a policy.

In the Washington conference bettleships were limited so as to establish the ratio of 5-5-3 for Great Britain, the United States, and Japan. This was the only limitation effected. Our country entered the conference superior to all other naval powers in battleships, and emerged from it on an equality. We completely suspended the construction of cruisers, while Great Britain and Japan actively carried out programs for cruiser building which resulted in giving the United States third rank as a naval power.

It seems foolish to assert, in view of this history, that the continuance of our present policy will result in destruction of cruisers by either Great Britain or Japan. The records of the League of Nations, the Geneva conference of 1927, and the Anglo-French project prove that whatever may be the policy of other countries, the present leadership will not advance or accept any program substantially reducing British naval armament. This declaration is not based on antagonism or resentment toward that great power. It is prompted solely by a study of the statements and suggestions made by the British representatives in the various negotiations for peace and for limitation of armament which have taken place among the principal world powers since the armistice was signed.

The British viewpoint is definitely and fairly expressed by Viscount Cecil, known throughout the world as the leader among Britons for the promotion of international peace. The British viewpoint is that security of the empire is not dependent primarily upon land forces, but is bound up with the strength of the British Navy.

Defining the attitude of his country for the benefit of certain sections of the preparatory commission of the League of Nations on the 5th of April, 1927, Lord Cecil said:

> I remember that when I had the honor of addressing this commission on a military question—on the limitation of military effectives—I explained that this was a matter which did not directly affect us, since our security was not bound up primarily with the strength of our land army. But, of course, when you come to deal with naval questions the matter is entirely different, and there I can not pretend to be disinterested in the matter. The whole existence of the British Empire depends upon the security of its communications and the freedom of its com-

merce, and those two considerations, apart from others, make it obvious that any question of fleet limitation is a matter of the highest possible importance to us, and when we try to put in force, as a member of the League of Nations, the obligations to put forward schemes for the reduction of our naval armaments to the lowest possible consistent with national safety we have, of course, to consider very carefully any propositions which deal with the limitation and reduction of the fleet. * * *

We can not accept a system which disregards numbers altogether, such as the total-tonnage system, and we have a further difficulty about accepting it in that in practice it gives no limit either to the size of ships or to the caliber of the guns.

The British attitude, therefore, is:

(1) That the security of the British Empire depends on her navy.

(2) That her numerous naval bases and far-spread possessions render number of ships rather than size the controlling factor in British naval policy.

Now, does anyone imagine that Great Britain is going to enter into an agreement which will endanger the security of communication and of commerce between the constituent parts of the empire? Throughout more than 150 years the British Empire has defied disintegration and revolution. She has expanded and gathered strength. Her growth and power are due in large part to the ability of her ruling class. British statesmen have been preeminent in the formation of comprehensive policies, in the recognition of necessities for change, in their readiness to respond to mature public sentiment, but, most of all, in their sublime confidence in their own leadership, their ability to retrieve mistakes and to remedy wrongs.

Mark this thought! It is controlling. Great Britain will never enter into any arrangement substantially reducing her present naval armament, because it has been planned with due regard and thorough comprehension of the multitudinous and long sea lanes through which British commerce is transported, and British ships must pass in the protection of that commerce. The necessity for numerous rather than large vessels is the key to British naval policy. That policy will not be materially changed in the early future—not until British statesmen become confident that warships are no longer necessary for the preservation of communication and commerce.

The World War proved so destructive that the hope was born among all men for the capitalization of public opinion to assure international peace. The effort was made, and it failed of complete success. The partial failure is attributable in large part to fundamental causes. The suspicions and hatreds out of which the wars of the past have come did not end with the signing of the armistice. They continued as subconscious influences, rendering impossible the establishment of that state of public confidence which is essential to any peace that may be expected to endure.

The prejudices and antagonisms growing out of differences in race and in civilizations can not be eliminated by mere treaties. It is foolish to ignore them. British statesmen do not imagine that such a practice will relieve international relations from the restraints imposed by diversity of race and custom.

Slowly but certainly the disappointment is filtering into the consciousness of dreamers everywhere. The best men in every century of modern times have looked hopefully for the substitution of justice for force in international controversies. Who does not now realize that in spite of the blood, the sacrifices, the despair and death attendant upon international warfare, the fear of warfare is destined to continue throughout a long period?

Happily, it is true that many postwar disputes have been settled by diplomatic negotiation; others have been composed by mediation and conciliation, or by arbitration.

The League of Nations and the World Court have functioned effectively for Europe. We hope for peace. The Kellogg-Briand treaty, binding the nations not to resort to war, is being entered into by all the governments on earth. Yet we know that this treaty by no means assures the "outlawry of war" or the perpetuation of international peace. It is the fact that this circumstance is not fully appreciated by many people in the country who have been in communication with me that prompts me to make this argument and this explanation at this time. The opinion prevails in many parts of the country that the agreement not to resort to war recently ratified by the Senate of the United States means the end of all military strife. It is believed in some quarters that the battle flags have already been "furled in the parliament of man, the federation of the world."

While the Kellogg-Briand treaty is calculated to encourage arrangements and methods for the settlement of disputes its chief benefits will be limited to the promotion of good will and to the stimulation of public sentiment in favor of peace.

Since amicable international relations must at last rest on these it can not be truthfully declared that the treaty is trivial even though it necessarily recognizes the legality of at least three important classes of wars—

First. Wars waged for self-defense;

Second. Wars pursuant to the sanctions established by the League of Nations; and

Third. Wars in enforcement of the agreements of the Locarno treaties.

No nation is now willing to abandon its sovereign right of self-defense—defense of territory and other vital interests. The right of self-defense inheres in all human relations, both private and governmental. Nevertheless, recognition of the right of every nation to determine for itself when the necessity for self-defense arises throws the issue into practical confusion. In all wars and threatened wars of recent years the belligerents have claimed to act in self-defense. In many cases the facts have been so complicated or uncertain as to leave in doubt who was the actual aggressor.

The agreement, therefore, not to resort to war except in self-defense, every nation to be the judge when the facts justify the exercise of force, is not so effective from a practical standpoint as some have claimed that it is.

Of course, if international politics were entirely simple and no dispute of fact arose, every nation might be expected to keep its agreement not to fight, and there would be no future wars. But history discloses that the subject is not so simple or so easy of determination. War seldom results from a single cause. It is usually the product of many influences and seldom occurs until antagonisms have become so fierce as to make reconciliation impossible. Those rivalries among nations and peoples, which are the outgrowth of diverse habits and customs and race, can not be suddenly abolished by mere treaties, whether entered into by diplomats or in conferences.

The admitted fact that the world is now burdened with heavier and more expensive armaments than during the prewar period, notwithstanding the subject of the limitation of armaments has been before the various nations of the world continuously since the great guns groaned into silence in 1918, is indicative of the absence of that mutual confidence and good will which is indispensable to an enduring peace.

Inventive genius still applies itself to the creation of destructive machines of war.

The nations refuse to limit armament. The preparatory commission of the League of Nations has been at work continuously, but has been unable to agree on a program for limitation. Nothing worth while has been accomplished or is assured in the early future respecting the reduction of armament. Commissions have broken up, conferences have dispersed in irreconcilable disagreement. France and Italy insist on the limitation of the total tonnage of war vessels, while Great Britain and the United States agree that four classes of warships must be dealt with and the tonnage of each class limited.

Great Britain and France, under the Anglo-French project, would limit the number and tonnage of large cruisers suitable to the purposes of the United States and leave practically unlimited the number or total tonnage of small cruisers adapted to the purposes of Great Britain.

In the light of the present status of disarmament, the Washington conference accomplished nothing worth while. It merely postponed the real issue in disarmament, both as a factor and as a consequence of international peace.

By all means let future conferences be held. Let every possible effort be made to secure arrangements for limiting the dreadful burdens imposed in the name of national defense. It is unfortunate that efforts for the reduction of armament should have failed. It is regrettable that the future gives no assurance that renewed attempts are destined to succeed. The program carried in this bill is justified from every standpoint of the public interest. It can affront no nation which has been building cruisers while the United States has totally suspended such construction. It is the cheapest possible guaranty of the protection of our commerce and possessions. The United States does not expect war; but there is no certainty that her commerce, as a neutral, may not be threatened or destroyed. Any war, wherever it commences and whatever powers it may involve, will menace neutral commerce. A people fighting for their existence are never restrained by mere ethical considerations. The only protection to neutral commerce in time of war is adequate sea power. The rights of neutrals on the seas were disregarded during the late World War, and they will be given little recognition in case of future conflicts if the success of either belligerent appears to depend on overriding them.

No patent process has been discovered whereby the human race, with its diversity of religious, racial, and political institutions, can progress in complete harmony free from the dread—

one might almost say the necessity—of sharp conflicts which may result in war. When that diversity disappears world-wide standardization in ideals and in social, political, and industrial systems will have come. Such a consummation is not desirable. It is in the limbo of things dreadful and remote.

Treaties promotive of good will; tribunals for the peaceful settlement of differences; plans for limitation of armament—all these will be helpful in maintaining international peace. Just as in the best-regulated governments adequate police agencies are required for the protection of life and property, so in the sphere of international relations no nation can be expected to disband its army and scrap its navy, relying solely on the justice of other peoples to protect its territory and its citizens.

Among the constitutional duties and powers of Congress is that to provide and maintain a navy. This means a navy adequate for national purposes and requirements. The prompt construction of the vessels contemplated by this bill is essential to the maintenance of a properly balanced and efficient navy.

No wholesome end can be accomplished by eliminating the time clause, and thus placing upon the Executive a responsibility which under the Constitution falls upon the legislative department. Undoubtedly this would afford an easy way out of the present controversy. It would save, in some degree, the faces of those who have opposed the construction of cruisers, and it would leave the practical results wholly dependent on the Executive—on the President and the Bureau of the Budget.

Convinced that these ships will form no part of a competitive program, that they are essential to an adequate navy, and that their construction will facilitate rather than impede the limitation of naval armament, I give this measure my hearty support.

It has been said that the enactment of this measure may occasion a deficit in the United States Treasury. I recall that when the Congress first passed the bill providing adjusted compensation for the veterans of the World War, the then President vetoed the bill on the ground that it would cause a deficit in the Treasury. For every year that has come and gone since that bill was passed there has been a large surplus in the Treasury of the United States, notwithstanding the declaration of the President who vetoed the bill to the contrary; and I have little faith in the assertion that any substantial ground of opposition to this measure can be based on a prospective deficit in the revenues of our Treasury. The same thing will result in that particular that came about with regard to the enactment of the adjusted compensation bill. The passage of this measure does impose an additional charge on the Treasury of the United States; but the elimination of the time clause will not diminish in the slightest degree the amount of that charge, unless the argument be based on the assumption that the President will not in fact construct the ships; and, if that be the argument, then I am emphatically against the elimination of the time limit.

Congress has the duty to determine this question. We have been debating it now for a very long period. Every phase of the subject has been considered. My conclusion is that the Members of the Congress, every one of us, should assume the responsibility which the fundamental law of the land imposes upon us, and not leave to the Director of the Budget or to the President or to any executive authority the performance of a duty, the determination of an issue, that really devolves upon us.

The United States Navy has never been an instrument of oppression. It is not likely to endanger or interfere with the rights of other nations. Considered as an instrumentality of national defense, one must keep in mind the vast stretches of our continental coast lines, almost wholly unprotected save by naval armament. Alaska, the Hawaiian Islands, the Philippines, the Panama Canal, Porto Rico, and other island possessions are under the protection of our Navy. Our commerce extends to almost every port and is still expanding. Its security in the early future can only be assured through adequate merchant and naval vessels. No program for disarmament that may be expected will contemplate a reduction of the cruiser strength below that carried in this measure. There is not the slightest likelihood that any ship constructed under this plan will be scrapped unless the United States shall become content to accept a position of mediocrity among naval powers. That I am not willing to vote for or even to discuss.

Without boasting, one may take pride in the record and traditions of the United States Navy. From the days when John Paul Jones, defying the lightning and the storm, carried the War for Independence into enemy harbors; down through the struggle of 1812; still later to the death grapple between the *Merrimac* and the *Monitor*, and amid the thunder of the guns at Santiago and Manila; aye, even throughout the World War, the Navy of the United States reflected honor and glory upon our flag, and gave security to our commerce, and contributed indispensably to the triumph of our cause.

It is with the firm conviction that a strong navy is the best insurance that can be procured—insurance during peace and in war—that I cast my vote for the pending bill and against the amendment eliminating the time clause.

Mr. McMASTER obtained the floor.

Mr. HARRISON. Mr. President, will the Senator yield to me that I may offer an amendment? Under the rule governing our procedure I can not offer it after 4 o'clock.

Mr. McMASTER. I yield for that purpose.

Mr. HARRISON. To comply with the rule, I offer the amendment.

The PRESIDING OFFICER (Mr. BRATTON in the chair). The amendment will lie on the table and be printed.

Mr. McMASTER. Mr. President, I desire also to offer an amendment which I propose to discuss very briefly, and then will offer the amendment at the proper time.

The object of the amendment which I propose to offer is to provide that when Congress shall declare war all Members of Congress up to the age of 55 years, the chief executives of all corporations whose capital exceeds $5,000,000, and the members of all partnerships whose individual or combined responsibility exceeds $5,000,000 shall be impressed into military service in the zone of actual hostilities.

The first question that arises is as to the nature of the military duties which men up to the age of 55 may perform. I am informed by men of wide military experience that men up to the age of 55 may perform many necessary and useful duties in war time in the zones of actual hostilities; and, as a matter of fact, the Germans and the French at the age of 60 years, in the zones of actual hostilities, performed many necessary and valuable services.

In the history of civilization, long before organized government made its appearance in the world, the unit of society was the family or the tribe, and the head of that family, who was called the "old man," exercised despotic power over his subjects. If an enemy tribe or family trespassed on his fishing or game preserves he ordered the youth to go out and kill and slay the enemy, and not to return until the end was accomplished. Civilization has not changed in any great respect along that line. Instead of having the "old man" wielding despotic power over his subjects, to-day we have what is known as the ruling class in every nation which dominates, rules, and controls the affairs of each country. The legislative assemblies and the classes enumerated in this amendment constitute the ruling classes of America as well as the ruling classes in all nations.

It is the youth of the world that always bears the brunt of war. It is perfectly proper, because of their physical fitness and virility, that they should bear the brunt of war. No one complains about that, not even the youth itself. But there is something inexpressibly fine about youth. It is noble and generous, courageous and heroic. The youth of the world has its own philosophy, and that philosophy of youth clearly understands and comprehends that there is not one logical reason in the world why there should not be an international limitation of armaments.

The philosophy of that youth clearly understands that with unlimited armaments of the world, there is no universal application of the principles of justice, because the small nations of the earth have no voice in the determination of their own affairs; that when war is declared, the small nations of the earth can not determine their choice because of right or justice, but must choose after a consideration of which side is the stronger, and make their alignments accordingly.

The youth is perfectly willing to fight these wars, and to bear the brunt of war, but when Congress declares war, and says to the youth of America, "This is a righteous war, and so firm are our convictions in regard thereto that we are willing to share with you the responsibilities," then, when the youth of the country realizes that the great millionaire executives of the country, whose property is to be defended by the war, are willing to leave their business, are willing to leave their palatial homes, and the physical comforts which they daily know, and are willing to join with the farm boys and the mill boys of America and fight side by side with them, a new confidence will be inspired in the heart of the youth, and the whole morale of the Nation will be quickened and stimulated, constituting a powerful factor in the prosecution of the war.

The object of this amendment is twofold. It will not only stimulate the morale of the Nation in time of war but it will accomplish a far greater purpose than that.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. McMASTER. I yield.

Mr. BROOKHART. The Senator's amendment would send Senators and Representatives under the age of 55 into the war, but I see that a recent ruling of the War Department is to the effect that a Senator has the rank of a major general and a Representative that of a brigadier general, and in the Army officers of those ranks do not retire until they are 64. Therefore I think the Senator ought to raise his age limit to 64.

Mr. McMASTER. I would be perfectly willing to raise it, if the Senate desired to do so.

The millionaire executives of this country exercise a powerful influence, not only in national but in international affairs. They guide and direct the commerce and the industry of the Nation, and too great tribute can not be paid to their ability and their genius and their usefulness to society. This amendment is not directed at those men because they are rich but it is directed toward them because of the fact that if it were adopted there would be brought home to them a keen responsibility of what war means. There would be driven home to them the fact that war means not only hell to the masses but to them as well. Then, the ability and the genius of these men would be directed along the lines of formulating international diplomacy that would make for peace instead of making for war.

Mr. President, during the centuries the ruling class in every country has shaped all national policies and all international policies, and has shaped and determined the diplomacy of the world. They have built armaments in the name of peace, they have promised peace and safety and security to civilization, and with what result? Wars, greater wars, and still greater wars, have been the sum total of their efforts, and there is being laid to-day the foundation for the greatest war in all history, due to the world ambition for trade of the ruling classes of the world.

In every generation, when this ruling class sees that its ambitions for world trade are about to go toppling down in failure, it steps aside and says to the youth of the world, "We have made a miserable failure of the whole business. Now you go out and right these miserable mistakes with fire and the sword." And hundreds of millions of youths of the world have obeyed that command and poured out their blood to atone for the miserable mistakes of the elders.

The efforts of this ruling class, during all of the time it has had charge of the affairs of the world, and most assuredly up to the present hour, have resulted in a monumental failure, so far as international diplomacy is concerned. Is it not about time that the ruling classes of the world shall say to the youth, "We will be honest and square with you. We have played this game long enough at your expense. We are willing now to accept responsibility for our acts." When that time comes, while the youth is always willing to bear the brunt of these wars, it will have much more respect for the elders if they are willing to share the responsibility of the war.

In this age-old diplomacy that is filled with blunders and mistakes which so completely fill the chapters of history, what is the tragic end of it all? In every nation that is old in years, after the youth have been lied to time and time again, after facts have been cruelly misrepresented to them, when generation after generation has poured out its treasure of gold and blood in war, and the mistakes and the intrigues of the ruling class have been piled mountain high, what is the aftermath? There always arises in that country a man with a dynamic and a magnetic personality, with a fair knowledge of history and economics, but with a perfect knowledge of human psychology, who pours into the ears of the youth the deadly facts of the mistakes and the cruel blunders and the intrigues of their elders, and the youth, who constitute the soldiery of the country, rally around his banner, a dictator is born, down goes the government, and the old régime is blotted out. No less than 10 to 15 times in the last decade has that very thing happened before the eyes of the world, and that is the tragic climax to the miserable drama.

At the end of the World War certain of the Central Powers and the allied powers were sure as to who caused the war, but after the passion and the heat of the war had subsided and a calm investigation was made as to the causes of the war, under the direction of the Historical Society of Paris, particularly led by Professor Renouvin, of the University of Paris, he said in substance, "We may never know the exact causes of that war, but it was not a one-sided war. All parties thereto bore some guilt." He said the seeds of the war were sown 30 years ago; that it was an economic war, and then, after reciting the coalitions that were formed by the Central Powers and by the allied powers beginning with 1907 and 1908, he said this:

> The idea of an inevitable war tended to spread. The state of European politics, the race for armaments, the growing rivalry of the two groups of powers, seemed to be leading toward it unavoidably. People were actually waiting for the conflict to begin. When a statesman reaches this conviction, he reasons and acts as though the current were invincible. He must make the necessary preparations for the conflict without actually believing that it is coming. How can the stream of destiny be turned aside?

That was the greatest world war in all history, a war where all parties thereto bore some guilt, the result of the trade policies and the ambitions of the ruling classes of the world.

Now, let me quote the opening sentence of an editorial in the New York World in reference to this particular amendment that has been offered. The World said:

> It is a common observation that if it were possible to eliminate all profits from war and to compel statesmen who declare war to go to the front with muskets, it would be a long while before another armed conflict would take place.

If according to this editorial the conscription of property would postpone war for many a day, then the conscription of life would effectually prevent war. It is a certainty that when the bodies of the ruling classes feel the withering touch of the flame of war and accept responsibility for their acts then sanity and common sense and honesty will be translated into the diplomacy of the world.

Theodore Roosevelt, the great American, in times of war never asked an American boy to do that which he himself was not willing to do. If the philosophy of Roosevelt were translated into the fundamental law of every land, a new hope would be borne in the breast of mankind for the peace and the safety and the security of the world.

Mr. HALE. Mr. President, during the debate in the Senate it was said a number of times that the Kellogg peace pact was nothing more than a gesture. With this view of the pact I can not agree. I think it is much more than a gesture. It seems to me it is an expression of the will and desire of the people of the world for peace; it is a pledge by the governments of the world to recognize this undoubted feeling on the part of the peoples themselves. Just at this time this feeling does exist strongly in practically every civilized country of the world. But it must not be forgotten that very few cases have occurred in history where wars have been fought against the wishes of the people of the countries at war.

This desire for peace is not manifesting itself during our day by any means for the first time in history. It is really the normal feeling of the world in times of peace; but when occasions for war arise it takes very little to turn this normal desire for peace into a very active desire to get at each others' throats.

The Kellogg peace pact, which acknowledges that every country has the right to make war in self-defense or when so obligated to do under the treaty of Versailles or the Locarno treaty, or the French private treaties, does not by any means guarantee that there will be no more war.

It is not a treaty relying on which any country can afford at the present time to relinquish its armament or to reduce it below its national needs unless the other countries of the world do likewise, and this is particularly true in regard to naval armament.

The real value of the treaty will be developed in the future. It is my opinion that its chief value will not be developed until some one of the great world powers signatory thereto has violated the treaty, and then its value will depend entirely upon the degree of coventry exercised against the treaty-violating power by the other nations signatory.

If the treaty is to survive such a violation and to have any measurable effect in the future, the nonoffending nations must in some tangible form so express their disapproval that thereafter neither the offending nation nor any other nation will dare to repeat the offense. Otherwise the treaty will not be worth the paper on which it is written and will be a mere evidence of the vanity of the hopes of the world for abolition of war.

Let us see to it that this great country of ours, the richest and necessarily the most envied country in the world, does not furnish cause for the violation of the Kellogg treaty. Let us so keep up our national defenses that no other country in the world shall have any temptation to violate the terms of the treaty in so far as we are concerned, and attack us or wrongfully to interfere with our rights, thereby putting itself in the position of violating the treaty to which we are both signatories; that we on our part shall not because of our military strength assume the rôle of the treaty violator. The great material advantages to our country of a condition of world peace, our frequent and honest endeavors to have adopted a code of laws for the sea, and our well-known and proven policy of not wishing to add to our territorial possessions should be a sufficient guaranty to the rest of the world.

Mr. STECK. Mr. President, as the Senator from Arkansas [Mr. ROBINSON], our leader, has said, every phase of this question has been covered, but I wish in a few moments to give my reasons for voting for the pending legislation, together with the time limit.

Mr. President, I intend to vote for the pending legislation—

Because the first duty of a government is the common defense.

Because the Constitution makes it the duty of Congress to provide and maintain a navy and to make all laws which shall be necessary and proper for the common defense.

Because this duty can not be shifted by Congress to either of the other branches of our Government.

Because I will not be led from what I conceive to be my duty as a Member of Congress by the activities of any group or organization, however earnest and active they may be.

I intend to vote for this legislation—

Because I am convinced that the cruisers provided for in the bill are immediately necessary to provide a naval force adequate for the common defense, and because I have confidence in the judgment of our President, who, as Commander in Chief of our Army and Navy, considers them necessary, and who has said:

> It is our duty to ourselves and to the cause of civilization, to the preservation of domestic tranquillity, to our orderly and lawful relations with foreign people, to maintain an adequate Army and Navy.

I shall so vote—

Because of the warnings of Washington, Jefferson, Lincoln, and Roosevelt, and because I believe with our President-elect Mr. Hoover that—

> there are two cooperating factors in the maintenance of peace—the building of good will by wise and sympathetic handling of international relations and the adequate preparedness for defense—

that—

> We must not only be just; we must be respected.

Because while I hope for everlasting peace I realize that the only real guaranty we have against attack is to let the world know that we are prepared and disposed to defend ourselves.

Because I know that only by actual conflict was our Nation established; that only by actual conflict has it been preserved, and because I am more interested in the safety and welfare of my own country than in that of any other nation or nations.

And, finally, I shall vote for the bill because I am convinced that the people I in part represent overwhelmingly demand a navy of sufficient size to keep inviolate the shores of our country and of our possessions, to safeguard our commerce on all the seas, and to protect our citizens and their property wherever they may properly be.

Mr. BLAINE. Mr. President, the ratification of a treaty not many moons ago is fresh in our minds. The Senate ratified the multilateral peace pact outlawing war and providing for the pacific settlement of all international disputes. While I voted against ratification for the reasons I set forth in the debate, and while I entertain misgivings as to the value of that treaty modified, as I believe it to be, by reservations and interpretations of foreign governments, and while I entertain grave apprehensions of the ultimate consequences of the treaty, I feel that it is my duty as an official now to accept that treaty in good faith at its face value and resolve the presumption in favor of the honesty and integrity of our Government and other governments adhering to the treaty, until that presumption is overcome by the facts of future history.

When the treaty has been ratified by the governments proposing the treaty, it goes into effect as soon as the instruments of ratification have been deposited at Washington, and it then becomes under our Constitution the supreme law of the land, binding equally upon all citizens and all officials.

If nations are sincere and diplomats are not all liars, under the treaty there should be no wars—no, not even defensive wars, for there can be no defensive warfare until there is an assailant. Being one of the first nations to ratify the treaty, it would, in my judgment, seem ironical if America were to become the first Nation to prepare for war. My vote, therefore, will be cast against the cruiser bill.

On the day when the treaty was voted upon in the Senate, representatives from the so-called peace organizations of the country and women's clubs filled the Senate Office Building, importuned the Senators of the respective States—preceding those importunities with public mass meetings—flocked into the corridors and waiting rooms of the Nation's Capitol and filled the galleries of the Senate Chamber in an effort to demonstrate their "passion for peace," so eloquently portrayed by the distinguished senior Senator from Idaho [Mr. BORAH].

On the day of ratification the dove of peace fluttered about the Senate floor and the Senate galleries. It perched upon the desk of every Senator, then fluttered about the part-time militant Senator from Missouri [Mr. REED] and the erstwhile nationalist, the Senator from New Hampshire [Mr. MOSES], seductively billing and cooing them with an innocuous committee report, and as the vote was taken it perched high above the Presiding Officer, with its head gently turned to hear the sweet refrain as the Senate, by the roll call, joined in the hallelujah chorus of peace with but a single discordant vote.

While the Senate is about to take a vote filling the Nation's waist belt with tomahawks for a competitive struggle in the international game of scalping, the braves have laid aside the peace pipe. The representatives of the peace organizations of the country and the women's clubs are all absent. The seats they once occupied during the consideration of the peace pact are now reserved for the gentlemen who rattle the saber. The dove of peace, a temperamental creature, has taken its flight and is now perched high in the loft of some deserted barn. Its wings have drooped, its feathers are disheveled, its eyes turned to the dull dreariness of shattered hopes, and no longer does it bill and coo. Indeed, the "passion for peace," like so many other passions, flamed and flared forlorn in the blackness of the night, flickered and was snuffed out at the break of day.

The braves have returned from their bivouac of peace, and now, with the beating of the drums, the war dance begins. On Monday they feed on raw meat and shout for war. On Tuesday they breakfast on the tongue of a barnyard fowl and cackle for peace. But I observe that in this debate the roar has been louder than the cackle.

Mr. President, the debate on the peace pact, the debate on the cruiser bill, the justification, as has been alleged upon the floor of the Senate, for the building of 15 additional cruisers, in my opinion portends nothing less than war. Indeed, the nations of the earth, begging for peace, begging for cessation of the giving of their blood in useless warfare, must look upon America to-day, as she welds her armor of steel with the white heat of the passions of war, as a doubtful leader for peace.

Mr. President, every cruiser, every battleship is an instrument of destruction; and in the hands of America, great, powerful, and wealthy as she is, it is a warning.

The PRESIDING OFFICER (Mr. BRATTON in the chair). The time of the Senator on the pending question has expired.

Mr. BLAINE. Mr. President, speaking, then, on the amendment—should we pass this bill it will be a warning to the nations of the world that America, when she joined in the Kellogg peace pact, intended to mislead the peoples of the world. We shall stand before the world as a nation, by our voice speaking for peace and by our acts preparing for war.

Mr. BINGHAM. Mr. President, I disagree with the position taken by my distinguished friend the junior Senator from Wisconsin [Mr. BLAINE]. It does not seem to me that a vote to provide cruisers is any more a vote for war than voting for policemen and police patrols is voting for crime, or voting for fire engines and firemen is voting in favor of fires. I believe in peace with righteousness, peace with justice, and peace with honor. Human nature being what it is, and the nations of the world being composed of human beings, I believe that we shall be more likely to get peace with honor and peace with justice if we are ourselves strong and prepared for the worst than if we are weak and whining for others to disarm because we ourselves do not care to arm.

The hour is late, Mr. President, and I shall not address myself at any further length to the general aspects of the bill, which seems to me to be directly in line with the injunction in Washington's last message, that the cost of preparing against war is always less than the cost of war. I do desire, however, to address myself for the remainder of my time to an amendment which I have sent to the desk, which provides for the building of two additional aircraft carriers.

In the original program for Navy development, for the rebuilding of the outworn ships and the construction of new ships—a program sent to the Congress last winter and approved by the President, the statement being made that it was not in conflict with the financial program of the President—25 cruisers and 5 aircraft carriers were provided for. After prolonged hearings the House committee prepared a bill which provided for a reduction of two-fifths in the number of cruisers, making the number 15 instead of 25, and a reduction of four-fifths in the number of aircraft carriers, making the number 1 instead of 5. It seems to me that that was a very unfortunate act on the part of the House of Representatives. The amendment which I have proposed provides for the adding of two aircraft carriers to the bill, one aircraft carrier to be built in each year that we build five cruisers.

In order that the sentiment of the highest authorities of the Navy on this matter may be known, I ask to read from the statement of Admiral Hughes, the Chief of Naval Operations, made

a year ago, in January, before the House committee on aircraft carriers, in which he says:

Aircraft carriers are becoming each year more necessary for fleet efficiency. Our present effective strength consists of only two units, the *Saratoga* and *Lexington*, and the loss of one of these units would reduce our carrier force by 50 per cent.

I interject there to remind Senators that a few days ago at the maneuvers off the Panama Canal, the great naval maneuvers of the year, our two aircraft carriers were engaged and one of them was "put out of action" very early in the maneuvers. That enabled the other one, by skillful use of one of its airplanes, to bomb the Panama Canal in such a way as to prevent the Atlantic Fleet from joining the Pacific Fleet and to force it to take its way around Cape Horn.

Due to the increased efficiency that will be obtained from numbers of mobile landing and operating stations, as well as to the extreme vulnerability of this type of vessel, numbers of smaller carriers should be built, rather than a few large carriers.

* * * * * * *

The mission of an air carrier is to provide a mobile base for airplanes in areas and at such time as will insure an effective employment of its own planes and the planes of other types of combatant ships in company which can launch planes, but upon which planes can not land. Carriers provide the only satisfactory means of reservicing the planes of all ships of the fleet in the presence of an enemy, as it is manifestly impracticable for combatant ships to stop and recover planes in the presence of an enemy. The types of operations in which carriers are likely to engage during war are as follows—

First, fleet action; second, scouting operations; third, defense of commerce; and, fourth, attack on shore objectives—naval and military.

I will not read, Mr. President, all that he says at this time; but will ask permission that it may be inserted in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

(1) Fleet action: Airplanes in a major action would be used for attacking enemy planes, bombing enemy combatant ships, strafing attacks against heavy and light forces, torpedoing capital ships, laying smoke screens, tactical scouting, and observation of gun fire. To perform these functions, control of the air must be gained and maintained; this involves destruction of enemy planes. To accomplish the above functions, planes must be reserviced and a large number of landing platforms in the battle area are required to prevent congestion in servicing planes and possible actual disaster to planes.

(2) Scouting operations: Early information of the presence of the enemy, even at a great distance from the fleet, or his absence from certain areas, is of great importance to the commander in chief. Under favorable weather conditions such information may be obtained by planes flown from carriers, and the greater the number of carriers the greater the area and the more effectively can it be covered; but carriers must, at all times, be amply protected by cruisers or destroyers, or both.

(3) Defense of commerce: By locating and attacking enemy combatant ships operating on our lines of communications and by informing our own forces of the location of enemy combatant and merchant vessels aircraft will render great aid in maintaining our sea communications and denying same to the enemy.

(4) Attack on shore objectives—naval and military: In such attacks the chance of accomplishing the mission is greatly increased by the number of flying off and flying on decks within striking distance of the objective.

In view of the above we should build up our carrier tonnage to the treaty limit of 135,000 tons.

AIRCRAFT-CARRIER SITUATION AT THE PRESENT TIME ON A TONNAGE BASIS

At the present time the tonnage of aircraft carriers built, building, and appropriated for is as follows:

	Tons
United States	78,700
British Empire	107,550
Japan	63,300

Of the above the following tonnages are classed as experimental and may be replaced as desired:

	Tons
United States	12,700
Great Britain	70,350
Japan	9,500

The tonnage of aircraft carriers allowed by the Washington treaty is as follows:

	Tons
United States	135,000
Great Britain	135,000
Japan	81,000

Mr. BINGHAM. Admiral Hughes calls attention to the fact that under the Washington conference treaty we were permitted to build 135,000 tons of aircraft carriers; Great Britain the same tonnage; and Japan 81,000 tons. At the present time our tonnage of aircraft carriers is 78,000, while Great Britain's is 107,000, and Japan's 63,000. Japan has approached far more nearly to her quota than we have, for we are still 56,300 tons under the treaty allowance.

Mr. President, I should like also to call attention to the testimony before the House Naval Affairs Committee of the Hon. Edward P. Warner, Assistant Secretary of the Navy for Aviation, in which he points out the necessity of having a number of aircraft carriers in order that we may learn to use them. He states that it is of the greatest importance there should be more than one airplane carrier with each one of the fleets engaging in maneuvers. During the last war no aircraft carriers were used at all, and we know very little about how they will behave and what will be their tactics during war time.

I quote from Mr. Warner:

* * * The only chance from gaining experience with aircraft carriers which will give our naval officers and professional men a really extended and full knowledge of their possible attainments is through the execution of peace-time maneuvers. In those maneuvers there must be carriers with both the opposing forces, and they must be serving in various capacities. * * * If we are to learn what may be done with the carriers in the way of carrying planes to act as scouts, as a striking force, and simultaneously in all the different aerial operations that have been conceived, we must have a reasonable number of airplane carriers—certainly more than those in hand—and we ought to have them as soon as possible, because on the demonstrated usefulness of the airplane carrier will depend to a very large extent the development of our naval policy.

He calls attention to the fact that the Washington treaty as affecting the United States and Great Britain fixed a definite standard of 135,000 tons for airplane carriers. In doing that it obviously set what was expected to be a reasonable minimum tonnage to be attained by those powers to meet an absolute requirement. In view of this statement, extracts from which I ask unanimous consent to have printed in the RECORD, it seems to me to be a mistake when we are about to build 15 cruisers that we should not build an adequate number of airplane carriers, and the amendment which I have sent to the desk provides for one carrier to be built in each of the three years covered by this bill.

The PRESIDING OFFICER. Without objection, the extracts referred to by the Senator will be printed in the RECORD at this point.

The extracts are as follows:

[From the statement of Hon. Edward P. Warner, Assistant Secretary of the Navy for Aviation, before the House Committee on Naval Affairs, January 23, 1928]

* * * But as I see it the problem of the airplane carrier is a novel one, with some aspects peculiar to itself, which makes it particularly important that the construction of carriers should be expedited at the present time, and that we should proceed with the construction, not only of one airplane carrier but of several, with a maximum of rapidity. This is a problem which requires separate analysis because of the peculiar technical and tactical position that the airplane carrier occupies. There has already been a discussion of the possibility of establishing ratios connecting the desirable numbers and tonnage of the various type of naval craft, such as cruisers, submarines, destroyers, etc., required for each battleship. However, it may be for those ships the discussion of airplane carriers in terms of ratios with any other type seems to me at present to be quite impracticable, the carrier has to be judged for the present, in itself, and the requirement for carriers, as I see it, is absolutely and wholly noncompetitive—an absolute not a relative requirement. And that is for two reasons.

In the first place, there has been set a definite standard for airplane carriers to be built up by the powers participating in the treaty of Washington. That treaty limits the tonnage of airplane carriers of over 10,000 tons to a total of 135,000 tons for ourselves and for the British Empire, and in doing so it obviously set what was anticipated to be a reasonable minimum tonnage to be attained by those powers to meet an absolute requirement. A materially lower figure might have been established, had that been thought desirable at the time, without requiring any actual scrapping of ships.

The second reason, and it is far more important, is that in the study and development of carriers, with special reference to their tactical operation, the evolution of which in this country has just begun during the past two years or so, it is almost essential to operate with more than one unit, with more than two, in fact with several. A multiplication of units is absolutely necessary in order to get the maximum benefit from experience in maneuvers.

* * * * * * *

* * * The only chance for gaining experience with aircraft carriers which will give our naval officers and professional men a really extended and full knowledge of their possible attainments is through the execution of peace-time maneuvers. In those maneuvers there must be carriers with both the opposing forces, and they must be serving in various capacities. It does not serve for the broadest, or for any broad, study to have only one or two of the carriers, or even three or four, with the whole fleet. If we are to learn what may be done with the carriers in the way of carrying planes to act as scouts, as a striking force, and simultaneously in all the different aerial operations that have been conceived, we must have a reasonable number of airplane carriers, certainly more than those in hand, and we ought to have them as soon as possible, because on the demonstrated usefulness of the airplane carrier will depend to a very large extent the development of our naval policy.

Nobody knows just how far carriers can go in work that has to be done with the fleet by some type of ship in any case, or how far they can replace other types. Experience has been lacking. There is no way to find out except by acquiring that experience in the actual operation of ships at sea, and that by actually flying airplanes from and to the carriers. Within the past two and one-half years there has been an enormous development in the airplane. That development has gone on without interruption for many years previously as well, and is being continued. Within the last two and one-half years, however, the evolution of service types of aircraft of postwar design has been carried forward to the point where production orders have been placed for the building in considerable quantities for the service of one or more brand new designs of each type, such as fighting planes, bombing planes, patrol planes, etc. These designs have been developed entirely since the war and they far exceed in performance what was available either during the war or in the years immediately after, when service experience with airplanes with the fleet was first being gained. That is good, but the airplane alone can not show the way. It is necessary to have mobile bases, and a sufficient number of them, so that the airplanes may operate not merely from a carrier and back to that carrier but from and to and between a group of carriers, the group being considered as a whole with relation to the aggregate air forces that they support or base. That is just like the case of land bases, two bases being not twice but four or more times, as useful as one.

* * * * * * *

We have two airplane carriers going into service. I refer to the *Saratoga* and the *Lexington*. They are of large size and I think it is desirable that we should be in a position as soon as possible to try to parallel those two large carriers by not one merely, or even two, but several of those smaller carriers which now appear to us to be far more efficient and desirable for future construction. Several carriers of approximately the same capacity and performance are needed to work in cooperation, and it is better that we have several so that we may increase the variety of technical information gained.

* * * * * * *

We can not try out the things that are necessary unless we have carriers of a new size. And I say explicitly "carriers." If there were a special form of plural to signify several say three or more carriers, I would employ that special form.

I am left in no doubt of the advisability, without considering any competitive element at all, of studying the real importance of the place of aircraft and mobile aircraft bases in fleet tactics, and of the advisability of building carriers briskly to put ourselves in a position to gain some real experience on a large enough scale to guide our action in the future.

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Mr. BORAH. Mr. President, may I ask the Senator a question before he takes his seat?

Mr. BINGHAM. I think my time has expired.

The PRESIDING OFFICER. The Senator from Connecticut has two minutes remaining.

Mr. BORAH. I think the Senator from Connecticut can answer in two minutes the question which I desire to ask. What is to be the cost of each of the proposed carriers?

Mr. BINGHAM. The cost of each one will be $19,000,000.

Mr. BORAH. What is the cost of the cruisers provided for by the bill?

Mr. BINGHAM. The cost of the cruisers provided for by this bill is $17,000,000 each. The carrier provided for in the bill is to cost $19,000,000. My amendment provides two more carriers each to that sum.

Mr. BORAH. Is the Senator willing to substitute a carrier for a cruiser?

Mr. BINGHAM. Mr. President, in the opinion of naval authorities who know far more about the question than I do the necessity for the 15 cruisers is equal to the necessity for the three airplane carriers.

Mr. HEFLIN. Mr. President, before the Senator takes his seat, is he suggesting two carriers in addition to the 15 cruisers?

Mr. BINGHAM. I have suggested that each year while we are building five cruisers we build one airplane carrier.

Mr. WALSH of Montana. Mr. President, will the Senator tell us whether the proposed two additional carriers are recommended by the Navy and whether they have been estimated for?

Mr. BINGHAM. I stated, but the Senator probably did not hear me, that when the original plan for an increase in the Navy came up in the House a year ago the Navy, stating that it met the approval of the President and was not in conflict with his financial policy, requested 25 cruisers and five airplane carriers. The House reduced the cruisers by two-fifths and the airplane carriers by four-fifths. My amendment would merely bring the carriers up two-fifths of the original number recommended by the Navy.

Mr. HALE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HALE. Is there an amendment now before the Senate?

The PRESIDING OFFICER. The pending question is on the amendment proposed by the Senator from Idaho [Mr. BORAH].

Mr. ROBINSON of Arkansas. Which amendment?

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. The Senator from Idaho offers the following amendment:

Add a new section as follows:

"First. That the Congress favors a restatement and recodification of the rules of law governing the conduct of belligerents and neutrals in war at sea on the basis of the inviolability of private property thereon.

"Second. That such restatement and recodification should be brought about if practically possible prior to the meeting of the conference on the limitation of armaments in 1931."

Mr. BORAH. Mr. President, the Senator from Missouri [Mr. REED] desires to be present when this amendment is passed upon, and I promised him that I would not call it up in his absence. I did not know that it had the position of the first amendment, and, if I may, I ask unanimous consent that the amendment may be passed over for the present because the Senator from Missouri is very anxious to be here when it is considered.

The PRESIDING OFFICER. Is there objection to the unanimous-consent proposal of the Senator from Idaho? The Chair hears none, and the amendment will be passed over temporarily.

The VICE PRESIDENT resumed the chair.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment. The clerk will state the first amendment to the bill.

Mr. SWANSON. Mr. President, have the committee amendments been agreed to?

The VICE PRESIDENT. The amendments printed in the bill have been agreed to.

Mr. BINGHAM. Mr. President, if it is in order I ask that the amendment which I have sent to the desk may be submitted to the Senate.

The VICE PRESIDENT. The first amendment to be considered is the amendment of the Senator from Utah [Mr. KING].

Mr. McKELLAR. May it be read?

The VICE PRESIDENT. The amendment will be stated.

The Chief Clerk read as follows:

Strike out all after the enacting clause in section 1, pages 1 and 2, and insert in lieu thereof the following:

"That the President of the United States is hereby authorized to begin the construction of five light cruisers and one aircraft carrier according to the following program:

"(a) One light cruiser prior to January 1, 1930, and one light cruiser prior to January 1, 1931, and two light cruisers prior to January 1, 1932, and one light cruiser prior to January 1, 1933, to cost, including armor and armament, not to exceed $12,000,000 each.

"(b) One aircraft carrier prior to January 1, 1931, to cost, including armor and armament, not to exceed $19,000,000. If the construction of any vessel herein authorized to be undertaken is not undertaken in the calendar year provided herein, such construction may be undertaken in the next succeeding calendar year. At least two of the vessels, together with their main engines, armor, and armament, the construction and manufacture of which is authorized by this act, shall be manufactured in the Government navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States: *Provided*, That the cost of such manufacture, including all materials and parts thereof, shall be no greater than if built in private yards or by private persons or corporations: *And provided further*, That contracts for any and all of said five cruisers shall be upon a competitive basis."

On page 2, strike out section 4 and insert the following:

"SEC. 4. (a) The President is authorized and requested to invite all the nations of the world to send representatives to an international conference to be held in Washington, D. C., on or before January 1, 1930,

for the purpose of bringing about a further limitation of armaments. The President is authorized to appoint not exceeding five citizens of the United States who, in his judgment, are qualified to be representatives of the United States in such a conference. The President shall fix the compensation of such representatives and shall appoint and fix the compensation of such secretaries and other employees as may be needed. Pending the convening of any such conference, the President is authorized to take such steps as he may deem necessary and proper for such conference, and to that end and for that purpose may cooperate with any committee or commission acting by order of the League of Nations, or by order of any nation or organization, in preparing data, compiling statistics, and performing other functions in aid of the purpose of such conference.

"(b) The sum of $200,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for expenses incurred under this section, including salaries in the District of Columbia or elsewhere, rent in the District of Columbia, printing and binding, transportation, subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), contract stenographic reporting services, official cards, and such expenses as may be actually and necessarily incurred by the Government of the United States by reason of such invitation in the observance of proper courtesies.

"(c) In the event of any international agreement for the further limitation of naval armaments, to which the United States is a signatory, the President is hereby authorized and empowered to suspend in whole or in part any of the naval construction authorized under this act and to cancel or modify any contract entered into for and on behalf of the United States under this act. If any such contract is canceled or modified, settlement of claims arising therefrom shall be made by the President upon a fair and equitable basis, as he may determine, out of any funds hereafter to be appropriated for that purpose; except that if the terms of such settlements are unsatisfactory to any claimant such claimant shall be paid 75 per cent of the amount awarded by the President and shall be entitled to sue the United States to recover such further sums as added to such 75 per cent shall make up such amount as will be just compensation for such claims in the manner provided by paragraph 20 of section 24 and section 145 of the Judicial Code, as amended."

Mr. KING. Mr. President, while I sent the amendment to the desk to-day and desired that it should be deemed pending, I did not intend and have not asked that it should be taken up for consideration at this time. I ask that it be passed over temporarily.

The VICE PRESIDENT. Without objection, that will be done.

Mr. HARRISON. Mr. President, I offer the amendment which I sent to the desk to have printed this morning.

The VICE PRESIDENT. The amendment offered by the Senator from Mississippi will be stated.

The CHIEF CLERK. The Senator from Mississippi offers the following amendment:

Strike out all after the enacting clause through the comma in line 5, page 2, and insert in lieu thereof the following:

"That the President of the United States is hereby authorized to undertake, prior to January 1, 1932, the construction of 15 light cruisers, to cost, including armor and armament, not to exceed $17,000,000 each, and one aircraft carrier, to cost, including armor and armament, not to exceed $19,000,000: *Provided*."

Mr. HARRISON. Mr. President, this amendment does not affect the number of cruisers to be constructed. It merely carries out the general custom that has been followed by past Congresses in making authorizations for the construction of battleships and cruisers and naval armaments.

It will be recalled that in 1916, when the country—as was seen by everyone, including the President at that time—was nearing war, and the President made his appeal to the Congress and through his speeches to the country in the interest of preparedness, a bill was introduced and passed the Congress providing that the President could begin the construction of certain vessels at any time within three years. While the Democrats had control of Congress at that time, the bill was given unanimous support by Republicans. The wording of the statute passed in 1916 was that he should have until 1919 to begin construction.

Again in 1924, under the leadership of the Senator from Maine [Mr. HALE], when we authorized the construction of eight cruisers, the President was given three years in which to begin their construction. So in every instance where there was a limitation—and only in those two instances have there been limitations—we have given the President at least three years in which to begin the construction.

You will note that this bill was passed in the House in March of last year. It carried with it a provision that the construction of five of these cruisers should be begun by June 30 of this year. Nothing was done with the bill in the Senate at that time. The great importance attached to it now was not emphasized at that time. It has not been until recently. We did not know until this debate started that we were just beginning to get into another great World War. We at least thought when the peace pact was ratified recently that we were sincere, that we were in earnest in promoting the cause of peace. We thought that we were setting some kind of an example for the nations of the world to subscribe themselves to this renunciation of war and pledge themselves to the peaceful solution of controversies.

At that time I expressed myself as hoping that the cruiser bill would not be brought up for consideration during this session of Congress; that I thought it in better taste to be considered at the extra session of Congress that is to be held; that I did not believe that it was good psychology to ratify the peace pact and at the same time pass the cruiser bill. To me it is inconsistent; it smacks of insincerity. The Senate, however, disagrees with me and with others about that, and so we have it before us. You may have the votes here to pass it; but it does seem to me that we shall not be working any injury to anybody nor to the country, nor shall we be delaying the preparation if we are to have another war by giving to the incoming President until January 1, 1932, to begin the construction of these ships.

In the meantime, if we can have a disarmament conference, if it can be successful, if the efforts of our representatives are availing—and we hope they will be availing, conceding that the other conference was a failure in part, let us hope that they can succeed in this one—if they can, then we can save that much for the taxpayers of the country and do no injury to this Government of ours. So I submit that as a weapon of diplomacy we should eliminate the time limitations that we have in this bill and give to the President until the 1st day of January, 1932—which will be after the close of the next disarmament conference—to begin the construction of these vessels.

If the President wants to begin the construction of 1, 2, or 3 of the cruisers now, then in the public interests he can do it. It will be left to him. As a Democrat I am perfectly willing to lodge with the President and the State Department the authority and the power to begin their construction. I take it that they will have the interest of the country at heart sufficiently that if we should be in any great danger from other nations they would begin the construction of these cruisers; so I can not see that we can work any injury to the country by adopting this amendment, and we might do some good. At least it is worth the effort.

I therefore submit, Mr. President, that the amendment ought to be adopted.

Mr. BORAH. Mr. President, I desire to ask the Senator what is the effect of this amendment? Does it simply take out the time limit?

Mr. HARRISON. The amendment takes out the time limit that the construction of 5 of these cruisers shall be started before June 30, 1929, 5 before June 30, 1930, and 5 before June 30, 1931, and delegates to the President, as we have done in these other bills, as I have stated, the power to begin the construction of the 15 cruisers and the airplane carrier by January 1, 1932.

Mr. CARAWAY. Mr. President, this cruiser bill, so called, providing for the construction of 15 cruisers, could have and should have been enacted into law three weeks ago. The friends of the measure, however, have carried on a filibuster to include in it a time limit within which the cruisers should be laid down. They have insisted that 5 should be laid down within 4 months, 5 in 1930, and 5 in 1931, while the President and the President elect thought that the limitation should be stricken from the bill. It was not included in the original draft, nor asked for by the administration.

No intelligent reason has been offered here for its inclusion; none why there should be this lack of confidence upon the part of a Republican House and a Republican Senate in the present administration and the incoming administration.

I have listened to the perfervid orations in which the imminent peril of immediate war with the British Empire was disclosed unless the desire of the administration in this matter be thwarted. These speeches would have been more convincing had they not been made almost without exception by those Senators who signed the round robin to kill the treaty of Versailles and thus destroy the hope of the world for an effective bar against war. In fact, some of these speeches, if not all of them, were the same speeches, slightly changed, that they made when that treaty was pending for ratification in the Senate.

A casual visitor in the gallery would have thought that time had turned backward, and Woodrow Wilson was President, and the treaty of Versailles pending. They were the same speakers, the same arguments, and apparently the same purpose

actuated them now as on that occasion. What has so completely destroyed their faith in the present and incoming administration would be enlightening if they would but make it clear.

Our authorization for the construction of these vessels, I think, is justified. No threat against any nation could be inferred from that action. However, I can conceive that the frantic effort, contrary to all previous legislation, to include a time limit might well cause a feeling of apprehension upon the part of other nations, particularly Great Britain, since she has so constantly been held up during this debate as our natural enemy. But possibly that great Empire realizes that certain men in the public life of America habitually seek publicity by twisting the lion's tail; and since no evil effects have flown therefrom for more than a hundred years, it can regard that as no serious threat. Certainly it should be considered no more seriously than the solemn assurance of the chairman of the committee, the Senator from Maine, when he declared that everyone who dared to hope for peace and expressed that hope would be disapproved by him. Just what punishment he intends to inflict upon them for repeating the Lord's Prayer he has not yet set out.

I am not disposed to be critical of all those—included among whom is a general here so covered and bedecked with medals that he rattles like a tin peddler as he walks, the most of which medals were acquired here, and awarded to him for his skill in balancing himself in a swivel chair in Washington while others laid down their lives on the battle fields of France—who told a group of women the other day that the only way to manifest your love for your country is to declare your willingness that your neighbor's son may die for it. All this outcry for war comes from those who sniffed the battle from afar, but that is no new development of human nature. In every war those who most loudly cry out for it are those who do not expect to participate in it.

All remember what shriek went up in 1918 from dollar-a-year men and others like them, safe on this side of the sea, because an armistice was signed with Germany before Berlin had been sacked. Among the most violent in their opposition to what they called a premature peace were those here and out of this Chamber who now rattle their imaginary swords and call for preparedness. They were heard for their much speaking in 1917 and 1918. They labored long and successfully to destroy the hope for peace in the breast of those who had offered to die to secure it. So, however irritating it may be, it is neither informative nor new to hear again this clamor for blood. They have performed their full duty when they have cried out for war, and if war came have abstained from participating therein.

I repeat, no one has given any reason why the time clause should be included in this bill. It can hardly be contended, I presume, that the chairman of the Foreign Relations Committee, Senator BORAH, the President, Mr. Coolidge, and the President elect, Mr. Hoover, have not as much information touching our foreign relations as have the Members of the Senate and House who now tell us that the President can not be trusted to perform a duty that every President heretofore enjoyed; that is, to exercise some discretion in fixing the time when a building program for the Navy should be laid down. However, it seems to me that the whole performance is a sham battle, an academic discussion, and I should not be concerned with it at all were it not that there are other problems pressing for solution which will require large expenditures to bring them to a successful issue.

The condition of the farmers in America is too well known to require description. Ruin and bankruptcy have engulfed most of them. More than a million farm families are being driven from their homes each year as a result of economic conditions. The savings of a lifetime have been swept away, children denied adequate clothes, and an opportunity to acquire an education. Wives and mothers have been brought to want. To alleviate this condition large expenditures will be required upon the part of the Government.

Twenty millions of farmers for eight years have looked to Congress for help, and have looked in vain. Shall they be again denied justice because the shipyards can not wait for the larger profits that are to accrue to them from the immediate building of these cruisers? Shall they be denied relief from pressing want, while the money that could have brought them help is tied up in the building, the immediate building, of these battle cruisers?

Again, there is a valley that stretches a thousand miles, from Cairo to the Gulf, of an average breadth of 150 miles, throughout the whole length and breadth of which a mighty flood swept in 1927. It brought in its wake the destruction of a billion dollars' worth of property and the loss of hundreds of lives. It rendered insecure the homes of all the people who lived within that area. The fear of a repetition of that disaster hangs like a pall over the people who dwell in that valley.

They thought they had been promised protection from a recurrence of this flood. To fulfill that promise will require the expenditure of many millions of dollars from the Federal Treasury. And let all of us be advised, because everyone realizes that if we shall not strike the time limit from this bill, the farmers of America must wait and wait long for relief, and the dwellers in the Mississippi Valley will be required to wait and wait weary years for the fulfillment of that promise to guard them against recurring floods.

We are required to-day, therefore, to choose which interest we will save, and having chosen, we and they will have to abide that choice.

For myself, I believe in adequate protection. I believe that our shores should be made secure and our commerce upon the seas permitted to seek its markets unafraid. I know that condition now exists, and I know we will protect our homes and our commerce whether the time limit be included or stricken from this bill. Therefore, I know that the accomplishment of this is not the moving spirit that compels some so doggedly to contend that the time limit should be included in this bill. They have refrained from disclosing that motive. Why?

Mr. BRUCE. Mr. President, I hope that the amendment offered to the pending bill by the Senator from Mississippi [Mr. HARRISON] will not prevail. If there is any inconsistency between our signing the Kellogg peace pact and then proceeding to pass that bill, it is an inconsistency that will be shared with us by every civilized power on the globe.

Great Britain, in the very act of making a great addition to her cruisers, to which I have no particular objection, will sign the Kellogg peace pact. So will France, while maintaining her great army. So will Italy, while increasing her navy and maintaining her great army. And so with every other civilized power, while providently keeping up her national defenses. The Kellogg peace pact will not have the immediate effect of reducing a solitary army in the world to the extent of a single soldier, or a solitary navy in the world to the extent of a single ship. So I say that if any good reason is to be assigned why the pending bill should not be passed with its time limit, it must be some other reason than that which has been given by the Senator from Mississippi.

I think that the Senator from Arkansas [Mr. CARAWAY] does not a little injustice to the Senate when he speaks of the discussion of the pending bill as having been conspicuously marked by hostility to Great Britain. On the whole, I believe that the debate has been conducted with an extraordinary measure of generous feeling toward her. I, for one, took early occasion to say that my attitude toward the pending bill would not be in the slightest degree governed by unfriendliness toward Great Britain, because, next to my own country, there was no country in the world for which I entertained such a profound feeling of attachment as I did for Great Britain. What I said on that subject was simply in keeping with almost everything, with a few exceptions, that has been said in the course of the debate with respect to Great Britain.

I also disclaim, and I think that I can not only make the disclaimer for myself but for many of my associates in this Chamber, any desire to match ship with ship or gun with gun with Great Britain.

Under existing conditions I think that she is doing the wise thing in building up her fleet as she is doing. Her commerce vexes every sea, her power extends over the whole world, and, as I said the other day, wherever her flag goes, law and order, human liberty, and human civilization in all its higher forms go. It is my personal belief that if her Government ever wished to build up a fleet in excess of her real needs for protection the British taxpayer would not allow it to do so any more than the American taxpayer would allow our Government to build up a fleet in excess of our real needs.

Just as an individual householder who does not insure his house against fire should be set down as a stark fool, so should any nation which does not make adequate military and naval provision for its security.

It so happens that the commerce of Great Britain is of very much the same volume as ours. I am speaking of foreign commerce; we have, of course, in addition to our enormous foreign commerce a great coastal commerce. In supporting the proposed increase of cruisers I am not doing so because I am disposed to enter upon a race of naval competition with Great Britain, but because I know of no better standard of prudence for us to adopt than that adopted by such an experienced, wise, and peace-loving country as Great Britain for her safety. In my opinion, when we advocate the passage of the pending bill and

vote for it, no one has a right to say that we do so because we are actuated by fear of war with Great Britain.

It is perfectly evident, so far as the Senator from Arkansas is concerned, that he is influenced much more by regional considerations, in his relations toward this bill, than by any considerations coextensive with our entire national territory. What he is really afraid of is that so much money may be required for the construction of the cruisers provided for in the pending bill that there may not be enough left for the plan of relief for the sufferers in the Mississippi Valley that was inaugurated last spring, and in which he is, naturally, much interested. I am not finding fault with him because he responds to those local considerations, but I do think that they ought to make him just a little more considerate than he was in making proper allowance for the motives by which his associates in this Chamber, who feel as I do about the pending bill, are swayed.

I shall vote for the pending bill, if for no other reason, because I think that the time has come in the history of this country when its military spirit is in danger of being enervated to a deadly extent by the pacifist spirit that the bill has elicited. We all recall the period immediately prior to our entrance into the World War when, before we could get down to our stern task, we had to brush aside a "lunatic fringe," to use Theodore Roosevelt's phrase, of conscientious objectors and other pacifists of one sort or another. It was not until we had cleared our decks of traitors and demitraitors, conscientious objectors, slackers, and pacifists of every description, that we found ourselves in a position to bring to our allies the degree of aid that they had a right to expect from us. And yet, now, 10 years after the World War, the most fearful catastrophe which humanity has ever known, we are faced by the same host of visionaries and whatnot. Day after day they have haunted the corridors of this Capitol, doing all that they could to paralyze the arm of national defense.

I have classified the opponents of the pending bill who have descended upon me and protested against its passage. Some of them were Quakers, and for that worthy body of men I have but little criticism, because for generations the Quaker has been opposed to war in every form, though at times his whims about war have had to yield to some extent to the remorseless laws that govern human existence.

Other remonstrants were clerical literalists. One member of a large delegation that came here from Maryland the other day, a clergyman, said that I should vote against the pending bill because the Scriptures say that—

> They that take the sword shall perish with the sword.

I knew something about the probable convictions of that man in other directions, so I said, "I see you are a clerical literalist, and that you think that I should be bound by a strict interpretation of that scriptural statement. Do you feel bound by the indulgent view of wine, which caused our Lord miraculously to convert six waterpots of water into wine?" Of course, that floored my clerical friend. An amiable lady came to his aid and said that the conversion was not into wine but some other kind of liquid.

Other remonstrants who have approached me belonged to the radical or semirevolutionary elements in our population, who are opposed to any increase in our military or naval armaments because they are looking forward to the time when they may have an opportunity to carry their subversive social theories or aims of one sort or another into execution by force.

One of the most active persons of this sort who has approached me was an individual who was especially conspicuous in insisting on the innocence of Sacco and Vanzetti, the socialistic malefactors, after they had been adjudged guilty by a judge, a jury, and a committee composed of some of the most eminent citizens of our land.

I say it is high time now that we should make short shift of all these enemies of the pending bill. If we heed their counsels, then indeed, in the language of Shakespeare, there is danger that the steel in our hands will become as soft as the parasite's silk, and that when the dread hour of appalling peril for our country arrives there will not be enough robust manliness within its limits to meet it as it should be met.

Everyone in this body, I think, knows what my ideas about world peace are. Along with adequate naval and military armaments for the protection of our country should go, in my judgment, the assumption by it of a larger share of world responsibility for world peace than it has yet had the courage to assume. Blame England for increasing the number of her cruisers? No. Did not Lloyd George say, during Wilson's time, that England would never accept the freedom of the seas unless and until the League of Nations had been established and had become a reality? I echo his sentiments in my relations to my own country. Not until we assume our full share of world responsibility for world peace, not until our country is a part of the League of Nations, not until our country is a part of the World Court, not until general disarmament on sea and land under the auspices of the League of Nations has become a reality, shall I ever consent that our naval or our military armaments shall fall below the level that is requisite for our safety as a people.

In conclusion, I wish likewise to say that I for one reject as cant a large part of what has been said in the course of this debate about war. War is not always an abominable and tragic thing. Wars of aggression, wars of ambition, wars of territorial lust are, and the first duty of the civilized world at the present time is to keep such wars in check. But I say, and I should be recreant to all that is most laudable in the history of the United States, if I did not say, that there is such a thing as a righteous war, such a thing as a noble war, such a thing as a glorious war—nay, such a thing even as a holy war. When home and hearthstone are invaded by a foreign foe, when human liberty is at stake, and everything that man should hold most precious is hanging in the balance, then it is my belief that God lays aside for a moment His character of the God of mercy and in His character as the God of Hosts, looks down with approval upon such a war. When any other belief than that is cherished there is real peril to the character of our people and a real menace to their ability to meet one of those great military crises which befall every people.

I trust that the amendment of the Senator from Mississippi and every other dilatory amendment of the same nature to the pending bill will be defeated. The Senator from Mississippi, like a good lawyer, knows that when the odds are against him, the one thing to which he can resort as a sound strategical move is procrastination. All he is fighting for is procrastination. He is hoping that the life will ebb out of the proposal to construct the cruisers provided for in the pending bill if their construction can only be put off long enough.

Mr. HALE. Mr. President, I hope very much the Senate will not adopt the amendment of the Senator from Mississippi. I can see in his amendment no improvement whatever on the provisions of the bill. It is a time limitation, but not as workable a one as is provided in the bill which I am sure the Senate will approve.

Mr. BORAH. Mr. President, I had asked that the amendment in which I was interested should go over until the Senator from Missouri [Mr. REED] could be here. He is here now and I would be glad if we could dispose of it. There are several other speeches to be made on the other amendment.

Mr. JOHNSON. Mr. President, are we not ready to vote on the amendment of the Senator from Mississippi?

Mr. SWANSON. I much prefer to have it disposed of first.

Mr. JOHNSON. May we not proceed with that matter, I ask the Senator from Idaho?

Mr. BORAH. Of course, I have not any means of preventing it, if the Senate is not ready to take action on my amendment.

Mr. JOHNSON. The Harrison amendment has been discussed.

Mr. HEFLIN. I think the Senate is about ready to vote on the Harrison amendment.

Mr. SWANSON. Mr. President, I insist that the Harrison amendment shall be disposed of, but I wish to say there is a misconception that under the bill as reported the cruisers must be constructed and completed within three years. The bill simply provides that their construction must be undertaken. It would be seven years before the program could be completed under the bill as it is now before the Senate. If the amendment of the Senator from Mississippi should be agreed to, it would probably be 10 years before they could be completed.

Mr. JOHNSON. Mr. President, let us have the yeas and nays on the amendment of the Senator from Mississippi.

The yeas and nays were ordered.

Mr. NORRIS. Mr. President, this is an amendment which, if agreed to, will carry out, at least in the main, the wishes of President Coolidge. It is, at least to a great extent, an amendment which will take the limitation out of the bill. It is asked for by our President. I am surprised, Mr. President, that there are so many Senators who have always been so willing to obey the master's voice, who have for the last seven years lived in luxury on the political pie that has come from a lavish hand, that they should now refuse longer to follow his wishes. Now, when he is about to pass from office, when he is about to be shorn of his Samson locks, when he is about to surrender the party whip before whose crack we have so often bowed in humble submission——

Mr. REED of Missouri. Mr. President, may I ask the Senator what particular Delilah is engaged in shearing the locks of the President?

Mr. NORRIS. Now, Mr. President, at this time, when he is about to surrender the key to inclosure where the plum tree grows, where we face the last opportunity almost that we have to follow him, it seems to me that it is hardly proper, hardly just, that we should turn our backs upon him. I am thankful that I am still faithful. [Laughter.] Notwithstanding the fact that the political pie counter is swept clean, notwithstanding the fact that the political cupboard is as empty as that one of ancient times presided over by the famous Mother Hubbard, I am thankful that I am still following my leader. [Laughter.]

But oh, you ungrateful Senators, you men who have so often profited on account of the kindness of your leader, now, when he is about to pass out of public life, are you going to turn your backs upon him and refuse longer to obey?

> O you hard hearts, you cruel Senators of party,
> Knew you not Calvin? Many a time and oft
> Have you climb'd up to walls and battlements,
> To towers and windows, yea, to chimney tops,
> Your infants in your arms, and there have sat
> The live-long day with patient expectation
> To see great Calvin pass the public streets:
> And when you saw his chariot but appear,
> Have you not made an universal shout,
> That the river trembled underneath her banks
> To hear the replication of your sounds
> Made in her concave shores?
> And do you now put on your best attire?
> And do you now cull out a holiday?
> And do you now strew flowers in his way
> That comes in triumph after Calvin's term?
> Run to your houses, fall upon your knees,
> Pray to the gods to intermit the plague
> That needs must light on such ingratitude.

[Laughter.]

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Mississippi [Mr. HARRISON], on which the yeas and nays have been ordered.

SEVERAL SENATORS. Let the amendment be read.

The VICE PRESIDENT. The amendment of the Senator from Mississippi will be read.

The CHIEF CLERK. Strike out all after the enacting clause through the comma in line 5, page 2, and insert in lieu thereof the following:

> That the President of the United States is hereby authorized to undertake prior to January 1, 1932, the construction of 15 light cruisers, to cost, including armor and armament, not to exceed $17,000,000 each, and 1 aircraft carrier, to cost, including armor and armament, not to exceed $19,000,000: *Provided*.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. MCLEAN], who is ill and unable to be here. If he were present, I am told, he would vote "nay," and if I were permitted to vote I should vote "yea."

Mr. NORRIS (when Mr. HOWELL's name was called). I desire to announce that the junior Senator from Nebraska [Mr. HOWELL] is detained from the Senate on account of illness, and I ask that this announcement be included in each roll call.

Mr. BRATTON (when Mr. LARRAZOLO's name was called). My colleague the junior Senator from New Mexico [Mr. LARRAZOLO] is absent from the Chamber on account of illness. If he were present, he would vote "nay" on this question.

Mr. MCKELLAR (when his name was called). I have a pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE], who is absent on account of illness. I transfer my pair with him to the junior Senator from Louisiana [Mr. BROUSSARD] and will vote. I vote "nay."

Mr. BINGHAM (when Mr. METCALF's name was called). The junior Senator from Rhode Island [Mr. METCALF] is detained at home on account of illness. He has been unable to secure a pair. If he were present, he would vote "nay."

Mr. WALSH of Montana (when his name was called). The senior Senator from Florida [Mr. FLETCHER] left the Chamber a few minutes ago, owing to sudden illness. In view of that fact, I have agreed to pair with him. If the Senator from Florida were here, he would vote "nay," and if I were permitted to vote I should vote "yea."

The roll call was concluded.

Mr. EDGE. Has the junior Senator from New Jersey [Mr. EDWARDS] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. EDGE. If the junior Senator from New Jersey were present, he would vote "nay."

Mr. RANSDELL. My colleague the junior Senator from Louisiana [Mr. BROUSSARD] is absent on account of illness.

The result was announced—yeas 28, nays 54, as follows:

YEAS—28

Black	Curtis	McMaster	Sheppard
Blaine	Dill	McNary	Shipstead
Borah	Frazier	Mayfield	Smith
Brookhart	Greene	Neely	Thomas, Idaho
Burton	Harrison	Norbeck	Thomas, Okla.
Capper	Jones	Norris	Warren
Caraway	King	Nye	Wheeler

NAYS—54

Ashurst	Gillett	Moses	Steck
Barkley	Glenn	Oddie	Steiwer
Bayard	Goff	Overman	Stephens
Bingham	Gould	Phipps	Swanson
Bratton	Hale	Pittman	Trammell
Bruce	Harris	Ransdell	Tydings
Copeland	Hastings	Reed, Pa.	Tyson
Couzens	Hawes	Reed, Mo.	Vandenberg
Dale	Hayden	Robinson, Ark.	Wagner
Deneen	Heflin	Robinson, Ind.	Walsh, Mass.
Edge	Johnson	Sackett	Waterman
Fess	Kendrick	Schall	Watson
George	Keyes	Shortridge	
Gerry	McKellar	Simmons	

NOT VOTING—13

Blease	Glass	McLean	Walsh, Mont.
Broussard	Howell	Metcalf	
Edwards	La Follette	Pine	
Fletcher	Larrazolo	Smoot	

So Mr. HARRISON's amendment was rejected.

Mr. HARRISON. I offer the amendment which I send to the desk.

Mr. BORAH. Is the amendment the Senator now proposes on the same subject?

Mr. HARRISON. It is on the same subject.

Mr. HALE. Was the amendment offered before 4 o'clock?

Mr. HARRISON. The amendment was offered before 4 o'clock this afternoon.

The VICE PRESIDENT. The amendment was offered before 4 o'clock, and will now be stated.

The CHIEF CLERK. On page 1, line 4, it is proposed to strike out "July 1, 1931" and to insert in lieu thereof "January 1, 1932"; on the same page, line 8, to strike out "June 30, 1931" and to insert "January 1, 1930"; in the same line, to strike out the figures "1930" and to insert "1931," and also to strike out "1931" and to insert "1932."

Mr. HARRISON. Mr. President, the object of that amendment is this: Under the pending bill, as Senators know, 5 cruisers are to be laid down before June 30, of this year, 5 by June 30, 1930, and 5 by June 30, 1931. I propose to change those dates in view of the fact that when the bill passed the other House in March last year evidently its proponents at that time thought that construction might be begun within something over a year, because they provided that the first five cruisers might be built during the fiscal year ending June 30, 1929. I have changed the dates so that 5 of them shall be started by January 1, 1930, 5 by January 1, 1931, and 5 by January 1, 1932.

Mr. CARAWAY. Mr. President, will the Senator from Mississippi permit me to ask him a question?

Mr. HARRISON. I yield to the Senator.

Mr. CARAWAY. I desire to ask the Senator from Mississippi if, by his amendment, he is not seeking now to include a time limit, and if it is not inconsistent with his other amendment, and, therefore, open to the same objection which was urged to the original time limit included in the bill?

Mr. HARRISON. Mr. President, there is much in the suggestion of the Senator from Arkansas, but if this amendment should be adopted, as the disarmament conference will meet in 1931, at least five of these cruisers will not have been started by that time under the amendment. Under the bill as it now stands before the conference is held all of them will have been already started.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

The amendment was rejected.

Mr. BORAH. Mr. President, the Senator from Missouri [Mr. REED] being now present, I desire to call up the amendment which was reached a few moments ago and which has heretofore been offered by me.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. At the end of the bill it is proposed to add a new section, as follows:

> First. That the Congress favors a restatement and recodification of the rules of law governing the conduct of belligerents and neutrals in war at sea on the basis of the inviolability of private property thereon.
>
> Second. That such restatement and recodification should be brought about if practically possible prior to the meeting of the conference on the limitation of armaments in 1931.

Mr. REED of Missouri. Mr. President, I offer an amendment in the nature of a substitute for the amendment which has just been read.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. In lieu of the amendment proposed by the Senator from Idaho, it is proposed to insert the following:

First. That the Congress favors a treaty, or treaties, with all the principal maritime nations regulating the conduct of belligerents and neutrals in war at sea, including the inviolability of private property thereon and embracing as nearly as practicable the principles set forth in article 12 of the treaty of 1785 negotiated between the United States and Prussia, in which negotiations Benjamin Franklin, Thomas Jefferson, and John Adams represented the United States.

Second. That such treaties be negotiated if practically possible prior to the meeting of the conference on the limitation of armaments in 1931.

Mr. REED of Missouri. Mr. President——

The VICE PRESIDENT. The Senator from Missouri.

Mr. REED of Missouri. Mr. President, are we proceeding under the 10-minute rule?

The VICE PRESIDENT. We are.

Mr. NORRIS. May I interrupt the Senator from Missouri?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. REED of Missouri. I do.

Mr. NORRIS. I think we are unfamiliar with the substitute just read; and it has not been printed, as I understand. Has it been printed?

Mr. REED of Missouri. Not in the present form.

Mr. NORRIS. This is a very important substitute. We can not finish the consideration of the bill to-night anyway; and I wonder if the Senator from Kansas will agree to take a recess until to-morrow?

Mr. CURTIS. There is a time limit on debate, and I think we ought to take a recess until 12 o'clock to-morrow.

Mr. HALE. Mr. President, I should like very much to complete the bill to-night. The Senate is here now almost to a man, and I should like very much to get the bill through.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Before putting the question on the motion, the Chair, under the order heretofore entered, refers to the appropriate committees sundry messages received to-day from the President of the United States. The question is on the motion of the Senator from Kansas.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, February 5, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate, February 4, 1929

FOREIGN SERVICE

To be Foreign Service officer of class 6

H. Dorsey Newson, of New York, to be a Foreign Service officer of class 6 of the United States of America.

To be consuls

Paul H. Alling, of Pennsylvania.
George Alexander Armstrong, of New York.
Lawrence S. Armstrong, of New York.
Howard A. Bowman, of New York.
John H. Bruins, of New York.
Joseph F. Burt, of Illinois.
Alfred D. Cameron, of Washington.
Flavius J. Chapman, 3d, of Virginia.
William W. Corcoran, of Massachusetts.
C. Paul Fletcher, of Tennessee.
Joseph T. Gilman, of Massachusetts.
George J. Haering, of New York.
Benjamin M. Hulley, of Florida.
Paul W. Meyer, of Colorado.
Austin R. Preston, jr., of New York.
Edwin Schoenrich, of Maryland.
Winfield H. Scott, of the District of Columbia.
George E. Seltzer, of New York.

PROMOTIONS IN THE FOREIGN SERVICE

From Foreign Service officer of class 2 to Foreign Service officer of class 1

Charles B. Curtis, of New York.
Robert Frazer, jr., of Pennsylvania.
Clarence E. Gauss, of Connecticut.

From Foreign Service officer of class 3 to Foreign Service officer of class 2

Charles M. Hathaway, jr., of Pennsylvania.
Arthur Bliss Lane, of New York.
Samuel T. Lee, of Michigan.
J. Theodore Marriner, of Maine.

From Foreign Service officer of class 4 to Foreign Service officer of class 3

Charles L. Hoover, of Missouri.
Williamson S. Howell, jr., of Texas.
Irving N. Linnell, of Massachusetts.
Frank P. Lockhart, of Texas.
Jay Pierrepont Moffat, of New York.
Robert M. Scotten, of Michigan.
Edwin C. Wilson, of Florida.
Thomas M. Wilson, of Tennessee.

From Foreign Service officer of class 5 to Foreign Service officer of class 4

Copley Amory, jr., of New Hampshire.
Harry Campbell, of Kansas.
Harold D. Clum, of New York.
Thomas L. Daniels, of Minnesota.
Erle R. Dickover, of California.
John W. Dye, of Minnesota.
Carol H. Foster, of Maryland.
Paul R. Josselyn, of Iowa.
David B. Macgowan, of Tennessee.
Orme Wilson, jr., of New York.

From Foreign Service officer of class 6 to Foreign Service officer of class 5

Charles E. Allen, of Kentucky.
George L. Brandt, of the District of Columbia.
Reed Paige Clark, of New Hampshire.
Cecil M. P. Cross, of Rhode Island.
John Dewey Hickerson, of Texas.
Harry M. Lakin, of Pennsylvania.
Robert D. Murphy, of Wisconsin.
Jefferson Patterson, of Ohio.
Charles J. Pisar, of Wisconsin.
Harold B. Quarton, of Iowa.
John Randolph, of New York.
H. Earle Russell, of Michigan.
Dana C. Sycks, of Ohio.

From Foreign Service officer of class 7 to Foreign Service officer of class 6

Willard L. Beaulac, of Rhode Island.
Howard Bucknell, jr., of Georgia.
Raleigh A. Gibson, of Illinois.
Louis H. Gourley, of Illinois.
Robertson Honey, of New York.
William J. McCafferty, of California.
John J. Melly, of Pennsylvania.
Horace Remiliard, of Massachusetts.
Winthrop R. Scott, of Ohio.
Harold Shantz, of New York.
Maurice L. Stafford, of California.
Harold S. Tewell, of North Dakota.
Howard K. Travers, of New York.
Herbert O. Williams, of California.

From Foreign Service officer of class 8 to Foreign Service officer of class 7

Gilson G. Blake, jr., of Maryland.
Edward Caffery, of Louisiana.
J. Rives Childs, of Virginia.
Charles L. De Vault, of Indiana.
Curtis T. Everett, of Tennessee.
Robert F. Fernald, of Maine.
Richard Ford, of Oklahoma.
Herndon W. Goforth, of North Carolina.
Loy W. Henderson, of Colorado.
Erik W. Magnuson, of Illinois.
Edwin A. Plitt, of Maryland.
Sydney B. Redecker, of New York.
Laurence E. Salisbury, of Illinois.
Edwin F. Stanton, of California.
Christian T. Steger, of Virginia.
Leslie E. Woods, of Massachusetts.

From Foreign Service officer, unclassified, at $3,000, to Foreign Service officer of class 8

Paul H. Alling, of Pennsylvania.
George Alexander Armstrong, of New York.
Lawrence S. Armstrong, of New York.
Howard A. Bowman, of New York.

John H. Bruins, of New York.
Joseph F. Burt, of Illinois.
Alfred D. Cameron, of Washington.
Flavius J. Chapman, 3d, of Virginia.
William W. Corcoran, of Massachusetts.
C. Paul Fletcher, of Tennessee.
Joseph T. Gilman, of Massachusetts.
George J. Haering, of New York.
Benjamin M. Hulley, of Florida.
Paul W. Meyer, of Colorado.
Austin R. Preston, jr., of New York.
Edwin Schoenrich, of Maryland.
Winfield H. Scott, of the District of Columbia.
George E. Seltzer, of New York.

UNITED STATES DISTRICT JUDGE

Guy L. Fake, of New Jersey, to be United States district judge, district of New Jersey, vice James W. McCarthy, resigned.

UNITED STATES ATTORNEYS

Samuel W. McNabb, of California, to be United States attorney, southern district of California. (A reappointment, his term expiring February 2, 1929.)

John Buckley, of Connecticut, to be United States attorney, district of Connecticut. (A reappointment, his term having expired.)

APPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICER

To be brigadier general, reserve

Brig. Gen. Ludwig Shaner Conelly, Ohio National Guard, from January 31, 1929.

HOUSE OF REPRESENTATIVES

MONDAY, *February 4, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Great and marvelous are Thy works, Lord God Almighty, just and holy are Thy ways. Behind all are intelligence and will which sway an unseen scepter; help us to believe that the power is personal. Let the chant of creation become the song of redemption. In the gladness of this faith, O God, keep us and direct us. In all the works of Thy hands may we behold Thee and see the blessed smile of our Father in Heaven. We thank Thee for that love that always finds its way. Many waters can not quench it, floods can not drown it, and time can never change it. Thou who hast laid upon the altar of the world's need the best wisdom and the divinest love, minister unto our sorrowing Member as he bears the weight of a loss which all the world can not replace. Sustain him with the light that never fails and with the strength that never breaks. All through the Christ our Savior. Amen.

The Journal of the proceedings of Saturday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill and concurrent resolution of the House of the following titles:

H. R. 10774. An act for the relief of the Carlisle Commission Co.; and

H. Con. Res. 48. Concurrent resolution to provide for the printing of 2,500 copies of the consolidated hearings on "Tariff readjustment, 1929."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 5350. An act to amend the air commerce act of 1926 with reference to the examination and rating of schools giving instruction in flying; and

S. 5578. An act recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crew of the U. S. S. *America*, and for other services.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2366) entitled "An act to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BLAINE, Mr. HASTINGS, and Mr. COPELAND to be the conferees on the part of the Senate.

The message also announced that the Vice President had appointed Mr. REED of Pennsylvania and Mr. FLETCHER members of the joint select committee provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the War Department.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 16301) entitled "An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1930, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WARREN, Mr. SMOOT, Mr. JONES, Mr. OVERMAN, and Mr. GLASS to be the conferees on the part of the Senate.

HAWESVILLE & CANNELTON BRIDGE CO.

Mr. GARDNER of Indiana. Mr. Speaker, on January 24, 1929, I introduced H. R. 16565, a bill authorizing the Hawesville & Cannelton Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cannelton, Ind., in the district I represent.

On January 28, 1929, I answered certain questions in regard to the proposed bridge as asked me by the Committee on Interstate and Foreign Commerce. For the information of the House I desire to extend my remarks in the RECORD by inserting my letter to the Committee on Interstate and Foreign Commerce in regard to this matter.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 28, 1929.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
House of Representatives, Washington, D. C.

Hon. JAMES B. PARKER, *Chairman.*

In re: H. R. 16565.

GENTLEMEN: I have your letter of January 25 in regard to H. R. 16565, a bill authorizing the Hawesville & Cannelton Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cannelton, Ind.

In answer to your questions 1, 2, 3, 4, and 5:

1. Q. Is there a ferry now in operation at or near the proposed location of the bridge upon which tolls are charged for crossing the river?—A. There is now a ferry being operated between Cannelton and Hawesville on which tolls are charged for crossing the river. This ferry is doing an ever-increasing business.

2. Q. Are the people in the vicinity of the proposed bridge desirous of having a toll bridge constructed at that place?—A. Yes; they are strongly urging the construction of such a bridge.

3. Q. Is there manifest any considerable public sentiment in favor of the construction of such a bridge?—A. I have in my possession resolutions adopted in favor of the construction of said bridge setting forth the benefit to be derived, and the advantages of the erection of a bridge at this location, and the favorable topographical conditions, narrowness of the river, ideal conditions for approaches, and the shallow depth necessary to reach solid-rock foundation, and stating that a bridge can be built between Hawesville, Ky., and Cannelton, Ind., at a lower cost than at any other point on the Ohio River having the same traffic possibilities. These resolutions are signed by public officials and leading citizens of Perry County, Ind., in which Cannelton is located, and by public officials and leading citizens of Hancock County, Ky., in which Hawesville is located. And I know of no objection to the erection of said bridge.

4. Q. Is the State or county or municipality in which the bridge is to be located in a financial condition to finance and construct a free bridge at that location?—A. No; I do not believe the States, nor the counties, nor the municipalities in which the bridge is to be located are in a financial condition to finance the construction of a bridge now or in the near future.

5. Q. In your judgment, is there a probability that the State or county or municipality will, in the near future, construct a free bridge at that location?—A. I do not think that there is a possibility of a bridge being built at this location at this time, nor at any time in the near future, by the States or counties or municipalities in which the bridge is proposed to be located, nor at any point near this location. The only opportunity for these people to secure the benefit of a bridge is by constructing one in the manner that the Hawesville & Cannelton Bridge Co. have undertaken, and as provided for in this bill. I have gone into this matter thoroughly, and I am satisfied that there is no opportunity for the people who are interested in this proposed bridge to get a bridge constructed in any way other than the way pro-

posed by the Hawesville & Cannelton Bridge Co. and as is provided for in this bill. This bridge if erected would be a wonderful help to the people of the district I represent in Indiana and to the people of the district in Kentucky in which Hawesville is located, represented by Hon. DAVID H. KINCHELOE, and would be beneficial to the highway system.

Cannelton is the county seat of Perry County, Ind., and the southern termini of State Roads No. 37 and No. 64 in Indiana and is only 28 miles from State Road No. 62. Hawesville is the county seat of Hancock County, Ky., and is on Federal highway No. 60, and this bridge would form a connecting link between the State and Federal highways of Kentucky and the State and Federal highways of Indiana.

About 90 per cent of the mail, express, and passenger service to and from Cannelton, Tell City, and Troy, Ind., is by way of Hawesville, Ky., and the Louisville, Henderson & St. Louis Railway.

The ferry service is now very inadequate for this service, and especially is this true in the winter when there is ice in the river and during times of high water.

There is now no bridge spanning the Ohio River up the river between this point and Louisville, Ky., and no bridge spanning the Ohio River down the river between this point and Evansville, Ind.

The erection of a bridge at this location would be very helpful, not only to a deserving people in the locality in which the proposed bridge is to be erected but to the general traveling public, and it is very desirous that permission be given at this session of Congress for the construction of this bridge. I therefore earnestly request that this committee give early and favorable action on this bill.

Respectfully submitted.

FRANK GARDNER, *Member of Congress.*

[H. R. 16565, 70th Cong., 2d sess.]

IN THE HOUSE OF REPRESENTATIVES,

January 24, 1929.

Mr. GARDNER of Indiana introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

A bill (H. R. 16565) authorizing the Hawesville & Cannelton Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cannelton, Ind.

Be it enacted, etc., that in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, Hawesville & Cannelton Bridge Co., its successors and assigns, be and are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, at or near Cannelton, Perry County, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon Hawesville & Cannelton Bridge Co., its successors and assigns, all such rights and power to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Hawesville & Cannelton Bridge Co., its successors and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Indiana, the State of Kentucky, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 10 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. Hawesville & Cannelton Bridge Co., its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Departments of the States of Indiana and Kentucky a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Hawesville & Cannelton Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Hawesville & Cannelton Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000 shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the States in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway departments of the States in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

SEC. 9. The right to alter, amend, or repeal this act is hereby expressly reserved.

COAST GUARD STATION, QUILLAYUTE RIVER

Mr. HOCH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 14151 and agree to the Senate amendment.

The SPEAKER. The gentleman from Kansas asks unanimous consent to take from the Speaker's table the bill H. R. 14151 and agree to the Senate amendment. The Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 14151) to provide for establishment of a Coast Guard station at or near the mouth of the Quillayute River in the State of Washington.

The Senate amendment was read.

Mr. CRAMTON. Reserving the right to object, which I shall not do, when the bill was before the House I asked why that language was stricken out which has now been restored by the Senate.

Mr. HOCH. I may say that I looked up the basic law, and I am satisfied that the amendment is not at all necessary, but the Senate has put it in and there is no objection to it.

Mr. CRAMTON. There is no reason for putting it back in?

Mr. HOCH. The committee considered it surplusage and I still consider it surplusage.

Mr. BANKHEAD. Has the gentleman consulted the ranking minority member of the committee?

Mr. HOCH. I have.

The Senate amendment was agreed to.

ADDRESS OF HON. CONRAD G. SELVIG

Mr. CLAGUE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a radio address by the gentleman from Minnesota [Mr. SELVIG], delivered at Washington, D. C., February 2, 1929, on "A Better Day for Agriculture."

The SPEAKER. Is there objection?

There was no objection.

Mr. CLAGUE. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following radio address by the gentleman from Minnesota [Mr. SELVIG] delivered at Washington, D. C., February 2, 1929:

A BETTER DAY FOR AGRICULTURE

It is a great pleasure for me to speak to this far-flung radio audience this evening.

The farmers of the United States look forward to the coming season with hope. In this they are justified. They have every reason to believe that the American Nation will fulfill the pledges made in behalf of our rural population.

A challenge has aroused America. It is the challenge of an unsolved problem. It is the challenge to place agriculture upon a plane of economic equality, to bring more satisfaction to our farmers, to make more smooth the path of the tillers of the soil.

It has taken long years to bring our people to a realization of its responsibility to our farmers and to bring home the accepted fact that the welfare of our Nation demands that we safeguard our agriculture. Not to do this would be the height of folly.

George Washington, in a letter to the Marquis de Lafayette, written at Mount Vernon January 29, 1789, emphasized the transcending importance of agriculture and extolled its handmaid—industry. In this letter he expresses his conviction that both should go forward together, that industry should be encouraged, but with "no diminution in agriculture" and "not to the prejudice of agriculture."

In this letter he displayed the rare statesmanship that always characterized his views. Modern-day statesmen, grappling with the acute agricultural problems that were left us as a heritage of the World War, can well take note of his words.

In his address to both Houses of Congress, January 8, 1790, George Washington said:

"The advancement of agriculture [which he placed first], commerce, and manufactures, by all proper means, will not, I trust, need recommendation."

There is a suggestion in Washington's words that should be heeded in the United States to-day. To provide equal opportunity for the farmer is one of the great tasks that confront present-day statesmanship.

Nearly 60 years ago Abraham Lincoln made a statement in which there is a prophetic note. He said:

"It also follows that that interest [referring to agriculture] is most worthy of all to be cherished and cultivated; that if there be inevitable conflict between that interest and any other, the other should yield."

These words are as true to-day. The American farmer must be given equal opportunity, an equal chance. He does not ask for more. The Nation can not afford to give him less.

In the year 1928 the people of the United States participated in a nation-wide referendum of the farm question. Citizens from every section took part. A conclusion was reached. It was that something be done; that constructive action be taken.

FARM TARIFF REVISION

A beginning has already been made. A special session of Congress will be held. During that session will be undertaken tariff revision in the interests of agriculture. The openly avowed purpose of the proposed tariff adjustments, I take it, is for the benefit of the farmers. This is the understanding, also, of millions of farmers in our land. Through tariff revision the farmers are to be given more fully their own domestic market for the products of their labor, freed from foreign importations of competitive agricultural products.

The farmers are in earnest about this. The testimony presented before the Ways and Means Committee last week gave ample evidence of their faith and sincerity.

The tariff requests made by the farmers were scientifically and forcefully presented. From east, north, south, and west the farmers' spokesmen were practically unanimous regarding necessary tariff adjustments. Agriculture stood united.

The farmers, for the first time in history, spoke in a single voice in their own behalf. There was no criticism of any other group. There was no opposition voiced against any other industry. The farmers simply presented the tariff needs for agriculture, that was all.

This is good news to all engaged in farming the country over. Look back to the year 1922, when the hearings were held on the present tariff act, and note the contrast. The difference is highly significant. In 1922 food processors, importers, manufacturers, wholesalers, storage and commission firms, and the middlemen, did nearly all of the testifying. The farmers themselves were not conspicuous at those hearings.

We were too near the close of the war period at that time for agriculture to have formulated a tariff policy. This year it is different. Research bureaus have secured the facts and expert economists employed by the farmers themselves have compiled the evidence for presentation to the public. The farmers have learned during the past seven years how to make their voice potent in legislative halls. They know that mere opinions have little weight with the legislators. They know that hard, cold facts and undisputed evidence must be given. I rejoice with the farmers of America in the accomplishment of this important step.

THE BATTLE NOT YET WON

None must be deluded, however, by thinking that the mere presentation of requests before a committee is sufficient in and of itself to win the case. The farmers must be persistent in their endeavors, not only to secure adequate tariff duties on competitive agricultural products and by-products, but to resist any plan to skyrocket the industrial tariff rates.

I am sure that the farmers want to be fair in this matter. I am equally certain that there is no disposition nor intention on the part of the Congress to hand the farmers a legislative gold brick. The welfare of both industrial and agricultural groups is so intimately intertwined and interrelated that they go up or down together.

In order to keep the record straight, however, I desire to submit that in the present tariff act, which it is now proposed to revise, the manufactured commodities now enjoy a much higher rate of protection than do most of our agricultural products.

PRESENT TARIFF ACT ANALYZED

Figures from official sources tell the story. The average ad valorem rate given manufactured products, the so-called industrial commodities, in the 1922 tariff act is approximately 40 per cent. The average ad valorem rate given agricultural products is approximately 22 per cent. Let me cite the average ad valorem rates of the following classes of manufactured goods:

Schedule (1927)—Average ad valorem rate of duty to values of dutiable merchandise, unweighted

	Per cent
Chemicals, oils, and paints	28
Earths, earthenware, and glassware	48
Metals and manufactures of	35
Silk and silk goods	56
Sundries	39
Cotton manufactures	36
Average duty on above 6 schedules	40

The average is 40 per cent.

Now let us turn to a few of the agricultural schedules:

Commodity (1927)—Equivalent ad valorem, unweighted

	Per cent
Sheep	25
Swine	4
Butter	35
Poultry, dead	22
Corn	19
Wheat	33
Oranges	18
Flaxseed	23
Peas, green	20
Potatoes	30
Average duty on imported agricultural products, excluding free list	22

The average is 22 per cent.

Bear in mind, too, that not all of the agricultural tariff rates in the present tariff act are effective. This still further widens the gap that exists between the tariff protection actually given agricultural products in comparison with nonagricultural commodities.

FARMERS DEMAND PARITY

The farmers now demand that they be placed on a parity with industry from the standpoint of tariff benefits. The farmer knows that he will gain little or nothing from increased tariff protection on farm products if on the other hand his farming expenses and cost of living are unduly increased.

To put it bluntly and plainly, tariff parity as between agriculture and industry can only be secured by leaving industry with substantially its present tariff rates and increasing the duty on agricultural products up to the level now enjoyed by industry.

Perhaps there are a few industrial schedules that should be increased. Doubtless there are also import duties which should be lowered. This should be done if the tariff protection afforded any industry has made possible monopolistic control, and this has been followed by unduly enhanced prices.

In determining whether the tariff rates on manufactures should be raised, a study should be made of the price level of industrial stocks

during the past few years to ascertain definitely which industries are barely struggling along on account of disastrous foreign competition. This survey would develop whether there is any industry in our country to-day so poor as is agriculture.

Christmas-time bonuses might be investigated, in order to throw light upon the financial conditions of the industries and corporations now seeking higher protection. Stock dividends should be gone into. The ratio between actual and capitalized value of the manufacturing plants might throw some light on the problem.

I am convinced that the members of the committee are determined to seek out all the information which will assist them in reporting a bill with tariff rates that will be fair and equitable both to agriculture and to industry.

The responsibility of the farmers themselves did not cease when their spokesmen submitted the tariff rates wanted. That is too much like expecting a resolution adopted at a mass meeting to result in a miracle.

A careful study will have to be made of all the tariff increases requested. The interests of labor, of consumers in both urban and rural areas, of producers, be they manufacturers or farmers, must be considered.

I can see definite benefits come to the farmers of the United States if protective rates are granted. Consumers will not be penalized if this Nation adopts and carries through the policy of encouraging and expanding domestic production on a basis that gives our farmers a chance to live according to the American standard.

Consumers need have no fears. Six and one-half million producing units, which is approximately the number of farms in the United States, will assure our consuming public ample and well-stocked larders. It is equally certain that the farmers can have no desire to harm industry. The people living in the industrial centers are the farmers' best buyers. The interests of both groups must be safeguarded.

FEDERAL FARM BOARD

In addition to farm tariff adjustments, the special session of Congress will consider the so-called farm-relief legislation as well. This is an urgent problem. It centers around the establishment of a Federal farm board which will be intrusted with the tremendous task of seeking to improve our farm marketing system.

1. A fundamental task assigned this board will be to prevent seasonal market gluts to depress unduly the market. The solution will probably run in the direction of assisting the producers themselves to stabilize the flow to market of their products at a price that includes the cost of efficient production plus a reasonable profit.

2. Such a Federal farm board would give some attention to the attempt to adjust production to probable consumptive demands. This task will be less difficult if and when a proper farm tariff is secured, because this same tariff, if properly framed, will aid in controlling our surplus. We import our surplus at the present time. We do not produce it. Imports of competitive agricultural products annually displace the production of nearly 70,000,000 acres. Tariff adjustments can assist in diverting production from the so-called export products to products which are on a domestic competitive basis.

3. The Federal farm board will also have to be given authority to handle any exportable surplus in a manner that will permit the domestic producer to secure the tariff benefit and to have it reflected in the price that he receives.

One of three courses must be followed in dealing with this problem: Either (a) the producers must curtail production to the domestic basis; or (b) there must be imposed an equalization fee on the entire production to finance the losses on the part sold abroad; or (c) there must be provided an export premium on the part sold in the foreign market. As I said before, our tariff policy can be of great help in dealing with this problem.

4. The proposed Federal farm board will also be of great assistance in eliminating unnecessary middlemen services, and speculative profit-takers in the marketing process.

A stupendous task confronts Congress in shaping the so-called farm relief legislative program. There is no intention to dodge this responsibility.

OTHER MEASURES

The entire farm problem, however, is not solely wrapped up with the farm tariff and a Federal farm board. It is not so simple as that.

1. Fundamentally, efficient production is at the foundation of a successful agriculture. This means securing maximum yields at a minimum of cost, in line with the American standard of living. Nothing can take the place of efficient production which includes the increased use of farm machinery, of labor-saving devices of all kinds, and which looks forward to the utilization of farm power, of fertilizers, of pure-bred sires, of cow-testing associations, of better seed and of following the most approved farm practices. These are fundamental aspects. Nothing can be substituted which will make inefficient production profitable.

2. Research in agriculture is required. The utilization by industry of waste products of the farm is in special need of investigation. Augmented farm extension services are needed. Organized farm groups have never before had such an unusual opportunity for service as now. Self-improvement programs for and by individuals themselves are indispensable. A modern, forward-looking rural education policy is essential.

3. The farmers need a more equitable system of taxation.

4. The farmer needs credit on terms comparable with rates given other groups.

5. The farmer needs lower freight costs. The continued development of inland waterways is necessary. The Great Lakes-St. Lawrence deep-sea waterway must be constructed.

The entire evening could be spent in enlarging upon these matters, but time does not permit.

I said at the outset that the farmers of the United States look forward to the coming season with hope. In this they are justified. I believe 1929 will be an epochal one for agriculture.

DISTINGUISHED VISITORS

Mr. BROWNING. Mr. Speaker, the House is honored at this time by the presence in the gallery of the heads of several distinguished service organizations, and I would like to present them. We have from Baltimore, Md., Hon. John R. King, representing the commander in chief, and he a past commander in chief, of the Grand Army of the Republic; from Savannah, Ga., Hon. William L. Grayson, commander in chief United Spanish War Veterans; from Boston, Mass., Hon. Eugene P. Carver, jr., commander in chief Veterans of Foreign Wars; from Cincinnati, Ohio, Hon. Millard W. Rice, national commander of the Disabled American Veterans. [Applause, Members rising.]

OFFICERS AND CREW OF THE U. S. S. "AMERICA"

Mr. TILSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 5578 and consider the same.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to take from the Speaker's table the bill S. 5578 and consider the same. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

S. 5578, Seventieth Congress, second session

An act (S. 5578) recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crew of the U. S. S. *America*, and for other purposes

Be it enacted, etc., That the term "crew" as used in this act shall mean and include any person carried on the ship's register or serving on the ship in any capacity, regardless of rank or rating, at the time of the rescue referred to in this act.

SEC. 2. That the thanks and appreciation of the Congress of the United States be, and they are hereby, tendered to the officers and crew of the U. S. S. *America* as constituted on January 23, 1929, for the heroic conduct shown and noble service rendered in the rescue of the officers and crew of the Italian steamship *Florida*.

The bill was ordered to be read a third time, was read the third time, and passed.

CONSENT CALENDAR

The SPEAKER. The Clerk will call the Consent Calendar.

BRIDGE ACROSS MISSISSIPPI RIVER AT BATON ROUGE

The first business on the Consent Calendar was the bill (S. 2449) to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, in the parish of East Baton Rouge, and a point opposite thereto in the parish of West Baton Rouge, State of Louisiana.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Mr. Speaker, at the request of the Member who is interested in this bill, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill may be passed over without prejudice. Is there objection?

Mr. RANKIN. Mr. Speaker, reserving the right to object, on which side is he entered?

Mr. BLACK of Texas. I really do not know. He is a Member from Louisiana, and he says that he is interested in the bill.

The SPEAKER. Is there objection?

There was no objection.

MECHANICAL REPRODUCTION OF MUSIC

The next business on the Consent Calendar was the bill (H. R. 13452) to amend the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, as amended, in respect to mechanical reproduction of musical compositions, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BUSBY. Mr. Speaker, I reserve the right to object.

Mr. VESTAL. Mr. Speaker, I hope the gentleman will not object to this bill. I was about to ask unanimous consent that the bill be passed over this morning. We have some matters under consideration and hope to get out of the bill some of the features that are objectionable, and we think we may be able to iron them out.

Mr. BUSBY. When is it the purpose of the chairman to call this up again? To-day or at a later date?

Mr. VESTAL. I would like to call it up to-day later, if these objections are eliminated.

Mr. BUSBY. I can not see that that would get us anywhere, because it would merely require my presence here all of the time. If it is passed over until a later date I shall not object at this time.

Mr. HUDSPETH. But they are trying now to iron out some of the differences.

Mr. BUSBY. I know, but this is not the time to iron out the differences, after we have gotten into the calling of the calendar.

Mr. LAGUARDIA. If the gentleman is not on the floor, I shall hold it over until next consent day.

Mr. BUSBY. But we can agree that it can go over until next consent day, and then neither the gentleman nor I would have to stay here. The question is whether or not these differences may be ironed out, and not having been ironed out I would not want it to go through.

Mr. LANHAM. Mr. Speaker, will the gentleman yield?

Mr. BUSBY. Yes.

Mr. LANHAM. There have been negotiations in regard to ironing out these difficulties, and it is possible, even probable, that they will be ironed out so that the bill will be taken up later in the day. I think the gentleman could be notified in case the differences have been ironed out, and then no snap judgment would be taken on him.

Mr. BUSBY. Who is doing this ironing out on this bill?

Mr. LANHAM. Mr. Speaker, the bill is entirely satisfactory to everybody concerned, except with reference to one particular group as to the effect of the provisions of the bill. They are endeavoring to draft an amendment and have now an amendment under consideration which will make the bill entirely satisfactory to that group, and if that is consummated, then there will be no objection whatever to the bill from anybody who has ever appeared before the committee.

Mr. BURTNESS. Mr. Speaker, will the gentleman from Texas yield to me for a moment?

Mr. LANHAM. Yes.

Mr. BURTNESS. Does that group represent the retailers of music? Some of us are having wires from retailers of music and retailers of phonographs and radios, and so forth, seriously objecting to the bill. Is the group that is being consulted representatives of that industry?

Mr. LANHAM. I do not know that they are all retailers, except that they are the people who make mechanical records from whom the retailers get the records. Of all the people who have appeared before the Committee on Patents with reference to this measure, no dissatisfaction has been expressed with the provisions of the bill except by the group to whom I refer.

Mr. BURTNESS. Have the retailers been considered in connection with the matter?

Mr. LANHAM. We have considered the bill for about eight years and I think everybody has been before us.

Mr. BURTNESS. Some retailers wire me to the effect that the bill is a hold-up on the part of the New York publishers. I do not know anything about that. I am not here to object to the bill.

Mr. BUSBY. The retailer speaks largely for the public. The report on the bill says that the copyright holders and manufacturers seem to be getting in accord behind this legislation; but there is still another group for whom the retailers speak, and that is the public; and they are the ones that I am trying to represent here in offering my objection to this legislation.

Mr. BURTNESS. I have reached no conclusion on the bill. I am not here to object, but I wondered if the differences were ironed out whether it would include the retailer.

Mr. BUSBY. I do not think that would be satisfactory to me.

Mr. LAGUARDIA. Of course, if you are considering the public, the gentleman also wants to consider the composers and the authors.

Mr. BUSBY. But there is another story than is stated by that question. It is this—that a monopoly is provided in accordance with the Constitution, but the question is, How far can one who has that monopoly insist that he be protected? And that is the proposition that I am dealing with.

Mr. CHINDBLOM. Mr. Speaker, further reserving the right to object, I want to suggest I do not think it is possible to hold this bill over to-day and reach a conclusion to-day. We have many interests during the afternoon, and I for one would like to have a little time. I would have to leave a committee this afternoon to do this.

Mr. BUSBY. Mr. Speaker——

Mr. VESTAL. I am asking unanimous consent that the bill be passed over without prejudice and retain its place on the calendar.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the bill be passed without prejudice and retain its place on the calendar. Is there objection?

Mr. BUSBY. That, I understand, passes it over for this day?

The SPEAKER. It can only be brought up by unanimous consent.

Mr. BUSBY. But it could not be brought up under that request to-day?

The SPEAKER. It could be by unanimous consent.

Mr. BUSBY. That does not satisfy me, because I do not want to sit here all day. If the request does not carry it over until the next consent day, I am going to object.

Mr. BLANTON. Mr. Speaker, I ask for the regular order.

The SPEAKER. Is there objection?

Mr. DYER. The statement of the gentleman from Indiana ought to be sufficient, that he wished it to go over.

Mr. BUSBY. If he makes that statement——

Mr. VESTAL. I have already made the statement.

Mr. BUSBY. I did not hear it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

WATERS OF THE NORTH PLATTE RIVER

The next business on the Consent Calendar was the bill (H. R. 7026) granting the consent of Congress to compacts or agreements between the States of Colorado and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. TAYLOR of Colorado. Mr. Speaker, there is no one interested in this bill except the people of the States of Colorado, Wyoming, and Nebraska, and the Representatives of those States are trying to reach an agreement, which I think we will, and I ask unanimous consent that this bill and the one following it remain on the calendar and be passed without prejudice. I am exceedingly anxious to have these two bills passed before this session of Congress adjourns.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

CERTAIN INSANE CITIZENS OF ALASKA

The next business on the Consent Calendar was the bill (H. R. 170) to provide for the care of certain insane citizens of the Territory of Alaska.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, I object.

The SPEAKER. It requires three objections.

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, I have given some study to it, and I will withdraw my former objection and am for the bill except for a perfecting amendment. These dangerous insane in Alaska can not safely be cared for at the Morningside institution in Oregon, but at the present time they are taken in the State institution under contract with the State of Oregon. That institution is becoming congested, and it may not be possible to continue them later in that institution. Hence, the reason for this bill, to permit their transfer to St. Elizabeths.

I want to make this suggestion: I think the bill ought to be phrased so as to leave it discretionary with the department either to take these insane to a State institution on the coast or to bring them to St. Elizabeths. Of course, if they can not be placed in a State institution, they ought to be brought to St. Elizabeths. I think it ought to be discretionary.

Mr. BLANTON. Mr. Speaker, I make an objection.

The SPEAKER. Three objections have been made. The Clerk will report the next bill.

CLASSIFICATION OF CHIPPEWA INDIANS OF MINNESOTA

The next business on the Consent Calendar was the bill (H. R. 12414) authorizing the classification of the Chippewa Indians of Minnesota, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. I ask unanimous consent, Mr. Speaker, that this bill be passed over without prejudice.

The SPEAKER. The gentleman from Michigan asks unanimous consent that this bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

CREATION OF INDIAN TRUST ESTATES

The next business on the Consent Calendar was the bill (H. R. 7204) to authorize the creation of Indian trust estates, and for other purposes.

The title of the bill was read.

The SPEAKER. The bill requires three objections.

Mr. CRAMTON. I ask unanimous consent, Mr. Speaker, that it be passed over without prejudice. It may be reached on the Wednesday calendar, or it may not.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

RELIEF OF CONTRACTORS FOR PUBLIC BUILDINGS

The next business on the Consent Calendar was the bill (H. R. 13857) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. I object.

The SPEAKER. Objection is heard. The Clerk will report the next bill.

ADDITIONAL JUDGE, MIDDLE DISTRICT OF PENNSYLVANIA

The next business on the Consent Calendar was the bill (H. R. 16034) to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Middle District of the State of Pennsylvania.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, the gentleman from Pennsylvania [Mr. GRAHAM] is absent to-day, and has asked particularly that this matter be passed over without prejudice. Speaking for him, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentlemen from Michigan asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, during the debate on the floor of the House the other day we were told that we did not have sufficient judges to take care of Federal cases, particularly alleged prohibition violations. Now we have a chance to increase the number of judges, so that the people will not have to wait a year or a year and a half before their cases are reached.

Mr. HOOPER. I ask the gentleman under the circumstances to withhold his objection.

Mr. CRAMTON. Mr. Speaker, in connection with what the gentleman from Wisconsin [Mr. SCHAFER] has said, as I understand it, none of these additional judge bills which have been sent over to the Senate from this body have been passed by the Senate. That is true, is it not? I will ask the gentleman from Missouri [Mr. DYER] if that is not the case? Has the Senate passed any of these additional judge bills?

Mr. DYER. None of them that we have sent over has come back from the Senate.

Mr. CRAMTON. It would be more practical, then, to have those bills passed than to give an appropriation of $24,000,000 for the enforcement of prohibition.

Mr. DYER. Mr. Speaker, in answer to the inquiry of the gentleman from Michigan, I may say that it has been stated by the Commissioner of Prohibition that it would be impossible for him to use the $24,000,000 in furtherance of the work of enforcing the law because the courts are clogged with cases pending for action. It is said that the judges give most all of their time to prohibition, and that many cases are awaiting trial and that the only way for those who are charged with the violation of the law to get rid of their cases is to plead guilty.

Mr. BLANTON. Is it the purpose of the gentleman from Pennsylvania [Mr. GRAHAM] and the purpose of the gentleman from Missouri [Mr. DYER] to enforce prohibition by having this additional judge in Pennsylvania?

Mr. DYER. I will say to the gentleman from Texas that while I did not vote for prohibition originally, every vote that has been cast by me since it became a law has been for the purpose of enforcing it in every way.

Mr. BLANTON. How about the gentleman's vote on the $24,000,000 enforcement amendment?

Mr. DYER. I voted against that because it is my opinion and of most everyone, generally speaking, outside of those who wish to play a little cheap politics, that it would be disastrous to the cause of prohibition to force money upon the officials when they say they can not use it under present conditions.

Mr. BLANTON. That is Mr. Mellon's idea.

Mr. LAGUARDIA. Mr. Speaker, I ask for the regular order.

Mr. DYER. Mr. Speaker, in response to the request of the gentleman from Pennsylvania [Mr. GRAHAM] this bill has been reported by the Committee on the Judiciary. I ask that it be passed over without prejudice. It has the unanimous report of the Committee on the Judiciary; at least, no objection has been made to it in the committee. I ask that it be passed over without prejudice.

Mr. HOOPER. There are several Members who are very anxious to have some further information on this matter. I would like to have it understood that it is the request of the gentleman from Pennsylvania, not of myself.

Mr. DYER. Mr. Speaker, the gentleman from Pennsylvania [Mr. GRAHAM] is the chairman of the committee. Evidently he is not upon the floor and the gentleman may be speaking for him, as he evidently is; but as a member of that committee, I feel it is not necessary for any one Member to be here for the purpose of enacting legislation that is needed.

Mr. LAGUARDIA. Perhaps the gentleman from Missouri can give the information that many Members of the House seek.

Mr. DYER. The report shows that there is very great need for this legislation.

Mr. BLANTON. Mr. Speaker, I ask for the regular order.

The SPEAKER. Is there objection to the request of the gentleman from Michigan that the bill may be passed over without prejudice?

Mr. DYER. Mr. Speaker, I object.

Mr. BLANTON. And, Mr. Speaker, I object to the consideration of the bill.

The SPEAKER. Objection is heard.

JOINT-STOCK LAND BANKS

The next business on the Consent Calendar was the bill (S. 4039) to exempt joint-stock land banks from the provisions of section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, as I stated before, I can not see any purpose in amending the law so as to permit interlocking directors to sit on these boards. As I said before, what will happen will be that they will take the good loans and send them to their own banks and dump the bad loans on the joint-stock land banks, so I am going to object.

Mr. McFADDEN. I hope the gentleman will reserve his objection.

Mr. LAGUARDIA. I will reserve it in order to permit the gentleman to make a statement.

Mr. McFADDEN. I want to reiterate that which I said the other day when this matter came up, that it was never intended when this law was passed to include these banks. These are not commercial institutions but are merely mortgage-loan banks.

Mr. LAGUARDIA. I do not agree with the gentleman's viewpoint, as shown in his statement, that all the brains of the country are on the present boards of the banks.

Mr. McFADDEN. I did not intend to give that impression, but it would greatly help the management of these institutions to have the kind of direction which they would secure from bankers who are more or less familiar with the loan business, and I think they should have the right to serve on these boards. The Federal farm-loan system is asking for this legislation, and the request is indorsed by the Federal Reserve Board.

Mr. LAGUARDIA. Mr. Speaker, I shall object.

DISPOSAL OF MATERIAL TO THE SEA SCOUT DEPARTMENT OF THE BOY SCOUTS OF AMERICA

The next business on the Consent Calendar was the bill (H. R. 15577) authorizing the Secretary of the Navy to dispose of material to the sea-scout department of the Boy Scouts of America.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, are there any gentlemen on the floor from the Naval Affairs Committee? If there is no one here who can give the information I desire, I will ask that the bill be passed over without prejudice.

Mr. HALE. I do not know that I can give the gentleman the information he desires, but I will do so if I can.

Mr. LAGUARDIA. This bill provides for the turning over of material by the Navy to the Boy Scouts. It is based on a bill which was heretofore passed authorizing the turning over of aviation material, but in that bill a clause was inserted which provided that the material turned over could not be used for flying. The gentleman understands the purpose of that. The purpose was that if we turned over obsolete equipment, we did not want to endanger the lives of anyone by having them use it for flying purposes. I find from the report that it is intended to turn over certain cutters, and what I want to know is this: If a cutter becomes obsolete and is unfit for use by the Navy, is it not unsafe to turn it over to the Boy Scouts?

Mr. HALE. As I recall, that suggestion was made in the committee. I think the language of the bill takes care of that by putting it in the discretion of the Secretary of the Navy. That is so, is it not?

Mr. LAGUARDIA. Yes; but the bill provides for the disposal of "such condemned or obsolete material as may not be needed for the Navy." Now, when we provided for the turning over of aviation equipment it was specifically provided that it could not be used for flying purposes. My fear is that if we turn this obsolete material over to the Boy Scouts it would endanger their lives if they used it on the water. If it is condemned and obsolete material that is not seaworthy for the Navy, how could it be seaworthy for the Boy Scouts?

Mr. HALE. If it is not seaworthy material, then it should not be turned over to the Boy Scouts for that purpose. If the gentleman has in mind an amendment that would safeguard the matter, I am sure the committee would be glad to accept it, but it seems to me that the language in the bill, providing that it shall be turned over only at the discretion of the Secretary of the Navy takes care of that situation. As I say, that feature was discussed in the committee.

Mr. LAGUARDIA. The bill provides for the turning over of—

Such condemned or obsolete material as may not be needed for the Navy.

Mr. HALE. Of course, the Secretary of the Navy ought not to turn over to the Boy Scouts any material that it is not safe for them to use.

Mr. LAGUARDIA. Exactly, and it is for that reason that I suggest that something should be included in this bill which would be along the line of the provision carried in the bill providing for the turning over of aviation equipment.

Mr. BURTNESS. If the gentleman will permit, some equipment might be obsolete but not unseaworthy.

Mr. LAGUARDIA. Not if it is condemned, and that is what I fear.

Mr. BURTNESS. But if it were limited to obsolete material, the situation would be entirely different.

Mr. LAGUARDIA. Yes; I agree with the gentleman, but I am afraid of the other language.

Mr. HALE. Has the gentleman an amendment prepared?

Mr. LAGUARDIA. No. I think the gentleman had better look into it further, and we will pass it the next time.

I ask unanimous consent, Mr. Speaker, that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

HAY GROWERS IN BRAZORIA, GALVESTON, AND HARRIS COUNTIES, TEX.

The next business on the Consent Calendar was the bill (H. R. 15892) for the relief of hay growers in Brazoria, Galveston, and Harris Counties, Tex.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOOPER. Mr. Speaker, reserving the right to object, and I do not intend to object, I will say to the gentleman, but I have had no report from the department on this particular bill. Does the department report favorably upon it?

Mr. HUDSPETH. Yes, it does, I will state to my friend from Michigan, and also the Comptroller General. The Comptroller General reports favorably, and also prepared the bill, I will say to the gentleman.

Mr. HOOPER. I personally have no objection to the bill.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I shall object unless the gentleman agrees to an amendment. This is the proposition: Here are certain acts by employees or officials of the Department of Agriculture. I do not think they ought to pass upon their own acts, and the amendment which I suggest is, on page 1, where the bill now provides "to be found and reported by the Secretary of Agriculture," to insert "and determined by him," the Comptroller General.

Mr. HUDSPETH. I will state to my friend from New York that the bill leaves it to the determination of the Comptroller General, and the gentleman's amendment would be surplusage, because he has to pass upon it under the terms of the bill.

Mr. LAGUARDIA. Permit me to read it. The bill now provides—

on the basis of facts and figures to be found and reported by the Secretary of Agriculture.

Mr. HUDSPETH. Yes.

Mr. LAGUARDIA. My amendment would provide—

That the Comptroller General of the United States be, and he is hereby, authorized and directed to examine and settle, on the basis of facts and figures to be found and determined by him.

Mr. HUDSPETH. I will state to my friend from New York, if he will read the report of the Comptroller General he will find that he has already reported favorably.

Mr. LAGUARDIA. All right.

Mr. HUDSPETH. I do not think the proposed amendment hurts, except in this way: We want to substitute the Senate bill for the House bill, the Senate bill being identical, and the proposition of the gentleman would prevent us from doing that.

Mr. LAGUARDIA. It would, of course, have to go back to the Senate.

Mr. HUDSPETH. Of course, the gentleman can offer his amendment to the Senate bill if he insists upon it. But I trust he will not insist upon the amendment. It is wholly unnecessary.

Mr. UNDERHILL. Under the bill it does go to the Comptroller General.

Mr. LAGUARDIA. I do not see how my amendment would hurt.

Mr. UNDERHILL. Only it would necessarily have to go back to the Senate and the matter undoubtedly is taken care of now.

Mr. HUDSPETH. I trust the gentleman from New York will not insist on his amendment. The object now is to substitute the Senate bill for the House bill so it may pass at this session. I may say to the gentleman that the Comptroller General prepared this bill.

Mr. LAGUARDIA. I do not see why we can not amend the Senate bill.

Mr. HUDSPETH. Oh, yes; we can amend the Senate bill if the gentleman insists on his amendment, but it is absolutely unnecessary.

Mr. LAGUARDIA. I think it is the proper thing to do.

Mr. HUDSPETH. I do not see a great deal of harm it can do except that it will delay the matter that much and perhaps necessitate a conference. The bill passed the committee unanimously and if the gentleman will read the Comptroller General's report he will find that he reports favorably now and suggested the bill that my colleague from Texas [Mr. MANSFIELD] introduced.

Mr. LAGUARDIA. I spent most of my Sunday reading the bill and the report.

Mr. HUDSPETH. I hope the gentleman will not object because the matter is left to the Comptroller General absolutely. He went into the matter fully and recommended the identical bill which my colleague introduced.

Mr. UNDERHILL. The bill came from the Comptroller General.

Mr. LAGUARDIA. Is the gentleman from Massachusetts [Mr. UNDERHILL] satisfied that the Comptroller General can disregard the facts and figures submitted to him?

Mr. UNDERHILL. He does right straight along.

Mr. LAGUARDIA. But in this instance, as a matter of law?

Mr. UNDERHILL. Yes.

Mr. LAGUARDIA. The gentleman from Massachusetts is a kind of a shark on these things, and if he is satisfied I am.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MANSFIELD. Mr. Speaker, I ask unanimous consent that an identical Senate bill (S. 4818) may be considered in lieu of the House bill.

The SPEAKER. The gentleman from Texas asks unanimous consent that a Senate bill (S. 4818) may be considered in lieu of the House bill. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, has the Senate bill got the same amendments?

Mr. MANSFIELD. Yes; it is identical.

Mr. SCHAFER. With the limitation with respect to attorneys' fees?

Mr. MANSFIELD. Yes; absolutely.

Mr. HUDSPETH. Yes; we had that placed in the Senate bill.

Mr. LAGUARDIA. Mr. Speaker, further reserving the right to object, I notice that the House bill is a direct appropriation and not an authorization.

Mr. UNDERHILL. The Committee on Claims has that right.

Mr. DYER. Further reserving the right to object, may I inquire if the Texas delegation is united in support of this bill?

Mr. HUDSPETH. In this instance I assure the gentleman the delegation is absolutely united.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none and the clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and is hereby, authorized and directed to examine and settle, on the basis of facts and figures to be found and reported by the Secretary of Agriculture, the claims of hay growers in Brazoria, Galveston, and Harris Counties, Tex., who were prevented during the year 1925 from harvesting their hay because of quarantine restrictions against the spread of the hoof-and-mouth disease: *Provided*, That the allowance made on any such claim shall not exceed the amount paid thereon by the Livestock Sanitary Commission of Texas, pursuant to an act of the State legislature approved October 6, 1926. There is hereby appropriated, from any money in the Treasury not otherwise appropriated, a sufficient amount, not to exceed $218,177.50, to enable the Secretary of the Treasury to pay such of the claims as may be allowed by the Comptroller General: *Provided*, That no part of the amount of any item appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 10 per cent of the amount of any item appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill was laid on the table.

YUMA MESA AUXILIARY PROJECTS

The next business on the Consent Calendar was the bill (H. R. 15918) to amend an act entitled "An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary projects, and for other purposes."

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object, I would like to have further opportunity to study this bill. The Yuma situation is rather complicated. I ask unanimous consent that the bill go over without prejudice.

Mr. DOUGLAS of Arizona. What is the information the gentleman desires?

Mr. CRAMTON. I want to study the situation, and I have not yet had an opportunity to do it. I will do so before the next Consent Calendar is taken up.

Mr. DOUGLAS of Arizona. Is the gentleman going to object?

Mr. CRAMTON. I shall have to do it to-day.

The SPEAKER. Is there objection to the request of the gentleman from Michigan that the bill go over without prejudice?

There was no objection.

SALE OF GOVERNMENT-OWNED LAND IN MANCHESTER, N. H.

The next business on the Consent Calendar was the bill (S. 4739) authorizing the Secretary of the Treasury to sell certain Government-owned land at Manchester, N. H.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, this authorizes the sale of Government-owned property to an identified purchaser. This is a very unusual situation.

Mr. HALE. The land is in the city of Manchester, in my district. The proceeding is somewhat unusual, and I recognize the propriety of the gentleman's question. This is a Treasury Department bill. The joint committee on public buildings has made a trade which is exceedingly advantageous for the Government for a piece of land which the Government does not need. The proceeds of this sale, I understand, are to be applied to the purchase of land on the other side for the construction of an addition to a Manchester public building.

Mr. LAGUARDIA. Then it is not a trade, but the sale of one piece of land and the purchase of another?

Mr. HALE. That is true, of course. The joint committee had in mind something in the nature of a trade. It had in mind the sale of this portion of the Government-owned land and the purchase of other land on the other side. The New Hampshire Fire Insurance Co. is the adjoining owner, and it has constructed a fine building. The land which it is proposed to sell them is 25 feet front, and nobody would want it except the fire insurance company. They have offered a price which is twice as much per foot as the Government is paying for land on the other side.

I may say that I think the gentleman from New York wants to be fair about it, and under ordinary circumstances I think the proposed amendment ought to be made requiring it to be sold at public auction. But the situation is this: We are very anxious—and so is the Treasury Department—to have the legislation passed as it has passed the Senate. If it is amended there is a hazard about the amendment becoming adopted in the other body. There are tenants who are in an uncomfortable situation and do not know whether to move or not. For that reason it seems desirable that the legislation be passed.

Mr. SCHAFER. Reserving the right to object, do I understand the gentleman to state that not far from the land covered in this bill the Government is to purchase land at twice the amount that the land is to be sold for?

Mr. HALE. No; it is to purchase land for one-half the amount that this is to be sold for—about $3 a foot; and we are getting for the land we are selling $6 a foot.

Mr. SCHAFER. What is the assessed value of land in that vicinity?

Mr. HALE. I have not the assessed value, but the land we are selling is right across the street from the land we are to purchase on the other side; precisely the same location.

Mr. LAGUARDIA. The gentleman's argument is almost irresistible, but not quite, and I am constrained to object.

Mr. Speaker, I ask unanimous consent that the bill may be passed temporarily to give the gentleman from New Hampshire an opportunity to prepare an amendment.

The SPEAKER. The gentleman from New York asks unanimous consent that the bill be passed temporarily. Is there objection?

There was no objection.

SEA SCOUTS OF AMERICA

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent to return to Calendar No. 1096 (H. R. 15577), to authorize the Secretary of the Navy to dispose of obsolete material to the sea scout department of the Boy Scouts of America.

The SPEAKER. The gentleman from Illinois asks unanimous consent to return to Calendar No. 1096. Is there objection?

Mr. SCHAFER. Mr. Speaker, I reserve the right to object. Has the Member who made the objection when the bill was before us a few minutes ago withdrawn his objection?

Mr. BRITTEN. Mr. Speaker, it was passed over without prejudice. I was not in the room.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized, in his discretion, to dispose of without charge, except for transportation and delivery, to the sea scout department of the Boy Scouts of America such condemned or obsolete material as may not be needed for the Navy, and such other material as may be spared at prices representing its fair value to the Navy.

Mr. BRITTEN. Mr. Speaker, there appears to be no objection to this bill from the department or from the Director of the Budget. The bill merely authorizes the Navy Department to convey to the sea scouts of America such obsolete material as the department has no use for—old rowboats, sails, spars—with which these boys may play and practice on the seacoast and on the shores of the inland lakes.

Mr. LAGUARDIA. Mr. Speaker, the gentleman will remember when we passed a similar bill turning over certain aviation property we provided that it could not be used for flying purposes. My fear is this: If you turn over some property that is not seaworthy the boys may be endangered by using it.

Mr. BRITTEN. Mr. Speaker, the gentleman's fear is very well founded. The very object of turning over this obsolete

material to the Boy Scouts is to make ship carpenters and real sailormen out of them and to teach them in the craft of seamanship. There are 600,000 boys in the major organization to-day, and 200,000 men. It is an organization incorporated by an act of Congress in 1916. The gentleman may be assured that the objection he has referred to in respect to flying material does not enter into this situation at all.

Mr. Speaker, the organization known as the Boy Scouts of America was incorporated by the act approved June 15, 1916 (U. S. C. title 36, sec. 21), the purpose of which was stated as follows:

> The purpose of the corporation shall be to promote, through organization and cooperation with other agencies, the ability of boys to do things for themselves and others, to train them in scoutcraft, and to teach them patriotism, courage, self-reliance, and kindred virtues, using the methods which were in common use by Boy Scouts on June 15, 1916.

While sea scouting as a branch of the Boy Scouts of America dates back to the early days of the scout movement in this country, it was only two years ago that the sea scout department was officially organized in order to meet a wide and growing demand for progressive training of older boys—from 15 to 19 years of age—in seamanship and water activities generally, under the direction of able seamen.

The sea scout program is essentially a program for older boys. Its ultimate objectives are the same as those of land scouting. The promotion and carrying out of this program is similar in nearly every way to land scouting, the only essential difference being in the type of activities, the uniform, and requirements.

The activities of sea scouts are concerned with things connected with the water—swimming, sailing, rowing, sea history, marlinspike seamanship, ground tackle, life aboard ship, rules of the road at sea, foreign commerce, navigation, piloting, signaling, and cruising.

The sea scout department is operated, as are all other departments of the national council of the Boy Scouts of America, through its executive board, with a director known as the national sea scout director. A committee, known as the national sea scout committee, serves as an advisory committee to the executive board in all matters relating to sea scouting. This committee is made up of representative men throughout the country who are interested in the sea scout program for scouts.

Mr. Speaker, there are approximately 700 individual councils of the Boy Scouts of America, scattered over practically the entire United States, with a total enrollment of 800,000 men and boys—200,000 men and 600,000 boys. In any of these local councils, where there is a sufficient number of older boys 15 years of age and over, a sea scout "ship," as the unit of organization in sea scouting is called, may be organized.

Under high-grade leaders these older boys, as sea scouts, continue their training in character development and citizenship and are instructed in the art of seamanship through the use of boats and yachts, acquiring as well a sound knowledge of international trade through literature and a consciousness of the glorious traditions of the sea history of our country. The major work of training sea scouts in seamanship is done in whaleboats.

The attached copy of the sea scout manual will give an idea of the scope and all-around character of the training which sea scouts receive. On enrolling as a sea scout, each boy is required to take the following sea promise:

> On my honor, I will do my best—
>
> 1. To learn swimming and always be prepared to render aid to those in need in connection with water accidents.
>
> 2. To make it my practice to know the location of the life-saving devices on every boat I board; and to mentally outline my responsibility in maintaining order for myself and shipmates in case of emergency.
>
> 3. To be vigilant and cautious, always guarding against water accidents.
>
> 4. To cooperate with the responsible authorities for the observance of all regulations for the conduct and safety of boats and ever seek to preserve the motto of the sea, "Women and children first."

At the present time there are about 300 sea scout "ships" in the United States, and it is hoped ultimately to establish sea scout units in each of the 700 councils of the Boy Scouts. The present aim of the sea scout department is for a total enrollment of 100,000 sea scouts. The attached tables show the number of sea scout units that had been organized up to and including December 31, 1928, arranged by regions, cities, and States, with the total enrollments in each.

An interesting development in the sea scout movement has been the increase in the number of cruises made on rivers in the interior parts of the country, where groups of sea scouts have built their own boats, rigged them with outboard motors, and made long cruises, lasting two and three and even four weeks. That the sea scout program is not one for the sea coast only is proved by the fact that the majority of the units now in existence are in the interior parts of the country, where the activities are carried out on small rivers and lakes.

Mr. Speaker, almost on the threshold of its history, the sea scout movement was given an opportunity to demonstrate its ability to develop character and inculcate in its members the importance of the motto, "Be prepared." A prominent Arctic explorer, Capt. John Borden, of Chicago, who having made all preparations for an exploration of the Arctic on a sailing vessel to collect specimens of fauna for the Field Museum, was confronted with the problem of selecting a crew for his vessel. Owing to the many unusual circumstances surrounding this expedition, the standards which these men had to meet were unusually high and a search through the usual channels failed to produce one man.

High moral character, perfect physical fitness, ability to endure hardships, thorough knowledge of seamanship—such were the minimum standards.

Being convinced that among its ranks there were many young men who could live up to these standards, the sea scout leaders of Chicago offered to Captain Borden the services of eight sea scouts. They were examined and found fully qualified.

In April, 1927, they set sail from San Francisco on the 140-foot auxiliary schooner *Northern Light*, and for five months cruised in the waters of the Pacific Ocean, Bering Sea, and the Arctic Ocean. One of the most ideal adventures for boys that could be conceived—helping in all of the work aboard ship; collecting the specimens for the museum; studying various parts of the northland, and arriving back in San Francisco, having fulfilled to the very utmost all of the promises that were made for them.

This is the first time in the history of polar expeditions that a boat has gone into the Arctic with a deck crew entirely composed of boys under 19 years of age.

This event proves three things: First, that the training given to young men in sea scouting helps to put into practice in a very splendid way the character training given to them in the land scout troops; second, that the average American boy can adjust himself to conditions at sea after training in sea scouting; third, that the sea scout programs opens up to the boys of America opportunities for adventure such as all boys crave, and this, under circumstances where they are surrounded by all the precautions for safety, high-grade leadership, and preparedness.

It is interesting also to note that Paul A. Siple, the Boy Scout who was chosen to accompany Commander Byrd on his Antarctic expedition, is a member of the crew of the sea scout ship *Niagara* of Erie, Pa. He received his first experience of training in seamanship on a whale boat.

At the time of the hurricane disaster in Florida, the sea scouts rendered valiant service. According to a statement from the relief detail in that section of the Everglades in Florida, the gallant little group of sea scouts in Sarasota, Fla., under the direction of County Judge A. R. Clark, "did more work and accomplished more results in this grim job than all of the adult relief workers in the territory combined."

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. MICHENER. Does this require the department to turn over all this surplus or the condemned property?

Mr. BRITTEN. No; it merely authorizes it to so dispose of obsolete material.

Mr. MICHENER. To turn it over to the sea scouts?

Mr. BRITTEN. Yes.

Mr. MICHENER. The gentleman makes a distinction between the sea scouts and the Boy Scouts?

Mr. BRITTEN. Yes; they operate independently.

Mr. MICHENER. For instance, under existing law, where the department disposes of this condemned property by public sale, would this prevent the Boy Scouts from bidding for some of this material?

Mr. BRITTEN. Not a bit. On the contrary, the bill provides where the material, although obsolete, has some cash value, the department may sell it to the sea scouts at its cash value to the department.

Mr. MICHENER. I do not know anything about the sea scouts, unless they are a part of the Boy Scouts, and the Boy Scouts in my district during last year received some of these boats, purchased from the Coast Guard on the Great Lakes. Would this prevent the sale or delivery to the Boy Scouts of America of any of this material?

Mr. BRITTEN. Not at all.

Mr. MICHENER. And give preference to the sea scouts?

Mr. BRITTEN. Oh, no. The gentleman will be surprised to learn that there are nearly 300 units of sea scouts in the United States.

Mr. MICHENER. I am not surprised at all, but I do not want to consent to any legislation here that will make it possible on the part of the department or mandatory on the part of the department to turn over to the sea scouts property to the detriment of the Boy Scouts.

Mr. BRITTEN. That is true. I agree with the gentleman, but there is nothing like that in the legislation.

Mr. Speaker, instances could be cited where sea scouts have been instrumental in saving persons from drowning, and where assistance has been rendered to boats and ships in distress by sea scouts while on training cruises.

Sea scout training is of considerable assistance in the training of young men entering colleges and universities, who enroll in the Naval Reserve Officers' Training Corps, since they have usually spent one or two years learning the rudiments of sea scouting and much time is saved in their preliminary seamanship instructions. The sea scout organization is a very valuable source of supply of desirable personnel for the Navy and the Naval Reserve. Recently one reserve division was filled by enrolling ex-sea scouts and another reserve division includes almost a complete troop of ex-sea scouts.

In order to encourage sea scout movement as much as possible, the Secretary of the Navy, on May 15, 1927, authorized all force commanders, commanding officers of ships, commandants of districts, navy yards, and stations, to cooperate, as far as circumstances permit, whenever an application bearing the approval of the national headquarters of the Boy Scouts of America is received from a duly accredited representative of the organization of the sea scouts department. Individual officers, both active and retired, were requested to lend their aid and encouragement. Attention was invited, however, to the fact that no provision of law permitted the loan of property or the expenditure of naval funds.

At the present time, under the law, the Navy Department is limited in the sale of material to sea scout organizations by the act of July 9, 1918 (40 Stat. 850), which restricts such sales to materials procured during the war period. Under this authority, pulling boats, and more recently power boats, procured during the war period, are offered for sale to sea scout organizations for training purposes, prior to offering such boats at public sale. However, the sea scouts are very desirous of being permitted to buy other articles of equipment, such as sextants, compasses, flags, masts, sails, oars, etc. With this in mind, and in order to be able to cooperate more fully, the Navy Department has recommended the enactment by Congress of the bill now before the House.

The enactment of this bill will permit the Secretary of the Navy to render such assistance to the sea scout department of the Boy Scouts of America as may be practicable, without cost, or at little cost, to the Navy Department.

The legislation proposed will not result in any increased cost to the Government.

Mr. LaGUARDIA. Will the gentleman object to striking out the words "condemned or," in line 6?

Mr. BRITTEN. No; I have no objection to that, and shall move such an amendment.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk again read the bill.

Mr. BRITTEN. Mr. Speaker, I move to strike out the words "condemned or" in line 6 of the bill.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

Mr. SCHAFER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SCHAFER. I don't think this bill has gone by the objection stage. The gentleman asks unanimous consent to return to the calendar.

The SPEAKER. The Chair put the question as to whether there was objection to the present consideration of the bill. The bill has been read and the gentleman from Illinois now offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BRITTEN: Line 6, after the word "such," strike out the words "condemned or."

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BUST OF LIEUTENANT GILLISS

The next business on the Consent Calendar was the bill (H. R. 13935) to provide for the purchase of a bronze bust of the late Lieut. James Melville Gilliss, United States Navy, to be presented to the Chilean National Observatory.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, will the gentleman from Massachusetts [Mr. LUCE] consent to the usual amendment that I offer to bills of this kind?—

Provided, That such bust shall be the work of an artist who is a citizen of the United States.

Mr. LUCE. Mr. Speaker, a good opportunity has not hitherto presented itself for me to express my views upon the suggestion of the gentleman from New York [Mr. LaGUARDIA]. I regret to say that his view of the matter does not appeal to me.

In this particular instance the request came from the Secretary of the Navy. No Member of the House has any personal interest in the matter, and the question raised can be met without any factor of prejudice. So I think we might as well have this issue faced at the moment. While it is true that we desire to encourage American artists as well as American manufacturers and producers, it is the fact that there are in this country certain capable, meritorious, and even distinguished artists, not yet citizens, some of whom have come from the country in which the gentleman from New York is, I think, much interested.

Mr. LaGUARDIA. The gentleman from New York is only interested in one country, and that is the United States.

Mr. LUCE. I am delighted to hear that. I will modify my statement and say any other gentleman in the House under like circumstances would be interested under these conditions I think we may recognize the fact that to restrict the selection of artists to those who have taken out naturalization papers or who were born in this country might result at times in our securing an inferior grade of artistic skill. I do not feel that your Committee on the Library should thus be hampered in getting the most beautiful works of art that they can secure. Therefore if the gentleman should insist upon his position and refuse consent to consideration of this bill, I would have to look for some later opportunity to find out what the House may think in the matter.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. LUCE. Certainly.

Mr. LaGUARDIA. The gentleman does not mean to imply that if we limit certain works of art which we authorize to American artists we will obtain inferior work?

Mr. LUCE. I meant to bring out that there have been models presented to us by men born abroad who have come over here to contribute to our store of art, and who should have an opportunity to offer us their artistic skill.

Mr. SCHAFER. Will the gentleman yield?

Mr. LUCE. I will.

Mr. SCHAFER. If we follow the gentleman's line of argument, we should not have a protective tariff, but leave to the foreigners an opportunity to enter into competition with American industry and labor.

Mr. LUCE. I tried to bring out that I thought the world of art was living under different conditions from the world of industry and production. May I suggest that recently when the Dominion of Australia sought to secure the finest plan it could get for a new capital, it was not hampered by such a condition as that here proposed, and so was able to give the award to a citizen of this country. Hitherto art has known no geographical lines, and I hope we will not establish a precedent that will ever hamper art by geographical lines.

Mr. LaGUARDIA. Art has heretofore had no geographical confines, it is true, and this very condition that has been described arose by giving the award to foreign artists on account of social connections, and so forth, and then they left for home, performed their work, and sent it over. American art is entitled to just as much protection as the manufacturers of the State of Massachusetts.

Mr. LUCE. But I submit to the gentleman one consideration: If the gentleman's logic is to prevail, the delightful concerts that are given here by symphony orchestras and the charming chamber music in the Coolidge auditorium of the Library of Congress ought to be stopped unless hereafter musicians and conductors are either native born or naturalized Americans. We ought not to be allowed to invite over here men and women who have shown their eminence in the great concert halls of Europe. Our programs ought to omit the names of Wagner and Haydn and Handel and Bach and Beethoven in order that we may encourage American composers.

Mr. LAGUARDIA. The fact is that American sculptors and painters have not jazzed their work as American musicians have done.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. CRAMTON. I would like to have the attention of the gentleman from New York [Mr. LAGUARDIA].

Paralleling with this, I recall that a few months ago, when Congress wished to pass an act to give recognition to an American citizen—the aviator Ellsworth—the gentleman from New York only permitted that to pass on condition that we join with that recognition a similar recognition for a distinguished Italian—General Nobile.

Mr. LAGUARDIA. And Roald Amundsen, a Norwegian, who was in the same joint adventure.

Mr. LUCE. Mr. Speaker, I call for the regular order.

Mr. LAGUARDIA. I am willing to submit my amendment to the House and allow the House to decide on it. I shall offer my amendment. I shall not object.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to procure and present to the Chilean National Observatory, in the name of the United States Naval Observatory, a bronze bust of the late Lieut. James Melville Gilliss, United States Navy, such bust to be made at a price and in accordance with design determined by him.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,200 for the purposes of this act.

With committee amendments as follows:

Page 1, line 3, strike out the words "Secretary of the Navy" and insert in lieu thereof the words "Joint Committee on the Library, acting on the advice of the Commission of Fine Arts."

Page 1, line 5, after the word "procure," strike out the words "and present" and insert in lieu thereof the words "for presentation."

Page 1, line 6, after the word "Observatory," insert the words "through the Secretary of the Navy."

Page 1, line 9, after the word "Navy," strike out the balance of the section.

Page 2, line 5, after the word "of," insert the words "not more than."

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 2, line 6, strike out the period and insert a colon and add the following: "*Provided*, That said bust shall be the work of an artist who is a citizen of the United States."

Mr. LUCE. Mr. Speaker, I rise in opposition to the amendment. It is not necessary for me to repeat what I have already said, but I would like to emphasize the fact that your Committee on the Library is trying to use every opportunity that presents itself to improve the quality of the artistic decorations of the Capitol, the artistic ornamentations of the District of Columbia, and such other works of art as come within our control. The names of a large percentage of the artists who are brought to our attention indicate foreign birth or descent. Not a few of them are young men who have been trained in the artistic centers of Europe and have come here with the ambition to make their way by contributing to the artistic beauties of the United States. It seems to me that it would be unwise to deprive them of the opportunity of sharing in the competitions that are held from time to time in order that we may secure the best artistic talent available.

For this reason, sir, I hope the amendment will not prevail.

Mr. LAGUARDIA. Mr. Speaker, I wish to speak in favor of my amendment. I want to point out to the House that the anxiety that the gentleman from Massachusetts has to the embellishment of the National Capitol has absolutely nothing to do with this case, because this bust is to be presented to the Chilean National Observatory. I submit that if we are to present a work of art to a foreign government it should be the work of an American artist. [Applause.]

The trouble is now, Mr. Speaker, that there are a few perambulating foreign artists with certain social connections here who do not maintain studios in this country, but who are in a position through social connections to obtain commissions for some of the largest commissions for artistic works. American art has arrived at that stage where it can compete favorably with the art of any country of the world. I have confidence in the Fine Arts Commission, who are to be intrusted with the work, that when they select the work of an American artist they will select one of the highest standard.

Mr. CRAMTON. I notice that the Committee on the Library is to procure this bust. Has the gentleman any fear that social allurements will tempt the gentleman from Massachusetts?

Mr. LAGUARDIA. The question answers itself.

Mr. CRAMTON. Certainly it is not going to be a matter of social pull, but a matter of merit.

Mr. LAGUARDIA. There is sufficient merit among the American artists to present the right kind of work, and they are entitled to the preference. I want to say that every country in Europe giving commissions to artists give them to their own artists.

The other day I received a letter from one of the art societies in this country pointing out that on the other side of the Capitol there is now a bill pending providing for a painting of the President, which is a $5,000 commission, and unless we safeguard that in all likelihood it will go to a foreign artist who does not live in this country and who does not maintain a studio in this country. I submit, Mr. Speaker, that this is a proper amendment and one that will offer moral encouragement to American art.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were—ayes 11, noes 42.

So the amendment was rejected.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF GOVERNMENT-OWNED LAND AT MANCHESTER, N. H.

Mr. HALE. Mr. Speaker, I ask unanimous consent to return to Calendar No. 1099, Senate bill 4739, authorizing the Secretary of the Treasury to sell certain Government-owned land at Manchester, N. H. This bill was passed over temporarily and I think I have prepared an amendment which will meet the objection.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent to return to Calendar No. 1099. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, the gentleman intends to offer an amendment, which he will support, striking out the provision of the bill for the sale of the land to a designated private party and providing for the sale of the land at public auction?

Mr. HALE. Precisely, to the highest bidder after public advertisement.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and empowered, in his discretion, to sell to the New Hampshire Fire Insurance Co., for an amount not less than $20,000, the easterly 25 feet of the Government-owned site at Manchester, N. H., at such time and upon such terms as he may deem to be to the best interests of the United States, and to convey such property to the purchaser thereof by the usual quit-claim deed, the proceeds of such sale to be deposited in the Treasury as a miscellaneous receipt.

Mr. HALE. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from New Hampshire offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HALE: Page 1, line 5, strike out the words "New Hampshire Fire Insurance Co." and insert in lieu thereof the words "highest bidder, after public advertisement."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ROUGH RIVER, KY.

The next business on the Consent Calendar was the bill (H. R. 14893) to authorize a preliminary survey of Rough River in Kentucky with a view to the control of its floods.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is not this river included in the legislation which was passed at the last session providing for a comprehensive flood-relief program?

Mr. MOORMAN. I think not, sir.

Mr. LAGUARDIA. How did it happen to be omitted?

Mr. MOORMAN. The omnibus bill had gone to the Senate, and then this project was recognized as being an emergency, and the committee passed it for that reason.

Mr. LAGUARDIA. The bill simply provides for a survey?

Mr. MOORMAN. That is all.

Mr. LAGUARDIA. Which is an opening wedge?

Mr. MOORMAN. That is all.

Mr. HUDSON. Mr. Speaker, reserving the right to object, does the gentleman contend that we did not pass legislation allowing for a complete survey of all the tributaries of the Mississippi and other navigable streams?

Mr. MOORMAN. I make no such contention about the matter. I state, though, that this is considered necessary, and for that reason the committee reported the bill.

Mr. HUDSON. I think the gentleman will find we have passed legislation taking care of all these matters, so far as surveys are concerned.

Mr. VINSON of Kentucky. If that be true, then the passage of this bill would do no harm.

Mr. DYER. Why not let the bill go over in order to make an inquiry and ascertain whether this river has been taken care of.

Mr. MOORMAN. I will say to the gentleman that a similar bill was introduced in the Senate by Senator BARKLEY, which was attached to the omnibus bill that went over from the House.

Mr. HOOPER. If the gentleman will permit, does the gentleman and also the gentleman from Kentucky [Mr. VINSON] take the position that if this bill passes and the survey has been taken care of in the preliminary legislation, that this then would be mere surplusage and would commit the Government to no additional expense as far as the earlier bill is concerned?

Mr. VINSON of Kentucky. I should not think so.

Mr. HUDSON. I wish the gentleman would allow this bill and the bill following it to go over for the day. I do not want to object, but I wish the gentleman would allow it to go over for the day.

Mr. WHITTINGTON. Let me say this to the gentleman: This river is a tributary to the Ohio, and in the bill to which reference has been made this river was not named.

Mr. SABATH. Did not the bill provide for the Ohio, the Mississippi, and all tributaries thereof?

Mr. WHITTINGTON. Only those tributaries of the Ohio that were named and this river was not among those named.

Mr. SABATH. I do not see why we should bring in separate bills for all these small rivers if the same thing is included in the general bill.

Mr. WHITTINGTON. There were separate bills and those bills were included in the omnibus bill, but this river was not named in that bill.

Mr. MOORMAN. I trust the gentleman will withdraw the objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to cause an examination and survey to be made of Rough River, beginning at Falls of Rough, Grayson County, Ky., and extending to the mouth of said river, with a view to securing a channel of such dimensions and courses as will prevent present retarding of the flow of its waters and consequent flooding of thousands of acres of valuable adjacent land, and such other action and relief as is necessary. Also to submit a report to Congress of the feasibility of controlling said flood waters, together with an estimate of the cost of such improvement.

Mr. BLACK of Texas. Mr. Speaker, I offer an amendment, on page 1, line 10, after the word "lands," to strike out the language "and such other action and relief as is necessary."

Let me call the attention of the gentleman from Kentucky [Mr. MOORMAN] to the fact that this bill, as I understand it, is for a preliminary survey and report to Congress.

Mr. MOORMAN. It is; yes.

Mr. BLACK of Texas. For that purpose the language which my amendment seeks to strike out is unnecessary and is rather too broad. It might give the Secretary of War the power to go ahead and do the work of flood control, and I do not think we ought to set that precedent in these bills for preliminary surveys.

Mr. MOORMAN. I will say to my colleague I intended to make it broad; and if I made it too broad, I will be pleased to accept the amendment.

Mr. BLACK of Texas. I think that ought to go out.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 1, line 10, after the word "lands," strike out the comma, insert a period, and strike out the words "and such other action and relief as is necessary."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MUD CREEK, KY.

The next business on the Consent Calendar was the bill (H. R. 15809) to authorize a preliminary survey of Mud Creek in Kentucky, with a view to the control of its floods.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is this a navigable stream?

Mr. MOORE of Kentucky. It is not a navigable stream.

Mr. LAGUARDIA. It is just for flood relief?

Mr. MOORE of Kentucky. It is for flood relief; yes.

Mr. DYER. It is to make it navigable. They want to get the mud out of it.

Mr. LAGUARDIA. And they are doing that under the guise of flood relief?

Mr. HOWARD of Oklahoma. I will say to the gentleman that this is a bill similar to the one we just passed.

Mr. LAGUARDIA. I think the one we just passed is bad.

Mr. HOWARD of Oklahoma. I do not admit that.

Mr. LAGUARDIA. This is the last individual survey bill and flood relief that is going to pass by unanimous consent.

Mr. HUDSON. Will the gentleman yield?

Mr. MOORE of Kentucky. Yes.

Mr. HUDSON. I want to put myself on record as not individually opposing these bills on that proposition. If we bring in here a similar bill for every stream in the United States, the Corps of Engineers is going to be swamped. I think this is all taken care of in the general bill, and these individual bills ought not to be introduced or passed.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary survey to be made of Mud Creek in Kentucky from Mining City, at which point said creek empties into Green River, up to a point 25 or 30 miles in distance where a drainage project has been started by owners of the land on and near said creek, with a view to the control of its floods. Also to submit a report to Congress as to the feasibility of controlling the said flood waters by a drainage project, together with an estimate of the cost of said improvement.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ASSISTANT TO ENGINEER COMMISSIONER OF THE DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (S. 1624) to authorize the payment of additional compensation to the assistants to the engineer commissioner of the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. I object, Mr. Speaker.

SOBOBA INDIAN RESERVATION, CALIF.

The SPEAKER. The Chair is informed that the next bill (H. R. 15092) to authorize an appropriation to pay half the cost of a bridge near the Soboba Indian Reservation, Calif., has already been considered on Calendar Wednesday, and, without objection, the bill will be passed over without prejudice.

There was no objection.

PUBLIC ALLEY IN SQUARE 1083, DISTRICT OF COLUMBIA

The next business on the Consent Calendar was the bill (S. 3771) vacating the alley between lots 16 and 17, square 1083, District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, as there is no one present to explain the necessity for vacating this alley, I object.

GRAIN ELEVATORS' RELIEF

The next business on the Consent Calendar was the joint resolution (H. J. Res. 194) authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. HOOPER. Mr. Speaker, I understand this bill has been passed by the House and Senate and was signed to-day by the President. Accordingly, it should be stricken from the calendar, I suggest.

Mr. SINCLAIR. A similar Senate bill was passed.

Mr. HOOPER. And has been signed by the President?

Mr. SINCLAIR. It has been signed; yes.

The SPEAKER. The Chair thinks the better procedure would be to lay the bill on the table.

Mr. HOOPER. I move then, Mr. Speaker, that this bill be laid on the table.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PETERSBURG NATIONAL MILITARY PARK

The next business on the Consent Calendar was the bill (H. R. 13693) to authorize the Secretary of War to transfer a portion of the Camp Lee Military Reservation to the Petersburg National Military Park.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to transfer to the Petersburg National Military Park such portion of the Camp Lee Military Reservation, Va., as in his discretion may be required in connection with the establishment of the Petersburg National Military Park, as authorized by the Act of Congress approved July 3, 1926.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

RADIO AND COMMUNICATION CENTER AT BOLLING FIELD, D. C.

The next business on the Consent Calendar was the bill (H. R. 13931) to authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field, D. C.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, may I inquire why it is not possible for the Government to concentrate all its radio activities in one station? I understand the Navy has a high-powered station at Arlington. Are we not doing exactly what we object to others doing, jamming the atmosphere with wave lengths?

Mr. WAINWRIGHT. I would say in answer to my distinguished colleague from New York that that is exactly the purpose of this bill. At the present time the radio transmission is performed in four scattered sections of the District. The purpose of this bill is to concentrate the radio transmission and communication centers at one point in the capital area. It will be done at a very small expense. The authorized appropriation is only $30,000. If the gentleman will examine the report on the bill, he will see that it will effect a very great economy.

Mr. LAGUARDIA. Will it restrict the area?

Mr. CRAMTON. Will the gentleman yield? I understand the Senate Committee on Military Affairs has recently taken action with a view to abandoning certain aviation fields. Does the gentleman know whether Bolling Field is one of those fields that it is proposed to abandon?

Mr. WAINWRIGHT. I have not heard of any abandonment of Bolling Field. There are certain minor objections that exist in Bolling Field, but I doubt if there has been any serious proposal to abandon it.

Mr. CRAMTON. The action I refer to might include Bolling Field without the gentleman's knowledge. It was action taken without anyone knowing anything about it. I have seen a discussion in the newspapers of a proposition to abandon Bolling Field.

Mr. WAINWRIGHT. If the gentleman will notice, there is an amendment to the bill providing that this communication center may be in Bolling Field or any other point in the District of Columbia.

Mr. LAGUARDIA. How about the station at Arlington?

Mr. WAINWRIGHT. That is a naval station.

Mr. LAGUARDIA. Could they not concentrate all the radio activities there?

Mr. WAINWRIGHT. I am not sure that I am familiar enough with the details of the subject to answer that specific question. Of course, the Army radio activities and that of the Navy are entirely separate. As I understand, this is a transmission of radio information as to the atmosphere in various parts of the country for the purpose of aviation.

Mr. CRAMTON. What does the gentleman think, if the Military Committees are about to reopen the proposition that was up two or three years ago to decide which fields are to be abandoned in the future; if that is the case, would it not be well to have all the appropriation bills affecting aviation fields held in abeyance until the legislative program is determined upon?

Mr. WAINWRIGHT. I would say to my distinguished friend from Michigan that that time is so far off that it would not be worth while to hold this necessary measure in abeyance on that accord. The bill is not a very important bill as far as the amount involved is concerned but very important in its purpose, and I hope the gentlemen who express interest in it, in view of the fact that the object is important, will resolve any doubt they may have in favor of its passage and refrain from any objection.

Mr. CRAMTON. Mr. Speaker, may I say this—I am not going to object. I understood that Congress passed a bill two or three years ago designating what fields would be retained. I had not supposed the question was now before Congress as to the discontinuance of any of these fields. I learned incidentally that it is up before the Senate, but as the gentleman has indicated I assume that Congress is not going to reverse itself within two years.

Mr. LAGUARDIA. Mr. Speaker, it is not the amount of land to be used but it is a question of the use of the air. At the present time we are seeking to limit the number of privately owned stations, and it seems to me that the Government ought to set a good example and concentrate all the radio activities at one station. We have a powerful station at Arlington. I think we ought to have more information upon this bill and I ask unanimous consent that it go over without prejudice.

The SPEAKER pro tempore (Mr. SNELL in the chair). The gentleman from New York asks unanimous consent that the bill go over without prejudice. Is there objection?

There was no objection.

ABRAHAM LINCOLN NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 15657) to provide for the improvement and preservation of the land and buildings of the Abraham Lincoln National Park or reservation.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which I expect to do, no one in this House but is thoroughly in sympathy with any proposal to honor the memory of Abraham Lincoln, so that that is not involved in my attitude on this bill. The bill is entirely unnecessary. There is just as much law authorizing appropriations for the maintenance and improvement of the Abraham Lincoln National Park as there will be if we pass this bill. I have read the report. I have sympathy with the idea that probably more funds are needed for that purpose, but I have confidence that if that matter is presented in a proper way, if something more than mere resolutions of the Chamber of Commerce of Hodgenville are available, that the appropriation estimates will come in in a regular way and the money necessary will be appropriated, whatever it may be. I have here extracts from the act which is now law that makes it perfectly clear that appropriations are authorized. If appropriations without limit are now authorized by existing law, why pass a new law to authorize appropriations?

Mr. THATCHER. Mr. Speaker, the Secretary of War submitted an estimate of something over $80,000 for these appropriations. The Director of the Budget said that he was not sure about the authorization involved in the basic act of 1916, and he thought there would have to be or ought to be further legislation. If this could have come through the regular channels, there would have been no occasion for this bill, but the Bureau of the Budget has not taken that position. This is the only way in which this property can be properly cared for.

Mr. CRAMTON. Mr. Speaker, I can not imagine that the Bureau of the Budget will take that position finally. If they do, it means that we will have to duplicate all of our laws authorizing appropriations. In section 211, reading part of it, we find the following:

The United States accepts title to the lands mentioned in the deed of gift or conveyance now in the possession of the Secretary of War, together with all of the buildings and appurtenances thereon, especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same; * * * that the land therein described in such deed or conveyance * * * shall be forever dedicated to the purposes of a national park or reservation, the United States of America agreeing to protect and preserve the said lands, buildings, and appurtenances, and especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, from spoliation and destruction and further disintegration, to the end that they may be preserved for all time. * * *

That clearly, just as the gentleman from Kentucky [Mr. MOORMAN] has asserted in his speech, establishes law and authority for the appropriations. Section 212 provides among others things:

* * * and further shall forever protect, preserve, and maintain said land, buildings, and appurtenances, and especially the log cabin, * * * to the end that they may be preserved for all time as far as may be as a national park or reservation.

We give there the duty to the War Department to maintain and protect this memorial, and that carries with it, as the Chair here has repeatedly ruled, authority for appropriations.

Mr. THATCHER. But what is to be done when the Bureau of the Budget is unwilling to pass these estimates submitted by the War Department on to the Committee on Appropriations?

Mr. CRAMTON. I can not believe that after they read the law the Bureau of the Budget will refuse the estimate on that ground.

Mr. THATCHER. But I discussed this matter with General Lord himself, and that was his view of the question. That is the only purpose of this bill.

Mr. CRAMTON. The law is just as clear as can be. The responsibility is here to preserve and protect, and that carries with it authority to appropriate money for that purpose.

Mr. THATCHER. This bill has the sanction of the War Department and is shown to be not inconsistent with the financial program of the President. It can do no harm to pass the bill. It will clear up the matter and will enable the proper appropriations to be submitted.

Mr. CRAMTON. Has the gentleman a letter from the Budget Bureau that they hold that the law does not give authority?

Mr. THATCHER. There is a letter saying that it is not inconsistent with the financial program of the President.

Mr. MOORMAN. Here is a letter from the War Department, Washington, January 1——

Mr. CRAMTON. I have read the letter in the report, and not only that, but I have read the speech of the gentleman from Kentucky and I agree with him that legislation is unnecessary. I shall either object to it or ask to have it go over.

Mr. THATCHER. The gentleman can object if he wishes.

Mr. DYER. Mr. Speaker, I demand the regular order.

Mr. CRAMTON. Mr. Speaker, I object.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and under the rule referred as follows:

S. 4438. An act authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Evansville, Ind.; to the Committee on Interstate and Foreign Commerce.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on February 2, 1929, present to the President, for his approval, bills of the House of the following titles:

H. R. 6864. An act to authorize the Postmaster General to require steamship companies to carry the mail when tendered;

H. R. 13414. An act to amend section 1396 of the Revised Statutes of the United States relative to the appointment of chaplains in the Navy;

H. R. 13507. An act to amend section 3 of Public Act No. 230 (37 Stat. L. p. 194);

H. R. 14920. An act granting the consent of Congress to the State of Wisconsin to construct, maintain, and operate a free highway bridge across the Rock River, at or near Center Avenue, Janesville, Rock County, Wis.;

H. R. 15324. An act authorizing the attendance of the Marine Band at the Confederate Veterans' reunion to be held at Charlotte, N. C.; and

H. J. Res. 340. Joint resolution to authorize the Secretary of the Treasury to cooperate with the other relief creditor governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program, and to conclude an agreement for the settlement of the indebtedness of Austria to the United States.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On January 18, 1929:

H. R. 4280. An act to correct military record of John W. Cleavenger, deceased.

On January 19, 1929:

H. R. 11719. An act to revise the boundaries of the Lassen Volcanic National Park, in the State of California, and for other purposes;

H. R. 15067. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana highway No. 21 meets Texas highway No. 45;

H. R. 15088. An act to provide for the extension of the boundary limits of the Lafayette National Park in the State of Maine and for change of name of said park to the Acadia National Park;

H. R. 5528. An act to enable electricians, radio electricians, chief electricians, and chief radio electricians to be appointed to the grade of ensign;

H. R. 7729. An act to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases;

H. R. 8327. An act for the relief of certain members of the Navy and Marine Corps who were discharged because of misrepresentation of age;

H. R. 13249. An act to authorize an increase in the limit of cost of alterations and repairs to certain naval vessels;

H. R. 13645. An act to establish two United States narcotic farms for the confinement and treatment of persons addicted to the use of habit-forming narcotic drugs who have been convicted of offenses against the United States, and for other purposes;

H. R. 14660. An act to authorize alterations and repairs to the U. S. S. *California*;

H. R. 14922. An act to authorize an increase in the limit of cost of two fleet submarines;

H. R. 5617. An act to limit the date of filing claims for retainer pay;

H. R. 5944. An act for the relief of Walter D. Lovell;

H. R. 7209. An act to provide for the care and treatment of naval patients, on the active or retired list, in other Government hospitals when naval hospital facilities are not available;

H. R. 8859. An act for the relief of Edna E. Snably;

H. R. 13498. An act for the relief of Clarence P. Smith; and

H. R. 13744. An act to provide for the acquisition by Parker I-See-O Post, No. 12, All-American Indian Legion, Lawton, Okla., of the east half northeast quarter northeast quarter northwest quarter of section 20, township 2 north, range 11 west, Indian meridian, in Comanche County, Okla.;

On January 21, 1929:

H. R. 10157. An act making an additional grant of lands for the support and maintenance of the Agricultural College and School of Mines of the Territory of Alaska, and for other purposes;

H. R. 10550. An act to provide for the acquisition by Meyer Shield Post No. 92, American Legion, Alva, Okla., of lot 19, block 41, the original town site of Alva, Okla.; and

H. R. 12775. An act providing for a grant of land to the county of San Juan, in the State of Washington for recreational and public-park purposes.

On January 22, 1929:

H. R. 10908. An act for the relief of L. Pickert Fish Co. (Inc.).

On January 24, 1929:

H. R. 4920. An act authorizing the Secretary of the Navy to award a Nicaraguan campaign badge to Capt. James P. Williams, in recognition of his services to the United States in the Nicaragua campaign of 1912 and 1913.

On January 25, 1929:

H. R. 1320. An act for the relief of James W. Pringle; and

H. R. 15569. An act making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1930, and for other purposes.

On January 28, 1929:

H. R. 8988. An act for the relief of Milton Longsdorf;

H. R. 12879. An act to repeal section 1445 of the Revised Statutes of the United States; and

H. R. 15472. An act to authorize the Secretary of War to lend War Department equipment for use at the eleventh national convention of the American Legion.

On January 29, 1929:

H. R. 5953. An act for the relief of E. L. F. Auffurth;

H. R. 6704. An act for the relief of Harry Pincus;

H. R. 9049. An act to amend section 227 of the Judicial Code;

H. R. 9509. An act for the relief of Ray Ernest Smith;

H. R. 10125. An act for the relief of Leo Scheuren;

H. R. 10126. An act for the relief of Loretta Pepper;

H. R. 10472. An act to authorize the appointment of Master Sergeant August J. Mack as a warrant officer, United States Army;

H. R. 10974. An act for the relief of Carl Holm; and

H. R. 13144. An act to cede certain lands in the State of Idaho, including John Smiths Lake, to the State of Idaho for fish-cultural purposes, and for other purposes.

On January 30, 1929:

H. R. 6350. An act for the relief of Bertram Lehman.

On January 31, 1929:

H. R. 7411. An act for the relief of Gilbert Faustina and John Alexander; and

H. R. 14150. An act to amend section 279 of the Judicial Code.

On February 2, 1929:

H. R. 940. An act for the relief of Michael J. Fraher;

H. R. 2098. An act for the relief of Alonzo Northrup;

H. R. 3268. An act for the relief of John G. DeCamp;

H. R. 11859. An act for the relief of B. C. Miller;

H. R. 12236. An act to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926, and to provide a means for further investigation and payment in certain cases;

H. R. 12995. An act for the relief of Etta B. Leach Johnson;

H. R. 14452. An act to authorize the Secretary of the Treasury to donate to the city of Oakland, Calif., the United States Coast Guard cutter *Bear;*

H. R. 14925. An act to authorize repayment of certain excess amounts paid by purchasers of lots in the town sites of Bowdoin, Mont., and for other purposes; and

H. J. Res. 350. Joint resolution to provide for the reappointment of Frederic A. Delano and Irwin B. Laughlin as members of the Board of Regents of the Smithsonian Institution.

On February 4, 1929:

H. R. 4589. An act for the relief of Dan A. Morrison; and

H. R. 9570. An act to provide for the transfer of the returns office from the Interior Department to the General Accounting Office, and for other purposes.

THE CONSENT CALENDAR

EMPLOYMENT OF ENGINEERS FOR CONSULTATION PURPOSES ON RECLAMATION WORK

The next business on the Consent Calendar was the bill (S. 4528) authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. McFADDEN. Mr. Speaker, reserving the right to object, last week I took occasion, on the floor of the House, to call attention to the continuation of reclamation work in connection with the situation that confronts this country in regard to marketing its surplus crops. This is one of the bills that affects that situation, because there is more in this proposal than shows on the surface. In a letter from Dr. Elwood Mead, the Commissioner of Reclamation, we find the statement that these experts are necessary for the purpose of considering the location of dams and dam sites in the Columbia River Basin, a new proposition not yet fully authorized.

The proposal is one of several proposals now pending, and I understand from information I have that the House may consider the matter this afternoon under suspension of the rules. I simply want to call the attention of the House to the fact that I am going to object to this bill and all of these proposals from now on.

Mr. CRAMTON. Before the gentleman commits himself too definitely let me explain this situation to the gentleman. Whether a Member is opposed to new reclamation projects or favors them should have nothing to do in regard to his attitude toward this bill. The passage of this bill does not approve any new projects or extend any old ones. It is only intended to do this, that where investigations are authorized or where projects are approved that the engineering and geological work, if I may use that term, shall be conducted as wisely and as efficiently as possible. If the appropriations are made for these investigations the appropriations will be used whether this bill passes or not, and these investigations will be made whether this bill passes or not. If this bill does pass it enables the Secretary of the Interior, where he thinks it is necessary, to use outside help in connection with these investigations, instead of confining it entirely to the Reclamation Service. A gentleman whether he is for an extension of projects or not, ought not to permit it to influence his attitude toward this bill. He ought to desire this, as a Member of this House he ought to desire that these investigations be made as efficiently as possible, and that is all this does.

Mr. McFADDEN. I will say I am referring now to the report. Here is the letter from Elwood Mead, commissioner, in answer to what the gentleman said here——

Mr. CRAMTON. I have read the quotation. There will be no investigation until that investigation is authorized by Congress. Some investigations are now authorized and under way, and if the investigation is authorized then under this experts could be called in, but this resolution of itself does not authorize any investigation.

Mr. LEATHERWOOD. Will the gentleman yield? I desire to secure some information.

Mr. CRAMTON. If I may be permitted.

Mr. LEATHERWOOD. Is it the understanding of the gentleman from Michigan and the gentleman from Idaho, chairman of the committee [Mr. SMITH], that any charge incurred under the authorization of this bill under general law would be chargeable against the project?

Mr. CRAMTON. Well, I assume, as far as I am concerned, that no expenditure under this would be charged against the project, as the language——

Mr. LEATHERWOOD. Is it the understanding of the gentleman from Idaho that this applies only to authorized projects, reclamation projects?

Mr. SMITH. That is my understanding; only projects already under way.

Mr. LEATHERWOOD. Is it the understanding of the gentleman from Idaho that the Director of Reclamation, if this bill should be enacted into law, would have the power to incur additional obligations in a case, for instance, like the authorization carried in the Swing-Johnson bill, where $165,000,000 had been appropriated for that project?

Mr. CRAMTON. Not yet appropriated, but authorized. May I supplement what I said before as to how this would be charged?

This bill does not carry an appropriation, and the Secretary of the Interior can not make use of this authority unless under some appropriation made by Congress.

Mr. LEATHERWOOD. I thank the gentleman. That is the case precisely.

Mr. CRAMTON. The existing appropriation for examination is out of the reclamation fund. Other examinations may be made out of the reclamation fund or not.

Mr. LEATHERWOOD. Let me put the question this way, in order to arrive at a proper understanding: Under the authorization carried in this bill, if an appropriation should follow for the purposes therein designated, would it be possible to employ an economist on such a project as I have indicated, on the so-called Boulder Dam proposition, for which there is an authorization of $165,000,000 to be appropriated?

Mr. CRAMTON. My recollection is that that will depend entirely on the language under which the appropriation is made. My recollection is that the language surrounding that appropriation for investigation each year is such that it would be available for that purpose if the amount of money is available.

Mr. LEATHERWOOD. I have communicated with the Director of Reclamation, and his answer has been satisfactory. He states now that he could not under any authorization of appropriation that is made in this bill expend any money in the case to which I have directed the gentleman's attention, for the reason that no reclamation project has yet been authorized. If that policy is to be followed, I would have no objection to this legislation.

Mr. CRAMTON. I would not want to dispute with anyone without the language before me, but it is my recollection that that $100,000 a year is used each year for the study of projects not authorized by Congress.

Mr. LEATHERWOOD. I think the gentleman is right.

Mr. CRAMTON. And, as a matter of fact, they would not care to use from that small fund, because the Boulder Dam is a big project, and they would want to use the money for that particular purpose.

Mr. McFADDEN. I would like to say further, in answer to the gentleman from Michigan [Mr. CRAMTON] that he has

not answered the situation at all. I want to quote here from the letter of Elwood Mead, the commissioner, under date of December 21, 1928, in which he says, writing to Representative SMITH:

The Bureau of Reclamation is now building, or preparing plans for building, dams at Owyhee in Oregon, Easton on the Yakima River in Washington, Deadwood Dam in Idaho, Avalon Dam in New Mexico, is required by law to investigate the feasibility of a dam on the upper Gila River, will soon be called upon to prepare plans for Boulder Dam, and consider the location of dams and dam sites on the Columbia Basin.

Mr. CRAMTON. I will say to the gentleman that the proposed Owyhee Dam——

Mr. McFADDEN. I am not referring to the Owyhee Dam. I am referring to the Columbia River Basin.

Mr. CRAMTON. The Owyhee Dam in Oregon, the Deadwood Dam in Idaho, and the Avalon Dam in New Mexico are all now authorized by law. The Boulder Dam is now authorized by law. The Columbia River Basin is not now authorized by law.

Mr. McFADDEN. That is the reason why I am saying what I said in regard to this legislation. I want to see to it that it is not authorized.

Mr. CRAMTON. None of the money mentioned in this bill will be used to investigate any of these unless there is an appropriation or an instruction of some kind.

Mr. LEATHERWOOD. The gentleman does not claim that the Boulder Dam legislation authorizes any reclamation?

Mr. COLE of Iowa. Mr. Speaker, I call for the regular order, because the gentleman from Pennsylvania [Mr. McFADDEN] says he is going to object anyhow.

The SPEAKER pro tempore. The regular order is demanded.

Mr. SMITH. Mr. Speaker, I am chairman of the committee that reported this bill, and I have had no opportunity to explain it, and request the gentleman to withhold his objection.

Mr. McFADDEN. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

BOARD OF VISITORS, UNITED STATES MILITARY ACADEMY

The next business on the Consent Calendar was the bill (H. R. 16273) to amend an act entitled "An act to provide for the membership of the Board of Visitors, United States Military Academy, and for other purposes," approved May 17, 1928.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Reserving the right to object, Mr. Speaker, some time ago we provided for a Board of Visitors at West Point. We amended it after my objection to its original form by providing that when the board visits West Point to inspect that institution we notify the superintendent of the time of their coming, so that lo and behold! when the visitors come, the band is there to greet them, and the officers and the guard come out to meet them. Now, this board wants to take with it a retinue of secretaries and clerks. This bill provides for the expense of the clerks to accompany the visitors. I can not see any worthy purpose to be subserved by enlarging the purpose of the bill, and I submit now that I shall reserve the right to object.

Mr. MORIN. Mr. Speaker, the purpose of this amendment is to permit the Board of Visitors at West Point to take with them the necessary clerical help. Under the provisions of the Board of Visitors bill, which was passed at the last session of Congress, the Subcommittee on Military Affairs of the Committee on Appropriations recommended an appropriation for the Board of Visitors to go to West Point at least once a year to make an inspection, go over the estimates, and have hearings on the projects recommended by the authorities at the United States Military Academy. This year, when the Board of Visitors of the Military Affairs Committee visited West Point the Subcommittee on Appropriations could not go because they were not able to take with them their clerk, which was necessary to conduct the hearings.

Mr. LaGUARDIA. What is to prevent the Committee on Appropriations, when it wants data and figures, from having the witnesses come before it?

Mr. MORIN. But they are authorized to go there and visit the academy, and this will be a more economical procedure.

Mr. SCHAFER. Will the gentleman yield?

Mr. MORIN. Yes.

Mr. SCHAFER. If this bill is enacted, these clerks will be made members of the visiting committee. In the bill you state that hereafter the Board of Visitors shall consist of certain Members of Congress and necessary clerical help, so that by this language you are making the clerks members of the Board of Visitors.

Mr. MORIN. That is not the intention of the bill.

Mr. LaGUARDIA. Will the gentleman consent to the striking out of the provision on page 2, line 13:

And the superintendent of the academy and the members of the Board of Visitors shall be notified of such date by the chairmen of the said committees.

Mr. MORIN. I will not, because that is necessary. How are you going to have the officers on the ground, who are in charge of the project and who are asking for the appropriations, unless you notify them? They might be away on other official business when the Board of Visitors arrives at the academy.

Mr. SCHAFER. Mr. Speaker, I object to the consideration of the bill.

REMOVAL OF SURPLUS SAND FROM THE MILITARY RESERVATION, FORT STORY, VA.

The next business on the Consent Calendar was the bill (H. R. 14072) to authorize the sale and removal of surplus sand from the military reservation, Fort Story, Va.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of war is hereby authorized to permit, under proper regulations, the sale and removal from the United States Military Reservation, Fort Story, Va., of sand which is not required for the use of the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FORT DOUGLAS MILITARY RESERVATION, UTAH

The next business on the Consent Calendar was the bill (H. R. 14924) to authorize the Secretary of War to grant to the city of Salt Lake, Utah, a portion of the Fort Douglas Military Reservation, Utah, for street purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, there is no objection to granting this land for the purpose of giving the city a street and maintaining it and using it as a street, but I can not understand why the law itself and the use of the street must be conditioned upon a certain street railway maintaining tracks on that street.

Mr. LEATHERWOOD. Will the gentleman yield?

Mr. LaGUARDIA. Certainly.

Mr. LEATHERWOOD. I think I understand the conditions. The particular territory that is affected by the terms of this bill is a small tract of ground at what might be called the blind end of Fifth South Street, in the city of Salt Lake, Utah. The title to a small portion of the ground, as described in the bill, is in the Government and is a part of the Fort Douglas Military Reservation.

Recently the University of Utah, which originally acquired its campus from the Government, and which was originally a part of the reservation, erected a stadium on the southerly portion of its campus, which now makes it important to use this street and which also makes it important that street-car accommodations be maintained there. It is of no value to the city, except for the purpose of accommodating the crowds that want to go to the games, and at this time it would be of as much advantage to the Government as it would be to the University of Utah or to Salt Lake City. Salt Lake City has no objection to any condition which would provide for a reversion of the title to the Government if it is not used for street purposes.

Mr. LaGUARDIA. I will say to the gentleman that I have prepared such an amendment.

Mr. LEATHERWOOD. Because the city will have no use for it when it can not use it as a street.

Mr. LaGUARDIA. The gentleman does not get my point. The bill provides:

That said grant shall be subject to the maintenance of street-car tracks on said street by the Utah Light & Traction Co.

Now, suppose at some later date it is desired to have bus service there. The minute the tracks are not maintained there the street would not be an open street any longer.

Mr. LEATHERWOOD. The street car company maintains the bus service. We have a trolley bus service.

Mr. LAGUARDIA. Would the gentleman object to the striking out of the proviso? Salt Lake City can give them their franchise without making this a condition of the grant.

Mr. LEATHERWOOD. Which proviso?

Mr. LAGUARDIA. The very last proviso. The city can give them this franchise to run tracks there, but when you make it the condition that the Government grants this land for street purposes that is all-controlling.

Mr. LEATHERWOOD. I see no objection to it. If the gentleman sees any objection to that proviso, I have no objection to its going out, because the street car company already has the franchise.

Mr. LAGUARDIA. I have prepared this amendment:

And provided further, That when said land shall cease to be used and maintained as a street it shall revert back to the United States, and the instrument of conveyance shall recite such reversionary conditions.

Mr. LEATHERWOOD. I think that will be acceptable.

Mr. LAGUARDIA. And strike out the balance of the section?

Mr. LEATHERWOOD. I have no objection to that.

Mr. LAGUARDIA. With that understanding, I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to grant and convey to the city of Salt Lake, a municipal corporation of the State of Utah, for street purposes, the land within the extension of Fifth South Street on the Fort Douglas Military Reservation, Utah, more particularly described as follows, to wit: Beginning at the intersection of the north line of Fifth South Street produced and the west line of Fort Douglas United States Military Reservation, said point being 391.48 feet east and 63.37 feet north of the city monument at the intersection of Thirteenth East and Fifth South Streets, thence east 1,320 feet, thence south 131.01 feet, thence west 1,320 feet, thence north 131.01 feet to place of beginning: *Provided*, That the city of Salt Lake shall construct and maintain a street thereon, without expense to the United States: *And provided further*, That said grant shall be subject to the maintenance of street-car tracks on said street by the Utah Light & Traction Co. until such time as they are abandoned or removed.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 2, line 11, after the colon insert the following: "*And provided further*, That when said land shall cease to be used and maintained as a street it shall revert back to the United States, and the instrument of conveyance shall recite such reversionary condition."

And strike out the balance of the section.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

UNITED STATES YORKTOWN SESQUICENTENNIAL COMMISSION

The next business on the Consent Calendar was the resolution (H. Con. Res. 46) amending section 6 of the House concurrent resolution establishing the United States Yorktown Sesquicentennial Commission.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That section 6 of the House concurrent resolution establishing the United States Yorktown Sesquicentennial Commission be, and the same is hereby, amended to read as follows:

"SEC. 6. That the commission shall on or before the 15th day of December, 1929, make a report to the Congress in order that enabling legislation may be enacted."

The concurrent resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

VOCATIONAL EDUCATION

The next business on the Consent Calendar was the bill (H. R. 15211) to amend section 7 of the act entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and in industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," approved February 23, 1917, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to get some information. In the proposed amendment, in line 7, reference is made to section 6 of this act, while the existing law refers to section 17 of this title. I wanted to know if that was intentional or whether it was an oversight. I think we had better let this go over, if no one can give us the information.

Mr. DYER. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice. The gentleman from New York [Mr. REED] does not seem to be on the floor and I wanted to ask one or two questions about it.

The SPEAKER pro tempore. Without objection, the bill will be passed over without prejudice.

There was no objection.

FORD'S THEATER

The next business on the Consent Calendar was the bill (H. R. 7206) to establish a national war memorial museum and veterans' headquarters in the building known as Ford's Theater.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. DYER. Mr. Speaker, reserving the right to object——

The SPEAKER pro tempore. The Chair may say for the information of the House that this bill requires three objections.

Mr. DYER. Mr. Speaker, I ask unanimous consent that I may proceed for two minutes on this bill.

The SPEAKER pro tempore. Without objection, the gentleman is recognized for two minutes.

There was no objection.

Mr. DYER. Mr. Speaker, there is an insertion in this proposed legislation to the effect that one of the purposes is to provide a meeting place for the veterans of the Grand Army of the Republic on account of the fact that the building in which they have been holding their meetings is going to be torn down shortly.

I do not believe, Mr. Speaker, there is any Member in this House on either side of the aisle but what wants to do everything he possibly can to show his consideration for these old veterans. We have shown our desire to do this many times. We all want to help wherever we can these veterans who, we sincerely regret, are rapidly passing away; but, Mr. Speaker, the inquiry I made at the last consent day was whether it is good judgment to appropriate $100,000 to make improvements on a building that, after the improvements are made, would still be unsafe. If I am wrong in this attitude I would be glad to have the gentleman from Illinois [Mr. YATES], for whom I have great respect and whose judgment I value highly, to state whether or not if such improvements are made the building is going to be safe, or whether these old veterans who are going to hold their meetings in this building are going to be in danger.

Mr. YATES. Will the gentleman yield?

Mr. DYER. Yes.

Mr. YATES. I have in my hand a letter from Charles A. Peters, structural engineer of the Bureau of Public Buildings and Public Parks under Col. U. S. Grant. This letter is dated February 2, 1929, and is on the subject of remodeling Ford's Theater.

Let me say that because of the inquiry of the gentleman from Missouri [Mr. DYER], which was a pertinent inquiry and perfectly proper, I asked for an opinion on this subject, and this engineer writes:

MY DEAR MR. YATES: In reply to your inquiry concerning the fireproof character of the Ford's Theater, I wish to state that under the provisions of the bill now pending before Congress, this office contemplates remodeling the building into a modern fireproof structure which will be equal in all respects to the fireproof structures of to-day.

Does that answer the gentleman?

Mr. UNDERHILL. Will the gentleman yield?

Mr. DYER. Before I yield, may I say that the statement of the gentleman from Illinois with respect to the inquiry which I addressed to him satisfies me upon that question, and that was the only objection I had in mind.

Mr. YATES. Yes; I so understood.

Mr. DYER. I will reserve my objection so that the gentleman from Massachusetts may make a statement, but I shall not insist upon the objection.

Mr. YATES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. YATES. I do not understand whether there has been an objection or not.

Mr. UNDERHILL. I reserve the right to object.

Mr. DYER. I reserved the right to object for the gentleman to make a statement.

Mr. UNDERHILL. I reserve the right to object, Mr. Speaker.

Mr. DYER. Then I withdraw my objection.

Mr. YATES. Mr. Speaker, may I submit another parliamentary inquiry? At this stage of the proceedings is it necessary to have three objections? Should that be required at this moment or later?

The SPEAKER pro tempore. That would be required later on.

Mr. UNDERHILL. Mr. Speaker, I brought this matter to the attention of the Members of the House when the Consent Calendar was up before, and although I have been interviewed in the interim by various groups and individuals, the objections which I raised at that time have in no wise been met; in fact, I find that those who have visited me are under a grave misapprehension, and after an explanation on my part have been convinced that I was absolutely right in raising my objection.

It is a sad commentary upon the District of Columbia—not upon the Nation—that it has not provided adequate quarters for the veterans of the Grand Army. This should be done, and I have pledged myself for one to do everything in my power to secure proper quarters for the veterans of the Grand Army and such other veteran organizations as may need it.

Mr. AYRES. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. AYRES. Does not the gentleman think it is somewhat late now?

Mr. UNDERHILL. I do not think so; I think it can be accomplished. However, the best thing to do under the circumstances is to allow this bill to go over without prejudice, and then get together and see if we can not iron out the differences and find some solution of the immediate necessity for the Grand Army veterans and other affiliated bodies. But as far as receding from the position I took previously I refuse to back down one single inch. The same objections are as valid to-day as they were before. I am going to do everything I can to prevent the preservation of this gruesome, morbid, disgraceful monument to the memory of a murderer, rather than a monument to the life and accomplishments of Abraham Lincoln.

Mr. Speaker, I ask unanimous consent that the matter be passed over without prejudice in order that we may take it up as soon as possible and see if we can not find some place for the veterans of the Grand Army and other kindred organizations to meet.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. YATES and Mr. BLANTON objected.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. UNDERHILL, Mr. BLACK of Texas, and Mr. HUDDLESTON objected.

Mr. YATES. Mr. Speaker, I would like to have it distinctly understood that there are three objections.

The SPEAKER pro tempore. The three objections will be stated in the RECORD.

Mr. YATES. Mr. Speaker, I ask unanimous consent to insert in the RECORD this letter that I read from the architect, and an additional statement from Colonel Grant. In support of them I want to say one word, if I may have unanimous consent, before the bill is disposed of. I want to say this, and I am very anxious that every Member of the House should consider it. On Saturday Colonel Grant and I and General Clem, a Grand Army veteran, and Mr. Dillon, representative of the veterans of the war with Spain, went over this building inch by inch and then went over the little old building in which are housed the relics of Abraham Lincoln for which this nation paid $50,000.

Mr. Speaker and gentlemen, it is an absolute shame the way in which the things we bought are now placed. If you will go down in the cellar of that place, you will find a collection there, not belonging to the United States, as I understand it, but to Mr. Oldroyd, who is not to blame, and I do not criticize him, where the touch of one match will absolutely destroy the whole value of the collection. In the community where I live, the home of Abraham Lincoln, we would not think for one moment of leaving those things in the condition they now are.

You object to the bill—I have no criticism of that—but something ought to be done, and done without a moment's delay, to preserve these things. They are not intrinsically valuable, but they could not be replaced in a thousand years.

The matter referred to by Mr. YATES follows:

PUBLIC BUILDINGS AND PUBLIC PARKS OF THE NATIONAL CAPITAL,
Washington, D. C., February 2, 1929.

Hon. RICHARD YATES,
House of Representatives, Washington, D. C.

Subject: Remodeling Ford Theater Building.

MY DEAR MR. YATES: In reply to your inquiry concerning the fireproof character of the Ford Theater, I wish to state that under the provisions of the bill now pending before Congress, this office contemplates remodeling the building into a modern fireproof structure which will be equal in all respects to the fireproof structures of to-day.

Very respectfully,

CHARLES A. PETERS, Jr.,
Structural Engineer.

PUBLIC BUILDINGS AND PUBLIC PARKS OF THE NATIONAL CAPITAL,
Washington, D. C., February 1, 1929.

Hon. RICHARD YATES,
House of Representatives, Washington, D. C.

Subject: Remodeling Ford Theater Building.

MY DEAR MR. YATES: Supplementing my letter of January 29, 1929, and in further reply to your request of January 30, 1929, for my personal opinion in regard to the reconstruction of the Ford Theater proposed by Mr. Rathbone's bill (H. R. 7206), I submit the following:

The first reason for the measure was to provide fireproof and adequate room for the Oldroyd collection of Lincoln relics, which for many years has been in the house in which President Lincoln died, which is a fire trap and has not adequate room for the proper display of the existing collection in such a way that the public can really view it to advantage. The Ford Theater Building, a fireproof building already in the possession of the Government, naturally suggested itself, not only because it was about the right size and had the characteristics desired and because it could be fixed up for the purpose at the minimum cost to the Government, but also because it was the actual site of President Lincoln's martyrdom. Within the walls still existing the tragic shot was fired.

To these reasons should be added another very important one to the public, namely, that the location of the Ford Theater Building is most convenient, while it might be very difficult to find any other equally accessible place in which to give it suitable housing. Now, if the Government's expenditure in buying this collection is to result in the greatest public good, the collection should be accessible to the hotel and business districts in which visitors to Washington find themselves the greater part of the time.

For all these reasons, the convenience of the public, less cost for initial work and maintenance, and the sentimental association, it has appeared to me that the collection could not be more suitably housed than in the Ford Theater Building. While I fully appreciate and in some measure sympathize with Mr. UNDERHILL'S abhorrence of the crime committed in this building and his desire not to emphasize it unnecessarily in the public mind, I believe that it already occupies such an important place in history and is so associated in the public mind with Mr. Lincoln's public services to the Nation, because it brought them to an abrupt close just at the time when the most serious political questions of reconstruction were arising, that I doubt whether any ignoring of the site and physical remnants would tend to efface the memory of the crime. In my opinion the reconstruction of the box and in a general way of the theater auditorium, together with the location in the building of a collection of relics so intimately connected with President Lincoln's life, most suitably enshrines the collection and appropriately summarizes the long period of his great public services by housing them in the surroundings in which his labors for the Nation so tragically ended.

Therefore, when Mr. Rathbone asked me to give him an estimate of the cost of putting the building in condition to house the collection and to make of the Ford Theater itself a Lincoln and Civil War Museum, it seemed quite natural to consider in the matter a partial restoration of the auditorium of the theater, including a replica of the box occupied by President Lincoln on that fatal night. It was thought best not to reproduce the auditorium exactly in all its features; first, because some of the details were not known, and, secondly, because carrying it to its original height would reduce the floor space too much and not leave enough room assured for further accretions to the collection. However, very full information exists about the stage and the box, both in contemporary descriptions and pictures, so that it would be possible to reproduce the box and its surroundings with accuracy. It is noteworthy that since the purchase of the collection by the Government many additional Lincoln relics have been offered, and it may be expected that such offers will be continued. Moreover, Mr. Oldroyd himself has indicated his readiness to donate a considerable additional collection of Civil War memorabilia if the collection is located in the Ford Theater Building under conditions adequately protecting it against fire and other probable damage.

I understood from the chairman of the Commission of Fine Arts that this proposal had the commission's approval, and it seemed to me that it would have a real interest to the public, both from the association

with Mr. Lincoln's last moments and from the standpoint of retaining for future generations the appearances and scale of theater of that day.

In this connection Mr. Rathbone was very much interested in the possibility of such an auditorium being used for patriotic exercises on Mr. Lincoln's birthday and similar occasions, as well as affording a more or less consecrated meeting place for patriotic societies. At the present time the Grand Army of the Republic is reduced in numbers and is being moved out by the Government from the quarters it has so long occupied at 1412 Pennsylvania Avenue. To have such a meeting place would be a great help to this organization and would certainly be a privilege much appreciated by the veterans who fought the country's battles under Mr. Lincoln's administration. We must look forward to the time in 15 or 20 years when the Spanish War veterans will be in the same situation as the Grand Army of the Republic are to-day, and at a still further period in the future the American Legion will welcome the opportunity to hold meetings in such a place when its numbers and financial ability to rent larger quarters have diminished. H. R. 7206 provides for such use of the parts of the building not needed for the primary use of housing the now Government-owned exhibit of relics.

Very respectfully,

U. S. GRANT, 3d, *Director.*

The bill and report is as follows:

H. R. 7206, Seventieth Congress, first session

IN THE HOUSE OF REPRESENTATIVES,

December 13, 1927.

Mr. Rathbone introduced the following bill, which was referred to the Committee on the District of Columbia and ordered to be printed. January 17, 1928, committed to the Committee of the Whole House on the state of the Union and ordered to be printed:

A bill (H. R. 7206) to establish a national war memorial museum and veterans' headquarters in the building known as Ford's Theater

Be it enacted, etc., That the Director of Public Buildings and Public Parks of the National Capital is authorized and directed to make such alterations and repairs to the building known as Ford's Theater as may be necessary to permit the use of such building for the following purposes:

(1) As a museum for war relics and other articles of national and patriotic interest; and the director is authorized, in his discretion, to accept on behalf of the United States articles which may be offered as additions to the museum;

(2) As a permanent repository for the Oldroyd collection of Lincoln relics purchased by the United States under authority of the act entitled "An act for the purchase of the Oldroyd collection of Lincoln relics," approved May 11, 1926; and

(3) Under rules and regulations prescribed by the director, as a national headquarters of the Grand Army of the Republic and of other veterans' organizations.

SEC. 2. There is hereby authorized to be appropriated the sum of $100,000, or so much thereof as may be necessary, to cover the cost of such alterations and repairs, including the cost of preparing necessary plans, specifications, and estimates (which shall be subject to the approval of the Director of Public Buildings and Public Parks of the National Capital and the Commission of Fine Arts), and the cost of personal services.

SEC. 3. Responsibility for the care, maintenance, and protection of such building is hereby transferred from the Secretary of War to the Director of Public Buildings and Public Parks of the National Capital, and, upon completion of the alterations and repairs authorized to be made by this act, such building shall be known as the national war memorial museum and veterans' headquarters, and shall, together with all exhibits and other articles housed therein, be under the jurisdiction of the Director of Public Buildings and Public Parks of the National Capital. There are authorized to be appropriated annually such amounts, to be expended under the direction of such director, as may be necessary for the care, maintenance, and protection of such museum and veterans' headquarters and the exhibits and other articles housed therein.

[H. Rept. No. 299, 70th Cong., 1st sess.]

ESTABLISHMENT OF A LINCOLN MEMORIAL MUSEUM IN BUILDING KNOWN AS FORD'S THEATER

Mr. BEERS, from the Committee on the District of Columbia, submitted the following report to accompany H. R. 7206:

The dwelling in which President Lincoln died houses the Oldroyd collection of Lincoln relics which the Government has acquired. The building is not fireproof, and with its valuable contents it may at any time be destroyed. It is not safe for any large crowd of visitors and it is not large enough for the present collection, to say nothing of any additions. Across the street is Ford's Theater, where the President was shot. This was acquired by the Government soon after the tragedy in order that it might never again be used as a theater or put to commercial use. It has of late been used as a Government storehouse, which is not compatible with its tragic associations.

It seems eminently fitting that the Oldroyd collection shall be transferred to the Ford Building after that has been suitably remodeled. Your committee therefore advises the passage of H. R. 7206.

The cost of repairing and remodeling Ford's Theater has been carefully estimated by the Director of Public Buildings and Grounds for the District of Columbia and other responsible persons who state that the total amount required to be expended would not exceed $100,000. It should be borne in mind that in any event considerable repairs would have to be made to the building in the very near future.

Carefully prepared charts and diagrams of the interior of Ford's Theater have also been made, which show the arrangements of the three floors of the building as it would be when remodeled.

Besides the Oldroyd collection of Lincoln relics, numbering several thousand pieces, and now the property of the United States, other Lincoln collections of value and of interest are promised which could be suitably exhibited when Ford's Theater is converted into a national museum.

It seems to the committee that another use, to which Ford's Theater could well be put to the greatest advantage, would be to establish there a headquarters for the veterans of the Grand Army of the Republic. These old soldiers now are with only a very small and unsatisfactory rented space in a building, which is soon to be torn down. Surely in the Nation's Capital some provision should be made for a headquarters for these veterans.

This bill has been indorsed by a large number of organizations of the highest standing, not only of veterans but of other civic and patriotic bodies.

Your committee therefore unanimously recommends that the bill H. R. 7206 do pass.

Mr. BLANTON. Mr. Speaker, I am heartily in favor of the bill, and I was hopeful that the Members who objected to the consideration of the bill would withdraw their objections.

If they knew the situation down there and the necessity for an adequate building for the preservation of these memorial articles, I think no man in the House would object.

Mr. BLACK of Texas. Why can they not be put in the National Museum?

Mr. BLANTON. They are one collection concerning the life of one man, and the people in my country revere his memory just as do the people in the State of Massachusetts.

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. UNDERHILL. I call attention to the fact that the gentleman's objection was the one that killed the bill and not ours.

Mr. BLANTON. Oh, no. I objected to postponing it. I was trying to keep my friend from Massachusetts from killing it by putting it off.

If we could get this bill up and pass it, it would have a chance to pass the Senate and become a law before the Congress ends. Let me say this in behalf of the memory of our departed friend from Illinois, Henry Rathbone. This is his bill. He worked night and day and convinced every man on the committee that this is a good bill and ought to pass. Everyone who knew Mr. Rathbone knows that he was a conscientious and faithful servant of the people, and out of respect to his memory—and he gave his life here in the service of the people—I hope my friends will withdraw their objections and let the bill pass. It is a good bill, and it ought to pass. If a proper building is not given, the first thing we know the sweep of a flame of a match or the fall of a cigarette stub will wipe out that collection. It ought to be preserved.

Mr. YATES. And if not, Mr. Speaker, within a very short time the expenditure of at least $50,000 will be necessary. I think we ought to meet the emergency now before the last soldier marches over the hill.

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to speak for three minutes.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. UNDERHILL. Mr. Speaker, I do not want the House to get a wrong impression from anything I have said or that anyone else has said on the floor of the House. There is no feeling of enmity in my heart against anyone. There is no endeavor upon my part to kill a worthy proposition. It is my opinion that within a week proper measures could be presented to this House which would provide for no greater expenditure than is contemplated here, and the erection, if necessary, of quarters to house these records and to house also the veterans of the Grand Army of the Republic. My objection, and I think the objection of those who joined with me, comes from a feeling of horror that the perpetuation of a building which was the site of a tragedy from which the world has not yet recov-

ered, instead of being a monument and a memento to the life and works and the mercy and kindness of our martyred President, would become a monument to his murderer, John Wilkes Booth. You could not prevent it under the terms of this bill, and if you should consider this bill, it would be almost impossible to so amend the bill upon the floor of the House as to meet the objections which I voice. If anyone is to blame for something which may occur in the future, the blame must rest with those who objected to laying the matter over for a week for further consideration, not to me.

Mr. YATES. Mr. Speaker, do I understand that the bill goes over because it has had three objections?

The SPEAKER pro tempore. The bill is off the calendar for the present session.

Mr. YATES. What is the present condition of the bill?

The SPEAKER pro tempore. It is on the Union Calendar. The bill is off the Consent Calendar for the balance of this session, but it remains on the Union Calendar.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to speak for a quarter of a minute, to speak to the gentleman from Illinois.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BLANTON. If the distinguished ex-Governor of Illinois will get permission of the Speaker at 3 o'clock, when suspensions will be in order, to take up this bill under suspension of the rules, I think he could pass it under suspension.

Mr. YATES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. YATES. Would a motion to suspend the rules and pass the bill be in order?

The SPEAKER pro tempore. It would, if the Speaker would recognize the gentleman for that purpose.

Mr. YATES. I have already interviewed the Speaker on that point, and he says not to-day.

EQUALIZING PAY OF CERTAIN CLASSES OF OFFICERS, UNITED STATES ARMY

The next business on the Consent Calendar was the bill (S. 3569) to equalize the pay of certain classes of officers of the Regular Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. TABER. Mr. Speaker, I object.

Mr. BARBOUR. Mr. Speaker, I object.

Mr. BLACK of Texas. Mr. Speaker, I object.

DOUBLE PENSION FOR DISABILITY FROM AVIATION DUTIES

The next business on the Consent Calendar was the bill (S. 3198) to amend the act of March 3, 1915, granting double pension for disability from aviation duty, Navy or Marine Corps, by inserting the word "Army," so as to read: "Army, Navy, and Marine Corps."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

DENTAL CORPS, UNITED STATES NAVY

The next business on the Consent Calendar was the bill (H. R. 480) for the relief of certain officers of the Dental Corps of the United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, I object.

TRANSFER OF CERTAIN LAND IN OREGON

The next business on the Consent Calendar was the bill (S. 4036) to authorize the Secretary of War to transfer the control of certain lands in Oregon to the Secretary of the Interior.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of War be, and he is hereby, authorized to transfer to the control of the Secretary of the Interior, for the use and benefit of certain Indians now using and occupying the land as a fishing camp site, two irregular-shaped parcels of land containing in the aggregate approximately 7⅘ acres, located in lot 1 of section 17 and in lots 1 and 2 of section 20, township 2 north, range 15 east, Willamette meridian, Oregon, originally acquired by the United States as a right of way for a projected boat railway in connection with the improvements of The Dalles-Celilo section of the Columbia River: *Provided*, That a strip 40 feet wide be reserved from such transfer for a roadway connection between the lock keeper's grounds at Celilo and the Columbia River Highway."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The next business on the Consent Calendar was the bill (H. R. 13038) to authorize the Secretary of War to transfer the control of certain land in Oregon to the Secretary of the Interior.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LEAVITT. Mr. Speaker, this bill is an identical bill to the one just passed, and I ask unanimous consent that this bill lie on the table.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

DELEGATE AND EXHIBIT TO FOURTH WORLD'S POULTRY CONGRESS

The next business on the Consent Calendar was House joint resolution (H. J. Res. 382) to send delegates and an exhibit to the Fourth World's Poultry Congress to be held in England in 1930.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. BLANTON. Mr. Speaker, I object.

Mr. FISH. Will the gentleman reserve his objection?

Mr. BLANTON. If the gentleman desires to speak, I do.

Mr. FISH. Mr. Speaker, this resolution provides for the sending of delegates and an exhibit to the Fourth International Poultry Congress to be held in Great Britain. It was recommended by the President of the United States in a message to the Congress through the Secretary of State. It was indorsed by the Secretary of Agriculture and by the Director of the Budget. The Committee on Foreign Affairs held hearings and the Assistant Secretary of Agriculture, Mr. Dunlap, appeared before the committee with a number of experts from the Agricultural Department, and the committee, after careful consideration, unanimously reported the joint resolution.

Mr. BLANTON. Will the gentleman yield?

Mr. FISH. I will.

Mr. BLANTON. Every farmer in my district of 400,000 people raises poultry and is interested in it. If the gentleman can tell me how the expenditure of this $40,000 to send a junket over to Great Britain will benefit any one of these farmers in my district, I will withdraw the objection. But it is a waste, a $40,000 waste.

Mr. FISH. It is a very fair question, and what I am trying to do is to persuade the gentleman and show him the reason why every farmer, poultry farmer, in this country will be benefited, and I hope the gentleman will pay strict attention. The United States of America is the biggest poultry raiser in the world. We produce one-third of the eggs and poultry in the world. The farmers of this country have a tremendous commerce in poultry with European and South American nations. We sell vast quantities of poultry and eggs to Europe and South America. We ought to send expert poultry men and an exhibit from the United States when every other nation in the world is ready and glad of the opportunity to exhibit their poultry products. This resolution only provides for $15,000 for delegates and the balance, amounting to $25,000, for an exhibit.

Mr. BLANTON. Will the gentleman yield for one question?

Mr. FISH. I will.

Mr. BLANTON. Did my distinguished colleague from New York attend the Interparliamentary Union in this Chamber when legislators from the peoples of the world came here?

Mr. FISH. I regret to say I was unable to.

Mr. BLANTON. There was not much good accomplished because the gentleman was not here.

Mr. FISH. I could not quite agree with the gentleman.

Mr. BLANTON. Has the gentleman raised poultry himself?

Mr. FISH. Oh, yes. Let me go on and try to persuade my good friend from Texas that this is in the interest of the trade and commerce of the United States, and particularly of those people who raise poultry and eggs and sell poultry and eggs in foreign nations. It is very important that we have exhibits at the Fourth World's Poultry Congress, and if we fail to it may seriously hamper our poultry exports and be the cause of losing our foreign markets. Assistant Secretary Dunlap persuaded all the members of the committee, including the gentleman from

Virginia [Mr. MOORE], that it was of the utmost importance to our poultry trade with foreign lands for us to take an active part in the proposed congress. I would like him to answer the question and state that this resolution is in the interest of the poultry raisers and the commerce of the United States.

Mr. MOORE of Virginia. The showing made was certainly satisfactory to us, although it may not be to the gentleman from Texas. The point was made that the conferences heretofore held have resulted in very considerable good in the way of investigation of the general subject—the improvement of breeds—that has been of benefit to the poultry raisers of the United States.

And then another thing, if I may interrupt my distinguished friend from Texas, this interesting fact was brought out, that the poultry business of this country in volume and in value stands near the very head of the list of agricultural products.

Mr. FISH. Fifth on the list. It comes in after cotton. First come dairy products, next corn, then swine, cotton, and poultry.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. BLANTON. I am afraid that when we spend this $40,000 the junketeers that we send over to Great Britain will be like the gentleman from New York was when the Interparliamentary Union met here; they will be somewhere else. I venture to say that every farmer in my district knows more about poultry in a minute than these junketeers will know as long as they live.

Mr. FISH. This resolution aims to promote sales abroad, not junketing.

Mr. BLANTON. I am constrained to object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

ROCK CREEK AND POTOMAC PARKWAY

The next business on the Consent Calendar was the bill (H. R. 16209) to enable the Rock Creek and Potomac Parkway Commission, established by act of March 4, 1913, to make slight changes in the boundaries of said parkway by excluding therefrom and selling certain small areas, and including other limited areas, the net cost not to exceed the total sum already authorized for the entire project.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I want to say that the idea I have is that once park land, always park land. If the sponsors of the bill are willing to strike out, on page 2, the proviso that permits the selling of land to owners of adjacent property, I shall not object. Otherwise I will object.

Mr. LUCE. Mr. Speaker, if the gentleman will yield, I am merely, of course, the transmitter of this bill. It is brought in as framed by the counsel for the commission in question, but it appeals to my judgment because only very small areas are involved and this measure will enable us to make the improvements without added expense to the Government.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. CRAMTON. My understanding is that the lands which this bill will exclude are not lands that have been acquired as yet. They are lands that are within the boundaries proposed to be acquired, but they are not yet acquired.

Mr. LAGUARDIA. There is no objection to excluding them, but then it provides that the Director of Public Buildings and Public Parks of the National Capital may dispose of the lands so excluded, either by public auction or at a fair appraised value, or to the owners of adjacent property at a price not less than that paid for it. My objection is at any time against disturbing any land in park areas.

Mr. LUCE. It seems to me this should be left to the good faith and judgment of such men as Colonel Grant and his associates.

Mr. LAGUARDIA. What are we here for?

Mr. LUCE. We are here so far as possible to exercise judgment about important questions of policy.

Mr. LAGUARDIA. I have had some experience with parks in my city. We have slightly more parks in my little town than you have here in Washington. I yield my judgment to none in the belief that it is wise never to dispose of park areas.

Mr. SIMMONS. I agree with the gentleman that we ought not to part with park lands in the District, but it occurs to me it might be wise to exchange some of these small areas for others.

Mr. LUCE. In the 10 years of my tenure here I have wondered why this parkway was not completed. The delay, if continued, may postpone its completion beyond the time of the gentleman's service and mine. Every such meticulous point as this further delays the completion of an exceedingly desirable public improvement.

Mr. LAGUARDIA. I agree with the policy to exclude such lands as are not now within the proposed area, but not to exclude lands that are within that area.

Mr. CRAMTON. As I understand, the gentleman would not object to the bill if the last two provisos were stricken out?

Mr. LAGUARDIA. Only the one I mentioned.

Mr. CRAMTON. The last would go with the other.

Mr. LUCE. I had intended to ask for the substitution of the bill from the Senate which is now before the House. It is exactly the same bill.

Mr. LAGUARDIA. Can the gentleman support my amendment?

Mr. LUCE. I can not consistently support it, but I will not oppose it.

Mr. LAGUARDIA. I do not want to take arbitrary judgment on that, but I submit it to the House and am prepared to yield gracefully.

Mr. LUCE. I will keep still, but I will not urge the adoption of the amendment.

Mr. LAGUARDIA. But the House is largely guided by the gentleman's good judgment.

Mr. LUCE. The gentleman pays me too high a compliment in thinking that when I keep silent I still have influence in the House.

Mr. LAGUARDIA. I was through that but a few moments ago. If the gentleman will support my amendment and make that a consideration of the bill, I shall not object.

Mr. LUCE. I am sure no gentleman will ask another Member to support something on the floor of the House against his better judgment.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT VICKSBURG, MISS.

The next business on the Consent Calendar was the bill (H. R. 14472) to extend the time for the construction of a bridge across the Mississippi River at or near the city of Vicksburg, Miss.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the times for beginning and completing the construction of the bridge across the Mississippi River at or near the city of Vicksburg, Miss., authorized by the act of Congress entitled "An act granting the consent of Congress to the Vicksburg Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Vicksburg," approved May 3, 1926, be, and the same is hereby, extended to one and three years, respectively, from May 3, 1927.

With the following committee amendments:

In line 3, page 1, strike out the word "times" and insert the word "time."

Strike out the words "beginning and."

In line 4 strike out "the" and insert "a."

In line 5 strike out the words "or near."

In line 11 strike out the words "one and three years, respectively, from" and the figures "1927" and insert "1930."

On page 2 insert:

"SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Amend the title so as to read: "A bill to extend the time for completing the construction of a bridge across the Mississippi River at the city of Vicksburg, Miss."

BRIDGE ACROSS THE OHIO RIVER AT MAYSVILLE, KY.

The next business on the Consent Calendar was the bill (H. R. 14479) to extend the times for commencing and com-

pleting the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio, authorized to be built by Dwight P. Robinson & Co. (Inc.), its successors and assigns, by the act of Congress approved March 12, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

On page 1, line 6, strike out the parenthesis and the word "Incorporated" and insert the word "Incorporated" without the parentheses.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE OHIO RIVER AT OR NEAR MAYSVILLE, KY.

The next business on the Consent Calendar was the bill (H. R. 15201) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio, authorized to be built by the Maysville Bridge Co., its successors and assigns, by the act of Congress approved March 12, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

With the following committee amendments:

Page 1, line 8, strike out the words "the date of approval hereof" and insert in lieu thereof "March 12, 1929."

On page 2 insert:

"SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE OCMULGEE RIVER AT FITZGERALD, GA.

The next business on the Consent Calendar was the bill (H. R. 15714) to extend the times for commencing and completing the construction of a bridge across the Ocmulgee River at or near Fitzgerald, Ga.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Ocmulgee River at or near Fitzgerald, Ga., authorized to be built by J. E. Turner, his heirs, legal representatives, or assigns, by the act of Congress approved April 4, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 4, strike out the word "the" and insert "a."

Page 1, line 8, strike out the words "the date of approval hereof" and insert "April 4, 1929."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE ALLEGHENY RIVER AT KITTANNING, PA.

The next business on the Consent Calendar was the bill (H. R. 15851) to extend the times for commencing and completing the construction of a bridge across the Allegheny River at or near Kittanning, in the county of Armstrong, State of Pennsylvania.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Allegheny River at or near Market Street, in the borough of Kittanning, county of Armstrong, in the State of Pennsylvania, authorized to be built by the county of Armstrong, a county of the State of Pennsylvania, or its successors and assigns, by the act of Congress approved February 16, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 2, line 1, strike out the words "the date of approval hereof" and insert "February 16, 1929."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER AT RANDOLPH, MO.

The next business on the Consent Calendar was the bill (H. R. 16026) to extend the times for the construction of a bridge across the Missouri River at or near Randolph, Mo.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge authorized by the act of Congress approved May 24, 1928, to be built by the Kansas City Southern Railway Co. across the Missouri River at or near Randolph, Mo., in the State of Missouri, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 5, strike out the word "the" with a lower case "t" and insert the word "The" with a capital "T."

On line 7, after the word "near" insert the words "a point approximately one mile southeast of."

In line 8, strike out the words "in the State of Missouri."

In line 9, strike out the words "the date of approval hereof" and insert "May 24, 1929."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS PORT WASHINGTON NARROWS

The next business on the Consent Calendar was the bill (H. R. 16035) to extend the time for completing the construction of the bridge across Port Washington Narrows, within the city of Bremerton, State of Washington.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I object.

Mr. DENISON. Will the gentleman reserve his objection?

Mr. LAGUARDIA. Certainly.

Mr. DENISON. May I ask the gentleman from New York the ground of his objection?

Mr. LAGUARDIA. I do not think the report shows a sufficient reason for extending the time.

Mr. DENISON. In what respect?

Mr. LAGUARDIA. Generally. There are several of these bills that I am going to object to.

Mr. DENISON. I was asking particularly as to this bill. Is there anything the committee could do to remove the gentleman's objection?

Mr. LAGUARDIA. Yes. Reduce the extension period from three years to one year.

Mr. DENISON. It is only the completion of the bridge that is extended three years. The general law allows one year to begin and three years to complete. We merely extend both periods one year. I thought the gentleman has misread that. We never extend the period of beginning three years or two years; we never extend it over one year in any case. We just extend both dates.

Mr. LAGUARDIA. But you have not done that in this bill.

Mr. DENISON. This is merely extending the time for the completion of the bridge. The bridge is already begun.

Mr. LAGUARDIA. Is this bridge begun?

Mr. MILLER. No; not the actual construction. If it was, of course, we would not be here with the bill.

Mr. LAGUARDIA. Exactly.

Mr. MILLER. But this bridge is to connect two parts of the city of Bremerton and the city of Bremerton is the site of the United States Navy Yard and the bridge will be used a great deal by employees of the yard, and will facilitate matters to a great extent. All the preliminary work has been done.

Mr. LAGUARDIA. Is it the purpose of this bill that the bridge here must be completed in three years?

Mr. DENISON. Yes.

Mr. MILLER. Certainly.

Mr. LAGUARDIA. The gentleman will admit that this bill is different from the other bills?

Mr. DENISON. Yes; because the others only ask for an extension of the time of completion and not the time of beginning.

Mr. LAGUARDIA. With that understanding, the objection is withdrawn.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the time for completing the construction of the bridge across Port Washington Narrows, within the city of Bremerton, State of Washington, authorized by the act of Congress, entitled "An act granting the consent of Congress to W. E. Buell, of Seattle, Wash., to construct a bridge across Port Washington Narrows, within the city of Bremerton, in the State of Washington," approved June 14, 1926, be, and the same is hereby, extended three years from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 2, line 2, strike out the words "the date of approval hereof," and insert in lieu thereof "June 14, 1929."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER NEAR NEW ORLEANS

The next business on the Consent Calendar was the bill (H. R. 16162) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near New Orleans.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Mississippi River, at or near New Orleans, authorized to be built by George A. Hero and Allen S. Hackett, their successors and assigns, by the act of Congress approved March 2, 1927, are hereby extended one and three years, respectively, from March 1, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 4, after the word "river," strike out the words "at or near" and insert in lieu thereof the word "between."

Page 1, line 5, after the word "Orleans," insert the words "and Gretna, La."

Page 1, line 8, after the figures "1927," insert the words "heretofore extended by act of Congress approved March 6, 1928."

Page 1, line 10, strike out the figure "1" and insert the figure "6."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Amend the title so as to read: "A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River between New Orleans and Gretna, La."

BRIDGE ACROSS THE ST. JOHN RIVER

The next business on the Consent Calendar was the bill (H. R. 16270) to revive and reenact the act entitled "An act granting the consent of Congress for the construction of a bridge across the St. John River between Fort Kent, Me., and Clairs, Province of New Brunswick, Canada," approved March 18, 1924.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of Congress approved March 18, 1924, granting the consent of Congress to the State of Maine and the Dominion of Canada to construct, maintain, and operate a bridge across the St. John River at a point suitable to the interests of navigation between Fort Kent, Me., and Clairs, Province of New Brunswick, Canada, be, and the same is hereby, revived and reenacted: *Provided*, That the construction of said bridge shall not be commenced until the consent of the proper authorities of the Dominion of Canada for the erection of the structure shall have been obtained.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 2, line 2, strike out the word "the" and insert the words "this act shall be null and void unless the actual."

Page 2, line 4, after the word "shall," strike out the word "not," and in the same line, after the word "commenced," strike out the words "until the consent of the proper authorities of the Dominion of Canada for the erection of the structure shall have been obtained" and insert "within one year and completed within three years from the date of approval hereof."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE OHIO RIVER AT AUGUSTA, KY.

The next business on the Consent Calendar was the bill (H. R. 16279) to extend the times for commencing and completing the construction of a bridge across the Ohio River at Augusta, Ky.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Ohio River at Augusta, Ky., authorized to be built by J. C. Norris, as mayor of the city of Augusta, Ky., his successors and assigns, by the act of Congress approved April 20, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 8, strike out "the date of approval hereof" and insert in lieu thereof "April 20, 1929."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE POTOMAC RIVER NEAR GREAT FALLS

The next business on the Consent Calendar was the bill (S. 4721) to extend the times for commencing and completing the construction of a bridge across the Potomac River at or near the Great Falls, and to authorize the use of certain Government land.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

Mr. DENISON. Mr. Speaker, will the gentleman withhold his objection?

Mr. SCHAFER. I withhold it.

Mr. DENISON. May I ask the gentleman from Wisconsin on what ground he objects?

Mr. SCHAFER. I would refer the gentleman to the debate on the floor of this House when the original bill was passed. I opposed that bill and forced a roll call under the parliamentary situation. I am opposed to the bill under consideration for the

reasons given at that time, and I am going to do everything I can to prevent its enactment.

Mr. CRAMTON. Will the gentleman from Wisconsin reserve his objection long enough for me to make a suggestion in the RECORD for the consideration of those who are interested in the bill? The bill came up for consideration and I had in mind to ask approval of the following amendment:

Page 2, line 9, before the word "been" insert "and as may be approved by the National Planning and Parking Commission."

That is to say, if we are going to give the bridge company the use of Government land, I think the views of the National Parking and Planning Commission ought to be secured because we are hopeful of having this as a parkway area along the Potomac, and it would be undesirable for the bridge company to do anything that might conflict.

Mr. DENISON. Does not the original bill provide for that?

Mr. CRAMTON. No; it does not, because this is a new and separate section. When it comes up I would like an opportunity to offer the amendment.

The SPEAKER pro tempore. Objection is heard.

BRIDGE ACROSS THE MISSOURI RIVER AT SIOUX CITY, IOWA

The next business on the Consent Calendar was the bill (H. R. 14460) authorizing the Iowa-Nebraska Free Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Sioux City, Iowa.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COCHRAN of Missouri. Reserving the right to object, I rise for the purpose of calling the attention of Members to this bill. It shows what a community can do with reference to the construction of a toll bridge. The author, Mr. HOWARD of Nebraska, has made every attempt to protect the people's interest; further, a sinking fund is created, the tolls go into the sinking fund, and in the end the bridge will be declared free. I commend this bill to Members who find it necessary to introduce bridge bills and hope they will follow the example set by the gentleman from Nebraska [Mr. HOWARD], see that the municipality constructs the bridge, thus eliminating the professional promoter, who seeks to exploit the Federal highway system.

While I am on my feet I want to say that I have looked over the bills reported by the committee and now on the calendar, and I am pleased to notice that the committee made two important changes in the bills. One of the changes refers to the time that the municipality or State can take over the bridge, and the second is a new section, a very important section, which provides that the contract must be let by competitive bidding. This is going to result in lowering the cost of construction. I want to ask the chairman of the subcommittee on bridge bills [Mr. DENISON] if the committee will not also consider in the future some kind of an amendment which will provide that, after a reasonable return is received by the owners of the bridge from tolls, the balance of the money be placed in a sinking fund to retire the bonds so that in the end it will become a free bridge. I think that is an important amendment to add, and it would remove a great deal of objection to these bills. It would give assurance the bridge would eventually become free and reduce the cost to the municipality or State when the time comes to take control under the recapture clause.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. COCHRAN of Missouri. With pleasure.

Mr. LAGUARDIA. The gentleman has taken a great deal of interest in bridge bills. I want to say that this bill is not an ideal bill. It provides for a sinking fund generally, but it does not provide how much dividends shall be paid before the payment is made into the sinking fund to amortize the amount. It is one step forward, but it is not an ideal bill.

Mr. COCHRAN of Missouri. It is a step in the right direction and the author should be commended for his efforts. If this project succeeds it can be held up as an example. The gentleman from Nebraska [Mr. HOWARD] tells me construction will start shortly after the consent of Congress is granted. They are trying to eliminate the promoter and he should be eliminated. The gentleman from New York, who is always rendering splendid service, deserves a great deal of credit for the interest he has shown in private toll bridge bills. His suggestions are always worthy of consideration, and they do receive consideration. Let this project be tried out. A more ideal bill will probably soon follow.

Mr. HOWARD of Nebraska. Will the gentleman yield to me? I want to suggest to the gentleman that, while the bill may not be perfect, it is just as perfect as in my wisdom I was capable of making it.

Mr. LAGUARDIA. I believe that. [Laughter.]

Mr. HOWARD of Nebraska. If the gentleman will observe closely, he will discover that the committee has inserted in the bill a clause which the gentleman has never seen in any other bill, protecting the interest of all of the people, by providing that a commission of the mayors of the municipalities at either end of the bridge shall see to it, just what the gentleman desires, namely, that this money shall be paid in to meet the cost of the bridge on the earliest day possible.

Mr. LAGUARDIA. I do not think there is any objection to the gentleman's bill.

Mr. HOWARD of Nebraska. Then I subside. [Laughter.]

The Clerk read the bill, as follows:

H. R. 14460, Seventieth Congress, second session

A bill (H. R. 14460) authorizing the Iowa-Nebraska Free Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Sioux City, Iowa

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes the Iowa-Nebraska Free Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Sioux City, Iowa, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the Iowa-Nebraska Free Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Iowa-Nebraska Free Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge as determined by the Secretary of War, either the State of Nebraska, the State of Iowa, any public agency, or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. The Iowa-Nebraska Free Bridge Co., its successors and assigns, shall have the right, in addition to the other rights hereafter granted, to issue first-mortgage bonds in an amount sufficient to pay the cost of the construction of said bridge, the acquisition of necessary real estate and interest in real estate and improvements placed thereon and cost of financing and promotion not to exceed 10 per cent of the total actual cost of construction, acquisition of real estate and interest in real estate and improvements, which bonds shall run not to exceed 20 years from date thereof, and be callable after 5 years at 105 per cent of par value and accrued interest; and to provide therefor, the said Iowa-Nebraska Free Bridge Co., its successors and assigns, shall set up and create a sinking fund out of the net earnings of said bridge for the redemption of said first-mortgage bonds, which shall be so amortized that not less than 8 per cent of said bonds may be retired each year after the fifth year at the callable rate of 105 per cent, and accrued interest: *Provided*, That at any time after the expiration of the term of said bonds, or their retirement as herein provided, and the payment of all operating and other expenses to such date, said bridge with all rights and easements and rights of way thereto appertaining shall become the property of either or both of the States of Iowa and Nebraska, provided they shall pass proper legislation providing for the maintenance and upkeep of said bridge and maintain and

operate the same either as a toll-free bridge or by the imposition of only so much tolls as shall provide for the actual maintenance and operation, and in the event that the said States or neither of them shall desire to assume ownership and jurisdiction, then any county or municipality in either or both of said States shall, upon passing or securing suitable and proper legislation for the maintenance and operation of said bridge, be entitled to assume ownership and jurisdiction thereof and the Iowa-Nebraska Free Bridge Co., its successors and assigns, shall convey said bridge and all real estate and rights or interest in real estate appurtenant thereto, to such State, county, or municipality qualifying themselves to assume ownership and the operation and maintenance thereof, conditioned that same shall be a toll-free bridge or only such toll imposed as may cover the actual costs of operation and maintenance.

SEC. 6. The Iowa-Nebraska Free Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the highway departments of the States of Nebraska and Iowa, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of construction, financing, and promoting such bridge. For the purposes of such investigation the said Iowa-Nebraska Free Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 5 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Iowa-Nebraska Free Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Strike out all after the enacting clause and insert the following in lieu thereof:

"That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, the Iowa-Nebraska Amortized Free Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Sioux City, Iowa, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act.

"SEC. 2. There is hereby conferred upon the Iowa-Nebraska Amortized Free Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

"SEC. 3. The said Iowa-Nebraska Amortized Free Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

"SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Nebraska, the State of Iowa, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor by purchase, or by condemnation, or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If such bridge is so acquired or taken over, the amount of the purchase price to be paid therefor, or in case of condemnation or expropriation the amount of damages to be allowed therefor, shall be the amount of bonds, debentures, or other evidences of indebtedness actually issued in payment for the bridge and its approaches and improvements and outstanding at the time of such purchase or condemnation, with the accrued interest thereon.

"SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

"SEC. 6. Upon the completion of such bridge a commission shall be created composed of three members, one of whom shall be appointed by the mayor of South Sioux City, Nebr., one by the mayor of Sioux City, Iowa, and one by the directors of the Iowa-Nebraska Amortized Free Bridge Co.; it shall be the duty of the commission to supervise the collection of tolls and to authorize and audit all expenditures of money received from the collection of tolls; it shall be their duty to see that all revenues received from the bridge, except such amounts as may be necessary for the repair, operation, and maintenance, under economical management of the bridge, shall be paid into the sinking fund and used for the amortization of the outstanding indebtedness incurred for the construction or improvement of the bridge. After a sinking fund sufficient for such amortization shall have been so provided, the bridge shall thereafter be maintained and operated free of tolls, and the Iowa-Nebraska Amortized Free Bridge Co., its successors or assigns, shall thereupon convey, by proper instrument of conveyance, all right, title, and interest in said bridge and its approaches, to the State of Nebraska and the State of Iowa, jointly, or to the highway departments thereof, if such States or their highway departments shall agree to accept and to maintain and operate the same; if such States or their highway departments refuse to agree to accept and maintain and operate said bridge as a free bridge, then the Iowa-Nebraska Amortized Free Bridge Co. shall convey said bridge to either of such States, or to either of the counties thereof in which such bridge is located in whole or in part, as shall agree to accept and to maintain and operate the same as a free bridge.

"SEC. 7. The Iowa-Nebraska Amortized Free Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the highway departments of the States of Nebraska and Iowa, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, the actual financing and promotion costs, and the amount of bonds, debentures, or other evidences of indebtedness issued in connection with the construction of such bridge. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of construction, financing, and promoting such bridge. For the purpose of such investigation the said Iowa-Nebraska Amortized Free Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 5 of this act, subject only to review in a court of equity for fraud or gross mistake.

"SEC. 8. Neither the Iowa-Nebraska Amortized Free Bridge Co., its successors and assigns, or any officer or stockholder thereof, shall directly or indirectly, own or have any interest in any other bridge competing for business with the bridge authorized by this act.

"SEC. 9. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Iowa-Nebraska Amortized Free Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person:

Provided, That no such transfer shall be made to any competing bridge company or to any person or persons interested directly or indirectly in any competing bridge.

"SEC. 10. All contracts that may be made in connection with the construction of the bridge authorized by this act, and which shall involve the expenditure of more than $5,000 shall be let by competitive bidding. Such contracts shall be advertised a reasonable time in some newspaper of general circulation published in the vicinity of such bridge; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. A verified copy or abstract of all bids received and of the bid or bids accepted shall be furnished to the highway departments of the States of Iowa and Nebraska. A failure to comply in good faith with the provisions of this section shall render null and void any contract entered into in violation thereof, and the Secretary of War may, after hearing, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

"SEC. 11. The right to alter, amend, or repeal this act is hereby expressly reserved."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. DENISON. Mr. Speaker, I offer the following amendment to the title—to insert the word "Amortized" after the word "Nebraska" in the first line.

The amendment was agreed to.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to proceed for three minutes to reply to questions asked by the gentleman from Missouri.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DENISON. Mr. Speaker, the gentleman from Missouri [Mr. COCHRAN] has submitted to me as chairman of the subcommittee certain questions which I feel ought to be answered. Our committee is now inserting in these bridge bills authorizing the construction of toll bridges by private parties a provision to the effect that if the bridge authorized is constructed by contracts, that all such contracts shall be let by public bidding, after being properly advertised, and that the contracts shall be let to the lowest responsible bidder. That provision is inserted in order to prevent what some fear exists at times—that is, the padding of the cost of bridges or an undue enlarging of the cost of bridges. Of course, it is of importance to the public that the cost of these bridges be kept as low as possible, because the public eventually pays for them by the payment of tolls; or if the State takes them over under the recapture clause, then the cost of the bridge has to be taken into consideration in fixing the amount of damage to be paid. Therefore, in the interest of the public we thought it wise to insert this paragraph providing for safeguarding the letting of contracts for the construction of bridges to be constructed by private parties. We propose to insert that paragraph in all such bills.

Mr. DOWELL. Mr. Speaker, will the gentleman yield? Is there any provision in any of these bills for the supervision of the construction of the bridge originally?

Mr. DENISON. There is not.

Mr. DOWELL. Does not the gentleman believe that if the bridge is to be recaptured the bill should have a provision with reference to supervision of its construction as well as a provision for safeguarding the letting of contracts?

Mr. DENISON. I do not believe that we can work out a provision of that kind that would be satisfactory. In the first place, we would not know whom to let have the power of supervision. In the next place, we have to depend to some extent upon the people who construct the bridge constructing it as carefully and as cheaply as possible.

Mr. DOWELL. Is it not true that placing these bridges up for open bids is of but little consequence unless we have a plan for construction? The whole purpose of it may be defeated unless the bridge is properly constructed. That, it seems to me, is one of the most important things that we have to contend with.

The SPEAKER pro tempore. The time of the gentleman from Illinois has again expired.

Mr. CHALMERS. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended for one minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CHALMERS. Would it be possible to put in these bridge bills a provision that the municipalities should have a stated time within which to take advantage of the license before the private party could go ahead with the contract?

Mr. DENISON. The policy of our committee is that before a bill is reported authorizing a bridge to be constructed by a private party, the committee must have a showing from the Member of Congress who filed the bill to the effect that the municipality or State or county will not or can not construct the bridge. We do not report a private bridge bill unless that showing is made.

Mr. CHALMERS. In the bridge that I am interested in just recently there has come up the possibility of the city being interested in its construction.

Mr. DENISON. If the city wants to build the bridge, if they will get the gentleman to introduce the bill, we will report it at any time and give it preference over a private bill.

Mr. BURTNESS. And not only that, but, if so desired, sometimes the committee will refuse to report the bill giving consent to private parties.

Mr. DENISON. Yes. The policy of the committee is to give preference to public authority always.

In answer to the other question submitted by the gentleman from Missouri [Mr. COCHRAN] I wish to say that our committee has not yet been able to prepare any form for a bridge franchise which would provide for the bridge becoming free upon the repayment of the cost of the bridge and a reasonable profit where the bridge is constructed by private parties with private capital. Of course, if Congress should provide such a franchise, and if such a franchise would be acceptable to those who are willing to invest their money in bridges, such an arrangement would be very desirable and would meet the approval of our committee. But we have never yet been informed of any private capital that would be willing to invest in bridges under such conditions.

There is always some hazard to an investment in a bridge. There is a chance of loss. Bridges are expensive structures. When constructed over larger streams, their cost runs into millions. Those who invest in them take some chance on getting their original investment returns. They always take a chance on having the bridge injured or destroyed by irresponsible parties or by storms or floods. Before capital will invest in such structures, there must be a reasonable assurance, not only of a return of the capital invested, but of a reasonable profit thereon while invested. The committee on Interstate and Foreign Commerce will give consideration to any suggestions from any Members of the House, or from any other source, that may be offered with a view to safeguarding the interests of the public. We are considering bills now pending which provide for a general revision of the bridge laws. But such legislation can not be passed during this session. Let me say to the gentleman from Missouri, who has been very much interested in this subject, that under the adopted policy of our committee, franchises for toll bridges are not granted to private parties until a showing has been made to the effect that the State or States or the counties or municipalities in which the bridge is located will not or can not build a public bridge. If the State, county, or municipality requests a franchise for the construction of a bridge, our committee will grant it and will refuse to grant a franchise to private parties to construct a bridge at the same location. All private toll-bridge franchises contain a provision for recapture by the public whenever it is desired to take them over for the purpose of making them free; and after a certain number of years we are providing for a limited measure of damages if condemnation is necessary in order to acquire title to the bridge. Our committee is now shortening the time after which the limited measure of damages will apply. Generally speaking this time will be at five years after the completion of the bridge. In the case of more expensive structures over the larger waterways, the period will be 10 years. So that in all franchises for privately owned toll bridges, the State or States, or the counties or municipalities in which such bridges are located, may purchase them or condemn them, and thereby acquire them by the payment of the actual value of the physical structure at the time they are taken over, no allowance being made for earning power, or going value, or prospective profits. This recapture provision will, we think, entirely safeguard the public and permit the States or the counties to acquire any toll bridge for a fair valuation whenever the States or counties desire to get rid of the tolls and make such bridges free. I feel sure the gentleman from Missouri, and others who are interested in this subject, will, upon careful consideration of these changes in the forms of bridge franchises, and these additional safeguards of the public interests, not feel justified in objecting to the consideration of such bills by the House, but will be willing to let them be submitted to the House for such consideration as the House wishes to give them.

DECLARATIONS OF INTENTION IN NATURALIZATION PROCEEDINGS

The next business on the Consent Calendar was the bill (H. R. 16440) relating to declarations of intention in naturalization proceedings.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the first subdivision of section 4 of the act entitled "An act to establish a Bureau of Immigration and Naturalization and provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906, as amended, is amended to read as follows:

"First. He shall declare on oath before the clerk of any court authorized by this act to naturalize aliens, or his authorized deputy, in the district in which such alien resides, two years at least prior to his admission, and after he has reached the age of 18 years, that it is bona fide his intention to become a citizen of the United States and to reside permanently therein, and that he will, before being admitted to citizenship, renounce forever all allegiance and fidelity to any foreign prince, potentate, State, or sovereignty, and particularly, by name, to the prince, potentate, State, or sovereignty of which the alien may be at the time of admission a citizen or subject. Such declaration shall set forth the name, age, occupation, personal description, place of birth, last foreign residence, the date of arrival, the name of the vessel, if any, in which he came to the United States, and the present place of residence in the United States of said alien."

SEC. 2. Section 1 of this act shall take effect 60 days after its enactment. A declaration of intention made before the expiration of such 60-day period, whether before or after the enactment of this act, in which appears an erroneous statement of allegiance, shall not be held invalid for such cause if the error was due to a change of political boundaries, or the creation of new countries, or the transfer of territory from one country to another. Nothing in this section shall permit the reinstatement of a petition for naturalization dismissed for such cause, but in such a case the benefits of this section may be obtained by filing a new petition before the expiration of the period of validity of the declaration of intention.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS SANDUSKY BAY, SANDUSKY, OHIO

Mr. LAGUARDIA. Mr. Speaker, I have objected to a good many of these bridge bills. However, I now ask unanimous consent to call up the bill (H. R. 16208) authorizing the Cedar Point Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across Sandusky Bay at or near Sandusky, Ohio, a bill introduced by our charming colleague from Ohio [Mr. BEGG], who is about to leave us, and who is anxious to have this bill passed. It is an emergency measure.

The SPEAKER. The gentleman states that it is an emergency that is involved?

Mr. LAGUARDIA. So I understand.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the Cedar Point Bridge Co., a corporation organized under the laws of Ohio, of Sandusky, Erie County, Ohio, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Sandusky Bay, at a point suitable to the interests of navigation, at or near a point on what is known as Big Island on the southerly shore of Sandusky Bay in the city of Sandusky, Ohio, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After the completion of such bridge, as determined by the Secretary of War, either the State of Ohio, any political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Ohio, or by any municipality or other political subdivision or public agency thereof under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 4. The Cedar Point Bridge Co., its successors and assigns shall within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Department of the State of Ohio a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of Ohio shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Cedar Point Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Cedar Point Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 9, after the word "across," insert "the southeast arm."

Page 2, line 1, after the word "navigation," strike out "at or near a point on what is known as Big Island on the southerly shore of Sandusky Bay in the city of Sandusky, Ohio, in accordance with the provisions of the act," and insert: "from a point on the southerly shore of Sandusky Bay at or near C Street, Sandusky, to a point on what is known as Cedar Point Peninsula, on the northeasterly shore of Sandusky Bay, Ohio, in accordance with the provisions of the act."

Page 5, insert a new section, as follows:

"SEC. 6. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than $5,000 shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the State in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway department of the State in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may, after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with."

Page 6, line 7, strike out the figure "6" and insert the figure "7."

The SPEAKER. The question is on agreeing to the committee amendments.

Mr. DENISON. Mr. Speaker, I have some amendments to perfect the committee amendments, which I offer.

Page 2 of the bill, line 5, after the word "Day," in the committee amendment, strike out the words "at or near C Street" and insert in lieu thereof the words "in the city of."

The Clerk reported the amendment.

The SPEAKER. The question is on agreeing to the amendment to the committee amendments.

The amendment to the committee amendment was agreed to.

Mr. DENISON. Mr. Speaker, also the following amendment, which I send to the desk.

The Clerk read as follows:

Page 2, line 5, after the word "Sandusky," in the committee amendment, insert the word "Ohio."

The SPEAKER. The question is on agreeing to the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

Mr. DENISON. Mr. Speaker, I move that all the committee amendments be agreed to with the exception of the amendment on page 5 inserting a new section, section 6.

The SPEAKER. The Chair will put the question on all the amendments except the amendment referred to.

The question is on agreeing to the committee amendments as amended.

The committee amendments as amended were agreed to.

The SPEAKER. The question now is on agreeing to the amendment on page 5, inserting a new section.

The amendment was rejected.

Mr. DENISON. Mr. Speaker, I ask unanimous consent that section 7 be changed to read "section 6."

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read: "A bill authorizing the Cedar Point Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the southeast arm of Sandusky Bay at or near Sandusky, Ohio."

IMPROVEMENT AND PRESERVATION OF LINCOLN NATIONAL PARK OR RESERVATION

Mr. MORIN. Mr. Speaker, I move to suspend the rules, take up the bill H. R. 15657, and pass the bill with committee amendments.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass as amended the bill H. R. 15657. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 15657) to provide for the improvement and preservation of the land and buildings of the Abraham Lincoln National Park or Reservation.

Mr. CRAMTON. Mr. Speaker, if we have time for this kind of a bill, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Michigan makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 20]

Aldrich	Chindblom	Gifford	Kunz
Anthony	Clague	Gilbert	Lampert
Auf der Heide	Cole, Md.	Goldsborough	Langley
Bacon	Collier	Goodwin	Leatherwood
Beck, Pa.	Combs	Graham	Leech
Berger	Connolly, Pa.	Griest	Lindsay
Black, N. Y.	Cox	Hammer	Lozier
Bohn	Crisp	Hare	Lyon
Boles	Crowther	Harrison	McClintic
Bowles	Cullen	Hawley	Mass
Boylan	Curry	Hogg	Major, Ill.
Brand, Ga.	Davey	Howard, Okla.	Mooney
Brand, Ohio	Dempsey	Hudspeth	Moore, N. J.
Britten	Dickstein	Hughes	Murphy
Buckbee	Doutrich	Hull, Tenn.	Nelson, Wis.
Burdick	Doyle	Igoe	O'Connor, N. Y.
Busby	Eaton	Jacobstein	Oliver, N. Y.
Bushong	England	James	Palmer
Canfield	Estep	Jeffers	Palmisano
Carew	Fenn	Johnson, S. Dak.	Parks
Carley	Fletcher	Kearns	Porter
Cartwright	Fulbright	Kent	Pou
Casey	Furlow	Kindred	Pratt
Celler	Garner, Tex.	King	Quayle
Ragon	Sirovich	Taylor, Tenn.	White, Colo.
Rainey	Somers	Thompson	White, Kans.
Ramseyer	Stalker	Tillman	Williamson
Ransley	Stedman	Treadway	Wilson, La.
Reed, Ark.	Strother	Underwood	Wilson, Miss.
Reed, N. Y.	Sullivan	Updike	Woodruff
Reid, Ill.	Sumners, Tex.	Vincent, Iowa	
Rutherford	Swing	Warren	
Shallenberger	Tatgenhorst	Weller	

The SPEAKER. Three hundred and one Members are present, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The Clerk will continue the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of protecting from disintegration and of improving, beautifying, and preserving the Abraham Lincoln National Park or Reservation established under the act entitled "An act to accept a deed or gift or conveyance from the Lincoln Farm Association, a corporation, to the United States of America, of land near the town of Hodgenville, county of Larue, State of Kentucky, embracing the homestead of Abraham Lincoln and the log cabin in which he was born, together with the memorial hall inclosing the same; and further to accept an assignment or transfer of an endowment fund of $50,000 in relation thereto," approved July 17, 1916 (U. S. C. title 16, secs. 211–214), the Secretary of War is authorized and directed to provide for (1) the improvement of such existing roadways, walks, and buildings in such park or reservation; and (2) the planting of such trees, plants, and shrubbery; the construction of such additional roadways, walks, and buildings, and of such fences, parking spaces, drainage structures, culverts, and bridges; and the making of such other improvements, as in his judgment may be necessary for the preservation, beautification, and protection from disintegration of such park or reservation, including the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, and which may serve to render such park or reservation convenient for the appropriate use and enjoyment by the public.

SEC. 2. There is authorized to be appropriated the sum of $100,000, or so much thereof as may be necessary, to carry out the provisions of section 1 of this act; and authorization is also hereby given for such appropriations as may, in the future, be deemed necessary for the proper protection, preservation, care, maintenance, and operation of the said national park or reservation, including the salaries and compensation of a superintendent and other needed employees.

The SPEAKER. Is a second demanded?

Mr. CRAMTON. I demand a second.

Mr. MORIN. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MORIN. Mr. Speaker, I yield 10 minutes to the gentleman from Kentucky [Mr. THATCHER].

Mr. THATCHER. Mr. Speaker and Members of the House, in a few days we will celebrate in this country, and there will be celebrated throughout the civilized world, the one hundred and twentieth anniversary of the birth of one of the great spirits of this Nation. Down in Larue County, Ky., in what in February, 1809, was Hardin County, Ky., there was born Abraham Lincoln—born under conditions as humble, perhaps, as those which surrounded the birth of the Man of Sorrows. Here [exhibiting it] is a picture of the log cabin in which he was born. In the course of years, culminating in 1907, Robert J. Collier and other public-spirited people in this country, made up a private subscription fund, about $250,000 net—over $300,000 in all—for the purpose of purchasing the old Lincoln farm and building on this sacred spot an enduring memorial to this great man. The farm of his birth, 110½ acres, once owned by Thomas Lincoln, the father, was purchased by the Lincoln Farm Association, of which former Gov. Joseph W. Folk, of Missouri, was president. In 1916, during the administration of President Wilson, there was enacted by the Congress a bill or measure authorizing the acceptance, free of cost, by the United States, of this land and this memorial structure housing this log cabin, to be preserved through all the future; preserved for the benefit and enjoyment of all of our people, without cost or charge to them in the way of fees for the right to view this memorial, this farm, and this little cabin. Here [exhibiting it] is a picture of the memorial hall, a beautiful marble structure costing something like $250,000.

Mr. MILLER. Will the gentleman inform us as to the amount of land?

Mr. THATCHER. One hundred and ten and one-half acres. At the same time the Lincoln Memorial Association conveyed, by assignment, to the Government of the United States $50,000 in gilt-edged securities as an endowment fund, so that the interest or income derived therefrom might go toward the main-

tenance of this farm and this memorial, and toward the preservation from disintegration of this log cabin.

Mr. GARBER. Will the gentleman yield for a short question?

Mr. THATCHER. I will.

Mr. GARBER. Has it adequate highway communications to and from the place?

Mr. THATCHER. There is the Jackson Highway, a Federal aid project, running north and south through the farm, but there is no adequate approach to the memorial itself. Now, the Congress in 1916, by the act of July 17 of that year, placed all of this property under the administrative supervision of the Secretary of War.

The Secretary of War in the past has construed the law, as we understand it, as not being sufficiently broad to authorize the expenditure of the money necessary to construct the needed approach road and the other necessary improvements, and to take care of the property as it needs to be taken care of, with the result that during these 13 years that it has been under governmental control and ownership, with only the $2,000 of income being expended for caretaking, the farm has been growing up in bushes and briars, gullies are being washed, and the plaza in front of this marble memorial is at times covered with silt and mud to a depth of several inches. Also, the little spring where Lincoln as a boy drank, and which was the water supply of the Lincoln household, is being fouled and flooded in the rainy seasons. There are on the farm no adequate roads nor any parking spaces, and no conveniences have been provided for the visiting public. Yet, this is one of the greatest shrines in the country, and the Government of the United States, having taken over this property, is under, at least, a moral obligation to provide for its maintenance.

Mr. VINSON of Kentucky. Mr. Speaker, will the gentleman yield there?

Mr. THATCHER. Yes.

Mr. VINSON of Kentucky. What money has the Federal Government expended on this property to date?

Mr. THATCHER. No money, except the $2,000 a year; and two years ago there was appropriated $5,000 for work on the approach road; but it has been inadequate.

Mr. VINSON of Kentucky. The $2,000 was interest on the trust fund. No Federal money has been expended?

Mr. THATCHER. No; except a portion of the $5,000.

Mr. MOORMAN. Mr. Speaker, will the gentleman yield?

Mr. THATCHER. Certainly.

Mr. MOORMAN. The $5,000 which the gentleman referred to has not yet been all expended?

Mr. THATCHER. Only a portion of it.

A few months ago the Quartermaster General had a survey made of this whole situation, which, I say in all candor to this House, is a national disgrace because of the conditions that prevail there. The Quartermaster General in his survey found various needs to be taken care of in the way of roads, in the way of rest houses and comfort stations. And yet this is one of the great national shrines of America.

Mr. WURZBACH. Mr. Speaker, will the gentleman yield?

Mr. THATCHER. Yes.

Mr. WURZBACH. Has any suggestion been made or any estimate made by the Budget Bureau?

Mr. THATCHER. Some weeks ago the Secretary of War submitted a request for something more than $80,000 for needed improvements, but no action has been taken on that request. I have talked with the Director of the Budget, and he thinks there ought to be a basic measure or an authorization passed to take care of this situation.

The purpose of this bill is to give to Congress a clear-cut authority to make the appropriation. This bill so provides. If it becomes a law there must be submitted through the regular channels, under our Budget system, an estimate of the War Department, emanating from the Quartermaster General. That is because that is where the administrative care of this property now resides—with the Quartermaster General.

Mr. MOORMAN. As to roads, will you kindly explain the condition within the grounds?

Mr. THATCHER. From the Jackson Highway to the Lincoln Memorial there is a little approach road, in bad condition, about 8 feet wide. Now, remember, this is one of the greatest places in the country where people want to go, and yet they can not go under the present unfavorable conditions which there obtain.

Mr. MOORMAN. Is it not a fact that a visiting party tried to get in not long ago and could not get in on account of the road?

Mr. THATCHER. Yes. That is the fact.

Mr. MOORMAN. And thousands of people desire to visit that place?

Mr. THATCHER. Yes. It is true that thousands of the American people desire to visit that place. If there is any spot where people can draw the lessons and inspirations of patriotism, it is there at the Lincoln farm.

Mr. MOORMAN. Is it not a further fact that the Government, by having taken this property over, has prevented the Lincoln Memorial Association from functioning as a private institution to meet the situation?

Mr. THATCHER. Exactly. This property was deeded to the Government of the United States together with an endowment fund of $50,000; and President Wilson and the Secretary of War, Newton D. Baker, as appears of record in the House Committee on Military Affairs, by which committee this bill was unanimously reported, set forth the conditions of acceptance in a formal instrument executed by them on August 18, 1916.

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired.

Mr. MORIN. Mr. Speaker, I yield to the gentleman one minute more.

Mr. THATCHER. Now the statement is made that under basic law we have the authority to make the needed appropriation. Whether that be true or not, we are not getting the appropriation; the appropriation is not being made, and an estimate has not been submitted by the Budget Bureau. I am not criticizing the Budget Bureau; but the enactment of this measure will place beyond peradventure, the right, on the part of Congress, to make these appropriations.

Mr. MOORMAN. Is it not a fact that the Government now has this $300,000 property?

Mr. THATCHER. Yes. It was the idea that the Government would preserve and care for it. What we want to do is to make the situation clear, so that there will be no question on the part of the Secretary of War, or on the part of the Director of the Budget of the right to recommend the required appropriations. [Applause and cries of "vote!"]

Mr. Speaker, the proposed legislation is of an emergency character. For nearly 13 years the United States has held the ownership and exercised control of this property. It appears that through all this period the War Department has been under the impression that it was limited in funds for maintenance and improvement purposes to the interest or income on the $50,000 endowment fund to which I have already referred. During all these years, so far as I am advised, the War Department has not submitted to Congress, or to the Budget, until recently, any estimate of funds needed in the way of appropriations for any of these improvements. This nonaction appears to have been based upon the suggestion I have just indicated—namely, that War Department officials were under the impression that additional funds could not be appropriated except under some further legislative authority therefor.

The pending bill was introduced after its proponents had conferred with War Department officials, and it was not pressed until inquiry had been made of the Budget officials in relation to the subject. A month ago or more the Secretary of War finally submitted to the Bureau of the Budget an estimate for $80,000 for the indicated improvements; but this estimate has not been submitted by the Bureau of the Budget to Congress, and my information is that the Budget officers believe that further legislative authorization is required upon which to base the proposed expenditures for these greatly needed improvements.

The act of 1916 contains no specific provisions authorizing the making of appropriations for any purpose. The pending measure contains the necessary appropriation authorizations for all needed purposes.

The House Committee on Military Affairs unanimously reported in favor of the enactment of this bill, and an identical bill introduced in the Senate (S. 5228) received the like favorable report by the Military Affairs Committee of the Senate. Under leave given me I herewith include as a part of my remarks on the pending measure a copy of the letter written by the Secretary of War to the chairman of the Military Affairs Committee of the Senate giving approval of this measure, and indicating that it had been submitted to the Director of the Bureau of the Budget, who advised "that same is not in conflict with the financial program of the President." Also, under the leave thus given me, I include as a part of what I have to say on this subject certain extracts from the hearings before the House Military Affairs Committee, and from that committee's report, on the pending bill. The letter from the Secretary of War to the chairman of the Senate Committee on Military Affairs was dated January 21, 1929, and is as follows:

WAR DEPARTMENT,
Washington, January 21, 1929.

Hon. D. A. REED,
Chairman Committee on Military Affairs, United States Senate.

DEAR SENATOR REED: In compliance with your request of January 16, 1929, I am pleased to submit the following report on S. 5228:

The subject of the proposed legislation is "To provide for the improvement and preservation of the land and buildings of the Abraham Lincoln National Park or Reservation."

The applicable provision of existing law is an act approved July 17, 1916 (39 Stat. 385), which provides for the acceptance of a deed of gift or conveyance from the Lincoln Farm Association, a corporation, to the United States of America, of land near the town of Hodgenville, county of Larue, State of Kentucky, embracing the homestead of Abraham Lincoln and the log cabin in which he was born, together with the memorial hall inclosing the same; and, further, to accept an assignment or transfer of an endowment fund of $50,000 in relation thereto.

Under the provisions of the act approved July 17, 1916, the Government, under an agreement entered into August 18, 1916, took over the birthplace of Abraham Lincoln near Hodgenville, Ky., comprising a 110-acre farm, together with the improvements made thereon, and including a $200,000 marble memorial which was constructed to inclose the log cabin in which Lincoln was born; also a trust fund of $46,000 invested in bonds.

Since the time the Lincoln farm and memorial were taken over by the Government in 1916 the interest on the trust fund, which amounts at present to $2,040 per annum, has been expended in the maintenance and upkeep of the farm and memorial, and with the exception of $5,000, which was appropriated for expenditure during the current fiscal year, no other Government funds have been used for the maintenance and upkeep of this reservation. During the past year a study and investigation of the existing conditions and needed improvements was made, which shows that the farm and memorial are in a badly run-down condition and that approximately the amount of money authorized to be appropriated by the proposed bill will be needed to place them in a condition commensurate with their importance as a national shrine. These improvements can not be made until Congress has authorized the necessary appropriations.

In order that the Lincoln Farm and Memorial may be fittingly maintained, it is necessary that a sum in excess of the interest on the trust fund be expended annually for its maintenance and upkeep. It is, therefore, recommended that S. 5228 be amended as follows:

"Page 2, line 22, after the words 'provisions of' and before the words 'this act,' insert the language, 'section 1 of,' and in the same line, on the said page 2, after the words 'this act,' strike out the period and insert in its stead a semicolon and add the following language: 'and authorization is also hereby given for such appropriations as may in the future be deemed necessary for the proper protection, preservation, care, maintenance, and operation of the said national park or reservation, including the salaries and compensation of a superintendent and other needed employees.'"

As thus amended the bill meets the approval of the War Department.

If any additional information from the War Department is desired, I shall be pleased to furnish it.

If the Committee on Military Affairs wishes to have hearings upon the proposed legislation, the following-named officer is designated to appear before your committee: Col. William R. Gibson, Quartermaster Corps.

The proposed legislation has been submitted to the Director of the Bureau of the Budget, who advises that same is not in conflict with the financial program of the President.

Sincerely yours,

DWIGHT F. DAVIS,
Secretary of War.

Mr. Speaker, to use the apt phrase, "We are confronted with a condition and not a theory." In this matter we are operating under the Budget system. If it is impossible to secure the submission through regular channels of estimates for the needed appropriations under existing law, then there is no alternative but to broaden the basic act by this proposed legislation. If this bill is enacted, we have every reason to believe that there will be submitted to Congress the necessary requests and estimates for the appropriations which must be made in order that these improvements may be made. This bill confers upon Congress specific authority to make appropriations for the detailed needs at present involved, and section 2 also authorizes all needed appropriations for the future. The bill in its entirety, as amended by the House and Senate committees and as approved by the Secretary of War, follows:

A bill (H. R. 15657) to provide for the improvement and preservation of the land and buildings of the Abraham Lincoln National Park or Reservation

Be it enacted, etc., That for the purpose of protecting from disintegration and of improving, beautifying, and preserving the Abraham Lincoln National Park or Reservation established under the act entitled "An act to accept a deed or gift or conveyance from the Lincoln Farm Association, a corporation, to the United States of America, of land near the town of Hodgenville, county of Larue, State of Kentucky, embracing the homestead of Abraham Lincoln and the log cabin in which he was born, together with the memorial hall inclosing the same; and further to accept an assignment or transfer of an endowment fund of $50,000 in relation thereto," approved July 17, 1916 (U. S. C. title 16, secs. 211–214), the Secretary of War is authorized and directed to provide for (1) the improvement of such existing roadways, walks, and buildings in such park or reservation; and (2) the planting of such trees, plants, and shrubbery; the construction of such additional roadways, walks, and buildings, and of such fences, parking spaces, drainage structures, culverts, and bridges; and the making of such other improvements, as in his judgment may be necessary for the preservation, beautification, and protection from disintegration of such park or reservation, including the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, and which may serve to render such park or reservation convenient for the appropriate use and enjoyment by the public.

SEC. 2. There is authorized to be appropriated the sum of $100,000, or so much thereof as may be necessary, to carry out the provisions of section 1 of this act; and authorization is also hereby given for such appropriations as may, in the future, be deemed necessary for the proper protection, preservation, care, maintenance, and operation of the said national park or reservation, including the salaries and compensation of a superintendent and other needed employees.

There appeared before the House committee at the hearings on this measure Col. W. R. Gibson, of the Administrative Service of the Quartermaster's Department, and he testified touching the funds needed for the indicated improvements, as carried in this bill, and from the hearings his testimony is quoted, as follows:

STATEMENT OF COL. W. R. GIBSON, OF THE ADMINISTRATIVE SERVICE IN THE QUARTERMASTER GENERAL'S OFFICE

Colonel GIBSON. Those are the estimates.

Mr. THATCHER. And they show that something between eighty and one hundred thousand dollars would be reasonably required to put this property in suitable condition, including roads, parking places, and things of that sort

Colonel GIBSON. Yes, sir. That report was prepared under the direction of the commanding officer, Jeffersonville Quartermaster Depot, Jeffersonville, Ind., who has administrative control of the Lincoln farm. A great many reports had been received in the office of the Quartermaster General regarding the unsatisfactory condition of this farm, and in order that proper action could be taken to remedy these conditions the Quartermaster General directed the commanding officer of the Jeffersonville Quartermaster Depot to make a detailed survey of the conditions and to submit a complete report.

Prior to the present fiscal year, the Government has spent no money on the farm, other than the interest on the trust funds which amounts to approximately $2,040 per year. This amount has proved to be entirely insufficient, with the result that the roads, grounds, buildings, and fences have deteriorated. The entire farm is in a run-down condition and can not be placed in the condition which it merits as a national shrine without the expenditure of a considerable sum of money.

The amount asked for in the report is, in my opinion, the minimum required for improvements. This would enable us to rebuild and extend the road leading from the Jackson Highway to the memorial building, provide suitable parking space, build a comfort station and rest room, repair buildings on the farm, rebuild fences and definitely mark the boundary lines, plant trees, and landscape the farm, provide suitable drainage, which is a difficult problem, and make other needed improvements. When the farm is placed in first-class condition it can be suitably maintained from small annual appropriations.

I quote the following from the favorable report of the House Committee on Military Affairs:

PURPOSES OF THE BILL

A full hearing was accorded to the proponents of the measure, at which appeared Representative THATCHER, of Kentucky, author of the bill, and Representative MOORMAN, also of Kentucky, and in whose district the indicated property is located. In addition, a representative of the United States Quartermaster Department, Col. W. R. Gibson, chief of the administrative service of that department, upon request, appeared and verified estimates of cost of required improvements and work covered by the proposed $100,000 authorization.

The purpose of this legislation is (1) to authorize the sum of $100,000, or so much thereof as may be necessary, for the necessary improvement of the Lincoln farm property in Larue County, Ky., whereon Abraham Lincoln was born, and now formally known as the Abraham Lincoln National Park or Reservation, in order that the same may now be put into proper condition for its protection and preservation and rendered available for the use and enjoyment by the public, and (2) to authorize

such general appropriations as may in the future be deemed necessary for the proper protection, preservation, care, maintenance, and operation of this property. The farm consists of about 110½ acres.

HISTORY OF LINCOLN FARM

As already indicated, upon this tract of land and in a little log cabin yet preserved in the memorial building thereon, then in Hardin County, and now in Larue County, Ky., Abraham Lincoln was born. It was from this farm that Thomas Lincoln, the father, removed to southern Indiana, taking with him his family, including the child who in the course of years was destined to achieve immortal distinction. After a long period, and about the year 1906, this little plot of broken land was acquired by the Lincoln Farm Association—of which Robert J. Collier, the well-known publisher, was the leading spirit—a private corporation organized for the purpose of acquiring this property and building thereon a suitable memorial to the memory of Lincoln.

In addition, the association solicited and received popular subscriptions throughout the country for the purpose of constructing such memorial, with the result that the net sum of something like $250,000 was collected. Of this total about $200,000 was expended in the construction of a beautiful memorial hall or building of marble, and the balance, about $50,000, was invested in securities to constitute a fund, the income from which should be devoted to the preservation and maintenance of the property. In this memorial hall there was then placed, there to be permanently kept and preserved, the little old log cabin in which the great emancipator was born, and there it is to-day.

ENABLING ACT

In the year 1916, during the first administration of President Wilson, there was enacted by Congress the act of July 17, 1916 (ch. 247, 30 Stat. 386; U. S. C. title 16, secs. 211–214), authorizing and confirming acceptance by the United States of America of the title to this land, together with all buildings and appurtenances thereon, and "especially the log cabin in which Abraham Lincoln was born, and the memorial hall inclosing the same," described in the deed of conveyance executed on the 11th day of April, 1916, by the Lincoln Farm Association to the United States of America. The act also, by its further terms, declared and confirmed the acceptance by the United States of the $50,000 endowment already referred to. Section 1 of the act provides that—

"The title to such lands, buildings, and appurtenances is accepted upon the terms and conditions stated in said deed or conveyance, namely: That the land therein described, together with the buildings and appurtenances thereon, shall be forever dedicated to the purposes of a national park or reservation, the United States of America agreeing to protect and preserve the said lands, buildings, and appurtenances, and especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, from spoliation, destruction, and further disintegration, to the end that they may be preserved for all time, so far as may be; and further agreeing that there shall never be any charge or fee made to or asked from the public for admission to the said park or reservation."

Section 2 of the act provides that—

"The title to said endowment fund is accepted upon the terms and conditions stated in said assignment and transfer, namely, that the United States of America shall forever keep the said tract of land described in said deed, together with the buildings and appurtenances thereunto belonging, dedicated to the purpose of a national park or reservation, and that there shall never be any charge or fee made to or asked from the public for admission to the said park or reservation; and, further, shall forever protect, preserve, and maintain said land, buildings, and appurtenances, and especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, from spoliation, destruction, and further disintegration, to the end that they may be preserved for all time, as far as may be, as a national park or reservation."

For obvious reasons Congress, the executive branch of the Government, and those in charge of the affairs of the Lincoln Farm Association believed that upon the construction of the memorial hall and the housing therein of the Lincoln cabin, the same, together with the original Lincoln farm, should pass into the hands of the United States Government, to be forever preserved and maintained as a great historical and patriotic shrine for the use, enjoyment, and inspirational benefit of all the people.

A GIFT TO THE GOVERNMENT

Thus this property, which had cost about $250,000, came into the hands of the United States Government without cost to it. The whole was a gift to the Government made upon the solemn compact and agreement that the United States would dedicate the property as a national park or reservation, free for public use and enjoyment, and should forever protect, preserve, and maintain the same as indicated in the language of the enabling act, already quoted.

In the printed hearings on this bill will be found the deed conveying the Lincoln farm and structures to the United States; the instrument transferring to the United States the trust or endowment fund named in the act; and the formal instrument of acceptance in behalf of the United States, executed by President Wilson and Secretary of War Newton D. Baker, for all of this property, agreeably to the terms of said act. Special reference is here made to section 3, authorizing the execution of such instrument, and to section 4, placing the property under the control and administration of the Secretary of War; and under whose control and administration the property has since remained.

NEED FOR THE PROPOSED AUTHORIZATION

It appears that the Secretary of War has expended no funds in the improvement, preservation, and maintenance of the property beyond those received as interest or income on the securities making up the trust or endowment fund already mentioned; this income is about $2,000 a year, and has proven absolutely inadequate not only for the preservation, maintenance, and protection of this property, but also for its greatly needed improvement; and Congress has made no appropriation therefor. Hence, there having been transferred to the United States of America all of this property, and having been accepted by the United States under the solemn compact or agreement, as set forth in the act of Congress, and the instrument executed in conformity therewith, forever to preserve and maintain for the use and benefit of the public as a national park or reservation the Lincoln farm and structures thereon, the United States Government will be most derelict if it fails to carry out its agreement.

Because funds for substantial protection and improvement of the property have not been provided, the grounds have fallen into a state of dangerous deterioration. Not only this but there have never been provided proper roads, parking spaces, drainage facilities, fencing, rest houses, plantings, and the like, necessary to put the property in the condition in which it should be placed and maintained.

At present, as fully set forth in the hearings, the grounds around the memorial building and the old Lincoln spring are periodically flooded by rains and become veritable swamps; there is no adequate roadway approach to the memorial from the Jackson Highway, a greatly traveled north and south public thoroughfare, and Federal-aid project, which runs through the Lincoln farm.

There should be a better approach to the memorial constructed, and also adequate parking spaces. In addition, means for proper draining of the property should be provided; and the fencing and planting of trees and shrubs in certain sections of the farm, to protect and beautify it, should be made. At present, portions of the farm are being washed into deep gullies, and these contribute not only to the unkempt and unsightly appearance of the grounds, but also add to the general deterioration of the property. Last year, under direction of the Quartermaster's Department, a careful survey was made of the conditions on the Lincoln farm, and a formal report was submitted to the Quartermaster General showing the pressing needs in the matter of improvement and preservation of this property. The detailed estimate submitted with that report shows that it will cost not less than $80,101.97 to put the property in proper condition. This detailed estimate appears in the printed hearings on the bill. Some of the major items of the estimate follow:

For fencing, $2,000; for reconstruction of present approach road, $11,410.30; for continuation of present approach road around the rear of memorial building to old log house on the farm, $28,000; for filling in gullies and erosions, $1,050; for installation of tile, etc., for drainage purposes, $950; for construction of 14,000 square feet of parking area near the memorial, $15,609.27; for replacement of present gravel on landings in steps to memorial building and walks around building with brick, $1,797.40; for construction of rest rooms, septic tank, sewage disposal, and connection to water supply, $12,000; for installation of new pumping unit, cleaning out the old well, and renovating old water tank, $800; for additional labor needed for care of property, $1,860. Other items of a minor nature make up the difference involved in the total above referred to. Also in the hearings will be found other extracts from the report of the Quartermaster's Department, referred to, touching the urgent needs involved, and much other valuable information, including a brief history of the Lincoln cabin now preserved in the memorial.

The amount received in annual income on the investment fund pays something in the way of compensation to the caretaker and some part-time help, but, of course, does not afford any margin for substantial improvements on the property.

Recently the Secretary of War submitted to the Bureau of the Budget a recommendation for an appropriation for the above-named sum, $80,101.97, for the indicated purposes; but the Budget officers have indicated their judgment that in order to provide an appropriation for these improvements it will be necessary for a bill authorizing such appropriation to be enacted. Hence, the present measure was introduced to provide this authorization, and also to authorize in the future such further appropriations as may be deemed necessary for the proper care, preservation, maintenance, and operation of this property. A committee amendment to section 2 was adopted after conference by Representative THATCHER with Budget and War Department officials. This

amendment, if adopted, will authorize such future appropriations as may be required for the purpose just indicated. Any such appropriations will be in addition to the annual income which will be received from the investment fund, and that income will, of course, reduce by its amount the total of such appropriations, which in the future may be thus required.

Since the estimates of the Quartermaster's Department indicate that something more than $80,000 is needed for the purpose of placing the property in condition to be properly preserved and to be properly used and enjoyed by the general public—as was contemplated by Congress and the executive branch of the Government when the property was taken over by the Government—the pending bill carries an authorization for present improvement purposes of $100,000, or so much thereof as may be necessary. If the bill becomes a law, estimates and justification for the needed improvements will have to be submitted through regular channels and appropriations made by Congress upon the usual hearings obtaining in such matters. All these proposed improvements will be on the Lincoln farm or reservation, and none outside of it.

Under the intolerable conditions which obtain at present the general public can not have proper access to this historic spot, nor the simplest conveniences when visiting it. Because of the lack of proper roadways and parking spaces, visitors at certain seasons must trudge through mud and slush in order to visit the memorial and to see therein the Lincoln cabin; and also when visiting the memorial in any numbers they are unable to find parking space for their cars and are subjected to every form of inconvenience.

The committee deems it unnecessary to argue further the merits of the proposed measure. The obligation of the United States Government is of the most sacred character and should be discharged. This property is going to rack and ruin because there have not been made the necessary improvements for its care and preservation, and because of the impossible physical conditions obtaining the people are being denied the right to visit this great shrine and to receive the inspirational value of such contact.

Under the circumstances involved any continued failure to make the necessary improvements and to render this historic site fully available for the use and enjoyment of our people would, in the committee's judgment, be considered as nothing less than a national disgrace. Definite and adequate action should be at once taken.

The indicated improvements should be made, and made without further delay, and the property put in suitable condition, and thus maintained, so that the purposes and intent of Congress in the act of acceptance, and the purposes and intent of the donors of the property and of the executive branch of the Government may be carried out.

Certainly, Mr. Speaker, if the appropriations could be secured without the necessity of further legislation, such result would have been greatly preferred, for the time and effort necessary to secure this enactment would have been avoided. The proponents of this bill, however, knowing the needs involved—as the officials of the War Department also know them—and finding it impossible to secure the submission to Congress, under existing law, of the required estimates, and after conferences with the various executive officers who must deal with the subject, have proposed this bill and have asked its enactment, feeling assured that if and when it shall become a law all these officials will agree that their right to ask for the needed funds will be of the most undoubted character, and will act accordingly.

In the absence of such enactment we can hardly hope to secure the necessary appropriations. Since between eighty and one hundred thousand dollars will be required to put this property in condition for preservation and public use, it is not to be hoped that in the absence of a Budget recommendation therefor an appropriation may be secured. Even if included in an appropriation bill, a point of order might be made against the item. Why not make the authority clear? For these reasons this bill should be enacted—and enacted without delay—so that there may come through the Bureau of the Budget the estimates for the required appropriations and the items included in the last deficiency bill of this session.

Mr. Speaker, this spot, this shrine, is of too sacred a character, and the obligation of the United States is of too solemn a nature, to permit of any further delay on the subject of the proper improvement and preservation of this property. Let us enact this bill into law, and the questions at issue will be forever settled and this holy place will be, for all time, rendered available for the use, enjoyment, and inspirational benefit of the people.

Mr. MORIN. Mr. Speaker, I yield four minutes to the gentleman from Kentucky [Mr. MOORMAN].

The SPEAKER. The gentleman from Kentucky is recognized for four minutes.

Mr. MOORMAN. Mr. Speaker and ladies and gentlemen of the House, I have the honor to represent the fourth district of Kentucky, from which Abraham Lincoln came. [Applause.] I have an intimate knowledge of the situation that prevails at his birthplace. In my humble opinion, it is a disgrace to the name of the proud Nation that accepted the gift of $300,000 of the money of the people of my State and the Nation. That $300,000 was largely contributed 10 cents and a quarter of a dollar at a time by the school children and citizens, and the Lincoln Memorial Association came here and made a sacred contract with the United States by which the Government took over this property 13 years ago; and to-day the same conditions prevail there that prevailed then. I respectfully refer you to my speech delivered on January 17 for the details. The sacred contract made April 12, 1916, is to-day unfulfilled. It provided:

The title to such lands, buildings, and appurtenances is accepted upon the terms and conditions stated in said deed or conveyance, namely, that the land therein described, together with the buildings and appurtenances thereon, shall be forever dedicated to the purpose of national park or reservation, the United States of America agreeing to protect and preserve the said lands, buildings, and appurtenances, and especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, from spoliation, destruction, and further disintegration, to the end that they may be preserved for all time, so far as may be; and further agreeing that there shall never be any charge or fee made to or asked from the public for admission to the said park or reservation.

And, as to the endowment fund, said bill provided:

The title to said endowment fund is accepted upon the terms and conditions stated in said assignment and transfer, namely, that the United States of America shall forever keep the said tract of land described in said deed, together with the buildings and appurtenances thereunto belonging, dedicated to the purpose of a national park or reservation, and that there shall never be any charge or fee made to or asked from the public for admission to the said park or reservation; and, further, shall forever protect, preserve, and maintain said land, buildings, and appurtenances, and especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, from spoliation, destruction, and further disintegration, to the end that they may be preserved for all time, as far as may be, as a national park or reservation.

It was contemplated by the act in the minds of the contracting parties, that there would be all necessary repairs and future development. Section 3 specifically provides:

That the President of the United States of America and the Secretary of War are hereby authorized to execute, in the name of the United States of America, such instrument or instruments as may be or may become necessary to comply with or carry out the terms and conditions of such gift or gifts and to secure the full benefit therefrom.

I said:

The Lincoln Farm Association had collected together the essentials to create this national shrine. Congress accepted it and agreed to do such things as necessary "to secure full benefit therefrom." Otherwise the association would have continued to function by collecting more money by popular subscription, thereby maintaining and improving the place to meet present conditions.

At this time it is impossible for the thousands of people from America and other countries to come there and view that sacred spot with comfort or real pleasure. Recently 17 automobiles, carrying 40 people each, came there at one time. The road is only 10 or 12 feet wide, and those conveyances undertook to go down to that shrine, but they could not all get there. There was great confusion and discomfort, and there were comments which made us ashamed of ourselves. Deterioration, waste, and regret command one's attention. It is not the fault of Kentucky, and it is not the fault of those patriotic, liberty-loving people who made the gift to the Government. They turned over that sacred cabin, inclosed in a $225,000 marble memorial building, 110 acres of land and appurtenances, and an endowment fund of $50,000, making in all $300,000, under the sacred promise that this shrine would be maintained in proper order and so as to get the maximum use of it from that day until now. What is the result? Thirteen years have elapsed and nothing has been done. Conditions have been and are growing worse each day. A mere pittance of $5,000 was appropriated, and only about $2,500 of that amount has ever been used. The War Department knew the sum was inadequate, as their report shows.

We made application to the Bureau of the Budget and to the War Department, under whose jurisdiction this comes, and they advised us to introduce a bill. We have now introduced a bill, and we are told that it is a mistake. I did not think it was necessary under the law, but the failure to act made it so.

I come here as one of that species that is now about to become extinct down in Kentucky, a Democratic Representative, and I respectfully implore you, regardless of your politics and re-

gardless of the side of the House on which you sit, to give this bill your support and help honor the name and memory of a man my district loves. [Applause.] This is no time nor place for eloquence, but our country must save its honor and keep its word.

Mr. BURTNESS. Will the gentleman yield?

Mr. MOORMAN. Yes.

Mr. BURTNESS. The situation the gentleman has disclosed is disgraceful, of course, and should be corrected, but there is one question which occurs to me.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. MORIN. Mr. Speaker, I yield the gentleman one-half minute additional.

Mr. BURTNESS. I notice that the bill provides not only for the building of fences, the improvement of roads, the construction of sanitary conveniences, providing parking spaces, and so forth, but also provides for beautifying the place by the planting of trees and shrubbery and making a park out of it. Now, it occurs to me that the general public would be more inspired by seeing the physical farm as it exists there, but properly protected. It seems to me they would rather see it substantially as it was at the time of the birth of Lincoln than to have it changed into a park.

Mr. MOORMAN. There will be a real old rail fence to protect this place. We are going to preserve the Lincoln farm and the buildings and appurtenances in such manner as to meet the ideas advanced by my interested colleague.

Mr. CRAMTON. Mr. Speaker, I have no idea that I will be able to secure the defeat of this bill, so great is the regard of every Member for the memory of Lincoln, but, as a matter of fact, that is not involved in this bill at all.

I have been much surprised to have recognition given for the consideration of this bill under suspension of the rules. There are so many bills of importance on the calendar that I had not supposed it would be easy to get recognition to bring up this bill, a bill which is absolutely unnecessary. It had not been reached on the Unanimous Consent Calendar until to-day. To-day was the first time it was called. When it was called I pointed out the law which authorizes these appropriations, just as much as the bill now pending authorizes them. In other words, the passage of this bill will add nothing in authority for appropriations for this very desirable purpose.

Mr. MOORMAN. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. MOORMAN. If the gentleman believes we already have that authority, how can it hurt to pass this bill?

Mr. CRAMTON. Why do we not spend our time here in passing a multitude of entirely useless bills when there are so many important measures awaiting consideration?

Any parliamentarian in the House will agree with me, I know, that the language I am about to read from the fundamental act authorizes appropriations for this purpose, and all the pending bill does is to authorize appropriations.

I will read from the fundamental act:

> The United States accepts title to the lands mentioned in the deed of gift or conveyance now in the possession of the Secretary of War, together with all of the buildings and appurtenances thereon, especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same; * * * that the land therein described in such deed or conveyance * * * shall be forever dedicated to the purposes of a national park or reservation, the United States of America agreeing to protect and preserve the said lands, buildings, and appurtenances, and especially the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same from spoliation and destruction and further disintegration to the end that they may be preserved for all time. * * * And further shall forever protect, preserve, and maintain said lands, buildings, and appurtenances, and especially the log cabin, * * * to the end that they may be preserved for all time as far as may be as a national park or reservation.

Now, under our rules there are numerous precedents. It is not disputed by any parliamentarian that when we pass an act imposing a duty on a branch of the Government that act itself is basis for appropriations to carry out such responsibility. This act places on the Secretary of War this responsibility. It authorizes appropriations. The bill that is now being presented does not add anything whatever to that authority.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. VINSON of Kentucky. As I understand, a favorable recommendation could not be secured from the War Department, and the O. K. of the Budget could not be secured. Let us assume we would offer an amendment on the floor to the appropriation bill; I think I can hear the gentleman from Michigan saying that it did not have the O. K. of the Budget.

Mr. CRAMTON. The gentleman has no right to assume that, but I will say——

Mr. VINSON of Kentucky. I have heard the gentleman so many times say that.

Mr. CRAMTON. I will say this to the gentleman from Kentucky that if such an amendment was offered on the floor to the appropriation bill he would not hear the gentleman from Michigan make the point of order that it was not authorized by existing law, because I know it is authorized, and if the gentleman from Kentucky wants to bring that question up, why did not the gentleman from Kentucky [Mr. THATCHER] or the gentleman from Kentucky [Mr. MOORMAN], if they knew of these conditions—I did not know of them—offer an amendment to the War Department appropriation bill, and this House would have voted it, and the gentlemen would have had their money in the pending War Department appropriation bill.

Mr. THATCHER. Will the gentleman let me answer for myself, inasmuch as he called me by name? Because I know that of all men the gentleman would have been the first to interpose a technical objection. [Applause.]

Mr. CRAMTON. Well, now, Mr. Speaker, I will say this to the gentleman from Kentucky [Mr. THATCHER], that there is no one in this House who spends more time getting money out of the Treasury and less time in keeping it there than the gentleman from Kentucky. [Applause.] So I necessarily give the gentleman special attention, but I know the rules of the House, and if I had been interested in this proposition, I will say to the gentleman from Kentucky, as the gentleman professes to be, I would not have tried to get the limelight with a bill here with my name on it, but I would have offered an amendment to the War Department appropriation bill and would have had the money. [Applause.]

The SPEAKER. The question is, Shall the rules be suspended and the bill passed?

The question was taken; and on a division (demanded by Mr. SCHAFER) there were—ayes 230, noes 21.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

AMENDMENT OF FOREIGN SERVICE BUILDINGS ACT

Mr. PORTER. Mr. Speaker, I move to suspend the rules and pass as amended the bill (H. R. 15735) to amend the Foreign Service buildings act, 1926, as amended.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass the bill H. R. 15735 as amended. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Foreign Service buildings act, 1926, as amended (U. S. C. Supp. I, title 22, secs. 292–299; 45 Stat. L. p. 971), is amended by adding at the end thereof the following new sections:

"SEC. 9. At the request of the Foreign Service Buildings Commission, the President is authorized to detail such officers, warrant officers, and enlisted men of the Army and the Navy, as in his judgment may be necessary, to the Department of State for duty in connection with the exercise of functions under the provisions of this act, the number so detailed not to exceed 10 on any one project.

"SEC. 10. During the period of such detail any such officer, warrant officer, or enlisted man shall receive the pay and allowances of his respective rank or rating, and the period of such detail shall be counted in computing longevity and retirement, in the same manner and to the same extent as if such officer, warrant officer, or enlisted man was serving with the military or naval forces.

"SEC. 11. Notwithstanding any other provision of law, any officer, warrant officer, or enlisted man detailed for duty under this act shall be entitled to receive rental allowances while serving outside the continental limits of the United States, whether or not public quarters are available and occupied by any such officer, warrant officer, or enlisted man."

The SPEAKER. Is a second demanded?

Mr. LAGUARDIA. Mr. Speaker, I demand a second.

Mr. PORTER. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. PORTER. Mr. Speaker, the pending bill gives to the Secretary of State, under the direction of the Foreign Service Buildings Commission, authority to secure the services of officers of the Army and the Navy to superintend the construction of embassies, legations, and consulates in various parts of the world.

The Foreign Service Buildings Commission consists of the Secretaries of State, Treasury, and Commerce, the chairman and ranking minority member of the Committee on Foreign

Relations of the Senate and the chairman and ranking minority member of the Committee on Foreign Affairs of the House.

We are ready to begin construction in a number of places throughout the world and the problem of proper supervision of the work, which is vital to securing a proper return for the money of the Government, is a matter of very great importance. It is customary to superintend work of this kind everywhere. The duty is usually performed by the architect. But in many of these places, some of them quite inaccessible, it would be impossible to have this work properly done unless we are certain that it will be superintended by men from the Government service.

The commission, therefore, reached the conclusion that the safe thing to do was to secure this authorization to detail Army engineers, or in some instances engineers of the Navy, as superintendents. It is especially necessary because the work is largely reinforced concrete, and it is absolutely necessary to put the proper ingredients into the mixture.

Take, for instance, Calcutta, the plans are about ready for an office building and apartment. It is an emergency case, as many are. For instance, last year the turnover in the commercial service was over 100 per cent on account of ill health. The buildings will be concrete.

There is another provision in the bill which follows the policy of Congress in regard to the river and harbor improvements in cases where it will be impossible to secure competent contractors. Take for instance Tegucigalpa, Honduras. I have in mind another city where there is only one contractor. The commission desires to be in position whereby, if necessary, it can do the work where we can not get satisfactory contracts.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. PORTER. I yield.

Mr. LAGUARDIA. What status do these military officers assigned to these places have? Are they attachés?

Mr. PORTER. They have no status.

Mr. LAGUARDIA. Does the gentleman think we can send a sailor or a soldier into a country unless he is a military attaché?

Mr. PORTER. They hold a position in the Government. We shall send only one man, except to the important places, where we may send four or five men. We may have to send additional men where we do the work ourselves. We will need two or three warrant officers as bookkeepers or clerks in these instances.

Mr. LAGUARDIA. Why can not you take employees from the Treasury Department accustomed to building and this kind of work, and then we will not have any complications?

Mr. PORTER. There is no danger of any complications. We are doing it now; we are doing it in Haiti.

Mr. SCHAFER. Will the gentleman yield?

Mr. PORTER. Yes.

Mr. SCHAFER. Why should warrant officers obtain rental allowances if there are public quarters available?

Mr. PORTER. That is following the general law. Mr. Speaker, I reserve the balance of my time.

Mr. LAGUARDIA. Mr. Speaker, this bill is not as innocent as it looks. It is a departure from custom and the gentleman from Pennsylvania has presented no reason why it is necessary to detail officers and soldiers of the Army and the Navy and the Marine Corps to foreign countries to assist and participate in superintending the building of embassy structures. Now, gentlemen, if you read the report there is not one single word from the Secretary of State, and I doubt very much whether this bill has the indorsement of the Department of State. Under the present practice and custom of generations of use, military and naval officers may be assigned to foreign countries only as duly accredited attachés of the legation or embassy.

Mr. PORTER. Will the gentleman yield? It has the indorsement of the Foreign Service Buildings Commission, consisting of three Cabinet officers and four Members of Congress.

Mr. LAGUARDIA. Is the Department of State as such interested in the proposed sending of these sailors and soldiers into foreign countries to look out for the contracts and buildings?

Mr. WAINWRIGHT. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WAINWRIGHT. Does the gentleman know whether the War Department or the Navy Department, who will have supervision over these men, have been consulted and have been given an opportunity to make any comment upon this bill?

Mr. LAGUARDIA. Of course the big question here relates to our relations with foreign countries in sending members of the armed forces there who have no diplomatic connection.

Mr. WAINWRIGHT. My question is whether the armed forces of the United States can be used in any capacity without the particular departments having them in charge consenting to it.

Mr. PORTER. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. In a moment. If the Members of the House will read the bill, they will find that it even provides for sending a medical officer along with each detachment, and it looks like a regular military mission. Picture the complications that would arise if any of these soldiers who are sent to supervise the mixing of the concrete, as described by the gentleman from Pennsylvania [Mr. PORTER], should get into a fight with native laborers. We would immediately have a complicated international situation, because it would be immediately charged that natives of a foreign country assaulted officers of the American Army or Navy. If the only purpose of the bill were to obtain supervision over contractors, or to get the necessary experienced talent where we are putting up buildings by ourselves, this commission might call on the Treasury Department, which has a trained building force that is now constructing a hundred million dollars' worth of buildings, and not take inexperienced men from the Army and Navy.

Mr. COLE of Iowa. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. COLE of Iowa. The only purpose of that is that the Army and the Navy men may be on the ground, and why not utilize them for that purpose, instead of going to the expense of sending men from Washington to do a very small job of supervising?

Mr. LAGUARDIA. Very well. Then I say to the gentleman from Iowa that if there were a bill before the House providing that where officers, warrant officers, or enlisted men of the Army and the Navy are on foreign service at a place where the Foreign Service Commission is constructing a building, that such officers and men may be detailed to that work, there would be no serious objection to it. But this bill is such a departure from precedent, something so novel, so unnecessary, as to make the bill silly. The very idea is silly. I ask the gentleman from Pennsylvania what is meant by this language:

> The President is authorized to detail such officers, warrant officers, and enlisted men of the Army and the Navy, as in his judgment may be necessary, to the Department of State for duty in connection with the exercise of functions under the provisions of this act.

Mr. PORTER. It means just exactly what it says, the exercise of functions under the provisions of this act. The officers detailed superintend the construction of the work, and it is a very important matter. I can not emphasize this too much.

Mr. LAGUARDIA. Why is it important to have soldiers and sailors do that.

Mr. PORTER. Instances are bound to arise where the Government will have to do the work itself, which will require yeomen or two or three soldiers as timekeepers and bookkeepers to perform duties of that sort.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield to me?

Mr. LAGUARDIA. Yes.

Mr. GARRETT of Tennessee. The confusion has been rather considerable during this argument and I have not been able to get all that has been said. Do I understand now that this is to authorize the detailing from the Army of officers or men in uniform to render certain services in connection with the construction of embassy buildings or buildings where our ministers are to be housed, provided for under the laws that we have passed within the past few years?

Mr. PORTER. Yes; although I doubt very much that they would wear uniforms. I see no necessity for it.

Mr. GARRETT of Tennessee. But the bill authorizes them to do that; does it?

Mr. PORTER. Yes; they could if they wanted to.

Mr. GARRETT of Tennessee. Does not the gentleman from Pennsylvania think that that might be extremely dangerous? We certainly do not expect or desire to try to construct buildings for our ministers or our ambassadors in any country in which we have to use soldiers to do it.

Mr. PORTER. No; it is not intended in that sense at all. We must exercise a proper oversight over construction, and this is the best way to do it. As a matter of fact there would be very few cases where there will be over two or three of our men on the ground; in many cases only one. We naturally look to the Army and the Navy Departments, because they have trained men. I will say to the gentleman from New York, the Navy Department was represented before the committee and supported this measure. It is the only way that we have of assuring a proper return for the taxpayers' money.

Mr. GARRETT of Tennessee. It still seems to me to be a very peculiar thing that we should utilize men in uniform, I do not care how capable they are, who will have anything to do with the construction of buildings for the occupancy of ministers and ambassadors in other countries.

Mr. DENISON. Will the gentleman yield?

Mr. GARRETT of Tennessee. The gentleman from New York has the floor.

Mr. LAGUARDIA. I will yield.

Mr. DENISON. As I understand, although I may be misinformed, we have a great many men in the Engineer Corps, both Army and Navy, who have experience in this kind of work. It does not necessarily follow that they be in uniform; we have that class of men selected for construction work on our rivers and harbors and other construction work, flood-control work, and so forth, and if we want to have intelligent men supervise or look over the building of these buildings in foreign countries it seems to me we might well use this class of men for that purpose rather than to go to the expense of employing high-priced engineers from private life. I can not see any objection, merely because when they are on duty in the Army and Navy they have to wear uniforms, I do not see any objection to detailing them to look after such construction work.

Mr. LAGUARDIA. Will the gentleman state the status these men have in foreign countries. River and harbor work is all on American soil under the jurisdiction of the United States Government.

Mr. DENISON. When we build an embassy or legation building in a foreign country we are carrying on the business of our Government with the permission of that government, and we have a right to send anybody we want to.

Mr. LAGUARDIA. I beg to differ with the gentleman. Does the gentleman intend to say that when a foreign government builds an embassy in Washington, D. C., it can send over here anybody it wants to in violation of the immigration law, in violation of the treaties, in violation of the labor laws, in violation of the health laws? Of course, it can not, and such a proposition is silly.

Mr. DENISON. I do not mean to say that, and I did not say it, and the gentleman can not properly draw any such inference from what I said. We do not intend to do anything contrary to the laws of other countries.

Mr. LAGUARDIA. We have no greater right in a foreign territory than a foreign government has in our territory.

Mr. DENISON. The gentleman knows this bill does not contemplate our Government violating the laws of any country. Our Government would not do such a thing. We could not authorize it if we wanted to do so. This merely authorizes the detail of some men of the Army or the Navy or the Marine Corps to look after the building of our buildings in foreign countries.

Mr. LAGUARDIA. But the gentleman from Pennsylvania, the chairman of the Committee on Foreign Affairs, has not provided in his bill the status of these men in foreign countries under the treaties.

Mr. CRAMTON. If the gentleman will yield, of course, we have an Engineering Corps engaged in river and harbor improvements and works of that kind of an engineering character. Can the gentleman from New York or the gentleman from Pennsylvania state any use that is made of Army or Navy officers in construction work—I am speaking of construction work upon buildings—other than for the use of the Army or the Navy itself? We did not use them in the hospitals or the Veterans' Bureau——

Mr. JOHNSON of Washington. San Francisco fire.

Mr. PORTER. They supervised the buildings in Haiti——

Mr. CRAMTON. That is for the Army.

Mr. PORTER. If you will go to Port au Prince you will find four buildings put up there by the marines.

Mr. CRAMTON. That is aside from my statement. I am asking whether we use Army and Navy officers in Government construction work in this country other than in the Army itself or in the Navy itself? We do not put them at work on our post-office buildings, do we?

Mr. DYER. They put them on river and harbor work—engineers.

Mr. CRAMTON. I am speaking of buildings.

Mr. DYER. All the public buildings are put up under the Treasury except those for the Army and the Navy.

Mr. TABER. Mr. Speaker, will the gentleman yield to me?

Mr. LAGUARDIA. I yield to the gentleman from New York.

Mr. TABER. My understanding is that the Army and Navy at the present time—in the Navy in the Bureau of Yards and Docks and in the Army in the civil engineer section—they have not enough men to take care of more work than they are doing themselves. It seems inexpedient that we should send those men over the water to do this work. We ought to hire civilian help.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SCHAFER. The British are building an embassy in Washington. What would Congress think if the British Government were to send 10 or 15 soldiers from their army to put up that building?

Mr. LAGUARDIA. They would not get very far. This bill takes men inexperienced in construction work, and take a hard-boiled quartermaster sergeant who gets into a row with his laborers; instead of a labor problem you are going to have an international problem on your hands.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. GARRETT of Tennessee. It seems to me if we have more people in the Army and Navy than can be used for the purposes that the Army and Navy are created for, we ought to dismiss the surplus, and if we have no more than we need we ought to keep as many as we need. It certainly does seem to me that we are treading on rather dangerous ground when we propose to take a part of the military force away from the service they enlisted for and put them into the matter of building in foreign countries.

Mr. LAGUARDIA. Mr. Speaker, I think that is a very good place to stop, so I will reserve the balance of my time.

Mr. PORTER. Mr. Speaker, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

The SPEAKER. The gentleman from Maryland is recognized for five minutes.

Mr. LINTHICUM. Mr. Speaker, I think the gentleman from New York [Mr. LAGUARDIA] and the gentleman from Tennessee [Mr. GARRETT] misinterpret the intention of this committee. Congress appropriated a sum of $10,000,000 a few years ago, to be expended in the building of United States embassies and office buildings throughout the world. There are a number of these projects to go up. Some of them are under contract and in some out-of-the-way places it may be necessary to build them by day labor.

Now, the Foreign Service Building Commission feels a very deep responsibility in connection with the expenditure of this $10,000,000 and it wishes to throw around it every safeguard possible; to see that none of the money is lost or wasted and that no more money is paid than is necessary for those projects. We want to see the Government get a full dollar's worth of work for every dollar. We want to see that contractors live up to their contracts and put up buildings in accordance with the plans and specifications. The intention of this bill is merely this: If your Foreign Service Commission feels that a man is necessary for such a project, to get the President to detail him to do that. When you gentlemen voted for $24,000,000 to be spent as the President thought proper in prohibition enforcement, I think you can feel perfectly safe that the President is not going to detail any man to any country unless that detail is perfectly satisfactory to that country.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. LINTHICUM. I regret I can not. I will ask that you get more time if you desire it.

It is necessary to see that this work is done properly. Sometimes the man is called "the clerk of the work." If the work is done by day labor without a contract, it is necessary to put a capable man there to see that the work is done in proper proportion. In another case it may be necessary to have a private soldier detailed on that work, or a man from the quartermaster's department who is thoroughly acquainted with building, to see that the contract is properly carried out.

What we are trying to do is to place every safeguard possible around the expenditure of your money. You gave it to us to spend. We want to perform our duty faithfully, and we want to avail ourselves of our people in this country in whom we have confidence who can help us. We feel a deep responsibility in this expenditure of $10,000,000. Now I yield to the gentleman from New York.

Mr. LAGUARDIA. In a place where we have an ambassador and counsel to the embassy and first, second, and third chargés d'affaires and a disbursing officer, is it necessary to send a quartermaster to see that the work is properly done?

Mr. LINTHICUM. I do not think the counsel has the time to devote to it. I know very well that the ambassador has not the time to spare. In fact, I know that no man in these embassies has time to devote to this work.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. STEVENSON. What kind of a crossroads place is it that is so small that the Government, when it is going to build a building there, can not get a contractor to build it?

Mr. LINTHICUM. In Central America and in China there are several places where you can not get a man with whom to make a contract.

Mr. STEVENSON. Are those the proper places in which to spend this money?

Mr. LINTHICUM. Some of these countries are very unhealthy and it is necessary to place men under proper sanitary conditions to carry on these buildings.

Mr. LEHLBACH. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. LEHLBACH. I would like to ask whether the gentleman knows of any instance where the Treasury Department has called for the detail of Army or Navy personnel to supervise the construction of buildings in this country or whether they do not hire supervisors when they need supervisors.

Mr. LINTHICUM. Of course, in this country you can get all the people you want, your own people, but what we want in these foreign countries is some of our own people to see that the work is properly done.

The SPEAKER. The time of the gentleman from Maryland has expired.

Mr. PORTER. Mr. Speaker, I yield the gentleman the balance of my time.

The SPEAKER. The gentleman is recognized for five additional minutes.

Mr. KORELL. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. KORELL. The question was asked a minute ago whether the officer personnel of the Army or Navy had ever been called upon to render service of this character in the past. I would like to ask if the gentleman recalls that when the Government buildings were under construction in Porto Rico, the local contractor fell down on the work and the Navy thereupon sent officers from the department to complete the work and that they completed it at much less cost than the contractor had originally figured?

Mr. LINTHICUM. I recollect that very well. I also recollect the case when they were building the President's palace in Haiti. There the contractor fell down and our Navy men went down there and completed that contract according to the plans and specifications, and the contractor got $100,000 for that because the Navy men did so well and efficiently.

Mr. KORELL. Will the gentleman yield further?

Mr. LINTHICUM. Yes.

Mr. KORELL. The gentleman knows, I presume, that the War Department is now using its officer personnel to survey the potential water power of the country for irrigation purposes and for river and harbor work; also for flood-control work?

Mr. LINTHICUM. Certainly, and they are doing splendid work, too.

Mr. CRAMTON. Will the gentleman yield to me?

Mr. LINTHICUM. Yes.

Mr. CRAMTON. Let me direct the attention of the gentleman to the fact that the bill does not limit the use of these men to supervision of construction. It permits their detail for any purpose in connection with the exercise of the functions of the building act; that is to say, if a member of the commission were to go to South America on an inspection trip, this bill authorizes the appointment of a general and a couple of majors as his aides on that inspection trip. The bill is not limited to construction work.

Mr. LINTHICUM. The gentleman has too much regard and too much respect for the President of the United States to believe he would detail a force of that kind to accompany anyone making an inspection trip in South America or to any other country. I want you to understand, in the first place, that you have the Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce; then, besides that, you have four Members of Congress composing this commission. This commission must first ask the President to detail a man; then the President considers it, and if he thinks well of it he does it. If not, he does not do it. I think the situation has every safeguard thrown around it.

Gentlemen, in conclusion, I want to say that the matter is entirely with you. We are trying to carry out your orders in the best way possible. We are trying to get you a dollar for a dollar and the best buildings that can be constructed. We are trying to safeguard the spending of the taxpayers' money. [Applause.]

Mr. LAGUARDIA. Mr. Speaker, I yield four minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, I do not like to oppose a bill that is brought in by the Committee on Foreign Affairs, because I know it is a hard-working committee and that it tries to do what is right, but it seems to me it is absolutely incongruous and ridiculous for us to send officers of the Army and Navy all over the world to build buildings. In the first place, you have a lot of problems to consider when you come to erect buildings in a strange place. You have a strange country and climate, and you need an architect who knows the climatic conditions and the conditions under which a building should be built in that place. In the next place, you need a man who understands the language of the people where the building is being built.

Mr. BEGG. Will the gentleman yield?

Mr. TABER. Surely.

Mr. BEGG. On the question of having an architect who knows local conditions, let me say to the gentleman that the architect who built the Imperial Hotel at Tokyo was a Chicago man and during the earthquake it never had a crack in it, and it was the only building that weathered the storm.

Mr. LAGUARDIA. But he was not a quartermaster sergeant.

Mr. BEGG. No; and he was not a Jap.

Mr. TABER. He had to have a local architect to tell him about climatic conditions and direct him as to matters of that kind. Now, we must hire local architects, and it seems to me that we should do in this instance the ordinary and usual thing and hire civilian architects to do this work.

If our Army and our Navy are going to be called on to do all the civilian work of this Government, and if we are to be obliged to create an organization there which duplicates the organizations in other places, our Army and our Navy are not going to do the things which they are ordinarily supposed to do, and they are not going to function along the lines that we expect when we appropriate money for the Army and the Navy. [Applause.]

These people have not any more architectural help than they need in their own departments. When they go to build a great, big Army post with barracks in a large center of the country, they call in local architects to do this sort of work and to advise them on it. There is not any sense in our sending them to do the things which they are called upon to ask for help on themselves, and it seems to me we should reject this bill and maintain the dignity and the position of our Army and our Navy. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania [Mr. PORTER] to suspend the rules and pass the bill.

The question was taken; and on a division (demanded by Mr. PORTER) there were—ayes 82, noes 56.

Mr. PORTER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So (two-thirds having failed to vote in favor thereof) the motion to suspend the rules and pass the bill was rejected.

AMENDMENT OF WAR MINERALS ACT

Mr. ROBSION of Kentucky. Mr. Speaker, I move to suspend the rules and pass, as amended, the bill (S. 1347) to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended.

The Clerk read the bill, as follows:

Be it enacted, etc., That any claimant who has heretofore filed with the Secretary of the Interior within the time and manner provided by existing law a claim under said acts generally known as the war minerals acts (40 Stats. 1272, and its amendments) may within one year from the date of the passage and approval hereof petition the Supreme Court of the District of Columbia to review the final decision of the Secretary of the Interior upon any question of law which has arisen or which may hereafter arise in the adjustment, liquidation, and payment of his claim under said acts, but the decision of the Secretary of the Interior on all questions of fact shall be conclusive and not subject to review by any court.

SEC. 2. In any proceeding brought under the provisions of section 1 of this act the Secretary of the Interior shall be designated as the defendant or respondent, and upon the filing of the petition the cause shall follow the usual procedure, subject to such rules or orders as the court may make with respect thereto.

SEC. 3. Jurisdiction is hereby conferred upon the Supreme Court of the District of Columbia, as a district court of the United States, to hear and determine all such suits and enter all orders, judgments, and decrees therein, subject to the usual right of appeal by either party to the Court of Appeals of the District of Columbia, whose final judgment may be reviewed by the Supreme Court of the United States by petition for certiorari or by appeal as provided by law and the rules of the court.

SEC. 4. Upon the final disposition of such proceeding, the clerk of the Supreme Court of the District of Columbia shall without delay certify to the Secretary of the Interior the final judgment or decree rendered therein, whereupon the Secretary of the Interior shall proceed with the final adjustment of said claim in accordance with the law as construed by the court in such judgment or decree.

The SPEAKER. Is a second demanded?

Mr. UNDERHILL. Mr. Speaker, I demand a second.

Mr. ROBSION of Kentucky. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ROBSION of Kentucky. Mr. Speaker, ladies and gentlemen of the House, we have taken up Senate bill (S. 1347), and we are striking out all except the enacting clause and substituting as an amendment House bill H. R. 15861.

There have been quite a number of bills introduced on this subject during the last eight or nine years. It has finally boiled itself down to this proposition.

In 1919 Congress passed what is known as the war minerals act. It set aside $8,500,000 to take care of losses in the production of certain minerals during the war. This act gave the Secretary of the Interior entire jurisdiction in hearing and determining both questions of law and questions of fact. Some 1,200 claims have been filed and these have been adjudicated. There remains unexpended nearly $1,000,000.

There has been much complaint on the part of the various claimants to the effect that the Secretary of the Interior has not properly construed the law. There has been very little objection on the questions of fact.

All this bill does is simply to give the claimants the right to go to the district court, the court of appeals, and the Supreme Court on the questions of law alone. The action of the Secretary of the Interior under this bill, on questions of fact, is still final and conclusive.

So it is up to the House to say whether or not we want to give these claimants the right to go to the courts to have a construction of the law. If the courts construe the law as the Secretary of the Interior construed it, there will be no expenditure; but on the other hand, if the contention as to the law in two important particulars is overturned, it may cost the Government as much as $3,000,000, according to the report of the Secretary of the Interior. We already have something like a million dollars.

Mr. DYER. Will the gentleman yield?

Mr. ROBSION of Kentucky. I will.

Mr. DYER. Will the gentleman explain why he changed the Senate bill in that the Senate bill provides for an appeal of the cases to the Court of Claims, and in his bill it goes to the Supreme Court of the District of Columbia. Does the gentleman know that the Supreme Court of the District of Columbia is very much overworked? We have had to give them an extra judge, and they are asking for more judges.

Mr. ROBSION of Kentucky. The Senate bill would give everybody the right to go to the Court of Claims, and there they would retry the case, go into questions of fact and law. Now, after 10 years we felt that the Government would be at a tremendous disadvantage in meeting the questions of fact. So the committee thought it wise if we limited it to one question and one question only.

Mr. DYER. Why not leave it to the Court of Claims? There are able lawyers upon that bench.

Mr. ROBSION of Kentucky. The Senate bill does not limit it to that.

Mr. BEGG. Will the gentleman yield?

Mr. ROBSION of Kentucky. Yes.

Mr. BEGG. I wonder if the committee gave thought to this fact: We provided for the method of procedure to settle it by the Secretary of the Interior, while another set of claims were to be settled under the Dent Act by the Secretary of War.

Now, if you are going to open the cases where they did not think they had got sufficient money, would it prevent these men who did not get as much as they thought they ought to get under the Dent Act opening up their claim?

Mr. ROBSION of Kentucky. Under the Dent Act all claimants except these have the right to go into the courts. Under this act as to war minerals the decision as to the facts and as to the law rests entirely in the bosom of the Secretary of the Interior. Representatives of the Interior Department came before our committee and said they did not object, but would welcome the construction of the law by the courts of the country as to this law and any other administered by that department.

I do not think there is anything unfair in allowing two or three litigants to go into court and have the courts construe the law. If the Secretary of the Interior has not properly construed the will of Congress, then the claimants have the right to have it properly construed. If the Secretary of the Interior has properly construed the law, undoubtedly the courts will say so.

Mr. SNELL. Will the gentleman yield?

Mr. ROBSION of Kentucky. Certainly.

Mr. SNELL. As I understand, this is the third time the general proposition has come before Congress. The first time we passed the law supposedly to cover all of the claimants. The second time that it came up, again we included some more.

Mr. ROBSION of Kentucky. Yes; we enlarged it. There have been a number of bills before the committee to enlarge the scope of the act. I have resisted them all, but I do not find it in my heart to deny citizens of this country the right to have the law construed.

Mr. SNELL. This does not enlarge the number of claimants?

Mr. ROBSION of Kentucky. No; there are no new claims. No new claims can be filed under this bill.

Mr. WINGO. Will the gentleman yield?

Mr. ROBSION of Kentucky. Yes; I yield.

Mr. WINGO. As a matter of fact, all this bill does is to authorize the court to determine a disputed question of law that has arisen in the department, and about which the department itself is in doubt as to what the law is. I do not think the bill goes far enough.

Mr. ROBSION of Kentucky. This does not enlarge the act. It does not permit any new claims to be filed. It is merely an authorization for the courts to construe the act, and the Secretary of the Interior will administer it in accordance with the construction by the courts.

Mr. CRAMTON. Will the gentleman yield?

Mr. ROBSION of Kentucky. Yes.

Mr. CRAMTON. It is my recollection that we made a special class when the minerals claim acts were put on a legal basis, and not merely on a moral basis. We made one limit of cost; then a second limit of cost was created.

Mr. ROBSION of Kentucky. No; it was not, only in the way of interpretation, admitting claims that had been denied.

Mr. CRAMTON. There has been a controversy each time and we were told that that was all there was to it.

Mr. ROBSION of Kentucky. It came up last time on proposition for Congress to declare the intention of the law on interest and invested capital.

Mr. CRAMTON. I am speaking of the one before that, when assurance was given that that would be the end of it.

Mr. WINGO. But that did not pass.

Mr. CRAMTON. I refer to the one we did pass before that.

Mr. WINGO. The fund and the limit have been cut down as a matter of fact. It never has been increased. This does not increase it.

Mr. ROBSION of Kentucky. The first fund in 1918 was for $50,000,000. In March, 1919, the Congress itself cut it down to $8,500,000. As the Secretary of the Interior has construed the law and has administered the law, there is still a balance of the appropriation of nearly $1,000,000.

Mr. SNELL. I definitely understood the second time we passed an act that we opened it up and took in more claims that had never been considered before.

Mr. ROBSION of Kentucky. That is true. That was in 1921.

Mr. CRAMTON. My recollection of it is not any too clear. It is brought up here very suddenly and I have not a chance to examine my files. My recollection of that last bill which was passed made possible the consideration of a number of claims of extremely dubious character, very shadowy rights involving men who had prospected in time of war with hopes of great reward and that they are now to come in and get their claims allowed.

Mr. ROBSION of Kentucky. That has no bearing on this bill.

Mr. WINGO. This has no bearing on that.

Mr. CRAMTON. I am sorry that it comes up now when we do not have an opportunity to check up with our files and see what it does.

Mr. ROBSION of Kentucky. Mr. Speaker, the Secretary of the Interior has ruled that this act does not provide for the repayment of money expended for the purchase of property to produce these minerals. It does not provide for the payment of interest where men borrowed money to go into these mining ventures. The only question now that this bill will open up when the law is construed is: Does the law authorize repayment for the purchase of property or the payment of interest that was borrowed to go into these mining operations?

Mr. DYER. Suppose the law does state that, suppose the Supreme Court decided that way, then, of course, if the claims are opened up and allowed, some of these dubious or large claims referred to will, if allowed, necessitate the appropriation of more money than has been appropriated by the Congress.

Mr. ROBSION of Kentucky. According to the report of the Secretary of the Interior, if these two items are allowed under the law, it will not mean more than $3,000,000, and there is to-day about $1,000,000 of the unexpended appropriation that would be applied. The Secretary says it might cost not more than a million and a half.

Mr. UNDERHILL. Mr. Speaker, will the gentleman yield?

Mr. ROBSION of Kentucky. Yes.

Mr. UNDERHILL. Is it not a fact that the decision of the Secretary of the Interior is based largely upon the assumption that these ventures were largely speculative, and that he did not believe that the Government should attempt to repay these men for money expended or chanced during the war, for the sake of profits?

Mr. ROBSION of Kentucky. That is not his view. He just held that the law does not permit the refund of money paid to buy mineral lands out of which was to be mined these minerals, and that he is not authorized to pay interest on money borrowed to go into this business.

Mr. UNDERHILL. The law may possibly permit the Government to pay interest, but it has been the practice of Congress ever since I have been here to refuse to pay interest.

Mr. ROBSION of Kentucky. The question is: Was that interest for borrowed capital to go in as an element of loss? If the court holds it is an element of loss, then it comes within the law.

Mr. UNDERHILL. The court always holds that it is an element of loss, but Congress never has.

Mr. ROBSION of Kentucky. They may hold it to be and may not. The Secretary of the Interior with his able legal advisers say that it is not an element of loss within the purview of the law.

Mr. UNDERHILL. When the Committee on Claims reports a bill of this character it is always written in the bill that no interest shall be allowed on the claim.

Mr. VINSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. ROBSION of Kentucky. Yes.

Mr. VINSON of Georgia. The original act provided that the claimants should be compensated in net loss. If the courts construe "net loss" and say interest on borrowed capital is net loss, then that was the intention of Congress.

Mr. UNDERHILL. That does not necessarily follow, because Congress has taken the position time and time again that it will not pay interest. It has taken that position with regard to admiralty claims.

Mr. VINSON of Georgia. I grant that the gentleman is right as an abstract proposition.

Mr. ROBSION of Kentucky. But Congress used the words "net loss." It is not up to the Congress to say; it is now up to the courts.

Mr. UNDERHILL. The court is going to say that Congress meant interest when as a matter of fact Congress never intended to mean interest.

Mr. NEWTON. Mr. Speaker, will the gentleman yield?

Mr. ROBSION of Kentucky. Yes.

Mr. NEWTON. Under the law as it now reads this whole proposition, both law and fact, was put up to the Secretary of the Interior, with no appeal whatever from his decision. No matter how wrong the Secretary might be there was no appeal. All this bill does is to permit an appeal to be taken from an administrative official—a subordinate, if you please, because they write the opinions there—to the courts. Am I correct?

Mr. ROBSION of Kentucky. To construe the law, the law alone.

Mr. UNDERHILL. Will the gentleman yield?

Mr. ROBSION of Kentucky. I will.

Mr. UNDERHILL. I will go along with the gentleman that far—that they have the right to have their day in court—but I do not believe this question of interest should enter into it.

Mr. NEWTON. Will the gentleman yield?

Mr. ROBSION of Kentucky. I will.

Mr. NEWTON. I do not so understand that this bill attempts to define any term in the existing law. It takes the law as it was written and says the claimant shall have the right to an appeal to the court.

Mr. ROBSION of Kentucky. This bill does not enlarge the law at all. It merely gives the claimant the right to go to the court to construe the law.

Mr. UNDERHILL. And to collect interest.

Mr. ROBSION of Kentucky. I do not know what the court will say.

Mr. BEGG. Will the gentleman yield?

Mr. ROBSION of Kentucky. I will.

Mr. BEGG. What I think perhaps the rest of the membership would like to know is this: As I got the statement from the gentleman there are two bases of discontent on the part of the claimant. One is that the Secretary of the Interior has refused to allow interest on the money lost——

Mr. ROBSION of Kentucky. No.

Mr. BEGG. That is what I got.

Mr. ROBSION of Kentucky. To allow repayment of interest on money that was borrowed to go into this business.

Mr. BEGG. To gamble with.

Mr. ROBSION of Kentucky. No; to produce these minerals.

Mr. BEGG. That is gambling, like an oil proposition; that is what I call it. I would like to ask another thing, if there was not a contention as I understand it, or disaffection by the claimant because the Secretary of the Interior says, "No; we will not pay back the money you spent to buy so many acres of land you thought had minerals on it and afterwards proved not to have them." That is the whole thing——

Mr. ROBSION of Kentucky. No; wait a minute.

Mr. BEGG. Then let somebody who knows something about it tell about it.

Mr. ROBSION of Kentucky. Wait a minute. These people bought land, the war closed, and the Government quit buying and there was no market for the minerals.

Mr. BEGG. The demand?

Mr. ROBSION of Kentucky. So that the money put into it was lost and——

Mr. BEGG. They still owned the land, did not they?

Mr. ROBSION of Kentucky. Of course, but it is worthless. The gentleman can see their situation.

Mr. BEGG. Is not that exactly what I said?

Mr. ROBSION of Kentucky. The reason this act was passed in the first place, Congress had passed an act in 1918 called the war minerals act and urged all the people to go into the production of certain minerals, and hung up a fund of $50,000,000 and said, "We will take care of your losses if you will produce these minerals that can not be produced in peace time which we need so much to win the war." We cut out buying these minerals from Spain and other countries. Our people went into this mining business. The war ceased. The market was cut off and these people were left flat. Congress recognized the justice of their claims in 1919 and passed this appropriation of $8,500,000.

Mr. ARENTZ. I will say to the gentleman from Ohio [Mr. BEGG] that he overlooks the most important phase of this question. The reason for placing an embargo on metals produced outside of the United States was the taking of our ships off that trade and allowing a higher price to be paid for minerals produced in the United States, so that these ships could go into the transport service carrying men and supplies to the men at the war front.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Kentucky [Mr. ROBSION] to suspend the rules and pass the bill.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. SCHAFER. Mr. Speaker, a division.

The SPEAKER. As many as favor the motion to suspend the rules and pass the bill will rise and stand until they are counted.

The House divided; and there were—ayes 116, noes 38.

The SPEAKER. Two-thirds having voted in the affirmative, the rules are suspended and the bill is passed.

Mr. SCHAFER and Mr. KETCHAM made the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and eighty Members are present, not a quorum. The roll call is automatic. Those who favor the motion of the gentleman from Kentucky will, when their names are called, answer "yea"; those opposed will answer "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 199, nays 71, not voting 158, as follows:

[Roll No. 21]

YEAS—199

Abernethy	Chalmers	Edwards	Hadley
Adkins	Chapman	Elliott	Hall, N. Dak.
Allen	Christopherson	Englebright	Hardy
Allgood	Clarke	Eslick	Hare
Almon	Cochran, Mo.	Evans, Calif.	Hastings
Arentz	Cole, Iowa	Fish	Hickey
Arnold	Colton	Fisher	Hill, Ala.
Aswell	Connally, Tex.	Fitzgerald, Roy G.	Hill, Wash.
Bachmann	Connery	Fitzpatrick	Hooper
Bankhead	Cooper, Ohio	Fort	Hope
Barbour	Corning	Freeman	Houston, Del.
Bland	Crosser	French	Howard, Nebr.
Bowman	Dallinger	Fulmer	Howard, Okla.
Brand, Ga.	Darrow	Gambrill	Hudspeth
Briggs	Davis	Garber	Jenkins
Browne	Denison	Gardner, Ind.	Johnson, Okla.
Browning	DeRouen	Garrett, Tenn.	Johnson, Tex.
Buchanan	Dickinson, Mo.	Gasque	Johnson, Wash.
Bulwinkle	Dominick	Gibson	Kahn
Burtness	Doughton	Gifford	Kemp
Busby	Douglas, Ariz.	Golder	Kiess
Byrns	Drane	Gregory	Kincheloe
Campbell	Drewry	Green	Langley
Carss	Driver	Greenwood	Lanham
Carter	Dyer	Griffin	Lankford

Larsen	Moore, Ky.	Reece	Timberlake
Lea	Moore, Ohio	Robsion, Ky.	Tinkham
Leavitt	Moore, Va.	Romjue	Vestal
Letts	Moorman	Rowbottom	Vincent, Mich.
Linthicum	Morgan	Rutherford	Vinson, Ga.
Lowrey	Morin	Sabath	Vinson, Ky.
Luce	Morrow	Sanders, N. Y.	Ware
McCormack	Nelson, Me.	Sanders, Tex.	Weaver
McDuffie	Nelson, Mo.	Sandlin	Welch, Calif.
McKeown	Newton	Sears, Nebr.	White, Colo.
McLeod	Niedringhaus	Shallenberger	White, Me.
McMillan	Norton, Nebr.	Sinclair	Whitehead
McReynolds	Norton, N. J.	Smith	Whittington
McSwain	O'Brien	Spearing	Wigglesworth
McSweeney	O'Connor, La.	Steagall	Williams, Mo.
Major, Ill.	Oldfield	Steele	Wilson, La.
Major, Mo.	Oliver, Ala.	Stevenson	Wilson, Miss.
Manlove	Patterson	Stobbs	Wingo
Mapes	Peavey	Summers, Wash.	Winter
Martin, Mass.	Peery	Swank	Wolfenden
Merritt	Purnell	Swing	Wright
Michener	Quin	Tarver	Wurzbach
Miller	Ragon	Taylor, Colo.	Wyant
Milligan	Rankin	Thatcher	Yon
Montague	Rayburn	Tilson	

NAYS—71

Ackerman	Dowell	Kelly	Shreve
Andresen	Fitzgerald, W. T.	Ketcham	Simmons
Andrew	Foss	Korell	Snell
Ayres	Garrett, Tex.	Kurtz	Speaks
Beck, Wis.	Guyer	Kvale	Sproul, Ill.
Begg	Hale	LaGuardia	Sproul, Kans.
Black, Tex.	Hall, Ill.	Lehlbach	Strong, Kans.
Blanton	Hall, Ind.	McFadden	Strong, Pa.
Box	Hancock	Magrady	Swick
Brigham	Haugen	Menges	Taber
Cannon	Hoch	Monast	Thurston
Chase	Hogg	Morehead	Underhill
Collins	Huddleston	Parker	Wainwright
Cooper, Wis.	Hudson	Ramseyer	Wason
Crail	Irwin	Robinson, Iowa	Watres
Cramton	Johnson, Ind.	Rogers	Williams, Ill.
Culkin	Jones	Schafer	Wolverton
Dickinson, Iowa	Kading	Schneider	

NOT VOTING—158

Aldrich	Cullen	Jeffers	Quayle
Anthony	Curry	Johnson, Ill.	Rainey
Auf der Heide	Davenport	Johnson, S. Dak.	Ransley
Bacharach	Davey	Kearns	Reed, Ark.
Bacon	Deal	Kendall	Reed, N. Y.
Beck, Pa.	Dempsey	Kent	Reid, Ill.
Beedy	Dickstein	Kerr	Sears, Fla.
Beers	Douglass, Mass.	Kindred	Seger
Bell	Doutrich	King	Selvig
Berger	Doyle	Knutson	Sirovich
Black, N. Y.	Eaton	Kopp	Somers, N. Y.
Bloom	England	Kunz	Stalker
Bohn	Estep	Lampert	Stedman
Boies	Evans, Mont.	Leatherwood	Strother
Bowles	Fenn	Leech	Sullivan
Boylan	Fletcher	Lindsay	Sumners, Tex.
Brand, Ohio	Frear	Lozier	Tatgenhorst
Britten	Free	Lyon	Taylor, Tenn.
Buckbee	Fulbright	McClintic	Temple
Burdick	Furlow	McLaughlin	Thompson
Bushong	Garner, Tex.	Maas	Tillman
Butler	Gilbert	Mansfield	Treadway
Canfield	Glynn	Martin, La.	Tucker
Carew	Goldsborough	Mead	Underwood
Carley	Goodwin	Michaelson	Updike
Cartwright	Graham	Mooney	Vincent, Iowa
Casey	Griest	Moore, N. J.	Warren
Celler	Hammer	Murphy	Watson
Chindblom	Harrison	Nelson, Wis.	Weller
Clague	Hawley	O'Connell	Welsh, Pa.
Clancy	Hersey	O'Connor, N. Y.	White, Kans.
Cochran, Pa.	Hoffman	Oliver, N. Y.	Williams, Tex.
Cohen	Holaday	Palmer	Williamson
Cole, Md.	Hughes	Palmisano	Wood
Collier	Hull, Morton D.	Parks	Woodruff
Combs	Hull, Tenn.	Perkins	Woodrum
Connolly, Pa.	Hull, Wm. E.	Porter	Yates
Cox	Igoe	Pou	Zihlman
Crisp	Jacobstein	Prall	
Crowther	James	Pratt	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. Hawley with Mr. Garner of Texas.
Mr. Temple with Mr. Bell.
Mr. Buckbee with Mr. Hull of Tennessee.
Mr. Brand of Ohio with Mr. Kerr.
Mr. Treadway with Mr. Carew.
Mr. Wood with Mr. Casey.
Mr. Zihlman with Mr. Kunz.
Mr. Connolly of Pennsylvania with Mr. Mansfield.
Mr. Kendall with Mr. Boylan.
Mr. Crowther with Mr. Warren.
Mr. Michaelson with Mr. Lozier.
Mr. Griest with Mr. Carley.
Mr. Bacon with Mr. Stedman.
Mr. Free with Mr. Black of New York.
Mr. Bacharach with Mr. Tucker.
Mr. Ransley with Mr. Mead.
Mr. Taylor of Tennessee with Mr. Cox.
Mr. Reid of Illinois with Mr. Lyon.
Mr. Watson with Mr. Kindred.
Mr. Curry with Mr. Crisp.
Mr. McLaughlin with Mr. Doyle.
Mr. Kearns with Mr. Cullen.
Mr. Graham with Mr. Mooney.
Mr. Bohn with Mr. O'Connell.
Mr. Chindblom with Mr. Deal.
Mr. Beers with Mr. Collier.
Mr. Segar with Mr. Lindsay.
Mr. Pratt with Mr. Igoe.
Mr. Porter with Mr. Woodrum.
Mr. Thompson with Mr. Celler.
Mr. Welsh of Pennsylvania with Mr. Davey.
Mr. Johnson of Illinois with Mr. Fletcher.
Mr. Bowles with Mr. Pou.
Mr. Holaday with Mr. Reed of Arkansas.
Mr. Knutson with Mr. Weller.
Mr. Cochran of Pennsylvania with Mr. Sears of Florida.
Mr. Dempsey with Mr. Cole of Maryland.
Mr. Fenn with Mr. Sullivan.
Mr. Perkins with Mr. Combs.
Mr. Free with Mr. Underwood.
Mr. Reed of New York with Mr. Canfield.
Mr. Williamson with Mr. Hammer.
Mr. Yates with Mr. Sumners of Texas.
Mr. Burdick with Mr. Rainey.
Mr. Beck of Pennsylvania with Mr. Williams of Texas.
Mr. Hersey with Mr. Somers of New York.
Mr. Woodruff with Mr. Cartwright.
Mr. Tatgenhorst with Mr. Jeffers.
Mr. Johnson of South Dakota with Mr. Oliver of New York.
Mr. King with Mr. Sirovich.
Mr. Leach with Mr. Tillman.
Mr. Davenport with Mr. McClintic.
Mr. Murphy with Mr. Fulbright.
Mr. Eaton with Mr. Prall.
Mr. Lampert with Mr. Cohen.
Mr. Kopp with Mr. Kent.
Mr. Estep with Mr. Douglass of Massachusetts.
Mr. Doutrich with Mr. Parks.
Mr. Bushong with Mr. Moore of New Jersey.
Mr. Aldrich with Mr. Dickstein.
Mr. Glynn with Mr. Evans of Montana.
Mr. Beedy with Mr. Gilbert.
Mr. Hughes with Mr. Bloom.
Mr. Maas with Mr. Martin of Louisiana.
Mr. Nelson of Wisconsin with Mr. O'Connor of New York.
Mr. Palmer with Mr. Palmisano.
Mr. Goodwin with Mr. Goldsborough.
Mr. Britten with Mr. Harrison.
Mr. James with Mr. Jacobstein.
Mr. Clague with Mr. Auf der Heide.
Mr. Leatherwood with Mr. Berger.

The result of the vote was announced as above recorded.

FARM RELIEF

Mr. GREEN. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Florida asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. GREEN. Mr. Speaker and fellow Members of the House, as the date of adjournment draws nearer, I desire to again call the attention of my colleagues to the urgent necessity of the Congress passing some reasonable measure which will go to the relief of the agricultural interests of our Nation. By a brief reference to statistics compiled for this great industry, one can readily see that it is suffering a continued depression, and this depression has been growing more for the past eight years. By reference to a tabulation recently compiled by the Department of Agriculture, we find a decline in the market value of many of the basic agricultural products and we also find an incline to an alarming extent of farm indebtedness.

As compiled by the Bureau of the Census, the amount of mortgage indebtedness as reported for owner-operated farms in 1920 was $4,003,767,192. In 1925 this had increased to $4,517,258,689. We find also that the bankruptcies in the farming industry in 1921 amounted to 1,363, and in 1928, 5,678; therefore farm bankruptcies per thousand farms in 1921 was 0.21 and in 1928, 0.89. If we will calculate the total farm losses, including bankruptcies, mortgages, crop failures, depreciation, and general indebtedness, we will find that to-day the farming interests of our Nation has approximately $30,000,000,000 deficit for the past 8 or 10 years; and now, my friends, any industry whose balance on the wrong side of the ledger amounts to some $4,000,000,000 annually for 8 years surely is entitled to the most careful and sane consideration of the Congress. No industry can suffer such continued losses and survive.

The farm population was estimated in 1921 as 30,600,000, or almost one-third of the total population of the United States. In 1928 it was estimated at 27,699,000. Thus you will see a decline of more than 3,000,000 in the farm population during the past eight years. We find also that in 1920 the farm acreage was estimated at 955,883,715 acres, and in 1925, 924,319,352 acres. Since 1925 the acreage has decreased. The increase in the use of labor-saving farm machinery has, of course, had a tendency to reduce the farm population, but not to the alarming extent of 3,000,000 persons in eight years. Inasmuch as the acreage is decreasing, of course the farm machinery is not accounting for all of the loss in farm population. The chief reason for the de-

crease in farm population is the inability under existing economic conditions for farms to be self-supporting and make profits.

Millions of our farmers are farming at a loss each year. We find that the crop values in 1920–21 amounted to $12,668,000,000 and in 1927–28 they were about $12,253,000,000, although many of the staple crops increased in output.

My friends, something is radically wrong with an industry which defaults in this manner. The low net wages earned by the farmer or farm hand as compared to the earnings of persons employed in factories and other lines of endeavor account largely for the decrease in rural population. In 1919–20 farm hands on an average throughout the country, by the year, earned $681. This is without board. Those employed in factories earned $1,279 annually. In 1927–28 farm hands earned, on the average, $584, while the factory hand earned $1,301. Thus you will see a decrease in the wage of the farm hand and an increase in the wage of the factory hand; and this is caused, my friends, by organization of factory and industrial employees and the lack of organization by farm employees, and further caused by the fact that the various industries, factories, railways, and, in fact, almost every line of industry and their employees, are protected by Federal legislation, while heretofore the Government has not seen fit to extend its great arm of support and protection to the farmers and their employees. If this great decrease in farm wages and increase in factory wages should continue for a little while longer, the rural population will be exterminated, and you will have a nation wholly dependent upon outside production to supply the demands of its industrial employees. On the farm also, the average farm hand probably works 10 to 12 hours a day, and other employees, protected by the Federal Government, work from 6 to 8 hours a day; thus the difference, my friends, brought about through Government protection and organization.

Now, I am not in favor of in any manner reducing the earnings of those employed in other lines of industry; what I am in favor of is through proper legislation the Government raising the agricultural industry to a level with the other industries of our Nation and thus enabling farm wages to be raised on a parity with other wages. By doing this, rural life would be developed and would be made as attractive as other lines of industry.

It is interesting to note that farm mortgages and indebtedness are greater in some sections of our country than in others. In the New England States, for instance, the average farm mortgage indebtedness is 33.7 per cent; the Middle Atlantic States, including New York, New Jersey, and Pennsylvania, is 31.8 per cent; the east North Central States of Ohio, Indiana, Michigan, and Wisconsin have an average mortgage indebtedness of 39.5 per cent; while the west Northern Central States of Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas have an average mortgage indebtedness of 51.2 per cent, or more than half the value. The South Atlantic States from Delaware to Florida have only 20.8 per cent mortgage indebtedness. The South Central States from Kentucky to Mississippi have 24.1; the west South Central States from Arkansas to Texas have 35.7; the Rocky Mountain States have the high mortgage indebtedness of 47.4, almost half their total value; and the Pacific States 46 per cent. My State of Florida is third lowest in farm mortgage indebtedness, the average being 19.4 per cent. West Virginia, a factory State, has 12.1 per cent, and Virginia 18.9 per cent. I believe the highest mortgage indebtedness exists in the State of North Dakota, which is 63.8 per cent; South Dakota has 62.4 per cent; Iowa has 55.6 per cent; Nebraska 56.5 per cent; and yet some of those splendid western Republican colleagues of mine who are stalwarts on the Agricultural Committee so far, have failed to enact farm-relief legislation. This mortgage indebtedness has reference to the farms owned by the farmers themselves.

United States production and value of meat, wheat, oats, corn, and cotton, 1921–1928

Year	Pork, excluding lard [1]	Lard [1]	Beef [1]	Veal [1]	Mutton and lamb [1]
	Million pounds	*Million pounds*	*Million pounds*	*Million pounds*	*Million pounds*
1921	7,645	2,114	6,163	747	626
1922	8,260	2,357	6,706	792	535
1923	9,595	2,783	6,873	862	571
1924	9,279	2,746	7,065	925	589
1925	8,255	2,223	7,146	1,001	599
1926	8,181	2,324	7,458	900	643
1927	8,533	2,356	6,826	867	645

[1] Estimates of the Bureau of Animal Industry. Value of production not available. Production estimate for 1928 not yet available.

United States production and value of meat, wheat, oats, corn, and cotton, 1921–1928—Continued

	Wheat		Oats	
	Quantity	Farm value, Dec. 1	Quantity	Farm value, Dec. 1
	1,000 bushels	*1,000 dollars*	*1,000 bushels*	*1,000 dollars*
1921	814,905	754,834	1,078,341	325,954
1922	867,598	873,412	1,215,803	478,948
1923	797,394	736,008	1,305,883	541,137
1924	864,428	1,123,086	1,502,529	717,189
1925	676,429	957,907	1,487,550	565,506
1926	831,040	995,954	1,246,848	496,582
1927	878,374	979,813	1,182,594	531,762
1928 (preliminary)	902,749	877,193	1,449,531	592,674

	Corn		Cotton	
	Quantity	Farm value Dec. 1	Quantity	Farm value Dec. 1
	1,000 bushels	*1,000 dollars*	*500-pound gross weight bales*	*1,000 dollars*
1921	3,068,569	1,297,213	7,964	643,933
1922	2,906,020	1,910,775	9,755	1,160,968
1923	3,053,557	2,217,229	10,140	1,571,829
1924	2,300,414	2,266,771	13,628	1,540,884
1925	2,916,961	1,906,761	16,104	1,464,032
1926	2,692,217	1,729,457	17,977	982,736
1927	2,763,093	1,997,759	12,955	1,269,885
1928 (preliminary)	2,839,959	2,132,991	14,373	1,291,589

Division of Statistical and Historical Research. Figures for grain and cotton compiled from reports of the Division of Crop and Livestock Estimates.

ANNUAL INCREASE OF FARM INDEBTEDNESS AND LOSS

The division of agricultural finance is now engaged in a study of farm indebtedness. The results will not be available until some time in the spring.

The Bureau of the Census reports: Amount of mortgage debt as reported for owner-operated farms: 1920, $4,003,767,192; 1925, $4,517,258,689. See also attached mimeographed report, Division of Agricultural Finance. Farm bankruptcies as reported by the United States Attorney General: 1921, 1,363; 1928, 5,678. Farm bankruptcies per 1,000 farms: 1921, 0.21; 1928, 0.89.

Farm population (estimate of division of farms, population, and rural life)

Jan. 1:	
1921	30,600,000
1928	27,699,000

FARM ACREAGE

Census:	
1920	955,883,715
1925	924,319,352

Value of farm production (July, 1928, crops and markets)

1920–21 (July–June)	$12,668,000,000
1921–22 (July–June)	9,214,000,000
1927–28 (July–June)	12,253,000,000

Mr. Speaker, I note with considerable pride that only two States have a smaller farm-mortgage indebtedness than my State of Florida. I would also call to the attention of my colleagues, with the same pride, to the fact that Florida has, according to the latest figures that I have been able to obtain, the highest average annual acre crop value of any State in the Union. The average annual per acre value of Florida crops is $107. The next highest is California, with $79; Massachusetts and New Jersey, each $73; Connecticut, $66; Colorado, $62; and from here the values of the various States decrease until the last one is reported at $11 per acre. It is also of interest to note that this $11 average annual acre yield is one of those States which has one of the very highest farm-mortgage indebtedness averages. It is awfully hard for a farmer who lives in a State two-thirds of whose farms are mortgaged and whose average crop-acre value is $11 to compete with a State whose average farm-mortgage indebtedness is less than 20 per cent, and whose acre yield is $107. Something is radically wrong with American agriculture; and my colleagues who live in these States where indebtedness is so heavy, losses so great, and crop values so small will continue to lose hundreds of their farmers every year to Florida and other lucrative States unless the Congress passes a general farm law which will raise the wage and economic standard of the farmer.

I would like to remind my colleagues that Florida has more than 35,000,000 acres of land, less than 3,000,000 of which are now under cultivation. Almost all of the remaining 33,000,000 acres are tillable. Florida's agricultural products for 1927–28 season were valued at $140,000,000. It furnishes about 80 per

cent of the Nation's grapefruit; 60 per cent of the Nation's eggplants; 40 per cent of the table cucumbers; 40 per cent of the snap beans; 65 per cent of the peppers; 32 per cent of the celery; 25 per cent of the tomatoes; 10 per cent of the early Irish potatoes; and a large percentage of the other vegetables, as well as staple crops which are consumed by our Nation. Some of the largest tobacco fields in the country are to be found in my own congressional district, and also extensive pecan groves as well as vast acreage of watermelons. Dairying and the livestock and poultry industries are also rapidly growing.

Florida has no bonded or State indebtedness, no inheritance tax, no income tax, no corporation tax, no corporation transfer tax, no severance tax, no franchise tax, and no tax on intangibles; and her real hope rests in her productive soil and unparalleled climate. Why, my friends, during the present season Florida peppers have sold as high as $15 per crate on the New York market, the highest price ever obtained. A carload at these prices would bring $5,000. Avocado pears produced in the Everglades section have recently sold as high as $25 per crate. Almost all of Florida's soil is rich compared to the soils of other States. It is not unusual for vegetable crops to be placed on the market 10 to 12 weeks after the seed are planted in the ground. Of course, these high prices just mentioned by me do not prevail during an entire season, and very often on account of the lack of Federal marketing facilities our vegetable producers even suffer a loss when the season's crop is taken as a whole; but with proper marketing facilities as could be established by the Federal Government, then the acres which are now tilled in Florida and millions of similar acres in Florida could and would produce the entire Nation's need and supply of fall, winter, and spring vegetables. Why, it is not at all unusual to obtain $20 for a crate of 32 quarts of strawberries on the platform at Lawtey or Starke, Fla. Millions of acres of land in this vicinity and in other sections of our State could be brought in for profitable strawberry production if the Government would provide a competent system of marketing and if the Interstate Commerce Commission would regulate freight and express rates from our local platforms to the northern, western, and eastern markets.

One of Florida's great productions is that of citrus fruits. This season her citrus crop may run as high as 20,000,000 bushels. That of California and Texas combined may run even greater; but even so, if this fruit had been and could be properly distributed among the individual citizens of the United States only a few oranges and a few grapefruit would be available for each individual. The people throughout the United States are demanding fresh vegetables and fresh citrus fruits as well as other fruits, and yet our marketing facilities are not such as to carry the supply to answer the demand. Florida has something like 75,000 acres planted to grapefruit trees, about 55,000 of which are bearing. She has approximately 170,000 acres planted to orange trees, with about 100,000 bearing, different varieties producing grapefruit and oranges for the market at different times of the year.

For example, the early varieties of oranges placed on the market from November to January are such as Parsons, Temples, and Enterprise; midseason varieties from January to March, Seedlings and Pineapples; late varieties from March to January, Valencias, Lue Gim Gongs, and other varieties. The citrus industry will always be one of Florida's most important, owing to the growth in popularity of this fruit, and also owing to the peculiar soil and climatic conditions necessary for its proper production. Florida has both.

Of particular interest and benefit to the Nation is the use recently of citrus fruits, particularly grapefruit, as a diet to counteract influenza. Florida's Citrus Growers Clearing House Association, which is a new and splendid organization for the orderly and effective marketing of citrus fruits, recently donated 20 carloads of grapefruit to be used throughout the country as a preventive against influenza. Recently I read an interesting account of Dr. Daniel Hodgdon, experimenting with grapefruit as a protection against influenza. He experimented with 1,100 children in the State of New York in one institution, and the last report that I had was that not a single one of these children had contracted influenza. Doctor Hodgdon attributed their immunity to the abundance of grapefruit and orange juice given to them. Dr. W. A. McKenzie, of Leesburg, Fla., has also recently successfully carried on through the State of Florida a crusade "Citrus-fruit juice and soda to prevent influenza." I understand that this crusade has had a telling effect and that the number of cases of influenza and deaths from same in the State of Florida were very negligible during the recent epidemic.

The rural life of Florida, my friends, is very interesting. Recently I read where Miss Quinnelle Fuller, of Fort White, Columbia County, Fla., represented Florida at the national health contest held in Chicago in connection with the International Farm Demonstration Club Congress last December. This young lady scored 98.2. Her showing at this contest was a result of her own prudence, Florida's matchless climate and rural life, and the effective results of the home demonstration agents found throughout the State of Florida. There are at present more than 5,000 club girls in the State of Florida, as well as thousands of farm club boys.

The home demonstration and farm demonstration clubs, through the training and development of the youth of the rural communities, are rehabilitating the rural life of our country, and, after all, Mr. Speaker, the rural citizenship is the most dependable of all in our Nation. They live close to nature and by the sweat of their honest brow labor beneath God's blue skies and wring their living from Mother Earth. They here dwell and commune with nature and the finer things of life. The chances for social and moral corruption are fewer, their temptations are not so many, and their inbred ability for self-sacrifice and service to mankind is greater. They are vigorous in heart, in body, and in soul, and really, after all, they represent the most stable, dependable, and best citizenship of our land. Our rural citizenship deserves so much and yet receives so little.

While I know it is impossible for the Congress to pass a bill which would immediately bring the farm wage standard up to that of industry, I do know, however, that if the Government would set up a comprehensive and effective marketing system whereby the agricultural products would find their way to the consumer without the middleman grafting, profiting, and swindling the producer, that things would at once take an incline. In our country, as I see it, we have not a problem of overproduction. Our problem is that of proper and effective distribution. The approximately 120,000,000 people in America would readily consume almost every product of the American farmers if same were conveyed to the consumer at the proper time and less the overhead and middleman expenses. Recently, my friends, I priced shirts in the local market and found that the shirt offered for $2 to the customer had in it cotton material for which the farmer received less than 20 cents. I also found that the hide that went to make a $10 pair of shoes brought to the man who raised the beef which gave the hide less than $1. And do you mean to tell me that these conditions represent a safe and sane economic balance? When pork and beef sell across the counter for 50 cents to the consumer and yet the man who raised the hog or the cow receives 6 cents or 7 cents per pound, would you say that that is a safe economic balance?

My friends, surely this is a situation which proper legislation can remedy, and we owe it to the American farmer to do as much by him and for him as has been done for the big corporation and the various industries, and I for one expect to fight his battle and work for his relief as long as I am able to raise my voice. You may build in the rural communities schools, roads, power lines, install telephones, offer labor-saving machinery, or what not, but he will run a losing race until the proper machinery is set up for him to market his products at a reasonable price. In my State, and in fact throughout the Nation, the farmers are groaning under the heavy burden of taxation. Their taxes are increasing every year and yet in almost every instance the price of the product he sells is declining every year. The number of mortgages and the number of bankruptcies in the farm areas is increasing along with the taxes every year, and unless the Congress will pay less heed to greed and monopoly and more heed to the needs of the agricultural interests of our Nation, soon the rural life of our Nation will be extinct.

My colleagues remember that only the last session of Congress there was a measure before the House which would have done more to relieve the farmers, particularly the southern farmers, than any measure which has been before the Congress in a decade. I have reference to the bill which would have converted Muscle Shoals into a great fertilizer producing plant. This, my friends, as you know, was only in accordance with the intention of the Congress several years ago when approximately $150,000,000 of the taxpayers' money was spent on Muscle Shoals. Muscle Shoals was developed primarily for the manufacture of explosives (ammunition) in time of war and for fertilizers in the time of peace, and our bill which we passed last session had for its purpose the carrying out of the intent of the Congress which appropriated the money for the development of Muscle Shoals; but what was the result? It met death at the other end of Pennsylvania Avenue at the desk of your Republican President. The President refused to sign this bill which would have promptly provided for the production of fertilizer at Muscle Shoals.

If this bill had gone into effect instead of the millions of dollars which are now bled from the farmers of the Nation for Chilean nitrates and for other foreign fertilizer monopolies,

leaving our country for the benefit of the few, these moneys would have remained in the pockets of our farmers. If this bill had gone into effect in all probability in 1929 the farmers of this Nation would have paid approximately one-half for fertilizer that was paid in 1928 and other years before 1928. Instead of the farmers of my little county donating approximately $100,000 in 1929 to these fertilizer barons, they would have expended probably $50,000 and obtained an even better grade of fertilizer. For almost all southern soils fertilizer is essential. In almost every soil there is absent one or more of the necessary plant foods which must be supplied by commercial or other fertilizer.

If the Congress would pass another bill to convert Muscle Shoals into a fertilizer-manufacturing plant, the President's wishes to the contrary notwithstanding, great benefit would come to the American farmers. I strongly urge the passage of such a bill, and it would give me pleasure to vote for same over the President's veto. It is not a sound financial policy to spend $150,000,000 of the American taxpayers' money to develop Muscle Shoals and then permit it to remain idle because a few individuals desire to continue to graft on the American farmers. It is not too late for my Republican colleagues to yet serve the interest of the American farmer. By the prompt passage of this bill over the President's veto you would be keeping faith with the American farmer. I hope you will promptly bring it to the House for a vote.

President-elect Hoover is pledged to call an extra session of Congress, if necessary, for the passage of a farm bill, but why wait for an extra session? The House apparently has time a plenty to act on farm relief before the adjournment March 4, and what is more pressing or deserving of the time of the House than farm relief? In my opinion the time of the House could be no better spent than in the prompt passage of an effective marketing bill whereby the 1929 crops of the American farmers could be marketed at a living price; therefore I most respectfully urge that the Agricultural Committee promptly report the farm relief bill to the House for immediate action. I am tired of your red tape and delay. Our people need and demand immediate action. You have waited too long already, and may I admonish you that you can not continue to fool the American farmers. They are intelligent, they read and know things, they know their own needs, and I know it is time for the Congress to say less and do more. I urge immediate action. [Applause.]

Mr. Speaker, I ask unanimous consent to revise and extend my remarks by inserting some figures relating to agriculture compiled by the Department of Agriculture.

The SPEAKER. The gentleman from Florida asks unanimous consent to revise and extend his remarks and incorporate therein some figures relating to agriculture. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I did not hear the gentleman's request.

Mr. GREEN. I would like to say to my friend from Wisconsin that I desire to incorporate in my remarks some figures compiled on agriculture by the Department of Agriculture.

Mr. SCHAFER. There is nothing in the gentleman's remarks relating to the prohibition question?

Mr. GREEN. There is not in this speech.

The SPEAKER. Is there objection?

There was no objection.

ADDRESS OF HON. DAVID A. REED

Mr. BOX. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the RECORD an address delivered by Senator DAVID A. REED before the Women's Patriotic Conference on National Defense on January 30.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD by printing an address delivered by Senator REED. Is there objection?

There was no objection.

Mr. BOX. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following address delivered by Senator DAVID A. REED, of Pennsylvania, before the Women's Patriotic Conference on National Defense at Memorial Continental Hall on January 30, 1929:

IMMIGRATION

Senator DAVID A. REED. It is a very great pleasure to be here, Madam President, a very great privilege to be able to speak on a topic which is so close to my heart. I suppose that every patriotic society in America is interested in the problem of the regulation of immigration because, after all, we realize instinctively that there is not much difference between throngs of aliens coming in troop ships with guns in their hands and throngs of aliens coming in the steerage, coming peaceably but coming to stay and to make this their place of permanent home.

All through history, and before history began I suppose, it has been true that men wanted to migrate to where the most fertile fields could be found. To-day in America we have the most fertile of all the fields in the world, figuratively speaking. It is easier to earn a living in this great country of ours, a comfortable living, than in any other spot on earth. Of course people want to come here; of course the pressure is terrific. The number of registered applicants for emigration from Italy to the United States is understood to be more than two hundred times the present annual quota for that country. It would take 200 years, if not another applicant were to present himself and if they were all to live, to get in those who have already registered their desire to come into the United States under the quota. And think of the hundreds of thousands who have not registered because of the hopelessness of it. And what is true of Italy is similarly true of Poland, of Yugoslavia, and of all those Balkan countries, where life is hard, where agriculture is difficult, where the wage-scale is low. It is true of all the countries of eastern and southeastern Europe. To them America is the great magnet, and half of the population of those countries would be here if their wish could come true.

Now, if they did come, it is very obvious that they would bring down our scale of living; it is obvious that we would have long lines of applicants at the employment office of every industry. It is obvious that they would bring with them different ideas of government from our own.

We hear all this talk about immigration. People think sometimes that we are pretending that we are so immeasurably superior to those people—that that is the reason we do not want them. Well, that is not the theory on which we can base our policy. We Americans can not yet say that our artistic history is comparable with that of Italy, for example. Italy has 20 centuries of glorious past. We have not more than a century and half of real permanent civilization. We can not pretend that the past pictures us as better people than they; but we can say, and say with sincerity and truth, that their outlook is different from ours. We can say that we have learned self-government, we Americans, because for centuries past our ancestors went to the primary school of self-government, went through all the mistakes that people who undertake self-government are bound to go through; and our ancestors and ourselves have learned to govern ourselves with a fair degree of self-restraint simply because we have been at it for generations and generations.

So it is natural and it is right that we should say that we do not want this country filled with Arabs, who have lived always under a patriarchal government, where the common man did not even dare whisper his views of governmental affairs. We are not ready to throw America over to the control of people whose point of view is so radically different from ours and to whom our system is so unsuited. We do not claim that we are better than the Arab or the Eskimo or the Chinaman. It is sufficient for us to say that they do not fit into the scheme of things we have here in America. [Applause.]

Let us take that for our first postulate; that we are not claiming to be any better than anybody else; all we claim is that we are a little bit different and that we have got a vastly different theory and practice of governing ourselves, and that we have an adequate population here. There are enough of us to people this land of ours sufficiently and we do not want to be overcrowded, and, inasmuch as we got here first, we have a right to say who is going to come in the future. [Applause.]

Now, one might ask, Was not this all settled five or six years ago? Didn't we pass an immigration restriction law? Why should this man be taking our time to talk about a subject that has been settled? Well, that is true, my friends. In 1924 we did pass a permanent law to restrict immigration, but it has given great dissatisfaction to throngs of people who have relatives abroad. Very naturally they want to bring them in, and, of course, if they do bring them in, then they in their turn would have a crowd of relatives they would want to bring in. It would be an endless chain, too, for the people who are here and who have cousins and uncles and aunts abroad and want to bring them to America would involve countless others. It is natural that they should resent the present system that says they must not.

So they have begun a serious and determined attack, not on the essential principle of restriction, because they know that they can not beat that down now, but they have begun to whittle away at the methods by which we determine the quotas; and it seems to me to be so serious that I want to explain to you what is going on and why it threatens danger to the whole system of immigration restriction.

When we came to pass the law it was obvious that the total immigration that was to be permitted, which was about 160,000, had to be divided among different countries somehow. You could not just arbitrarily say to Great Britain, "You get 10,000," and say to Germany, "You get 10,000," and so on. The quotas would be too small for some countries and far too big for others. So a rule of thumb was adopted, temporarily and only temporarily, that we would base the quotas on the number of foreign-born people who were in the census of

1890. That census is now 39 years old and, of course, it is claimed by these foreign folk that it is an artificial thing to go back to a 39-year-old census and that we ought to take the up-to-date census of 1920. But it never seems to occur to them or to any of the critics of the law that the great injustice of the whole business is to ignore all of us who were born here. [Applause.] Now, surely we have got just as much right to be reflected in those quotas—we whose ancestors have been here for many generations back—as has the most recently arrived immigrant who is not naturalized and who does not even know what naturalization means. [Applause.]

Now, it was that feeling, not that we were better than this recently arrived immigrant—though we demand of him as much as we concede to him, that he recognize that we are just as good as he is—that feeling caused us to insist, when that law was drawn, that it was all right, temporarily, to base our quotas on the number of foreign born in any census that we wanted to take. But for a permanent system we say that, if it is possible, we must take into account the whole population of this country and make the quotas as nearly like the composition of the whole Nation as it is possible for the scientists in the Census Bureau to make them.

"Well, of course," say the critics, "you can not take DAVID REED and trace him back and find out how much of him is English and how much of him is Irish, although we suspect there is a lot of Irish in him." [Laughter.] They say it is impossible to analyze each individual and get the composition of the nation in that way. And, of course, we readily admit you can not. Most people who have not given particular study to genealogy, and some who have, do not really know who their ancestors were or from what country they came.

But it is perfectly easy to do it the other way about. We know how many people were here in 1790, because they took a census then; and that census has been studied with the greatest care by learned men for many years before immigration regulation came to be an acute question. As far back as 1910 an analysis was made officially by the Census Bureau of the composition of the population of 1790. We have had a census every 10 years since, and we have kept careful records of immigration for over a century. We have kept careful records of emigration—which has been comparatively small—for many years. We know, as closely as we can know anything, just how many people of each nationality there were here in any particular year since 1492, and it is perfectly easy for the scientists to calculate the factor of increase, as they call it. They tell us, for example, that each person who was here in 1790 is represented to-day, on the average, by 13 descendants. So one Englishman living in America in 1790—of course, they were about 90 per cent of the population then—you can say is represented to-day by an equivalent of 13 units or persons in the population of to-day. That has been calculated with the utmost care. Of course, it can not be precise, but no method can be precise. Even this temporary basis I spoke of is hopelessly vague, because in 1890 there was not any Poland and there was not any Lithuania and there was not any Czechoslovakia or Yugoslavia; in 1890 the boundaries of Austria were vastly different and the boundaries of Germany were vastly different.

The boundaries of nearly every state in Europe that was in the last war were different then from what they are now; and it is a wild guess, at the best, when we try to say how many foreign-born people were here in 1890 from, let us say, Poland. Of course, it is a guess; any method is a guess. But the most undiscriminatory method that has been suggested is this one of taking the whole population. And it is the very essence and heart of the immigration law, in my judgment, that we keep it free of discrimination. So long as we can keep that law free of discrimination and so long as we can say to the German, to the Pole, to the Englishman, "We are treating you on a basis of exact equality; we are treating everybody in the United States on a basis of exact equality; we are treating ourselves, whose ancestors fought for America throughout the last 150 years, exactly as we are treating the Syrian who arrived in our ports yesterday,"—certainly they can not ask more than that. We are not discriminating here between native born and foreign born, between citizen and alien even, though the alien certainly has no vested right to be considered at all. [Applause]. But we have been generous enough to take the native born, the naturalized American, and the unnaturalized resident and consider them all on an equality in fixing these quotas and to make no discrimination whatsoever between any two foreign countries except those in the barred zone.

I have not stopped to talk about the Asiatic restrictions that keep out Malays, Chinese, Siamese—people of that sort. It is not necessary, because that is a settled question. It seems to be for the good of America that that should remain a settled question. I have not talked either about the absence of a quota for Africa. The negro element of our population does not desire further immigration from Africa, and they do not regard it as an injustice, and they agree with us on the wisdom of having no further immigration from that source. Those questions are closed.

But as to that part of the world from which we do permit immigration, as I say, we have gone to the extreme in trying to work out a system which does not discriminate between men or between nations. Now, if we can hold that our law is safe. If that goes—and that is the thing that is being talked now by certain foreign groups, on the ground that putting that into effect will reduce their present temporary quotas. They assume that that is unjust; of course the contrary is the fact, for at the present time they are getting too much under the temporary quotas. If we can hold this essential feature of the law and keep it nondiscriminatory, then there can not be a successful attack upon our present policy, and we will keep the America of our grandchildren and their grandchildren the same as the America that we see to-day. [Applause.] And it will still be speaking English and it will still have the same standards of right and wrong. [Applause.] It will still be a land where women do not work in the fields; it will still be a land where equality means something more than a catch-vote phrase for politicians to use. [Applause.]

But don't you see if they could once get rid of that nondiscriminating system, so as to furnish a basis for claiming that Italians, for example, or that Germans, for example, or any nationality is being unfairly dealt with, then there would be put into the hands of these foreign groups at election time one of the most dangerous of all possible weapons. Every politician, with occasional exceptions, is a coward. [Laughter.] The finest flower of his cowardice blooms around election time and if any foreign-born group, of whatever origin, can come to him and say to him: "In our language papers we are going to turn the solid Eskimo vote out against you unless you will agree to pledge yourself to break down this unfair restriction of immigration"; the average politician will say, "Yes, my dear people; I have been worried about that for a long time; I am with you." And we have all seen it happen.

So it is up to us Americans who do not hyphenate our allegiance, who own no foreign allegiance, who look to America as our only country. We are the arbiters in this thing. [Applause.] It is for us now and in the years to come to insist that the law stand as it is, discriminating against nobody, and that it be not broken down by the influence of these stories of human interest, as they call them, which they have set out to collect. Many of them are pitiful stories that do really touch one's heart; but we must not allow those gates to be thrown wide open again for the admission of the trash of Europe, the people who are excused from serving jail sentences if they agree to emigrate. That is the kind of people that will come if once we give in to the appeal that is made in the name of sentiment. Some of it, as I say, does touch us. We hear of people, old men, old women, without support over there, and we are accused of having separated the family. Why, nobody ever stops to think that it was the relative that came here that separated the family. We did not do it. If he came before there was any restrictive immigration law staring him in the face it is his fault that he is not naturalized by this time. If he came since then he came with his eyes wide open, because he had to pass that barrier himself and get his visa, and he had plenty of actual notice that the immigration law was there to impede the following of these relatives for whom he has become so suddenly solicitous. So we are not being unfair to them, my friends. They have all had plenty of notice, and if those families are separated it is their fault and not yours or mine. [Applause.]

And now I have talked longer than I meant to talk about this. But truly it is so important; it is part of our national defense in peace time; we have got to stick to it. It is just as important as it is to have an adequate army, an adequate navy. We must keep this fortress around our frontier and keep out this vast throng that would come here to change the character of this Nation that we all so dearly love.

I thank you. [Applause and demonstration.]

Mr. MILLER. Will you allow me to ask the Senator, in case the national-origins plan as it is now provided to be applied under our law is repealed, what, in his opinion, will be the quota basis used?

Senator DAVID A. REED. I wish I could answer that. I do not think anybody knows. All the critics of the present plan are voluble but they never suggest anything that is better. Nobody knows what we would do. Nobody has suggested any better basis.

May I make a second speech? [Applause.]

You hear so many people saying, "Why do you keep them out by numbers? Why don't you let in just the best?" And that appeals to us—as if we could stop and examine them and talk to them and get their motives for coming here and find out their character, their habits, their religion, and all that. It would be ideal. But the moment we adopt a system of supposed fitness, don't you see how it opens the gates for sheer political pull and all that follows? The consul admits the person who has the biggest pull or offers some other inducement. The Congressman rushes to the State Department and says: "I have a little friend living in the Ghetto over in Poland, and he is a splendid fellow. Really, his character could not be better. I want him to come in—or there will be trouble." That is the way it would work. It is impossible to adopt any system of qualitative examination. No two men would agree on the quality of applicants.

I never could agree with some of my colleagues on the relative merits of this nation or that in the matter of immigration. I am sure that it would lead to chaos. While it looks ideal and simple, it is utterly impossible. [Applause.]

Mrs. BUELL. May I ask the Senator if he will tell us whether he considers the national-origins provision sufficiently accurate for the purposes of this law in which we are so deeply interested?

Senator DAVID A. REED. I do, indeed; and I am fortified in that by the testimony of Dr. Joseph A. Hill, who is the assistant to the Director of the Census, and one of the greatest statisticians and students of population statistics in the world.

Mrs. HARKINS. Senator REED, may I ask if the 1890 census represents very accurately the present population?

Senator DAVID A. REED. No; it does not at all. It gives a fair approximation of the two groups of northwestern Europe as against southeastern Europe, but it is quite unfair in the distribution of the quotas amongst those sections.

For example, about one-sixth of the population of America is of Germanic origin. That is all that is claimed by the German writers themselves, who have written on the German element here—one-sixth of our present population. And yet at present, under the 1890 basis, they have about one-third of all of the immigration that comes to this country. It is manifestly a discrimination against all the others. However, please understand that I cheerfully grant that the average German immigrant is as good as the immigrant of any other nationality. Usually they are law-abiding, peaceful, industrious people, and they make good immigrants, and I am not at all reflecting on them; but it is utterly unfair to give them twice as much representation in the quota as their element in America would call for. [Applause.]

Mrs. HAWKINS. Will the Senator tell us where the opposition to the national-origins originated?

Senator DAVID A. REED. Yes. I am going to be very frank about it. The present opposition comes from the German element and from the Scandinavian elements. Those two have at present a very much larger proportion of the quota than their representation in the American population would entitle them to, and so they are resisting very bitterly the effort to bring it down to the national-origins basis. It is not that their present quota is fair but that they assume that it is, and they assume that to bring it down to normal is an attack on them. As a matter of fact, nothing is further from our thought. I think both of those elements furnish excellent strains of immigration and nothing is further from our desire than to attack them. We want to be fair to them, but not more than fair.

The effort that we heard so much of during the last campaign to bring it up to the 1920 census is backed largely by the Jewish element from Poland and from the countries of southeastern Europe. All of those countries would gain very much by using the 1920 census of foreign born, because in recent years, as we all know, so many people came from those countries that the 1920 census shows a great proportion of foreign-born people from that source.

I thank you. [Applause.]

SUPPLEMENTAL REPORT

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to file a supplemental report to House Report No. 2314 on the bill H. R. 16720.

The SPEAKER. The gentleman from Iowa asks unanimous consent to file a supplemental report on House bill 16720. Is there objection?

There was no objection.

PRIVILEGE OF THE FLOOR

Mr. LAGUARDIA. Mr. Speaker, I desire to propound a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. Mr. Speaker, to-day the House passed, by unanimous consent, a resolution from the Senate which I believe every Member was honored and pleased to vote for. The resolution extended the thanks of Congress to the entire crew of the steamer *America*. I desire to inquire if, under the rules—and it is better to have the matter settled now, I believe—every member of that crew would have the privilege of the floor?

The SPEAKER. The Chair thinks the proposition is covered in a sentence found in Rule XXXIII, that rule mentioning those who are entitled to the privilege of the floor of the House. After specifying a number of persons, like the President, Vice President, and so forth, there occurs this sentence:

> Such persons as have, by name, received the thanks of Congress.

The Chair thinks that the words "by name" mean literally that they shall be named, and, therefore, it would not cover a class like the captain and crew of a ship.

MESSAGE FROM THE PRESIDENT—PHILIPPINE ISLANDS

The SPEAKER laid before the House the following message from the President.

The Clerk read as follows:

To the Congress of the United States:

I transmit herewith an act of the Philippine Legislature amending the corporation law of the Philippine Islands. This law, it being in certain respects in conflict with congressional legislation, requires the affirmative approval of Congress to make it in those parts effective.

The act has been approved by the Governor General of the Philippine Islands, it meets the approval of the War Department, and I earnestly recommend that the requisite approval be given by the Congress as speedily as practicable.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 4, 1929.*

The SPEAKER. Referred to the Committee on Insular Affairs and ordered printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. PARKS, at the request of Mr. DRIVER, on account of illness.

To Mr. KNUTSON, at the request of Mr. CLAGUE, for three days on account of sickness.

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 12404. An act authorizing erection of a memorial to Maj. Gen. Henry A. Greene at Fort Lewis, Wash.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 7200. An act to amend section 321 of the Penal Code: and

H. R. 12404. An act authorizing erection of a memorial to Maj. Gen. Henry A. Greene at Fort Lewis, Wash.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 32 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 5, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, February 5, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To consider general legislation before the committee.

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

To authorize and direct the Secretary of War to execute a lease with Air Nitrates Corporation and American Cyanamid Co. (H. R. 8305).

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Flax, hemp, jute, and manufactures of, February 5.
Wool and manufactures of, February 6.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

COMMITTEE ON RIVERS AND HARBORS

(10.30 a. m.)

To authorize the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor (S. 1710).

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Legislative appropriation bill.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

799. A communication from the President of the United States, transmitting supplemental estimates of appropriation for the Treasury Department for the fiscal year 1929, $164,300, and for the fiscal year 1930, $276,300; in all, $440,600; also drafts of proposed legislation affecting the use of existing appropria-

tions (H. Doc. No. 548); to the Committee on Appropriations and ordered to be printed.

800. A communication from the President of the United States, transmitting supplemental estimate of appropriation pertaining to the legislative establishment, Library of Congress, for the fiscal year 1930, in the sum of $1,140 (H. Doc. No. 549); to the Committee on Appropriations and ordered to be printed.

801. A letter from the chairman of the War Finance Corporation, transmitting the eleventh annual report of the War Finance Corporation for the year ended November 30, 1928 (H. Doc. No. 384); to the Committee on Banking and Currency and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MILLER: Committee on Naval Affairs. H. R. 15678. A bill to provide for the establishment of a rifle range in the vicinity of the navy yard, Puget Sound, Wash.; without amendment (Rept. No. 2349). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 15218. A bill to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended; without amendment (Rept. No. 2350). Referred to the House Calendar.

Mr. ARENTZ: Committee on Indian Affairs. H. R. 10432. A bill for the relief of the Indians of the Klamath Reservation in Oregon; without amendment (Rept. No. 2354). Referred to the Committee of the Whole House on the state of the Union.

Mr. LETTS: Committee on Indian Affairs. S. 4222. An act to authorize the creation of Indian trust estates, and for other purposes; without amendment (Rept. No. 2355). Referred to the House Calendar.

Mr. ROY G. FITZGERALD: Committee on Revision of the Laws. H. J. Res. 399. A joint resolution providing more economical and improved methods for the publication and distribution of the Code of Laws of the United States and of the District of Columbia, and supplements; without amendment (Rept. No. 2358). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. RANSLEY: Committee on Military Affairs. H. R. 1934. A bill for the relief of Rebecca E. Olmsted; with amendment (Rept. No. 2351). Referred to the Committee of the Whole House.

Mr. ROWBOTTOM: Committee on Claims. H. R. 9175. A bill for the relief of George W. McPherson; with amendment (Rept. No. 2352). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 14172. A bill for the relief of B. Frank Shetter; without amendment (Rept. No. 2353). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 4699. A bill for the relief of William H. Fleming; with amendment (Rept. No. 2356). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 7051. A bill for the relief of George W. Gilmore; with amendment (Rept. No. 2357). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 16838) granting the consent of Congress to Llewellyn Evans, J. F. Hickey, and B. A. Lewis, their survivors and assigns, to construct, maintain, and operate a bridge and approaches thereto across Puget Sound within the county of Pierce, State of Washington, at or near a point commonly known as the Narrows; to the Committee on Interstate and Foreign Commerce.

By Mr. BRITTEN: A bill (H. R. 16839) to provide for investigation of sites suitable for the establishment of a naval airship base; to the Committee on Naval Affairs.

By Mr. CURRY: A bill (H. R. 16840) authorizing replacement of the causeway over Mare Island Strait, Calif.; to the Committee on Naval Affairs.

By Mr. GARBER: A bill (H. R. 16841) to amend sections 17 and 19 of the interstate commerce act as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWLEY: A bill (H. R. 16842) granting the consent of Congress to the State of Oregon and the Haynes Slough drainage district to construct, maintain, and operate a dam and dike to prevent the flow of tidal waters into Haynes Slough, Coos Bay, Coos County, Oreg.; to the Committee on Rivers and Harbors.

By Mr. JAMES: A bill (H. R. 16843) to authorize appropriations for the Army Transport Service; to the Committee on Military Affairs.

Also, a bill (H. R. 16844) to authorize the maintenance of post exchanges and educational and recreational facilities at military posts and stations; to the Committee on Military Affairs.

By Mr. RANKIN: A bill (H. R. 16845) to amend the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. GOLDER: A bill (H. R. 16846) to authorize Hon. Joseph Buffington to accept certain decorations and orders tendered him by the Kingdom of Italy and the Republic of Czechoslovakia; to the Committee on Foreign Affairs.

By Mr. YON: A bill (H. R. 16847) to amend section 2 of the act, chapter 254, approved March 2, 1927, entitled "An act authorizing the county of Escambia, Fla., and/or the county of Baldwin, Ala., and/or the State of Florida, and/or the State of Alabama, to acquire all the rights and privileges granted to the Perdido Bay Bridge & Ferry Co. by chapter 168, approved June 22, 1916, for the construction of a bridge across Perdido Bay from Lillian, Ala., to Cummings Point, Fla."; to the Committee on Interstate and Foreign Commerce.

By Mr. NELSON of Wisconsin: A bill (H. R. 16848) to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions; to the Committee on the District of Columbia.

By Mr. GRAHAM (by request): A bill (H. R. 16849) to amend section 22 of the longshoremen's and harbor workers' compensation act; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: A bill (H. R. 16850) to provide for the deportation of certain aliens, and for the punishment of the unlawful entry of certain aliens; to the Committee on Immigration and Naturalization.

By Mr. BOX: A bill (H. R. 16851) to clarify the law relating to the temporary admission of aliens to the United States; to the Committee on Immigration and Naturalization.

By Mr. ROY G. FITZGERALD: A bill (H. R. 16852) to amend section 2 of the act of February 12, 1927 (44 Stat. L. 1087; U. S. C. Sup. I, title 5, sec. 760, subdivision H); to the Committee on the Judiciary.

By Mr. LAGUARDIA: Joint resolution (H. J. Res. 404) to create a joint congressional committee to be known as the committee on narcotic traffic; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADKINS: A bill (H. R. 16853) granting a pension to Mary E. Crow; to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 16854) granting an increase of pension to Avola Harchelrode; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 16855) for the relief of Fred M. Hopkins; to the Committee on Claims.

By Mr. ALLGOOD: A bill (H. R. 16856) extending benefits of the World War adjusted compensation act, as amended, to John J. Helms; to the Committee on World War Veterans' Legislation.

By Mr. BUTLER: A bill (H. R. 16857) for the relief of Wallace E. Ordway; to the Committee on Claims.

Also, a bill (H. R. 16858) for the relief of Lamm Lumber Co.; to the Committee on Claims.

By Mr. BYRNS: A bill (H. R. 16859) giving pensionable status to Mary Frances McConnell and her minor daughter, Frances Dinwoody McConnell; to the Committee on Pensions.

By Mr. CLANCY: A bill (H. R. 16860) for the relief of Joseph A. McEvoy; to the Committee on Claims.

By Mr. ENGLEBRIGHT: A bill (H. R. 16861) granting a pension to Olive B. Barnes; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 16862) granting a pension to John Corbin; to the Committee on Pensions.

By Mr. GOLDER: A bill (H. R. 16863) granting an increase of pension to George H. Wicks; to the Committee on Pensions.

By Mr. GREENWOOD: A bill (H. R. 16864) granting a pension to Catherine Cushman; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 16865) for the relief of Lewis Frederick Boysen; to the Committee on Naval Affairs.

By Mrs. NORTON: A bill (H. R. 16866) granting a pension to Lester G. Cross; to the Committee on Pensions.

By Mr. PEERY: A bill (H. R. 16867) for the relief of H. E. Jones; to the Committee on Claims.

By Mr. SIMMONS: A bill (H. R. 16868) for the relief of Samuel W. Long; to the Committee on Military Affairs.

By Mr. STALKER: A bill (H. R. 16869) granting an increase of pension to Annie E. Mynard; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 16870) granting an increase of pension to Elizabeth A. Gordon; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 16871) granting an increase of pension to Marion F. Wild; to the Committee on Invalid Pensions.

By Mr. TARVER: A bill (H. R. 16872) for the relief of Walter W. Adkins; to the Committee on Military Affairs.

By Mr. ZIHLMAN: A bill (H. R. 16873) granting an increase of pension to Lilie S. Buck; to the Committee on Invalid Pensions.

By Mr. RANSLEY: Resolution (H. Res. 306) to pay Lillian Burns, widow of John C. Burns, six months' salary and funeral expenses; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8569. Petition of Peace Pipe Chapter of the Daughters of the American Revolution, Denver, Colo., indorsing House Joint Resolution 11, adopting the official flag code of the United States; to the Committee on the Judiciary.

8570. By Mr. BROWNE: Petition of Wisconsin Rural Letter Carriers' Association, Wisconsin, urging Congress to enact into law the Browne bill (H. R. 10142); to the Committee on the Post Office and Post Roads.

8571. By Mr. CARSS: Resolution of the Minnesota Telephone Association opposing radio legislation of a regulatory character in the interest of any group of manufacturers or broadcasters, and favoring legislation in which regulation is limited to only such measures as are imperative to the public interest; to the Committee on the Merchant Marine and Fisheries.

8572. By Mr. CULLEN: Petition of the Brooklyn Chapter of the Reserve Officers' Association of the United States, urging the maintenance of an Army and Navy of proper proportions for adequate national defense; to the Committee on Military Affairs.

8573. Also, petition of the officers and members of the Eighth Assembly District Regular Democratic Club, of Kings County, N. Y., indorsing the Dale-Lehlbach retirement bill (S. 1727); to the Committee on the Civil Service.

8574. By Mr. CARSS: Resolution of Minnesota Telephone Association, urging Congress in connection with radio legislation to provide for and establish a communicative commission to have regulatory jurisdiction over wire lines as well as radio; to the Committee on the Merchant Marine and Fisheries.

8575. By Mr. FOSS: Petition of 78 citizens of Athol, Mass., protesting against the passage of House bill 78, known as the Lankford Sunday observance bill, together with letter from Horace Mann, of Athol, pertaining to the same; to the Committee on the District of Columbia.

8576. By Mr. KING: Petition signed by the retail shoe dealers, with their customers, submitted by Mr. John F. Block, of Knoxville, Ill., against any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

8577. By Mr. KVALE. Petition of Northern Pine Manufacturers' Association, adopted at its annual meeting, unanimously opposing imposition of duties upon importations of lumber, shingles, and logs; to the Committee on Ways and Means.

8578. Also, petition of Martin and Hanna Rinde, urging passage of House bill 14676; to the Committee on Pensions.

8579. By Mr. LANKFORD: Petition of 138 members of St. Stephens Protestant Episcopal Church, District of Columbia, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8580. Also, petition of 85 members of Centennial Baptist Church, District of Columbia, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8581. Also, petition of 33 members of the Dumbarton Avenue Methodist Episcopal Church, District of Columbia, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8582. Also, petition of 16 members of Columbia Heights Lutheran Church, District of Columbia, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8583. Also, petition of 41 members of Westminster Presbyterian Church, Washington, D. C., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8584. Also, petition of 301 citizens of the District of Columbia, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8585. Also, petition of 3,966 from schools in the various Southern States, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8586. Also, petition of 36 members of Eckington Presbyterian Church, District of Columbia, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8587. By Mr. McCORMACK: Petition of Mrs. J. B. McDonnell, 776 Broadway, South Boston, Mass., protesting against the so-called Newton maternity bill and the equal rights amendment to the Federal Constitution; to the Committee on Interstate and Foreign Commerce.

8588. By Mr. MORROW: Petition of Paris Shoe Store, and other citizens of Albuquerque, N. Mex., in opposition to any change in the tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

8589. By Mr. O'CONNELL: Petition of the New York State College of Forestry at Syracuse University, Syracuse, N. Y., favoring the passage of the Norbeck game refuge bill (S. 1271); to the Committee on Agriculture.

8590. Also, petition of the General Henry W. Lawton Camp, No. 21, United States War Veterans, department of New York, favoring the passage of the Knutson bill (H. R. 14676); to the Committee on Pensions.

8591. Also, petition of Wilcox & Van Allen, Buffalo, N. Y., favoring the passage of the Norbeck game refuge bill (S. 1271); to the Committee on Agriculture.

8592. Also, petition of Albert D. Morstadt, New York City, favoring the passage of the Norbeck game refuge bill (S. 1271); to the Committee on Agriculture.

8593. Also, petition of the New York Conservation Association (Inc.) favoring the passage of the Norbeck game refuge bill (S. 1271); to the Committee on Agriculture.

8594. Also, petition of Jefferson Seligman, New York City, favoring the passage of the Norbeck game refuge bill (S. 1271); to the Committee on Agriculture.

8595. Also, petition of J. G. Phelps Stokes, of New York City, favoring the passage of the Norbeck-Andresen game refuge bill; to the Committee on Agriculture.

8596. Also, petition of Guggenheimer, Utermyer & Marshall, New York City, favoring the passage of the Norbeck game refuge bill (S. 1271); to the Committee on Agriculture.

8597. Also, petition of the Westchester County Conservation Association, favoring the passage of the Norbeck game refuge bill (S. 1271); to the Committee on Agriculture.

8598. By Mr. QUAYLE: Petition of the New York Conservation Association (Inc.), favoring the passage of Senate bill 1271, the Norbeck game refuge bill; to the Committee on Agriculture.

8599. Also, petition of Frosts' Veneer Seating Co. (Ltd.), of New York, favoring the passage of the tariff on plywood under paragraph 410; to the Committee on Ways and Means.

8600. Also, petition of Naval Camp, No. 49, United Spanish War Veterans, of Brooklyn, N. Y., favoring the passage of the Knutson bill (H. R. 14676); to the Committee on Pensions.

8601. Also, petition of Morrison, Kennedy & Campbell, of New York City, favoring the passage of the Norbeck game refuge bill; to the Committee on Agriculture.

8602. Also, petition of General Federation of Women's Clubs, of New York, N. Y., favoring the passage of the Norbeck-Andresen game refuge bill; to the Committee on Agriculture.

8603. Also, petition of the New York State College of Forestry, Syracuse, N. Y., favoring the passage of the Norbeck game refuge bill; to the Committee on Agriculture.

8604. Also, petition of Ernest L. Smith Construction Co. (Inc.), of New York City, favoring the passage of the Norbeck game refuge bill; to the Committee on Agriculture.

8605. By Mr. ROBINSON of Iowa: Petition in favor of the Norbeck game refuge bill, signed by William Koch, teacher, and the members of the biology class of the Theodore Roosevelt High School, of Des Moines, Iowa; to the Committee on Agriculture.

8606. By Mr. SWING: Petition of residents of San Diego, protesting against House bill 78 for compulsory Sunday observance; to the Committee on the District of Columbia.

SENATE

TUESDAY, *February 5, 1929*

(Legislative day of Monday, February 4, 1929)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 4818. An act for the relief of hay growers in Brazoria, Galveston, and Harris Counties, Tex.; and

S. 5578. An act recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crew of the U. S. S. *America*, and for other purposes.

The message also announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 1347. An act to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended;

S. 4036. An act to authorize the Secretary of War to transfer the control of certain land in Oregon to the Secretary of the Interior; and

S. 4739. An act authorizing the Secretary of the Treasury to sell certain Government-owned land at Manchester, N. H.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 13693. An act to authorize the Secretary of War to transfer a portion of the Camp Lee Military Reservation to the Petersburg National Military Park;

H. R. 13935. An act to provide for the purchase of a bronze bust of the late Lieut. James Melville Gilliss, United States Navy, to be presented to the Chilean National Observatory;

H. R. 14072. An act to authorize the sale and removal of surplus sand from the military reservation, Fort Story, Va.;

H. R. 14460. An act authorizing the Iowa-Nebraska Amortized Free Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Sioux City, Iowa;

H. R. 14472. An act to extend the time for completing the construction of a bridge across the Mississippi River at the city of Vicksburg, Miss.;

H. R. 14479. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio;

H. R. 14893. An act to authorize a preliminary survey of Rough River in Kentucky, with a view to the control of its floods;

H. R. 14924. An act to authorize the Secretary of War to grant to the city of Salt Lake, Utah, a portion of the Fort Douglas Military Reservation, Utah, for street purposes;

H. R. 15201. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio;

H. R. 15657. An act to provide for the improvement and preservation of the land and buildings of the Abraham Lincoln National Park or Reservation;

H. R. 15714. An act to extend the times for commencing and completing the construction of a bridge across the Ocmulgee River at or near Fitzgerald, Ga.;

H. R. 15809. An act to authorize a preliminary survey of Mud Creek, in Kentucky, with a view to the control of its floods;

H. R. 15851. An act to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Kittanning, in the county of Armstrong, in the State of Pennsylvania;

H. R. 16026. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.;

H. R. 16035. An act to extend the time for completing the construction of a bridge across Port Washington Narrows, withing the city of Bremerton, State of Washington;

H. R. 16208. An act authorizing the Cedar Point Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the southeast arm of Sandusky Bay at or near Sandusky, Ohio;

H. R. 16270. An act to revive and reenact the act entitled "An act granting the consent of Congress for the construction of a bridge across the St. John River between Fort Kent, Me., and Clairs, Province of New Brunswick, Canada," approved March 18, 1924;

H. R. 16279. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at Augusta, Ky.; and

H. R. 16440. An act relating to declarations of intention in naturalization proceedings.

The message also announced that the House had adopted a concurrent resolution (H. Con. Res. 46) amending section 6 of the House concurrent resolution establishing the United States Yorktown Sesquicentennial Commission, in which it requested the concurrence of the Senate.

CONSTRUCTION OF CRUISERS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	George	McNary	Simmons
Bayard	Gerry	Mayfield	Smith
Black	Gillett	Moses	Steck
Blaine	Glass	Neely	Steiwer
Blease	Glenn	Norbeck	Stephens
Borah	Goff	Norris	Swanson
Bratton	Gould	Nye	Thomas, Idaho
Brookhart	Greene	Oddie	Thomas, Okla.
Bruce	Hale	Overman	Trammell
Burton	Harris	Phipps	Tydings
Capper	Harrison	Pine	Tyson
Caraway	Hastings	Pittman	Vandenberg
Copeland	Hawes	Ransdell	Wagner
Couzens	Hayden	Reed, Mo.	Walsh, Mass.
Curtis	Heflin	Reed, Pa.	Walsh, Mont.
Dale	Johnson	Robinson, Ark.	Warren
Deneen	Jones	Robinson, Ind.	Waterman
Dill	Kendrick	Sackett	Watson
Edge	Keyes	Schall	Wheeler
Edwards	King	Sheppard	
Fess	McKellar	Shipstead	
Frazier	McMaster	Shortridge	

Mr. NORRIS. My colleague the junior Senator from Nebraska [Mr. HOWELL] is unavoidably detained from the Senate by illness.

Mr. BLAINE. I desire to announce that my colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. JONES. I wish to announce that the Senator from Rhode Island [Mr. METCALF], the Senator from Connecticut [Mr. BINGHAM], and the Senator from New Mexico [Mr. LARRAZOLO] are absent on account of illness.

The VICE PRESIDENT. Eighty-five Senators having answered to their names, a quorum is present. The question is on the amendment of the Senator from Missouri [Mr. REED] to the amendment of the Senator from Idaho [Mr. BORAH].

Mr. BRUCE. Mr. President, I ask that the amendment to the amendment be read.

The VICE PRESIDENT. The clerk will read the amendment to the amendment.

The CHIEF CLERK. In lieu of the language proposed by Mr. BORAH insert the following:

First. That the Congress favors a treaty, or treaties, with all the principal maritime nations regulating the conduct of belligerents and

neutrals in war at sea, including the inviolability of private property thereon, and embracing as nearly as practicable the principles set forth in article 12 of the treaty of 1785 negotiated between the United States and Prussia, in which negotiations Benjamin Franklin, Thomas Jefferson, and John Adams represented the United States.

Second. That such treaties be negotiated if practically possible prior to the meeting of the conference on the limitation of armaments in 1931.

Mr. REED of Missouri. Mr. President, after consultation with some of my colleagues and not desiring to prolong the debate, I desire to perfect the amendment by striking out, beginning with the word "and" in line 4, page 1, all the rest of the language contained in the first paragraph, so that the amendment as perfected would read:

First. That the Congress favors a treaty, or treaties, with all the principal maritime nations regulating the conduct of belligerents and neutrals in war at sea, including the inviolability of private property thereon.

Second. That such treaties be negotiated if practically possible prior to the meeting of the conference on the limitation of armaments in 1931.

Unless some one wants an explanation of it, I am ready to let the matter go to a vote.

Mr. HALE. Mr. President, will the Senator explain how the amendment would affect contraband of war?

Mr. REED of Missouri. It has the effect of protecting private property from seizure at sea in accordance with the doctrine for which we have contended from the very beginning of this Government and which we have never waived.

Mr. HALE. Does the Senator think it would abolish the right of blockade?

Mr. REED of Missouri. No; I do not think it would abolish the right of blockade if it were a real blockade, but I think it would stop the seizure of vessels on the high seas in the manner in which they have been seized; and it would compel respect for private property and have the same effect if it were unjustly interfered with.

Mr. HALE. But it would not stop or interfere with the right of blockade?

Mr. REED of Missouri. No; neither would it abolish contraband as established by the law of nations and treaties. I am simply trying to express a general idea as a mere recommendation of Congress.

Mr. SWANSON. Mr. President, as I understand it, instead of calling a conference to codify or announce international law, the modified amendment proposes to take the same principles and try to achieve the same result by treaty or treaties as proposed in the amendment of the Senator from Idaho. I think it ought to be adopted as modified. All it does, as I understand it, is to propose to treat private property on the seas similar to private property on land. A city may be surrounded and everything prevented from going into it. If that can be done upon the land, the same thing can be done upon the seas. This is a principle for which we have contended from time immemorial. One of the first treaties made by Thomas Jefferson was to protect private property at sea in the same way that private property on land is protected. If we can do this, one of the great modern improvements of civilization will ultimately be achieved.

Mr. NORRIS. Mr. President, I am in entire accord with the amendment; but I would like to make an inquiry of the Senator from Missouri with regard to it. This question arose in my mind: Suppose the private property were contraband? In other words, I am wondering if the amendment does not include more than the amendment intended. Nobody would contend that contraband of war should be protected upon the sea, but the amendment says that it includes "inviolability of private property" on the sea. Suppose a private individual were shipping guns and ammunition; technically would not that be included in the suggested amendment?

Mr. SWANSON. I would not think so on the theory that private property would not be inviolable if it were contraband of war. I do not know why it should be protected if it were at sea any more than if it were on land destined, for instance, to a city under siege. The object is to treat private property on land and sea similarly.

Mr. NORRIS. There is nothing said here about private property on land.

Mr. SWANSON. This expression will not have the force of law; it is simply a suggestion made to carry out the idea we have in mind.

Mr. NORRIS. I understand that; and, of course, it is not a serious matter, because in any negotiations which might take place under this provision the question could probably easily be met; but so long as we are going to state our position, ought we not to exclude from the term "private property" contraband of war?

Mr. ROBINSON of Arkansas. Mr. President——

Mr. NORRIS. I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. The modification of the amendment of the Senator from Missouri was made by him in order to relieve against the very question which the Senator from Nebraska has raised. Some question arose in the minds of a number of Senators as to whether the particular allusion to a certain paragraph of the treaty of 1785 would not commit the Congress to the policy of complete abolishment of contraband; and so the amendment was framed as it now is.

As I see it now, the language of the amendment being merely advisory, is broad enough to commend any negotiation which this Government may see fit to inaugurate tending to the protection of private neutral property on the high seas in time of war.

Mr. NORRIS. Mr. President, as I have stated, this provision will not have the force of law; it will simply afford a basis for negotiations. At the same time, if we can just as well as not, we ought to state our position definitely.

Mr. ROBINSON of Arkansas. Yes; I understand the Senator's suggestion; but the difficulty of saying "private property other than contraband" grows out of the fact that during recent years certain nations have attempted to expand the rules relating to contraband so as to embrace the necessities of life, so as to embrace commodities and articles which under the law of nations are not fairly included within the term "contraband." We thought it best—or at least I thought it best—in consideration of the matter to leave the advice as to the extent and character of the negotiations broad enough to recommend the definition, if need be, of the term "contraband," which I think is embraced within the language as it is now offered by the Senator from Missouri.

Mr. NORRIS. Mr. President, the Senator from Arkansas must recognize that my time is limited to 10 minutes.

Mr. ROBINSON of Arkansas. I certainly do, and I have no disposition to take the Senator's time. I apologize to him. I can take the floor later myself.

Mr. NORRIS. I do not know that I care to consume my entire 10 minutes; but, with due respect for what the Senator from Arkansas has said, still to me the necessity, if there is such a necessity, is not obvious. I myself do not believe there is such a necessity, but it is advisable, I think, if we can, to be perfectly explicit in our suggestion here. If we can do that, I think we ought to do it.

It is true that during the World War Great Britain particularly broadened contraband of war, and new inventions may of necessity broaden it more in the future. I would not think it advisable here to try to define "contraband of war." If we are to enter into negotiations under the language of the pending amendment, we shall have that difficulty in any case very likely and it will probably be a serious difficulty, a difficulty that may prevent any agreement being reached, because that is a very serious matter. As we would like to see it defined, we would not include in contraband of war a great many things that the Government of Great Britain very likely would be anxious to include. Nevertheless, if we take this language for just what it says, it seems to me that on its face it does include something that we probably do not want to include.

Mr. WALSH of Montana. Mr. President, I do not think that any addition to the language of the amendment is at all necessary. Of course, it is not attempted in the language used to define all of the limitations or, indeed, any of the limitations upon the general doctrine. The language merely refers to a general theory or policy; and in the textbooks and in the voluminous correspondence in relation to the matter the subject is usually referred to as the "inviolability of private property at sea" or the "immunity from seizure of private property at sea," and it is always understood, when the language is used, that blockade and contraband, of course, are excluded. For instance, in Cheney's International Law, a late work, in considering this question, the whole subject is headed with the following title:

Proposed General Immunity of Enemy Property.

And in the discussion Professor Moore was asked about limitations and he said:

What therefore the United States since 1850 has proposed is not that private property at sea shall be exempt from capture but that it shall be so exempt, subject to the exceptions of contraband and blockade.

So that if we were going to insert in the amendment the words "except contraband," we must also insert "except block-

ade." But that is all understood. This is merely a proposal for the consideration and discussion of the subject with a view to a treaty. The treaty, of course, when ratified, will have the proper limitations, and that treaty will, in all reasonable probability, as did the treaty of 1785, except contraband of war from its operations.

Mr. President, it might be interesting in this connection to read the appropriate paragraph of the treaty of 1785. It reads as follows:

> * * * all merchant and trading vessels employed in exchanging the products of different places, and thereby rendering the necessaries, conveniences, and comforts of human life more easy to be obtained, and more general, shall be allowed to pass free and unmolested; and neither of the contracting powers shall grant or issue any commission to any private armed vessels, empowering them to take or destroy such trading vessels or interrupt such commerce.

Mr. GERRY. Mr. President, from what is the Senator reading?

Mr. WALSH of Montana. From the treaty with Prussia of 1785. In the treaty with Italy of 1871 appears the following:

ARTICLE 15

> The liberty of navigation and commerce secured to neutrals by the stipulations of this treaty shall extend to all kinds of merchandise, excepting those only which are distinguished by the name of contraband of war. And, in order to remove all causes of doubt and misunderstanding upon this subject, the contracting parties expressly agree and declare that the following articles, and no others, shall be considered as comprehended under this denomination.

Then the treaty denominates a certain list of articles obviously intended for war purposes. Therefore, I do not believe that we ought to attempt to make any limitation that can be taken care of by law; but what I want to suggest to the Senator from Missouri is that the phrase "including the inviolability of private property thereon" does not make the sentence read very well.

> That the Congress favors a treaty, or treaties, with all the principal maritime nations regulating the conduct of belligerents and neutrals in war at sea, including the inviolability of private property thereon.

In an earlier amendment presented to the Senate that was expressed in these words, "on the basis of the inviolability of private property," and I suggest to the Senator that such a phrase be employed.

Mr. REED of Missouri. Mr. President, I have the greatest respect for the Senator's judgment, but if we use the term "embracing" it would seem to be a limitation upon the preceding clause. It may be a better word than "including," but I hardly think the word "embracing" would be proper.

Mr. BORAH. The Senator from Montana did not use the word "embracing," but the words "on the basis of the inviolability of private property."

Mr. WALSH of Montana. I used the words "on the basis of." That is the question that we are discussing; that the maritime law should be revised "on the basis of the inviolability of private property at sea."

Mr. KING. Mr. President——

Mr. WALSH of Montana. I yield to the Senator from Utah.

Mr. KING. Does not the Senator's suggestion of the words "on the basis of" make the amendment too restricted and confine it to the consideration of the inviolability of property, whereas the expression "regulating the conduct of belligerents and neutrals in war at sea" might affect individual rights as well as property rights? It seems to me that the suggestion of the Senator from Montana, if accepted, would limit the resolution to the consideration of property in contradistinction to the consideration of the rights of individuals upon the high seas.

Mr. ROBINSON of Arkansas. Mr. President, I think the language as employed is fairly apt. The idea of the Senator from Montana could probably be incorporated by changing the word "conduct" to "rights," so as to read "the rights of belligerents and neutrals," and so forth. It would seem a little more apt, perhaps, but I think the language the Senator from Missouri has employed expresses the thought.

Mr. WALSH of Montana. The significance of the provision ought to be borne in mind. It is intended to abolish the general right of capture of merchant vessels at sea, so that even the vessels of the enemy country would be permitted to pass without interruption so long as they did not carry contraband or attempt to run a blockade.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. GEORGE. I should like to ask the Senator why is it necessary at all to incorporate that language in the amendment? Would not a conference that would undertake to define the rights of belligerents and neutrals in war at sea necessarily include a consideration of the very things the Senator has in mind in his suggestion?

Mr. WALSH of Montana. Certainly; but I want the Congress again to assert the traditional policy of this country in favor of the exemption from seizure of merchant vessels at sea, because it has been suggested to me that the State Department—I do not know just exactly what that means; it may mean some subordinate—but it has been suggested to me that the State Department, perhaps, has changed its attitude with respect to that matter, and I want the Congress to declare, as I have said, the traditional policy of this country in this regard.

Mr. GEORGE. It seems to me, Mr. President, if the Senator will pardon me, that consideration of the matter which he puts into the amendment could not possibly be avoided if any conference were held.

Mr. WALSH of Montana. The negotiators, of course, could take it up without any expression at all on the part of Congress with respect to the policy that it should like to have observed.

Mr. GEORGE. It seems to me that at this time they would undoubtedly take it up. They could not avoid taking up the very thing the Senator has in mind.

Mr. WALSH of Montana. But there would be nothing in the nature of instructions from the Congress of the United States. I want to have it perfectly plain that the Congress of the United States is still attached to the traditional policy of the exemption of merchant vessels from seizure at sea.

Mr. GEORGE. Then, does not the Senator come very near the proposition that he does not want a conference at all, but he merely wants to get the nations together to ratify something that we in advance have stated?

Mr. WALSH of Montana. Not at all. The declaration of the amendment is that the Congress favors treaties embodying that idea.

The VICE PRESIDENT. The question is on the amendment of the Senator from Missouri [Mr. REED], as modified, to the amendment of the Senator from Idaho [Mr. BORAH].

Mr. BRUCE. Mr. President, it seems to me that there is a question back of all the questions that have been discussed up to this time in connection with this amendment—that is to say, whether such an amendment as this, either in its original or in its modified form, should be adopted.

We have twice attempted to arrive at an understanding with Great Britain in relation to the general subject of disarmament, and in each instance we have failed to arrive at one under circumstances which, in my opinion, do not involve any moral reproach to Great Britain. She has merely had the good sense to recognize her imperious necessities—necessities with which it was impossible for her, as a matter of self-preservation if nothing else, to temporize.

The Washington conference and the Geneva conference have come to nothing of lasting benefit, and if it is the idea of this amendment that a treaty is to be entered into between Great Britain and the United States with reference to the freedom of the seas—the amendment is silent as to what countries are to be parties to that treaty—in my judgment the negotiations looking to such a treaty will be just as abortive, just as fruitless, just as productive of international distrust, suspicion, and ill feeling as the Geneva conference was.

At the present time there is a commission appointed by the League of Nations for the purpose of codifying international law; and, of course, it will be one of the very first duties of that commission—of which, by the way, one of our most accomplished and distinguished American lawyers, Mr. Wickersham, is a member—to declare what should be the conduct of belligerents and neutrals at sea in time of war. Mind you, that commission, of course, is representative of the whole civilized world, not only of those nations which happen to be members of the League of Nations, but of our country as well.

If the difficult subject of the freedom of the seas is capable of being treated successfully at all, surely it will be at the hands of that commission; and, if I am not mistaken, there is still another commission—I am not certain about that—a commission appointed at the instance of the South American powers perhaps for the purpose of codifying international law. If I am wrong in that impression, I shall be glad to be corrected.

So I say, why anticipate the action of the commission that is to carry on its work of codification under the auspices of the League of Nations; that is to say, under auspices, as I have declared, that are representative of the entire civilized world by preliminary negotiations of a limited nature such as are contemplated by this amendment.

I see nothing to be gained by such negotiations; and I for one so clearly recognize the supreme exigencies of life and death with which the British Empire has to deal in time of war that

I do not wish to place Great Britain again in the position, as I believe she would surely be placed if approached for the purpose of such negotiations, of saying to us that she can not under existing conditions accede to our ideas about the freedom of the seas. We all know that during the War of 1812, when we were insisting upon the freedom of the seas, the clearance papers of our ships that were trading with enemies of Great Britain were often grossly fraudulent. If the doctrine of the freedom of the seas should be accepted and not be as effectually guaranteed as it should be, we would have a repetition of all that fraud when Great Britain was engaged in some life-and-death struggle with some enemy or enemies.

Why, during the World War, I say that it was on the whole just as much to the advantage of the United States as of Great Britain that Great Britain should have interfered, as she did, with American commerce; and whether our illustrious President, Woodrow Wilson, had the sagacity to see that or not, Mr. Walter Hines Page had the sagacity to see it. As much as I admired Woodrow Wilson, I assert that in that particular Mr. Page was the truer statesman of the two. He knew that technically Great Britain was violating our commercial rights; but he had the greatness of mind, the breadth of vision, to realize that what Great Britain was doing was in the long reckoning inuring just as much to our lasting benefit as to that of Great Britain.

Contraband of war? Why, who is there that can define any longer the exceptions that should be made in favor of contraband of war? Is not cotton, that enters so largely into military explosives; is not copper, that is such an important feature of modern military operations; is not rubber, that is a product of equal value in such operations under modern conditions of invention and discovery, just as much contraband as shells, rifles, bayonets, or anything else that has always been considered contraband?

Lloyd George, with his keen perception, said all that England will ever be able to say to the world about this matter of the freedom of the seas under existing conditions when, during the Wilsonian era, he flatly declined to accept the freedom of the seas under such conditions, and insisted that it meant the destruction of the power of blockade—a power which Great Britain would not forego unless and until a league of nations should be established and become a reality.

There is the common sense of the whole situation; and even more luminously, certainly more amply, Lord Balfour, at the Washington conference, developed the same idea.

It is true that the League of Nations has become to no small extent, I am happy to say, a reality as respects all the other great civilized powers of the world but the United States; but, so far as we are concerned, it has not become a reality, and until it does it can not be said to be a reality as respects Great Britain.

If we were a party to the League of Nations in time of war, of course, as Woodrow Wilson so clearly saw, this problem of the freedom of the seas would no longer be an American problem; it would be a problem for the League of Nations, under the covenant which imposes upon it the duty of seeing that any economic boycott decreed by it against a recalcitrant member of the league is duly carried into effect.

So I see nothing to be gained by this amendment, I repeat, either in its original or its amended form. Why create more suspicion, more distrust, more ill feeling between these two great, kindred, peace-loving nations—the two nations upon whose cooperation for the permanent welfare of mankind the future of civilization more than on anything else depends?

Let us have no more preliminary conferences on the subject of disarmament or the subject of the freedom of the seas until those subjects can be taken up by general agencies coextensive with the whole world.

The VICE PRESIDENT. The time of the Senator from Maryland has expired.

Mr. ROBINSON of Arkansas. Mr. President, two phases of this problem prompt me to submit some observations. The effectiveness of the amendment as a method of accomplishing the purpose underlying it is one subject, and the purpose itself is a different one.

I am not so much concerned about the interests of Great Britain or any other foreign nation as I am about the welfare of the United States. It has never seemed to me true that Great Britain was right, and the men who struggled and fell in efforts to maintain the cause of the United States during the War of 1812 were wrong. I never thought any power on this earth had or ought to have the right to seize a ship flying under the flag of my country, take from it by force a seaman supposed to be under the shelter of that flag, and impress him into the service of another country; and it is a strange bent of mind, in my opinion, which justifies opposition to this amendment on that theory—that in the various controversies that have arisen between the United States and Great Britain the mother country has been right and the United States has been wrong.

Aside from any question as to the practical result of this amendment, there underlies it and runs through it a principle the recognition of which is absolutely essential and indispensable to the substantial limitation of naval armament. So long as the subject remains in confusion, so long as it remains doubtful whether a belligerent, a foreign country other than our own—I care not whether it be Great Britain or some other country—in struggling for the continuance of its existence has the right to seize and destroy the commerce of this country without regard to the character of that commerce as recognized by international law, there will be no limitation of naval armament worth while. Battleships and cruisers, submarines and airships, will still be constructed, and they will be constructed in sufficient numbers to sustain the lives, the independence, the interests of the millions who live under the Stars and Stripes.

The effort to negotiate the treaty or treaties contemplated by this amendment may or may not succeed. If it succeeds, it will result in clearing the present situation of great confusion. If it fails, this country and its representatives will realize that the proposal for the limitation of armament is largely a dream.

Is it a matter of indifference to citizens of this country that the right of a foreign power is asserted to disregard the law of nations? Is it a matter of indifference or unconcern that what constitutes private property other than contraband, or what constitutes contraband, is undefined? Is it not worth while trying to reach an agreement and to compose the fundamental controversy which can not be otherwise finally determined? Shall we have no more conferences, as suggested by the Senator from Maryland? Shall we make no more effort for treaties to define the rights and privileges of belligerents and neutrals?

Mr. BRUCE. Mr. President, may I interrupt the Senator just a moment?

Mr. ROBINSON of Arkansas. Certainly.

Mr. BRUCE. None until we have a report from this world-wide commission as to what the respective rights of neutrals and belligerents in time of war at sea should be.

Mr. ROBINSON of Arkansas. Mr. President, the preparatory commission of the League of Nations has been attempting to work out this problem throughout the entire period that has come and gone since the close of the great World War, and the fact that nothing substantial has been accomplished is proof of the great difficulties that exist in the problem. I do not know that the United States is under any obligation to wait, to take no initiative, to refrain from attempting to do anything, to express no opinion, until a commission in which our country is not a direct participant shall arrive at an arrangement or a conclusion.

I do not belittle the difficulty of negotiating a treaty like that contemplated by this amendment. During the Geneva conference, only three nations participating, the United States, Great Britain, and Japan, it was found impossible to agree upon a program, and the preparatory commission of the League of Nations has, throughout the long years of its efforts, been unable to agree upon a program. Some nations wanted limitation of total tonnage. Others want limitation by classes of ships. But it became apparent during the Geneva conference, and more apparent during the discussions of the Anglo-French project, that there will be great difficulty in negotiating or arranging an agreement for the limitation of armaments. But just as sure as you study this subject, you will come to the conclusion that, before there can be an effective limitation of armaments, there must be a definition of rights, and that definition of rights, it is hoped, may be accomplished in part through such a treaty as that proposed in the amendment.

The VICE PRESIDENT. The Senator's time on the amendment has expired. He has 10 minutes now on the bill.

Mr. ROBINSON of Arkansas. Mr. President, I am not willing to assume that it is hopeless, that it is utterly impossible to enter into any agreement with the principal naval powers defining the rights of neutrals and belligerents at sea. Those rights have been defined in a somewhat confused manner by the customs of past centuries growing out of conflicts long gone by.

The changed conditions which exist respecting commerce and the methods by which it is carried make inevitable some changes in the rules governing commerce at sea. But if this country enters upon the attempt to negotiate a treaty which, if ratified, will remove the difficulty in securing limitation of armament I believe the effort is worth while, even though it meets with only partial success, even though it fails entirely of success.

In this day we owe it to civilization to do everything possible to prevent those clashes and those conflicts which are the outgrowth of conflicting customs, civilizations, and interests. But the fact that the world now has heavier armaments than existed in the pre-war period shows that that state of feeling does not exist in the breasts of the people of the world which is preliminary to true peace and which prevents the world from disarming. The best way to secure disarmament is to bring about the feeling in the breasts of the people that they are secure without arming.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. ROBINSON of Arkansas. I yield.

Mr. BRUCE. I would like to ask the Senator whether there is any reason why we should not be willing to await the action of the codification commission of which I have spoken? Is there any reason why the subject of freedom of the seas should not be taken up at the conference of 1931? As I understand it—and I would like to be corrected if I am wrong—Great Britain, the United States, Japan, France, and Italy, at least, will be parties to that conference. That time is not very far off.

Mr. ROBINSON of Arkansas. Mr. President, the theory of this amendment is that it will help the disarmament conference of 1931 to be effective, if in the meantime a treaty defining the rights of neutrals and belligerents at sea is negotiated. It is intended to be preliminary to the conference of 1931.

That conference will be confronted with great difficulty. It will have some of the same obstacles in the way of its success that existed at the time of the Washington conference. Some of the principal powers represented there were only willing that limitation should be effected which, in its final analysis, would not interfere with the purposes and the plans of those participating. If in 1931 it could be said to the conference, "We now know what is contraband; we know what rights are secured to private property at sea; the wrath and condemnation of the rest of the world will be directed at the nation that violates those rights solemnly agreed upon"; it would be materially helpful to the members of that conference in their efforts to agree upon limitation.

Of course, no man can look into the future and see the effect, the details to be accomplished by an effort of this character, but, differing from the Senator from Maryland almost totally, agreeing to nothing whatever he said, as I remember it, in his remarks just a few minutes ago, while recognizing his superior learning and knowledge of history, I take my position firmly on this ground, that there can be no impropriety in the Congress expressing its opinion on a subject which, say what you will and think what you please, lies close to the heart of every man, woman, and child in this Republic.

Mr. SWANSON. Mr. President, it seems to me this controversy lies in a very narrow compass. There has been a fight almost from the time man emerged from the cave to have private property protected on land. An army would seize the private property of any individual citizen of a nation at war with the country represented by that army. Civilization progressed, and to-day in all warfare there is an inviolability about private property on land, except as to contraband.

Ever since that has been the rule as to property on land an effort has been made by patriotic, liberty-loving, and progressive people the world over to extend to private property on sea the same inviolability and no more that is possessed by private property on land.

Under existing international law, as administered by some nations, in time of war private property in ships is seized and confiscated, and no compensation is given. If the private citizen of a nation not at war permits his private property to be carried on the ship of a belligerent, and the ship is seized, the property may be confiscated. That is not true as to private property on land.

The only object of this amendment is to direct our State Department, or President, to try to negotiate a treaty which will extend to private property on sea the inviolability which applies to private property on land. The term "inviolability" is the best term to use. It is a general legal expression that has been used in diplomatic correspondence, and it seems to me it is a good term.

What has been the attitude of the United States Government in this matter? Ever since the War of 1812 we have insisted that private property on sea should have the same rights as private property on land, and be subject to the same inviolability. Efforts have been made and conferences held looking to that end. A conference was held at Paris, I think in 1856, in which privateering was abolished. In the olden times letters of marque and reprisal were issued, and ships were sent out to seize private property of citizens of any nation at war with the nation granting the letters. That was abolished in 1856. We refused to ratify the Paris conference treaty because it did not protect private property against seizure by government ships of war, though it did protect against seizure by private ships of war. Mr. Marcy, the Democratic Secretary of State at that time, refused to approve the Paris conference, because private property on the sea was still subject to attack and confiscation by public ships.

We have from the foundation of our Government insisted that civilization, that trade, that commerce, that progress, required that no distinction be made between private property on land and private property on sea, and the efforts of the Senator from Idaho [Mr. BORAH] and the Senator from Missouri [Mr. REED] are directed toward authorizing our President to conduct negotiations, through treaty, to accomplish that purpose.

Treaties must come to the Senate for ratification. This principle is not written in any treaty. This amendment simply emphasizes the line on which we desire that negotiations be conducted, so as to give to private property on sea the inviolability that appertains to private property on land.

What nation is more interested in that than ours? Annually the sea-borne commerce of the United States amounts to $14,000,000,000. If there is any nation in the world whose citizens have upon the sea private property—valuable, far-reaching, and scattered everywhere—that is subject to danger from warfare upon the sea, it is the United States, and if any nation would be benefited by extending to private property on sea the inviolability possessed by private property on land, the greatest beneficiary of that policy, above all other nations, would be the United States, which has the greatest sea-borne commerce in the world.

I do not wish to load the bill down with a lot of amendments and declarations of principles and policies that will jeopardize it, but I can see no reason why the President should not have called to his attention the desirability of conducting negotiations for treaties to extend to private property on the seas the same rights possessed by private property on land.

Mr. GEORGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Georgia?

Mr. SWANSON. I yield.

Mr. GEORGE. Does the Senator conceive that any set of conferees would leave out of consideration the principle for which we have contended since the War of 1812? How would we possibly exclude from a conference such a principle?

Mr. SWANSON. I can see no excuse for not agreeing to the amendment if it is conceded that the principle is going to be considered. It will merely give it emphasis. Sometimes emphasis accomplishes results, and I see no objection to emphasizing what has been in the minds and hearts of the American people since 1812, as suggested by the Senator from Georgia. The occasion exists to-day greater than then for the adoption of such a principle. The violation of the principle has brought on more warfare almost than the violation of any other principle; that is, the wrong treatment of private property on the sea. It seems to me there can be no objection to the existing amendment of the Senator from Missouri offered as a substitute for the amendment of the Senator from Idaho. In addition to that, I may say that an amendment substantially like this was accepted before the unanimous-consent agreement was entered into for limitation of debate, and I feel, since that was done, that the amendment ought to be adopted.

Mr. BRUCE. Mr. President, I am not disposed to make any point about it, but it seems to me the amendment offered by the Senator from Missouri is violative of the unanimous-consent agreement already entered into. The modification was made after 4 o'clock p. m. yesterday. I am not disposed to press the point. It is merely a technical point.

Mr. ROBINSON of Arkansas. The unanimous-consent agreement does not preclude a modification of amendments. Otherwise the Senate would not have the power to change any amendment whatsoever.

Mr. BRUCE. That was the very point raised by the Senator from Ohio [Mr. BURTON], and I think the point is well taken, that we would not have the power to do that very thing unless the Senate included the power expressly in the unanimous-consent agreement.

Mr. ROBINSON of Arkansas. The Senate has just as much power over an amendment proposed before 4 o'clock yesterday under the unanimous-consent agreement as it would have if no unanimous-consent agreement had been entered into.

Mr. BRUCE. I do not press the point at all. It is a mere technical point.

Mr. SWANSON. Mr. President, I should like to say on the point of order that I have always understood that when the offering of amendments was prohibited after a certain hour,

such as 4 o'clock in the present case, all amendments were received subject to parliamentary law; that is, we could offer amendments to the second degree, but could not offer to the third degree or offer a new amendment, but that the original amendment was subject to parliamentary law. That is the interpretation placed upon such unanimous-consent agreements, as I have understood it, in connection with amendments that had to be offered by a certain time.

Mr. REED of Missouri. Mr. President, I would like the privilege of stating my reasons for offering the substitute which in its present form is but little different from the amendment originally offered by the Senator from Idaho [Mr. BORAH], except that it proposes what I believe is a practical way to approach the question—namely, not through a codification of law which will indeed prove a very difficult thing to accomplish, because to codify all international law means many conferences and perhaps the lapse of many years of time, whereas under the present proposal if the principal maritime nations can be induced to sign treaties providing for what we commonly call the freedom of the seas, I believe that result can be accomplished—perhaps not in a day or in a year, but if persisted in, it can be brought about.

One of my reasons for that opinion is that the interests of nations lie on that side of the balance. It is indeed a thing almost impossible of understanding that, throughout the course of the years, when two nations are engaged in a war they shall exercise the power, not the right, of interfering with the commerce of nations in no manner concerned in the war and in no way responsible for its existence. It is as though two men engaged in a personal difficulty should see fit to undertake to shut off the trade or commerce of an entire community when all of the other citizens of the community desire to pursue their peaceful way without interference.

The right has always been exercised, not as a matter of justice, but as a power backed by the greatest amount of force. It is not a new pretense, but in every age when this doctrine has been asserted, back in the days of ancient Athens, in the days of Pericles and on down through the centuries, nations that have had the greatest power at sea proceeded ruthlessly against the commerce of the world whenever it deemed it necessary to do so in its own interests when it was involved in a war.

Attempts have been made to arrive at agreements. What we have called international law, for want of a better name, has in the past undertaken to define contraband. But we have found that the more powerful nations upon the sea have asserted the right themselves to define contraband. We have accordingly reached a condition where during the last war practically everything was held by Great Britain to be contraband. In support of that statement I simply wish to read a line from the communication from Charles F. Carusi, who is a very high authority upon international law:

> The traditional American policy respects the freedom of the seas and the rights of neutral shipping. It is not too much to say that the British prize law as developed during the Great War has definitely stripped the neutral of every possible right, and extended to the belligerent an unlimited discretion in laying hands of violence upon neutral shipping, bringing it into its own tribunals, and then condemning it for the benefit of the crown.

So that the question which is confronting us is whether we can do something to prevent war from spreading, whether we can remove that condition which is liable to draw into every great war a number of nations having no direct concern with the war. That was once manifested in history in the days of Catherine II when all commerce was being swept from the seas and she was obliged to form and did form a coalition known as "the armed neutrality," which insisted upon the rights of neutrals and backed it with the cannon of the ships of many nations.

I have as much desire to see the world at peace as the most ardent pacifist who ever lived. I have believed that the methods which have been sought to be employed were not the proper methods. I opposed the League of Nations because I believed it was setting up a power which would become or might become a menace to the United States. I do not believe, sir, in some foreign tribunal sitting down and saying what the United States shall do and what it shall not do. I am not going to discuss that question further than merely to advert to it as I have.

But I am willing that the United States shall sit down at the council table with a number of friendly nations in the time of peace and agree to something that will have a tendency to limit war to the nations that see fit to make war, so that the innocent bystander will not be disturbed in his rights. The best way to stop war is to remove the causes of war. The most fruitful cause of the spreading of war and the drawing in of other countries is interference with their commerce. That, indeed, is the thing which involved us in the great World War; that is the thing which sent our boys across the ocean—the interference with American shipping and the destruction of American lives upon the high seas.

Mr. President, if the amendment, which is couched in the most general terms, shall be adopted it will be an expression of opinion to the world that the American Congress favors treaties which will provide for the safety of innocent commerce of neutral nations while other nations see fit to make war. It will have a tendency to limit the scope of war. The first thing a good fireman does when he arrives at the scene of conflagration is to try to limit the fire to the particular building where it started. Sometimes in order to do that he destroys surrounding property. The best thing that can be done to produce peace in the world is to limit the effect and disaster of war to the nations that see fit to fight. If they want to fight, let them fight, but when they are fighting let us insist that they shall respect our rights. It is better to try to arrange that by treaty than it is to enforce those rights by the mouths of our cannon.

Mr. President, if we do not take this course, if we do not try by treaty to remove these causes of war, then I agree with my friend from Arkansas [Mr. ROBINSON] in his statement that there will be nothing left for us to do but to build our Navy so strong that we can enforce our rights and protect our interests against any navy of any country.

The VICE PRESIDENT. The time of the Senator from Missouri has expired.

Mr. REED of Missouri. I will reserve my time on the bill.

Mr. REED of Missouri subsequently said: Mr. President, I ask unanimous consent to have printed as an addendum to my remarks this morning an article appearing in the National University Law Review entitled "The First Armed Neutrality." The article was written by Dr. Charles F. Carusi and Dr. Constantine D. Kojouharoff.

Doctor Carusi is also author of The Deans' Round Table, is dean of the National University Law School, and has been a large contributor to the learning on international law.

The other author is Dr. Constantine D. Kojouharoff, who is a graduate of the University of Sofia, from which he received the degree of master of law and political science. During the war he served as an officer in the army. He practiced law in Bulgaria in association with the late Bulgarian Minister of the Interior, Michael Takev. Doctor Kojouharoff was at one time editor in chief of the Napred, a Bulgarian daily, and the Near East American, a monthly periodical published in Washington, D. C. In 1925 he was awarded the degree of doctor of philosophy by the American University. He is the author of many essays and works, principally in the Bulgarian language, upon historical and political science topics. His Origins of the World War is now in process of publication in Bulgaria. For about 10 years Doctor Kojouharoff has been engaged in research work and is at present research professor of the National University School of Economics and Government.

In addition to having that article inserted in the RECORD, I ask permission also to have inserted in the RECORD as supplemental to it an article prepared by the two gentlemen to whom I have just referred, which, I believe, brings the information with reference to the whole question of right of neutrals upon the sea more nearly down to date than any other publication with which I am acquainted. I commend them to Senators interested in the subject.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[From National University Law Review, January, 1929]

THE FIRST ARMED NEUTRALITY

By Charles F. Carusi and Constantine D. Kojouharoff

The declaration of the first armed neutrality was the beginning of organized effort on the part of neutrals to assert their rights on the high seas and secure the freedom of navigation, which culminated in the declaration of Paris and the subsequent international agreements accepting the rights of neutrals as general principles of international law. At the same time the league formed by Catherine of Russia for the protection of neutral navigation played a decisive part in the outcome of the war for American independence. As we shall see, the tenacious efforts of England to draw the Russian Government into an offensive and defensive alliance at first split upon the rock of England's unwillingness to join in a casus foederis against Turkey, and then on Russia's unwillingness to be embroiled in a general war in order to assist England in the maintenance of her predominant naval position. Had such an alliance been consummated, it is a foregone conclusion that the American Colonies would not have achieved their independence. Thus the first armed neutrality presents interest from two

points of view: First, in connection with the principle of the freedom of the seas; and secondly, in connection with the outcome of the war for American independence.

Prior to the declaration of the first armed neutrality, or, indeed, to the treaty of Paris, maritime warfare was waged along strictly piratical lines. In the course of the fourteenth century freebooters were converted into a sort of irregular militia, under the name of privateers, and subjected to the jurisdiction of admiralty courts. Down to the end of the sixteenth century neutral commerce had not yet attained any great proportions, and was left to the mercy of belligerents. The next period witnessed the establishment of regular navies, and the decrees of belligerents abrogating or modifying the customs of the Middle Ages. In the meantime neutral navigation increased and made necessary new principles of public law to secure the free intercourse of nations. Thus the question of reconciling the interests of belligerents and neutrals arose, but all efforts in that direction during the eighteenth century were in vain. At the close of the period the leading maritime powers of Europe adopted the principle of immunity of enemy cargo on board neutral ships. (Katchenowsky, pp. 1–13.) Nevertheless, while the main naval powers in treaties among themselves had accepted the principle of free navigation on the basis of reciprocity, the carrying trade being the main source of naval strength (this was absolutely true at the close of the eighteenth century, when merchant ships and warships were convertible), the European powers aspiring to rule the seas opposed the establishment of the freedom of navigation as a general rule of international law. The freedom of navigation and immunity of private property on the high seas are principles inconsistent with a monopoly in the carrying trade of the world, therefore in order to retain its superior position on the seas in time of war, the predominant naval power adopted as national policy a determined opposition to the rights of neutrals and the freedom of the seas. Such a policy subordinated the interests of the majority of European nations to the aspirations of a single nation for the maintenance of its naval preponderance and was bound to provoke resistance. The first organized effort of the European powers for the purpose of protecting the freedom of navigation against belligerents found its expression in the league formed by Russia in 1780, known as the first armed neutrality.

The substance of the declaration was as follows: (i) Neutral vessels may freely navigate from port to port and along the coasts of nations at war; (ii) the goods belonging to subjects of powers at war shall be free on board neutral vessels, with the exception of contraband merchandise; (iii) as to the specification of contraband the Empress held to what is expressed in the 10 and 12 articles of her treaty of commerce with Great Britain (see note No. 8. Articles 10–11 of this treaty were embodied in the British instructions to the commanders of warships and privateers of November 20, 1780 (Scott, p. 329)), extending its application to all powers at war; (iv) the designation of blockaded port shall apply only to a port where an attacking power has stationed its vessels sufficiently near and in such a way as to render access thereto clearly dangerous; (v) these principles shall serve as a rule of procedure and of judgment as to legality of process.

This declaration was promulgated on the 28th of February (March 11), 1780, and was addressed to England, France, and Spain and called the attention of those countries to the fact that "hindrance to the liberty of trade in general and to that of Russia in particular was of a nature to arouse the attention of all neutral nations; and that the Empress found herself obliged, therefore, to overcome it by means compatible with her dignity and the well-being of her subjects, but before putting these means into execution, and with a sincere intention of preventing any future infringements, she thought it just to publish to all Europe the principles which are the most proper to prevent any misunderstanding or occurrence which might occasion it. Her Imperial Majesty, in making these points public, does not hesitate to declare that to maintain them and to protect the honor of her flag, the security of the trade, and navigation of her subjects she is preparing a considerable part of her maritime forces. This measure will not, however, influence the strict neutrality she does observe and will observe so long as she is not provoked and forced to pass the bounds of moderation and perfect impartiality." (Scott, pp. 273, 274; Martens (1st ed. II, p. 74), (2d ed. III, p. 158); F. F. Martens, X, pp. 307–310; Piggott & Omond, pp. 198, 199; Morskoi Sbornik, pp. 336–338, Doc. XXII. The original dated February 27; on the margin Catherine's approval, "Bit po semou"; Obolensky, pp. 36, 37; cf. Wharton, III, p. 606 ff.)

The first armed neutrality was then a declaration of principles intended to secure the freedom of navigation and regard for the rights of neutrals, an attempt to substitute definite rules of conduct for the ill-defined pronouncement under which prize courts might serve as instruments of national policy rather than as tribunals of justice. Such an attempt must of necessity be repugnant to the nations aspiring to dominate the seas. Therefore, in the examination of the reception accorded to the first armed neutrality we shall find but little sympathy on the part of England for the formulas expressed in Catherine's declaration. Rather shall we meet with attempts on the part of English writers to discredit its motive and purpose, and we shall hear the claim that such principles are mere "undigested theories" (Piggott: Freedom of the Seas (London, 1920), p. 58 f), that the prize courts are administering the "law of nations" and may safely be trusted to do full justice to foreign shipping. (This doctrine of Lord Mansfield and Sir William Scott was reasserted by the Privy Council during the Great War in the Zamora case (1916), 2 A. C. 77, 90–94; for the British interpretation of this doctrine vide Colombos, The Law of Prize, London, 1926 (A. P. Higgins's introduction); for its soundness vide W. S. Holdsworth, History of English Law, I, p. 565 ff.)

The British contend that Catherine of Russia was friendly to England and in favor of an alliance with her, that the mobilization of the Russian fleet and the declaration were intended to assist England, but that Catherine's foreign minister, Count Panin, taking advantage of her ignorance of international law and the eventual effect of the steps as proposed by him, gained the upper hand in the court intrigue, and a declaration against England resulted. (For the evidence upon which the British contention is based see the bibliographical notes.) Under the circumstances, in order to ascertain the true motives and the results of the first armed neutrality in connection with both the freedom of navigation and American independence, and in order to establish the warranty of the British contention, we shall review Anglo-Russian relations during the whole period of the negotiations of the alliance; and we shall ascertain the international position of England and her attitude toward the principles laid down in the first armed neutrality.

I

As soon as Catherine II succeded to the Russian throne, every effort on the part of the English was made to renew the treaty of alliance of 1742 and the commercial treaty of 1734. The ambassador in Petersburg, Lord Buckingham, was instructed to insist upon the "naturally united" interests of the two countries. (Sbornik, XII, pp. 16, 59, 101, etc. (For Anglo-Russian relations before the accession of Catherine, see Vorontzov's Archiv, VII, p. 544; XXV, p. 272; Tchechoulin, p. 147 f.; Sbornik, XLVIII, p. 18; Soloviev (ed. O. P.), Bk. V, p. 1399. The treaties of 1734 and 1766 (Martens, II, p. 141) with Russia, grant in general terms the most-favored-nation treatment, and the convention of March 25, 1793 (Martens, I, p. 108) merely prolongs the treaty of 1766 for six years, with few alterations. The convention, in case of war, of the same date (Martens, p. 114) promises mutual assistance during the war; cf. Sbornik, XII, pp. 16–24; 101 ff.; Sbornik, XLVIII, pp. 176, 550 f.) England was isolated, her relations with France were strained, and she could not count upon any of the continental powers. (Sbornik, XII, p. 71; cf. Oulianitzky, p. 208.)

Realizing this situation, Count Panin proposed a renewal of the alliance under the condition of a casus foederis against Turkey, concerted action in Poland, armed assistance in case of war, and exercise of joint influence in Sweden. (Sbornik, XII, pp. 111, 118, 154; Sbornik, XXII, p. 246; Oulianitzky, App. 40.) So far as Turkey and Poland were concerned, England found the Russian terms unacceptable, and the negotiations were postponed, until in 1765 the new English ambassador, Macartney, was charged to direct all his efforts toward the renewal of the commercial treaty alone. (Soloviev, XXVI, pp. 103, 107, 110 f, 113 f, 115 f, 120, 201; Sbornik, XII, pp. 114, 129 f, 140 f, 168, 184 f; Oulianitzky, p. 210; Tchetchoulin, p. 151 f; Tchtenia, 1865, II, p. 423 f.) Macartney took up the matter and, exceeding his instructions, signed a commercial treaty on August 4–15, 1765. The English Government refused ratification, unless some of the provisions be qualified by a declaration, and again the negotiations were deadlocked. (Sbornik, XII, pp. 209–210, 221; Oulianitzky, p. 211; Tchetchoulin, p. 154 f. For text of the treaty, vide F. F. Martens, X, p. 242 ff; for text of the provisions objectionable to the British Government, vide Sbornik, XXII, p. 433 ff. It is noteworthy that the Russian Government, considering the project of the treaty with England, expressed misgivings as to the eventual conduct of England on the seas in time of war "which might be oppressive to all neutrals." Sbornik, LVII, p. 289 ff.)

Influenced by her own interests, during the period of the Russo-Turkish crisis (1768–1774), England manifested open sympathies for the Russian cause. (At that time, the Russian trade was more important to England than the Levantine. At the same time, by supporting Russia against Turkey, England was undermining the position of the French in Constantinople, Ouliantizky, App. 15, 36, 37; Soloviev, XXVII, p. 222; Politique de tous les cabinets, I, p. 326 f, 333 f.) At this time Russia's position was more advantageous than that of England, and Panin was not less exacting than before; realizing that the Russian alliance was a necessity for England, he was determined to make use of her in his continental schemes. (Sbornik, XII, p. 232, 267–269, 285 (vide Nos. 136, 137, 157, 159, 160, 168, 172, 175, 179, 181, 182, etc.); Sbornik, XXII, p. 428 (vide Nos. 97, 101, 110, 153, etc.); Raumer, II, p. 62 f, 67 f, 96; Vorontzov's Archiv, VII, p. 629; Soloviev, XXVI, p. 202.)

The English attempted to capitalize their benevolent attitude toward Russia, but Count Panin held fast to his previous terms. (Sbornik, XII, pp. 286, 296 (vide Nos. 172, 180, 181).) In the summer of 1768 the new English ambassador, Cathcart, arrived in Petersburg, with instructions to ascertain the views of the Russian Government on the alliance. Russia was getting involved in Poland and Sweden, and the

English began to consider the price of the Russian alliance high. (Sbornik, XII, pp. 333, 365; Tchetchoulin, p. 157.) Nevertheless, Cathcart renewed the negotiations, and in October, 1768, Count Panin handed to him a memorandum of the views of the Russian Government, renouncing the casus foederis against Turkey. (Sbornik, XII, pp. 371, 380, 404; Sbornik, XIX, p. 1; Sbornik, XXII, pp. 277, 426, 442; Raumer, II, p. 200.) Cathcart insisted that the proposal was acceptable, but London was of a different opinion and again nothing was accomplished. Thus the most favorable opportunity for the English to conclude the alliance was lost. (Sgornik, XII, pp. 415, 436, 442, 453, 463.)

In February, 1769, the English Government handed to the Russian ambassador, Tchernishev, a new project of alliance; the Turkish casus foederis was excluded; England reserved the right to substitute subsidies for armed assistance in case her security demanded her whole fleet. Cathcart was instructed to use all his efforts for the acceptance of the proposal. Count Panin turned down this proposal, stating that it was a waste of time to discuss proposals of no practical value. The negotiations were abandoned and renewed once more toward the end of 1770. (Sbornik, XII, p. 422; Soloviev, XXVIII, p. 97 f, 101.) In view of the war, the English, considering the moment opportune, made one more attempt to conclude the alliance. (Sbornik, XIX, p. 55 f, 141, 172 f; Oulianitzky, p. 233 ff.) Now, England agreed to furnish ships on any European sea. On September 19, 1770, Cathcart communicated it to Panin and again the proposal was found unacceptable. Now, Catherine was convinced that the English Government was lacking a firm foreign policy, and, furthermore, that England's position might involve Russia in a war. (Sbornik, XIX, pp. 132, 141, 157 f, 211, 227 f; Raumer, II, p. 327 f. (According to Cathcart's report, the proposal was received favorably; Sbornik, XIX, Nos. 42, 49, 54; Soloviev, XXVIII, p. 202 f. Soon, however, Cathcart discovered his mistake, when Count Panin refused the proposal under the pretext of the Turkish casus foederis being omitted; Oulianitzky, p. 238–239).)

The English attitude in connection with the operations of the Russian fleet against Turkey had in view the Russian alliance, encouragement to Russia in regard to her fleet, which eventually might be of assistance to England herself, and, finally, the damage the war in the Mediterranean was doing to the French trade in the east. (Sbornik, XII, pp. 459, 468; Sbornik, XIX, p. 42; Soloviev, XXVIII, p. 103.) The English were in need of the Russian alliance, but were trying to secure it at their own terms. (Sbornik, XII, p. 284; Soloviev, XXVI, pp. 115–117, 120; Tchetchoulin, p. 159.) The fact was that England had lost her prestige and was not in a position to play an important part on the continent. (Oulianitzky, p. 280; Beer, Documents, pp. 6, 11; Beer, Zusammenkünfte, p. 71. England was in a very bad position; constant conflicts between the Crown and Parliament, frequent change of cabinets, hunger in India, and, above all, disorders in the American Colonies. Sbornik, XIX, p. 209 ff; Sbornik, LXXXVII, p. 299 f. 349 ff; Sbornik, LXVI, p. 287.)

Cathcart's efforts failed, and, in order to force Russia into the alliance, the English discontinued the Swedish subsidies. Count Panin stated that in such a case there could be no question of Anglo-Russian cooperation. (Sbornik, XIX, Nos. 66, 67, 68, 73; Tchetchoulin, p. 160 f.) Cathcart continued to insist upon the alliance, while Panin put the matter off by stating that a treaty was the formal part of the Anglo-Russian friendship and that even without its existence Russia would not fail to give proof of her friendly sentiments. (Sbornik, XIX, p. 209 f.) Finally, after the nogtiations had lasted from September, 1770, to June, 1771, Cathcart realized that the Russian Government treated the alliance as a matter of secondary importance and requested his recall. (Sbornik, XIX, pp. 218 f, 223; Oulianitzky, pp. 240–242. (The English counted mainly on the assistance given Russia in the Archipelago expedition by preventing French intervention aimed to frustrate the appearance of the Russian fleet in the Mediterranean and its operations against Turkey. On the intentions of France, see: Politique de tous les cabinets, II, pp. 43, 46; Boutaric, II, p. 176; Peysonnell, Examen de livre, etc., p. 10; on England's attitude, see: Eton, tableau historique de l'empire Ottoman, II, p. 166; Vassif-efendi, précis historique de la guerre de 1769–1774, p. 86 f; Politique de tous le cabinets, I, 323; II, p. 44; Sbornik, XIX, pp. 61, 107, 121, 127).)

Frederick of Prussia was opposing England's participation in the northern system. (Sbornik, XX, p. 156; Raumer, I, p. 43; II, pp. 89 f, 134, 200.) Petersburg reflected Frederick's views as to the alliance. (Sbornik, XIX, Nos. 82, 98; Raumer, II, pp. 200, 231–232, 236.) Anglo-Russian relation cooled off (Sbornik, XIX, p. 265 f; Oulianitzky, pp. 282–283) to such an extent that the negotiations of the partition of Poland were kept secret from England. (Sbornik, XIX, pp. 163, 224, 249, 259, 261, 265, 268–269, 272, 280, 282, 290–291, 305, 312, 336–337, etc.; Raumer, II, p. 569; Soloviev, XXVIII, p. 364.) Distrustful of England's intentions with respect to her freedom of navigation in the Black Sea, Russia accepted the mediation of Austria and Prussia. (Sbornik, XII, Nos. 212, 215, 219, 225, etc.; Sbornik, XIX, pp. 39, 81 f, 113, 186, 132; Raumer, II, p. 283; Soloviev, XXVIII, p. 204 f; Archiv. Gosoudarstvenavo Sovieta, I, pp. 34–40, 58. Catherine turned down the English mediation mainly because she mistrusted their intentions in connection with Russia's aims for freedom of navigation in the Black Sea (Oulianitzky, p. 290; Sbornik, XLX, p. 4; Soloviev, XXVIII, pp. 100–103). In the fall of 1770 when England proposed to guarantee the Russo-Turkish treaty, the navigation of the Black Sea was included (Archiv. Gos. Sovieta, I, p. 58; Raumer, II, p. 283). In London the Russian mistrust of England was realized and Gunning was instructed "to remove any impressions on the minds of the Empress and her ministers, with respect to jealousies entertained by us of any territorial or maritime acquisitions she may make on the Black Sea, exclusive of a passage for Russian ships from that sea to the Mediterranean" (Sbornik, XIX, p. 265 f).)

In the meantime the growing complications between Russia and Sweden made England adopt a waiting attitude. (Soloviev, XXVIII, p. 415; Sbornik, XIX, pp. 331–332; Raumer, II, pp. 566–568; Tchetchoulin, p. 162 ff. For some time the French were preparing to intervene in case of war between Russia and Sweden; the English tried to avoid the outbreak and threatened France, stating that if France intervened, England would have to support Russia, Raumer, II, 570, 575–576.) As a matter of fact, in 1773 the position of Russia became so complicated that the Russian Government took the initiative in reopening the negotiations with England. (Sbornik, XIX, pp. 348 f, 359 f, 378, etc.; Archiv. Gos. Sovieta, I, p. 386.) Once more the English insisted upon their own terms. (Sbornik, XIX, pp. 360 f, 366, 374, etc.) Under the circumstances Panin was not inclined to conclude the alliance "since Russia obtained all the assistance England could afford, anyway." (Sbornik, XIX, pp. 365, 375; Oulianitzky, p. 304. (The conclusion of the English that Panin's Prussian sympathies were the cause of the failure is an exaggeration. Russia was taking advantage of the attitude of England without assuming any obligations; the latter's position and interests forced this attitude upon her, Sbornik, XIX, Nos. 160, 177, 179, 184, 192.) English public opinion, on account of commercial interests, was also favorable to Russia, Polit. de tous les cab. I, pp. 310 f, 326 f.)

Thus while the Russo-Turkish War lasted (1774) the Russian Government made the English believe in the possibility of the conclusion of an alliance, Catherine herself assisting in the maintenance of this impression. After 1774, when the war with Turkey was over, and the rebellion of the American Colonies manifested the impotence of England and complicated her internal and international position, Catherine abandoned the idea of the alliance. Moreover, the persistence of the English to play the rôle of mediator between Russia and Turkey had convinced the Empress that the English would oppose Russia's access to the Mediterranean. (F. F. Martens, X, pp. 284–285. Upon several occasions Mousin-Pouschkin advocated the English mediation, and Panin repeatedly refused. The conclusion of the K-Kainardji treaty came in London as an unpleasant surprise and, according to the report of Mousin-Pouschkin, made a strong impression, ibid., X, pp. 286–287.)

While the revolt of the American Colonies was coming to a head England was endeavoring to obtain Russian assistance. (Bancroft (1834), VIII, p. 147 f; Soloviev (ed. O. P.), Bk. VI, p. 1083. From London Mousin-Pouschkin reported that England not only was not in a position to oppose Russian interests in the East but was seeking Russian help, since France and Spain were expected to intervene, therefore this is the explanation of England's declining the request of the Porte of English mediation for the revisions of the K-Kainardji treaty.) In a private and confidential dispatch dated June 30, 1775, Suffolk wrote to Gunning in connection with the rebellion of the American Colonies, instructing him that he endeavor to learn whether His Majesty might rely upon the Empress of Russia to furnish him with any considerable corps of her infantry for use in America. He added that this commission was of "the most delicate nature," and therefore should be executed "inaffectedly," so as to give it "the air of an idle speculation of private character and by no means that of a proposal." (Sbornik, XIX, pp. 463, 464, No. 251; Cf. Bancroft, VIII, p. 148 ff.)

Gunning carried out his instructions and reported (August 8, 1775) that he should have preferred directly discussing the alliance with the Empress, but that he had been unable to see her, and had discussed the matter with Panin. Gunning had asked, if in consequence of the Empress's frequent assurances he might confirm to the King that he might reckon on a body of Her Majesty's infantry. The Empress ordered Panin to give Gunning the strongest assurances, expressing her readiness to give His Majesty every assistance he should desire, thus having an occasion of testifying her gratitude for the important services she had received. (Sbornik, XIX, pp. 471, 472, 473, 474, No. 256; Cf. Bancroft, VIII, p. 151 f. In the meanwhile, on September 10, Gunning held a conversation with the Empress which was limited to generalities and which the British minister interpreted as a confirmation "in the strongest manner" of the assurances given him by Panin. The Empress asked him how matters stood in America, stating her wishes that the matter be ended as soon as possible, Sbornik, XIX, p. 488, No. 262.)

On September 1, 1775, Suffolk instructed Gunning to ask for an audience with Her Imperial Majesty and deliver a letter, in which the assistance of 20,000 desciplined infantry, completely equipped, were asked of the Empress. They were to be ready to embark in the spring and sail to Canada under the command of the British com-

mander in chief. (Sbornik, XIX, p. 477, No. 257; cf. Bancroft, VIII, p. 148 f.)

Next, on the 8th of September, 1775, Suffolk sent a most confidential dispatch concerning the project of a treaty. He let much to Gunning's discretion, stating that "the substance is of much more consequence than the form." Suffolk expected that Gunning had taken particular care to have it understood that succours were wanted in America. "If there is any misunderstanding, the measure is demolished as, it is in America alone that assistance can be of any use." (Sbornik, XIX, pp. 480, 481, 482; cf. Bancroft, VIII, p. 148 ff. The project of the treaty did not specify the number of troops; it was left for an agreement between the Russian Government and Gunning. The English transports were to arrive on March 25, 1776, the troops were to be transported to "His Britannic Majesty's North American Colonies." From March 25 the troops would be placed in the pay of His Britannic Majesty, and would be paid and maintained on equal footing with those of Britain. The project mentioned that the regiments which had suffered losses would be brought up to their full number by new recruiting done at the expense of His Britannic Majesty. The troops were to be retained ad employed in the American Colonies according to the circumstances. The term of the treaty was two years from the date of signature; negotiations for renewal to be reopened three months before the expiration of its terms. An additional article proposed to pay the Empress of Russia 7 pounds sterling for each recruit, one-half the amount being paid upon ratification, and the other half at the time of the departure, Sbornik, XIX, pp. 483–487, Nos. 260–261 (British F. O., Sir Robert Gunning, 1775, No. 115).)

In his letter to the Empress, mentioning the frequent assurances of firm friendship made by her, the King of England wrote that he was most sincerely grateful for the noble declarations made to Gunning, and that he "accepts the assistance proposed" by her—Russian troops which might prove necessary on account of the rebellious acts of his American Colonies. He added that his minister would be furnished full powers to negotiate the details. (Sbornik, XIX, pp. 478–479, No. 258 (Sept. 1, 1775); Soloviev (ed. O. P.), Bk. VI, 1083.)

The request of England was marked by so much extravagance that nothing but the wildest credulity of statesmanship could have anticipated success. On October 1 Gunning reported the results of his efforts. Panin had stated that the Empress showed much repugnance to having troops employed in America, and to such a large number, but said that she would be glad to assist England in any other way than by sending troops out of Europe. Gunning proposed a corps of 15,000 men. Panin informed the English minister that the Empress had not yet come to a decision. Gunning, however, was unable to obtain an answer from the Empress on account of a sudden indisposition of hers. (Sbornik, XIX, pp. 490, 497, No. 265; cf. Bancroft, VIII, p. 152 ff.)

On October 7, 1775, Gunning reported that Panin had told him that the Empress had taken her resolution and it was impossible to make any favorable impression on her. The Empress sent a letter to be delivered to His Majesty, the contents of which were found to correspond very little to Gunning's interpretation of the assurances of the Russian Government. Gunning tried to induce Panin to make another effort to obtain a more favorable answer, but the latter replied that it would be ineffectual, and at the same time gave a "most solemn assurance" that no idea of a change of system was contemplated by the Empress. (Sbornik, XIX, pp. 498, 499, No. 264; see No. 266. (The letter seemed to the British envoy in some passages exceptionable, and he was in doubt whether it was fit to be received; but, suppressing his discontent, he forwarded it to his sovereign, Bancroft, VIII, p. 155 f.).)

In her letter to the King, reassuring him of her sentiments, Catherine stated that he could count on her good will and readiness to be useful to him independent of formal obligation. So far as the demand for 20,000 troops was concerned, she stated that such a number of troops and the place to be employed were beyond the means at her disposal; that her Empire needed peace, and that after the prolonged war the army was in a disorganized condition; the destination was to another continent and the troops would lose contact with the country; furthermore, that Swedish and Polish affairs were by no means in a settled state, and that the dignity of both Empires would be affected if they joined forces against a rebellion not supported by other foreign powers; the latter might even intervene because of the participation of Russian troops. In fine, Catherine declined the demand. (Sbornik, XIX, pp. 500–502, No. 265, September 23, 1775; Soloviev (ed. O. P.), Bk. VI, pp. 1083–1094.) In London the impression was that "The letter of the Empress is a clear refusal and not in so genteel a manner as I should have thought might have been expected from her; she had not had the civility to answer in her own hand and has thrown out some expressions that may be civil to a Russian ear but certainly not to more civilized ones." (Fortescue: The correspondence of King George III, Vol. III, pp. 275–276, No. 1737, Lord North to the King; Donne, George III, Correspondence with Lord North, Vol. I, p. 282.) Gunning was of the opinion that the Empress's decision was contrary to Panin's advice and that the King of Prussia had nothing to do with it; Sbornik, XIX, No. 268. In the meantime, on October 20, the Russian representative in London, Lizakevitch, reported that the English newspapers were full of reports that Russian troops were to be used in America; this was done with such persistence, Lizakevitch wrote, that all foreign representatives believed it. (Soloviev (ed. O. P.), Bk. VI, 1084.)

The failure of the English to obtain Russian assistance against the American Colonies did not put an end to their efforts to conclude an alliance. The difficulties between Russia and Turkey in connection with the treaty of Kutchouk-Kainardji and the possibility of a renewal of the conflict kept the hopes of the British alive. (According to the French representative in Petersburg (December, 1776), even before the arrival of Sir James Harris, the English had renewed their demands for assistance; Mr. Oakes had visited Panin and demanded Russian assistance in case England found herself involved in a war with France and Spain. Knowing that Catherine refused to assist England against the American Colonies, Vergennes was convinced that Russia would not enter a war against France and Spain for English interests; Fauchille: p. 10–11. It appears that at the same time Lord North attempted to achieve the alliance through the influence of Prince Orlof. The latter was pleased "with the confidence shown him," and promised to do his best; Fortescue, III, p. 278, No. 1741, Lord North to the King.) With this purpose in view, Sir James Harris (afterwards first Earl of Malmesbury), one of the ablest English diplomats, was appointed English minister in Petersburg. (F. F. Martens, X, pp. 289–290; Soloviev (ed. O. P.), Bk. VI, 1150, Harris, I, p. XI; Goertz, p. 15 ff.)

Upon his departure for Petersburg, Harris was not formally charged to renew the negotiations with the Russian Government. But after France became connected with the United States, England, though aware of the disinclination of Russia and of Frederick, was so anxious to counterbalance the family compact of the Bourbons (Suffolk to Harris, January 9, 1778. Part of the dispatch was omitted from the Malmesbury Papers, vide Bancroft, X, p. 256) that it risked the proposal of an offensive and defensive alliance with them both. As early as January 9, 1778, Lord Suffolk wrote that since Russia had taken no initiative in the matter and that on account of the success of the American Colonies it was necessary to ascertain the sentiments of the Russian court in regard to an offensive and defensive alliance. (Harris, I, pp. 157–160.) Count Panin, the only statesman listened to by the Empress in the discussion of foreign affairs, "was beyond the reach of corruption, and in all transactions where he moved alone acted with integrity and honor." To the renewed overture of Harris he frankly replied that "Russia never would stipulate advantages to Great Britain in its contest with its colonies" and "never would guarantee its American dominions." (Harris to Suffolk, February 13, 1778; omitted from the Malmesbury Papers, vide Bancroft, X, p. 257; Cf. Harris, I, pp. 162–163. For Panin, see Tourgenev, p. 241 ff.)

The position of Russia was clear; nevertheless Harris missed no opportunity to insist upon the alliance. He realized that the task was difficult and wrote home to assure them of this. (Harris, I, p. 175–176.) In fulfillment of his instructions, Harris handed to Panin a memorandum arguing in favor of the alliance. He stated that Russia had often felt French jealousy; that in order to deprive England of a natural and strong ally the French were pressing the Turks to break the peace; that the time had come for London and Petersburg to join, and in case France attempted intervention in Germany the northern system, headed by Russia, would dictate to Europe; Russia would play the leading part, and that the foundation of this system was to be found in an Anglo-Russian alliance. (Soloviev (ed. O. P.), Bk. VI, 1150. For the conversations between Harris and Panin on the subject of the northern system see Harris, I, pp. 167–171.)

It appears that the English did not appreciate their own position. The project of the alliance proposed by Harris was nothing more than a revival of the old projects, the Turkish casus foederis being excluded. Moreover, an additional demand was made for the assistance of the Russian fleet. (Soloviev (ed. O. P.), Bk. VI, 1150; F. F. Martens, X, p. 290; Harris, I, p. 193.) In other words, Russia was requested to expose herself to a Turkish attack, England not only assuming no obligation to assist her against Turkey, but left free to counteract Russian interests in the East. Catherine ordered that the proposal be declined on the grounds of the Turkish casus foederis being excluded, and that the relations with Turkey being strained, Russia could not ignore her and assume obligations to assist England against her enemies; that the most insignificant conflict in America would mean a European war, bringing into play treaty obligations. (Soloviev, Bk. VI, 1150–1151; F. F. Martens, X, p. 291. Harris wrote home that there was no hope of success "as the Empress and her ministers are prejudiced against the English" (Diaries, I, p. 176). In the meantime Mousin-Pouschkin was reporting the desperate situation England was in, and her losses in trade and shipping (F. F. Martens, X, p. 290).)

England's position grew worse—her troops in America suffered reverses and her enemies increased in number. It became clear to Catherine and her ministers that Russia should under no circumstances assume obligations toward England. Nevertheless, England was badly in need of help and Harris began approaching Catherine herself, but obtained only "civil answers." Noticing at the same time some improvement in the position of the French, Harris wrote that the most to be obtained was to prevent Catherine from doing harm rather than

giving help; that no matter what proposals were made Catherine was not disposed to agree, and that her attitude was made even clearer by the conduct of her ministers. (F. F. Martens, X, p. 291–292; Harris, I, p. 186–187, 191–193, 195–196.)

Harris saw clearly that it was "all words and no deeds, empty professions and shuffling evasions." (Harris, I, p. 199; Cf. Fauchille, p. 284 f.) Therefore Harris determined to achieve his task by means of corruption and by mixing in the intrigues of Catherine's court. And even then he wrote home that "the expense" of his mission would be "greatly beyond the services the King would ever reap from it." Unable to win Panin in such a manner, Harris had no choice but to persuade himself that Catherine's favorite, Prince Potemkin, was the person both inclined toward such deals and in a position to influence the Empress in favor of the alliance. (Harris, I, p. 191; F. F. Martens, X, p. 191–192. Only a few months earlier Harris wrote that Count Panin alone had the Empress' ear in the sphere of foreign affairs (Diaries, I, p. 164), and that Count Panin himself had stated that the Empress followed her own advice, and a policy calculated to serve Russian interests above all (ibid, I, 171). Thus it seems that Harris was well acquainted with the situation in Petersburg. Yet his aggressive nature influenced him to undermine his own position and to complete the failure of his mission. Prince Potemkin was unable to influence Catherine in connection with foreign affairs (cf. Fauchille, p. 245), he himself confessed to Harris this fact repeatedly (Harris, I, passim). Panin was antagonized by Harris's intrigues, calculated to undermine his position as Minister of Foreign Affairs; and Catherine was aware of Harris's methods and lost her confidence in him. Goertz characterized his conduct in the following manner: "Harris is an excellent example of what a dangerous thing it may prove for a man to rely too much on the force and superiority of his own genius, to give himself up to intrigue and to trust too much on appearances; and how difficult it is to carry his point when he finds himself opposed by the whole ministry" (Goertz, p. 13 f). For Catherine's opinion of Harris and her knowledge of his methods, vide: Sbornik, XXIII, p. 431 (Le chevalier Harris avait plus d'espirit que le marquis de Verac, qui n'en a point du tout; mais Harris est un Brouillon et un intrigant, et puis c'est tout"). Cf. Sbornik, XXVII, p. 185; Archiv. Vorontzova, XIV, p. 262, XXVIII, p. 82. For Potemkin's position, vide: A. G. Brückner, Potemkin, St. Petersburg, 1871; "Odesskii Almanach," 1839; M. Semevskii, Prince G. A. Potemkin-Tavlitcheskii, in Rouskaia Starina, vols. XII–XIV; A. N. Samoilox, Jizn i Deiatelnost General-Feldmarchala Kniazia Grigoria Aleksandrovitcha Potemkin-Tavritcheskavo, in Rousskii Archiv, 1867.)

Toward the end of July, 1779, through Potemkin, Harris secured an interview with Catherine in which he urged Russia's intervention in the war in order that an advantageous peace for England could be secured. Catherine replied: "What right have I, after all, to interfere in a quarrel foreign to my own concerns, on a subject I am not supposed to understand, and with courts at such a distance from me?" After Harris used all his arguments, Catherine confirmed to him that "powerful objections" still remained. (Harris, I, p. 252–3; F. F. Martens, X, p. 292; Fauchille, p. 288 ff.) It was clear that for the Russian Government an alliance with England was out of the question. Nevertheless, toward the end of November Harris handed to Panin a proposal for a defensive alliance, for the first time the Turkish casus foederis being included in the project. Harris stated that the conduct of England's enemies showed that there was no hope for peace; that all their steps manifest vast designs which should attract the attention of every sovereign who desired to retain his independence; that it now appeared doubtful whether England would be in a position to resist them successfully without allies; that the Empress alone was in a position to impose her will on them; if she found the means to achieve peace for England, then the latter would place her interests in the Empress' hands; if the enemy refused, then the Empress should assume a more decisive tone and, making use of her power, stop the war which threatened European liberty. In conclusion, Harris stated that he was authorized to sign a treaty of alliance in accordance with the inclosed project. Realizing that the project offered to Russia nothing except involving her in a European war, Harris added that England was the first to profit by such a treaty, but that Russia would profit later on. (Soloviev (ed. O. P.), Bk. VI, 1171; F. F. Martens, X, p. 292–3.)

Under the circumstances, there remained no doubt as to what the reply would be—the proposal was declined. Panin replied that the Empress was convinced that the measures proposed by the court of London instead of hastening the peace would produce a contrary effect. So far as the treaty of alliance was concerned the reply stated that the Empress felt sure that it would not escape the justice of the King; that the conclusion of a defensive alliance for the present war was impossible; and that its cause, not appertaining to their European possessions, had always been excluded from the Anglo-Russian treaties of alliance. (Soloviev (ed. O. P.), Bk. VI, 1171; F. F. Martens, X, p. 293; Bancroft-Circourt, III, p. 229 ff.)

Catherine's decision to remain neutral and assume no obligations toward England and the whole policy of the Empress during the time of the armed neutrality were clearly confirmed in the instructions given to Simolin upon his appointment in London (July, 1779). His instructions were that an alliance was out of the question. He was reminded that for some time Russia was under obligations to France for the latter's good offices in Constantinople in connection with the final settlement of the disagreements between the Russian Government and the Porte upon the K-Kainardji treaty; that Russia was under obligation to France for her cooperation in the settlement of the Bavarian question; and that in this manner France had achieved a rapprochement which was both welcome and useful to Russia. Therefore, without disturbing the friendly relations with England, whose interests were advantageous, Simolin was expected to show not even the slightest partiality toward England to the prejudice of France; he was to limit himself in the expression of hopes for the reestablishment of the peace. (F. F. Martens, X, p. 294–5; Soloviev (ed. O. P.), Bk. VI, 1170; Doniol, III, p. 733. It is noteworthy that similar instructions were also sent to the Russian minister in Paris, who communicated them to Vergennes, a copy of which the latter sent to the French minister in Madrid. (Doniol, III, p. 777 ff.) Thus the French Foreign Minister was well informed as to Russia's attitude. According to Harris himself (Diaries, I, p. 262), Simolin was a Potemkin man. His conduct in London, however, was by no means in the sense of the friendship Potemkin professed for England. As a matter of fact, Catherine's ambition was to act as mediator in the restoration of peace. Panin confided this to the French representative, and used the English proposals as an argument to induce the French to accept Russian mediation. (Fauchille, p. 310.) Vergennes appreciated the significance of the offer and accepted the Russian mediation. His acceptance was communicated to Panin after the Spanish seizure of Russian ships, and was met with great satisfaction (ibid, p. 312 f.). This greatly influenced Catherine's attitude in the Spanish incident, especially as Vergennes had won Florida-Blanca's agreement to the Russian mediation. (Ibid, p. 317.))

The commercial treaties specifying the goods considered contraband of war, were not of a nature to secure the rights of neutral navigation; subject to arbitrary interpretation and, lacking the support of armed force, these treaties were violated by the sea powers at every favorable opportunity. On account of this state of affairs, international commerce, the welfare of neutral nations, and the revenues of neutral governments suffered greatly. Especially oppressive was this state of affairs during the war of American Independence, in which the greatest maritime powers, England, France, and Spain, took part; their privateers appeared on all seas and, under all kinds of pretexts, plundered neutral shipping. (Obolensky, p. 30.) In this practice, as the strongest maritime power, England occupied the first place and, as Professor Martens affirms, it was England who furnished the cause for the formation of a league of the neutral powers. The endless abuses of neutral shipping and trade by the English privateers forced Catherine to seek means for checking the English practice. (F. F. Martens, X, p. 297–298. The diplomatic correspondence exchanged between Petersburg and London during the period 1778–1780, abounds in energetic complaints on the part of the Russian Government against the manner of action of English privateers and the decisions of the English Court of Admiralty. The Russian minister in London, Mousin-Pouschkin, constantly reported "the acts of brigandage" and "the impudent conduct" of the English privateers. On September 26–October 7, 1778, he wrote that all the London news consisted only in daily prizes, that "the greed with which enterprising merchants satisfy their desire for gain is actually the main benefit of the present English war, French commerce being ruined because the Government of France pays not enough attention to it." (F. F. Martens, X, p. 298.) The Prussians, Danish, Swedish, Dutch, Portuguese, and Venetian representatives in London complained constantly to the British Government of the numerous excesses committed by English privateers and demanded compensation for the losses of their subjects. The English ministers employed a very simple method—they did not receive the foreign representatives for months and thus avoided disagreeable explanations. On November 28–December 8, 1778, Mousin-Pouschkin wrote that the impudence of the English privateers was such that they threw themselves on every ship they met when Europe was still at peace, without informing the ships of the other nations of the outbreak of war between England and France, and disregarding the flags of all nations. (F. F. Martens, X, p. 299.)

In 1778, while Harris was making all efforts to involve Russia in the war, Panin remitted to him a note complaining that, after the London Cabinet was supposed to have issued strict instructions to their fleets, after the diplomatic representations of the Russian Government on account of the numerous complaints from Russian subjects whose lawful navigation was constantly interfered with by English ships, the Russian Government hoped that the practice would be abandoned permanently. These hopes, continued the note, were not fulfilled. The Russian merchantman *St. Peter*, on its way to Santo Domingo, had been seized by English privateers, in spite of the fact that it did not carry contraband of war and did not attempt to violate the blockade. (F. F. Martens, X, p. 298; Soloviev (ed. O. P.), Bk. VI, 1151. The owner petitioned Catherine, and the Russian minister at London was instructed to demand the release of the ship and her cargo, and the payment of compensation for the loss.)

Considerably before the incident of the Spanish privateers it began to appear to be necessary to take steps for the protection of neutrals

on the high seas. Even American privateers appeared in the North Sea in 1778, damaged the foreign trade of Archangel, and caused Catherine to open negotiations with Sweden and Denmark for defense of neutral commerce in the North Sea (Obolensky, p. 31. According to Obolensky, the archives of the Russian ministry for foreign affairs show that the idea of the armed neutrality came up for the first time in the seventies, previous to the capture of Russian ships by Spanish privateers, and the capture of foreign ships headed for Russian ports), and to express her intention of sending her fleet to the Sound to protect her commerce and navigation in that sea. (Morskoi Sbornik, p. 43–52, Doc. I (Count Panin to Sacken in Copenhagen, August 17–28, 1778); Docs. II (Sacken to Count Panin, September 18–29; Bernstorff to Sacken, September 28; Bernstorff to Sacken, September 29, 1778; Soloviev (ed. O. P.), Bk. VI, 1172.)

Baron Nolcken, Swedish representative in Petersburg, expressed the desire of Sweden to have the protection extended to other seas as well, as they had suffered even more from depredations elsewhere. He was instructed to reach an agreement upon a declaration to be made to the belligerents. Gustav III proposed a treaty to that end and participation in common steps to be taken at London. (Soloviev (ed. O. P.), Bk. VI, 1172–1173.)

Panin was at this time favorable to limiting the cooperation with Sweden and Denmark to the North Sea for the safeguarding of foreign ships headed for Archangel. Panin's views were approved by Catherine. (Obolensky, pp. 31–32; Morskoi Sbornik, pp. 52–56, Doc. III (Panin to Catherine, 20/31 December, 1778); Soloviev (ed. O. P.), Bk. VI, 1173. (The Swedish proposal had been communicated also to Denmark. Bernstorff informed Petersburg that he desired to act in concert with Russia. Nevertheless he approved of the Swedish proposal, stating that under the existing conditions such a treaty would be of great benefit by securing neutral trade completely.) Cf. Fauchille, p. 250 ff. Vergennes was attempting to embroil Russia with England through a league of the neutrals; this was the cause of Panin's caution.) Russia made counterproposals to this effect. (Soloviev, (ed. O. P.), Bk. VI, 1173; Obolensky, pp. 32–33; Morskoi Sbornik, pp. 57–59 (Panin to D'Ahlefeld, 2/13 February, 1779; Panin to Tchekalevsky and Ruckmann, 16/27 April, 1779); Cf. Fauchille, p. 255 ff.) Bernstorff replied for Denmark that he was ready to participate in the mutual protection of their merchant ships, but that it would be incompatible with strict neutrality to protect foreign ships in the North Sea. As Russian trade was carried chiefly in foreign bottoms it was recognized that his scruples would preclude any real protection to Russia's commerce. (Obolensky, p. 33; Morskoi Sbornik, pp. 59–63 (Docs. V, VI, VII, VIII, Tchekalevsky to Panin, January 5–16, January 26–February 6, March 2–13, April 6–17, 1779). Cf. Fauchille, p. 262.) In view of Catherine's plan Bernstorff proposed a convention on the subject. Russia, however, was not ready to assume formal obligations that might lead her into war in defense of foreign interests (Obolensky, p. 33; Morskoi Sbornik, pp. 63–66; Doc. IX (Bernstorff's letter of 19 March, 1779, communicated to Panin by D'Ahlefeld), and therefore decided to notify London that in the spring of 1779 a Russian squadron would cruise in the North Sea and stop all privateers. This measure she would take in accord with Sweden and Denmark, and England was invited to take steps insuring that her privateers should not appear in the North Sea, "which is preserved exclusively for the trade of the three powers." (F. F. Martens, X, p. 299 (Panin to Harris 8/19 January, 1779).)

In the meantime the war continued and complaints against the suppression of trade became more numerous and pressing. (Obolensky, p. 34; Morskoi Sbornik, pp. 75–80, Doc. XIV (Ruckmann to Panin, August 9–20, 1779); Doc. XV (Lord Weymouth to Baron Nolcken, 17 July, 1779); Doc. XVI (Panin to Harris, 6 November, 1779).) The London cabinet was forced to take some measures. It accordingly warned all English privateers by royal decree of 9/20 June, 1779, of the cruise of the Russian squadron, and ordered them to respect the rights of these neutral powers "as far as the nature of the maritime warfare permitted" and in any case not to attack enemy ships "in the ports and bays of any power with whom England is at peace." (F. F. Martens, X, p. 300; Cf. Fauchille, p. 269 ff.) In March Panin had protested against the seizure of a Russian ship at Viborg, and in November, 1779, the unlawful seizure of a Russian ship from Riga contrary to the treaty of 1776 and the law of nations. Harris gave assurances that Russian ships would neither be stopped nor searched, but English privateers, openly encouraged by their Government, continued their former practices. (F. F. Martenz, X, p. 300; Harris, I, 232, 308.) Claims for the release of the Russian ships and compensation for losses were left unsatisfied, and Catherine was displeased at the arbitrary manner and unlawful pretexts under which England seized and confiscated Danish ships. Simolin's report for 1779 bears witness to the failure of his efforts to support the Danish claims. (F. F. Martens, X, p. 301.)

When a break between England and Holland became imminent, fearing that the freedom of trade would be exposed to further limitations, Catherine proposed Russian mediation to the London cabinet. England declined a settlement with Holland, and Catherine wrote to Simolin that "the freedom of navigation and commerce was the only cause of England's war on Holland," and that "the rule of English policy was to treat as enemies all nations who, possessing a considerable fleet, propose to employ it in the transportation of what England, so despotically and on a grand scale, considers as contraband of war." (F. F. Martens, X, p. 301.)

Catherine wrote further that the adoption of such a rule was of a nature not to inspire confidence, amity, and good will, and that it was capable of irritating and embittering all neutral powers to the highest degree. Such was Catherine's state of mind, and English practice was the cause of her decision to act; moreover, the readiness of all neutral powers to oppose England by concerted action being self-evident. (F. F. Martens, X, pp. 301–302. In May Catherine's sympathies were completely on the side of France. Fauchille, p. 273.)

II

Catherine had made up her mind as to the policy she should follow. Her desire to pay the part of mediator and the attitude of France concerning both the mediation and the freedom of navigation made her incline toward a policy against England. The English practices on the seas confirmed her in this direction. The previous discussions of the question of freedom of navigation, and Bernstorff's proposal (Morskoi Sbornik, pp. 46–51 (Bernstorff to Sacken); Doniol, IV, p. 508) offered an expedient, and now the Spanish incident and the English treatment of the Dutch offered a convenient opportunity to act. Catherine determined to make use of it. Harris attempted to influence Catherine in her attitude toward Spain, but his efforts came too late. The same day, when he was arranging the matter with Potemkin (January 19–30, 1780), Catherine had already consulted Panin and made her decision upon the note to be dispatched to Madrid. (Fauchille, p. 317 f; Morskoi Sbornik, No. XVIII. Being instructed to press the idea of an alliance through Potemkin, but knowing that the "proposal of an alliance would be rejected," Harris suggested that Catherine make a strong declaration at Versailles and Madrid and reinforce this declaration by preparation of her naval forces (Harris, I, p. 245 ff) (Harris to Weymouth, September 9–20, 1779); F. F. Martens, pp. 302–303; Fauchille, p. 287 f. But this was done in July, 1779—eight months previous to the declaration. Catherine adopted the expedient of a declaration, and communicated it to the belligerents, not because Harris gave her the idea but because she desired to play the leading part. That is why the declaration was addressed to the belligerents previous to the negotiations with the neutral powers. Harris told her such an act would make her outshine Peter the Great. Having in view her mediation, Catherine again advised peace with the American Colonies (Harris, I, p. 252 ff). That her platonic assurances of friendship meant and were intended to mean only civilities is shown by the fact that she repeated them when her declaration of the armed neutrality directed against England was ready (F. F. Martens, X, pp. 303–304).)

In January, 1780, the Russian Government was informed that Spanish privateers had captured two ships with Russian cargoes—a Dutch ship carrying grain from Archangel and a Russian ship. Both ships were captured on the pretext that they headed for Gibraltar. The ships were taken to Cadiz, and the cargoes sold at auction. (Obolensky, pp. 34–35; F. F. Martens, X, p. 304. Catherine's mind as to the armed neutrality was made up previously to the incident. The Spanish treatment of the Russian ships disturbed Corberon, and he visited Panin for an explanation of the subject. Corberon found the Russian minister calm, treating the incident as a "misunderstanding," and declaring that the Empress had the intention of seeking the good offices of France in order to prevent such "inconveniences" in the future. Fauchille, p. 312 f.) In the two notes handed to the Spanish minister in Petersburg, Normandes (Morskoi Sbornik, p. 80 ff, Docs. XVII and XX; Goertz, p. 26), and in Catherine's rescript to the Russian minister in Madrid, Zinoviev (Morskoi Sbornik, pp. 83–88, Doc. XVIII. The note to Spain referred to neutral shipping in general and was the beginning of the armed neutrality. Zinoviev was instructed to exchange confidences, above all, with the representative of Denmark, knowing their attitude. In the meantime, at The Hague, Galitzin was occupied in arranging an alliance with the Netherlands for the protection of maritime commerce. Fauchille, p. 319), the Russian demands were: (1) All neutral ships taken to Cadiz and other ports on board of which Russian merchandise be found be released immediately and allowed to proceed on their voyage to their destinations, the fortress of Gibraltar excluded; (2) all losses caused to Russian citizens by detention and the variation of prices be compensated in full; (3) the orders for the capture of neutral ships be withdrawn as soon as possible, more effective control being inaugurated for the prevention of contraband.

Early in February Petersburg received the news of a British attack on Dutch ships; it provoked great indignation and was condemned as contrary to treaties and the law of nations. On February 17 Petersburg obtained the news of the Spanish capture of the Russian ship *St. Nicolas*. Catherine was indignant beyond measure. (Fauchille, p. 319 f.) The experience had convinced her that protests alone were of no avail.

She was determined under no circumstances to intervene in the war, and furthermore, to play the part of mediator; thus she resolved upon

a league of neutrals, aimed at England, to secure neutral navigation and force her to negotiate peace. The Spanish and British conduct on the seas offered a convenient opportunity, and in a decree to the Admiralty (February 8–19, 1780), without consulting anyone, Catherine ordered that 15 ships be mobilized at Kronstadt and be ready to sail at a moment's notice. (F. F. Martens, X, p. 304 f; Fauchille, p. 320; Morskoi Sbornik, Doc. XIX–2; Bancroft-Circourt, III, p. 235. Potemkin represented this step to Harris as directed against Spain. Harris was convinced that it was intended for the protection of Russian commerce. Harris, I, p. 270. The mobilization of the fleet disturbed the French party also—the Empress had consulted nobody; was she under Harris's influence? Panin himself was surprised, but he was sure that no matter where the influence came from Catherine always had in view to preserve neutrality. Fauchille, p. 323 f; Bancroft-Circourt, III, p. 236 f; Goertz, pp. 26–27.)

Count Panin expressed himself before the French and Prussian ambassadors that under the circumstances if the Court of Madrid adopts an accommodating attitude, the measure would work out against England. On February 29, the ambassadors wrote to their Governments, urging that it was essential that Spain be accommodating and return a favorable reply to the Russian note. (Doniol, IV, p. 436; Fauchille, p. 324 f; Bancroft-Circourt, III, p. 240 f; for Frederick's instructions to Goltz in Paris on the importance that Spain satisfy Russia's demand see Bancroft-Circourt, III, p. 242; for Frederick's letter to Goertz that Spain will satisfy Russia's demands, ibid., III, pp. 243–247.) Vergennes pressed Florida-Blanca to respect the rights of neutrals and instructed Corberon to assure the Russian Government of French pressure being exercised in Madrid. Florida-Blanca persisted in his uncompromising attitude, and Vergennes instructed Montmorin to inquire of the Spanish minister if he had the intention of forcing Russia on the side of England. Finally Florida-Blanca promised to render a favorable reply to Russia. What disturbed him, however, was that the Russian note did not deal with the case of the *Concordia* only but with a league of neutrals. (Fauchille, pp. 327 f, 330 f. Florida-Blanca promulgated special regulations concerning navigation, and when the Russian representative in Madrid reclaimed the *St. Nicolas,* which had already been condemned by the court, he restored it at once—Fauchille, p. 332.)

As a matter of fact, Catherine's designs were neither as represented by Potemkin nor such as feared by the French in Petersburg. Harris was right that the step aimed at the protection of Russian navigation and Florida-Blanca correct when he stated that the Russian note concerning the *Concordia* had in view a league of neutrals. (Fauchille, p. 332 f; Doniol, IV, p. 435.) Realizing that Russia alone was unable to impose upon the belligerents respect for the freedom of neutral navigation, Catherine determined to form a league for the purpose. Still holding to his previous opinion that Russia should not assume obligations for the defense of foreign interests, and fearing that such a step might embroil Russia in the war, Count Panin opposed Catherine's idea. Whereupon the Empress charged his assistant, Bakounin, to explain the contemplated step to his superior. With great difficulty Bakounin succeeded in his mission. (This version of the part played by Count Panin in the decision concerning the declaration is given by Catherine herself. After the brilliant success of the policy of the first armed neutrality, credit for it was claimed from all sides. Catherine was aware of this and of the story current at the time that the declaration was a coup on the part of Count Panin, intended to upset the successful intrigues of Potemkin and Harris to involve Russia on the side of Great Britain. After reading in "Oeuvres posthumes de Frederic II, Roi de Prusse" (14 vols. Berlin, 1788), where the claim is advanced that Frederick had an idea similar to the armed neutrality, Catherine penned a note settling the matter of the authorship of the declaration. For details see the bibliographical notes. Vide, Nicolas Barsoukov, Dnevnik A. V. Khrapovitzkavo (St. Petersburg, 1874), p. 485; cf. Goertz, p. 10 f.)

It appears that Count Panin's attitude in the matter forced Catherine to communicate to him her wishes in writing. The imperial order stated that "Her Majesty considers it as her duty and in conformity with the dignity of the country to defend the honor of her flag and the security of her subject's commerce and navigation against any of the belligerents whatever. Before forcible measures be adopted, however, representations should be made for redress. Her Majesty contemplates dispatching her fleet wherever honor, necessity, and usefulness shall demand. Her Majesty pleases that all discussions with both belligerent parties be conducted on this basis.

Apart from this, Her Majesty finds necessary the measures being adopted by Russia be communicated to the courts of Denmark, Sweden, Portugal, and the Republic of Holland, inviting them to common action so far as the defense of neutral commerce and navigation is concerned, strict neutrality being observed toward the belligerents. In similar declarations, communicated to the British and both Bourbon courts, Her Majesty consfders it necessary to define exactly what is to be understood under the term of freedom of commerce, contraband of war, and to mention the means which are to be employed in the defense of commerce and navigation. Her Majesty pleases that all communications in connection with this, a project of convention with the other courts equally interested in the matter also included, be prepared as soon as possible and presented for her approval. Furthermore, Her Majesty pleases that Count Nikita Ivanovitch (Panin) and the Vice Chancellor (Ostermann), treating this order as establishing the rules on the subject, use them as a basis in their discussions with the ministers of the foreign powers; and also the Russian ministers in Madrid, Paris, London, The Hague. Lisbon, Copenhagen, and Stockholm hold similar language. (Morskoi Sbornik, pp. 88–90, Doc. XIX/1 (the original in Besborodko's handwriting; read and approved by Her Majesty on February 14–25); cf. Fauchille, p. 333 f.)

Thus Catherine had in view a general league of neutrals, and even if it be admitted that the Spanish seizure was the immediate pretext of this policy, its object was much wider; it was directed against all belligerents. Panin's instructions dealt with the freedom of navigation in general, not with the Spanish case which was one of blockade, but with the definition of contraband of war, the effect of which was directed against England. Furthermore, these instructions indicated a benevolent attitude toward Spain; friendly negotiations, the good offices of Spain's ally (France) being employed. Thus the idea of the armed neutrality belonged to the Empress and it had occurred to her before the Spanish seizure of the *St. Nicolas,* and before the order for the mobilization of the fleet. (Fauchille, p. 335 f; cf. Wharton, III, p. 558 (J. Adams to Congress, March 18, 1780.) One month previously to the declaration Catherine spoke about her intentions in a letter addressed to Grimm. Several months in advance Galitzin had been instructed to insinuate the idea of the league at The Hague. Toward the middle of February Galitzin had reported the favorable results of his conversations concerning a common defense of maritime commerce against Great Britain. (Fauchille, p. 338; cf. Doniol, IV, p. 436.)

On the same day of her instructions to Panin, Catherine wrote personally to Prince Galitzin, Russian minister at The Hague, instructing him to sound and persuade the Dutch Government in favor of acting in common with Russia as regards the measures to be taken for the protection of the freedom of neutral commerce against both belligerents. Galitzin was instructed to ascertain if they were inclined to participate in representations addressed to both belligerents, defining the terms of neutral freedom of commerce and navigation and contraband of war, stating that Russia could no longer remain indifferent to the injuries to her flag and the property of her subjects. Catherine concluded that additional instructions would depend upon his favorable report. (Morskoi Sbornik, p. 335–6, Doc. XXI; cf. Fauchille, p. 337 f.)

While Harris was kept in ignorance by Catherine, and deceived as to her intentions by Potemkin, Count Stroganov confided to Corberon that the mobilization of the fleet had in view the protection of Russian navigation, and that to achieve it a league of neutrals would be formed. Panin also gave some information on the subject to the French and Prussian representatives. After receiving the instructions of the Empress, Panin spoke of the league of neutrals, presenting it as a system of his own and stating that he would use his efforts to persuade the Empress in favor of it. He did not mention the instructions of the Empress which already were in his hands. Panin also said that once Catherine should accept a league against all belligerents, he would transform it into one against England, stating that it was necessary only that pressure be brought to bear at Madrid for the acceptance of the Russian reclamations; this was also contained in the instructions given him by the Empress. Thus Panin was doing nothing but carrying out the instructions of the Empress, and insuring their success in his own peculiar way, and obtaining credit for a step which he had opposed. (Fauchille, p. 339 ff; Bancroft-Circourt, III, p. 239, 241. This is the explanation of the story of Panin's intrigue to upset Harris's schemes. Not possessing information as to how matters really were, Corberon and Goertz accepted it, the latter put it in print (vide Goertz, p. 14 f), and British publicists began to exploit it in their efforts to discredit the armed neutrality.)

On March 6 Panin presented to Catherine the drafts which he had been instructed to prepare, and on the 8th he visited Corberon to tell him the news. Explaining the attitude of the Empress in connection with the declaration, he once more ascribed to himself the credit for this result, insisting once more that pressure be exercised in Madrid in order that the demands of the Empress be completely fulfilled. (Goertz, p. 29; Fauchille, p. 343 f. Panin had also given the same information to Goertz, which the latter reported on the 10th. It is noteworthy that this time Panin requested that the information be kept strictly secret and withheld from the Russian representatives in Paris and Berlin in order that he be not compromised.)

On February 28–March 11, 1780, followed the famous Russian declaration of the first armed neutrality, addressed to England, France, and Spain. (Supra, p. 5.) At the time the Russian Government issued the declaration formal proposals were made to Denmark, Sweden, Portugal, and Holland to join in the measures which Russia proposed to take, and to conclude the necessary conventions for the joint protection of the freedom of neutral commerce and navigation, and in this manner "a new system based on natural law be established" and imposed upon the belligerents. All neutral cabinets met the Russian declaration with great satisfaction, because, according to contemporary diplomats, it reestablished the law of nations on the

seas, suppressing the claims of the stronger, and all this was achieved by a stroke of the pen while bloody wars had failed to attain it in the past. (Obolensky, p. 37; Morskoi Sbornik, Doc. XXIII, pp. 338–341 (Catherine to Sacken, Copenhagen, February 28–March 11); Doc. XXIV, pp. 342–345 (Catherine to Ruckmann, Stockholm, February 28–March 11); Doc. XXV, pp. 345–348 (Catherine's rescripts to the Russian ministers in Paris, London, and Madrid, February 28–March 11); Doc. XXVI, p. 349 (Panin to Bariatinsky); Doc. XXVII, pp. 350–352 (Catherine's rescripts to Nesselrode, Lisbon, and Galitzin, The Hague); Doc. XXVIII, pp. 353–354 (Catherine's rescript to Zinoviev, Madrid). A circular rescript was sent also to the Russian representatives in Mitava, Danzig, Berlin, Hamburg, Dresden, Warsaw, Regensburg, Vienna, Venice, Neapol, and Constantinople; the original signed by Panin and Ostermann and dated February 28–March 11: Morskoi Sbornik: Doc. XXIX, p. 355. Apart from the circular concerning the declaration, special instructions were dispatched to Bariatinsky in Paris and Zinoviev in Madrid. Bariatinsky was instructed to inform the French minister of the Spanish capture and to demand his intervention in the affair before the Court of Madrid. Zinoviev was instructed to express the indignation of the Empress, and to reclaim complete satisfaction and assurances that in the future Russian commerce would be respected: Fauchille, p. 362; Morskoi Sbornik; Nos. XXVI, XXVIII.)

In September, 1778, Denmark had proposed to Russia and Sweden a maritime league against England. This proposal was rejected by Russia (Supra, p. 23), and from March, 1779, under the supposition that Russian policy favored England and in order to win Russian good will, Danish policy had turned toward England. When the Russian declaration reached Copenhagen Bernstorff expressed satisfaction, considering that the mobilization of the Russian fleet was directed against Spain. When the Russian representative in Copenhagen invited Denmark to join the league of neutrals (Morskoi Sbornik, No. XXIII), intending to follow his pro-English policy of late, Bernstorff, in the council of March 29, maintained that Russia was not strong enough to follow such a policy; that opposition to Russian designs would result in special concessions on the part of England; and that if such were granted to all neutrals the Netherlands, having the greatest fleet, would obtain the chief advantage. The council, however, rejected Bernstorff's reasoning and decided to follow Russia. (Fauchille, pp. 402–405.) In accordance with this decision a note was handed to the Russian representative on March 30. (Morskoi Sbornik, No. XXXII; Fauchille, p. 406 ff.)

In spite of this, Bernstorff persisted in his attitude, intending that the declaration be turned against Spain. The more the cabinet inclined toward adopting Russia's policy, the more Bernstorff was bent upon preventing such a policy. He went so far as to send to the representative of Denmark in Petersburg instructions contrary to the decisions of the council. But Prince Frederick informed the representative of Denmark in Petersburg of the real intentions of the government, and Goertz informed Count Panin. Thus Bernstorff's efforts were exposed in the Russian reply and rejected by the King. (Fauchille, p. 409, 412 f, 416; Bancroft-Circourt, III, p. 246 f; Morskoi Sbornik, No. XXXIX; Cf. Harris, I, p. 311 (for Harris's efforts to prevent the formation of the league).) In a dispatch to the belligerents, dated May 8, Denmark declared the Baltic a closed sea on account of its geographical situation and the fact that the nations bordering on it were at peace. (Scott, p. 290; Martens (1st ed. II, p. 84; 2d ed. III, p. 175); Piggott and Omond, p. 219; on the views of Denmark, see Goertz, p. 227; Piggott and Omond, p. 205 f.) The French Government acknowledged this claim. (Scott, p. 295; Martens (2d ed.), III, p. 176.) Finally, in a declaration to the belligerents, dated July 8, Denmark acceded to the Russian declaration (Scott, p. 297 f; Martens (1st ed., IV, p. 360; 2d ed., III, p. 178); Piggott and Omond, p. 219 f; Wharton, IV, p. 31), and on July 9 signed a formal convention with Russia, the general object of which was to secure freedom of commerce and navigation, in the spirit of the declaration, by means of cooperation and reciprocal defense. (Morskoi Sbornik, No. XLVI; Marten et Cussy, 1 p. 214; Scott, p. 299 ff; Piggott and Omond, p. 238–237; Martens (1st ed., II, p. 103; 2d ed., III, p. 189). Additional article declaring the Baltic a closed sea: Scott, p. 305; Piggott and Omond, p. 237 f; Martens (1st ed., IV, p. 357; 2d ed., III, p. 195.)

On July 25 England replied to the declaration of Denmark in the negative. The reply stated that in the past England had strictly observed the treaties, and would do the same in the future. (Martens (1st ed.), VI, p. 203; (2d ed.) III, p. 182; Martens et Cussy, I, p. 209; Piggott and Omond, p. 221 f.) On August 7 Spain rendered a favorable reply, similar to the one she gave to Petersburg. (Martens (1st ed.) VI, p. 204; (2d ed.) III, p. 183; Martens et Cussy, I, p. 210; Scott, p. 320; Piggott and Omond, p. 225 f. The reply of the French Government (Scott, p. 309; Piggott and Omond, p. 224 f; Martens, 1st ed., IV, p. 363; 2d ed., III, p. 180).)

The adhesion of Denmark to the declaration, however, was not complete. Bernstorff still persisted in his intention of serving the interests of England by neutralizing the effect of the league. In his efforts to achieve such a result, Bernstorff misled the council by a proposal for an explanatory convention to the Anglo-Danish treaty of 1670 which, he stated, treated naval stores as contraband of war. Thus an agreement with the English was reached and the convention signed on July 4, 1780, and ratified by Denmark on the 21st. (Clausen, p. 140; British and Foreign State Papers; I, pt. 1, p. 400; Scott, p. 295 f; Piggott and Omond, p. 222 f; Martens, II, p. 102; Martens et Cussy, I, p. 205.) According to the convention, England permitted Danish trade in food supplies, and Denmark assumed the obligation not to supply England's enemies with contraband goods. This convention was disadvantageous to Denmark. By the convention with Russia and Sweden, Denmark had secured for her merchant marine the trade in naval stores, but the convention with England made this impossible. (Fauchille, p. 428, 430 ff.)

In order to mask his conduct, in September, Bernstorff officially acceded to the convention between Russia and Sweden. However, the truth soon became known; the King of England published a proclamation to the effect that the convention prevented Denmark from supplying the enemies of England. Questioned, Bernstorff represented the convention as natural and advantageous. Count Panin was extremely irritated and took steps to repair the damage, while Catherine suggested that Bernstorff be replaced. An energetic Russian note, disapproving the conduct of Bernstorff and charging him with duplicity went to Copenhagen. Thus the council became aware of Bernstorff's game, but the thing had been done and a denunciation of the convention with England was dangerous. Bernstorff, however, was replaced. (Fauchille, p. 434 f, 438 f, 441–444. After England declared war on the Netherlands, Denmark was threatened with a similar treatment if the convention with England remained unobserved: Fauchille, p. 451 f.)

In the first months of 1780 the relations between the Netherlands and England were strained on account of the seizure of a Dutch convoy. At the beginning of February, the Russian representative at The Hague, supported by his French colleague, had insinuated the idea of a league against England. Toward the end of the month, the Prince of Nassau charged Galitzin to inquire of the Empress if she found acceptable a concert with the States General on the means of protection of navigation in general. (Fauchille, p. 492 f.) On February 14–25 Catherine had already transmitted to The Hague her resolution for the mobilization of the fleet, and Galitzin was instructed to ascertain the disposition of the Netherlands. (Morskoi Sbornik, No. XXI.) On March 11 she rendered her declaration and Galitzin was instructed to invite the States General to adhere. (Morskoi Sbornik, No. XXVII.) On April 3 Galitzin transmitted the declaration, inviting the States General to adhere by sending to the belligerents a declaration founded on the same principles and by joining the league of neutrals. (Ch. de Martens, II, p. 286; Fauchille, p. 493 f; Scott, p. 275 f; Cf. Wharton, III, p. 599 (J. Adams to Congress, April 7, 1780), p. 606 f.) Galitzin's representations produced a strong impression, and on April 24 the States General acceded to the declaration. (Martens, IV, p. 350 ff; Martens et Cussy, I, p. 198; cf. Wharton, III, p. 627.) On May 19 the reply was communicated to Petersburg, condemning the arbitrary practice of the belligerents, conforming to the principles of the declaration, and expressing readiness to make a similar declaration to the belligerents. (Morskoi Sbornik, No. XXXVIII; Martens (2d ed.), III, p. 168; Scott, p. 283 f; Fauchille, pp. 493 f, 496.)

The position of England became critical. It was in vain that she suspended the treaties with the Netherlands, and authorized her privateers to seize Dutch ships with enemy cargoes and naval stores. For England it was practically impossible to interfere with the transport of naval stores protected by the fleets of the northern powers. A new course was necessary. For the Dutch trade was all important, and it needed peace. Now the English threatened the Netherlands with a declaration of war. (Fauchille, p. 496 ff.) Under the circumstances, the Netherlands were placed in the position of counting on Russia. In Petersburg, Sir James Harris employed all means to prevent Russia from affording assistance to the Netherlands. (Harris, I, p. 311. (Harris wrote to Potemkin and even attempted to intimidate the Empress. He demanded the recall of Galitzin, and maintained that the Netherlands were an interested party and could not be included in the neutrals, and that if Russia united with them, she would find herself embroiled in the war).) At first, the British threats obtained some effect at The Hague, but the preparations of the fleet went on, the States General persisted in their attitude and the French and Prussian representatives pressed them to negotiate the convention with Russia. (Fauchille, p. 501.) In order to force the Netherlands to turn to Russia for protection in a measure which would make Catherine hesitate in signing an alliance with them, England redoubled the violence of her treatment of the Dutch. The English knew that Catherine would not be disposed to go to war for the Dutch; and even if she did, Sweden and Denmark would not dare follow, and thus the league would break down. (Fauchille, p. 505 f; Wharton, III, p. 705.)

Under the circumstances, the Dutch intended to ask Russia for a guarantee. Such a demand threatened the success of the negotiations, and the French attempted to persuade the States General to negotiate the convention first. Their efforts failed and on July 1, the States General decided to demand a guaranty of their possessions as the price of their accession to the convention. Thus while Russia was interested

only in the freedom of commerce and navigation, the Dutch desired an alliance against English attacks. (Fauchille, pp. 507–513; Wharton, IV, p. 53.)

Vergennes insisted that the States General should not present the demand of a guaranty as a condition of their accession, because if they remained alone their position would be worse. If they negotiated the convention, France would second them both in Petersburg and in Stockholm. Vergennes's attitude, Catherine's dissatisfaction at the delay and her inclination to form the league without the Netherlands, decided the latter to solicit the guaranty as an act of benevolence. (Fauchille, p. 514–517; Wharton, IV, p. 72.)

The French supported the Dutch in Petersburg. Count Panin replied that a guaranty was unnecessary, because the convention stipulated that if one of the contracting parties was attacked on account of her accession all others would unite in her support. A conference of the Dutch envoys with Panin on September 10 was enough to secure the adhesion of the States General to the convention, as proposed by Russia. Panin spoke firmly, the envoys were satisfied, and a messenger was dispatched to The Hague with Panin's declaration. (Fauchille, p. 522 f, 528 f, 532 ff. In the meantime, through the agency of Potemkin, Harris attempted to upset the negotiations, but the latter was unable to help him. About this time, also, the English proposal of compensation was made to Russia. Harris, I, p. 331, 337, 345.) On November 20 the States General decided upon the accession to the convention and a declaration to the belligerents. (Morskoi Sbornik, No. 59; Martens, IV, p. 375; Fauchille, p. 537 f; Wharton, IV, p. 160, 234.)

In 1779, convinced that Catherine was on the side of England and was on the eve of signing an alliance, Sweden had maintained a favorable attitude toward England. (Gustav III, judging by appearances, was easily misled by the English representative in Stockholm. Fauchille, p. 453.) At the beginning of 1780, however, things began to clear up. Spain, influenced by Vergennes, adopted a more moderate attitude on the seas, and Stockholm was in a position to obtain more reliable information as to Catherine's intentions. As soon as it became known that the rumors for an Anglo-Russian alliance were spread from London with the intention to deceive, Sweden improved her treatment of France. On March 14 the news of the mobilization of the Russian fleet arrived in Stockholm and was a surprise to the Government of Sweden, which was uncertain as to the meaning of the measure, whether against Spain or England. On March 21 the declaration arrived, and Sweden was invited to make common cause with Russia for the protection of neutral navigation. (Fauchille, p. 454 ff; Morskoi Sbornik, No. XXIV; for the additional explanations of the Russian representative in connection with this communication, vide: D'Albedyhll, p. 74, App. E.) In spite of the fact that the declaration was explicit, in Stockholm some doubts still remained. On March 23 the Swedish Minister, Scheffer, informed the French representative of the Russian representations and declared that the King did not know what reply to give; he had no desire to offend the Empress nor to see her play a part superior to his own in the reestablishment of peace. Besides, Sweden was not inclined to choose between France and England; she was interested in retaining the French subsidies, but feared a complete break with England. (Fauchille, p. 456.)

Under the circumstances the French representative did not know what counsel to give and proposed that Sweden concert with France. Scheffer replied that such a step would require time, and that since Russia was adopting the proposal made by Sweden a year ago, the latter could not very well contradict herself. The French representative now proposed that time be gained to ascertain the attitude of the French by a dilatory answer, requesting explanations. Scheffer agreed to this, and the thing was done; the Swedish Government demanded explanations as to the manner in which reciprocal protection and mutual assistance should be given. (Morskoi Sbornik, No. XXXVII; Wharton, IV, p. 36 f; Martens (1st ed.), IV, p. 354; (2d ed.) III, p. 170; Martens et Cussy, I, p. 250; Piggott and Omond, p. 203; Scott, p. 276 f; Fauchille, p. 456 ff; for the report of the Russian representative (March 25–April 5) to Panin concerning his conversation with Scheffer on the matter, vide; Morskoi Sbornik, No. XXXVI; cf. Wharton, III, p. 660 f.) At the same time Scheffer instructed the Swedish representative in Paris to communicate the reply given to Russia and confer confidentially with Vergennes on the subject.

Scheffer wrote that no obligation had been assumed as yet, and that the King was free to act both in his own interests and those of France. The reason against adopting the Russian proposal was that the real intentions of the Empress were unknown; the reason in favor of the step, Scheffer said, was that the principles of the declaration were directed against England; the main fear of the King was that the Empress might embroil him in the war. Vergennes was already clear as to what the intentions of the Empress were, and on April 6 wrote to the French representative in Stockholm to press the King in a most urgent manner for a favorable reply to the Russian proposal. (Fauchille, p. 460–463. On April 13, Vergennes wrote once more, stating that while his previous dispatch was based on conjectures, these were now definite. On April 18, Vergennes received the report of the French representative in Stockholm asking advice on the subject; now he replied in a most categorical manner, dissipating all doubts as to the attitude Sweden should adopt.)

The Swedish Government hesitated until the representative in London reported that the declaration was met with dissatisfaction by the English Government. The English attack on the Dutch ships and Catherine's indignation cleared the situation even more. On April 19, Denmark notified Stockholm of her intention to accept the principles of the declaration and inquired as to the attitude Sweden proposed to adopt. On April 26, Scheffer replied that Sweden was disposed to adhere. In the meantime, Vergennes's approval of the declaration arrived, and the French representative expressed himself in favor of a convention similar to the treaty of Utrecht, enabling all powers to accede, ad thus a universal code for the freedom of the seas might be established. (Fauchille, p. 465 f; Cf. Wharton, III, p. 695 f.) Now, Scheffer became active immediately. Without waiting for the explanation demanded from Russia, on April 30, he submitted to the council his project of a convention, and, on May 1, it was dispatched to Petersburg with the authorization of the Swedish representative to sign. (Fauchille, p. 467 f; for the project of Sweden, vide, Ibidem, App. B., p. 594 ff.) The Russian reply to the explanations demanded by Sweden arrived in Stockholm after the Swedish project had been dispatched. The explanations were found satisfactory and in accordance with the project of Sweden. (Morskoi Sbornik, No. XXXVII; Martens, (1st ed.) IV, p. 355; (2d ed.) III, p. 171; Piggott and Omond, p. 204 f; Scott, p. 288 f; Fauchille, p. 471 f; Wharton, IV, p. 37.)

On June 17, Count Panin replied to the project of Sweden by a counter project, which made the terms more exact without important modifications of the Swedish proposal. On July 13 Scheffer authorized the representative of Sweden in Petersburg to sign the convention. (Morskoi Sbornik, No. XLII; Fauchille, p. 472–477. The counter project was presented in order that Catherine be not deprived of the leading part she had assumed. The delay was occasioned by the conduct of Denmark.) On July 21, Sweden addressed a declaration to the belligerents, adopting the principles of the Russian declaration and stating that the government would continue to observe neutrality, but would effectually protect their lawful trade by all possible means. (Morskoi Sbornik, No. XLIII; Martens, (1st ed.) IV, p. 365; (2d ed.) III, p. 185; Piggott and Omond, p. 226 f; Scott, p. 307 f; Wharton, IV, p. 30.) On August 1, the convention between Russia and Sweden was signed in Petersburg. (Morskoi Sbornik, No. XLVIII; Martens, (1st ed.) II, p. 110; (2d ed.) III, p. 198; Piggott and Omond, p. 239–243; Scott, p. 311 f; Wharton, IV, p. 53; Martens et Cussy, I, p. 220. (For the additional article declaring the Baltic a closed sea: Scott, p. 317; Piggott and Omond, p. 227 f; Martens, (1st ed.) IV, p. 364; (2d ed.) III, p. 205.) In September, Sweden acceded to the Russian-Danish convention: Morskoi Sbornik, No. XLIV; Martens, (1st ed.) IV, p. 369, etc.)

The accession of Sweden to the Russian declaration was highly undesirable for England, and, as in the case with Denmark, she made an attempt to offset the step Sweden had taken in the matter. To accomplish her purpose England made use of an interpretation of the Anglo-Swedish treaty of 1661, prescribing a certificate for the character of merchandise on board. (Hautefeuille, Des droits et des devoirs des nations neutres, III, p. 300; Fauchille, p. 485.) The terms of the treaty were ambiguous; the English needed something more explicit for seizing enemy property under the flag of Sweden, and not finding it in the treaty they did not hesitate to imply its existence.

England replied to the Swedish declaration, claiming that her practice followed the principles of justice and equity, and that she had fulfilled with fidelity all engagements toward the friendly and neutral powers. Finally the reply contained a quotation claimed as being obligatory between the two nations as contained in the treaty of 1661. (Scott, p. 317; Piggott and Omond, p. 227 f; Martens et Cussy, I, p. 213; Martens (1st ed.), IV, p. 368; (2d ed.) III, p. 188.) The English reply reached Stockholm on September 15, and at first it was not disclosed that the Latin quotation contained in it was a falsification of the terms of the treaty of 1661. (The addition made by the English was: "Si hostis bona in confoederati navigio reperiantur, quod ad hostem pertinet praedae solummodo cedat, quod ad confoederatum illico restituatur." For the two texts of the treaty, Cf. Chalmer's Collection, I, p. 53 f; Jenkinson's Collection, I. p. 169; Fauchille, p. 487 ff; Piggott and Omond, p. 229 f.) When, however, the English made public their reply, fearing that the position of Sweden would be compromised both in Petersburg and Paris, Scheffer exposed the falsification, and made corresponding representations in London, adding that the treaty in question was nothing but a defensive alliance for 10 years, the term of which had expired more than a century ago. The matter ended in January, 1781, the English admitting formally the falsification and renouncing their claims based on the treaty of 1661. (Fauchille, p. 488 ff. The French Government acknowledged the declaration of Sweden. Martens (1st ed.), IV, p. 366; (2d ed.) III, p. 186; Martens et Cussy, I, p. 212; Scott, p. 318 f; Piggott and Omond, p. 232; Wharton, IV, p. 36; cf. Fauchille, p. 480.)

The declaration arrived in Paris on April 1 and was the cause of great satisfaction. Vergennes realized at once the advantages which the Burbon courts derived from it, and praised it to the Russian am-

bassador as the culmination of Catherine's glorious reign, as a step of honor, justice, and firmness, stating that he always appreciated Russia's friendship, but now more than ever before. (Soloviev (ed. O. P.), Bk. VI, 1177 f; Fauchille, p. 376 f.) The thing that disturbed Vergennes was how the declaration would be received in Madrid. (At that time he did not know yet of the new Spanish regulations and the release of the Russian ship, the *St. Nicolas.*) Therefore before replying to Petersburg, he initiated action in Madrid. On April 3, Vergennes instructed Montmorin to speak to Florida-Blanca forcefully; at any price Spain should accept the principles of the Empress, showing him all the advantages of such a resolution. (On April 14, Vergennes wrote once more to Madrid on the subject; Fauchille, p. 379.) The situation at Madrid was not such as Vergennes supposed. The declaration was well received, and the Spanish Government had conveniently conciliated their regulations with the principles of the Empress. Vergennes could have expected nothing better from Spain, and as soon as he was informed of her attitude he replied to the Russian note on April 25; his reply was a complete approbation of the declaration. (Morskoi Sbornik, No. XXXIII; Martens (1st ed.), IV, p. 346; (2d ed.) III, p. 162; Ch. de Martens, III, p. 271; Piggott and Omond, p. 213 ff; Scott, p. 284 f; Wharton, III, p. 674.) The Spanish reply to the Russian declaration was entirely satisfactory; it stated that owing to the conduct of the English Navy, Spain was forced to disregard the neutral flag in the way of reprisals. The Spanish Government expressed readiness to respect the neutral flag of the courts that have consented or shall consent to defend it; it stated further that Spain conforms to the other points contained in the declaration. (Morskoi Sbornik, Doc. XXXIV; Wharton, III, p. 688, 758 f; Ch. de Martens, III, p. 271; Martens (1st ed., IV, p. 348; 2d ed., III, p. 164); Scott, p. 280 f; Piggott and Omond, pp. 206–208; Fauchille, p. 379 ff. Zinoviev handed the declaration to Count Florida-Blanca on April 15; the Spanish reply is dated April 18.)

Now Vergennes instructed Corberon to encourage the Russian Government to pursue vigorously the system of the Empress in order that it be established, maintaining that an embargo would solve the difficulties with England if such arose, and that such a policy would not embroil Russia in a war with England. At the same time, without waiting for a reply from Petersburg, Vergennes took the necessary steps in order that the principles of the declaration be observed by the ships of France. (Fauchille, p. 384 f.)

On May 16 Corberon communicated to Count Panin the French reply. The same day a most satisfactory report from the Russian ambassador in Paris arrived. (Morskoi Sbornik, No. LVII; Fauchille, p. 386; Wharton, III, p. 674 f.) A few days later Count Panin announced to Corberon the complete satisfaction of the Empress. At the same time Russian merchants were expressly authorized to ship naval ammunition for French and Spanish ports. (Harris protested against this measure; Harris, I, p. 301.) At first the Spanish reply did not entirely please Count Panin, because it explained Spanish conduct as reprisals due to the conduct of England. The explanations of Corberon and Normandez, however, reassured him as to Spain's intentions. (Due to French efforts Spain rallied around the principles of the declaration, and toward the end of June Spain enjoyed in Petersburg the same confidence as France; the Bourbon courts had completely gained Catherine's sympathies; Fauchille, p. 387 f.)

In London the declaration was handed by Simolin to Lord Stormont; its contents disturbed the latter considerably, while Lord Hillsborough characterized it as advantageous to France and Spain and very disagreeable to England. (F. F. Martens, X, p. 310 (Simolin's report of March 27–April 7); Bancroft-Circourt, III, p. 248. When Simolin reported the astonishment produced in London by the imperial declaration and that the King of England had regarded the mobilization of the Russian fleet as being made in his favor, Catherine said: "Et à quel titre a-t-il pu le croire; c'est apparémment M. Harris qui aura forgé ces chimères." Fauchille, p. 369 (Corberon's report, May 5, 1780). In Parliament the declaration was described as a hostile step against England, and a break was considered imminent. Lord Cambden declared that Catherine was attempting to dictate to all sea powers and undermine the fundamental principles of the law of nations; that the declaration was "a dangerous and arbitrary act"; and that England had no choice but either to declare war on Russia or to allow unlimited help rendered to her enemies. F. F. Martens, X, p. 312.) The official English reply was handed to Panin by Harris. It stated that the English Government acted toward friendly and neutral powers according to the principles acknowledged as the law of nations; it mentioned that precise orders had been given respecting the Russian flag and commerce, "agreeable to the law of nations," and that the orders had been renewed; in case of infringements the English courts of admiralty were to afford redress. (Morskoi Sbornik, Doc. XXXV, p. 370 f; Scott, p. 282; Piggott and Omond, p. 208 f; Ch. de Martens, III, p. 270; Martens (2d ed.), III, p. 160; for Stormont's instructions to Harris in connection with the reply see Piggott and Omond, p. 209 f; Wharton, III, p. 661 f.) Thus the English Government attempted to evade the issue and continue its previous practice. (Obolensky, p. 37. The English reply to Russia was sent on April 11 and reached Harris on May 4; in the meantime the English did not communicate it to Simolin, in order to gain time and make use of Potemkin's influence (Harris, I, pp. 292, 295). Harris saw Potemkin first, and being unsuccessful he saw Panin the next day; and, exceeding his instructions, assured him that England had no intention of declining the Russian declaration entirely, but not of conforming to those principles which were directly against her interests and of evident advantage to her enemies. He begged Panin to transmit this to the Empress. Panin consented, declaring in a solemn manner that he was not the author of the declaration and that in this case he had acted exclusively as secretary to his sovereign (Harris, I, p. 301). A few days later Harris returned for the result. Panin replied that the Empress made no observations, and he now assumed a hostile attitude, while before seeing Catherine he had been reserved. This made it clear that Catherine was dissatisfied with the English reply and Harris's explanations (Harris, I, p. 301; Fauchille, p. 373 ff).)

In spite of the declaration and the attitude assumed by Russia, the English Government continued to entertain hopes of Russian assistance. So that the English minister was exceedingly displeased when he received communications from Simolin informing him that the Empress had issued orders for the formation of three squadrons, one to cruise the Mediterranean, the second the Atlantic, and the third the Sound and the North Sea. (F. F. Martens, X, p. 311 (Simolin's report of July 3–14); Cf. Wharton, III, p. 774 f.) However, officially they persisted in their previous point of view, and Lord Stormont declared that the Government intended to be guided by its special engagements and the generally acknowledged principles of the law of nations. (F. F. Martens, X, p. 312 (Simolin's report of July 7–18).) Toward the middle of June the three Russian squadrons, intended to uphold the system of the armed neutrality on the seas, sailed from Cronstadt. (Morskoi Sbornik, No. XL; Harris, I, p. 317; Fauchille, p. 388 f; Wharton, III, p. 874. While the fleet at Cronstadt was preparing to sail, an attempt was made to blow it up. The Russian Government and the diplomatic corps ascribed this to Harris, as being done through an English officer. Harris did not protest. One month afterwards he mentioned it to Potemkin, and on August 1 he mentioned it to Stormont. Harris, I, p. 327; Fauchille, p. 390.)

At the opening of hostilities with England, the American Colonies in their treaties and naval regulations adopted rules similar to the principles proclaimed by Russia. (The convention with France of February 6, 1778, and the proposed convention with the Netherlands proclaimed the principle "free ship, free goods." The same principle was also recognized in the instructions of Congress of April 10, 1776 (renewed on May 9, 1778), Martens, VI, p. 178; IV, p. 197.) In practice, however, the Colonies never respected the neutral flag, and the acts of American privateers in 1778–79 furnished Catherine with a pretext for the neutralization of the North Sea. Considering the American Colonies as rebels, Catherine did not communicate the declaration to the American Government. However, Franklin and John Adams communicated it to Congress. The French Cabinet was interested to see the Colonies adopt the Russian principles, and after the American privateer, the *Black Prince*, had seized the Dutch ship, the *Flora*, Vergennes urged Franklin to condemn the action of the privateer. At the same time, Vergennes charged the French representative in Philadelphia to explain the effect of the declaration and represent that the American Government conform to the French system and that of the neutrals. (Fauchille, pp. 394–398; Doniol, IV, p. 438; see also Wharton, IV, p. 508.) In the meantime the intention of Russia to take part in the future pacification becoming apparent, a movement in favor of Russia arose in Congress, so that the American Colonies, on October 5, 1780, adopted the declaration and decided upon a representative in Petersburg. The Continental Congress of the United States resolved: That the Board of Admiralty prepare and report instructions for the commanders of armed vessels commissioned by the United States to conform to the principles contained in the declaration of the Empress of Russia, on the right of neutral vessels. The ministers plenipotentiary from the United States, if invited, were respectively empowered to accede to such regulations, conformable to the spirit of the said declaration, as may be agreed upon by the Congress expected to assemble in pursuance of the invitation of Her Imperial Majesty: Scott, p. 323, 324; Piggott and Omond, pp. 280–281; Doniol, IV, p. 439; Journals of the Continental Congress, vol. 18, p. 905; Wharton, IV, p. 80; Fauchille, p. 398 f. For the commission of Francis Dana see: Journals, vol. XVIII, p. 1187; Piggott and Omond, p. 281; Hildt, ch. I; for Dana's correspondence see Wharton, vols. IV, V, and VI. Copies of the resolutions were transmitted to the American representatives abroad and the French plenipotentiary in the United States (cf. Wharton, IV, p. 274 f). For the ordinance of the United States in conformity with the principles of the armed neutrality, see: Wharton, V, p. 212.) Thus of the belligerents only England still opposed the principles of the Russian declaration.

Thus the accession of the northern powers to the armed neutrality was resulting in England's complete isolation. When the Prussian minister in London communicated to Lord Stormont the accession of Prussia (The convention between Prussia and Russia was signed on May 8–19, 1781: Morskoi Sbornik, No. LXIV; Scott, p. 397; Piggott and Omond, p. 252 f; Martens (1st ed.), II, p. 130; (2d ed.) III, p. 245; Martens et Cussy, I, p. 223; F. F. Martens, VI, p. 110; Wharton,

IV, p. 424.) the English minister was very much concerned; he realized that the league of neutral powers was being firmly established, that on account of Catherine's attitude its dissolution was impossible to accomplish, and that under the circumstances England would be forced to modify her attitude. (F. F. Martens, X, p. 315 (Simolin's report of October 23–November 3, 1780).) Nevertheless, Lord Stormont declared to the Prussian minister that the Anglo-Russian treaties could not be extended to Prussia, and that in the future England would continue to act in conformity to the principles acknowledged generally as the law of nations. Upon Austria's accession to the armed neutrality (Morskoi Sbornik, No. LXV; Scott, p. 403; Piggott and Omond, p, 270 f; Martens (1st ed.), II, p. 171; (2d ed.) III, p. 257; F. F. Martens, II, p. 122; Martens et Cussy, I, p. 225) the English Government gave a similar reply. (F. F. Martens X, p. 316 (Simolin's report of December 17–28, 1781). On the margin of this report Catherine wrote, "When Harris communicates England's reply it would be useful to tell him that we shall be very glad to know clearly what are the principles of international law adopted by England, and we are convinced in advance that the right to pillage neutral ships can not be included in the number of these principles." In connection with the above marginal note of the Empress and the repeated references of the English Government as to their adherence to the law of nations, in January, 1781, Ostermann questioned Harris on the subject, stating that since the English Government repeatedly insisted upon the "principles of the law of nations recognized by England," a supposition was arising that to some extent these principles differed from the principles contained in the declaration of the Empress; therefore it was desirable to know definitely the principles adopted by His Britannic Majesty. Harris stated that he was not in a position to give a reply and that he would refer the question to London. When Simolin put the question to Lord Stormont the latter replied: "In all cases where the existing treaties are not applicable the matter is to be decided by the principles of the law of nations as established by the most eminent publicists." (F. F. Martens, X, pp. 316–317; Simolin's report of February 25–March 8, 1782.) Professor Martens says that this reply was "meaningless," and that Catherine never succeeded in obtaining from the English a definition of "the generally accepted principles of the law of nations" which England desired to apply to neutral navigation; and in the meantime, "the generally accepted principles" were transformed by the armed neutrality, England herself putting them into practice. The number of the powers acceding to the Russian declaration grew, and upon the accession of the States General, Lord Hillsborough exclaimed to Simolin: "You desire to establish a new code." Simolin replied that "so far such a code has not been in existence, but that it would be advantageous and useful to all nations that such a code be established." (F. F. Martens, X, p. 317; Simolin's report, April 24–May 5, 1780).)

In the meantime Harris made extraordinary efforts to influence Catherine to adopt a favorable attitude toward England (F. F. Martens, X, p. 312 (Harris to Panin, 20 April, O. S.)), but she remained firm in the support of the proclaimed principles. Nevertheless, Catherine had no warlike intentions toward England. She wrote to Simolin that the agreements with the neutral powers aimed only at the protection of neutral commerce and navigation, and that Russia would observe strict neutrality. (F. F. Martens, X, p. 313 (Catherine to Simolin, 26 October, O. S.).) At the same time, by adopting a threatening attitude, the English Government attempted to prevent the accession of the neutral powers to the league. In connection with this and the origin of the declaration, Catherine wrote to Simolin that it was England herself who provoked it by her unbearable orders to the privateers; that it was England's conduct in the arbitrary establishment of new rules concerning contraband of war, contrary to the exact terms of treaties, which forced Holland to seek French assistance. She wrote further that when England notified Holland that the treaties were to be superseded by the general English practice "it was then that we began to reflect upon the means to prevent in the future every misunderstanding and argument which might arise from ill-defined expressions, different points of view, and appreciation." Catherine concluded that England herself did not contest the rules of the declaration, having given orders accordingly, and instructed Simolin to declare to the English Government that Russia did not expect that the declaration would become the cause of an English war on Holland. (F. F. Martens, X, pp. 313–4 (Catherine to Simolin, January 13, 1781, O. S.).)

It was not long before the declaration achieved the desired effect and Catherine was satisfied with the English treatment of Russian ships. Express instructions were given to English privateers to strictly observe the provisions of the Anglo-Russian treaty of 1766 (Scott, p. 328 f; Piggott and Omond, p. 248; Hennings, II, p. 63), and Russian navigation was not interfered with. At the beginning of 1781 all Russian claims against England were fully compensated. Next the English Government became more considerate toward the trade and navigation of the other neutral powers and aditional instructions were given to English privateers respecting neutral property. (Scott, p. 365 f; Hennings, II, p. 105.) Finally, Catherine demanded that English privateers be excluded from the North Sea, its shores being in the exclusive possession of neutral powers only; the English Government fulfilled Catherine's demand. (Scott, p. 391; Hennings, II, p. 104.) The energetic representations of the Russian minister in London for the release of captured Swedish and Danish ships, were now, as a rule, granted by the English Government. (F. F. Martens, X, pp. 317–18.)

At the beginning of 1780 Portugal was on the side of England. The accommodations which the English ships found in Portugese ports were a valuable aid against the Bourbon courts. But, on account of Portugal's geographical position, her attitude was affecting neutral navigation also, and therefore Catherine desired that at any price Portugal should be separated from England.

The declaration was communicated at Lisbon, and Portugal was invited to adhere to it and join the league of neutrals. (Morskoi Sbornik, No. XXVII; Fauchille, p. 553–556.) Toward the end of April the Russian note arrived in Lisbon. The Portuguese made efforts to gain time until on June 27, 1780, a negative reply was rendered. In concert with Spain, Vergennes made all efforts to win the Portuguese. In the meantime, in August, English conduct in the ports of Portugal resulted in an embargo on English shipping. The French seized this opportunity and persuaded Portugal to exclude all privateers from her ports. Yet, fearing England on the seas, the Portuguese continued to persist in their policy of declining to adhere to the armed neutrality. The French continued their efforts at Lisbon and finally won. On May 24, 1782, the Russian representative in Lisbon notified Petersburg that Portugal had decided to accede to the northern league, and on July 13, 1782, the convention was signed at Petersburg. (Morskoi Sbornik, No. LXVIII; Martens et Cussy, I, p. 227; Martens, 1st ed., II, p. 208; 2d ed., III, p. 263; Fauchille, p. 557–575; Wharton, IV, p. 83 f.)

Having failed to prevent the accession of the States General to the league of neutrals, England determined to solve the problem by depriving the Netherlands of their status as a neutral by means of a declaration of war, thus depriving the Netherlands of the assistance of the league, and avoiding Russia's participation in the war. If the declaration of war became known in Petersburg before the accession of the Netherlands had been consummated it would not take place on account of the Netherlands being a belligerent; if the convention had been signed, the motive of the rupture being foreign to the league, a casus foederis in favor of the States General would not arise. The difficulty was in finding a pretext for the rupture. Circumstances came to the rescue of the English; an American ship was captured, and among the papers of Henry Laurens was found a project of a commercial treaty of August, 1778, between the States General and the American Colonies. Considered of a date when there was no question of armed neutrality, it furnished an excellent pretext for a declaration of war. (Fauchille, p. 540; Cf. Harris, I, p. 345. The alleged negotiations between the Netherlands and the American Colonies concerned a memorandum of the conversations between the American commissioner in Germany, William Lee, and the Dutch agent, Mr. Neufville, held in September, 1778, at Aix-la-Chapelle. In September, 1780, the memorandum fell into English hands. Wharton, II, p. 286; Piggott and Omond, p. 288.) Thus on November 10 the English representatives handed to the States General an ultimatum. (Ch. de Martens, II, p. 346; Piggott and Omond, p. 289 f; Annual Register, 1780, pp. 120, 141.)

The English counted upon the arrogance of their language to achieve the desired result. The French, however, opened the eyes of the Dutch as to the English tactics and cautioned them to manage the affair so as not to deprive themselves of the assistance of the league, which could be procured on no other basis but the violation of neutrality. (Fauchille, p. 543 f.) Thus the States General took the necessary steps to complete the formalities of their accession. In the meantime, on December 12, their reply to England started for London. The same evening the English representative at The Hague delivered a second ultimatum. (Ch. de Martens, II, p. 348.) The States General offered all possible satisfaction and it was refused by the English representative. (Ch. de Martens, II, p. 355.) In the meantime, on December 18, the Dutch declaration of their accession to the league arrived in London. Now the English decided that no time should be lost, if it was a question of coming to a rupture with the Netherlands before the convention with Russia was signed. The next day orders were sent to the English representative to quit The Hague, and on December 20 the relations with the representative of the States General in London were broken off. The same day a double proclamation announced the war with the States General (Ch. de Martens, II, p. 349; Scott, p. 330 ff; Piggott and Omond, p. 290; Hennings, I, p. 67; Annual Register, 1780, p. 142), and authorized English ships to seize all Dutch shipping. (Ch. de Martens, II, pp. 353, 372; Scott, p. 334 f; Wharton, IV, p. 219 ff; Hennings, I, p. 71; Piggott and Omond, p. 291; Annual Register, 1780, p. 144).

In the meantime, in Petersburg, Harris made all efforts to prevent the accession of the Netherlands to the league. However, Count Panin saw through the English game, and since the Empress had no intention of abandoning the negotiations, he hurried the signature of the convention. (Harris, I, pp. 347 f, 351 ff; Fauchille, p. 549. (At this time the position of England in Petersburg was very unfavorable. Three months previously the British had seized Russian ships, and those being reclaimed, the British replied that when the admiralty decided whether they were good prizes or not the Russian ambassador would be informed. On December 10 Catherine sent to London a dispatch reclaim-

ing the ships once more and stating that the laws which the English admiralty might apply were absolutely foreign to the case; that she did not know other rules in the matter than the law of nations of her declaration, and that in spite of her desire to observe a scrupulous neutrality and an understanding with Great Britain, she had decided to protect by all means the honor of her flag and the navigation of her subjects: Fauchille, p. 550).) On January 4, 1781, the convention was signed. (Morskoi Sbornik, No. 63; Martens (1st ed.), II, p. 117; IV, p. 378; (2d ed.) III, p. 215. (While the declaration of war became known in Petersburg on January 10, the conduct of the English representative at The Hague was known before the signature, and the Russian Government knew what the outcome would be: Fauchille, p. 551).)

On February 28, 1781, the Netherlands addressed a memorandum to Sweden demanding support of the Armed Neutrality League in the war with England. The memorandum stated that England's resentment arose merely from the accession of the Netherlands to the armed neutrality, and therefore the latter was entitled to the assistance of the league. (Scott, p. 266 f; Annual Register, 1781, p. 311; Piggott and Omond, p. 307; Martens (1st ed), IV, p. 389; (2d ed.) III, p. 230; Ch. de Martens, III, p. 291; Wharton, IV, p. 335 ff.) The Government of Sweden addressed Russia on the subject, stating that, while it was clear that England's declaration of war on the Netherlands was actuated by the latter's accession to the armed neutrality, the English manifesto mentioned acts previous to the Netherlands accession, and the league was therefore free to choose between the reasoning of the Netherlands' memorandum or that of the English manifesto. (Scott, p. 370 f; Goertz, p. 199; Martens (2d ed.) III, p. 325; Piggott and Omond, p. 311.)

The Russian Government admitted that the time and circumstances of England's attack on the Netherlands sufficiently indicated that the real cause lay in the accession of the later to the armed neutrality, but that, on the other hand, the actual rupture preceded the formal accession of the Netherlands to the league and that the reasons set forth antedated and were foreign to the armed neutrality, therefore the Russian Government adopted the suggestion of Sweden that suitable representations be made in London. (Scott, p. 377; Goertz, p. 209; Piggott and Omond, p. 315; Ch. de Martens, III, p. 301; Martens (2d ed.), III, p. 240. (In January, 1781, Catherine instructed Simolin to employ all his efforts in preventing a break; before these instructions reached him, however, the war was declared and Lord Stormont attempted to convince him that England was forced into it by the Netherlands' maintenance of friendly relations with France and conclusions of treaties with America; that the cause of the war was foreign to the armed neutrality: F. F. Martens, X, p. 318 (Simolin's report, February 16–17, 1781); cf. Wharton, V, p. 116.))

Finally the status of the Netherlands was settled; as regards France and Spain the league considered the Netherlands as neutral, and as regards England—as belligerent. Thus the Netherlands remained in the League of the Arm Neutrality. (Scott, p. 374; Goertz, pp. 114, 220. The compromise was disadvantageous to the Bourbon courts; it meant that the league of neutrals protected Dutch ships only against France and Spain: Fauchille, p. 583.) In the meantime, Catherine proposed to mediate between England and the Netherlands. The latter accepted the Russian mediation, while England at first declined the proposal; but in September, 1781, modified her attitude and consented to it. (F. F. Martens, X, p. 318; Piggott and Omond, p. 321 f; Annual Register, 1781, p. 310.) In March, 1782, the English cabinet acquainted Simolin with their decision that England was willing to enter into a treaty of peace with the Netherlands on the basis of free navigation according to the treaty of 1764. (Piggott and Omond, p. 323; Cf. C. J. Fox, I, p. 321. (The above-mentioned mediation was taking place simultaneously with that of Catherine and Joseph II for general peace. In connection with the latter, Simolin wrote that under no circumstances would the English Government consent to discuss or recognize American independence; that the English Government considered the American issue of internal character, excluding the mediation of foreign powers in connection with it (F. F. Martens, X, p. 319). The mediation was one of Catherine's main objects. England associated Austria in it in order to influence the negotiations through the latter, and at the same time separate Russia from the Netherlands: Fauchille, p. 583 f; d'Albedyhll, p. 39; Doniol, IV, p. 523.))

In the meantime Harris was instructed to maintain most friendly relations with the Russian Government and to attempt once more the conclusion of an Anglo-Russian defensive alliance. For this purpose, in March, 1781, England proposed the cession of the island of Minorca to Russia. (Harris, I, pp. 345, 364, 368, 374.) Catherine was not willing to participate in conflicts which did not concern Russia, and therefore the proposal was declined. (F. F. Martens, X, pp. 319, 320.) Anglo-Russian relations remained at a standstill down to March, 1782, when Lord North's Cabinet fell and Fox became foreign secretary. The new cabinet was in favor of peace and inclined to recognize the independence of the American colonies. Fox attempted to effect a rapprochement with Russia, while Catherine aimed at taking advantage of his attitude, and obtaining England's formal recognition of the principles of the armed neutrality. (F. F. Martens, X, p. 323. Fox saw that unless he could make some concession to the northern powers on the subject of neutral rights it would be vain to hope to engage Catherine of Russia and Frederick of Prussia on the side of Great Britain. It seemed to Fox that on these questions of dispute great concessions might be made; Russell, Life of Fox, I, p. 299; Fox, I, p. 330 f.)

Simolin called Mr. Fox's attention to the attitude of the previous ministry as regards the principles of the armed neutrality. Fox replied that the English Government recognized the justice of these principles, and since under the circumstances England's reliance was upon Russia alone, all issues that might place obstacles to the rapprochement of the two countries would be eliminated immediately; if the recognition of the system of armed neutrality was one of these issues, it could be done easily. (F. F. Martens, X, p. 320 (Simolin's reports of April 1–12, 12–23, 1782.) Fox, in the letter to Grey, states that the first act of the Rockingham ministry was to make an offer to Holland upon the principles of the armed neutrality; and this was done with a view of satisfying the Empress of Russia: Russell, Life of Fox, I, p. 300.) In connection with this statement of Mr. Fox, Simolin was instructed to demand a written, formal recognition of the principles of the armed neutrality. Simolin was to point out that, as a matter of fact, during the war England applied these principles in practice by restoring the captured neutral ships by compensating the losses of neutral merchants; he was to give Fox to understand that the Empress was firmly resolved to maintain the principles proclaimed by her and to secure their universal recognition. (F. F. Martens, X, p. 321 (Ostermann to Simolin, May 15–26, 1782); Russell, Life of Fox, I, p. 300; Fox, I, p. 332.)

Under the circumstances the English Government decided to acquiesce in Catherine's wishes and formally declare that the principles of the armed neutrality proclaimed by the Russian Government should be considered as "generally acknowledged principles of the law of nations." On the 4th of May, 1782, Mr. Fox wrote to Simolin that His Britannic Majesty would accept as the basis of a separate peace between him and the states general, "a free navigation according to the principles demanded by Her Imperial Majesty in her declaration of February 28, 1780." (F. F. Martens, X, p. 322; Piggott and Omond, p. 325 f.; cf. Annual Register, 1782, p. 150; Fox, I, p. 330 ff.) This letter and the conversation with Mr. Fox on the subject convinced Simolin that the new British cabinet was ready to adhere formally to the declaration of the armed neutrality, in spite of the popular conviction that these principles had already served, and would continue to serve, England's enemies. But if the cabinet was in a position to say that against the recognition of these principles they have regained the benevolence of Russia and reestablish the alliance, then they were ready to make every sacrifice and expected to succeed in winning public opinion. (F. F. Martens, X, p. 322 (Simolin's report of June 7–18, 1782); Russell, Life of Fox, I, p. 302.)

Simolin's conviction was fully justified; Harris soon wrote to the Russian Vice-Chancellor, Ostermann: "I can take it upon myself to declare that the principles of the armed neutrality shall no more be an object of the two Courts, since the Court of England is disposed to recognize them, and I assume the responsibility that it will do all in its power to facilitate their consolidation." As a matter of fact, in his letter to Simolin of June 17–28, 1782, Mr. Fox announced the definite decision of the King of England to sign the declaration of the armed neutrality. (F. F. Martens, X, pp. 322–23 (Simolin's report of June 17–28, 1782). Cabinet Minute, June 26, 1782: "It is humbly recommended to his Majesty to direct Mr. Fox to acquaint M. Simolin that His Majesty is desirous of entering fully into the ideas of the Empress, and to form the closest connections with the Court of Petersburg, and that His Majesty is willing to make the principles of Her Imperial Majesty's declaration of February 28, 1780, the basis of a treaty between the two countries." Piggott and Omond, p. 326; Fox, I, p. 333.)

Mr. Fox made the formal recognition of the armed neutrality rest upon the conclusion of the alliance. Now, Catherine was in a position to attain a brilliant victory by England's formal recognition of these principles, but she definitely refused to entertain the English proposal. Catherine refused to renew the alliance in spite of England's formal consent to include even the casus foederis against Turkey in the proposed treaty. (F. F. Martens, X, p. 323; Fox, I, p. 333.) Ostermann declared to Harris that the Empress had definitely decided to assume no obligations toward any of the belligerents. Harris replied that at least a secret Anglo-Russian treaty might be signed, coming into effect at the termination of the war. Ostermann declined the proposal, declaring such a treaty unnecessary and eventually capable of becoming a source of embarrassment; it might become known and give rise to justified suspicions of the Empress, after she had accepted the part of mediator. (F. F. Martens, X, pp. 323–4 (Ostermann's memorandum of his conversation with Harris, July 13, 1782). Cf. Fox, I, p. 334 ff. In the parliamentary debate of March 25, 1801, Fox's offer to make the principles of the armed neutrality the basis of a treaty with Russia, was challenged by Pitt. Mr. Pitt stated that Mr. Fox advised His Majesty to cede these rights in behalf of the Empress of Russia for the purpose of purchasing her friendship, and preventing that sovereign from joining France with whom England was at war. Mr. Fox replied: ". . . I certainly did. . . . I applied here directly to M. Simolin, the Russian minister at this court, and with him endeavored to accomplish the nego-

tiation. To him I offered a quid pro quo; and meant to give nothing without getting a full equivalent. . . ." Piggott and Omond, p. 237; Cf. Hansard, XXXV, col. 11277; Russell, Life of Fox, I, p. 300.)

In the meantime Fox left the foreign office. The head of the new cabinet, Lord Shelbourne, assured Simolin that in spite of all the prejudice of public opinion concerning the principles of the armed neutrality, the Court of London was disposed to sign a formal recognition. Apart from this, Simolin was convinced that the English Government was firmly resolved to continue in practice the application of the principles of the armed neutrality. (F. F. Martens, X, p. 324, Simolin's report of June 28–July 9, 1782.) In March, 1783, Fox came to the British foreign office once more, and consented to the mediation of Russia and Austria for the conclusion of the peace of Versailles, thus ending the ruinous war and recognizing the independence of the United States. In the meantime, in connection with the Crimea, the relations between Russia and Turkey became strained. The English Government supported Russia in Constantinople, once more attempting to conclude the alliance by promising the support of the English fleet in the Mediterranean. Catherine desired to take advantage of this support, but again refused to assume obligations toward England. Nevertheless, the English still entertained hopes for an Anglo-Russian agreement and supported the Russian policy in Constantinople. (F. F. Martens, X, pp. 325–6; Simolin's report, August 15–26, 1783; Simolin's report, November 8–19, 1783; Simolin's report, September 22–October 3, 1783; Catherine's rescript to Simolin, January 23, 1784; Fox, II, pp. 129 ff, 139 f, 272 f.)

A brief summary would lead to the following conclusions:

During the whole period of the negotiations for an Anglo-Russian alliance, Russia was interested only during the first half of the period and only to the extent of acquiring the good will of England on the high seas in Russo-Turkish conflicts. During the earlier negotiations England steadfastly excluded a casus foederis against Turkey, and thus her only opportunity for conclusion of a much sought alliance was lost. When later England offered to meet Russia's terms, from the Russian viewpoint, an alliance with England was entirely unnecessary and undesirable.

Catherine's desire to play the rôle of mediator, her interest in Russian maritime development, the disfavor with which she regarded English practices upon the high seas at the expense of Russian and other neutral shipping, and her belief that England's attitude in Turco-Russian relations was inspired by a desire to deny Russia an outlet into the Black Sea and into the Mediterranean, led her to adopt an anti-English attitude.

The French took advantage of the situation and by their good offices in Constantinople for the settlement of Russo-Turkish differences, their cooperation with Russia in the question of the Bavarian succession, and by their acceptance of Catherine's mediation for the conclusion of peace, effected a rapprochement with Russia. Vergennes's activities at the time of the declaration of the armed neutrality and the formation of the league of neutrals, in contrast to those of England, resulted in the complete isolation of the latter.

The policy and the declaration of the armed neutrality were conceived by Catherine herself. They were directed against England with the twofold purpose of defeating her claim of dominion on the high seas, and reaffirming the principles of international law established by the treaty of Utrecht in 1713 and of Aix la Chapelle in 1748, which England had persistently violated, treating them as special arrangements or exceptions of the established law of nations.

From the point of view of international law, the principles of the first armed neutrality, while not incorporated into a formal international act, were formally recognized by all states, with the exception of England, and applied in practice by all states, including England, and thus established a potent precedent which prevailed in the end.

The isolation of England and the policy of the first armed neutrality effected by Catherine were, in combination, one of the main factors in the outcome of the war of American independence. The Russian refusals both to conclude an alliance and to assist England in America greatly contributed to the success of the military operations against England. The English proposals of an alliance with Russia in exchange for a formal recognition of the principles of the armed neutrality having failed, England was forced to make peace and recognize the independence of the American Colonies, and was prevented from attempting their reconquest.

SUPPLEMENTAL ARTICLE PREPARED BY DOCTOR CARUSI AND DOCTOR KOJOUHAROFF

For two centuries England has been the predominant sea power of the modern world. Her armed fleets have kept pace with her colonial and foreign commerce, and she has acquired and retained a large part of the carrying trade of the seven seas. Her armed vessels have been used to protect her sea-borne commerce and to capture the merchant ships of enemy countries and increase her own tonnage by their condemnation to the use of the Crown. To these acts of war no legitimate complaint can be made, even where, as in the case of war against Holland, the sole purpose of the war was to destroy the competition for the carrying trade of neutrals.

There has, however, been uniform and unending complaint when, as a belligerent, the British Crown has claimed, as one of its prerogatives, the obscurely defined and practically unlimited right to lay the hand of violence upon neutral shipping, bring it into specially constituted Crown courts administering a special and exclusively British sea law, and by the inevitable condemnation of neutral ships as lawful prize, to aggrandize British trade and naval tonnage at the expense of nonwarring countries.

Of course, these practices, which have only been tolerated as a concession to vis major, have been defended by England as having a sound juridical basis. By entitling the Crown agency, which condemns the ship captured by another Crown agency, a court of justice, and an international court of justice at that, by using the jargon of the common law courts, and characterizing the proceeding as one in rem, by designating the neutral as plaintiff and the Crown as defendant it has sought to bring its prize courts under the rule of international comity, which requires one sovereign to stand helplessly by while the rights of its nationals are being decided by a competent court of justice.

The argument is that if an American, for instance, brings himself or his property within the jurisdiction of the courts of a foreign country, comity requires that diplomatic intercession or intervention shall be postponed until the final judgment of such court, and even thereafter shall be limited to cases where prima facie there has been a denial of justice.

An American or other neutral ship in the custody of the marshal of the prize court is, it is claimed, a res within the jurisdiction of the prize court. An opportunity is offered to the American owner to submit himself to the jurisdiction of the court by appearing as a claimant. If he loses his case, he has at least had his day in court. What more should one civilized state ask of another with respect to its nationals or their property within the territorial jurisdiction of another country? If it is claimed that the res in this case was not property carried voluntarily by a neutral into the territory of the British sovereign, but is there by reason of unlawful capture upon the high seas and the ocean highways of the world the ground is shifted, and we are told that under international law the prize court is alone competent to decide the question as to whether the res is or is not lawful prize.

Suspicion of unneutrality, which at one time justified visitation and search, to be followed by seizure only if probable cause existed, has been superseded by the unlimited right of capture, and after the ship is in the physical custody of the British prize court, the plaintiff neutral, after furnishing security for costs, may, if he can, establish to the satisfaction of a Crown agent, miscalled a judge, that the ship belongs to a neutral and that the voyage was innocent. Upon failure to sustain this burden, the Crown appointee must adjudicate the ownership of the res to the Crown. The opportunity to sustain the burden of proof is illusory.

All enemy ports are blockaded, not by ships of war but by royal edict styled "order in council." All merchandise is now contraband. It will not serve the neutral to prove a neutral port as destination. The doctrine of continuous voyage has been stretched to such limits that a mere suspicion by the Crown agent, sitting as president of a prize court, that by some possibility merchandise may be reexported to an enemy country, will justify a judgment of condemnation.

Pleadings were abolished in the prize courts, of which England established 44 in different parts of the world during the Great War. The plaintiff (the neutral) had, of course, to file his claim with all due particularity, but the procurator general, another agent of the Crown, need not disclose his hand. The presumption is in favor of the guilt of the ships and of the goods. By order in council the claimant may, at the discretion of the president of the court, be required to produce all documents relating not only to the voyage and the goods carried but as to his entire trade during the whole period of the war, and for as long a period prior to the war as the court may direct. The record is then searched for suspicious circumstances, and rare indeed is the case when the failure to discover one such is permitted to deprive the captor of his booty. The Swedish Government having made it a penal offense to communicate to any foreigner the trade secrets of a Swedish subject, one such neutral found himself in a peculiar dilemma before the London prize court. His ship was condemned for noncompliance with the order of discovery.

To all of this the British apologists answer that the prize court should not be judged by comparison with the regular municipal courts of England; that the prize court, while established under municipal law, is an international court in that it administers the law of nations. Upon examination this turns out to mean that if there be no act of Parliament on the particular matter, and no order of His Most Excellent Majesty the King in council, issued under his royal prerogative, and no antecedent decision of English prize courts, which by the rule of stare decisis the court considers itself bound to follow, recourse may be had to such conventions as have been made and ratified, or to the customary law of nations founded upon justice and reason.

As to conventional law of a general character, the armed neutrality is regarded as obsolete, the declaration of Paris too vague to be of value, the treaty of London was not ratified, and The Hague conven-

tion inoperative, or at least not binding on account of the so-called consolidation clause. It is true England signed a declaration that its articles were a correct statement of international law, but this was considered binding only where the statement coincided with principles of preexisting international law as recognized by British prize court decisions. Acts of Parliament play but little part, since the British wisely leave the Crown to deal with the rights of neutrals according to his discretion and in accordance with his bounty as administered by the prize claims commission.

The body of alleged international law administered by the prize courts boils down to the case law as extended and applied to meet new conditions. The London prize court has laid down the rule that new conditions of warfare may be considered as ground for departing from precedents where national policy required it, but changing conditions in business and commercial methods must be ignored, for, as said by Sir Samuel Evans, president of the London prize court, merchants must adapt their methods to meet prize law, and not prize law to square with modern business methods.

The case law of prizes has this in common with the case law of the regular law courts: It represents judicial legislation. In the case of the former the process was long, uninterrupted, and participated in by many judicial officers. The English price case law is the work of a single individual, Sir William Scott, afterwards Lord Stowell. During the Napoleonic wars, in which all Europe was embroiled, France and England preyed without restraint upon the neutral commerce of the world. One act of retaliation was followed by another and none but belligerents had rights on the high seas. Blockade or no blockade, neutrals were forbidden to trade with France, and by France forbidden, under pain of capture, to trade with the enemies of France.

In this favorable atmosphere Lord Stowell evolved the British prize law and announced it as the law of nations. In the World War international law meant, in an English prize court, Stowell's decisions enlarged and extended to meet new conditions of warfare and retaliatory measures.

So much is necessary to be understood to grasp the full significance of the protests of the American State Department during the World War. In reply to representations made by the American ambassador at London (see special supplement to Ninth American Journal of International Law, July, 1915, pp. 65 ff.) on February 10, 1915, Sir Edward Grey asserted the principle, "when an effective mode of redress is open to them in the courts of a civilized country by which they can obtain adequate satisfaction for any invasion of their rights which is contrary to the law of nations, the only course which is consistent with sound principle is that they should be referred to that mode of redress, and that no diplomatic action should be taken until other legal remedies have been exhausted and they are in a position to show prima facie denial of justice."

Just how effective a mode of redress is offered by a British prize court is sufficiently indicated by what has gone before. It is not to be wondered at, therefore, that in a note of July 14, 1915 (see Ninth American Journal of International Law, July, 1915, p. 153) the Secretary of State directed Mr. Page to inform the British Government that, in so far as the interests of American citizens are concerned, the Government of the United States will insist upon their rights under the principles and rules of international law "without limitation or impairment by orders in council or other municipal legislation by the British Government, and will not recognize the validity of prize court proceedings taken under restraints imposed by British municipal law in derogation of the rights of American citizens under international law."

We took the position, therefore, that diplomatic intervention was justifiable, but, of course, diplomatic intervention means that the American Government was prepared to espouse the cause of its citizens whose rights as neutrals were being uniformly violated. Diplomatic intervention gathers its whole force and effect from the willingness and power of the country so intervening to force a recognition of its rights. If, however, that country has entered into obligation that it will never resort to war to enforce its rights as a nation or to support the rights of its citizens, or, in other words, that it renounces war except as a measure of self-defense against a military attack made upon it as a government, the rights of American neutrals are irrevocably gone when the Kellogg peace treaty is signed without suitable reservations.

TREATY OF UTRECHT, 1713

The treaties which accompanied or followed the peace of Utrecht in 1713 between Great Britain and France contained in Paragraph XVII are as follows: "And as it is now stipulated concerning ships and goods that free ships shall also give a freedom to goods; and that everything shall be deemed to be free and exempt which shall be found on board the ships belonging to the subjects of either of the confederates, although the whole lading or any part thereof should appertain to the enemies of either of their majesties, contraband goods being always excepted, on the discovery whereof matters shall be managed."

FIRST ARMED NEUTRALITY, 1780

The substance of the declaration of the first armed neutrality of 1780 was as follows: (i) Neutral vessels may freely navigate from port to port and along the coasts of nations at war; (ii) the goods belonging to subjects of powers at war shall be free on board neutral vessels, with the exception of contraband merchandise; (iii) as to the specification of contraband, the Empress held to what is expressed in the 10 and 12 articles of her treaty of commerce with Great Britain, extending its application to all powers at war; (iv) the designation of blockaded port shall apply only to a port where an attacking power has stationed its vessels sufficiently near and in such a way as to render access thereto clearly dangerous; (v) these principles shall serve as a rule of procedure and of judgment as to legality of process.

TREATY BETWEEN THE UNITED STATES AND PRUSSIA, 1785

The treaty between the United States and Prussia of 1785 is the most important treaty for its stipulations regarding neutrality. This treaty was largely the work of Franklin, who succeeded in inserting in it the important principles of neutrality, the regulations against privateering, and the immunity of private property. It was agreed that "all persons belonging to any vessel of war, public or private, who shall molest or injure * * * the people, vessels, or effects of the other party shall be responsible * * * for damages, * * *" and that "neither of the contracting parties shall grant or issue any commission to any private armed vessels empowering them to take or destroy such trading vessels, or interrupt such commerce." The treaty set forth definitely the duty of a neutral state not to give succor to belligerents. In addition to this, the treaty guaranteed the freedom of neutral commerce by accepting the principle that the flag covers the cargo.

Franklin's advanced ideas for the exemption of private property and the abolition of privateering were not appreciated by his contemporaries, who referred to them as a "beautiful abstraction, a dream of the philosopher who vainly sought to mitigate the cruelties of war." Modern international law, however, has adopted the immunity of private property in war on land, and attempts are made that it be adopted also in maritime warfare.

PROVISIONS OF THE DECLARATION OF PARIS, APRIL 16, 1856

1. Privateering is and remains abolished.

2. The neutral flag covers enemy merchandise with the exception of contraband of war.

3. Neutral merchandise, with the exception of contraband of war, is not seizable under the flag of the enemy.

4. Blockades, in order to be obligatory, should be effective; that is to say, maintained by a force sufficient to interdict actually access to the shore of the enemy.

It was decided that the declaration should be brought to the knowledge of the powers which did not take part in the Congress of Paris, and they be invited to accede to it.

The declaration was signed by Austria, France, Great Britain, Prussia, Russia, Sardinia, and Turkey.

Previous to the formal declaration, at the outbreak of the Crimean War, France and England made a declaration as to the treatment to be accorded neutral vessels during the war, acknowledging the principle "free ships, free goods." In connection with this declaration the Secretary of State, Marcy, sent a formal acknowledgment expressing the President's satisfaction that free ships make for free goods, which the United States has so long and so strenuously contended for as a neutral right. Marcy stated further that the gratification at the declaration would have been enhanced if Great Britain had announced that she would observe it in every future war. Unconditional sanction, Marcy said, would cause it to be recognized throughout the world as a general principle of international law.

When, in 1856, the formal declaration was signed a rigorous condition attached to adherence that all the four principles must be accepted as one and individual. Spain, Mexico, and Venezuela did not adhere to the declaration, declining to accept the abolition of privateering. Something similar was the position of the United States so far as a formal accession to the declaration is concerned. In a second note Secretary Marcy stated that the making the four principles indivisible prevented nations to subscribe to the principles of freedom of navigation because of the abolition of privateering—too great a sacrifice for nations as the United States to make, privateers being their main weapon of defense on the seas.

At the outbreak of the American Civil War Secretary Seward offered the adhesion of the United States to the declaration, accepting the abolition of privateering under the condition that a provision be accepted recognizing the immunity from seizure of private property on the high seas. The negotiations came to nothing, and formally the United States did not adhere to the declaration.

UNITED STATES AND IMMUNITY OF PRIVATE PROPERTY

At The Hague conference, 1899, the United States delegates, in accordance with specific instructions from their Government, presented the following proposition:

"The private property of all citizens or subjects of the signatory powers, with the exception of contraband of war, shall be exempt from capture or seizure on the high seas or elsewhere by the armed vessels or the military forces of any of the said signatory powers. But nothing herein contained shall extend exemption from seizure to vessels and

their cargoes which may attempt to enter a port blockaded by the naval forces of any of the said powers."

This proposition represents a traditional policy of the United States. As long ago as 1783 Benjamin Franklin, in the course of treaty negotiations with Great Britain, expressed himself as follows:

"It is for the interest of humanity in general that the occasions of war and the inducements to it should be diminished. If rapine is abolished, one of the encouragements to war is taken away, and peace therefore more likely to continue and be lasting. The practice of robbing merchants on the high seas, a remnant of the ancient piracy, though it may be accidently beneficial to particular persons, is far from being profitable to all engaged in it or to the nation that authorizes it."

In his message of December, 1854, President Pierce referred to then pending suggestions on the subject in the following terms:

"The proposal to surrender the right to employ privateers is professedly founded upon the principle that private property of unoffending noncombatants, though enemies, should be exempt from the ravages of war; but the proposed surrender goes but little way in carrying out that principle, which equally requires that such private property should not be seized or molested by national ships of war. Should the leading powers of Europe concur in proposing, as a rule of international law, to exempt private property upon the ocean from seizure by public armed cruisers as well as by privateers, the United States will readily meet them upon that broad ground."

The refusal of the United States Government to sign the declaration of Paris, it is well known, was a consequence of the refusal of the powers to agree to this proposal.

In his message of December, 1898, President McKinley again asserted the American doctrine on the subject in the following passage:

"The experiences of the last year bring forcibly home to us a sense of the burdens and the waste of war. We desire, in common with most civilized nations, to reduce to the lowest possible point the damage sustained in time of war by peaceful trade and commerce. It is true, we may suffer in such cases less than other communities, but all nations are damaged more or less by the state of uneasiness and apprehension into which an outbreak of hostilities throws the entire commercial world.

"It should be our object, therefore, to minimize, so far as practicable, this inevitable loss and disturbance. This purpose can probably best be accomplished by an international agreement to regard all private property at sea as exempt from capture or destruction by the forces of belligerent powers. The United States Government has for many years advocated this humane and beneficent principle, and is now in a position to recommend it to other powers without the imputation of selfish motives. I therefore suggest for your consideration that the Executive be authorized to correspond with the governments of the principal maritime powers, with a view of incorporating into the permanent law of civilized nations the principle of the exemption of all private property at sea, not contraband of war, from capture or destruction by belligerent powers."

Resolutions were introduced in both Houses of Congress indorsing this recommendation. The shortness of the session, however, prevented final action on the resolutions, "but the sentiment which was developed was overwhelming in favor of adopting the rule of exemption, under proper restrictions, as to contraband and blockade. Congress at the same session passed the naval personal bill, which abolished prize money, thus removing one of the strongest incentives for capture of private property, and eliminating all questions as to the rights of seamen and officers."

CONTRABAND OF WAR

On account of the arbitrary origin of the practice of contraband of war (imposed and defined by the belligerents themselves in each case), no positive percept of international law concerning contraband is in existence. Much difference of opinion exists also among writers on international law as to contraband. Therefore the inference is that the notion of contraband does not admit precision. The prohibition of contraband is founded upon a most wide interpretation of noninterposition of neutrals in the war between belligerents. Belligerents have usurped the privilege of determining whether such interposition exists or not in each case by their treatment of goods as contraband. Such being the case, if the notion of contraband is incapable of definition, it is based on no principle at all and therefore is not suitable to form the basis of law. Under modern conditions, if the notion of contraband be admitted, there would be no escape from the abuses of the belligerents in treating everything as contraband of war.

The past experience with the notion of contraband has been such that modern jurists insist upon its abolition, because restricting rules would not remedy the situation, and because under modern conditions prohibition of contraband is no longer a measure of self-defense; it affects neutrals and the civilian populations more than it contributes to the outcome of wars.

Practically all international treaties have limited contraband of war to arms and ammunitions, and as soon as wars broke out the treaties have been disregarded by belligerents, and the lists of contraband articles extended according to circumstances, resulting in inhuman warfare and subjecting neutral trade to severe treatment.

An instance of abolition of contraband is contained in the treaty between the United States and Prussia of 1785. This treaty provides that arms and war material were not to be confiscated, but only detained for certain period of time, subject to compensation of the loss occasioned to the private owner of the goods so detained. This provision was renewed in 1799.

BLOCKADE

There is no agreement among authors as to the principle upon which the right of blockade exists. The prevailing view is that the blockade is an attempt to reduce an enemy to subjection and therefore is a legitimate form of warfare. Nevertheless, past experience shows that from a form of warfare, blockades have been transformed into weapons against neutral trade. Such abuses were practiced even during the Great War, in spite of the fact that international law expressedly forbade "paper blockades," that is, blockades which were not actually maintained, but only proclaimed by belligerents in order to plunder neutral commerce. Another abuse of the right of blockade is the blockading of whole countries or prohibition of all trade with the enemy.

Deprived of its character of a naval operation, a blockade has no reason of existence, therefore, an attempt should be made to define the law of blockade in such a fashion as to exclude its abuse in the future.

BRITISH BLOCKADE OF GERMANY, 1915

At the beginning of February, 1915, the German Government issued a decree, as an answer to Great Britain's exclusion of foodstuffs from Germany, declaring the waters round the British Isles a "war area" from February 18, and threatening after that date to destroy every enemy merchant ship found in that area without its always being possible to avert the consequent peril to persons and cargoes and neutral shipping. In reply to this an order in council was published on March 11, whereby it was declared to be the intention of the British Government to divert all ships trafficking with Germany, and to take them into port, though without confiscating either ship or cargo, save where they would otherwise be liable to confiscation. In this order in council the words "blockade" and "contraband" and other technical terms of international law were purposely omitted because, as the Prime Minister said, "in dealing with an opponent who has openly repudiated all the principles both of law and humanity," Great Britain and her allies were not going to allow their efforts "to be strangled in a network of juridical niceties." The actual effect of the order in council was to establish a rigorous blockade of Germany.

POINTS TO BE SETTLED BY AN INTERNATIONAL TREATY

1. Definition of the rights and duties of neutrals and belligerents.
2. Immunity of private property on the high seas.
3. Immunity of the neutral flag on the high seas.
4. Restriction of blockades, and definite rules governing them.
5. Abolition of the contraband of war, or at least its strict limitation to manufactured arms and ammunitions; express stipulations that foodstuffs be excluded under any circumstances.
6. Adoption of international prize law and procedure, settling all questions so as to prevent nations under different excuses returning to their old doctrines.
7. Establishment of an international prize court (if not of first instance, at least of appeals).
8. Strict definition of the right of "retaliation" and "reprisals," in order to avoid nations evading international obligations under such excuses.
9. Strict definition of the right of visit and search of neutral ships. (If contraband is abolished, visit and search should also be abandoned.)
10. Definition of the right of capture of neutral ships on the high seas and bringing them in belligerent ports for adjudication; definition of conditions under which neutral ships could be subjected to such treatment; provision for indemnification of the loss occasioned to ship and cargo.

CONSOLATO AND FREE SHIPS DOCTRINES

According to the rule of the Consolato del Mare, an enemy's goods were subject to confiscation, while a friend's goods were free, even though found in an enemy's vessel. The main object was to seize the goods of an enemy upon the high seas and to respect the property of a friend, whatever the character of the carrier. Neutral ships and neutral goods were spared, while belligerent ships and belligerent goods were liable to capture. The acceptance of the Consolato del Mare by European maritime powers was far from general. The individual interests of each state at each period were the main guide in their practice. The Dutch, the chief carriers of the world during the sixteenth century, whose obvious interest was therefore in obtaining the immunity of the goods carried in neutral bottoms, persistently endeavored to diminish the severity of belligerent practice. In opposition to the Consolato, they introduced a new principle that "free ships make free goods." This principle was introduced in 12 treaties with other powers during the period from 1650 to 1700. (Rhee, p. 5 f; Treaties in Dumont, Vol. XIII, p. 50; Treaty with England, 1667, 1674, ibid., p. 253; 1674, ibid., p. 282; with France, 1661, Vol. XII, p. 346; 1662, Vol. XII, p. 412; 1678, Vol. XIII, p. 350; with Portugal, 1661, Vol. XII, p. 366; with Spain, 1675, Vol. XIII, 285; with Sweden, 1667, Vol. XIII, p. 39.)

During the Middle Ages, when political communities were in a chaotic state, international relations were very limited. Even in times of peace the rights and property of foreigners were practically unprotected. Several centuries elapsed before governments became independent political bodies. Governments having established their power on land met with more difficulty in repressing anarchy and in maintaining the authority of law at sea. During the feudal régime piracy was carried on by companies as a sort of honorable business and opposed every attempt aiming to deprive them of it. Government's having no navies could not afford protection to navigation, and the greatest violence pervaded every sea. Pirates were their own legislators and judges in all questions relating to prize.

Under such conditions merchants were unable to undertake voyages alone and formed associations for mutual protection. The desire for plunder induced many enterprising men to engage in such pursuits, but traversing the seas without the restraint of law they also acquired the habit of plunder. Such was the insecurity on the seas in time of peace. In time of war every individual was allowed to fit ships, capture prizes, and dispose of them at pleasure. Governments encouraged freebooters as chief instruments of warfare on the high seas. Corsairs, however, could scarcely be distinguished from piratical bands. Belligerents, impelled by a desire to prohibt all commerce with the enemy, sanctioned these proceedings.

Thus in the Consolato del Mare, a compilation of the Middle Ages, we see reflected the anarchical mode of carrying on maritime warfare. Corsairs were released from all responsibility and allowed to plunder at will; therefore it was useless to prescribe laws. Under the circumstances the rules laid down in the Consolato were the first attempt, at least, to save neutral property from corsairs. But that was all; neutrals were left in the hands of the commander of the corsairs, over whom no surveillance was exercised; he decided the fate of the ship, and from his decision there was no appeal. The inefficiency of the rules of the Consolato is attested by historical facts; that compilation was the self-legislation of merchants, but not of any political authority and much less of international society.

The plunder of corsairs assumed such proportions that they became a menace to the navigation of their own countrymen, and therefore governments found it necessary to put restraint upon the independence of corsairs. Thus, by the end of the Middle Ages, the authority of the royal admiral was extended over every vessel, and in the maritime towns prize courts were established. In this way, at the close of the fifteenth century maritime wars gradually assumed a different phase. Instead of corsairs, privateers were established under the authority of government and controlled by prize courts. Since that time all prize causes have been adjudged in prize courts. Independent nations, however, did not submit unconditionally to this jurisdiction of the belligerents. Already at the end of the fifteenth century we find clauses in treaties in which neutral governments adopt measures for the protection of their subjects against partiality in prize courts and make provision against procrastination.

Up to the end of the sixteenth century the measures against piracy appeared sufficient. The idea of neutrality, however, was but imperfectly understood and hardly recognized in public opinion. Neutral commerce had not as yet excited such general interest or given occasion to such disputes amongst nations as it has done since. On the other hand, privateers, being the chief if not the only organs of maritime warfare, directed their efforts principally against the enemy.

At the beginning of the seventeenth century a gradual change took place in maritime warfare. With the establishment of fleets on an extended scale, privateers no longer served as necessary auxiliaries in naval operations. Now they began to direct their attacks against neutral commerce, which had now attained larger proportions. Mercantile motives prompted governments to encourage expeditions against foreign merchants, promising to privateers the whole of seized property. This resulted in intricate prize procedure, and maritime warfare, in which belligerents alone were formerly concerned, produced consequences injurious to the commerce of the world at large.

Privateers made navigation impossible; prize courts condemned ships and cargoes under most trifling breaches of belligerent decrees. To protect themselves from such arbitrary attacks, neutrals were forced into a struggle with the maritime powers. The result was that at the beginning of the eighteenth century neutrals succeeded in modifying some of the severities of prize procedure and in introducing new principles. The freedom of the neutral flag was acknowledged in almost all the treaties of the seventeenth century and confirmed by the principal European powers in the treaties of Utrecht (1713).

FREE SHIPS, TREATIES, SEVENTEENTH CENTURY

In conventions after 1612 the Netherlands and France tried to make 'free ships, free goods" a principle of international law. England opposed them, wishing to apply it only as a special privilege to some nations, while she held to her old practice elsewhere. (Gessner, p. 36.) The English practice, however, could not be considered as customary law of nations, and under the European system established by the treaty of Westphalia every rule claiming international standing required the consent of all nations; that is, implied convention. The conventions of the period previous to the treaty of Utrecht show a constant tendency toward the adoption of the principle "free ships, free goods."

As early as 1646 the Dutch obtained from France a suspension of the French ordinance and the concession of the principle "free ships, free goods." (Wheaton, History, p. 123 f; Flassan, III, p. 451; Cauchy, II, p. 176; Hautefeuille, II, p. 297.) In 1654, in her treaty with Portugal, England conceded the principle of free ships. (Jenkinson, Discourse, p. 48; Cauchy, II, p. 175; Wheaton, History, p. 121.) In 1655 a treaty between France and the Hansa renewed the privileges of the latter and conceded the principle of free ships. (Flassan, III, p. 194; Ortolan, I, pp. 123, 129; Wheaton, History, p. 124.) In 1658 the Dutch obtained from France a repeal of the French ordinance and concession of the principle of free ships. (Dumont, VI, pt. I.) In 1659, the treaty of the Pyrenees between France and Spain recognized the principle of free ships, free goods. (Hautefeuille, II, p. 296 f; Wheaton, History, 120 f.)

The treaty of 1663 between France and Denmark stipulates the principle "free ships, free goods; and enemy ships, enemy goods." (Flassan, III, p. 395; Wheaton, Hist., p. 124; Gessner, p. 35.) The treaty of 1667 between Great Britain and Spain refers in general to the rights of neutrals to trade with the enemy. (Wheaton, Hist., p. 121; Cauchy, II, p. 175; Jenkinson, p. 48; Ortolan, II, p. 129.) A treaty of the same year between France and England stipulates "free ships, free goods." (Gessner, p. 35; Reddie, I, p. 266.) In the treaty of 1668 Great Britain conceded to Holland the principle of "free ships, free goods." (Wheaton, Hist., p. 124; Jenkinson, p. 67 ff; Cauchey, II, p. 177.) The treaty of 1672 between France and Sweden adopted the same principle with the addition "enemy ships, enemy goods." (Flassan, III, p. 395; Wheaton, Hist., p. 124; Gessner, p. 35.)

In 1674 Great Britain renewed her treaty with Holland confirming the principle, "free ships, free goods." (Wheaton, Hist., p. 122 f; Cauchy, II, pp. 175, 177.) The treaty of 1677 between France and Great Britain adopted the doctrine, "free ships, free goods; enemy ships, enemy goods." (Flasan, III, p. 423; Wheaton, Hist., p. 121 f; Cauchy, II, p. 175.) In 1678, the peace of Nimiguen, the French conceded to Holland the principle of "free ships, free goods." (Wheaton, Hist., p. 123 f; Cauchy, II, p. 176; Hautefeuile, II, p. 297.) The same concession was confirmed in 1697 by the treaty of Ryswick. (Wheaton, Hist., p. 124; Flassan, III, p. 451.)

FRANCE—TREATIES

France followed the example of the Dutch. By the treaty of the Pyrenees in 1659 the rule, "free ships, free goods; enemy ships, enemy goods," was agreed to by France and Spain. (Dumont, VI, pt. xi, p. 267.) This new principle was renewed by the treaty of 1739 with the united provinces (Wenck, V, p. 424), in 1742 with Denmark (ibid., I, p. 621), in 1748 with England and Spain by the treaty of Aix-la-Chapelle, and in 1763 with the same powers by the treaty of Paris (Wheaton, Hist. of the Law of Nations, pp. 120–125), in 1774 with Mechlenbourg-Schwerin (ibid., II, p. 709), in 1778 with the United States of America (De Martens, Rec., I, p. 39), in 1783 with England and Spain (ibid., III, p. 439), in 1785 with the united provinces (ibid., IV, p. 68), in 1786 with England (ibid., IV, p. 168), in 1787 with Russia (ibid., IV, p. 210), and in 1789 with Hamburg (ibid., IV, p. 426). France reverted to the old rule in 1793 and declared enemy goods on neutral vessels to be lawful prize, the neutral ship, however, being released and freight paid by the captors (ibid., V, p. 382). This policy was again enforced in 1797 by a similar declaration (ibid., V, p. 393). With the nineteenth century France returned to the new principle, and in the treaty of 1800 with the United States once more agreed to the rule, "Free ships, free goods; enemy ships, enemy goods." (Atherly-Jones, p. 286 ff; Martens, Rec., VI, p. 186.)

The war between the Netherlands and Spain opens a new period in the history of privateering. Belligerents renounced the observance of the Consolato del Mare and began to issue arbitrary decrees against neutrals, and the number of privateers increased considerably. Having destroyed Spanish trade, Dutch privateers degenerated into pirates. Instead of adopting measures to meet this system of plunder, by her decrees Holland augmented the difficulties of European trade. The other belligerents issued decrees of equal severity. Thus privateering became a regular institution in Europe. The object of belligerent decrees was to encourage privateers at the expense of neutrals. Relying on their power, regardless of principle, and influenced by mercenary motives, belligerents considered only their own interests.

The treaties of the seventeenth century represent a considerable similarity. The acknowledgment of the immunity of the flag, the limiting of blockade, and the definition of contraband of war show that the principle of neutrality was sufficiently understood. But these principles were admitted by special treaties to a few favored nations. Neutral navigation remained in a subordinate position because the great naval powers were usually found amongst the belligerents. Neutrals lacked unity, and thus belligerents stood in no fear of strong opposition.

The first attempt of opposition was made by Sweden and Denmark during the war of 1689–1697, when England and Holland forbade intercourse with France. Sweden and Denmark armed a fleet for the protec-

tion of their trade and soon attained their object—belligerents found it more prudent to abandon their decrees.

At the beginning of the eighteenth century, when the war spread all over Europe, abuses revived, treaties were disregarded and replaced by harsh decrees. Neutral trade found no support and suffered enormously from the violence of privateers and the malpractices of prize courts. The treaty of Utrecht put an end to this wretched state of affairs; the principles of neutrality proclaimed during the seventeenth century, but violated during the war of Spanish succession, were sanctioned by the principal maritime powers of Europe.

TREATY OF UTRECHT, 1713

The more dangerous the practice of belligerents on the seas became to neutral navigation the more civilized nations exerted themselves to establish the immunity of the neutral flag. The treaties of Utrecht, which were understood to establish the basis of public international law and international relations, and which were constantly renewed and confirmed, established the principle that the flag covers the cargo. (Wheaton, p. 88; Katchennovsky, p. 43; Ortolan, II, p. 122 f; Hautefeuille, p. 296 f.; Treaties of Great Britain and France: Chalmers, I, p. 402; Dumont, VIII, pt. 1, p. 345; France and Holland: Dumont, VIII, pt. 1, p. 409; Great Britain and Spain: Reddie, I, p. 271.) Thus was the question about flag and cargo settled, by receding from the system of the Consolato del Mare. The neutral nations, however, were far from having put a stop to all the malpractices of the belligerents. The belligerents considered themselves quite independent with reference to everything relating to the constitution of their own admiralty courts. (Katchenovsky, p. 44; Gessner, p. 35. The English dispute the view that the treaties of Utrecht established the principle free ships, free goods, as international law. Reddie, I, p. 271, says that the very fact that it was inserted in the treaties proves that it was not recognized as common consuetudinary law of nations. Reddie's argument is an unsuccessful paradox.)

At the conclusion of the treaty of Utrecht (1713) what were its conditions as to the rights of neutrals? England emerged as the dominant maritime power and adopted a policy of maintaining her supremacy on the seas by retaining a monopoly in the carrying trade of the world. In her attempts to maintain her supremacy on the seas and to build her Empire, England became involved in wars which threatened her monopoly in the carrying trade. So long as the carrying trade was the main source of naval power, England was determined not to allow neutrals to overtake her in maritime development while she was engaged in war and was unable to take care of the sea traffic. Thus, as soon as war broke out, England violated the provisions of the treaties of Utrecht and became a most dangerous opponent to neutral trade and navigation by attempting to impose on the world medieval conceptions of international maritime law and by arbitrary seizures and condemnations.

In the maritime war of 1739 between England and Spain, France and Holland also took part, and consequently the position of neutrals at once became precarious. While all belligerents resorted to harsh practices, now the conduct of England was outstanding. She encouraged her privateers at the expense of other nations, and in order to prevent neutrals from obtaining advantages while she was engaged in war she obstinately adhered to the medieval system of Consolato del Mare and tried to impose it upon all nations; the principles of neutrality contained in the treaties of the seventeenth century were regarded as dangerous innovations, contravening the purposes of English domination of the seas, and therefore disregarded. It is noteworthy that after the treaties of Utrecht the European powers were inclined to adopt the principles of the immunity of the flag as such of general international law, and it was England's opposition which prevented this from being accomplished. Therefore, the abuses on the high seas during the war of 1739–1748 were due to English policy.

Neutrals condemned the English doctrine and practice, but were helpless to remedy it on account of England's preponderance on the seas. A case in which a neutral nation imposed upon England respect for neutral rights is the so-called controversy of the "Silesian loan" between England and Prussia. At the outbreak of the war of 1739, the King of Prussia addressed himself to the English Government for an explanation as to the principles which England was to follow concerning neutral trade. The reply was that Prussian trade was not to be interfered with, and that only arms and ammunition should be considered war contraband. As soon as Prussian merchants began to trade in French goods, however, the English seized and condemned their ships. Numerous complaints were addressed to the King of Prussia; the latter protested and England disregarded his protests. The King appointed a commission to investigate the facts and resolved to compensate his merchants out of the Silesian loan, the interest of which he was bound by treaty to pay to the English. Hence arose a serious controversy between Prussia and England. The Prussian commissioners upheld the principles of neutrality contained in the treaties and proclaiming the immunity of the flag, and stated further that the decision of the English prize court was not ipso jure binding on the King of Prussia, because the respective rights and duties of neutral merchants should be determined by mutual consent between the governments. Therefore, the King is entitled to claim damages from the belligerents, and failing to obtain them to have recourse to reprisals. The English attempted to refute the argument of the Prussian commissioners by basing their practice and prize jurisdiction upon "immemorial custom," but such arguments did not shake the opinion of the Prussian commissioners, who stated that England followed neither the old system nor the new, and that everything was manipulated in favor of privateers at the expense of neutrals. The controversy was terminated in 1756; England made compensation to the Prussian merchants and the King of Prussia removed the sequestration from the Silesian loan.

AIX-LA-CHAPELLE (1748), PARIS (1763)

The treaty of Aix-la-Chapelle (1748) renews generally the treaties of Utrecht. As the treaties of navigation are not expressly mentioned in that of Aix-la-Chapelle, it might appear doubtful whether the stipulations of Utrecht in favor of neutral navigation were meant to be confirmed. This doubt was, however, entirely removed by the treaty of Paris (1763) between France, Great Britain, and Spain, to which Portugal acceded, which expressly renews and confirms the stipulations of Utrecht concerning neutral navigation. (Wheaton, Hist., p. 204; Ortolan, II, p. 132; Reddie, I, p. 273 f. Reddie says that the provisions concerning the freedom of neutral navigation "was neglected, or rather, by tacit acquiescence was voluntarily departed from by each of the contracting parties." The case is that England was responsible for the violation of the provision and that other belligerents applied the principle toward neutrals so far as possible under the circumstances. For the treaty of Paris (1763) see Martens, Recueil, I, p. 107.)

AMERICAN TREATIES—NEUTRALITY

The American Government had observed the British practice until 1784, when Congress issued an ordinance instructing the representatives abroad to follow the principles of the armed neutrality as a basis for treaty negotiations, if acknowledged reciprocally by other states. (Wharton, Dipl. Corres., VI, p. 801 f.) The treaty with France of 1778 (U. S. Stats. L, VIII, p. 20; cf. Rhee, p. 31) was based upon the principles embodied in the draft of 1776. Another important treaty based upon these principles is that of 1782 with Holland (Wharton, Treaties (1871), p. 610 f; U. S. Stats. L., VIII, p. 38; Rhee, p. 30 f.), providing for the free navigation of merchant ships between enemy ports, contraband excepted. The provisions of this treaty were embodied in that of 1783 with Sweden (Wharton, Treaties, p. 799; U. S. Stats. L, VIII, p. 68) as far as neutral trade was concerned and also in that with Prussia of 1785 (Wharton, Treaties, p. 715; renewal of 1799, Wharton, Treaties, p. 718 f; Martens, Suppl. II, p. 227; Stats. L., VIII, p. 168). In this renewal the United States abandoned the principle because "it made them the victims of their adherence to it while violated by their adversaries." (Dana's Wheaton, p. 593; cf. Amer. St. Paps., Vol. I, p. 251; Vol. IV, pp. 38, 47. Renewal of 1828, Stats. L., VIII, p. 384; cf. Rhee, pp. 32 ff, 54 ff.) It is not surprising to see that the weaker states, like the Netherlands, Sweden, and Morocco, agreed with the United States. But the fact that the greater powers, like France, Spain, as well as Great Britain, also accepted this principle by the treaties of Versailles in 1783 seems rather remarkable. (Wharton, Treaties, p. 588.) But no such stipulations were inserted in the treaty with Great Britain of 1794 (Wharton, Treaties, p. 329; Martens; Recueil, V, p. 672); she still held to her old practice.

AMERICAN TREATIES

In the treaty with France of 1800 (Martens, Recueil, VI, p. 186) the principle of "free ships, free goods," contraband of war excepted, was combined with the principle of "enemy ships, enemy goods." In the treaty with Sweden of 1816 (Martens, Recueil, VI, p. 240) and in the treaty with Spain of 1819 (ibid., VI, p. 262) it was declared that if either of the parties should be at war with a third party and the other neutral, the flag of the neutral should cover the property of enemies whose governments acknowledged this principle and not of others. In the treaty with Russia of 1854 (ibid., X, p. 215) neutral property in enemy ships, unless contraband of war, was declared not to be subject to confiscation, the principle being applicable to all powers as should consent to adopt it as permanent. These stipulations were repeated in the treaty with the Two Sicilies in 1855 (ibid., XI, p. 608), and with Peru in 1856 (ibid., XI, p. 696), and in the treaty with China in 1858 (ibid., XII, p. 77 (repealed in 1858, p. 183); cf. Atherly-Jones, p. 294 f).

The principles of free ships, free goods, and enemy ships, enemy goods, were combined in the following treaties: With Colombia of 1824 (Martens, Recueil, V, p. 310); with Central America of 1825 (ibid., V, p. 328); with Brazil of 1828 (ibid., V, p. 393); with Mexico of 1831 (ibid., V, p. 418); with Chile of 1832 (ibid., V, p. 436); with Venezuela of 1836 (ibid., V, p. 472); with Peru-Bolivia of 1836 (ibid., V, p. 490); with Ecuador of 1839 (ibid., V, p. 540); with New Grenada of 1846 (ibid., IX, p. 888); with Guatemala of 1849 (ibid., X, p. 7); with Peru of 1851 (ibid., X, p. 38); and with San Salvador of 1850 (ibid., X, p. 74); with Bolivia of 1858 (ibid., XII, p. 300), with the further stipulation that those on board a neutral ship, although enemies, were not to be taken out unless they were in the actual service of the enemy. The treaty of Venezuela

in 1860 (ibid., XII, p. 215), the treaty with Haiti in 1864 (ibid., XIII, p. 719), and the treaties with the Dominican Republic in 1867 (ibid., XV, p. 481) and the Republics of Peru and San Salvador in 1870 (ibid., XVIII, pp. 707, 732), all repeat the stipulations of the treaty with Bolivia. In the treaty with Italy in 1871 (ibid., XVII, p. 853), it was stipulated that the flag of the neutral should cover the property of those enemies who acknowledged the principle. In the treaty of Peru, in 1887 (ibid., XXV, p. 1452), the former stipulation of enemy ships, enemy goods, was reversed, and it was agreed that the flag of the neutral should cover the property of those enemies who acknowledged the principle.

After the concession to Prussia, England continued her practice During the Seven Years' War she attacked the trade of the Dutch, in spite of the special treaty of 1674, which recognized the immunity of the Dutch flag expressedly. Moreover, after the outbreak of hostilities, the French opened their colonial trade to the Dutch. The English seized and condemned the ships of the Dutch, alleging that neutrals have no right to carry on in time of war a commerce which is not permitted them in time of peace, and that ships trading on account of the enemy have forfeited the immunity of their flag and can not be considered neutral. Thus originated the new rule of 1756. The northern powers also suffered from the malpractices of the belligerents, and in 1759 entered into a convention for the defense of their neutral rights; thus the Baltic was closed to privatéers. On the reestablishment of peace by the treaties of Paris and Hubertsberg, 1763, the provisions of the treaties of Utrecht concerning freedom of navigation were renewed.

In 1776 commenced the struggle between England and the United States. England returned to her old system and, taking advantage of the peculiar character of the war, attempted wholly to suppress neutral trade. The English prize court extended its doctrine of contraband and blockade to such extremities that finally, in 1780, under the leadership of Catherine, the first armed neutrality was proclaimed. It reasserted the principles of freedom of navigation, and forced England to yield to the powerful coalition; she mitigated, though not avowedly, the severity of her prize law so that toward the end of the war privateering had almost disappeared. (Conditions of Treaties of Armed Neutrality. See magazine article. See American treaties file.)

At the conference of Versailles the treaties of Utrecht were again renewed by England, France, and Spain; the freedom of navigation found support also in America. The powers of the first armed neutrality directed their efforts to develop the principles of 1780 in the treaties so as to lessen the possibility of England again returning to her extreme doctrines.

JAY TREATY, 1794

The action of the British assize courts and prize courts under the orders of November 6, 1793, caused great indignation in America. Petitions for redress poured into Congress, and retaliatory measures were urged. As a result, Jay was sent to England to seek indemnification for American goods and vessels confiscated under the claims that foodstuffs were contraband and for captures made in connection with blockades when they were not generally known to exist. (American State Papers, III, p. 472 ff.) A treaty was finally signed November 19, 1794 (Malloy, Treaties, I, p. 590 ff; Martens, V, p. 640), approved by President Washington, and ratified by the Senate, with the omission of the twelfth article. This article, though permitting trade between the United States and the British colonies in the West Indies, prohibited American vessels from carrying certain articles to any part of the world except the United States; if the United States had consented to such restrictions, she would have lost much of the advantage she derived from her position as a neutral state. Great Britain acceded to the omission of this article, and ratifications were exchanged on October 28, 1795. (Updyke, p. 71 ff.) As to the exertions of the United States in favor of the immunity of the neutral flag, they remained unsuccessful. By the Jay treaty of 1794 both powers reverted to the principles of the Consolato del Mare and extended the catalogue of contraband to some articles "ambiguiusus." (Katchenovsky, p. 76.)

The continental governments, having agreed on the fundamental principles of prize jurisdiction, entertained the idea of drawing up a code of neutrality, but these intentions were frustrated by the outbreak of the French Revolution, which afforded a pretext to belligerents for resuming their former harsh proceedings; privateers and prize courts not only refused to acknowledge the immunity of the flag but even disavowed the old medieval doctrines. The efforts of the northern powers to form a permanent coalition did not succeed; the second armed neutrality of 1800 lasted only a few months. Thus during the French revolutionary wars the power of neutral governments diminished and England returned to the system of the Middle Ages without serious opposition. At the end of the eighteenth century the decisions of Sir William Scott (afterwards Lord Stowell), supported by the British Navy, were enforced on neutrals. The English Government, however, failed in attaining an absolute supremacy at sea. The expedient of retaliation was abused in an extreme manner; thus the very idea of neutrality was repudiated and prize courts transformed into instruments of a commercial inquisition.

It was this English prize law, created by Sir William Scott during the period of the French revolutionary wars, which the English have persisted ever since to enforce on neutrals, and did enforce it as late as during the Great War. It is the same law which the English repeatedly represented as international law. The manner in which this law originated and the doctrines on which it was built, being a patch-up work of the treatises of publicists upholding the supremacy of belligerents, deprive it of any international status at all. It was largely based also on orders in council, which were smuggled in under the excuse of retaliation.

During the French revolutionary wars the harshness of the English and French decrees was felt in most distant countries. Thus the United States after having for some time patiently borne the violence of belligerents determined to put an end to intercourse with Europe (March 1, 1809). A short time afterwards Napoleon relaxed his system, making an exception in favor of the United States. Anticipating reciprocity on the part of England, a number of American merchants dispatched ships to Europe, and almost all of them fell into the hands of English privateers, and in May, 1811, Sir William Scott condemned them. The English subsequently offered to annul the orders in council, but the offer came too late—war had been declared (1812).

CRIMEAN WAR

During the period 1814–1854 the establishment of the political system at the congress of Vienna opened a new period in the history of Europe—a period of peace. It resulted in the improvement of maritime law and the diffusion of the principles of the first armed neutrality. The only exception in favor of the consolato is the treaty of Great Britain with Portugal (1842). But this exception scarcely affords any reason to doubt the acceptance of the principles of 1780 as general international law, since no other government than that of Portugal renounced the immunity of its flag. Moreover, nations began to manifest inclinations to oppose English policy with strong measures, and therefore England herself began to incline toward a change of policy—the navigation act of Cromwell was repealed. At the outbreak of the Crimean War (March, 1854) the British and French declaration not only acknowledged the immunity of the flag but also the inviolability of the cargoes. Thus England yielded to civilized public opinion.

The principles of freedom of navigation were established also in America. All American statesmen from Jefferson to Webster maintained these principles. According to their opinion neutral nations are not bound to submit to the system of the consolato. It finds no support in the philosophy of law, and although it has been introduced in some treaties in fact it is upheld solely by the force of belligerents. Therefore in the treaties United States upheld the principle of freedom of navigation.

DECLARATION OF PARIS—HAGUE CONFERENCE

There was the declaration of Paris of 1856 which had become by formal accession or tacit acceptance by all the powers an established part of the general body of international law. Limited to the briefest statement of a few general principles regarding the immunity of goods from capture and as to what constitutes a lawful blockade, it laid down no tests to be applied in determining enemy character, or as to what constitutes contraband, or what rules shall be adopted in determining its liability to capture. Various matters in respect to blockade were left untouched by the declaration.

The first Hague conference did not occupy itself with the subject of maritime war and while the program of the second conference apparently contemplated the formulation of a maritime "code" to supplement the regulations concerning land warfare, the actual achievements were disappointing. A number of conventions were formulated and some of them were ratified but they were not comprehensive and they have been characterized as being "more remarkable for what they omitted than for what they settled" and that "in many cases where they professed to establish a rule, its value was whittled away by its vague statement." Among these conventions were those relative to the treatment of enemy merchant vessels in port at the outbreak of war, the conversion of merchant ships into war vessels, the adaption to maritime warfare of the principles of the Geneva convention, naval bombardments, certain restrictions upon the right of capture in naval warfare and the rights and duties of neutral powers in naval warfare. Some of them left unsettled important questions concerning the matters with which they dealt and none of them dealt with the subjects of blockade, contraband, visit and search, destruction of prizes, transfers of flag, and unneutral service. In the final act of the conference the vœu was expressed that "the preparation of regulations relative to the law and customs of naval war should figure on the program of the next conference and that in any case the powers might apply, as far as possible, to sea warfare, the principles of the convention relative to the laws and customs of war on land."

As is well known, the conference of 1899 adopted three conventions, three declarations, a resolution, and six vœux on different subjects. Convention III extends to maritime warfare the principles of the Geneva convention of 1864, and it likewise was ratified by or adhered to by all the belligerents in the late war.

The conference of 1907 adopted 13 conventions and 1 declaration. Convention VI, relating to the status of enemy merchant ships, has not

been ratified by a considerable number of states, including Bulgaria, China, Greece, Italy, Montenegro, Serbia, Turkey, and the United States, all of whom were belligerents in the late war, and therefore, according to article 6 its provisions were not binding; the same was true of Convention VIII relative to the laying of automatic submarine contact mines; of Convention IX concerning naval bombardments; of Convention X for the adaptation to naval warfare of the principles of the Geneva convention; of Convention XI relative to certain restrictions upon the right of capture in naval warfare; and of Convention XII concerning the rights and duties of neutral powers in naval warfare. Great Britain has not ratified the convention for the adaptation of the principles of the Geneva convention to maritime warfare.

None of the acts of the conference of 1907 were legally binding on any of the belligerents during the late war. But the convention of 1899 respecting the laws and customs of war—of which the corresponding convention of 1907 is mainly a revision—having been ratified by all of them, was binding upon all; and so was the convention of 1899 for the adaptation of the principles of the Geneva convention to maritime warfare, of which the corresponding convention of 1907 is likewise a revision. As the conventions of 1907 respecting the laws and customs of war on land and for the adaptation of the principles of the Geneva convention to maritime war were merely revisions of the corresponding conventions of 1899, it seems to have been the intention of the conference of 1907 that the revised conventions should, when duly ratified, replace as between the contracting parties the earlier conventions, but that the latter should remain in force as between the powers which have ratified them, but which have not ratified the latter conventions. There would seem, therefore, of the binding effect of the conventions of 1899 in a war in which all the belligerents are parties to these conventions, as was the case in the recent war, The Hague reglement only specifies precisely the dispositions already admitted by all civilized nations without any dispute.

The question whether Convention VI of 1907 relating to the status of enemy merchant vessels at the outbreak of war was binding on the British prize court was considered at length by Sir Samuel Evans in the case of the *Mowe*, decided November 9, 1914. Although, strictly speaking, he said it was not clear that the convention was binding on the court, nevertheless, acting in pursuance of the authority conferred on him by the order in council establishing the prize courts and the commission issued to the judges to determine cases "according to the course of admiralty and the law of nations," he would direct that any alien enemy who claimed a right or an immunity under any of The Hague conventions should be allowed to appear and to argue his case before the court. Moreover, in determining the liability to capture of German merchant vessels in English ports, Sir Samuel Evans applied those articles of the convention which Germany had ratified without reservation, and he issued decrees of detention when he might have issued decrees of condemnation had he been disposed to regard the convention as not being force. On the other hand, he refused to accord German claimants the benefit of article 3 and paragraph 2 of article 4 of the said convention, which provide that merchant vessels encountered on the high seas in ignorance of the outbreak of hostilities and having left their last port of departure before the commencement of war, shall merely be detained until the war ends instead of being condemned as prize, because Germany had reserved her ratification of those provisions of the convention.

APPLICATION OF DECLARATION OF PARIS BY PRIZE COURTS

All the prize courts which were called upon to decide questions involving the application of the declaration of Paris recognized its prescriptions as constituting an established part of international law and therefore binding upon them. In the case of the *Marie Glaeser*, decided in September, 1914, Sir Samuel Evans reviewed the history of the declaration, and concluded as follows:

"Our own country, one of the original parties to it, has strictly adhered to it.

"This court accordingly ought to, and will, regard the declaration of Paris not only in the light of rules binding in the conduct of war but as a recognized and acknowledged part of the law of nations, which alone is the law which this court has to administer."

It was interpreted and applied by the British prize courts in various subsequent cases. The German prize court, in the case of the Indian Prince referring to the principle of "enemy ships free goods," said: "Its validity, however, is not derived from any special treaty but from common international law as laid down in the declaration respecting maritime law adopted at Paris in 1856, which, according to the German prize regulations, applies also to countries like the United States, which did not agree to that declaration." Nevertheless, while the prize courts regarded the declaration of Paris as a binding international act, they generally interpreted its provisions in a very strict sense and occasionally refused to accord claimants the benefits of the declaration when, if a more liberal interpretation had been placed upon it, their goods would have escaped condemnation. Moreover, by means of reprisals measures adopted by some of the belligerents in 1915 the provisions of the declaration were seriously infringed upon, if not disregarded.

LONDON NAVAL CONFERENCE, 1908–9

The British Government took the initiative in calling a conference with a view to reaching an agreement in regard to those matters "as to which divergent rules and principles have been enforced in the prize courts of different nations." The invitation was accepted, and in December, 1908, 37 delegates representing Austria-Hungary, France, Germany, Great Britain, Italy, Japan, the Netherlands, Russia, Spain, and the United States assembled in London and adopted a declaration of 71 articles concerning the laws of naval warfare. The declaration contains a statement that the rules adopted "correspond in substance with the generally recognized principles of international law." These rules deal with such matters as contraband, blockade, continuous voyages, destruction of neutral prizes, unneutral service, and transfers of flag. An agreement was reached on all points mentioned in the program except that relating to the legality of the conversion of merchant vessels into warships on the high seas and the question as to whether the nationality or domicile of the owner should be the test in determining the enemy or neutral character of property. By article 66 the signatory powers engaged to insure the mutual observance of the rules contained in the declaration in any war in which all the belligerents were parties thereto, and to that end they agreed to issue the necessary instructions to their authorities and armed forces and to take such measures as would be required to insure that its rules would be applied by their courts and, more particularly, by their prize courts.

THE DECLARATION OF LONDON

The third conference has never been called but the preparation of the regulations recommended by the second conference was in part attempted by the international naval conference at London in 1908–9, and the results were embodied in an international act known as the Declaration of London, which had not been ratified by any of the powers at the time of the outbreak of the war. Since many of the rules embodied in the declaration were merely declaratory of the preexisting customary law and practice they were, as such, binding upon the belligerents and their prize courts, equally with other rules of customary international law, without regard to the status of the declaration in which they were embodied. Such of its rules as constituted innovations upon or departures from the customary law were not binding upon the prize courts.

The provisions of the declaration had already been embodied in the prize regulations of a number of countries before the outbreak of the war and were incorporated in those of other countries subsequent thereto. Upon the outbreak of the war the declaration, notwithstanding its nonratification, was put into effect by decrees or orders of various belligerent governments, usually with alterations or additions, although Great Britain and France subsequently revoked their orders and decrees and announced that henceforth they would not be bound by the declaration but would exercise their belligerent rights at sea in strict accordance with the "law of nations." The attitude of the prize courts toward the declaration varied with the successive changes of policy adopted by their governments in respect to the declaration.

STATUS OF THE DECLARATION OF LONDON

According to article 67 of the declaration the ratifications were to be deposited in London, and according to article 65 it was to be treated as a whole; that is to say, piecemeal ratification was not permitted for the obvious reason that it would be improper to allow a government to accept the provisions which were most favorable to its interests and to reserve acceptance of those which consist mainly of concessions. The declaration was accepted by the British Government, but it was not generally approved by public opinion in England. A bill embodying its provisions passed the House of Commons on December 7, 1911, but it was thrown out by the House of Lords. The Italian Government, although never having formally ratified it, proclaimed it to be in effect on October 13, 1912, for the war with Turkey, and it was applied by the Italian prize courts. Turkey, though not represented at the conference, likewise put the declaration into effect and applied its provisions in the war with Italy.

The United States Senate on April 24, 1912, advised and consented to the ratification of the declaration, but the ratifications had not been deposited in London when the recent war broke out. The result was that not one of the powers represented at the conference had at the outbreak of the war ratified the declaration in accordance with the procedure prescribed, and consequently none of the belligerents were bound by the instrument as a whole. Animated by a desire to see it observed by the various belligerents, the Secretary of State of the United States on August 6, 1914, instructed the American ambassador at London to inquire of the British Government whether it was willing to apply the declaration during the existing war provided Great Britain's adversaries would agree to do likewise. A similar inquiry was sent to the Governments of Russia, the German Empire, Austria-Hungary, France, and Belgium. The Austro-Hungarian Government replied that it had instructed its naval forces to observe the declaration provided Austria-Hungary's enemies observed it. The German Government replied that it would apply the declaration provided its provisions were not disregarded by the other belligerents. The British Government replied on August 22 that it had decided "to adopt generally the rules

subject to certain modifications and additions which they judge indispensable to the efficient conduct of their naval operations." Aside from these changes His Majesty's Government would, without waiting to learn the intentions of the enemy governments, adhere to the rules of the declaration. The French Government agreed to observe the declaration subject substantially to the same modifications and additions as those made by England, and the Russian Government returned a similar answer. By a decree of March 25, 1917, the Italian Government put the declaration, except articles 22, 24, and 28, into effect with modifications of other articles similar to those made by Great Britain and France.

RULES OF THE DECLARATION OF LONDON

The rule finally adopted by the conference affirmed the general principle that a neutral vessel can not be destroyed, but must be taken in for adjudication by a prize court. The right of destruction was admitted in cases where conveyance of the prize ship into a home port would involve danger to the captor or to the success of the military operations in which he was at the time engaged (article 49). The effort of the British delegation to obtain express recognition of the rule that mere inability to spare a prize crew did not constitute a danger to the captor failed to receive the approval of the conference, it being regarded as unwise to undertake to specify the particular contingencies which should constitute danger.

Article 50 provided that before destruction all persons on board must be placed in safety, and all the ship's papers likely to be of value to the prize court in determining the validity of the capture must be preserved.

The declaration has never been ratified in accordance with its own provisions and was not, therefore, legally binding upon the belligerents during the recent war. Nevertheless, it was put into effect with certain modifications and additions, none of which affected substantially its rules in respect to prize destruction, except that, as already stated, the German prize regulations expressly enumerate the contingencies which shall constitute danger to the captor, or which might impede his operations, among which are inability to spare a prize crew, shortage of coal, proximity to the enemy's coasts, etc. The declaration affirmed at the outset that the rules contained in its various chapters "correspond in substance to the generally recognized law." To that extent, therefore, they were binding upon the several belligerents, even though the declaration was never ratified.

APPLICATION OF DECLARATION DURING RECENT WAR

These offers of piecemeal ratification were not, however, in accordance with article 65 of the declaration and were, therefore, unacceptable to the American Government. In a telegram of October 22, 1914, to the above-mentioned embassies and legation the Secretary of State withdrew the suggestions of the American Government that the declaration be adopted as a temporary code of naval warfare to be observed by belligerents and neutrals during the war, and announced that the American Government would "insist that the rights and duties of the United States and of its citizens in the present war be defined by the existing rules of international law and the treaties of the United States, irrespective of the provisions of the declaration of London," and that "this Government reserves to itself the rights to enter a protest or demand in each case in which those rights and duties so defined are violated."

Orders in council modifying various articles of the declaration were issued by the British Government on October 29, 1914, October 20, 1915, and March 30, 1916, and the French and Russian Governments appear to have introduced similar modifications so as to conform their action to that of Great Britain. At the outset articles 22, 24, and 28 were modified by orders putting on the list of conditional contraband various articles which are on the free list in the declaration of London and by putting on the list of absolute contraband other articles which are on the list of conditional contraband in the declaration. Article 33 was modified by the substitution of a new rule which provided that the destination referred to therein might be inferred from sufficient evidence (in addition to the presumption laid down in art. 24) and should be presumed to exist if the goods were consigned to or for an agent of an enemy State or to or for a merchant or other person under the control of the authorities of the enemy State. Article 35 was modified by an order in council which provided that, notwithstanding the provisions of that article, vessels bound for neutral ports, if the goods were consigned "to order" or if they showed a consignee in enemy territory, should be liable to capture, and the onus of proving an innocent destination was placed on the owner of the goods, thereby extending the doctrine of continuous voyage to the carriage of conditional contraband, contrary to the rule of the declaration of London.

Like the rule of the declaration (art. 19) which forbids the application of the doctrine of continuous voyage in respect to blockade was altered so as to authorize the capture of vessels bound to non-blockaded ports.

In October, 1915, the Governments of the Entente Allies announced that article 57 of the declaration, which lays down the rule that "the neutral or enemy character of a vessel is determined by the flag which she is entitled to fly," should no longer be regarded as in force, and that henceforth the prize courts should apply the rules and principles formerly observed in such courts. The objection to article 57 was that it protected from capture ships flying neutral flags, but which in fact were owned wholy or in part by persons of enemy nationality. The particular reason for abrogating the article was to enable British and French prize courts to condemn certain merchant vessels flying the American flag, but in the ownership of which German subjects held a preponderating interest.

ABROGATION OF ARTICLE 57

Both the British and French Governments at the outbreak of the war proclaimed those rules of the declaration of London relating to transfers of flag to be in force, notwithstanding the fact that neither Government had ratified the declaration. It was soon discovered that the rule laid down in article 57, namely, that the neutral or enemy character of a vessel is determined by the flag it is entitled to fly, protected German-owned vessels from capture so long as they navigated under a neutral flag. Accordingly the British Government, by an order in council of October 25, 1915, abrogated article 57 and declared that in lieu thereof the British prize courts should "apply the rules and principles formerly observed in such courts." This was to meet the situation caused by the action of German shipowners in America in resorting to the use of the American flag to protect cargoes which were being shipped from America to neutral ports in Europe, particularly in Holland, and from which they were being transshipped to Germany. The British Government took the position that this was a subterfuge; but so long as the rule of the declaration was in force, cargoes under the American flag were protected, even though the ships were German owned. The rule that the nationality of the owner should be considered as the test of enemy or friendly character was substituted for that of article 57 of the declaration of London. Six days later the French Government followed the action of the British Government, but instead of abrogating outright article 57, the same result was achieved by declaring that it should be applied during the present war, subject to the following modification: "Whenever it is established that a ship flying a neutral flag belongs in fact to the nationals of an enemy country or to parties residing in an enemy country, the ship shall accordingly be considered as an enemy ship."

PROTESTS AGAINST THE DISREGARD OF THE DECLARATION OF LONDON

The German Government addressed a protest to neutral powers against the action of the British and French Governments in thus modifying the declaration of London, although German submarines from the outset sank neutral vessels laden with cargoes of conditional contraband destined to unfortified British ports and ports not serving as bases of military operation.

The American Government in its note of December 28, 1914, to the British Government, in respect to the detention of neutral ships and their cargoes, refrained from discussing at that time the propriety of including certain articles in the contraband list, although it asserted that some of them were open to objection. The note said that the right of belligerents to determine what they shall regard as contraband and to adopt such classification as they choose can not be denied, but it is well established that their action must be in conformity with existing treaties and the generally recognized rules of international law. The right can not, therefore, be arbitrarily exercised. When the French Government in 1895 announced its intention of treating rice as contraband when destined to Chinese ports north of Canton, Lord Granville stated that "His Majesty's Government feel themselves bound to reserve their rights of protesting at once against the doctrine that it is for the belligerent to decide what is and what is not contraband of war, regardless of the well-established rights of neutrals." During the Russo-Japanese War Lord Lansdowne, in a communication of July 29, 1904, to Secretary of State John Hay, apropos of the action of the Russian Government in putting coal, naphtha, and other fuel on the list of absolute contraband expressed substantially the same view, and so did Mr. Hay in his protest against the condemnation of the cargoes of the *Arabia* and the *Calchas*.

The distinction between absolute and conditional contraband is as old as Grotius, and as a principle of international law it had never been contested by the United States or Great Britain.

PRIZE COURT—ORDERS IN COUNCIL

The power of the Crown to prescribe or alter prize law had been affirmed from very early times. Since the Silesian loan controversy, however, and consequent upon the report of the committee appointed to consider the subject, the doctrine has been advanced that a prize court is not bound by the executive orders of the Crown when they are contrary to international law. By an ingenious argument Lord Stowell attempted in the *Fox* to effect a reconciliation between the two propositions by holding that the latter presumed to conform to principles of the unwritten law of nations. But any such presumption in favor of orders in council was expressly overruled by the *Zamora* decision. On the other hand, there can be no doubt that a prize court must give effect to the acts of the legislative in matters of prize, even if contrary to international law. An act of Parliament, passed by Lords and Commons, and assented to by the King, is supreme and binding on all English courts. (Colombos, p. 13 ff.)

SIR WILLIAM SCOTT—WAR CONTRABAND AND BLOCKADE

The doctrine of Sir William Scott respecting war contraband and blockade goes beyond the "Consolato del Mare," is based only on the idea of necessity, and extends the right of capture to the utmost limit. The English prize courts in former times held very indefinite and arbitrary views respecting contraband of war. When Marriott presided, these views were still further extended, and particularly from the year 1793 to the end of the eighteenth century. Scarcely any object of neutral commerce was left free from condemnation, or not liable to the right of preemption at that time. Sir William Scott also followed these precedents, and his list of prohibited articles was consequently enlarged or reduced according to the circumstances and the exigencies of war. (Katchenovsky, pp. 90 f; Pritchard, 103–113; Wheaton, History, pp. 131, 135.)

Former admiralty judges generally condemned as lawful prize not only the ship but the rest of the cargo. Sir William Scott admitted many exceptions to this rule; according to his opinion, general condemnation is a just punishment for violation of international law, but if, in case of war contraband, ship and cargo belong to different persons, then it is necessary, as far as possible, to distinguish the innocent from the guilty. (Katchenovsky, p. 92. Where the owner of the cargo has any interest in the ship, the whole of his property will be involved in the same sentence of condemnation. To escape the contagion of contraband, the article must be the property of a different owner. On the contrary, Portalis considered the ship liable to condemnation only when the contraband formed more than three-quarters of the whole cargo. Martens, Merkw. Falle, ii, 221; Jacobsen, pr. Seerecht, ii, 80–93.) The penalty for the importation of war contraband in the prize courts falls on the neutral only when he is taken in flagrante delicto, i. e., at any place between that of departure and destination. Sir William Scott was not contented with this extensive interpretation and considered as lawful prize even ships on their return voyage, if they had before carried contraband.

SIR WILLIAM SCOTT—BLOCKADE

In the rules laid down by him relating to blockade Sir William Scott exceeds the limits of moderation. It is notorious that a blockade, like a siege on land, is an operation of war directed chiefly against the enemy; the English judge, however, endeavors to turn it principally against neutrals. In vain we search in his judgments for any solid definition or strict logical deductions. His arriere-pensee appears to be to give as much liberty as possible to privateers. He does not consider it the duty of cruisers to besiege closely the port but chiefly to exercise surveillance over neutrals; and it is by no means forbidden to them to leave their station for the purpose of pursuing suspected vessels. (Katchenovsky, p. 93 f. The principle decisions of Sir William Scott regarding blockade are collected in Pritchard, 36–49, and Wildman, ii, 184.) In general the English were not in the habit of giving notice of blockade to other governments, on the alleged ground that the news would spread of itself, a practice which directly tended to the injury of neutral commerce. All the powerful logic of Sir William Scott would appear to have been directed to the justification of cruisers and privateers in seizing neutral vessels wherever they were met with. In the opinion of the English, extensive coasts and whole countries might be declared to be in view than to supply the deficiency of a regular navy by the severity of prize law. (Katchenovsky, p. 94 f.)

SCOTT, PORTALIS—PAPER BLOCKADES

Sir William Scott held the neutral responsible for breaking through blockades till the end of the return voyage. Such being the opinion of Sir William Scott concerning blockade, it is scarcely necessary to show that his interpretations of the law was in direct contradiction to that of European nations. He was himself hardly satisfied with the grounds upon which he proceeded and sometimes endeavored to define more strictly the limits of such fictitious blockade; but as his duty was to protect the "maritime interests" of his country, he had recourse to forced arguments in order to carry out the harsh decrees of the Government against neutral merchants or in favor of cruisers and privateers. (Sir William Scott admitted of exceptions to his rules only for the benefit of subjects of the United States of America, Denmark, and Sweden, according to treaties.) Portalis in this respect remained more true to his liberal principles, as the ordonnances of the year 1778 did not admit of any extension of contraband of war, and rejected all paper blockades. (Katchenovsky, p. 96 f.)

SIR WILLIAM SCOTT—COST AND DAMAGES

It is evident that Sir William Scott, though adhering to the rules of the Consolato del Mare, endeavored to cut off all the important branches of neutral commerce. It still further suffered from his partiality to privateers, as evidenced in his decisions respecting costs and damages. According to his opinion, the privateer, even in cases of restitution, is entitled to indemnification; and he imposed upon neutrals payment of expenses, if there be the slightest excuse for the seizure of the vessel, the least doubt of the legality of the transaction in which they have been engaged, or any defects in the ship's papers. On the other hand, he considered the prize courts not legally bound to award compensation to neutral merchants (later on, Lord Kingsdown, in delivering the sentence of the Court of Appeal in the case of the Ostsee, laid it down that, where there was not any probable cause of seizure, the neutral was entitled to restitution with costs and damages. Moore, ix, 150,—Tr.) for the following reasons: 1. Neutral commerce is only allowed on condition of visitation and arrest on the part of the belligerents. 2. International law only enjoins privateers to pay freight for goods of an enemy; as to other costs (under the name of international law, Sir William Scott evidently understood the Consolato del Mare; but he sometimes himself set aside its rules, and did not allow freight to the neutral merchants in cases of coasting or colonial trade, or when they were detected in concealing their papers, etc. All these restrictions were his own. Pritchard, 164–173; Wildman, ii, 153–163) no mention is made of them. Portalis acted with much more moderation in this respect. As prize judge, he felt it equally his duty to give damages and compensation to both parties, as well for the losses actually sustained as for the "lucrum cessans." (Katchenovsky, p. 98 f. If a seizure is made without probable cause, the captor is adjudged to pay costs and damages for which purpose privateers were obliged to give security. Wildman vol. II, p. 353. (Treaty between England and Holland, 1668 and 1674; between England and France, 1677; between England and Holland, 1697; the Treaty of Utrecht, 1713.))

THE ENGLISH INTERNATIONAL LAW

In their decisions Sir William Scott and Portalis were in the habit of referring to international law. (Pritchard, 3, 163, 312; Wildman, ii, 360; Martens, Merkw. Falle, ii, 225); and feeling it their duty to be guided by its principles, they relied upon precedents from history, and, in conformity with these, have laid down many important rules. We are not inclined to attribute to their decisions such universal authority as many publicists do, who endeaver to construct a customary international law upon them, and even give preference to that system rather than to existing treaties. (To this class belong all English jurists, as Robinson, Chitty, Oke Manning, Reddie, and Wildman. Their confidence in Sir William Scott is unlimited; they consider him as the "viva vox" of international law, and attribute to his opinions undisputed authority.) Examining carefully the English and French practice, we come to the conclusion that neither one nor the other strictly adhered to the rules of European public law. The customary law to which Sir William Scott constantly refers can hardly be considered as of universal operation. Being purely English law, however long its precedents may have existed, they are not binding on neutral nations. Thus the construction of international law, as laid down by Sir William Scott, often appears obscure and vague, for he does not rely on treaties or customs reciprocally observed by governments, but chiefly confines himself to such decrees as instructions to privateers, orders in council, etc., and to the rules laid down by the judges who preceded him, from Coke to Marriott. Deprived of this support, he seldom laid down exact definitions, and consequently his doctrine varied according to the circumstances of war—in short, Sir William Scott gave no security to neutral commerce, but subjected it to the belligerent or to his conception of "jus extremae necessitatis." (Katchenovsky, p. 100 ff.)

Mr. SHIPSTEAD. Mr. President, all my life I have labored under the handicap of finding very often that there are two sides to every question. I discover that to be so in this instance; and I find no fault with either side for its opinion. The amendment of the Senator from Missouri [Mr. REED] to the proposed amendment of the Senator from Idaho [Mr. BORAH] contains some of the essence of peace for the world. I would add to it the abolishment of that part of international law called the law of conquest, the right of a nation which has the power to take anything it wants to take and to keep it.

Because nations, Mr. President, have refused to ratify treaties guaranteeing the rights of neutrals in time of war we have the world arming to-day as it never before armed. In spite of the clamor of humanity for peace, the fact remains that governments have so far failed to take any practical steps toward peace. We hear a great deal of talk about international law; we hear a great deal of talk about freedom of the seas. Every nation respects international law in time of peace and every nation favors the freedom of the seas in time of peace; but no nation so far has shown any inclination to enter into any kind of a binding agreement to respect either the freedom of the seas or international law in time of war, archaic as the law is. Until that shall have been done, it seems to me we are wasting our efforts in talking about peace. International law must be revised and obeyed if we are to have peace.

The nations gathered at The Hague in 1907, and out of the conference there held came the idea that an international prize court should be established for the purpose of determining or adjudicating cases that might arise between belligerents and neutrals in time of war; that what was contraband should be defined.

Great Britain took the position that that only should be done, that a prize court should be established only after a codification of international law had been effected defining the

rights of neutrals and belligerents in time of war and defining what was contraband and what was not contraband. The Government of Great Britain called a conference in 1907, and out of that conference—held in 1908—came what has been called the declaration of London, setting forth what should be considered to be the rights of neutrals and of belligerents in time of war. No country saw fit to ratify that declaration. At the beginning of the World War the British Government, which had called the conference resulting in the declaration of London, was the first Government to repudiate that declaration.

When Great Britain did that Great Britain did not do anything unusual. Because Great Britain happens to do something at a certain time that other nations have also done, at least in principle, I can not find any reason for using that as an excuse to "twist the lion's tail." Great Britain only followed in the footsteps of the nations of the world which so far as international relations are concerned are governed in the last analysis only by one law, and that is the law of the tooth and the claw; the law which says that to him who is strong and swift and cunning belongs everything that he has the power to take. That is the law of the wolf pack; that is the law of the jungle; and that, in the last analysis, is the law that is governing the international relations of nations to-day.

It does not make any difference how many fine phrases we use in times of peace, when a controversy arises no nation recognizes any law but the law of the wolf pack. The League of Nations is governed by the same law. It was formed for no other purpose than to keep the status quo, to protect the victors in the last war in the ownership of the loot of conquest they got out of the last World War. It rests on the law of force. It guarantees possession of territory acquired by the World War.

I have never been able to agree with those who consider cruisers doves of peace. I have always believed and still believe that they are dogs of war; they are built for war. I have no illusion about them being doves of peace. They are built for business. I have no sympathy with the contention that they are causes of war. They are only the instruments of war; they are the symptoms of a deep-seated disease.

When a nation declares war that in itself is not the cause of war. When it declares war it will use any instrument that it thinks is necessary for its own protection and necessary to win. That principle was not changed in the last World War, and no war in the history of humanity has ever changed that principle. So let us not have any illusion about that.

The question for the world to determine is whether or not there shall be such a change of international law in time of peace as will abandon the law of conquest. I am more concerned about a revision of international law than its restatement. I had hoped that the nations of the world would be willing to come together in conference and abandon the law of the wolf pack, the law of the jungle, the law of the tiger; in other words, the law of conquest. I had hoped that within the next year or two such a conference would be possible; that the nations of the world would not only agree upon the rights of neutrals and belligerents but would agree to ratify a treaty containing such provisions. Such a treaty should exempt food from the contraband list. That would protect England in time of war, for then no nation could stop food from going to England. That ought also to satisfy the United States; that is, it ought to satisfy us to the extent that we could trade, and our trade should be free upon the seas so far as it is noncontraband.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER (Mr. STEIWER in the chair). Does the Senator from Minnesota yield to the Senator from Missouri?

Mr. SHIPSTEAD. I yield.

Mr. REED of Missouri. The Senator from Minnesota used the term "noncontraband." I presume, then, that he would want contraband defined so that it would be limited directly to instrumentalities of war; he would not want it to be broad enough to cover food and clothing and things of that kind?

Mr. SHIPSTEAD. No; I would not want it so broad as it was declared to be in the orders of council of the British Government.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. SHIPSTEAD. May I not have 10 minutes on the bill, Mr. President?

The PRESIDING OFFICER. The Chair assumes that the Senator has been speaking on the amendment. He can now speak for 10 minutes on the bill.

Mr. SHIPSTEAD. I thank the Chair.

The orders in council adopted by the British Government in the early part of the last World War I consider were a very violent interference with our commerce. I think, from the standpoint of international law and from the standpoint of international safety, we should have been perfectly justified to have taken steps to break through and convoy our commerce. Our failure to insist upon our rights properly at that time, at least, I am so convinced in my own mind, had a great deal to do with bringing us into the war later.

A weak nation in a controversy of this kind would not receive much respect or attention from the other nations of the world. We are so rich and so strong that I think we can afford not to be too afraid; I think we can afford to be courageous to the extent of serving notice upon the other nations of the world that unless they will abandon the law of conquest, the law of the jungle, when a controversy shall arise, we can play that game a little bit stronger than any other nation. We are willing, if other nations will reciprocate, to sit at the conference table and eliminate philosophies that are centuries old, that come down from the Middle Ages and from the days of barbarism. Unless the nations of the world will agree to do that, and abide by such a law, then it will be for the Government of the United States and the people of the United States to determine whether or not we shall prepare to go out and fight for the trade of the world with any other nation that is ready to fight to take that trade away from us. If this country is forced to make such a choice I have no illusion what that decision will be.

I have no sympathy with the idea that the United States should have a larger navy than that possessed by any other nation in the world. Too much power in the hands of any nation is a dangerous thing, as is too much power in the hands of any individual. I do not believe that any nation is so good and so altruistic and is imbued with such a sense of justice that it may be entrusted with the control of the sea power of the world. The nation that controls the sea power will control the commerce of the world; the nation that controls the commerce of the world controls the destinies of the world. The issues involved and the destinies involved are too great in their potential consequences to be entrusted to any one nation. That includes the United States.

Because of these views, I voted for the amendment of the Senator from Mississippi [Mr. HARRISON] on yesterday, which provided for elimination of the time clause, and I intend to vote for the amendment of the Senator from Missouri [Mr. REED] and the Senator from Idaho [Mr. BORAH], and I may vote for some other amendments, in the hope that an agreement may be reached, that the nations of the world will come together in conference after having had notice from the strongest nation of the world that we are willing to forego the power that we have and the might, if we want to exercise it, to dominate the sea.

We were told that the World War was "a war to end war"—a doctrine to which I never subscribed and in which I never believed; nor did I ever believe that it was a war to "save the world for democracy"; and I think the present conditions of the world bear me out in that judgment. We know now, by the results, that it was the same old game of a war for conquest; that "to the victor belong the spoils." It only confirmed, and the present condition of the world confirms, the fact that Hegel was right when he said that the only thing humanity can learn from history is that we can not learn from history. I hope the world in the next two years will repudiate that statement of Hegel.

Mr. BORAH. Mr. President, I stated a few moments ago that I was perfectly willing the substitute offered by the Senator from Missouri [Mr. REED] should be accepted in lieu of the amendment which I proposed some months ago. I think the objective of the Senator from Missouri and mine are the same. We have in view the desirability of securing, if possible, an understanding or agreement between the maritime powers with reference to the rights of neutrals or with reference to the rights of those nations who in time of war desire to live in peace and to pursue peaceful methods.

I therefore am perfectly agreeable to the adoption of the Senator's substitute. I desire to say a word, however, in regard to the substitute or the principle which is involved.

I look upon the present stressful outlook between naval powers as being determined in a large measure by this question of the rights of belligerents and neutrals at sea. I quite agree with the able Senator from Arkansas [Mr. ROBINSON] that unless we can come to an agreement, which agreement we are willing to accept, with reference to the rights of neutrals, unless we can come to an understanding between nations as to the legal use of the sea there is no such thing as naval disarmament. I go further and express the view that not only is there no such thing as naval disarmament or the reduction of naval armaments, but the failure to reach an understanding will undoubt-

edly lead to a competitive naval race. I can see no other alternative.

It is therefore the desire of the proponents of this measure that we exhaust every means at hand to come to an understanding which will remove the controversies which are calculated to bring on building and ultimately, perhaps, something much worse than building.

I am, Mr. President, thoroughly in favor of protecting American commerce; but I am in favor of protecting it in so far as we can through peaceful means, under legal procedure, and without the employment of naval instruments for protection. I do not want to rely upon force or depend upon force if there is any way among men to avoid it. I look upon every effort to bring about a reign of law instead of a reign of force as helpful to every other scheme for peace.

As I see the future, I see no controversy arising between this country and Great Britain or any other naval power save a controversy which might arise over the use of our ships in time of war. As I said a few days ago, I do not believe that Great Britain has any purpose of attacking the United States or seeking a quarrel with the United States. I am quite sure the United States has no intention of seeking a quarrel with Great Britain; but if a war breaks out anywhere, and our tremendous commerce is imperiled, and our interests are in jeopardy, it creates a state of war in the mind of the Nation, whether in actuality or not; and the result is that we proceed from one step to another with the controversy unsolved, and under such circumstances no one can foretell what the ultimate result may be.

Woodrow Wilson said at St. Louis, after the World War was over and after all the different reasons had been assigned for the coming on of the war, that at bottom the World War was a war over commerce; that at bottom it was a contest for commercial supremacy. I quite agree with that interpretation, though it was not the only reason. But I have no doubt that the real moving, underlying compelling power which drove the nations into conflict was a controversy over their commercial rights and ambitions touching their commercial supremacy. And so, Mr. President, when we undertake to adjust those rights and to have an understanding in regard to them we are undertaking to remove that which may lead to a repetition of what happened in 1914.

But there is another phase of this matter which concerns me, and that is the obligation which rests upon us to avoid, if possible, any greater expenditure of the public money, any greater expenditure from the Public Treasury, thereby increasing the burden of taxation upon the people of the United States and throughout the world.

I think the question of taxation and the economic condition of the people in a country can not be overlooked in considering the question of preparedness itself. The powerful nation, the dominant nation, the ultimately victorious nation in the coming conflicts will be the nation whose nationals are economically strong, the nation which is financially powerful, and which is able to cope with the economic conflict which now accompanies conflicts between armies and navies. It is just as essential in the question of preparedness to keep in mind the burden which we are constantly imposing upon the taxpayers of our country as it is to build battleships and cruisers.

Taxation is no longer merely an economic problem. It has reached the point where it is a moral problem. These constant and remorseless exactions of government no longer prey upon the profits of the people alone, but they are eating into the necessities, and therefore into the moral fiber, of the people.

It is true that we are a comparatively new nation, and a strong nation. It is true that we are rich, marvelously rich, in natural wealth, and that we have an energetic and industrious people. But even so, Mr. President, at the present time we in this country are exacting from agriculture, the great basic industry, one-third of its income, less other expenses, for taxes. I undertake to say that no industry can live under such conditions. Other sectors of the community are being taxed, only less drastically than agriculture.

I do not doubt but that Senators have received, as I know I have, letters from business men, especially small business men, the backbone of our business interests, telling us that they are being ruined, literally ruined, by taxation. If that is the condition in this country, where we are more fortunate, reflect upon what the condition is in other countries. The conditions arising from taxation and the burdens of government in some countries are simply appalling. Children are stunted and starved and denied the ordinary pleasures of childhood in order that their governments may have means by which to buy armaments; for take into consideration the fact that 80 per cent of our taxes and 90 per cent of the taxes of some other nations are for the purpose of war, for the expenses either before or after! Families are broken and scattered in their pathetic struggle for existence, that governments may have armaments. So I say that I look upon the question of protecting our economic life as a primary element in preparedness. Those whom we are thus exploiting are the very foundation of national strength.

There is a limit to their endurance. The mind will ultimately give way under such torture. The will must break and purpose become confusion under such endless, fruitless strain. There are millions of people in countries which are called advanced countries going through life with no chance to leave one penny to their own. There are millions with no goal at the end of the struggle save the pauper's grave. They are growing bitter. The evidence of it is in every country under God's shining sun. It is my deliberate judgment that the most vital element of preparedness in all countries, the one thing essential to security, is the better and more favorable treatment of the great mass of the people, is relief from these constantly increasing burdens of government. The one thing essential to world peace at this time is contentment and happiness among the people. We do well to equalize this kind of preparedness and consider it along with the question of battleships and cruisers. It is indeed essential to round out our preparedness program, not alone by constructing more armaments but also by looking after the interests of those who must do the fighting and who must bear the weight of the government in every conflict.

The PRESIDING OFFICER. The time of the Senator from Idaho upon the amendment has expired.

Mr. BORAH. I will speak a few moments on the bill.

I therefore favor any reasonable program which may lessen the competition, which may lessen the rivalry between maritime nations, that we may save people from the demoralizing burdens of governments.

Mr. President, it has been estimated that at the close of the World War there had been fastened upon the human family a debt of $300,000,000,000. These figures may or may not be accurate; I do not know. Perhaps there is no way to secure absolutely accurate figures; but, whatever the figures are, they are beyond the power of the human mind to estimate when you undertake to estimate them in foot-pounds of human toil. This is the amount which was expended in a quarter of a century for armaments and for the killing of 10,000,000 human beings and the wounding of 20,000,000 more.

In order that this money may be paid, men and women will have to drudge for decades. In order that this money may be made and turned over to those fortunate enough to hold the securities, children yet unborn will slave to the end of the road. And now, 10 years after the war, this amount is practically undiminished. It has been decreased in some countries and increased in others, but in the sum total it is practically what it was at the close of the great world conflict.

With this burden of $300,000,000,000 resting as an eternal mortgage upon the brain and the energy of the human family, is it not our duty to do everything within our power to avoid a condition of affairs which will heap upon them an additional burden? Is there any task for the leader and the statesman so imperative as that of staying this economic blight?

I repeat that that enters into the question of preparedness just as much as battleships and cruisers. And please bear in mind, Mr. President, that the world's combined armaments at this time are as heavy, if not heavier, than they were when the saturnalia of carnage broke in 1914.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. SHIPSTEAD. I wanted to bring out one matter, that the armaments of other countries have been to a large extent financed through loans from this country.

Mr. BORAH. I thank the Senator. At the present time, speaking now of the world in general, there are more men in arms, and the weapons of warfare are more costly and more destructive than when the incident at Sarajevo unleashed the nations to their orgy of blood. Shall we continue to pile up armaments or shall we seek methods which avoid in part at least the fearful weight?

What those have in mind who urge a better understanding is not so much the hope that in case war comes that understandings will be observed but the hope is that by the understanding the possibility of a war coming may be further removed—made more unlikely—that we may prevent war.

I have very little confidence in treaties or peace plans operating and working effectively after war actually breaks, but I do believe that through these methods we may make it far more improbable that war will come. It seems to me that if we can have an understanding among the nations as to the right to

the use of the seas, there will be removed, psychologically and in fact, a condition which is calculated to bring on conflict.

I said in the beginning I am thoroughly in favor of protecting our commerce; if need be, we will protect it by a navy; but let us combine with that and join with that an earnest effort toward the adjusting of matters without the Navy. Of course, we shall never be entirely free from armament, certainly not so far as we can see, but any understanding such as might be brought about will be calculated to make the armaments less heavy, the conditions less calculated to bring on a naval race.

It is said that we can build, that we have the means to build, and that we can outbuild any other power; and so we can. I readily understand that. That is to say, we can build with less trouble and with less burden to our people than perhaps any other nation in the world. But the fact that we can build will not at all stop a naval race once it starts, because the ability to build is not the test under such conditions. The nations will build under a sense of fear. How much will they exact from their people regardless of whether their people are able to pay it or not?

The ability of governments to find the savings of the poor, and the ability of the poor to suffer and still produce is one of the mysteries of war finance. The ability to build is not the test which we force upon other nations in case we go forward.

What we do is to impose a condition which will compel them to bleed their people white in order to preserve themselves. The obligation rests upon us to be conservative and to be considerate, rich as we are, in order that we may not impose cruelty and injustice upon others.

As I have listened to this debate in the Senate from day to day it has not seemed to me that there is so very much difference among Senators. I take it that all Members of the Senate, so far as they have expressed themselves, are in favor of protecting our commerce and protecting our rights. Some believe that much may be accomplished along the lines indicated by the amendment offered by the Senator from Missouri; some have less faith in it. But suppose the Senator from Missouri and myself are entirely mistaken. I see no possible harm to come from the effort. On the other hand, as was said by the Senator from Arkansas, if something is accomplished, much good may result therefrom, and it would be an achievement without any sacrifice upon the part of the people of the United States. It would be moving in the right direction, with no possible injury should we fail. I do not believe we will fail. The public opinion and the consciences of men everywhere are for better understandings and for peaceful adjustments of international controversies.

It has been said elsewhere, not here, that there is very little chance of accomplishing anything, and therefore this movement has been rather discouraged. What I have to say in answer to that is this, that if those upon whom rests the responsibility of taking the initiative feel that the object can not be accomplished, they will likely not undertake it, but considering the great problem before us, realizing what it means if it is not solved, understanding the consequences which will follow in case it is not finally adjusted, in my opinion, those responsible in directing the affairs of our country would utterly fail in the discharge of their duty should they refuse to undertake to bring about such an understanding between the nations. Great tasks call for initiative, for courage, for faith. If these are wanting, the people must suffer and carry on—at least they must suffer, and possibly they will carry on.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. REED], as modified, to the amendment of the Senator from Idaho [Mr. BORAH].

Mr. BRUCE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	Heflin	Pine
Bayard	Edwards	Johnson	Pittman
Black	Fess	Jones	Ransdell
Blaine	Frazier	Kendrick	Reed, Mo.
Blease	George	Keyes	Reed, Pa.
Borah	Gerry	King	Robinson, Ark.
Bratton	Gillett	McKellar	Robinson, Ind.
Brookhart	Glass	McMaster	Sackett
Bruce	Glenn	McNary	Schall
Burton	Goff	Mayfield	Sheppard
Capper	Gould	Moses	Shipstead
Caraway	Greene	Neely	Shortridge
Copeland	Hale	Norbeck	Simmons
Couzens	Harris	Norris	Smith
Curtis	Harrison	Nye	Steck
Dale	Hastings	Oddie	Steiwer
Deneen	Hawes	Overman	Stephens
Dill	Hayden	Phipps	Swanson
Thomas, Idaho	Tyson	Walsh, Mont.	Wheeler
Thomas, Okla.	Vandenberg	Warren	
Trammell	Wagner	Waterman	
Tydings	Walsh, Mass.	Watson	

Mr. MOSES. I wish to announce that the junior Senator from Connecticut [Mr. BINGHAM] is absent from the Senate on account of illness. I ask that this announcement stand for the day. He is paired on all these questions with the junior Senator from Montana [Mr. WHEELER].

Mr. NORRIS. I desire to announce that my colleague [Mr. HOWELL] is absent on account of illness.

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment of the Senator from Missouri [Mr. REED] to the amendment of the Senator from Idaho [Mr. BORAH].

Mr. REED of Missouri and Mr. BORAH called for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr McLEAN], but I have reason to believe that if he were present he would vote as I intend to vote, and therefore I shall vote. I vote "yea."

Mr. NORRIS (when Mr. HOWELL'S name was called). My colleague the junior Senator from Nebraska [Mr. HOWELL] is unavoidably detained from the Senate by illness.

Mr. McKELLAR (when his name was called). On this question I have a pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE]. Not knowing how he would vote on this question, I transfer my pair——

Mr. NORRIS. The Senator need not transfer the pair. I think there is no question but that the senior Senator from Wisconsin, if present, would vote "yea."

Mr. McKELLAR. Upon the authority of that statement I vote "yea."

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. BROUSSARD]. I am informed that on all questions connected with this bill he would vote as I shall vote, and therefore I am free to vote. I vote "yea."

Mr. TYDINGS, when his name was called, answered "Present."

Mr. WALSH of Montana (when his name was called). I have a pair with the senior Senator from Florida [Mr. FLETCHER], who is absent on account of illness. I am advised, however, that if he were present he would vote as I shall vote. I will therefore vote. I vote "yea."

Mr. WHEELER (when his name was called). On this matter I have a pair with the junior Senator from Connecticut [Mr. BINGHAM]. I understand that if present he would vote as I would, and therefore I shall vote. I vote "yea."

Mr. RANSDELL. I desire to announce the unavoidable absence of my colleague [Mr. BROUSSARD] on account of illness. If he were present, he would vote "yea."

Mr. TRAMMELL. I wish to announce the unavoidable absence of my colleague [Mr. FLETCHER] on account of illness. I would like to have this announcement stand for the day.

Mr. BLAINE. My colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably absent. I am privileged to announce that if he were present he would vote "yea."

Mr. JONES. I desire to announce that the Senator from Rhode Island [Mr. METCALF] and the Senator from New Mexico [Mr. LARRAZOLO] are detained on account of illness. If present, they would vote "yea."

The roll call resulted—yeas 81, nay 1, as follows:

YEAS—81

Ashurst	George	McMaster	Simmons
Bayard	Gerry	McNary	Smith
Black	Gillett	Mayfield	Steck
Blaine	Glass	Moses	Steiwer
Blease	Glenn	Neely	Stephens
Borah	Goff	Norris	Swanson
Bratton	Gould	Nye	Thomas, Idaho
Brookhart	Greene	Oddie	Thomas, Okla.
Burton	Hale	Overman	Trammell
Capper	Harris	Phipps	Tyson
Caraway	Harrison	Pittman	Vandenberg
Copeland	Hastings	Ransdell	Wagner
Couzens	Hawes	Reed, Mo.	Walsh, Mass.
Curtis	Hayden	Reed, Pa.	Walsh, Mont.
Dale	Heflin	Robinson, Ark.	Warren
Deneen	Johnson	Robinson, Ind.	Waterman
Dill	Jones	Sackett	Watson
Edge	Kendrick	Schall	Wheeler
Edwards	Keyes	Sheppard	
Fess	King	Shipstead	
Frazier	McKellar	Shortridge	

NAY—1

Bruce

NOT VOTING—13

Barkley	Howell	Metcalf	Tydings
Bingham	La Follette	Norbeck	
Broussard	Larrazolo	Pine	
Fletcher	McLean	Smoot	

The VICE PRESIDENT. The yeas are 81, nay 1. So the amendment of the Senator from Missouri [Mr. REED] as modified, to the amendment of the Senator from Idaho [Mr. BORAH], is agreed to.

Mr. BRUCE. Mr. President, all I have to say is that I would rather be right than be President.

Mr. WHEELER. Mr. President, I present editorials from the Baltimore Sun of Sunday, November 19, 1928, and the Washington News of February 4, 1929, relative to the pending cruiser construction bill, which I ask may be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Baltimore (Md.) Sun, November 19, 1928]

SMASH THE JINGOES' SCHEME

The big-navy men, led by Senator HALE, understand perfectly that the Kellogg treaty is inconsistent with a policy of great armaments; therefore, before Congress meets they begin jockeying to hold back action on the treaty so they can get under the wire first, with plans for a quarter of a billion building program. Equally on grounds of good faith and of national economy this scheme of the militarists and jingoes ought to be smashed.

To rush a great naval building program at Washington before the Kellogg treaty can be acted upon; to rush such a program as though that treaty had never been heard of, as though the will of the people against armament building were not demonstrated in all great nations, as there were no barrier and no hope against another naval race such as Europe knew in the decades preceding 1914, is simply indefensible. To refuse to use the Kellogg treaty as a starting point for another movement to restrict armaments would be a betrayal of the people. To go ahead with a great naval program, arguing that it is not in conflict with the Kellogg treaty, would be bald hypocrisy and reckless waste of public funds.

[From the Washington News of February 4, 1929]

REPLACING GHOSTS

"I ask you to remember that our cruiser-building policy has not been a policy of increasing numbers, but of replacement."

Now, who do you think said that? Secretary Wilbur. No; you are wrong—and right. That is the chief argument of Wilbur and Chairman HALE of the Senate Naval Affairs Committee and other boosters for the 15-cruiser bill before the Senate.

But this particular quotation is from W. C. Bridgeman, First Lord of the Admiralty, speaking to the British Constitution Club.

There in a nutshell—or a bombshell—you have the explanation of the method by which both the British Parliament and the American Congress are led unwittingly into an armament race which once started, is almost impossible to stop. How plausible the argument is made to sound, that a new building program is not really new at all, but merely a matter of replacements.

That argument is absurd when applied to the bill before the Senate. Two of the cruisers that are being "replaced" are the *Rochester* and the *Olympia* of Spanish war fame. Those ships, laid down nearly 40 years ago, have been "replaced" by every building program since the war. So with the 20 other cruisers, laid down between 1895 and 1905. As late as last spring even the Navy Department supposed these 22 had been replaced to death, but now they are salvaged again for the same purpose.

But precisely the same sort of thing is being put over on the British by their Admiralty. Only the British case is even worse.

Whatever tricks the Admiralty may resort to, why can't our own Navy Department be frank about the issue? It is not a question of American replacements but of building up to equal British strength. Britain always has been superior in cruisers. Since the Washington naval conference she has increased her superiority. As a result the American people, as well as the Navy Department, are now determined for the first time to achieve parity.

Anglo-American parity can be achieved either by a large American building program, or by a limitation agreement.

We believe it is dangerous and unfriendly to resort to the threat of an armament race until the possibility of peaceful negotiation by the Hoover administration and the forthcoming new British Government has been exhausted. The cruiser bill should be postponed in the interest of Anglo-American friendship and world peace.

But whether the bill is postponed or passed, its advocates should cease their transparent propaganda about "replacements."

The VICE PRESIDENT. The bill is in the Senate as in Committee of the Whole and open to amendment.

Mr. MOSES. Mr. President, I have already announced the absence of the junior Senator from Connecticut [Mr. BINGHAM] on account of illness. In his absence and in his behalf I offer the following amendment, and in connection with it I wish to state that the Senator, who is the author of the amendment, will be content with a viva voce vote.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 1, line 5, strike out "one aircraft carrier" and insert the following: "three aircraft carriers."

On page 1, strike out lines 10 and 11, and insert the following:

(b) One aircraft carrier during each of the fiscal years ending June 30, 1929, 1930, and 1931, to cost, including armor and armament, not to exceed $19,000,000 each.

On page 2, line 1, strike out "$19,000,000."

On page 2, line 19, strike out the word "carrier" and insert the word "carriers."

Mr. BRUCE. Mr. President, I do not see why we should adopt this amendment. I do not see why we who are favorable to the enactment of the bill should consider its adoption favorably. I do not see that there is any sense in overloading the bill. The Navy Department of the Government has recommended one aircraft carrier. I think they know their business better than the Senator from Connecticut does. I think it would be a matter of unfortunate tendency for the Senate to adopt such an amendment on the spur of the moment and to direct the construction of two more aircraft carriers at a cost of $19,000,000 each, thereby adding $38,000,000 to the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the junior Senator from Connecticut [Mr. BINGHAM].

The amendment was rejected.

Mr. NORRIS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be reported.

The CHIEF CLERK. On page 1, line 5, strike out "fifteen" and insert "nine," and in line 7, strike out "Five" and insert "Three."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

Mr. NORRIS. Mr. President, the only object sought to be accomplished by this amendment is to reduce from 15 to 9 the number of cruisers authorized to be constructed. The second part of the amendment proposing to strike out "five" and to insert "three" merely carries out the idea of the proposed reduction, so that three cruisers instead of five will be constructed each year. I do not care to take up the time of the Senate in discussing the amendment. However, I desire a roll call on the amendment, and I am willing now to take the vote, so far as I am concerned.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

Mr. NORRIS. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BLAINE (when his name was called). I have a pair with the junior Senator from Kentucky [Mr. BARKLEY]. I understand if he were present he would vote "nay," and if I were privileged to vote I should vote "yea."

Mr. NORRIS (when Mr. HOWELL's name was called). I desire to state that my colleague the junior Senator from Nebraska [Mr. HOWELL] is necessarily absent from the Senate on account of illness.

Mr. BRATTON (when Mr. LARRAZOLO's name was called). My colleague the junior Senator from New Mexico [Mr. LARRAZOLO] is absent from the Chamber on account of illness. If present, he would vote "nay." He has been unable to secure a pair.

Mr. McKELLAR (when his name was called). On this vote I am paired with the senior Senator from Wisconsin [Mr. LA FOLLETTE]. I transfer that pair to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "nay." If the Senator from Louisiana were present, he would vote "nay."

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent on account of illness. If he were present, he would vote "yea."

Mr. JONES (when Mr. METCALF's name was called). I desire to announce that the Senator from Rhode Island [Mr. METCALF] is absent on account of illness. If he were present, he would vote "nay."

Mr. WHEELER (when his name was called). On this question I have a pair with the junior Senator from Connecticut [Mr. BINGHAM]. If I were permitted to vote, I should vote

"yea," and I understand that if the Senator from Connecticut were present and voting he would vote "nay."

Mr. GLASS. I have a general pair with the senior Senator from Connecticut [Mr. McLEAN], who is unavoidably absent from the Chamber; but having reason to suppose that, if present, he would vote as I intend to vote, I am at liberty to vote. I vote "nay."

The result was announced—yeas 12, nays 69, as follows:

YEAS—12

Black	Burton	King	Nye
Borah	Frazier	McMaster	Shipstead
Brookhart	Harrison	Norris	Thomas, Okla.

NAYS—69

Ashurst	Gillett	Mayfield	Smith
Bayard	Glass	Moses	Steck
Blease	Glenn	Neely	Steiwer
Bratton	Goff	Norbeck	Stephens
Bruce	Gould	Oddie	Swanson
Capper	Greene	Overman	Thomas, Idaho
Caraway	Hale	Phipps	Trammell
Copeland	Harris	Pittman	Tydings
Couzens	Hastings	Ransdell	Tyson
Curtis	Hawes	Reed, Mo.	Vandenberg
Dale	Hayden	Reed, Pa.	Wagner
Deneen	Heflin	Robinson, Ark.	Walsh, Mass.
Dill	Johnson	Robinson, Ind.	Walsh, Mont.
Edge	Jones	Sackett	Waterman
Edwards	Kendrick	Schall	Watson
Fess	Keyes	Sheppard	
George	McKellar	Shortridge	
Gerry	McNary	Simmons	

NOT VOTING—14

Barkley	Fletcher	McLean	Warren
Bingham	Howell	Metcalf	Wheeler
Blaine	La Follette	Pine	
Broussard	Larrazolo	Smoot	

So the amendment of Mr. NORRIS was rejected.

Mr. NORRIS. I offer another amendment, which I send to the desk and ask that the clerk may read.

The VICE PRESIDENT. The clerk will read the amendment proposed by the Senator from Nebraska.

The CHIEF CLERK. On page 3, at the end of line 3, it is proposed to strike out the period, insert a comma, and add the following:

and the President is hereby requested to ask the Government of Great Britain to enter into an agreement with the Government of the United States providing for a limitation on behalf of said Governments in the construction of naval vessels such as are provided for in paragraph (a) of section 1 hereof; and during the negotiation for such an agreement, the authority to construct the naval vessels provided for in said paragraph (a) of section 1 is hereby suspended. If such an agreement is entered into, then the authority to construct naval vessels as provided in said paragraph (a) of section 1 is hereby modified to the extent necessary to carry out said agreement.

Mr. NORRIS. Mr. President, I think one thing is perfectly apparent, and that is that our Government is prepared to meet any emergency and is prepared to meet with a great advantage in naval armament any nation in the world upon the sea with the one exception of Great Britain; and that, after all, the question of naval armament for practical purposes reduces itself to that of Great Britain and that of the United States. I believe it is also perfectly apparent to everybody that the remainder of the world is watching those two Governments as far as naval armament is concerned. Whenever a naval ship is built anywhere on the globe by any nation, except Great Britain or the United States, the reason given for its construction is that Great Britain or the United States or both of them are the leading nations of the world, and they are continually building more warships. The other nations are building additional warships because they consider it imperative in the race for armament that is led by Great Britain and the United States.

An agreement between Great Britain and the United States as to naval armament would make the limitation of armament so far as other nations are concerned, in the first place, almost unnecessary; but, in the next place, it would stop the building of naval vessels everywhere in the civilized world.

Mr. WALSH of Montana. Mr. President, I should like to inquire of the Senator if the whole purpose of his amendment is not covered by section 4 of the bill?

Mr. NORRIS. I think not. The amendment I have offered applies, Mr. President, only to Great Britain; there is no conference provided for by the amendment and none is sought except one with Great Britain. In my judgment the history of the discussion of the limitation of armament for the last 10 years in the parliaments of the world practically demonstrates that a limitation of armament, agreed to by Great Britain and by the United States, will accomplish the result that all the peace-loving peoples of the civilized world desire to see accomplished.

I have previously said in this debate that I conceded absolute good faith to every Member of this body, and, in fact, to all the people of this country, as being actuated by an earnest, honest desire to bring about peaceful methods for the solution of international disputes. If the race is between these two great nations, and if a limitation of armaments is desirable—and the latter proposition no one will dispute—then it seems to me it logically follows that an agreement between these two leading armed nations as to their limitation of armaments will be one of the greatest steps that can possibly be taken for peace.

It will be observed, too, if you will examine the amendment, that it applies only to such ships as are named in paragraph (a) of section 1 of the bill. That means cruisers. There is no attempt to take into consideration anything but cruisers; and that seems to be the race now between these two nations. Everything else is eliminated in order that all possible question that might bring about disagreement or dispute may be eliminated from the conference.

It would be much easier for the United States and Great Britain to get an agreement as to one particular line of armament than if the proposition covered all kinds of armament, where a great many other questions would enter in, where all kinds of excuses could be given by either or both of the parties that would make it impossible to bring about an agreement. But, Mr. President, if Congress puts this provision in the bill the entire world will know it. Every civilized nation in the world will at once direct its attention to Great Britain. If America makes this proposition to our only rival on the sea, especially coming right after we have ratified the peace treaty, the sentiment of the entire civilized world will then be directed to the action of Great Britain. Will she accept the hand of friendship that will be extended by this provision put into the law? Will she spurn the offer of this Government, her only rival on the sea, and refuse to enter into a conference with us to limit between our two great leading Governments the building of cruisers?

The people of Great Britain will be demanding of their Government that this offer be accepted. It will not be necessary to go out over the world to get a whole lot of other nations to come in. It will not be necessary to have the agreement approved by other nations of the world. It will be necessary only for these two nations to agree. I appeal to Senators who are anxious to build a great, big navy, who are anxious to start our Government in the greatest race of modern times, in the building of armed ships, before we use the money of the taxpayers, running into hundreds of millions of dollars, let us give our one rival an opportunity to extend the hand of friendship and meet us half way in a compromise on this subject.

It seems to me there can be no possible objection to such a course. It seems to me that all of us who are trying to maintain the peace of the world, trying to stop this mad race in the building of armed vessels upon the sea, ought to be willing at least to go far enough to say to the only nation with whom we are competing in the building of cruisers, "We are willing now to meet and face you across the table of peace and friendship, and try to agree, if we can, upon saving the money that the taxpayers of both these nations must pay if we neglect to do something now."

Mr. SWANSON. Mr. President, there are two objections to the amendment offered by the Senator from Nebraska [Mr. NORRIS], which I desire to present as succinctly as I can.

First, I think the amendment is not as good as the provision in the pending bill. Under section 4 of the pending bill the President is authorized, as soon as an international agreement is made, to stop the construction of every vessel authorized in this bill; and the bill asks and directs him to seek to get an agreement. The very bill carries an olive branch of peace and reconciliation; and the minute an agreement is made for the limitation of armaments the entire construction under this bill stops.

Only a short time ago we had a conference at Geneva. We offered to agree to any reduction of armaments—not an increase, but a reduction—on the ratio of 5-5-3. Are we now to come and beg again for a limitation of armaments? Is America to stand perpetually begging, begging, begging for a conference, when it waited 15 years before it constructed any cruisers and when Great Britain during that time was constructing cruisers?

It appears to me that there is no occasion for reassembling this conference. That offer is open. Any time, any day, and any minute that Great Britain or Japan will accept it the construction under this bill will cease.

There is another vice in this amendment: It says that the construction of these vessels shall cease while the negotiations are pending. All it is necessary to do is to have the negotiations delayed, delayed, and delayed, talk and talk and talk, year in and year out, and there is no construction. If we grew tired of the negotiations the only way in which we could construct these vessels under this amendment would be abruptly to break off

the negotiations, which would produce friction and would be embarrassing to any government. We never could start construction except by producing an apprehension growing out of the fact that negotiations had been broken off between the United States and Great Britain; and that in itself is not desirable.

It seems to me the provision contained in the bill which authorizes the President to stop the construction of every ship authorized the minute an international agreement is made, and he is especially requested to try to obtain such an agreement, is quite sufficient.

Mr. BORAH. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Idaho?

Mr. SWANSON. Yes.

Mr. BORAH. What does the Senator understand there by the word "agreement"—a treaty?

Mr. SWANSON. No; an international agreement to limit armament, either by treaty or an agreement; we do not say what method. I suppose it would be by treaty. I will read what it says.

Mr. BORAH. I remember the language, but when I read it, I did not get a clear idea of what was meant by the language.

Mr. SWANSON. It reads:

> In the event of an international agreement, which the President is requested to encourage, for the further limitation of naval armament, to which the United States is signatory, the President is hereby authorized and empowered to suspend in whole or in part any of the naval construction authorized under this act.

Mr. BORAH. Suppose the President should make an agreement, but the agreement had not been ratified—that is to say, the negotiating power had concluded his part of the work, but the Senate had not—would he be entitled to stop the building when he had completed the agreement?

Mr. SWANSON. I think the agreement possibly would have to be ratified by the Senate.

Mr. REED of Pennsylvania. Mr. President, under the Constitution, it is not an agreement of the United States until it is ratified.

Mr. SWANSON. That is true.

What is the trouble about this matter? Here we have all this talk when the Appropriations Committee itself has to make the appropriations as we progress under this bill. The bill does not say how fast the construction shall proceed; it does not say how much shall be appropriated in any one year; it does not say how rapidly the work shall be done. It is left to the Appropriations Committee and to Congress to determine the speed with which this construction shall be carried on.

Mr. BORAH rose.

Mr. SWANSON. I am limited in time, Mr. President.

There is another objection to this proposed agreement: It is confined to Great Britain. Everybody knows that under the Washington conference the agreement was made on a ratio of 5 for the United States, 5 for Great Britain, and 3 for Japan. The United States could not have a limitation of armaments that would destroy that ratio of 5 to 3 for Japan. Why?

When this agreement of 5 for the United States to 3 for Japan was made, we agreed not to fortify Manila; we agreed not to fortify the Samoan Islands. We felt that with a ratio of 5 to 3 in naval strength the Japanese, on account of the proximity to their own territory, would be safe.

We felt that with a ratio of 5 to 3 the United States would be safe; and this agreement of 5–5–3 was made on the basis of an abandonment of naval bases which made each nation safe. Great Britain felt that in the western Pacific, on a ratio of 5 for herself and 3 for Japan, her possessions would be safe. Japan felt that her possessions would be safe with the limitations imposed on bases. If, however, this ratio is reduced from 5 to 3 the Philippine Islands will not be safe; America's possessions will not be safe.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. SWANSON. No; the Senator can take his own time. I have only 10 minutes. The ratio of 5–5–3 will have to be continued with the three nations, and not with one nation.

Mr. NORRIS. Mr. President, I have not any time left on this amendment. Will the Senator yield to me?

Mr. SWANSON. I have very little time, too.

Mr. President, it seems to me that the best way to accomplish results, the best way to proceed at all times, is to have the three nations—Japan, the United States, and Great Britain—extend that agreement to cruisers. If that is not done, we can not get any agreement. No other basis would be acceptable. Japan would not feel safe if the ratio of 5 to 3 were altered as far as she is concerned.

At the Washington conference it was felt that in American waters, in the eastern Pacific, and in the western Pacific, Great Britain and the United States each would be safe from offensive warfare against the other if the ratio of 5–5–3 was maintained. We ask the President to try again to get this limitation. In the meantime we can control by our appropriations the speed at which this navy shall be constructed. It will take seven years to complete it at the greatest speed that can be made; and it seems to me the wise thing to do is to let the provision stay in the bill as it is written. I hope the Senate will do that, because I believe that is the best way to accomplish the result desired by the Senator from Nebraska and by other Senators.

Mr. NORRIS. Mr. President, now will the Senator yield?

Mr. SWANSON. I will.

Mr. NORRIS. The Senator does not mean to say, does he, that any agreement entered into with Great Britain, if this amendment should become a law, would violate the conference agreement that was made here when the ratio was agreed to? Great Britain and the United States are both parties to that agreement.

Mr. SWANSON. But Japan is, too.

Mr. NORRIS. The Senator is arguing on the theory that they are going to violate another agreement.

Mr. SWANSON. If the Senator will permit me, it is a multilateral agreement.

Mr. NORRIS. Exactly; but we are not going to violate it.

Mr. SWANSON. Do we want to meet and enter into a bilateral agreement that will nullify the other agreement as far as Japan is concerned?

Mr. NORRIS. They will not nullify it. It will not be interfered with in any way.

Mr. SWANSON. The only way the Government has of modifying, extending, or changing it is to get all parties together. It seems to me that is the right way.

Mr. BORAH. Mr. President, I want to ask the Senator from Maine, in charge of the bill, if the committee acted upon the matter, whether the term "international agreement" used in the bill was understood to be synonymous with "treaty." It says "In the event of an international agreement, which the President is requested to encourage." Does that mean that there must be a treaty, and that the treaty must be ratified before it is an agreement?

Mr. HALE. Mr. President, I do not know that that was discussed in the committee. To just what does the Senator refer?

Mr. BORAH. It says "In the event of an international agreement," which seems to me to be a term distinguished from "treaty," or the committee would have said "In case of a treaty."

Mr. HALE. Does the Senator think that there can be an international agreement that would not be in the nature of a treaty?

Mr. BORAH. Oh, yes; we make international agreements concerning some things, but I doubt, myself, if we can make an agreement which would be binding with reference to the Navy except in the form of a treaty, to be ratified by the Senate. What I do not understand is why that was not stated in the bill.

Mr. SWANSON. Mr. President, if the Senator will permit me, the Executive can only make agreements which the Executive has full power and authority to make, under repeated decisions of the Supreme Court, within his province and power, and which bind him. He can make Executive agreements that do not require the consent of Congress. For instance, the President could make an agreement such as that President Wilson made at the time of the armistice as Commander in Chief of the Army and Navy of the United States.

It seems to me this is a quibble. I am satisfied that if the President makes an agreement to limit armaments, no appropriation will be made until an opportunity is given to ratify it. I am satisfied that if the President makes an agreement to limit armaments and the building of ships the people will insist that it shall not take effect until it is found whether it is agreeable to the Senate or not.

Mr. BORAH. Does the Senator mean that if the President negotiates an agreement appropriations would stop—that the Senator would think they ought to stop until the agreement might be ratified?

Mr. SWANSON. They might be held up without any embarrassment; but I do not believe the President could make an agreement in relation to foreign affairs without the consent of the Senate, except as to such matters as are absolutely under Executive control.

Mr. BORAH. That is what I supposed.

Mr. SWANSON. If I remember, the Senator from Idaho has been a very earnest contestant for that principle.

Mr. BORAH. I am not taking any different position now.

Mr. SWANSON. If we were to pass a bill limiting the President in his exercise of Executive power, it would be contrary to the Constitution and would be null and void.

Mr. BORAH. What I was trying to find out was whether the committee had in mind something different from a treaty.

Mr. HALE. Mr. President, the committee took what was provided in the bill as it passed the House. I do not recall that as a committee we discussed this particular question.

Mr. BORAH. I assume that it means a treaty.

Mr. SHORTRIDGE. As a member of the committee, I might say that, though we did not discuss the matter, as has just been stated, I read the bill as it came from the House, and I devoted some little attention to the paragraph mentioned and to the language referred to, "international agreement." I did not think, and I do not think now, that the President can enter into such an agreement as is there contemplated, and make it binding, without it being ratified by the Senate, and that would amount to a treaty.

Mr. BORAH. I assumed that that was the fact, but there has been plenty of discussion to the effect that whenever the President had finished his portion of the negotiations that would be considered an agreement for the purpose of delaying building.

Mr. SWANSON. Mr. President, the Senator will remember that appropriation bills do not provide that the President must spend the money appropriated on Monday, or Tuesday, this month, or that month. Appropriations are made to be expended within a particular fiscal year, and if a treaty is entered into I suppose it would be as it was before the Washington conference, the appropriation and expenditure of the money would be held up awaiting the action of the Senate.

Mr. BORAH. I have no doubt that would be true in case of a treaty.

Mr. HALE. This says "to which the United States is signatory." I suppose that would be a solemn agreement in the form of a treaty.

Mr. BORAH. The United States is signatory to a treaty whenever the President signs it.

Mr. SHORTRIDGE. But it does not become binding until ratified.

Mr. BORAH. Certainly not; and I am not debating that at all. I assumed that it meant a treaty, and that therefore it would not be considered as having been made until the Senate ratified it.

Mr. SHORTRIDGE. That is my understanding as to the meaning of that language.

Mr. SHIPSTEAD. Mr. President, I want to ask the Senator from Virginia if he considers the pending amendment as a violation of the naval alliance called the Washington agreement?

Mr. SWANSON. No; it is not a violation. It is asking us, when we have an agreement with three nations fixing a ratio of 5-5-3, to go and contract simply with one of the two, which I would not think would be very courteous or very agreeable to Japan. I think all three of the nations ought to be brought together.

Mr. NORRIS. Mr. President, will the Senator from Minnesota yield?

Mr. SHIPSTEAD. I yield.

Mr. NORRIS. I only wanted the Senator to yield long enough so that I could say that the Senator from Virginia, in his answer to the Senator from Minnesota, has entirely misinterpreted the amendment. It does not involve the violation of any agreement, there is no intention of violating any agreement, and it can not possibly be construed in that light.

Mr. SHIPSTEAD. Would the Senator from Nebraska consider an agreement composed of an alliance between the Governments of Great Britain and the United States?

Mr. NORRIS. No; there is no alliance provided in the amendment, as I read it. I do not think it is susceptible of that construction.

Mr. SHIPSTEAD. As I understand the amendment, it is left entirely to whatever the nations may agree on.

Mr. NORRIS. Not whatever we may agree on. It is confined to one thing, the building of cruisers. It is confined to this particular part of the bill, nothing else.

Mr. WALSH of Montana. Mr. President, I think there are substantial objections to the amendment offered by the Senator from Nebraska. I quite agree with him that the immediate cause of agitation in this matter is the rivalry between Great Britain and the United States in the construction of these particular cruisers. But it seems to me it would be quite futile to ask the President of the United States to endeavor to negotiate with Great Britain. I should think that Great Britain would be obliged to say, "We can not possibly do that, because we must, in regulating our own program, take into consideration the programs of the other countries." I dare say that Great Britain would say that she would not be able to negotiate upon that particular subject unless she likewise negotiated with France and Italy, if not with Japan. In other words, I would not agree to put up to Great Britain a proposal for a conference which, it seems to me, she must necessarily refuse to agree to.

In the second place, it seems to me that it would be quite improper, considering the courtesy we owe to Japan, to enter into an agreement with Great Britain. It will be remembered that Great Britain and France a short while ago entered into a tentative agreement concerning these matters which immediately provoked a storm of opposition, not only in this country but in other countries.

I can not think that any progress can be made by taking the matter up piecemeal in this way. The different branches of the service are so interrelated that it will be impossible, I think, to make any progress whatever by taking this matter up either with one country or with one single department of the entire naval establishment.

I agree with the Senator that that is the acute situation now, the rivalry between these two countries in the construction of cruisers, but I think it would be futile to ask Great Britain to enter into any such negotiations, and it would be quite improper, it seems to me, to enter upon negotiations of that kind without the participation of Japan.

Mr. HALE. Mr. President, whatever the purpose of the amendment, its effect would be to put off the building of these cruisers. On yesterday afternoon the Senate took its position about these cruisers and decided that they should be built as soon as it is possible to build them. In no event, no matter what arrangements were made with England, would it be necessary to scrap any of these cruisers we are proposing to build, and I can see no advantage in putting off their construction.

I hope Senators will vote against the amendment.

Mr. NEELY. Mr. President, I ask to have printed in the RECORD a petition I have received from various citizens of Jefferson County, W. Va., with relation to the pending bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

PETITION TO THE SENATE

We, the undersigned citizens of Shepherdstown, Jefferson County, W. Va., believing that the ratification by the United States Senate of the general pact for the renunciation of war is a notable step toward the establishment of world peace, and believing also that the wholesome effect of this treaty upon the sentiment of nations and peoples will be largely nullified if the nation which first proposed it expresses lack of confidence in its efficacy by increasing its own armament, therefore urge the Senate of the United States to defer action on the pending cruiser bill and request our representatives in the Senate to use their efforts toward that end.

HENRIETTA L. GOLDSBOROUGH.
S. K. DANDRIDGE.
WARREN L. TARLETON.
ROBERT M. TARLETON.
GEO. R. MCKEE.
E. A. GOLDSBOROUGH.
SAM M. SKINNER.
A. C. MCKEE.
CHARLOTTE PENDLETON GOLDSBOROUGH.

Mr. NEELY. I also ask that there be read from the desk a telegram I have received from the Ministerial Association of Charleston, W. Va.

The VICE PRESIDENT. Without objection, the clerk will read.

The telegram was read, as follows:

CHARLESTON, W. VA., *February 5, 1929.*

Hon. M. M. NEELY:

It is the consensus of opinion of 45 ministers of the Charleston Ministerial Association that it would be wise to defeat the cruiser bill, in toto. But if the bill is passed, we would most respectfully plead that the time limit be stricken from the bill.

CHARLESTON MINISTERIAL ASSOCIATION,
E. C. LEONHART, *Secretary.*

Mr. DILL. Mr. President, I ask to have printed in the RECORD an article appearing in the Nation for January 30, 1929, entitled "America and England," by J. Ramsay MacDonald.

The VICE PRESIDENT. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Nation]

AMERICA AND ENGLAND

By J. Ramsay MacDonald

LONDON, January 10.—The relations between the United States and Great Britain grow increasingly unhappy. The usual committees of friendship are being formed—always an ominous sign—and the usual signals of a faith in doubt are being flown, such as: "War between the United States and Great Britain is unthinkable." When I hear that I am reminded of the sailor who in dire peril expressed a thankfulness that his religion was still left. The plain fact is that a spirit is growing up in the two countries which is estranging them, and is encouraging a kind of squabbling criticism which destroys mutual understanding and forbearance. It is very curious that the behavior of young creatures in nurseries so often illustrates that of nations toward each other. What each of our nations requires at this moment is a good, robust call from manly common sense.

One type of mind is peculiarly pernicious in such circumstances—that of the apostle of the inevitable. It has an alluring air of detachment, and yet of stoical submission to the decrees of Providence. To-day it murmurs as in a drowsy trance that great economic empires have always clashed and fought, that capitalist competition has always brought armaments competition, and that that in turn has always brought war. Therefore all that the United States and ourselves can do is to go on temporarily with our struggle for markets and rivalry for possession of furniture and old masters, and wait for the inevitable clash and crash decreed since the beginning of the world. Against this superstition and misreading of history every backboned sentiment of morality and common sense must be up in arms. Given governments which have minds to form rational policies, and a public opinion which represents an active will and is not merely a spill drifting upon the currents, war is no more inevitable than the smallpox, and the causes of war are just as controllable as insanitary conditions.

The European war left for the United States and England times full of petty irritation. The burdens of debt, revolutions in industry and in world markets, the problems of political readjustment in a world which has undergone more change than people really imagine, and, in some respects, the even more difficult mental readjustments that are called for, are not good for an equable temper. And when we come down to actual business we find ourselves still more immersed in the strangeness of the change which has taken place. The whole world to-day is calling for peace and security against war, and when a simple declaration against war which avoids every practical difficulty is put before the world, the world hails it with acclamation, signs it—and relapses. To those of us who believe that to bring the nations out of the war age is the divine task of this generation, the temptation to lapse into cynicism rather than continue in an energetic faith is very great when we find that armament expansion, both in Europe and America, has been decreed by the same hands and the same pens as signed a solemn bond to eliminate forever the consideration of war from national policies. There is something wrong somewhere. Somehow the distinction in Christian conduct between Sunday and the rest of the week seems to be creeping into international policies.

The first reflection which we are apt to make on such a situation is that some nation other than our own is perfidious. That has the demerit of leading us nowhere except up the dangerous way of self-appreciation and it also happens to be inadequate as an explanation. The fact is that every nation is rent between two opposing and hostile moods. Everyone wants peace, but no one will accept and pursue a policy based upon peace assumptions. The practical policy of the United States and Great Britain is exactly the same as that which preceded and prepared for the late war. Let us both get to close grips with reality. We have gone to Geneva to discuss naval armament, and we have both sent naval officers to do the negotiating. Both of us have begun with the assumption that war, involving our interests and safety, may break out. The duty of a naval officer is not to make peace but to safeguard his nation's interests in time of trouble, and both you and we have an admirably able and honest body of men to advise us on that matter. At Geneva it was not our mutual desire for peace that failed; it was not the impossibility of a peace policy that was demonstrated. It was a much simpler and very obvious thing. It was that in the event of a war which brought us into conflict with each other, or that brought us separately into the strife, the naval arm that the United States would require for security would not be the same as that which England would require for security; that, indeed, if either the United States or England thought of security in relation to the hostility of each other, both of us would have to increase rather than diminish our shipbuilding. That was all that the Geneva failure proved. Was it really worth while going to Geneva for that purpose? Admirals as naval negotiators could not do other than bring out that obvious fact, and their negotiations could only expose the obvious. Then English papers and American started their fusillades. They missed completely the reason for the failure, and in good old-fashioned style went for the other side hammer and tongs. You patted yourselves on the back, kicked us, and we did exactly the same on our part; and the Atlantic became broader far and more stormy for both of us.

Then came our military—not only naval—agreement with France. For that I have nothing to say except that it illustrates the bungling of so much of our present Government's foreign policy. I do not believe that it was directed against the United States. It was simply stupid. It sacrificed our own national interests far more than it menaced yours. The country, irrespective of party, rose up and, following the lead of the Labor Party, rejected it. It would be highly improper for me to pass any opinion on the new American cruiser program; if I did so, it would quite properly be resented. But I may be allowed, as an outsider who is greatly concerned with the moral authority which every great state must possess if we are to secure the conditions of a world's peace, to say that the execution of that program will be a great blow to the Nation from which the Kellogg pact originated. You may consider it necessary to face that, but, make no mistake, the result will be the same as though my country had not declined to countenance the Anglo-French agreement. People will say, "Oh, yes; they boast of their declaration denying that war is to be a consideration in national policy, and with a simultaneous voice vote for a larger navy," and if men can say that, it will be a bad thing for every movement seeking to establish a world peace.

Here in Europe those of us who are devoting our lives to the elimination of war from the national records of the times to come are nearer to the frontiers from which war alarms come than you are in America, and we, therefore, see phrases and words with a meaning in realistic policy somewhat different from the meaning you see in them. But we know that with America indifferent, or neutral, or pursuing its own way, our tasks are to be heavy and our defeat is to be more possible. Therefore it is imperative that steps be taken at once to end all this foolish and mischievous feeling which is alienating the United States from Great Britain.

The first thing to be done is to bring to a common table for discussion the reasons why ships are being built, why we both went to Geneva with the assumption we did, why we are thinking of trade routes being blocked, what there is between us that for immediate policy, newspaper writing, and political electioneering makes the Kellogg pact a mere collection of words strung upon a pious thread. The task of the statesmen is to make impossible the conditions upon which the masters of naval strategy spend their efforts. Why do not the statesmen act? If they are acting, why do they not give us comfort by informing us that they are? Is no attempt to be made; is none being made, to clear up the confusion of "the freedom of the seas"? Has neither of us the courage to discuss with the other what the interests and obligations of both are in, and to, the world and each other? Have both of us failed to observe how easy it is for nations to slip into war for nothing, how ready popular imagination is to be set on fire by anyone—even an almost anonymous newspaper proprietor—who cares to light a match? This is no case for private and unofficial action and conferences. The Governments must act. Both countries ought to appoint five or six of their most outstanding public men representative of the whole nation to meet and drag from the obscure corners of sulky suspicion the things which make difficulties between us. Let us know them. Mayhap fresh air would clean our minds of them. Governments are timorous, and if this be too solemn a proceeding for them to support, let them do something themselves, only we should like to be assured that they are aware of the mighty issues involved in a lack of real good will and confidence between the United States and Great Britain. No staging is too impressive for the importance of friendship between us, no pageantry too extravagant for the proclamation that difficulties have been removed. I want to involve the United States in no European escapade and no entanglements. It ought to praise its Creator night and day that that necessity is not imposed upon it, as it is, alas! upon us. But those of us whose lot is cast here, and whose fate it is to struggle against the powers of militarism which have been wounded but certainly not killed in the late war, should like to feel that an American hand will always be placed in ours for encouragement, and that the relations between your country and mine can be held up to the world as an example of what we are striving to establish everywhere.

Mr. SCHALL. Mr. President, I am not for war. No sane man is, but I could not help but wonder as I listened to the speeches here of some of the Senators what they might have been doing to-day if it had not been for the Revolutionary War. War is a horrible thing. I was in France in July and August, 1918. I followed our boys in the Chateau-Thierry drive. I was with Major Fuchs in Cohan, where white-hot shells were dropping in the streets and tearing buildings to ribbons, the town being shelled every 15 minutes.

I spent a night in Fere-en-Tardenois in the very cot in which the following night Doctor Dillon had both his legs broken by a shell. I was in the trenches where I savored the heavy white dust, the flies, the heat, and the scantiness of water; the smell of decaying flesh, where the human dominated the animal. I

heard the mighty uproar of night attacks, where like heat lightning the barrage played along the sky; the boom of artillery and the burst of shell; the heavy rumble of trucks bringing troops, munitions, and supplies to the front; and ambulances setting out with the wounded. I have heard the carnage, the groans, the missiles screaming like demons in the air. I hate war with all the fervor of my soul. I was on the *Mount Vernon* the 5th of September, 1918, when she was torpedoed 250 miles off the coast of France. A hole 18 by 20 feet was torn in her side beneath the water level. I was there when her officers and men knew not what moment she would be going to the bottom. I felt the perfect discipline under fire of these men. I knew what it was to greet them one moment and the next to hear their dying groans, as their scorched and mangled bodies were brought into ship's bay. If it had not been for the wonderful courage and esprit de corps of Captain Dismukes and the men of that ship, I doubt if I would have been here to-day.

And the more that I hate war and all its horrors, the more it seems a cowardly crime for us men who have the security of the country in our hands to be deterred from our duty in seeing these brave boys given adequate support, giving them eyes in our airplane equipment, not sending them into battle blindfolded against an enemy that will surely have the latest and most adequate air equipment. To send them with antiquated or insufficient implements of war against our foes without adequate auxiliary ships and with obsolete guns, shorter ranged or behind in any particular, would be neglecting our sworn duty. The ships thus supplied would be doomed ships; the pride of our youth that we are training in our Army and Navy schools would be doomed youths, and the brave lads that volunteer as Uncle Sam's Army and Navy would be by us condemned to a fruitless sacrifice.

I want to be recorded as standing here ready to vote any money necessary to pay for the necessary equipment for our boys, either on land or on the sea. We do not want war, but if we must get into war, then, whether on land or whether on sea, we want them to have the best of everything in the world. They are entitled to it and we can give it to them. Why sit here and parley and parley and tease England?

Inadequate defense does not prevent war. Unpreparedness invites attack. We do not need to go back any further than the late war to see the costly folly of unpreparedness. Never had people been less expectant of war than when that world catastrophe broke upon us. Just before it happened statements were made by famous economists as to the improbability of civilization committing suicide by such means. But in spite of all opinion to the contrary, the war did break, and it found us all but handed over to the enemy by the idealist who refused to face facts, the unthinking pacifist, the professional peace advocate under pay of foreign interests, the noisy minority, the follower of slogans who adopts the quick opinion and the popular mob psychology. War is part of our history. Facts are more mighty than theory, and the fact is that war recurs about every generation.

No man in his sanity believes that unpreparedness for war will avert it. We alone of all nations are so fatuous as to express this belief. England's position, as expressed by Winston Churchill, is, "Nothing must lead you to abandon that naval supremacy upon which the life of our country depends." Italy just the other day agreed to a policy of naval expansion. Japan is building as rapidly as her means will let her, and France is using her reparations, not to pay us, but to enlarge her fighting equipment.

When I went to France I had a hope that some sort of a league of nations or world court would be a wonderful thing in the promotion of peace and the elimination of war. I had heard so often about sitting down around a table and thus securing the meeting of minds with the result there would be no need of war when all differences could be submitted to arbitration. I had only been there a couple of months of actual association with the people of Europe when I realized that there could be no meeting of minds with people who constantly looked for ulterior motives and were incapable of conceiving anyone doing anything for anybody else without immediate return. The idealism that is so prevalent in the United States is utterly lacking. Perhaps it is no wonder since we have had the great advantage of a government whose principal object is the development of the individual. Over there there is that sly something that always says one thing and means another that is foreign to Uncle Sam's blunt way of putting his cards on the table. We dredged their harbors, put in our hoisting machinery, built their railroads and warehouses, yet they charged us for ground to drill our soldiers on and England soaked us plenty for every soldier she brought over in her ships, from $90 to $150 per head. In France they even wanted to collect damages for the towns destroyed by our artillery in driving the enemy out.

I was in the Continental Hotel in Paris when delegates from the French Government came to me and put up to me the proposition that when I should return to the United States I should tell President Wilson that they feared the wonderful merchant marine and the navy we were then building and that it would make for better feeling if the President should give out the statement that at the close of the war we should divide that navy and that merchant marine with France. And then, Senators, we sit here and quibble about whether we should go ahead like common-sense folk and do our constitutional duty by giving our country the protection of an adequate, up-to-date navy.

There are over a million more men under arms in Europe to-day than at the beginning of the World War. Yet, in the face of all this bustle of preparation, we are adjured by visionaries to drop our arms, destroy our defenses, and wait till we are struck, then pull up paving stones and grab pitchforks. But in this modern age it takes time to build cruisers and train officers, and paving stones do not make much impression against long-range guns.

The Navy is a great fighting machine. It takes experts to understand its workings and its needs. It can not be built overnight nor can officers who can command from the bridge in a tempest or calmly direct their men in a submarine attack be developed from the raw in three months. Naval training can not be bought in market when you need it. Naval tactics can not be learned in a day. It is a matter of years.

With Europe a simmering cauldron of hatred—of racial enmity, with war constantly stalking on the horizon—with the world bristling with unsolved problems, conflicts of interests, it is useless to talk about world peace. Human nature remains what it is, subject to the same old hatreds and angers and misunderstandings and envies and jealousies. We have assumed responsibilities—we must give protection to our citizens, here and in foreign lands. We have doctrines that are worth defending. We have claims for loaned money, that we have already discounted fifty and more per cent, amounting to billions of dollars, that should be paid. Those who are armed have the final word in an argument. China has learned to her cost, and all the other nations know that it is navies and armies and not soft words that win the argument.

Human nature being what it is, no miracles can be expected. War may occur to-morrow. The Versailles treaty has in it the seeds of a hundred wars. Our wealth is the envy of the world. We are no longer isolated. From our disinterested gesture of entering the war in Europe, coupled with the unwise pledges and statements uttered by our war President, the nations of Europe have persuaded themselves that we are unalterably committed thereby. They are uneasy about their huge indebtedness. It is another instance of loan losing both itself and friend. They begin by hating the loan and end by hating us for being the innocent cause of their burden of debt. This burden is not going to grow any lighter. We have great wealth. We have immense international commerce, approximately $10,000,000,000 annually. The Senator from Virginia [Mr. SWANSON] said a moment ago that it was fourteen billion.

Our farmers, our laborers, our business men are all interested in this foreign trade. It is the lifeblood and prosperity of our Nation. That commerce must and shall be protected and the only way to have that protection is through the first arm of our defense—the Navy. We have cut our Army to 137,000. Compare this with the millions and millions under arms in Europe and you will get some idea of who is contemplating war.

If it were only the consideration of our great line of coast, our insular possessions, and our Panama Canal to do aught but provide for an adequate navy would make us the laughing-stock of Europe. We have not a first-class navy. Our Secretary of the Navy so testified. Not only that, but our merchant marine is second rate, out of date, and fast disappearing. Why, when the United States can not get the foreign powers to agree to limit their navies, should we, who have most to defend and are always the last to begin the fight, always the aggrieved, not the aggressor, be the first and doubtless the only one to perform hari-kari nationally?

Before we entered the World War, England was outraging our neutrality, as she always has done whenever it seemed best to her interest to do so, capturing and holding our merchant ships and classing everything as contraband. Our Secretary of State was protesting and protesting and protesting. It did no good, and had not Germany started in taking American lives without regard, instead of, as England was doing, taking American property, we probably must have come to grips with England.

But the outrage of destroying human lives of our nationals as compared with property confiscation finally decided us in favor of the Allies. Our part in that war cost us $50,000,000,000. We gave 125,000 American lives outright and the thousands upon thousands of wounded and otherwise injured that are to-day being compensated and cared for by our Government will undoubtedly run into other billions. We asked nothing and got nothing for our help in that war. England got one-third of the face of the world, France filled her pockets, Japan got her arms full, Italy filled her lap, and now they refer to us as Shylock because we ask them to pay, not the billions we loaned them during the war, but the money we loaned them since the war.

Oh, ingratitude, sharper than a serpent's tooth!

In 1922 we had the greatest navy in the world. A navy that could have prohibited competition if we had had sense enough to keep it.

That navy built and building, not alone for our own protection but for our allies, would have been sufficient to withstand the attack of any combination of nations, but in order to show the world that we sought no conquest war, to demonstrate our peaceful attitude, and in order to lead and show the way to reduction of armament, we offered to reduce our Navy to a parity with England and a ratio of 5-3 to the Japanese Navy. Very astutely on the part of other nations our offer was accepted as to capital ships, but owing to excellent diplomatic interference and play on the part of the nations in that conference for the pretended reduction of armament, it was decided that the reduction of cruisers and other auxiliaries could not at this particular time be decided upon, but at a later conference, no doubt, such reduction could be accomplished, and so a date was set for conference for such reduction. It was the old game of playing us for a soft mark, and we, with great sounding of trumpets, announced that navy disarmament and competitive navy building had been abolished, and we proceeded, in our usual confidence in others to carry out their implied contracts, to destroy 19 battleships, thus reducing our battleships to 18, while England carefully kept her 20. It seems to me that we have endeavored to please England long enough in this matter of the reduction of the Navy.

In all we destroyed cruisers and other auxiliaries laid down to the amount of about $500,000,000, while England, with a sly wink at Japan and France, tore up a copy of the contemplated plan for her battleship construction. We never did a more silly thing, for immediately the other nations began feverishly building auxiliary warships, cruisers, submarines, airplane carriers, and destroyers, and when the contemplated conference wherein we were to reduce the auxiliaries to the battleships was finally had, it was discovered there was nothing doing along the line of reduction. After second thought and carefully studying things over, England and Japan and France and Italy decided they could not stand for any limitation along this line. And, lo and behold! there was and there is no naval disarmament, and we are right back where we always have been and will continue to be until other nations change their attitude as to how to maintain peace. Our sworn duty, under the Constitution, as representatives of this Nation is to furnish an adequate navy for the Nation's protection, just as the cities must furnish adequate policemen for their protection, just as we must furnish adequate protection against fire, flood, and robbery.

Including the 15 cruisers this bill contemplates, we are still by a couple of hundred thousand tons behind England in modern cruisers and still in the arrears of Japan.

To-day Japan has twice our modern cruiser force and England over four times as many as we, all of which has been quietly built since the conference when they, with secret mental reservations for themselves, agreed for us to disarm.

We are a very poor third in naval strength. The secret understanding with France that was widely advertised some time ago might be taken into consideration. Also I have heard it spoken that the old alliance between Japan and England may yet secretly be in vogue. No one wants war, but I do claim that our Nation has a right to sleep of nights in security, and I do not believe that I would be doing my duty as a guardian of that Nation to leave it wide open to attack and holdup of any thug discerning our defenselessness to suddenly call "hands up."

After the asinine destruction of our Navy in 1922 we looked around to see how the nations of Europe would follow our altruistic and glorious renunciation for peace. Did they follow us? They did not. They smile at our simplicity. A nation of women they call us. Dupes, fools. The United States, though equipped with a navy to defend itself against the combined navies of the world, voluntarily fell back to Great Britain, immensely pleasing our former allies. That was fine. Just what they wanted. Poor old soft Uncle Sam.

And we have seen what our sacrifices and example and preaching have done. Folly for us to "lead the way in disarmament." Instead of equaling our sacrifice, England and Japan and France and Italy have exercised their self-given rights to proceed to build cruisers, destroyers, and submarines and airplane carriers and airplanes in great numbers.

History is prolific with instances of nations who ascended to their peak of power—of pride—of pomp and then were blotted out by their own arrogance, by their own shortsightedness in not seeing that once ascendency is attained it must be guarded and held. Countless nations since time began have had the peace bug. Soft words may turn away wrath, but not if the other fellow has a gun and is intent upon your pocketbook. England has constantly maintained her supremacy of the seas and has protected her commerce and her domain.

The United States has never even considered, until this wave of pacifism stressed it, letting other nations decide what is necessary for its best defense or what should be its internal policy. We have had a pride of country, we have lived here, we have raised our children here, and we have looked forward that this land should continue to be a place fit for our children to live in and love. But now there has crept in a spirit of apology, a fear of being misunderstood. What concern is it of ours whether what is for our best good is misunderstood or not? There is fear and hatred to be read in the eyes of nations all around us that yield only to superior force. We shall get our necessities, we shall keep our life as a nation only if we are master. All around are those who would leap and take. We must be able to keep them at bay. No householder leaves his doors open at night to prowlers. Every business man locks his doors and bars his windows, insures his stock, protects his equities against pilferage. And so with nations, for nations are composed merely of men.

Trade is the lifeblood of the country. When we sacrifice our business men, our laborers, our farmers to those of other nations we are bleeding our own veins and building up our foreign competitors. We must outgrow our fault of penalizing our business to the business advantage of foreign competitors, and we must likewise lay aside our toady attitude of worship of all that is not American and despite of all that is American.

The trouble is, we have taken in more of the ideas of our aliens than we have been able to digest. We have been diluted by alien influences, alien blood, and alien ideas. If we had kept our strain of hardy pioneers, our thinking would not have become thus cloudy, indiscriminating, and dishonest.

Different pacifists when testifying last year before the Naval Affairs Committee could not when pressed by questions say that they quite approved of the actions of George Washington or Patrick Henry. They would not go so far as to say that they would have acted as did Lincoln or Grant or any other of our loved and revered heroes, who made it possible that we have a country where such ultrafreedom of destructive and traitorous thought could even express itself. They openly state that they do not approve love of country, right or wrong, or necessity to loyally defend one's native land, to take her part against all the world, to feel that insults to our flag must be avenged. There is, they claim a newer doctrine and the new thing is internationalism.

The VICE PRESIDENT. The time of the Senator from Minnesota on the amendment has expired. The Senator has 10 minutes on the bill.

Mr. SCHALL. I shall continue for a few minutes. The telegram just read into the RECORD by the Senator from West Virginia [Mr. NEELY], signed by a large array of doctors of divinity, urgently advised us to vote to leave our country unprotected.

When ministers of the gospel, educators, heads of women's organizations claiming to represent so-and-so, many people wire in to us in shoals of duplicate propaganda telegrams, "Do all in your power to defeat the present Navy program," what, in effect, are they counseling? They say, "Disregard the advice of the only people who know the science of protecting our country. Neglect your duty to the Nation and to the future Nation; prepare for irreparable disaster by hamstringing the fleet, while furnishing to other nations the opportunity, the desire, for stronger navies in our unprotected wealth, our rich argosies of commerce."

A storm of protest from the professional pacifists went up over the presence of the Secretary of the Navy during the House debate on this question. On technical questions this age of specialists demands the expert. You don't call in a horse doctor for a surgical operation, nor a chiropodist to treat the flu. These doctors of divinity are quite ready to make blanket

assertions upon any and all subjects, though they could not possibly have technical knowledge of them. Naval officers, grown gray in the service, with a pride in that service that is traditional, a spirit that is stronger than life itself, are the men to give true counsel. Who has such sure and certain access to the facts? Who knows better the needs and condition of our Navy than its Secretary who is responsible for its well-being?

Our Secretary recommended, as a rebuilding program to supplant our obsolete ships, 29 cruisers, 5 airplane carriers, 32 submarines, 9 destroyer leaders; but foreign propaganda, working out through misguided but well-meaning citizens of our country, have caused such a pressure to be brought that the bill now stands for only 15 cruisers and 1 airplane carrier, and foreign propaganda would now have us dispense with even that.

I am only sorry that I have not a chance to vote for the full recommendation of our Secretary of the Navy. I gladly voted for the amendment of two more airplane carriers. I am of the opinion personally that our defense should consist of more and more and more airplanes and submarines, and personally I believe, though I may be in error, that too many airplane carriers can not be had as auxiliary to our naval defense. I am not for a paper navy. I am for a real, honest to God, actual navy, and I pray that if we ever get one again we will have sense enough to keep it until other nations show some tendency of disarmament.

To me our flag is but a meaningless thing unless it be mentally associated with all it represents. Our country means all there is of human freedom and human equality. It represents the highest degree of civilization to be found on earth. It is the most progressive. It has always promoted the freedom and development of the individual. It has brought out the highest ideals. I believe that just as Christ came to guide mankind so the Government of the United States, built upon the teachings of Christ, has been placed here by Divine Providence to guide the nations of the world. I believe that Christ's parable of the five foolish virgins and the five wise ones is applicable to us here and now. We should keep our light of freedom supplied with oil, trimmed, and burning. We should keep, through vigil of adequate preparedness, our light of liberty aloft. Christ taught that we are here to choose between good and evil. Shall we choose the path of nonresistance and allow the hope of the world to be sucked into the vortex of war and destruction? The United States, builded by a century and a half of patriotic toil, now covers her wounds with the noblest achievements ever recorded for the rights of man, born in travail, baptized in the blood of patriots, reared amid privations and hardships, conquering nature, mastering civil dissension, breathing forth love of humanity as illustrated in our treatment of Cuba and our unselfishness in the late World War, stands to-day the Samson of the nations. Shall we allow this beautiful Delilah vision to lop off our naval locks that our enemies may rush in and bind us, take our country, appropriate our wealth, destroy our civilization, and turn back the wheels of progress 150 years? Or shall our Nation continue to guide the nations of the world as Christ guides the conduct of mankind to "Peace on earth, good will to men"?

Mr. HEFLIN. Mr. President, I am for an adequate navy. I do not think this Government is doing more than it should do toward providing for the national defense. On a former occasion I took the position that the further building of battleships and cruisers should be held in abeyance until we could see what England and Japan and some of the other nations were going to do regarding the matter. We have waited, and instead of doing what I and others hoped they would do, they have gone on building more cruisers. Japan, as pointed out by the Senator from Kentucky [Mr. BARKLEY], has twice as many battle cruisers now in use as has the United States; England has many times more, and Germany and France are building more cruisers. Italy is, under the hand of Mussolini, the most dangerous tyrant in the Old World. The Kaiser was never as ambitious as is this man. Napoleon was never more ambitious than this tyrant called Mussolini. He is not only building a big navy but he is building a big army. Senators will recall that he has predicted that there will be another war in 1935, and that he would be ready for it. I trust that he is mistaken. I want this great peace-loving Nation of ours to use its power to promote peace in the world. It has done so in the past, it is doing so now, and I hope it will continue to do so in the future, but nearly all Senators will agree that it is our duty to have a Navy sufficient to protect our commerce upon the high seas. Mr. President, I want to say to the Senator from Nebraska [Mr. NORRIS] that the great stabilizing peace forces in the world are the United States and Great Britain.

The mightiest forces for peace on earth are these two English-speaking nations. The idea of bringing together in an agreement to disarm these two English-speaking nations, and leaving all the outside world, all the other nations, to become an armed camp, if they want to, seems to me to be rather absurd.

Mr. President, I think all that can be accomplished along that line—and it is a good long step—will be accomplished by the amendment offered by the Senator from Missouri [Mr. REED], which has already been adopted by the Senate looking to a reduction in sea armament generally. Section 4 of the bill provides that if the nations of the earth are in earnest and want to reduce armaments and cease the building of war equipment on the sea they have it in their power, and our President is urged to encourage such a movement. If such a consummation shall be reached, then the President may suspend the whole program of building cruisers in the United States or he may suspend it in part. We shall need some of these ships to keep our Navy up to what we feel it should be. We do not know when pirates may appear upon the high seas. Our rights have been challenged heretofore, and I want a navy sufficient——

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from Alabama yield to the Senator from Iowa?

Mr. HEFLIN. I will yield in a moment. We need a navy sufficient to carry our flag with our cargoes of American products into all the ports of the earth. Jefferson was right. He said the sea should be as free to nations as the air we breathe is free to human beings.

It must be kept in mind that every year we send up and down and across the high seas $14,000,000,000 worth of commerce, and the life of American commerce depends upon it. Let me read just here what President Coolidge said in his message to Congress:

> Our Navy is likewise a weapon of defense. We have a foreign commerce and ocean lines of trade unsurpassed by any other country. We have outlying territory in the two great oceans and long stretches of seacoast studded with the richest cities in the world. We are responsible for the protection of a large population and the greatest treasure ever bestowed upon any people. We are charged with an international duty of defending the Panama Canal. To meet these responsibilities we need a very substantial sea armament. It needs aircraft development, which is being provided under the 5-year program. It needs submarines as soon as the department decides upon the best type of construction. It needs airplane carriers and a material addition to its force of cruisers.

Now I yield to the Senator from Iowa.

Mr. BROOKHART. The Senator from Alabama has stated that the President is empowered to suspend the construction of these ships; but the contracts will be let. It cost us $25,000,000 to suspend the construction of the vessels begun before the Washington conference and thereafter scrapped. Why not take a lesson from that experience, and insert a provision in the bill that will give the President the right to delay the beginning of construction, so that there will be no necessity of paying damages for the cancellation of contracts which may have been let to shipbuilders of the country?

Mr. HEFLIN. Mr. President, I think that provision is in section 4 of this bill, and I think that all the money that has been expended because of suspending the building of ships in the past, looking toward world peace, has been well spent. On the other hand, I want to tell the Senator from Iowa what I witnessed and what he also witnessed just a few years ago. When this Nation was drawn into the World War in 1917 we spent three thousand million dollars to build up a merchant marine and other instrumentalities of war in connection with it. If we had gone on and built our merchant ships in time of peace in an orderly fashion, it would not have cost half that amount.

I am not in favor of joining in a race with any other nation to see which one can build the most battleships and other naval equipment, but I am in favor of this Nation, without regard to any other nation, being able to defend itself and take care of its own business. I hold no ill will toward Great Britain; I am fond of Great Britain, the mother country; it is the greatest nation in the world outside of our own; and I want to see peaceful relations exist between us and that country always. Mr. President, we have put out of commission old cruisers which have served their time and have become obsolete; their places must be filled with up-to-date cruisers; and in the light of what Japan and France and Italy and Germany and England are doing the 15 cruisers provided for in this bill are not, I submit, very many for us to build. In order to safeguard our commerce upon the seas and to protect the people on the ocean fronts of the United States we have got to have an adequate navy, and I am in favor now, as I have always been, of an adequate navy.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Nebraska [Mr. NORRIS].

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BLAINE (when his name was called). I have a pair with the junior Senator from Kentucky [Mr. BARKLEY]. I understand that if he were present he would vote "nay." If I were privileged to vote, I should vote "yea."

Mr. GLASS (when his name was called). Believing that my pair, the Senator from Connecticut [Mr. MCLEAN], would vote as I intend to vote on this question, I will vote "nay."

Mr. NORRIS (when Mr. HOWELL's name was called). I desire to state that my colleague the junior Senator from Nebraska [Mr. HOWELL] is necessarily absent from the Senate on account of illness.

Mr. KING (when his name was called). I have a pair with the senior Senator from Missouri [Mr. REED]. Not knowing how he would vote on this question, I withhold my vote.

Mr. BRATTON (when Mr. LARRAZOLO's name was called). Repeating the announcement previously made with respect to the illness of my colleague [Mr. LARRAZOLO], I desire to say that if he were present he would vote "nay" on this question.

Mr. MCKELLAR (when his name was called). Transferring my pair with the Senator from Wisconsin [Mr. LA FOLLETTE] to the Senator from Louisiana [Mr. BROUSSARD] I vote "nay." If the Senator from Louisiana were present, he would vote "nay."

Mr. WHEELER (when his name was called). On this question I have a pair with the junior Senator from Connecticut [Mr. BINGHAM]. If he were present and voting, he would vote "nay," and if I were permitted to vote I should vote "yea."

Mr. TRAMMELL. I desire to announce that my colleague, the senior Senator from Florida [Mr. FLETCHER], is unavoidably detained from the Chamber. If present he would vote "nay."

Mr. BLAINE. I wish to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent. If he were present, he would vote "yea."

Mr. JONES. I wish to announce that the Senator from Rhode Island [Mr. METCALF] is absent on account of illness. If present and permitted to vote, he would vote "nay."

The result was announced—yeas 9, nays 70, as follows:

YEAS—9

Brookhart	Harrison	Norris	Shipstead
Burton	McMaster	Nye	Thomas, Okla.
Frazier			

NAYS—70

Ashurst	Gerry	McNary	Smith
Bayard	Gillett	Mayfield	Steck
Black	Glass	Moses	Steiwer
Blease	Glenn	Neely	Stephens
Bratton	Goff	Oddie	Swanson
Bruce	Gould	Overman	Thomas, Idaho
Capper	Greene	Phipps	Trammell
Caraway	Hale	Pine	Tydings
Copeland	Harris	Pittman	Tyson
Couzens	Hastings	Ransdell	Vandenberg
Curtis	Hawes	Reed, Pa.	Wagner
Dale	Hayden	Robinson, Ark.	Walsh, Mass.
Deneen	Heflin	Robinson, Ind.	Walsh, Mont.
Dill	Johnson	Sackett	Warren
Edge	Jones	Schall	Waterman
Edwards	Kendrick	Sheppard	Watson
Fess	Keyes	Shortridge	
George	McKellar	Simmons	

NOT VOTING—16

Barkley	Broussard	La Follette	Norbeck
Bingham	Fletcher	Larrazolo	Reed, Mo.
Blaine	Howell	McLean	Smoot
Borah	King	Metcalf	Wheeler

So the amendment of Mr. NORRIS was rejected.

Mr. REED of Pennsylvania. Mr. President, a short time ago the Senator from Idaho [Mr. BORAH] called attention to the language of section 4 of this bill, which refers to an international agreement for the further limitation of naval armaments, and he made a suggestion, which it seems to me ought not to be overlooked, when he asked whether that would be construed to mean a treaty or whether it might imply that an Executive agreement could be made to that effect.

It seems to me that the language in line 23 of page 2 of the bill, where reference is made to an international agreement, must be construed in connection with the language of section 3, where it speaks of "the treaty limiting naval armament," which, of course, is the proper designation of the Washington conference treaty.

I take it, however, that every Senator is agreed that the advice and consent of the Senate is a prerequisite to the validity of any international agreement for the limitation of armament that may hereafter be made. I take it that every Senator is agreed that the advice and consent of the Senate should be had before any such agreement should become effective, and, from what the chairman of the committee has stated, it seems that there was never any other intention in the mind of any member of the committee. Therefore, thinking that it is the unanimous view of the Senate that the words "international agreement" in line 23 mean "treaty," I ask unanimous consent that the words "an international agreement" in line 23 of page 2 may be stricken out and the words "a treaty" substituted therefor.

Mr. WALSH of Montana. Mr. President, I shall object to that. I object to it because I want to give the President——

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. NORRIS. With a view of expedition, to hurry matters along, I wish to inquire whether either the Senator from Pennsylvania or the Senator from Montana has not spoken on the bill.

The PRESIDENT pro tempore. Neither Senator has spoken on the bill. The time is being kept in connection with the remarks of the Senator from Pennsylvania.

Mr. WALSH of Montana. I have no doubt that the construction given to this language by the Senator from Pennsylvania is absolutely correct—that the "international agreement" referred to means a treaty—a treaty which, in order to be effective, shall be ratified by the Senate. I hope, however, that a different construction will be given to it, and that the President of the United States, after he has negotiated the treaty and signed it, may then suspend action under this bill and not be tied down so that he can not suspend it until after the treaty shall have been ratified by the Senate.

Mr. REED of Pennsylvania. If the Senator feels that way he will, of course, object to my request for consent.

Mr. WALSH of Montana. In other words, I want the President, as soon as he negotiates a treaty, if the work is in progress, to suspend the construction until the Senate either rejects or ratifies the treaty.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent proposal made by the Senator from Pennsylvania?

Mr. WALSH of Montana. I object, Mr. President.

Mr. REED of Pennsylvania. Then, Mr. President, speaking of the bill, I desire to say that for myself—and I believe I speak for a great majority of the Senators—I think it would be in the highest degree unfortunate were these words to be construed to be an invitation to the President to negotiate without the advice and consent of the Senate any treaty of naval disarmament.

Mr. WALSH of Montana. Mr. President, I trust the Senator will not think that I was suggesting anything of the kind. Of course, a treaty for naval disarmament must be ratified by the Senate. The question is simply as to the stage of the proceedings at which the power of the President to suspend shall arise.

Mr. REED of Pennsylvania. I understand the Senator. The Senator would give effect to a negotiated treaty by suspending operations before that treaty actually became the consummated obligation of the parties to it. It is such a construction as that that it seems to me would be in the highest degree unfortunate, because if the President may regard his negotiated treaty as in effect for the purpose of changing the naval policy of the United States, regardless of what action the Senate may have taken upon it or regardless of what inaction the Senate may have displayed, practically that treaty would be in effect without the acquiescence of the Senate; and we have seen too many cases in our history where a President solicitous for carrying out some particular policy has undertaken to thwart the real intention of our people as it has been expressed in the Senate.

Mr. MCMASTER. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. It is proposed to insert, at the end of the bill, the following new section:

SEC. 6. (a) Upon declaration of war by the Congress at any time hereafter, the following persons shall forthwith be drafted into the military or naval service of the United States, to serve in the zone of actual hostilities for the duration thereof:

(1) Every male person under the age of 55 years who, upon such declaration of war, is a Member of either House of Congress or who, within one month prior to such declaration, has resigned from membership in either House.

(2) Every citizen of the United States or a possession of the United States, over the age of 30 years and under the age of 55 years who is or at any time within one month prior to the declaration of war has been the beneficial owner of property equal in value to $5,000,000 or more.

(3) Every citizen of the United States or a possession of the United States, over the age of 30 years and under the age of 55 years who is

or at any time within one month prior to the declaration of war has been a member of a partnership with total assets, including individual property of the partners liable for partnership debts, equal in value to $5,000,000 or more.

(4) The chief executive of every corporation organized within the United States and its Territories and possessions, with a subscribed capital stock and surplus of $5,000,000 or more, if such chief executive is a male citizen of the United States or a possession of the United States and under the age of 55 years, and, otherwise, the male citizen of the United States or a possession of the United States under the age of 55 years who is next in line of succession to the duties of the office of chief executive.

(5) The 10 other male citizens of the United States or a possession of the United States over the age of 30 years and under the age of 55 years who are the beneficial owners of the largest amounts of stock in each such corporation. If in order to define any such group of 10 stockholders it is necessary to choose between male citizens between such ages owning the same amount of stock, the choice between such individuals shall be of the youngest. Persons within this group shall be selected on the basis of stock ownership as of one month prior to the declaration of war.

(b) If any person is found to be within more than one of the classifications of subdivision (a) of this section he shall be drafted as a person within whichever one of such classifications is first enumerated in such subdivision, or if he is within classification (4) or (5) as an officer or stockholder of more than one corporation, he shall be drafted as an officer or stockholder of the corporation of which he owns the largest amount of capital stock; and he shall be disregarded in determining the representatives of all other classifications and corporations. No person unfit to perform any service, combatant or noncombatant, shall be counted in determining representation of corporations.

(c) When after a declaration of war the value of the property of any individual or the assets of any partnership, as defined in subdivision (a) of this section, reaches the amount of $5,000,000, such individual or the members of such partnership shall be forthwith drafted into the military or naval service of the United States. When after a declaration of war the subscribed capital stock and surplus of any corporation, organized theretofore or thereafter, reaches the amount of $5,000,000, an officer and 10 stockholders selected as in paragraphs (4) and (5) of subdivision (a) of this section, on the basis of stock ownership as of the date on which the subscribed capital stock reaches such amount, shall be forthwith drafted into the military or naval service of the United States.

(d) The President is authorized to provide by regulation for the expeditious assignment of the persons so drafted to active military or naval service within the zone of actual hostilities. Such assignment shall be to the branches and grades of the service for which such persons are qualified. All such persons shall be assigned to combatant service except those who are unfit therefor and those who are members of well-recognized religious sects or organizations, the existing creeds and principles of which forbid their members to participate in war, and whose convictions are in accord with such creeds and principles; but no person shall be exempted from noncombatant service for any disability or other reason if he can consistently with the interests of the service be employed in any capacity with the military or naval forces in the zone of actual hostilities. No person shall be discharged from service under this section prior to the cessation of actual hostilities except for disability to perform any service under this section.

(e) Persons subject to the provisions of this section who are in the military or naval service of the United States shall be counted in determining the membership of the classes subject to this section and shall continue in such service but shall be assigned to active duty in the zone of actual hostilities at the earliest possible moment, and shall not be discharged or retired from active service prior to the cessation of hostilities except for disability to perform any service.

(f) It is declared to be the policy of the Congress that every Member of either House drafted into the military or naval service under this section shall immediately resign his office of Senator or Representative. No Member so drafted shall receive any compensation for his services as Member for the remainder of his term.

(g) The President is authorized to provide by regulation for the ascertainment of persons subject to this section, and for the execution of all provisions of this section.

(h) Any person violating any regulation made in pursuance of this section or attempting in any way to evade service or to aid any other person to evade service under this section shall be punished by a fine of not less than $1,000 nor more than $5,000 and by imprisonment for not more than five years nor less than three years.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from South Dakota.

The amendment was rejected.

Mr. HEFLIN. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 3, after line 8, it is proposed to insert a new section, as follows:

SEC. 6. That hereafter it shall be unlawful to fly any flag or pennant on the same staff, or hoist above the flag of the United States of America, or colors representing the same, on any battleship, cruiser, or other vessel in the naval service of the United States. It shall be the duty of the Secretary of the Navy to see that this provision is observed, and he is hereby directed to notify the commanding officers of all vessels under his jurisdiction of the provisions of this section.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Alabama.

THE AMERICAN FLAG

Mr. HEFLIN. Mr. President, demand for this legislation comes from every State in the Union. Just a few months ago a hearing was held before the House Judiciary Committee for the purpose of adopting a flag code for the United States. Garland W. Powell, who was chairman of the National Flag Conference held in Washington, appeared before that committee; and, speaking for that conference and for the American Legion, he indorsed the proposed flag code of the United States. The flag code indorsed by Mr. Powell had this provision in it, "No emblem, flag, or pennant shall be hoisted above the flag of the United States."

Capt. Thomas T. Craven, Director of Naval Aviation, United States Navy, appeared before the committee representing the Secretary of the Navy. He stated to the committee that a provision of the flag code provided for flying the church pennant at another place rather than over the Stars and Stripes. And he expressed his willingness and that of the Navy to comply with the requirements of the United States flag code.

Let me read you what he said:

I might mention that there are two things which the Navy will have to change with regard to its practice. One is that in the Navy we fly the church pennant over the flag when we hold services. In accordance with this measure, we would change that and fly the church pennant in another place.

I have a letter from Gridley Adams, chairman of the National Flag Code Committee of the United States, in which he says:

NEW ROCHELLE, N. Y., *January 22, 1929.*

MY DEAR SENATOR HEFLIN: It is with much pleasure I note your intended amendment to H. R. 11526, to the effect that it shall be unlawful to fly any flag or pennant above the flag of the United States of America on any battleship, cruiser, or other vessel in the naval service of the United States. And, as chairman of the National Flag Code Committee, representing over 100 patriotic societies that adopted the new flag code for the guidance of civilians, I know I am expressing the desire of every one of the several million members of these societies.

Upon my committee are the representatives of the Secretary of the Navy and the Secretary of War, ordered by their respective Secretaries to represent them and their branches of the Government of the United States at the conferences which were held for the purposes of formulating the new flag code.

* * * At a recent hearing before the Judiciary Committee of the House of Representatives the representative of the Navy at that hearing expressed the willingness of his department to do away with this custom (of placing the church pennant above the United States flag) in deference to general adverse opinions of the overwhelming majority of patriotic societies that are subscribers to the new flag code.

* * * * * * *

With every earnest wish that you will succeed in getting your amendment accepted, believe me,

Right truly yours,

GRIDLEY ADAMS,
Chairman National Flag Code Committee.

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Maryland?

Mr. HEFLIN. I yield to the Senator from Maryland.

Mr. BRUCE. I simply wish to ask the Senator what church flags, in point of fact, are flown above our national flag on our ships.

Mr. HEFLIN. The Senator recalls that I had a resolution pending here at the last session seeking to prevent the flying of any flag or church pennant above the flag of the United States, suggesting that they be flown elsewhere on the ship at a high and prominent point.

Mr. BRUCE. Are any church flags, except the Catholic flag, ever flown above our national flag on our ships?

Mr. HEFLIN. I do not know that any one has been flown above it except the Roman Catholic flag which I exhibited here last spring.

Mr. President, I have been diverted by the Senator from Maryland. From time immemorial groups, tribes, and nations of people have had a flag to distinguish them from other groups,

tribes, and nations. Their flag represented the sentiment, soul, and the purpose of those who treasured it and safeguarded it in time of peace and fought to sustain it in time of war.

Early in the struggle for American independence the cry went up from patriots everywhere for a flag that would appropriately represent the thirteen Colonies in their struggle for liberty. Some suggested that the flag should bear the image of a ferocious beast or a dragon, but, ah, no, no beast of prey, no serpent that hissed by the way, could represent the thought and purpose, the ideals, and soul yearning of those who had staked their all in the cause of liberty.

In that critical hour Washington heard a voice saying "Look up," and he lifted his eyes toward the skyland. God gave him a glimpse of heavenly blue, of rainbow bars and golden stars. Washington sketched the vision and Betsy Ross made the Stars and Stripes.

It was kissed by the winds of God, christened by the sunlight of heaven, and encircled by a halo of glory as Washington proclaimed it the banner of American liberty and battle flag of a patriot army.

Mr. President, the world looked on and listened when John Paul Jones unfurled it on the *Ranger* and the sea caught a glimpse of its glory as it proclaimed to the earth the American doctrine of the free seas.

Born in the cause of liberty
More'n a hundred years ago,
In that same cause it stands unfurled,
With every star aglow.

It's the flag that Washington loved dearly,
It's the banner his comrades bore
In their struggle for American rights
In the trying days of yore.

We can hear their voices calling,
As we see that flag unfurled,
Saying, "Love it and exalt it
As you wave it to the world."

Mr. President, only one time in its history has the veil been rent in the temple of its national authority. That was when the question of the right of a State to withdraw from the Union seemingly could not be settled in the halls of peace and was submitted to the arbitrament of the sword. Arrayed on opposing sides in that conflict were as brave and conscientious men as ever shouldered gun or drew a battle blade. They were settling a question that had to be settled before the indisputable status of the Union could be finally and forever fixed.

Hope's precious pearl in sorrow's cup,
Unmelted at the bottom lay,
To shine again when all drunk up,
And the bitterness should pass away.

Mr. President, with the mingled blood of brothers North and South they cemented the sections in the bonds of an everlasting union, with one flag, one country, America incarnated spirit of liberty.

God moves in a mysterious way His wonders to perform.

When our country was drawn into war with Spain, I saw Fitzhugh Lee and Gen. Joe Wheeler, of Confederate fame, Frederick Grant and General Shafter, of the Union Army, comrades in arms under the Stars and Stripes. I saw the sons of those who had worn the blue and the sons of those who had worn the gray beat back the Spanish forces and plant that flag in victory.

The PRESIDENT pro tempore. The time of the Senator on the amendment has expired. He has 10 minutes on the bill.

Mr. HEFLIN. Later on, Mr. President, when the countries across the seas were trembling beneath the tread of war's mighty armies, and the liberty of the world was at stake, I saw the sons of those who had followed Grant and the sons of those who had followed Lee take that flag across the sea and carry it to victory on the battle front in France.

An American poet caught the spirit of that occasion when he beautifully said:

Here's to the Blue of the windswept North,
When you meet on the fields of France,
May the spirit of Grant be with you all,
As the sons of the North advance.

And here's to the Gray of the sun-kissed South,
When you meet on the fields of France,
May the spirit of Lee be with you all,
As the sons of the South advance.

And here's to the Blue and Gray as one,
When we meet on the fields of France,
May the spirit of God be with us all,
As the sons of the flag advance.

Mr. President, Old Glory is the symbol of our national sovereignty, emblem of free constitutional government, and ensign of a nation's strength and solidarity.

That flag represents the best that there is in human government. It stands for principles without which no republic can last, and in the loss of which human liberty can not endure.

Its white stripes represent the purity of its purpose and the justice of its cause. Its red stripes represent the shed blood of those whose valor and heroism brought it into being. Its blue, like a scrap of midnight heaven, blossoms with stars.

Flag of the free heart's hope and home,
By angel hands to valor given,
Thy stars have lit the welkin dome,
And all thy hues were born in heaven.

Star-Spangled Banner,
O, long may it wave,
O'er the land of the free
And the home of the brave.

No flag should fly above it
On either land or sea,
It should be first and uppermost,
And henceforth it shall ever be.

Mr. President, I ask for a vote on my amendment.

Mr. HALE. Mr. President, I have taken up with the Navy Department the amendment offered by the Senator, and they are entirely willing to see it enacted into law. Therefore I accept the amendment.

I would like to say, however, that on the second line of the amendment there are two errors in punctuation, and I ask unanimous consent that they be corrected, that the two commas on the second line, one after the word "staff" and the other after the word "above," be stricken out. Otherwise the entire meaning of the amendment would be lost.

Mr. HEFLIN. I consent to that change.

Mr. BRUCE and Mr. REED of Pennsylvania addressed the Chair.

The PRESIDENT pro tempore. The Senator from Maryland.

Mr. REED of Pennsylvania. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. REED of Pennsylvania. Can an amendment be agreed to while Senators are seeking an opportunity to be heard upon it?

The PRESIDENT pro tempore. The amendment has not been agreed to. The Senator from Maine has accepted it, but it still must be voted on by the Senate.

Mr. BRUCE. Mr. President, when this proposal was made last spring I had something to say with respect to it; indeed, I had not a little to say with respect to it at that time. I feel, therefore, that it is altogether unnecessary for me now merely to repeat what I said then.

As I understand it, there is but one church flag that is ever hoisted above our national flag. That was the statement of the Senator from Alabama. If that impression of mine is erroneous, I would like to have it corrected, because then my views about this proposal might assume a very different form from that which they have assumed.

Mr. GERRY rose.

Mr. BRUCE. The Senator from Rhode Island perhaps was not in the Chamber when I asked the Senator from Alabama whether any church flag was ever hoisted above the flag of the United States.

Mr. GERRY. Mr. President, my recollection is that the Navy flies a church flag when divine service is held on board ship. The Senator from Maine can correct me if I am wrong.

Mr. HEFLIN. That is correct, and I am suggesting that they fly it somewhere else. I do not see any necessity for pulling the Stars and Stripes down to make room for anybody's flag above it. I want it to be first.

Mr. BRUCE. I understand that the flag which is flown above our national flag at times on our ships is a sectarian flag.

Mr. GERRY. Oh, no; not at all. Whenever divine services are held on board a battleship they fly the church flag over the national flag on the theory that God is over the Nation and over the Navy.

Mr. BRUCE. That is more than a theory. What sort of flag is that? Is it a naval flag pure and simple?

Mr. HEFLIN. The Senator from Maryland knows that the flag I displayed here last summer was a flag with a cross on it, flying above the Stars and Stripes on the battleship *Florida* and on the battleship *Cincinnati*.

Mr. BRUCE. Yes; and the Senator objected to it then, either because it was a Catholic flag or because it closely resembled the Catholic Church flag.

Mr. HEFLIN. Now, I am suggesting that the emblem, whatever it is, be flown at another place and not above the flag of our country.

Mr. BRUCE. Yes; but no emblem is flown, as I said, an emblem that happens to be, for all substantial purposes at any rate, the Catholic Church flag.

Mr. HEFLIN. If the Senator wants me to go on record on that subject I am ready to do it. I do not want the Catholic flag flying over it and I am not going to permit it if I can help it.

Mr. BRUCE. Exactly, and I venture to say that if the proposal were traced to its origin, that origin would be found to be the Ku-Klux Klan.

Mr. HEFLIN. The Ku-Klux Klan and nobody in it ever suggested anything to me about it. I did it myself. Because the Senator gets his inspiration from the Knights of Columbus, he should not think I get mine from the Ku-Klux Klan.

Mr. BRUCE. I get my inspiration from the collective influence of all Christian sects including the Catholic Church. So far as I am concerned, any appeal to me based on sectarian discrimination and prejudice never reaches my heart under any condition.

Yes; that is the origin of the suggestion. It can be traced back without the slightest difficulty to that perennial fountain of mean proscription, bigotry, and hatred.

Now, so far as sectarian bigotry is concerned, I am one of the recent sufferers from it. As everybody knows, my defeat in the State of Maryland is due to the recrudescence of sectarian prejudice, a thing which had not been deemed even to be possible. But I do not cherish the slightest personal resentment on that account. In my public life I am prepared to accept the fortunes of war in whatever form they come to me or whatever may be the influences that make them bear with particular severity upon me. But as long as I am a representative of a State in which one-fourth of the church population is Catholic, I shall protest, and protest with all the energy and indignation of which my nature is capable, against a proposal inspired, as I conceive it, by such a narrow-minded, bigoted aim as that which lies back of this amendment. God knows that a sufficiently bitter pool of Marah has already been created in the Commonwealth in which I live, by sectarian hatred and animosities, and the pending proposal tends to make the waters of that pool still more bitter.

I do not hesitate to say that a measure of sectarian animosity has been aroused at the last election in the breasts of the people of Maryland by such clerical firebrands as Bishop Cannon and others which can not reasonably be expected to die down for 10 years to come. Our people fondly supposed that if there was a tolerant community in the world, that community was Maryland, the community which in its origin had been a Catholic community and in which from generation to generation, with the exception of a single brief interval or so, the spirit of religious tolerance had prevailed. Now there is, I see, a proposition to award some sort of recompense to Bishop Cannon as having made the most significant contribution made by any individual during the past year to religious progress. I say that if a recompense of any sort shall be made to him for his political activities during the last 12 months it should be in the form of a recompense to him for having made the most significant contribution to religious retrogression.

The PRESIDENT pro tempore. The time of the Senator from Maryland has expired.

Mr. BRUCE. I hope that the Senate will not permit this stigma to be placed upon one of our Christian churches.

Mr. REED of Pennsylvania. Mr. President, I do not rise to oppose the pending amendment, but I must speak now as I have already spoken on the bill.

A short time ago I asked unanimous consent to be permitted to offer an amendment merely changing the words "international agreement" to read "a treaty," and I then understood that the Senator from Montana [Mr. WALSH] objected to the amendment being offered; but I have since talked with him and am satisfied that he does not object to it being offered by unanimous consent, but merely objects or will object to the adoption of the amendment when the question shall be put.

Mr. WALSH of Montana. Mr. President, I understood the Senator to ask unanimous consent that the words "international agreement" be changed.

Mr. REED of Pennsylvania. The fault was mine because of the way I worded my original request. Therefore, I now renew the request that the amendment be considered as pending, to be acted upon after the present pending amendment.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania?

Mr. BRUCE. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. GERRY. Mr. President, the Navy flies during divine service, if I am correctly informed, what is known as the church flag. This flag is not a denominational flag. It is flown by the Navy out of respect for divine services and out of respect for Almighty God. It is the Navy's tribute. For that reason it has been the custom from time immemorial in the American Navy to have that flag flown over the flag of the United States, the only flag so flown. It is the recognition that God is over all.

Mr. BORAH. Mr. President, I was temporarily called from the Chamber. I should like to have read the amendment which the Senator from Maine [Mr. HALE] accepted.

The PRESIDENT pro tempore. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

On page 3, after line 8, insert a new section, as follows:

SEC. 6. That hereafter it shall be unlawful to fly any flag or pennant on the same staff, or hoist above, the flag of the United States of America, or colors representing the same, on any battleship, cruiser, or other vessel in the naval service of the United States. It shall be the duty of the Secretary of the Navy to see that this provision is observed, and he is hereby directed to notify the commanding officers of all vessels under his jurisdiction of the provisions of this section.

Mr. HEFLIN. Mr. President, the flag code which has been adopted and indorsed by the American Legion and other patriotic orders has this provision in it:

Do not display any object or emblem of any kind on or above the flag of the United States of America.

Captain Craven came before the committee, representing the Navy Department and the Secretary of the Navy, and said they were willing to change its custom and fly this pennant at another place. I have had probably 500 letters about this matter from all over the United States from time to time requesting that this be done. There is no objection to the church pennant being flown, but there is no reason for lowering our flag to put any emblem or pennant above it. That is the position I take, and I think the Senate will support me.

Mr. BORAH. The amendment in and of itself perhaps is not objectionable, but I think in view of the debate it is very objectionable.

Mr. HEFLIN. I hope before the Senator takes his seat that he will permit me to say that the Senator from Maryland [Mr. BRUCE] injected whatever religious discussion there has been about the question. I never mentioned it in any way at all. The Senator from Maryland saw fit to inject it here, and I trust that there will be enough red-blooded, upstanding Americans in this body on the roll call to vote for the amendment. All I ask is a roll call on it.

Mr. BORAH. I do not think the color of the blood is involved.

Mr. WALSH of Massachusetts. Mr. President, the Senator from Idaho has given expression to a thought that has been in my mind during this debate. The amendment itself is very innocent in appearance, but the debate has raised the question as to whether or not we are now going on record in favor of lowering the emblem of the highest authority in the world, the authority above all nations, a recognition of the God of Nations. The practice of the Navy of the United States it appears has been that of displaying an emblem of religion, not any one but all religions, during divine services in the Navy with the purpose and intention of calling to the attention of the enlisted men and officers of the Navy of the existence of a Supreme Being, a higher authority than human authority, a God of nations as well as a God of individuals, who represents supreme authority in the world.

I, for one, refuse to go on record as in favor of hauling down the emblem or ensign that recognizes the authority of God, and substituting the flag of our Nation that we all love and respect and are proud of above the pennant that symbolizes God. It is not creditable to the American people or the Senate to have a record vote here on the question of repudiating the long-continued practice of this country to recognize the Creator of the world above every other human sentiment.

From the very earliest days of the founding of our Government the word of God, respect for God, reverence for God, and love for God have been paramount and an inspiration to all our people, regardless of their religious sect. We have proudly placed God first and country next. Now it is proposed to place country above God.

Mr. BRUCE. Mr. President——

Mr. WALSH of Massachusetts. I shall yield to the Senator in just a moment.

In my own Commonwealth of Massachusetts there is not a public assembly begun or ended, in the legislature, in the courts, without a prayer, "God save the Commonwealth of Massa-

chusetts," a custom that came down from the old Pilgrims, a custom that the children of the immigrants, whatever their religion may be, have followed and loved to practice. Indeed, the celebrated covenant of the Pilgrim Fathers began with the prayer "In the name of God." Our people are a religious people.

Mr. GERRY. Mr. President, will the Senator from Massachusetts yield to me?

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield; and if so, to whom?

Mr. WALSH of Massachusetts. I will yield in just a moment.

Mr. GERRY. I merely wish to observe that the legend "In God we trust" appears on our coins.

Mr. WALSH of Massachusetts. That is true, and is another evidence of our recognition of a Supreme Being and our trust in Him.

Mr. BRUCE. Mr. President——

Mr. WALSH of Massachusetts. I now yield to the Senator from Maryland.

Mr. BRUCE. I want to remind the Senator that, if I am correctly informed, it is only during the hour of prayer, the hour dedicated to our Captain, Christ, that the church pennant is hoisted.

Mr. WALSH of Massachusetts. During divine service we raise not a flag but a pennant to remind all of the worship of God. Mr. President, it is regrettable that an issue of this kind should have been raised, and I should have remained silent and said nothing had it not been that the debate has taken the appearance of an entirely different motive and purpose than would apparently appear to one who simply read the amendment. The issue now is, Will we repudiate the recognition in the Navy of a power and influence above all nations and all sects—a Supreme Being?

I want to repeat, Mr. President, that I refuse to put even the flag of my country or the authority of my country above the emblem of God, and above the authority of God, and I want my country to continue to teach its children, in the service of the Government and out of the service of the Government, that we are a God-believing people; that we love God; that we revere Him; that we pray to Him; that we ask His intercession; that we need His guidance. Indeed, our prosperity, our progress, and our greatness as a Nation have been due largely to the confidence placed and to the intercession and pleadings of our people of all religions for His guidance and direction. I protest against intolerance assuming the proportions of an insult to the God of nations.

I for one refuse to depart from the time-honored American custom of placing the emblem of God above every other emblem in the world. I will not haul down the pennant of God for any other emblem. I insist that we still preserve the sublime and ancient American custom of recognizing God as the source of all patriotism, of all our blessings. I insist that we still adhere to the American prayer that embraces all creeds and sects, "In God we trust." The pennant that the Navy has displayed is the pennant symbolical of the God of the New and the Old Testaments—the God of the religion that grips the hearts of all human beings regardless of creed or sect. Let us refuse to deny our first act of recognition or of worship or of reverence to the Creator of all we possess.

Mr. HEFLIN. Mr. President——

The PRESIDENT pro tempore. The Senator from Alabama can not now be recognized under the unanimous-consent agreement.

Mr. BRUCE. Mr. President, I ask that the Senator from Alabama may be recognized.

Mr. HEFLIN. I ask unanimous consent that I may address the Senate for 10 minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from Alabama is recognized for 10 minutes.

THE UNITED STATES FLAG

Mr. HEFLIN. Mr. President, the Senator from Maryland has, in his opposition to this amendment, deliberately injected the Catholic question. I did not do it. He must have been inspired by his Knights of Columbus friends to do what he has done. Is it strange that the Senator from Maryland and the Senator from Massachusetts make their speeches under the circumstances? I offer no offense to those who worship the God of the Universe above everything. I try to do that myself; but when we refuse to pull the American flag down on its staff upon a battleship in order to hoist the Roman Catholic flag or pennant above it, I do not think that we are showing any disrespect for Almighty God, because I do not think that Almighty God had anything to do with putting that flag above the American flag in the first place. The way to worship God is with an humble and a contrite heart, by good deeds done and not by outward show in the display of certain pennants and emblems.

I am not objecting to the flying of a church pennant when we have religious services on our battleships, but I am objecting to the pulling down of the American flag and hoisting any other flag or pennant above it. Senators, why should that be done?

It has been a custom in our Navy, and the Navy is ready to abandon it and the American people want it abandoned. I have not the time to tell you now who it is that is determined to prevent the change of that un-American custom, but it is the Roman cross that flies above our flag. If that were not so, why do they and they alone object to flying it somewhere else on the ship? Where Roman Catholic chaplains are in charge many papers have carried a picture of it, saying, "This is the only flag that flies above the Stars and Stripes." Mr. President, when the Roman pennant is flown now they pull down the Stars and Stripes in order to fly that pennant at the top of the pole. Think of that!

The chairman of the Naval Affairs Committee has expressed his willingness to accept my amendment and the Navy Department has expressed its willingness to comply with this provision, which is in keeping with the provision of the United States flag code approved by the American Legion and millions of other real patriotic Americans. What is the trouble here? Whence comes this opposition to this particular amendment which honors and exalts our American flag?

Mr. GERRY. Mr. President, will the Senator yield?

Mr. HEFLIN. No; I have not the time; I am sorry.

Mr. GERRY. The Senator is speaking by unanimous consent, and I merely wanted to correct a statement he has made. He says it is the Roman flag. It is St. George's cross that is on that flag, and it is taken from the flag used in the British Navy.

Mr. HEFLIN. I brought, Mr. President, before an assembly the Italian flag, and the only difference between that flag and the church pennant flown by the Navy is the Pope's crown, which is on the Italian flag; the church pennant is just like the other part of that flag.

Now, why does the Senator from New England [Mr. GERRY] object when the Navy itself has consented to having this change made? Why do the Senator from Massachusetts and the Senator from Maryland object when the American Legion indorses this change, and what I am proposing to do is in keeping with one of the provisions of the flag code.

Mr. GERRY. I objected to the Senator from Alabama making an incorrect statement.

Mr. HEFLIN. O Mr. President, the Senator thinks it is incorrect; but it is not. Let him have his own view about it. The Senator from Maryland does not owe his defeat to anybody's bigotry; he owes it to the onward march of the people of his State, who are tired of seeing the wet advocacy which the Senator has indulged in since he has been here. When I assailed the Catholic program to plunge this country into war with Mexico the Senator came to their rescue.

I predicted that Senator BRUCE would be defeated; that he would never come back, and the people of his State have taken him out. The people of Maryland gave him his seat; the people of Maryland have taken him out of that seat; blessed be the name of the people of Maryland. [Laughter in the galleries.]

The PRESIDENT pro tempore rapped with his gavel.

Mr. BRUCE. I will say, Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Maryland?

Mr. HEFLIN. I am the author of the amendment, and have only a few minutes to say what I would like to say.

Mr. BRUCE. I know the Senator has no time except that which he has by virtue of my generosity, and now his true moral quality comes out when he uses the time thus generously given to him in such foul and vituperative abuse.

Mr. HEFLIN. No. I resent that statement.

The PRESIDENT pro tempore. The Chair wants to call the attention of both Senators who have just spoken to the second paragraph of Rule XIX:

> No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

Mr. HEFLIN. Mr. President, I should like to yield to the Senator, because I should like to debate with him at length, but I can not in the little time I have yield to him now. I do wish, however, the American people to know that to-day we have an issue right here that tests the real American situation in this body. Why, I ask the Senate and patriotic Americans everywhere, should the American flag be lowered to make room

for any foreign potentate's pennant or flag? Can we not fly a church pennant somewhere else on a high pole indicating that religious service is being held? I am in favor of that. Why do certain Senators object to changing this particular custom when the Secretary of the Navy has expressed his willingness to have it done? When the representative of the American Legion wants it done, when Gridley Adams, speaking for the Flag Code Commission of the United States, wants it done, when 126 patriotic orders of loyal American men and women want it done, and when an overwhelming majority of American citizens want it done, why should we as American Senators refuse to have it done? Mr. President, why should not the Stars and Stripes fly proudly and majestically at the top of a staff all its own? It represents the Government of the United States.

Then fly the church pennant at another place and you carry out the idea of the Christ when he said, "Render unto Cæsar the things that are Cæsar's and unto God the things that are God's." There is where you get your idea of the separation of church and state. Our Supreme Court has declared this to be a Christian Nation. We believe in God; we put on our coins the words "In God we trust"; but do not let us be deceived into thinking that we have to pull down the American flag in order to approach a throne of grace in order to worship God.

Senators, are you going to permit the speech of the Senator from Maryland and the speech of the Senator from Massachusetts [Mr. WALSH] and those they have spoken for influence your vote? I must say that it is exceedingly unfortunate that the Senator from Massachusetts [Mr. WALSH], himself a Roman Catholic, should have spoken as he did and at the time he did—exceedingly unfortunate. We have a right in America to do what we please toward honoring and protecting our flag, and the American people are going to see to it that it is properly cared for in the American way.

That flag means wherever it flies that it represents a people that trusts in God. It is God's greatest agency on the earth, and wherever that flag flies His cause is protected and served.

I am frank to tell you that I looked for this very opposition to come forth against my amendment. Somehow or other they are here encamped about the Capitol working quietly to keep this particular amendment from being adopted.

Mr. BLAINE. Mr. President, the motion I am about to make will have the effect of cutting off debate, but that is not my purpose, and if there is any Senator who desires to debate the question I will withdraw my motion. I desire to move to lay on the table the amendment offered by the Senator from Alabama.

Mr. CARAWAY. Before the Senator does that——

Mr. HEFLIN. I ask for the yeas and nays, Mr. President.

Mr. CARAWAY. Before the Senator does that let me ask him a question.

The PRESIDENT pro tempore. Just a moment. The attention of the Chair was diverted. Has the Senator from Wisconsin moved to lay the amendment of the Senator from Alabama on the table?

Mr. BLAINE. I withhold the motion.

Mr. TYDINGS. I ask the Senator to withhold it until I may have an opportunity to make a few remarks.

Mr. CARAWAY. Mr. President——

The PRESIDENT pro tempore. The Senator from Wisconsin has the floor. Does he yield, and, if so, to whom?

Mr. BLAINE. I yield to the Senator from Arkansas.

Mr. CARAWAY. Mr. President, I merely wish to ask that the amendment, as presented, be read again at the desk. I had obtained one impression from it, while evidently the Senator from Alabama has another. As I understood the amendment it did not convey the same impression the Senator from Alabama has given—though possibly he is correct—that his amendment merely seeks to have the church pennant float from a different staff.

Mr. HEFLIN. At a different place, and the Secretary of the Navy is willing to have that done.

Mr. CARAWAY. Let us see if the amendment does that, as it is now framed. I ask to have the amendment read.

The PRESIDENT pro tempore. For the information of the Senate, the amendment will again be read.

The CHIEF CLERK. On page 3, after line 8, it is proposed to insert the following as a new section:

SEC. 6. That hereafter it shall be unlawful to fly any flag or pennant on the same staff or hoist above the flag of the United States of America, or colors representing the same, on any battleship, cruiser, or other vessel in the naval service of the United States. It shall be the duty of the Secretary of the Navy to see that this provision is observed, and he is hereby directed to notify the commanding officers of all vessels under his jurisdiction of the provisions of this section.

Mr. CARAWAY. Right there, I wonder if the language is not somewhat doubtful—I am asking the Senator from Alabama—because it says "fly * * * on the same staff or hoist above." I do not know that I quite understand it.

Mr. HEFLIN. The Senator, I think, has the same idea that I had in mind first.

The PRESIDENT pro tempore. This debate is taking place by the courtesy of the Senator from Wisconsin [Mr. BLAINE].

Mr. HEFLIN. They have a rope that they call a hoist that may be on the same staff, and they might put some emblem on that above the American flag.

Mr. BLAINE. Mr. President——

The PRESIDENT pro tempore. The Senator from Wisconsin is entitled to the floor.

Mr. BLAINE. The Senator from Alabama has entirely mistaken the conception of this flag about which he has been talking. I am not going to discuss that matter now; but the junior Senator from Maryland [Mr. TYDINGS] stated that he desired to make some comment upon this amendment, and I suggested before I made the motion that I would withdraw the motion if any Senator desired to debate it, as I did not want to shut off debate. I withdraw my motion, therefore, and yield the floor.

Mr. BORAH. Mr. President, in view of this debate I am not going to vote for this amendment; and I should much prefer to vote directly than to vote to lay the amendment on the table. I hope the Senator from Wisconsin will let us vote directly upon the amendment.

Mr. TYDINGS. Mr. President, the State of Maryland as an entity has shortcomings. It is not a perfect State. Its people perhaps are not perfect; but if there ever has been a time in the last six years when they, as a whole, have been displeased with the vote on the position of either of their two representatives in the United States Senate, I am sure I can say for them to-day that they are proud of their senior Senator who sits in this body.

We believe that in this country of ours there is room for all denominations. We believe that we can live happily together without religious prejudices; and while a small group of the people in my own State may possess these prejudices, as a State Maryland is proud of her tradition that it was there for the first time in all the civilized world that men could come and worship Almighty God according to the dictates of their own conscience. Of that tradition and of the senior Senator who to-day upheld it we shall always be proud.

I should like to observe that I am a member of the American Legion, and in the late unpleasantness occupied a small position where men fought with guns and not with words. At one time it became my good fortune to command a group of men 85 per cent of whom were Catholics and 25 per cent of whom were casualties in that conflict. Everyone in this body knows that, in spite of that contribution and the contribution of all Catholics in all the wars of our country, there is behind this amendment all the debate of last spring, when the subject was brought before the attention of the country by a Member of this body; and it was charged at that time that this emblem was the emblem of the Catholic Church.

It is not the emblem of the Catholic Church. It is no part of the emblem of the Catholic Church, unless the cross on which the Divine Saviour was crucified is itself an emblem of the Catholic Church.

I am not a Catholic. I have no Catholic relatives of whom I know; but I am ready, as a Protestant, to stand here and demand that that religion be not vilified, be not insulted, and that those who inherited that faith at their mother's knee shall have the same right to practice their religion in this country as has anyone else.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. TYDINGS. I have only a few minutes.

Mr. REED of Pennsylvania. Very briefly.

Mr. TYDINGS. I yield.

Mr. REED of Pennsylvania. I wanted to ask the Senator whether he thinks the people of Maryland are in any respect different from those of every other State of the Union? It is my impression that since the debate that has occurred here to-day the people of every one of the 48 States would disapprove this amendment.

Mr. TYDINGS. I should certainly hope so; because, in my humble judgment, if this amendment were adopted, it would practically serve notice on the entire country that religious prejudice had been the motive in this body—a reflection which the Senate of the United States can not look upon with favor.

I am glad to get the opportunity to vote on this matter, and I hope there will be a roll call. I am tired of this so-called

"Christian" element that would crucify its fellow man as a tenet of its faith. There is no love in that kind of Christianity. It springs from hatred, and is as anti-Christlike as anything which can be conceived. It is the work of the ignorant brain—a brain untutored in the suffering of all the centuries through which mankind has struggled to win for itself a place of liberty in the sun. It is but a continuance of the plan to substitute man's plan for God's plan—to substitute the code of law for the Bible, the bayonet for the helping hand.

I welcome the issue. While I am not fond of casting aspersions on groups of men—I know there are some of them in my State—if ever the day should come when the men who wear the nightgown send me my orders and dictate my vote, I hope the people will take me from this body, because I should no longer care to serve, nor be fit to serve, as a Member of it. Under our Constitution every man has the right to make a fool of himself whenever he sees fit.

I hope we will settle this question to-day and now, and for all time. I hope we will put the Creator ahead of our country by defeating this amendment. If that be unpatriotic, then make the most of it.

I am glad to have this brief moment to express my position on this amendment to pay my meed of respect to my colleague [Mr. BRUCE], who is about to leave this body, and to testify that in the closing days of his service, as well as at all other times, he was true to the old traditions of which we Marylanders are so proud.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Alabama [Mr. HEFLIN].

Mr. HEFLIN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. NORRIS (when Mr. HOWELL's name was called). My colleague [Mr. HOWELL] is absent on account of illness.

Mr. BRATTON (when Mr. LARRAZOLO's name was called). My colleague [Mr. LARRAZOLO] is absent from the Chamber on account of illness.

Mr. McKELLAR (when his name was called). On this question I have a pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE]. I therefore withhold my vote. I do not know how the Senator from Louisiana [Mr. BROUSSARD] would vote, so I can not transfer the pair to him.

Mr. WHEELER (when his name was called). On this matter I have a pair with the junior Senator from Connecticut [Mr. BINGHAM]. I understand that if he were present, he would vote as I am about to vote. I therefore vote "nay."

Mr. JONES. I desire to announce that the Senator from Rhode Island [Mr. METCALF] is absent on account of illness.

Mr. TRAMMELL. I desire to announce that my colleague [Mr. FLETCHER] is unavoidably detained from the Senate.

Mr. GLASS. I have a general pair with the senior Senator from Connecticut [Mr. McLEAN]. I have no idea how he would vote on this proposition; and, therefore, being unable to secure a transfer, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. RANSDELL. I wish to announce that my colleague [Mr. BROUSSARD] is absent on account of illness.

The result was announced—yeas 10, nays 68, as follows:

YEAS—10

Black	Harris	Sheppard	Trammell
Brookhart	Heflin	Swanson	
Hale	Mayfield	Thomas, Okla.	

NAYS—68

Ashurst	Edwards	King	Shortridge
Bayard	Fess	McMaster	Simmons
Blaine	Frazier	McNary	Smith
Blease	George	Moses	Steck
Borah	Gerry	Norbeck	Steiwer
Bratton	Gillett	Norris	Stephens
Bruce	Glenn	Nye	Thomas, Idaho
Burton	Goff	Oddie	Tydings
Capper	Greene	Overman	Tyson
Caraway	Harrison	Phipps	Vandenberg
Copeland	Hastings	Pine	Wagner
Couzens	Hawes	Ransdell	Walsh, Mass.
Curtis	Hayden	Reed, Mo.	Walsh, Mont.
Dale	Johnson	Reed, Pa.	Warren
Deneen	Jones	Robinson, Ark.	Waterman
Dill	Kendrick	Sackett	Watson
Edge	Keyes	Shipstead	Wheeler

NOT VOTING—17

Barkley	Gould	McLean	Schall
Bingham	Howell	Metcalf	Smoot
Broussard	La Follette	Neely	
Fletcher	Larrazolo	Pittman	
Glass	McKellar	Robinson, Ind.	

So Mr. HEFLIN's amendment was rejected.

Mr. DENEEN. Mr. President, I ask unanimous consent to have read a telegram from the clerk of the Illinois House of Representatives to the President of the Senate relating to the cruiser bill.

The VICE PRESIDENT. Without objection, the clerk will read.

The telegram was read, as follows:

SPRINGFIELD, ILL., *February 5, 1929.*

PRESIDENT OF THE UNITED STATES SENATE:

House of Representatives, State of Illinois, to-day passed resolution urging passage of Navy cruiser bill with time limit.

GEORGE C. BLAUER,
Clerk of the House.

Mr. BRUCE. Mr. President, I desire to say that I withdraw the objection I made to the proposal of the Senator from Pennsylvania [Mr. REED].

Mr. HALE. Mr. President, I think it is fitting that I should say that there is nothing in the context of the amendment on which the Senate has just voted that has anything to do with any religious question. I am very certain that when the Navy Department considered the amendment and approved it they had no idea that there was any religious significance attached to it. The same is true of my own position when I accepted the amendment. The religious significance of the amendment has come in during the debate on the floor of the Senate, and for that I was in no way responsible.

Mr. REED of Pennsylvania. Mr. President, I renew the request I made a few minutes ago.

Mr. HEFLIN. What is the request?

Mr. REED of Pennsylvania. That I be permitted to offer an amendment in line 23, page 2, of the bill, to change the words "an international agreement," to read "a treaty." This is in line with the suggestion of the Senator from Idaho.

Mr. HEFLIN. I think the language is full enough as it is, and I object.

Mr. REED of Pennsylvania. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. REED of Pennsylvania. Is the bill now open to amendment?

The VICE PRESIDENT. The bill is still in Committee of the Whole and open to amendment. There are several amendments on the table which have not been called up. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The bill having been read three times, the question is, Shall it pass?

Mr. ASHURST. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BLAINE (when his name was called). I have a pair with the junior Senator from Kentucky [Mr. BARKLEY]. In his absence I withhold my vote. If I were privileged to vote, I would vote "nay." The Senator from Kentucky if present would vote "yea."

Mr. KING (when his name was called). Upon this vote I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. In his absence I withhold my vote. If I were permitted to vote, I would vote "nay."

Mr. BLAINE (when Mr. LA FOLLETTE's name was called). My colleague [Mr. LA FOLLETTE] is unavoidably absent. I am authorized now to state that if he were present he would vote "nay."

Mr. BRATTON (when Mr. LARRAZOLO's name was called). My colleague [Mr. LARRAZOLO] is absent on account of illness. He has been unable to secure a pair. If present, he would vote "yea" on this question.

Mr. GLASS (when Mr. McLEAN's name was called). The senior Senator from Connecticut [Mr. McLEAN] is unavoidably absent from the Chamber on account of illness. I am authorized to state that if present he would vote "yea." I am paired with the Senator from Connecticut, and if I were permitted to vote I should vote "nay."

Mr. JONES (when Mr. METCALF's name was called). I was requested to announce that the junior Senator from Rhode Island [Mr. METCALF] is absent on account of illness. If present, he would vote "yea."

Mr. WHEELER (when his name was called). On this matter I have a pair with the junior Senator from Connecticut [Mr. BINGHAM]. If he were present, he would vote "yea," and if I were permitted to vote I would vote "nay."

Mr. GERRY. I desire to announce that the Senator from Mississippi [Mr. HARRISON] has been compelled to leave the Chamber. He is paired for the rest of the day with the Senator from Rhode Island [Mr. METCALF]. I do not know how the Senator from Mississippi would vote on this question.

Mr. McKELLAR. I have a pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE]. I transfer my pair to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. RANSDELL. My colleague [Mr. BROUSSARD] is absent on account of illness. If present, he would vote "yea."

The result was announced—yeas 68, nays 12, as follows:

YEAS—68

Ashurst	Gillett	Mayfield	Shortridge
Bayard	Glenn	Moses	Simmons
Blease	Goff	Neely	Smith
Bratton	Gould	Norbeck	Steck
Bruce	Greene	Oddie	Steiwer
Capper	Hale	Overman	Stephens
Caraway	Harris	Phipps	Swanson
Copeland	Hastings	Pine	Thomas, Idaho
Couzens	Hawes	Pittman	Trammell
Curtis	Hayden	Ransdell	Tydings
Dale	Heflin	Reed, Mo.	Tyson
Deneen	Johnson	Reed, Pa.	Vandenberg
Edge	Jones	Robinson, Ark.	Wagner
Edwards	Kendrick	Robinson, Ind.	Walsh, Mass.
Fess	Keyes	Sackett	Warren
George	McKellar	Schall	Waterman
Gerry	McNary	Sheppard	Watson

NAYS—12

Black	Burton	McMaster	Shipstead
Borah	Dill	Norris	Thomas, Okla.
Brookhart	Frazier	Nye	Walsh, Mont.

NOT VOTING—15

Barkley	Fletcher	King	Metcalf
Bingham	Glass	La Follette	Smoot
Blaine	Harrison	Larrazolo	Wheeler
Broussard	Howell	McLean	

So the bill was passed.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 13935. An act to provide for the purchase of a bronze bust of the late Lieut. James Melville Gilliss, United States Navy, to be presented to the Chilean National Observatory; to the Committee on the Library.

H. R. 16440. An act relating to declarations of intention in naturalization proceedings; to the Committee on Immigration.

H. R. 14460. An act authorizing the Iowa-Nebraska Amortized Free Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Sioux City, Iowa; and

H. R. 15657. An act to provide for the improvement and preservation of the land and buildings of the Abraham Lincoln National Park or Reservation; to the calendar.

H. R. 13693. An act to authorize the Secretary of War to transfer a portion of the Camp Lee Military Reservation to the Petersburg National Military Park;

H. R. 14072. An act to authorize the sale and removal of surplus sand from the military reservation, Fort Story, Va.; and

H. R. 14924. An act to authorize the Secretary of War to grant to the city of Salt Lake, Utah, a portion of the Fort Douglas Military Reservation, Utah, for street purposes; to the Committee on Military Affairs.

H. R. 14472. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Vicksburg, Miss.;

H. R. 14479. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio;

H. R. 14893. An act to authorize a preliminary survey of Rough River in Kentucky, with a view to the control of its floods;

H. R. 15201. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio;

H. R. 15714. An act to extend the times for commencing and completing the construction of a bridge across the Ocmulgee River at or near Fitzgerald, Ga.;

H. R. 15809. An act to authorize a preliminary survey of Mud Creek in Kentucky with a view to the control of its floods;

H. R. 15851. An act to extend the times for commencing and completing the construction of a bridge across the Allegheny River at Kittanning, in the county of Armstrong, in the State of Pennsylvania;

H. R. 16026. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.;

H. R. 16270. An act to revive and reenact the act entitled "An act granting the consent of Congress for the construction of a bridge across the St. John River between Fort Kent, Me., and Clairs, Province of New Brunswick, Canada," approved March 18, 1924; and

H. R. 16279. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at Augusta, Ky.; to the Committee on Commerce.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 46) amending section 6 of the House concurrent resolution establishing the United States Yorktown Sesquicentennial Commission, was referred to the Committee on the Library.

READING OF WASHINGTON'S FAREWELL ADDRESS

The VICE PRESIDENT. Under the order of the Senate of January 24, 1901, the Chair designates the Senator from Missouri [Mr. REED] to read Washington's Farewell Address on the 22d instant.

NATIONAL TRAINING SCHOOL FOR BOYS IN THE DISTRICT

The VICE PRESIDENT. Pursuant to the law providing for appointment of consulting trustees for the National Training School for Boys in the District of Columbia, the Chair appoints as a trustee on behalf of the Senate the Senator from Delaware [Mr. HASTINGS].

TRIBUTE TO FORMER SENATOR OSCAR W. UNDERWOOD

The VICE PRESIDENT laid before the Senate resolutions adopted by the Legislature of the State of Arizona as a tribute to the memory of Hon. Oscar W. Underwood, formerly a Senator from the State of Alabama, which were ordered to lie on the table and to be printed in the RECORD, as follows:

House Concurrent Resolution 4

HOUSE OF REPRESENTATIVES,
NINTH STATE LEGISLATURE, REGULAR SESSION.

Magnificent in public life, in all that makes for true magnificence, a loyal member of his party, but endowed with that honorable and upright character which allowed for hosts of political friends and many political enemies, keenly alert at all times to the welfare of mankind; a potential candidate on several occasions for the greatest honor within the gift of his party; still facing certain defeat by his open and magnificent fight against a hooded and cowled secret society; with abiding faith in the future greatness of the country he loved and served, was Oscar W. Underwood, Democratic leader and three times candidate for the Democratic presidential nomination.

He died at his estate in Woodlawn, overlooking the shrine of George Washington at Mount Vernon, on Friday, January 25, 1929, after 30 years' service in the interest of his country.

Sincerely mourning and realizing the great loss our country has suffered by the death of this leading citizen: It is hereby

Resolved by the House of Representatives of the Ninth State Legislature of the State of Arizona in regular session assembled (the State Senate concurring), That as a fitting tribute to a great American statesman, the legislature adjourn this day one hour before the regular time of adjournment; be it further

Resolved, That these resolutions expressing our sorrow at the passing of the Hon. Oscar W. Underwood be incorporated in the journals of the day, thus inscribing for all time the action of the Ninth State Legislature of the State of Arizona; be it also further

Resolved, That suitably engrossed copies of these resolutions be transmitted to the Speaker of the National House of Representatives at Washington, the President of the United States Senate, and to the bereaved widow of the departed statesman.

AMENDMENT OF CORPORATION LAW OF THE PHILIPPINE ISLANDS

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying document, referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

I transmit herewith an act of the Philippine Legislature amending the corporation law of the Philippine Islands. This law, it being in certain respects in conflict with congressional legislation, requires the affirmative approval of Congress to make it in those parts effective.

The act has been approved by the Governor General of the Philippine Islands, it meets the approval of the War Department, and I earnestly recommend that the requisite approval be given by the Congress as speedily as practicable.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 4, 1929.*

SETTLEMENT OF WORLD WAR CLAIMS (H. DOC. NO. 556)

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Finance and ordered to be printed, as follows:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State in relation to the agreement between the United States and Germany of December 31, 1928, for the adjudication of claims of American citizens against Germany arising out of he World War, which were not notified to the commission in time to be considered under the agreement of August 10, 1922, between the United States and Germany for the adjudication of American claims.

Subsection (e) of section 2 of the "settlement of war claims act of 1928" provides that there shall be deducted from the amount of each payment on awards of the Mixed Claims Commission, United States and Germany, as reimbursement for the expenses incurred by the United States in connection with the adjudication of the claims an amount "equal to one-half of 1 per cent thereof," which amount it is provided shall be deposited in the Treasury as miscellaneous receipts.

I recommend that the one-half of 1 per cent which the Secretary of the Treasury is thus authorized to deduct from awards shall, in so far as regards these late claims, be made available to the German Government for defraying such expenses as may be incurred by that Government in connection with the adjudication of such claims.

CALVIN COOLIDGE.

The WHITE HOUSE, *February 5, 1929.*

(Inclosures: Report from the Secretary of State and inclosure therewith.)

PETITIONS AND MEMORIALS

Mr. CURTIS presented the following concurrent resolution of the Legislature of the State of Kansas, which was referred to the Committee on Agriculture and Forestry:

Senate Concurrent Resolution 2, relating to the Norbeck migratory bird bill

Whereas efforts have been made by conservatists and leading organizations devoted to the saving of our outdoor life to secure the passage by the Congress of the United States of what is known as the migratory bird bill; and

Whereas a number of such bills have passed one of each of the Houses of Congress during the past five or six years, but have failed of final passage by both Houses; and

Whereas the United States Senate just before the adjournment of the Seventieth Congress of the United States, passed what is known as the Norbeck migratory bird refuge bill; and

Whereas the said Norbeck bill is a conservation measure of outstanding value to our migratory waterfowl and provides inviolate sanctuaries along the southern coast of the United States to protect said waterfowl; and

Whereas the said Norbeck bill is now awaiting action by the Committee on Agriculture of the House of Representatives of the United States; Therefore be it

Resolved, by the Senate of the State of Kansas (the House of Representatives concurring therein)—

SECTION 1. That the Senate of the State of Kansas, the House of Representatives concurring therein, does hereby urge upon our Congressmen to use their immediate and best efforts to secure an immediate and favorable report from the said Committee on Agriculture of the said Norbeck bill.

SEC. 2. That said senate and house of representatives further urge upon our Congressmen in each House that they use their best efforts to secure the passage of the said Norbeck bill as passed by the United States Senate, and that their efforts to this end continue until the same is enacted into law.

SEC. 3. That copies of these resolutions be sent to the President of the United States, to each Member of the Kansas delegation in Congress, and to Hon. GILBERT N. HAUGEN, chairman of the Committee on Agriculture, House of Representatives, Washington, D. C.

Mr. PHIPPS presented a telegram in the nature of a petition from the Colorado Manufacturers and Merchants Association, signed by Edward J. Yetter, president, of Denver, Colo., praying for the passage of the pending cruiser construction bill, which was ordered to lie on the table.

Mr. BURTON presented memorials of sundry citizens of Cincinnati, Oberlin, Elyria, and Pleasant Hill, all in the State of Ohio, remonstrating against the passage at the present time of the cruiser construction bill, which was ordered to lie on the table.

Mr. JONES presented memorials of sundry citizens of Creston, Spokane, and Valleyford, all in the State of Washington, remonstrating against the passage at the present time of the cruiser construction bill, which were ordered to lie on the table.

Mr. WALSH of Massachusetts presented memorials of sundry citizens of Boston, Cambridge, North Wilmington, Brookline, Wakefield, Malden, Newton, Newton Center, Newtonville, Needham, North Adams, Swansea, Fall River, Springfield, Belmont, Somerville, Revere, Fitchburg, Gloucester, Upton, West Upton, Stoneham, Swampscott, Lynn, Northboro, Roxbury, Northampton, Everett, Worcester, and Sharon, all in the State of Massachusetts, remonstrating against the passage at the present time of the cruiser construction bill, which were ordered to lie on the table.

Mr. MOSES (for Mr. BINGHAM) presented a petition of sundry citizens of Windsor, Conn., praying that action be deferred on the pending cruiser construction bill, which was ordered to lie on the table.

He also (for Mr. BINGHAM) presented a resolution adopted by the Tri-County Christian Union, representing Congregational Churches in Hartford, Tolland, and New London Counties, Conn., favoring the deferring of action on the pending cruiser construction bill, which was ordered to lie on the table.

Mr. GILLETT presented petitions of sundry citizens of Boston, Dorchester, Gloucester, Cambridge, Concord, Northborough, Fitchburg, Arlington, Brookline, Cape Cod, Lynn, East Lynn, Swansea, Richmond, Shirley Center, Somerville, Stoneham, Cliftondale, Franklin Park, Edgertown, Central Village, Dorchester, West Boxford, Provincetown, Westerville, Westport Point, West Peabody, Wellesley, Fall River, Malden, West Stockbridge, Still River, Sterling, Waltham, Milton, and Leominster, all in the State of Massachusetts., and of citizens of the States of Maine, Wisconsin, Kansas, New York, Ohio, Iowa, Pennsylvania, Rhode Island, Texas, Michigan, Indiana, and Connecticut praying that action be deferred on the cruiser construction bill, which were ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (S. 1688) for the relief of Gabriel Roth, reported it with amendments and submitted a report (No. 1647) thereon.

Mr. BLAINE, from the Committee on the Judiciary, to which was referred the resolution (S. Res. 258) directing the Federal Trade Commission to reinstate the complaint against the Continental Baking Corporation, reported it with amendments and submitted a report (No. 1649) thereon.

Mr. DALE, from the Committee on Civil Service, to which was referred the bill (H. R. 13565) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved July 3, 1926, reported it without amendment and submitted a report (No. 1450) thereon.

APPROPRIATIONS FOR THE DISTRICT OF COLUMBIA

Mr. WARREN. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 16422) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes, and I submit a report (No. 1648) thereon. I wish to notify the Senate that we shall undertake to have the Senate consider the bill at the earliest possible time.

The VICE PRESIDENT. The bill will be placed on the calendar.

CHANGE OF REFERENCE

Mr. NORRIS. Mr. President, on behalf of the Judiciary Committee and under its instructions I ask unanimous consent that the bill (H. R. 9784) for the issuance and execution of warrants in criminal cases and to authorize bail be rereferred to the Committee on the Judiciary.

The VICE PRESIDENT. Without objection, it is so ordered.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STECK:

A bill (S. 5687) granting an increase of pension to Emma Pilate; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 5688) granting an increase of pension to Mattie E. Beale (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 5689) granting an increase of pension to Anna J. Shepherd (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 5690) granting a pension to George Dixon; to the Committee on Pensions.

By Mr. JONES (by request):

A bill (S. 5691) to establish revolving funds for loans by Federal land banks to cooperative associations for the production of mineral fertilizer; to the Committee on Banking and Currency.

By Mr. SHIPSTEAD:

A bill (S. 5692) for the relief of Fred W. L. Wallman; to the Committee on Claims.

By Mr. ROBINSON of Indiana:

A bill (S. 5693) granting a pension to Susie May Reed; to the Committee on Pensions; and

A bill (S. 5694) granting an increase of pension to Elizabeth Staggers.

By Mr. EDGE:

A bill (S. 5695) to amend the national bank act; to the Committee on Banking and Currency.

By Mr. JOHNSON:

A bill (S. 5696) granting a pension to Minnie A. Colbert (with accompanying papers);

A bill (S. 5697) granting an increase of pension to Jewell Rena Reeher (with accompanying papers); and

A bill (S. 5698) granting an increase of pension to Barbara Schnitzius (with accompanying papers); to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A bill (S. 5699) granting an increase of pension to Ella C. Nichols (with accompanying papers); to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 5700) granting an increase of pension to Crawford E. Vest; to the Committee on Pensions.

By Mr. HAWES:

A bill (S. 5701) granting a pension to John S. Gates (with accompanying papers);

A bill (S. 5702) granting an increase of pension to Edith Quick; and

A bill (S. 5703) granting an increase of pension to Caroline E. Winters (with accompanying papers); to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 5704) granting an increase of pension to Joseph Hixon; and

A bill (S. 5705) granting an increase of pension to George W. Vineyard; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 5706) authorizing Frank A. Augsbury, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the St. Lawrence River at or near Morristown, N. Y.; to the Committee on Commerce.

By Mr. TRAMMELL:

A bill (S. 5707) granting an increase of pension to Sarah V. Cribb; to the Committee on Pensions.

By Mr. VANDENBERG:

A joint resolution (S. J. Res. 208) to authorize the merger of street-railway corporations operating in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

CONSTRUCTION OF MILITARY POSTS

Mr. VANDENBERG submitted amendments intended to be proposed by him to the bill (H. R. 13825) to authorize the appropriations for construction at military posts, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENTS TO WAR DEPARTMENT APPROPRIATION BILL

Mr. HAWES submitted amendments intended to be proposed by him to House bill 15712, the War Department appropriation bill for the fiscal year 1930, which were ordered to lie on the table and to be printed, as follows:

On page 33, line 15, after the word "of," to insert "airships."

On page 34, line 24, after the word "or," to strike out the words "observation balloons" and insert "lighter-than-air craft."

On page 35, line 1, strike out the words "no part thereof may be expended for the production of lighter-than-air equipment."

STATUE OF JEFFERSON DAVIS

Mr. STEPHENS submitted the following concurrent resolution (S. Con. Res. 36), which was referred to the Committee on the Library:

Resolved by the Senate (the House of Representatives concurring), That the statue of Jefferson Davis, presented by the State of Mississippi, to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered the State for the contribution of the statue of one of its most eminent citizens, illustrious for his valor as a soldier and his distinguished services as a statesman.

Resolved further, That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of Mississippi.

STATUE OF JAMES Z. GEORGE

Mr. STEPHENS submitted the following concurrent resolution (S. Con. Res. 37), which was referred to the Committee on the Library:

Resolved by the Senate (the House of Representatives concurring), That the statue of James Z. George, presented by the State of Mississippi, to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered the State for the contribution of the statue of one of its most eminent citizens, illustrious for his valor as a soldier, his ability as a jurist, and his distinguished services as a statesman.

Resolved further, That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of Mississippi.

PROPOSED SALE OF VESSELS OF THE UNITED STATES AND AMERICAN MERCHANT LINES

Mr. McKELLAR submitted the following resolution (S. Res. 319), which was ordered to lie on the table:

Whereas the United States Shipping Board has offered for sale to American citizens the steamships *Leviathan, George Washington, America, Republic, President Harding,* and *President Roosevelt,* now being operated as the United States Lines, and the steamships *American Farmer, American Banker, American Shipper, American Merchant,* and *American Trader,* now being operated as the American Merchant Line; and

Whereas the United States Shipping Board has, pursuant to its invitation, received several bids for said steamships and said services, and it is reported that the board is about to accept one of said bids and sell said steamships; and

Whereas the said services are now being maintained with said ships by the shipping board between the Port of New York and ports of England, France, and Germany, and constitute the only American-flag passenger and mail and combination passenger, cargo, and mail services between the United States and the other three principal political and commercial nations of the world; and

Whereas the said services of the United States Lines and American Merchant Line, because of the countries to which they operate, the number and character of American citizens who travel to and from Europe and the United States for business, educational, pleasure, and other purposes, are rightly to be regarded as the premier and most essential of all American foreign-trade services; and

Whereas the maintenance of said services is, and the steamships now being operated and required to be operated in said services are of a type and class most essential for national defense; and

Whereas for the reasons hereinbefore set forth it is of the highest public interest that said services and all or any of said steamships should be sold by the United States to American citizens only upon such terms and conditions as shall give assurance that said services can, under present authorizations of mail pay and under any reasonable forecast of business be successfully maintained and developed and that the obligations required to be imposed upon the purchaser by the Shipping Board, under and pursuant to the conditions of its invitation for bids, can be carried out successfully by the party or parties to whom said ships and services are proposed by the board to be sold; and

Whereas one of said bids now before the Shipping Board provides for the construction of two giant steamships to cost approximately $28,000,000 each and another of said bids provides for the reconditioning of the steamships *Mount Vernon* and *Monticello* along the lines authorized by Congress under the act approved May 16, 1928, 75 per cent of the cost of which construction or reconditioning is to be advanced by the United States; and

Whereas any sale by the United States of said steamships and said services, and especially any sale embodying obligations to build new and costly ships, to the costs whereof the United States is to loan 75 per cent to be secured by first mortgages on such ships, leaving the private capital invested therein to be secured at best by subordinate mortgages, carries with it the implication (and almost the national guaranty) that such sale to private interests and the investment of such capital by its citizens is financially sound and the business enterprise resulting therefrom can be successful and the obligations undertaken can be met and performed; and

Whereas any financial disaster which might overtake an enterprise in the purchase and construction of the ships and the maintenance and operation of the services hereinbefore mentioned might not only involve American citizens in financial loss and entangle the United States with its citizens in the matter of marshaling the securities issued to the public by the owning or operating company or companies, but would

seriously jeopardize the future operation of these premier services and might well adversely affect national defense and the future of the American merchant marine by discrediting maritime securities with the American people, as well as in other direct and indirect ways; and

Whereas it is most essential to the public interest that the aforesaid steamships and services be sold only after the most careful and searching inquiry into the character and the experience in similar business enterprises and the financial responsibility of the bidders, the merits and business soundness of the proposals embodied in the respective bids, and of the undertaking required thereunder to be imposed upon and performed by the bidders, and the obligations and burdens to be imposed upon the United States morally, financially, and otherwise by and through the acceptance of any of said bids, to the end that the bid, if any, which shall be accepted shall be such as to give reasonable assurance of the continued successful maintenance and upbuilding of these principal American-trade and national-defense services; and

Whereas the ascertainment of the facts hereinbefore outlined can only be obtained and desirable wide public information in regard thereto can only be had through an investigation and public hearings by the Committee on Commerce of the Senate: Now, therefore, be it

Resolved, That the Committee on Commerce be authorized and directed to investigate fully into each and all bids, and into all the phases and particulars thereof, now pending before the United States Shipping Board for the purchase and operation of the United States Lines and the steamships *Leviathan, George Washington, America, Republic, President Harding,* and *President Roosevelt,* and the American Merchant Line and the steamships *American Farmer, American Banker, American Shipper, American Merchant,* and *American Trader,* and/or for the construction and/or reconditioning of new ships or existing ships, and into forecasts of the commercial results reasonably to be expected from the operation of such ships.

That full authority is hereby vested in said committee to hold all hearings, whenever and wherever deemed necessary for said purposes, to require the production of records, documents, and other writings, to swear witnesses, and to take such other steps as may be found by said committee to be proper.

That pending further action by the Senate the United States Shipping Board is hereby requested to withhold making any sale of said steamships or said services, or to enter into contracts for the construction of new ships, or reconditioning of existing ships, for the use in such services.

UNEMPLOYMENT: CAUSES AND REMEDIES

Mr. WALSH of Massachusetts. Mr. President, I ask to have printed in the CONGRESSIONAL RECORD a very instructive article from the Catholic World for February, 1929, upon "Unemployment: Causes and Remedies," including a discussion of the unemployment bills now pending in the Senate, by John A. Ryan, D. D., a well-known and able writer upon social, labor, and economic problems.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNEMPLOYMENT: CAUSES AND REMEDIES

By John A. Ryan, D. D.

Despite the assurances of present and future prosperity which we received during the recent political campaign, the problem of unemployment remains actual and urgent. This statement rests upon two facts: First, the considerable number of workers unemployed at the present time; second, the necessity of seeking means to prevent some, at least, of the hardships to be expected from the next industrial depression.

The United States Bureau of Labor statistics informs us that last October the index number of employment in our manufacturing industries was 88.1 per cent and on the railroads 89.1 per cent. In other words, the number of employees in manufacturing industries was 12 per cent less than in 1923 and on the railroads 11 per cent less. If these ratios are true of all our industries, and of our 31,000,000 wage earners, employment has declined in five years by about three and one-half million persons. Whether so many persons are actually out of work to-day no one can confidently say, but we might not be far wrong if we placed the number at 3,000,000. Therefore, the present situation is of itself sufficiently acute to demand the serious consideration of all who believe that the welfare of millions of human beings is more important than complacent contemplation of alleged national "prosperity."

THE PARTICULAR CAUSES

What are the causes of unemployment? They may be conveniently enumerated as particular and chronic. The particular causes may be subdivided into seasonal, local, and technical. The seasonal causes are those which inhere in the so-called "seasonal" industries. Examples of these are the building trades and the garment trades. In the former a large proportion of the workers are unemployed in cold weather; in the latter the majority are out of work for several weeks twice a year. Local causes are those which arise out of the cessation or the reduction of industrial activities in particular places, and the transfer of these activities to other places. The shoe and textile industries in New England are apt illustrations. Technical causes are those which accompany improvements in machinery and in methods of production generally, bringing about reductions in the number of workers that are able to turn out the same or a greater quantity of goods. This process of substituting machines for men is continuous over great areas of industry. In the last five years about one and one-quarter million jobs have disappeared in our factories alone.

Let us bear in mind that all three of these particular causes are active and persistent even in times of greatest prosperity. Of course, their evil effects vastly increase in periods of general depression.

REMEDIES

The primary means of dealing with the unemployment produced by particular causes is a comprehensive system of employment exchanges, or employment offices. Such a system must comprise National and State, as well as municipal agencies. And they should operate in close coordination and cooperation. Only through such a system can complete information be gathered concerning the men who are looking for jobs and the jobs that are available for men. Not the least important task of an adequate employment service would be to obtain complete and detailed information concerning the total amount of unemployment and to keep that information up to date. At present the only national agency which attempts any part of this task is the United States Bureau of Labor Statistics, but it investigates only a small part of the field, and even there it shows only the changes in the amount of unemployment, not the total number of unemployed. A national employment service was established during the war and did a vast amount of good. Referring to it the Catholic Bishops' Program of Social Reconstruction declared: "It is the obvious duty of Congress to continue and strengthen this important institution." Unfortunately, Congress did not see fit to adopt this recommendation. The United States Employment Service was allowed to die of inanition. Congress ought to enact the measure now pending for its revival.

Insurance against unemployment is another of the long-accepted and standard remedies. It may be either private or public. The former is provided jointly by the employers and the employees in a given plant or industry, or by either group acting alone. Several of the more stable and prosperous trade-unions maintain out-of-work benefits for their members. A few concerns, such as the Dennison Co., of Framingham, Mass., have created out of surplus earnings a fund from which the employees receive a certain per cent of their regular wages when the firm is unable to continue them at work. Examples of unemployment insurance financed and operated jointly by employer and employee are seen in the garment trades.

Other things being equal, unemployment insurance conducted by employers or employees, or by both, is preferable to that maintained by the public authority. It is better that men should do things for themselves than to have things done for them by others, even by the state. In the greater part of the field, however, "other things" are not equal. The great majority of employers and employees are unable or unwilling to provide adequate funds. Hence the public authority ought to be called upon to do in America what it has done in many of the countries of Europe. However, none of the European schemes seems to be as desirable as the one which was drawn up in Wisconsin and which passed one house of the legislature of that State. This measure provided, in brief, that any person who had been employed for six months or more by an employer who was no longer able to furnish him with work would be entitled to daily stipend for not to exceed 13 weeks in any one year, in case he could find no employment elsewhere.

This proposal has two conspicuous merits. First, it places the burden of unemployment where it belongs, namely, upon industry. To the extent that industry does not pay the worker a sufficient wage to enable him to protect himself against all the hazards and contingencies of life, it ought to fulfill that duty through some form of insurance.

This is the principle which underlies and justifies our workmen's compensation law. As the employee has a moral claim against industry—that is, his employer—for compensation in case of occupational accident or disease, he has likewise a valid claim for daily compensation when industry fails to provide him with employment. An industrial system which requires men to spend their entire lives in its service should provide them with the means of suppliyng all the wants of life.

The second merit of the Wisconsin plan is the salutary restraint that it would put upon the inclination of employees to expand their activities unnecessarily. The business man who contemplated increasing his plant during a temporary "boom" would think a second time before putting the project into execution. He would reflect that an increased number of employees would require a larger outlay for unemployment benefits when business operations again became slack. The same consideration would occur to the banker to whom the business man might apply for credit to finance the project of expansion.

The third of the standard remedies is increased expenditures for public works during periods of industrial depression. Judging by the acclaim with which this proposal was received when it was put before the recent meeting of State governors on behalf of President-elect Hoover, our American newspapers and many prominent individuals seem to be under the impression that it is a brand-new scheme excogitated by the "great engineer." As a matter of fact, it has been approved and advocated by all authorities on unemployment for upward of half

a century. Its value and efficacy depend upon its comprehensiveness, its magnitude, and the extent to which it is ready for operation at the very beginning of a recession in private employment. The Jones bill, now before Congress, is far from adequate. It provides for an appropriation of $150,000,000 for expenditure upon certain public works after a decline of 20 per cent in building contracts has occurred during three consecutive months. Here are three glaring defects: The amount of money provided is insufficient for any but temporary and partial depressions; it does not become operative at the outset of the depression and, therefore, lacks an important element of prevention, and it relies upon only one index of declining business, namely, building contracts, whereas several others are available.

The program set before his fellow State executives by Governor Brewster is much better than that contained in the Jones bill. It contemplates the continuous control and planning of an expenditure of $3,000,000,000 over a period of several years. It would involve a lessening of expenditures for public works during a period of prosperity as well as an increase during a period of depression, and it would require the joint and coordinate action of the National, State, county, and municipal authorities. Such a plan is not easy nor simple to operate, yet nothing less would be of much value in dealing with any considerable amount of unemployment. On the other hand, it should not be beyond the ingenuity of our legislators and public executives if they are willing to attack the problem seriously and whole-heartedly.

A CHRONIC CAUSE

The particular causes of unemployment have long been active in every country that has emerged from a purely agricultural economy. What I would call "a chronic cause" is peculiar to recent times and is particularly active in the United States. It is general overproduction or underconsumption. The vast majority, if not all, of our industries are capable of producing more goods than can be sold at profitable prices. Or, to describe the problem in terms of the consumer, those who would like to buy more goods have not the money; those who have the money to buy more lack the desire. As a consequence the capacity for overproduction has become chronic and unemployment or imminent danger of unemployment has likewise become chronic.

During the last two years of the Great War some four and one-half million able-bodied Americans were withdrawn from productive industry; nevertheless, our country sent to Europe at least $12,000,000,000 worth of goods in excess of our regular exports. At the same time there was sufficient produced and retained at home to enable the masses of our people to live in greater comfort than had been possible for them at any previous period of American history. Upon good authority it has been estimated that the power resources of our country are equivalent to the labor of 30 human slaves for every man, woman, and child. In the palmiest days of Athens the free citizens of that city commanded on an average the labor of only three slaves.

The general condition is strikingly described in a recent article by Ethelbert Steuart, United States Commissioner of Labor Statistics:

"We are living in an age of surplus. We have a surplus of food from the farms, a surplus of products from the factories, and a surplus of man power for both the manufacturing and agricultural industries. Yet we proceed as if we were still living in an age of want—as if the demand everywhere still exceeded the supply. On every hand the condition of surplus continues to be met by feverish effort for more production with less man power. * * *

"We're up against a new system. The machine has put production ahead of population. What are we going to do with what we produce? The man who made two blades of grass grow where one grew before was a public benefactor then. But to-day we have all the hay we need and more. The fellow who makes two stalks of wheat grow where one grew before isn't a public benefactor unless he creates new wants for his product and new ways of supplying them. * * *

"The increases in output per man power from 1914 to 1925 include: Iron and steel, 59 per cent; boots and shoes, 6 per cent; leather tanning, 26 per cent; slaughtering and meat packing, 27 per cent; petroleum refining, 83 per cent; paper and pulp manufacturing, 34 per cent; cement manufacturing, 61 per cent; automobiles, 172 per cent; rubber tires, 211 per cent; flour milling, 36 per cent; sugar refining, 28 per cent."

These figures cover the period from 1914 to 1925. More recent years show an even more striking evidence of the same trend. Between the year 1922 and the month of April, 1928, the average output, per man, in all manufacturing industries, increased 33 per cent. In 1925 the farmers fed 39,000,000 persons more than the same number of farmers fed in 1900.

Our vastly increased production and our chronic overproduction are clearly reflected in the amount of money expended in the effort to sell goods. If consumption were keeping pace with production, at least three-fourths of the advertising costs and other selling costs would be unnecessary. In the Atlantic Monthly, September, 1928, a manufacturer states the situation in the following terms: "In our business we have come to the appalling situation wherein it costs nearly twice as much to pay for the man power involved in selling the goods as it does to pay for producing them. If every one of our factory employees would work for nothing, so that our pay roll for productive labor would be absolutely zero, the saving would not be enough to get us into the dividend-paying class. Why? Just because it costs too much to sell goods. Salesmen's salaries, commissions, and expenses are not all of the costs of selling. There are brokers' commissions, advertising costs, demonstrations, free deals, discounts, special discounts, circulars, and what not, till it fairly makes one sick."

Even religion has been enlisted in the great business of selling goods. This development is effectively described in an article entitled "Religion in Business" in the September (1927) issue of Harper's Magazine. The writer assumes that the national association of aluminum ash tray manufacturers plans thus for its next convention: "We must do something to convince the public that it should buy our aluminum ash trays instead of brass, china, or silver ash trays. We'll engage some nationally known speaker who is connected with one of the big uplift organizations to make an address. We'll feature also a couple of popular preachers. These things will make a good impression when our convention proceedings are reported in the newspapers. Church people everywhere will get the idea that the aluminum ash-tray industry stands for morality, and they'll buy aluminum trays instead of brass, china, or silver trays. Of course, we'll have to have a little amusement for the delegates besides, something like a cabaret show or a beauty contest."

So far as America is concerned, the problem of providing all the inhabitants with the means of decent living is no longer a problem of production. It is the problem of increasing the consuming power of the masses so that more of the goods that are produced, or that could be produced, will be sold. Obviously the solution of this problem would benefit industry as well as the masses of the workers. The effect upon industry of increasing consuming power may be visualized if we imagine what would follow a notable reduction in present consumption. Suppose all skilled laborers should diminish their purchases by one-third. They could do so and still exist. Imagine the financial injury which this saving would inflict upon all industry and business. Exactly the reverse effect would be produced if the great bulk of the laboring classes were enabled somehow to increase their purchases by one-third.

Imagine the condition of American industry without the recent invention of installment buying. It has been estimated that at least $6,000,000,000 worth of goods were bought on this plan in the year 1926. Had these goods not been bought our industries would have produced that much less and would have been idle during a corresponding length of time. That would have meant an industrial depression.

So obvious is it that our productive capacity exceeds our capacity to get goods consumed, so obvious is it that industry can not keep going without a wide and great diffusion of purchasing power, that employers are now preaching the doctrine of high wages. They realize the need for a large consuming power in the hands of the working classes. "On this point the American Federation of Labor has always been right," says Foster and Catchings, "but various associations of employers have sometimes been wrong."

The outstanding examples of great unemployment caused by excessive capacity for production are provided by the textile and soft-coal industries. These are so notorious and of such long standing that not even the most simple-minded believer in the "economic harmonies" nor the most devoted believer in Republican "prosperity" can explain them away. Nevertheless, they are merely the most conspicuous instances of a condition that constantly threatens most of our great industries. In varying degrees this condition of overproduction and unemployment is actually present in several other industries besides textile manufacturing and soft-coal mining. A recent article in the New Republic states: "The iron hand of depression weighs heavily on the hard-coal communities. For the first time in a long and varied history collieries have been shut down for longer than a year at a stretch * * *. With the reduction of the demand for anthracite, according to reports, the industry must deflate itself to the minimum working force by the installation of the newest mining equipment * * *. But the incoming changes promise to be permanent and the miner's wait for a job will become longer and longer."

When we speak of general overproduction, we have in mind, of course, the effective demand, not the sum total of human wants. In the latter sense general overproduction is probably impossible, for it is unlikely that human beings will not develop desires for all the goods that they can produce. The trouble is that a large proportion of the desire for goods is not supported by money to buy the goods. Overproduction, then, is asserted relatively to the desire to consume combined with the power to consume. Of course, I am well aware that the majority of economists still repeat the formula of their predecessors that there can be no such thing as general overproduction, even in the sense just defined. They maintain that a supply of goods is always a demand for other goods. We have not time to examine fully this theory. Let it suffice to point out that in our industrial society goods are not directly exchanged for other goods; they are exchanged for money; and it is quite conceivable that

the masses of the population who would like to consume all the surplus goods of all the industries are without sufficient money to buy them.

In the second place, a large proportion of the capitalists and business men who control the surplus and excess products, actual or potential, desire only one kind of goods. They do not wish to exchange their surplus for more food, clothing, shelter, or other goods of consumption. They already have all that they can consume of these products. What they would like to have is more production goods, more machinery, and other forms of capital. Of course, they could get them because capital goods are also produced in excessive abundance. Their only reason for not taking more capital goods is the fact that they can not find a market for the additional products which these new capital instruments would turn out. The automobile manufacturer who has already supplied all his wants for consumption goods will not exchange his surplus automobiles for materials to increase his production of automobiles. What is true of him is true of thousands of other capitalists in other industries.

REMEDIES

One obvious remedy for this chronic unemployment has already been described under the head of increased expenditures for public works. However, this would be palliative rather than curative; partial rather than fundamental; general rather than specific; temporary rather than permanent. In order to be fundamental and specific the remedies must deal with the fundamental and specific causes, namely, overproduction and underconsumption. There are only two such remedial measures, and they are closely interrelated.

Since we are producing too much, it would seem that we might with advantage spend less time upon these material things and more on the improvement of our minds, on acquiring culture. Within certain limits, this assumption is thoroughly sound. We produce more luxuries and even more comforts than are good for us, and we waste a great deal in the course of production, distribution, and consumption. Nevertheless, we do not produce too much clothing, too much building material, too many hospitals, or too much education. The problem is to get these goods into the hands of the right persons. Hence, the fundamental need is a better distribution of purchasing power. Those persons who have the money to consume the surplus products have not the desire to do so; those who have the desire have not the purchasing power. The former class saves too much of its income and converts too much into capital. One billion dollars or more of American money is invested annually in foreign countries. If, instead of being exported, this fund were distributed among the 10,000,000 poorest paid of our wage earners, it would provide an average increase of $100 each in their annual incomes.

Overproduction can be greatly reduced and consumption greatly increased through a general policy of high wages. If the matter could be arranged scientifically and humanely those sections of the laboring class that are now underpaid would be made the chief beneficiaries of this policy. A universal minimum wage law would be the most effective contribution to the solution of the problem of overproduction and underconsumption. Since the decision of the Supreme Court in the District of Columbia Minimum Wage Case, this remedy is not among the practical possibilities. Every other method which is legitimate should be utilized for the purpose of increasing wages, especially the wages of those who are now receiving less than the equivalent of a decent livelihood.

The other fundamental remedy is the 5-day week. If this were general it would at the same time diminish production and increase wages. It has already been obtained by some sections of the laboring population. We all realize that this project is highly complex. There is the question of a right use of the leisure time that will result, and there is the fact that those powerful labor groups which obtain the 5-day week first are probably those who need it least. Nevertheless, the difficulties must be faced and a beginning must be made somewhere. The possession of increased leisure will compel men to examine how best it may be used. The general extension of the 5-day week can come only after it has been established in a few industries by a few of the more powerful labor organizations. Such has been the history of the 8-hour day, and, indeed, of every important improvement made in the condition of labor.

To the objection that a higher scale of wages and a 5-day week with no reduction in weekly wages, would so increase the cost of production that demand for goods would decline, causing a decrease rather than an increase in employment, there are two replies. First, the prices of goods would not increase as much as the wages of labor, since wages are only a part of the cost of production. A part of the increased cost of goods would be borne by consumers who are not wage earners. In the second place, our industries are admittedly capable of providing more of the necessaries and comforts of life than are now obtained by the majority of the laboring class. The only problem before us, then, is that of somehow making the right kind of distribution. If it can not be made through the price system and the wage system, some other method should and must be found. The absurd contradiction between the enforced idleness of machines and workers that could provide plenty for all the people if they were kept going, and millions of human beings who would have sufficient if the idle machines and men were to get busy in providing for their wants—is a grave reproach to our industrial system and our economic civilization. It constitutes the sharpest challenge that has ever been hurled at industrial statesmanship.

TRANSFER OF LAND IN OREGON

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4036) to authorize the Secretary of War to transfer the control of certain land in Oregon to the Secretary of the Interior, which was to strike out all after the enacting clause and insert:

That the Secretary of War be, and he is hereby, authorized to transfer to the control of the Secretary of the Interior, for the use and benefit of certain Indians now using and occupying the land as a fishing-camp site, two irregular-shaped parcels of land containing in the aggregate approximately 7.4 acres, located in lot 1 of section 17 and in lots 1 and 2 of section 20, township 2 north, range 15 east, Willamette meridian, Oregon, originally acquired by the United States as a right of way for a projected boat railway in connection with the improvements of The Dalles-Celilo section of the Columbia River: *Provided*, That a strip 40 feet wide be reserved from such transfer for a roadway connection between the lock keeper's grounds at Celilo and the Columbia River Highway.

Mr. FRAZIER. I move that the Senate concur in the House amendment.

The motion was agreed to.

PORT WASHINGTON NARROWS BRIDGE

Mr. JONES. Mr. President, there is on the table a bill to extend the time for the construction of a bridge across the Port Washington Narrows. I ask that the bill may be laid before the Senate, and I ask for its present consideration.

The VICE PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 16035) to extend the time for completing the construction of the bridge across Port Washington Narrows, within the city of Bremerton, State of Washington, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the time for completing the construction of the bridge across Port Washington Narrows, within the city of Bremerton, State of Washington, authorized by the act of Congress, entitled "An act granting the consent of Congress to W. E. Buell, of Seattle, Wash., to construct a bridge across Port Washington Narrows, within the city of Bremerton, in the State of Washington," approved June 14, 1926, be, and the same is hereby, extended three years from June 14, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, the similar Senate bill will be indefinitely postponed.

VALIDATION OF CERTAIN PUBLIC-LAND ENTRIES

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 5110) entitled "An act validating certain applications for and entries of public lands, and for other purposes," which was on page 4, after line 3, to insert:

SEC. 7. That no qualified homestead entryman who, prior to November 1, 1928, made bona fide entry upon lands of the United States in Moffat, Rio Blanco, and Routt Counties, Colo., under the provisions of the homestead laws of the United States, and who established residence in good faith upon the lands entered by him, shall be subject to contest for failure to maintain residence or make improvements upon his land subsequent to the incursion of swarms of crickets or grasshoppers upon said land, or in the vicinity; but such entryman shall, within 90 days after issuance of notice by the Secretary of the Interior that the emergency occasioned by such insect invasion has terminated, file in the office of the register of the local land office an affidavit that he has reestablished his residence on the land, with the intention of maintaining the same for a period sufficient to enable him to make final proof: *Provided*, That any entry heretofore canceled within said counties may, subject to intervening adverse rights, be reinstated on a proper showing by the entryman that a leave of absence under this act would have been warranted: *Provided further*, That no such entryman shall be entitled to have counted as a part of the required period of residence any period of time during which he was not actually upon said land prior to the date of the notice aforesaid.

Mr. NYE. This amendment has the approval of the Committee on Public Lands and Surveys, and I move that the Senate concur in the amendment of the House.

The motion was agreed to.

CLAIMS UNDER WAR MINERALS ACT

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1347) to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended, which was to strike out all after the enacting clause and insert:

That any claimant who has heretofore filed with the Secretary of the Interior within the time and manner provided by existing law a claim under said acts generally known as the war minerals acts (40 Stat. 1272, and its amendments) may within one year from the date of the passage and approval hereof petition the Supreme Court of the District of Columbia to review the final decision of the Secretary of the Interior upon any question of law which has arisen or which may hereafter arise in the adjustment, liquidation, and payment of his claim under said acts, but the decision of the Secretary of the Interior on all questions of fact shall be conclusive and not subject to review by any court.

SEC. 2. In any proceeding brought under the provisions of section 1 of this act the Secretary of the Interior shall be designated as the defendant or respondent, and upon the filing of the petition the cause shall follow the usual procedure, subject to such rules or orders as the court may make with respect thereto.

SEC. 3. Jurisdiction is hereby conferred upon the Supreme Court of the District of Columbia, as a district court of the United States, to hear and determine all such suits and enter all orders, judgments, and decrees therein, subject to the usual right of appeal by either party to the Court of Appeals of the District of Columbia, whose final judgment may be reviewed by the Supreme Court of the United States by petition for certiorari or by appeal as provided by law and the rules of the court.

SEC. 4. Upon the final disposition of such proceeding, the clerk of the Supreme Court of the District of Columbia shall without delay certify to the Secretary of the Interior the final judgment or decree rendered therein, whereupon the Secretary of the Interior shall proceed with the final adjustment of said claim in accordance with the law as construed by the court in such judgment or decree.

Mr. ODDIE. I move that the Senate concur in the House amendment.

Mr. BRATTON. I think some explanation should be made of it, as apparently it is an entirely new bill.

Mr. CURTIS. I hope the Senator from Nevada [Mr. ODDIE] will let the amendment go over until to-morrow.

Mr. BRATTON and Mr. HEFLIN. Let it go over until to-morrow.

Mr. ODDIE. Very well.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 4787. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the city of Savanna, Ill., and the city of Sabula, Iowa; and

S. 4957. An act granting the consent of Congress to the Danville & Western Railway Co. to reconstruct, maintain, and operate the existing railroad bridge across the Dan River in Pittsylvania County, Va.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 15577. An act to authorize the Secretary of the Navy to dispose of material to the sea scout department of the Boy Scouts of America; and

H. R. 16162. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near New Orleans and Gretna, La.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 4818. An act for the relief of hay growers in Brazoria, Galveston, and Harris Counties, Tex.;

S. 5578. An act recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crew of the U. S. S. *America*, and for other purposes; and

H. R. 10774. An act for the relief of the Carlisle Commission Co.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 15577. An act to authorize the Secretary of the Navy to dispose of material to the sea scout department of the Boy Scouts of America; to the Committee on Naval Affairs.

H. R. 16162. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near New Orleans and Gretna, La.; to the Committee on Commerce.

BIRTHPLACE OF ABRAHAM LINCOLN

Mr. SACKETT. Mr. President, the House passed yesterday and sent to the Senate a bill for the improvement of the birthplace of Abraham Lincoln. There is a similar bill on the Senate calendar which has the unanimous indorsement of the committee. I ask that the House bill be laid before the Senate, considered and passed, and that the Senate bill be indefinitely postponed. It is an authorization bill.

The VICE PRESIDENT. Is there objection?

Mr. ROBINSON of Arkansas. Mr. President, the House bill has already been substituted on the calendar for the Senate bill and the Senate bill has already been indefinitely postponed by order of the President pro tempore, recently.

Mr. HEFLIN. The Senator from Kentucky wants to pass the bill which has been placed on the calendar?

Mr. SACKETT. I do.

Mr. HEFLIN. I hope it will be done.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky?

Mr. BLEASE. Mr. President, I do not object to the particular bill in question; but I do object to any bill being considered at this time. I think, after we have all been here as we have to-day, this character of business should not be transacted at this time of day. Most of us thought there would not be anything done after the cruiser bill was disposed of. There are bills on the calendar to which I object most seriously. If this sort of procedure is to be carried on, of course it is possible during the last days of the session for some one to ask unanimous consent to have a bill passed as a matter of courtesy; and any bill might be passed whether some Senator wants to object to it or not. I do not think the Senate should legislate at this late hour after the understanding practically that there would not be anything done except to dispose of the cruiser bill.

If this bill should be passed to-night, then to-morrow, if I did not happen to be present and some Senator should want to put through a judgeship bill to which I do most earnestly object or to put through a post office bill to which I most earnestly object, unanimous consent might be given and the bill rushed through in my absence. I do not think this is a good custom. I want to protest against it individually, and for that reason I must object to the consideration of the bill.

Mr. BRUCE. Mr. President, the Senator should remember there was but one Abraham Lincoln.

Mr. BLEASE. And there is only one judgeship asked for in the State of South Carolina.

Mr. SACKETT. Mr. President, will the Senator from South Carolina listen to me for a moment?

Mr. BLEASE. I have taken my position and I hope I am clearly understood. I object to this manner of legislation.

Mr. SACKETT. There are now between 400 and 500 automobiles visiting this national shrine daily, and the health officer of the State of Kentucky has told me that the place is in such an insanitary condition that he ought to close it to the general public. It seemed to me that it was the wrong thing for the country to permit one of its great national shrines to get into that condition.

Mr. ROBINSON of Arkansas. Mr. President, I think there is much force in the statement just made by the Senator from South Carolina. We have been proceeding here diligently and toward the end of every session we frequently proceed to legislate without due deliberation. I do wish, however, under the circumstances, that he would find it consistent to withdraw his objection to the bill.

Mr. BLEASE. If I should do so, then somebody might let a bill to which I object go through when it is called up.

Mr. SACKETT. This is a rather peculiar case, if the Senator please.

Mr. BLEASE. Oh, well, I will withdraw the objection with the understanding, positive and distinct, that if any of the judgeship bills to which I am objecting so earnestly shall be called up, I hope some Senator will be gentleman enough to object if I am not here.

There being no objection, the bill (H. R. 15657) to provide for the improvement and preservation of the land and buildings of the Abraham Lincoln National Park or Reservation was read first by its title and the second time at length, as follows:

Be it enacted, etc., That for the purpose of protecting from disintegration and of improving, beautifying, and preserving the Abraham Lincoln National Park or Reservation established under the act entitled "An act to accept a deed or gift or conveyance from the Lincoln Farm Association, a corporation, to the United States of America, of

land near the town of Hodgenville, county of Larue, State of Kentucky, embracing the homestead of Abraham Lincoln and the log cabin in which he was born, together with the memorial hall inclosing the same; and further to accept an assignment or transfer of an endowment fund of $50,000 in relation thereto," approved July 17, 1916 (U. S. C., title 16, secs. 211–214), the Secretary of War is authorized and directed to provide for (1) the improvement of such existing roadways, walks, and buildings in such park or reservation; and (2) the planting of such trees, plants, and shrubbery; the construction of such additional roadways, walks, and buildings, and of such fences, parking spaces, drainage structures, culverts, and bridges; and the making of such other improvements as in his judgment may be necessary for the preservation, beautification, and protection from disintegration of such park or reservation, including the log cabin in which Abraham Lincoln was born and the memorial hall inclosing the same, and which may serve to render such park or reservation convenient for the appropriate use and enjoyment by the public.

SEC. 2. There is authorized to be appropriated the sum of $100,000, or so much thereof as may be necessary, to carry out the provisions of section 1 of this act; and authorization is also hereby given for such appropriations as may, in the future, be deemed necessary for the proper protection, preservation, care, maintenance, and operation of the said national park or reservation, including the salaries and compensation of a superintendent and other needed employees.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, the similar Senate bill is indefinitely postponed.

SALE OF GOVERNMENT-OWNED LAND AT MANCHESTER, N. H.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4739) authorizing the Secretary of the Treasury to sell certain Government-owned land at Manchester, N. H., which was, on page 1, line 5, to strike out "New Hampshire Fire Insurance Co." and insert "highest bidder, after public advertisement."

Mr. KEYES. I move that the Senate concur in the House amendment.

Mr. ROBINSON of Arkansas. Will the Senator explain the amendment?

Mr. WALSH of Montana. Mr. President, I think the objections to this course of procedure are so good that at least we ought to have an explanation of what the amendment is.

Mr. KEYES. This is a bill authorizing the Treasury Department to sell a small bit of land in the State of New Hampshire on the site of the Federal post-office building. The Senate passed the bill, but it provided for the sale to a designated private party at a sum not less than so much, namely, for $20,000, for a very small bit of land. The House has amended the bill simply to provide that the Treasury Department shall dispose of the land to the highest bidder after advertising. That is all there is to it.

Mr. ROBINSON of Arkansas. I have no objection to the Senator's motion.

The VICE PRESIDENT. The Senator from New Hampshire moves that the Senate concur in the amendment of the House.

The motion was agreed to.

SANDUSKY BAY BRIDGE, OHIO

Mr. BURTON. Mr. President, I ask unanimous consent to take from the table a bill messaged from the House to-day relating to the construction of a bridge near Sandusky, Ohio.

The VICE PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 16208) authorizing the Cedar Point Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the southeast arm of Sandusky Bay at or near Sandusky, Ohio, was read twice by its title.

Mr. BURTON. Mr. President, I should like to have unanimous consent for the consideration of the bill.

Mr. HEFLIN. Mr. President, can we not have a calendar day when we can go into all these matters and not have them taken up in this indiscriminate way?

Mr. CURTIS. Mr. President, it is the intention to take a recess, if the Senate will agree to do so, and to-morrow we shall ask for an adjournment so that the following day there will be two hours for the consideration of bills on the calendar. The program was for the Caraway bill to be made the unfinished business and that it should then be temporarily laid aside and the Army appropriation bill called up and proceeded with to-morrow.

There being no objection the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

On motion of Mr. BURTON, the bill (S. 5219) granting consent of Congress to the Cedar Point Bridge Co., a corporation organized under the laws of Ohio, of Sandusky, Erie County, Ohio, to construct a bridge across Sandusky Bay, in the city of Sandusky, Erie County, Ohio, was indefinitely postponed.

Mr. BROOKHART. Mr. President, I should like to have unanimous consent at this time to call up a bridge bill, a House bill just passed.

Mr. REED of Pennsylvania. O Mr. President, there are about 40 bridge bills on the calendar which we would like to have passed. Can we not call them up and pass them collectively?

Mr. CURTIS. Mr. President, I must demand the regular order. Those bridge bills can be taken up in the morning hour.

The VICE PRESIDENT. The regular order is demanded.

PROBLEMS AND ACCOMPLISHMENTS OF BUREAU OF RECLAMATION

Mr. JONES. Mr. President, I have in my hand a brief address delivered recently by Dr. Elwood Mead, Commissioner of Reclamation, a very clear and very informative statement with reference to the problems and accomplishments of the Bureau of Reclamation. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SPEECH OF DR. ELWOOD MEAD, COMMISSIONER OF RECLAMATION, ON THE PROBLEMS AND ACCOMPLISHMENTS OF THE BUREAU OF RECLAMATION, DEPARTMENT OF THE INTERIOR, BROADCAST BY STATION WJSV AT WASHINGTON, D. C., AT 8 P. M. FEBRUARY 5

The Reclamation Bureau was created to build irrigation works and make homes on the unpeopled deserts of the arid region. In urging this policy President Roosevelt said that the reclamation and settlement of these lands would enrich every portion of the country; that home making was but another name for nation building.

The operation of the act has amply sustained the President's forecast. More than 600,000 people live on the Federal reclamation projects that dot the thousand-mile zone of scanty and uncertain rainfall that once separated the humid East from the cities and farms of the Pacific coast. On these projects are 685 schools and 683 churches. The crops grown in 1928 were worth $135,000,000, which amount is almost sufficient to pay off in a single year the entire indebtedness of the projects to the Government, amounting to $166,000,000. The cheap local food products which these projects supply have helped to open mining districts and keep mines in operation. The policy has strengthened the range stock industry by providing winter feed for stock, which without this would have starved. It has cheapened freight rates by giving an immense amount of local business to transcontinental roads.

One or two illustrations will show this. In one Federal irrigation district where 25 years ago the only livestock was jack rabbits and coyotes a single town paid the Burlington Railroad last year $800,000 in freight charges. More freight was carried over the Union Pacific to and from two Government projects on Snake River in Idaho than came from the entire State before these projects were built.

THE WHOLE COUNTRY BENEFITS

These reclaimed areas are supplying this country with numerous valuable products which can not be grown elsewhere, and they supply our markets with fresh vegetables at seasons of the year when climate suspends production in other sections. Dates can only be grown in the arid irrigated Southwest. Sugar beets, rice, and long-staple cotton, grown on these projects, lessen the amount of money we have to send abroad. Federal irrigated areas furnish an immense and stable market for the products of eastern factories. Automobiles, farm machinery, clothing, and other articles manufactured in the East fill the warehouses of western towns. Providing these things gives employment to thousands of workers and creates larger local demands for the products of eastern farms. Because so many of the products of western reclamation do not compete with those of humid sections and the support given to eastern industries these projects have not injured eastern agriculture. On the contrary, they have helped it.

DEVELOPMENT BY PRIVATE ENTERPRISE AIDED AND EXTENDED

Federal reclamation has supplemented and aided private irrigation enterprises. It has done this because its reserve of resources and continued operation enable it to undertake works too large and too costly for private capital. Works to control and use large rivers are being built mainly by the Federal Government and will be increasingly built by this agency in the future. In nearly every large river valley of the arid region the reclamation policy has acted as a life-saver for communities begun by private enterprise. The settlers in Salt River Valley, Ariz., living under a half a dozen privately built canals, found themselves unable to obtain means to complete their works or build the reservoir needed to regulate the river's discharge. By taking over and rebuilding these works and building the Roosevelt Reservoir it made of

this valley one of the richest agricultural districts in the West and one of Arizona's greatest economic assets. In a valley where no agricultural crop can be grown without irrigation the crops taken from its irrigated fields in 1928 were worth $26,100,000.

Similar aid in extending and safeguarding private development, by building great storage works and larger and more substantial canals, has exerted its beneficent influence on the irrigated communities of the Rio Grande, Yakima, Snake, Missouri, and North Platte Rivers. No other investment of the Government has brought greater social or economic returns, and because of the local need for this development none other has been of greater national advantage.

ALL MONEY SPENT COMES FROM THE ARID REGION

There is a widespread belief that the money spent on reclamation comes from taxes and that the farmers of the humid section pay these taxes. Nothing of the kind occurs. The original act provided that development would be limited to the money made available from the sales of public lands and from the income obtained from the sale of these works to water users, when built. This income from the payment of construction costs was to be a revolving fund and be available for building other works. The water users' construction payments are now the chief source of money for building new works. The revolving fund is revolving. Last year settlers' payments amounted to more than $5,000,000. The payments from a single project reached the huge total of $1,765,000. In addition to the income from land sales and water users' payments, some revenue comes from oil and other mineral leases, and the revenues from power plants. In all, about $11,500,000 was appropriated for construction in 1929.

ECONOMIC AND SOCIAL ASPECTS OF IRRIGATION

Conquering the desert requires more than canals and reservoirs. Before satisfactory results from irrigation can be secured, soil baked for centuries must be subdued. The surface has to be leveled so that water will flow over it easily. Thousands of farm houses and other farm buildings have to be built; equipment and livestock have to be provided. The amount of money required for these things is far greater than has been realized, and the obstacles which confront settlers are so serious that organization and direction are needed in overcoming them.

The importance of planning settlement and farm development has only begun to be realized. The greatest progress in reclamation in recent years has come through the attention paid to its social and economic problems. Not all these problems have been solved. Better credit in farm development is needed, broader and more comprehensive plans for determining what crops can be grown and for efficient marketing of products are required.

In addition to the above there is needed closer cooperation between the Federal and State Governments. State interest in the projects located within its borders should be manifested by lessening taxes during the development period, giving aid and advice in making farm improvements and helping these new communities to organize for business and social affairs.

Then there are legal problems. On many streams the irrigated farms line the banks for hundreds of miles. The rights to water and the protection of these rights when rivers are low and water is scarce are essential to prosperity of farmers and the stability and value of irrigation properties. These rights thus far are established and protected under State laws and by State authorities, which is sufficient where streams rise and are used within a State's boundaries. But large rivers cross State boundaries. The watershed of the Colorado include parts of seven States. The Columbia include five and the Missouri six. Federal reclamation works are being operated in 15 of these States. Contracts with settlers have to conform to these laws and to numerous amendments of the original act by Congress. The legal and accounting branches of the Reclamation Bureau confront many difficult problems.

THE WEST URGES NEW DEVELOPMENT

The pressure by localities and States for new works and to complete old ones was never greater than at present. Some now being built have a size and cost not regarded as possible when Federal reclamation began. The Owyhee Dam, now building, will be 405 feet high and will impound water for 125,000 acres of land in Oregon and Idaho. The dam and canals will cost $18,000,000. The Boulder Dam, in the Colorado, recently approved by Congress, will be 700 feet high and will impound water enough to cover the State of Maine to a depth of 1 foot. It will hold the entire flow of the river for a year and a half. Both dams are higher than any now existing. Both, when completed, will be monumental engineering achievements.

The agricultural depression following the Great War caused extreme hardship and loss to settlers on reclamation projects where farms were not fully improved and earning power had not been established. In sections of the country where farms were improved and markets near by farmers lost money and many were unable to meet their obligations. Doing this was still more difficult on reclamation farms, where land still needed to be leveled, where buildings had to be erected and more equipment bought.

Financial difficulties of Federal reclamation project farmers led to an investigation in 1924 and to a writing off of $14,000,000 of the construction indebtedness to the Government. This is about 7 per cent of the total expenditure on reclamation. The payment of $12,000,000 was deferred. Many believed that the deferred payments would also be lost, but some is being paid, and recent events give reason to expect that a considerable part will be.

PROJECTS ARE MEETING THEIR PAYMENTS TO THE GOVERNMENT

The generous action of the Government had a valuable moral effect. It improved the financial outlook of settlers and restored hope and confidence. As a result the payments in 1927 were a million dollars more than those in 1926, and those of 1928 were a million dollars more than those in 1927. On 11 of the projects, 87 to 100 per cent of the construction payments due have been made; on 5 others the percentage ranges from 76 to 84; and there are only 2 projects where less than half the payments due are still owing.

On 17 projects between 92 and 100 per cent of all the operation payments have been made, and on none of them has less than half of the operation payments been made, and on only 3 are the payments less than 90 per cent.

Each year farms become better improved. Each year cultivation becomes more skillful and scientific. The average crop return per acre is now more than two and a half times that of the country as a whole. Reclamation has justified itself by the wealth it has produced and by the influence it has exerted to build up a sound and prosperous life on what, without it, would be unpeopled deserts.

SALE OF COTTON AND GRAIN IN FUTURE MARKETS

Mr. CARAWAY. Mr. President, I ask unanimous consent that the bill (S. 1093) to prevent the sale of cotton and grain in future markets be made the unfinished business of the Senate.

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry without amendment.

WAR DEPARTMENT APPROPRIATIONS

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent that the unfinished business may be temporarily laid aside and that the Senate may proceed to the consideration of Calendar No. 1593, the bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the appropriation bill is before the Senate for consideration to-morrow.

NATIONAL INSTITUTE OF HEALTH

Mr. RANSDELL. Mr. President, in accordance with the notification given by me on yesterday, I rise now to address the Senate on my bill to create a national institute of health. I am entirely willing with this recognition to wait until to-morrow before concluding my address. I yield to the Senator from Kansas.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and the Senate (at 5 o'clock and 17 minutes p. m.) took a recess until to-morrow, Wednesday, February 6, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 5 (legislative day of February 4), 1929

PROMOTIONS IN THE NAVY

Lieut. (Junior Grade) Thomas J. Raftery to be a lieutenant in the Navy from the 25th day of December, 1928.

Medical Director George T. Smith to be a medical director in the Navy, with the rank of rear admiral, from the 27th day of June, 1920.

Passed Asst. Surg. Henry C. Weber to be a surgeon in the Navy, with rank of lieutenant commander, from the 1st day of July, 1926.

POSTMASTERS

ALABAMA

Rupert M. Bearden to be postmaster at West Blocton, Ala., in place of R. M. Bearden. Incumbent's commission expires February 12, 1929.

CALIFORNIA

Eugene L. Ely to be postmaster at Kentfield, Calif., in place of E. L. Ely. Incumbent's commission expires February 12, 1929.

GEORGIA

Camillus L. Roberds to be postmaster at Villa Rica, Ga., in place of C. L. Roberds. Incumbent's commission expired January 10, 1929.

George A. Poche to be postmaster at Washington, Ga., in place of G. A. Poche. Incumbent's commission expired January 12, 1929.

IDAHO

Albert O. Edwards to be postmaster at Grangeville, Idaho, in place of J. P. Elmers, resigned.

ILLINOIS

Raymond J. Murphy to be postmaster at De Land, Ill., in place of D. B. Troxel, deceased.

Charles W. Faulstich to be postmaster at Staunton, Ill., in place of G. A. Roberts, deceased.

INDIANA

Fred A. Spray to be postmaster at Lebanon, Ind., in place of H. T. Thompson. Incumbent's commission expired February 29, 1928.

MICHIGAN

Ronald H. Macdonald to be postmaster at Dollar Bay, Mich., in place of R. H. Macdonald. Incumbent's commission expires February 11, 1929.

Frank Leonard to be postmaster at Hubbell, Mich., in place of Frank Leonard. Incumbent's commission expires February 11, 1929.

MINNESOTA

E. Arthur Hanson to be postmaster at Benson, Minn., in place of E. A. Hanson. Incumbent's commission expires February 11, 1929.

John R. Norgren to be postmaster at Foreston, Minn., in place of J. R. Norgren. Incumbent's commission expired December 19, 1928.

Floyd C. Fuller to be postmaster at Grey Eagle, Minn., in place of F. C. Fuller. Incumbent's commission expires February 11, 1929.

Bernard O. Stime to be postmaster at Jasper, Minn., in place of B. O. Stime. Incumbent's commission expires February 11, 1929.

Alvin E. Comstock to be postmaster at Lakefield, Minn., in place of A. E. Comstock. Incumbent's commission expires February 11, 1929.

MISSOURI

Martha T. Russell to be postmaster at Bertrand, Mo., in place of M. T. Russell. Incumbent's commission expires February 7, 1929.

Elizabeth E. Letton to be postmaster at Mindenmines, Mo., in place of E. E. Letton. Incumbent's commission expired December 10, 1928.

MONTANA

Myrtle H. Keselring to be postmaster at Sunburst, Mont., in place of H. W. Rhone, resigned.

NEBRASKA

Eugene V. Hickok to be postmaster at Atkinson, Nebr., in place of E. V. Hickok. Incumbent's commission expired December 11, 1928.

NEW JERSEY

Lester Quigley to be postmaster at Manville, N. J., in place of La Mott Hartshorn, resigned.

Evan F. Benners to be postmaster at Moorestown, N. J., in place of E. F. Benners. Incumbent's commission expired December 13, 1928.

Charles J. Newman to be postmaster at Newfoundland, N. J., in place of C. J. Newman. Incumbent's commission expires February 11, 1929.

Nicholas A. Chasse to be postmaster at South Orange, N. J., in place of N. A. Chasse. Incumbent's commission expires February 11, 1929.

NEW MEXICO

Hilario A. Delgado to be postmaster at Santa Fe, N. Mex., in place of M. J. O'Bryant, deceased.

NEW YORK

Celia D. White to be postmaster at Fishkill, N. Y., in place of C. D. White. Incumbent's commission expired January 30, 1929.

Henry I. Brenzel to be postmaster at Red Hook, N. Y., in place of H. I. Brenzel. Incumbent's commission expired January 6, 1929.

Clarence J. Weyant to be postmaster at Fort Montgomery, N. Y., in place of C. J. Weyant. Incumbent's commission expired December 11, 1928.

NORTH CAROLINA

Roscoe L. Nicholson to be postmaster at Brevard, N. C., in place of R. L. Nicholson. Incumbent's commission expires February 11, 1929.

Rudolph E. Walters to be postmaster at North Wilkesboro, N. C., in place of Henry Reynolds, resigned.

Travis N. Harris to be postmaster at Troy, N. C., in place of T. N. Harris. Incumbent's commission expires February 11, 1929.

Joe L. Kelly to be postmaster at Watha, N. C., in place of J. L. Kelly. Incumbent's commission expires February 11, 1929.

Thomas L. Green to be postmaster at Waynesville, N. C., in place of T. L. Green. Incumbent's commission expires February 11, 1929.

OKLAHOMA

Oscar F. Fowler to be postmaster at Redrock, Okla., in place of O. F. Fowler. Incumbent's commission expires February 12, 1929.

OREGON

Theresa Scott to be postmaster at Jordan Valley, Oreg., in place of Theresa Scott. Incumbent's commission expires February 12, 1929.

PORTO RICO

Jose R. Sotomayor to be postmaster at Barceloneta, P. R., in place of J. R. Sotomayor. Incumbent's commission expires February 11, 1929.

SOUTH CAROLINA

Harry D. Kirby to be postmaster at Darlington, S. C., in place of C. W. Skinner, deceased.

Annie H. Goblet to be postmaster at Mount Pleasant, S. C., in place of A. H. Goblet. Incumbent's commission expired December 10, 1928.

Edwin M. Watson to be postmaster at Trenton, S. C., in place of M. J. Miller. Incumbent's commission expired October 3, 1925.

SOUTH DAKOTA

Julius S. Clevan to be postmaster at Brookings, S. Dak., in place of R. B. Breed. Incumbent's commission expired December 12, 1928.

Irene Olsen to be postmaster at Eureka, S. Dak., in place of Chris Wittmayer, removed.

TEXAS

Claude Jones to be postmaster at Brownfield, Tex., in place of J. C. Bohannan. Incumbent's commission expired December 10, 1928.

John C. Ray to be postmaster at Hutto, Tex., in place of J. C. Ray. Incumbent's commission expired December 10, 1928.

Alexander P. Hicks to be postmaster at Taylor, Tex., in place of A. P. Hicks. Incumbent's commission expires February 10, 1929.

VIRGINIA

William A. Coates to be postmaster at South Washington, Va., in place of W. A. Coates. Incumbent's commission expired January 22, 1929.

WEST VIRGINIA

J. Wade Bell to be postmaster at Quinwood, W. Va., in place of J. W. Bell. Incumbent's commission expires February 6, 1929.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 5 (legislative day of February 4), 1929

COLLECTOR OF CUSTOMS

Walter J. Wilde to be collector of customs, collection district No. 37, with headquarters at Milwaukee, Wis.

POSTMASTERS

CALIFORNIA

Annie G. Bedford, Anderson.
Charles D. Heywood, Berkeley.
Charles T. Myers, El Monte.
Pearl C. Snider, Fellows.
Michael G. Callaghan, Livermore.
Leo H. Vishoot, Sunnyvale.
Raymond J. Schulze, Veterans' Home.

ILLINOIS

John L. Lewandowski, Calumet City.
John E. Hughes, Earlville.

Ralph C. Williams, Edinburg.
William T. Warford, Eldorado.
Paul R. Beebe, Forreston.
Jesse E. Meharry, Tolono.

SOUTH DAKOTA

Calvin F. Barber, Agar.
Louis Damberger, Herreid.
Thelma L. Campman, Isabel.
Earl H. Lien, Platte.

WITHDRAWALS

Executive nominations withdrawn from the Senate February 5 (legislative day of February 4), 1929

POSTMASTERS

MINNESOTA

Charles W. Patsold to be postmaster at Cambridge, in the State of Minnesota.

VIRGINIA

Andrew F. Johnson to be postmaster at Millsboro, in the State of Virginia.

HOUSE OF REPRESENTATIVES

TUESDAY, *February 5, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

The riches of Thy glory are unsearchable and are not measured by human standards, gracious Father. Far beyond our thoughts and dreams Thy care extends and Thy grace reaches. O Love Divine, fathomable abyss, may our sins be lost in Thee. May we never be afraid. Inspire us to move out on the breast of Thy redemptive mercy. Yes, move out beyond the rim of the twilight; and lo, Thou art there. Words! Words! How they fail us. Oh, that we might be able to tell the shapes of things we can not see. We long for a thousand tongues to sing the great Jehovah's praise. Impart to all of us an insight exceeding abundant, above all we can ask or think. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, on of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On February 4, 1929:

H. J. Res. 340. Joint resolution to authorize the Secretary of the Treasury to cooperate with the other relief creditor governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program, and to conclude an agreement for the settlement of the indebtedness of Austria to the United States; and

H. R. 8341. An act to provide for appointing Clarence Ulery a warrant officer, United States Army.

On February 5, 1929:

H. J. Res. 365. Joint resolution authorizing the President, under certain conditions, to invite the participation of other nations in the Chicago World's Fair, providing for the admission of their exhibits, and for other purposes;

H. R. 13414. An act to amend section 1396 of the Revised Statutes of the United States relative to the appointment of chaplains in the Navy; and

H. R. 15324. An act authorizing the attendance of the Marine Band at the Confederate Veterans' Reunion to be held at Charlotte, N. C.

COUNT OF ELECTORAL VOTE

The SPEAKER. Under authority of Senate Concurrent Resolution 28, the Chair appoints as tellers on the part of the House to count the electoral vote on February 13, 1929, the gentleman from Massachusetts [Mr. GIFFORD] and the gentleman from Alabama [Mr. JEFFERS].

NATIONAL TRAINING SCHOOL FOR BOYS

The Chair appoints as consulting trustee for the National Training School for Boys in the District of Columbia the gentleman from Ohio [Mr. JENKINS].

MIGRATORY BIRD TREATY WITH GREAT BRITAIN

Mr. SNELL. Mr. Speaker, I present for printing in the RECORD a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York presents a report, which the Clerk will report.

The Clerk read as follows:

House Resolution 307

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 1271, "An act to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement, and for other purposes." That after general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall arise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. Referred to the House Calendar and ordered printed.

CELEBRATION OF THE CANALIZATION OF THE OHIO RIVER

Mr. SNELL. Mr. Speaker, I present another report from the Committee on Rules for printing in the RECORD.

The SPEAKER. The gentleman from New York presents a privileged report from the Committee on Rules which the Clerk will report.

The Clerk read as follows:

Mr. SNELL, from the Committee on Rules, submitted the following report to accompany House Concurrent Resolution 51:

The Committee on Rules, to which was referred House Concurrent Resolution 51, to appoint a committee from the Senate and House to represent the Congress of the United States at the celebration of the completion of the canalizing of the Ohio River from Pittsburgh, Pa., to Cairo, Ill., October 15 to 20, 1929, submits a privileged report on said House concurrent resolution, with the recommendation that the resolution be adopted.

IN THE HOUSE OF REPRESENTATIVES,
January 31, 1929.

Mr. TATGENHORST submitted the following concurrent resolution; which was referred to the Committee on Rules and ordered to be printed:

Concurrent Resolution 51

Whereas the completion of the canalizing of the Ohio River from Pittsburgh, Pa., to Cairo, Ill., represents an achievement of great importance in the development of the inland waterways of the United States; and

Whereas the Congress of the United States has by legislation contributed to the realization of this project; and

Whereas a celebration commemorating the accomplishment of this great improvement is to be held October 15 to 20, 1929, at which officials of the United States and of the States adjoining the Ohio River will attend; and

Whereas it is fitting that the Congress of the United States be represented at such celebration: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That a committee consisting of three Members of the Senate to be appointed by the President of the Senate and three Members of the House of Representatives to be appointed by the Speaker of the House of Representatives shall represent the Congress of the United States at the celebration of the completion of the canalizing of the Ohio River from Pittsburgh, Pa., to Cairo, Ill., to be held October 15 to 20, 1929. The members of such committee shall be paid their actual expenses, one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives.

The SPEAKER. Referred to the House Calendar and ordered printed.

NORTHERN PACIFIC LAND GRANTS

Mr. SNELL. Mr. Speaker, I present another privileged report from the Committee on Rules, for printing in the RECORD.

The SPEAKER. The gentleman from New York presents a privileged report which the Clerk will report.

The Clerk read as follows:

Mr. SNELL, from the Committee on Rules, submitted the following report (to accompany House Joint Resolution 398):

The Committee on Rules, to which was referred House Joint Resolution 398, to extend the period of time in which the Secretary of the

Interior shall withhold his approval of the adjustment of Northern Pacific land grants, and for other purposes, submits a privileged report on said resolution, with the recommendation that the House joint resolution be adopted.

IN THE HOUSE OF REPRESENTATIVES,
January 31, 1929.

Mr. COLTON introduced the following joint resolution; which was referred to the Committee on Rules and ordered to be printed:

Joint resolution (H. J. Res. 398) to extent the period of time in which the Secretary of the Interior shall withhold his approval of the adjustment of Northern Pacific land grants, and for other purposes

Resolved, etc., That the first section of the joint resolution entitled "Joint resolution directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes," approved June 5, 1924, as amended by joint resolutions approved March 3, 1927, and May 28, 1928, is amended by striking out "June 30, 1929," wherever it appears and inserting in lieu thereof "June 30, 1930."

SEC. 2. The present members of the joint committee created by section 3 of such joint resolution approved June 5, 1924, as amended, if reelected to the Seventy-first Congress, shall continue to serve, notwithstanding the expiration of the Seventieth Congress, until the end of the first regular session of the Seventy-first Congress, at which time such joint committee shall cease to exist. In case a vacancy occurs in such joint committee by reason of the retirement from Congress on March 4, 1929, of any Member of the House of Representatives, the Speaker of the House of Representatives shall, before the expiration of the Seventieth Congress, appoint a Member of the House to fill such vacancy.

The SPEAKER. Referred to the House Calendar and ordered printed.

BRIDGE ACROSS MISSISSIPPI RIVER NEAR SAVANNA, ILL.

Mr. DENISON. Mr. Speaker, I call up from the Speaker's table the bill (S. 4787) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the city of Savanna, Ill., and the city of Sabula, Iowa, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. The Chair understands a similar bill has passed the House.

Mr. DENISON. Mr. Speaker, this bill passed the Senate on January 7, and on the same day a similar bill was passed by the House, and we have to take this action to enact the legislation.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Mississippi River at or near the city of Savanna, Ill., and the city of Sabula, Iowa, authorized to be built by the States of Illinois and Iowa by the act of Congress approved May 26, 1924, as revived and reenacted by act of Congress approved March 10, 1928, are hereby extended one and three years, respectively, from March 10, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE DAN RIVER IN VIRGINIA

Mr. DENISON. Mr. Speaker, I call up from the Speaker's table the bill (S. 4957) granting the consent of Congress to the Danville & Western Railway Co. to reconstruct, maintain, and operate the existing railroad bridge across the Dan River, in Pittsylvania County, Va., and ask unanimous consent for its immediate consideration.

I will state, Mr. Speaker, this bill passed the Senate on January 7 and a similar bill passed the House on the same date.

Mr. DOWELL. Mr. Speaker, reserving the right to object, do the Senate bills contain the provisions that are placed in the House bill?

Mr. DENISON. These are simply extensions of time.

Mr. DYER. The bill does not indicate that.

Mr. DENISON. These bills are of a character that do not require that. One of them is a railroad bridge and the other is an extension of time.

Mr. TILSON. Are they substantially identical with the bill that was passed by the House?

Mr. DENISON. They are.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Danville & Western Railway Co., a corporation of the State of Virginia, its successors and assigns, to reconstruct, maintain, and operate its existing railroad bridge and approaches thereto across the Dan River, at a point 7.8 miles west of Danville, in Pittsylvania County, in the State of Virginia, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Danville & Western Railway Co., a corporation of the State of Virginia, its successors and assigns; and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressely reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TRANSPORTATION OF MAIL BY AIR

Mr. KELLY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16131) to enable the Postmaster General to make contracts for the transportation of mails by air from island possessions of the United States to foreign countries and to the United States and between such island possessions, and to authorize him to make contracts with private individuals and corporations for the conveyance of mails by air in foreign countries.

The SPEAKER. The Chair understands the gentleman regards this as a matter of emergency?

Mr. KELLY. It is a matter of vital emergency; yes.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of March 8, 1928, entitled "An act to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years and to pay for such service at fixed rates per pound or per mile, and for other purposes," be, and the same is hereby, amended to read as follows:

"SECTION 1. When in his judgment the public interest will be promoted thereby the Postmaster General is authorized to enter into contracts for air-mail service on routes between the United States and possessions of the United States, between possessions of the United States, between the United States or possessions of the United States and foreign countries, and in and between foreign countries, for the transportation of mails of the United States and its possessions both ways over the routes, and in addition thereto mails of other countries on the outbound or the inbound flights under arrangements he may make with such countries, for periods of not more than 10 years, and to pay for such service at fixed rates per pound and/or per mile; and the Postmaster General is hereby authorized to award such contracts to the bidders that he shall find to be the lowest responsible bidders that can satisfactorily perform the service required to the best advantage of the Government: *Provided*, That the rate to be paid for such service for the load of mails provided by the Postmaster General to be carried in a plane shall not in any case exceed $2 per mile each way, plus $3 per pound per thousand miles, or pro rata thereof for greater or less mileage, for any mails required to be carried in the same plane in excess of the specified load, and that, at the request of the Postmaster General, domestic mail shall be conveyed without additional charge on that part of the route in the United States to the border of the United States and to intermediate points: *Provided further*, That the Postmaster General may make arrangements with concessionaries operating air-mail service in foreign countries for transportation by their service of mails of the United States and its possessions: *And provided further*, That in the award and interpretation of the contracts herein authorized the decision of the Postmaster General shall be final and not subject to review by any officer or tribunal of the United States except by the President and the Federal courts.

"SEC. 2. The Postmaster General shall make and issue such rules and regulations as may be necessary to carry out the provisions of this act.

"SEC. 3. All contracts heretofore made by the Postmaster General under section 1 of the act of March 8, 1928, entitled 'An act to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years and to

pay for such service at fixed rates per pound or per mile, and for other purposes,' as originally enacted, may be amended under agreement of the parties thereto so as to provide for the transportation of excess mails and for transportation not covered by the existing contract of mails of the United States and its possessions or Territories or of foreign countries, at not exceeding the contract rate per mile and not exceeding the rates per pound provided in section 1 hereof for excess mails."

With the following committee amendments:

On page 2, line 6, after the word "possessions," insert the words "or Territories."

On page 2, line 7 and line 8, after the word "possessions," insert the words "or Territories."

On page 2, line 11, after the word "possessions," insert the words "or Territories."

On page 2, line 23, after the word "plus," strike out the figures "$3" and insert in lieu thereof "not exceeding $1."

On page 3, line 8, after the word "possessions," strike out the colon and insert "or Territories:".

On page 4, line 3, after the word "possessions," insert the words "or Territories."

Amend the title so as to read: "A bill to enable the Postmaster General to make contracts for the transportation of mails by air from possessions or Territories of the United States to foreign countries and to the United States and between such possessions or Territories and to authorize him to make contracts with private individuals and corporations for the conveyance of mails by air in foreign countries."

The SPEAKER. Is there objection?

Mr. SCHAFER. Reserving the right to object, I wish to ascertain what the emergency is and what changes will be made if this bill is passed. I am generally opposed to bringing up these bills by unanimous consent when there is only a handful of Members on the floor of the House. I would also be glad to be informed whether this bill has the unanimous approval of the committee.

Mr. KELLY. In answer to the gentleman from Wisconsin, I will say that this bill is an amendment to the present air mail law. It has the unanimous approval of the Post Office Committee. It is here at the urgent request of the Post Office Department to meet conditions that have arisen since the passage of the original law. It reenacts the foreign air mail law with several provisions that are vitally necessary for the success of the foreign air mail. That service is now being inaugurated. Colonel Lindbergh is to-day flying the first mail plane from Miami to Christobal. However, the Comptroller General has rendered a decision that the original law did not provide for bringing back mail from the foreign countries, from the Central and South American Republics to the United States. It is important, of course, to bring back the mail from these countries as well as to carry mail to them.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. BLACK of Texas. As I caught the reading of the bill, you have one provision in it that would provide that the decision of the Postmaster General as to the terms of contract would be final, except that an appeal may be made to the President or to some court.

Mr. KELLY. That is a reenactment of the law exactly as it now stands.

Mr. BLACK of Texas. That is what I wanted to ascertain. Does the law at the present time contain that exact provision?

Mr. KELLY. It does, word for word. This is a reenactment. Of course, that is for the purpose of having only American companies flying over certain strategic points.

Mr. BLACK of Texas. I do not know whether the gentleman understood me. The thought I had in mind is that practically all of the departments object to being overruled by decisions of the Comptroller General. They are anxious to curtail his power. Does this bill contain any language which amends the present law so as to restrict the power of the Comptroller General?

Mr. KELLY. Not a word.

Mr. SCHAFER. If under the present law the Postmaster General's ruling can not be reviewed except by the court or the President, how does the Comptroller General render a decision which makes this an emergency?

Mr. KELLY. The Comptroller General did not rule on the terms of the contract, but upon a word in the original act. He ruled that air-mail service "to" foreign countries did not cover service from them. The contract, however covers flights both ways at the same rate.

Mr. SCHAFER. And this amendment will not clip the authority of the Comptroller General?

Mr. KELLY. Not over the present law.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. JOHNSON of Texas. I have heard some criticism about the air mail between Texas and Washington. I receive considerable air mail. The mail reaches me one day later than the ordinary mail, and I wondered if the department would work out some plan by which the air mail would be as fast as the ordinary mail.

Mr. KELLY. That is the domestic air mail. I can say to the gentleman that the department is endeavoring to perfect the transmission of the air mail, while realizing that it is still in the pioneer stage.

Mr. JOHNSON of Texas. It occurs to me that the air mail ought to go directly out of Washington instead of being relayed to New York.

Mr. KELLY. The gentleman is quite correct, and considerable mail now goes from Washington.

Mr. DOWELL. Will the gentleman yield?

Mr. KELLY. Yes.

Mr. DOWELL. What is the necessity of this provision of not submitting any review of the contract except by the President or the court? Why are these contracts any different than other contracts by the Government?

Mr. KELLY. The gentleman knows that certain contracts by the Navy and the War Departments have a similar provision. We have enacted that provision into this law to prevent foreign bidders, however financially responsible, from securing those contracts, with all that that implies.

Mr. DOWELL. It is to protect the department against such a contingency?

Mr. KELLY. That is right.

Mr. NEWTON. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. NEWTON. This matter comes up as a matter of surprise. It was on the Consent Calendar, way down, and a suggestion was made yesterday that there was a provision in the bill that needed looking into.

We come here now and find it comes up and no objection has been made to it. Do I understand that this permits the granting of a contract without the necessity of giving it to the lowest bidder?

Mr. KELLY. The contract now in force has been let under the law. The provisions of the law are explicit. They have been carried out in letting the contract. The only thing this bill does is to carry out the real purposes of the present law and to enable the Postmaster General to secure mail from Central and South American countries and bring that mail back in these planes. Otherwise he can not do that.

Mr. NEWTON. Bring the mail back in what plane?

Mr. KELLY. In the planes that are carrying our mail now under contract. We have already let a contract under the original law. The Pan American Airways Co. is flying to-day with Colonel Lindbergh blazing the way. He is on the first flight to-day. He can not bring back mail from those countries, although this was one of the purposes of the law.

Mr. NEWTON. In the granting of this right, is it to be granted without reference to submitting it to other people to bid on it?

Mr. KELLY. Oh, no.

Mr. NEWTON. I mean other Americans to bid on it?

Mr. KELLY. All of them have the opportunity to bid. This contract has been let under such conditions.

Mr. NEWTON. Has that been let with the right of all parties to come in and submit bids?

Mr. KELLY. Yes; all bidders that desired to did submit bids.

Mr. SCHAFER. Did the bidders who obtained the contract submit their bids, with the understanding that they could bring the mail back from these foreign countries?

Mr. KELLY. That was the understanding of those originating the law.

Mr. SCHAFER. There would be a difference in the amount of the bid if they did not.

Mr. KELLY. Not so much that. The payment is the same. The Government itself desires to fill these planes with mail and get the advantages for Americans from such speedy communication.

Mr. LAGUARDIA. Is not the whole proposition only one of a common-sense construction of the law as against a strict construction of the law? We are now unfortunately confronted with a strict construction of the law. This bill is simply to carry out the intent and logic of the bill permitting the contract to carry back mail as well as to take it down there.

Mr. KELLY. That is true.

Mr. TILSON. At any rate, the contract has been entered into and is now in force.

Mr. KELLY. That is the fact.

Mr. SCHAFER. If the bidder when submitting his bid knew that he could not carry back mail, the bid would necessarily be higher, and the proper procedure would be to readvertise for bids if the change contemplated by this bill is made.

Mr. LAGUARDIA. They all believed that they were going to carry back mail.

Mr. DOWELL. Does this apply to contracts and bids already made, and contracts entered into?

Mr. KELLY. This simply takes care of the Government's interests. The contractors get no more.

Mr. DOWELL. I mean in the contracts that have already been let.

Mr. KELLY. Yes.

Mr. DOWELL. Does not this apply also to future contracts that may be let?

Mr. KELLY. Yes.

Mr. DOWELL. Then this will apply to any contract that may be let in the future.

Mr. KELLY. Yes; but there is nothing new in this. This does not mean any new policy.

Mr. DYER. That is all provided for in the existing law.

Mr. BEGG. Is not this the case? They let contracts to carry the domestic mail to foreign countries and at present they must come back empty.

Mr. KELLY. Yes.

Mr. BEGG. If this bill is passed, they can pick up mail there and bring it back.

Mr. KELLY. Yes.

Mr. BEGG. That is all it does.

Mr. KELLY. Yes; with certain details as to agreements with companies in foreign countries.

Mr. DOWELL. Does this relate to contracts made abroad for carrying the mail here?

Mr. KELLY. No; these are made all in the United States or possessions or Territories for carrying mail to and from Central and South America. We have found that in Colombia the Colombian Government has given a monopoly contract to a German company, and that company has absolute control over air mail and some agreement must be made with that company if our mail is to be handled in Colombia. We can not do it under the decision of the Comptroller General.

Mr. NEWTON. Where is the occasion for the great haste? Suppose a few days do elapse when these planes do not carry mail back. What is there lost by that delay?

Mr. KELLY. The gentleman understands that we must get action by the House and by the Senate in order to correct the situation by this amendment.

Mr. NEWTON. I do not so understand. It does not seem to me that this ought to be brought up in this way.

Mr. EDWARDS. Why could we not delay the matter and get action in the extra session of Congress?

Mr. KELLY. That would probably mean no more extension of air mail to Central and South American countries, until this amendment could be enacted, although appropriations have been made for such extension.

Mr. EDWARDS. How many routes is the Government itself sustaining by appropriations?

Mr. KELLY. This is one main route. There are three all together, I believe.

Mr. EDWARDS. Then, the Government is not sustaining these entirely by the appropriation?

Mr. KELLY. Oh, no; the appropriations are already made for payments for air mail service only. There is not an additional dollar involved in this amendment. The money is available but can not be used as we expected it to be used after the passage of the original law.

Mr. BANKHEAD. Will the gentleman yield?

Mr. KELLY. I will.

Mr. BANKHEAD. It is rather important that we have a fair and full understanding now in reference to the significance of this bill.

Mr. KELLY. Of this amendment.

Mr. BANKHEAD. Of this amendment. As I understand the gentleman, these contracts were let under existing law?

Mr. KELLY. Yes.

Mr. BANKHEAD. Under the assumption that the Postmaster General had the right to contract not only for carrying domestic mail but the return of foreign mail to the States. Such a contract was entered into by the Post Office Department. It went to the Comptroller General and he held that the law did not authorize the Postmaster General to contract for the return mail. In the meantime the contract had been made, and as I understand this amendment is simply to ratify and confirm the contract made by the Postmaster General in reference to this particular mail contract.

Mr. KELLY. The gentleman understands that the rate under the contract covers both flights, out and back. The disadvantage is in the inability to carry mail back to this country.

Mr. BANKHEAD. There is no general legislation involved affecting any other air mail?

Mr. KELLY. Not the slightest change of policy.

Mr. SCHAFER. Will the gentleman yield?

Mr. KELLY. I will.

Mr. SCHAFER. Can the gentleman give us the dates that bids were submitted and the contracts let and the date of the Comptroller General's decision so we can be sure that the Comptroller General's decision was made after the contracts were made?

Mr. KELLY. The decision was made shortly after the passage of the act. That act passed March 8, 1928.

Mr. SCHAFER. So the decision was made before the letting of the contract?

Mr. KELLY. It was made after the passage of the law. I am not sure as to the date of the letting of the contract, but that is not the issue involved here.

Mr. SCHAFER. I will object until we get that information. I want to find out if the Comptroller General's decision was made before the contracts were made. If it was, the department and bidders who were given contracts knew that the contracts were not based on the proposition of bringing back mail. If such is the case, the pending bill should be defeated unless provision is made for new bids on the whole proposition.

Mr. KELLY. I hope the gentleman will not object to this important amendment, which should be made at once.

Mr. SCHAFER. I object, Mr. Speaker.

NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for further consideration of the bill H. R. 16714, the naval appropriation bill; and pending that I ask unanimous consent that the time be controlled equally by the gentleman from Kansas [Mr. AYRES] and by myself. It is my understanding both sides have used about the same amount of time, but I desire to ask the Speaker what the record shows.

The SPEAKER. The gentleman from Idaho has consumed 3 hours and 29 minutes and the gentleman from Kansas 3 hours and 10 minutes.

Mr. FRENCH. The time to be equalized so that at the conclusion of debate both sides will have used the same amount of time.

The SPEAKER. The gentleman from Idaho moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16714, and pending that asks that the time for general debate be equally divided between himself and the gentleman from Kansas, with the understanding that it be equalized so that at the conclusion of the day the same amount of time will be consumed by both sides. Is there objection? [After a pause.] The Chair hears none. The question is on the motion of going into the Committee of the Whole House on the state of the Union.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16714, the naval appropriation bill, with Mr. LUCE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16714, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

Mr. FRENCH. Mr. Chairman, I shall be glad to have the gentleman from Kansas [Mr. AYRES] consume some of his time.

Mr. AYRES. Mr. Chairman, I yield three minutes to the gentleman from Tennessee [Mr. BROWNING].

The CHAIRMAN. The gentleman from Tennessee is recognized for three minutes.

Mr. BROWNING. Mr. Chairman and members of the committee, in the Post this morning I find an article which recites that the Veterans' Association last evening at their banquet indorsed a program of legislation including the immediate passage of the cruiser bill and matters in which the disabled are interested.

I just want to take occasion to say that that is entirely in error. The Veterans' Association of the House and Senate, composed of veterans of all wars, is strictly a social organization.

We never have taken and we never will take a position on legislation as an association. It is simply an annual function where we entertain the commanders of the different service organizations each year. That was the occasion last evening. At no time did we collectively or individually express any opinion whatever as to any matter of legislation.

I thought it was in order for me to make a correction at this time. [Applause.] I yield back the balance of my time.

Mr. AYRES. Mr. Chairman, I yield to the gentleman from South Carolina [Mr. McMILLAN] 20 minutes.

The CHAIRMAN. The gentleman from South Carolina is recognized for 20 minutes.

Mr. McMILLAN. Mr. Chairman and members of the committee, I shall, when the naval appropriation bill is read under the 5-minute rule, offer an amendment on page 32, line 23, to provide for the extension of the dry dock at Charleston, S. C.

We have a dry dock now at the Charleston Navy Yard that is 566 feet in length. This dry dock was built in 1908, I believe it was, at an expenditure of $1,250,000. It is the only dry dock, my friends, that we have on the entire section of coast from Cape Hatteras, N. C., to the Mexican border at Brownsville, Tex. This is a distance of some 3,000 miles of coast line from Cape Hatteras to the Mexican border. It is the only dry dock, as I have said, for that entire stretch of coast.

I have here, gentlemen of the House, a map of the world [exhibiting]. This map comes to me from the Navy Department. It shows the naval bases and stations of the British Empire, the United States, and Japan. You will find here on this map the naval bases of Great Britain. They are some 25 in number at various points of strategic importance throughout the world. It is down here in the lower section of the South Atlantic that I desire to call to your particular attention. Down here in the South Atlantic waters in the Caribbean Sea and in the Gulf of Mexico and that area adjacent to the Panama Canal you will find that the British Empire has three different distinct naval bases. At Bermuda they have a navy yard and naval facilities and facilities for naval fuel oil, and is a defended fortification of the British Empire. Down here at Kingston, just north of the Panama Canal, in the Caribbean Sea, and off here at Fort Castris is still another.

Now, I am not criticizing Great Britain nor any other country for establishing these naval bases where they believe them to be of strategic importance in the world; but, nevertheless, regardless of what their position is or the wisdom of establishing those bases, the fact remains that here in the South Atlantic area those naval bases are established.

Now, there must be some important reason for that situation. What do we find here on the eastern coast of America? You will find, according to this map of the Navy Department, that north of Cape Hatteras, from Norfolk, Va., to Portsmouth, N. H., there is 530 miles of coast line, and in this 530 miles of coast there are 8 navy yards, and those 8 navy yards have 17 dry docks; and yet to the south of Hatteras, as far south as Brownsville, Tex., a distance of some three thousand miles, we have at Charleston the only navy yard, and the one dry dock, 566 feet long.

Now, you may inquire why I am asking for this amendment. I am asking for it, gentlemen of the House, because the cruisers that we are now building and the cruisers that are contemplated under the new cruiser-building program are about 610 feet in length. We have at this dry dock at Charleston a length of only 566 feet. In other words, we lack about 60 feet from having enough length in the one dry dock that we have available on the entire section of coast to take care of the cruisers now building and those contemplated to be built. In other words, we are buying a horse with no stable to put it in.

My friends, you have already heard here this morning, in connection with the bill that has just been discussed on this floor about foreign air-mail routes that are being opened up between America and the South and Central American countries. Colonel Lindbergh, as has been stated on the floor to-day, is now blazing a trail at this very moment to the south. President-elect Hoover, a month or so ago, made a 10,000-mile trip through these countries. What is the purpose? It is for no other reason but to expand the business relations between us and the West Indies and the South and Central American countries.

In the last two or three years the trade, commerce, and business relations of this country have so increased in the South and Central American countries that to-day there is an annual trade of some $2,000,000,000, and it does not require any great stretch of the imagination to realize that within the next few years this trade, business, and commerce will continue to increase between the United States of America and the Central and South American countries as one of the largest to be found anywhere in the world. This is absolutely true and no one will attempt to deny it.

Now, with this increase of trade and the expansion of commerce to the south, it naturally follows that the people of the world, whether they be British, Japanese, or any other people, are going to vie with the United States of America in that trade and in the expansion of that commerce.

Mr. EDWARDS. Will the gentleman yield?

Mr. McMILLAN. Yes.

Mr. EDWARDS. Does the gentleman know of any privately owned dry dock in that immense stretch of country which would take care of any of these modern large vessels?

Mr. McMILLAN. In answer to the gentleman I will say I do not know of a single one.

Mr. EDWARDS. I do not.

Mr. McMILLAN. I might say, in further response to the question asked by the gentleman, that the dry dock at Charleston, S. C., is the only dry dock owned by the Navy Department in the South. The Navy Department did have a floating dock at New Orleans, but through a bill which was recently passed that dock has been leased to private interests, and that dock, too, I may say, is only 525 feet long. Therefore, even though it were not disposed of, it would not be of sufficient size to take care of the naval vessels now contemplated.

Mr. EDWARDS. In the event that one of the naval ships on which we are spending so many millions of dollars should get into distress while cruising around Savannah, Ga., Charleston, S. C., or Jacksonville, Fla., what would it have to do in order to go into dry dock?

Mr. McMILLAN. It would have to go some 2,000 miles to some of these northern yards. This last year, I may say to the gentleman, the *Arkansas*, one of the battleships, was going down from the Philadelphia Navy Yard to Guantanamo on what is known as a shake-down cruise. That battleship suffered an accident. One of the main bearings for some reason went out of commission near the city of Charleston. The battleship was helpless, and it was brought into the port of Charleston, where it was repaired. It was estimated, I will say to my friend from Georgia, that it would have taken $12,000 to tow that ship back to some yard which had a dock capable of taking care of it.

Mr. EDWARDS. What will be the total expense in connection with increasing the length of this dry dock?

Mr. McMILLAN. Three hundred thousand dollars.

Mr. EDWARDS. That amount will modernize and make useful this dry dock at Charleston for governmental purposes.

Mr. McMILLAN. The gentleman is absolutely correct. Now, my friends, I have mentioned the fact that this trade expansion in the South and Central American countries would necessarily result in having every country vie with the United States in securing some of that trade. That is a human trait among individuals and countries. When that becomes true then our fleet, which is primarily organized and maintained for the purpose of the defense of our country and our commerce, is going to have to spend a great deal of its time around this section of the world. That is absolutely natural. And what will you find when that happens? You will find that our fleet, and every ship of the fleet, will be thousands of miles away from a dry dock that is capable of taking care of the ships of the fleet in the event of a great emergency.

I am very serious about this situation. I have the honor to represent a section of my State in this body, and I am appealing to you men as Americans and as representatives of the American people to help me in securing the adoption of this amendment, which I shall offer under the 5-minute rule.

As I have said before, we have from Norfolk to Portsmouth, N. H., 17 dry docks. I have no complaint to make about that section of the country if these dry docks are needed for the Naval Establishment, nor have I any complaint to make about the money invested in those various naval facilities if same are considered as necessary. But, my friends, I do say that if those 17 dry docks and if those 8 navy yards are necessary on a coast line of 530 miles, then I say in the next breath that it is equally as important that 3,000 miles of the same country is entitled to at least some consideration from the American Government.

Mr. ARNOLD. Will the gentleman yield?

Mr. McMILLAN. Yes.

Mr. ARNOLD. How far from this Charleston dock is it to the next dry dock to the north?

Mr. McMILLAN. Some six or seven hundred miles.

Mr. ARNOLD. And what is the nearest one?

Mr. McMILLAN. The next nearest dock to the north is at Norfolk, Va., and it is about 600 miles by water from Charleston to that point. I will further say to my friend that in going from Charleston to Norfolk, or any point north, you must

go by Cape Hatteras, and everybody knows that Cape Hatteras is the boneyard of the Atlantic.

Mr. DOUGLASS of Massachusetts. Will the gentleman yield?

Mr. McMILLAN. Yes.

Mr. DOUGLASS of Massachusetts. Has the gentleman any figures as to the length of the dry dock in the yards north of Charleston?

Mr. McMILLAN. Yes.

Mr. DOUGLASS of Massachusetts. Will the gentleman give us the benefit of those figures?

Mr. McMILLAN. At Portsmouth, N. H., we have one dock and the length of that dock is 740 feet. At Boston we have two docks. One dock is 375 feet and the other is 739 feet.

Then you have at Boston another dock known as the Commonwealth Dock, 1,176 feet long.

At New York we have five docks ranging in length from 349 feet to 694 feet.

At Philadelphia there are three docks, ranging in length from 491 feet to 1,011 feet; the 1,011-foot dock is now about 50 per cent completed.

Mr. DENISON. Will the gentleman state how many of these docks are owned by the Government?

Mr. McMILLAN. All of them. Every one of these docks is owned by the Government under the Navy Department.

At Norfolk there are six docks. Four of them are operated by the Navy Department, and they vary in length from 324 feet to 1,011 feet. On the Navy property at Norfolk there are two other docks that are now controlled by the Emergency Fleet Corporation of 465 feet each.

As I have said, there are 17 docks, mind you, over a stretch of coast of 530 miles, whereas south of Hatteras to Brownsville, Tex., 3,000 miles, we have only 1 available dock of 566 feet in length.

Mr. WELLER. Will the gentleman yield?

Mr. McMILLAN. Yes.

Mr. WELLER. Is it not a fact that the United States Shipping Board has to send the *Leviathan* to Boston, as it is the only dry dock that is large enough or the only one that is available to handle the *Leviathan?*

Mr. McMILLAN. That is absolutely correct.

My friends, I want to emphasize——

Mr. TABER. Will the gentleman yield there?

Mr. McMILLAN. Yes.

Mr. TABER. What is the largest ship that can now enter that dock?

Mr. McMILLAN. The Charleston dock?

Mr. TABER. Yes. Can the 7,500-ton light cruiser go in there?

Mr. McMILLAN. I may say to my friend that it depends on the length. In other words, we have a dock there 566 feet long. I do not know the size or the weight of the ship that can go in there, but if it is more than 566 feet long it can not be handled there.

Mr. TABER. What is the depth of your dock?

Mr. McMILLAN. Thirty-one feet. I will say to my friend that the *Utah*, I think, or one of our battleships, has been in that dock, but it depends altogether on the length of the ship.

I want to emphasize this fact. The Navy Department is a department of this Government for the purpose of maintaining a fleet of ships for what purpose? For the purpose of the defense of our country and for the defense of our shipping interests, our trade, and our commerce. Therefore, having ships with a cruising radius, such as our ships have, of thousands of miles, it stands to reason that such ships of the Navy are just as apt to be down in the southern waters as they are in the northern waters or in any other waters.

Why, right to-day the Pacific Fleet and the Atlantic Fleet are all centered down off of Panama carrying on their winter maneuvers. This being true, when we consider that these ships sometimes go out of commission, why is it not possible for us to have down here [indicating on map] where these ships are a great deal of the time, a facility in the way of a dry dock to take care of and provide for them?

We have here in the Gulf of Mexico and in the Caribbean Sea a squadron known as the Special Service Squadron, of some six or eight ships that stay down there the entire year. Where are those ships carried?

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. AYRES. Mr. Chairman, I yield the gentleman 10 minutes more.

Mr. McMILLAN. These ships of the Special Service Squadron, instead of being sent to Charleston where we have this yard and have the facilities for taking care of them, pass right by our yard and are sent up to some northern yard for repairs.

My friends, I am talking to you this morning from the standpoint of the national interest, and this is a national problem. It is not a sectional problem with me. I am trying to look at this matter from the standpoint of the national defense, and here is a map that bears me out in my statement.

I now desire to call your attention to some significant figures. The entire money expended for all east coast naval shore establishments, from the establishment of any individual station, up to 1919, north of Cape Hatteras, this stretch of coast of 530 miles in length—the entire amount spent by this Government was $632,000,000, whereas south of Hatteras a coast line of 3,000 miles, up to 1919, there was expended by the Government $76,000,000. This is up to 1919.

Now, let us see what has happened since 1919. Listen to this. In the last 10 years there has been expended $852,000,000 on shore establishments for the Navy, making an increase of $220,000,000, from Cape Hatteras to Portsmouth, N. H., whereas south of Cape Hatteras to the Mexican border there has been spent $82,000,000, an increase of only $6,000,000. In other words, according to these figures, there has been spent by the Government $220,000,000 for costs, maintenance, and operation on shore stations for 530 miles of coast to the north of Hatteras, as against $6,000,000 to the south of Hatteras, representing a coast line of 3,000 miles. Is there any justification for such a program?

Mr. AYRES. Will the gentleman yield there?

Mr. McMILLAN. I shall be pleased to yield.

Mr. AYRES. I was out of the Chamber for a while and if the gentleman has explained this I do not care for him to repeat it. Has the gentleman called attention to the fact as to whether there is any navy yard along that coast line with the exception of Charleston?

Mr. McMILLAN. I do not know that I have made myself clear on that point, but I shall be pleased to state that the Charleston Navy Yard is the only yard we now have in operation south of Hatteras to the Mexican border.

Mr. AYRES. About how many miles?

Mr. McMILLAN. About 3,000 miles. There was a yard at New Orleans, but that yard for some years has been out of commission and the dry dock at that point, which was a floating dock, has since been leased by authority of law to private interests.

There is a naval training station at Pensacola, Fla., but at that point there is no facility, no navy yard, or no dry dock, or any other facility to provide for the protection or the maintenance of a ship in time of trouble.

Mr. DENISON. Will the gentleman yield for one further question?

Mr. McMILLAN. I yield.

Mr. DENISON. Can the gentleman inform us how many navy yards or dry docks there are on the Pacific coast?

Mr. McMILLAN. There are three, I understand; one at Bremerton, one at Puget Sound, and one at Mare Island. I am not going to take any more time of the committee this morning, but when this bill is read, and when my amendment is in order, I am going to ask Members here representing various sections of the United States to stand with me on this proposition. It is not sectional, it is not offered because I have the honor to represent this section of the country, but because, as I have undertaken to show you, our trade and our commerce and our people everywhere are looking to the South, and the Central and South American countries, for an expansion of trade. Our commerce is growing there in leaps and bounds, and we have got to protect and defend it by looking out for our naval defenses as the first line of defense for the people of our country.

Two years ago I called the attention of the House to this situation. Take the RECORD and see what Admiral Anderson, one of the most distinguished admirals of the Navy, said a few years ago about this dry-dock situation in Charleston. He said:

> Regarding the question of a dry dock, there are three reasons why, in my opinion, such a dock should be located south of Hatteras. My study of strategy makes me firmly of the opinion that in any naval war in which this country may become involved in the Atlantic the battle would probably be fought south of Cape Hatteras, in which case a harbor with a deep channel and dry dock capable of receiving disabled ships would be absolutely indispensable. This phase of the question, however, has undoubtedly been presented to the committee over and over again, and I will not waste your time by discussing it further.

Second. I was in command of the American Patrol Detachment during the war, and my mission was to safeguard American and allied interests in the Carribbean and Gulf of Mexico. In preparing my "Estimate of the situation" I found that about 1,500,000 tons of shipping passed through the Straits of Florida each way monthly and, after the submarines appeared off our coasts, was routed by Charleston. Had the commanding officers of the German submarines been of the same caliber as those during the first year of the war, and had they handled their vessels with nerve, they would have attacked this shipping proceeding along our coast and done immense damage to it. In addition to sinking there would have been many vessels injured both by mines and torpedoes which would have been able to limp into the port of Charleston; and if we had a deep waterway and a dry dock capable of taking these damaged vessels, the dock would have more than paid for itself.

Without this dock and under such conditions we would have been absolutely swamped. As the submarine is essentially the weapon of a weak naval power and it is by no means impossible that unscrupulous use of this weapon against merchant shipping might be repeated in the future, it seems to me to be the part of wisdom to provide against it as far as possible.

Now that is what Admiral Anderson said, talking about the advisability of having a dry dock available for ships put out of commission in any emergency.

Mr. DOUGLASS of Massachusetts. Will the gentleman yield?

Mr. McMILLAN. I yield.

Mr. DOUGLASS of Massachusetts. What does the gentleman consider as the reason why the Navy has not provided a dry dock for this 3,000 miles of coast line that he speaks of?

Mr. McMILLAN. It is not the Navy Department so much as Members of Congress not providing the appropriation. Every naval authority that I have been able to find realizes the importance of having a dry dock south of Hatteras and the advisability and importance of having a first-rate naval base at that point.

Mr. DOUGLASS of Massachusetts. I am not unfriendly to the gentleman's proposition, but has the Navy Department ever recommended an appropriation for this purpose?

Mr. McMILLAN. Yes; in 1918, I think it was, an act of Congress was passed authorizing the construction of an additional dry dock at Charleston, but like many other projects we have never been able to get it.

Mr. Chairman, my time has about expired, but before I conclude may I again urge upon the membership of this House the absolute merit of my proposed amendment? I have made an honest effort to present the facts covering this subject to you without the slightest feeling of sectionalism, or of party difference, but as a Representative of the Congress, representing what I conceive to be to the interest of the American people. I shall confidently count upon your enthusiastic support when my amendment is presented for consideration. [Applause.]

Mr. AYRES. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman and fellow Members, I have listened with great interest to the gentleman from South Carolina [Mr. McMILLAN] as he presented his case, and I am sure you all have been impressed, as I have been, that he has ably made a good case for the dry dock extension at Charleston. [Applause.]

There is one other thing which I might call to your attention, which he did not call to your attention, which I think is important. The dry docks at and north of Norfolk during a hard winter are liable to have a great deal of interference from ice, especially on the northern coast. You can very well imagine a situation under present conditions where the country might be without an available dry dock on the entire Atlantic coast during a severe freeze, unless the one at Charleston is modernized.

This is a peculiar situation; 535 miles of coast north of Hatteras, north of Norfolk, with this great number of navy yards and dry docks, with only one dry dock south of Norfolk. Why a dry dock if you do not intend to use it, if we do not think we are going to have to use it? Ah, my friends, there is this situation we can not get away from. There has been and is a discrimination, and you know it and I know it, and the discrimination ought not to any longer exist, no matter who is to blame, whether it be the Navy Department or the members of the Naval Committee or the Members of the House. We ought to right the wrong, and we ought to do it now. We ought to vote this extension of that dry dock at Charleston, S. C., not merely because Mr. McMILLAN, one of the most amiable Members of the House, is asking for it, but because the United States Government needs it, and we know the Government needs it. [Applause.]

It entails a cost of $300,000 to do what? To make available and modern an investment of the Government, that is already there, of considerably over a million dollars in that dry dock, which is growing obsolete. Unless we do this very thing that Mr. McMILLAN is calling upon us to do, that dry dock, the property of the Government, representing an investment of over a million dollars, will be absolutely obsolete in a very short time. The big commercial vessels and the big naval vessels can not be repaired and overhauled there because the dry dock is too short. There is a great natural harbor, that God has given to our country, at Charleston. We have there a navy yard and we have there a dry dock, that will soon be of little or no value, and we have invested in that dry dock over a million dollars. With an expenditure of $300,000 more, we can bring that up to date and make of it a modern dry dock, so that this stretch of coast covering a distance of approximately 3,000 miles will be equipped with an available and modern dry dock for the American fleet and for large American commercial vessels. The southern ports like Charleston, Savannah, Brunswick, Jacksonville, and Wilmington are growing in commercial importance by leaps and bounds. The spindles and other industries are coming from States like Massachusetts, and other Northern States, to this gentle year-around working climate, where we have conditions under which work can be carried on during the entire year. As Mr. McMILLAN has said, it is not a sectional matter, it is not an appeal from the South, it is not an appeal from the great State of South Carolina, but it is an appeal in the interest of our great common country. I, for one, am ready to back up this worthy proposition, and I hope the Committee on Naval Affairs will see fit to accept Mr. McMILLAN's amendment, and let us do this very much needed thing and extend that dry dock and make of it a modern equipment for Government vessels.

It is a matter of simple justice and in the interest of economy. It is common sense, too, that dictates it should be done. Why the Navy Department is not insisting upon this being done, I can not understand. This is our job here and we know a modern dry dock is needed and needed badly on the South Atlantic. This one at Charleston can be extended and modernized at a great saving to the Government, and it should no longer be delayed. Mr. McMILLAN's amendment should be adopted when it is reached.

Mr. AYRES. Mr. Chairman, I yield to the gentleman from South Carolina [Mr. STEVENSON] 10 minutes.

Mr. STEVENSON. Mr. Chairman and gentlemen, about a week ago or more we passed here a bill to regulate the cotton exchanges of this country. We followed the lines which were followed by the grain people of the West when they put through a bill to regulate the grain exchanges. It so well commended itself to the judgment of this House that that measure was needed, that it was at least a step in the right direction, that the bill actually passed the House by unanimous consent, on the Consent Calendar, without hiding its head under a bushel, but after full exposition of its intention and its purpose. This House passed the bill unanimously. I am a cotton farmer myself and have been so for many years. I have not undertaken to farm the farmer, but I do realize when I am hit. I have been hit a good many times by the manipulations of the price of cotton on the cotton exchange. Therefore I am in sympathy with anything that moves in that direction.

What do we find? That bill, of course, has to pass another body, and it has to pass between now and the 4th of March, or it does not become law. The friends of the cotton farmer are doing what? I find an interview in which in the first place it is said that the cotton exchanges have made up their minds to reform themselves, and therefore that no legislation should be enacted pending this house cleaning of its own—this self-constituted reform. Well, it takes something more than a resolution of the cotton exchanges to convince me that there has been a change of heart. The faith that would sit down and expect a reform in the methods of sandbagging the cotton farmer by manipulations of cotton exchanges in this country is a faith such as we read of in Holy Writ—that will remove mountains. I do not know of any other class of faith that is entitled to be held up alongside of it. You may as well expect the association of bootleggers in the city of Chicago to reform itself, to cast out evildoers, and organize a church and start out to redeem the country in a religious way.

That is all I have to say about this question of self-reformation of the cotton exchanges of New York and New Orleans. Oh, they say they have already established a southern delivery. Yes; and they have put a penalty of $1.25 on every bale that is delivered on southern delivery. That is how they are establishing southern delivery. It is said, "They are also putting a limitation on how much any one man can deal in in cotton on the exchange in any one month." Who enforces it? Who sees to the inforcement of that salutary rule? Why, the committee of the exchange itself sees to it, and the biggest operators, the ones that operate in the most voluminous way, are the fellows that will be controlling the board of control, and they

are the fellows who would be violating the rule if anybody is, and they will surely put it high enough so that they can operate all they want to. Oh, no; this talk of their reformation is absolute rot and I do not care who maintains it. I do not care who uses it as a sandbag with which to kill this legislation; the cotton farmers of the South, having once gotten a bill through this House which commended itself to them, are going to hold somebody responsible for its sandbagging in the Senate if it is sandbagged.

The other reason assigned for inaction is that the Agricultural Department, operating under this bill, does not know enough to do it. That is a confession of a want of ability on the part of the American Government to handle its own business. The Department of Agriculture has been studying the question of cotton for many years. It has been attempting to enforce a defective law which was passed some 10 or 15 years ago, and some of these days it will be declared unconstitutional because its twin brother has been. It has been showing its ability to enforce that as far as it goes, but the law was not sufficient to make a sufficient enforcement of it possible. Gentlemen who talk about the Department of Agriculture not being capable of enforcing the law will have to remember, the people who say that, that that very Department of Agriculture on the very question of cotton itself has several times confounded the gentlemen.

You remember in 1926 or 1927 we had a very large crop. The Department of Agriculture predicted a large crop. They first predicted rather modestly. As the season went on and the crop developed they raised the estimate. The 1st of December they had their prediction up. People were astounded, prices went down, but the prediction of the department was not changed and some of the gentlemen who talk about the inability of the Department of Agriculture called a meeting of the cotton people and talked us almost to death about the iniquity of the exaggerated reports coming from the Department of Agriculture, and tried to point out the excessive reports which had been made. However, the ginning reports of the year of the number of bales of cotton completely counted showed that there were nearly 100,000 more bales actually than the Government had predicted, and the gentlemen had missed it by nearly 2,000,000 bales and the Government had missed it by only 100,000. Now we are trying to curb and run out of business these fellows who are trying to rob the cotton farmers of the country. At least we are entitled to try what the grain people have tried. I do not know whether this will do it or not. I have not heard much of a holler about it. I have heard some people speculate in grain and demoralize the market, but at any rate we have the right to say, if we are going to have a law, let us have one made by the Congress of the United States and enforced by the powers of the Agricultural Department of the United States, and not one made by the cotton exchanges themselves and enforced by them and in the interest of those cotton exchanges, whose interests are not the interests of those who raise the cotton.

Mr. KVALE. Will the gentleman yield?

Mr. STEVENSON. I will.

Mr. KVALE. Does the gentleman think the grain gamblers and speculators will ever permit such a bill to become a law?

Mr. STEVENSON. Well, I am just declaiming now against these strongholds of the cotton gamblers——

Mr. McMILLAN. Will the gentleman yield?

Mr. STEVENSON. I will.

Mr. McMILLAN. Does the gentleman believe that these cotton exchanges are going to be willing to live up to these promises they have made unless we have a law that will force them to do it?

Mr. STEVENSON. Why, it is childish to suppose that they will. They have never regarded any law that ever was passed, either by State or Nation, unless there was a sanction whereby you can enforce it. The idea of their making a law of their own and enforcing it is absolutely ridiculous.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. FRENCH. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. FREAR] five minutes.

The CHAIRMAN. The gentleman from Wisconsin is recognized for five minutes.

Mr. FREAR. Mr. Chairman, the few words that I have to say, which will be more in the form of an interrogatory than anything else, relate entirely to the naval bill. I am interested particularly in getting information. I believe there is more discussion on the subject of the naval bill and of the naval strength of this country and other countries and less real information than on any other subject before Congress. There are controversies at both ends of the Capitol as to what the facts are. I am interested in the report accompanying this bill. It says on page 3:

> The committee seriously questions the wisdom of keeping in commission and operating all of the ships embraced by the operating force plan. (See p. 83 of hearings.) It has found, however, that curtailed appropriations have had little influence on the policy in that regard. There are two courses open to us: Either adequately to provide for operating everything at tremendous extra cost, or, if the Navy itself will not tie up ships, for the Congress specifically to provide what ships shall be operated, so that the savings thus effected may be used properly to take care of the vessels remaining in commission, which includes, of course, additional outlays for the shore establishment.

What ships are to be operated, and what of those that are to be tied up?

This bill provides for over $350,000,000 outlay for naval purposes the coming year, and in common with every other Member of the House I want to express the thanks we owe to this committee that undertakes this work and seeks to provide what Congress demands with as little waste as possible. But here is a question, Mr. Chairman, and I ask the committee's attention to this, in order to know what the facts are. I do not know that you can inform us so that we will understand. I do not know that your committee agree among themselves. I know that those at the other end of the Capitol do not agree as to the facts, notwithstanding we have just begun a $270,000,000 additional expenditure for 15 new cruisers. But here is a comparison that has come to my mind. I ask the distinguished chairman of the subcommittee in charge of this bill [Mr. FRENCH], for whom we all have a great deal of respect, not only for his judgment but for his fairness, to explain, if he will, the statement that was made on January 3 by an eminent naval expert, on page 1080 of the CONGRESSIONAL RECORD, concerning the strength of this Government in cruisers compared with those of Japan and of the British Empire.

In that statement the United States is quoted as having built 10 cruisers, and is building 8 more, with a total tonnage of 155,000 tons. Below, on the same page, is Japan, which is given, according to this table, a rating of 213,000 or 214,000 tons in round numbers; nearly 50 per cent more tonnage than we have; and Great Britain, on the same page, is given 397,000 tons, more than twice the cruiser tonnage we have.

I read the arguments at the time, as did many other Members of the House, to find out what is obsolete, and what is obsolescent, and what the 20-year range means, but finally I gave up the subject in discouragement. I am not the only one in that situation. Experts themselves differ, and I refer to the CONGRESSIONAL RECORD of no longer ago than yesterday, wherein a naval expert, I assume, on page 2620 of the RECORD, said the British have no ships at all equal to ours, and these are the ships he quoted. He gave the names of the *Maryland*, of 32,600 tons; the *California*, of 32,300 tons; the *Tennessee*, of 32,300 tons; the *Idaho*, of 32,000 tons; the *New Mexico*, of 32,000 tons; the *Mississippi*, of 32,000 tons; the *Arizona*, of 31,400 tons; and the *Pennsylvania*, of 31,400 tons.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FREAR. May I have five minutes more?

Mr. FRENCH. Mr. Chairman, I yield to the gentleman 10 additional minutes.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 10 additional minutes.

Mr. FREAR. When the Member from the other legislative body had concluded his statement that the British have no ships equal to ours—and that was stated in a parliamentary body equal to ours—another Member of that body who had made the statement in the RECORD of January 3 of the relative strength of the United States in cruisers, added yesterday this other statement:

> Under the standard tonnage on which the figures are now computed on the same basis as ours the British have battle cruisers, the *Hood*, 42,100 tons; the *Repulse*, 32,000 tons; the *Renown*, 32,000 tons; the *Valiant*, the *Queen Elizabeth*, and the *War Spite*, of 31,000 tons; and the *Barham* and *Malaya* of 31,000 tons.

There was a difference of opinion yesterday that was not settled, and others present in that Chamber were at a disagreement with the conclusions.

Now, if experts on that side disagree on cruisers and battleships, we on this side of the Capitol must get what information we can from our own experts. Recently the President made a statement that our Navy was as strong as any other. At that time I understood it included destroyers and submarines and all other craft. But here we have under discussion the gen-

eral strength of the Navy, where comparisons are made and disputes occur constantly. While I do not believe it is necessary for us to compare our Navy with England or with Japan or with any other country, and I do not see any danger of war, I think the Members of this House are entitled to the best opinion that can be had as to the comparative strength not only of our cruisers but of all the American Navy, as compared with that of other governments.

Mr. KVALE. I would like to have the gentleman from Idaho [Mr. FRENCH] answer those questions which the gentleman from Wisconsin propounded.

Mr. FRENCH. Mr. Chairman, I will yield to myself 10 minutes, to be charged to my time.

The CHAIRMAN. The gentleman from Idaho is recognized for 10 minutes.

Mr. FRENCH. Mr. Chairman, I shall undertake to answer the two questions the gentleman has asked in the reverse order of the way in which they have been propounded. The latter question has to do with battleships and the former with cruisers. In the matter of battleships, as the Members of the House know, the treaty that was ratified nearly six years ago, known as the limitation of armaments treaty, prescribed the number and tonnage of ships of this type for Great Britain, the United States, Japan, France, and Italy. These ships were denominated capital ships. The ideal tonnage set up for Great Britain and the United States was 525,000 tons and the number of capital ships was fixed at 18 for each of these two nations. More than that, no capital ship was to be built in the future with a greater tonnage than 35,000, excepting as set forth in the treaty. However, at the time the conference was held the battleships of the two nations were not alike as to tonnage or as to age, and so an approximate tonnage only was agreed upon. Also, pending replacement that was provided for, the number of ships of the battleship class was not limited to 18. The United States was permitted to retain 18 ships, of which 2 were to be replaced by 2 battleships that were being constructed at the time, and Great Britain was permitted to retain 22 battleships and battle cruisers, 4 of which were to be withdrawn and their places taken by 2 battleships that Great Britain was permitted to lay down.

Under this arrangement the United States has added to her list of capital ships the *West Virginia* and the *Colorado*. These two ships have been completed since the conference, have taken their places in the fleet, and we have dismantled and scrapped the *North Dakota* and the *Delaware* in compliance with the treaty. The United States to-day has 18 battleships, with a total tonnage displacement of 525,850 tons.

Great Britain under the treaty was permitted to retain 22 capital ships pending the construction of 2 battleships. Upon the completion of these ships and their induction into the British Navy Great Britain was required to withdraw four of her oldest battleships named in the treaty from her naval establishment and destroy them, just as we were required to destroy two of ours.

This work has been completed and to-day Great Britain has 20 battleships and battle cruisers of an indicated tonnage of 556,350 tons.

As you have followed me you have noticed that Great Britain has two more ships of the capital-ship type than has the United States and a somewhat greater tonnage. All this was understood at the time of the conference and was agreed to in order to equalize the relative strength of the two nations when age of ships and effectiveness were considered.

Under the terms of the treaty, as time will pass and replacement occur, Great Britain and the United States will reduce still further their battleships, until they will have 15 capital ships each with a total tonnage not exceeding 525,000 tons.

In other words, as you study the tables showing the comparative naval strength of Great Britain and the United States, wherever there appears a difference in tonnage or a difference in numbers of ships in the capital-ship class, it is because of a concession one way or the other on account of older types of ships and their relative effectiveness, the understanding being that at all times, both before and after replacement, the capital ships of the two nations would be equally matched.

Mr. FREAR. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. FREAR. There are three classes of ships included, as I understand—the battleship, the battle cruiser, and the cruiser.

Mr. FRENCH. No; not in what we are now discussing. The cruiser of which I shall speak presently is not a capital ship. At the time of the limitations conference the United States had battleships and Great Britain had battleships and battle cruisers, ships quite comparable though not identical. These two types are the only two that we need consider under the capital-ship or battleship class.

Mr. FREAR. This very question was discussed yesterday in another body, but I think it is not understood by the average Member. It was said that Great Britain now has, as I understand it—and this is by the chairman of a Naval Committee—the *Hood*, 42,000 tons; the *Repulse*, 32,000 tons; the *Renown*, 32,000 tons; the *Valiant*, the *Queen Elizabeth*, and the *Warspite*, 31,000 tons; and two others of 31,000 tons. Now, I am asking the gentleman from Idaho to give the House the benefit of his better understanding. It is whispered to me that those figures are not correct at all; but those figures were given yesterday in the parliamentary body mentioned. Now, I want to ask what is the difference between a battleship and a battle cruiser so far as their effectiveness is concerned; and what is the difference between the comparative strength of our Navy—every branch of the Navy—as compared with the strength of Great Britain and Japan, for instance, where the 5-5-3 ratio operates?

Mr. FRENCH. The battleships and the battle cruisers were grouped together as capital ships. Both are ships of the heavy-tonnage class, running from 21,850 to 42,500 tons, protected by heavy armor, and carrying heavy armaments, with heavy long-range guns. They are veritable floating batteries. Of the two the battle cruiser is a ship of greater speed and lighter armor. When it came to arranging ships from the English fleet to stand as comparable to the 18 battleships of our fleet it was permitted that Great Britain should retain several of the so-called battle cruisers, we knowing they were lighter in armament but of greater speed. Great Britain has four so-called battle cruisers. The point that we must now bear in mind is that the experts of both countries at the armaments conference regarded the battleships to be retained by the United States as equal to or comparable to the battleships and battle cruisers to be retained by Great Britain.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. LAGUARDIA. Will the gentleman please make it clear—because it is always misrepresented—that when you are talking about the capital ships of England you include battle cruisers with battleships?

Mr. FRENCH. Yes; that is what I have just said.

Mr. LAGUARDIA. Please make that clear, because that is constantly being confused.

Mr. FRENCH. I have tried to make it clear that for the purpose of the agreement certain battleships and certain battle cruisers of Great Britain were included in the number of capital ships that were regarded as comparable to the battleships to be retained by the United States.

Mr. KVALE. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. KVALE. The gentleman has constantly referred to the idea of replacement. I do not want to intimate that the gentleman from Idaho is a large-navy man at all, but all these large-navy people are constantly using the idea of replacement as a reason for a large navy.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. FRENCH. Mr. Chairman, I yield myself 10 more minutes. This discussion is certainly pertinent to the bill.

I think I can make clear to my colleague the gentleman from Minnesota [Mr. KVALE] what is meant by the word "replacement" as I have used it and as it is used in the treaty.

As I said in my general discussion of this question the other day, there is a length of life of all types of ships beyond which they are not regarded as having military value. Upon this theory, when it comes to the point where the length of life is about to expire, replacement is necessary if an equivalent fighting unit is to be maintained. In the treaty that was adopted nearly six years ago, it is provided that when certain battleships reach a certain age—and in the treaty it is specifically pointed out what dates are the dates that may be regarded as the termination of the length of life—replacement may be had upon the part of the nations to whose naval establishment the ships belong. It does not mean that these nations may add tonnage. It means they may replace only by withdrawing ships from commission and substituting other ships in their place.

There is this further thought in connection with the question of replacement. Under the treaty, since the United States and Great Britain both did not have capital ships in numbers (18) that would work out exactly 525,000 tons, it was provided that until this replacement could work out as to certain ships both nations could have the privilege of having somewhat more tonnage than 525,000.

Mr. KVALE. But what I refer to is the fact that some of the large-navy people claim that even the 15-cruiser program is a replacement. What does the gentleman say about that?

Mr. FRENCH. Let me answer that briefly and then go to the question of the gentleman from Wisconsin [Mr. FREAR].

Personally, I regard the construction of these ships as replacement. There are others who do not.

Mr. LAGUARDIA. But it does not come under the treaty.

Mr. FRENCH. No; this has nothing to do with the treaty.

Mr. HOUSTON of Hawaii. May I not call attention to the fact that Britain has actually replaced some of her older battleships by the *Lord Nelson* class of two, which are, in fact, replacements?

Mr. FRENCH. That is true. The battleships that Great Britain has added to her capital ships have been replacements under the treaty just as the two added by the United States to her list of battleships or capital ships are replacement ships, we withdrawing two old ones that were no longer to be regarded as part of our Navy, and they were destroyed.

Now, I come to the question that was asked first by the gentleman from Wisconsin. He has referred to the different figures used for tonnage of the ships of Great Britain and the United States, and has referred to ships of the first line and the second line, as I understood the question.

The gentleman has also referred to a table that was used in the debates in the Senate on January 3, page 1056, as the RECORD seems to indicate.

I think the confusion that exists in the Congress and in the press touching the question of relative strength of the United States and other countries in cruisers is in large part the result of using two different formulas in heading the list of so-called first-line and second-line cruisers for the United States and other countries.

For instance, if you will turn to the hearings of a year ago, you will find there were formulas to this effect: Light cruisers of the first line were cruisers with 5 to 8 inch guns, 3,000 to 10,000 tons, of 27 knots plus. The light cruisers of the second line were cruisers with 8-inch guns minus, 3,000 to 8,000 tons, and 27 knots minus, while cruisers of the second line were those defined as having 8-inch guns plus, 8,000 tons plus, and 27 knots minus.

Last year the list that was made up for the United States, Great Britain, Japan, France, and Italy used the formulas to which I have referred. This year, in the table to which the gentleman has directed attention, different formulas have been used, namely, for cruisers of the first line, a formula reciting, "under effective age of 20 years"; and for the second line, "over effective age of 20 years."

Let me direct the attention of the House to the result of using the two formulas here with the same description, first line and second line.

By using the formula to which my colleague has referred defining first-line cruisers as cruisers under 20 years of age, you lift eight cruisers that last year were regarded as second-line cruisers of Great Britain from the second-line list and put them into the first line of Great Britain's cruisers to-day.

Mr. FREAR. And the purpose of that comparison must have been to show additional or greater strength on the part of Great Britain as compared with the United States. Could there have been any other reason for that?

Mr. FRENCH. Of course I can not impugn anyone's motives. I assume that those who prepared the table felt that it gave a better picture. The members of our committee, however, in the hearings, felt it was not a table that ought to be used. We felt that the table might be misleading and that wrong deductions would be apt to be made. So we asked that "first line" and "second line" characteristics be omitted in the tables that we have presented. May I say further as to first line and second line characteristics that the phrases are not applied to the British Navy by the British Government. They are not terms used by Japan, France, or Italy. They are terms used in the United States alone.

We felt that we should not use formulas that would lift eight cruisers from the second line of Great Britain's cruisers of a year ago and put them into the first line of Great Britain's cruisers to-day.

Mr. LAGUARDIA. If we do make a comparison of the second-line ships, then we have more.

Mr. FRENCH. They are older. I think it is a fair thing to put cruisers of all ages in the table and let the table speak for itself.

Mr. LAGUARDIA. If we do that we are not so bad off.

Mr. FRENCH. Let me follow that thought a little further. By changing the formula nothing is added to the first-line cruisers of the strength of the United States. However, 43,130 tons—eight cruisers—are added to the first line of Great Britain's cruisers that a year ago were in the second line. In Japan's Navy four ships are added to her first line that last year in the table were regarded as second line, with a total tonnage of 18,550 tons.

Mr. COOPER of Wisconsin. Who did that?

Mr. FRENCH. I do not know who suggested the change of formulas, but I think it was unfortunate.

Mr. FREAR. It was introduced by the chairman of the Naval Committee, according to the RECORD.

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. FRENCH. Mr. Chairman, I yield myself five minutes more.

Mr. COOPER of Wisconsin. I think the gentleman from Wisconsin [Mr. FREAR] has raised a question of supreme importance.

Mr. FRENCH. It is.

Mr. COOPER of Wisconsin. It is of vital importance in any candid discussion of this great question. I want to ask the gentleman from Idaho, in view of the criminations and recriminations on this subject in the newspapers, Does the gentleman think there has been any intentional or actual violation of the terms of the treaty?

Mr. FRENCH. I think not; no.

Mr. COOPER of Wisconsin. It has been intimated repeatedly, if not openly charged, that there has been repeated violations of the terms of the spirit of the treaty.

Mr. FRENCH. I think the members of the committee are a unit in the thought that the limitation of armaments treaty has been observed by all nations who were parties to it in letter and in spirit.

Mr. FREAR. That was because the treaty only provided for battleships of first class.

Mr. FRENCH. That is true. The gentleman from Wisconsin [Mr. COOPER] has asked why the change was made. We were told in committee that the Navy Department did not propose the change in formulas to which reference has been made, but that the new formula was based on a theoretical 20-year age limit for cruisers which advocates of the change believed represented a pretty close cross section of the age of cruisers in the opinion of the delegates to the Geneva conference that was held nearly two years ago.

Now let me follow up what the effect of changing the formulas has meant to the apparent cruiser strength of France and Italy. It has lifted three of the cruisers of France that a year ago were regarded as second-line cruisers, and placed them in the first line, although the guns have a caliber of only 5.9 inches in one instance, 3.9 inches in another, and 5.9 inches in another.

Turning to Italy, the effect of the change in formula is to raise six cruisers, last year placed in the second line, and place them in the first line this year.

Of those, several of them have light guns—one of 4.7 inches, another one of 3.9 caliber, and another one of 3.9 caliber, and several with a speed far less than 27 knots.

Mr. FREAR. Will the gentleman yield again?

Mr. FRENCH. Yes.

Mr. FREAR. The effect apparently is to raise the size of the French, the English, and the Italian Navies by including these obsolete or small cruisers of the second line.

Mr. FRENCH. That is apparently true. We do not stop, as a rule, to read the parenthetical parts of the headline and compare these parenthetical parts with like notations that were used in the tables of a year ago and with which Members had become familiar. Members seem to have assumed that "first line" and "second line" meant precisely what these phrases meant last year and they have been disturbed on account of what seemed to be unusual increases of cruiser strength of foreign navies within a year.

Mr. LAGUARDIA. And who formulated the formula?

Mr. FRENCH. I do not know. I would say to the gentleman that in our hearings we recognized that the proposed formula, no matter upon what theory it might rest, would be apt to result in confusion and misunderstanding, and apparently from the discussion this afternoon such has been the case. I am glad that our committee recognized the possibilities and that we cut out the formula and asked that the list of the cruisers of the different nations be given to our committee, as you will find them in the hearings, without regard to first and second line, showing their ages and other pertinent facts from which deductions fair to all could be made.

Mr. FREAR. Mr. Chairman, I wish to ask the gentleman another question in which I believe we are all interested, because it is only an initial step taken by another of the great nations. It has built a cruiser, I understand, of something like 7,500 tons, with armament of several 11-inch guns.

I do not know how many of them there are. Is that likely to be the basis of a program for this country and for Great

Britain and for Japan, or is it to be confined alone to Germany, or what is the thought, so far as the gentleman knows?

Mr. FRENCH. Under the terms of the limitation of armament treaty it would be impossible for any one of the powers, parties to the treaty, to build such a cruiser, armed with such guns.

Mr. FREAR. What will be the effect of building ships like this cruiser?

Mr. FRENCH. Of course, if any nation were to proceed in that course to any great extent it would mean that the other nations would necessarily have their attention focused upon that particular question as one of the questions to be considered at the time that the conference shall be called together again in about two years.

Mr. LAGUARDIA. What nation is that?

Mr. FREAR. Germany.

Mr. LAGUARDIA. She has one cruiser and that is her whole navy.

Mr. FREAR. And the question in my mind is whether these other nations will follow in her footsteps.

Mr. LAGUARDIA. She has only one cruiser.

Mr. FREAR. I am sure we are not afraid of Germany.

Mr. LAGUARDIA. I am glad to hear the gentleman say that.

Mr. SCHAFER. Mr. Chairman, I have listened with a great deal of interest to the remarks of the gentleman from Wisconsin [Mr. FREAR] and the gentleman from Idaho [Mr. FRENCH]. Does not the gentleman think that there has been a willful manipulation of tables and figures in order to stampede the completion of the big cruiser program at an early date?

Mr. FRENCH. Oh, I think I ought not to speculate on purposes or motives. We must assume honest intent even though we doubt the judgment of others. We have tried to be fair in assembling the data that we have assembled in our hearings, and I think you will be absolutely satisfied that the tables that we have presented in our hearings are absolutely fair tables and that they present an honest picture.

Mr. HOUSTON of Hawaii. Mr. Chairman, under the terms of the disarmament treaty France and Italy may build under their battleship tonnage vessels of just the particular class to which the gentleman has referred. It has been a question in the parliaments of those countries as to just what particular type and vessels of that character they should build rather than building to the limit of the tonnage of battleships. The limitation of German building is not by virtue of the limitation of armaments treaty, but by reason of the Versailles treaty, wherein Germany is limited to a maximum tonnage of 10,000 tons for their armored vessels. It was under that that they have built this vessel which has been referred to.

Mr. FREAR. And I might inquire of the other two countries that you mentioned.

Mr. HOUSTON of Hawaii. They may build vessels of identical character if they have the knowledge and capacity to build them.

Mr. FRENCH. So far as the Versailles treaty is concerned, I think the gentleman is correct; but I think that so far as France and Italy are concerned and Great Britain, they have modified whatever rights they may have had under the Versailles treaty by the limitation of arms treaty.

Mr. ADKINS. Does the gentleman believe that our country and England and Japan are, so far as possible, maintaining their navies up to what the treaty provides for?

Mr. FRENCH. As to the types of ships, where we were bound as to numbers and tonnage; that is, capital ships, we are. As to airplane carriers, we have not built up to our strength, and neither has Great Britain nor Japan, but those two countries are nearer to that tonnage of 135,000 total tons than we are.

Mr. ADKINS. They are only behind in airplane carriers?

Mr. FRENCH. In airplane carriers. The number of cruisers was not limited. We did limit cruisers as to tonnage of each cruiser, and as to the size of guns but not as to numbers.

I now yield five minutes to the gentleman from Wyoming [Mr. WINTER].

Mr. WINTER. Mr. Chairman and gentlemen of the committee, we have been tossing about, as it were, upon the waves of this discussion in respect to the Navy and the naval bill. I am sure we all appreciate the very clear and able statement made by the chairman of the committee. What I have to present here in just a moment or two will arouse no controversy, but on the contrary, I know, will have universal approbation. On last Saturday we had the pleasure and honor of having present in the galleries Captain Fried of the *America*. You will all recall that the rescue of the *Florida* was on the third anniversary, as I remember it, of the rescue of the freighter *Antinoe* by the *Roosevelt*, with Captain Fried in command of the *Roosevelt* on that occasion.

At that time an able and prominent citizen of my State wrote a very brief but splendid tribute dedicated to the heroes of the *Roosevelt*. The sentiment is applicable to both of those heroic rescues. I am sure you will enjoy it:

THE RESCUE

(Dedicated to the heroes of the *Roosevelt* by P. T. Coolidge, Lander, Wyo.)

Late, the steamship, *Roosevelt*,
Cleaving through an ocean belt
That was buckling in the grasp
Of the storm king's cruel clasp,
Caught the fateful S O S
"Boat disabled—in distress";
Caught the wireless call afar
Like a voice from hidden star
Through the boom of angry sea,
"Sinking—freighter—*Antinoe*."

Oh, that search for wounded mate,
Stern, heroic, desolate!
How that fearless ship held fast
In the tooth of icy blast
While the waters roared and churned!
Not one star in heaven burned.
In that raging, seething hell
Cracked each lifeboat like a shell.
Thrice a sunless day sank down,
Work of rescue all undone.

When the breaker's inky hue
Melted into ocean's blue
And a sun-burst kissed the sky,
That brave ship was standing by!
And the souls of sunken wreck
Swarmed upon her bruised deck.
Four horizons flash their foam,
Tattered sail doth sing of home;
Whilst below two heroes sleep
In the bosom of the deep.

Call the mountains to the sea,
We adore the bravery
That doth seem to gird the wave
When the mighty tempests rave,
Wherefore bow our heads to thee.
Saith the Banner of the Star,
Braver men ne'er went to war.
'Tis a part of God's decree
Dauntless men are stationed where
Stricken lives so oft need care.

The author of these splendid verses is a citizen of my State, a resident of Lander, Wyo., a lawyer, Porter T. Coolidge. I am sure you will all appreciate with me this fine expression of sentiment from the people of the mountains to "those who go down to the sea in ships." [Applause.]

Mr. FRENCH. Mr. Chairman, I yield five minutes to the gentleman from Nebraska [Mr. SIMMONS].

Mr. SIMMONS. Mr. Chairman, the matter I have to discuss is not one which is pleasant to talk about, but one which should be cleared up in the RECORD. On January 23 the gentleman from Pennsylvania [Mr. CASEY], addressing the House, said:

> We have, and the testimony will corroborate my statements, subdivisions in the District of Columbia with 35,000 or 40,000 people living in thickly populated and congested centers without a sewer or a water pipe, and where the outside toilets, or privy closets as they call them, are increasing year by year. There is no justification for a condition of that kind in the Capital City of the great United States, and, further, let me say that these insanitary privy closets which I am talking about, in many instances, because of the seepage from them, have destroyed the only source of water in those neighborhoods, viz, the wells that are located there. Further than that, you should know we appropriate approximately $25,000 a year to empty these privy closets of night soil, as it is termed in the bill, and what is done with this night soil? Is it dumped into the river? Is it cremated, as it ought to be in sewerage disposal plant or crematory or in any other sanitary way? No; it is not. It is sold to the truck farmers adjacent to the city of Washington and used as fertilizer to grow vegetables which are sold to the people of the District of Columbia. Is it not about time that Congress undertook to put a stop to this insanitary and unjustifiable condition?

Just in order that the RECORD may contain the statement of fact, I ask unanimous consent to insert in full in the RECORD a letter from the acting health officer of the District of Columbia and a letter from the supervisor of city refuse in answer to the proposition which the gentleman made in that statement.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska? [After a pause.] The Chair hears none.

The letters are as follows:

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
OFFICE OF THE HEALTH DEPARTMENT,
Washington, January 24, 1929.

Hon. ROBERT G. SIMMONS,
Chairman Subcommittee of the
District House Committee on Appropriations.

DEAR SIR: I have asked the chief of the sanitary division of the District of Columbia Health Department to furnish me a report relative to the box-privy situation within the District as a whole, and particularly as pertains to the outlying districts, and I am furnishing his report verbatim, which is hereby attached.

I am forwarding this report to you for your information.

Very sincerely,

EDWARD J. SCHWARTZ, M. D.,
Acting Health Officer.

JANUARY 24, 1929.

To the ACTING HEALTH OFFICER:

I have to submit a conservative approximation of the box-privy situation as it exists in the District of Columbia to-day.

There are, approximately, 3,178 box privies in the District of Columbia, located as follows, viz: In that portion of the District of Columbia east of the Anacostia and Potomac Rivers there are, approximately, 2,603 privies serving an estimated population of 30,000 persons.

In Buzzards Point proper there are, approximately, 25 privies serving an estimated population of 125 persons.

In the outlying sections of the remainder of the District of Columbia there are, approximately, 550 box privies, with an estimated community population of 75,000 persons.

In the first-mentioned area, with a population of 30,000, allowing 5 persons to a household there would approximately be 6,000 families. This indicates that 2,603 of these households are served by box privies, and the remainder, 3,397 households, are provided with sewer facilities.

In the second area, with the same averaged number of households, 25 are served by box privies.

In the third area, with an estimated population of 75,000, the 550 box privies serve the same number of households with an approximate aggregate of 2,750 people.

The estimated population of the District of Columbia is 550,000, and from the averages given above the 3,178 privies serve the same number of households with an approximate aggregate of 15,890 people. In other words, 15,890 persons of the 550,000 estimated in the District of Columbia are at present being served by box privies.

In all cases where the engineer department certifies to the health department that the public sewer and water main have been extended to serve various premises prompt action is taken in giving notice to the owner of said property to connect their premises with the public sewer and water main within the time allowed by law. In all of these cases the notices are strictly enforced, except in cases where there are extenuating circumstances which justify the health department in granting reasonable extension of time in which to complete the work.

Regular and systematic inspections are made of premises on which there are maintained box privies, and in all cases where the privy is not constructed and maintained according to law the owners thereof are notified to correct the condition. The health department is without knowledge of privy boxes which are in a condition to cause seepage therefrom, and the records of the department fail to show that in the analyses of water from wells located on premises which are provided with a box privy that any source of contamination has been occasioned by seepage from box privies. The law governing the location of box privies prohibits them from being maintained within 50 feet of a well.

For several years past it apparently has been the ambition of a number of people to build homes in the remote parts of the District of Columbia, hence in the absence of water and sewer facilities it became necessary to provide privy accommodation. This number, however, does not equal the annual number of box privies abandoned.

J. FRANK BUTTS,
Chief Sanitary Inspector.

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
ENGINEER DEPARTMENT,
January 24, 1929.

To the AUDITOR DISTRICT OF COLUMBIA:

In response to your message that Mr. SIMMONS, chairman of the Subcommittee on Appropriations, wishes a report on the statement of Mr. CASEY, a member of the subcommittee, referring to night soil, that, "* * * It is sold to the truck farmers adjacent to the city of Washington and used as fertilizer to grow vegetables which are sold to the people of the District of Columbia * * *," I beg to advise that Mr. CASEY has been misinformed.

The District has a contract with Mr. Warner Stutler to collect this night soil and to empty it into the sewer at a disposal station built for this purpose on the Cool Spring Road by the contractor. This is the manner of disposal now in effect and the material is not and may not be disposed of in any other way.

MORRIS HACKER,
Supervisor City Refuse.

Mr. FRENCH. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. HOGG].

Mr. HOGG. Mr. Chairman, every year in the United States 24,000 employees are killed and two and a half million employees injured in industrial accidents. The annual loss in working days is 227,000,000, and in wages $1,022,000,000. The pain, suffering, and distress caused by these accidents can not be expressed in words or measured in terms of value.

During the 19 months that America was engaged in the World War there were in the American forces 77,118 deaths, or a daily average of 150. In industry the daily average is 80 deaths.

The iron and steel industry cost 200 lives each year and permanently injure eleven hundred employees. Four hundred are killed annually in metal mines.

Steam railroads kill fifteen hundred employees each year and injure an additional 150,000 employees.

In the trades alone the Department of Labor finds that more than 10,000 fatal accidents occur each year, and that nonfatal accidents exceed one and a half million.

There is no national safety code for the construction industry. This must be met by State and city governments. Yet there would be a great advantage by having the laws uniform, so far as possible.

Workmen compensation laws have stimulated employers to the realization that the prevention of accidents is cheaper than the payment of benefits. Workmen compensation legislation has for the first time placed a definite monetary value upon the more common injuries suffered by workmen. Employers in recent years recognize their responsibility and, with the employees, deserve great credit for the present effort to avoid accidents.

Prevention of accidents lies in two directions: 1. Education. 2. Creation of physical conditions and the adoption of methods which will make it less easy for accidents to happen. These include such things as safeguarding of machinery, better instruction, and better inspection.

Machines were first built and placed with regard only to their production capacity. The dreadful loss of life and limb made its first appeal to the moral sense and then to the economic viewpoint.

Many large industries, including most railroads, have organized accident-prevention work. As a rule, the departments and divisions within large organizations compete with each other to establish safety records.

To increase the amount of compensation to be paid in case of death will not only render greater justice to the employee, but will more forcibly point out to the employees the weakness of their accident-prevention system.

An adequate scale of compensation benefits is the prime requisite for the prevention of work injuries. Too many compensation laws are far from adequate. One State has a maximum weekly limit of $12 and a noncompensated waiting period of 10 days. Six States have no workmen's compensation law at all.

A monetary payment for an accident or a life lost in the service of an industrial plant is no true offset to the injury suffered or the misery entailed. No money can compensate for these sufferings. Accident prevention alone can do away with these sufferings.

It has been said by many who are qualified to judge that 90 per cent of these accidents can be avoided. Last year the Coast Guard rescued 3,983 persons from peril. The Bureau of Mines, the Bureau of Public Health Service, the Interstate Commerce Commission, and the Bureau of Labor Statistics are doing much to make human life safer in industry.

It is indicated from reports that for every fatality there are more than 100 nonfatal accidents.

When an employee is injured or killed it does not mean, as is commonly supposed, that something went wrong for the first time and that it will, perhaps, not occur again in the same manner. It does mean that a certain thing had gone wrong several prior times and at the time of the accident the human element was present. A ladder may slip several times before an injury occurs. An accident reveals the weak point in productive methods. Often too much is expected of human effort in relation to power-driven machinery and modern production tools. Foremen sometimes permit working space to become cluttered up with unnecessary material. Safety inspection may

be faulty—or there may be no adequate inspection. Occupational diseases are exacting an increasing toll.

Unless statistics point out the exact cause of an accident they are of no value. Merely to know that 24,000 people are being killed each year in industry does not aid in decreasing the number. The exact cause in detail of each accident must be known and published.

The prime purpose of H. R. 6848, to create a division of safety in the Bureau of Labor Statistics, is to develop a more complete and efficient method of securing and analyzing facts of accidents and of occupational diseases in industry on a national basis; to disseminate this information and to encourage the adoption of such preventive measures as will reduce or eliminate industrial accidents and occupational diseases.

The division of safety thus created is authorized by the same bill to establish a safety museum in order to better show the approved method of avoiding accidents and dangerous working conditions.

Congress can do no better thing toward the improvement of working conditions surrounding the American employees than to take steps which will end the situation that every year takes the lives of 24,000 workmen and disables two and one-half million working men and women. [Applause.]

Mr. FRENCH. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

The CHAIRMAN. The gentleman from Massachusetts is recognized for 10 minutes.

Mr. UNDERHILL. I probably shall not use all of that time.

Mr. Chairman and members of the committee, a few days ago a group of New England Congressmen called upon the Secretary of the Navy with reference to the work in the various navy yards throughout the length and breadth of our coast line, but more particularly emphasizing, as is natural, the needs and necessities of the Boston yard.

In order that we may have a record of some of the suggestions that were offered at that meeting, not in a spirit of criticism, but in an earnest effort to be helpful, if possible, I am addressing myself to that particular subject.

Under the prevailing system there is a wide fluctuation of employment in the yards and, due to continual reductions in the personnel, the situation in the Boston yard is daily getting more acute. The force is being reduced to a point where it offers an ominous threat to the existence of the yard.

Between December 22, 1928, and January 25, 1929, there were over 450 discharges at this yard, and on the 1st of February there were 300 more men discharged from the Boston yard. The labor turnover always hampers economical operation, and it seems that some policy should be adopted which would stabilize employment in the yards.

No one organization can expect to be comparable with a similar group in cost, time, production, and so forth, when work loads fluctuate periodically. So, if efficiency is to prevail, work loads must be more evenly distributed, and labor turnover reduced to an absolute minimum.

Mr. AYRES. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. AYRES. Does the gentleman mind stating whether or not any reason was given for the discharge of the men from the navy yard within the last year?

Mr. UNDERHILL. Lack of work.

The Boston yard does not ask for special favors, but does require, so far as is possible, equal treatment. Other yards may be in much more favorable positions than the Boston yard in the matter of employment, but the organization in this yard has the leadership and talent to successfully undertake and complete almost any project which the department may wish to assign.

Do not think from that statement that I am making a plea for the construction of one of the proposed cruisers in the Boston yard. I did not have that in mind.

Mr. DENISON. Will the gentleman yield?

Mr. UNDERHILL. I will.

Mr. DENISON. A day or two ago we had speeches from two of the gentleman's colleagues from Massachusetts discussing that question. They took exactly opposite views as to whether we ought to require these cruisers, or a part of them, to be built in our navy yards. I would like to know what my friend from Massachusetts thinks on that subject.

Mr. UNDERHILL. It would put me in a rather embarrassing position to take a stand for or against either one or the other of my colleagues.

A short time ago the yard was rated as a second-class yard. To-day, because of its accomplishments, it has the distinction of being a first-class yard.

It is not the intention to cast reflections on any other navy yard engaged in repair or modernization work, but from the standpoint of engineering performance and construction, the Boston yard equals, if it does not exceed, the accomplishments of other navy yards. In addition to its location, it does work, however, under a handicap of experiencing an abnormal annual fluctuation in the amount of work and the number of men employed.

I may say right here that this is most disturbing, not only to the employees of the yard but to those of us who live in its vicinity, where most of the employees live, for by some strange coincidence these discharges almost always occur just previous to election, and those of you who live near any Government activity know what that means to the Congressman. There is no work, there is no appropriation, and the employees facing unemployment naturally turn to the Congressman in an endeavor to save their jobs, and that is one of the things a Congressman can not do.

Another feature is that the machinery installed in this yard is not at all up to date. It should have been made so during the late war by spending some money at this location as was done in practically every other yard, most noticeably at the Norfolk Navy Yard.

Another reason for these dreadful fluctuations that occur so frequently, throwing a large number of men out of employment, is the policy of the Navy Department—I hope you will pay particular attention to this—that for three months or so of the winter maneuvers of the fleet every ship must be in line. This is either a fetich or tradition, rather than a modern, practical arrangement. I do not believe that the benefit thus obtained with no war in sight can possibly compensate for the disturbance caused at the navy yards, for this brings about, in part at least, the taking on of men for large amounts of work covering a short period of time, which might be distributed over a much longer period. It seems reasonable and practicable to fix a complement for each navy yard and to arrange for continuous work to keep the men employed. This can be done without seriously disturbing the work of the fleet.

One of the troubles is that the schedule of the fleet is made inflexible, so that ships needing repairs must come to the yards late in the fall and intensive efforts must be made to discharge them along about the first or middle of January, necessitating the employment of a large number of extra men, so that the ships may be finished in ample time to join the fleet in its maneuvers. This also disturbs the other work in the yard, because it requires a shifting of men from one job to another to accomplish these rush jobs. Of course, when the yard takes on extra men they get a poorer class of workers, and this group is quite likely, with the inevitable discharge near at hand, in some instances to lay down on the job. As I said before, this is not by any means economical, nor do I believe it necessary to the fleet itself, and it surely is a tremendous handicap to the yards.

I fear to offer an amendment to this appropriation bill, because, in all probability, if not declared out of order, it would so disturb the Budget as to bring about the defeat of the amendment. I would present, however, to the Naval Affairs Committee, to the subcommittee on naval appropriations, to the Bureau of the Budget, and to the Navy Department not only these general suggestions which might be helpful in all of the yards but in addition that the Boston Navy Yard be equipped with marine railways for handling small vessels, such as destroyers, Coast Guard vessels, and so forth. It is now necessary to empty one of the large docks at considerable expense when work is to be done on such type of craft, and I am reliably informed that there would be a saving of at least $180 to $200 a day on such jobs if the Boston yard were equipped with marine railways. The cost of equipment would not be great.

In closing, I wish to emphasize what I have so hurriedly presented: That the greatest efficiency and economy in the operation of all of the yards would be the stabilization of employment. Men who are not confronted with a lay off will undoubtedly give a greater degree of service than though they were mentally disturbed by the prospect of unemployment, which in itself very naturally tends to slow up physical performances. It would be much better for every one concerned to guarantee in effect the steady employment of 1,500 to 1,800 men in a yard than to have a period where 2,500 might be employed for some little time, and then have the force reduced almost at one fell swoop to 1,200. I am confident that if the Navy Department will make a thorough investigation of this situation, they can so arrange their repair work that it will be possible to keep a well-trained and efficient body of men constantly employed, and

will in no wise hamper the fleet in its general operations. [Applause.]

Mr. AYRES. Mr. Chairman, I yield 30 minutes to the gentleman from Oklahoma [Mr. GARBER]. [Applause.]

Mr. GARBER. Mr. Chairman and members of the committee, in the judicious appropriation of the public revenues the pending bill reflects good, sound business judgment in the affairs of the Government. It also reflects the rendition of valuable services to the House and to the country by the members of the Subcommittee on Appropriations preparing the bill. In its presentation by the distinguished gentleman from Idaho it reflects a grasp of detail and a mastery of the business connected with the department that immediately prompts the inquiry, Why not give the country the benefit of such excellent service in a larger field? Why not put business efficiency in the Navy Department? Why not eliminate experiment and jingoism and insure a successful administration? In other words, why should not the President elect appoint the gentleman from Idaho as the next Secretary of the Navy? [Applause.]

This brief expression of appreciation of service rendered would be incomplete if it did not include the valuable service rendered by the distinguished gentleman from Kansas [Mr. AYRES], who is also one of the very able members of this subcommittee. [Applause.] Service rendered is the reason why the gentleman from Kansas has been able to represent a strong Republican district for so many years. [Applause.] Out in Kansas, when they refer to the Hoover landslide, our Democratic friends always reply by referring to the AYRES landslide, which resulted in a very large majority in his reelection during the recent election. [Applause.]

It is with regret that I depart from these pleasant considerations to the sordid matters of administration. In a recent issue of one of the leading papers in the city appeared this criticism:

President Coolidge feels that the Interstate Commerce Commission is too slow. In his opinion, the commission members are able and the questions they settle are important, but he would like to see them dispose of those questions quicker. The Government itself, the Chief Executive believes, has had problems to contend with arising out of delayed action by the commission. As a case in point, the commission's ruling on payment rates for the carriage of mail by the railroads has been cited. This rate was fixed after three years of study, and the carriers were awarded $45,000,000 in back pay, dating to the time the controversy began. The President disapproves of paying such an award and has directed that the Post Office withhold the funds, planning to let the matter be passed upon by the Court of Claims. He feels that the present issue between the Government and the railroads would not have arisen if the commission had not taken so long in deciding the case.

The outspoken criticism of the Chief Executive of the Nation in reference to the administration of an agency of the Congress immediately challenges the consideration of the efficiency of the administration of that independent commission.

I believe it is the function of political parties always to be constructive and that any attempt at concealment or any attempt to condone that which is not efficient in the administration of the affairs of the people is a false policy and one that does not represent the interests of the people. [Applause.]

Adequate transportation facilities and service at a reasonable charge are essential to every industry and every section of country. It is not a partisan or sectional matter. It is purely economic and is nation-wide. It affects directly every constituent in every congressional district in the United States, and especially is the question of transportation vital and imperative of solution with the people of the Middle West and the Southwest and the intermountain sections of country, composing the great agricultural producing sections. Remote from water transportation, these sections comprise the territory designated by the rate experts as the high plateau of freight rates in the rate structure, where rates are fixed high enough to make good the losses in the out-of-pocket rates, the below-cost rates, the coast-to-coast rates, and the competitive water rates through the Panama Canal.

The people living in these sections of the country are not opposed to the railroads. They recognize that rail transportation is absolutely essential for their development and prosperity. Neither are they opposed to the reasonable return as provided by law upon a fair valuation of the properties held for and used in the service of transportation.

Their complaint is not against the roads, it is not against the reasonable return, but it is against the inefficiency of the administration of the Interstate Commerce Commission and the neglect of Congress to provide adequate machinery to administer the equitable distribution of the rates to every section of the country alike.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. GARBER. I yield to the gentleman from Oklahoma.

Mr. HOWARD of Oklahoma. The gentleman has referred to the Middle West and the Intermountain States and the agricultural sections. I recall that for the last four or five years there has been discussion in Congress and throughout the Nation relative to the necessity of a readjustment of rates on agricultural commodities. Can the gentleman give us any information as to what, if anything, the Interstate Commerce Commission has done relative to that matter?

Mr. GARBER. In reference to the reorganization of the rate structure?

Mr. HOWARD of Oklahoma. As to agricultural products.

Mr. GARBER. Yes; I shall attempt to cover that phase of the question before I complete my presentation of the matter.

Mr. HOWARD of Oklahoma. Will the gentleman yield further, or does the gentleman desire to yield?

Mr. GARBER. It is a pleasure to yield to the gentleman from Oklahoma.

Mr. HOWARD of Oklahoma. As the gentleman says he is going to cover that proposition, I want to call his attention to a condition relative to freight rates and agricultural products out of the State of Oklahoma, which the gentleman and I represent in part in the Congress.

Mr. GARBER. I will be very glad, indeed, to hear the gentleman on that question.

Mr. HOWARD of Oklahoma. The gentleman has probably discovered it; but if not, it may be of benefit in his discussion. Since 1921 the freight on wheat from Oklahoma points to Chicago, which is our primary market, has been raised 11½ cents a hundred pounds; on corn it has been raised 10½ cents a hundred pounds; on oats 10½ cents a hundred pounds; and on cotton, from Oklahoma to Lowell, Mass., it has been raised 47 cents a hundred pounds, with a comparative raise on all other agricultural products out of Oklahoma.

Now, for the information of the gentleman permit me to say I discovered in figuring these four commodities that upon moving the 1926 crop out of the State of Oklahoma it cost the farmers of Oklahoma $13,000,000 more to move their wheat, corn, oats, and cotton in 1926 that it would have cost them to have moved those four commodities before the raise in freight rates made as a result of the Esch-Cummins Railroad Act, and as this rate raise was comparative on all agricultural products, there is little doubt but that in the gentleman's State and mine the farmers are to-day paying from $20,000,000 to $25,000,000 a year excess freight rates over what they previously paid; and does not the gentleman think that when Congress is in special session this year seeking to give us agricultural relief there would be no better avenue than to take up and reconstruct the agricultural rate structure?

Mr. GARBER. I thank the gentleman for his contribution of facts and figures in reference to the rates from the Southwest. Of course, they do not take into consideration, as I understood them, the increase in the price of labor and the cost of transportation, but there is not any question but that the gentleman's facts and figures show the necessity for a reorganization of the rate structure on farm products because of the horizontal increases made by the Interstate Commerce Commission in 1920.

Mr. MERRITT. Will the gentleman yield?

Mr. GARBER. I yield to the gentleman from Connecticut.

Mr. MERRITT. Does the gentleman feel that the mere statement of the figures which the gentleman from Oklahoma [Mr. HOWARD] gave indicates that all that $13,000,000 was borne by the farmers of Oklahoma or by the consumers?

Mr. GARBER. Well, I look at that question in this way: When a farmer sells his products the cost of transportation is deducted from the price, is it not?

Mr. MERRITT. That is the way the gentleman figures it; I do not know whether it is so or not.

Mr. GARBER. When the farmer of Oklahoma sells his wheat the high rates are deducted from the price that he receives for his product, and when he buys his implements, his clothing and that for his family—their necessities of life—his material, and equipment for the farm from the markets of the East, the rates are passed on and added to the price of everything he buys. The freight is deducted from everything he sells and it is added to everything he buys. In effect, therefore, like Jones, the farmer pays the freight both ways—it cuts him like a two-edged sword—and with the rates on agricultural products 52 per cent higher than they were before the war, they absorb the little profits that he would otherwise make.

Mr. MERRITT. Of course, the freight rates are eventually absorbed at both ends; is not that so?

Mr. GARBER. Yes; and the farmer is at both ends of the proposition. [Laughter.]

Mr. MERRITT. No; I think not.

Mr. GARBER. He must pay the cost of transportation when he sells, and he must pay the cost of transportation when he purchases a manufactured article.

Mr. MERRITT. Is it the gentleman's view that if the freight rates were changed, so that the freight rates were lessened by this $16,000,000, the farmer would get all of it?

Mr. GARBER. No; I do not take that view; I do not believe the gentleman takes into consideration the increase of the cost of labor and the cost of transportation. I do believe that a reorganization of the rate structure would eliminate the horizontal increases and we would have a commodity rate that would reduce the charge against farm products.

Mr. MERRITT. If the $16,000,000 was taken off, in order to keep a fair return to the railroads, they would have to be put upon some other products, would they not?

Mr. GARBER. Possibly so. Any deficiency created would possibly have to be made good in other lines. But here is the position of the West on this question: Because of the horizontal increases made by the commission in 1920, ranging from 25 to 45 per cent, interterritorially 33⅓ per cent, the rate structure was dislocated and the burden rested more heavily on the heavy carload commodity lots and the long haul. Now, by eliminating the horizontal increases in the rate structure, I believe there would be an adjustment that would afford material relief to agriculture. Whatever the result may be, the farmers of this country are willing to pay their fair, reasonable share of the burden of transportation. [Applause.]

Mr. MERRITT. So the gentleman says that the maladjustment is due to error in the decision of the Interstate Commerce Commission?

Mr. GARBER. Not that exactly; but to the arbitrary raise in freight rates.

Mr. MERRITT. And not to error?

Mr. GARBER. Well, possibly not to what one might strictly term error but, to say the very least, to a resort to a most drastic remedy, crushing in its effect on the prices to the farmers for their products.

Mr. MERRITT. The gentleman does not want to take the position of the defeated suitor cussing the court?

Mr. GARBER. In so far as the inefficiency in administration of the commission is concerned, I am willing to admit that the farmers of these sections to which I have referred are in the position of a defeated suitor and while they are not cussing the commission, they are, with the President, receiving its confession with the exclamation, "Oh, how long you have delayed!"

Mr. MERRITT. The gentleman's remedy is not the abolition of the commission?

Mr. GARBER. No; not abolition, but decentralization and additional machinery for administration.

Mr. McMILLAN. The gentleman thinks that it is not error on the part of the commission but rather the attitude on the part of the commission?

Mr. GARBER. Yes; it is the attitude of the commission as well as their resort to such desperate means to rehabilitate the roads. While the roads may have needed help—they undoubtedly did after just emerging from governmental operation—yet the remedy of horizontal increases was disastrous to agriculture. The commission was quick to save the roads, quick to impose horizontal increases for their benefit, but very, very, very slow, indeed, to remove those increases to relieve the farmers; and even at this late day, long after the emergency in transportation has passed, much of the horizontal increases still remain over the protest of all the farm conferences, the President and Congress, emphatically made four, five, and six years ago.

Replying more particulary to the suggestion of the gentleman from South Carolina, my criticism includes the attitude of the commission, its attitude of leisurely indifference in contemplation of the condition of agriculture during the last eight years and its refusal to assume the initiative, after being commanded by the Executive and Congress, in organized, systematic effort to relieve the situation. Its refusal to act for the relief of agriculture after six or seven years of demand, to say the very least, requires some explanation for the public to understand. Of course, it will say that it has been overloaded with other duties. There is no question but that it has been busily engaged; but right there we say that it should not have permitted its attention to be diverted from the imperative needs of the people and from rendering service in the more important field of its administration.

Mr. MERRITT. I understand the gentleman then to say that they have been so overloaded that they have not had time to change it?

Mr. GARBER. There is not any question but that the commission has been overloaded, and this is where Congress comes in for just criticism in overloading the commission without supplying additional adequate machinery for administration. But rate revision should have been a preferred number on its program and it should not have permitted any additional duties to interfere with that work.

Mr. MERRITT. I think the commission has been overloaded.

Mr. GARBER. Mr. Chairman, as a background for the citation of figures of the gentleman from Oklahoma [Mr. HOWARD], I cite the Southwest cases. In Consolidated Southwestern cases, decided April 5, 1927, the Interstate Commerce Commission found the classification rates between points in the Southwest and Kansas-Missouri territory to be in a general chaotic condition, complicated and unsatisfactory, with undue prejudice against different points.

Quoting, the commission said:

> The record discloses mutual competition under inequitable rate conditions between points in Oklahoma, Arkansas, western Louisiana, Texas, Kansas, and southern Missouri. In other words, the opportunity to do business is sometimes foreclosed by freight rates. That communities, as well as individuals or industries, may be adversely affected by rate maladministration is clearly illustrated by the testimony in this case.

A TYPICAL EXAMPLE

Take Miami, Okla., as a typical example. It is 13 miles from Baxter Springs, Kans. The spread in first-class rates from St. Louis is 32.5 cents. Between the other class rates the spreads are correspondingly disproportionate. A dealer in Miami received from Detroit 572 Ford automobiles during 1922. The freight charges amounted to $55.07 per automobile. On a similar shipment to Baxter Springs, Kans., the charge would be $51.55 per automobile. To meet that competition the dealer suffered a pecuniary loss of $2,207.80 a year. Merchants at Miami are unable to compete with merchants in Baxter Springs, where the freight is a material factor. In their struggle for commercial existence, many of the people of Miami are moving to Baxter Springs.

In picking a location for a jobbing house or factory one of the first things to be considered is the freight-rate situation. There is keen rivalry between towns in the Southwest for the location of new industries to meet the increased need of the growing population. There is thus an endless chain of actual and potential competition in the distribution of goods or class rates not only within the territory but from and to the border States and cities beyond. Towns paying for like service higher rates than others or paying rates higher, distance considered, than others are placed at a disadvantage and often are deprived of their natural advantage of location.

In its investigation the commission found undue preferentials and discriminations in rates on farm products in the same rate-making district.

A COMPARISON OF WESTERN GRAIN RATES

The following is a memorandum showing a comparison of western grain rates in the same rate-making district. In comparison with the rates of other States in the district it will show vicious discrimination against the farm products of Oklahoma and Texas.

Miles	Minnesota scale	Kansas scale	Oklahoma-Texas scale	Carriers' proposed scale
50	8	10	11	15
100	12	13	15	19
200	14	17½	20	26½
300	16	20	26	34
400	17½	20½	29	39
500	19½		33	44

It will thus be seen that the Oklahoma-Texas scale on a 300-mile haul is 30 per cent higher than the Kansas scale and 62½ per cent higher than the Minnesota scale; on the 400-mile haul the discrimination is nearly 41 per cent in favor of Kansas points and nearly 66 per cent for Minnesota points. The discrimination is shown to be existent all along the line, the Kansas grain rates being from 20 to 30 per cent lower on shipments to Kansas City than are Oklahoma grain rates, generally, to the same point, and Minnesota grain rates to Minneapolis are still lower than are the Kansas rates. If we could secure the Minnesota scale on shipments from Oklahoma to the Gulf, it would mean a reduction of approximately 60 per cent in our wheat rates.

ILLUSTRATING THE DELAY IN RATE RELIEF

The proceedings in the cases cited were instituted in 1923 and finally submitted to the Interstate Commerce Commission on June 19, 1925, and by it decided on April 5, 1927. Because

of suspension orders the decision will not become effective until May, 1928, and not then if further deferred.

The freight conditions described by the commission have existed in that southwestern country for years. The rates were fixed by the roads under private regulation and have exacted millions and millions of dollars annually from the people of Oklahoma and other Southwestern States in excess of a reasonable compensatory return. The rates have never been revised or readjusted, although there has been a constant and incessant demand for such relief.

How long is the country going to stand this interminable delay in such proceedings? If it has taken the commission five years to revise and readjust rates in the classified service in the Southwest, how long is it going to take it to revise and readjust rates of all classes throughout the entire country?

The commission has been engaged in the performance of too many other duties imposed upon it by the Congress. It is attempting to administer under 28 different acts of Congress. From time to time it cheerfully accepts enlarged jurisdiction and additional responsibilities and then in their exercise and performance is compelled to redelegate its power. Such redelegation for the performance of the duties purely ministerial in their character is, of course, necessary and expected, but the redelegation of power for the performance of legislative duties is a dangerous procedure and unnecessarily jeopardizes the public interest.

The power to initiate rates for revision and readjustment is the commission's greatest responsibility. There is no other power the commission can exercise which would result in greater benefit direct to all the people. In his December message in 1923 President Coolidge, recognizing this fact, insisted upon the entire reorganization of the rate structure for freight for the relief of agriculture. The commission undoubtedly read the message. Since that time every farm organization in the country and many representative civic organizations, including the Chamber of Commerce of the United States and all of its submembers, urged a revision and readjustment of rates for the relief of agriculture. The commission knows this. It knows that the horizontal increases should not be permitted to stand 24 hours. It knows that the President, the Congress, and the country have been expecting revision and readjustment, and yet during these five years of coma for agriculture what has it done?

The very fact that after five years the commission has been unable to effect substantial results in revision and readjustment for agriculture, when every other line of industry has been abounding with prosperity, ought to convince the most skeptical of the inadequacy of our present machinery to administer our regulatory power in rate making satisfactorily to the people.

We have overloaded our machinery of administration. The magnitude of the responsibilities and the multitude of the enormous tasks imposed upon the commission are not adequately appreciated.

Mr. HOWARD of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. GARBER. I yield to the gentleman from Oklahoma.

Mr. HOWARD of Oklahoma. I do not want to interfere with the gentleman too much, but I think the gentleman has rendered a distinct service to the people of the Southwest in this discussion.

I call his attention to another situation under which we are suffering out there, and that is this: That under the present schedule if you ship a hundred pounds of freight from New York to St. Louis, Mo., a distance of 1,141 miles, you do it at $1.65 per hundred pounds; but if you put that same hundred pounds of freight on a train at St. Louis and ship it to Benito, Okla., in my district, a distance of 341 miles, the rate is $1.55 per hundred pounds, or only a difference of 10 cents per hundred pounds in favor of the 341 miles distance as against the 1,141-mile distance from New York to St. Louis, and we have suffered under that condition during the last four to six years, without any opportunity of getting relief.

Mr. GARBER. Yes; the raise in rates to which the gentleman refers is designated by the rate experts as the "barrier at the Mississippi River." It is almost impossible to conceive that such an obstruction to commerce would be permitted overnight.

The barrier at the Mississippi River is the immediate jump in freight rates. That is what it is. I did not intend to deviate from this discussion into a discussion of rates, but since the gentleman from Oklahoma has called attention to the rates, in corroboration of his contribution, I want to cite these figures. Steel is taken as a typical example of all of the other commodities. The rate on steel for every 300 miles east of the Mississippi River is 47.5 cents per hundred pounds. For each 300 miles west of the river the rate is 83.5 cents per hundred pounds. The rate west is more than 75 per cent per hundred pounds higher than the rate east. This is the barrier that prohibits the West from shipping in iron and steel from the East. We want to be your customers.

The vast empire west of the Mississippi River is the meat and bread basket of the East. It produces the foodstuffs to feed the industrial workers as well as those of all other occupations and professions. It is the best market the East has for its manufactured products. Its consuming capacity and its capacity to pay are larger than that of any other market in the world, and likewise the East is the best market for the agricultural products of the West. It has the largest consuming capacity and capacity to pay of any market for farm products in the world.

These markets are joining each other—depending one upon the other—and there is every economic reason why there should be the closest cooperation in removing from the channels of commerce every unnecessary burden.

The country west of the Mississippi River has approached the industrial stage in its development. When it needs building material for its roads and bridges and cities in the creation of its markets at home, and when it proceeds, as it is about to proceed, in this new epoch of industrial development, to curtail its long haul and cut its freight bill in two and to create a market at home, it finds an insurmountable barrier at the Mississippi River on the east and the Panama Canal on the west.

Freight is divided generally into numerous classes, each with its own rate, and there are other special commodity rates. We only refer to the five main classes. Class 1 includes dry goods, shoes, and high-class merchandise; class 2 includes hardware, cutlery, tools; class 3 includes high-class groceries, furniture, and so forth; class 4 includes the general run of heavier groceries, such as salt; and class 5 includes carload lots of steel, and so forth. Here [indicating] are the rates per 100 pounds from New York to Kansas City through St. Louis on the various classes. Bear in mind that the distance from New York to St. Louis is 1,050 miles and from St. Louis to Kansas City is 300 miles.

	New York to St. Louis	St. Louis to Kansas City
Class 1	$1.66	$0.83½
Class 2	1.45½	.63½
Class 3	1.10½	.52½
Class 4	.77	.38
Class 5	.66	.30½

COMPARE THESE RATES

Consider the vicious discrimination against the West on all the goods that we have to buy of you people in the East!

The part of the through rate that is charged from St. Louis to Kansas City ought to be only about one-third of the rate from New York to St. Louis, when actually it is nearly three-fourths.

On dry goods, shoes, and high-class merchandise it is 69 per cent greater. On hardware, cutlery, tools, and so forth, it is 80 per cent greater. On high-class groceries, furniture, and so forth, it is 73 per cent greater.

On the general run of heavier groceries, such as salt, it is 71 per cent greater.

On the carload classes, of which steel is a typical example, it is 75 per cent greater.

The jump in the rate level at the Mississippi River in each case is so great as to prevent the industrial development of the country west of the Mississippi River and to exact from farm prices the profit that would permit the farmers to enjoy a degree of prosperity.

In the seventies or eighties, when the country was sparsely settled, there might have been some reason and justification for the erection of such a barrier, but since no reason exists to-day there is no valid claim made anywhere for its continuance, and yet it still remains—the rate level has not been readjusted.

We have had seven years of rate making, with full power to the commission to revise and readjust rates, but the barrier has not been removed. The West says:

Take down the barrier, remove the unnecessary burdens upon commerce, and let it flow as freely as possible between the several States.

THE BARRIER ON THE WEST

Take the barrier on the West—the Panama Canal—the through rates are so low to the coast and the interior rates so high as to erect another barrier on the West which casts a heavy burden upon the interior.

COMPARISON OF INTERIOR AND COAST RATES

The rate on dry goods from Chicago to Enid, Okla., a distance of 832 miles, is $2.275 per hundred. The rate on dry goods from Chicago to San Francisco, a distance of 1,429 miles farther, is $1.58 per hundred. Thus we see that the rate from Chicago to Enid, Okla., is 53 per cent greater than the rate from Chicago to San Francisco, although the distance of the latter is 1,429 miles farther from Chicago than is Enid.

Stated in another way, the hauling of a 30-ton car of dry goods from Chicago to San Francisco, San Francisco being 1,429 miles farther from Chicago than is Enid, Okla., costs $41.70 less than hauling the same tonnage from Chicago to Enid.

Take the rate on steel. From Chicago, a distance of 2,300 miles from San Francisco, for domestic consumption it is $1 per hundred. For export it is $0.40 per hundred. These rates apply on the same commodities between the same points, subject to the same minimum pound weight and the same rule of law which requires earnings in excess of cost.

A 40-cent rate on steel for 2,300 miles when exported to China or any other foreign country and the rate of $1 per hundred when used in construction at home obviously means that one of two things is true—the 40-cent rate covers all the cost and some profit for the 2,300-mile haul to the coast or it is an illegal rate maintained in defiance of law, and that is a burden upon commerce which the consumers of freight should not be required to pay.

When recently interrogated in reference to these rates to the coast, Commissioner Esch blandly explained that they were rates put into effect by the railroads and the commission had never been called upon to determine their validity.

The continuation of such undue preferentials raises the question whether or not the American farmer in the West is not entitled to as much consideration as the Chinaman in the Far East.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. GARBER. Yes.

Mr. COLE of Iowa. Is it not true also that these people in the industrial centers are our best customers?

Mr. GARBER. Yes.

Mr. COLE of Iowa. So that we can not prosper on the farms unless these people are employed at good wages and steady employment?

Mr. GARBER. The gentleman is right. We think that our relationship is such that there should be reciprocity between the two sections of the country, one so dependent upon the other.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Mr. Chairman, will the gentleman yield?

Mr. GARBER. I yield to the gentleman from Minnesota, who is a member of the Interstate and Foreign Commerce Committee.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. FRENCH. Mr. Chairman, I yield five minutes to the gentleman.

Mr. GARBER. I ask the gentleman to grant me 15 minutes.

Mr. AYRES. I yield the gentleman 10 minutes, so that that will make 15 minutes.

Mr. NEWTON. The gentleman referred to the southwestern rate case, and the length of time it has taken the commission to determine it; also to the high agricultural rates. The gentleman will recall that the Hoch-Smith resolution was passed something like three years ago.

Mr. GARBER. Four years ago.

Mr. NEWTON. And the committee since that time has been conducting an investigation into the entire agricultural rate situation?

Mr. GARBER. To the best of its ability.

Mr. NEWTON. It was my privilege last fall to be home when those hearings were held in Minneapolis. They were there for several weeks. Commissioner Meyer was in charge, and there were several examiners there. I was told a month or two later, when the final arguments were submitted, that the testimony given in that case would cover 50,000 pages, and that the testimony and the exhibits alone would fill a room about 16 feet square. I only mention that to show something of the magnitude of the task of attempting at any one time any rearrangement of the rate structure, because there are so many divergent elements entering into it, necessitating the consumption of a tremendous amount of time upon the part of the commission.

Mr. GARBER. The gentleman from Minnesota is correct in his statement of fact. Through its examiners largely, with a commissioner now and then, it is holding hearings throughout the country and has taken much testimony in reference to rate conditions. But the continuous taking of testimony will not relieve the situation unless it is used as a basis for action with a reasonable degree of promptness.

Mr. DENISON. Will the gentleman yield?

Mr. GARBER. I yield to the gentleman from Illinois.

Mr. DENISON. I want to ask the gentleman from Oklahoma if he has ever discussed this matter with any members of the commission so he can tell the House the reason given for this difference. I would like to know why they make that difference in such things.

Mr. GARBER. I can only give the gentleman from Illinois my views in regard to the matter. No member of the committee or of the commission has ever afforded the committee any explanation. As I understand it, the rates were imposed when the railroads built across the country when it was new and in the developing state. At that time the traffic from the West to the East was light, necessitating the hauling of empty cars on their return, so that it required high rates to pay the cost then. Those rates went into the rate structure under private regulation and control and have never been removed, and so it is with the rate structure throughout the entire country. It is literally filled with rates imposed in the old competitive days and the pioneer days.

Conditions since then having changed to such a marked degree, the West, having become more fully developed and thickly populated and more productive, now affords loaded cars going to the East to such an extent that at times there is a great scarcity of cars. The heavy hauls are from the West to the East now, when formerly they were from the East to the West. Hence the necessity for the reorganization of the rate structure to meet the changed conditions.

Mr. DENISON. As I understand it, this difference in the amount of the rate East and West is a sample of the survival of a condition which existed at a time when it might have been justified.

Mr. GARBER. That is true.

Mr. ARENTZ. Will the gentleman yield?

Mr. GARBER. I will.

Mr. ARENTZ. The same condition prevailed a few years ago in the shipping of a carload of freight to Salt Lake City or Reno. You had to pay the rate to San Francisco and back to Salt Lake City or Reno. Now, the condition of private control disappeared many years ago, but because of the idea of holding things forever, the railroads are prone to fight to the very last ditch in these matters and retain them in their rate structure to-day.

Mr. GARBER. The gentleman from Nevada is referring to the vicious discriminations in rates under private control, but there is no excuse for such rates now, with the commission clothed with initiatory power to prescribe just and reasonable rates on its own motion.

Mr. AYRES. Will the gentleman yield?

Mr. GARBER. I will.

Mr. AYRES. The gentleman from Oklahoma started to say, or did say, it was on account of the Interstate Commerce Commission not having adequate machinery that this was being delayed and the Congress should do something to give them the machinery.

Mr. GARBER. That is correct.

Mr. AYRES. I hope the gentleman will state to the committee before he gets through what he thinks Congress should do in the way of giving the Interstate Commerce Commission adequate machinery. My understanding is from the commission itself that it does not need any additional members on the commission, either commissioners or examiners, and I am anxious to know what Congress can do to give them the machinery in order to enable them to keep up with its work and stop further delay.

Mr. GARBER. The gentleman from Kansas has indeed made a very material inquiry in the consideration of this subject, and if the gentleman will just assure me the time necessary I will give him an answer; I will give him my answer, at least to that question. But I have some other matters that I want to present before I arrive at that.

Mr. AYRES. I will give the gentleman time.

Mr. GARBER. I thank the gentleman for his liberality.

Now, in the consideration of this question, the members of this committee understand as well as the country that when we assumed the responsibility of the regulation of the control of the roads and the fixing of their reasonable return and the rates to create that return we thereby eliminated the roads from any responsibility in the administration of an equitable apportionment of the burdens upon commerce and undertook the administration of that question ourselves, did we not? We did. So that in this controversy, looming large in the dissatisfaction and resentment of those sections remote from water transportation, the railroads are not responsible; it is the Congress and the commission, charged with the responsibility of administration, that are responsible for the present condition.

Now the commission realizes its inefficiency. In its last annual report it said in substance that the rapid growth in the variety and volume of work imposed upon it made the discharge of its duties less and less current. In corroboration of that general confession, permit me to read the testimony of one of the ablest members of the commission, Mr. J. R. Eastman, a man who, in my judgment, has rendered lasting and invaluable service to this country as a member of that commission. Corroborating the statement of the commission in its last annual report, and corroborating the criticism of President Coolidge and the criticism that exists generally throughout the country, in his testimony, given before the Subcommittee on Appropriations recently, Commissioner Eastman said:

In the first place, the commission is subject to a great deal of criticism from time to time. Some of it is just and some of it is unjust. But we have recognized that there has been one very just criticism of the commission's work, and that is that we were not keeping up with our rate cases; that we were falling behind in the decision of those cases; and also that we were taking too long a time to decide them. That criticism has been pressed on us by the shippers, especially through the shippers' organization, the National Industrial Traffic League. It has been brought home to us by the railroads and from time to time Members of Congress have brought that matter to our attention. It is a just criticism.

He says, "It is a just criticism." That is what I started out to say in the presentation of this case, to say we ought to confess our inefficiency wherever it exists and should attempt to afford some constructive remedy and relief for the conditions existing; and that is the true function of a political party or a Member of this responsible legislative body.

Mr. Eastman further says:

The reason for the situation which gives rise to that criticism has been the increasing volume of the rate work and an insufficient force to handle it.

Now, then, it ought to be said in defense of the commission that in addition to the natural increase and growth of the commerce of the country, the recent acts of Congress have imposed upon it a vast volume of work. You take the transportation act of 1920. The gentleman from Illinois [Mr. DENISON] is perhaps as familiar with that as any other member of this committee. That act imposed upon the commission the execution of an entirely new policy. An emergency existed in transportation. The physical properties of the roads had to be rehabilitated, and Congress enacted that measure which imposed upon the commission the execution of problems, intricate and complex, which, in my judgment, have no parallel or precedent in the administration of economic laws. The act overloaded the commission with its long-time program as to the completion of valuations and the bringing of those valuations down to date, the unification of the roads looking forward to their consolidation into a convenient number of systems, the auditing of the accounts of all of these roads, and so on.

It is almost impossible for mental grasp to take into consideration the vast volume of the work involved, not to speak of the policing of the accounts of the roads in order to enforce the recapture clause and the division of joint rates in the public interest. Those and many other duties were imposed on the commission by this act, and as a result the commission permitted its attention to be diverted from the more important field of service of the people in adjusting the freight rates of the country to this vast volume of work which was forced upon it by the transportation act. As a consequence it has been unable to administer efficiently in the distribution of charges upon commerce. There is an ever-increasing number of rate cases remaining unadjusted.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. GARBER. I ask unanimous consent for additional time in which to answer the question propounded by the gentleman from Kansas [Mr. AYRES].

Mr. AYRES. In order to do that I would have to yield more time than I have at my disposal.

Mr. SHALLENBERGER. Will the gentleman yield to me?

Mr. GARBER. I yield to the gentleman from Nebraska.

Mr. SHALLENBERGER. I have listened with great interest to the gentleman's discussion of this question. The gentleman has pointed out how the Interstate Commerce Commission has been loaded with work, so that it can not deal with matters of unfair rates to those of us in the Central West. I want to call the gentleman's attention to a matter he brought out in a hearing before the committee of which he and I are members, when Commissioner Esch was before the committee. In response to an inquiry by the gentleman he stated that steel and iron for export receive a differential rate of 60 cents a hundred as against the same article for consumption at home; in other words, if steel and iron are sold for export, they are charged 60 cents a hundred less than when the same are used at home. Then the gentleman asked what rate was allowed on wheat for export, and he answered 6 cents a hundred; in other words, the present rate allows steel and iron for export a reduction of ten times the amount of reduction it allows to the farmer upon his wheat. Then the gentleman asked the commissioner how long that had been in existence, and he stated it was there when he came upon the commission. Then the gentleman pointed out to him that they had the power now under the law to make a change if a change were needed, and you said to him, "Having that information, what excuse have you to give for the commission that they do not change that unfair discrimination between wheat and steel and iron." The gentleman gave them the information and the law gives them the power, and yet they do not act.

Mr. GARBER. The gentleman has certainly pointed out one of the great discriminatory rates against agricultural products and I thank the gentleman for doing that. Let us hear some member of this committee excuse it. The rate on steel per 100 pounds from Chicago to San Francisco for domestic consumption is $1, while the rate on steel from Chicago to San Francisco for export is 40 cents per 100, or a preferential of 60 per cent for exports on steel.

Mr. SHALLENBERGER. While on wheat it is 6 cents per 100, according to the statement made by Commissioner Esch.

Mr. NEWTON. Will the gentleman yield?

Mr. GARBER. Yes.

Mr. NEWTON. Wheat does not move from Chicago to the Pacific coast. That is not the normal movement of wheat. If a comparison is to be made, it should be made the way in which wheat does move.

Mr. GARBER. The gentleman from Minnesota will admit that it is the natural movement of steel for export to China, for instance?

Mr. NEWTON. Certainly.

Mr. GARBER. While the natural movement of wheat for export, in the Southwest, in Oklahoma and Kansas, is to Galveston?

Mr. NEWTON. But not from Chicago.

Mr. GARBER. Oh, no.

Mr. NEWTON. The gentleman is quite right about the movement of steel from Chicago to the Pacific coast, but wheat from Chicago would not move that way. It might move down the Mississippi River by the barge line and out that way, or it might move across the Lakes to Montreal and New York and from there to the ports of the world.

Mr. GARBER. That is correct.

Mr. NEWTON. The difference is between the route on steel, where the product moves, and a paper route on wheat, where no wheat does move.

Mr. GARBER. That is an export rate on steel; is it not?

Mr. NEWTON. Yes.

Mr. GARBER. In its natural channel of trade; is it not?

Mr. NEWTON. That is so.

Mr. GARBER. Then why not give to the farmers of this country an export rate on cotton in the natural channel of trade and an export rate on wheat in the natural channel of trade? [Applause.]

Mr. NEWTON. There is a difference in the domestic rate on wheat and the export rate.

Mr. GARBER. Will the gentleman state to the committee how much it is?

Mr. NEWTON. I do not know what it is. I did not know the gentleman was going to speak on this subject or that this point was to be brought out. But the fact is that there is no discrimination in selecting steel and having a particular rate on steel and having no corresponding reduction on agricultural products, for there are lower export rates on agricultural products. These rates are the outgrowth of years and years of experience, and I presume that some sort of a differential of that kind was in effect on the roads before there was any Interstate Commerce Commission.

Mr. GARBER. The gentleman is right about that and that is what Commissioner Esch said about it.

Mr. NEWTON. I did know, back in 1922 and 1923, when there was a matter before the Merchant Marine Committee, what that differential was between the domestic rate on wheat and the export rate on wheat, and it was very substantial. I do not now recall the figures and I do not want to guess at them. However, the movement from Chicago was east rather, of course, than from Chicago west.

Mr. GARBER. The gentleman from Nebraska only cited that case to show that steel was given a preferential export rate—is not that correct?

Mr. SHALLENBERGER. The figures I gave are in the hearings and were stated by the commissioner himself.

Mr. GARBER. The gentleman gave it to illustrate the policy of having an export rate on steel.

Mr. SHALLENBERGER. That one branch of industry has been preferred, apparently, as against another and that the particular agency of the Government that has the power to correct it does not do it. That is what I had in mind.

Mr. NEWTON. Will the gentleman yield there?

Mr. GARBER. Yes.

Mr. NEWTON. It seems to me that a fair comparison would be the rate on steel from Gary east, and then the rate on wheat from Chicago east.

Mr. SHALLENBERGER. If the gentleman will permit, that is exactly what would happen. There would be a reduction of 60 per cent on the iron or steel from Gary to England and only a reduction of 6 per cent on the wheat from Gary to England. That is the statement that was made to us.

Mr. DENISON. Will the gentleman permit me to answer the question of the gentleman from Nebraska [Mr. SHALLENBERGER]?

Mr. GARBER. Yes.

Mr. DENISON. As I understand it, this difference in the differential allowed on export steel and steel for domestic use and export wheat and wheat for domestic use is this: The differential is fixed upon the basis of what will move the traffic in order to meet strong competition. It has been found that in order to permit the steel manufacturers in this country to ship their products to the coast and then to the foreign countries—in other words, to export them and meet foreign competition—a certain differential is necessary in order to move the products. Now, the same principle is applied in the export of wheat, but it is not necessary to make the large differential with reference to wheat that is necessary with reference to steel in order to meet foreign competition. That is the principle that is applied.

Mr. SHALLENBERGER. If I may be permitted by the gentleman to reply, I think that in order to make a market for the steel, it appears that the railroads, if they are charging the American people a fair rate, are allowing the exporter an unfair rate. In order to enable him to reach that foreign market they are giving a freight rate that does not render a fair return to the railroad company, and if I may be permitted further, my understanding of it is that the steel interests were able years ago—we are discussing this ancient action apparently—to secure this rate, and it has never been changed. I may add further that the tariff allows the steel manufacturer on his steel rails, for instance, a duty of about $14 a ton, and if he sells the steel rails here we have to pay it, but if he sells them in Europe he has to meet the competition of the foreign countries, and, perhaps, take $14 a ton less for his steel rails in order to sell them there. The railroads allow him a differential of $12 a ton so he is able to meet this foreign competition, and that is the reason for the reduction which the railroads have given. We have to sell our wheat in foreign competition, and we are asking that we be allowed something similar to this in order to help us market our wheat abroad.

Mr. GARBER. Let me ask the gentleman from Nebraska this one question.

Mr. SHALLENBERGER. And I may add that I think we need it now worse than the Steel Trust.

Mr. GARBER. The gentleman from Nebraska [Mr. SHALLENBERGER] understands from what source the revenue is derived to make up the loss in transporting steel across the country at the export rate of 40 cents a hundred.

Mr. SHALLENBERGER. Yes; it is made up from somebody else.

Mr. GARBER. It is made up on the high plateau of freight rates in the sections of country that are not adjacent or tributary to water transportation.

Mr. NEWTON. Will the gentleman yield?

Mr. GARBER. I yield to the gentleman from Minnesota.

Mr. NEWTON. Of course, this is the case: The railroads from Mississippi River points to the west coast are laid there with facilities not only to handle export business but more largely to serve the territory in between. The roads are there, and there is an overhead, and if there is not a rate that will move the traffic to a given market, then that traffic is not going to be moved and the railroads will not profit anything by reason of the traffic. That is the theory that must be considered in the establishment of a freight rate.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. GARBER. I ask the gentleman from Kansas to yield me a little more time.

Mr. AYRES. I yield the gentleman from Oklahoma 10 minutes.

The CHAIRMAN. The gentleman has used 55 minutes, and unanimous consent will be required to extend the time beyond one hour.

Mr. HOWARD of Oklahoma. Mr. Chairman, I ask unanimous consent——

Mr. TILSON. Mr. Chairman, I ask unanimous consent that the gentleman may use such time as may be yielded to him by the gentleman from Kansas or by the gentleman from Idaho.

The CHAIRMAN. Without objection, the gentleman is recognized for such time as may be yielded to him.

There was no objection.

Mr. SPROUL of Kansas. Will the gentleman from Oklahoma yield for a question?

Mr. GARBER. I thank the floor leader for his very considerate action.

I yield to the gentleman from Kansas.

Mr. SPROUL of Kansas. The gentleman from Oklahoma has demonstrated that he has been a close student of this important transportation question. The gentleman has had much experience on the Territorial, the State, and the Federal bench and has acquired the habit of weighing fairly and impartially these big questions, and I am sure has been a student of government.

The Constitution provides that the Members of Congress shall be allocated to the different parts of the United States for the purpose of securing representation not only of the part of the country from which they come, but the people whom they represent. The Constitution, I am sure the gentleman has considered, provides that the Congress shall have exclusive power to regulate interstate and foreign commerce. To discharge this constitutional duty of Congress, the Interstate Commerce Commission has been created as the agency of Congress to do the thing about which the gentleman has suggested complaint and imperfections. I have been wondering if the gentleman has considered a plan or program by which the Interstate Commerce Commission, as the agency of Congress, can more expeditiously and more wisely discharge the duties of Congress in regulating interstate and foreign commerce.

Mr. GARBER. I shall attempt to address myself to that very question which was previously asked me by the gentleman from Kansas in charge of the time, who has been so liberal in its apportionment to me, leaving out a vast amount of material which I intended to present here. [Laughter.]

Mr. HOWARD of Oklahoma. We are all interested in the gentleman's remarks.

Mr. GARBER. I want to call attention to this feature. I am only criticising the commission in so far as it permitted its attention to be diverted to the program involved in the act of 1920, and that is the extent of my criticism—in permitting the diversion of its attention from a more serviceable field in the administration for the people.

Congress is subject to criticism because it failed to provide additional machinery for the administration. If you will read the recommendations of the commission you will find recommendation No. 1, which has been carried in the report of the commission for six years, asking Congress to undertake remedial legislation.

Recommendation No. 2 has been carried in the annual report of the commission for five years, asking remedial legislation, and so on, with the various recommendations it has made to Congress from year to year. And yet Congress has not been responsive. So that the two bodies in my judgment are subject to severe criticism, as pointed out by the President in reference to the delay in fixing of the rates for carrying the mails.

Mr. RAYBURN. While we have ignored the recommendations, they could have been easily taken up and disposed of in the six months we have been considering railroad consolidation.

Mr. DENISON. It ought to be said in all fairness that that was recommended by the commission.

Mr. RAYBURN. That was a small amendment——

Mr. DENISON. When the bill was brought out it would meet with considerable opposition.

Mr. GARBER. Recommendation No. 3 has been carried in the report of the commission for four years, asking for the removal of an unworkable provision that absolutely blocked consolidation. That has not been removed.

Now, I must approach directly the remedy that I have in mind. It is only a suggestion, but I offer it for your consideration. Remember that rate revision is the most important service and everything else should give way to its administration.

Mr. SCHAFER. Will the gentleman yield?

Mr. GARBER. I yield.

Mr. SCHAFER. I do not think the gentleman meant to criticise the whole of Congress—the committee should be criticised,

and Congress perhaps ought to be criticised for not amending the rules.

Mr. GARBER. The gentleman from Wisconsin is correct in his keen discrimination of responsibility, but that opens up a broader field than the time will permit me to consider. [Laughter.] The commission asked Congress for authority to delegate its power to individual members of the commission and to specify the employees for the performance of specified duties. They asked that in order to remedy the chaotic rate condition existing throughout the country.

Now, for the performance of ministerial duties the commission is authorized to employ what assistance may be necessary in the way of experts, accountants, and professional and special skill.

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. GARBER. Yes.

Mr. SPROUL of Kansas. What would the gentleman think of a law dividing the United States into as many districts as we have members of the commission and requiring that each district be represented by a member?

Mr. GARBER. I shall reach the necessity for having representation on the commission if I am permitted to proceed for another 30 minutes.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. GARBER. Mr. Chairman, I ask unanimous consent to proceed for 25 minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for 25 minutes.

Mr. MAPES. Mr. Chairman, I submit that the control of the time is in the possession of the gentleman from Idaho and the gentleman from Kansas, and has been fixed by order of the House. The committee can not, by unanimous consent or otherwise, override that order.

Mr. BEGG. Mr. Chairman, as I understand, the gentleman from Oklahoma was granted 25 minutes by unanimous consent of the committee, and I fear that the Chair has figured it 10 minutes.

The CHAIRMAN. The extension allowed the gentleman was 10 minutes; that made five minutes beyond the hour, and unanimous consent was given for the gentleman to proceed for five minutes beyond the hour. The gentleman from Oklahoma now asks for an extension of 25 minutes, and that time must be yielded to him by the gentlemen in charge of the bill, on one side or the other.

Mr. KETCHAM. Mr. Chairman, as I recall, objection was made to the extension of time beyond the hour, and the gentleman from Connecticut rose and asked unanimous consent that the extension might be made. It seems to me that that would make an extension beyond the hour of 25 minutes.

The CHAIRMAN. The Chair thinks that the gentleman from Michigan [Mr. KETCHAM] misunderstood. The Chair interrupted the gentleman from Oklahoma to inform him that he had consumed 55 minutes of time, and to give him warning that he had but 5 minutes more to conclude the hour. He now asks for more time and the gentleman from Idaho is recognized.

Mr. FRENCH. Mr. Chairman, the gentleman from Kansas [Mr. AYRES] has been very fine in yielding time, and I would like to yield 10 minutes more, but the only way that I can do it is to ask unanimous consent that I be permitted to yield 10 minutes to the gentleman from Oklahoma. I shall be compelled to say, however, that the demands for time are such that I would not be able to extend the gentleman's time beyond that. I shall ask unanimous consent to yield 10 minutes' time to the gentleman from Oklahoma.

Mr. HOWARD of Oklahoma. Mr. Chairman, reserving the right to object, under what condition is it so necessary that the gentleman from Oklahoma [Mr. GARBER] must be shut off with 10 minutes? I want information as to why it should be so necessary to do this, when we are killing time in Congress now.

The CHAIRMAN. The gentleman from Idaho [Mr. FRENCH] has not used as much time as the gentleman from Kansas [Mr. AYRES], and there remains to his credit in the balance 25 minutes, in order to equalize the time. No agreement has been reached as to the limitation of time. Does the Chair understand that the gentleman from Idaho desires to yield 10 minutes of the 25 minutes at his command?

Mr. FRENCH. I shall do that, and I have asked unanimous consent to be granted that privilege, and may I just make this observation in reply to the gentleman from Oklahoma [Mr. HOWARD]? So far as I am concerned, I am agreeable to permitting this general debate to run on, but, as chairman of the subcommittee in control of the time here, I have indicated to Members of the House approximately the time when they would be recognized. Some of them have been waiting here an hour, and it is hardly fair to those Members, much as we would like to accommodate others, to ask them to wait any longer. It is merely in the interest of what is usually regarded as orderly procedure.

Mr. HOWARD of Oklahoma. I recall that the gentleman from Oklahoma [Mr. GARBER] waited here this afternoon for two hours, and if the gentleman can only give him 10 minutes in which he may be heard further, I think I shall have to make the point of no quorum, because I think everybody ought to hear him.

Mr. FRENCH. I hope the gentleman will withhold that point. I have already asked unanimous consent to grant him 10 minutes.

Mr. HOWARD of Oklahoma. But the gentleman wants 25 minutes.

The CHAIRMAN. It is not necessary to ask unanimous consent, inasmuch as the request made by the gentleman from Connecticut [Mr. TILSON] was agreed to. The gentleman yields 10 minutes to the gentleman from Oklahoma.

Mr. FRENCH. If the consent is granted I will be glad to yield the time.

Mr. MAPES. Mr. Chairman, the gentleman from Idaho [Mr. FRENCH] seems to attach some condition to his yielding of the 10 minutes. I do not think any precedent of that kind ought to be established in the committee. The gentleman from Idaho has absolute control of one-half of the time, and he can yield it or not.

The CHAIRMAN. The Chair has recognized the gentleman from Oklahoma for 10 minutes more.

Mr. MAPES. But the minds of the gentleman from Idaho and of the Chairman do not seem to meet.

The CHAIRMAN. The gentleman from Idaho has no parliamentary right to ask his fellow Members for unanimous consent, when none is necessary.

Mr. MAPES. I think the Chair is right in that respect, but I understood the gentleman from Idaho yielded the time with some condition attached to it, and there ought not to be any condition attached.

The CHAIRMAN. Possibly the Chair was presumptuous in not recognizing the condition. He now asks the gentleman from Idaho what his request is in the matter.

Mr. FRENCH. Mr. Chairman, I dislike to encumber the RECORD with this sort of discussion. My condition is hardly a condition, it was more the expression of a wish that the gentleman could conclude in 10 minutes. I do not care to make any condition. I am glad to yield 10 minutes.

Mr. GARBER. Mr. Chairman, in response to the liberality of the gentleman from Idaho, I will say that I do not want to be put in the position of taking up time that should be allotted to other Members. Therefore I shall not use the 10 minutes he has been gracious enough to yield to me, but will yield them back that they may be given to other members of the committee. I thank the committee for its patient consideration. [Applause.]

Mr. FRENCH. Mr. Chairman, I yield 30 minutes to the gentleman from Iowa [Mr. LETTS].

Mr. LETTS. Mr. Chairman, I desire to bring to the attention of the House some conditions which relate to the Rock Island Arsenal, which is in the Mississippi River between Rock Island, Ill., and Davenport, Iowa, which is my home. This arsenal is contiguous to my district. The employees of that arsenal live in Davenport, in Rock Island, and in Moline, and the surrounding towns.

The matter which I wish to talk to you about pertains to the employment conditions which exist at that arsenal. The arsenal, as it is well known, is the best and the largest which this Government possesses. It has a capacity for the employment of more than 20,000 men. It is equipped with high-grade machines, tools, and other devices for the performance of all necessary work in the manufacture of munitions and war materials. At the present time there are employed at that arsenal about 700 men. Those men are employed largely in taking care of the property of the Government. The machines at stated times are greased and then later the dry grease must be taken off and fresh grease put on, and many of the men are employed for no greater purpose than that. Some of these men are from time to time engaged in the manufacture of some article which is required by another department of the Government. There is not much opportunity for such employment and that is the particular thing to which I wish to draw the attention of the Members to-day. At this time there is but little in the way of manufacture of war materials and munitions, items which require trained knowledge and technical skill, and yet while the Government is in need of a great many manufactured articles it seems to have been developed as the policy in the War Department that this splendid plant and others like it throughout the country should remain idle, that the machines shall rust, and that we should purchase the things we need rather than

manufacture them. The commandant at the arsenal, Col. David M. King, is a man of splendid ability. He knows his job in an administrative way. He understands the art and science of manufacturing. Not only that, but he has an aptitude for getting along with his men; he understands their problems and is sympathetic with them. In a unique way he is able to stand between that institution and the communities which are adjacent to it and enjoys the confidence of all.

I am very glad, indeed, to pay him as high a compliment as I may with respect to the performance of his duty there and his relationship to the public. The thing I wish to draw to your attention is not in criticism of him nor of his superiors as men. It is in criticism of a policy which has been adopted here in the War Department. Recently Mr. Robbins, the Assistant Secretary of War, in testifying before the Senate Committee on Appropriations, said that a request had been made by the War Department for $500,000 for immediate use in the purchase of light tanks and for an authorization for a contract for a million and a half to spread out over the next few years, making a total of $2,000,000 to be expended on light tanks. He explained that by purchasing 100 of them now, which he wishes to do under a contract, they can be purchased at a saving to the Government of $16,000 per tank. Now, the question is, Why does he propose to a legislative committee that he purchase those tanks when we have a factory that is properly equipped for the manufacture of them? At this point I wish to ask the Clerk to read an editorial by Ralph W. Cram, editor of the Davenport Democrat and Leader.

The CHAIRMAN. Without objection, the Clerk will read the article.

There was no objection.

The Clerk read as follows:

MAKE THOSE TANKS AT ROCK ISLAND ARSENAL

An Iowa man at Washington, Assistant Secretary of War Charles B. Robbins, urges upon the Senate Appropriations Committee the building of 100 modern light tanks instead of the 5 which seems to be named in the annual Army supply bill.

The Government can save $16,000 on each light tank if 100 tanks are purchased by contract, says Mr. Robbins. The small sum allowed for such tanks in the present Budget, Mr. Robbins points out, would buy five or six, at $40,000 each. If we ordered 100, delivered over a period of five years, they could be bought for $24,000 each. That is because each tank is armor-plated, and it is just as expensive a process to set up the rolls to make the plate for 5 tanks as to make it for 100. One setting up and one dismantling would be required for five and no more for the larger number.

Very good advice, Mr. Robbins, to which we would offer but one amendment. Have the tanks made at Rock Island Arsenal instead of by contract. The Government has expended millions on a plant here at which tanks and many other kinds of war material and Government supplies might well be manufactured, and it is standing practically idle.

Nothing could be plainer, from the news reports of Mr. Robbins's recommendation, than the deliberate policy of the War Department to leave the big Government arsenals substantially abandoned and give out practically all Government work by private contract. And it is not a policy that ought to commend itself to Congress.

Here at Rock Island Arsenal exist all the facilities needed for building tanks such as those under discussion. Tanks have been built here experimentally. And it is proposed to ignore the facilities that are standing idle, and the enormous investments that have been made, on the theory that private business contractors need to be "educated" in the making of war materials, so that they may be ready for orders in connection with any national emergency.

It is a policy that commends itself to the private contractors, of course, but when it is adopted the country's big arsenals might as well be junked.

Mr. LETTS. Just why, may I ask, at this time when we are gathering every force possible to discourage war, to bring an end to war; just why is it necessary or proper that the War Department of this Government should announce and declare an exact purpose, that we should encourage private industry by giving them orders for war materials and munitions? May I say to you that in my judgment there is no element of force that will sooner bring to us a state of warfare than to encourage private manufacturers in the manufacture of munitions and war materials to a point where they will rely upon such orders for their profits. [Applause.] And what is going on here? In our midst at this time there is a movement on for the favorable action of the Rules Committee on a bill introduced by the gentleman from Pennsylvania [Mr. MOBIN] and voted out of his committee, which is called "the educational orders bill," (H. R. 450).

It will be remembered that the national defense act provides that war munitions must be made in the Government arsenals and Government manufacturing plants when they can be produced there upon an economical basis. It is proposed by this bill that the very last vestige of work that is left with these arsenals and Government plants is to be taken away from them under this policy of the War Department, for I assume the bill reflects the policy of the department; under that bill it is proposed to amend the national defense act so that the items requiring technical knowledge, which are about the only ones left in the arsenals, shall be let out to the private manufacturers. They want to repeal that part of the national defense act and allow the Secretary of War to place contracts where he pleases, designating them "educational orders." Orders requiring technical knowledge are to be placed with such select private manufacturers as the Secretary of War, acting within his absolute discretion, may see fit to choose, and without any limitation or restraint whatever.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. LETTS. I yield to the gentleman from New York.

Mr. LAGUARDIA. Yesterday a bill along that line was on the Consent Calendar, and I had it marked with a great big red mark. I want to inform the gentleman that I believe that an attempt will be made to obtain recognition to pass that bill under suspension of the rules. I hope the gentleman from Iowa will get his friends here and help defeat it.

Mr. LETTS. I am pleased to have that statement from the gentleman from New York.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield there?

Mr. LETTS. I yield to my friend from New York.

Mr. WAINWRIGHT. I think when that bill was reported it limited the amount that can be expended to a definite amount each year and also provided, as I recall, that there shall be competition between the various industries in applying for those orders.

Mr. LETTS. I will say to the gentleman that it is true there is the appearance of competition. The bill provides that the Secretary of War shall advertise for bids, but he is not bound to accept the lowest or the best bid. The bill which I have before me specifically repeals that part of the national defense act and provides only that the Secretary of War shall look at these bids and then make his own selection.

Mr. WAINWRIGHT. I did not intend to engage in debate on this particular bill. The only point I desired to make really was that the bill as reported by the committee is a very different bill from the bill which was originally introduced.

I would like to add for the benefit of the gentleman from Iowa and the members of the committee that the War Department has given a great deal of time to the consideration of this subject, and that bill represents its solution of what seems to be a desirable end. But there has been a tremendous amount of time and consideration given to the proposition, and a very different bill was brought out by the War Department in the bill originally introduced.

Mr. LETTS. A great deal of thought has been given to the subject. This thought has been developing for a long time, and it has operated to gradually take away this work that belonged to the arsenals and give it to private industry.

I agree with the distinguished gentleman from New York that to a certain point there may be some desirability in that policy, but when it is said that it is important to place these orders with private manufacturers in order that they may understand the needs of the Government, that they may have the secrets with respect to process and manufacture which the Government arsenals possess, and that they shall have our plans and specifications laid out in private offices and broadcast throughout the country among our manufacturing plants, I assert that policy would destroy the secrecy which ordinarily has accompanied the manufacture of such products at Rock Island Arsenal, where they have protected those secrets, not only by armed guards but by high barbed-wire fences, heavily charged with electric current.

Mr. LAGUARDIA. Whatever competitive features may be included in that bill, we surely should not make it mandatory to give those contracts to private manufacturers.

Mr. WAINWRIGHT. The gentleman will agree with me, I think, in the statement that the purpose of these educational orders will give to the private manufacturers the knowledge that is necessary to enable them to operate efficiently when an emergency comes, and thus avoid the most disastrous situation which existed when this country went into the war, with none of our industries having the slightest knowledge of the technical plans and technical instruments that they were required to make.

Mr. LETTS. I think what the gentleman points out illustrates exactly my point, that the giving out of these secrets to the manufacturers of the country denies the avowed purpose of the bill and would prevent proper and suitable preparedness.

Mr. WAINWRIGHT. How are we to expect them to meet the responsibility devolving upon them unless we give them the knowledge they need?

Mr. LETTS. I am glad the gentleman asked that question, because it leads me to the point that I wish to stress to-day; and that is that in time of war we must necessarily give out large contracts for munitions for the conduct of war, and therefore it is absolutely necessary that in our arsenals and navy yards we should retain a body of skilled men, carefully trained men, who may go out in the time of emergency and at the behest of the Government into private plants and become foremen and direct operations. [Applause.]

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield further?

Mr. LETTS. Yes; I am glad to yield to the gentleman.

Mr. WAINWRIGHT. I say I entirely agree with the gentleman on that, and I believe the members of the Committee on Military Affairs do also. Of course, the necessary skill and knowledge and mastery of the arts, if you please, should be retained in the arsenals and the Government establishments, as well as in private industry, inasmuch as the burden will fall upon them both. I do not understand that the proposition involved in the so-called educational orders bill will interfere in any way with the placing of such orders with the arsenals and navy yards.

Mr. LETTS. Perhaps not; but the thing I am complaining about is that they have abandoned the arsenals, at least they are not keeping them up.

Mr. WAINWRIGHT. That is a different matter.

Mr. LETTS. We have a plant at Rock Island capable of giving employment to 20,000 men, where we have now 700 men, and many of them unskilled laborers to do odd jobs around the arsenal.

Mr. WAINWRIGHT. I agree with the gentleman that the arsenals should be kept up.

Mr. LETTS. We have there 999 acres of land and a property value of $380,000,000, all this lying idle. In that connection may I call attention to a policy which has prevailed there? I brought with me to-day two exact cases. Two or three years ago it came to my attention that the arsenal had submitted a bid, or, I may more properly say, an estimate, upon the reconditioning of some 550 Liberty motors, and although the arsenal was the low bidder by $15 or more per motor—it being a small contract—the contract was let to a private concern at a cost of $9,000 over the estimate of the arsenal.

Mr. Chairman, I ask unanimous consent that I may insert at the conclusion of my remarks certain telegrams and certain correspondence which I had with various persons in authority respecting that particular contract, in order to illustrate my point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. LETTS. I also ask unanimous consent to include, following that, a statement concerning another contract which was up just a short time ago with respect to letter boxes which were wanted by the Post Office Department.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. LETTS. The thought is this: The arsenals have only the privilege of submitting estimates, and when another department advertises for bids it receives the estimate of the arsenal and the binding bids of private manufacturers; such department finds it to its advantage to accept the bid of a private manufacturer and discards the arsenal estimate because, it is said, that if the cost exceeds the estimate, nevertheless, it must pay the full cost. Upon that point I wish to say that in the fall of 1927 I had Colonel Jenks, who was in charge of production at the arsenal, make a statement of the various contracts that had been taken from other departments of the Government from January 1, 1924. It includes 37 contracts and shows that the total estimated cost for those 37 contracts was $228,282.88, and the total reported cost was $223,056.40, being well within the aggregate of the estimates. As I remember, only in one or two instances during that period of time did the actual cost exceed the estimate, but within the whole period of time there was a profit earned, but the profit could not be taken since the arsenal was only permitted to accept from the departments of the Government seeking the service the actual cost of the work done.

Mr. LAGUARDIA. It is not the intention that an arsenal shall be conducted for profit?

Mr. LETTS. Not at all; and yet they are euchred out of these contracts because the Post Office Department or the Department of Commerce, which wants some materials for the lighting of airways, or some other department, says, "We can not take your figures because they are an estimate. What we prefer to know is exactly where we stand and so we take the binding bid of some private manufacturer."

What I would like to do—and I have proposed it—is to amend the law and allow the arsenal to make binding bids upon proposals coming from other departments of the Government. My suggestion has been that a revolving fund be created on which you may draw for a deficit on any particular job and into which may go the profit on any contract, and that the War Department be permitted to take from the other departments of the Government the amount agreed upon and not be limited to its costs.

Mr. LAGUARDIA. The gentleman has served in Congress long enough to know that we constantly have before us bills rescinding bonds or appropriating money to make up deficiencies in estimates for private concerns, and it seems to me the same consideration should be given to Government institutions.

Mr. LETTS. I thank the gentleman for that suggestion; it is a very valuable contribution to this discussion. It is my impression that it would be a wholesome thing, not only for the men who are employed in these arsenals but for the employers of labor in the communities around them. We find that manufacturers near the Rock Island Arsenal think there is a disturbing influence because of the unsettled labor conditions which exist at the arsenal, and surely it ought not be so. I am not asking that the maximum use be made of the Rock Island Arsenal or any of the arsenals of the United States, but I do say that in the interest of good business and in the interest of fair play to those who are dependent upon that industry that we make a reasonable peace-time use of the plants. [Applause.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. FRENCH. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. LETTS. Mr. Chairman, about a year ago I asked the Chief of Ordnance if he would cooperate with me in making a study of the Rock Island Arsenal in order to determine its proper peace-time use. He very kindly consented to do that and did do so. I have the result of that study in my hands.

It is not all that I wanted, because it only deals with the necessity which an Army officer sees in the situation with respect to those things which are naturally and normally required for war purposes. My idea was—and I tried to make it plain—if we did not have work enough to keep this plant reasonably employed in the manufacture of munitions and war materials, we ought to reach out and assist other departments of the Government and at the same time aid and assist the War Department in the conduct of its arsenal.

I ask unanimous consent, Mr. Chairman, to insert at the close of my remarks the study to which I have referred.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. FRENCH. Mr. Chairman, I yield the gentleman five more minutes.

Mr. LETTS. I am willing there should be a compromise between these opposing views, but if we are going to let out these contracts to the private manufacturers throughout the country, let us accompany this with some kind of reasonable use of our own facilities and not let them lie idle and permit the machines to rust. Let us build up the personnel of the plant and establish an organization which can quickly expand in event of war.

It is surely unnecessary to call attention to the fact that when the World War broke out it was necessary for us to attract laboring men, skilled mechanics, and others from all parts of the country at great expense, and to offer them pay which was entirely out of reason with any experience they had ever had in the industrial world. Not only this, but we paid the freight on their household goods and bore the transportation charges for the members of their families and assembled around these plants many men who became dependent upon the plants and have now been thrown out into the community, making it necessary for the community to absorb them in its industrial life or encourage them to drift away to some other part of the country.

This is my thought: I believe it is just and proper that we should get some return from the investments we have in these large plants, and that we should do justice to the men who are employed there, who have given up their lives to these industries, and at the same time we can be somewhat reasonable

about granting contracts to individuals throughout the country, but not to the extent that we would go if we adopt the policy of the War Department as it is set out in this educational orders bill and as evidenced by their utterances and writings on the subject.

My closing thought is this: There is not only an economic question involved, one that involves business methods and business policies, but we are branching out on a policy that will lead us into war instead of keeping us at peace with the world.

Why should we encourage private manufacturers to expect from the Government orders for the manufacture of munitions and war materials that will put profits into their pockets and will lead to the time when they will say, "We require these orders; it is not only a convenience, but we have got to the point where we must have them; we have been encouraged to expect them." If they reach that point we will have a real war party within our borders.

Mrs. ROGERS. Will the gentleman yield?

Mr. LETTS. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS. Does not the gentleman realize that these orders would probably be very small and that the manufacturers, as a matter of fact, as a financial matter do not want to undertake these orders? We have never been prepared for any war and it has always taken us months to prepare for war in even the slightest degree.

Mr. LAGUARDIA. We have made a pretty good job of it.

Mrs. ROGERS. With the assistance of other countries.

Mr. LETTS. What the lady from Massachusetts says is true, and amplifies my argument better than I could myself, because our arsenals are standing idle and they should be at work developing new devices and keeping abreast of the world in its knowledge and research necessary to preparedness.

Mrs. ROGERS. Then the gentleman would feel that the arsenals would develop a war party if we kept them going?

Mr. LETTS. In reply to the lady I would say that whatever is done in the way of preparation for war should be done deliberately by the Government with full knowledge of the extent to which it wishes to go and with a full realization of the consequences, and not place this responsibility in the hands of private manufacturers who are looking for the profits that are involved.

Mrs. ROGERS. Will the gentleman again yield?

Mr. LETTS. I yield.

Mrs. ROGERS. The placing of these orders would be entirely in the hands of the Government.

Mr. LETTS. If it were so, that authority would rest with the Congress, where it belongs, but this bill places it within the discretion and within the conscience of the Secretary of War alone.

Mrs. ROGERS. Does not the Secretary of War know more what is needed in order to carry on a war?

Mr. LETTS. Yes; the Secretary of War should know what is needed. That is why we have him there.

Mr. LAGUARDIA. He should know.

Mr. LETTS. But it is not necessary for us to agree with him respecting policies relating to preparedness.

Mrs. ROGERS. Has lack of preparedness ever prevented our entering any war?

Mr. LETTS. The American people do not go to war from choice.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. LETTS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The matter referred to by Mr. LETTS is as follows:

DAVENPORT, IOWA, *June 24, 1925.*

Maj. Gen. MASON M. PATRICK,
Chief of the Air Service, Washington, D. C.:

Will you hold up contract with Allison Engineering Co. for reconditioning Liberty motors until you see my letter, which is mailed to-day?

F. DICKINSON LETTS, M. C.

WASHINGTON, D. C., *June 26, 1925.*

F. DICKINSON LETTS,
Member of Congress, Davenport, Iowa:

494 F. Received telegram June 24. Contract with Allison Engineering Co. already executed.

PATRICK, *Chief of Air Service.*

DAVENPORT, IOWA, *June 24, 1925.*

Hon. J. R. MCCARL,
Comptroller General of the United States,
Washington, D. C.:

I am asking Chief of the Air Service by wire to hold up contract for reconditioning Liberty motors until he receives letter which I am mailing to-day. I am writing you upon the same subject and feel that the contents of my letters to you and the Chief of the Air Service should be known before action is taken.

F. DICKINSON LETTS, M. C.

WASHINGTON, D. C., *June 25, 1925.*

Hon. F. DICKINSON LETTS,
Davenport, Iowa:

Matter referred to in your wire 24th not now before me, but will be pleased to have such matters as you may submit for future consideration.

MCCARL, *Comptroller General.*

JUNE 27, 1925.

President COOLIDGE,
Swampscott, Mass.:

Chief of Air Service is letting contract to recondition 500 Liberty motors to Allison Engineering Co., of Indianapolis, at a cost of more than $8,000 over the bid of the Rock Island Arsenal. Rock Island Arsenal is fully equipped with machines and tools to do this work and was the low bidder. On June 24 I wired Chief of Air Service to hold up contract until he should receive my letter mailed that day. At 7 p. m., June 26, Chief of Air Service wired me that contract was executed with Allison Engineering Co. I feel that there has been a discrimination against Rock Island Arsenal at unnecessary cost to Government of more than $8,000. May I have your support in my effort to place this contract where it belongs to save this money for the Government?

F. DICKINSON LETTS, M. C.

JUNE 27, 1925.

Maj. Gen. MASON M. PATRICK,
Chief of the Air Service, Washington, D. C.:

Your message indicates that contract for reconditioning Liberty motors is executed with Allison Engineering Co. What appears to be a discrimination against the Rock Island Arsenal is costing the Government on this small item more than $8,000. I am communicating by wire with the Comptroller General of the United States and with the President. I am unable to understand the necessity for such speedy action nor the reason why the Government should pay $8,000 more than is necessary for this work.

F. DICKINSON LETTS, M. C.

JUNE 27, 1925.

Hon. J. R. MCCARL,
Comptroller General of the United States,
Washington, D. C.:

Message from Chief of the Air Service indicates that contract with Allison Engineering Co. for reconditioning Liberty motors, which under competitive bids should have gone to Rock Island Arsenal, was executed June 24 with Allison Engineering Co. This discrimination against Rock Island Arsenal is costing the United States more than $8,000. May I have your support in this matter in my effort to save this money for the Government and to place the contract where it belongs under the proposal for bids?

F. DICKINSON LETTS, M. C.

DAVENPORT, IOWA, *June 24, 1925.*

MY DEAR MAJOR GENERAL PATRICK: It comes to my attention that recently you called for competitive bids for the reconditioning of 500 Liberty motors. It is reported that the Rock Island Arsenal made a bid of $573 per motor for the first 100 and $473 per motor for the next 400 motors. That the Allison Engineering Co., of Indianapolis, Ind., made a bid of $595 per motor for the first 100 motors and $488 per motor for the next 400 motors, and that the Steel Products Engineering Co. made a bid of $669.50 per motor for the first 100 motors and $539.50 per motor for the next 400 motors.

It is further reported that you have announced that the contract will be let to the Allison Engineering Co., per the terms of its bid, which aggregates more than $8,000 over the bid of the Rock Island Arsenal. I understand the reason for letting the contract to the Allison Engineering Co., over the more favorable bid of the Rock Island Arsenal, is because you believe that it is of advantage to the Government to encourage private industry in the belief that the Rock Island Arsenal would not be able to do work of this kind in times of war and that we should, therefore, have privately owned plants equipped to do this particular kind of work.

I wish to call your attention to the fact that it seems entirely desirable that this work should go to the Rock Island Arsenal. It is important that the Rock Island should maintain its organization and a sufficient

force of workmen to provide a nucleus for an increased organization in case of war. It is also desirable to make use of the splendid plant and its excellent equipment in the way of machines and tools. The Government has an investment in the Rock Island Arsenal of approximately $380,000,000. It means much to the Government and much to this community to have this arsenal efficiently maintained.

It would also seem not only advisable but the part of justice that, having entered a competitive bid, the arsenal should be awarded the contract because of the fact that its bid was the lowest.

Personally it seems to me that if we are practicing economy, as we say it is our purpose to do, this contract ought to be given to the Rock Island Arsenal.

Very sincerely,

F. DICKINSON LETTS, M. C.

Maj. Gen. MASON M. PATRICK,
Chief of the Air Service, Washington, D. C.

DAVENPORT, IOWA, *June 24, 1925.*

MY DEAR MR. MCCARL: It comes to my attention that recently Major General Patrick called for competitive bids for the reconditioning of 500 Liberty motors. It is reported that the Rock Island Arsenal made a bid of $573 per motor for the first 100 motors and $473 per motor for the next 400 motors. That the Allison Engineering Co., of Indianapolis, Ind., made a bid of $595 per motor for the first 100 motors and $488 per motor for the next 400 motors, and that the Steel Products Engineering Co. made a bid of $669.50 per motor for the first 100 motors and $539.50 per motor for the next 400 motors.

It is further reported that the Chief of the Air Service has announced that the contract will be let to the Allison Engineering Co. per the terms of its bid, which aggregates more than $8,000 over the bid of the Rock Island Arsenal. I understand the reason for letting the contract to the Allison Engineering Co. over the more favorable bid of the Rock Island Arsenal is because the Chief of the Air Service believes that it is of advantage to the Government to encourage private industry in the belief that the Rock Island Arsenal would not be able to do work of this kind in times of war and that we should, therefore, have privately owned plants equipped to do this particular kind of work.

I wish to call your attention to the fact that it seems entirely desirable that this work should go to the Rock Island Arsenal. It is important that the Rock Island Arsenal should maintain its organization and a sufficient force of workmen to provide a nucleus for an increased organization in case of war. It is also desirable to make use of the splendid plant and its excellent equipment in the way of machines and tools. The Government has an investment in the Rock Island Arsenal of approximately $380,000,000. It means much to the Government and much to this community to have this arsenal efficiently maintained.

It would also seem not only advisable but the part of justice that having entered a competitive bid the arsenal should be awarded the contract because of the fact that its bid was the lowest.

I am writing to you upon this matter thinking that you, more than anyone else, can bring the matters which I have stated to the attention of all those connected with the transaction in behalf of the Government. Personally, it seems to me that if we are practicing economy as we say it is our purpose to do, this contract ought to be given to the Rock Island Arsenal.

I am writing a similar letter to Major General Patrick, Chief of the Air Service.

Very sincerely,

F. DICKINSON LETTS, M. C.

Hon. J. R. MCCARL,
Comptroller General of the United States,
Washington, D. C.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF AIR SERVICE,
Washington, June 27, 1925.

Hon. F. DICKINSON LETTS,
Member of Congress, Davenport, Iowa.

MY DEAR MR. LETTS: I have your letter of the 24th instant about the contract recently let for reconditioning 500 Liberty motors. Please believe that I am likewise much interested in the maintenance of Government arsenals and realize that there should be retained in these arsenals a nucleus of skilled workmen in order that the force may be properly increased in time of war.

So far as this particular contract is concerned, I think you will realize that the arsenal did not and could not name a fixed price. It merely submitted its estimate of the cost of doing the work. Should the cost prove to be greater than the estimate, and this was the case in a previous contract which the arsenal was given, the Air Service funds would have to be drawn upon for such extra amount. The difference between the bid of the Allison Co. and the estimate of the arsenal was very small.

Furthermore, in the estimate of the arsenal it was stated that delivery of the reconditioned motors would begin in 10 months, whereas the Allison Co. offered to begin delivery in 3 months. The Air Service needs these motors badly. The lesser time named by the Allison Co. and the fact that its bid was so close to the arsenal estimate convinced the War Department that it was wiser to award the contract in this case to the Allison Co.

I am, of course, glad that you brought this matter to my attention, and I hope that you will realize that very careful consideration was given to it.

Very sincerely,

MASON M. PATRICK,
Major General, A. S., Chief of Air Service.

WAR DEPARTMENT,
Washington, July 7, 1925.

Hon. F. D. LETTS,
Member of Congress, Davenport, Iowa.

MY DEAR MR. LETTS: Your telegram of June 27, 1925, addressed to the President, concerning the letting of a contract by the Air Service for reconditioning Liberty motors, has been referred to me for reply. In your telegram you say you feel that there has been a discrimination against the Rock Island Arsenal in letting this contract, at an unnecessary cost to the Government of more than $8,000.

The facts are as follows: The Rock Island Arsenal was, in accordance with law, asked to submit a proposal for doing this work. The figure submitted by the arsenal, $473 per motor, was not a firm bid but merely an estimate of its cost. There was no guaranty that this estimate would not be exceeded.

The figure named by the Allison Engineering Co., $488 per motor, was a firm bid and, as it will be noted, was only $15 higher than the estimate of the arsenal.

Furthermore, when the arsenal submitted its estimate, it was stated that delivery of these reconditioned motors would commence in 10 months. The Allison Engineering Co. bid promised commencement of delivery of these reconditioned motors in three months. The Air Service is urgently in need of these reconditioned motors.

This whole matter was very carefully considered and the bid of the Allison Engineering Co. was decided to be the most advantageous and, therefore, in the interest of the United States, I authorized the Chief of Air Service to accept it and to contract accordingly.

There has been no discrimination against the Rock Island Arsenal on the part of the War Department. This I think you will see very clearly when you consider the facts set forth above.

Very truly yours,

J. A. HINES,
Acting Secretary of War.

MAY 26, 1928.

Hon. F. DICKINSON LETTS,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN LETTS: Referring to your visit to this office to-day in connection with the estimate submitted by the Rock Island Arsenal for supplying letter-box equipment for use in the Postal Service during the next fiscal year, I find upon investigation that the arsenal submitted an estimate with the following clause:

"In view of statutory provisions, the bid herewith quoted is an estimate, and the material covered hereby will be delivered to the purchaser at cost. Should the actual cost exceed the amount quoted herein, the purchaser is required to pay the excess cost, there being no ordnance funds legally applicable; and should the material be completed at a cost less than estimated herein, the price to the purchaser will be decreased accordingly."

It is quite clear from the above that the prices quoted by the Rock Island Arsenal are not fixed or definite, and if the actual cost of producing the equipment is more than the estimate, the Post Office Department would be required to pay the additional cost.

Previous experience with the Navy Department in accepting estimates proved very costly to this department. In the fiscal year 1917 bids were requested for supplying No. 1 storage boxes. The Navy Department submitted an estimate of $10.80 per box. A commercial concern quoted the next lowest price at $12.80 per box. The contract was awarded to the Navy Department, and when the order was completed the additional cost on that one lot was $1,927.20, which brought the cost of the box up to $14.65.

On the second lot an additional cost of $3,552.28 was charged the department, which brought the price of the box to $18.56.

During the fiscal year 1923 the Washington Navy Yard submitted an estimate for supplying letter-box equipment at the following prices:

	Each
100 No. 1 zinc boxes at	$6.92
1,000 No. 1 brass boxes at	9.72
4,000 No. 1 steel boxes at	4.77
2,000 No. 2 steel boxes at	6.75
1,000 package boxes at	18.36
1,500 combination boxes at	21.775

The above prices were similar to those quoted by an outside concern. At the estimated prices the boxes listed above would have cost the department $94,014.50. Actually the department paid $128,876.75, or an advance of over 36 per cent. The final costs per box were as follows:

	Each
No. 1 zinc	$12.08
No. 1 brass	15.053
No. 1 steel	8.511
No. 2 steel	10.273
Package	20.746
Combination	24.849

There can not be found any statutory provision requiring that an estimate be furnished to the Post Office Department by any branch of the Government for furnishing equipment and supplies. The Revised Statutes provide that competitive bids shall be asked for and the award of contract made to the lowest responsible bidder.

It is the opinion of this office that the Post Office Department can not give consideration to an estimate submitted through competitive bidding, and the only remedy that I can see is to have some legislation enacted that will permit the Post Office Department to give proper consideration to bids from the arsenals or other Government manufacturing plants.

The award of contract for the letter boxes on the items on which the Rock Island Arsenal bid was made to the Van Dorn Iron Works Co., Cleveland, Ohio.

With best wishes and kindest regards, I am,

Sincerely yours,

T. L. DEGNAN, *Purchasing Agent.*

ABSTRACT OF BIDS

Post Office—Proposal for letter boxes, etc., bids opened 10 a. m., April 24, 1928

	1,400 package boxes	3,000 combination letter and package boxes	2,500 No. 1 storage boxes	600 No. 2 storage boxes
Rock Island Arsenal	(a) $18,480	$44,700		
	(b) 18,844	45,300	$29,000	$9,570
Utica Products Co	19,208	47,160	26,125	11,400
Van Dorn Iron Works	20,454	47,850	28,150	11,508
Schenck Manufacturing Co	21,208	51,120	28,675	10,254
The Crosby Co	(a) 21,350	58,200	32,875	14,400
	(b) 22,190	60,300	34,625	

A STUDY OF THE PEACE-TIME ORGANIZATION DESIRABLE FOR ROCK ISLAND ARSENAL

1. This study is based upon the requirements for expansion of the small recuperator shop (Shop DM and shops operated as auxiliary to it—DO, DS, AJ—as a single organization) and the shops which would needs be put into operation as a result of expansion of shop DM for operations after M day.

2. It is assumed that shop administrative personnel could be obtained from outside sources and that only such force of expert workmen should be maintained in time of peace as required to provide for the instruction and training of workmen for operations which are special to this arsenal and to provide such production personnel as necessary to transmit the technical requirements of production to the rapidly expanded organization after M day. Only a few of the personnel developed in a shop are capable of such use, and the shop organization must be large enough to make sure that these few essential experts are developed.

3. The requirements for toolmakers and die sinkers on M day is exceedingly difficult to estimate. Although it is the policy of the department to produce manufacturing facilities before M day, it is foreseen that the special facilities provided will be far from complete and that the arsenal must be prepared to expand its own tool-room organization with the greatest possible rapidity, as well as to take every advantage of utilizing commercial plants where special facilities can be made. Toolmakers trained during peace time are not only necessary for expansion of the tool-room organization but constitute a most desirable source of supply of men for duty as inspectors, technical advisers to production personnel on the requirements of manufacture, supervisors, etc. The demand for such men on M day will far exceed any possible supply at this arsenal. The total demands of the whole country for toolmakers for war production must be expected to be so great as to constitute a special problem.

4. In the manufacture of recuperators the principal special operations which are peculiar to recoil mechanisms and which have no parallel in commercial plants are longitudinal lapping and assembly operations known locally as "secret assemblies."

5. It is true that lapping is being widely introduced into the automotive practice. But such lapping differs as widely from the lapping required in recoil mechanisms as some coarse grinding operations differ from fine grinding operations. The workmen trained for rotary lapping of automotive cylinders will not be suitable for training of recuperator lapping. Their standards of workmanship are very much lower, and workmen trained to a low standard of work can not be employed on work of a high standard. Longitudinal lapping is considered essential for recuperator cylinders. So far as known, this method of lapping is used nowhere else.

6. It is possible that other methods of lapping will be developed in the future. The present tendency at this arsenal is toward higher, more accurate degrees of finish. It now appears that if metallic packing is to be successfully developed, a more accurate polishing and finishing of cylinders must be developed at the same time.

7. General experience and studies of the difficulties experienced during the past war in the assembly and recoil mechanisms indicate that these operations are critical and that success in expansion of this plant will be contingent to a large degree upon the retention of a small nucleus of such highly specialized workmen.

8. At present this arsenal has but one workman expert in lapping and but one workman qualified to assemble the secret parts of a recuperator. A second workman has been given a very little training on a small portion of the assembly. Under current conditions there is danger of the department losing the art of manufacturing recuperators, and it is considered that the expert force available is far below that necessary to meet M day requirements.

9. A consideration of the war-production schedules for small-caliber recoil mechanisms tentatively assigned this arsenal and the development of the capacity of the small recuperator plant, leads to the conclusion that 5 expert lappers and 15 expert secret assemblers are the minimum number from which M-day expansion can be met. This allows one assembler only for the medium recuperator shop and none for assignment to Erie Proving Ground or to base repair shops, etc. For this study this minimum number to meet partial requirements is taken, as it is believed that a reasonable program can be worked out to train and hold that number of experts and that a larger program which might be fully justified on the grounds of preparedness could not be worked out within 10 years.

10. The program proposed, therefore, is one to cover the immediate 10-year period, with the expectation that at the end of that period the requirement of the Army and the financial policy of the Government will be such as to permit the adoption of a more reasonable program.

11. The number of experts mentioned above is the minimum for instructing other workmen. After M day it is contemplated that these 20 experts will be used as foremen or instructors—not as production men.

12. For the other difficult operations on recuperators, such as deep drilling and wood-pack reaming, and planing or milling (difficult because of thin walls and intricacy of the cross section), it is contemplated that experts can be obtained from commercial plants and that the arsenal need develop only a comparative few men who can act as technical advisers and in other similar capacity. These operations are not special to the recuperator industry. This study includes no special consideration for this class of expert workmen.

13. The next most important class of workmen to be developed are toolmakers. It is believed that a reasonable minimum force of toolmakers would be 60. There are now 13 employed.

14. The number of machinists for a reasonable minimum peace-time force is 200 and of apprentices of all classes is 25, to secure an available future labor supply. At present there are 69 machinists employed and no apprentices.

15. It will be noted that the proportion of toolmakers recommended is large. This is considered essential because of the high quality of recoil-mechanism work and because of the M-day requirements for high-class workmen.

16. No recommendations are made as to supervisory employees, inspectors, technical experts, engineers, etc. The number of such employees should be fixed by the requirements for progressive, economical production and for progress in the solution of production and engineering questions involved in the development and production of ordnance material and in the preparation of war plans. The plans recommended would permit of the employment of a reasonable number of such a force.

17. The total shop force required to furnish the above number of specialists would be approximately 800 (for shops DM, DO, DS, and AJ).

18. The cost of production orders required to keep this force busy, including that part of the work assigned to minor shops for which personnel requirements are not estimated, and for general overhead and material, is $2,000,000 per year. Under such a program it is estimated that the total allotments to the arsenal for all activities, except the procurement of material for issue or for other arsenals, would approximate $2,500,000 per year.

19. If the recuperator specialists were employed on production of new recuperators only the cost of recuperators per year for the training of this personnel would be $1,250,000. The amount of other work required of this arsenal by this office, plus the amount reasonably expected from other departments, would furnish the total of $2,000,000 for the development of the recuperator-shop organization.

20. Such a program is not recommended, as it does not conform to the policy of his office or to the requirements of the 10-year program

for the production of new type artillery. It is considered possible to accomplish the same objective by a much smaller expenditure of ordnance funds.

21. The training of the recuperator specialists recommended above does not require that new recuperators only be produced. The same training of these specialists can be given at far less cost by the adoption of a policy of reconditioning recuperators now in store and deteriorating from corrosion. It is considered that the proper protection of these recuperators against corrosion requires lapping and that the best protection of these recuperators against further deterioration and that adequate plans for M-day requirements require the assembly of these recuperators ready for use. Furthermore, it is believed possible to perfect the materials used in the interior assemblies and the methods of work and possibly of storage so that only minor deterioration of metal surfaces will take place in a period as long as 20 years. For a discussion of this question see O. O. 473.82/1590 (RIA 473.824/2147) and O. O. 412.2/1338 (RIA 412.2/411).

22. Difficulties are being experienced in the service with some recuperators, as the 155 m/m G. P. F. It is considered probable that a part of these difficulties will be found due to large tolerances permitted in lapping cylinders and to corrosion which was formed between the time of lapping and assembly. It is believed that the preservation of these recuperators and their proper functioning will require relapping and reassembly.

23. It is therefore recommended:

(a) That the recuperator specialists required be developed by the adoption of the following program or its equivalent:

(1) Manufacture per year 50 recoil mechanisms, estimated cost, $125,000.

(2) Recondition and reassemble annually three hundred 75-mm. recoil mechanisms, Model 1897 (estimated cost, $75,000); one hundred 155-mm. howitzer recoil mechanisms (estimated cost, $10,000); and fifty 155-mm. G. P. F. recoil mechanisms (estimated cost, $25,000). Total estimated cost of reconditioning program, $110,000. Total cost of whole program, $235,000.

(b) That every effort be made to obtain high-class work from other Government departments, to bring the total funds available to the amount recommended above.

(c) That the maximum of recuperator personnel recommended in (a) (2) above be reached not later than the end of the fiscal year 1930, and that as many more recoil mechanisms as practicable, in addition to the 100 for 75-mm. guns, be ordered during the current fiscal year.

24. The project recommended calls for about $75,000 in manufacturing funds more than available during the current fiscal year and about $81,000 more for maintenance funds than now available for the fiscal year. It calls for $100,000 additional per year in high-grade tool-room work, and if the department's policy permits of assignment of manufacture of special facilities to arsenals, those funds should be available.

25. Outside of $125,000 total for manufacture of new recuperators, $110,000 for reconditioning of recuperators, $100,000 for additional tool-room work, the needs of the small recuperator plant during the next decade can be met by the funds which should be available for production of artillery material and maintenance parts and from funds which should be obtained from other departments.

26. The above study fixes the amount of additional work to be obtained from other departments or from increased activities of the Ordnance Department at $1,000,000 per year in excess of that now being obtained. Were that amount obtained the minimum required for ordnance funds for tool-room work might be decreased, but it is highly desirable that it be made available. At present orders from other departments amount to about $100,000 per year.

27. The following comparative data, taken from arsenal records, is furnished. It pertains to shops DM, D8, DO, and AJ only, which constitutes the artillery vehicle department:

	Number employed				
	June 1, 1914	Jan. 1, 1917	Apr. 1, 1917	June 30, 1928	Proposed
Toolmakers and die sinkers	33	30	39	13	60
Tool designers		3	3	4	10
Expert lappers	0	0	0	1	5
Expert secret assemblers	0	0	0	1	15
Machinists	277	257	276	67	200
Machine operators	33	68	82	61	200
Apprentices	13	62	50	0	25
Total, personnel of all classes	647	1,022	1,074	268	810

28. The above study is considered an absolute minimum. Future studies when more data are available, it is believed, will confirm this opinion and point to the necessity of upward revision of this proposal. It is submitted as a practical solution to cover an urgent necessity.

Mr. FRENCH. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. WAINWRIGHT].

Mr. WAINWRIGHT. Mr. Chairman and gentlemen of the House, we are constantly reminded of the tremendous diversity of opinion in this body as to the requirements of national defense. I am one of those who believe the national defense to be one of the most solemn and important duties cast upon us and that it should be a matter of constant concern to all of us. To-day we are discussing, or should be discussing, naval affairs. The fact that the Senate has not yet passed the so-called cruiser bill which this House passed at the last session and that that bill may come back to the House for further action makes it not inappropriate for some further observations on the measure to be made in this general debate.

The question is constantly being raised as to what the naval ratio between Great Britain and the United States should be. It has always seemed to me, and I believe it to be the preponderating opinion of the American people, that that question was settled and that ratio fixed by the conclusions of the Limitation of Arms Conference held here in Washington in 1922. That conference fixed that battleship strength between the two countries should be equal and that there should be the so-called 5–5–3 ratio between the United States and Great Britain and Japan. To be sure, technically that decision only applied to battleships, but in the minds of our people it was generally understood, so I believe, that it meant and was to apply to naval strength generally. I have not noted in the discussion that we have had here, although it may have been mentioned in the other body, that reference has been made to an important authority, to a very important exponent of public opinion in this country, which has expressed itself on this subject—I refer to the platform adopted at the last Republican National Convention. This is what was there declared, and to which the party then pledged itself:

> We pledge ourselves to round out and maintain the Navy to the full strength provided for the United States by the letter and spirit of the Conference on Limitation of Armament.

Now, what was the letter of the agreement referred to? A 5–5–3 ratio as to battleships. And what was the conception of the platform of the spirit of the agreement? A 5–5–3 ratio as to all parts of the navies of the three powers.

I must say that I am one of those who believe that the decision and arrangement entered into between ourselves and the other powers in that conference should be lived up to and that our Navy should be brought up to a parity, to an equality, with Great Britain in all elements of the fleet. Of course, Mr. Chairman, that does not in any way imply or raise the specter that we are going to have a war with Great Britain. Heaven forbid that the two great branches of the English-speaking people should ever go to war again. It is not only abhorrent, but inconceivable. But, nevertheless, in my judgment the best guaranty for peace and security in this world will be afforded by a parity in naval strength between the two great naval powers of the world. My own hope, my fervent prayer, would be that in any future war we shall be found with her or she with us, as we were in the Great War, and never against each other. It may be that if we have that parity we will be more apt to secure that from which from the beginning of our Government we have contended and striven, namely, the freedom of the seas.

It seems to me we will then be much more apt to secure the concession of those maritime rights for which we have always contended.

Now, on the floor of the House on Saturday my colleague from New York [Mr. FISH] offered some criticism of Great Britain for not having lived up to what he represented to be the spirit of the limitation of arms agreement. He criticized Great Britain because she had gone ahead and developed her cruiser strength.

In my view there is no reason or ground for any criticism of Great Britain in that respect. She was not technically bound in any way by the letter of that agreement. She is entirely free to determine as to her naval strength in the same way as it is for us to determine what shall be our naval strength in the respects not covered by the agreement, in view of her own situation and requirements. At the recent Geneva convention we could not agree. In my judgment, the reason for that disagreement was the diversity of the requirements of the two countries and the difficulty in arriving at an exact formula for an agreement. If it is important, and of course we all concede that it is, that there should be a limitation upon cruiser strength as well as on battleships and that we should reach some agreement, it seems to me that we will be much more apt to secure that desired result, in view of the result of the Geneva conference, if we proceed along our own lines and concede to Great Britain the equal right to proceed according to her own judgment of her requirements. I doubt if much good can come from any further overtures on our part to Great Britain in advance of the conference that must be

held in 1931 or from any further attempt to arrive at some agreement in advance of that time.

The 15-cruiser bill has been referred to as embarking us in competitive naval building with Great Britain. As a matter of fact, if the situation is fairly considered, there can be no element of competition involved in our undertaking to increase the cruiser strength of our Navy by 15. The fact of the matter is that we to-day have but 10 modern cruisers to Great Britain's 56, and that if we shall complete the 8 cruisers that we have already authorized and provided for we will have 18 cruisers and when she completes her cruiser program she will have 64.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. WAINWRIGHT. My time is so limited that I prefer to defer answering any questions until the conclusion of my remarks. As I was about to say, at the completion of the cruisers that we have authorized, we will have 146,000 tons to Great Britain's 396,000 tons.

What is competition? It is the effort to attain something which another is attempting to attain at the same time; a strife for superiority. When we consider that the completion of this program, and even the realization of the purposes of the 15-cruiser bill, will result in our having but 33 modern cruisers to Great Britain's 64, with a tonnage for the United States of 296,000 tons to Great Britain's 409,000 tons, it seems to me idle to say that that involves competitive building.

Again, my friend from New York stated that he would offer an amendment to the pending appropriation bill which would express the sense of this House to be that the President should call at once another conference with Great Britain to endeavor to arrive at an agreement as to cruiser construction. In my judgment, the time really is not fitting for us to make any further overtures to Great Britain in that regard.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FRENCH. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. WAINWRIGHT. She has met us once on our invitation. We were unable to agree. We disagreed, perhaps, because there was an insoluble problem presented at that time. I can not see what better prospect is held out of a further conference in the near future meeting with any different result from the one held in Geneva. Indeed, it would seem to me inappropriate to extend another invitation so soon. I feel that if we proceed with our program according to what we conceive to be the best interests of this country, then in 1931, when the powers who engaged in the Washington Conference must again convene for a further conference, perhaps we will be in a better position to secure that which we all should so earnestly desire—namely, a further limitation in naval armament. It will be remembered that in 1922 one of the reasons, perhaps the controlling reason, why we were able to secure an agreement at that time was the fact that had our then naval program been realized we would have been put in a position of superiority; and I say, notwithstanding the fact that these 15 cruisers would not bring us up to a position anywhere near a parity, certainly not of superiority, that we will probably be in a better position to engage in a successful conference on this subject than if we undertake to meet Great Britain again when the conditions have not so changed from those which existed at the time we last met as to offer much hope that there will be any different result. Perhaps, it would be more appropriate for the next invitation to come from Great Britain.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. WAINWRIGHT. Mr. Chairman, I am an old-fashioned American. I believe in my country paddling its own canoe and attending to its own knitting and minding its own business, and I believe that if we proceed to develop our Navy with a true conception of what our needs are, without reference to the rest of the world, in the end we will make a sounder and more practical and effective contribution toward the peace of the world, than if we are continually endeavoring to bring the other peoples into conference, particularly at a time when their feeling toward us is really not of the most friendly kind. I yield to the gentleman from New York.

Mr. FISH. Does not the gentleman realize that after this program for 15 battle cruisers goes into effect, which it practically has by its passage in the other body, we will have twenty-three 8-inch 10,000-ton cruisers, as opposed to the British 15, and those 23 in addition to our other cruisers will be equal in power approximately to the English 64 cruisers?

Mr. WAINWRIGHT. I do not so understand or see it in that way at all. As I see it, she will have 64 and we will have 33, after these 15 cruisers are built, not taking into account the cruisers she may see fit to build in the meanwhile. We will have 296,000 tons and she will have 409,000 tons.

Mr. FISH. The gentleman stated that we ought to pay attention to our own needs. We would not have need for any navy at all if no other nation had them. Our needs apparently are that other nations are building. If they had no navy we would only need a police force.

Mr. WAINWRIGHT. We always need a navy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WAINWRIGHT. I ask for two minutes.

Mr. FRENCH. I will yield the gentleman two additional minutes.

Mr. WAINWRIGHT. The time has never come in the recent history of the world, certainly not in the history of this country, when we can forego the necessity, maybe the luxury, of a navy. [Applause.] And it seems to me we should resolve the necessities of our requirement in naval strength by a consideration of any possible eventualities in the world, and just so long as the world is as it is to-day the United States can not safely or properly, nor can we as guardians of the security of our country, lend ourselves to any procedure that would involve either a reduction of the strength of the United States Navy or a failure to keep it at proper strength, or at proper efficiency and ability to meet any need, by permitting it to run down so that we would have to rely on vessels that are out of date, outclassed, or which have become obsolete. [Applause.]

Mr. FRENCH. Mr. Chairman, I yield five minutes to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS. Mr. Chairman, I do want to state my very great confidence in the American people and my confidence in their love of peace and my own very great desire for peace. We have never been a warlike country, we never will be a warlike country, and just because we may at some time be semi-prepared, partially prepared, it is said we will not wish to fight other countries. We have never fought for any save a just cause. We have never sought to acquire other lands through war. We have no predatory designs upon other countries. I have seen too much since 1917 of the horrors and ravages of war not to want this country, the youth of this country, the older men and women of this country, to be prepared to defend themselves in every possible way.

In my opinion if we had been prepared at the time of the World War, if we had been prepared at the time of the sinking of the *Lusitania* we would have entered that World War earlier and thereby saved untold suffering. It is my opinion that Russia would have remained with the Allies and that the war would have ended much sooner than it did, and we would have saved millions of lives and millions of dollars. Life is very dear to the people who are left behind. Life is very necessary often in value to the country.

In 1917, while abroad, talking with members of the French and British missions and the members of the foreign commissions sent to this country as to what lack of preparedness meant to the Allies, I learned how very near complete disaster came. I know that they felt the fear of complete disaster, because they could not produce rapidly enough the machinery of war and they needed more men. A Canadian officer said that when he saw our first men at Fort Myer preparing to go across to win the war for the world, tears of gratitude streamed down his face, believing in our strength and power to save the Allies.

I can not bear to think that this country is not intelligent enough to maintain preparedness. I know my pacifist friends are just as desirous of peace as I am and just as sincere in their convictions, only we do not agree as to the way by which we can maintain peace.

I am afraid to think that we are not as well prepared as we should be in ships and munitions. I want to make a statement to show how long it takes a manufacturing plant to make certain things necessary in making munitions and in making the other machinery of war.

Mr. PEASE. Mr. Chairman, I am really representing the Connecticut Manufacturers' Association, as well as being a member of the committee of the Chamber of Commerce of the United States.

The Connecticut Manufacturers' Association has a membership of about 800 manufacturers, with about $750,000,000 invested in plants in Connecticut and western Massachusetts. They have been cooperating with the district ordnance chief on this preparedness program by having appointed a committee to consult with him, and the district chief is using this committee in a consulting capacity. We have been very much interested in the industrial preparedness work in our district. Connecticut manufacturers have asked me simply to report at this time their interest in the matter and their willingness to cooperate in every way possible.

The experience that we had in the war is more or less the same as that reported by Mr. Haynes yesterday. We were called upon in June, 1917, by General Rice to make antiaircraft gun carriages.

He looked around and inspected our plant and decided we were probably as well fitted as anyone in the country to make antiaircraft gun carriages, although we had had no experience in the manufacture of gun carriages.

This carriage was an intricate piece of machinery, which required precision work.

In June, 1917, General Rice gave us an order for fifty-one 75-millimeter antiaircraft gun carriages. The 75-millimeter simply referred to the gun. The gun was mounted on an American carriage of American design, with an American-designed recuperator and recoil mechanism. The recoil mechanisms that Mr. Haynes referred to yesterday were the French type, and his delay was on the French type of recuperator. The recuperators that we made were the American type, spring-recoil recuperators.

As I say, we were called on to make 51 of those carriages at first, and we made them practically by tool-room methods. We made those carriages by main strength, you might say, and we got them to France.

We had the contract in June, 1917, and we got the carriages all into France before the armistice.

We made those practically in the tool room. We did not have a chance to make them on a quantity-production basis.

The next contract that General Rice gave us was a contract for four hundred and ten 3-inch antiaircraft gun carriages, and that contract was given us in July, 1917, within a few weeks after the first one. That was a contract that we were supposed to make on a quantity-production basis. That is the gun carriage of which you have a photograph before you.

We started immediately to tool up for that job. The tooling element which was talked about so much yesterday was a very considerable factor in the manufacture of this carriage. We had to design and make over 4,000 tools, such as jigs and fixtures and gauges, in order to handle that job properly.

A great many of those tools and jigs and fixtures were made with bodies of steel or iron castings. Patterns had to be made for those.

The time involved in the engineering work and the design and manufacture of tools needed in a proposition of that kind, we know from experience, would make it impossible for us to make those carriages in a way to accomplish what is expected of us in the present preparedness program.

In the present preparedness program we are expected to make 6 carriages in the seventh month, 10 in the eighth month, 24 in the ninth month, and then 24 in each month thereafter.

If we should be called upon now and had no tools, it would be absolutely impossible for us to come through on that program.

That is what we manufacturers are all worried about. We are asked to assume a certain responsibility in case of war, and we know very well we can not come through under present conditions. It is absolutely impossible, unless we are given a chance prior to the zero hour to prepare ourselves.

Besides the tooling factor there is the factor that was brought out yesterday also, and that is the question of materials. On that gun carriage, and on the 75-millimeter gun carriage, we had great difficulty in getting steel castings. There are plenty of steel foundries in the country, but a job like that on the antiaircraft-gun carriage requires that the castings be very thin in sections and light. The physical qualities have to go up in proportion.

There were no foundries at that time, and I do not think there are now, that are making castings of the physical characteristics required for most of the ordnance specifications. We looked all over the country, and we went through foundry after foundry, but we could not meet the specifications.

Finally we found a little foundry near our home plant at New Britain, Conn., with a small electric furnace, where we were able to make the castings of the physical and chemical requirements necessary to make those carriages.

In order to get the castings that were needed we combined with the Hartford Electric Light Co., of Hartford, Conn., and increased the size of that foundry. We spent several hundred thousand dollars, with the cooperation of the Hartford Electric Light Co., to increase the capacity of that foundry. We were able then, after we had trained the men—the molders—to make castings with this very thin section, to get out that work.

It took months to train those men, and it was done at great expense. We finally used green sand molds, and we made a pretty good job.

This may be a diversion, but it is interesting. That foundry which we built was operated for a few months, and then the armistice came and we tried to continue its operation. But there was no demand for castings of that character in that part of the country. It was found impossible to compete with the open-hearth steel foundries and foundries in other parts of the country that could furnish commercial castings.

The result is that that foundry has been idle for eight or nine years. The entire investment put into the foundry by the Hartford Electric Light Co. and ourselves has been lost. The New Britain Machine Co. was never repaid.

There are instances of that kind all through the manufacturing districts, where, instead of making money on the war contracts, they have actually sustained losses.

Take, for instance, our own company, the New Britain Machine Co., as an illustration. We spent hundreds of thousands of dollars in increasing our plant and increasing our facilities in order to take care of this contract for gun carriages. It hurt us so badly that we have not paid a dividend since 1919, until December 31, 1928; and then we paid only a small one. It has taken us practically 10 years to rehabilitate our finances and put our business in the condition in which it was when we undertook these war contracts.

I am simply giving that as an illustration of the fact that Government work is not considered desirable, and at the present time the manufacturers in Connecticut do not want Government work for the sake of the work. They do not want it; it is foreign to their commercial activities. They do not want it also because it always costs them money.

Now, to return to the main theme I was discussing, if we had had an educational order, and particularly the opportunity to make tools and to study the technical problems involved in the manufacture of gun carriages, we would have been able to cut down the time of delivery by a great many months.

Our experience in making the recoil mechanism was similar to that of Mr. Haynes. We had a lot to learn. It was of the American design and we ran into difficulties in forging materials, as he did, and we ran into difficulties of finish and accuracy requirements, as he did, all of which could have been studied in advance and preparations could have been made for that work.

Educational orders placed in private factories at stated times in small amounts, not large enough to be of any great value to the manufacturing plants, would teach these manufacturing plants what to make and how to make it. If they are not placed, the private manufacturing plants of the country will not know how to make these things necessary in the production of munitions and things that go to make up the machinery of war.

I just want to say one thing, that this bill is not in any way a draft measure. I think one or two people have had an idea in some way we were drafting these companies to manufacture. It is not a draft measure in any way.

I have always been very much interested, of course, since 1917, having seen so much suffering as a result of the lack of preparedness in France. I saw the *Vaterland*, an interned German ship, creeping out of New York Harbor on New Year's Day in 1918 and, later on, found the *Vaterland* had to make four starts before she got under way because the engines had been tampered with by the German crew. If we had had a good enough merchant marine of our own, we would not have had to use German ships.

Also, I found out in France we did not have a single airplane in 1917 and we did not use one of our own airplanes during the war. I heard men say constantly, "We are not prepared to fight." We could not have been prepared to fight; we did not have enough of anything in the beginning.

A fighting army expends ammunition each day of warfare. The supply must come from factories or reserve stocks. This ammunition is not commercial and the factories are not regular peace-time producers. During the time their production is being built up reserve stocks must be available to be drawn upon. The longer it takes to build up the necessary production the greater the initial reserve must be. The alternative of a slackened rate of fire means a greatly increased death rate and possible defeat. The British Army experienced the former in averting defeat in Flanders while waiting for high-explosive shell production, and barely avoided defeat even with the enormous loss of men accepted.

I have a statement here from the War Department which shows that the British Army experienced reverses because they did not have reserve stocks.

Of course, they had been manufacturing for a long time before the war. This bill has the indorsement, you know, of the Secretary of War and the approval of the Director of the Budget, and it is certainly in keeping with the economy program.

I think it will take no work away from the arsenals and I know the people who have arsenals in their districts are particularly anxious to have the arsenals kept up and, after discussing the matter with the War Department, I realize they are equally anxious to have the arsenals kept going. I think Judge Ives need have no fear that the arsenals will lose work by this bill.

I do not want to take up any more of your time, but I would like very much to file some papers and would like very much to file a preliminary report which was written by Gen. Guy E. Tripp, the chairman of the National Association of Manufacturers Committee on Industrial Preparedness, who is the president of the Western Electric Co.

PRELIMINARY REPORT NATIONAL ASSOCIATION OF MANUFACTURERS
COMMITTEE ON INDUSTRIAL PREPAREDNESS

FINDINGS

1. Continued prosperity in America is dependent upon assurance of enduring peace.

2. America's most recent experience indicates that the surest guaranty of peace is a readiness to defend the national sovereignty, i. e., preparedness.

3. The foreign policy of America involves no dreams of conquest nor any aggressive action toward any foreign power whatsoever, and therefore preparedness in America connotes only defensive measures.

4. America maintains, in proportion to national wealth guarded, the smallest standing army of any of the 50 principal countries of the world. In proportion to population, whose peace and prosperity are at stake, America likewise maintains the smallest Regular Army, even smaller than that allowed Germany by the treaty of Versailles, which was specifically intended to render her impotent as a military power.

5. Preparedness on an efficient and economical basis requires years for complete achievement and unremitting attention for its proper maintenance. Hastily improvised preparedness is needlessly wasteful to human life and unnecessarily expensive.

6. Unpreparedness has failed dismally in ever keeping America out of war. Proper preparedness, however, according to the best military opinion, might conceivably have precluded the necessity for American participation in the World War, and, in any event, would have shortened the duration of the conflict, which cost a million dollars an hour for over two years.

7. Prior to the World War preparedness was taken to mean only plans for the mobilization of man power, failing to take into consideration the fact that mobilized man power, unless adequately supported by munition power, was entirely ineffective.

8. The great demonstrated lesson of the World War was the fact that America, relying solely on her own resources, could organize and train troops at a rate which far exceeded the capacity of the country to arm and equip them; further, that the rate of manufacture of noncommercial articles of ordnance was the controlling factor of the entire war program.

9. Practically all the knowledge needed to organize and employ an expanded army is automatically maintained by the peace-time activities of the country with the all-important exception that (a) knowledge of the use of arms, and (b) knowledge of the manufacture of arms, must be stimulated in times of peace in order to be available adequately and promptly in event of emergency.

10. It is contrary to the traditional policy of America to maintain an extensive civilian industry devoted primarily to the manufacture of ordnance, and it is improbable that America will ever look with favor on measures intended to encourage the growth of a civilian industry dependent upon the manufacture of war material for its profits and existence.

11. Under existing conditions, the Ordnance Department of the Army, for example, while possibly adequate for such development work and such production in restricted quantities as may be necessary during peace times, is deficient in commissioned personnel when considered as the nucleus of knowledge around which must be built the tremendous industrial machine which, in the event of war, requires a preponderant proportion of the entire industrial war effort.

12. Commissioned officers of the Army appear to be available to the number of 1,700 devoted exclusively to mobilizing man power or problems involved in the use of arms, whereas but 24 have to date been assigned to the far greater and more difficult task of educating industry in the manufacture of arms.

13. The present program for national defense is, therefore, out of balance to a critical degree, due to the wide disparity in the attention now being devoted to problems involving mobilization of man power, as contrasted with the attention being devoted to problems involving the mobilization of munition power—particularly in the noncommercial classes such as ordnance and aviation material.

14. Due to the wise recommendations of the Morrow Board now being carried into effect by appropriate legislation, the problem of aviation material is proceeding toward ultimate solution, while leaving the problem of securing ordnance material as the crucial question in considering national defense to-day.

15. What America needs most at present is a greater knowledge of ordnance manufacture, and all artificial obstacles to the acquirement of this knowledge by American industry should be removed forthwith and every effort made through legislative enactment to stimulate the acquirement of this vital knowledge.

16. In this connection attention is invited to the fact that in order to build up the American aircraft industry for purposes of national defense, the Morrow Board states, on page 29 of their report, as follows:

"We recommended that: * * *

"(4) Government competition with the civil industry in production activity be eliminated except in those projects impractical of realization by the civil industry * * *."

This wise recommendation has been adopted as the permanent policy of the War Department. It will obviously tend to spread to the commercial world a knowledge on the design and manufacture of airplane material and render the solution of the aircraft problem immeasurably easier. The same reasoning should apply to the ordnance problem.

17. The present plans for the War Department for mobilizing industry for the production of ordnance in the event of emergency are excellent in every particular, and if carried through to conclusion in all particulars will not only shorten the duration, and therefore the cost of a possible future conflict, but by strengthening our defenses will actually make the possibility of America being involved in war more and more remote in direct ratio with their degree of completeness.

18. Of the elements of industrial mobilization, the determination of requirements, both as to quantities and dates wanted, and the preliminary allocation of requirements to existing facilities, have been completed in a most effective manner. The actual completion of emergency production plans by ordnance reserve plants with the degree of accuracy and detail necessary to permit them to be used as the basis of determining probable schedule of output, as well as secondary requirements for buildings, equipment, raw material, etc., is a task of considerable magnitude for each factory involved.

19. Existing obstacles to the completion of emergency production plans are due largely to the scarcity of trained ordnance officers available for assignment to specific plants to supply necessary technical data and otherwise assist manufacturers in this exacting work which is expected to be done without direct remuneration from the Government.

20. The ordance problem is the crux of national defense to-day, inasmuch as our citizens can be called to the colors ever so smoothly, can be housed and clothed and fed ever so completely, can be paid ever so generously, and furnished with all the care that surgical, medical, and dental science can afford, and yet will not become soldiers until they are furnished with the tools of their trade, viz, ordnance.

21. Ordnance is, of course, but one of several essentials of a modern army, but all the others are present in adequate supply or can be obtained in much less time than that required for the production of ordnance which, therefore, becomes the controlling factor of the entire program for national defense.

RECOMMENDATIONS

In order to provide a greater reservoir of knowledge for the solution of problems involved in the mobilization of munition power, particularly the noncommercial phase thereof such as the manufacture of ordnance, the committee on industrial preparedness of the National Association of Manufacturers recommends:

(1) That the National Association of Manufacturers indorse the organization of the proposed "Munitions battalion" as described by the Hon. Hanford MacNider, the Assistant Secretary of War, at the annual meeting of the association held in New York City on October 7, 1926; that the necessary appropriation of Federal funds for the purpose of training annually 400 college students, who have satisfactorily completed at least three years of their courses, in the elements of military science and tactics, and in addition in the basic procurement problems of the Army, be urged upon the Congress now in session; that, due to the need for immediate action in the premises, Hon. Frank A. Scott, during the war chairman of the War Industries Board, be requested, subject to the approval by your board of directors, to present to the President of the United States the recommendations of the association in this connection.

(2) That the Ordnance Department of the United States Army be progressively increased over a period of years, in order to provide personnel of a proper degree of permanency equipped with the vitally important knowledge of the design and manufacture of ordnance necessary to permit present plans for industrial preparedness to be carried to a successful conclusion.

(3) That the provisions of section 5a of the national defense act, approved June 3, 1916, as amended by the act of June 4, 1920, to the effect that "He (the Assistant Secretary of War) shall cause to be manufactured or produced at the Government arsenals or Government-owned factories of the United States, all such supplies or articles needed by the War Department as said arsenals or Government-owned factories are capable of manufacturing or producing upon an economical basis," be rescinded and that legislation be secured permitting the placing of "educational orders" with commercial manufacturers for the production of noncommercial articles of ordnance with due consideration for knowledge of the art acquired rather than as at present, upon a competitive basis as to price.

GUY E. TRIPP, *Chairman.*
C. S. WALKER, *Secretary.*

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, January 24, 1927.

Memorandum for Mrs. ROGERS.

Subject: State of preparedness as to munitions at outbreak of the World War and, in brief, conditions to-day.

Rifles: In April, 1917, we had on hand 600,000 Springfield rifles, sufficient to equip an army of approximately 1,000,000 men. The only

places where these rifles were made were Springfield Armory, capacity 1,000 per day, and Rock Island Arsenal, capacity 500 per day. We needed approximately 3,000,000 rifles at once. Had it not been that six large manufacturing establishments were making rifles for foreign governments and that this same machinery could be used to make the same rifles converted to our own ammunition, we would have been in a very bad condition as regards rifles at the outbreak of the World War. We now have on hand a sufficient reserve of rifles left over from the last war so that it is estimated that Springfield Armory can maintain these rifles in satisfactory condition for almost any future emergency that may arise.

Rifle ammunition: At the outbreak of the war in 1917 we had on hand approximately 200,000,000 rounds of rifle ammunition. The requirements called for almost 3,000,000,000 rounds to July 1, 1918, and almost 3,000,000,000 rounds to December 31, 1918. Had it not been for the facts that, due to the Allies holding the lines we did not have to get our troops into the line of battle very early, and that our small-arms ammunition companies had already installed machinery and were making large quantities of rifle ammunition for the Allies, we would have been in very bad condition as to rifle ammunition during the early days of the World War. We fear that we may be in some such unsatisfactory condition for the next war, because our cartridge companies have largely scrapped their machinery for ammunition manufacture, except in small quantities which they need for making sporting ammunition, and we are now using a cartridge different from that which we used and which was manufactured during the World War. We therefore deem it highly desirable that we shall have a small quantity of the ammunition which we need in peace time made by each of these cartridge companies in order to insure that they shall be in better condition, both as regards equipment and knowledge, to take up quantity production on the outbreak of war.

Artillery: At the outbreak of the World War we had on hand some 500 American 3-inch field guns. We needed many thousands of these guns, and the manufacturing capacity in this country was extremely limited. It was decided to adopt the French 75-millimeter gun because France had an excess of these guns and could supply us quickly, and because the ammunition problem would be simplified if all the Allies used the same type of shell. We would have been in very sore straits as regards artillery had not the French helped us out. We have now on hand about 5,000 75-millimeter guns, which will supply requirements for the first seven months of a major emergency. The total requirement for this gun is approximately 11,000 in two years. None of these guns has been manufactured since the war, except a few experimental designs, and the art of manufacture is being largely lost. Our arsenals have not sufficient capacity to make the gun as fast as we will require it. It is highly desirable, therefore, that the commercial companies to which we have allocated war orders for these guns be given small educational orders from time to time in order that they can tool up for them and become experienced in this line of manufacture.

Artillery ammunition: At the outbreak of the World War there were very limited existing stocks of artillery ammunition. However, when we adopted the French 75-millimeter gun as a standard our own shortages in ammunition were made up by surplus which the Allies had on hand in France. At the present time we are favored by reserves of approximately 3,700,000 rounds of 75-millimeter high-explosive shell, which is only sufficient, however, to equip the overseas possessions and to meet the requirements of our armies for less than three months. No ammunition of this type has been manufactured in quantity since the war. The maximum requirements for a war of major effort would be about 3,800,000 rounds per month. Picatinny Arsenal and Frankford Arsenal are the only Government plants for making and loading artillery ammunition. They could be expanded to approximately 25,000 rounds per month within a few months after declaration of war. Commercial sources must therefore be relied upon for the great bulk of production, and in order that these commercial sources can get into production quickly it is highly desirable that all firms to which we have allocated orders for production in case of war be given educational orders so that they can install a small line of machinery and become skilled in the operations of making this ammunition.

The above are only a few examples, but they suffice to show, in brief, the condition of unpreparedness at the beginning of the war; the fact that this unpreparedness did not result most disastrously for us was only because our allies were able to help us out, and because we did not have to enter the firing line at once, and because our own manufacturers at that time had much previous experience and had installed much machinery by reason of making munitions under contract for the Allies.

TOWNSEND WHELEN.

I can not understand how anyone can feel that by placing educational orders we are getting ready for war. You are simply teaching the people of America to protect themselves. Mothers and fathers teach their children their A, B, C's, teach them to read and write. You want to teach the children to take care of their lives and to take care of their country and defend their country. These educational orders will simply teach industries their A, B, C's of preparedness. [Applause.] Once more I want to express my admiration for the people of America for not being a warlike people and my faith in American ideals and American honor. [Applause.]

Mr. AYRES. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. MEAD].

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. MEAD. Mr. Chairman and members of the committee, I trust that what I shall have to say will not be construed as either a wet or dry speech, but simply an effort to bring about a more efficient administration by the officers in charge of the Coast Guard of the Great Lakes district and also to create a condition that will improve the standing of that branch of the service.

Some time ago my colleague [Mr. DEMPSEY] and myself brought to the attention of the House the horrible shooting of Mr. Hanson, of Niagara Falls, by two Coast Guard men on Lewiston Hill. Since that time the case has been brought to trial in the Federal court at Elmira, N. Y. The jury in the case of the two Coast Guard officers indicted at Niagara Falls for this fatal shooting of Jacob D. Hanson disagreed, leaving the case where it was at the start, so far as redress for the brutal murder of this splendid citizen is concerned. However, the procedure just concluded at Elmira has a feature which signally contributes both to definition of the law and the safety of the citizen, in the rulings of the presiding judge.

In his charge to the jury Judge Hazel upheld as a fundamental principle of law the necessity of diligent heed for protection of life when Coast Guard officers are seeking to make an arrest. The court also states most emphatically that suspicion is no excuse for shooting.

The judge's statement, in part, is as follows:

If an officer—and this applies to a Coast Guard man on duty—seeks to arrest a person without a warrant he must use great care and caution not to injure the person whom he is seeking to apprehend. He has no right to shoot a person where one fails to stop his car on request when the occupant is merely suspected of violating the Volstead Act. Violations of the national prohibition act by the transportation of liquor, its sale, or its possession, are misdemeanors and not felonies.

Notwithstanding the admonition, the jury, a majority of whom voted for a verdict of guilty, was deadlocked, confused, perhaps, by the defense of the guardsman by the Federal attorney, who brought all the power and influence of his position to their aid. Nevertheless, we find in the charge from the bench a militant admonition to all Federal officers to exercise the utmost care and caution and an equally vigorous affirmation of the right of the citizen to enjoy personal security.

If the law, as defined by Judge Hazel, had been respected at the time of the Hanson tragedy there would have been no tragedy and instead of suffering his agonizing death Hanson would be alive to-day.

Strengthening the definition of the judge, I find no excuse for this terrible crime in the orders issued by the Commissioner of Prohibition Enforcement, Doctor Doran, from which I quote:

Section 25 of regulations No. 4, a manual of instructions for officers and agents in the field, reads as follows:

"The promiscuous flourishing and display of firearms is prohibited. A weapon should never be drawn on a person except in self-defense, or to prevent the commission of a felony (a misdemeanor). The unwise and unwarranted use of firearms by officers in the past has caused the bureau considerable embarrassment and resulted in much unfavorable and harmful publicity. While it is not intended that an officer should remain passive and jeopardize his own life or the life of an associate when danger threatens, it is intended that extreme caution and cool deliberation should control his actions. An officer should remember that he will be held strictly accountable and personally responsible for the fatal result of any use of firearms by him."

Nor can any grounds for defense of the shooting of Mr. Hanson be found in the enforcement provisions issued by the Treasury Department to Coast Guard and customs officers. I read:

PART 5.—ENFORCEMENT PROVISIONS

SEC. 581. Boarding vessels: Officers of the customs or of the Coast Guard, and agents or other persons authorized by the Secretary of the Treasury, or appointed for that purpose in writing by a collector, may at any time go on board of any vessel or vehicle at any place in the United States or within 4 leagues of the coast of the United States, without as well as within their respective districts, to examine the manifest and to inspect, search, and examine the vessel or vehicle, and every part thereof, and any person, trunk, or package on board, and to this end to hail and stop such vessel or vehicle, if under way, and use all necessary force to compel compliance; and if it shall appear that any breach or violation of the laws of the United States has been committed, whereby or in consequence of which such vessel or vehicle,

or the merchandise, or any part thereof, on board of or imported by such vessel or vehicle is liable to forfeiture, it shall be the duty of such officer to make seizure of the same and to arrest, or, in case of escape or attempted escape, to pursue and arrest any person engaged in such breach or violation.

Officers of the Department of Commerce and other persons authorized by such department may go on board of any vessel at any place in the United States or within 4 leagues of the coast of the United States and hail, stop, and board such vessel in the enforcement of the navigation laws and arrest or, in case of escape or attempted escape, pursue and arrest any person engaged in the breach or violation of the navigation laws.

More specific, and with a far greater degree of caution, is the statement accredited to Captain Chiswell, of the Coast Guard, which I quote:

COAST GUARD ORDERS CITED

"Commanders of Coast Guard patrol vessels," said Captain Chiswell, "have definite instructions regarding treatment of yachts and pleasure craft. Every summer we send to these men copies of our order. We realize they have a tremendous task in catching the rum runners, who are not above imitating pleasure craft to evade the law. The Coast Guard orders follow:

"With the coming of summer, a large number of yachts and other pleasure craft will be operating in coastal waters. In the light of our experience with the methods of those engaged in liquor smuggling, it is deemed highly improbable that many, if any, yachts or other bona fide pleasure craft smuggle liquor ashore from vessels of the fleet. A further consideration is the fact that it is highly important that the Coast Guard retain the good will and have the helpful cooperation of law-abiding citizens who use pleasure craft so extensively in the summer.

CAUTIONED ABOUT PLEASURE CRAFT

"Accordingly, it is directed that vessels which may be plainly recognized as yachts or as craft used solely for pleasure be not stopped, boarded, or searched for the purpose of ascertaining if they are smuggling liquor unless they be found communicating with or hovering about rum ships, or unless other particularly suspicious circumstances require that they be stopped, boarded, and searched."

Nowhere, no place, in any of these official orders can there be found the slightest justification for this brutal murder of an innocent citizen who was shot to death while violating no law.

That the Hanson case has not served as a deterrent but has actually accentuated the promiscuous use of firearms is proven by the conduct of the Coast Guard officers operating in the Niagara district.

On the night of July 8 the *Ticker*, a 32-foot cabin cruiser, sailing in American waters en route to a picnic at Lake View, which is a short distance from Buffalo, was fired upon five times by Coast Guard officers. On board the yacht at the time of the shooting were Clarence Pistell, vice president of the Pistell Deans Co., William T. Jebb, jr., vice president of the Associated Advertising Industries, and a party of friends. The boat is owned jointly by Jebb, Pistell, and Raichle; the latter, it appears, is a law partner of Colonel Donovan.

I quote a letter:

On July 11 a hearing was held in Commander Wolfe's office of the Coast Guard. Elliott Burch, boatswain of the *C–209*, the Government boat, was examined by Raichle at this hearing. During the cross-examination he admitted that he fired without investigation as to whether the *Ticker* was a rum runner or not. He admitted he fired five times on the boat, and then admitted no liquor was found on board after examination.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MEAD. May I have three minutes more?

Mr. AYRES. I yield to the gentleman three minutes more.

Mr. MEAD. I desire to further explain the reason for injecting into this discussion the department orders with regard to the boarding and searching of vessels.

On Thursday, November 29, Coast Guard men fired upon the motor boat *Bug*, killing Carl Anderson, of Lewiston, and very seriously wounding Edmond Sohr, of Niagara Falls. While these men are alleged to have been known to the officers as violators of the prohibition laws, no liquor was found on the boat after the fatal shooting took place.

The Buffalo Evening News, a supporter of the administration and the prohibition laws, has this to say of the shooting of the *Bug*, as well as other cases of a similar nature:

[From the Buffalo Evening News, Wednesday, July 11, 1928]

GUN PLAY ON THE LAKES

The officers and crews of the Coast Guard boats must realize that the first time any of their scare shots or command shots hit a boat, they will bring against themselves personally and the service generally the same public outcry that arose when a citizen of Niagara Falls was shot on Lewiston Hill. It matters not whether the firing is on land or on water. There is no legitimate police power under civil law to fire merely on suspicion that somebody may be violating a law or to enforce a command. That is a right which exists only in a zone where martial law has been proclaimed. No such declaration of martial law has been made either on water or land along this border. When inquiries are made of higher officials, the information invariably given to the public is that orders permit shooting only under the ordinary conditions that apply to civil officers. There can be no such thing as secret martial law that gives authority to police but no warning to citizens.

If the excuse is offered that shots are not intended to hit, that only becomes a confession of the futility of such police methods. Miscellaneous scare shooting must serve more often to warn real rum runners to get back across the boundary and await a more favorable opportunity than to interfere seriously with the illicit trade. Whether that is the effect or not, this kind of gun play makes the Coast Guard boats a danger to business and pleasure craft and to one another that is entirely unjustified by the services rendered. It should be stopped before any more tragedies occur.

[From the Buffalo Evening News, Friday, November 30, 1928]

INVESTIGATION IN ORDER

Firing on a motor boat that did not carry lights and that refused to obey the command to heave to, the crew of a Coast Guard vessel operating on Lake Ontario killed one man and wounded another early Thursday morning. Papers found on the body of the dead man indicated that he had been running liquor from Canada, but at the time of the shooting there was no liquor aboard the craft.

"The law plainly states," says the officer in command of the patrol detail, "that the Coast Guard has the right to stop, search, and examine any vessel in American waters and to use all force necessary to compel compliance. The men of the *C. G. 2364* were perfectly within their rights."

No doubt they were. Yet there is no good reason why they should not be called upon to justify themselves before the duly constituted authorities. Their action should not be accepted as a matter of course. The formalities of investigation should be carefully observed with respect to this shooting and all others for which they may be responsible. Otherwise the Coast Guard men are likely to disregard ordinary human rights. Always they should be held to strict accountability.

Similar editorial comment appeared in the Buffalo Times, the Buffalo Courier-Express, and other publications in the Niagara frontier district.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. AYRES. Mr. Chairman, I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from New York is recognized for five minutes more.

Mr. MEAD. I believe the reason for this utter disregard of the law, as well as the orders of the department and the rights of our citizens, can be charged to the carelessness and maladministration of the affairs of the Coast Guard on the part of the officers in charge of the Buffalo district. Their removal, and replacement by officers with a higher regard for the rights of the people would, in my judgment, increase respect for law and result in better enforcement. Let me cite a case that was brought to my attention recently by the judge of the municipal court at Dunkirk, N. Y. It involves two members of the Coast Guard who, in company with several women, became embroiled in a drunken fight and, as a consequence, were arrested by the chief of police of the city of Dunkirk.

I quote the following from Judge Johnson's letter:

So disorderly was this party that it came to the attention of the chief of police, who ordered these men from the place and told them to go back to their ship. They started for the ship, evidently, but secured more liquor on the way and got into a disorderly fist fight. The only excuse that was given was that one of the guardsmen thought he was fighting with a civilian.

It might be of interest to you to know that the local Coast Guard recently fired on a fish tug and have announced their intention of searching all fish tugs at this port. Surely they do not believe these fish tugs are transporting liquor, because if they did they would not be so foolish as to warn them through the press that they were going to be searched.

This looks to me like a little spite work.

In conclusion the letter states:

I have been informed that on the night the Coast Guard men were sentenced fourteen 1-pound shots were fired from near the docks in the direction of our water front.

This promiscuous firing was not intended as a salute to the judge, but perhaps was prompted by a spirt of resentment by Coast Guard men who took exception to the show of courage on

the part of the chief of police and the judge who dared to enforce the law so flagrantly violated by the guardsmen.

These men were sentenced to six months' imprisonment for violating the very law they were sworn to enforce.

I have here an article headed "Coast Guards accused of firing on tug in Lake Erie while drunk." This case was brought to the attention of the House by Representative CHALMERS, of Ohio:

[From the Washington Daily News, Saturday, December 8]

COAST GUARDS ACCUSED OF FIRING ON TUG IN LAKE ERIE WHILE DRUNK

Court-martial and naval-prison terms awaits the crew of a Lake Erie Coast Guard patrol boat if charges of drunkenness and misconduct made against them by R. E. Mills, manager of the Toledo Fish Co., are shown to be accurate, according to Rear Admiral Frederick C. Billard, commandant of the Coast Guard.

Billard has ordered Commander Martin Rasmussen, of Buffalo, to go to Toledo at once to investigate charges by Mills that one of his fishing tugs had been twice fired on November 24.

Billard was advised of the charges by Representative CHALMERS, of Toledo, who received a letter from Mills saying the Coast Guard men had fired on his tug without provocation or warning; that they staggered drunkenly about and that one of the crew was so drunk he actually fell into the lake.

Let me say to you, my friends, whether you advocate the Volstead law or favor its modification, as I do, the definition of the law as given by Federal Judge Hazel in the Hanson case, and the orders issued by the department itself are ample and warrant, in my judgment, an investigation by Congress of the enforcement conditions on the Great Lakes and the removal from the service of the chief administrative officer there who, it occurs to me, serves not to increase the glorious traditions of the Coast Guard but to bring them into disgrace and disrepute. [Applause.]

Mr. FRENCH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON having assumed the chair as Speaker pro tempore, Mr. LUCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes, and had come to no resolution thereon.

ADDRESS OF GEORGE E. ROBERTS ON FARM RELIEF

Mr. FISH. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a speech made by Mr. George Roberts, vice president of the National City Bank, on farm relief.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing an address delivered by Mr. Roberts on farm relief. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, is this speech in favor of farm relief or against it?

Mr. FISH. Well, it is a general discussion of the whole matter.

Mr. SCHAFER. From a banker's standpoint and not from a farmer's standpoint?

Mr. FISH. Yes; but he is a farmer from Iowa. I think it is educational.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. FISH. Mr. Speaker, under leave to extend my remarks in the RECORD I include a speech delivered in a discussion of "Farm Relief," at the National Republican Club, New York, January 19, 1929, by George E. Roberts, vice president of the National City Bank of New York. Senator BROOKHART, of Iowa, Representative DICKINSON, of Iowa, and Representative MCFADDEN, of Pennsylvania, were participants in the discussion. Mr. Roberts's speech is as follows:

I am in a rather unusual position here to-day. I am, as you have been told, a native Iowan, and although I have strayed some distance from the edge of the prairie, my affection for the old State is as deep as ever it was, and I believe I have as genuine an interest in the welfare of its people as any resident can have. I do not think there is any conflict of interest between the West and the East. The industries of both sections are parts of one organization, serving the entire country.

My business is in Wall Street, but everybody in Wall Street has come from somewhere else and many have come from the Middle West and many from the farms. I think nearly all have sense enough to know that the prosperity of New York City and of the industries, the corporations, and the varied interests of this eastern section are dependent upon prosperity throughout the great interior. If I oppose the views and proposals of these highly accredited representatives of Iowa, Senator BROOKHART and Congressman DICKINSON, I assure you it is not because I am indifferent to the losses and the distress which many people in that region have been suffering, but solely because I differ with these gentlemen as to the practical results of the policies which they advocate.

I think I know something of farm conditions. My father was a pioneer in the Territory of Iowa. He was a native of New York State, born in the city of Utica in 1823. When he grew up to about 20 years of age and looked about to see what he was going to do for a living, it seemed to him that there was no longer much of a chance for a young man in the State of New York. The country was all settled up, there was as much talk of unemployment and of business being overdone as there is now, and a lot of talk about the developing West and the opportunities there for young men, and his attention was fixed on the Territory of Iowa. He determined to go to the Territory of Iowa, and you will be interested to know the route that he selected to reach there. An older brother kept a diary, and not long ago I obtained a copy of a portion of it, including this entry:

"1843, December 7: David Roberts, brother, started for New Orleans by sailing vessel from New York. Loaned him $10."

I know from my father direct that he was headed for Iowa, that he came down to New York City on a canal boat, took a sailing vessel to New Orleans, and went up the Mississippi on a steamboat. And that is only one generation back, if you allow that I belong to the present generation.

About the time my father was migrating to Iowa a family in which was a young daughter was traveling overland by the now historic covered wagon from the State of Maine to the same destination. These young people met and were married, and I have always thought that their migration and marriage and the founding of their home was typical of the settlement of the West.

I was born in the country back of Dubuque, but while I was still a boy my parents moved farther west to Fort Dodge, county of Webster, in what is now the tenth congressional district, a district of 14 counties of as fertile farming land as lies out of doors, now for many years ably represented in Congress by my honored friend, Congressman DICKINSON. I lived in that district from boyhood until I was 40 years old, and perhaps it is not out of place to say in this Republican Club that I had the honor of being chairman of the Republican district committee of that district for 14 years, beginning in 1888. What is more to the point to-day is that I have owned farms in that district since soon after I was 21 years old.

One of my earliest speculations, or to use a preferred term, "investments," was the purchase of about 1,000 acres of wild land at $3.50 per acre, and while I do not own that same land to-day, I have sold and bought from time to time, without, on the whole, materially reducing my aggregate holdings to this day. I have about that acreage in Mr. DICKINSON'S home county now.

Everbody dabbled in land out there in those days. It was about the only form of investment we knew about. I have sometimes said that I doubted if I would sleep well nights if I did not own some land, although I know that a good many people have been unable to sleep because they did own land.

When my children gather in solemn and reverent assembly to listen to the reading of my last will and testament, one of the questions they are going to ask each other is "Why in the world do you think he held on to those Iowa lands so long?"

If the Senator and Congressman were to put me on the stand I would have to admit that the annual returns have not been large. In fact, about the only benefit I have had from them in recent years has been when I have come to make up my income returns.

However, first and last, Iowa lands don't owe me anything, and I am free to say that the kind of farming that is done under absentee ownership is not entitled to any more returns than it gets. That kind of farming is in the class of improvements with which we are familiar in New York City, which are put on land to help pay the carrying charges while the land increases in value; "taxpayers" we call them.

This personal experience simply leads up to the first point I want to make in this discussion, which is to call your attention to the important part which land hunger and the tendency to rising land values always have played not only in the expansion of agriculture but in the current returns from farming operations. The relative compensation in any occupation depends upon the number of persons who choose to follow it, and the number that will crowd into any occupation is determined not alone by the nominal wage or reward, but by the sum total of all the gains, perquisites, advantages, and inducements of every kind, that are expected. The opportunity to become the owners of land which was expected to increase in value, and which would serve as a permanent home and means of livelihood, and which could be passed on to the children, has been the master motive to land settlement.

These inducements, and not any conspiracy or discrimination against agriculture, or any bias in the economic law, furnish the true explanation of the low current returns which agriculture usually has had in comparison with other industries throughout most of the past.

It is useless to discuss the compensation of farming without taking account of all the considerations which are a factor in deciding people

to be farmers. There is a security and independence in the ownership of a farm which counts in the choice of farm life, just as the security and certainty of a Government bond, and the preference which many people give to it over other investments is a factor in the low returns from it.

I remember when the Territory which is now the State of Oklahoma was open to settlement. I will read a few sentences from the Encyclopedia Americana descriptive of that event:

"On March 23, 1889, President Harrison, under the authority of an act of Congress approved March 2, issued a proclamation declaring these unoccupied lands would be opened to settlement under the homestead laws of the United States at noon, April 22. Troops along the border kept the home seekers in order until that time, when the great crowd that had gathered dashed across the line in a mad race for the best lands and town lots. The entire region was settled almost within a day. Towns were laid out, farms opened up, and the population increased at an extraordinary rate."

The point I make is that the rush for these lands was not induced solely, or even primarily, by the returns from farming operations at the time, which, in fact, were low, but the settlement of those lands and the increased production of the staple crops which resulted had a direct effect upon the market prices of those products, and an effect beyond the influence of any legislation that might be passed.

I have told you that about the time of this Oklahoma opening I was somewhat active in politics, and my memory of political events is clear. The Republican Party of Iowa was in trouble. A Republican legislature had passed a prohibitory liquor law and you know something of the trouble that the liquor question can make in politics. We had a formidable bolt from the party, and the Democrats nominated one of the bolters, a prominent lawyer, Horace Boies, for governor, and, much to our confusion, he was elected.

That caused a sensation. Down here in New York at that time there was a Democratic organization known as the Reform Club. It was not Tammany, nor an organization to reform Tammany; it was devoted to tariff reform and Grover Cleveland. The Reform Club was greatly stirred by the news that the Democrats had carried Iowa. Here, they thought, is the long-expected revolt of the farmers against the protective tariff, and they proceeded to have a banquet and to invite Governor-elect Boies as the guest of honor. He came and was assigned the toast, "Our New Allies in the Northwest." Think of that, nearly 40 years ago! What a story of hope deferred it carries! He devoted his speech mainly to an account of hard times among the farmers of Iowa. I remember it very well, and I have been hearing so much just like it recently that I thought I would dig up that speech. I found that the Reform Club had faded into history—died with hopes unrealized—but a report of the speech was found in a file of the New York World, and I have had a copy made. I can not spare time for much, but listen to a little of it:

"Statistics show that the average wages of able-bodied men upon the farms of Iowa are $18.50 per month, or about 70 cents per day, and board, the lowest price paid any class of like laborers in the State, and yet out of 900 farmers reporting to our commission of labor statistics during the present year, more than 800 claim that this help at this wage has been employed at a loss instead of a profit during much of the five years last past.

"Out of the same number an equal portion assert that the actual cost of producing this cereal (corn), the most profitable of all that are raised within that State, has, during the same period, exceeded the entire value of the crop when harvested, saying nothing whatever of income from the capital invested in the land required to produce it.

"It is estimated by those making the reports that the cost of producing an acre of corn ready for market is $8; that the average crop for five years has been 33⅓ bushels; and statistics show that the average price of this corn in our local markets, soon after harvest, during such period has been 22 cents per bushel, making the entire value of the crop, when marketed, $7.33, or 67 cents less than the actual cost of production at market rates of labor.

"What is true of the production of corn in Iowa is equally true of all the great staples raised on her farms. When we consider the immense capital invested in the farms of a single State and are told that for five whole years it has not paid enough to compensate the labor employed, it is apparent that no other business in this country could have withstood such a condition of adversity during so prolonged a period, and it is equally certain had it been practicable for the farmers of the country to withdraw their capital from this line of industry, their number would have been greatly reduced, even in the best of the agricultural States." * * *

Doesn't that sound familiar, although 38 years old?

Now, I think you will be interested to know the course of land values since that time. I have here Bulletin 874 of the Department of Agriculture, published in 1920, in which are given figures for the average value per acre of all improved farming land in the State of Iowa over a period of years. For the year 1890, the year of the Boies speech, this average value was $28.14. The decade from 1890 to 1900 unquestionably was a period of hard times. It was the William Jennings Bryan period. He was nominated for the Presidency in 1896 and again in 1900 on the platform which proclaimed a state of distress, and that a law must be passed to cure it. Nevertheless, the census of 1900 showed that the average value of these lands had increased from $28.13 to $43.31 per acre. The next census was taken in 1910, when the average value was found to be $96 per acre, an increase of 121.6 per cent, or more than 12 per cent per annum. Wouldn't you like to have a business in which the value of the physical plant increased, almost wholly by appreciation, at the rate of 12 per cent per annum on a 10-year average?

And in the next decade, to 1920, the average value advanced again, from $96 to $255 per acre, an increase of 165.6 per cent, or of 16.5 per cent per annum throughout the 10 years. In the 20 years from 1900 to 1920 the increase was $211.69 per acre, or but a trifle under 500 per cent for the period. Is there anyone in this audience who ever knew of another business in which the physical plant had an enhancement of value at the rate of 25 per cent per year for 20 years?

The war, of course, had much to do with the final stages of this inflation, and that was not a permanent factor, but apparently the public accepted it as permanent. That is where it went astray.

Now, gentlemen, I venture to say that no business can stand such "prosperity" as that. It is not in average human nature to go through such an experience and come out unscathed.

The opportunities for quick money making tempt men to use their credit to the limit, a great body of indebtedness is created, all ordinary standards of value are lost sight of, and the strain increases until the whole inflated structure of credit and prices breaks down.

I remember a story that I heard Mr. Bryan tell many years ago. He told it to illustrate a different argument, but it suits this situation very well. It was about a man named John, who was a very good sort of fellow, but occasionally would drink too much. This was a long time ago. A friend was expostulating with him about his habit, and said: "You know, John, that you have this weakness; you know you are in danger of taking too much; why don't you, when you know you have had enough, and you are asked to take more, ask for something that is not intoxicating? Ask for sarsaparilla, for example." "Well," said John, "that sounds all right, but when I get that far along I can't say sarsaparilla!"

The trouble out in Iowa in 1919 and 1920 was that so many people could not say "sarsaparilla!"

In 1919 the Iowa Bankers' Association held its annual meeting in my old home town, Fort Dodge, and the officers were thoughtful enough and kind enough to invite me to come out and address the convention. I went. The land boom was at its height, and to an outsider the situation was alarming. I ventured to comment upon it. I have a copy of that speech here, and I will ask the chairman to read only the last paragraph of those comments, for what was said then may be more impressive than anything that can be said now.

"I believe that the banker can render no better service to the farmer than by advising him to use the proceeds of these high prices to pay off his debts. It is a singular fact that people commonly go into debt in good times and pay their debts under pressure in bad times."

Iowa is in the Chicago reserve district, and at the time that convention was held the Iowa members of the Reserve Bank of Chicago owed the reserve bank about $12,000,000. There was a good crop in Iowa in that year, as there nearly always is, and prices of farm products were high. The break in prices did not come until the latter part of 1920, but when the break did come the member banks of Iowa owed the Reserve Bank of Chicago not $12,000,000 but $98,000,000. And they owed a lot of borrowed money elsewhere besides.

The farm-mortgage debt of Iowa in 1910 was $204,000,000 and in 1920, $490,000,000, an increase of 140 per cent, in the period of highest prices for farm products and greatest increase of farm values ever known in the history of American agriculture. That increase of indebtedness did not signify distress at the time any more than the increase of brokers' loans in New York in the past two years has signified distress. Distress, however, followed later.

Now, all this simply illustrates the well-known truth that people do not use the profits of good times to pay their debts. They use them as the basis of further borrowing. The farmers are no different in this respect from other people. It is the same in commodity speculation—in wheat, cotton, or sugar—in stock speculation, as we have seen time and again in Wall Street, and in town-lot speculation, as we have seen in Florida.

I am not unsympathetic for the people, farmers and others, who lost money by the collapse of speculation and fall of prices in 1920–21. I am not blaming or ridiculing the farmers who became involved. I am simply pointing to the true case of their misfortunes and saying that such losses can not possibly be prevented or made good by legislation. In this case they were largely due to the war, and the private losses in all countries due to the war were incalculable.

The war deranged industry generally over the world. It overstimulated production in many lines. The conditions were so abnormal that it is a wonder now that everybody did not understand that they were temporary. In Cuba the price of sugar rose as high as 20 cents per

pound, and they doubled the area in cane. The area was doubled also in Java and in other countries outside of Europe. When beet-sugar production recovered in Europe the world had more sugar than it could use, and the price in Cuba is down now to about 2 cents, and the industry is in great distress.

The print-paper industry, the lumber industry, the textile industry, the bituminous-coal industry, and many others have had the same experience. It takes a long time to overcome such a disturbance.

The area of land in grain was greatly expanded during the war in countries outside of Europe, especially in the United States, Argentina, and Australia. The production of wheat in Canada in the five years ended with 1913 averaged under 200,000,000 bushels per year, and in the five years ended with 1928 above 400,000,000 bushels. The Canadian production is still increasing; the crop of 1928 was over 500,000,000 bushels.

Furthermore, the area of land under cultivation in the United States is increasing. The area planted to cotton in Texas increased from 10,470,000 acres in 1919 to 18,374,000 acres in 1926. In the four States of Nebraska, Kansas, Oklahoma, and Texas the acreage in wheat has more than doubled in the last 10 years.

This, of course, is voluntary expansion, like the settlement of Oklahoma 40 years ago, in the face of what are said to be unremunerative prices. What would production be if the Government was to guarantee higher prices?

What can the Government do with a price-fixing program under conditions like that? We can not produce wheat in excess of the demand at a given price, and have an increasing carry-over from year to year, without breaking the price. I venture to say that you may organize and agitate and legislate till the cows come home, as we used to say in Iowa, and that so long as the supply increases the price will decline. We need to get people out of the wheat business instead of more people into it.

Moreover, there are other developments which have affected the farming industry. The consumption of food products has undergone a noticeable change. The means of transportation now available are largely responsible for this. The consumption of fresh fruit and vegetables has enormously increased, and the per capita consumption of the old staples has declined. Senator NYE, of North Dakota, has recently introduced a resolution in the Senate for an investigation of the decline in the per capita consumption of flour, which he says has been 20 per cent since 1913.

Furthermore, the use of motor power has almost done away with the consumption of corn and oats in cities and towns, and diminished the consumption for work animals even on the farms.

I come now to another and most important factor in the situation, and that is the lowering cost of production. Back 70 or 80 years ago farming underwent a revolutionary change from hand power to horsepower. It is now undergoing another change, no less revolutionary, in character of implements and the use of power. The most outstanding of these new implements is the combined harvester and thresher, which is rapidly coming into use and which effects a very substantial saving in the cost of producing the small grains.

Plowing always has been one of the biggest jobs on the farm. One man with two horses and a single-bottomed plow could scarcely plow 2 acres per day, but one man with a tractor will plow 8 to 10 acres per day.

Until a few years ago the standard implement for cultivating corn was the single-row cultivator, operated by one man and two horses, but in the past season a 3-row cultivator has been in successful use, operated by one man and a tractor or equal horsepower. Practically the entire list of farm implements is undergoing change in a manner which greatly increases the effectiveness of man power.

The friends of the horse by no means give up the field to the tractor. They claim that multiple hitches, using 6, 10, and even more horses, are economically successful. The point is that machinery or higher capacity for all farm work is coming into use.

In 1921 and 1922 the agricultural-implement business was facing as discouraging a prospect as can be imagined, but to-day it is enjoying one of the greatest periods of prosperity in its history. Doubtless you have heard of the great boom in the New York stock market, but possibly you do not know that implement stocks are among the leaders. No longer ago than 1923 the common stock of the International Harvester Co. was selling at $65 to $70 per share; in recent months it has sold as high as $365 per share and has now been split up into smaller units. The common stock of the Case Threshing Machine Co., which in the spring of 1924 was selling at about $15 per share, is now selling around $500 per share.

The significance of all this is that the costs of production on the farms, in terms of man power, are being reduced; that a smaller number of workers on the farms will be able to produce the required supply of farm products; and that unless further expansion of farm area occurs the business will be more remunerative.

The release of agricultural workers is simply a continuance of a process which has been going on throughout the history of agriculture. A constantly diminishing percentage of the population has been able to supply the required quantity of farm products.

One hundred years ago 75 per cent or more of the population of this country was required on the farms; now the situation is reversed, with only 25 per cent living on the farms and 75 per cent deriving its support primarily from other sources of income.

Surely this change is not deplorable. We would not want to go back to the farming methods and the farm life of 100 years ago—to the wooden plow, the cradle, and the hoe in the field and the spinning wheel and the household industries in the home. We would not want to try to locate 75 per cent of our present population on the land at labor, as then, from sunrise to sundown, or to give up all the comforts which the modern industrial system has provided. The general rise of the standard of living of the masses consists in the main of the increased supply of things other than farm products, and these are to be found in the farm homes as well as elsewhere.

If we do not welcome increased efficiency in production, what shall we do about the research work of the State colleges of agriculture and of the United States department? Shall we stop trying to grade up our dairy cows and our meat-producing animals? All of this work tends to increase the supply of farm products and to reduce the percentage of the population required on farms. It increases the powers and improves the position of the farmers who adopt the new methods, but it increases the pressure upon the farmers who do not adopt them.

What are we going to do about this increase in productive power which is impending, and indeed is in sight? The present farm leadership seems to have set its face firmly against any movement of population from the farms to other industries. It apparently holds that the Government should assure remunerative prices for farm products, no matter how many people enter the industry or how much the facilities of production are increased! Surely this proposition can not be maintained as to any industry. The conditions in industry are always changing, and the people in every industry must adapt themselves to the changes. Any other conclusion would mean industrial and social stagnation.

Why such determined opposition to any movement of population from the farms to the cities? Would the farmers rather have an expansion of their own industry or of the other industries? In the one case they will have more competitors and in the other they have more customers. If all of the present farm population stay on the farms and all of the remaining land available for cultivation is brought under crop we shall continue to have increasing production, prices will fall lower, and the benefits of lower production cost will be passed on to consumers.

On the other hand, if instead of rapidly increasing the area of land under cultivation, the farm workers who are released by the new machinery will find employment in other industries, the production of the farm staples will not be rapidly increased, farm-land values will be stabilized, and the benefits of the new machinery will be at least shared by the farmers.

It is said that the present trend means the industrialization of the country at the expense of the farmers, but it is only what has been going on in every industry since the application of power to industry began. Industrialization has been going on in transportation ever since the days of the oxcart, and in the textile industries ever since the days of hand spinning. What has become of the stagecoach business and the carriage business? Men are losing their jobs in all the industries by the increasing efficiency of machinery, and it has been so for a hundred years, but they find other—often better—jobs, and social conditions are improved.

Progress in agriculture can not be stayed. The progressive farmers will be prosperous and want to buy more land, and the unprogressive ones will find it advantageous to sell out to them. The law of the survival of the fittest does not mean that anybody must be starved. It simply means that people are under pressure to find the places for which they are best fitted for their own good and that of society. Society has rights, and it is concerned that the land shall be occupied by the people who will make the best use of it. An individual may not be qualified to build up and manage a fine herd of dairy cows but be well qualified to milk and care for them under some one else, or to drive a truck or do many other kinds of work.

The chief expenditures of the masses of the people are for food, clothing, and shelter, and it is here that we must find the gains for any important rise of the standard of living. During the war the British Government was given authority to take farm operations out of the hands of farm owners if necessary to obtain increased efficiency, and as population increases in all countries it may be accepted as certain that at least no policy will be long tolerated which deliberately enhances the cost of these necessaries.

If this reasoning means that the number of farmers should be reduced, it does not follow that the entire industry will be disrupted. A great proportion of the farmers are prosperous to-day, but it is true that an important section are on the border line between existence and bankruptcy. A large movement both ways is constantly going on between town and country. In 1927, according to the Department of Agriculture, 1,978,000 persons left the farms for cities and towns, while 1,374,000 left the cities and towns for the farms, and so it has always been in varying proportions. The people who leave the farms do so because they believe that in their circumstances they can do better

elsewhere, and it may be presumed that those who go under compulsion are in the border zone, and consist largely of employees, unmarried persons, tenants, or unprosperous owners who will be personally benefited by the change. Of course it is absurd to talk as though farms would be generally depopulated.

It is no part of the business of the Government to regulate prices. We live under a régime of liberty; in which everybody is free to choose the occupation he wants to follow, and production is regulated automatically by the price system. If prices are unduly low in any industry as compared with others, it is a sign that too many people are in that industry. If the Government is to determine how much shall be produced and what the compensation shall be in any industry, it must be authorized to tell everybody what work he shall do and what pay he shall have, which is not attempted anywhere but in Russia. The Government is not qualified to determine what is equality between the different industries—to say, for example, what is equality between a farmer, as an independent business man, with the probability of land appreciation in his favor, and a mechanic, dependent upon some one else for his job. There is no reason to believe that either farmers or mechanics would want the Government to fix the terms of their relationship. With freedom to make their own choice they can regulate the relationship themselves better than overhead authority can do it.

The argument sometimes offered that numerous other lines of business are the beneficiaries of legislation, and therefore that proposed legislation for the farmers should be granted, does not stand examination. The transportation act and Federal reserve act are of the nature of regulatory statutes. Railroad charges are regulated by the Government for the protection of the public; but since the Government undertakes to fix charges, obviously it should fix them to allow a fair return, otherwise capital for railroad expansion will not be available. The Federal reserve act was not passed as a favor to banks and does not impose higher charges of any kind upon the public.

The argument from the protective tariff is fallacious. The protective tariff is intended to stimulate and develop home production, but in the case of agriculture we already have a surplus of home production. Whoever heard of subsidizing a surplus?

The argument from the protective tariff assumes that the protected industries make profits larger than the general average of business profits, but this is not true, as an examination of the textile, steel, and other protected industries will show. The protected industries are open to everybody, upon the sole condition that they shall be located within the country, and in a country where domestic competition is as active as in the United States it is impossible for these industries to long make profits above the general level of business profits. The legitimate argument over the merits of protection relates wholly to general benefits. It is not a question of providing larger profits for a selected list of industries than other industries make, but whether under existing conditions it is better public policy to make certain products here or import them. The answer may be different as to different industries, but the benefits, if any, are general and the costs, if any, are general.

In conclusion I do not wish what I have said here to be understood as in opposition to action in redemption of the promises made by President-elect Hoover in the recent campaign. I am skeptical toward all legislation which looks to the direct control of prices, but our Government is based upon popular opinion, and I recognize that the sincere beliefs of a great body of people are entitled to respect and consideration.

I think that President-elect Hoover should be supported in carrying out the moderate program to which he is pledged, and I believe the report of the committee of the Chamber of Commerce of the United States contains a number of meritorious proposals. I wish especially to indorse the suggestion that the Federal Government shall set about recovering extensive areas of marginal lands, now under unprofitable cultivation, for the purpose of devoting it to forestry and other purposes which it is better fitted for than for farming.

I am firmly opposed to all highly artificial plans which contemplate systematic dumping of farm products abroad at lower prices than those at which they are sold at home.

The policy is unsound in principle and produces irritation, resentment, and retaliation even when practiced in private business. If adopted as a national policy, sponsored by a government, it would quickly produce international complications. If we desire friendly and peaceful international relations we should avoid practices of that kind which we ourselves resent when practiced by others. Every country is under obligations to do its share in maintaining industry on a balanced and remunerative basis, instead of dumping its surpluses in foreign markets without regard to the demoralization which may result.

I am opposed also to any plan which interposes obstacles to natural progress in industry. No plan which violates fundamental principles will be of any permanent value.

RELIEF OF FARMERS

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a statement made by my colleague Mr. LARSEN before the Committee on Agriculture.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD by printing a statement made by his colleague, Mr. LARSEN. Is there objection?

There was no objection.

Mr. LANKFORD. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following remarks of Hon. W. W. LARSEN, of Georgia, before the House Agricultural Committee on January 15, 1929, considering legislation for the relief of farmers in the storm and flood stricken areas of the southeastern United States:

Mr. Chairman and gentlemen of the committee: I desire to indorse the provisions of this bill and urge its early passage. The farmers of Georgia, especially in the southeastern section, are in great need of immediate financial assistance if they are to cultivate farms this year. Their present condition is due to crop failures of last year, resulting from unusual weather conditions. In the early spring heavy rains throughout the section necessitated the replanting of crops and purchase of additional fertilizer after much had been washed away. Splendid progress was made by the growers during the short time in which conditions were such that they might cultivate crops, but just before maturity, and immediately following the September hurricane, the cotton and corn crops were almost ruined, not only by winds but excessive rains as well. In one section of my district, at Hawkinsville, I am told that 12 inches of rain fell within 24 hours. Rains destroyed the corn pollen, thereby preventing a normal yield, and the constant wet weather in the fall caused much that was made to rot in the fields. The cotton was beaten into the earth and immature bolls so greatly damaged that they never matured. The peach crop was so injured by rains that a large per cent of it was unfit for shipment because of rot, and tobacco was so damaged that a normal price could not be secured for this commodity. The pecan belt also suffered from the excessive rains. The wet weather caused defective nuts and the high winds blew many of them from the trees, making additional losses. Added to these crop losses an epidemic of cholera among swine caused many farmers to lose their hogs, so the people are not only without bread but meat as well. Many who have always lived comfortably are without proper food. They depended upon income from peach, tobacco, and nut crops to purchase clothing and other actual necessities and when faced by these failures they had nothing to look to, were unable to pay taxes, or other debts, and thousands of them will be unable to operate farms this year unless some aid is granted.

Mr. Chairman, I realize that this sounds distressing to gentlemen who have not studied conditions in this particular section; and I assure you it is distressing—even more so than I have set forth. Hundreds of banks have failed during recent years, and those now operating are unable to grant financial assistance. Crop failures have made it impossible for many of them to collect 20 per cent of the amounts loaned last year.

In this connection I desire to quote a few statements from prominent persons engaged in different lines of business other than agriculture in my district, which I believe set forth the true conditions better than I can.

A prominent naval-stores man writes as follows:

"I believe the twelfth district is the hardest hit of any section of Georgia. I have never seen anything like present conditions with farmers around here. I know a good many who have started their plows without feedstuff for their stock and provisions for the family, and their supply will not last 30 days. How they are going to make a crop without some help or relief I don't know. I don't believe the country banks in this section have collected over 25 per cent, so how can they come to the relief of the farmer to make this crop? I feel that if you can get some immediate relief for the farmers in your district you will have done them a favor you would probably never do again."

A reliable banker in my section advises:

"If aid can be rushed for those who suffered from storms last summer it will not come any too soon. Mr. LARSEN, it is distressing to see the condition some people are in and in order for them to be able to make crops for another year it is absolutely necessary that aid be not long delayed. I feel that if some had lost their homes by fire or floods they could not be in any worse condition for they are unable to carry on where they are. I know of some people who have moved from their own farms to go with others as share croppers and the ones they have gone to really are not able to take care of them."

A dependable warehouseman writes:

"Help in the way of loans, properly handled, would be a wonderful help to the farmers in this section who are down and out without some such assistance. Possibly it will be argued by some that the local banks can take care of the worthy farmers but this is not true. In the first place, deposits in the local banks are so low they have but little money available for loans and the past two years have been so near crop failures that the local banks are afraid to loan much money to farmers even with pretty fair security in addition to the crop lien. Knowing your interest in the welfare of the farmers of your district, I

feel it unnecessary to urge you to do all you possibly can to get some relief enacted."

An attorney, thoroughly familiar with conditions, writes:

"Go ahead and vote for any emergency relief bill for the farmers. I would do something if it were the wrong thing, for the Lord knows this is the worst situation I have ever known. It is really pitiable the shape people are in."

Mr. Chairman, a survey of the Georgia situation was recently made by Doctor Campbell, of the University of Georgia. It was found that there are 36,000 farmers in our State who are in need of financial assistance and that 18,000 of this number will be unable to carry on their crops without aid from some source. Officials making survey estimate that there will be needed from two to three hundred dollars per plow, or from $3,600,000 to $5,400,000. I would say a most conservative estimate for Georgia would be $5,000,000. Under the laws of my State the Government would be well protected as regards the matter of loans. A first lien may be provided on the crop produced where loans are made direct to the landowner, and in the event loan is made to the tenant, a waiver may be taken from the landlord which would have the effect of creating a first lien in favor of the Government against the crop of such tenant. I consider this a very liberal protection, and no loss should result to the Government under normal conditions.

I want to see this bill reported to the House and passed promptly, as it must be done if aid is to be extended. Such aid has been granted by the Government to farmers, under like conditions, in other sections of the Nation, and I am sure it should not now be withheld from the distressed farmers in the sections covered by the pending bill.

MESSAGE FROM THE PRESIDENT—CLAIMS OF AMERICAN CITIZENS AGAINST GERMANY (H. DOC. NO. 556)

The SPEAKER pro tempore laid before the House the following message from the President.

The Clerk read as follows:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State in relation to the agreement between the United States and Germany of December 31, 1928, for the adjudication of claims of American citizens against Germany arising out of the World War which were not notified to the commission in time to be considered under the agreement of August 10, 1922, between the United States and Germany for the adjudication of American claims.

Subsection (e) of section 2 of the "settlement of war claims act of 1928" provides that there shall be deducted from the amount of each payment on awards of the Mixed Claims Commission, United States and Germany, as reimbursement for the expenses incurred by the United States in connection with the adjudication of the claims an amount "equal to one-half of 1 per cent thereof," which amount it is provided shall be deposited in the Treasury as miscellaneous receipts.

I recommend that the one-half of 1 per cent which the Secretary of the Treasury is thus authorized to deduct from awards shall, in so far as regards these late claims, be made available to the German Government for defraying such expenses as may be incurred by that Government in connection with the adjudication of such claims.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 5, 1929.*

The SPEAKER pro tempore. Referred to the Committee on Ways and Means and ordered printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. CASEY, for an indefinite period, on account of illness.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and under the rule referred as follows:

S. 1513. An act granting travel pay and other allowances to certain soldiers of the Spanish-American War and the Philippine insurrection who were discharged in the Philippines; to the Committee on Military Affairs.

S. 3002. An act for the relief of Mina Bintliff; to the Committee on Claims.

S. 4604. An act for the relief of James L. McCulloch; to the Committee on the Public Lands.

S. 4736. An act for the repeal of the provisions in section 2 of the river and harbor act, approved March 3, 1925, for the removal of a dam at Grand Rapids, on the Wabash River, Illinois and Indiana; to the Committee on Rivers and Harbors.

S. 5094. An act making it a felony, with penalty, for certain aliens to enter the United States of America under certain conditions in violation of law; to the Committee on Immigration and Naturalization.

S. 5515. An act to amend section 95 of the Judicial Code, as amended; to the Committee on the Judiciary.

S. 5350. An act to amend the air commerce act of 1926, with reference to the examination and rating of schools giving instruction in flying; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 10774. An act for the relief of the Carlisle Commission Co.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 4818. An act for the relief of hay growers in Brazoria, Galveston, and Harris Counties, Tex.; and

S. 5578. An act recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crew of the U. S. S. *America*, and for other purposes.

ADJOURNMENT

Mr. FRENCH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow, Wednesday, February 6, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, February 6, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

To authorize and direct the Secretary of War to execute a lease with Air Nitrates Corporation and American Cyanamid Co. (H. R. 8305).

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Wool and manufactures of, February 6.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Legislative appropriation bill.
Second deficiency appropriation bill.

COMMITTEE ON EXPENDITURES IN EXECUTIVE DEPARTMENTS

(10.30 a. m.)

To authorize the President to consolidate and coordinate governmental activities affecting war veterans (H. R. 16722).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

Granting the consent of Congress to the Delaware and New Jersey Bridge Corporation, a corporation of the State of Delaware, domiciled at Wilmington, Del., its successors and assigns, to construct, maintain, and operate a bridge across the Delaware River. (H. R. 7725.)

Granting the consent of Congress to Stranahan, Harris & Oatis, a corporation organized under the laws of the State of Ohio, and Edward Ball, of the county of Duval, State of Florida, their successors and assigns, to construct, maintain, and operate a bridge across the Delaware River. (H. R. 8287.)

Authorizing the Delaware & New Jersey Bridge Corporation, a corporation of the State of Delaware, domiciled at Wilmington, Del., its successors and assigns, George A. Casey, of Wilmington, Del., Clifford R. Powell, of Mount Holly, N. J., and Anthony J. Siracusa, of Atlantic City, N. J., their heirs, executors, administrators, or assigns, to construct, maintain, and operate a bridge across the Delaware River at or near Wilmington, Del. (S. 1857.)

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

802. A letter from the Secretary of the Treasury, transmitting lists of covering papers, etc., which are not needed in the transaction of public business and have no permanent value, in the files of the Comptroller of the Currency, United States Coast Guard,

Commissioners of Internal Revenue, Prohibition, and the Public Debt Service; to the Committee on Disposition of Useless Executive Papers.

803. A communication from the President of the United States, transmitting draft of proposed legislation affecting an existing appropriation of the Federal Radio Commission (H. Doc. No. 552); to the Committee on Appropriations and ordered to be printed.

804. A communication from the President of the United States, transmitting draft of proposed legislation affecting existing appropriations of the United States Veterans' Bureau (H. Doc. No. 553); to the Committee on Appropriations and ordered to be printed.

805. A communication from the President of the United States, transmitting draft of proposed legislation affecting the use of an existing appropriation for the Post Office Department for the fiscal year 1929 (H. Doc. No. 554); to the Committee on Appropriations and ordered to be printed.

806. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the War Department for the fiscal year ending June 30, 1928, $4,932.92, and for the fiscal year ending June 30, 1929, $6,355,483, in all $6,360,415.92; also six drafts of proposed legislation affecting existing appropriations of the War Department (H. Doc. No. 555); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 16432. A bill granting the consent of Congress to the highway department of the county of Etowah, State of Alabama, to construct, maintain, and operate a toll bridge across the Coosa River at or near Gilberts Ferry; with an amendment (Rept. No. 2359). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 16423. A bill to extend the times for commencing and completing the construction of a bridge across Lake Sabine at or near Port Arthur, Tex.; with an amendment (Rept. No. 2360). Referred to the House Calendar.

Mr. BECK of Pennsylvania: Committee on Interstate and Foreign Commerce. H. R. 16170. A bill authorizing Walter J. Mitchell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Patuxent River between Charles County, Md., and Calvert County, Md.; with an amendment (Rept. No. 2361). Referred to the House Calendar.

Mr. SHALLENBERGER: Committee on Interstate and Foreign Commerce. H. R. 16425. A bill to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.; with an amendment (Rept. No. 2362). Referred to the House Calendar.

Mr. SHALLENBERGER: Committee on Interstate and Foreign Commerce. H. R. 16426. A bill to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Nebraska City, Nebr.; with an amendment (Rept. No. 2363). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 16427. A bill to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near the mouth of Indian Creek in Russell County, Ky.; with an amendment (Rept. No. 2364). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 16429. A bill granting the consent of Congress to the city of Savanna, State of Illinois, to construct a bridge across the Mississippi River, connecting the county of Carroll, Ill., and the county of Jackson, Iowa; with an amendment (Rept. No. 2365). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 16430. A bill extending the time for constructing a bridge across the Kanawha River at a point in or near the town of Henderson, W. Va., to a point opposite thereto in or near the city of Point Pleasant; with an amendment (Rept. No. 2366). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 16431. A bill extending the times for commencing and completing the construction of a bridge to be built across the Kanawha River at or near Henderson, W. Va., to a point opposite thereto at or near Point Pleasant, W. Va.; with an amendment (Rept. No. 2367). Referred to the House Calendar.

Mr. SHALLENBERGER: Committee on Interstate and Foreign Commerce. H. R. 16433. A bill to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Decatur, Nebr.; with an amendment (Rept. No. 2368). Referred to the House Calendar.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. H. R. 16448. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the village of Clearwater, Minn.; with amendment (Rept. No. 2369). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 16499. A bill to extend the times for commencing and completing the construction of a bridge across the Kanawha River at or near St. Albans, Kanawha County, W. Va.; without amendment (Rept. No. 2370). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 16524. A bill to extend the time for commencing and the time for completing the construction of a bridge across the Potomac River; with amendment (Rept. No. 2371). Referred to the House Calendar.

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. H. R. 16565. A bill authorizing the Hawesville & Cannelton Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cannelton, Ind.; without amendment (Rept. No. 2372). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 16719. A bill granting the consent of Congress to the city of Chattanooga and the county of Hamilton, Tenn., to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River at a point suitable to the interest of navigation, opposite or near Chattanooga, Hamilton County, Tenn.; with amendment (Rept. No. 2373). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Con. Res. 51. A concurrent resolution to appoint a committee from the Senate and House to represent the Congress of the United States at the celebration of the completion of the canalizing of the Ohio River from Pittsburgh, Pa., to Cairo, Ill., October 15 to 20, 1929; with amendment (Rept. No. 2374). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 307. A resolution providing for the consideration of the bill (S. 1271) to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement, and for other purposes; with amendment (Rept. No. 2375). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. J. Res. 398. A joint resolution to extend the period of time in which the Secretary of the Interior shall withhold his approval of the adjustment of Northern Pacific land grants, and for other purposes; with amendment (Rept. No. 2376). Referred to the House Calendar.

Mr. HOUSTON of Hawaii: Committee on Naval Affairs. H. R. 14923. A bill to amend the naval appropriation act for the fiscal year ended June 30, 1916, relative to the appointment of pay clerks and acting pay clerks; without amendment (Rept. No. 2379). Referred to the House Calendar.

Mr. WHITE of Maine: Committee on the Merchant Marine and Fisheries. S. 5073. An act to amend the act of Congress of June 26, 1906, entitled "An act for the protection of the fisheries of Alaska, and for other purposes"; without amendment (Rept. No. 2380). Referred to the House Calendar.

Mr. SMITH: Committee on the Public Lands. S. 1578. An act to add certain lands to the Idaho National Forest, Idaho; without amendment (Rept. No. 2381). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on the Public Lands. S. 4691. An act to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stats. 437), to certain lands in Utah, and for other purposes; without amendment (Rept. No. 2382). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on the Public Lands. S. 5014. An act authorizing the Secretary of the Interior to issue to the city of Bozeman, Mont., a patent to certain public land; without amendment (Rept. No. 2383). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Washington: Committee on the Public Lands. H. R. 15727. A bill to relinquish all right, title, and interest of

the United States in certain lands in the State of Washington; with amendment (Rept. No. 2384). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BULWINKLE: Committee on Claims. H. R. 10321. A bill for the relief of B. P. Stricklin; with amendment (Rept. No. 2377). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 6698. A bill for the relief of William C. Schmitt; with amendment (Rept. No. 2378). Referred to the Committee of the Whole House.

Mr. KNUTSON: Committee on Pensions. H. R. 16878. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors; with amendment (Rept. No. 2385). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FISH: A bill (H. R. 16874) authorizing the Commissioner of Prohibition to pay for information concerning violations of the narcotic laws of the United States; to the Committee on the Judiciary.

Also, a bill (H. R. 16875) authorizing the appointment of narcotic inspectors or agents of the Bureau of Prohibition to duty in any foreign country; to the Committee on the Judiciary.

By Mrs. KAHN: A bill (H. R. 16876) relinquishing the right and title of the United States to certain land on Point San Jose, San Francisco, Calif.; to the Committee on Military Affairs.

By Mr. WAINWRIGHT: A bill (H. R. 16877) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands; to the Committee on Insular Affairs.

By Mr. KNUTSON: A bill (H. R. 16878) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; committed to the Committee of the Whole House.

By Mr. FISH: A bill (H. R. 16879) to amend the World War veterans' act; to the Committee on World War Veterans' Legislation.

By Mr. FREE: A bill (H. R. 16880) granting preference within the quota to certain aliens trained and skilled in a particular art, craft, technique, business, or science; to the Committee on Immigration and Naturalization.

By Mr. KIESS: A bill (H. R. 16881) to approve, ratify, and confirm an act of the Philippine Legislature entitled "An act amending the corporation law, Act No. 1459, as amended, and for other purposes," enacted November 8, 1928, approved by the Governor General of the Philippine Islands December 3, 1928; to the Committee on Insular Affairs.

By Mr. LaGUARDIA: A bill (H. R. 16882) to provide for the examination and rating of air navigation facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SUMMERS of Washington: A bill (H. R. 16883) proposing to amend section 17 of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. WELLER: A bill (H. R. 16884) to promote temperance in the United States; to the Committee on the Judiciary.

By Mr. ZIHLMAN: A bill (H. R. 16885) to amend section 6 of the act of June 30, 1906, entitled "An act to prohibit the killing of wild birds and wild animals in the District of Columbia," and thereby establish a game and bird sanctuary of the Potomac River in the said District; to the Committee on the District of Columbia.

By Mr. LOWREY: Concurrent resolution (H. Con. Res. 54) that the statue of Jefferson Davis be placed in Statuary Hall; to the Committee on the Library.

Also, concurrent resolution (H. Con. Res. 55) that the statue of James Z. George be placed in Statuary Hall; to the Committee on the Library.

By Mr. HAUGEN: Resolution (H. Res. 308) for the consideration of S. J. Res. 182, for the relief of farmers in the storm and flood stricken areas of the southeastern United States; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Arizona, expressing their sorrow at the passing of Hon. Oscar W. Underwood; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 16886) granting an increase of pension to Nellie Manion; to the Committee on Invalid Pensions.

By Mr. BURDICK: A bill (H. R. 16887) for the relief of Capt. George S. Seibels, Supply Corps, United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 16888) for the relief of Capt. Chester G. Mayo, Supply Corps, United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 16889) for the relief of Lieut. Francis D. Humphrey, Supply Corps, United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 16890) for the relief of Capt. P. J. Willett, Supply Corps, United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 16891) for the relief of Lieut. Arthur W. Babcock, Supply Corps, United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 16892) for the relief of Daniel A. Newman, formerly a lieutenant in the Supply Corps, Naval Reserve Force; to the Committee on Naval Affairs.

Also, a bill (H. R. 16893) for the relief of Lieut. Thomas C. Edrington, Supply Corps, United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 16894) for the relief of Lieut. Edward F. Ney, Supply Corps, United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 16895) for the relief of Lieut. Henry Guilmette, Supply Corps, United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 16896) for the relief of Capt. Walter B. Izard, Supply Corps, United States Navy, retired; to the Committee on Naval Affairs.

Also, a bill (H. R. 16897) for the relief of Lieut. Edward Mixon, Supply Corps, United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 16898) for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 16899) for the relief of Lieut. Archy W. Barnes, Supply Corps, United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 16900) for the relief of Capt. William L. F. Simonpietri, Supply Corps, United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 16901) for the relief of Capt. John H. Merriam, Supply Corps, United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 16902) for the relief of Lieut. John M. Holmes, Supply Corps, United States Navy; to the Committee on Naval Affairs.

Also, a bill (H. R. 16903) for the relief of Lieut. Commander Thomas Cochran, Supply Corps, United States Navy; to the Committee on Naval Affairs.

By Mr. CRAIL: A bill (H. R. 16904) granting a pension to Rosanna Monroe; to the Committee on Invalid Pensions.

By Mr. GARBER: A bill (H. R. 16905) granting a pension to James Virgil Wright; to the Committee on Pensions.

By Mr. HUDSPETH: A bill (H. R. 16906) granting a pension to Arthur Hunt; to the Committee on Pensions.

By Mr. JENKINS: A bill (H. R. 16907) granting a pension to Mary J. Brown; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 16908) granting a pension to Zue McLaughlin; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 16909) granting a pension to Alice M. McCrea; to the Committee on Pensions.

By Mrs. LANGLEY: A bill (H. R. 16910) granting an increase of pension to Harlan C. Allen; to the Committee on Pensions.

By Mr. McSWAIN: A bill (H. R. 16911) granting a pension to John O. Bright; to the Committee on Pensions.

By Mr. NELSON of Missouri: A bill (H. R. 16912) granting a pension to Sarah Ann Jones; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 16913) granting an increase of pension to Addie L. Wright; to the Committee on Pensions.

By Mr. RUTHERFORD: A bill (H. R. 16914) for the relief of J. H. B. Wilder; to the Committee on Claims.

By Mr. REECE: A bill (H. R. 16915) for the relief of Margaret Daniels; to the Committee on Military Affairs.

By Mr. SPROUL of Kansas: A bill (H. R. 16916) granting a pension to Kenneth B. Hull; to the Committee on Pensions.

By Mr. UNDERWOOD: A bill (H. R. 16917) granting an increase of pension to Mary Jane Outcalt; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8607. By Mr. BLOOM: Petition of the Naval Camp, No. 49, United Spanish War Veterans, favoring the passage of the Knutson bill (H. R. 14676); to the Committee on Pensions.

8608. By Mr. COOPER of Wisconsin: Petition of members of Louis R. Miller Camp, No. 21, United Spanish War Veterans, Whitewater, Wis., urging passage of House bill 14676, to increase pensions of Spanish War veterans; to the Committee on Pensions.

8609. By Mr. FULMER: Petition of Joe McNamara and others, protesting against any increase in tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

8610. Also, petition of A. Mazursky and others, Sumter, S. C., protesting against any increase of tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

8611. By Mr. GARBER: Petition of JOHN W. SUMMERS, fourth district, State of Washington, in support of Columbia Basin bill; to the Committee on Irrigation and Reclamation.

8612. Also, petition of Newell & Wallace, attorneys at law, Topeka, Kans., supporting House bill 13452, to amend the copyright act; to the Committee on Patents.

8613. Also, petition of National Association of Railroad and Utilities Commissioners, written by Charles Webster, vice president, in support of Parker bus bill (H. R. 15621); to the Committee on Interstate and Foreign Commerce.

8614. By Mr. HUDDLESTON: Petition of Stanley Kleindienst, of Birmingham, concerning the care of Indian children; to the Committee on Indian Affairs.

8615. By Mr. JOHNSON of Texas: Petition of Texas Reclamation and Drainage Association, John T. Fortson, president, Guy M. Gibson, secretary-treasurer, indorsing Senate bill 4689 (Smoot bill); to the Committee on Irrigation and Reclamation.

8616. By Mr. KVALE: Petition of 150 members of Hanley Falls Shipping Association, Hanley Falls, Minn., by Ole J. Hardy, president, and J. H. Haraldson, secretary, urging enactment of legislation to permit the Secretary of Agriculture to exercise adequate control over private livestock markets in order to curb the present damaging effect of these markets in eliminating competitive buying; to the Committee on Agriculture.

8617. By Mr. LINDSAY: Petition of Brooklyn Children's Museum, bespeaking in behalf of a clientele of 263,000 vistors and a membership of 1,650, that favorable action be taken on the Norbeck game refuge bill; to the Committee on Agriculture.

8618. Also, petition of Naval Camp, No. 49, United Spanish War Veterans, Brooklyn, N. Y., urging favorable action on House bill 14676, granting pensions and increase of pensions to Spanish War veterans; to the Committee on Pensions.

8619. Also, petition of Frank Hinge, Brooklyn, N. Y., presenting resolution of the members of Gen. Henry W. Lawton Camp, United Spanish War Veterans, soliciting favorable consideration of House Resolution 14676, granting pensions and increase of pensions to certain soldiers, sailors, marines, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition; to the Committee on Pensions.

8620. By Mr. McCORMACK: Petition of Mary E. Ward, 10 Shepton Street, Dorchester, Mass., protesting against enactment of the Newton child welfare extension bill and the equal rights amendment to the Federal Constitution; to the Committee on Interstate and Foreign Commerce.

8621. By Mr. O'CONNELL: Petition of Dr. Lillian Delger Powers, of New York City; Mrs. Renie du Pont Donaldson, of Irvington on the Hudson, N. Y.; and William Quaid, of New York City, favoring the passage of the Norbeck game refuge bill (S. 1271); to the Committee on Agriculture.

8622. Also, petition of Anna B. Gallup, curator in chief, Brooklyn Children's Museum, Brooklyn, N. Y., favoring the passage of the Norbeck game refuge bill (S. 1271); to the Committee on Agriculture.

8623. By Mr. PARKS: Petition of citizens of Arkansas, urging the passage of a bill that will establish a moritorium for the payment of drainage bonds; to the Committee on Agriculture.

8624. By Mr. SHREVE: Petition of the Fanny Spaulding Branch of the Women's Christian Temperance Union, with a membership of 50, in regular session at Union City, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford Sunday rest bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8625. Also, petition of the members (12 in number) of the Jane Cardot Branch of the Women's Christian Temperance Union, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8626. Also, petition of the Lillian Stevens Branch of the Women's Christian Temperance Union, 40 members, at a called meeting at Erie, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8627. Also, petition of the Edinboro Union of the Women's Christian Temperance Union, 47 members, in session at Edinboro, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8628. Also, petition from rural carriers of Cochranton, Pa., in favor of Senate bill 1727, giving optional retirement after 30 years' service when the age of 63 years is attained, with annuities increased to $1,200 per year; also from Branch 548, United National Association of Post Office Clerks, Cambridge Springs, Pa., favoring same bill (S. 1727); to the Committee on the Civil Service.

8629. Also, petition of the Gresham Woman's Christian Temperance Union, with 31 members, in session, of Crawford County, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8630. Also, petition of 254 citizens of the twenty-ninth congressional district of the State of Pennsylvania, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8631. By Mr. TEMPLE: Petition of the Beallsville Presbyterian Church, membership of 94, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8632. Also, petition of the congregation of the Presbyterian Church at West Alexandria, Pa., having a membership of 442, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8633. Also, petition of the 75 members of the First Baptist Church of Donora, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8634. Also, petition of 345 members of the First United Presbyterian Church of Donora, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8635. Also, petition of 202 members of the Claysville United Presbyterian Church, of Claysville, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8636. Also, petition of 75 members of the Women's Christian Temperance Union, of Claysville, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8637. Also, petition of 300 members of the Claysville Presbyterian Church, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8638. Also, petition of 75 members of the Claysville Baptist Church, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8639. Also, petition of 75 members of the Claysville Church of Christ, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8640. Also, petition of 648 members of the Canonsburg United Presbyterian Church, Canonsburg, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8641. Also, petition of 602 members of the Houston United Presbyterian Church, of Houston, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in the enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8642. Also, petition of 630 members of the First Presbyterian Church, of Canonsburg, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8643. Also, petition of 150 members of the Canonsburg Methodist Episcopal Church, of Canonsburg, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford Sunday bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8644. Also, petition of 700 members of the Chartiers United Presbyterian Church, of Canonsburg, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8645. Also, petition of 213 members of the Central Presbyterian Church, of Canonsburg, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8646. Also, petition of 240 members of the Woman's Christian Temperance Union, of Canonsburg, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8647. Also, petition of 23 citizens of Amity, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8648. Also, petition of the members (133) of the Windy Gap Presbyterian Church, near Claysville, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8649. By Mr. THURSTON: Petition of 15 citizens of Osceola, Iowa, urging the Congress to pass a measure increasing the amount of pensions now allowed to Civil War veterans and their dependents; to the Committee on Invalid Pensions.

8650. Also, petition of William Koch and 177 students in the Theodore Roosevelt High School, Des Moines, Iowa, urging the Congress to favorably act upon the Norbeck game refuge bill; to the Committee on Agriculture.

SENATE

WEDNESDAY, *February 6, 1929*

(Legislative day of Monday, February 4, 1929)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. JONES. Mr. President, I think we had better have a quorum. Therefore I make the point of no quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McNary	Simmons
Barkley	George	Mayfield	Smith
Bayard	Gerry	Moses	Steck
Black	Gillett	Neely	Steiwer
Blaine	Glass	Norbeck	Stephens
Blease	Glenn	Norris	Swanson
Borah	Goff	Nye	Thomas, Idaho
Bratton	Gould	Oddie	Thomas, Okla.
Brookhart	Greene	Overman	Trammell
Bruce	Hale	Phipps	Tydings
Burton	Harris	Pine	Tyson
Capper	Harrison	Pittman	Vandenberg
Caraway	Hawes	Ransdell	Wagner
Copeland	Hayden	Reed, Mo.	Walsh, Mass.
Couzens	Heflin	Reed, Pa.	Walsh, Mont.
Curtis	Johnson	Robinson, Ark.	Warren
Dale	Jones	Robinson, Ind.	Waterman
Deneen	Kendrick	Sackett	Watson
Dill	Keyes	Schall	Wheeler
Edge	King	Sheppard	
Edwards	McKellar	Shipstead	
Fess	McMaster	Shortridge	

Mr. JONES. I desire to announce that the Senator from Rhode Island [Mr. METCALF], the Senator from Connecticut [Mr. BINGHAM], the Senator from Delaware [Mr. HASTINGS], and the Senator from New Mexico [Mr. LARRAZOLO] are detained from the Senate by illness.

Mr. BLAINE. My colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably detained from the Senate by illness. I ask that this announcement may stand for the day.

Mr. NORRIS. I wish to announce that my colleague the junior Senator from Nebraska [Mr. HOWELL] is absent by reason of illness. I will let this announcement stand for the day.

Mr. TRAMMELL. I wish to announce the unavoidable absence of my colleague [Mr. FLETCHER].

Mr. RANSDELL. I desire to announce the necessary absence of my colleague [Mr. BROUSSARD] on account of illness.

The PRESIDING OFFICER (Mr. BLEASE in the chair). Eighty-five Senators having answered to their names, a quorum is present.

PROHIBITION SENTIMENT IN MARYLAND

The PRESIDING OFFICER. The Senator from Louisiana [Mr. RANSDELL] is entitled to the floor.

Mr. BRUCE. Mr. President, will the Senator from Louisiana yield to me just a moment?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Maryland?

Mr. RANSDELL. I yield.

Mr. BRUCE. Several times the impression has been sought to be created in this Chamber that the State of Maryland has undergone a change of heart in relation to prohibition. I desire to have inserted in the CONGRESSIONAL RECORD a dispatch appearing in the Baltimore Evening Sun from Annapolis on the 5th instant, bringing the attention of the public to the fact that a proposed prohibition State enforcement law in the State of Maryland has just been defeated.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maryland? Without objection, it is so ordered.

The matter referred to is as follows:

[From the Evening Sun Bureau]

PROPOSED STATE DRY LAW DEFEATED BY DELEGATES AND SQUASHED FOR SESSION—MEASURE BEATEN IN HOUSE AFTER BEING UNFAVORABLY REPORTED BY COMMITTEE ON TEMPERANCE—ATTEMPT TO SUBSTITUTE IT FOR REPORT GOES DOWN UNDER VOTES OF WET BLOC—VOTE ON UNFAVORABLE ACTION THEN RECONSIDERED AND REPORT LAID ON TABLE AS MANEUVER TO PREVENT RECURRENCE

STATEHOUSE, ANNAPOLIS, February 5.—The proposed dry law for Maryland was defeated in the house of delegates to-day and nailed down with a legislative clincher which will prevent any other measure having the same subject matter from coming before the house for the remainder of the session.

Mr. BRUCE. I would like to have inserted at the same time and ask to have read——

Mr. RANSDELL. Mr. President, I shall really have to object to anything being read in my time.

Mr. BRUCE. Very well; I shall offer it later.

Mr. NEELY. Mr. President, in view of the request of the Senator from Maryland [Mr. BRUCE] and the bitter debate of yesterday afternoon, I trust that it will not be considered an unpardonable asperity for me to voice the hope that the Members of the Senate will some time end their acrimonious discussion of religion and prohibition and begin to practice the precepts of the one and obey the laws of the other.

CONSERVATION OF WILD LIFE—ADDRESS OF HON. HARRY B. HAWES

Mr. TYDINGS. Mr. President, I ask unanimous consent to have printed in the RECORD a speech delivered by the junior Senator from Missouri [Mr. HAWES] on the duty of Congress to conserve wild life. The speech was delivered over the radio Tuesday, February 5, at 7 p. m.

There being no objection, the speech was ordered to be printed in the RECORD, and it is as follows:

THE DUTY OF CONGRESS TO CONSERVE WILD LIFE

Patriotic and public-spirited women have requested me to occupy your time for a few minutes in discussing wild-life conservation and the "big outdoors," indicating some things that Congress may do.

Very naturally the most effective conservation must come from the State, but there is a supplemental work to be carried on by the Federal Government which presents a large and inviting field for congressional action.

Fortunately, public sentiment has developed to a very high degree in favor of wild-life conservation.

The Izaak Walton League, with its 2,000 chapters scattered throughout the United States, the Boy Scouts, with their outdoor training, the Girl Scouts, game and fish protective associations, and game wardens are displaying unusual energy and persistence in not only directing State and National attention to this subject, but are securing real practical enactments, both State and Federal.

Our recent participation in the World War and the physical examination given to some 4,000,000 men called under the draft disclosed an appalling number of physically unfit. It shocked national conscience. It was a surprise to many men who went through these physical examinations, and they have undoubtedly tried to remedy the defects then discovered and have found that the best reparation comes from exercise in the "big outdoors."

The meetings of the American Legion, the summer training of reserve officers, have advanced both the study of and an enthusiasm for this subject.

The golfer has done his part. Nearly every community in every portion of the United States now has its golf course, all part of the movement for outdoor exercise, all leading to more enthusiasts for outdoor play and recreation.

Propaganda, therefore, is not so necessary as formerly; but there is a demand for concentrating national thought on this subject and reducing it to express terms of State and National legislative enactments.

We have been draining our swamp lands and destroying natural sanctuaries; cutting down and wiping out our forests; destroying wild-life refuges.

We have been polluting our streams and destroying in this way, thoughtlessly but ruthlessly, fish, animal, and bird life.

And we are at the same time destroying human life and shortening our years of usefulness.

We all know that exercise and proper food are two of the great elements necessary for health, but we are now beginning to understand that the third great element is pure air, lots of it, and that a change of air is as necessary as a change in exercise and diet. This is procured only in the "big outdoors."

Congress can stop the pollution of all navigable streams. It can purchase now, at a small price, while lands are cheap, and especially during its national work of reclamation and flood control, swamp lands and other areas.

It can protect birds and wild fowl in their migratory flight.

It can supply game sanctuaries in waste lands, protecting the breeding and propagation of bird and animal life.

It can, through its agencies, fight the fish and game hog, protect fish during the spawning season and game during the mating season.

It can reduce the size of the bag, the number of the catch, and, by intelligent bulletins, educate sportsmen, anglers, and campers in the matter of conservation.

It can use overflow lands in our river basins for sanctuaries.

It can use the great national highways for reforestation.

It certainly can preserve Government lands in their native state.

All navigable streams are under Federal jurisdiction. Their pollution can be stopped, fish traps destroyed, spillways built, trapping and seining of certain species prohibited.

It can purchase and set aside great national game sanctuaries in each of the States.

In the midst of a busy and strenuous congressional life I have found both a fine mental and physical exhilaration in giving some attention to this subject.

Finding that there are some 7,000,000 dogs in the United States, I secured the publication of national bulletins for the benefit of "man's best friend," secured the enactment of a law for the upper Mississippi River, which embraces some 300 miles of river-shore line, and the purchase of 250,000 acres of waste bottom lands, all put in one great fish and game sanctuary; a national bill protecting the black bass in the District of Columbia, and another bill prohibiting the interstate shipment of black bass for commercial purposes.

Scientists have told us that the yearly toll of black bass is so great compared with the yearly hatch that this greatest of American fishes is certain to become extinct within 10 years unless the States and the Nation preserve it.

The bass is undoubtedly the great American game fish and the favorite fish of millions of the rank and file of American anglers.

It is strange but true that the building of our great highways has been a new contributing cause of the extermination of fish and wild life. It has brought the fisherman and hunter in closer contact with his game. It has made it easier to catch fish and kill ducks and other game. Formerly it required a whole day for a fishing trip. Now, in the automobile, a few hours bridge the distance.

We issue each year over 7,000,000 hunting licenses, and over 15,000,000 fishing licenses. Nearly twice as many men take out these hunting licenses as were in our American Army in the World War; over three times as many men and women take out fishing licenses.

Try to imagine this terrific toll in the destruction of wild life!

It becomes necessary, therefore, to bring an understanding to our citizenship which will cause it to consider it a crime to rob America of its outdoor lands, and that our Nation's welfare and health depend upon the conservation of our woods, waters, and wild life.

Personally, I think this conservation makes for better citizenship. It preserves some of the frontier spirit of our forefathers.

It is said these forefathers came with the Bible in one hand and a rifle in the other. Some of their descendants have lost the rifle; some the Bible; some both the Bible and the rifle. We must restore the confidence and strength that a knowledge of the rifle brings, while we are preserving the spiritual strength that comes from the Bible.

We must bring back, by purchase, as much of the "big outdoors" as possible, where strong men in spiritual power find their best nourishment.

When we lose our "pep," when good food tastes bad, when friends do not satisfy, when life becomes a bore, when music seems out of tune, when the old dog annoys, when the doctor fails, and the good wife irritates, there is but one remedy for the run-down, and it is found in the forests and on the streams in the "big outdoors."

There we go to church and worship God by conversing with the things that he made, listening to sermons from rocks and trees and choir music from the birds.

If you need a fresh start and want to lose the run-down feeling and get back your "pep," go fishing.

It is a notable fact that of the twelve Apostles selected by Christ four were fishermen.

They were natural philosophers who made their living in the big, wide open; who knew the stars, the tempest, the sea, the sun, the moon, the winds, and the calm.

They were prepared for a campaign for men because they had first campaigned with the elements of nature.

Study of nature had prepared them for a study of men, and their thoughts and teachings were big, like the outdoors from whence they came.

Every great man we have had was an outdoor man. Every man with big thoughts is at some time compelled to get away from the little things that cramp and bind and forced to seek a revitalization, new energy, and a broader perspective by contact with nature.

The city bed and fancy sanitation are luxuries made more attractive by a week on the ground; the camp fire makes the radiator endurable; the flapjack, the bacon, and the browned fish bring the "comeback" after hard work and the hotel menu.

The city and the town have their call, but they have a sameness and a "too sureness" to be palatable for all of the 12 months.

To find rest we must find a change. The same streets, the same roofs, the same faces, the same sights, though of the best, like food of the same kind, pall upon the appetite and tire the brain.

We must find real rest by seeking contrast, by finding the "big outdoors," by not living too much and too long indoors.

The doctor tries his medicine and fails, the friend his companionship and fails; and if they are wise physicians and thoughtful friends, they advise a change of scenery, a new environment.

What is becoming of our "big outdoors"? Where are the animals, the birds, and the fishes whose presence renewed the primitive and stronger natural instincts? They are disappearing, now almost gone.

Can individuals stay their departure? Can citizens hold these things for our children? Not by individual action. Only the State and

Nation are strong enough to keep these retreats and asylums for the benefit of both the wild things and for men and women.

When we lose the "big outdoors," we lose part of our national pride, pluck, and patriotism.

When we keep the "big outdoors," we keep our best thoughts, our best resolutions, and, above all, our best traditions.

When we keep our "outdoors" we make a real, substantial, dividend-paying investment in national prosperity, in national health, in national conscience, and public welfare.

The "big outdoors" saves the strength, saves the nerves, saves the brain, and saves the doctor bill.

Our Federal Government should buy some of the "big outdoors" now, when opportunity knocks and the price is cheap, and then buy more when opportunity comes again.

The "big outdoors" is for the poor and for the rich; it is for all of our people; and we can not buy too much now, for soon there will be none to buy.

If you want to lend a hand, write to your State and Federal lawmakers. If they know you are in earnest about it, they will respond by making the necessary laws.

Let me thank you for your consideration and attention.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 15092) to authorize an appropriation to pay half the cost of a bridge near the Soboba Indian Reservation, Calif., in which it requested the concurrence of the Senate.

NATIONAL INSTITUTE OF HEALTH

Mr. RANSDELL. Mr. President, I rise to discuss Senate bill 4518, to create a national institute of health, to create a system of fellowships in said institute, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings, and for other purposes, which was first introduced by me July 1, 1926, reintroduced December 9, 1927, again reintroduced May 21, 1928, and favorably reported to the Senate May 25, 1928.

While this measure is being briefly explained I appeal for the attention of all Senators who in their own persons or in the persons of members of their families have suffered from disease. This bill is unique, and differs from any presented to Congress during the 30 years of my public service. Its purposes are wholly altruistic. It seeks to prevent sickness and suffering among all human beings, regardless of station, the rich and poor alike being subject to the same illness and pain. It does not offer special aid or advantage to anyone, but its benefits reach all mankind. It is not sponsored by selfish interests, though favored by many who love their fellows, and depends for support upon its merits alone.

THE INTENT OF THE BILL

The object of this bill is to promote the health of human beings, to improve their earning capacity, to reduce their living expenses, to increase their happiness, and prolong their lives.

It seeks to prevent disease by ascertaining its cause and applying preventive measures in advance of its outbreak.

It serves unselfish interests, and its beneficent results will enter every home in the Nation.

It appreciates that disease is universal and ignores State and National lines, hence it seeks to establish in this Capital City a great national institute of health in the belief that it will become a clearing house of health for all the world.

It has received the indorsements of distinguished men of science and of many national organizations of scientific research.

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Arkansas?

Mr. RANSDELL. I yield.

Mr. CARAWAY. I should like to call attention to the platform, adopted at the last Democratic convention, indorsing specifically this proposal of the Senator from Louisiana, and, with his permission, I should like to have it inserted in the RECORD. I will have it read, or I will have it printed in the RECORD.

Mr. RANSDELL. I should be glad to have the Senator from Arkansas read it, if he will.

Mr. CARAWAY. I will read it. It is as follows:

PUBLIC HEALTH

The Democratic Party recognizes that not only the productive wealth of the Nation but its contentment and happiness depend upon the health of its citizens. It therefore pledges itself to enlarge the existing Bureau of Public Health and to do all things possible to stamp out communicable and contagious diseases and to ascertain preventive means and remedies for these diseases, such as cancer, infantile paralysis, and others which heretofore have largely defied the skill of physicians.

We pledge our party to spare no means to lift the apprehension of diseases from the minds of our people and to appropriate all moneys necessary thereto to carry out this pledge.

That plank was adopted unanimously by the Democratic National Convention at Houston last June.

Mr. RANSDELL. I thank the Senator from Arkansas.

Mr. WALSH of Massachusetts. Mr. President, with the permission of the Senator from Louisiana, I might add that the plank just read was prepared and presented by the Senator from Arkansas [Mr. CARAWAY].

Mr. RANSDELL. I am glad to have that contribution also. I think the Senator from Arkansas performed a very worthy and important public service when he proposed and secured the adoption of that plank of the platform.

Mr. President, the bill contains three distinct features:

First. The creation of a national institute of health in the Public Health Service under the administrative direction and control of the Surgeon General, for the special purpose of pure scientific research to ascertain the cause, prevention, and cure of diseases affecting human beings. It does not create any new bureaus or new commissions, but utilizes existing Government machinery and provides for much enlargement of the Hygienic Laboratory, which is merged in and made an essential part of the national institute. It authorizes appropriation of such sums as may be adequate to carry out the provisions of the measure.

Second. It authorizes the Treasury Department to accept gifts unconditionally for study, investigation, and research in problems relating to the health of man and matters pertaining thereto, with the proviso that if gifts in the sum of half a million dollars or more are made, the name of the donor shall be attached thereto.

Third. It proposes the establishment and maintenance in the institute of a system of fellowships in scientific research in order to secure the proper scientific personnel and to encourage and aid men and women of marked proficiency to combat the diseases that menace human health.

THE PLAN OF THE INSTITUTE

The plan of the institute is to make of it a great cooperative scientific organization in which leading experts in every branch of science will be brought together and given opportunity to work in unison for the purpose of discovering all the natural laws governing human life, and especially to learn those variations of such laws which are detrimental to human health. It is confidently believed that if there is brought together in one central place, under one directing head, the very ablest experts in the sciences of medicine, surgery, chemistry, physics, biology, bacteriology, pharmacology, pharmacy, dentistry, and so forth, and a concentrated, united effort for a term of years is made by them against disease, singling out first the more important maladies such as cancer, tuberculosis, common cold, pneumonia, and so forth, that success will result therefrom.

While very remarkable and most beneficial efforts have been made in the war against disease by our great medical schools and endowed institutions, there has never been in any one place a combination and concentration of all the branches of science such as is contemplated in the national institute of health. In our medical schools, hospitals, and health institutions of many kinds, public and private, constant work is in progress and should be generously supported; but too often the workers are isolated and can devote only part time to research because of other duties. Too often the chemist needs the knowledge and technique of the biologist, and equally often the biologist needs the chemist's information and point of view.

It is thought that liberal donations to assist in the support of the institute will be made by public-spirited citizens who desire to benefit their fellow men. Any such gifts will be held in trust by the Secretary of the Treasury, and the income thereof administered by the Surgeon General solely for the purposes indicated in the bill, with all the safeguards attendant upon Federal appropriations. These donations must be accepted by the Secretary "unconditionally for study, investigation, and research in problems of the diseases of man and matters pertaining thereto." A case in point is the Smithsonian Institution, which was established by a donation of $550,000 made by James Smithson, an Englishman, in 1826 to the United States for the increase and diffusion of knowledge among men. The Smithsonian Institution is one of the greatest research institutions in the world, and has been of incalculable value. How much good might have accrued had Smithson been able to make a similar donation for the purpose of preventing disease among men? Another case is a Federal statute passed several years ago authorizing the Library of Congress to accept donations, under which authority about $2,000,000 have been received.

The system of fellowships for researchers of demonstrated proficiency is a most important one. They would offer inducement and opportunty for those specially qualified for this line of research to serve their fellow men in the most useful of all ways. Moreover, the larger salaries permissible under this system would insure retention of many high-grade scientists who in the past have been lost to other institutions by flattering financial offers. While it is contemplated that the bulk of this research work will be carried out in the laboratories in Washington, nevertheless it is not so limited, for under the terms of the bill these "fellows" could be assigned to a definite problem in educational or endowed institutions in any other part of this or other countries, wherever it would be most advantageous for the problem to be worked upon. The existence of such fellowships will direct the attention of promising young men and women to the desirability of equipping themselves for life work in this most important of all fields of applied science. A system of fellowships established by the Rockefeller Foundation in its war on hookworm was found to be very successful, and aided that great organization materially in bringing this disease under control.

THE NECESSITY FOR A NATIONAL INSTITUTE OF HEALTH

Disease is the greatest and most formidable enemy of human life, also of animal and vegetable life. There are millions of sufferers from painful, consuming diseases about which little or nothing is known, but which cause many deaths and great economic loss. A vast amount of pure research work demands the attention of scientists, and its application for the prevention of sickness and alleviation of suffering. It is only through the joint, intensive, cooperative efforts of chemist, physicist, physiologist, pharmacologist, pathologist, immunologist, dentist, surgeon, physician, and so forth, that preventive measures and remedies must come for unconquered diseases. We can not plead that there is no field for our Government to enter. The problems to be solved are manifold.

Mr. NEELY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from West Virginia?

Mr. RANSDELL. I will be glad to yield to the Senator from West Virginia.

Mr. NEELY. The persistent and appalling increase in the death rate from cancer, which is mankind's most deadly and defiant foe, refutes the anticipated contention that there is no field of conquest for the institute which the Senator from Louisiana seeks to establish.

Mr. RANSDELL. That is quite true. I understand that last year something like 120,000 human beings died from cancer in this country.

Mr. NEELY. The complete statistics for 1928 are not available. But during the year 1927 more than 103,000 died from cancer in the registration area of the United States, which included only 91 per cent of our population. And since the adjournment of Congress last year cancer has vacated two of the seats in the Senate Chamber.

Mr. RANSDELL. I thank the Senator; and I should like to add, as the Senator states, that if there were nothing else to fight but cancer it would be well worth while to make the effort.

To illustrate, I will name a few of the more common diseases which still baffle medical skill and remain a curse to humanity: Hay fever, anemia, mental troubles, heart disease, diseases of tonsils and adenoids, infection of the teeth, stones in the bladder or kidney, nephritis, rheumatism, diabetes, common cold, influenza, tuberculosis, pneumonia, cancer, high and low blood pressure. This list of unconquered diseases is only a partial one, but what a vast field for research work. It illustrates convincingly the imperative need for a national institute of health. The problems to be solved are not limited to the diseases which have afflicted man throughout centuries.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. RANSDELL. I am glad to yield.

Mr. COPELAND. I assume that the Senator, in the course of his remarks, will say something more about influenza.

Mr. RANSDELL. I intend to do so, sir; but I shall be glad if the Senator will tell us about it now, because I know of no man in the country better qualified than he to explain it. I shall be glad if he will do so at this moment.

Mr. COPELAND. I thank the Senator. In connection with what he has just said about the unconquerable disease, it is a lamentable thing to think that in the course of 10 years since the dreadful epidemic of 1918 no progress whatever has been made in the control or cure or prevention of influenza. To my mind, it demonstrates as much as any one thing can how important it is that the bill proposed by the Senator from Louisiana should be enacted into law. We spend millions for hog cholera and plant diseases and the diseases of animals, and I am glad we do, because it is very necessary that we should have food, both animal food and plant food; but we are neglecting, and neglecting in a very serious way, any effort to control human disease.

Mr. OVERMAN. Mr. President, will the Senator yield to me for a question?

Mr. RANSDELL. I shall be glad to yield as soon as the Senator from New York finishes.

Mr. COPELAND. I hope the Senator from North Carolina will ask his question now.

Mr. OVERMAN. I do not mean by this question that I am opposed to this bill. The Senator is informed on this subject; and I desire to ask him how many institutes for this purpose have been established by donations in this country? There is the Rockefeller Foundation or Institute. How many others are there? There is one in Chicago, I believe.

Mr. COPELAND. I am very glad to answer the Senator from North Carolina. There are a great many institutions. The Rockefeller Foundation, the Rockefeller Institute in New York, is doing a wonderful amount of work in limited fields—for instance, in pneumonia—and the contributions it has made to medical science are not only interesting but they are tremendously important, because certain types of pneumonia now are brought under control by what has been accomplished by the Rockefeller Foundation. But the Senator has pointed out this fact: There are a great many independent workers about the country in small laboratories where these men have gone forward with the solution of the problems presented, and they have gone just as far as the facilities of that limited laboratory will permit. They have reached the point where they need the advice of men in other branches of science in order that they may go forward with them, and that is contemplated by this measure.

For instance, suppose that in the State of North Carolina there was a laboratory of distinction, as there is in that State; there are several, indeed. The time must come when the men in those laboratories have exhausted the possibilities of research, so far as those particular institutions are concerned. They need the larger opportunities for work that would be afforded by the national institute of health proposed by the Senator from Louisiana; and then, more than that, this bill contemplates that the Government may go to the laboratory in North Carolina, supply it with funds, and if need be with workers, in order that they may coordinate and embellish and enlarge upon the work done there, and so out of this coordination will grow positive progress in the knowledge and prevention of disease.

It is an interesting thing. As the Senator presenting the matter knows, there came before the subcommittee laboratory men from Yale and Harvard and other great universities where research is going on to say that they welcomed this place of coordinated effort; and so I think there may come out of it, if it is enacted into law, something of real benefit to humanity.

But I want to go back to influenza.

In 1918 we had an epidemic of influenza which traveled over the entire world. More persons died from influenza in 1918 than died in all the wars of all history. Just think of it! More persons died from influenza than in all the wars of all history. That was 10 years ago; and yet when the influenza came this year we found ourselves in possession of no more knowledge of the nature of the disease or its control or cure than we had in 1918. I believe, if the Senator will permit me to say it, that if his measure is enacted into law there will be established an institution which will do in some measure for human beings in this city what the great Agricultural Department has done for plant and animal life; and certainly we are just as much interested, Mr. President, in the preservation of human life as we are in the preservation of the lower animals and of plant life.

I am sorry that I took so much of the Senator's time.

Mr. RANSDELL. I am very glad, indeed, the Senator took the time; and, elaborating somewhat upon what he said about our liberal appropriations for plants and animals, in the five years prior to 1929 the total appropriations made by Congress for plant and animal life aggregated about $54,000,000; and they were all wise appropriations. They were to fight the diseases of animals and of plants, and we depend upon plants and animals for our food and living. During the same period we appropriated something under $4,000,000 to make scientific research and investigations into the diseases of human beings.

Think of that, Senators! Fifty-four millions for plant and animal disease; four millions for human beings! In my judgment, every dollar of those appropriations for plants and animals was wise; but let me ask, if those appropriations were wise, why not similar appropriations for human beings?

I had intended to discuss this matter in another place, but I will do so right now.

Doctor Dublin, the great statistician of the Metropolitan Life Insurance Co. of New York, the greatest insurance institution on earth, decidedly the largest, said recently in one of his published articles that the wealth of the United States composed of real estate, plants, animals, mines, and manufactured products of every kind and sort, aggregates $321,000,000,000. It is a big sum—three hundred and twenty-one billions. It is hard for me to understand such a sum. At the same time, he said that the value of our vital assets—our men and women—aggregates $1,500,000,000,000—more than five times the value of all of our property assets combined.

It is hard to follow these figures, but they are well worth while.

Now, Senators, let me repeat: Plants and animals constitute only a small percentage of that three hundred and twenty-one billions; and yet in five years we gave for diseases of plants and animals fifty-four millions at the same time that we gave four millions for human beings!

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Georgia?

Mr. RANSDELL. I am glad to yield to the Senator from Georgia.

Mr. HARRIS. I am very much interested in the Senator's statement, and I wondered if he had mentioned the matter of the damage done to our people in the South by malaria every year. Several years ago I introduced a bill in the Senate appropriating $500,000 for the eradication of malaria in the Southern States. Very few realize the great damage this disease has done in our section. Millions of dollars of damage is done by that disease annually. I should like to hear the Senator's views on that subject.

Mr. RANSDELL. I am glad to have that suggestion; and will show later, Mr. President, the enormous damage inflicted, not only by malaria but other diseases, to human beings. I will show, sir, that the damage to human beings caused by malaria and the other diseases—the preventable diseases at that—aggregates something over $9,000,000,000 every year. The figures are staggering.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. RANSDELL. I shall be glad to yield.

Mr. COPELAND. If the Senator goes into history, he will find that the Roman Empire was destroyed by malaria. That was the foundation of its destruction.

To enlarge for a moment upon what the Senator has said about our appropriations for the Department of Agriculture, does it not raise the question of what is the purpose of government? Is the purpose of government merely the protection of property, or is it the protection also of human beings?

Mr. RANSDELL. And human happiness.

Mr. COPELAND. And human happiness. To me what the Senator has said is striking—$54,000,000 appropriated for animal and plant protection and $4,000,000 for the protection of human life. I think the proportion is not creditable to us and that we ought to do more, as the Senator has said, in order that human life, too, may be protected and that we shall not devote ourselves alone to the protection of property.

Mr. RANSDELL. I thank the Senator. To proceed. New diseases appear on the horizon constantly and before them medical skill is impotent. Moreover, while the death rate of some diseases has been greatly decreased within the last quarter of a century, the rate for others has mounted year after year. To illustrate, I give below a brief table showing the death rates per 100,000 people in the United States in 1900 and 1927, in four diseases:

	1900	1927
Cancer and other malignant tumors	63.0	95.6
Diabetes mellitus	9.7	17.5
Diseases of the heart	132.1	195.7
Nephritis (acute and chronic)	89.0	95.5

The increase in rate for cancer and heart trouble is especially alarming, and if within the next few years the proposed national institute of health could discover cures for only these two diseases the world would owe an everlasting debt of gratitude to this country's scientists.

A STRIKING ILLUSTRATION OF NEED FOR RESEARCH

As a concrete example for the need of health research, let me cite the epidemic of influenza, so eloquently spoken of by the Senator from New York [Mr. COPELAND], which is sweeping the Nation at this very moment. Considering the modern epidemics of this disease, we begin with the winter of 1889 and 1890. At that time we were absolutely ignorant of the causes of the disease and had no ideas whatever as to its control. In 1918 we felt the effect of the most terrific attack of modern times. We found ourselves without knowledge of the preventive agent and therefore hopeless to combat the disease with any degree of scientific accuracy. Here we are at the end of 10 years having another influenza epidemic, and to our amazement are told that no progress whatever has been made in the study of this disease since 1918 and practically none for a quarter of a century.

COLOSSAL ECONOMIC WASTE OF SICKNESS

A great many Senators wish to know where the financial benefit is going to come in with regard to legislation. Entirely apart from the inconvenience, suffering, and sorrow, what an economic loss the Nation's health bill represents—inefficiency in work, absenteeism from daily duties, prolonged stays in hospitals, expense of medical treatment, a tremendous loss from the productive capacity of our citizenry when interpreted in money terms—as has been so clearly demonstrated by Dr. Louis I. Dublin, chief statistician of the Metropolitan Life Insurance Co. Three estimates of the annual repair bill of the human frames of our citizens, namely, the cost of medical service, have been made. Doctor Dublin estimates about $1,000,000,000, Doctor Herty about $1,015,000,000, while the Red Cross estimates $60 per family annually, which is the equivalent of practically $1,500,000,000. To this great amount must be added further loss from wages, and so forth, amounting to at least $2,000,000,000, and finally some six billion dollars as representing the financial value of the lives lost through premature death from preventable diseases. Certainly the loss from those sicknesses which at present we do not know how to control represents on a conservative basis at least an equal amount. We thus reach figures of startling magnitude—$15,000,000,000 a year—far exceeding losses from floods and all other national disasters combined, and these are annual losses. If they are to be reduced, the only sure road is that of scientific research with its results vigorously applied.

NO NEW BUREAU OF GOVERNMENT CONTEMPLATED

I wish to emphasize the fact that under my bill no new bureau of the Government is contemplated. It simply enlarges and broadens the scope of work now being conducted by the United States Public Health Service. The health activities of individuals, medical schools, hospitals, scientific institutions, and State departments of health will not be interfered with, but, on the contrary, aided materially by the proposed institute. The State health officers throughout the Nation are heartily in favor of the bill. Disease does not recognize State or National boundaries. When cancer hits it does not consider State lines. When tuberculosis strikes it does not know north, south, east, or west. The bill provides for research of all diseases affecting the human race. It makes provision for pure research into the cause, prevention, and cure of every disease, and seeks to place the best and newest methods and discoveries in the hands of our physicians and public-health authorities.

Section 5 provides that—

The facilities of the institute shall from time to time be made available to bona fide health authorities of States, counties, or municipalities for purposes of instruction and investigation.

CAN THE CAUSE AND MEANS OF PREVENTING DISEASE BE DISCOVERED?

Some one may ask, "What hope have you that a national institute of health will enable American scientists to discover the causes of diseases and offer a remedy therefor?" In reply let me state that the foundation of human progress is the genius of individuals crystalized in the form of new discoveries. Before the days of Hippocrates, the father of medicine, men had sought to prevent the outbreaks of disease which threatened to, and frequently did, overwhelm them. During the Middle Ages the scourges of leprosy, plague, cholera, and smallpox compelled the attention of thoughtful men. Eventually man perceived that without definite knowledge of the source of disease, especially its cause and mode of spread, he was without prospect of discovering the means of its prevention. The recital of the search for and finding of these fundamental facts is the history of preventive medicine; and their practical application is the history of public-health work. Let me cite several examples:

TEXAS FEVER

In 1889 Dr. Theobald Smith, of this country, discovered that Texas fever in cattle is caused by the bite of a tick—a small insect—which had previously become infected. This was a monumental advance in the science of health, as it demonstrated that a terrible disease could be given to cows and other lower animals by the bite of a little insect. Who could say that the sickness of human animals was not caused by insect bites?

MALARIA

The parasite which causes malaria was discovered in 1880, but it was not until about 1897 that Ronald Ross, of England, and Battista Grassi, of Italy, ascertained how the malaria parasite gets into the blood of man. Through their studies it was shown that the Anopheles mosquito was the means whereby the malaria parasite was spread from person to person. The development of methods of attack on malaria soon followed this discovery, and the application of this knowledge by public-health authorities has been successful in ridding large areas of malaria infection.

YELLOW FEVER

Shortly after the discovery of the malaria parasite it was demonstrated, in 1898, that the stegomia mosquito was the carrier of yellow fever. Probably no brighter light illumines the high road of public health than that which marks the passing of "yellow jack." To three American scientists—Reed, Carroll, and Lazear—the world owes this important discovery. To those who remember the appalling epidemics of only a generation or two ago and the panics which they produced this achievement seems little short of miraculous. Yellow fever has not been epidemic in the United States since 1905, and very little of it remains on earth.

HOOKWORM

About 22 years ago another parasitic disease—hookworm—was run to its lair in the United States by Doctor Stiles of the Public Health Service, and in Porto Rico by Doctor Ashford of the Army, who made extremely interesting discoveries in regard to it, though the disease in somewhat different form was fairly well known in the Old World. They developed methods of prevention and cure. This disease affected literally millions of human beings throughout the world and so lowered their vitality they were unable to work effectively, and fell ready victims to other maladies. Much credit is due to the Rockefeller Foundation for eradicating this sickness to a great extent from our country and other lands. It has been practically conquered in the United States and there is no longer any excuse for an intelligent person to suffer from it.

PELLAGRA

A vast new field was opened when Dr. Joseph Goldberger discovered that the terrible disease known as pellagra is caused by a defective diet, not by a lack of food, but by an unbalanced ration, and that no parasite has connection with it. This discovery, and the many years of study connected therewith, has saved the lives of hundreds of thousands and set the pace for limitless research on the effect of diet upon human health.

Let me add that this great man, Dr. Joseph Goldberger, died within the past three weeks, a victim of the wonderful work for the benefit of humanity to which he had devoted himself for the past 27 years. If ever there was a genuine martyr to science it was Joseph Goldberger.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER (Mr. STECK in the chair). Does the Senator from Louisiana yield to the Senator from New York?

Mr. RANSDELL. I yield, with pleasure.

Mr. COPELAND. I trust the Senate will not forget what the Senator has said about Doctor Goldberger. There is pending in the Senate certain relief legislation which should be given the serious attention of Senators. What Doctor Goldberger contributed to humanity has been worth millions to the United States of America and he was indeed, as the Senator said, a true martyr to science.

Mr. RANSDELL. I thank the Senator.

NATIONAL LEPROSARIUM

In my State, at a small town called Carville, the United States Public Health Service is showing the world how to combat and defeat leprosy, the "living death" that has existed since 1500 B. C. Because of the public attitude of fear and horror toward leprosy, there was great difficulty in locating the institution on this continent, but Louisiana, which had long maintained an excellent State home for lepers, met the situation by transferring its institution to the Government. I had the honor of introducing and securing passage of a law in 1917, providing a national leprosarium, and appropriating $250,000 for that purpose. The State leper home at Carville, on the Mississippi River, about 40 miles below Baton Rouge, was acquired from Louisiana in 1917. By 1923 this leper home had been filled to capacity, a total of 173 beds being occupied. In that year Congress appropriated $650,000 for additional buildings with which to increase the bed capacity to approximately 500. At the close of the fiscal year, June 30, 1928, there were 293 patients in the institution, and 11 were discharged on parole during that year with their disease arrested, if not entirely cured. For the first six months of the present fiscal year, 14 were paroled. Of the 42 patients paroled, in seven years prior to the present fiscal year, only 1 has had to return for further treatment.

These six examples illustrate the marvelous progress that the science of health has made within the past 50 years. I could cite many other instances but do not care to go into a general discussion of this matter.

Mr. COPELAND. Mr. President, will the Senator yield again?

Mr. RANSDELL. Certainly.

Mr. COPELAND. I dislike exceedingly to interfupt the Senator.

Mr. RANSDELL. The Senator's interruptions are so very fine and he is contributing so much that I am delighted to have him interrupt.

Mr. COPELAND. The Senator is very kind in saying that. I want to say, in connection with the work relating to leprosy and the establishment of the institution in Louisiana, that it was a real contribution to every city and State in the Union. At the time of the opening of the institution in Louisiana we were maintaining a somewhat similar institution in the city of New York for the care of 18 lepers. We had to mantain a separate institution, really a hospital, to care for this limited number of persons; and yet public sentiment demanded, of course, that they should be taken care of and kept from mingling with the public. When the institution was opened in Louisiana we transferred those 18 lepers to that institution. If time permitted it would be amusing to tell of the difficulties our doctors and nurses had in taking the patients through to Louisiana. The fear of the public was so great that even the conductor of the train would not go through to get their tickets to indicate that the passengers were really aboard. He was willing to take anybody's word for it. The fear of our people has been overcome and a decent place provided for the care of those patients. The Senator deserves the thanks of the entire country for having succeeded in getting the appropriation for the institution.

As the Senator said, by a concentrated effort at this point and in the Philippines, where we have a similar institution, there has been developed a real cure for leprosy, and these persons, or a great many of them, will be returned to their homes as perfectly safe members of society, to add to the economic wealth of the country by reason of their cure.

I trust the Senator will forgive me for interrupting him.

Mr. RANSDELL. I thank the Senator for the interruption. I wish to add to what he said that in the State of Massachusetts, near Boston, on Penikese Island, there was a State home for lepers when this national institution was established. In one of the big hospitals in San Francisco there was a special lepers' ward; and according to the testimony given before the Committee on Public Health during the hearings on that leprosarium bill, it was said that there were at least 2,500 lepers in the United States.

I hold in my hand a very interesting statement by my friend Dr. C. P. Munday, one of the physicians at the National Leprosarium, which I shall ask to print as a part of my remarks. In it he said there are in the world to-day probably 2,000,000 lepers, and about 2,000 in the United States. We are taking care of 293 in the home at Carville, and I imagine that every one of the 2,000 in the United States ought to be cared for.

Senators, let me say that the most interesting day of my life was spent about three years ago when I visited the Carville Leprosarium as the guest of my friend Doctor Dowling, then the head of the Public Health Service of Louisiana. I went among these people in the institution and talked to them. Each one occupied a separate room and everything possible was being done to make their sad condition possible. Their rooms were well furnished, their food was excellent, they had good nursing, and the best of medical attention. They had their baseball park, two churches served by ministers of their faith, their band of music—in fact, everything possible was being done by our great country for these unfortunates. It was the most beautiful charity I ever witnessed, and I was proud of the fact that I was a man after going there and seeing what was being done by our great Government to relieve the awful sufferings of leprosy.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Texas?

Mr. RANSDELL. I yield.

Mr. SHEPPARD. On what terms are patients admitted to the leprosarium?

Mr. RANSDELL. They are taken there absolutely as the guests of the Government. No charge whatsoever is made, and there is no distinction as to race, color, or previous condition. "Are you a suffering human being? Have you leprosy?" That

is all. "We take you in and we keep you until you die or are cured."

Mr. SHEPPARD. Are there any arrangements made to defray the transportation charges from the home of the patient to the leprosarium?

Mr. RANSDELL. I can not answer that question, but think such arrangements are made.

Mr. HEFLIN. Mr. President——

Mr. RANSDELL. I yield to the Senator from Alabama.

Mr. HEFLIN. I read just recently that there has been discovered a cure for leprosy and that lepers are being cured; in fact, that the leper, John Early, has been cured by the injection of oil into his system.

Mr. RANSDELL. I thank the Senator from Alabama. It is chaulmoogra oil. John Early has actually been discharged and cured. He is living at his home in North Carolina.

Mr. OVERMAN. That is true. He came home recently and gave out an interview with reference to the matter which the Senator from Louisiana is discussing.

Mr. RANSDELL. In the last seven years they have discharged 42 persons as cured, and only 1 had to be returned for further treatment. After they are discharged, they are placed on parole, and examined from time to time for three years.

I will now read a little human interest item from the statement of Doctor Munday in regard to the leprosarium. He said:

One bright Sunday morning late last summer eight of the patients at Carville, the largest number paroled at one time in the 34 years of the colony's history, packed their simple belongings, made their religious devotion, bade their gallant colony friends farewell, and began a joyous little procession of departure. One who had come as a young girl 33 years before, who had been away but one short week in those long near-hopeless years, turned aside to say farewell words to the medical officer in charge. She bore scars of a brave fight against relentless disease, but her face held a light of joy no actress could hope to simulate, as she tried vainly to make mere words express her gratitude. In the lines of Father Ryan, poet-priest of the Southland, many times she had "shrouded her griefs in a smile"; but now at the moment of victory, she "wept when her heart was the gladdest." Then she rejoined the others as they went around the little chapel, over the lawn, under the drooping moss-fringed live oaks, to the waiting friends of the outside world.

Senators, I have been in Congress nearly 30 years and have worked hard, but I can say in all sincerity that during all those years no legislation with which I have been connected has given me so much personal satisfaction as my bill which established this leprosarium.

Mr. COPELAND. At the same time the Senator contributed vastly to the public health and to the good of the entire country.

Mr. RANSDELL. I thank the Senator. I now wish to insert Doctor Munday's article as part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement follows:

THE CARVILLE LEPROSARIUM

By Dr. C. P. Munday

Leprosy, from Biblical times, has been the disease abhorrent. The leper has been an outcast, subjected to neglect and indignities which, added to the inherent miseries and mutilations, made him the most pitiable creature God could let live upon His earth.

From the early centuries of the Christian era leprosy scourged its way through Europe, reaching its height at the time of the crusades, which added to its spread, there being early in the thirteenth century fully 20,000 leprosaria in Europe. These were, in fact, little more than human kennels. However, the segregation which they secured was followed by a gradual decrease until leprosy has practically disappeared from Europe. But its subsidence was followed by appearance in the colonies of the Americas, islands of the Indian and Pacific Oceans, in the Far East, and Africa. Existing mainly in tropical and subtropical zones, there are at present probably 2,000,000 lepers in the world to-day.

The necessity for Federal control and care of the lepers in the continental United States was recognized for a generation or more, but it was only seven years ago that it was begun under the Public Health Service, and its work toward this end has been one of its outstanding accomplishments. Louisiana had established a leper colony in 1894, and its difficulty in finding a site not obnoxious to the adjacent community was paralleled during four years by the Federal Government, which solved the problem of location of a national leprosarium by taking over the Louisiana colony, with its 80 patients, in 1921. There has been developed on the tract of 358 acres at Carville on the Mississippi River an institution which is taking adequate care of over 300 lepers at present. There are between one and two thousand in the United States for which such care should be provided.

The policy of the Public Health Service has been to educate the public to a better, saner knowledge of the facts of leprosy and its control; to prevent as far as possible further spread of the disease; to give every needed physical, medical, and even spiritual aid to the segregated patients, that as many as possible may be restored to health and released as no longer a menace to public health; to make the leprosarium not a place for lepers to be driven to as diseased criminals under life sentence, but rather a beautiful place of residence to which they may come with hope, with only such isolation and detention as protection of public health may require.

Development of the plant at Carville has required a total expenditure of approximately $1,000,000, with a present annual administrative cost of $375,000, which is about $3.50 per diem cost per patient.

That this general policy is succeeding is shown by the yearly increase in admissions, the decrease in number of patients absconding, most of whom return voluntarily, and lastly, by progressive increase in the number of patients who are being paroled as no longer a menace to public health. After such parole each patient is examined at least semiannually for three years before final discharge is given. Of the 42 patients who have been so paroled in seven years, only 1 has had to return for further treatment. For the fiscal year ending June, 1928, there were 11 paroles, but for the first six months of the present fiscal year the number was 14; and there are a larger number whose progress promises release by the end of June of this year.

Restoration to health, return to home and loved ones, under ordinary conditions of life may well bring joy to anyone. But picture, if you can, what both restoration and release may mean to one of these unfortunates.

One bright Sunday morning late last summer eight of the patients at Carville, the largest number paroled at one time in the 34 years of the colony's history, packed their simple belongings, made their religious devotions, bade their gathered colony friends farewell, and began a joyous little procession of departure.

One, who had come as a young girl, 33 years before, who had been away but one short week in those long, near-hopeless years, turned aside to say a farewell word to the medical officer in charge. She bore scars of a brave fight against relentless disease, but her face held a light of joy no actress could hope to simulate as she tried vainly to make mere words express her gratitude. In the lines of Father Ryan, poet-priest of the Southland, many times she had "shrouded her griefs in a smile," but now, at the moment of victory, she "wept when her heart was the gladdest." Then she rejoined the others as they went around the little chapel, over the lawn, under the drooping, moss-fringed live oaks, to the waiting friends of the outside world.

Mr. RANSDELL. Before resuming the trend of my remarks, I wish to refer to a statement made by Dr. Harvey W. Wiley, well known to all of us. He spoke in the most eloquent terms about the remarkable service of Doctor Gorgas.

He says that the construction of the Panama Canal by the French was prevented by yellow fever; that its story may be told in two words—"yellow fever"—and that to Gorgas rather than to Goethals the principal honor of constructing that wonderful work is due. I do not know but that he is right. I have often said, and so stated when visiting that great work shortly after it was started, that the big problem we had to solve was that of health. We had to destroy malaria and yellow fever before the engineers and workmen could safely throw dirt. Doctor Wiley also refers to Walter Reed, to Joseph Goldberger, to Stiles and McCoy in the United States, and then pays a tribute to Doctor Banting and Doctor Osler, of Canada. I ask to publish his statement without further reading. Senators who read it will certainly find it extremely interesting.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement is as follows:

CONTRIBUTIONS TO THE ADVANCEMENT OF MEDICINE AND HYGIENE ARISING IN THE UNITED STATES AND IN ADJACENT COUNTRIES IN AMERICA

By Dr. Harvey W. Wiley

We do not have far to go for luminous examples of valuable contributions to the nature of disease and the importance of hygiene. If we go back a few years and read the history of the attempt to build the Panama Canal by France, we find an amazing story. There are no better engineers in the world than the French engineers. They had all engineering science at the time the attempt was made to build the canal that any other nation possessed. Why did France fail? Two words give the answer: Yellow fever.

The mortality from this disease and from allied diseases from the same source was appalling. The path of the canal was dotted with the graves of engineers and laborers. Finally, the attempt was abandoned.

When the United States decided to build the canal, what happened? The cause of yellow fever had become well known. We did not send Colonel Goethals to the front, but Colonel Gorgas. His duty was to make the path of the Panama Canal safe for workers. He did one of

the greatest works in destroying the mosquitoes and in safeguarding life and health that ever had been done for a proposed engineering campaign. Colonel Gorgas may be said to have built the canal rather than Colonel Goethals. His memory and his fame are forever safe in the hearts of his countrymen.

As one of the conquerors of yellow fever Walter Reed will ever be remembered. It has been my good fortune to pay a visit to the humble home in which Walter Reed was born, not far from Yorktown but on this side of the river where our liberty and freedom as a Nation was finally established. This home has been bought by the American Medical Association for the purpose of making it the mecca where devoted members of the medical profession as well as other citizens may go and worship.

Coming now particularly to the Hygienic Laboratory which it is proposed to designate hereafter as the National Institute of Health, we have this day (January 17, 1929) witnessed the death of the great discoverer of pellagra, its cause and cure, Dr. Joseph Goldberger, who died a victim of a complicated, malignant disease. He saved hundreds of thousands of people from the miseries of pellagra only to sacrifice his own life in the pursuit of benefits for others.

Dr. Charles Wardell Stiles has done more than any other one person in this country to rid the South of the curse of hookworm. In season, out of season, he has stood guard over the health and consequent happiness of sufferers of this disease.

Dr. G. W. McCoy has been the leader in developing a powerful serum, much more efficient than any that has yet been devised, for the control of pneumonia. The use of serum bids fair to mark a new era in the mortality of this disease which will be materially lessened.

The researches in the new factors of health, namely, vitamins, which have been conducted by so many devoted students and research chemists in this country have made it possible to understand the importance of these elements to health and have connected them directly with vitamin-like bodies that come to us in the rays of the sun and particularly in the form of antirachitic prevention. Each particular vitamin seems to have a favorite disease which it endeavors to control. The vitamin known as A prevents sore eyes, or dry eye, and also exerts a powerful influence on preventing respiratory diseases, thus giving additional control over pneumonia and pleurisy.

The vitamin known as B appears to be like a double star. One part of it projects against beri-beri or polyneuritis; another gives aid in combatting pellagra, thus adding additional value to the services of the late Doctor Goldberger.

The vitamin known as C, which has received most extensive studies in this country, is particularly useful in the prevention of scurvy.

There is another vitamin, which may be denominated D, which seems to exercise a beneficent control in the way of promoting fertility.

And so, with all of these researches going on, we need some central coordinating authority to direct and promote in the most effective way researches in the interest of better health and longer life of our people.

In addition to our own workers thus briefly summarized, we have had valuable help from our neighbors. Especially from Cuba, Mexico, and Canada valuable assistance has been offered us in the way of better health and longer life.

The Cuban workers were very active in offering their services in the cause of yellow fever. Aid was also extended from Mexico. From Canada we have the investigations which have resulted in the discovery of insulin, and the general distribution thereof from the great slaughter houses in this country. For some reason the pancreas is not a very popular article of food, and it is in the pancreas that they are found in the islands of Langerhans, from which insulin is secured. I believe that the pancreases of pigs are used most extensively for this purpose, though the organs of other meat animals are perhaps nearly as good a source of supply. To Banting and his colaborers in the University of Toronto we owe this precious gift. We ought not to forget also that we presented, first from Canada and then from Johns Hopkins Hospital, Doctor Osler to the University of Oxford, where he became regius professor of medicine. Doctor Osler is recognized at least as the peer if not the superior of any modern physician within recent years.

LIBERAL APPROPRIATIONS FOR ANIMAL AND PLANT DISEASES

Mr. RANSDELL. Mr. President, the Federal Government has been very liberal in appropriating funds for conducting work in the investigation and control of diseases of animals and of plants. It appears from a table prepared by the Bureau of Animal Industry that for the fiscal years 1925 to 1929, inclusive, the sum of $30,011,609 has been available for the eradication of scabies in sheep, cattle ticks, hog cholera, dourine, European fowl pests, and for the investigation of sundry animal diseases. The table contained no figures for eradicating the foot-and-mouth disease, but I understand that six millions were expended in that special work in 1924. While I have no table showing the amounts of major appropriations to combat plant diseases and pests for the same years—1925 to 1929—a tabular summary furnished me by the Congressional Library shows that for the 5-year period 1923 to 1927, $24,241,846 was appropriated to fight the diseases of plants. In other words, in five years the Government appropriated $54,253,455 to combat the diseases of animals and plants, while during the 5-year period 1925 to 1929, inclusive, the expenditures for scientific research of public-health problems amounted to only $3,918,019.37. In other words, we appropriated $1 to conserve and protect the health of human beings to $13.50 for the same work for the lower animals and plants. That is the way we have been treating human life, Senators.

In the case of animals and plants the lawmaker was confronted with the selfish insistence of agriculturists whose very existence depended on the health of animals and plants. This problem was a most important economic one, and it was entirely proper to appropriate whatever sums were necessary to fight the enemies of animals and plants. There were no special interests to look after the diseases of human beings and press for legislation thereon, hence these insignificant appropriations of less than four millions in five years for man, as compared with fifty-four millions for animals and plants—one dollar to thirteen and a half.

The economic question evidently influences these liberal amounts for the protection of property—livestock and crops—but is not a far greater economic question involved in conserving the health and happiness of human beings? Doctor Dublin estimated in 1922 that the total national wealth of the United States in assets or property was valued at three hundred and twenty-one billions, inclusive of real property, livestock, machinery, agricultural and mining products, and manufactured goods of all sorts, while the value of our vital assets, men and women combined, was one trillion five hundred billions. Our vital capital therefore exceeded our material wealth about 5 to 1.

Surely if it were wise to expend fifty-four millions to protect from disease our plants and animals—only a small part of our national property assets—it would be proper to spend at least that much to care for our vital assets which aggregate in value five times as much as all our property assets combined. And when I say "value" I do not take into consideration the question of the suffering of human beings from disease, nor the wonderful value of the happiness that comes from good health.

Mr. President, I have shown that the losses from sickness and premature death caused by diseases is fifteen billions a year. And beyond question much of this awful economic destruction would be saved by such an institute of health as my bill proposes.

Mr. COPELAND. Mr. President, will the Senator from Louisiana yield to me?

Mr. RANSDELL. I am glad to do so.

Mr. COPELAND. Is it not remarkable that a man at the onset of some ailment will fail to do anything for himself, will let it run along as it will, and, perhaps, take his life because of neglect, but if he has a sick animal that is worth $40 he will hire a veterinarian and stay up four nights in succession to keep it alive?

Mr. RANSDELL. It is certainly remarkable.

Mr. COPELAND. We are prone to conserve and protect our property interests, but when it comes to the preservation of human health and life then we are not willing to expend money.

Mr. RANSDELL. We appreciate the economic value of health in the case of animals, but we do not have the sense to appreciate it in regard to human beings.

Mr. COPELAND. It is true of the individual, it is true of the family, and it is true of the Government, that we will spend money to protect property, but when it comes to human health and life we forget all about our interest in humanity.

Mr. KING. Mr. President, will the Senator from Louisiana yield to me?

Mr. RANSDELL. I shall be delighted to do so.

Mr. KING. The Senator is delivering an interesting and instructive address. Throughout the world the people are interested in eradicating disease and promoting human welfare. That progress is being made is apparent to all. In the United States can be found a body of physicians and surgeons of skill and ability. Many of them are addressing themselves with zeal and earnestness to their professional duties, and are also doing a vast amount of research work for the purpose of discovering the causes of human ailments and maladies and remedies for the same.

The extensive character of the work being done by our scientific men is not fully appreciated, and the research work which is being done in our colleges, universities, and public and private institutions is far beyond the comprehension of most people. I think the Senator has, not intentionally, overlooked the scientific developments in our own country along medical and health lines, and the work which is being done to reach the objective sought by the Senator. The lives of the people are being prolonged; the causes of many ailments are

being discovered and remedies are being found to meet the ravages of numerous diseases.

The Senator refers to the small amount expended by the Federal Government for medical purposes. I invite his attention to the fact that we have a dual form of government and that the States have responsibilities and obligations which are not within the purview of the Federal Government. I know there is a tide which seems irresistible which is sweeping the States into the powerful grasp of the Federal Government and a Federal bureaucracy. Appeals are constantly being made for the Federal Government to take over the functions of the State and to assume those duties which clearly devolve upon the States and their political subdivisions.

Mr. President, there is no reasonable ground for complaint because of the limited amount which has been expended by the Federal Government in a number of important fields. The physicians and surgeons and medical and scientific men who are devoting themselves to hygiene and sanitation and the alleviation of the sufferings and sorrows of the people is truly remarkable. Millions are annually being expended by the States and their political subdivisions in the interest of public health.

I think it can be said that in every county of every State of the Union there will be found one or more organizations devoted to the promotion of public health and the elimination of disease. The States, counties, and municipalities are spending enormous sums annually to promote public health. Clinics are being established and hospitals are being erected. Health organizations are being effected and everywhere the subject of prolonging life and preserving health is receiving earnest and intelligent consideration.

I pay tribute to the achievements of our medical men. The Rockefeller Foundation is doing work of the highest importance. The University of Chicago and the Northwestern University, Johns Hopkins University, the University of Pennsylvania, and many others are not only preparing thousands of young men for the medical profession but they are doing much research work that is superior to that done in Government laboratories and Government organizations in this and other countries.

Senators will recall the work of a great Japanese doctor whose untimely death the world deplores. His work in one of our universities brought him world-wide fame. I could mention the names of many eminent physicians and surgeons who have achieved distinction in their professions, and who have made most important contributions to, if I may be permitted the expression, the scientific development of medicine. Mr. President, governmental agencies too often stifle progress. The tendency of all bureaus is toward standardization and uniformity. Everything must be stereotyped and it is rather infrequent for genius to be developed in the atmosphere of bureaucracy. Pasteur and other great scientists were not handicapped by bureaucracy.

Of course, every Senator is interested in promoting health and in the discovery of the causes of human ailments and the remedies for the same; and it is possible that the measure offered by the Senator may accomplish good and be justified under all the circumstances. I am making these observations rather to meet what I conceived to be the implication arising from the Senator's remarks that a Federal organization was imperatively needed to meet the situation; as well as the implication that there had been insufficient attention given by the people of the United States to the matter of public health.

Mr. President, millions are being contributed annually by individuals interested in the welfare of the people and for scientific investigations and for educational development. The words "social welfare" have taken on a new meaning during the past few years, and thousands of the best citizens of the United States are giving of their time and their means to social service; to the promotion of public health; to the development in every way of the people of this Republic. The increase in the number of hospitals has been one of the marvels of the day. In every part of our country the finest hospitals are being erected and there is being brought within the reach of the people those instrumentalities important for their health and well-being. I have confidence in the States; in the people within the States; in the medical, professional, and the scientific men of our country. We need not go to Europe to train our medical men or to find scientists for important research work connected with the most vital and important things of life.

If the Federal Government is to be projected into this field there must be care that Federal bureaucracy shall not place a deadening hand upon the activities of the people and the fine spirit of service which is manifested by the States and their various political subdivisions.

Mr. BRUCE. Mr. President——

Mr. RANSDELL. I yield to the Senator from Maryland.

Mr. BRUCE. The difference between the care that is taken of the health of animals and of human beings, to which the Senator from Louisiana has referred, is illustrated by a story that Woodrow Wilson was in the habit of telling, I understand, about his own father. His father was a Presbyterian divine. He drove up on one occasion behind a horse in his buggy to a country store, and one of his neighbors at that country store said to him, "How is it, Doctor, that your horse looks so sleek and fat and you look so thin and poorly?" "Why," he said, "that is because I take care of my horse and my congregation takes care of me." [Laughter.]

Mr. COPELAND. Mr. President——

Mr. RANSDELL. I yield to the Senator from New York.

Mr. COPELAND. Mr. President, the Senator from Utah is perfectly consistent, because what he has said about the pending bill is exactly what he would say about the bureaucracy of the Agricultural Department and other bureaus and organizations now established in Washington. I assume I am right in that statement. I recognize the merit of much that he says. I, too, am a Democrat, and recognize that the States should be left to do many things which some persons who take a different view of political economy feel should be turned over to the Federal Government. There can be no doubt, however, that what the Senator from Louisiana has in mind is no invasion whatever of the rights, the responsibilities, or the duties of the States. They are expected to continue their activities; but there are many forms of research referred to by the Senator from Utah—and I am sorry that I have not his attention at the moment—there are many forms of research going on, work done by private physicians, which are terribly hampered because of the bread-and-butter problem.

Many a man who has scientific knowledge, knowledge which could be applied to the benefit of the human race, is used wholly for the cure of a very limited number of individuals, because this doctor must make a living. He must keep the wolf from the door. He is interrupted in his research, his activities which have widespread use, because he has to make a living. If that man who has an aptitude for research work can be put somewhere where he can use all of his time, it stands to reason that he will push out the boundaries of knowledge, and increase our information as to the cause and prevention of disease. One of the things I like about the bill of the Senator from Louisiana is that if these funds are provided from private sources or otherwise they may be used to take care of just such a physician or scientist as the Senator from Utah referred to, and take the bread-and-butter problem away from him in order that he may devote himself exclusively to this one thing.

The Senator from Utah referred to the attitude of the profession, to the work done by individuals and the work done in the medical societies. The Senator from Louisiana has back of his bill the hearty indorsement of every medical body in this country——

Mr. RANSDELL. That is true.

Mr. COPELAND. Because these doctors, either as individuals or as members of these various medical societies, realize that it is impossible to do this work without a theater of operation and without the facilities necessary to carry on the work. I doubt if any bill has come to the Senate since I have been a Member of it to which there was so little opposition, and on the contrary such enthusiastic indorsement, as we find here from all the learned societies, from the medical profession and all the professions allied with medicine, from every university, from every laboratory, publicly or privately endowed, from every great research worker, and from everybody who has an interest in the prevention of disease.

So I do not think the criticism or the suggestion offered by the Senator from Utah applies forcefully to the matter before us, because these very men that he talks about are unable to do the work necessary to accomplish some great thing for humanity for the reason that they have not the time or the facilities to carry it on. So I feel that the Senator need not be disturbed about the attitude of any single physician or of the profession generally. All concerned are interested in the passage of the bill.

Mr. RANSDELL. I thank the Senator, and wish to say that among all the doctors in the United States and all these other scientists and all the institutions of various kinds I have heard of only two physicians—and they are partners—who seem to be opposed to this bill.

It has received practically the unanimous indorsement of the medical profession of this country. Now I am going to go somewhat into detail. I am glad the Senator from Utah has come back. I will read a few of these points, and then take up some of the testimony for the benefit of the Senator. I am glad

he is here, and I am pleased he has asked that question. He is a sincere, honest investigator. It is necessary to prove to him that a thing is right, and then he will back it as strongly as any man in this body, but will not do so unless he does know from his own investigations that it is right.

PUBLIC OPINION STRONGLY FAVORS THE MEASURE

Public opinion is crystallizing strongly in favor of this bill. The report of the Senate Commerce Committee thereon is unanimous. In April of last year the committee held hearings on it; and among the prominent witnesses who testified in its favor were Drs. Reid Hunt, of Harvard; Treat Johnson, of Yale; Herty, of New York; McCormack, of Kentucky; Camalier, of Washington, D. C.; and E. E. Kelly, secretary of the American Pharmaceutical Association.

Many leading physicians have indorsed the measure by letter, including Doctors Barker, of Baltimore; Winslow, of Yale; Rosenau, of Harvard; Howell and Abel, of Johns Hopkins; Emerson, of Columbia; William J. Mayo, of Rochester, Minn.; Oscar Dowling, Joseph A. Danna, E. P. Lowe, Rudolph Matas, of Louisiana; Joseph A. O'Hara, president of Louisiana State Board of Health; Frederick L. Hoffman, of the Prudential Insurance Co.; Harvey W. Wiley, of Washington, D. C.; Carl Asiberg, of Stanford University; Julius Stieglitz, of the University of Chicago; A. J. Goldfarb, of the Society for Experimental Biology and Medicine; W. W. Keene, of Philadelphia, a physician 92 years of age, and at that great age he is president of the American Philosophical Society; Clarence K. Simon, of the Dye Products & Chemical Co., New York; and Herman Bundesen, commissioner of health of Chicago; also Messrs. Francis P. Garvan, president of the Chemical Foundation, New York; L. W. Wallace, executive secretary of the American Engineering Council; Roger Caldwell, of Nashville, Tenn.; Ray Lyman Wilbur, president of Stanford University; E. T. Bedford, president Corn Products Refining Co., New York; and James L. Fieser, vice chairman of the American Red Cross; also the Rotary Club of Wilmington, Del., and the Calco Chemical Co. of New Jersey.

It has been a source of real pleasure to have the backing of my bill by several influential organizations such as the Chemical Foundation, which through Doctor Herty has cooperated with me wonderfully from the very inception of the measure, the Rockefeller Foundation, the National Research Council, and the Metropolitan Life Insurance Co.

During the past year cordial resolutions of indorsement have been adopted by the American Chemical Society, the American Medical Association, the American Public Health Association, the American Institute of the City of New York, the American Dental Association, the American Pharmaceutical Association, and the International Society for Crippled Children.

Moreover, the press of the country, especially in the East, has unqualifiedly urged the passage of this bill. I ask the especial attention of Senators to this point: A fine editorial supporting it which appeared in the New York Times of January 27, 1929, published in the RECORD on the 31st, called attention to the fact that King George, of England, had been saved during his recent severe illness by the concentrated efforts of the physician, surgeon, bacteriologist, biochemist, physiologist, X-ray physicist, and climatologist. What this measure contemplates is such a concentration of efforts by scientists as will prevent anyone from contracting the terrible sickness which nearly caused the death of the King.

Mr. KING. It is wonderful that he survived so many doctors.

Mr. RANSDELL. They were not doctors. He had only one or two doctors, but all these other scientists. He was able to bring to his aid these specialists; but the average person can not do so. How can a poor man bring all these scientists around him? He is lucky if he can get one doctor. We must prevent the recurrence of such a disease; or, if that is impossible, then we must ascertain how it can be cured.

Coming specifically to the query—the very intelligent query, I will say—of the Senator from Utah, I wish to say, first, that no man appreciates more than I do the wonderful work in a scientific and health way that has been conducted throughout this country by our individual physicians, our hospitals, our scientific and educational institutions of every kind and sort; and I am happy to tell the Senator that these individuals and these institutions almost to a man are back of my bill. I can not read all their indorsements, but wish to read perhaps three or four to answer the question of the Senator from Utah.

I read from page 35 of the hearings on the bill the testimony of Dr. Treat Johnson, professor of organic chemistry at Yale University, recognized as one of the greatest scientists in America. This was the question:

Senator RANSDELL. Will you not elaborate a little bit, Doctor, on what you think coordinated effort on the part of our Government should be to bring about better results than have been obtained by private institutions, even your own great college? How would science of every kind, not only of life, of human beings, but the laws relating to animals and plants and everything in relation to human life, how will the establishment of the bureau of health produce better results than have been obtained in the past by private efforts?

That is practically the question asked by the Senator from Utah. He says:

That is a very broad question, Mr. Senator.

Senator RANSDELL. I intended it to be, but I think we had better try to answer it.

Doctor JOHNSON. It can be answered in sections. I would like to answer it by presenting my reply in the form of different statements.

Senator RANSDELL. Answer in your own way, Professor.

Doctor JOHNSON. Now, in the first place, I think we all should understand or do understand that we have a great many problems to be solved that the present resources can not be expected to undertake and handle, and as we go into research, and research grows and extends, the problems multiply, and that our resources must be expanded. Now, as we have expansion, as these problems begin to be exploited and studied, it calls for close coordination in order to be able to focus on the features of your research problems, which are of the greatest importance. In other words, I think there is a quite general feeling that a little of the work that is being done now is perhaps duplication, simply because of the fact that we have no machinery, no organization under central control—

Please listen to that, Senators:

No organization under central control where these various efforts and activities can be brought together, and we can have a council around a table like this, and all these activities can be focused and direction given to the best efforts of the research.

Senator COPELAND then asked:

Would there be any conflict between the various private agencies and this governmental institution?

Doctor Johnson replied:

I do not see how there could be. I am not very familiar, Senator COPELAND, with the machinery of control in Government circles.

That was the testimony of Doctor Johnson. I will now read the testimony of Dr. Reid Hunt. He is the head of the department of pharmacology of Harvard University Medical School and is recognized as a great scientist. He said in regard to the laboratory:

I think it is almost certain that gifts would come. I can speak as an outsider. The Hygienic Laboratory here has the reputation of being an extraordinarily successful and useful institution; and I know that it is the feeling around many universities, etc., that money goes much further in the Hygienic Laboratory than almost any other place in the country when it comes to research in these subjects.

Now I wish to read briefly from a statement made by Dr. Julius Stieglitz, professor and chairman of the department of chemistry of the University of Chicago, certainly one of the best-known and honored among our American scientific men. He said:

Universities and certain research institutions often have all of the above branches of science strongly represented in their staffs—

That is, the various branches represented by the doctors and surgeons I have mentioned. I will not call their names again—

but except in the rarest of cases there is no intensive cooperative attack on a single problem by all these scientists working together.

What this bill contemplates, Senators, is a united, well-directed effort, let us say as against cancer, bringing everyone we can from everywhere in the world who knows anything about cancer, or thinks he knows anything about cancer, enabling us to run that terrible disease to its lair. If it takes one year, well and good; if it is 10 years, all right; if there is 50 years of this concentrated effort along one line, it will be wise. That is not done now in any of our institutions.

Mr. DILL. Mr. President——

Mr. RANSDELL. I will yield to the Senator, but I would like to finish the reading of the statement of Doctor Stieglitz. He said further:

There is rather scattering of effort on different problems in which the individual men are individually interested. Conferences and incidental advice and exchange of ideas no doubt are helpful in such institutions, but the fact remains that united attack on a given problem as the major interest of leading men in the several sciences involved is of the rarest occurrence, if it occurs at all.

That corroborates what the Senator from New York has said; they do not concentrate on one thing. It is a wonderfully good effort, and great results have come from it; but they

do not mass their forces under one leader, as the allied armies in the World War were marshaled under Foch, and we all know that we did not defeat the Germans until we named one great leader to handle our forces. I propose in this institute of health one leader, massing all the scientists in concentrated, persistent efforts against the various diseases that are brought before them. But not all diseases at once; they will pick out a few and conquer them, then try to conquer others.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. RANSDELL. I yield.

Mr. COPELAND. In this connection I should like to reply further to the Senator from Utah. He spoke about what is being done by the various universities. Medical education has become tremendously expensive. The standardization of the medical colleges has required great investment in laboratories and in the employment of laboratory technicians and experts. I assume that that fact has led the public to believe that these laboratories are used for research work looking to the solution of our problems in health, but that is not the case. These laboratories are used to a very great extent for teaching purposes; to teach the fundamentals in order that the physicians to be may be trained in bacteriology, chemistry, and the allied sciences. But so far as increasing the boundaries of knowledge is concerned, they are not so used.

There are a few individual research workers, but almost nothing of value to the profession generally is coming out of these laboratories, and I say that without the slightest criticism. I was dean of a medical school myself too many years to desire to be critical of the system of medical education. But it is a fact that these laboratories are used for teaching purposes, and not for increasing our knowledge of disease.

Therefore it is, as the Senator from Louisiana has pointed out so well in his remarks, that all these great research workers, all these outstanding scientists from every State in the Union, and the medical societies themselves, are here indorsing the project of the Senator, because he is not proposing to duplicate effort but simply to coordinate effort and to encourage the advancement of knowledge as regards disease.

Mr. RANSDELL. Under this bill there would be absolutely no duplication.

I wish to conclude reading the statement of Doctor Stieglitz and then I will yield to the Senator from Washington. Doctor Stieglitz stated further:

> It is in this direction that the United States Government, through the establishment of a national institute of health, has the unique opportunity to give to our country a new and powerful weapon for attack on the great problems of maintenance of health and cure of disease, which is not duplicated or equaled elsewhere.

There we have the testimony of eminent scientists connected with three of the greatest institutions in America—the medical schools of Harvard, Yale, and the University of Chicago—all indorsing this measure strongly, saying that it will fill a great need.

I now yield to the Senator from Washington.

Mr. DILL. Mr. President, I was not in the Chamber when the Senator began his discussion and perhaps he has already stated what I wanted to know. I want to know something about what the expense to the Government this institution eventually will be.

Mr. RANSDELL. I do not know how much it is going to cost. The bill does not specify the amount.

Mr. DILL. I know that.

Mr. RANSDELL. It states, "There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated," such sums as may be adequate to carry out the provisions of this act.

I do not think it would matter if it cost a large sum. While the Senator was out, I showed that during the 5-year period prior to 1929 we appropriated and spent on diseases of plants and animals something over $54,000,000. During the same period we appropriated for research investigations into health problems less than $4,000,000. In other words, we appropriated about $1 for investigations of diseases of human beings as against $13.50 for the investigation of plant and animal diseases.

Mr. DILL. Mr. President——

Mr. RANSDELL. I am going to answer the Senator a little further. There is a provision in this bill which is absolutely unique. It provides:

> The Secretary of the Treasury is authorized to accept, unconditionally, on behalf of the United States, gifts, by will or otherwise, for study, investigation, and research in the fundamental problems of the diseases of man and matters pertaining thereto.

Then it goes on to say that this money shall be held in trust and used for that purpose. In regard to the word "fundamental," I might say that all diseases were intended to be covered. "Fundamental" does not belong in the bill. Its other parts show that we are interested in all diseases—not "fundamental diseases," but all of them. That was called to my attention by the Senator from Delaware [Mr. BAYARD], and I am glad he mentioned it. He said he would offer an amendment in regard to that, which I agreed to accept.

We have had a few instances in this country of large benefices from rich people. I cited the case of James Smithson, an Englishman, who gave $550,000 to establish the Smithsonian Institution, which has developed into one of the greatest scientific institutions on earth. I explained that under a very recent law the Library of Congress has been authorized to accept donations, and that $2,000,000 had been received under that authorization.

I can refer the Senator to testimony of some of these witnesses, who say that there are a number of rich people in America who would be delighted to make liberal contributions to this great health cause.

Mr. DILL. If they do not, there is going to be a very heavy burden of expenses to the Government on the part of this institution.

Mr. RANSDELL. I do not think it would be very heavy. There would be created no new bureau, no new department. We would simply enlarge the work of the Hygienic Laboratory.

Mr. DILL. If it extends out into the various States in its activities——

Mr. RANSDELL. It will not extend into the States in its various activities, but will permit the States to send their scientists to cooperate with those here. I can not see why the Senator should be so solicitous about the appropriation of a small amount for human health and human happiness when we are so liberal in giving money for the investigation of diseases of animals and plants.

Mr. BAYARD. Mr. President, may I venture to answer in part the question raised by the Senator from Washington as to the expense?

Mr. RANSDELL. I yield.

Mr. BAYARD. I think it has appeared—the Senator from Louisiana will bear me out—that the Hygienic Laboratory spends about $600,000 a year. I think the testimony of Surgeon General Cumming shows that.

Mr. RANSDELL. Something like that. This work will go forward gradually, I will say to the Senator from Washington.

Mr. DILL. Of course, it is not expected that this institute can be made of any real value on $600,000 a year.

Mr. RANSDELL. As a matter of course, we expect to enlarge it very much, but we are not going to hurt the Treasury of this great, rich country. We are going to do something to run down disease. The Public Health Service has been remarkably successful with the small appropriations given to it. It has a very fine record of actual accomplishment, and if we will just give it sufficient means, it will have a much better record in the future.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. RANSDELL. I yield.

Mr. McKELLAR. I want to express my sympathy with the purposes of this bill, which of course are splendid. The argument that has been most frequently used against the Senator's bill to me is this, that there are so many private laboratories and private institutions of a similar nature that are doing this work, that it is unnecessary for the Government to embark on this undertaking, and I would like to hear the Senator in regard to that.

Mr. RANSDELL. I shall answer that in part, and I shall answer it a little further later. I read the testimony of Dr. Treat B. Johnson, of Yale, of Dr. Reid Hunt, of Harvard, and of Doctor Stieglitz, of the University of Chicago, all indorsing this bill absolutely.

I hold in my hand a letter from Dr. George E. Vincent, president of the Rockefeller Foundation, dated the 28th of December last. He said:

> MY DEAR SENATOR RANSDELL: This is in reply to your letter of December 22 in which you report the suggestion in certain quarters—

Very few quarters, I will say, but the query came to me—

> that the proposed national institute of health might duplicate the work of certain research institutions and centers of medical teaching and investigation.

That is the very point the Senator from Tennessee raised.

> I am sure that, as a matter of fact, there would be no such duplication or conflict, but only a valuable stimulation of wholesome cooperation and fruitful competition.

I do not see how the English language could make it any stronger, and I know of no man better qualified than Dr. George

E. Vincent, head of the wonderful Rockefeller Foundation, to testify.

Mr. McKELLAR. I have known Doctor Vincent for quite a number of years, and I know that he is a very high authority in such matters and his opinion is very valuable.

Mr. RANSDELL. I now want to read a brief letter from the Secretary of the Treasury, addressed to the Senator from Washington [Mr. JONES], chairman of the Commerce Committee, on the 21st of last month. He said:

JANUARY 21, 1929.

DEAR MR. CHAIRMAN: Reference is made to S. 4518, which was introduced in the Senate by Senator RANSDELL May 3, 1928. Its provisions are as follows: Enlargement of the Hygienic Laboratory and change of its name to the National Institute of Health; authorization of appropriations as may be necessary to carry out the provisions of the act; acceptance of gifts to be used for the promotion of research; establishment of fellowships in the institute; appointment of scientists; utilization of the facilities of the institute by health authorities; and utilization by the personnel of the institute of the facilities of other scientific institutions wherever located.

The bill as now prepared does not create any new bureaus or new commissions, but utilizes existing governmental machinery. In reality it provides for orderly enlargement of the Hygienic Laboratory and aims to take advantage of its facilities for the training of scientific workers. In order to be substantial this enlargement will necessarily be gradual, depending on available facilities and the ability to secure properly trained personnel to carry on research.

The provision to create a system of fellowship is one of the most valuable parts of the bill. It will enable the national institute of health to encourage men and women of marked proficiency to devote their lives to the study of diseases of mankind. It will also supply contacts among scientific workers to collect and disseminate knowledge.

I am impressed by the authorization for the unconditional acceptance of bequests for the promotion of research. It should encourage private contributions toward the study of health problems and insure their wise use for the solution of particular problems.

The principles of the bill have been indorsed by the leading scientific societies and many prominent scientists and physicians. These principles are meritorious, and I believe their enactment into law would be highly beneficial in the promotion of research and the saving of life.

It may be added that the Bureau of the Budget advises that the proposed legislation is not in conflict with the financial program of the President.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Mr. COPELAND. Mr. President, will the Senator yield? I should like to reply just a little bit more fully to the Senator from Tennessee.

Mr. RANSDELL. I am glad to yield to the Senator for that purpose.

Mr. McKELLAR. It will be a reply to my question, because I did not express an adverse opinion, of course.

Mr. COPELAND. I want to say that I know the Senator favors anything that has to do with the common welfare. The measure now being discussed by the Senator from Louisiana, which the Senator from Tennessee has not had the pleasure of hearing discussed at length so ably and eloquently, is remarkable in one respect, certainly. It has received the unanimous support and indorsement of every institution, whether State supported or privately endowed, in the country. In the Senator's own State of Tennessee and in every State of the Union, so far as I know, there has been this indorsement. I happened to serve on the subcommittee and listened to the testimony. It is a remarkable thing that, beginning with the American Medical Association, the Dental Association, the Pharmacists' Association, and the various learned societies, followed by the various State medical and allied associations, they have all given their support.

An institution in the Senator's own State of Tennessee, for instance, might be doing some research work along a particular line as regards the solution of the cancer problem. That institution might be a State institution or privately endowed and might reach the end of its financial resources. Then, under the provisions of the bill which the Senator from Louisiana has introduced, aid could be given to the work going on in Tennessee, given under the auspices of the national institute of health, but the work would be done in the State of Tennessee. So the general feeling throughout the country on the part of all persons interested in the matter of public and private health is that they are all in the fullest accord with the measure and are offering it their warmest support.

I wanted to say that to the Senator from Tennessee so he will know there is no opposition from any source, so far as I know.

Mr. McKELLAR. Has it the indorsement of the medical societies of the country?

Mr. COPELAND. Every one, beginning with the American Medical Association and going down through the various State and district and local societies. It has, I think without exception, the indorsement of every organization and every laboratory and every scientific body. It is really remarkable in that respect because, as Senators know, doctors are notorious for disagreeing with each other, but in this matter apparently the doctors and scientists all agree.

Mr. RANSDELL. Mr. President, I wish to reply a little further to the query of the Senator from Tennessee in regard to whether there would be any interference with other institutions. I read now from the testimony of Dr. Arthur McCormack, State health officer of Kentucky, who testified rather fully before our committee, indorsing the bill in every way. Here is what he said in part. I asked him this question:

Would this legislation, do you believe, interfere with other institutions?

Doctor McCORMACK. It would help them. The Public Health Service is helping them. I happened to drop in the other day at a conference in the Surgeon General's Office, where various investigators were assembled, who represent organizations that are making a study for the prevention of cancer. At this time they were gathered around one table, just as this committee is considering this matter, and they were there considering the various steps to be taken with a view of correlation and saving the waste of duplication. If in that same way they could be gathered together there and could demonstrate over a period of months, as is contemplated in this bill, the steps that have been taken and should be taken, how valuable it would be to the man just starting in that same field who is going to do constructive work from that point on, and not have to spend the best years of his life in learning what has already been done by the several institutions.

Further on in the hearings the following occurred:

Senator RANSDELL. Thank you very much for that, Doctor. This institute, if established in the big way in which it is conceived, would furnish splendid leadership for all the State boards of health and the medical and other health institutions throughout the country?

Doctor McCORMACK. Exactly. It is just the sort of thing we need to have.

Senator RANSDELL. We look to Washington for nearly all kinds of leadership.

Doctor McCORMACK. Yes. We have an excellent institution here, and such an institution as here proposed will develop the brains and leadership that will lead us in the right direction a great deal further.

Mr. TYDINGS. Mr. President, will the Senator yield for a question?

Mr. RANSDELL. I am delighted.

Mr. TYDINGS. The Senator has said it will not multiply the bureaus of the Government but only utilize those now existing.

Mr. RANSDELL. That is true.

Mr. TYDINGS. I was wondering—not that I am opposed to it, but simply for information—how much it would increase the expense to the Federal Government, if at all?

Mr. RANSDELL. It would necessarily enlarge somewhat the Bureau of the Public Health Service. It would be a gradual increase. My opinion is that rich people will contribute more than we are going to need. One of the greatest financiers of America is my authority for saying that. I am not at liberty to give his name. Doctor Johnson, of Yale, and Dr. Reid Hunt, of Harvard, both said at the hearings on this bill that they knew of a number of rich people who would be delighted to have their names connected with such a marvelous altruistic institution as this, dedicated solely to doing good for human beings. There would be, in my judgment, some increase of expenditure on the part of the Government. It would come gradually, however, and it would not hurt us. Let me add that it would not be comparable to the vast sums which we are now expending in fighting the diseases of plants and animals.

Mr. TYDINGS. It is my impression that foreign governments have already more or less adopted the idea; that is, France, Italy, and Germany already contribute to their great academies of research, and so on.

Mr. RANSDELL. I understand they do. But just how much or whether they are giving much more than we are giving I am not prepared to say.

Mr. TYDINGS. Anyone who wanted to contribute to this function of the Government would be entitled to do so?

Mr. RANSDELL. Yes; and permitted to do so under the terms of the bill, the money to be devoted solely to the purposes therein specified, and handled by the Public Health Service under the Secretary of the Treasury.

Mr. TYDINGS. I thank the Senator.

Mr. RANSDELL. In conclusion, Mr. President, if this bill is passed, and the plans for the national institute of health are carried out in the spirit of their conception, it will soon become the leader of the health forces of mankind. Within its walls will assemble many of the best scientists on earth, in every branch relating to plant and animal life, who will concentrate their hearts and minds on persistent cooperation and organized efforts to ascertain the cause, means of prevention, and cure of every human disease.

Great results are bound to follow from this remarkable combination and concentrated action, with incalculable benefits to our race in relief from sickness, pain, and premature death. When that good day comes, the city of Washington will be the clearing house of health for the entire world, and will dispense in every clime the beneficent discoveries and teachings of its great health institute.

Mr. COPELAND. Mr. President, I simply wish to say that I hope every Senator will read the address just delivered by the Senator from Louisiana. I am sorry there were not more Senators here to listen to it, for the Senator from Louisiana has made a real contribution to the cause of the public health. I feel that every Senator is indebted to him, and that the whole country is indebted to him, for the study he has made of this subject, and I hope that the Senate, in its wisdom, will see fit, when the appropriate time shall come, to pass his bill, in order that the work which he so well outlined may be made effective.

Mr. WALSH of Massachusetts. Mr. President, I wish to join with the Senator from New York in commending the Senator from Louisiana for his very able presentation and very exhaustive study of the important subject upon which he has just spoken. There is nothing that has been done by our State and National Governments in recent years which has contributed so much to the welfare of the human family as have their activities in preventive medicine. The prevention of disease, and of the poverty, misery, and suffering that follow, is a function of government of the highest character.

We have only begun to appreciate its necessity and possibilities. We have only touched this problem of health that is certain to expand and grow. Our activities in behalf of education and commercial expansion are insecure unless we shall do everything possible to preserve the health of our people and to eliminate and eradicate the awful losses and economic consequences of disease.

The Senator from Louisiana has now directed our thoughts into a further field of usefulness into which our Government may enter to help promote the public health. Aside from the merits of his bill, the Senator deserves the commendation of all Senators for having directed their attention to this very wide and useful field of public-service activity, and I wish to join in extending that commendation to him. The protection of the health of our people, the eradication as far as possible of disease by scientific research and sound legislation, is of the highest consideration and the opportunities of governmental assistance to that end are unlimited.

THE AMERICAN FLAG

Mr. HEFLIN. Mr. President, the Washington Post this morning, misrepresenting and falsifying what transpired here on yesterday, stated that Senator HEFLIN had injected the Catholic issue into the debate. I submit to the Senate that that is not true. I want the RECORD to show that I denounced that report as untrue when I saw it. The issue was injected by the senior Senator from Maryland [Mr. BRUCE]—I think deliberately injected by the Senator—and it must have been the previously agreed-on signal for the assault that was made upon the American flag and its rightful place upon our battleships.

The Washington News contains an article by one Ray Tucker, in which he states:

> The Senator from Maryland [Mr. TYDINGS] called Senator HEFLIN a damned fool, and there was no word of protest against the language as unparliamentary.

I want to ask the Senator from Maryland if he did such a thing?

Mr. TYDINGS. Mr. President, I am very glad to say in answer to the Senator's question, which I did not know he was going to propound until just now, that I was referring to the right of every American citizen, under our Constitution, to make an exhibition of himself, implying this by the use of certain language. I had no particular reference to any individual, except, so far as in the judgment of others, one might place himself in that category. [Laughter.]

Mr. HEFLIN. Did the Senator intend to say that I was a damned fool?

Mr. TYDINGS. I have just said that I made no direct statement that the Senator from Alabama was impliedly or expressly a damned fool. I observed that under our form of government certain things were possible, and I had no particular individual in mind at the time I uttered those remarks. Does that answer the Senator?

Mr. HEFLIN. No. Then this newspaper saying that the Senator from Maryland called me a damned fool is incorrect, is it not?

Mr. TYDINGS. In so far as the paper says that, I should say it was.

Mr. HEFLIN. I should say so, too, Mr. President. The Senator from Maryland and no other Senator will call me a damned fool to my face. So this paper has deliberately lied about the matter.

Mr. President, that is a part of the slanderous campaign that has been inspired and carried on against me by those who are angry with me because I have been exposing their un-American activities. In their efforts to push forward Roman Catholic demands they have run counter to the interest of American institutions. I have no apology to make to them for my efforts to hold up American ideals and standards. In seeking to have the American flag fly uppermost on its staff I am doing what I think I ought to do as a true American. Why should I crouch and tremble because Roman Catholic influence opposes my efforts? They want the Roman cross to continue to fly above our flag, and I am opposed to it, and so is practically every patriotic body of Jew and Gentile opposed to it.

Mr. President, I was dumfounded on yesterday to see so many supposedly American Senators take the stand they did on this important American question. I am going to make a prediction regarding that printed roll call. It contains trouble back in the States for those who followed the Roman priests. I made one or two predictions here last spring with regard to Mr. Alfred Smith. You have heard of him. I told the Senate then that he would be the worst defeated condidate that ever ran as a Democrat, and he was; I told the Senate he would split the Democratic Party, and he did; and I told the Senate that he would carry less than 12 States, and he did. He did not carry but seven.

I am going to tell you now, Senators, that many of you who voted yesterday on the other side against flying the United States flag above the Roman cross are going to have to face that issue with the people of your States. It is right and proper that you should.

You can not ignore the request of the National Flag Conference, the Flag Code Commission of the United States, the American Legion, and hundreds of other patriotic orders. Let me give you notice, Senators, this fight has just begun. I told the Senate on yesterday that the Italian flag had that cross, and that the only difference between that flag and the Catholic Church pennant is that the Italian flag has the crown besides the Roman cross that flies above the United States flag on our American battleships. Here it is; you can see it for yourself. I told the Senate before you voted yesterday that the Secretary of the Navy was ready to make the change so as to fly the church pennant at another point and not above the Stars and Stripes; the Secretary of our Navy entered no protest against the proposed change; but Senators who are afraid of the Catholic political influence in the United States flew to cover. The slogan of the Knights of Columbus, M. A. C.—Make America Catholic—is the Roman Catholic program. Doctor McDaniel, of Virginia, recently president of the Southern Baptist Convention, said that of all the countries on earth that the Pope wanted to control he wanted most to control the United States.

We saw a sample of it in the last campaign, in the close, compact, and concerted efforts of the Roman Catholics. Why, because people dared to vote against Al Smith, the leading lights of that group accused them of being intolerant; pressure was brought to bear on all Catholics to support him because he was a Catholic.

But they could see no intolerance in their attitude. The Roman Catholic political machine is active, militant, and threatening, and many public men shiver in their shoes in the presence of its intimidating influence; they are afraid of it as of death, and run to cover and sometimes desert our own colors, our own flag, and go on record in the Senate as voting against flying the Stars and Stripes first and on a staff by itself. Senators solemnly went on record voting to permit the continuance of the flying of the Roman cross above the American flag.

I am going to give the whole history of this question one of these days. The Navy suggested to the Senator from Maine [Mr. HALE] that it was ready to settle this question. Demands for a change are coming in from all over the country. Patriotic

orders over the country are objecting to pulling down our flag and flying anybody's pennant or emblem above it. They want it to fly on a staff all its own. I sought to put such a provision in the law, in response to my own desire and the demand coming from patriotic people all over the country.

The Navy itself expressed a willingness to have this thing done, and the Senator from Maine told the Senate that he had taken my amendment up with the Navy and the Navy had no objection to it: that it was willing to comply with the requirements of the amendment, and as chairman of the Naval Affairs Committee of the Senate he said, "I, therefore, accept the amendment." After he said he would accept it, this Roman influence commenced to get busy about this Capitol, and Rome triumphed. The amendment was defeated. Although the Flag Code Commission of the United States was unanimously for that provision, although the American Legion was for it—the boys who bore that flag to victory upon the battle front in France—and although patriotic men and women everywhere wanted the question settled that no flag or pennant should fly above the Stars and Stripes, the Senate voted to keep the situation as it is, despite the willingness of the Secretary of the Navy to make the change, and despite the fact that patriotic bodies all over the country were demanding that the change be made.

Let Senators explain to their constituents why on a roll call they voted to continue flying the Roman cross above the Stars and Stripes, rather than fly it and other church pennants at another place, leaving the flag of the United States to fly on its own staff without pulling it down 1 or 2 feet for anybody's pennant or emblem. Mr. President, I never expected to see a majority of the Senate of the United States deliberately vote to have the American flag pulled down in order that the Roman cross might continue to fly above it on our battleships.

What influence is it that is fighting my flag amendment but that Roman influence? None. There is not a Protestant order in the United States; there is not a Jewish order in the United States that opposes it. Protestants and Jews are for this amendment; the American people are for it; patriotic bodies everywhere are for it; the American Legion is for it; the Navy is for it; the chairman of the Naval Committee is for it; but strange to say, the Senate would not vote to let it go into the cruiser bill and become a law.

Mr. President, I expect soon to submit some documents on this subject. I am going to hear from a great many people about this matter. The American people will disapprove your vote on yesterday. The battle that started here yesterday is but the beginning of this fight to protect and exalt the American flag. Your action yesterday does not chill my ardor in the least. I have fought battles here before when there were very few on my side to start with. I fought one battle in the Senate when I was by myself at the beginning, but when I finished there were 57 Senators on my side. That was when I drove from the Federal Reserve Board W. P. G. Harding, who had betrayed the country and the President who appointed him and helped to bring on the worst panic that ever cursed the country.

I have been in other battles, Mr. President. Temporary setbacks and delays have no terrors for me. When I know I am right, when I know I am serving my country, I do not care who opposes me. You Senators who voted against the American program for the Roman program on yesterday will have to face the issue before your constituents at home. They are going to know about it. And I imagine they will ask you this:

"Were you present when Senator HEFLIN'S flag amendment was proposed to the cruiser bill?"

"Yes."

"I understand that it provided for flying the American flag on a staff by itself, so that it could be first and supreme in its position as the flag of our country?"

"Yes."

"And doing away with the custom of pulling that flag down in order to put some pennant or emblem above it on the same staff?"

"Yes."

"He sought to leave our flag flying in its own right and on its own staff or hoist proudly alone?"

"Yes."

"He did not want to do away with the use of church pennants. He was willing for you to have your different church pennants hoisted at another place, at a high point on the battleship?"

"Yes."

"He was willing for you to have the church pennant put up on its own pole or staff when religious services were being held on the ship?"

"Yes: that is right."

"And the Navy Department said they were willing for that to be done, and they would provide the necessary equipment to carry out the provisions of the amendment, in order to prevent the lowering of the United States flag every time a pennant was to be flown?"

"Yes."

"Since so many patriotic Americans favored the change and nobody opposed it but certain Roman Catholics; why did you vote against it?"

Well, some of you will say, perhaps, that Senator BRUCE, of Maryland, got up and said that the pennant was the Catholic pennant, and it was the only one that was flown above the Stars and Stripes; and that then the seasoned warrior and veteran legislator, the Senator from Idaho [Mr. BORAH], suddenly became excited and exclaimed: "Well, the amendment is not so bad, but the turn the debate has taken is terrible." I told the Senator from Idaho that I did not inject the Catholic issue. That it was the Senator from Maryland that did it; and he knew it. Now, seriously, did not the Senator from Idaho have a poor, little flimsy excuse for becoming excited when the Senator from Maryland told him that I was trying to prevent the flying of the Roman flag above the American flag? Your people will ask you:

"What influence was it that opposed the Heflin flag amendment?"

"Roman Catholic."

"Did anybody else object to it?"

"No."

"Did anybody else outside seek to prevent the passage of the bill except Roman Catholics?"

"No."

And then they will say to you that they think that it is high time that we put only real Americans on guard in the Senate.

And they are going to do it. I see several Senators around me that are not coming back here because of the stand you decided to take on yesterday when this question was squarely put up to you.

I have told the Senator from Maryland that. I told him when he took that same stand 18 months ago that he was dead politically, and all he needed to do was to fold his hands across his breast and lay a lily on his chest. [Laughter.]

The Senator on yesterday attributes his defeat to intolerance and bigotry. Why, Mr. President, the Senator beat himself. He hopped out and championed the Catholic program in the Senate and outside of it, and he has made the people of Maryland and everywhere else sick and tired of his effusions on the subject. He has jumped on the Ku-Klux Klan, a Protestant order—and the Ku-Klux Klan has a right to exist. I have read its principles, and they are noble principles; and I submit that they certainly helped to do a good job in the last campaign. When they helped to turn out the Raskobs, with the Roman Tammany bunch, they were rendering lofty service to their country and performing a great patriotic duty.

The Senator from Maryland has harped on liquor and wet propaganda until he has lost the prohibition vote of his State.

Mr. BRUCE. Mr. President, will the Senator yield to me?

Mr. HEFLIN. I yield to the Senator.

Mr. BRUCE. Has the Senator's attention been called to the fact that only day before yesterday the General Assembly of Maryland, by a decisive vote, defeated the State prohibition-enforcement measure?

Mr. HEFLIN. Now who would have thought that the Senator would take advantage of me to get in that statement that I objected to this morning. I was going to withdraw my objection to it later, Mr. President. At the time, though, I had gotten sick and tired of these matters that the Senator would inject in here about wets and antiprohibition. I heard a Senator remark the other day that if the Senator from Maryland was sitting anywhere in the hall, it did not make any difference what he was doing, and any Senator anywhere else in the hall rose to speak, and said anything about prohibition, the Senator from Maryland was on his feet in an instant; and that is true. He always has something to say on that subject. I say, in all good nature, that all that helped to defeat the Senator.

Now again, Mr. President, I ask why should not this country do what it wants to do with its flag? I do not care what religious denomination it is; we are not going to reach the point, and get away with it, where we can not discuss any group's activities in politics and in our civic affairs. I submit that our right to protect and safeguard that flag does not concern the Catholic's right to worship God as he chooses, and I would not deny him his right to worship as he chooses. I do not care what his form of worship is. I am against the persistent political activities of the Catholic Church, the political organization of

the church, and the fruits of that political activity; and I am getting weary of these weak-kneed Protestants who stand up when they are prodded a little by that influence and condemn other people for being intolerant and bigoted because they stand for American ideals and American institutions.

Senators, I can give you some experiences that I had with the intolerance of certain Roman Catholics that I did not know about until I discussed this Mexican war question. When I went out to speak in the States upon the invitation of patriotic men and women, everywhere I went I found a Catholic priest or priests and Knights of Columbus trying to prevent the local people from obtaining a hall for me to speak in, to discuss the Catholic program to plunge us into war with Mexico. Frequently they were told, "Why, a Knight of Columbus spoke in that hall a few nights ago; he discussed the Mexican question, and we want Senator HEFLIN to speak. We want to hear the other side. The papers have misrepresented what he said in the Senate, and we want to hear him. This is our country. He is a United States Senator. We want to hear what he has to say. Why are you going around here telling us that we ought not to have that hall and trying to prevent us from having a hall? You are interfering with the right of peaceful assembly and the right of free speech."

I had that experience myself. I do not believe there is a single place to which I went, out of 25 or 30 in the various States, where I was not told by the local committee that the Knights of Columbus and the priests had been around trying to get the school board to prevent me from having a hall in which to discuss the Mexican question. One place to which I went was Butler, Pa., and the committee there told me that the school board wanted to see me. I said, "All right; I shall be delighted to see them." They came up to the hotel, and one of them, the spokesman, said:

"The priest objects to your having the school auditorium."

I said, "Is it a Protestant institution?"

"Yes."

"Built by the Protestants?"

"Yes."

"And a Catholic priest is going to object to you Protestants having a Protestant speak in a Protestant school hall?"

"Well, he objects."

I said, "I am not surprised at that. They have done that everywhere else."

"Well, this priest says if you will agree not to say anything about the Catholics, either here or in Mexico, or the Catholic Church, he will consent to your having the hall."

I said, "Has a Catholic priest got to consent for me to have the hall? I never have asked one of them to consent for me to speak or to have a hall in which to speak, and I refuse to do it now."

One of them said, "Oh, we are not requiring that. We are just telling you what he said."

"Well, you tell him that I said that I will discuss this question, and I will give the facts; and if he wants to challenge any statement I make, let him do it in the public hall. I am not going to agree to anything with him. It is none of his business. This is a free country, and I resent this interference, this bold arrogance on the part of this priest, sending somebody to me to tell me that I can speak if I will consent to say or not to say certain things."

They went back and told him. He was very mad, they said; and one of the committee told me that night that he walked out of the bank where they were talking, very mad, and he said, "Well, if you are going to let him speak, I tell you now you are going to have trouble at the hall. The Knights of Columbus will not stand for it, and I can not control them."

What do you think of that? Is not that glorious tolerance? Is not that good enough to roll under your tongue as a sweet morsel? He said, "I can not control the Knights of Columbus. You will have trouble."

I spoke that night, and I told that audience what the message was, that he said that he could not control them; and I said, "I believe that you are red-blooded Americans, and I do not think you are going to submit to any interference. If the Knights start anything here, and the priest can not control them, we will control them"; and there was no disturbance there that night.

Mr. President, I am opposed to intolerance; but I am not guilty of intolerance when I want the American flag to fly upon a staff by itself, above the Roman cross and everybody else's banner or pennant.

This is a serious issue that you Senators have on your backs. The record is there. It is written. And I think it is like the Newberry record. There are going to be more casualties in it than you have any idea of when the people back home read that debate, and read what the Senator from Maryland said when he asked me if it was not a fact that the only cross or emblem that flies above the United States flag is the Catholic flag. That is in there; and the vote finally came, and there were 10 that stood unshaken by the appeal of the priests. They are like those that stand out as beacon lights in the history of the past, who had the American viewpoint and who dared to bare their breasts to the opposition and take a stand for the flag of their country.

I am not taking or seeking to take from the Catholics anything that belongs to them. I wish them well in all proper American endeavor. Let them worship as they choose, and serve God as they choose; but do not let them try to make America Catholic. And they are not going to tell us where the American flag shall fly. I repeat, we have just begun to fight.

I am going to introduce a bill on the subject to-morrow. We are going to have a hearing here at the Capitol before a Senate committee. We are going to give red-blooded Americans in the States a chance to write or come in here and tell us how they feel on this subject; and I am going to continue to press it. I am going to continue to fight for the honor and prestige due the American flag. We are not going to stop until that flag flies by itself, majestic and supreme, first and uppermost on every American battleship and cruiser and other naval vessels.

Mr. President, that is all I care to say at this time on that particular phase of the subject.

Just a few words before I finish about the Catholic cry of "intolerance." The people are getting very tired of the overworking of that word. They are weary of having it buried by certain Catholics and their Protestant agents at Protestants only. They agree that there is some of it on both sides and not all of it on one side. We saw a sample of it in the last presidential campaign. It was stated in the Catholic press with great emphasis that Smith would be elected if he were not a Roman Catholic, and I tell you that if he had not been a Roman Catholic he would never have been Governor of New York. If he had been a Protestant he would never have been Governor of New York State. You all know the influence that put him in the governor's chair and the influence that nominated him for President. It was the Roman Catholic influence. And since his defeat reports are coming in from various Roman Catholic papers. I have read a number of them myself, and I have them now, giving the reasons for his defeat, attributing it to the ignorant, prejudiced, intolerant, bigoted Methodists, Baptists, and Presbyterians and other Protestant Americans. Again I say, is not that sweet tolerance? It is the bitterest kind and meanest kind of intolerance.

The question is here, Mr. President, and we have got to deal with it. It was in the last campaign, and if the Democratic Party nominates Smith again Hoover's majority was not a circumstance to what the next one will be. Smith polled in the neighborhood of 15,000,000 votes. He got about 7,000,000 Catholic votes, and the others—Democrats, wet Republicans, and some progressives, and what not—ran it up to 15,000,000 votes.

Now, I want to make a prediction about what will happen if they nominate him again. But they are not going to do it. The party betrayed at Houston and humiliatingly defeated, is going to rise again and have a new leader, and he is not coming out of New York, either. He is not going to be Alfred Smith, and he is not going to be his man Friday, Franklin Roosevelt. He is coming from another section. There is going to be a new day and a new deal in the Democratic Party in which all real Democrats can get together. We are going to shake off the grave clothes of Tammany and write a declaration of independence from the corrupt Tammany forces that hung like a millstone about the neck of the party in the last campaign.

Mr. President, if Smith should happen to be nominated again by another betrayal of the Democratic Party, his vote will dwindle down to the Catholic vote only. He will poll in the neighborhood of 7,000,000 votes. Mark that, and remember it. He got 7,000,000 votes in the last election that will not go to him again. I have heard men here and in the other branch and outside who supported him say that they supported him before purely for regularity's sake but would not support him again. I have heard men say that they thought a certain religious group would try to run him again in 1932, and that if they did seek to nominate him the split would come this time at the convention; and it will. I want to give them warning now that they are not going to tie this body of political death about the neck of the Democratic Party permanently. We are going to shake it off and be done with it, and America is going to be run by Americans, and her American Protestant institutions are going to be preserved at any cost, and if certain Senators will not vote for them here, as some of them indicated

yesterday they would not, there will be others here to take their places who will stand up and be counted on the right side when the rights of the American flag are involved, and who will not be afraid and run to cover when they hear the rustle of priestly robes in the corridors of this Capitol.

LANDS OF THE YANKTON SIOUX TRIBE OF INDIANS

The PRESIDING OFFICER (Mr. BLEASE in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 2792) reinvesting title to certain lands in the Yankton Sioux Tribe of Indians, which was, on page 1, to strike out lines 10 and 11, and on page 2, to strike out down to and including "purposes" in line 1 and insert "when they are no longer required for agency, school, and other purposes."

Mr. McMASTER. I move that the amendment of the House be concurred in.

The motion was agreed to.

PETITIONS

Mr. BURTON presented petitions of members of the First Mennonite Church of Bluffton and sundry citizens of Cleveland, in the State of Ohio, praying that action be deferred on the enactment of the cruiser construction bill, which were ordered to lie on the table.

Mr. BLAINE presented resolutions adopted by the Rural Letter Carriers Association of Wisconsin, at Waupaca, Wis., favoring the granting of cumulative leave of absence to rural letter carriers, the passage of legislation creating a special highway fund from the sale of war material for use on roads over which the United States mails are carried, etc., and the increase of pay to rural carriers for excess mileage over 24 miles, from $30 per mile to $50 per mile per year, plus 6 cents per day per mile equipment allowance, which were referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES

Mr. STEIWER, from the Committee on Naval Affairs, to which was referred the bill (H. R. 14039) to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes, reported it without amendment and submitted a report (No. 1651) thereon.

Mr. KENDRICK, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 5573) granting the consent of Congress to compacts or agreements between the States of Colorado, Nebraska, and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested, reported it without amendment and submitted a report (No. 1653) thereon.

Mr. GLENN, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 12347) granting all right, title, and interest of the United States to the piece or parcel of land known as the Cuartel lot to the city of Monterey, Calif., reported it without amendment and submitted a report (No. 1654) thereon.

Mr. FESS, from the Committee on the Library, to which were referred the following bills, joint resolutions, and concurrent resolution, reported them severally without amendment:

A bill (S. 4964) to authorize the erection of a suitable statue of Maj. Gen. George W. Goethals within the Canal Zone;

A bill (H. R. 11800) to establish a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the Battle of Rhode Island;

Joint resolution (S. J. Res. 58) to relieve Elizabeth Robins Pennell from necessity of providing a surety on her bond for the benefit of the United States as residuary legatee and remainderman under the will of Joseph Pennell;

Joint resolution (H. J. Res. 304) providing for the observance and commemoration of the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski, and establishing a commission to be known as the United States Pulaski Sesquicentennial Commission; and

Concurrent resolution (H. Con. Res. 46) amending section 6 of the House concurrent resolution establishing the United States Yorktown Sesquicentennial Commission.

MERGER OF STREET RAILWAYS IN THE DISTRICT

Mr. CAPPER. From the Committee on the District of Columbia, to which was referred the joint resolution (S. J. Res. 208) to authorize the merger of street railway corporations operating in the District of Columbia, I report it back favorably without amendment and I submit a report (No. 1652) thereon. The matter is of such vital importance that I give notice that I shall ask for the early consideration of this measure.

The PRESIDING OFFICER. The joint resolution will be placed on the calendar.

HARRIMAN GEOGRAPHIC CODE SYSTEM

Mr. MOSES, from the Select Joint Committee on the Harriman Geographic Code System, submitted a report (No. 1655), accompanied by a bill (S. 5722) to provide for the purchase of the use of the Harriman Geographic Code System, which was read twice by its title.

The PRESIDING OFFICER. The bill will be placed on the calendar.

MOUNT RUSHMORE NATIONAL MEMORIAL COMMISSION

Mr. FESS. From the Committee on the Library, I report back the amendments of the House of Representatives to the bill (S. 3848) creating the Mount Rushmore National Memorial Commission and defining its purposes and powers. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. FESS, Mr. GILLETT, and Mr. MCKELLAR conferees on the part of the Senate.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on this calendar day that committee presented to the President of the United States the following enrolled bills:

S. 4818. An act for the relief of hay growers in Brazoria, Galveston, and Harris Counties, Tex.; and

S. 5578. An act recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crew of the U. S. S. *America*, and for other purposes.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HALE:

A bill (S. 5709) granting a pension to Mary E. Haley (with accompanying papers); to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 5710) granting a pension to Mary Von Ezdorf; to the Committee on Commerce.

By Mr. MCNARY:

A bill (S. 5711) granting a pension to William G. Thomson; to the Committee on Pensions.

By Mr. GILLETT:

A bill (S. 5712) granting an increase of pension to Mary L. Spelman; to the Committee on Pensions.

By Mr. MAYFIELD:

A bill (S. 5713) for the relief of C. G. Comegys and J. Ed Rhea (with accompanying papers); to the Committee on Claims.

By Mr. HARRIS:

A bill (S. 5714) to establish the Okefenokee Wild Life and Fish Refuge in the State of Georgia; to the Committee on Agriculture and Forestry.

A bill (S. 5715) for the relief of J. H. B. Wilder; to the Committee on Claims.

By Mr. HAYDEN:

A bill (S. 5716) to authorize the exchange of timber with the Saginaw & Manistee Lumber Co.; to the Committee on Agriculture and Forestry.

By Mr. ODDIE:

A bill (S. 5717) for the relief of the State of Nevada (with accompanying papers); to the Committee on the Judiciary.

By Mr. FESS:

A bill (S. 5718) proposing to amend section 17 of the interstate commerce act; to the Committee on Interstate Commerce.

By Mr. RANSDELL:

A bill (S. 5719) for the relief of Katherine Elizabeth Kerrigan Callaghan; to the Committee on Claims.

A bill (S. 5720) authorizing L. L. Thompson, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Red River at or near Montgomery, La.; to the Committee on Commerce.

By Mr. REED of Pennsylvania:

A bill (S. 5721) granting the consent of Congress to construct, maintain, own, manage, and operate a tunnel or tunnels and approaches thereto under the Delaware River; to the Committee on Commerce.

By Mr. GLASS:

A bill (S. 5723) to amend section 7 of the Federal reserve act, as amended, and to amend section 18 of the Federal reserve act; to the Committee on Banking and Currency.

By Mr. BLAINE:

A bill (S. 5724) authorizing the Director of the United States Veterans' Bureau to extend the benefits of the emergency offi-

cers' retirement act to Wilbur M. Lee, former colonel, United States Army; to the Committee on Finance.

By Mr. WHEELER:

A joint resolution (S. J. Res. 209) to create a joint congressional committee to be known as the committee on narcotic traffic; to the Committee on the Judiciary.

By Mr. REED of Missouri:

A joint resolution (S. J. Res. 210) authorizing the appropriation of the sum of $871,655 as the contribution of the United States toward the Christopher Columbus Memorial Lighthouse at Santo Domingo (with an accompanying paper); to the Committee on Foreign Relations.

By Mr. BLAINE:

A joint resolution (S. J. Res. 211) authorizing the President by general proclamation to grant pardon and amnesty in certain war-time cases; to the Committee on the Judiciary.

PUBLIC BUILDING AT BINGHAMTON, N. Y.

Mr. WAGNER. Mr. President, I introduce a bill for the relief of the city of Binghamton, in the State of New York, and ask that it be referred to the Committee on Claims.

Fifteen years ago Congress directed the Secretary of the Treasury to acquire a site in the city of Binghamton for the use and accommodation of the post office, courts, and other Federal offices in that city. The site was purchased. Congress was persuaded to vote the authorization and to appropriate the necessary money—$100,000—by the facts set forth in the House report recommending the bill for passage. From that report I quote the following:

> The present building is antiquated, crowded to its very doors, and is absolutely inadequate for the needs of the service in the city of Binghamton. In addition, it was partially destroyed by fire during 1913, making a bad situation worse.

That was 15 years ago. That condition has continued. The site has been acquired but no building has ever been erected upon it. The city of Binghamton has been denied the taxes that would ordinarily be assessable against the property but it has not derived any benefits in the way of service for its citizens. The city of Binghamton has expended money for the beautification of the approaches to the site purchased by the Government, but the Government has permitted the site to go unused for Federal purposes.

The result is that the people of Binghamton are not only denied the benefits of adequate Federal facilities but are denied the taxes that would be assessable against two Federal sites, both the old and the new.

The site which has been purchased by the Government has been leased out to its former owner who is enjoying the benefit of tax-free property. The Government has been deriving revenue from this property and has been enjoying the protection and services provided by the city of Binghamton but has given nothing in return.

I am fully cognizant of the fact that in the ordinary case where there is a normal lapse of time between the acquisition of the site and the construction of the building, Congress has refused to require the Secretary of the Treasury to pay local taxes and assessments. This, however, is not a normal case. A positive injustice has been and is being done to the people of Binghamton, and the least that the Congress can do is to provide that so long as the Federal Government continues to own that site in Binghamton and refuses to erect a building thereon, so long shall the Federal Government be liable for such taxes as would be assessable against the property were it in private ownership.

I ask to have printed in the RECORD and referred to the Committee on Claims the resolutions adopted by the Common Council of Binghamton.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 5708) for the relief of the city of Binghamton, N. Y., was read twice by its title and referred to the Committee on Claims.

The resolutions presented by Mr. WAGNER were referred to the Committee on Claims, to accompany the bill, and ordered to be printed in the RECORD, as follows:

IN COMMON COUNCIL,
Binghamton, N. Y., December 27, 1928.

Resolution seeking reimbursement to the city from the Federal Government for local improvement (by Alderman Delaney)

Whereas the United States of America, since December, 1915, has been, and now is, the owner of a large tract of land situate at the junction of State, Henry, and Washington Streets in this city, which is valuable property in the central and business section of said city; and

Whereas the said lands were purchased by the Federal Government for the avowed purpose of erecting a new post office and Federal building thereon; and

Whereas such purpose has not been carried out; instead the buildings on said premises, which were reserved to the grantor in the conveyance of said lands to the Federal Government, and which were to be razed whenever the Federal authorities should so require, have been allowed to remain standing on said premises; meanwhile said lands have been continuously leased by the Federal Government to its said grantor and to said grantor's successors in interest as the owner of said buildings, under which lease said Federal Government has received $500 per year as ground rent; and said buildings have in turn been sublet by the successive owners thereof for numerous and varied business purposes, with the result that a large net revenue has been derived annually therefrom by said successive lessees of said Federal Government's lands; and

Whereas the occupancy of said buildings in the manner aforesaid has imposed divers burdens upon the city of Binghamton for street improvements, for street lighting, for police and fire protection, and the like; and

Whereas the following local improvements adjacent to said premises have been made for which, under private ownership, the following assessments could have been made against and would have been a lien upon said premises, viz:

In 1927: Washington Street pavement, proportion of assessment	$913.29
In 1928: Henry Street pavement, proportion of assessment	800.45
In 1928: State Street pavement, proportion of assessment	927.93
Total	2,641.67

And

Whereas there are other assessments for ornamental lighting, and perhaps for other improvements, the data concerning which has not yet been collated; and

Whereas by virtue of its sovereignty the United States Government is exempt from the burdens imposed upon the citizens of this municipality for State, county, and city taxes; claims a like exemption from any and all assessments for local improvements; and has paid no taxes whatsoever upon said premises since its ownership thereof; and

Whereas the spirit and purpose of exempting Federal property from local taxation is because such property is presumably being used for the public benefit, which has never been done with the property in question; but instead has been devoted to private uses, from which the Federal Government has derived upward of $6,000 in rentals, which have to some extent been in competition with tax-burdened properties in that vicinity; so that in equity and fairness the Federal Government should at least reimburse the city of Binghamton for its proportionate share of the aforesaid local improvements: Therefore be it

Resolved, That the Congressman from this district and the United States Senators from the State of New York be, and severally are, urged with all possible emphasis to bring this injustice to the city of Binghamton and to its taxpayers to the attention of the Congress of the United States, and to such other departments and officials of the Federal Government as they shall deem proper, and to put forth all honorable efforts to secure reimbursement to said city for such local improvements, either by congressional appropriation or otherwise, as they may be advised; and be it further

Resolved, That the mayor and other appropriate city officials are hereby authorized and requested to collect all data regarding such local improvements of every name and nature, and to submit the same to said Congressman and United States Senators and to cooperate in all appropriate ways in securing suitable relief from the injustice of the existing situation of affairs; and be it further

Resolved, That the city clerk shall cause certified copies of this resolution to be transmitted to Congressman CLARKE, United States Senators COPELAND and WAGNER, and to Postmaster Henry B. Mulford as the custodian of the Federal property in this city.

STATE OF NEW YORK,
County of Broome, city of Binghamton, ss:

I, Archie B. Jones, clerk of said city, do hereby certify that the foregoing is a copy of a resolution which was unanimously adopted by the common council of the city of Binghamton at a meeting held on the 27th day of December, 1928; and that I have compared the same with the original now on file in my office and that the same is a correct and true copy of said original and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the seal of the said city of Binghamton this 31st day of December, 1928.

[SEAL.] ARCHIE B. JONES, *City Clerk.*

HOUSE BILL REFERRED

The bill (H. R. 15092) to authorize an appropriation to pay half the cost of a bridge near the Soboba Indian Reservation, Calif., was read twice by its title and referred to the Committee on Indian Affairs.

AGRICULTURAL DEPARTMENT APPROPRIATIONS

The PRESIDING OFFICER (Mr. STECK in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R.

15386) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McNARY. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McNARY, Mr. JONES, Mr. KEYES, Mr. OVERMAN, Mr. HARRIS, and Mr. KENDRICK conferees on the part of the Senate.

WAR DEPARTMENT APPROPRIATIONS

Mr. REED of Pennsylvania. I ask the Senate to resume the consideration of the War Department appropriation bill.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes.

Mr. REED of Pennsylvania. I ask that the Senate proceed to the consideration of the first amendment which was passed over.

The PRESIDING OFFICER (Mr. BLEASE in the chair). The clerk will state the amendment.

The CHIEF CLERK. On page 26, line 3, the committee report to strike out the period and insert in lieu thereof a colon and the following language:

Provided further, That no part of the sums appropriated or authorized to be contracted for in this paragraph shall be available for construction at Scott Field, Ill.

Mr. REED of Pennsylvania. I understand that the Senator from Illinois [Mr. DENEEN] prefers that the Scott Field matter be taken up after we have disposed of the Sacramento provision.

Mr. HARRISON. Mr. President, I think that at least the members of the Committee on Military Affairs who helped draft this bill ought to be in the Senate. Therefore I make the point of no quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McKellar	Shipstead
Barkley	Frazier	McMaster	Shortridge
Bayard	George	McNary	Simmons
Black	Gerry	Mayfield	Smith
Blaine	Gillett	Moses	Steck
Blease	Glass	Neely	Steiwer
Borah	Glenn	Norbeck	Stephens
Bratton	Goff	Norris	Swanson
Brookhart	Gould	Oddie	Thomas, Idaho
Bruce	Greene	Overman	Thomas, Okla.
Burton	Hale	Phipps	Trammell
Capper	Harris	Pine	Tydings
Caraway	Harrison	Pittman	Tyson
Copeland	Hawes	Ransdell	Vandenberg
Couzens	Hayden	Reed, Mo.	Wagner
Curtis	Heflin	Reed, Pa.	Walsh, Mass.
Dale	Johnson	Robinson, Ark.	Walsh, Mont.
Deneen	Jones	Robinson, Ind.	Warren
Dill	Kendrick	Sackett	Waterman
Edge	Keyes	Schall	Watson
Edwards	King	Sheppard	Wheeler

Mr. NORRIS. I wish to announce that my colleague [Mr. HOWELL] is necessarily detained from the Senate by reason of illness.

Mr. BLAINE. My colleague [Mr. LA FOLLETTE] is unavoidably detained from the Senate by illness. I ask that this announcement stand for the day.

Mr. BRATTON. My colleague [Mr. LARRAZOLO] is detained from the Senate by illness. I ask that this announcement stand for the day.

The PRESIDING OFFICER. Eighty-four Senators having answered to their names, a quorum is present.

Mr. REED of Pennsylvania. Mr. President, I ask that we proceed with the consideration of the items on page 81, which were passed over.

The PRESIDING OFFICER. The clerk will report the amendments.

The CHIEF CLERK. On page 81, line 14, the committee proposes to strike out "$1,000,000" and insert in lieu thereof "$400,000," so as to read:

Flood control, Sacramento River, Calif.: For prosecuting work of flood control in accordance with the provisions of the flood control act approved March 1, 1917 (U. S. C. 1090, sec. 703), as modified by the flood control act approved May 15, 1928 (45 Stat. 534), $400,000.

And on page 81 to strike out lines 15 to 22, inclusive, in the following words:

Return of funds contributed for flood control, Sacramento River, Calif.: For return to the State of California of funds contributed by the State for flood control in the Sacramento River, under the provisions of section 2 of the flood control act approved March 1, 1917 (U. S. C. 1090, sec. 703), as authorized by section 13 of the flood control act approved May 15, 1928 (45 Stat. 534), $4,370,000.

Mr. HARRISON. Mr. President, I do not want to delay the consideration of this item, but the bill was taken up for consideration on Saturday evening during my absence, and there were some other items which probably have been adopted by the Senate and about which I wanted to inquire. I shall not delay action on this item now, however.

Mr. JOHNSON. Mr. President, there are two amendments made in the bill as submitted by the committee to the Senate, both of which I think may be presented together, and both of these amendments I ask the Senate to reject.

The first of the reasons I advance for the position I assume is that the items as reported to the House and as passed by the House constitute to-day the law of the land, and, constituting the law, they should not be eliminated by the Senate committee from the bill as it passed the House. These two items are found on page 81, lines 9 to 22.

In line 14 the numerals "$1,000,000" were stricken out by the Senate committee and "$400,000" inserted.

The second of the amendments was to strike out lines 15 to 22, inclusive, as follows:

Return of funds contributed for flood control, Sacramento River, Calif.: For return to the State of California of funds contributed by the State for flood control in the Sacramento River, under the provisions of section 2 of the flood control act approved March 1, 1917 (U. S. C. 1090, sec. 703), as authorized by section 13 of the flood control act approved May 15, 1928 (45 Stat. 534), $4,370,000.

Both of these items received the unanimous approval of the House committee. Both of them unanimously passed the House. Without hearing by the Senate committee, and indeed, though I do not say this in criticism of the committee at all, but without consideration, in reality, without notice to any of the parties interested both were amended in the particulars I have indicated.

Mr. President, this particular territory is in the congressional district of Mr. CHARLES F. CURRY, Representative of the State of California in the Congress.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from North Carolina?

Mr. JOHNSON. I yield.

Mr. OVERMAN. I desire to ask the Senator if the amendment which he is discussing is now before the Senate for consideration?

Mr. JOHNSON. It is.

Mr. OVERMAN. I understood that the bill was to be read first for the consideration of amendments and that we were to take up the committee amendments as they were reached.

Mr. REED of Pennsylvania. Mr. President, may I say to the Senator from North Carolina that the bill has been read for amendments, committee amendments were considered, and this is one of the four committee amendments which were passed over.

Mr. OVERMAN. I thank the Senator.

Mr. JOHNSON. This is one of the four amendments which were passed over, and are now called up, as I understand it, by the Senator from Pennsylvania, and therefore I am speaking to this particular amendment.

The Sacramento River is in the district of Mr. CHARLES F. CURRY, a Representative of the State of California in the Congress. The river has been particularly a matter of interest to Mr. CURRY. Not only has it been a matter of interest to him, but Senators upon the other side of the Chamber, who have been interested in the Mississippi River, and who have devoted themselves with such vigilance and such industry and such pertinacity and such ability to the Mississippi River problems, will understand and sympathize with Mr. CURRY when I say that the endeavor he has made in respect to the Sacramento River is comparable to their efforts in behalf of the Mississippi. He has devoted practically a lifetime to that work and has very well, indeed, accomplished the purposes of the United States Government and of the State and the landowners, too.

Mr. CURRY is unfortunately very ill at the present time, but I, too, am familiar with the particular locality. I lived 35 years under the pall of the threat of flood in that particular territory. I lived during that period, sir, where I was born, upon the Sacramento River, and I understand something respecting it. Let me say to you, sir, that the river, of itself, is one of the major streams of the United States. It has a commerce that is only second to that of the Monongahela and fourth in river-borne commerce in the United States. The river commerce serves a purpose far beyond the mere transportation of goods, for it is a great stabilizing factor, in the

State of California, of railroad transportation and of freight rates.

The river has been peculiar, because it was a river originally of tremendous depth and tremendous possibilities commercially, which, by virtue of hydraulic mining, with which there may not be very many here familiar, finally became an object of solicitude to the United States Government. Hydraulic mining, if none of the Senators are familiar with what we become familiar with in the State of California in the years gone by, was an industry that literally put hundreds of millions of gold into circulation in this Nation, but in doing that it almost destroyed this great commercial waterway. Great pumps and enormous streams of water that were used by hydraulic mining washed away whole mountains that ran down then into the Sacramento River and caused that river to rise and rise and rise until all the settlers along the banks of the river were in constant dread and in constant peril of floods.

Senators can readily imagine that that kind of process led to warfare between the miners in the mountains and the farmers in the valleys, a warfare indeed which, during my youth, was exceedingly bitter, a warfare which led ultimately to various decisions in the different courts of the land. Ultimately the United States courts rendered a decision by which under injunction hydraulic mining was restrained because of the loss that it presented to the farming land far down in the valleys. Then the United States Government took charge of the river and took charge of its improvement and its navigation through what was termed the Débris Commission. The California Débris Commission, since those days away back in the eighties, has been appointed by the President of the United States, confirmed by the Senate, and the Government of the United States under the Caminetti Act, with the California Débris Commission, has permitted, under license, a sort of hydraulic mining and has endeavored to do its duty in respect to this great waterway in that territory.

There are to-day, sir, just two national flood-control projects, one relating to the Mississippi River and the other to the Sacramento River. Up to the time of the passage of the Mississippi flood control act in 1928 those who were contiguous to the Sacramento River, in the endeavor to control its navigation and its flood, and in the endeavor to do what was essential in order to maintain it as a great commercial highway, paid a proportion of the expense far exceeding that which, under any other project under national control, had been paid by any people in this great Nation of ours. The Government paid one-sixth of the expense, the State——

Mr. WARREN. One-sixth?

Mr. JOHNSON. One-sixth in the later years. The State paid one-sixth, and the landowners paid the remainder that was necessary.

The burden became extraordinarily heavy upon the landowners, for the greater burden fell upon them, and they have expended some $20,000,000 to $30,000,000 and odd in an endeavor to control the river and make it navigable in accordance with the desires of the engineers of the United States Government. Finally it was assumed that this proportionate expense was unjust and unfair, and then was agitated in the Congress the changing of the proportionate expense to make it one-third upon the Government, one-third upon the State, and one-third upon the residents. Finally in 1928, when the Mississippi flood control bill was passed by the Congress of the United States the design of making it one-third, and one-third, and one-third was enacted into law under the provisions of that act.

I read, in order that Members of the Senate who are not familiar with the proposition may understand, section 13 of the Mississippi River flood control act approved May 15, 1928, which provides:

> That the project for the control of floods in the Sacramento River, Calif., adopted by section 2 of the act approved March 1, 1917, entitled "An act providing for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes," is hereby modified in accordance with the report of the California Débris Commission—

This, I wish Senators to keep in mind, is a national commission called the California Débris Commission—

> submitted in Senate Document No. 23, Sixty-ninth Congress, first session, provided that the total amount contributed by the Federal Government, including the amounts heretofore contributed by it, shall in no event exceed in the aggregate $17,600,000.

The original proportion which was to be assumed by the Government in this flood-control project, this governmental flood-control project, was $6,000,000 or thereabouts. I may not be accurate in the hundreds of thousands, but it was——

Mr. JONES. It was $5,600,000.

Mr. JOHNSON. I thank the Senator. That was the original amount, but the original estimate of money required to carry out what the United States engineers had directed to be done was $31,000,000 in round numbers. But the cost of labor and material, subject to the war, led the engineers of the United States Government to revise the original estimate of $31,000,000, and then their estimate of the cost of the project was made in round numbers $51,000,000. It was then that the United States Government obligated itself to pay $17,000,000, which was one-third of the total amount estimated to be the cost of the project.

In section 13, as I have indicated, we approved and made a part of the law the report of the California Débris Commission, submitted in Senate Document No. 23, Sixty-ninth Congress, first session. That is the law to-day. To-day there is no question about what the law is in this regard. If the law requires an appropriation of $1,000,000 per year and a refund of the amount that is stated in this bill, why should the Senate and how can the Senate thus endeavor to repeal the law or prevent its operation by an amendment of this sort? It was provided in the recommendations of the Débris Commission, to which I have adverted, that—

> The limit set on the contribution of the United States by the act of March 1, 1917, be increased from $5,600,000 to $17,700,000, including what has already been appropriated.

Follow this, Senators, because this is what we enacted into law last year:

> That the annual appropriation be increased from $500,000 to $1,000,000, the limit set by existing law, so as to permit the completion of the work within a reasonable time.

An appropriation of $400,000, as proposed in the bill now before us, will not permit the completion of the work within a reasonable time. We adopted the report requiring the appropriation of $1,000,000 each year in accordance with the engineer's recommendation to which I have just adverted.

In addition to that, I have before me the budget of the State of California showing the appropriation by the State of its $1,000,000 per year. Upon what theory does the United States Government enter into a pact of this sort with its people and with a State by which it shall appropriate $1,000,000 a year, and then, when the State has acted upon it and the people themselves are acting under it, come here and change the amount from $1,000,000 to $400,000?

I read now another section of the report which was adopted by the law that was enacted in 1928 and is the law of the land to-day:

> That the United States return to the State of California the amount which shall have been expended on the project by the California Débris Commission from funds contributed by the State at the time of the adoption of these recommendations.

The refund, sir, may seem at first blush to be a refund from the Treasury of the United States. But, sir, under the law it applies upon the $17,000,000 which the Government is to pay, so that it does not increase by a single, solitary penny the amount which the Government is obligated to pay upon this project. It simply borrows, as it were, from Peter to pay Paul in order that more appropriately and more readily landowners may be relieved of the liens that were upon their lands and complete the work at the earliest possible moment. That is what the refund constitutes. That is all the item constitutes.

The House of Representatives adopted this provision unanimously. The House committee had no disagreement of any kind or of any character upon it. The Senate committee, I think without full knowledge of the situation, recommended the amendment that has been put into the bill. Now permit me to read a letter that was sent to me—and it was sent to me, I presume, out of the kindness of the gentleman's heart; I do not know him, but he happens to be a friend of Representative CURRY, of California.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Virginia?

Mr. JOHNSON. I yield.

Mr. GLASS. I have just come into the Chamber and have not heard all the Senator from California has had to say on this subject. I therefore ask for what purpose was the original indebtedness incurred that involves the United States Government in this transaction?

Mr. JOHNSON. For flood control and navigation on the Sacramento River. If the Senator from Virginia has any question in his mind about the navigation of the Sacramento River, I have some figures here that will enable him to see the importance of that stream. It is a stream that enters into what we term Carquinez Straits, a body of water which in reality is a

part of the Bay of San Francisco. The commerce of the Sacramento River comes from the entire region extending some hundreds of miles to the north, comes down the river to the Bay of San Francisco, and up from the bay to the various points upon the river. That commerce aggregates about $100,000,000 a year, and it has increased constantly under the fostering care of the United States Government through its Board of Engineers, termed the California Débris Commission, and the help that the Government has given and that the State and the landowners have given.

For instance, let me call the attention of the Senate to the fact that in the year 1900 tonnage had increased to 465,725 tons; in 1918 it had increased to 1,053,510 tons, with a valuation of $113,999,000, representing the astounding figure of an average of $108 per ton, that figure, of course, being calculated on the basis of war-time prices. At that time the United States engineers stated that this valuation was more than four times as great per ton as the value of the commerce on the next great commerce-carrying river in the United States. In 1926 there were moved 1,223,000 tons, valued at $85,000,000, or an average of over $70 per ton. The break in the value of the commerce came after the war and during the time of agricultural depression.

General Taylor, in speaking of the river and its possibilities, said:

> It is very large. It is one of the most intensively navigated streams in the country. I think, except for the Monongahela, there is probably no other stream in the country—except, possibly, the Hudson River up to Albany—practically no other river in the country carries as much as the Sacramento. It is a kind of navigation which is very useful. It is a delta country and is cut up a good deal by sloughs, which carry depths of from 7 to 10, 12, and 15 feet. These sloughs are navigable by small boats, gasoline-operated boats, or sailboats, which go to the various farms and pick up produce. You will see on that river fleets of these small boats carrying hay and grain and farm produce of all kinds.

I could read much more from the statistics should it be desired.

Mr. GLASS. Mr. President, exactly what I want to know is when the Federal Government incurred any obligation to pay this money which it is now proposed that the Congress shall appropriate and which the Senator stated, as I heard him as I came into the Chamber, is a mere payment on an obligation of the Government?

Mr. JOHNSON. Mr. President, I will not go back to 1917 and the flood control act of that year, but prior to that time the original provision of the law provided that the Government should pay a one-sixth and the State and the settlers should pay the remainder. Subsequently there was agitation, as I explained before the Senator from Virginia came into the Chamber, to bring about a more equitable division. The burden became unduly onerous upon the landowners. Then it was proposed that the proportion be one-third by the United States Government, one-third by the State government, and one-third by the landowners. In 1928 we passed the Mississippi flood control bill, section 13 of which related to the Sacramento River project. Only two governmental flood-control projects are there in the United States in reality—the Mississippi flood control and the Sacramento River flood control. In the law which we passed in 1928 we affirmed and adopted the report of the California Débris Commission, which consisted of United States Engineers appointed by the President and approved by the Senate, who have charge of navigation and flood control and rectification, and the like, on the Sacramento River. That report, thus approved, became a part of the law. The hearings before the House committee were plenary upon the subject.

The report of the California Débris Commission provides, as I read a few moments ago, for the proportion one-third, one-third, and one-third. It provides as well for a $1,000,000 appropriation a year in conjunction with a like expenditure by the State and the landowners; it provides as well, for use upon the project, of a refund of the amount of money that had been paid theretofore by the landowners and the State in excess of the proportion of the one-third that had just been fixed by the law. The items that are in the bill are the items under the law. So it is not necessary in reality to discuss the navigability of the Sacramento River, its useful purposes, and the like, because the law already has fixed these items. They were fixed in the flood control act of 1928; no one can gainsay that. So, whether we like the law or do not like the law, there it is, fixing these things to be done, and they were fixed after long hearings before the House committee that finally adopted the plan.

Mr. GLASS. Mr. President, did the original act provide that there should be a refund to the State of California over any period of years heretofore for the improvement of the river?

Mr. JOHNSON. Yes; I will read it again to the Senator; I do not think he was in the Chamber when I read it before:

> That the United States return to the State of California the amount which shall have been expended on the project by the California Débris Commission from funds contributed by the State at the time of the adoption of these recommendations.

Mr. GLASS. That is what I want to know. The Senator will understand that I am interested in the matter as a member of the Appropriations Committee, and I merely want to know what we are appropriating for.

Mr. JOHNSON. I am very delighted to answer any question that shall be put to me. My opinion is that if I could have had five minutes before the Appropriations Committee to explain this matter there would have been no difficulty about it, but I did not know the committee was going to act upon it. Knowing, first, that the House had acted and passed it unanimously; secondly, that the United States Engineers had recommended it; thirdly, that the Budget had sent down a recommendation in favor of it, and the subcommittee of the Appropriations Committee not being hostile or adverse, I did not for an instant imagine that there was going to be any difficulty with the full committee. That difficulty, I think, arose simply from the fact that there was no statement of the facts before the committee at that time.

Mr. REED of Pennsylvania. Mr. President, I should like to say a word, if I may.

Mr. JOHNSON. I yield.

Mr. REED of Pennsylvania. The Senator from Virginia should understand that the phrase read by the Senator from California was not in the law itself, but was in the report of the California Débris Commission which is referred to in the law. In 1928 an amendment was put on the Mississippi flood control bill, known as section 13, and that amendment was carried through in the bill and is in the law now. That amendment provided that the Sacramento project, as provided for in 1917, should be modified in accordance with the engineers' report, and it is from that report that the Senator from California was just reading.

Mr. JOHNSON. That is correct. If the Senator from Virginia should like to hear the section read, it is very brief and I will read it.

> SEC. 13. That the project for the control of floods in the Sacramento River, Calif., adopted by section 2 of the act approved March 1, 1917, entitled "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes," is hereby modified in accordance with the report of the California Débris Commission, submitted in Senate Document No. 23, Sixty-ninth Congress, first session: *Provided*, That the total amounts contributed by the Federal Government, including the amounts heretofore contributed by it, shall in no event exceed in the aggregate $17,600,000.

I was about to refer to a letter that was sent me by a gentleman who——

Mr. WARREN. Mr. President——

Mr. JOHNSON. I yield to the Senator from Wyoming.

Mr. WARREN. Not as affecting the question now being discussed, but as information I should like to have, will the Senator tell us when the original provision was made—as I recall, it was made years ago—concerning the Débris Commission and the payment of a portion of the sum by the United States?

Mr. JOHNSON. I think that the Débris Commission came into existence under the Caminetti Act. In the later eighties or early nineties that act was passed, as I remember. The Senator probably was here and will recall it.

Mr. WARREN. I recall that many years ago there were small amounts of money annually paid, but I lost sight of the proportions.

Mr. JOHNSON. The Caminetti Act was passed by the Congress for the purpose, if possible, of composing the differences between the farmers of the valley and the miners of the hills. Senators can have no comprehension of how bitter that contest became. I was a resident of the city of Sacramento at the time, and the bitterness was something that passes belief. There were the great hills being washed down and filling up the river. I think at Sacramento the bed of the river was filled for 10 or 12 feet, and at Marysville for 15 or 20 feet. One of the strange sights of my boyhood was to stand upon the levee at Marysville and see flow by me the river and away down below the town a city of now 10,000 inhabitants and growing all the time. Just so it was with all the cities on the Sacramento River. To compose those differences, Congress took a hand after the United States court had rendered their celebrated Bloomfield decision enjoining hydraulic mining. The Congress sought to permit hydraulic mining with the least

possible danger and injury to the farming lands below. Then came into being the California Débris Commission of United States engineers, appointed by the Government, and from that time they have been in charge of the work.

Mr. OVERMAN. Mr. President, may I ask the Senator a question?

Mr. JOHNSON. Certainly.

Mr. OVERMAN. Was the hydraulic mining done by the Government or by private owners seeking gold?

Mr. JOHNSON. It was all done by private owners.

Mr. OVERMAN. How, then, is the Government responsible for the damage which ensued?

Mr. JOHNSON. The mining took place on the public domain and the Government, perhaps, may have been originally responsible; but, at any rate, the Government derived a tremendous profit from the enormous amount of gold that then was being produced in California and it desired to protect the farmers below and to maintain as well this great waterway.

I will read to the Senate a letter that came to me from Representative DRIVER, of Arkansas. He puts rather tersely the whole proposition, and perhaps the Senate may better grasp it from his letter than from the rambling remarks which I have made:

> At the request of my colleague, CHARLES F. CURRY, of California, I am presenting to you as a member of the Committee on Flood Control of the House of Representatives the conditions which justified the modification of the original act of March 1, 1917, providing for the control of the floods on the Sacramento River in California and the amendatory acts with relation thereto. The modification carried in the act of May 15, 1928, was in the nature of increasing the proportionate cost for the completion of the project theretofore borne by the Federal Government and the State of California, with a proportionate diminution of the contributions required of the local landowners. Under the provisions of the original act, the division of cost was made on the basis of two-thirds, by the local interests, and one-sixth each by the State of California and the Federal Government. The original estimated cost of the project was placed at $33,000,000, of which the Federal Government and the State of California would contribute $5,500,000 each, leaving the sum of $22,000,000 to be paid by the local interests.
>
> There was actually appropriated and expended the sum of $3,750,000 by each of said State and Federal authorities; but the landowners not only contributed the full amount under the basis of apportionment but, in order to avail themselves of the full benefit to accrue from the completion of the project, have expended, including the flood-control works, a total of practically $100,000,000. The great portion of such expenditures was made in the reclamation of their lands through providing proper drainage, with the necessary outlets therefor; and in so doing they have burdened their farms with liens through which such funds were secured, and it becomes a matter of impossibility to secure additional moneys in such measure with which to provide for the completion of the project, without which no material value will be conferred upon their lands.
>
> While the distress in which the landowners of the Sacramento Valley find themselves makes a strong appeal to the sympathies, yet the real moving influence with the Flood Control Committee members—and which, I may say, extended to the membership of the House—was in the unfair apportionment of the costs originally, and the fact that, through certain changes in the plan of improvement, desirable beyond question, and made at the instance of the commission in charge of the project, it was found that the completion of the work would entail an aggregate expenditure of $51,030,425. The committee believed, in view of the interest of navigation and the general welfare involved, that a division of one-third each as between the Federal Government, the State of California, and the local interests, was a more equitable allocation of cost, and the rule obtaining under the provisions of the flood-control project on the Mississippi River. Therefore, the change was made in the basis of apportionment of cost of the bill reported from such committee, which measure became a law as the act of May 15, 1928.
>
> The provision of the law expressly limits the maximum contribution of the Government to $17,500,000; but out of the amount authorized—$4,370,000—amounts advanced by the State of California in excess of the contributions required by the act of 1917 were to be paid said State, thus equalizing the cost of the complete project in accordance with the changed apportionment; the amount as stated to be expended in the completion of the project, but in lieu of equivalent contributions by the State. This change was based on the recommendation of the débris commission in charge of the administration of flood control on the Sacramento River.
>
> The bill, in so far as the Sacramento project was concerned, received the unanimous approval and support of the Flood Control Committee of the House, and no opposition was offered to the section of the bill covering the Sacramento project in the debates on the floor of the House.

So I submit in conclusion, Senators, first, that the House has passed this bill. The House had its hearings; the House determined the facts; the House then sent the bill over to the Senate. The House did this upon the recommendation of the United States engineers; the House did it upon the recommendation of the Budget itself; the House did it because it is the law to-day; and the law ought not to be altered by an amendment by the committee.

Mr. OVERMAN. Mr. President, I am a member of the Appropriations Committee. As a member of that committee, when this amendment was read to the committee, a large body of the committee being present, I was simply amazed that the United States was called upon to refund to California $600,000 and, in the end, $4,000,000. If we should set that precedent, it would open a Pandora's box which would bankrupt this Government.

If we refund to California $4,000,000 for the Sacramento River, which is a State river, why not refund to Louisiana a billion dollars which the taxpayers of that State have raised for the Mississippi River? Why not appropriate to Arkansas, why not appropriate to Mississippi, the millions and millions and millions of dollars the taxpayers of those States have raised among themselves for that river? Why not refund to the South $68,000,000 of direct tax that was levied by this Government when we were in dire distress, that all the lawyers of this country know was an unconstitutional act? Why not refund to the State of Virginia a billion dollars for the sale of public lands which she reserved in her deed when she deeded to the Government the Northwest Territory? Why not give back to North Carolina the receipts from the sale of public lands in Tennessee when we ceded the land for the new State to the Government, the State of North Carolina reserving to herself all proceeds derived from the sale of public lands? Those States have not received a cent and are not asking for a cent.

Senators, see where we are going and where this is leading to. That was the reason why, as a member of the Appropriations Committee, I moved to strike out this appropriation, notwithstanding it was sent down by the Budget Bureau. Why was it sent down by the Budget Bureau?

Because it had been authorized by Congress. Are we bound by every authorization of Congress? Not infrequently in the Appropriations Committee we have before us a law in which an appropriation is authorized; but when we see that it is improper to appropriate the money we do not do it, and that is the reason. The duty is committed to us of going into this question to see whether this money ought to be appropriated.

Therefore, Mr. President, not knowing any of the facts but that the bill itself stated that this money should be refunded to California for money already spent on the Sacramento River, why should we replace this fund? I could not see any reason for it; and I am telling Senators the reasons that I gave then and that I give now, and the reason why the committee struck out the provision.

Mr. JONES. Mr. President, just a few words.

The hearings in the House were very brief with reference to this item. I think some of the members of the committee, at any rate, voted to strike out this item in the hope of securing an explanation of the situation on the floor and in the discussion of the bill.

I have given as much study to this matter as I have had the time to give since it was reported, and I have not any doubt whatever about $3,750,000 of this sum. The remainder is not as clear to me as I should like to have it.

I find that in the Débris Commission's report, which is referred to in section 13 of the act of 1928, and which was adopted by Congress, there is a recommendation that there should be refunded to the State of California $3,750,000. This grows out of the expenditure of money by the State of California for the benefit of the channel of the Sacramento River and the construction of weirs in aid of navigation. It was recommended by the Débris Commission. Whether that recommendation was good or ill I am not going now to discuss. It was recommended by the commission. That specific amount was set out.

For instance, on page 38 of this report, it says:

> Following is a summary of the division of the cost corresponding to the recommended physical division of the work:
>
> * * * * * * *
>
> (6) To be reimbursed by the State of California on account of funds heretofore contributed to channel work and weir construction—
>
> Two phases of the work that were especially connected with navigation—
>
> $3,750,000.

So that that phase of it is clear.

Mr. HARRISON. Mr. President, may I ask the Senator what is the Débris Commission? Who appoints it, and how many men are on it?

Mr. JOHNSON. Mr. President, if the Senator will permit me, the President appoints them. They are appointed from the United States Engineers. The Senate confirms them. There are three members of the California Débris Commission.

Mr. JONES. Here are the members of the commission who signed this report:

Herbert Deakyne, colonel, Corps of Engineers, president. He is now Assistant Chief of Engineers.

U. S. Grant, 3d, major, Corps of Engineers, secretary.

H. A. Finch, major, Corps of Engineers.

Mr. OVERMAN. Mr. President, may I ask the Senator a question?

Mr. JONES. Yes.

Mr. OVERMAN. If we assume this debt and undertake to pay it, ought we not to assume the debt of Mississippi that she has bonded her State to pay for improvement of the Mississippi River, which is an interstate river, and the work on which is carried on by commissioners appointed by the President? If this precedent is established is there any reason why we should not pay back to Mississippi the great sum of money she has paid on her rivers?

Mr. JONES. Mr. President, I am rather inclined to think that the situation and the conditions are different; but that is a proposition that will have to be passed upon on its merits when it comes up. Here is a situation that we have actually passed on. We have, by solemn legislation, adopted this modified report of the Débris Commission; and I think by that act we have obligated the National Government to pay what is promised or what we said we should pay in the report which we have adopted.

Mr. REED of Pennsylvania. Mr. President, the Senator does not mean that every authorization bill constitutes a promise which must be carried out in this year's appropriation bill?

Mr. JONES. Oh, no; I am not talking about the $1,000,000 item, especially. I am talking more about the $4,370,000 item; and I do not say that we have to appropriate all that money in this bill, either. I did not hear all the discussion of the Senator from California, but I am referring to that phase of it, as to whether or not it is just, whether or not there is any obligation on our part to pay that $4,370,000.

I will admit that we could appropriate half of this at this time if we saw fit to do it, or we could appropriate a smaller amount, or we could refuse to appropriate anything now; but that would not discharge our obligation.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit another question?

Mr. JONES. Certainly.

Mr. REED of Pennsylvania. I notice at page 209 of the House hearings that this statement is made by General Jadwin, the Chief of Engineers:

> The flood control act of May 15, 1928, adopted the recommendations in the report of the California Débris Commission. The board of engineers and the Chief of Engineers did not concur in this report. The board of engineers recommended that the project be modified so as to provide for increasing the contribution of the Federal Government from $5,600,000 to $6,620,000 without the return of any funds to the State of California.

Did the Senator know that at the time his committee reported out this flood control bill?

Mr. JONES. I will frankly say to the Senator that I do not think we did. Section 13 was put in the flood control bill in the House, and came over here as a part of the bill. Our hearings, of course, were directed to the flood situation on the Mississippi River; and I will say frankly to the Senator that this matter was not investigated particularly. Several of us did not really want to include the Sacramento in that bill, but appeals were made to have that done, and of course we sympathized with the condition of our friend, a Member of the House from California; and I will frankly say to the Senator that we accepted the House language without any particular study or investigation.

Mr. GLASS. So that it was not, after all, so solemnly and seriously and deliberately done?

Mr. JONES. Except as legislation is enacted.

Mr. GLASS. I confess, as a member of the Appropriations Committee, that I knew nothing of this, and particularly did not know of what has just been read by the distinguished Senator from Pennsylvania, that the Army engineers were in disagreement with the report of this commission.

Mr. OVERMAN. Mr. President, let us understand this, if the Senator will yield to me.

Mr. JONES. Yes.

Mr. OVERMAN. Does the Senator know that frequently the Appropriations Committee turns down an amount that is authorized on the ground that it is wrong?

Mr. JONES. I do not know of any case where that is done under circumstances like these. Let me say to the Senator that in addition to being authorized, this, I take it, is really an agreement created by statute.

Mr. OVERMAN. There is a statute authorizing it, but we are not bound by authorizations. Not longer ago than yesterday in the Appropriations Committee we declined to recommend an appropriation to settle the judgment of a court, or it was held up in conference, although the statute authorized it to be paid. It was held up because it was wrong, and the committee saw that it was wrong, and we turned it down.

Mr. REED of Pennsylvania. Mr. President, I would like to ask the Senator from Washington one or two more questions, if he will bear with me. Will the Senator tell us whether any member of the Committee on Commerce knew that this flood control act of 1928 called for the repayment to California of what she had spent?

Mr. JONES. Of course, I am not disposed to disclose what took place in the committee, but I will frankly say that the matter was not discussed in the committee. I have no doubt but that the Senator from California, who is a member of the committee, is probably familiar with the terms, but it was not discussed in the committee.

Mr. REED of Pennsylvania. Was it discussed on the floor?

Mr. JONES. No; it was not.

Mr. JOHNSON. Let me say a word as to the amount the Senator from Washington has asked. It is explained to me that the increase from the $3,700,000 to the $4,300,000 arises from what has happened in the interim between the time the first estimate was made and the present time. I have the report of the Budget here showing that $400,000 yearly has been appropriated by the State of California since the first estimate was made.

Mr. JONES. I had understood that that accounted for the $4,370,000. But there is nothing in the House hearings to indicate how much has actually been paid in. I understand that the Budget sent an estimate down, and that no further investigation was made into it by the House committee, and nothing has been furnished by the Budget to disclose what showing was made to the Budget which led it to arrive at the $4,370,000. I am sure, just as the Senator from California says, that this was paid in by the State during the years that have intervened since this report was made and up to the time of its adoption in 1928.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit one more question?

Mr. JONES. I yield to the Senator.

Mr. REED of Pennsylvania. I notice in the same testimony to which I called the Senator's attention a further statement by General Jadwin after he had said that the Chief of Engineers and the Board of Engineers did not agree with this Débris Commission report. He said:

> When the matter came up before the Flood Control Committee last year—

I presume he meant the Flood Control Committee of the House considering the Mississippi River bill.

Mr. JONES. I assume so.

Mr. REED of Pennsylvania. He said:

> a former junior member of the California Débris Commission was called upon to testify, but the committee did not have before it any representative of the Chief of Engineers or the Board of Engineers.

May I ask, did the Commerce Committee of the Senate have before it any representative of the Chief of Engineers?

Mr. JONES. We had representatives of the Board of Engineers, but I think I said to the Senator a moment ago that we did not consider this item in the committee.

Mr. JOHNSON. Who would know better, may I ask the Senator from Pennsylvania, concerning the report, than the members of the Débris Commission, who are Government Engineers themselves?

Mr. REED of Pennsylvania. Undoubtedly they would know all about it.

Mr. JOHNSON. They would know. The Senator will see that Jadwin was asked, "This is the law, is it not, and it has to be done?" And he said, "It is the law, and it has to be done." That is all there is to it.

The Senator will recall the differences that existed in the Committee on Commerce and among the members of the engineering department concerning the Mississippi project, and into that I do not desire to go. Here is a law that is fixed, and here is practically a contract that is made, and which ought to be carried out, I submit.

Mr. JONES. Mr. President, this Débris Commission report is very clear with reference to the $3,750,000. I find this near the

close of the report, where it summarizes its recommendations. This language is used in recommendation (f):

That the United States return to the State of California the amounts which shall have been expended on the project by the California Débris Commission from funds contributed by the State at the time of the adoption of these recommendations.

As I understand, it is contended that that language is a promise of a return to California of the proportionate part of the funds that have been expended since 1925, and is in addition to the $3,750,000. I think there is some room for doubt with reference to that, but that was the basis on which the $4,370,000 was arrived at.

I am not here to say whether this Débris Commission report was justified or not. It was made by very competent Army engineers, there is no doubt about that. They were on the ground, and I think they were really more familiar with the situation than anybody else. They recommended the change in the project and the estimate of cost. They held that the United States Government should pay the cost of the channel improvements and the weir construction, which was largely for the improvement of navigation, and it was upon the basis of that that they recommended the repayment of this money to California as the part which California had expended on purely navigation work.

I take the position myself that where we have passed what I might call a solemn legislative act, adopting a proposition, so long as that is the law we should carry it out.

Mr. GLASS. But, Mr. President, if the Senator will permit me, we did not do it solemnly. We did not even do it on sufficient information. The Senator has admitted here that he knew nothing about it himself, and that his committee did not consider it.

Mr. JONES. That, in my judgment, does not vitiate a contract of this nature. We probably are subject to criticism because we acted in that way, but I take it none the less this is a statutory agreement, if you do not want to call it a solemn agreement, a statutory agreement between the United States and California.

Mr. GLASS. I do not think it takes on the form of a contract. I think Congress upon fuller information might vitiate the statute.

Mr. JONES. I think that might be justifiable if California had not gone on and actually expended its money for work which is peculiarly within the province of the National Government; that is, the improvement of navigation. That is what they expended the money for, the improvement of navigation on the Sacramento River, in connection with flood control.

Mr. GLASS. I fail to note the obligation of the Government to carry into effect a statute that was confessedly adopted without any information and without any consideration.

Mr. JOHNSON. There were hearings.

Mr. JONES. I think the statement of the Senator from Virginia is hardly correct. I assume that the House gave this careful study and investigation. I assume that.

Mr. GLASS. But the Senate is a part of the legislative branch of the Government.

Mr. JONES. That is true.

Mr. GLASS. And the Senator confesses that the Senate gave no consideration to it.

Mr. JONES. That is the fact. I could not deny it, because it is a fact.

Mr. GLASS. If the Government is so flush with funds and so generously disposed as to make refunds of this kind, I think I will present a bill on behalf of Virginia, under the Jamison survey, and have the Government pay us back for all of the territories we ceded to the Government, containing whole blocks of States.

Mr. JONES. If the Senator can present what might be termed "a contract," or "statutory agreement," between the National Government and the State of Virginia——

Mr. GLASS. The obligation there is a great deal more definite than the one under consideration here.

Mr. OVERMAN. Mr. President, a clause in the deed reserves to Virginia all money derived from the sale of public lands in Ohio, Indiana, Illinois—five States in that section—and the Government never has paid her a cent.

Mr. JOHNSON. If it is just, why should it not be refunded?

Mr. OVERMAN. It ought to be refunded.

Mr. JOHNSON. If it is just, why should it not be?

Mr. OVERMAN. The State is not asking for it, and I am surprised at California.

Mr. JOHNSON. The mere fact that it has not asked would not militate against it in the slightest degree with me, if it were a just thing to do.

Mr. OVERMAN. It would bankrupt the Government.

Mr. JONES. I think I agree with the Senator from California. I stated briefly my position in regard to the matter and what has led me to approve, at least to the extent of $3,750,000, this item. As I have said, I have a doubt about the other, but unless we are going to revoke this statutory promise or agreement, then we should carry it out. Of course, it is for the Senate to determine whether it is going to do that.

Mr. OVERMAN. How would we revoke it? Would not the refusal to give this appropriation be in effect a revocation?

Mr. JONES. Yes; I think that would be in effect a revocation of it.

Mr. OVERMAN. The question is, then, whether we want to revoke it or not.

Mr. JONES. I think that is really the question.

Mr. HARRISON. Mr. President, I want to ask the chairman of the Committee on Commerce a question. I notice in the report made by the House Flood Control Committee that they deal with this question, and it would seem to me in their report they specifically obligate the Federal Government to pay the money.

Mr. JONES. The Senator refers to the House report on the flood control bill?

Mr. HARRISON. The House report on the flood control bill.

Mr. JONES. I have not examined that; but, as I said awhile ago, I have no doubt but that they looked into it.

Mr. HARRISON. After dealing with it to some extent they say:

The State of California, by legislation passed in 1925, has already approved the proposed reapportionment of cost and has obligated itself to pay a full one-third of the cost on condition that the United States assume a corresponding obligation.

All sums heretofore appropriated by the State or Nation in aid of the project are to be credited against the one-third proposed to be assumed, and the balance is to be provided by installment appropriations.

I think a careful reading of the report shows that we did obligate ourselves to pay this one-third.

Mr. JONES. I might say this also, that in this provision adopting the California débris project it is expressly provided, in section 13, that "the amount so contributed by the Federal Government shall in no event exceed $17,600,000."

Whatever we appropriate here is, of course, included in that $17,600,000. If we do not appropriate a cent, the chances are that this work will not be concluded, though the National Government has spent $17,600,000 on it, while if we should put the full amount in here it diminishes the $17,600,000 by just that amount.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee on page 81, line 14, to strike out "$1,000,000" and insert in lieu thereof "$400,000."

Mr. REED of Pennsylvania. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. REED of Pennsylvania. The amendment that was debated was the amendment to strike out lines 15 to 22, inclusive, on page 81.

Mr. JOHNSON. The other was debated as well. Will we dispose of the first one by a viva voce vote?

Mr. REED of Pennsylvania. I suggest that they be acted on together.

The PRESIDING OFFICER. The amendments were debated together, but the one the Chair stated first came first. That is why he stated it first.

Mr. REED of Pennsylvania. Then we will let the vote proceed on the first amendment.

Mr. McNARY. Mr. President, I am a little in doubt as to the amendment upon which we are called on to vote. Does it include all of the items in the paragraph?

The PRESIDING OFFICER. There are two separate amendments, as I understand it, on page 81. One is on line 14, to strike out "$1,000,000" and to insert "$400,000." The second amendment is to strike out lines 15 to 22, inclusive. The two amendments were debated together. Of course, the Senate can vote on both at once, or vote on them separately.

Mr. JONES. I think they should be voted on separately.

Mr. McNARY. Of course, that could be done by unanimous consent. I should not oppose that method of expediting the proposition, but I thought the controversy was more particularly with reference to the amount of money to be returned to California than the amount of money which properly would be carried in the bill for development work.

The PRESIDING OFFICER. The Chair thinks the Senator is correct.

Mr. REED of Pennsylvania. Mr. President, as the roll call has not yet been proceeded with, I ask unanimous consent that

the Senate vote now by roll call on the refund proposition which is covered by the amendment in lines 15 to 22 on page 81.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

Mr. McNARY. Mr. President, withholding for the moment my consent, I want to make an observation probably due to the parliamentary condition which now presents itself, and also as to the division of the question and the remarks made by the Senator from North Carolina [Mr. OVERMAN].

As I understand the argument, there are two points involved, one the question of the appropriation to continue the work under the flood control act, and the other as to the sum of money that should be returned to the State of California which it had advanced over and above the amount which it was anticipated should be advanced by reason of the action of the Congress.

On the general proposition I can not see any difference between the amount of money that is to be appropriated for California under the flood control act and the amount of money which was so liberally appropriated last year to the States along the Mississippi River.

Mr. OVERMAN. Mr. President, did the Senator refer to me just now?

Mr. McNARY. Only in a very gentle and very kindly way. I was stating as a matter of principle, because of an observation made by my distinguished and lovable friend from North Carolina, that I can not understand where there is any distinction to be had between the amount of money which is to be appropriated directly out of the Treasury of the United States to take care of flood control and navigation of the Sacramento River and the money last year so abundantly and generously appropriated by the Congress for the same thing on the Mississippi River.

Mr. OVERMAN. Mr. President, in the first place I contend——

Mr. McNARY. If the Senator will just wait a moment, I will thank him. I have not finished. My statement is not in the nature of an inquiry, but more in the nature of an observation.

The practice has been for a long while, as to all navigable streams, for the Congress to appropriate money for both flood control and navigation. Sometimes they are quite apart and sometimes they are blended. In this particular case in so far as affects the Sacramento River they are united in one common purpose. I say there is no difference in principle between the appropriating of money for flood-control work and navigation on the Sacramento River in California and the money that was appropriated last year for flood control and navigation on the Mississippi River.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Virginia?

Mr. McNARY. I yield.

Mr. GLASS. Would the Senator be willing to vote for a bill refunding to the States along the Mississippi River the immense amounts of money which they have paid in years heretofore for flood control?

Mr. McNARY. What I have done probably is indicative of my state of mind. As ranking member of the Committee on Commerce last year I voted to place the whole burden on the Federal Government in connection with flood control on the Mississippi River.

Mr. GLASS. That relates to future control. What I am asking the Senator is whether he would vote for a bill presented here to refund to those various States the enormous amounts of money which they respectively and in the aggregate have expended for flood control.

Mr. McNARY. Yesterday, as chairman of the Senate Committee on Agriculture and Forestry, I reported favorably a bill which provides that money shall be given by the Federal Government to four Southern States adjacent to the Mississippi River because of the destruction of their roads.

Mr. GLASS. The Senator does not answer my question at all.

Mr. McNARY. I am answering it by citing things that have occurred here and not by answering a hypothetical question. To the Senator's hypothesis I will say yes, if he will come in here with a bill which is fair and shows that the Government has been unjust to those Commonwealths, it will receive my support.

Mr. GLASS. I take it from the Senator's position that the Government has been unjust about it in not refunding the enormous amounts of money which have been expended in years past for flood control on the Mississippi River.

Mr. McNARY. In the first place, I tried to distinguish the two thoughts involved in the question on which we are about to vote. I am not talking about a refund proposition at all. I am talking about the principle involved in the flood-control work and the navigation development on the Sacramento River in California.

Mr. GLASS. But the item now before us involves a refund.

Mr. JONES. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. JONES. The refund, as I understand it, is not for money expended for flood control but it is for money expended by California in particular navigation work, in the control of channels and the construction of weirs.

Mr. JOHNSON. Mr. President, will the Senator permit me, in answer to the Senator from Virginia?

Mr. McNARY. I yield to the Senator from California.

Mr. JOHNSON. It is because the proportions which have been heretofore allocated in California are different from the proportions which were allocated on the Mississippi River. In making the proportion one-third, one-third, and one-third, the amount that has been expended for the United States Government in weirs and the like is returned to the State to be expended on the project and taken out of the full amount that is to be expended from the one-third contributed by the Government upon that work.

Mr. REED of Pennsylvania. Mr. President, does the Senator mean that this money was not expended for flood control?

Mr. JOHNSON. It was spent for flood control, but in the construction of weirs and the like and in respect to navigation as well. It was expended by the United States Government as it saw fit, because its officials had absolute jurisdiction over the expenditure of the funds.

Mr. REED of Pennsylvania. The amendment we are now discussing represents funds contributed for flood control?

Mr. JOHNSON. That is quite true.

Mr. McNARY. I only rose because of the remarks made by the distinguished and able Senator from North Carolina [Mr. OVERMAN], intimating that this proposal presents a unique principle in legislation. I again say that it is different from the legislation enacted last year only in the sense that in the legislation enacted last year with respect to flood control on the Mississippi River the Government assumes all the financial burden. In controlling the flood waters of the Sacramento River under the act of 1928 the Government assumes only one-third of the financial burden, the other two-thirds falling on the State and the private property adjacent to the river.

Carrying that analogy further, in all our harbor-control work the same principle has been involved, much to the injustice of the West. Out of the millions and hundreds of millions of dollars, which have been expended by the Federal Government in the deepening of the rivers and harbors throughout the country, many of our eastern harbors have been improved at the sole and exclusive expense of the Federal Government, whereas as to the West there has grown up a policy which has been cruel and injurious, requiring that the ports in those Western States, wherein more than half of the land is publicly owned and untaxed and untaxable, shall pay one-half of the expense for the development of the rivers and harbors.

Mr. OVERMAN. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. OVERMAN. I believe the principle stated by the Senator is correct, and as to the future I agree with the Senator, but the Senator is bound to admit that this proposition was not considered in committee at all and was not considered in the Senate when it was passed. It was done out of consideration for a very distinguished and able Senator who was ill at the time, and it was not given any particular consideration. It was done without consideration by the Senate or by the committee.

I do not think a sectional question ought to be brought into the matter. I say that if this is established as a precedent it will bankrupt the Federal Government, because if we pay the State of California in this case, we ought to pay the States along the Mississippi River where they have almost bankrupted themselves in order to provide for navigation, and flood control, too.

Mr. McNARY. It comes back to the point I stated a moment ago. I am not discussing that phase of the problem which is presented in the matter of the return to California of certain proceeds paid in advance, which is based upon the act of 1917; but for the purposes of flood control and navigation, I repeat, the precedent is as old as the Congress of the United States.

Mr. HAWES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Missouri?

Mr. McNARY. I yield.

Mr. HAWES. The Senator is a member of the Commerce Committee of the Senate. I think perhaps I may refresh his recollection. The whole flood-control matter was discussed for months in the House, beginning, I believe, in November. Voluminous testimony was taken there, as a result of which the Senate hearings were not long and fewer witnesses were called, because we, in our judgment, relied upon the testimony taken on the House side. I think it would be an unfair statement to

charge the great Commerce Committee, with 19 Senators on it, with having passed on the bill without due consideration. We relied upon the testimony taken before the House committee.

Mr. McNARY. I have made no such charge as that.

Mr. HAWES. I know the Senator did not; but it has been suggested here that we passed upon the matter without investigation. It would be quite an unfair assumption to say that that was correct. Our hearings on the flood control bill were brief, because we had the benefit of the testimony taken on the House side. Is it the Senator's recollection of the attitude of the Senate committee that we relied upon the testimony taken on the House side?

Mr. McNARY. To a very large extent. As I recall, there was no one on the committee not familiar and particularly conversant with the whole situation, and I do not recall that any hasty action was taken in the matter whatsoever. I think we made a very thorough study of the whole subject.

Mr. HAWES. So the matter was given consideration by the Committee of Commerce, on which we have 19 members?

Mr. McNARY. Yes.

Mr. REED of Pennsylvania. Was not this paragraph put in the bill by amendment on the floor of the House and not by the House committee?

Mr. HAWES. I do not know whether it was or not. I know the facts were discussed before our committee, and there were voluminous hearings on the subject on the House side.

Mr. McNARY. Mr. President, I do not care further to prolong the debate. I only ask now in what fashion the matter will be presented.

The PRESIDING OFFICER. The Senator from Pennsylvania has asked unanimous consent that the vote be taken on the amendment on page 81, to strike out from line 15 down to and including line 22. Upon that amendment the yeas and nays were ordered, and the clerk will call the roll.

Mr. McNARY. That was the request for unanimous consent submitted by the Senator from Pennsylvania?

The PRESIDING OFFICER. It was.

Mr. McNARY. I have no objection to that.

Mr. JOHNSON. Mr. President, will the Chair state that it is on the committee amendment that we are about to vote? Those who favor the committee amendment, of course, will vote "yea" and those who wish to reject it and retain the House provision will vote "nay."

The PRESIDING OFFICER. The Senator from California is correct.

Mr. KING. Mr. President, I have been attending a committee meeting and have just come to the Chamber. I understand that the proposition upon which we are about to vote involves the payment to California of a considerable sum which it is alleged has been expended by the State upon one of the rivers arising within its borders and flowing into the Pacific Ocean. It does not relate to matters in futuro, but matters which are in the past. It establishes a precedent of vital importance, one which may cost the Government hundreds of millions of dollars. The able Senator from North Carolina [Mr. OVERMAN] has just said that as to the future he has accepted the proposition that the Government should assume the responsibility of caring for flood control, but that he is not supporting the proposition for the payment to the States of the vast sums heretofore contributed by them to care for the streams within their borders, or streams which may be interstate in character.

It seems to me that we have gone too far and have been too generous, even in accepting the view of the Senator, that the United States shall pay for all flood control in the future. Now, when we are asked to refund to one State—and, of course, if we refund to one we must refund to all—expenditures made by it for its own benefit upon a stream within its borders, it is certain that all States will demand similar treatment. Where shall we draw the line? The statute of limitations can not be pleaded, or would not be pleaded, if this policy is adopted, and it would be immoral to deny to other States what they have expended if we reimburse California for what it has expended. I recall, a few years ago, that after the great flood in Ohio, one of the cities bonded itself and expended thirty or forty million dollars for the purpose of meeting the situation. We shall be called upon to refund, with interest, to the city of Dayton that amount if this plan is followed. I know other States that have made contributions under similar circumstances. Are we now to establish the precedent that the Federal Government is to be charged with all expenditures which have been made; that it not only assumes all future burdens resulting from the control of the Mississippi and all other streams throughout all the United States, but we are to go back into the musty records of the past and dig up every appropriation which has been made by every State, county, and municipality, and reimburse such States, counties, and municipalities for the appropriations made? It does seem to me that it would be most unwise and most unjust to do so.

With respect to the bill under which this authorization was made, I do not recall that the subject was mentioned upon the floor of the Senate; I doubt if half a dozen Senators knew anything about it. I never heard of it until to-day when it was suggested that there was an item in the appropriation bill for the purpose indicated. I feel sure, Mr. President, that if the Senate had known of the principle involved in this proposed amendment, the principle involved in the authorization to which reference is made, the bill would not have been passed in that form.

Mr. SHORTRIDGE. May I ask the Senator from Utah a question?

Mr. KING. Certainly.

Mr. SHORTRIDGE. If the statute were passed—and it is before us—and the work was done and the money expended pursuant to that statute; in a word, if there was an agreement on the part of the Federal Government to reimburse or contribute this amount, does the Senator from Utah hold that we have a right to violate that agreement and understanding?

Mr. KING. Does the Senator from California contend that this $5,000,000 plus—and I have not been able to be present to hear all the discussion, and I am only speaking in an informal way—has been spent since we passed the bill last spring?

Mr. SHORTRIDGE. No; but I contend, as I understand the position, that the Federal Government obligated itself by virtue of its duly authorized agents.

Mr. KING. When?

Mr. SHORTRIDGE. I do not recall the exact date.

Mr. KING. The Senator from California certainly knows that the flood control act was passed May 13, 1928, and the Senator can not contend that this expenditure was made by the State of California between the 13th of May, 1928, and the present time. If a statute had been passed in May under which expenditures were authorized by California and, pursuant to such authorization, expenditures had been made and the United States agreeing to meet them, then the Federal Government should assume the obligation. No expenditure, as I am advised, has been made by California under this authorization. Now to dig up the past and make this appropriation seems to me unwise and a dangerous precedent.

Mr. BLAINE. Mr. President, it would appear to me that there may be some avenue of escape from this situation in which the Congress has been placed respecting the authorization of a refund to the State of California. I remember the day on which we gave consideration to the Mississippi flood control bill. The bill was passed by almost a unanimous vote. I believe the RECORD will show that at least no debate occurred upon the question of policy involved. We have justified in one instance the authorization for an appropriation of public funds out of the Treasury of the United States to repay to a State moneys that the State has expended on flood control or, for that matter—it does not make any difference—for the purpose of navigation. So we are in this situation: Having entered upon that policy, it would seem to me that we are in duty bound, in fairness to all the other States of the Union, to authorize the payment of refunds to those States which have expended money for the same or similar purposes.

I am quite sure that my State has expended money upon two or three rivers that are wholly within the State of Wisconsin for flood control, and, of course, it naturally follows, in the interest of navigation; but I never had any conception that it was the duty of the Federal Government to reimburse my State. Having once established the precedent, however, are we not, Mr. President, in duty bound to authorize appropriations for every State which has expended money for these purposes or like purposes?

It would seem to me that perhaps the only way out of this dilemma would be to suspend action upon this problem until the Congress has an opportunity to determine upon the policy to be followed and to decide whether or not this is going to be the future policy. If it is, that is one thing and we will very willingly abide by that policy; but if that is not going to be the future policy of the United States, we ought to know it now before we vote some four or five million dollars for the benefit of a single State of the Union.

If the Senator from California can demonstrate that we should embark upon a policy of refunding to the States moneys which they have expended for the purposes covered by this amendment, if he can demonstrate that that is a correct policy, I should be inclined to follow him. I do not know that he now contends that that should be the policy. As I understand, he now contends that there is an authorization of law in this instance, and therefore we are obligated to make this appropria-

tion. I confess that under the circumstances there may be an obligation for Congress to make an appropriation to carry out the authorization, but if the authorization should not have been made, if the policy should not have been initiated, if we are not going to continue that policy, then I think we can very well suspend action upon this particular item until Congress shall have had the opportunity to debate it and settle the entire policy for the future.

While I have been inclined to vote for the appropriation, I have very strong convictions that it would be much safer now to suspend action on this proposition until the opportunity may be afforded to the Congress to pass upon the general policy of whether or not we are going to make refunds in connection with money expended for flood control, for the improvement of navigation, and perhaps for other similar purposes or purposes so closely related that the same problem is involved.

Mr. WALSH of Montana. Mr. President, I should like a little further information about this matter. I have before me here the act of May 15, 1928, and I have been endeavoring to ascertain from it the justification for the statement made in the amendment under consideration that the payment of this sum to the State of California is authorized by that section. I find it difficult to spell out any such authorization. Section 13 of the act of May 15, 1928, reads as follows:

That the project for the control of floods in the Sacramento River, Calif., adopted by section 2 of the act approved March 1, 1917, entitled "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes," is hereby modified in accordance with the report of the California Débris Commission submitted in Senate Document No. 23, Sixty-ninth Congress, first session: *Provided*, That the total amounts contributed by the Federal Government, including the amounts heretofore contributed by it, shall in no event exceed in the aggregate $17,600,000.

That is rather a remarkable way of legislating—to provide that the act of March 1, 1917, "is hereby modified in accordance with the report of the California Débris Commission submitted in Senate Document No. 23, Sixty-ninth Congress, first session." We are obliged to go to Senate Document No. 23 in order to find out to what extent the act of 1917 is indeed modified. I am not sure about the efficacy of legislation of that character, but I can not understand how by such a reference as that the Congress of the United States should have obligated the Government to make this payment to the State of California.

I was likewise examining the act of March 1, 1917, which contemplated the improvement of the Sacramento River by the joint action of the State of California and the United States, each of them to pay one-half the cost. I should like to hear from the Senator sponsoring the amendment just how the United States has become obligated, as recited in this amendment, to pay this sum to the State of California?

Mr. JOHNSON. I shall be very glad, as best I can, to advise the Senator. It has been done heretofore twice; but the Senator has been absent from the Chamber, and therefore has not heard what has been said.

There are two governmental flood-control projects in the United States—first, the Mississippi River; secondly, the Sacramento River. Those are the two governmental flood-control projects.

Upon the Sacramento River, up to a certain period, the Government contributed one-sixth of the cost of the endeavor to improve navigation, control floods, and the like, the State and the landowners contributing the remainder. The burden that was put upon the landowners was altogether too great to be borne by them; and finally the project was suggested that in accordance with the rule prevailing in other territory the State should contribute one-third, the landowners one-third, and the United States Government one-third. This was suggested in a report of the California Débris Commission, which, the Senator will recall, is a commission consisting of United States engineers appointed by the President and appointed in respect of the Sacramento flood-control project. They recommended one-third, one-third, and one-third, and they recommended various other things in relation to appropriations and the like.

When the Mississippi flood control bill was before the House last year there were extensive hearings—an entire volume I have before me here—concerning the due proportionate sum that should be paid by each of the contributing parties, and generally concerning the entire flood-control project on the Sacramento. Before the House committee at that time, as before it since its rendition, has been the report that was rendered by the California Débris Commission, consisting of the three United States engineers, Denkyne, Grant, and Finch. Finally, last year—to make a long story on the subject as short as may be—the House, after its extensive hearings, adopted the report of these three engineers constituting the California Débris Commission, and wrote into the Mississippi flood control bill the language which the Senator has just read, section 13 thereof.

In the original estimates that were made for the Sacramento River flood-control project the United States engineers estimated $31,000,000, in round numbers, to be the amount required. Subsequently, by increase of costs and the like, they revised their figure, and made it $52,000,000 that would be required for the entire project. That is where the figure of $17,600,000 comes from—one-third of the amount that is to be paid by the National Government.

When the work had proceeded until practically the present time upon the other division, and the demonstration was complete that the burden was too great for the landowners, the House concluded, after its hearings, that some relief should be accorded. It did not increase at all the amount to be paid by the United States Government. It fixed the sum, $17,600,000, to be paid by the United States Government; but it said to the State and to the landowners, "You have paid a proportion in excess of that which has been paid in any other place or on any other project; and, therefore for the purposes of the project, we will refund the amount of that excess to be used ultimately upon the project; but it shall be deducted from the total sum of the one-third to be paid by the Government itself."

That is all that this refund is. It is not at all comparable to refunds of other sorts that are suggested.

Mr. WALSH of Montana. I have not raised any question at all of the equity of the claim.

Mr. JOHNSON. All right.

Mr. WALSH of Montana. But here is a recitation that we have already obligated ourselves by the act of May last.

Mr. JOHNSON. Yes. The reason of that is because the act is construed by the engineers and by the Government and by the Budget as approving and adopting the provisions of the report of the California Débris Commission; and in that report, thus adopted, appear the two propositions that are the subject of discussion at this time.

Mr. WALSH of Montana. Let me inquire: In that report is there a declaration that the Government of the United States obligates itself to pay this amount to the State of California?

Mr. JOHNSON. The report is a recommendation that the Government now adopts for the bill.

Mr. WALSH of Montana. That is a rather queer way to obligate the Government of the United States.

Mr. JOHNSON. That was done by the House, approved by the Senate, and passed; and not only that, but these items come——

Mr. WALSH of Montana. Can the Senator call our attention to the language of the report that obligates the Government?

Mr. JOHNSON. Yes. They are recommendations, as I said to the Senator. I will read them to the Senator:

(d) That the limit set on the contribution of the United States by the act of March 1, 1917, be increased from $5,600,000 to $17,700,000, including what has already been appropriated.

(e) That annual appropriations be increased from $500,000 to $1,000,000, the limit set by existing law, so as to permit completion of the work within a reasonable time.

(f) That the United States return to the State of California the amount which shall have been expended on the project by the California Débris Commission from funds contributed by the State, at the time of adoption of these recommendations.

Those are the recommendations carried into the act by section 13.

Mr. SIMMONS. Mr. President, let me ask the Senator a question. Do I understand him as saying that in 1917 the Congress adopted a project for flood control upon the Sacramento River by which it was agreed or stipulated that the Government should pay one-third of that expense?

Mr. JOHNSON. My recollection is that it was one-sixth.

Mr. SIMMONS. Who was to pay the other five-sixths?

Mr. JOHNSON. The State and the landowners.

Mr. SIMMONS. Did Congress at any future time modify that project so as to provide that the Government should pay one-third of that expense?

Mr. JOHNSON. By the Mississippi flood control act in May, 1928.

Mr. SIMMONS. In that act they provided that Congress should pay one-third of the expense instead of one-sixth?

Mr. JOHNSON. We specifically modified it in that act in accordance with the recommendation of the Débris Commission.

Mr. SIMMONS. Was that act so drawn as to make that agreement on the part of the Government retroactive?

Mr. JOHNSON. The act itself adopts the recommendations of the Débris Commission.

Mr. SIMMONS. Does that commission's report recommend that the Government assume one-third of the expense?

Mr. JOHNSON. Yes, sir.

Mr. SIMMONS. From the initiation of the project?

Mr. JOHNSON. Yes, sir; and refund the excess that had been paid by the landowners and the State. That was the idea of it.

Mr. SIMMONS. Am I correct in supposing that the Sacramento River lies almost entirely in the State of California?

Mr. JOHNSON. I think wholly so.

Mr. SIMMONS. Does the Senator know of any other case where the Government has undertaken flood control of a stream lying entirely within one State?

Mr. JOHNSON. I do not; but, as I endeavored to explain in opening on this matter, this arose out of the peculiar circumstance of hydraulic mining.

Some hundreds of millions of dollars were taken out of the California hills by hydraulic mining; but the process of hydraulic mining washed down great mountains in the State of California into this river, which was one of the great commercial streams of the country; and finally the bitterness between the farmer in the valley and the miner on the hill became so great that court actions repeatedly were tried, and ultimately the United States court rendered its famous injunction in the North Bloomfield case restraining hydraulic mining. Then to Congress came those who were interested in taking gold from the hills there, and they asked that the Congress of the United States, because of the extraordinary benefits derived from the mining of the gold, take hold of the problem and in some fashion remedy the situation existing; and then was passed what was termed "the Caminetti Act," providing for licensing, under certain conditions, for taking care of the tailings of the mines, hydraulic mining; and then came the United States Government, with its Débris Commission—that is where it gets its name, the California Débris Commission—to take care, so far as it could, of the navigability of the river, flood control, and the like.

That has been the process now for 45 years past.

Mr. SIMMONS. The Senator, then, thinks that those conditions differentiate that stream from other streams that may overflow their banks and do damage?

Mr. JOHNSON. Generally speaking; yes, sir—oh, I do, indeed; and it is differentiated in the fact of the proportionate cost that has been put upon the landowners there. At no other place has there been such a proportionate cost.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. SIMMONS. I yield.

Mr. McKELLAR. Does the Senator expect to get a vote upon this question this afternoon? The reason why I ask is that I have a matter of very great importance for the consideration of which I desire to ask unanimous consent.

Mr. SIMMONS. May I say to the Senator that that rests with the Senator from Pennsylvania [Mr. REED].

Mr. REED of Pennsylvania. A vote by yeas and nays has already been ordered.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. SIMMONS. Mr. President, I have not yielded the floor. I have asked these questions of the Senator from California for the purpose of trying to elicit information which might differentiate the situation with respect to the Sacramento River from that of other streams originating and running wholly through one State. The Government has never undertaken, so far as I know, up to the time of the passage of the provision with reference to this particular river, to contribute toward flood control of these local streams.

Mr. JOHNSON. The Senator is quite right; and, if the Senator will permit me, there are just two national flood-control projects existing to-day, the Mississippi River project and the Sacramento River project.

Mr. SIMMONS. The Senator recognizes, however, that those two streams differ entirely from each other. The Mississippi River is transcontinental in its sweep. It is of direct concern to about 21 States of the Union. It flows directly through many States of this Union. It is a national stream, not a State stream at all. Yet, when we assumed the burden of protecting the Mississippi River from floods, we left open the question of whether the Government should pay the whole of the expense, or should only cooperate with the States bordering the Mississippi River. That question has not yet been decided.

I must confess that, although I am a member of the Commerce Committee, this question with respect to the Sacramento River had entirely escaped me. It may be that the Government has committed itself with respect to this scheme upon the Sacramento River, because of the exceptional conditions outlined by the Senator from California. But I want it understood, if we shall enact this legislation, that this is an exceptional case, and is not intended to create a precedent by which the Government is hereafter to be bound.

Mr. PITTMAN. Mr. President, will the Senator yield?

Mr. SIMMONS. I yield.

Mr. PITTMAN. I wish to call attention to the fact that the Government appropriated money for reclamation——

Mr. SIMMONS. That is, reclamation of arid land. It has not appropriated any money for the reclamation of overflowed lands.

Mr. PITTMAN. I am trying to draw the analogy with this river. In that case it was admitted that there was no authority under the interstate commerce clause of the Constitution to take charge of and impound the waters of the streams affected because they were not interstate streams. The question as to whether or not there was any constitutional authority in Congress to appropriate money to impound the waters of an intrastate stream went into the courts. The courts held that the power did exist in Congress, because Congress had control of the public lands of the United States; that it was within the power of Congress to dispose of those lands; and it followed that it was within the power of Congress to improve the lands so that it might dispose of them.

The gold and silver and other ores of the United States have constantly been reserved to the Federal Government. They have never passed to the States. These lands in the mountains of California which have been placer mined have been public lands. Most of them are public lands to-day. The gold that has been mined and is being mined is property of the Federal Government.

The Federal Government was interested in the development of these gold lands which it controlled and in the production of the gold of this country. That could only be accomplished by entering into a compact, so to speak, with the State of California, because placer mining as has been said was the only method by which the gold could be taken out, washing out the débris which filled up the rivers. The citizens of California have a right to protect the private property owners against the destruction of their property. Therefore we had reached the point where, unless the Federal Government would participate in the protection of the Sacramento River, the Federal Government could never develop its gold deposits in the mountains.

The theory upon which the appropriation was made by Congress, if it is constitutional—and I do not believe that question has been passed on—was the same theory on which it was held that the Congress had the constitutional right to appropriate money to impound waters in an intrastate stream; that is, for the purpose of utilizing and making valuable its public lands. This is the only way by which the Government of the United States can develop its placer-gold deposits in the mountains.

The question that appealed to Congress was this: Is the holding back of this débris worth the appropriation? Congress has held that these valuable deposits of placer gold justify the expenditure by the Government of so much money in holding back this débris from going down into the lower regions of the river. That is the distinction.

Unless the Government of the United States will do this thing, then those gold deposits, most of which are on Government land, and which are controlled by the Government of the United States, can never be developed, and that gold can not be taken out unless the Government will pay its part to prevent damage from that débris. That is the legal theory upon which this future appropriation is to be made.

Mr. BLAINE. Mr. President, I would like to ask the Senator a question. Does the Senator mean that upon that theory the appropriation is justified for the future or the appropriation of $4,350,000 is justified as a refund?

Mr. PITTMAN. That is not the question I was going into, and I am probably not competent to answer that question, because I have not examined into the facts of the matter. That is simply a question of equity as between the State and the Federal Government, of which I know nothing. I am only trying to assist in the differentiation between attempting to appropriate money under the interstate commerce clause, and what is done here. It could not be done under that clause of the Constitution. It could not be done at all, in my opinion, except under the authority in Congress, as it has been sustained by the courts, to improve its own lands. I can not answer the other question.

Mr. SIMMONS. The Senator simply fortifies the position of the Senator from California with reference to the existence of an exceptional condition which might justify the Government

pursuing a policy with reference to this river without establishing a precedent as to other streams which might sometimes overflow their banks and do damage by reason of floods.

I am not raising that question. I simply wanted to know whether there was any reason why the Government should pursue a policy with respect to this river which it has not pursued with respect to any other purely State stream. I accept the statement of the Senator from California and of the Senator from Nevada with respect to that.

There is another question which I asked the Senator from California that has not been satisfactorily answered to my mind; that is, whether, when the Government in this last enactment provided for a 3-3-3 division of the costs, it meant to make that proportion of contribution retroactive. The original legislation provided that the Government should pay one-sixth, as I understand, and a large amount of money was expended under that original project of which the Government was to pay one-sixth. Then the Government at a later date made another agreement by which it agreed to pay one-third. The question is, Does that latter enactment become retroactive and require the Government to pay one-third of the expense that might have been incurred prior to the enactment?

I would like to ask the Senator how much money had been expended between the time of the adoption of the one-sixth proposition and the adoption of the one-third proposition.

Mr. JOHNSON. I am unable to tell the Senator, except that the sum that constitutes the amount that is stated to be a refund is the difference.

Mr. SIMMONS. That is what I had assumed—that that was the difference. Upon what theory does the Senator contend that when the Government had adopted a project, agreed to pay a certain amount of the cost of carrying out that project, and subsequently, after a large amount of money had been spent under that project and under that legislation, and there is a change in the amount to be contributed by the Government, the Government is obligated to pay the difference between the latter amount and the original amount it obligated itself to pay?

Mr. JOHNSON. Because that was the recommendation of the United States engineers, which was adopted and written into the law by the flood-control legislation.

Mr. SIMMONS. There may be a report of the United States engineers that does not at all conform to the judgment of Congress. But is there anything in the last enactment that provides that this one-third contribution shall be retroactive?

Mr. JOHNSON. Section 13 of the flood control act, passed in May, 1928, modifies the former flood control act by adopting the report of the engineers that is set forth in Senate Document 23, and that report provides, as I have read to the Senate, that—

> the United States return to the State of California the amounts which shall have been expended on the projects by the California Débris Commission from funds contributed by the State at the time of the adoption of these recommendations.

That we have written into law; the Budget sends down the amount, the engineers approve it, and it is the law to-day. Do not think that it is an additional appropriation, for it is not. It comes out of the one-third that the Government is obligated to spend upon this project.

Mr. SIMMONS. If that language can be construed to mean that the Government now agrees that it will pay one-third of the expense from the initiation of the project, the Senator is right about it.

Mr. JOHNSON. It was so construed by the engineers, so construed by the Budget, so construed at the time it was adopted in the House. The hearings in the House are plenary, they are full and complete upon the subject. It is quite true that the subject was not gone into at the same length in the Senate, because we had before us the House hearings, which were very voluminous, and in the House the whole matter was gone into at great length.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. SIMMONS. I yield.

Mr. TYDINGS. I would like to know whether the act of Congress was passed after this money was expended of which refund is claimed, or whether the act of Congress was passed before the money was spent of which refund is asked.

Mr. JOHNSON. The money was spent before the act of last year was passed.

Mr. TYDINGS. The point is, the money was expended before there was any authority of the Congress to authorize any such expenditure?

Mr. SIMMONS. The money was expended under authority of the Government to contribute to the expense of this work to the extent of one-sixth of the cost.

Mr. JOHNSON. That is correct.

Mr. SIMMONS. The act the Senator has just read, which was passed in 1928, was passed 11 or more years afterwards. That provides that the Government should pay one-third. The Senator from California contends that the language of this last enactment is so broad that it is retroactive and requires the Government to assume the burden of one-third from the initiation of the project.

Mr. TYDINGS. In other words, the difference of one-sixth is made retroactive by the act of 1928?

Mr. JOHNSON. Yes.

Mr. TYDINGS. But before the act of 1928 there was no governmental authority authorizing the expenditure of that one-sixth?

Mr. JOHNSON. Oh, yes; there was governmental authority authorizing it.

Mr. TYDINGS. I mean the difference between one-sixth which was authorized and the one-third which was authorized in 1928.

Mr. JOHNSON. Yes; but the money was contributed by liens of the landowners, the State, and the like.

Mr. TYDINGS. But there is a sum of money which was expended without any act of Congress.

Mr. JOHNSON. Oh, no.

Mr. TYDINGS. Then I do not understand it yet.

Mr. JOHNSON. All the money was expended by the Débris Commission. It has charge and absolute domination over the expenditure of the money. The money that was expended was what the Government contributed, what the landowners contributed, and what the State contributed. To make the proportion now one-third, one-third, and one-third, $4,000,000 of the ultimate amount to be expended by the Government is returned. That is the story.

Mr. TYDINGS. The $4,000,000 is not yet authorized, is it?

Mr. JOHNSON. Yes; it is authorized by the flood control act of 1928.

Mr. TYDINGS. What part of the money authorized by the flood control act of 1928 will be used to replace money which has already been expended prior to the passage of that act?

Mr. JOHNSON. It is all going to be expended on the project.

Mr. TYDINGS. Is any of it a refund of money actually expended before the passage of the 1928 act?

Mr. JOHNSON. It may be termed a refund. It is for moneys expended prior to the 1928 act.

Mr. TYDINGS. And was not that money expended at a time when there was no congressional authorization for its expenditure?

Mr. JOHNSON. Oh, no.

Mr. TYDINGS. There was authorization for one-sixth?

Mr. JOHNSON. Yes.

Mr. TYDINGS. But for the one-sixth remaining, the difference between that and the one-third after the one-sixth was taken out, there was no authorization?

Mr. JOHNSON. But the money was expended from moneys contributed by the State and the landowners.

Mr. TYDINGS. But now we are repaying that one-sixth back to them for a period of 10 years, and therefore they had no authority, except by the act of 1928, to draw upon the Government for that one-sixth?

Mr. JOHNSON. They did not draw upon the Government.

Mr. TYDINGS. But they would have theoretically drawn upon the Government, because now we are going to give the money back which they spent without any congressional authority whatsoever.

Mr. JOHNSON. Oh, no; it can not be said that they spent it without any congressional authority. The fact of the matter is that the Government did not appropriate that amount of money to be expended.

Mr. TYDINGS. Let me state it in another way. In other words, there was no authorization for one-sixth of the money which was actually expended by the Federal Government until 1928, when it was made retroactive for those 10 years.

Mr. JOHNSON. But the Federal Government did not expend the money.

Mr. TYDINGS. Of course not.

Mr. JOHNSON. That is, I mean by virtue of an appropriation.

Mr. TYDINGS. It acknowledges the debt?

Mr. JOHNSON. Yes.

Mr. TYDINGS. But at the time the debt was incurred there was no understanding that the Federal Government would make good that extra one-sixth?

Mr. JOHNSON. That is quite true; and in 1928 the Federal Government adopted the recommendation of the engineers and agreed to do it.

Mr. SHORTRIDGE. That is the point.

Mr. TYDINGS. That is retroactive. That is my point.

Mr. SIMMONS. Mr. President, the whole question of what part the Government is going to contribute toward flood control in the country is an open question. Purposely and deliberately the act of 1928, providing for flood control on the Mississippi, left it open. It is left open not only as to the Mississippi River, which is a national stream, but, with the exception of the stream in California now under discussion, the Government has never done anything toward paying the expenses of flood control. I do not know whether the Government is so committed that it ought to pay one-third of this expense or not. It rather looks to me as if it were so committed. It looks to me as if there were some exceptional conditions which apply to that stream which might possibly justify it.

What I desire to present to the Senate is that the whole question is open and that I am very anxious to see it settled, but I do not wish to see it settled or regarded as settled by the action of the Senate in this particular case; in the first place, because the conditions were exceptional; and in the second place, I am satisfied that the Senate of the United States did not deliberately consider the question at the time it passed the 1928 act, upon which the Senator from California relies.

I believe that the Government of the United States ought to assume a part of the burden of flood control upon the great streams of the country, those which are interstate and those which are intrastate, because of the fact that the Government exercises absolute control over those streams; but I want that question left to the future. I think it is a question which challenges the serious consideration of the Senate and of the House and of the country as to what is the duty in the premises. Whatever may be the action here to-day in respect to this particular case I do not wish that it shall be considered as a precedent for the future.

Mr. REED of Missouri. Mr. President, I desire to make just a brief statement. If the Senator from Nevada [Mr. PITTMAN] is correct in his statement of the facts, the whole case is boiled down into this statement: The Government of the United States owns and controls the gold and silver in the ground and in order to get that gold and silver out, it either directly, or through people it authorized, filled up this stream. What the people there are asking now is that the Government in part reimburse them for the damage the Government has done. That is about all there is in the case. That being the case, I think it a very exceptional one, and it seems to me, as a matter of equity and justice, that the Government ought to make good the loss.

Mr. McKELLAR. Mr. President, if we can have a vote immediately on the question now before the Senate I am perfectly willing to yield for that purpose, but before doing so I want to make just a brief statement.

To-morrow morning the Shipping Board, so I have been told this afternoon, expects to sell 13 of the great ships of the North Atlantic Line, including the *Leviathan*, the *George Washington*, and others. On yesterday I introduced a resolution relating to this matter.

Mr. WARREN. Mr. President, may I ask the Senator if he will not wait until the vote is taken, if we can take it immediately?

Mr. McKELLAR. I will let the matter be voted upon in just a few moments, but I want to tell the Senators who are here what I propose to do. Then the vote may be taken.

I am going to ask unanimous consent for the immediate consideration of the resolution to which I have referred, which simply refers the question of the sale of these vessels to the Commerce Committee of the Senate. The reason why I shall do it is that the sale is to be made to a firm called D. C. Chapman & Co. A Mr. Sheedy, a former employee of the board—I think it is only within the last year or two that he has become disassociated from the board—is to be one of the purchasers. He came to my office some weeks ago lobbying with reference to the measure.

The Shipping Board are making the sale, so I am reliably informed, without referring it to the Emergency Fleet Corporation, as in all other cases, for advice as to the various phases of the sale. They are hurrying the sale through to-morrow at 10 o'clock and unless the resolution is passed to-night the ships may be sold at that time. The *Leviathan* is to be sold for $6,000,000 or a little more, and it cost the Government just a year or so ago some $10,000,000 to recondition.

Let me say further to Senators that the proposed sale means that we shall sell some 13 vessels, worth probably $30,000,000 or $40,000,000, to this ex-employee of the shipping board for $4,000,000 in cash, and the balance of $12,000,000 on credit, with an obligation on the part of the Government to furnish three-fourths of the money necessary to build two more ships at a cost of $28,000,000 each. Therefore, if the sale goes through to-morrow it will obligate the Government to accept a cash consideration of $4,000,000 for 13 ships worth $30,000,000 or $40,000,000, to extend a credit of $12,000,000 more, and in addition to that to furnish the money amounting to $42,000,000 to build two more ships.

It seems to me this is a matter which ought to go to the Commerce Committee to be considered by that committee before the sale is made. I do not think it was the intention of the Congress at any time that all these great trans-Atlantic line ships should be sold. It is the only line the United States has on the North Atlantic. It is the only line the American people have in any way to control freight rates on the North Atlantic. It is the most important line to American shipping that can be imagined.

All I ask is that the matter be sent to the Committee on Commerce to determine whether this is a wise or an unwise sale at this time.

Mr. REED of Missouri. Mr. President, may I ask the Senator how he proposes to stop the sale?

Mr. McKELLAR. By the adoption of the resolution which I have introduced, which provides as follows:

Resolved, That the Committee on Commerce be authorized and directed to investigate fully into each and all bids, and into all the phases and particulars thereof, now pending before the United States Shipping Board for the purchase and operation of the United States Lines and the steamships *Leviathan*, *George Washington*, *America*, *Republic*, *President Harding*, and *President Roosevelt*, and the American Merchant Line and the steamships *American Farmer*, *American Banker*, *American Shipper*, *American Merchant*, and *American Trader*, and/or for the construction and/or reconditioning of new ships or existing ships, and into forecasts of the commercial results reasonably to be expected from the operation of such ships.

That full authority is hereby vested in said committee to hold all hearings, whenever and wherever deemed necessary, for said purposes, to require the production of records, documents, and other writings, to swear witnesses, and to take such other steps as may be found by said committee to be proper.

That pending further action by the Senate the United States Shipping Board is hereby requested to withhold making any sale of said steamships or said services, or to enter into contracts for the construction of new ships, or reconditioning of existing ships, for the use in such services.

Mr. President, my reason for bringing the matter up at this time is because another Senator has just informed me that he had just talked to a member of the Shipping Board and was told that the plan is to put the sale through in the morning at 10 o'clock, and unless the Senate takes action to-day on my resolution the sale will go through.

What the reliability of D. C. Chapman Co. (Inc.) is I do not know; but it is unquestioned—I have it from his own lips—that Mr. Sheedy, whose initials I do not know, a former employee of the board and who is apparently the principal promoter of this scheme, is the real purchaser. I have been informed, though I can not say positively that it is so, that D. C. Chapman Co. (Inc.), the proposed purchaser, is not a shipping concern at all, but that it is a bonding or real-estate concern in the State of New York. Evidently it is a promotion scheme, pure and simple. In my judgment, if the sale goes through, it will go through simply on paper. The United States will put up the enormous sum of at least $54,000,000 to make a paper sale of this kind, on which it will receive a first payment of $4,000,000.

Under those circumstances I appeal to the Senate for unanimous consent to adopt this resolution this afternoon, because I know if it shall be adopted the Shipping Board will not complete the sale to-morrow. The chairman of the committee is here; he can hold the hearing speedily; there will be no harm done by the investigation proposed. If D. C. Chapman & Co. are all right, if Mr. Sheedy is all right, if the sale is all right, the committee can bring back its report to the Senate, and there will be no further controversy about it. On the other hand, if it is examined into and found not to be a proper sale, then it should not be consummated.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Kentucky?

Mr. McKELLAR. I yield.

Mr. BARKLEY. A few months ago we passed a shipping bill which, as I understood, was designed to contribute to the building up of an American merchant marine, even if it had to be done by the Government. I do not understand the necessity for the sale of the American lines. What is the occasion for it?

Mr. McKELLAR. I do not know. The members of the Shipping Board constantly give out to the public statements

that it is the policy of the board to get rid of them as soon as possible, whether the consideration offered is reasonable or unreasonable, as I understand.

Mr. BARKLEY. Was that the policy of the bill over which we had such a controversy at the last session?

Mr. McKELLAR. I do not think so; I did not construe it in that way, I will say to the Senator.

Mr. COPELAND. Mr. President——

Mr. McKELLAR. I yield to the Senator from New York.

Mr. COPELAND. Mr. President, I assume that no Member of this body has been more insistent on putting the Government ships in the hands of private owners than I have; I believe in private operation of the merchant marine; but I have been somewhat concerned, to tell the truth, over the proposal to sell practically all of the great ships that we have left. I should want to be very sure, as a Member of the Senate and of the Commerce Committee, that it is a wise thing to do. We have had no opportunity to examine into it or ask any questions. I am therefore heartily in favor of the proposal made by the Senator from Tennessee.

Mr. McKELLAR. Mr. President, I wish to state further in regard to what the Senator from New York has just said that as soon as I learned several days ago that it was proposed to sell these ships speedily I offered a resolution asking for the facts. The report on that resolution reached the Senate only a day or two ago, and it went immediately to the Printing Office. I have tried all during the day to have that report sent up here. It ought to be here before any action is taken on the sale of these ships; that report ought to be before the Senate. The Shipping Board, in selling these ships, apparently is disregarding its own rules and regulations to the extent, at least, that they have ordered the sale to take place to-morrow without referring it to the Merchant Fleet Corporation, as I am reliably informed has been done in the case of every other proposed sale, so that they might have the facts before them before the completion of the transaction. In this connection I will ask the junior Senator from Oregon [Mr. STEIWER], who has had actual conversation with one of the members of the Shipping Board, to say whether or not I am correct about that matter.

Mr. STEIWER. Mr. President, if the Senator will yield, I will answer his question immediately.

Mr. McKELLAR. I yield to the Senator for that purpose.

Mr. STEIWER. I do not know whether I can unequivocally say that the Senator is correct, but I think I ought to state to the Senate the basis of the information upon which he is making his statement. The story was current this morning upon Capitol Hill that the Shipping Board was not following its customary practice in respect to the sale of these ships, in that it was not obtaining from the Merchant Fleet Corporation, through the technical men of that organization, an analysis and report concerning the wisdom and desirability of this very important sale. I attempted to telephone the chairman of the United States Shipping Board, but he was out at lunch. I then went to a committee meeting, and when I came back from my duties there I attempted again to telephone the chairman, but his office reported he was out. I then telephoned to another member of the board, and that member of the board told me that he had just finished a conversation with two of the technical men of the Merchant Fleet Corporation and that they had told him that no report had been made.

It seems to be—and I do not reflect on anybody in the statement I now make—that in face of this irregularity in procedure, no Senator ought to object to the unanimous-consent request made by the Senator from Tennessee. This transaction is so important, and there is so much involved, that at least we have a right to ask the Shipping Board to proceed in the customary and usual way; and, if it does not do so, we ought to require from them an explanation before the Commerce Committee.

In making this statement, Mr. President, I wish to remind the Members of this body that I am not one who has stood against the sale of the ships. I have believed in the sale of the ships to private owners. I voted last year when that important question was before the Senate for the sale of the ships to private owners; I am not an advocate of their retention by the Government, but I am an advocate of clean and prudent sales, and I think that the request of the Senator from Tennessee is a proper request.

Mr. McKELLAR. I ask unanimous consent for the immediate consideration of Senate Resolution 319.

The VICE PRESIDENT. Is there objection?

Mr. JONES. Mr. President, there is nothing in this resolution that charges any fraud or any wrong intention or anything of the kind. It recites in the preamble what might be termed general policies. The bids were opened practically a month ago, and no complaint has come to me at all, except some suggestions from bidders who were low bidders.

Mr. McKELLAR. Mr. President——

Mr. JONES. I am speaking of what has come to me.

Mr. McKELLAR. But the Senator knew of the resolution that was adopted by the Senate asking for information to be given as to these bids, and that certainly indicated a very strong determination upon the part of the Senate to know something about the transaction before the sale was consummated.

Mr. JONES. That resolution, I will say, indicated nothing to me; it merely asked for the facts; that is all. There has been no concealment of the facts in regard to these bids or anything of that kind.

Mr. President, it is, of course, an important proposition. These bids were opened, as I have said, practically a month ago. I do not know whether the Shipping Board proposes to sell these ships to-morrow or not, but apparently it is thought that they do, and that apparently is the only reason why we have been spurred to adopt such a resolution.

There is a great deal involved in this matter, in whichever way we may look at it. I will say that, in my judgment, the United States is never going to be offered so much money for these ships again. I have seen an outline, a mere skeleton, of the bids. One of the bids offered something like $16,000,000; the others offered about half that, or a little more. I do not know that the Shipping Board is going to act to-morrow; but I think we have a right to assume that they have looked into the standing and responsibility of the bidders. If they have not done so, they ought to do it, for they ought to know the bidders' responsibility.

However, Mr. President, I am satisfied from what I have heard and what I have seen that the Senate would like to adopt this resolution. What the committee will be able to learn I do not know. In my judgment, the Shipping Board and the agencies that it has are far better and far abler and far more competent to get at the facts than is any Senate committee. I have served on several Senate committees, and I know how they operate, so far as that is concerned. We are not practical, technical shipping men, and I myself do not pretend to be able to pass on the comparative bids that may be offered and that are offered; but I am not going to object to the consideration of the resolution. If the Senate desires to adopt it, well and good, and the committee will do the best that it possibly can; but I repeat that, in my judgment, if these bids are rejected we will never be offered that much money for these ships again.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. JONES. Certainly.

Mr. CARAWAY. If the Shipping Board is proceeding in accordance with the policy which has been laid down, why not let them manage it?

Mr. JONES. I think the Senator is correct.

Mr. BRUCE. Mr. President, I should like to ask the Senator a question. If we adopt this resolution, does the Senator from Washington think there will be any danger of losing this sale?

Mr. JONES. I do.

Mr. NORRIS. That is along the line of a question that I should like to ask either the Senator from Washington or the Senator from Tennessee. The bid which has been referred to was submitted some time ago, was it not?

Mr. JONES. My recollection is that the bids were opened about the 10th of January.

Mr. NORRIS. That was before we passed the "big navy bill." Since we have provided for a bigger Navy, there will be much more commerce, vessels will be safer on the sea, and I should think that private bidders would pay more for them.

Mr. JONES. I have no doubt that the Senator from Nebraska really thinks that is so.

Mr. McKELLAR. Mr. President, I hope there will be no objection to my request.

Mr. REED of Pennsylvania. Mr. President, will the Senator renew his request as soon as the vote has been taken on the pending question? Then I will not object. For the present, however, I do object.

Mr. McKELLAR. Can we not adopt the resolution now? Then we can have the vote on the item in the appropriation bill. No Senator is now going to object to the resolution, as I understand.

Mr. MOSES. Mr. President, I think I should have to object.

Mr. WARREN. I object, Mr. President.

The VICE PRESIDENT. The Senator from Wyoming objects.

Mr. REED of Pennsylvania. Mr. President, may we have the pending question put?

Mr. McKELLAR. Mr. President, I hope the Senator from Wyoming will withdraw his objection.

Mr. WARREN. Mr. President, I object to the consideration of the resolution in the manner proposed by unanimous consent when the appropriation bill is under consideration and when a vote is about to be taken.

Mr. McKELLAR. I am perfectly willing to have a vote on the amendment to the Army appropriation bill if the Senator will not object to the resolution immediately afterwards.

Mr. WARREN. I do not care to trade. I do not want to place myself in the way of the Senator's desire; but, coming up at this hour, when we are about to vote on an amendment to an appropriation bill, I felt obliged to object.

Mr. McKELLAR. The Senator must understand that I had to ask for the adoption of the resolution or otherwise the sale would go through.

Mr. REED of Pennsylvania. Mr. President——

Mr. McKELLAR. I ask unanimous consent to consider Senate Resolution 319 immediately after the vote on the pending question.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered. The question is on agreeing to the amendment reported by the committee.

Mr. MOSES. Mr. President, what is the request for unanimous consent?

The VICE PRESIDENT. The Senator from Tennessee asked unanimous consent to have considered the resolution to which he has referred immediately after the vote on the pending question.

Mr. MOSES. The Vice President is as quick and as expeditious as is the President pro tempore. I said that I should feel moved to object, Mr. President, and I do.

The VICE PRESIDENT. The Senator from New Hampshire objects.

Mr. McKELLAR. I will renew it immediately anyway.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee. On that amendment the yeas and nays have been demanded and ordered. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I transfer my general pair with the senior Senator from Connecticut [Mr. McLEAN] to my colleague the senior Senator from Virginia [Mr. SWANSON] and will vote. I vote "yea."

Mr. McKELLAR (when his name was called). On this question I have a pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE], and therefore withhold my vote.

Mr. WALSH of Montana (when Mr. PITTMAN's name was called). The Senator from Nevada [Mr. PITTMAN] is unavoidably absent from the Chamber. He is paired with the Senator from Utah [Mr. KING]. If the Senator from Nevada were present, he would vote "nay."

Mr. SIMMONS (when his name was called). On this question I have a pair with the junior Senator from Ohio [Mr. BURTON], and therefore withhold my vote.

The roll call was concluded.

Mr. MOSES (after having voted in the affirmative). I have a general pair with the junior Senator from Louisiana [Mr. BROUSSARD]. I transfer that pair to the junior Senator from Connecticut [Mr. BINGHAM] and will allow my vote to stand.

Mr. REED of Pennsylvania (after having voted in the affirmative). I have a general pair with the Senator from Delaware [Mr. BAYARD], but he has authorized me to say that if present he would have voted as I have voted, so I will let my vote stand.

Mr. FRAZIER. I wish to announce that my colleague [Mr. NYE] is unavoidably absent. If present, he would vote "nay."

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER].

Mr. RANSDELL. I desire to announce the unavoidable absence of my colleague [Mr. BROUSSARD] on account of sickness.

Mr. NORRIS. My colleague the junior Senator from Nebraska [Mr. HOWELL] is unavoidably detained from the Senate by illness.

Mr. JONES. I have been requested to announce the following general pairs:

The Senator from Rhode Island [Mr. METCALF] with the Senator from Alabama [Mr. BLACK];

The Senator from Delaware [Mr. HASTINGS] with the Senator from Iowa [Mr. STECK];

The Senator from Vermont [Mr. GREENE] with the Senator from New Jersey [Mr. EDWARDS];

The Senator from Kansas [Mr. CURTIS] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Indiana [Mr. WATSON] with the Senator from South Carolina [Mr. SMITH]; and

The Senator from Maine [Mr. GOULD] with the Senator from Florida [Mr. FLETCHER].

The result was announced—yeas 23, nays 35, as follows:

YEAS—23

Blaine	George	Heflin	Thomas, Okla.
Blease	Gerry	Moses	Tydings
Bratton	Glass	Overman	Tyson
Bruce	Goff	Phipps	Walsh, Mont.
Edge	Hale	Reed, Pa.	Warren
Fess	Harris	Sackett	

NAYS—35

Barkley	Glenn	Norbeck	Shortridge
Brookhart	Harrison	Norris	Stephens
Capper	Hawes	Oddie	Thomas, Idaho
Caraway	Johnson	Pine	Trammell
Copeland	Jones	Ransdell	Vandenberg
Couzens	Kendrick	Reed, Mo.	Wagner
Deneen	McNary	Schall	Walsh, Mass.
Dill	Mayfield	Sheppard	Wheeler
Frazier	Neely	Shipstead	

NOT VOTING—37

Ashurst	Fletcher	Larrazolo	Smith
Bayard	Gillett	McKellar	Smoot
Bingham	Gould	McLean	Steck
Black	Greene	McMaster	Steiwer
Borah	Hastings	Metcalf	Swanson
Broussard	Hayden	Nye	Waterman
Burton	Howell	Pittman	Watson
Curtis	Keyes	Robinson, Ark.	
Dale	King	Robinson, Ind.	
Edwards	La Follette	Simmons	

So the amendment of the committee was rejected.

PROPOSED SALE OF SHIPPING BOARD VESSELS

Mr. McKELLAR. Mr. President, I now renew my request for the immediate consideration of Senate Resolution 319.

Mr. MOSES. And I still continue to object.

Mr. McKELLAR. Mr. President, I move that the Senate proceed to the consideration of Senate Resolution 319.

The VICE PRESIDENT. The question is on the motion of the Senator from Tennessee.

The motion was agreed to; and the Senate proceeded to consider the resolution (S. Res. 319) to investigate the proposed sale of certain vessels operated by the Shipping Board and reconditioning of other vessels, which was read, as follows:

Whereas the United States Shipping Board has offered for sale to American citizens the steamships *Leviathan*, *George Washington*, *America*, *Republic*, *President Harding*, and *President Roosevelt*, now being operated as the United States Lines, and the steamships *American Farmer*, *American Banker*, *American Shipper*, *American Merchant*, and *American Trader*, now being operated as the American Merchant Line; and

Whereas the United States Shipping Board has, pursuant to its invitation, received several bids for said steamships and said services, and it is reported that the board is about to accept one of said bids and sell said steamships; and

Whereas the said services are now being maintained with said ships by the Shipping Board between the port of New York and ports of England, France, and Germany, and constitute the only American-flag passenger and mail and combination passenger, cargo, and mail services between the United States and the other three principal political and commercial nations of the world; and

Whereas the said services of the United States Lines and American Merchant Line, because of the countries to which they operate, the number and character of American citizens who travel to and from Europe and the United States for business, educational, pleasure, and other purposes, are rightly to be regarded as the premier and most essential of all American foreign-trade services; and

Whereas the maintenance of said services is, and the steamships now being operated and required to be operated in said services are, of a type and class most essential for national defense; and

Whereas for the reasons hereinbefore set forth it is of the highest public interest that said services and all or any of said steamships should be sold by the United States to American citizens only upon such terms and conditions as shall give assurance that said services can, under present authorizations of mail pay and under any reasonable forecast of business, be successfully maintained and developed and that the obligations required to be imposed upon the purchaser by the Shipping Board, under and pursuant to the conditions of its invitation for bids, can be carried out successfully by the party or parties to whom said ships and services are proposed by the board to be sold; and

Whereas one of said bids now before the Shipping Board provides for the construction of two giant steamships to cost approximately $28,000,000 each and another of said bids provides for the reconditioning of the steamships *Mount Vernon* and *Monticello* along the lines authorized by Congress under the act approved May 16, 1928, 75 per cent of the cost of which construction or reconditioning is to be advanced by the United States; and

Whereas any sale by the United States of said steamships and said services, and especially any sale embodying obligations to build new

and costly ships, to the costs whereof the United States is to loan 75 per cent to be secured by first mortgages on such ships, leaving the private capital invested therein to be secured at best by subordinate mortgages, carries with it the implication (and almost the national guaranty) that such sale to private interests and the investment of such capial by its citizens is financially sound and the business enterprise resulting therefrom can be successful and the obligations undertaken can be met and performed; and

Whereas any financial disaster which might overtake an enterprise in the purchase and construction of the ships and the maintenance and operation of the services hereinbefore mentioned might not only involve American citizens in financial loss and entangle the United States with the citizens in the matter of marshaling the securities issued to the public by the owning or operating company or companies but would seriously jeopardize the future operation of these premier services and might well adversely affect national defense and the future of the American merchant marine by discrediting maritime securities with the American people, as well as in other direct and indirect ways; and

Whereas it is most essential to the public interest that the aforesaid steamships and services be sold only after the most careful and searching inquiry into the character and the experience in similar business enterprises and the financial responsibility of the bidders, the merits and business soundness of the proposals embodied in the respective bids, and of the undertaking required thereunder to be imposed upon and performed by the bidders, and the obligations and burdens to be imposed upon the United States morally, financially, and otherwise by and through the acceptance of any of said bids, to the end that the bid, if any, which shall be accepted shall be such as to give reasonable assurance of the continued successful maintenance and upbuilding of these principal American-trade and national-defense services; and

Whereas the ascertainment of the facts hereinbefore outlined can only be obtained and desirable wide public information in regard thereto can only be had through an investigation and public hearings by the Committee on Commerce of the Senate: Now, therefore, be it

Resolved, That the Committee on Commerce be authorized and directed to investigate fully into each and all bids, and into all the phases and particulars thereof, now pending before the United States Shipping Board for the purchase and operation of the United States Lines and the steamships *Leviathan, George Washington, America, Republic, President Harding*, and *President Roosevelt*, and the American Merchant Line and the steamships *American Farmer, American Banker, American Shipper, American Merchant*, and *American Trader*, and/or for the construction and/or reconditioning of new ships or existing ships, and into forecasts of the commercial results reasonably to be expected from the operation of such ships.

That full authority is hereby vested in said committee to hold all hearings, whenever and wherever deemed necessary for said purposes, to require the production of records, documents, and other writings, to swear witnesses, and to take such other steps as may be found by said committee to be proper.

That pending further action by the Senate the United States Shipping Board is hereby requested to withhold making any sale of said steamships or said services, or to enter into contracts for the construction of new ships, or reconditioning of existing ships, for the use in such services.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

The VICE PRESIDENT. That displaces the unfinished business.

Mr. REED of Pennsylvania. Mr. President, in order to replace it, I ask unanimous consent that the Senate may resume the consideration of the unfinished business, S. 1093, that it may be temporarily laid aside, and that the Senate may then resume the consideration of the Army appropriation bill.

The VICE PRESIDENT. Without objection, that order will be made.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 33) to correct an error in the enrollment of the bill (S. 4338) relating to gold-medal awards.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 4036. An act to authorize the Secretary of War to transfer the control of certain land in Oregon to the Secretary of the Interior;

S. 4739. An act authorizing the Secretary of the Treasury to sell certain Government-owned land at Manchester, N. H.;

S. 4787. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the city of Savanna, Ill., and the city of Sabula, Iowa;

S. 4957. An act granting the consent of Congress to the Danville & Western Railway Co. to reconstruct, maintain, and operate the existing railroad bridge across the Dan River in Pittsylvania County, Va.;

S. 5110. An act validating certain applications for and entries of public lands, and for other purposes;

H. R. 14151. An act to provide for the establishment of a Coast Guard station at or near the mouth of the Quillayute River in the State of Washington;

H. R. 14800. An act granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war; and

H. R. 16035. An act to extend the time for completing the construction of the bridge across Port Washington Narrows, within the city of Bremerton, State of Washington.

CLAIMS UNDER WAR MINERALS ACT

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1347) to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended, which was to strike out all after the enacting clause and insert:

That any claimant who has heretofore filed with the Secretary of the Interior within the time and manner provided by existing law a claim under said acts generally known as the war minerals acts (40 Stat. 1272, and its amendments) may within one year from the date of the passage and approval hereof petition the Supreme Court of the District of Columbia to review the final decision of the Secretary of the Interior upon any question of law which has arisen or which may hereafter arise in the adjustment, liquidation, and payment of his claim under said acts, but the decision of the Secretary of the Interior on all questions of fact shall be conclusive and not subject to review by any court.

SEC. 2. In any proceeding brought under the provisions of section 1 of this act the Secretary of the Interior shall be designated as the defendant or respondent, and upon the filing of the petition the cause shall follow the usual procedure, subject to such rules or orders as the court may make with respect thereto.

SEC. 3. Jurisdiction is hereby conferred upon the Supreme Court of the District of Columbia, as a district court of the United States, to hear and determine all such suits and enter all orders, judgments, and decrees therein, subject to the usual right of appeal by either party to the Court of Appeals of the District of Columbia, whose final judgment may be reviewed by the Supreme Court of the United States by petition for certiorari or by appeal as provided by law and the rules of the court.

SEC. 4. Upon the final disposition of such proceeding the clerk of the Supreme Court of the District of Columbia shall without delay certify to the Secretary of the Interior the final judgment or decree rendered therein, whereupon the Secretary of the Interior shall proceed with the final adjustment of said claim in accordance with the law as construed by the court in such judgment or decree.

Mr. ODDIE. I move that the Senate concur in the amendment of the House.

Mr. REED of Pennsylvania. Mr. President, may we know what this bill is?

Mr. ODDIE. Mr. President, it is the bill that passed the Senate providing for the war minerals claims.

Mr. REED of Pennsylvania. How much does it carry?

Mr. ODDIE. We do not know. As the bill passed the Senate at the last session it provided that the claims go to the Court of Claims. The House has amended the bill by providing that they go to the District Supreme Court, with the right of appeal.

Mr. McKELLAR. In other words, there is no appropriation at all carried in this measure? It is merely an authorization to let the District court try the cases?

Mr. ODDIE. Yes; to decide on questions of law.

The VICE PRESIDENT. The Senator from Nevada moves that the Senate concur in the amendment of the House.

The motion was agreed to.

WAR DEPARTMENT APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes.

The VICE PRESIDENT. The Secretary will state the next amendment of the committee passed over.

The CHIEF CLERK. The next amendment passed over is on page 81, line 14, where the committee proposes to strike out "$1,000,000" and insert "$400,000," so as to read:

Flood control, Sacramento River, Calif.: For prosecuting work of flood control in accordance with the provisions of the flood control act approved March 1, 1917 (U. S. C. 1090, sec. 703), as modified by the flood control act approved May 15, 1928 (45 Stat. 534), $400,000.

Mr. REED of Pennsylvania. Mr. President, I think this amendment will require a considerable amount of debate—the reduction of the next year's appropriation.

Mr. JOHNSON. They are both in the same category. Why not take it up and dispose of it now?

Mr. REED of Pennsylvania. I am perfectly willing to dispose of it by a viva voce vote.

Mr. CARAWAY. Mr. President, was it the ruling of the Chair that the unfinished business of the Senate has been displaced?

The VICE PRESIDENT. It was displaced by taking up the resolution of the Senator from Tennessee; but, by unanimous consent, it has been restored to its place.

The question now is on the amendment of the committee on page 81, line 14.

Mr. HARRISON. Mr. President, there are several of these amendments that have been adopted. We got into the consideration of this matter so hastily that to-morrow, when the bill is proceeded with, I desire to ask unanimous consent that I may take up some of those that were adopted to-day and ask some questions about them.

Mr. REED of Pennsylvania. When the bill was taken up last Saturday I stated that I should agree to go back and join in the request that we go back to any amendment that any Senator wanted to reopen.

Mr. JOHNSON. Mr. President, inasmuch as we have disposed of the principal amendment, and the one immediately preceding it as to the amount to be expended being fixed by the Budget and being fixed by the report of the engineers, may I suggest that we take a viva voce vote upon the committee amendment, and dispose of it to-night?

Mr. REED of Pennsylvania. I am satisfied with that; and after that I shall expect to move a recess, because it will take at least an hour to dispose of the Scott Field amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. REED of Missouri. Mr. President, what is the amendment that we are asked to agree to?

The VICE PRESIDENT. The committee amendment.

Mr. McKELLAR. It is similar to the one that has just been voted on.

Mr. JOHNSON. It is in the same category as the other; and a vote against the committee amendment is, like the other one, a vote "no."

Mr. BLAINE. Mr. President, may we have a statement from the Senator from Pennsylvania with regard to this amendment?

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 81, line 14, the committee proposes to strike out "$1,000,000" and insert "$400,000."

Mr. REED of Pennsylvania. Mr. President, this amendment deals with the prospective work to be done on the Sacramento River. The Senate has just decided to make the retrospective refund to the State of California. The arguments against that question which was decided seem to me to be stronger than the arguments against the prospective appropriation of $1,000,000. It was cut down in the committee from $1,000,000, recommended by the Budget, to the amount which was given last year, $400,000; but I am frank to say that the appropriation of $1,000,000 as it comes from the House had the approval of the Budget, and of the House committee, and of the House in the passage of the bill.

Mr. JOHNSON. And the State has made the like appropriation.

Mr. OVERMAN. The same question is involved.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

E. GELLERMAN

Mr. PHIPPS. From the Committee on Post Offices and Post Roads, I report back favorably, without amendment, Senate bill 5514, for the relief of E. Gellerman, doing business under the name of the Lutz-Berg Motor Co., at Denver, Colo.; and I submit a report (No. 1656) thereon.

This is a small claim bill, involving less than $100; and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to recognize as valid and binding the assignment by Walter G. Kuhn, formerly of Denver, Colo., and whose present whereabouts is unknown, to E. Gellerman, doing business under the name of the Lutz-Berg Motor Co., at Denver, Colo., of the former's claim against the United States, amounting to $94.65, arising out of an accident involving a United States mail truck, which occurred on November 29, 1927; the provisions of title 31, section 203, United States Code (sec. 3477 of the Revised Statutes of the United States), being expressly waived.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT

Mr. WALSH of Montana. Mr. President, the Senator from Pennsylvania has indicated his purpose to move a recess.

Mr. REED of Pennsylvania. Yes, Mr. President.

Mr. WALSH of Montana. At the close of the session yesterday there was a desire expressed by some to the leader upon the other side for an adjournment, in order that morning business might be attended to to-day. He said that for certain reasons, particularly with respect to the bill now under consideration, it was desirable that a recess be taken, but that an adjournment would be taken this evening. So the insistence upon the adjournment last night was not adhered to. Under those circumstances I inquire of the Senator from Pennsylvania whether it would not be good faith to move an adjournment this evening.

Mr. REED of Pennsylvania. I do not want to make any motion that would violate the agreement entered into by the Senator from Kansas.

Mr. COUZENS. That was the agreement.

Mr. REED of Pennsylvania. Then may I say to the Senate that I shall ask the Senate to continue on to-morrow evening, if this bill shall not be passed by this hour to-morrow. I think it is highly important that the bill be disposed of and gotten out of the way of the other bills that are crowding us.

Mr. HEFLIN. Mr. President, has the Senator agreed that we might have a morning hour to-morrow?

Mr. REED of Pennsylvania. In view of the agreement entered into with the Senator from Kansas I shall not make my motion for a recess, but will move that the Senate adjourn.

I move that the Senate adjourn.

The motion was agreed to; and the Senate (at 5 o'clock and 50 minutes p. m.) adjourned until to-morrow, Thursday, February 7, 1929, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *February 6, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed, blessed be the name which is above every other name in heaven and in earth. In Him are united the ideals of sacrifice and service. He gives us the vision of mingled sorrow and love, of the human God and the divine man. Let it touch the finer senses of our beings, which are far above the sense of pleasure and more glorious than any gain. Save us, preserve us from the soil of sin, the clutch of selfishness, and the heat of passion. May these never be permitted to rob us of the fine graces and the noble virtues of Christian manhood. Bless us with the morning light. Send a ray from the eternal sunshine just for to-day. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 15657. An act to provide for the improvement and preservation of the land and buildings of the Abraham Lincoln National Park or reservation;

H. R. 16035. An act to extend the time for completing the construction of the bridge across Port Washington Narrows, within the city of Bremerton, State of Washington; and

H. R. 16208. An act authorizing the Cedar Point Bridge Co., its successors and assigns, to construct, maintain, and operate a

bridge across the Southeast Arm of Sandusky Bay at or near Sandusky, Ohio.

The message also announced that the Senate had agreed to amendments of the House to bills of the following titles:

S. 2792. An act reinvesting title to certain lands in the Yankton Sioux Tribe of Indians;

S. 4036. An act to authorize the Secretary of War to transfer the control of certain land in Oregon to the Secretary of the Interior;

S. 4739. An act authorizing the Secretary of the Treasury to sell certain Government-owned land at Manchester, N. H.; and

S. 5110. An act validating certain applications for and entries of public lands, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 11526. An act to authorize the construction of certain naval vessels, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 15386) entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes," disagreed to by the House, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McNARY, Mr. JONES, Mr. KEYES, Mr. OVERMAN, Mr. HARRIS, and Mr. KENDRICK to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3848) entitled "An act creating the Mount Rushmore national memorial commission and defining its purposes and powers," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FESS, Mr. GILLETT, and Mr. McKELLAR to be the conferees on the part of the Senate.

ELECTORS FOR PRESIDENT AND VICE PRESIDENT

The SPEAKER. The Chair lays before the House the following communication from the Secretary of State:

DEPARTMENT OF STATE,
Washington, D. C.

The honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith in pursuance of the provision of the act of Congress approved May 29, 1928, an authenticated copy of the certificate of the final ascertainment of electors for President and Vice President appointed in the several States, excepting Mississippi and New Mexico, at the election held therein on the 6th day of November, 1928.

I have the honor to be, sir, your obedient servant,
For the Secretary of State:
TYLER DENNETT,
Chief Division of Publications.

Mr. SNELL. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

Mr. GARRETT of Tennessee. Will the gentleman from New York yield to me a moment?

Mr. SNELL. Yes.

Mr. GARRETT of Tennessee. Is any reference of the communication of the Secretary of State necessary?

The SPEAKER. The certificates must be laid before the House and placed in the archives of the House a week before the vote is counted.

Mr. GARRETT of Tennessee. It is not necessary to refer them to any committee.

The SPEAKER. No; they are simply placed in the archives of the House.

Mr. TILSON. And only the letter of the Secretary is read?

The SPEAKER. Yes.

Mr. TILSON. It is not necessary to read the entire matter.

The SPEAKER. It appears in the Journal that these certificates have been transmitted by the Secretary of State and then they go in the archives of the House and that complies with the law.

The gentleman from New York asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

PRINTING OF AMENDMENTS TO LAWS IN HOUSE REPORTS

Mr. SNELL. Mr. Speaker, I have received a letter from Mr. George H. Carter, the Public Printer, that explains the practical workings of House Resolution 278, the resolution that was passed by the House a few days ago, making some changes in the printing in bills of amendments to various laws.

It seems to me that Mr. Carter has worked out a practical proposition, as he usually does, and I am going to ask the Clerk to read the letter from Mr. Carter in my time.

The Clerk read as follows:

UNITED STATES GOVERNMENT PRINTING OFFICE,
OFFICE OF THE PUBLIC PRINTER,
Washington, D. C., February 5, 1929.

Hon. BERTRAND H. SNELL,
Chairman Committee on Rules,
House of Representatives, United States,
Washington, D. C.

MY DEAR MR. SNELL: In regard to House Resolution 278, adopted on January 28, 1929, amending House Rule XIII with a new provision for the printing of House reports in which the repeal or amendment of existing law is proposed, I desire to submit the following suggestion for the uniform application of the new rule in the printing of House reports:

"Whenever a committee of the House reports a bill or joint resolution repealing or amending any statute or part thereof, the part to be amended or repealed shall be printed in the accompanying report in roman type within proper brackets and the proposed amendment shall be printed in italic type; except in cases where this procedure may not clearly indicate the proposed changes, in which event the printing of the statute and the changes proposed therein shall be in parallel columns."

The style above recommended has been used for years in the printing of Budget bills as considered by the House Committee on Appropriations and of amendments in all engrossed bills. In my opinion, line type (stricken-through letters) smaller than 14-point, the regular bill type, would be difficult to read. Furthermore, this office has not sufficient equipment at present to print House reports in line type (stricken-through letters) of the 8-point size now used in the printing of committee reports. It is not practical, either, to print always in parallel columns, except when unavoidable, as this form of composition materially slows up the work and would seriously delay the printing and delivery of the reports.

The inclosed slips indicate the method which this office proposes to adopt in complying with House Resolution 278, which I hope will meet with your approval. In the accompanying samples the words inclosed in brackets are to be omitted from the statute and those printed in italics are proposed for insertion in the statute.

It is important, of course, that the method adopted shall be uniform for all House committees, as a variation would not only be confusing to this office but would also greatly confuse Members in the consideration of committee reports printed in a variety of styles.

Respectfully yours,

GEORGE H. CARTER,
Public Printer.

Mr. SNELL. Mr. Speaker, I have just presented this letter for the information of the House. It seems to me this will work out satisfactorily; at least, we will try it for the present.

EXTENSION OF REMARKS

Mr. VESTAL. Mr. Speaker, I ask unanimous consent to insert in the RECORD a very short petition representing the views of 4,400,000 farmers on the question of a farm tariff. It is only four pages and I think it would be of interest to everyone.

Mr. UNDERHILL. Mr. Speaker, reserving the right to object, these petitions, as a rule, are placed in the basket and are noted in the RECORD. I think as far as any interest of any Member is concerned he could dig them out if he desired. They are of the type to which objection has been previously made, and I think in order to be consistent I shall have to object.

Mr. VESTAL. I think this is the first time in 12 years I have asked to have anything of this kind inserted in the RECORD.

The SPEAKER. Objection is heard.

REREFERENCE OF A BILL

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent for a change of reference of the bill (S. 4517) appropriating tribal funds of Indians residing on the Klamath Reservation, Oreg., to pay expenses of the general council and business committee, and for other purposes.

This was referred to the Committee on Appropriations, probably due to the fact that it does make an appropriation. That committee would not have jurisdiction because it carries legislation supporting the use of the money. I have consulted the gentleman from Indiana, Mr. WOOD, the acting chairman of the Committee on Appropriations; the gentleman from Tennessee, Mr. BYRNS, the ranking minority member; the gentleman from Montana, Mr. LEAVITT, chairman of the Committee on Indian Affairs; and I ask unanimous consent for a rereference of this bill to the Committee on Indian Affairs.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the bill (S. 4517) be rereferred from the Committee on Appropriations to the Committee on Indian Affairs. Is there objection?

Mr. SNELL. Reserving the right to object, do I understand the gentleman from Michigan that this was not properly referred to the Appropriations Committee and is a matter over which that committee has no jurisdiction?

Mr. CRAMTON. As the bill is drawn, no committee has jurisdiction of it. It carries a legislative matter that the Appropriations Committee could not report. The Indian Affairs Committee can make a bill out of it that is parliamentary, all right, if they will strike out the appropriation and put in an authorization. The Appropriations Committee could not make a bill out of it that would not be subject to a point of order.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. On last Wednesday the bill H. R. 15092 had arrived at the stage where it was ordered to be engrossed and read the third time. The gentleman from Michigan demanded the reading of the engrossed copy. The Chair now lays before the House the engrossed copy.

The Clerk read the title of the bill, as follows:

A bill (H. R. 15092) to authorize an appropriation to pay half the cost of a bridge near Soboba Indian Reservation, Calif.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the bill was passed.

Mr. CRAMTON. Mr. Speaker, the title should be amended. The committee recommended an amendment to the title.

The title was amended.

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

CALENDAR WEDNESDAY

The SPEAKER. To-day is Calendar Wednesday, and the Clerk will call the committees.

The Clerk called the Committee on Indian Affairs.

THE OSAGE TRIBE OF INDIANS

The SPEAKER. On last Wednesday the House had started to consider S. 2360, and the time was in the control of the gentleman from Michigan.

The Clerk read the title of the bill, as follows:

A bill (S. 2360) to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906," entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes."

The SPEAKER. The Clerk will report the committee amendments.

Mr. CRAMTON. Mr. Speaker, I think we have not arrived at that point. I think the debate is not finished. I had the floor.

The SPEAKER. The Chair thinks the committee amendments should be reported. The bill had been read the second time.

Mr. CRAMTON. I secured recognition last Wednesday and used a part of my time. It was understood at that time that I was to have an hour. I was about to yield to the gentleman from Oklahoma, and I would be glad to claim the balance of my time and yield to the gentleman from Oklahoma.

Mr. TILSON. Mr. Speaker, we are now in the House considering this bill. On last Calendar Wednesday the gentleman from Montana had used an hour and yielded the floor. The gentleman from Michigan claimed recognition, and, of course, will have an hour under which he can offer amendments if he chooses so to do.

The SPEAKER. The gentleman from Michigan is entitled to the floor.

Mr. CRAMTON. Mr. Speaker, I will yield 10 minutes to the gentleman from Oklahoma [Mr. HASTINGS]. Before the gentleman from Oklahoma begins his remarks I want to say that this is an important bill, and the gentleman from Oklahoma is very well versed in reference to it, and I make the point of order that no quorum is present.

The SPEAKER. Obviously, no quorum is present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed, the Sergeant at Arms was directed to notify absent Members, the Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 22]

Anthony	Bushong	Curry	Fulbright
Auf der Heide	Carew	Davey	Furlow
Bacon	Carley	Dempsey	Gilbert
Beck, Pa.	Casey	Dickstein	Goldsborough
Boies	Celler	Doutrich	Griest
Boylan	Chindblom	Dyer	Hall, N. Dak.
Buchanan	Clague	Estep	Hammer
Buckbee	Connolly, Pa.	Evans, Calif.	Hardy
Burdick	Crowther	Evans, Mont.	Harrison
Busby	Cullen	Fenn	Hogg
Houston	Kurtz	O'Connor, N. Y.	Stedman
Hull, Morton D.	Lindsay	Palmer	Strother
Hull, William E.	McClintic	Palmisano	Sullivan
Hull, Tenn.	McDuffie	Parker	Tatgenhorst
Igoe	McSwain	Peery	Tillman
James	Maas	Pou	Underwood
Kearns	Michaelson	Quayle, N. Y.	Updike
Kent	Mooney	Ramseyer	Vincent, Iowa
Kindred	Moore, N. J.	Ransley	White, Kans.
King	Murphy	Reed, Ark.	Woodruff, Mich.
Kunz	Nelson, Wis.	Sirovich	Wyant

The SPEAKER. Three hundred and forty Members have answered to their names, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

IMMIGRATION LEGISLATION

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that I may have until midnight to-night to file from the Committee on Immigration reports on the bill S. 5094, and two or three other bills, which have been ordered reported by the House committee, and that the minority may have until midnight to-morrow night to file minority views, if any.

The SPEAKER. The gentleman from Washington asks unanimous consent that he may have until midnight to file reports on certain immigration bills, ordered reported by that committee, and that the minority may have until to-morrow night at 12 o'clock to file minority views, if any. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object, what are the bills?

Mr. JOHNSON of Washington. One might have been the bill of the distinguished gentleman from Illinois, but that was passed unanimously by the committee. The other is a short deportation bill, the Box bill, regulating the coming in of aliens across he border, and the other is contract-labor provisions within the quota.

Mr. SABATH. And the Schneider bill?

Mr. JOHNSON of Washington. And the Schneider bill.

Mr. SABATH. I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

ALBERT C. READ AND OTHERS

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Concurrent Resolution 33, and agree to the same.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table Senate Concurrent Resolution 33, and consider the same. The Clerk will report the resolution.

The Clerk read as follows:

Senate Concurrent Resolution 33

IN THE SENATE OF THE UNITED STATES

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 4338) entitled "An act to authorize the President to award, in the name of Congress, gold medals of appropriate design to Albert C. Read, Elmer F. Stone, Walter Hinton, H. C. Rodd, J. L. Breese, and Eugene Rhodes," the Secretary of the Senate is hereby authorized to amend the title thereof so as to read: "An act to authorize the President to award, in the name of Congress, gold medals of appropriate design to John H. Towers, Albert C. Read, Elmer F. Stone, Walter Hinton, H. C. Rodd, J. L. Breese, and Eugene Rhodes."

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. BRITTEN. Mr. Speaker, this resolution merely corrects the title of the bill that was passed by the House. We added one name to the text of the bill and forgot to change the title of the bill, and this corrects that omission.

The SPEAKER. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, is that all it does?

Mr. BRITTEN. Yes.

Mr. SCHAFER. It does not place any additional names on?

Mr. BRITTEN. No; it merely corrects the title.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

LEAVES OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. MCSWAIN, at the request of Mr. DOMINICK, on account of illness in family.

Mr. CHINDBLOM, until Monday, February 11, to attend the funeral of his father.

OSAGE TRIBE OF INDIANS

The SPEAKER. The gentleman from Oklahoma [Mr. HASTINGS] is recognized for 10 minutes.

Mr. HASTINGS. Mr. Speaker, in the consideration of this legislation I think it would be helpful to make a brief statement with reference to the Osage Tribe of Indians.

This tribe in about 1870 purchased approximately 1,500,000 acres of land of the Cherokee Tribe of Indians and all this land is embraced in what is now Osage County, Okla. The tribe was induced to enter into an agreement on June 28, 1906, to have a roll made, as of date of July 1, 1907, and to allot the surface of their lands in severalty, reserving to the tribe the oil and gas and other minerals. The roll was made, which consisted of 2,229 members. All are now of age. Many of them are now dead, and my information is that there are about 1,540 of the originally enrolled allotted members still living.

The laws with reference to the Osages have been amended from time to time. The most notable amendatory act was approved on March 3, 1921, when the trust period was extended to April 7, 1946. As to most of the Indians, where they are under the supervision of the Government, we use the term "restricted." In the case of the Osage Tribe the Secretary of the Interior, when he finds that any member of this tribe may with safety be permitted to do business in his own behalf, issue to him a "certificate of competency," and therefore instead of using the term "restricted Indian," as applied to this tribe, the term "not having a certificate of competency" is used.

Nine hundred and thirty-eight of the 1,540 living members of the Osage Tribe have certificates of competency issued to them, leaving 602 originally enrolled members of different degrees of blood of this tribe restricted.

In addition, of course, there are a number of heirs or devisees to whom certificates of competency have not been issued and who are restricted and are therefore under the jurisdiction and supervision of the Secretary of the Interior.

The proposed amendment to the bill attempts, in section 1, to extend the trust period until April 8, 1958, and it continues the supervision of the Secretary of the Interior until January 1, 1959. I think the language is ambiguous and it should be clarified. In fact, section 1, as it is proposed to amend it, provides that the minerals shall be reserved to the members of the Osage Tribe until April 8, 1958, or until otherwise provided by act of Congress and as long thereafter as oil and gas or other minerals are found in paying quantities.

Of course, this continues the trust period indefinitely and without limitation as to date. In my judgment the date to which the trust period is extended and the date of the termination of the supervision of the Secretary of the Interior should be one and the same. I hope the committee will adopt an amendment to that effect.

Each of the 2,229 originally enrolled Osages had four allotment selections, the first of 160 acres, designated as his homestead. The other selections were 160 acres each, except the fourth, making an aggregate total of approximately 659 acres allotted to each member of the Osage Tribe. The last three selections, in so far as the surface of the land is concerned, are taxable, and the act of March 3, 1921, made the oil and gas subject to the gross production tax of the State of Oklahoma. Much of the surface has been sold and passed into white ownership.

This bill also has a provision making the laws apply equally to the enrolled and unenrolled members of the tribe, so that the Secretary of the Interior may issue certificates of competency to unenrolled members the same as to enrolled members of the tribe, and he has the same supervision over unenrolled members as over enrolled members.

Section 2 of the bill relates to a method of settling disputes for damages between the owners of land or lessees of the surface and those going on the land under oil and gas leases and drilling for oil and gas, and permits both parties to appeal from the decision of the Secretary of the Interior to the courts.

Section 3 authorizes the Secretary of the Interior to pay any part or all of the funds held in trust for any Osage Indian not having a certificate of competency, in his discretion, and under such rules and regulations as he may prescribe, to the members of the Osage Tribe upon their application.

The bill also permits the Secretary of the Interior and the Osage tribal council to continue to make leases upon the land of the tribe, and reduces the acreage that may be leased in any one year to not less than 25,000 acres. The bill makes it clear that this does not affect valid existing leases for oil and gas or other minerals, but such leases are recognized and continued for as long as oil and gas are found in paying quantities. The bill provides for exempting homestead allotments from taxation.

I trust that the committee will accept an amendment confining this to restricted members of the tribe not having certificates of competency. This was the policy of Congress last year when the Five Civilized Tribes act was passed, and I see no reason why it should not be applied to the Osage Tribe.

It is urged that the Osages pay 1 per cent more as gross production tax on oil than the prescribed rate. This is true, but that provision was inserted in the act of March 3, 1921, in compensation for the extension of the trust period until April 7, 1946, and it will be noted that this additional 1 per cent gross production tax does not go to the State or the county but is to be used solely for building roads and bridges in Osage County, and the argument then urged was that it would enhance the value of the lands held by the Osages and also add to the value of the leases sold by the tribe.

Under the act of March 3, 1921, the adult enrolled members of the tribe were given $1,000 each per quarter out of his own funds and $500 per quarter for each minor child. As section 3 is written in the bill I think it ambiguous. In three places it refers to payments to be made to enrolled Indians of less than one-half blood. In lines 9 to 12, page 6, it requires the Secretary of the Interior within one year to—

pay to each enrolled Indian of less than half Osage blood one-fifth of his or her proportionate share of accumulated funds:

After a period the language continues:

And such Secretary shall on or before the expiration of 10 years from the date of the approval of this act advance and pay over to such Osage Indian of less than one-half Osage Indian blood all of the balance appearing to his credit. * * *

In lines 15 to 19, page 7, it is provided—

that the Secretary of the Interior shall on or before the end of five years from the date of the approval of this act pay to each restricted Osage Indian of less than half Osage blood who is not incompetent under the laws of the State of Oklahoma. * * *

I am not in sympathy with the efforts of this bill to make a debt-collecting agency of the Government of the United States. I believe in every Indian paying his debts, and believe that of every other citizen, regardless of his nationality.

Now, in this case the superintendent of the Osage Agency, acting for the Secretary of the Interior, is compelled to examine the accounts made by unrestricted Indians, free from governmental supervision, who are living in 23 States of the Union. One hundred and thirty-six of these Indians are of less than one-half Indian blood, and do not have certificates of competency. They have on deposit $5,600,000 to their combined credit, or an average of about $40,000 each. This money is placed to their individual credit. The lowest amount runs about $4,100 and the highest amount to the credit of any individual is $123,000. Many of these Indians live without the State of Oklahoma, and, as above stated, of the 938 to whom certificates of competency have been issued they are living in 23 States, as follows: 10 in Arkansas, 17 in Arizona, 85 in California, 24 in Colorado, 4 in Connecticut, 3 in Illinois, 120 in Kansas, 30 in Missouri, 596 in Oklahoma, 5 in Oregon, 27 in Texas, 2 each in Florida, Nebraska, New Mexico, and Utah, and 1 each in Iowa, Indiana, Massachusetts, Minnesota, Pennsylvania, Wisconsin, Washington, and Wyoming.

In order to make a fair ascertainment of these debts a representative of the Osage Agency would have to go to each locality where these Indians live and go over all their books and make a personal investigation. These Indians are free of any governmental supervision. The Government never has, so far as I know, made a debt-collecting agency of itself. If we hold up the money due these unrestricted Indians, free of governmental supervision, and pay their debts voluntarily contracted, then in principle we should do this with every employee of the Government throughout the Nation. I believe every Government employee should pay his honest obligations, and it is the same principle. I believe every postmaster and rural mail carrier and other employee of the Government throughout the country should pay his honest obligations, but I do not believe that the Government should make a debt-collecting agency of itself and withhold money from those free of any governmental supervision.

I think there is a difference in principle between supervising the debts of restricted and unrestricted Indians. The one we are guardian for. We have supervision of his funds. The other has been and is free from all governmental supervision. I think this is a bad example to set, and I have taken this occasion to express my views upon it; and I trust that before the consideration of this bill is concluded that these objectionable features will be eliminated.

Mr. GARBER. Will the gentleman yield?

Mr. HASTINGS. I will.

Mr. GARBER. Your expiration of restriction, of course, is conditional always upon the issuance of certificates of competency by the Secretary of the Interior?

Mr. HASTINGS. That is true; and I have called attention to some amendments I think ought to be offered to this bill in order to clarify it. In section 1, page 2, this trust period is extended, according to the proposed amendments by the committee, until April 8, 1958, or until otherwise provided by Congress, which makes it indefinite; and then this other provision is continued:

> And as long thereafter as oil, or gas, or other minerals are found in paying quantities.

I am opposed to both provisions.

Mr. GARBER. May I inquire as to the necessity for such a long extension of the period?

Mr. HASTINGS. I am not finding fault so much with the time limit, but I am insisting that some definite time be carried in the bill. On page 3 there is a provision to exempt homestead allotments from taxation until the end of the trust period. We did not do that with other Indians——

Mr. GARBER. To the end of the proposed extension of the trust period?

Mr. HASTINGS. That is true.

Mr. GARBER. That would be unconscionable to the taxpayers of Oklahoma, would it not?

Mr. HASTINGS. I am protesting against the proposed exemption and asking that that provision be amended so as to make it only apply to restricted Indians, those to whom no competency certificate has been issued.

Mr. GARBER. As long as the restriction remains.

Mr. HASTINGS. Yes; but I think it ought to be amended, as I have indicated. I would not have inserted it at all. Let us examine section 3 and to be absolutely brutally frank about it—section 3 is a debt-collection section and I am against the principle.

Mr. EDWARDS. Is the gentleman against the Indian paying his debts?

Mr. HASTINGS. No, sir; and I am not against the white man paying his debts or the gentleman from Georgia. I am not against any employee of the Government of the United States paying his debts. I am not against any postal employee paying his debts, I am not against any pensioner paying his debts. I try to pay my own debts, and I think everybody else should be encouraged to pay their debts. I am in favor of honesty in public life and private life, but I am opposed to the Government of the United States as to unrestricted Indians, as to those Indians over whom the Government has no supervision, being made a debt-collecting agency through a provision in this bill requiring that a certain amount of money shall be withheld from the funds of the unrestricted Osage Indians.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. HASTINGS. I will.

Mr. HOWARD of Oklahoma. What is the gentleman's position on the section to provide for paying the debts of the unrestricted?

Mr. HASTINGS. Well, I am discussing now the unrestricted Indians. I say it is wrong in principle to put that sort of a provision in the bill, and I hope such an amendment will be adopted.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. LEAVITT. I ask that the gentleman be given five minutes more.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. HASTINGS. I do not want anyone to get the impression that I am not in favor of everyone, Indians and whites, paying their debts; but the people who sell to the Indians on a credit know the risk they run of losing those accounts. The people of whom I am speaking are residing in 23 States of the Union. This will necessitate the superintendent of the Osage Agency sending representatives to those various States, and it will involve an examination of books, and really make a debt-collecting agency out of the superintendent of the Osage Indians, and I am opposed to that provision. I am opposed to it on principle. [Applause.]

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS. Certainly.

Mr. CRAMTON. As to an Indian to whom a certificate of competency has been issued, there does not seem to be any reason for the Government acting as a collecting agency against them. As to those to whom a certificate of competency has not been issued, the gentleman will permit me to read a section of the law, will he?

Mr. HASTINGS. I have no objection.

Mr. CRAMTON. Section 6 of the law of 1925 provides that—

> No contract for debt hereafter made with a member of the Osage Tribe of Indians not having a certificate of competency shall have any validity unless approved by the Secretary of the Interior. In addition to the payment of funds heretofore authorized, the Secretary of the Interior is hereby authorized in his discretion to pay, out of the funds of a member of the Osage Tribe not having a certificate of competency, any indebtedness heretofore or hereafter incurred by such member by reason of his unlawful acts of carelessness or negligence.

At the present time a contract can not be made without approval. As I understand, they are paying the debts of those with whom a contract has been made with approval.

Mr. HASTINGS. I want to say, for the information of the gentleman from Michigan and my colleague from Oklahoma [Mr. HOWARD] that I am not so much concerned about the restricted Indian. A totally different principle is involved, in my opinion, between those over whom the Government retains supervision and guardianship and those who are turned loose. I think that most of the accounts that are examined and found meritorious are against Indians who are not free from governmental supervision. I have no objection to the Government paying those claims. But I do insist that it is a dangerous precedent to put into a bill a provision requiring the Government to withhold money and collect accounts from unrestricted Indians, who are just as free as any governmental employee throughout the country.

Mr. WILLIAMSON. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. WILLIAMSON. I do not care to argue this matter with the gentleman, but this section relates only to existing debts of Indians and does not apply to future obligations that may be incurred.

Mr. HASTINGS. The bill says "existing debts." But it applies to the unrestricted Indian the same as to the restricted, scattered over 23 States of the Union. It makes a debt-collecting agency of the Government of the United States as to the unrestricted Indian. It is wrong in principle, and so far as I am concerned I am opposed to it.

Mr. SPROUL of Kansas. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. SPROUL of Kansas. This provision to which the gentleman refers applies to those who have more white blood in their veins than Indian blood. It does not apply to those of one-half Osage blood.

Mr. HASTINGS. It makes no difference. It applies to all.

Mr. CRAMTON. Mr. Speaker, I believe I have 15 minutes. I yield 10 minutes to the gentleman from Montana [Mr. LEAVITT].

The SPEAKER. The gentleman from Montana is recognized for 10 minutes.

Mr. LEAVITT. Mr. Speaker and Members of the House, I think I am safe, in beginning the discussion of this bill, in saying that the gentleman from Oklahoma [Mr. HASTINGS] is not opposed to this bill so far as it has to do with the sections written into it at the express desire of the Osage Indians. Is that true?

Mr. HASTINGS. I would want to have some amendments added to the bill. I did not have full opportunity when I was on the floor to discuss each and every one of the amendments. I tried to point out the more important amendments that I desired to offer to the bill. There are others that I want to point out.

Mr. LEAVITT. I thank the gentleman. The point I make is that the gentleman from Oklahoma is interested in the welfare of the Indians of Oklahoma. He himself is of Indian blood to a very considerable extent. He is not opposing this bill as a whole. He is asking that there be included in it, as it goes to final passage, certain amendments that he has in mind. Those amendments, of course, will be considered by the House and free opportunity for discussion will be given.

Mr. HUDSON. Mr. Speaker, will the gentleman yield?

Mr. LEAVITT. Certainly.

Mr. HUDSON. Could you strike out section 3 and still keep the larger integrity of the bill?

Mr. LEAVITT. I will make this statement: That the Osage Indians, through their council, are directly interested in two sections of this bill—section 1 and section 7. The other sections have been placed in the bill not at their request but in order to meet certain conditions that have arisen in regard to

the handling of the Osage Indian property, in regard to lands that are under lease in the Osage country, and matters of that kind.

Section 6, which is written in the bill, is now there with the full intention of the committee itself to have that section stricken out, because its purpose would be to increase the quarterly payments required to these Indians. That was put in at the request of the Indians when their income was considerably greater than it is now. They prefer now to have the law remain as it is in that regard, so that section 6 can be considered, so far as the committee is concerned, as out of the bill.

Mr. HUDSON. Then the gentleman, if I understand him correctly, is saying that if section 3 and section 6 are stricken out the original integrity of the bill will be retained?

Mr. LEAVITT. The original intention, so far as the Osage Indian Council itself is concerned, will be taken care of under those provisions. This bill, as the gentleman from Michigan will recall, when he was a member of the Committee on Indian Affairs, was brought before the committee and referred to a subcommittee on such matters, of which the gentleman from Kansas [Mr. SPROUL] was chairman. When considering the bill as it was brought to the committee by the Osage Council, certain other matters were written into it which, in the judgment of the subcommittee, should also be included in this kind of an Osage bill, and the bill is before the House in that form.

The purpose of this bill, so far as the Osage Indians are concerned, is to prevent what they believe and what I am sure the House believes would be a disaster to them should the law as it now exists go into effect and all restrictions on their lands expire on the 28th day of June, 1931.

If the law as it now exists remains unchanged, when the 28th day of June, 1931, comes, all restrictions on Osage Indian lands will be removed, because back in 1906 this Congress provided that the restrictions on their lands should expire on that date. In that event their property would be left entirely at their own disposal and subject to what has happened in the case of almost every Indian in this country from whom restrictions have been too soon removed. There would be a dissipation of his property and there would ultimately be left in certain communities large groups of Indians not able to handle their own affairs and subject, to a great extent, to the charity of those communities. So in order to avoid that these Indians themselves, through the representatives of their council, have come before the Committee on Indian Affairs and asked that those restrictions, so far as their homesteads are concerned, be extended for an additional period, and that they should remain restricted so long as these homesteads stay in the hands of those of half or more Indian blood.

I should correct my statement about that to some extent. The question of the quantum of Indian blood was written into the bill in the discussion in the committee and the consideration of the bill itself, but the purpose of the Osage Indians is to have these restrictions remain in force so long as we still have Indians of full blood or more than half blood not fully able to take care of their own property and who feel they are safer in the hands of the Government itself.

I should stop here long enough to say that there is at least a partial answer here to the question often raised here and there over the country on the part of people who do not understand the situation among the Indians, that all of these restrictions ought to be removed at once and that the Indian Bureau ought to be abolished. These Indians themselves came before our committee and asked to have this kind of restriction and this sort of supervision of their property continued until they feel their descendants are ready to take care of their own property, so that it will not be dissipated.

Section 7 has to do with the affairs of the Osage tribal council. They now have a tribal council and business committee and definite provision must be made for the future election of officers and the carrying on of their business to enable them to transact their own affairs as they have been doing in the past. That is the purpose of section 7.

The other sections besides 1 and 7 written in the bill were given long consideration but they are not so important to these Indians. There have grown up, however, certain conditions with regard to controversies between the owners of surface rights on some of these Osage Indian oil lands and the lessees for the development of the oil, and it has been concluded within the committee that full opportunity should be given, first, for agreement among those having these different interests, but, failing of agreement, that then they should have equal rights to go into the courts for a determination of what their rights are. For that reason there has been written in section 2. To section 2 there is an amendment which would strike out, as we are proposing ultimately to bring the bill to the House, from line 13 on page 4 of the Senate bill through to the end of the section and substitute for that the wording of an agreement that was reached between the representatives of these various interests. The Indians themselves stated before the committee that they were not greatly interested in that matter one way or the other, and they have no objection to it being in their bill. But it would appear to remove some difficulties that have grown up in the handling of those matters.

Then section 3, which is in controversy particularly and is opposed to a great extent by the gentleman from Oklahoma [Mr. HASTINGS], was inserted because of the judgment of the subcommittee. There has been much difference of opinion within the committee itself, but the majority of the committee voted to bring it before the House. I must agree that it does have to do with the collection of debts by the Government of the United States in connection with unrestricted Indians of less than half Indian blood. Many of these Osage Indians live in various parts of the country as well as in Oklahoma, and some have contracted very considerable debts. While they themselves are unrestricted, in many cases their funds are still subject to distribution to them by the Government because they have an interest in the income of these tribal oil lands. The situation is that the money in the hands of the Government can not be attached and secured for debts except under the honesty of these Indians themselves. The result is that there have been abuses.

The SPEAKER. The time of the gentleman from Montana has expired.

Mr. CRAMTON. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. LEAVITT. The whole proposal there is, of course, that the debts of restricted Indians, over whom the Government has power at the present time more completely, if agreed to or approved in advance by the superintendent, can now be paid out of the restricted funds of those Indians, but that sort of thing can not be done in the case of these unrestricted Indians, who, in many cases, are of more white than of Indian blood. The question is whether the Government should have this right and obligation in connection with unrestricted Indians and make direct payment to people who have sold them the necessities of life with the expectation that the debts would be paid, but with resulting disappointment.

On the recommendation of the subcommittee, a majority of the committee finally agreed up to this point, that they would set a deadline and say that with regard only to necessities of life, not all kinds of debts—not the purchase of automobiles and things of that kind—but with regard to the actual necessities of life where the debt could be shown to be a just one and when it had been contracted prior to the enactment of this law, the Government would be authorized to hold out one-fourth of the income of these part-blood Indians and apply it on the payment of such debts.

Mr. HUDSON. Will the gentleman again yield there?

Mr. LEAVITT. I yield.

Mr. HUDSON. Would not there always be a controversy arising as to what necessities were? What is a necessity to one may be a luxury to another and would there not always be that confusion and controversy?

Mr. LEAVITT. Of course, this is the sort of matter that has already been handled to some extent by the superintendent of the Osage Nation and the rules have been pretty strictly applied. I doubt that there would be any real conflict. There would be differences of opinion, but the decision would be made by the superintendent of the Osage Nation, and I have talked the matter over with him, and I am convinced that one would have to make an exceptionally good case in order to collect a cent under this provision of the law.

Mr. HUDSON. Right there, can not these people go to the superintendent and get this authorization now?

Mr. LEAVITT. Not for the Indians that are not under restrictions. The superintendent has nothing to do with these unrestricted Indians except that the Government does control part of their money and that it is therefore not subject to being attached by those to whom the debts are owed.

Mr. HASTINGS. Will the gentleman yield?

Mr. LEAVITT. I yield.

Mr. HASTINGS. I would like for the gentleman to discuss how the superintendent could go out to California, or send an agent out there to examine the books of those living in California, or those living in Arkansas, or those living in Colorado, or those living in New Mexico. A number of them—and the exact number I will put in the RECORD—live in distant States, and how is he going to adjust these claims and make settlements without having some representative there to examine the books and go over them.

Mr. SPROUL of Kansas. May I answer that question?

Mr. LEAVITT. Yes.

Mr. SPROUL of Kansas. The bill provides that the creditors who have claims for necessaries of life shall present them and prove them at Pawhuska to the Osage superintendent. He is not required to go anywhere. If the creditors do not see fit to satisfy him at Pawhuska of the merits of their bill, it will never be paid and no moneys will ever be retained.

Mr. HASTINGS. Suppose he finds it necessary in order to adjust the matter to find whether or not it is due, and all that sort of thing, that other books have to be examined other than the mere claim filed.

Mr. FREAR. Will the gentleman yield there?

Mr. LEAVITT. Yes.

Mr. FREAR. Is there such a provision in any other law regarding any other tribe of Indians?

Mr. LEAVITT. I think not.

Mr. HASTINGS. None whatever.

Mr. LEAVITT. This is brought in, as I have stated, as a result of the recommendation of the subcommittee and agreed to by the full committee. I am going to be frank with the House. The committee itself in its judgment is divided on this point.

What I want to impress on the House is this: There are two sections in this bill that are vitally necessary to the Osage Indians, and because of objection to some other sections the bill itself should not be delayed and should not be defeated. If in the wisdom of the House some of the sections are stricken out or if there are amendments written to the bill, we still this afternoon ought to pass this bill, that will give the protection to the Osage Indians that is necessary in accordance with experience in the handling of Indian affairs.

Mr. CRAMTON. Mr. Speaker, I move the previous question on the bill, with the understanding that this does not prevent discussion of amendments under the 5-minute rule.

The SPEAKER. The Chair understands the committee amendment has not yet been reported.

Mr. CRAMTON. And if I move to close debate, that will not prevent debate on the amendment?

The SPEAKER. The amendment has not yet been reported.

The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), relating to the Osage Indians of Oklahoma, be, and the same is hereby, amended to read as follows."

Mr. CRAMTON. Mr. Speaker, I would like to present a unanimous-consent request. The committee amendment is one amendment as a substitute for the text of the bill, but the committee amendment consists of several sections more or less unrelated. I ask unanimous consent that the committee amendment may be divided and may be considered by sections and that any points of order against any section may be offered when that section is read.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the committee amendment may be considered by sections. The Clerk will then read the first section of the committee amendment, when it will then be in order to debate it or offer points of order or offer amendments.

Mr. SPROUL of Kansas. Mr. Speaker, a question for information. May we have the privilege of objecting to the unanimous-consent request?

The SPEAKER. Yes.

Mr. SPROUL of Kansas. If so, at what time would it be in order to make the objection; now?

The SPEAKER. Now.

Mr. SPROUL of Kansas. Then I make the objection.

Mr. CRAMTON. I ask for a division of the question. Perhaps that can only be done after the amendment is read.

The SPEAKER. The Chair thinks the first section should be reported first in its entirety.

The Clerk read as follows:

That all that part of the act of June 28, 1906 (34 Stat. L. 539), entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes," which reserves to the Osage Tribe the oil, gas, coal, or other minerals, covered by the lands for the selection and division of which provision is made in that act is hereby amended so that the oil, gas, coal, or other minerals covered by said lands are reserved to the Osage Tribe until the 8th day of April, 1958, and as long thereafter as oil or gas or other minerals are found in paying quantities, and all royalties and bonuses arising therefrom shall belong to the Osage Tribe of Indians, and shall be disbursed to members of the Osage Tribe or their heirs or assigns as now provided by law, after reserving such amounts as are now or may hereafter be authorized by Congress for specific purposes, and the lands, moneys, and other properties now held in trust or under the supervision of the United States for the Osage Tribe of Indians, the members thereof, or their heirs and assigns, shall continue subject to such trust and supervision until January 1, 1959, unless otherwise provided by act of Congress. The Secretary of the Interior and the Osage tribal council are hereby authorized and directed to offer for lease for oil, gas, and other mining purposes any unleased portion of said land in such quantities and at such times as may be deemed for the best interest of the Osage Tribe of Indians: *Provided*, That not less than 25,000 acres shall be offered for lease for oil and gas mining purposes during any one year: *Provided further*, That as to all lands hereafter leased, the regulations governing same and the leases issued thereon shall contain appropriate provisions for the conservation of the natural gas for its economic use, to the end that the highest percentage of ultimate recovery of both oil and gas may be secured: *Provided, however*, That nothing herein contained shall be construed as affecting any valid existing lease for oil or gas or other minerals.

Homestead allotments shall remain exempt from taxation while the title remains in the allottee or in his unallotted heirs or devisees of one-half degree or more of Osage Indian blood until January 1, 1959: *Provided*, That the tax-exempt land of any such Indian allottee, heir, or devisee shall not at any time exceed 160 acres.

Mr. CRAMTON. Mr. Speaker, I renew my request.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the committee amendment may be read by sections. Is there objection?

There was no objection.

Mr. LEAVITT. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, line 22, after the figures "1958," insert "unless otherwise provided by act of Congress."

Mr. LEAVITT. Mr. Speaker, the purpose of this amendment, which is offered at the request of the Osage Indians and brought to me as chairman of the committee, is to remove doubt to some extent as to the expiration or extension by Congress of the restricted period.

Mr. CRAMTON. Congress can do that anyway, can it not?

Mr. LEAVITT. That is my judgment, but the Indians want this in.

Mr. CRAMTON. Congress has extended the period from time to time.

Mr. LEAVITT. Yes.

Mr. SPROUL of Kansas. The necessity for this amendment is brought about by the Indians having sold their rights to other purchasers, who are claiming that at the expiration of the fixed date they come into ownership of the oil, gas, and other minerals under the surface. This makes it certain that Congress continues control over the extension of the tribal rights.

Mr. HASTINGS. Mr. Speaker, I want to be heard, as I am opposed to the amendment. I want the attention of the committee. This amendment ought not to be inserted. Oil, gas, and other minerals were reserved in the original Osage allotment act until April 8, 1931. By the act of March 3, 1921, we extended this trust period until 1946. Now this bill extends it until April 8, 1958, but if you insert this amendment you might as well cut out the year 1958, for it does not mean anything.

Mr. ARENTZ. Will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. ARENTZ. The committee amendment reads—

and as long thereafter as oil or gas or other minerals are found in paying quantities.

Mr. HASTINGS. Yes; and I shall move to strike out that language. It makes it indefinite. Such language never has been put in any bill before. Let me warn the House that if you let that language go in the representatives of the Osage Indians for the next 100 years will be making claims to Congress.

Mr. SPROUL of Kansas. Why?

Mr. HASTINGS. Because you leave it indefinite. I know that in the first place the original allotment act provided to terminate trust period, April 8, 1931. The act of March 3, 1921, extended the trust period to April 7, 1946. This extends it until April, 1958, with indefinite language in there—"as long as oil and gas and other minerals are found in paying quantities." That renders it meaningless.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. HASTINGS. I yield.

Mr. HOWARD of Oklahoma. Is it contended that if this language is left out it will make it a closed proposition?

Mr. HASTINGS. No; because Congress at any time prior to 1958 can extend it as it did on March 3, 1921, when it extended it to 1946. If you put this language in, a hundred years from now the Osage Indians will be coming to Congress and saying that you must make good their claim, and I think this language is dangerous and unnecessary.

Mr. LEAVITT. What is the gentleman's proposition?

Mr. HASTINGS. To make this just as you did by the act of March 3, 1921—extend it until 1958. If you want to extend it further to January 1, 1959, I have no objection. I want to strike out the language—

and as long thereafter as oil or gas or other minerals are found in paying quantities.

If you refer to section 1, the act of March 3, 1921, you will see that that language is not in it. It extends it until April 7, 1946.

Mr. LEAVITT. The judgment of the gentleman is that the Indians are just as well or better protected without that language?

Mr. HASTINGS. Exactly; and the Government is protected. I think it is my duty in looking after the Indians of the country to point out what is going to happen. Some claim is going to be made against the Government as sure as you put this language in.

Mr. LEAVITT. Mr. Speaker, I am sorry the gentleman did not present all of these views while the committee was considering this legislation in the subcommittee for a long time and before the general committee. We have been very slow in bringing out this bill in the hope that it would ripen into its proper form.

Mr. HASTINGS. The gentleman had not offered this amendment before. It is not in the committee print.

Mr. LEAVITT. This is not a committee amendment. It is offered by me at the request of the Osage representatives who brought it to me and asked that I present it to the House.

Mr. HASTINGS. I say that if that amendment is adopted, then you have no time limit fixed in this bill at all, and it is entirely indefinite, as it runs not only until 1958, but for a thousand years, and I want to warn the House so that it votes on this amendment with its eyes open.

Mr. SPROUL of Kansas. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. SPROUL of Kansas. Suppose that the Government, on behalf of the Indians, in making title to the surface of the land by patent deeds provided in the patent deed that they have a title to the surface subject to the right of the Government on behalf of the Indians in the mineral rights which were extended to a certain date.

Mr. HASTINGS. Oh, well, that question is not involved here at all. This is the question of the extension of the trust period and the original allotment act of June 28, 1906, extended the trust period until April 8, 1931. The act of March 3, 1921, extended the trust period until April 7, 1946. What I want to do is to continue this trust period to a definite date and not leave it indefinite, as the amendment of the gentleman from Montana or the committee amendment will do.

Mr. LEAVITT. Let me correct the gentleman there. This is not the personal amendment of the gentleman from Montana or of the committee, but it is offered by me from the Osage Tribe of Indians.

Mr. HASTINGS. I am trying to warn the House. As a Member of the House there is some responsibility upon me as well as upon others. I say to the House now just exactly what that kind of an amendment means. I say that the Indians are protected if you put in a definite date. If the gentleman thinks a longer date than 1958 ought to be inserted, I will vote with him, but I think the Government ought to be protected, and I think there should be a definite date.

Mr. WILLIAMSON. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. WILLIAMSON. It does not seem to me that the amendment proposed by the gentleman from Montana would make one particle of difference one way or the other, because Congress has the right to legislate and extend it before the period of expiration.

Mr. HASTINGS. Then why not cut out 1958 and quit camouflaging about it.

Mr. WILLIAMSON. I do not think the amendment means a thing, whether it stays in or stays out.

Mr. HASTINGS. Then if it does not, and if there is danger, why not vote it down?

Mr. LEAVITT. Has the gentleman any further statement to make?

Mr. HASTINGS. No.

Mr. FREAR. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. FREAR. Referring to the provision on page 3:

Provided, That not less than 25,000 acres shall be offered for lease for oil and gas mining purposes during any one year.

Mr. HASTINGS. The proposed amendment is on page 2, line 22.

Mr. FREAR. I am asking in addition to that for this information. Can the gentleman give me that?

Mr. HASTINGS. I think I can.

Mr. FREAR. It provides that not less than 25,000 acres shall be offered for lease for oil and gas mining purposes during any one year.

Mr. HASTINGS. I am in favor of that.

Mr. FREAR. Why?

Mr. HASTINGS. The present law necessitates the Government offering 100,000 acres a year. Sometimes there is a disturbance in the oil situation out there. The price of oil goes down because there is an oversupply. It is thought not desirable, not in the best interests of the Indians, to compel the leasing of such a large acreage, and this permits some elasticity, so that it can be run down to not less than 25,000 acres which may be offered for lease.

Mr. FREAR. Why as much as 25,000 acres?

Mr. HASTINGS. So that some development may go on.

Mr. HOWARD of Oklahoma. Mr. Speaker, will the gentleman yield there?

Mr. HASTINGS. Yes.

Mr. HOWARD of Oklahoma. The committee was asked by the oil conservation board to remove any minimum amount that could be leased each year by the Secretary of the Interior, but we saw fit to require at least 25,000 acres to be leased.

Mr. FREAR. That is the question: Whether or not 25,000 acres is the right amount for each year. Why have an amount as large as that?

Mr. HASTINGS. It is quite safe now to put in that amount. We required 100,000 acres when the trust period had not been extended and we inferred the country would not be developed unless we required a large amount. Now, since the trust period is being extended, it is safe to offer a less acreage.

Mr. FREAR. But why 25,000 acres?

Mr. HASTINGS. Oh, that was a compromise.

Mr. FREAR. It might be 100,000 every year.

Mr. HOWARD of Oklahoma. They can lease whatever they see fit not less than 25,000.

Mr. LEAVITT. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Speaker and gentlemen, I speak with a good deal of diffidence on this bill, because the Osage situation is so complicated, but I thought I might direct attention to this proposition and in reference to the amendment which the gentleman from Oklahoma [Mr. HASTINGS] intends to offer. I can not see that the Leavitt amendment makes any difference whether it is in or whether it is out, and I do think that it is very desirable that the Hastings amendment be not adopted. The gentleman from Oklahoma [Mr. HASTINGS] is correct that if the bill passes as proposed by the committee, the gentleman from Montana, we have an indefinite period. But to my mind the circumstances are such that an indefinite period is necessary. As I understand, the Osage Tribe of Indians own land and the mineral rights under the land. The mineral rights are reserved to the tribe as a whole to-day, owned by the tribe as a whole, but the land was allotted. Now, there might be valuable oil still in this piece of land allotted to A and no oil in this land allotted to B. Now, these lands are sold and disposed of and pass from hand to hand more or less, but the oil belongs to the tribe. It is not sold; but we are here providing for its preservation to the tribe until 1958; but when 1958 comes suppose Congress did not take any further action, did not extend the period further. Suppose the amendment of the gentleman from Oklahoma was adopted and leases that are then in operation are still producing. What are we going to do with the oil that is thereafter developed under the remaining wells? Why, it goes to the owner of the land, and as I understand the situation the oil should not go to the owner of the surface as long as it is producing to a valuable extent. It seems to me it is going to be desirable to retain the oil produced as a tribal asset for every member of the tribe, whether restricted or unrestricted, or whatever may be the status, to continue to draw down a proportionate share. Now, the equity appears when you remember that the oil field is developed at the expense of the tribe and not of any individual. I do not see any reason in 1958 or in 1950 any more than in 1960 that the oil under the land should come to the owner of the land. I think the oil should continue to go to the tribe and be administered as an asset of the tribe, in which he has a share. Therefore I do not see that the amendment of the gentleman from Montana matters, as I understand Congress will have the right to do it anyway, but I feel it is undesirable to adopt the amendment the gentleman from Oklahoma proposes to offer.

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent——

Mr. SPROUL of Kansas. The gentleman has not offered his amendment.

Mr. HASTINGS. I am going to ask unanimous consent to proceed for five minutes more because——

Mr. LEAVITT. I will yield the gentleman five minutes.

Mr. HASTINGS. I want to answer the gentleman from Michigan, and I want to talk on both amendments at one and the same time.

Mr. LEAVITT. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEAVITT. The gentleman from Oklahoma asks unanimous consent to proceed for five minutes in regard to his amendment. Now, in what position would I be if I do not object to that, in regard to the amendment now pending?

The SPEAKER. The Chair thinks it would take the gentleman off his feet.

Mr. LEAVITT. I do not want to do that.

The SPEAKER. Under the present parliamentary situation we are in a rather peculiar position because we are operating in the House, this being a House bill, and we are operating under the hour rule.

Now the gentleman from Michigan asked and procured unanimous consent to consider the Senate amendment, separately, by sections. Therefore, any gentleman obtaining the floor is entitled to an hour. If that gentleman yields the floor and another gentleman gets the floor, he is entitled to hold it.

Mr. CRAMTON. Would it be in order to secure unanimous consent to consider these committee amendments and amendments thereto under the 5-minute rule?

The SPEAKER. The gentleman can ask unanimous consent to do that.

Mr. CRAMTON. Then I ask unanimous consent to do that, Mr. Speaker, and ask that the gentleman will yield to me for that purpose.

The SPEAKER. The gentleman from Michigan asks unanimous consent to consider this committee amendment and amendments thereto under the 5-minute rule.

Mr. HASTINGS. Is it the understanding that this full committee amendment shall be read by sections?

The SPEAKER. That is already ordered. Is there objection?

There was no objection.

Mr. SPROUL of Kansas. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore (Mr. TILSON). The gentleman from Kansas moves to strike out the last word. The gentleman from Kansas is recognized for five minutes.

Mr. SPROUL of Kansas. Mr. Speaker and Members of the House, I disagree with the gentleman from Oklahoma [Mr. HASTINGS] as to the law relating to the tribal-owned mineral rights under the surface of their original tribal land. If there were no property rights except the Indian tribal rights, then a definite date for the extension of tribal rights in the mineral could be fixed. But there are other interests. The oil-lease holders and the landholders have received leases and deeds to exist so long as the tribal title is provided by law—1946. If the law does not provide that Congress shall have power to further extend the life of ownership of the tribe in the mineral under the land, then the rights and title of the surface owner would become absolute and entire in the fee title. Hence the great importance of a provision to extend the title to a date certain and as much longer as may be provided by Congress, even indefinitely; but the provision in the bill suggested by the gentleman from Montana [Mr. LEAVITT] continues the tribal deed to the surface only as long as the Government wishes to continue it, and if such a provision of the law is put in the deed or patent, then the purchaser does not buy without notice. He buys with nctice, and the Indians continue to use the oil and the gas under the land. That is the purpose of this amendment. That is why the Osages and their attorneys insist on its being put in, because many of the owners of the surface of the land are looking forward to the time when they will have opportunity to demand control of the oil rights.

Mr. WILLIAMSON. Mr. Speaker, will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. WILLIAMSON. I do not see how they can convey anything but the surface rights of this land under the bill, so that whoever took the land would get only the surface rights, and Congress can legislate with respect to that, notwithstanding this amendment as proposed.

Mr. SPROUL of Kansas. Well, as the gentleman from Michigan [Mr. CRAMTON] has suggested, it can do no harm to put it in there. We have not sufficient time to discuss the law bearing on it. The owners of the surface are looking to the time when they shall obtain control, and their lawyers advise them that when that does happen they can demand the oil under the land. But otherwise the oil and gas are continued, and if the oil rights are continued they will never get title to the oil under the land.

Mr. HASTINGS. Does not the gentleman understand that this will not affect the deed?

Mr. SPROUL of Kansas. If the gentleman will examine the deeds he will see that there is a provision in them for this very contingency. That is why I am urging it.

Mr. KETCHAM. Mr. Speaker, will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. KETCHAM. I am particularly interested in the discussion between the gentleman from Oklahoma [Mr. HOWARD] and the gentleman from Kansas with reference to the change from the requirement of leasing 100,000 acres down to 25,000 acres. What effect, if any, will this amendment have on the leasing requirement and the bringing in of additional oil wells if this amendment is adopted?

Mr. SPROUL of Kansas. At the present time the price of oil is extremely low. There is enough money for the maintenance of the Indians. If you increase the amount to greater than 25,000 acres, you will be wasting the oil on a low market. Many of the sections of land adjoining the land operated require offset wells to be drilled, and you have to make leases for such purposes to protect the unleased land from drainage.

Mr. FREAR. Mr. Speaker, will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. FREAR. It is provided that not less than 25,000 acres shall be offered in any one year. That is 40 square miles every year. It does not say "not more" but "not less."

Mr. SPROUL of Kansas. Yes.

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

Mr. WILLIAMSON. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from South Dakota moves to strike out the last word.

Mr. WILLIAMSON. Mr. Speaker and Members of the House, I am taking the floor as much to get my own mind cleared up as for the purpose of giving information to the House.

Under this bill, as I understand it and certainly under the act of June 28, 1906, all the oil and minerals under the surface of these Osage Indian lands are reserved to the Osage Indians as a tribe. That is the law now. Now, grants can not be made without, in effect, incorporating the statute in the deeds of conveyance, and no grantees can receive more than the act of 1906 gives them, and such act specifically reserves all oil, gas, coal, and other minerals to the Osage Tribe, and hence grantees acquire no right whatever to the minerals under the surface of the ground.

Now, the sponsors of this bill propose to extend the provisions of that act until April 8, 1958, and, in my judgment, such extension carries with it all the conditions of the act of 1906. It follows that any conveyance made up to 1958 would only convey the surface rights and not the minerals underneath the ground. Nor will such conveyance transfer any possible contingent right to the minerals after 1958. Hence no vested right to such oil or minerals can accrue to grantees of lands within the purview of this bill or the act of June 28, 1906. Congress, therefore, would be clearly within its rights if, prior to 1958, it should provide for a further extension of the 1906 act.

So, whether the amendment offered by the gentleman from Montana [Mr. LEAVITT] is in the bill or whether it is out of the bill makes no particular difference, in my judgment. No vested rights are involved, because the Government has specifically reserved the mineral rights. The situation is in no wise different, as I view it, than that created by the ordinary patent for land where mineral rights are reserved. All patents now issued for public lands open to homestead entry have a reservation by which the Government expressly reserves the minerals, so that all conveyances made in the future must necessarily have written into them such a reservation for the purpose of construction. Successive transfers can add nothing to the original grant. Such conveyances necessarily embody the language of the law, which reserves the minerals, whether such language is written into them or not. That is exactly what you will have here if you pass this bill without the amendment.

I can see no harm in putting it in, but I do not think the amendment would change the law one particle, because any conveyance for the land effected by this bill would only transfer the rights of the grantor. Not having any right to the oils or minerals that might lie below the surface, he could grant none. The grantee must necessarily take notice of the law limiting the character of the grant under the act of June 28, 1906. I should like to ask the gentleman from Oklahoma [Mr. HASTINGS] if he concurs in this view.

Mr. HASTINGS. I would like to claim the floor in order to answer the question asked by the gentleman from South Dakota and also the question raised by the gentleman from Michigan, and if the gentleman will yield to me now I will do so.

Mr. WILLIAMSON. I yield to the gentleman.

Mr. HASTINGS. Here is the proposition. The lands of the Osage Tribe were allotted under the allotment act of June 28, 1906, and title was passed. The right to the minerals was reserved in that act until April 8, 1931, and deeds were issued. Prior to April 8, 1931, namely, on March 3, 1921, Congress extended the trust period until April 7, 1946, without any conditions. Now, this is prior to April 7, 1946, namely, 1929, and now Congress, by this provision, gives a further extension. The point I am trying to make is that we ought to extend it to a certain definite date, because prior to 1958 the hands of Congress ought not to be tied. If Congress, prior to 1958, thinks it wise, it can make any change or extension that may be desirable, and its hands ought not to be tied in the meantime, and no hope ought to be held out to anyone upon which he can base a claim to be reimbursed. While I have objection to this amendment I have really more serious objection to other language reported in other parts of the bill——

Mr. WILLIAMSON. Without going into that discussion let me ask the gentleman this question: Whether in his judgment conveyances made between June 28, 1906, and up until this time conveyed anything at all but the surface rights?

Mr. HASTINGS. None whatever, in my judgment, and prior to 1946, in my judgment, and prior to 1958, in my judgment, it would convey no more rights. The gentleman and myself agree on that and we are not in disagreement about it, but I think whenever you are extending the trust period in a bill you ought to put in a definite certain date and not a conditional time.

Mr. WILLIAMSON. I do not yield further. I think it is clear, gentlemen, that whether the proposed amendment offered by the gentleman from Montana [Mr. LEAVITT] is in the bill or out of it does not make any difference whatever because in no event will the deeds of conveyances convey anything but the surface rights, the mineral rights having already been reserved.

Mr. HASTINGS. Mr. Speaker, I move to strike out the last two words. If you will examine the language in this bill you will find it follows exactly the language of the act of March 3, 1921, except that it adds a condition. We extended this period once, namely, by the act of March 3, 1921, until April 7, 1946. If we were to extend this until April 8, 1958, it would be exactly like our 1921 statute, but the committee inserts in the bill certain words as follows:

> And as long thereafter as oil, or gas, or other minerals are found in paying quantities,

Which really renders that meaningless, does it not? Of what use is the date of 1958 when the bill adds the words:

> And as long thereafter as oil, or gas, or other minerals are found in paying quantities,

If that means anything, it means that this would continue for 1,000 years after every original allotted Osage is dead, provided oil or gas or other minerals are found in paying quantities during that time.

Now, I want to answer the gentleman from Michigan. The Osages made an allotment agreement June 28, 1906, in which the mineral rights were reserved until a certain time; namely, April 8, 1931. Prior to that time the period was extended until 1946 and now another extension is proposed. I supported the extension in 1921 and I do not oppose this extension. I will favor any reasonable extension that the gentleman from Montana or his committee will offer. If the gentleman thinks 1958 is not long enough, I will vote for another date, but what I am trying to press upon the House is that we should not be deceived by this language. I think you ought to fix a definite date in the bill, because whenever we put in the bill until April 8, 1958—

> And as long thereafter as oil, or gas, or other minerals are found in paying quantities,

We do not mean that this period is extended to 1958, but it might mean for 1,000 years if they continue to find oil and gas or other minerals there. I contend that Congress, prior to 1958, ought not to have its hands tied, because as 1958 approaches Congress will know the situation, and if it is necessary the time can be further extended, and if that is desirable I feel sure Congress would do it.

But I do not believe we ought to put language that makes it indefinite in a bill. I think it is dangerous; I do not think it is desirable; I do not think it is wise; I do not think that Congress ought to tie its own hands.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. HASTINGS. I yield.

Mr. WILLIAMSON. I do not believe that language makes very much difference, because, after all——

Mr. HASTINGS. Then why not strike it out?

Mr. WILLIAMSON. I do not know that I would want to strike it out. It is only in case of a grant by the Government that any vested rights could accrue. This refers to a grant withholding the minerals from any person who may acquire a title to the land.

Mr. HASTINGS. I deeply regret that I have been unable to impress my thought upon the gentleman from South Dakota. I know the fault is with me. When 1958 shall come, there may be only a handful of these Indians living. Perhaps in the meantime Congress will have continued the period again, but about a hundred years from now you will have representatives of these deceased Indians coming here and pointing to this act, and they will say, "No; we reserved these minerals not until 1931, because you extended it to 1946; not until 1946, because you continued it until 1958"; and then they will say, "No; not until 1958, because you continued it in a solemn act of Congress as long as oil and gas and other minerals are found in paying quantities"; and if in the next 50 years, or after 1958, there is some oil and gas found in paying quantities, they will have a just and valid claim against this Government; and while those here will not be bothered with it, some future Congress will; and knowing the situation as I do, I feel that there is some responsibility upon me, at least to point out to the Members of this House this fact and let them vote with their eyes open.

Mr. GREEN. Mr. Speaker, I move to strike out the last word and ask unanimous consent to proceed for 10 minutes.

Mr. LEAVITT. Reserving the right to object——

Mr. HOWARD of Oklahoma. I object.

The SPEAKER pro tempore. Objection is made. The gentleman is recognized for five minutes.

Mr. GREEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein a few brief statements on Indian affairs clipped from a magazine.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, is that the article on Indian affairs in Good Housekeeping?

Mr. GREEN. It is.

Mr. CRAMTON. I will say to the gentleman of my own personal knowledge that that article does a gross injustice to your Government and to mine, and I object to any such extension of remarks.

Mr. GREEN. I would like to say before the gentleman makes his objection that a Member of Congress has told me that it is absolutely true.

Mr. CRAMTON. It can not be absolutely true.

Mr. HASTINGS. It is already in the RECORD.

Mr. CRAMTON. I object.

Mr. FREAR. Will the gentleman yield?

The SPEAKER pro tempore. Objection is made to the extension of remarks.

Mr. GREEN. I yield to the gentleman from Wisconsin.

Mr. FREAR. Anything I have said or anything I have quoted I will say is absolutely true and witnesses can be presented, so far as that is concerned.

Mr. HASTINGS. The matter referred to is already in the RECORD. It was put in over in the Senate.

Mr. GREEN. This particular article?

Mr. HASTINGS. Yes; it was inserted in the Senate.

Mr. LEAVITT. Will the gentleman yield?

Mr. GREEN. Yes.

Mr. LEAVITT. It is published in the RECORD of January 26, under remarks of Hon. W. B. PINE, of Oklahoma, and it would be improper, of course, to include under another extension of remarks the same matter that has already been placed in the RECORD.

Mr. GREEN. I am glad to receive the information that the article is in the RECORD. That is all I wanted. I wanted the article in the RECORD in order that my colleagues may have the benefit of reading a report which is as startling as this report is. Will the gentleman give me the page number?

Mr. LEAVITT. It is in the RECORD of January 26.

Mr. GREEN. Give the page, please.

Mr. LEAVITT. It is on page 2258 of the RECORD of January 26.

Mr. GREEN. I would like to ask my colleagues to take enough time to read that article. You will not read anything during the next six months which will be as great a revelation to you as that article was to me. It shows the fact that the Indian population of our Nation has decreased 62 per cent in a very few years and tells of the gross injustice to and neglect of this proud race of our Americans by the Bureau of Indian

Affairs and other constituted agencies of our Government. It tells of their maladministration and tells of the terrifying conditions of starvation, punishment, neglect, curable illness, as well as crime in the Indian Government schools. Frankly, my colleagues, it is horrifying, and a Member of the Congress has told me that these statements——

Mr. CRAMTON. Will the gentleman yield?

Mr. GREEN. Not right now. I will yield to the gentleman if I am given more time.

It is alleged in this article——

Mr. CRAMTON. Mr. Speaker, I make the point of order that the gentleman is not discussing the amendment.

Mr. GREEN. Mr. Speaker, I am discussing these Indian bills now before the House, and in order to discuss the amendment I must bring out essential facts relative to the mistreatment of Indian children, Indian adults, and the malfeasance, nonfeasance, and misfeasance of the Bureau of Indian Affairs.

The SPEAKER pro tempore. The rule on Calendar Wednesday is that gentlemen must confine their remarks to the subject matter under consideration. The gentleman will proceed in order.

Mr. GREEN. I maintain to my colleagues that if Indian children are being hooked to plows and if fields thus tilled with 12-year-old Indian boys instead of beasts of burden, surely that is in order. The article goes on to state that they are even poked and beaten with sticks when they are tired and lag behind in the plow harness, and that they are beaten in the faces and mouths and made to work in balls and chains, dragging iron balls, these school children.

Mr. LEAVITT. Mr. Speaker, I renew the point of order. I do not do this in order to keep the matter out of the RECORD——

Mr. GREEN. If they are given food in the Government schools which has maggot worms in it and mice in it, as this article describes, if the doctors are refusing to attend Indian women when they cry out for them in time of need, and if Indian school girls are disciplined by being forced to kneel on hard floors all night and given only bread and water. The article says they are given weak, poor food and not nearly enough of it and are, in fact, in many cases starved to death——

Mr. LEAVITT. Does the gentleman know that is true?

Mr. GREEN. If they are not given proper food, but are given bread and water instead—tell me these things are not material? They are being starved and beaten and worked in balls and chains and denied medical attendance. Twenty per cent have trachoma and tuberculosis. Is——

Mr. CRAMTON. If the gentleman will yield, they would be material if true; but they are not true.

Mr. GREEN. All I can say to my friend from Michigan is that a Member of Congress who has traveled 45,000 miles at his own expense, and whose veracity I refuse to question, has told me to-day that these conditions as mentioned in this statement are not only true but more than that is true.

The SPEAKER pro tempore. The time of the gentleman from Florida has expired.

Mr. GREEN. Mr. Speaker, I ask to proceed for five additional minutes.

The SPEAKER pro tempore. The gentleman from Florida asks that his time be extended five additional minutes. Is there objection?

Mr. LEAVITT. Reserving the right to object, does the gentleman from Florida intend to discuss the amendment? If the gentleman is interested in the Indians instead of talking about something that somebody told him or what he has read in some magazine, he should talk about the amendment and help to pass the bill.

Mr. WILLIAMSON. Mr. Speaker, I object.

Mr. GREEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. The gentleman from Florida asks unanimous consent to revise and extend his remarks. But not to include the matter which has been objected to.

Mr. GREEN. No, Mr. Speaker, the article is in the RECORD where the gentleman from Michigan can read it. Possibly, then, he and others here to-day will have their eyes opened and cooperate in correcting these abuses.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that all debate on the amendment close in five minutes.

Mr. CRAMTON. I want to say to the gentleman from Florida that the "gentleman from Michigan" read as far in the article as he could stand it, but encountered so much misstatement and villification of the Government that in disgust he laid it aside.

Mr. FREAR. Mr. Speaker, I wish to make a statement for just one minute. I wish to say that the gentleman approached me a while ago. I have said repeatedly that I have made these statements on the floor of the House, and any statement I made I am prepared to support by evidence. When this woman asked me if she was subject to libel if she printed these matters, I said, "Not for any statement that I have made on the floor of the House," because they are true, in my judgment. [Applause.]

Mr. LEAVITT. Mr. Speaker, I will withhold my request for unanimous consent long enough to say that I am not asking to expedite the bill in order to stop the discussion of these other matters; but we have before us a bill which the Osage Indians desire very much to have passed to-day for their protection. Discussion of other matters is taking up the time of the House, and I ask unanimous consent that debate on this amendment be closed in five minutes.

The SPEAKER pro tempore. The gentleman from Montana asks unanimous consent that all debate on the pending amendment be closed in five minutes. Is there objection?

Mr. GREEN. Reserving the right to object—and I will not object—as I understand, the gentleman would not object to speeches along this line later on?

Mr. LEAVITT. This is Calendar Wednesday and we have before us 12 bills in which various tribes of Indians are interested.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

Mr. FREAR. This does not interfere with amendments to follow in sections?

Mr. LEAVITT. No.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

Mr. KETCHAM. May we have the amendment reported again?

The amendment was again reported.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. HASTINGS), there were 49 ayes and 9 noes.

So the amendment was agreed to.

Mr. HASTINGS. Mr. Speaker, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment by Mr. HASTINGS to the committee amendment: Page 2, line 22, after the figures "1958" strike out the following: "and as long thereafter as oil, gas, or other minerals are found in paying quantities."

Mr. HASTINGS. Mr. Speaker, I am not going to take up the time of the House much further. This extends the trust period until 1958. As I stated a moment ago, the trust period did run until 1931. By act of March 3 we extended it to 1946, and this extends it to 1958, but with the language that follows it is indefinite. With this amendment added to the language that I move to strike out it renders it meaningless and indefinite.

Mr. ARENTZ. Will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. ARENTZ. The committee put those words in thinking to safeguard the interest of the Indians. Personally, I have no objection, and I do not think anybody else has, to the elimination of those words. I am speaking, though, for myself alone.

Mr. HASTINGS. I am a sincere friend of the Indians and also of the Government, and I think we should have definite language in the bill.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were 36 ayes and 21 noes.

So the amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I offer the following amendments, which I send to the desk, which are textual in nature.

The Clerk read as follows:

Amendments offered by Mr. CRAMTON: Page 3, line 3, strike out the words "and the," insert a period, and begin a new paragraph with the word "The."

Page 3, line 4, after the word "now," insert the words "or hereafter."

Page 3, line 8, begin a new paragraph with the words "The Secretary."

The SPEAKER pro tempore. The question is on agreeing to the amendments offered by the gentleman from Michigan.

The amendments were agreed to.

Mr. CRAMTON. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON to the committee amendment: Page 3, line 25, strike out the words "allottee or" and insert "original allottee of one-half degree or more of Indian blood and."

Mr. CRAMTON. Mr. Speaker, in explanation of that, this is a question of the taxation of the restricted homesteads of these Indians, and the amendment makes it clear that such exemption is only granted in favor of the original allottee or his heirs or devisees, and in each case the allottee or heir, in order to have the benefit of the exemption, must have at least one-half degree of Indian blood. The amendment states "Indian blood" instead of "Osage Indian blood."

Mr. WILLIAMSON. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. WILLIAMSON. I notice the gentleman uses the expression "one-half degree of Indian blood." It should be "one-half Indian blood."

Mr. CRAMTON. I have merely followed the committee language.

Mr. WILLIAMSON. Does not the committee strike out the word "degree"?

Mr. CRAMTON. On page 4 of the bill it uses the word "degree."

Mr. HASTINGS. Mr. Speaker, will the gentleman from Michigan yield?

Mr. CRAMTON. Yes.

Mr. HASTINGS. What about this amendment to the gentleman's amendment on page 3, line 24, after the word "allotment," to insert—

of Osage Indians not having a certificate of competency.

That would extend the exemption from taxation to the homesteads of the restricted Indians, those not having a certificate of competency. So far as I am concerned, I am opposed to exempting land from taxes of unrestricted Indians. Whether the gentleman accepts this amendment or not, I want to offer it later.

Mr. CRAMTON. That matter is a separate proposition, and could be offered separately.

Mr. HASTINGS. Very well. Let us have the gentleman's amendment again read.

Mr. CRAMTON. Unless they are of at least half Indian blood they would not get the benefit of this tax exemption.

Mr. HASTINGS. I am in favor of that.

Mr. HOWARD of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. HOWARD of Oklahoma. I do not quite understand the gentleman's amendment. Does the gentleman mean that the Indian blood must be of Osage Indian blood?

Mr. CRAMTON. No; just Indian blood.

Mr. HOWARD of Oklahoma. I think the word "Osage" should go in there, because Indians of other tribes are marrying these Osages to some extent, and there is no reason why we should exempt a homestead to them.

Mr. CRAMTON. I am not insisting upon that. That suggestion was made, and it appealed to me to have weight; but if the gentlemen from Oklahoma are averse to it, I shall ask unanimous consent to modify my amendment in that respect.

Mr. HOWARD of Oklahoma. The original bill was "Osage Indian blood."

Mr. CRAMTON. I shall ask to put in the word "Osage" before the word "Indian."

Mr. WILLIAMSON. I thought the committee had stricken out the word "degree" in every case where it was used.

Mr. LEAVITT. No.

Mr. WILLIAMSON. I think the language is incorrect. "One-half degree Indian blood" does not mean anything. It should say one-half. A degree may be a sixty-fifth.

Mr. LEAVITT. Mr. Speaker, if the gentleman will yield, the committee took no final action on that. So much of the legislation uses "one-half degree," and so on, that I do not think there is any possibility of misunderstanding.

Mr. WILLIAMSON. Is that the common language used throughout these bills?

Mr. LEAVITT. That is my understanding. The gentleman from Oklahoma [Mr. CARTWRIGHT] states that that is the language used in the legislation for the Five Civilized Tribes. There is no objection to striking out the word "degree."

Mr. WILLIAMSON. Mr. Speaker, I ask unanimous consent that in every place where the language "one-half degree of Indian blood" appears in the bill that it be made to read "one-half Osage Indian blood."

The SPEAKER pro tempore. Does the gentleman from Michigan withdraw his request to modify his amendment?

Mr. CRAMTON. No. I ask unanimous consent to modify my amendment by inserting the word "Osage" before the word "Indian," and in connection with that now I ask unanimous consent that as these gentlemen desire it to strike out the word "degree" also.

The SPEAKER pro tempore. The Clerk will report the modified amendment.

The Clerk read as follows:

Modified amendment offered by Mr. CRAMTON to the committee amendment: Page 3, line 25, strike out the words "allottee or" and insert in lieu thereof "original allottees of one-half or more of Osage Indian blood, and."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan that he so modify his amendment?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WILLIAMSON. Mr. Speaker, at this point I ask unanimous consent that wherever the word "degree" appears in the bill in connection with "one-half degree of Osage Indian blood," it be stricken from the bill.

Mr. LEAVITT. There is no objection to it. It is intended merely to clarify the meaning.

The SPEAKER pro tempore. The gentleman from Montana asks unanimous consent that the Clerk be authorized to make corrections in the bill by eliminating the word "degree" wherever it appears. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. HASTINGS. Mr. Speaker, I have offered an amendment at the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment to the committee amendment: On page 3, in line 24, after the word "allotments," insert "of Osage Indians not having a certificate of competency."

Mr. HASTINGS. Just one minute. That amendment makes the exemption of the homestead allotment apply to homesteads of Indians not having a certificate of competency. If the Indian is turned loose from Government supervision, this will permit his homestead to be taxed. I feel that the unrestricted Indians ought to be taxed and bear their tax burdens the same as others.

Mr. ARENTZ. Before the Committee on Indian Affairs the gentlemen from Oklahoma, Mr. CARTWRIGHT and Mr. HOWARD, and yourself, I believe——

Mr. HASTINGS. No; I did not.

Mr. ARENTZ. Well, those two other gentlemen discussed this matter in regard to the homestead and they brought out this statement, that out of the gross receipts from leases of oil and gas and coal and minerals 3 per cent was paid to the State and 2 per cent——

Mr. HASTINGS. One per cent.

Mr. ARENTZ. One per cent to the State and two to the county, whatever that may be. At any rate the entire land that has been leased goes into either the county or the State treasury, and regardless of whether there are a half dozen 160-acre homesteads or all this amount being paid is sufficient to meet more than the cost of taxes.

Mr. HASTINGS. I understand what the gentleman is getting at.

Mr. HOWARD of Oklahoma. If the gentleman will yield for a correction, the gentleman stated Mr. HOWARD and Mr. CARTWRIGHT, of the committee, made that statement. It was Superintendent Wright who made the argument relative to the payment by the Osage Indians of the 1 per cent on gross production.

Mr. ARENTZ. I stand corrected.

Mr. LEAVITT. Will the gentleman from Oklahoma state his amendment again?

Mr. HASTINGS. It makes the exemption from taxation apply to homesteads of those not having a certificate of competency.

Mr. LEAVITT. Where does it come?

Mr. HASTINGS. After the word "allotments," page 3, line 24. "Homestead allotments shall remain exempt." It applies to Indians not having certificates of competency. In other words, if they are restricted, their homesteads are exempt. If they are under Government supervision, their homesteads are exempt. However, whenever they are turned loose and not under Government supervision, they pay their taxes like

anybody else. In answer to what the gentleman from Nevada said in 1921, we added 1 additional per cent tax to the gross production tax on oil; and, if you will examine the argument then made, it was that the 1 per cent should not go into the general fund but to build roads and bridges in Osage County for the benefit of the Osage lands that added value to those lands. It does not go into the general fund of the State at all—this extra 1 per cent.

I can not for the life of me find any reason why, after the Indians are turned loose, whatever their degree of blood, their lands ought not to be taxed.

Mr. CRAMTON. It is a difficult thing to come to a positive conviction upon this matter. I understand that these Indians, when they are given a certificate of competency, are not entirely turned loose. They can not sell their homesteads. They can not sell their land. An Indian may be a full blood, but a certificate of competency does not allow him to sell the land. Under your amendment the land can be taxed.

Mr. HASTINGS. And if your amendment prevails the land can be taxed.

Mr. CRAMTON. I am more concerned about the full bloods.

Mr. HASTINGS. If he is a full blood and after examination is turned loose as competent to manage his own affairs, I think such a man ought to bear his part in the burdens of government, whether in the county or in the State.

Mr. ENGLEBRIGHT. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS. Certainly.

Mr. ENGLEBRIGHT. Does the gentleman from Oklahoma know what percentage of competents turned loose later become indigent?

Mr. HASTINGS. I think comparatively few. I do not have the exact figures.

Mr. ENGLEBRIGHT. I mean the percentage.

Mr. HOWARD of Oklahoma. Osages who have a homestead have their head rights and can not become indigent.

Mr. FREAR. By this right, as I understand, they have no right to sell or dispose of the land, and yet the land is sold by the State for taxes. What becomes of the Indian's rights?

Mr. HASTINGS. The Osage whose restrictions are entirely removed can sell the surface but not the mineral rights underneath. That is all that is taxed—the surface. The amendment of the gentleman from Michigan would tax all those of one-half Indian blood. This amendment would tax only those that are free of governmental supervision.

Mr. FREAR. But the oil rights remain with the tribe?

Mr. HASTINGS. Oh, yes.

Mr. SPROUL of Kansas. Mr. Speaker, I move to strike out the paragraph.

The SPEAKER pro tempore. The gentleman from Kansas is recognized for five minutes.

Mr. SPROUL of Kansas. Mr. Speaker, I think there is a misunderstanding of the meaning of that section that is referred to. It provides for that class of Indians who are not on the roll of the tribe. Let us understand that clearly. The Indians capable of inheriting these formally allotted and exempt homesteads are Indians who were not enrolled as Osages. The section provides that the lands of these owners of 160 acres shall remain untaxable as long as the title remains in the original allottees, as long as the heirs or devisees are of one-half or more Indian blood, and provides that they shall not have more than two nontaxable homesteads. It provides for heirs of half or more than one-half blood, and yet their ancestors, especially one ancestor, may have less than half blood or be white.

Now, this provision of the bill was carefully thought out, and it endeavors to provide that the half blood who was not on the roll shall secure a nontaxable homestead and be in the same relationship to the tribe as the half or full blood enrolled and allotted Indian.

Mr. HASTINGS. It says clearly that the homestead allotment shall remain exempt from taxation while the title remains in the original allottee. It can not be heirs.

Mr. SPROUL of Kansas. It says "or his."

Mr. HASTINGS. The gentleman said it did not apply to the allottee.

Mr. SPROUL of Kansas. That is unallotted heirs or devisees of one-half blood, and it does not matter whether they are restricted or not. The fact that an Indian was half or full blood, who may have been made competent and his restrictions removed, does not change the fact that his 160 acres remain nontaxable, and the purpose and idea has been to provide a homestead nontaxable by descent and distribution to Indians of half or more Indian blood. I think these provisions are clearly set forth.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that the debate on this amendment close in five minutes.

The SPEAKER pro tempore. The gentleman from Montana asks unanimous consent that the debate on the pending paragraph close in five minutes. Is there objection?

Mr. McKEOWN. I would like to have some time.

Mr. LEAVITT. I will give the gentleman four minutes of that time.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. McKEOWN. Mr. Speaker and Members of the House, under the laws of Oklahoma the State will receive 3 per cent on the oil and gas when they are developed. They are not taxable and can not be taxed, because it has been held in our courts that the interest is not subject to tax until developed. The amendment now, as I understand, is to exempt the homesteads. I do not know how fertile the homesteads are, but if the gentleman modified his amendment so as to make it 80 acres he would always have a home and could not get away with it.

Mr. HASTINGS. Mr. Speaker, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. HASTINGS. My amendment is to require those who are free of governmental supervision and who are turned loose to be taxed; and it will permit those of one-half or more Indian blood to whom certificates of competency have been issued to have their lands taxed.

Mr. McKEOWN. The Indian, no matter whether he has a certificate of competency or not, is not a fellow who is going to work and make money and pay his taxes. Give him 80 acres for a home. I think 160 acres is too much.

Mr. CRAMTON. The gentleman will admit that the provision before us has nothing to do with creating homesteads or changing homestead rights. The Indian will not have the right to sell it. He will still be restricted as to sale of the 160 acres.

The only question is as to whether or not it shall be taxed. Of course, if taxed the land can not be seized for the payment of taxes, the collection of taxes being enforced through their funds from oil.

Mr. McKEOWN. If you are going to do that, it will be all right, but how can you tax land that you can not sell if a man refuses to pay the taxes? I can not comprehend that.

Mr. ABERNETHY. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. ABERNETHY. The Indian is not taxed now, is he?

Mr. McKEOWN. No.

Mr. ABERNETHY. Why tax him at all?

Mr. McKEOWN. He ought to bear his just proportion when he has all the rights and privileges of a white man.

Mr. ABERNETHY. As we have taken pretty much all he has, does not the gentleman think he should have some free taxes?

Mr. McKEOWN. No. He is as competent as you or I, and he should bear his just proportion of taxation.

Mr. HASTINGS. I think I ought to impress upon the gentleman from North Carolina that this amendment only taxes the land of competent Indians that are turned over under no governmental supervision and it exempts from taxation those that are still restricted and under the supervision of the Government.

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

Mr. LEAVITT. Mr. Speaker, I am opposed to this amendment. The committee gave a great deal of consideration to the working out of a compromise of this matter that would be fair to all concerned and the committee determined that it would be well to exempt from taxation, as well as alienation, the homesteads of these Indians so long as they were in the hands of Indians of full blood or more than half blood. It was determined that that arbitrary line ought to be drawn, and for that reason the committee took the position it did take. That position is upheld by a resolution of the board of county commissioners of Osage County, Okla., in effect, when they stated, under date of March 6, 1928, that they approved such exemption of homesteads from taxation—

so long as the Osage Tribe of Indians are required to pay to the county 1 per cent of the amount of gross production on the royalties from oil and gas for the construction and maintenance of roads and bridges in said county.

The SPEAKER pro tempore. The time of the gentleman from Montana has expired. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. HASTINGS) there were—ayes 15, noes 27.

So the amendment was rejected.

Mr. HASTINGS. Mr. Speaker, I offer another amendment.

The SPEAKER pro tempore. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS to the committee amendment: On page 3, at the end of line 23, strike out the period and add: "but all such leases shall continue as long as gas, oil, or other minerals are found in paying quantities."

Mr. HASTINGS. Mr. Speaker, that is practically the language of the act of March 3, 1921, and it makes clear that these oil leases are continued in force as long as oil and gas are found in paying quantities. This makes it clear that oil and gas and other mineral leases are continued as long as oil and gas or other minerals are found in paying quantities.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I offer an amendment to be added at the end of section 1, line 5, on page 4. Before the amendment is read I would like to make this explanation. All that this proposed amendment does is to transfer from other parts of the bill to section 1 provisions that are germane to section 1. Really this is based on suggestions made by the gentleman from Oklahoma [Mr. HASTINGS] and agreed to by the gentleman from Oklahoma [Mr. HOWARD].

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON to the committee amendment: On page 4, in line 5, after the word "acres," insert a colon and the following: "*Provided further*, That restrictions concerning lands and funds of allotted Osage Indians, as provided in this act and all prior acts now in force, shall apply to unallotted Osage Indians of one-half or more Osage Indian blood born since July 1, 1907, or after the passage of this act, and to their heirs of one-half or more Osage Indian blood: *Provided further*, That the Secretary of the Interior is hereby authorized in his discretion to grant a certificate of competency to any unallotted Osage Indian when in the judgment of the said Secretary such member is fully competent and capable of transacting his or her own affairs: *And provided further*, That nothing herein contained shall be construed to interfere in any way with the removal by the Secretary of the Interior of restrictions from and against any Osage Indian allotted or unallotted at any time."

Mr. CRAMTON. Mr. Speaker, I will simply say that the first proviso is found at the bottom of page 9, lines 23 to 25, and at the top of page 10, down to the words "Indian blood." The second one is found on page 10, lines 14 to 19. The next one is found on page 8, lines 4 to 7, except in that proviso are inserted the words "allotted or unallotted" after the words "any Osage Indian."

Mr. SPROUL of Kansas. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker and Members of the House, this is a very unusual character of amendment—an amendment that provides that certain provisions in the various sections of the bill following the first one, which pertain to the same subjects involved in the first one, shall be considered a part of it.

Why, the purpose is to emasculate the bill, to make it so that the bill can be emasculated of every part that the mover of the amendment wishes stricken from it. It seems to me it is out of the ordinary in the consideration of bills. I never heard of it before. Of course, that is not important, perhaps, but it does seem to me that the provisions in the various following sections that have to do with Osage Indian affairs ought to be considered all the while in their sequential order when we get to them, together with other matter in the section.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. SPROUL of Kansas. I yield.

Mr. JOHNSON of Washington. I would like to ask the gentleman if this is done for the Osage Indians, what assurance have the rest of the congressional districts where there are Indians of wealth that this will not be done to them just as soon as the chance comes?

Mr. SPROUL of Kansas. That is absolutely correct.

Mr. JOHNSON of Washington. I refer, of course, to Indians who are the owners of great timber tracts who have potential wealth, but not wealth yet in hand.

Mr. SPROUL of Kansas. Allow me to suggest this——

Mr. CRAMTON. Will the gentleman yield?

Mr. SPROUL of Kansas. In just a moment. This particular bill, Members of the House, has received most serious and careful consideration before the subcommittee and the entire committee at various times when the representatives of the Osage Indian Council were present, furnishing their judgment and advice, and the bill has been generally agreed upon.

Mr. CRAMTON. I think if the gentleman will yield it will save some time.

Mr. SPROUL of Kansas. I yield to the gentleman.

Mr. CRAMTON. I have no desire to press the amendment if anyone feels it ought to be taken up in another way. In view of what the gentleman from Kansas [Mr. SPROUL] has said, I ask consent to withdraw the amendment. It is simply to put the bill in more orderly shape, but I will not press the amendment in view of the gentleman's position.

The SPEAKER pro tempore. The gentleman has the right to withdraw the amendment.

The amendment was withdrawn.

Mr. McKEOWN. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McKEOWN to the committee amendment: On page 3, line 15, after the word "year," insert the following: "*Provided further*, That the lessees of said lands shall not be considered instrumentalities of the United States."

Mr. McKEOWN. Mr. Speaker, the purpose of this amendment is to make the oil companies that lease this land subject to taxation. They have escaped taxation under these Indian leases on the ground that they are instrumentalities of the United States. It is a far-fetched conclusion, but it has been supported in the United States Supreme Court, and the oil companies under these leases escape their part of the taxes.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. HOWARD of Oklahoma. The gentleman understands that in the Osage Nation the oil companies have been paying the 3 per cent gross production tax ever since March, 1921.

Mr. McKEOWN. I know that; but they have plead in tax cases that they are not taxable because they are instruments of the Federal Government in taking this oil out, and they have been escaping some taxation on that principle throughout Oklahoma on all the Indian lands in the five tribes, and I want to know whether Congress wants that proposition to continue on the theory that because they get a lease from the United States Government they are instrumentalities of the Government and therefore not subject to taxation.

Mr. CRAMTON. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. CRAMTON. Let me understand the gentleman's amendment. The amendment provides "the lessees of said land."

Mr. McKEOWN. Yes; that is, the lessees of this land you are to lease.

Mr. CRAMTON. Does that apply to the oil lease?

Mr. McKEOWN. That is what the bill says. It says that you are to lease this land for oil and gas purposes and states how many acres you must lease in one year, and I am simply adding this language to make these companies subject to taxes.

Mr. STEVENSON. Will the gentleman yield for a suggestion?

Mr. McKEOWN. Yes.

Mr. STEVENSON. Might it not be well to add the words "for purposes of taxation"? There might be some view in which they might be instrumentalities of the United States, but they certainly ought not to be allowed to escape taxation on that ground.

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. SPROUL of Kansas. Is it not a fact that under the laws of Oklahoma all the operating oil companies pay a gross production tax on their products, both gas and oil, to the State and part of it is allocated back to the respective counties, and that the laws of Oklahoma exempt them from paying any other or any additional taxes other than the 3 per cent gross production tax?

Mr. McKEOWN. It does not exempt them from paying all other taxes. It exempts them from paying taxes upon their oil.

Mr. HOWARD of Oklahoma. Will the gentleman yield for a correction?

Mr. McKEOWN. Yes.

Mr. HOWARD of Oklahoma. The laws of Oklahoma providing for the collection of the 3 per cent gross production tax allow that for the machinery used in and around the operation of the oil wells, and as to the tax in the Osage country, they have paid it since the act of 1921. The courts have held that oil, after it is separated from the ground and is in the hands of the lessee, is personal property and is taxable, and they have been paying that.

Mr. McKEOWN. Will the gentleman tell me whether or not, when the gentleman was auditor of the State, the oil companies went to the Supreme Court of the United States and escaped taxation on this ground?

Mr. HASTINGS. That was prior to March 3, 1921.

Mr. McKEOWN. I am talking about other places in the State of Oklahoma.

Mr. HOWARD of Oklahoma. This has no bearing on any Indians except the Osage Indians, and under the act of 1921 the Osages and their lessees are paying all taxes.

Mr. McKEOWN. Then what harm will this do?

Mr. CRAMTON. The harm it may do is that the more burden of taxation Oklahoma is permitted to put on these lessees, the less they will be able to pay the Indians for the leases and the smaller the bonuses.

Mr. McKEOWN. I understand; but that is no reason, because they do not take that into consideration.

Mr. LEAVITT. Mr. Speaker, I rise in opposition to the amendment.

This is a matter that was not brought before either the subcommittee handling this bill or the full committee.

The bill was introduced in May, 1928, and there has been no effort to crowd it along.

These matters ought not to be brought up now by gentlemen who have not come before the committee in the light of trying to protect their districts or anyone else. This matter should not be adopted by the House.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

Mr. FREAR. Mr. Speaker, I move to strike out line 13, beginning at the word "provided," down to the end of line 15.

The Clerk read as follows:

Amendment by Mr. FREAR: Strike out, on page 3, beginning in line 13, with the word "provided," down to and including the word "year" at the end of line 15.

Mr. FREAR. Mr. Speaker, I admit that I have not been before the committee, nor do I know anyone who has been before the Indian Affairs Committee to argue this question on its merits; but I do believe that every Member of the House has the responsibility upon his shoulders, when a bill is presented and he is asked to vote upon it, to know its contents and the reasons for it.

Now, here is a proviso that I ask the attention of the House to consider, because it seems to me entirely indefensible. Reading back, beginning at line 8, page 3, it says:

The Secretary of the Interior and the Osage Tribal Council are hereby authorized and directed to offer for lease for oil, gas, and other mining purposes any unleased portion of said land in such quantities and at such times as may be deemed for the best interest of the Osage Tribe of Indians.

No one could object to that provision. Then it says:

Provided, That not less than 25,000 acres shall be offered for lease for oil and gas mining purposes during any one year.

In other words, the Secretary of the Interior is directed to lease not less than 25,000 acres of land for oil purposes in any one year, irrespective of the rights or needs of the Indians. Their capital investment is to be rapidly destroyed; we are expected to preserve it. We are here seeking to take from them at the rate of 25,000 acres a year—it may be 100,000 acres; no limit is provided as a maximum for this wastage in Indian oil lands.

Mr. HUDSON. Will the gentleman yield?

Mr. FREAR. I yield.

Mr. HUDSON. The gentleman says the Secretary of the Interior could do this?

Mr. FREAR. He is required to do it.

Mr. HUDSON. The gentleman read "the Secretary of the Interior and the tribal council."

Mr. FREAR. It says the Secretary of the Interior and the tribal council, but you can persuade the tribal council to do many things, as the gentleman well knows. The Secretary of the Interior is their guardian under the law. He is selected for such purpose. We say to him, "We commit into your hands, Mr. Secretary, the interests of these Indians, but we require you to lease 25,000 acres or more to oil speculators." In other words, 760,000 acres of land is the minimum amount of oil lands we are going to make you lease to these oil speculators within the next 30 years under the provisions of this law. That seems to me most inconsistent for the committee to take from these Indians their own lands and force their guardian to dispose of them to oil speculators.

Mr. HASTINGS. Will the gentleman yield?

Mr. FREAR. I yield.

Mr. HASTINGS. I think I can explain it to the gentleman.

Mr. FREAR. Very well.

Mr. HASTINGS. There are 1,500,000 acres of these lands.

Mr. FREAR. All oil lands?

Mr. HASTINGS. More or less. Under existing law the Secretary of the Interior is required to lease not less than 100,000 acres.

Mr. FREAR. And you are repealing that law to-day by changing it to not less than 25,000 acres every year.

Mr. HASTINGS. We are revising and correcting that so that he is not compelled to lease more than 25,000 acres. Why? We understand the trust has been continued from 1931 to 1946, from 1946 to 1958, and if you were to divide 1,500,000 acres by 25,000 it would take 60 years to lease it.

Mr. FREAR. Very well; I do not yield any further.

Now, gentlemen, it is certain that the 1,500,000 acres is not all oil land, and yet you are going to insist that 25,000 acres or more, possibly 100,000 acres, must be leased every year. You have stricken out the 100,000 acres in the old law, you say, yet not less than 25,000 acres must be leased every year to hungry, grasping oil speculators. No discretion rests with the Secretary of the Interior. He can not protect the Indian's oil lands, for we say to him he must lease 25,000 acres. If they have ten times that acreage in oil lands not yet leased, it is all certain to be frittered away in 10 years, and we are responsible for that result. It is a startling provision.

Why should we do that? On what theory can we justly force the Secretary of the Interior to lease 25,000 acres annually to the oil men? Can we not trust his judgment? We are trusting the Secretary with all other Indian property to sell, lease, and in every other way. It seems to me that we are taking the capital investment of the Indians, who have no voice in this matter, even though their tribal council may agree to it, and we will soon have them with exhausted oil wells, poor and helpless as all the other Indians we have despoiled of their property. I believe it is a vicious provision that should be stricken from the bill.

Mr. HOWARD of Oklahoma. Mr. Speaker, I rise in opposition to the amendment. My colleague [Mr. HASTINGS] has partially explained this provision. The history of the provision is this: A year or two ago an oil conservation board was created. The first recommendation they made was that we shut down operations on the Indian lands, so to speak, by repealing this hundred thousand acre requirement and leaving it in the hands of the Secretary of the Interior. That bill was sent to the Congress. As the representative of these Osage Indians I held up the bill, because when these lands are leased if development does not progress these Osage Indians are paid a rental of a dollar an acre a year, and I took the position that I would not permit of there being no minimum amount to be leased in this bill, and permit them at the same time to bring 250,000 or 300,000 barrels of oil up the coast into this country free of duty. I, as the representative of the Osage Indians, wrote that provision in the bill in order that the interest of the Osage Indians could be cared for and that development in their country should continue at least in an orderly way.

Mr. HASTINGS. And that it may all be developed before the trust period expires.

Mr. HOWARD of Oklahoma. Yes. I took that position, believing it was in the interest of the Indian.

Mr. FREAR. Mr. Speaker, will the gentleman yield?

Mr. HOWARD of Oklahoma. Yes.

Mr. FREAR. The gentleman represents the Osage Indians?

Mr. HOWARD of Oklahoma. Yes.

Mr. FREAR. They have a limited amount of oil?

Mr. HOWARD of Oklahoma. Nobody knows whether it is limited or not.

Mr. FREAR. But common sense teaches us that is so in every case.

Mr. HOWARD of Oklahoma. Oh, the geologists have said for the last 10 years that oil is limited, but we keep on finding more.

Mr. FREAR. Their capital property is in that oil, and the gentleman is insisting as the representative of the Osage Indians that 25,000 acres of their land shall be leased every year, leased to oil men where lessees can be found, depreciating to that extent their capital investment in oil. If you trust the Secretary of the Interior, as you will in all other cases I assume, what fear have you that he will not take care of the interest of these Indians just as well as the gentleman will without forcing him to lease 25,000 acres of oil lands every year?

Mr. HOWARD of Oklahoma. First, in answer to the gentleman's question, if his amendment should prevail, then the Secretary of the Interior will have to lease 100,000 acres.

Mr. FREAR. Why?

Mr. HOWARD of Oklahoma. Because the present law requires it.

Mr. FREAR. Oh, but you are destroying and repealing the present law.

Mr. HOWARD of Oklahoma. Oh, no; we are only amending it. Let me say further that if the Secretary of the Interior had not leased these lands of the Osage Indians, and if the white men had not gone in there and paid the Indian $229,000,000 for his oil, he would not have had anything to-day, and I do not propose that you shall shut down development of the Indians' oil or that you shall shut down the development of American oil for the benefit of South American and Mexican oil, and that is why I objected to the provision offered by the Secretary of the Interior and the oil conservation board.

Mr. HASTINGS. And we are only amending existing law, which requires a hundred thousand acres to be offered. This amendment will permit a reduction of that offer to 25,000 acres.

Mr. HOWARD of Oklahoma. That is true.

Mr. HASTINGS. So that if this amendment of the gentleman from Wisconsin be adopted it would cut out all acreage altogether.

Mr. FREAR. I would have this act go further than that and say that all other acts that provide for any limitation of the amount that must be turned over for exploitation by oil men every year should be stricken out, so as to leave it entirely discretionary with the Secretary of the Interior to lease or not lease every year. That protects the rights of the Indians.

Mr. HOWARD of Oklahoma. Would the gentleman like to leave the Osage Indians at the mercy of some board that would say that they would not lease any of these lands to-day.

Mr. FREAR. In everything concerning the Indians to-day we turn over the management of all of their property and every interest to the Secretary of the Interior, and I presume that he would protect them in Oklahoma, just as he does in every other State.

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

SEC. 2. That section 2 of the act of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,'" be, and the same is hereby, amended to read as follows:

"The bona fide owner, lessee, or occupant of the surface of lands in the Osage Nation in Oklahoma shall be compensated, as his interest may appear, and under rules and regulations to be prescribed by the Secretary of the Interior, for damages to crops and improvements occasioned by the oil and gas lessees, their servants, or agents in going upon such premises and in carrying on oil or gas mining operations. Such surface owner, lessee, or occupant shall also be compensated, as his interest may appear, and under rules and regulations to be prescribed by the Secretary of the Interior, for such other damages, including those arising out of pollution of ponds or streams and out of injuries to the surface of lands as are caused by the negligence of the oil or gas lessees, their servants, or agents in developing or operating oil or gas properties in said Osage Nation. The word 'negligence' as used in this act shall mean 'negligence' as defined and construed by the courts of the State of Oklahoma. All claims for damages arising under this section shall be settled by arbitration; but either party shall have the right to appeal to the courts, without consent of the Secretary of the Interior, in the event he is dissatisfied with the award to or against him. The award shall be in writing and shall be filed in the office of the superintendent of the Osage Indian Agency within 10 days after it is made, and thereupon the said superintendent shall give the parties written notice thereof by personal service or registered mail. Unless appealed from within 60 days after service or mailing of said notice, the award shall become final. The appeal herein authorized shall consist of filing an original action in any court of competent jurisdiction sitting at the county seat of Osage County, to enlarge, modify, or set aside the award; and in any such action, upon demand of either party, the issues both of law and of fact shall be tried de novo. Arbitration or a bona fide offer in writing to arbitrate shall constitute conditions precedent to the right to sue for such damages."

Mr. LEAVITT. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: Page 4, line 12, after the word "follows," strike out all down to and including the word "damages" in line 24 on page 5, and insert in lieu thereof the following:

"The bona fide owner or lessee of the surface of the land shall be compensated, under rules and regulations prescribed by the Secretary of the Interior in connection with oil and gas mining operations, for any damage that shall accrue after the passage of this act as a result of the use of such land for oil and gas mining purposes, or out of damages to the land or crops thereon occasioned thereby, but nothing herein contained shall be construed to deny to the surface owner or lessee the right to appeal to the courts without the consent of the Secretary of the Interior, in the event he is dissatisfied with the amount of damages awarded him. All claims for damages arising under this section shall be settled by arbitration under the rules and regulations to be prescribed by the Secretary of the Interior; but either party shall have the right to appeal to the courts without the consent of the Secretary of the Interior in the event he is dissatisfied with the award to or against him. The appeal herein authorized shall consist of filing an original action in any court of competent jurisdiction sitting at the county seat of Osage County to enlarge, modify, or set aside the award, and in any such action, upon demand of either party, the issues both of law and of fact shall be tried de novo. Arbitration, or a bona fide offer in writing to arbitrate, shall constitute conditions precedent to the right to sue for such damage: *Provided*, That nothing herein contained shall preclude the institution of any such suit in a Federal court having jurisdiction thereof, or the removal to such court of any such suit brought in the State court, which under Federal law may be removed to the Federal court."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. SCHAFER. Mr. Speaker, I move to strike out the last word and would ask unanimous consent to speak out of order for six minutes.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to speak out of order for six minutes. Is there objection?

Mr. BANKHEAD. What is it the gentleman is going to discuss?

Mr. SCHAFER. The prohibition question.

Mr. HUDSON. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. SCHAFER. Mr. Speaker, I believe since the House has so much business to transact we had better have a quorum.

The SPEAKER pro tempore. Does the gentleman make the point of order?

Mr. SCHAFER. I will withdraw it, as the chairman of the committee informs me he has a lot of business to transact.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 3. That section 1 of the act of Congress of February 27, 1925 (43 Stat. L. 1008), is hereby amended by adding thereto the following:

"The Secretary of the Interior be, and is hereby, authorized, in his discretion, under such rules and regulations as he may prescribe, upon application of any member of the Osage Tribe of Indians not having a certificate of competency, to pay all or any part of the funds held in trust for such Indian: *Provided*, That the Secretary of the Interior shall, within one year after this act is approved, pay to each enrolled Indian of less than half Osage blood, one-fifth part of his or her proportionate trust-fund credit. And such Secretary shall on or before the expiration of 10 years from the date of the approval of this act advance and pay over to such Osage Indian of less than one-half Osage Indian blood, all of the balance appearing to his credit in the Osage tribal trust fund, and shall issue to such Indian a certificate of competency: *Provided further*, That when and where any Osage Indian of less than half Osage Indian blood shall owe debts and obligations for necessaries of life, then and in that event the Secretary of the Interior is hereby directed to retain from and not pay out to such Osage Indian debtor 25 per cent of his quarterly dues, to be by the Secretary of the Interior paid in installments upon the now existing claims against such Indian for necessaries of life, such as medicines, doctor bills, food, clothing, dry goods, and for implements and other materials required in the operation of the Indian's farm lands, against which claims the statute of limitations of Oklahoma has not run. But no money shall be retained out of the quarterly allowances due such Osage Indians by the Secretary of the Interior for any other purpose without the consent and approval of such Indians. The Secretary of the Interior shall determine such rules and regulations for the payment of said retained moneys of said Osage Indians, upon such meritorious claims for necessaries of life against which claims the statute of limitations of Oklahoma has not run. But the provisions herein made for payment of debts shall only apply to present existing meritorious claims against which the staute of limitations of Oklahoma has not run: *Provided further*, That the Secretary of the

Interior shall by or before the end of five years from the date of the approval of this act pay to each restricted Osage Indian of less than half Osage blood, who is not incompetent under the laws of the State of Oklahoma, and who is at the date of approval of this act more than 25 years of age, the whole of his or her pro rata share of the tribal trust fund then being to the credit of such Indian: *Provided further*, That the Secretary of the Interior shall, in his discretion, pay any present existing meritorious debts and obligations of any restricted Osage Indian, against which debts and claims the statute of limitations of Oklahoma has not run, out of any moneys appearing to the credit of such Osage Indian in the tribal trust fund: *And provided further*, That nothing herein contained shall be construed to interfere in any way with the removal by the Secretary of the Interior of restrictions from and against any Osage Indian at any time.

Mr. CRAMTON. Mr. Speaker, in reference to section 3 I desire to make a point of order, on page 6 of the bill, to the proviso beginning in line 18 and continuing through the balance of that page and down to the end of the proviso in line 15 on page 7. The language to which I take exception is as follows:

Provided further, That when and where any Osage Indian of less than half Osage Indian blood shall owe debts and obligations for necessaries of life, then and in that event the Secretary of the Interior is hereby directed to retain from and not pay out to such Osage Indian debtor 25 per cent of his quarterly dues, to be by the Secretary of the Interior paid in installments upon the now existing claims against such Indian for necessaries of life, such as medicines, doctor bills, food, clothing, dry goods, and for implements and other materials required in the operation of the Indian's farm lands, against which claims the statute of limitations of Oklahoma has not run. But no money shall be retained out of the quarterly allowances due such Osage Indians by the Secretary of the Interior for any other purpose without the consent and approval of such Indians. The Secretary of the Interior shall determine such rules and regulations for the payment of said retained moneys of said Osage Indians upon such meritorious claims for necessaries of life against which claims the statute of limitations of Oklahoma has not run. But the provisions herein made for payment of debts shall only apply to present existing meritorious claims against which the statute of limitations of Oklahoma has not run.

Mr. Speaker, the bill before us is a Senate bill which, as referred to the Committee on Indian Affairs, carried only the language carried on pages 1 and 2 of the bill. All that bill referred to the committee covered is set forth in lines 1 to 8 on page 2, where it is provided that the Secretary of the Interior may reduce the area of land to be offered annually for lease. That is the only subject covered by the bill referred to the committee. The proviso in the committee amendment to which I have made the point of order has to do with an entirely different matter, a matter of making in fact a collection agency of the Government to force the Indians to pay their accounts for certain necessities of life under certain conditions. I make the point of order that this is not germane to the bill referred to the committee. I could have made, of course, the point of order against the entire committee amendment, and because of this defect it would seem the entire committee amendment would have been subject to the point of order. But I have not desired to do that. I am just making the point of order at this time with reference to the language I have indicated.

Mr. LEAVITT. Mr. Speaker, the committee, of course, has on the calendar a House bill identical with this Senate bill. We placed the wording of the House bill following the title of the Senate bill only to expedite consideration. I will ask a parliamentary question at this point. The sections which have been already read would not be subject to this point of order even though it would lie against this matter now under consideration.

The SPEAKER pro tempore. Thus far the House has acted upon amendments only to the committee amendment. The committee amendment as amended has not yet been adopted. By a unanimous-consent agreement entered into the committee amendment to the Senate bill is being read by sections, but it is in fact one entire amendment and has not yet been acted upon except that certain amendments have been made to it. It would seem to the Chair that the amendment to the Senate bill having been read and consideration having been begun, the time for making a point of order on the amendment is past.

Mr. CRAMTON. No, Mr. Speaker; because in my request for unanimous consent I specifically asked that it be in order to make points of order as each section was reached.

The SPEAKER pro tempore. The present occupant of the chair, not being in the chair at the time, did not know that the gentleman had reserved points of order. His statement, of course, changes matters very materially.

Mr. SPROUL of Kansas. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The Chair will hear the gentleman.

Mr. SPROUL of Kansas. Mr. Speaker, I do not think the point of order made by the gentleman from Michigan is well founded in law. It is predicated on the theory, I take it, that the money of the Indians which is due under the law and payable to them quarterly is privately owned money, beyond the power of the Government to have anything to do with, further than to pay it out to the Indians.

I think this is an error. I now desire to call the attention of the Speaker to the fact that the Congress in this same bill extended the exemption from taxation and from execution and from other court proceedings to the homesteads of the very Indians to whom this money is due and payable. If the Government has such jurisdiction and control over the property of an Indian, whether he be restricted or emancipated, then it would seem that it could exercise sufficient control over the money that it has had and even yet does have under its control to the extent that it could subject it to an obligation to pay for the necessaries of life of the owner. In other words, Mr. Speaker, if the Congress has such jurisdiction over the property of the Indians that it can say to the State and to the county with reference to taxes and to all the public, "This property shall be exempt from taxation and shall be exempt from application upon the payment of the debt of the emancipated Indian"; if it can say that one part of the Indian's property is exempt from taxation, it can also say that another part of the property belonging to the Indians shall not be exempt from the payment of debt for the necessaries of life. You can not play fast to the Indians with reference to one class of property and certain obligations and loose with reference to other property and obligations. I wish to say further that as a matter of policy it is the duty of the Government in qualifying the Indians for citizenship to say that they pay their debts for the necessaries of life.

Mr. SCHAFER. A point of order, Mr. Speaker. The gentleman is not arguing on the point of order. He is making a speech.

Mr. SPROUL of Kansas. I will admit that the last statement was of the nature of a speech. But the other part of my statement was 100 per cent pertinent.

Mr. GREEN. Mr. Speaker, we have been talking almost all day without a quorum. Does the gentleman desire a quorum to be present?

Mr. SPROUL of Kansas. My remarks were directed to the chairman. I presented what I consider the reasons why Congress has such jurisdiction and such control over the property of the Indians as to enable it to say the Indians' money shall be applied to the payments of Indian-made debts for necessaries of life.

As to these quarterly payments of $1,000, the courts of this Government have held that this $1,000 quarterly and the interest in the tribal funds are not assets of the Indians which can be applied by the courts to the payment of his debts. If that is true, it is under the control of the Government to such an extent that it may say it shall be subject to application upon his debts for the necessaries of life. That is all I care to say on that point.

Mr. CRAMTON. I will say to the gentleman from Kansas, Mr. Speaker, that my point of order does not involve at all the authority that the Government may have over the disposition of these funds. That question is not involved, or the merits of the language. The point of order simply is that this language is not in order on this bill, not being germane to the bill that was referred to this committee. The committee, as a matter of fact, had before it a bill to amend section 1 of an act of 1921. This is proposed as an amendment to section 1 of an act of 1925, a separate act entirely.

The SPEAKER pro tempore. The Chair is ready to rule. The Chair understands that the entire subject matter contained in this bill is clearly under the jurisdiction of the Committee on Indian Affairs. If the committee had chosen to bring in a bill covering the subject matter of this section 3, it would have been within the jurisdiction of the committee, and the bill would not have been subject to a point of order. Instead of doing this, however, the committee chose, in order to expedite the passage of the bill, as indicated by the chairman of the committee, to take a Senate bill, quite limited in its scope, and amend it by striking out all after the enacting clause and adding other subject matter which, as it seems to the Chair, is entirely outside of and beyond anything contained in the Senate bill. It is clear to the Chair that if the Committee on Indian Affairs had reported out the Senate bill just as it came from the Senate and section 3 of the committee amendment had been offered from the floor as an amendment, it would be subject to a point of order as not germane. If this be true, then it is

subject to a point here because the Committee on Indian Affairs in this instance has no greater right than an individual Member has on the floor of the House. Therefore the Chair sustains the point of order.

Mr. CRAMTON. Mr. Speaker, I make the further point of order that the proviso, beginning on line 23 of page 7, and continuing down to part of line 3 on page 8, relating to similar subjects, is likewise not germane to the original bill.

The SPEAKER pro tempore. The Chair makes the same ruling as before in regard to the other matter objected to by the gentleman from Michigan, and this language goes out of the bill.

Mr. HASTINGS. I did not catch the citation, where the language begins.

Mr. CRAMTON. Line 23.

Mr. HASTINGS. The first point of order?

Mr. CRAMTON. Line 18.

Mr. WILLIAMSON. Mr. Speaker, I move to amend on page 6, line 11, by inserting the word "one" and a hyphen before the word "half," so as to make it read "one-half Osage blood" and thus conform to the language throughout the bill.

The SPEAKER pro tempore. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMSON: Page 6, line 11, after the word "than," insert the word "one" and a hyphen.

The amendment was agreed to.

Mr. WILLIAMSON. Mr. Speaker, I offer another amendment. On page 7, line 18, after the word "than," insert the word "one" and a hyphen.

The SPEAKER pro tempore. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMSON: Page 7, line 18, after the word "than," insert the word "one" and a hyphen.

The amendment was agreed to.

Mr. LEAVITT. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Montana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: Page 6, line 12, after the word "proportionate," strike out the words "trust-fund credit" and insert in lieu thereof the words "share of accumulated funds."

The amendment was agreed to.

Mr. LEAVITT. Mr. Speaker, I offer another amendment.

The SPEAKER pro tempore. The gentleman from Montana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: Page 6, line 16, after the word "credit," strike out the words "in the Osage tribal trust fund" and insert in lieu thereof the words "of accumulated funds."

The amendment was agreed to.

Mr. LEAVITT. Mr. Speaker, I offer another perfecting amendment.

The SPEAKER pro tempore. The gentleman from Montana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: Page 7, line 16, after the word "shall," strike out the word "by" and insert in lieu thereof the word "on."

Mr. ARENTZ. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ARENTZ. If the Senate bill is limited in its scope and the Indian Affairs Committee of the House has proceeded upon the theory that the Senate bill did not cover the subject matter as far as the House committee thought it should, did the Chair render a decision as to the germaneness of the entire subject matter of the House amendment, or just as to a particular portion of it?

The SPEAKER pro tempore. The Chair ruled only as to such matter as was specifically objected to or against which a point of order was specifically made, and that is all. The question is on agreeing to the amendment offered by the gentleman from Montana.

The amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I move to amend the section by striking out all of the section beginning with the proviso in line 9, on page 6, and continuing through to page 7.

The SPEAKER pro tempore. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 6, line 9, after the word "Indian" and beginning with the word "*Provided*," strike out the remainder of the page and all of page 7 down to and including the word "Indian" in line 23.

Mr. CRAMTON. Mr. Speaker, this section as drafted was the section to which I called attention on last Calendar Wednesday as having conflicting provisions. On page 6 is a provision requiring the secretary, on or before 10 years, to turn over to certain Indians all of their funds, and on page 7 is a very similar provision but with a 5-year limitation. Personally, I do not believe that as to these Indians who do not have a certificate of competency the secretary should be required to turn all of their money over to them at any stated time, either in 5 years or 10 years. It seems to me the secretary should have a discretion; that he should be permitted to turn a part of it over to them and let them use it in trying out their business ventures, and, if they make good, perhaps turn over some more to them, but to require the secretary to turn over all of their money in either 5 years or 10 years has seemed to me highly undesirable. So the section will read this way if this amendment prevails. I want to be sure the Members fully understand the amendment. Certain parts of section 3 have gone out on a point of order; this motion takes out other portions and would leave the section reading this way:

SEC. 3. That section 1 of the act of Congress of February 27, 1925 (43 Stat. L. 1008), is hereby amended by adding thereto the following: "The Secretary of the Interior be, and is hereby, authorized, in his discretion, under such rules and regulations as he may prescribe, upon application of any member of the Osage Tribe of Indians not having a certificate of competency, to pay all or any part of the funds held in trust for such Indian."

Then there remains on page 8:

And provided further, That nothing herein contained shall be construed to interfere in any way with the removal by the Secretary of the Interior of restrictions from and against any Osage Indian at any time.

Mr. BANKHEAD. I will ask the gentleman if the words contained in the first three lines on page 8 have been stricken out?

Mr. CRAMTON. Yes; they went out on a point of order.

Mr. HOWARD of Oklahoma. May I ask the gentleman if he will accept an amendment to the amendment?

Mr. CRAMTON. I will be glad to consider it.

Mr. HOWARD of Oklahoma. In the present bill, in line 23, after the word "Indian," as I understood the gentleman's motion, it was to strike out all down to the word "Indian."

Mr. CRAMTON. The last three lines of page 7 and the first three lines of page 8 went out on a point of order.

Mr. HOWARD of Oklahoma. The amendment I wanted to offer provided for the payment of the debts of the restricted Indians and I suppose the gentleman would raise a point of order against that.

Mr. CRAMTON. That is not in the bill.

I understand, while there has been some difference of opinion about the other matters, the amendment I now offer is generally agreeable.

Mr. HOWARD of Oklahoma. I do not understand so.

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. SPROUL of Kansas. Just what is the amendment that the gentleman wants to make—to strike out the five years?

Mr. CRAMTON. Yes; it would leave lines 4 to 9, on page 6. That is what would remain, and that contains no requirement that the Secretary make any advance to them but makes it possible for him to turn over to them as much as he thinks wise.

Mr. SPROUL of Kansas. I have no objection to that but I understood the gentleman to say that no limitation should be made in the bill with reference to the time at which less than half-blood Indians should be emancipated.

Mr. CRAMTON. This does not apply to the amount of blood, but does apply to those who do not have certificates of competency. It did not seem to me wise that for those who do not have certificates of competency there should be a requirement here for the Secretary to turn their money over to them in 5 years or 10 years. I believe it should be left to the discretion of the Secretary.

Mr. SPROUL of Kansas. I would say to the gentleman and to the Members of the House that within the past six years the Secretary of the Interior has been removing the restrictions on the less than half bloods at a more rapid rate than he would remove them during the next 5 or 10 years, so that this provi-

sion of the bill would not require him to remove their restrictions at a more rapid rate than he has in the past.

Mr. CRAMTON. The bill as reported to the committee, as I understand it, was not addressed at all to the idea of changing the rate of removing restrictions, but did provide, as reported, that without the restrictions removed and without any certificate of competency being granted, that still within the stated period the money should be turned over to them.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. SPROUL of Kansas. Mr. Speaker, I rise in opposition to the amendment.

The amendments agreed to before the Committee on Indian Affairs were to the effect that all Indians of less than half blood should be given their emancipation by the time they arrive at 30 years of age, and those who are now 25 years of age should receive one-fifth of their money per year during the remaining five years within which they might be kept under restrictions. So that during this time they might have the supervision of the Osage agent with reference to the investment and care——

Mr. CRAMTON. Will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. CRAMTON. I am advised by the superintendent of the Osage agency that there only six Osages who are over 30 who have less than half blood that have any money to worry about. I do not remember the details, but of the six only three of them are pronouncedly incompetent, as I recall. There are only six Indians involved of the age of over 30 of less than half blood who have large amounts of money.

Mr. SPROUL of Kansas. Another purpose in fixing the limitation of 30 years within which all of the less than half bloods are to be given their freedom is that there are three less than half bloods who have large amounts of money to their credit who positively refuse to accept emancipation papers, and the Government is required to continue to care for their money and handle it for them, when everyone who knows them knows they are well qualified to look after their own money themselves, individually. It is their idea that the Government is better qualified than they are, although everybody else, even the agent and the Secretary of the Interior, knows that they are qualified for independent citizenship.

So this bill is intended to free the Government of further guardianship over the 30-year-old white Indians, those that have a majority of white blood and a very small percentage of Indian blood. The purpose of the bill is surely commendable, because it is not only the duty of the Government, in our judgment, to give these Indians their independence at the earliest possible date they are qualified to receive it but the Government ought to rid itself of the guardianship burden as soon as it may justly and equitably do so with respect to the Indian.

The SPEAKER. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. That section 2 of the act of Congress approved February 27, 1925 (43 Stat. L. 1011), being an act to amend the act of Congress of March 3, 1921 (41 Stat. L. 1249), be, and the same is hereby, amended to read as follows:

"Upon the death of an Osage Indian of one-half or more Indian blood who does not have a certificate of competency, his or her moneys and funds and other property accrued and accruing to his or her credit and which have heretofore been subject to supervision as provided by law shall be paid to the administrator or executor of the estate of such deceased Indian or direct to his heirs or devisees, in the discretion of the Secretary of the Interior, under regulations to be promulgated by him: *Provided*, That the Secretary of the Interior shall pay to administrators and executors of the estates of such deceased Osage Indians a sufficient amount of money out of such estates to pay all lawful indebtedness and costs and expenses of administration when approved by him; and, out of the shares belonging to heirs or devisees, above referred to, he shall pay the costs and expenses of such heirs or devisees, including attorney fees, when approved by him, in the determination of heirs or contest of wills. Upon the death of any Osage Indian of less than one-half degree of Osage Indian blood, or upon the death of an Osage Indian who has a certificate of competency, his moneys and funds and other property accrued and accruing to his credit shall be paid and delivered to the administrator or executor of his estate to be administered upon according to the laws of the State of Oklahoma: *Provided*, That upon the settlement of such estate any funds or property subject to the control or supervision of the Secretary of the Interior on the date of the approval of this act, which have been inherited by or devised to any adult or minor heir or devisee of one-half or more Osage Indian blood who does not have a certificate of competency, and which have been paid or delivered by the Secretary of the Interior to the administrator or executor shall be paid or delivered by such administrator or executor to the Secretary of the Interior for the benefit of such Indian and shall be subject to the supervision of the Secretary as provided by law.

Mr. LEAVITT. Mr. Speaker, I offer the following perfecting amendment:

The Clerk read as follows:

Page 8, line 18, strike out the word "shall" and insert the word "may."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

Mr. LEAVITT. I offer the following further amendment.

The Clerk read as follows:

Page 8, line 19, after the "comma," insert the words "or may be retained by the Secretary of the Interior."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 5. The restrictions concerning lands and funds of allotted Osage Indians, as provided in this act and all prior acts now in force, shall apply only to unallotted Osage Indians of one-half or more Osage Indian blood born since July 1, 1907, or after the passage of this act, and to their heirs of one-half or more Osage Indian blood, except that the provisions of section 6 of the act of Congress approved February 27, 1925, with reference to the validity of contracts for debt, shall not apply to any allotted or unallotted Osage Indian of less than one-half degree Indian blood: *Provided*, That the Osage lands and funds and any other property which has heretofore or which may hereafter be held in trust or under supervision of the United States for such Osage Indians of less than one-half degree Indian blood not having a certificate of competency shall not be subject to forced sale to satisfy any debt or obligation contracted or incurred prior to the issuance of a certificate of competency: *Provided further*, That the Secretary of the Interior is hereby authorized in his discretion to grant a certificate of competency to any unallotted Osage Indian when in the judgment of the said Secretary such member is fully competent and capable of transacting his or her own affairs.

Mr. CRAMTON. Mr. Speaker, I make a point of order against the language on page 10, line 3, beginning with the word "except" and continuing down through to the end of that proviso in the middle of line 14. The language to which I make the point of order reads as follows:

except that the provisions of section 6 of the act of Congress approved February 27, 1925, with reference to the validity of contracts for debt, shall not apply to any allotted or unallotted Osage Indian of less than one-half degree Indian blood: *Provided*, That the Osage lands and funds and any other property which has heretofore or which may hereafter be held in trust or under supervision of the United States for such Osage Indians of less than one-half degree Indian blood not having a certificate of competency shall not be subject to forced sale to satisfy any debt or obligation contracted or incurred prior to the issuance of a certificate of competency.

I make the point of order for the same reasons involved in the point of order I made to the part of section 3, that it is not germane to the bill referred to the committee.

The SPEAKER. It seems to the Chair that this language is not mentioned in the Senate bill and therefore clearly is not germane, and the Chair sustains the point of order, and the language will be stricken from the committee amendment.

Mr. LEAVITT. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 9, line 35, after the word "apply," strike out the word "only."

The amendment was agreed to.

Mr. LEAVITT. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 10, line 1, after the word "Indians" strike out the words "of one-half or more Osage Indian blood."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

Mr. LEAVITT. Mr. Speaker, I offer the further amendment.

The Clerk read as follows:

Page 10, line 3, after the word "heirs," strike out the words "one-half or more."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that the reading of section 6 be dispensed with. I intend to offer an amendment to strike that section from the bill.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. LEAVITT. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 10, line 20, strike out all of section 6.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 7. That section 9 of the act of Congress approved June 28, 1906 (34 Stat. L. 539), be, and the same is hereby, amended to read as follows:

"That there shall be a quadrennial election of officers of the Osage Tribe as follows: A principal chief, an assistant principal chief, and eight members of the Osage tribal council, to succeed the officers elected in the year 1926, said officers to be elected at a general election to be held in the town of Pawhuska, Okla., on the first Monday in June, 1928, and on the first Monday in June each four years thereafter, in the manner to be prescribed by the Commissioner of Indian Affairs, and said officers shall be elected for a period of four years commencing on the 1st day of July following said elections, and in case of vacancy in the office of principal chief by death, resignation, or otherwise, the vacancies of the Osage tribal council shall be filled in a manner to be prescribed by the Osage tribal council, and the Secretary of the Interior is hereby authorized to remove from the council any member or members thereof for good cause, to be by him determined, after the party involved has had due notice and opportunity to appear and defend himself, and said tribal government so constituted shall continue in full force and effect to January 1, 1959."

Mr. LEAVITT. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: Page 12, line 22, after the abbreviated word "sec.," strike out the figure "7" and insert in lieu thereof the figure "6."

The amendment was agreed to.

Mr. LEAVITT. Also the following amendment.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: Page 13, line 4, after the word "year," strike out "1926" and insert "1928."

The amendment was agreed to.

Mr. LEAVITT. Also the following amendment.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: Page 13, line 6, after the word "June," strike out "1928" and insert in lieu thereof "1930."

The amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 13, line 12, after the word "chief," insert "or other such officer."

The amendment was agreed to.

Mr. LEAVITT. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. LEAVITT: Amend the title so as to read: "A bill relating to the tribal and individual affairs of the Osage Indians of Oklahoma."

The SPEAKER. The Chair suggests that this, being an amendment to the title, should come after the bill is passed.

Mr. SCHAFER. Mr. Speaker, I move to strike out section 7. I would like to obtain some information from the chairman of the committee. This section amends an act of Congress and I want to find out what changes are made in existing law.

Mr. LEAVITT. The only changes made are in the dates, that is, of any moment. The amendment offered by the gentleman from Michigan [Mr. CRAMTON] inserts the words "or other such officer" after the word "chief."

Mr. SCHAFER. Under existing law can the Secretary of the Interior arbitrarily bring charges against one of these officers elected by the rank and file of the Indians, try the case, and remove him from office?

Mr. LEAVITT. Yes. This does not change that at all.

Mr. SCHAFER. Has that officer an appeal to the tribe or to any court, or is a decision of the Secretary of the Interior final?

Mr. LEAVITT. Of course final action in matters of this kind are left by the Congress with the Secretary of the Interior. This does not change that situation in any way. This is one of the principal sections of the bill brought by the Osage Council, in which they especially urged that these changes be made in these dates, so that they can carry on their business with sanction of law through the election of these new officers.

Mr. SCHAFER. If this amendment as embodied in section 7 be stricken from the bill, then they can not elect these officers?

Mr. LEAVITT. They want the sanction of the law. Of course, they can elect them, but they want the sanction of the law so that no question can be raised as to their powers.

Mr. SCHAFER. This section appears on its face to carry the impression that the Indians have something to say about who shall be their officers, while in fact in the final analysis they do not.

Mr. LEAVITT. The only effect of the amendment of the gentleman from Wisconsin, if this section should be stricken from the bill, would be to leave the law as it is now with that provision in it, without these changes in the dates or to bring this authority for the election of tribal officers up to date, and it would not affect that other matter in any way.

Mr. SCHAFER. Do the Indians desire that the Secretary of the Interior continue, in the future as in the past, to be able to bring charges, try the case, and remove an officer duly elected by the rank and file of the Indians?

Mr. LEAVITT. They evidently consider that a matter of their own protection and of their own business, and they bring this section as it is to the committee and to the Congress with the request particularly that it be enacted.

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to withdraw my amendment, since the Indians want this to go on.

The SPEAKER. Without objection, the amendment will be withdrawn.

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendment as amended.

The committee amendment was agreed to; and the bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. LEAVITT, a motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read as follows: "A bill relating to the tribal and individual affairs of the Osage Indians of Oklahoma."

SURVEY OF CERTAIN LANDS IN NEW MEXICO

Mr. LEAVITT. Mr. Speaker, I call up the bill H. R. 16555, which is on the Union Calendar, and ask unanimous consent that it be considered in the House as in Committee of the Whole; and pending the putting of that request I wish to state because of the lateness of the hour the controversial trust fund bill, which we intended to bring up this afternoon, will not be called up. I am satisfied that with this in the RECORD, when it is considered fully by the Members of the House until they fully understand it, there will be no general objection to it. It is intended solely for the benefit and protection of the Indians.

Mr. SCHAFER. Will the gentleman yield for a short question?

Mr. LEAVITT. I will.

Mr. SCHAFER. Does the gentleman think if Mr. John Collier, who appears to speak for the Indians on any matter submitted to Congress, reads the CONGRESSIONAL RECORD he will reach the decision that the bill ought to be passed?

Mr. LEAVITT. I would hardly be able to guess what may come to that gentleman's mind on any subject.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 16655) to authorize the survey of certain land claimed by the Zuni Pueblo Indians, New Mexico, and the issuance of patent therefor.

The SPEAKER. The gentleman from Montana asks unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the State of the Union. Is there objection. [After a pause.] The Chair hears none.

The Clerk read as follows:

A bill (H. R. 16655) to authorize the survey of certain land claimed by the Zuni Pueblo Indians, New Mexico, and the issuance of patent therefor

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause a survey to be made of the land claimed and held by the Zuni Pueblo Indians in New Mexico as their grant under section 8 of the act of July 22, 1854 (10 Stat. 308–309), and the boundaries thereof identified: *Provided*, That upon completion of the required survey, and acceptance thereof, he shall cause to be issued to the Zuni Indians a patent covering the land surveyed, of the same form heretofore issued for other Pueblo Indian grants in New Mexico.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PURCHASE OF CERTAIN LANDS IN TEXAS

Mr. LEAVITT. Mr. Speaker, I call up the bill H. R. 16527 and ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

A bill (H. R. 16527) to authorize the Secretary of the Interior to purchase land for the Alabama and Coushatta Indians of Texas, subject to certain mineral and timber interests

Be it enacted, etc., That in purchasing land for the Alabama and Coushatta Indians of Texas, as authorized by the act of May 29, 1928 (45 Stat. 883-900), the Secretary of the Interior is hereby authorized, in his discretion, to accept title thereto subject to the reservation of timber and mineral interests: *Provided*, That a good and sufficient title is otherwise found to be in the grantors.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

Mr. LEAVITT. Mr. Speaker, I yield for the purpose of the gentleman offering an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 7 strike out the words "reservations of timber and mineral interests" and insert in lieu thereof the words "to mineral interests and to existing contracts for sale of timber."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AGENCY SALARIES, INDIAN SERVICE

Mr. LEAVITT. Mr. Speaker, I call up the bill H. R. 16568 and ask unanimous consent that the bill may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

The Clerk read as follows:

A bill (H. R. 16568) to repeal that portion of the act of August 24, 1912, imposing a limit on agency salaries of the Indian Service

Be it enacted, etc., That the provision in the act of August 24, 1912 (37 Stat. L. 521; U. S. C. title 25, p. 692, sec. 58), imposing a limitation of $15,000 on the amount which may be paid for salaries at any one Indian agency and $20,000 at a consolidated agency, be, and the same is hereby, repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PAYMENT OF INTEREST ON CERTAIN INDIAN FUNDS

Mr. LEAVITT. Mr. Speaker, I call up the bill S. 5180, on the Union Calendar, and ask that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman calls up the bill S. 5180, which the Clerk will report.

The Clerk read as follows:

A bill (S. 5180) to authorize the payment of interest on certain funds held in trust by the United States for Indian tribes.

The SPEAKER. The gentleman asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That all money in excess of $500 held by the United States in a trust fund account, and carried on the books of the Treasury Department to the credit of an Indian tribe, if the payment of interest thereon is not otherwise authorized by law, shall bear simple interest at the rate of 4 per cent per annum from the date of the passage of this act. The amount held in any such trust fund account, which in the judgment of the Secretary of the Interior may not be required for payment in accordance with law, shall be covered into the surplus fund of the Treasury; but so much thereof as may be necessary for making any such payment may, at any time thereafter, be restored to such account without reappropriation by Congress.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

INDIANS OF THE SAN ILDEFONSO PUEBLO

Mr. LEAVITT. Mr. Speaker, I call up the bill S. 5146, on the Union Calendar, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 5146) to reserve certain lands on the public domain in Santa Fe County, N. Mex., for the use and benefit of the Indians of the San Ildefonso Pueblo.

The SPEAKER. The gentleman asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That all the vacant, unappropriated, and undisposed of lands within the unsurveyed area in township 19 north, range 7 east, New Mexico principal meridian, New Mexico, identified as a narrow strip, a little more than 1½ miles wide and 4 miles long, running north and south, lying between the western boundary of the San Ildefonso Pueblo grant on the east and the eastern boundary of a portion of the Santa Fe National Forest on the west, be, and they are hereby, reserved for the sole use and benefit of the Indians of the San Ildefonso Pueblo: *Provided*, That the rights and claims of any bona fide settler initiated under the public land laws prior to July 27, 1928, the date of withdrawal of the lands from all forms of entry, shall not be affected by this act.

The bill was ordered to be read a third time, was read the third time, and passed.

The motion to reconsider the last vote was laid on the table.

KANOSH BAND OF INDIANS

Mr. LEAVITT. Mr. Speaker, I call up the bill S. 5147, on the Union Calendar, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman calls up the bill S. 5147, which the Clerk will report.

The Clerk read as follows:

A bill (S. 5147) to reserve 920 acres on the public domain for the use and benefit of the Kanosh Band of Indians residing in the vicinity of Kanosh, Utah.

The SPEAKER. The gentleman from Montana asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That 920 acres of land described as the east half west half, west half southwest quarter section 1; east half southwest quarter section 10; northeast quarter section 11; southeast quarter northwest quarter section 12; southwest quarter section 23; each half east half, west half southwest quarter section 27; all in township 23 south, range 5 west, Salt Lake meridian, Utah, be, and the same is hereby, reserved for the sole use and occupancy of the Kanosh Band of Indians in Utah: *Provided*, That the rights and claims of any bona fide settler initiated under the public land laws prior to October 27, 1928, the date of withdrawal of lands, from all form of entry, shall not be affected by this act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

RELIEF OF INDIANS IN UTAH, COLORADO, AND NEW MEXICO

Mr. LEAVITT. Mr. Speaker, I call up the bill S. 2482 and ask unanimous consent that it be considered in the House as in Committee of the Whole. It is on the Union Calendar.

The SPEAKER. The gentleman from Montana calls up the bill S. 2482, which the Clerk will report.

Mr. BLACK of Texas. I hope the gentleman will not call up this bill. There is an adverse report against this bill both from the Budget Bureau and from the Secretary of the Interior. I think we ought to have a quorum before we consider this bill.

Mr. CRAMTON. Will it make any difference to the gentleman if I offer an amendment such as is placed on other bills of this character, providing that the judgment shall not be subject to per capita payments and only be subject to appropriations for education and the purchase of land and for the building and improvement of homes, and so forth?

I am satisfied from the examination that I have made of it that the bill is on a parity with other bills that have been passed heretofore and possibly is in a better position. They once had the authority which is now sought, but that has expired. The new bill does not involve the Government in

the same dangerous responsibility as there would be otherwise, if my amendment is accepted.

Mr. BLACK of Texas. I have given some thought and some consideration to these bills, to send the Indians to the Court of Claims. It seems they are never finished. I think the reason for that is the fact that lawyers are deliberately working up these claims for no other purpose.

I see from a rather hurried reading of the report that these Indians have already been before the Court of Claims, and the judgment rendered was supposed to adjudicate every right that they had, and they secured, if I remember correctly, something over $3,000,000.

Mr. WILLIAMSON. That court adjudicated all the rights of the Confederated Ute Tribe up until the year 1911. Since that time the court has taken away from the White River Ute Indians in Utah 1,010,000 acres of land. Included in that area is about 2,000 acres of coal land.

Mr. BLACK of Texas. Was that done by the court?

Mr. WILLIAMSON. No; by order of the President. All of this has occurred since 1911.

Mr. COLTON. If the gentleman will yield for a word further——

Mr. BLACK of Texas. Certainly——

Mr. COLTON. With reference to the claims of the Uintah and White River and Uncompahgre Indians, that claim has never been adjudicated. A little over a million acres were taken from the reservation and included in a forest reserve.

Mr. BLACK of Texas. I have not had time to examine this bill in minute detail. Does it contain a provision that in no case shall the attorney's fee exceed 10 per cent?

Mr. COLTON. It does.

Mr. LEAVITT. I will say to the gentleman from Texas that that is very fully protected.

Mr. BLACK of Texas. If it is agreed that the amendment suggested by the gentleman from Michigan [Mr. CRAMTON] shall be embodied in the bill, I shall not object.

Mr. SCHAFER. Mr. Speaker, reserving the right to object, will there be a limitation on the amount of the attorney's fee in this bill?

Mr. COLTON. There is one.

Mr. SCHAFER. How much is it?

Mr. LEAVITT. That it shall not be to exceed 10 per cent.

Mr. SCHAFER. Is it drawn good and tight so it will be effective?

Mr. LEAVITT. It surely is.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That to carry into effect the provisions of the act of Congress of May 27, 1902, relating to the lands in the former Uintah Indian Reservation in the State of Utah, occupied by the Uintah and White River Tribes or Bands of Ute Indians, and ceded by them to the United States, and to secure also a final adjudication of all claims of whatsoever nature which the said White River and Uintah Bands or Tribes and the Uncompahgre and Southern Ute Bands or Tribes of Ute Indians residing in Utah, New Mexico, and Colorado, may have or claim to have against the United States, jurisdiction is hereby conferred on the Court of Claims, notwithstanding lapse of time or statutes of limitation, to hear and determine and render final judgment, with right of appeal as in other cases, on the claims and rights, whether legal or equitable, of each and all of said tribes or bands of Ute Indians, including any claim or claims arising under any act of Congress, or any treaty or Executive order, with jurisdiction on the part of said court to determine the value of all lands which have been set apart and reserved from the ceded Ute Indian lands as forest reservations or for other public uses under existing laws and proclamations of the President, as if disposed of under the public land laws of the United States, as provided by said agreement or other agreement or treaty, and by acts of Congress, including claims arising out of water rights, irrigation, and rights in mineral and in other lands, and to find and adjudge the amount of money due therefor; and the court shall set off against any sum found due said Ute Indians, or any of the above-named tribes or bands thereof, any sum or sums that shall be properly chargeable against said Ute Indians, or any tribe or band thereof, except such sums as have been paid for a specific purpose and an adequate consideration: *Provided*, That such set-offs shall also include all gratuities to said Indians from the United States.

Any suit or suits filed hereunder shall be commenced by petition, subject to amendment, to be filed in the Court of Claims within five years after the approval of this act by the attorney or attorneys employed by the said Indians under contract as required by section 2103 of the United States Revised Statutes. Such petition shall be verified by the attorney or attorneys and shall set forth all the facts on which the claim or claims for recovery are based and shall be signed by the attorney or attorneys employed and no other verification shall be necessary: *Provided*, That in case two or more tribes or bands are joined as plaintiffs in any suit authorized by this act, the court shall have jurisdiction to hear and determine the several as well as the joint rights of the parties plaintiff and render judgment accordingly.

A copy of the petition in such suit shall be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States.

The compensation to be paid the attorney or attorneys of record shall be fixed by the Secretary of the Interior on a quantum meruit for the services rendered, not to be in excess of the amounts stipulated in the contract or contracts of employment or in excess of a sum equal to 10 per cent of the amounts recovered against the United States, together with all necessary and proper expenses incurred in the preparation and prosecution of the suit or suits, to be paid to the attorney or attorneys employed by said tribes or bands of Indians by the Secretary of the Treasury out of any moneys in the Treasury arising from the sale of said ceded lands or from the proceeds of said judgment or judgments: *Provided*, That if the Secretary of the Interior shall find that any attorney or attorneys rendered any services to the Uintah and White River Bands of Ute Indians under a contract executed September 24, 1921, by said Indians, which contract was not approved as provided by section 2103 of the Revised Statutes prior to December 20, 1927, he shall fix such compensation on the quantum meruit basis, to be paid to said attorney or attorneys as in his opinion is reasonable, and the same shall also be paid by the Secretary of the Treasury as herein provided.

All amounts which may be found due and recovered for under the provisions of this act, less attorneys' fees and expenses, shall be deposited in the Treasury of the United States to the credit of the proper tribe or band and shall draw interest at the rate of 4 per cent per annum from the date of the judgment or decree.

Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Ute Bands of Indians to such treaties, papers, correspondence, or records as may be required in the prosecution of any suit or suits instituted under this act.

The Court of Claims shall have full authority by proper process and orders to bring in and make parties to any such suit or suits any other bands or tribes of Indians deemed by it necessary or proper to the final determination of the controversy.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That jurisdiction be, and is hereby, conferred upon the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party as in other cases, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of the acts of Congress of May 27, 1902 (32 Stat. 263), and March 3, 1905 (33 Stat. 1069), or arising under or growing out of any subsequent act of Congress or Executive order or arising under any treaty or agreement which said Uintah, Uncompahgre, and White River Bands of Ute Indians in Utah and Colorado may have against the United States, or arising under or growing out of the act of February 20, 1895 (28 Stat. 677), and subsequent acts of Congress and proclamations of the President relating thereto, setting apart as a separate reservation for the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico a tract of approximately 1,056,000 acres of land, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States. Said court shall determine the value of all lands which have been set apart and reserved from the ceded Ute Indian lands as forest reservations or for other public uses under existing laws and proclamations of the President as if disposed of under the public land laws of the United States: *Provided*, That the value of coal-bearing lands shall not be fixed at a sum in excess of $15 per acre. The court shall have jurisdiction to hear and determine the several as well as the joint rights of the parties plaintiff and render judgment accordingly.

"SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within two years from the approval of this act; and such suit or suits shall make the Uintah, Uncompahgre, and White River Bands of the Ute Indians parties plaintiff and the United States party defendant. A separate petition shall be filed on behalf of the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico, which petition shall make said Indians parties plaintiff and the United States party defendant: *Provided*, That the Uintah, Uncompahgre, and White River Bands of the Ute Indians may be joined should this be necessary to adjudicate any rights which they may have in the matter sought to be litigated. The petition or petitions shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with said Indians approved in accordance with existing law and shall set forth all the facts on which the claims for recovery are based. A copy of the petition or petitions in such suit or suits shall be served upon the Attorney General of the United States, and he, or some

attorney from the Department of Justice to be designated by him as heretofore directed, shall appear and defend the interests of the United States.

"SEC. 3. In said suit or suits the court shall hear, examine, and adjudicate any claims which the United States may have against said Uintah, Uncompahgre, and White River Bands of the Ute Indians and the Southern Ute and the Ute Mountain Bands of Ute Indians, but any payment, including gratuities which the United States may have made to said Indians, shall not operate as an estoppel but may be pleaded as an offset in such suit.

"SEC. 4. If it be determined by the court that the United States, in violation of the terms and provisions of any law, treaty, Executive order, or agreement as provided in section 1 hereof, has unlawfully appropriated or disposed of any property belonging to said Indians, the damage therefor shall be confined to the value of such property at the time of such appropriation or the disposal thereof except as otherwise provided in section 1 of this act; and with reference to all claims which may be the subject matter of the suit or suits herein authorized, the decree of the court shall be in full settlement of all damages, if any, committed by the Government of the United States and shall annul and cancel all claim, right, and title of said Indians in and to such property.

"SEC. 5. The Court of Claims shall have full authority by proper order and process to bring in and make party to such suit or suits any other tribe or band of Indians deemed by it necessary or proper to the final determination of the matters in controversy. Said court shall determine and render separate judgment for any amount found due to the Confederated Bands of Ute Indians under the terms of the jurisdictional act approved March 3, 1909 (35 Stat. 788).

"SEC. 6. Upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, based upon actual services rendered, together with all necessary and proper expenses incurred in preparation and prosecution of the suit or suits, to be paid to the attorney or attorneys employed by said tribes or bands of Indians, and the same shall be included in the decree and shall be paid out of any sum or sums found to be due said tribes or bands: *Provided*, That said court shall enter a separate judgment under the provisions and limitations above set out for the attorney or attorneys representing the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico, based upon the amount of recovery for said Indians, which recovery shall also be entered as a separate judgment: *Provided further*, That if the Court of Claims shall find that any attorney or attorneys rendered any services to the Uintah, Uncompahgre, and White River Bands of Ute Indians under a contract executed September 24, 1921, by said Indians, which contract was not approved as provided by section 2103 of the Revised Statutes prior to December 20, 1927, the court shall fix such compensation on the quantum meruit basis as to it shall seem reasonable, to be paid out of any sum found to be due such tribes. The total sum of attorneys' fees in no event shall exceed the limitation herein provided.

"SEC. 7. The proceeds of all amounts, if any, recovered for said Indians, less attorneys' fees and expenses, shall be deposited in the Treasury of the United States to the credit of the Indians decreed by said court to be entitled thereto and shall draw interest at the rate of 4 per cent per annum from the date of the judgment or degree.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: On page 10, line 4, strike out the period and insert: "and shall be thereafter subject to appropriation by Congress for educational, health, and industrial, and other purposes for the benefit of the said Indians, including the purchase of lands and building of homes, and no part of said judgment shall be paid out in per capita payments to said Indians."

Mr. SPROUL of Kansas. Mr. Speaker, I make a point of order against the amendment. My point of order is that the amendment is not germane to the general subject of the bill and that it anticipates appropriate consideration and action upon it by the Committee on Indian Affairs. The amendment is not germane to the purpose of the bill, the purpose of the bill being to authorize the presentation of claims to the Court of Claims and securing a judgment. This amendment has to do with the character of the uses to which any judgment that may be obtained in favor of the Indians might be applied.

Mr. CRAMTON. Mr. Speaker, the bill is one that has to do with the sending to the Court of Claims of certain unadjudicated controversies. Section 7 provides what shall become of the proceeds of any judgments which may be rendered. Section 7 of the committee amendment reads:

The proceeds of all amounts, if any, recovered for said Indians, less attorneys' fees and expenses, shall be deposited in the Treasury of the United States to the credit of the Indians decreed by said court to be entitled thereto and shall draw interest at the rate of 4 per cent per annum from the date of the judgment or decree.

The section deals with the disposition of the proceeds of any judgment recovered and the amendment continues that sentence by saying that they shall be subject to appropriation for certain limited purposes. It is germane to the section of the bill and germane to the bill.

Furthermore, as the gentleman from Kansas knows, the bill secured consideration this afternoon because the gentleman from Texas was assured that such an amendment as I have presented would be accepted.

The SPEAKER. The Chair is ready to rule, although he has not had much opportunity to examine this question.

The gentleman from Kansas makes the point of order that the amendment offered by the gentleman from Michigan is not germane to this section.

So far as the Chair can see all this section does is to provide that the proceeds of all amounts recovered for said Indians shall be deposited in the Treasury of the United States to the credit of the Indians and shall draw interest at the rate of 4 per cent.

The amendment of the gentleman from Michigan [Mr. CRAMTON], it seems to the Chair, goes a good deal further than this and changes entirely the situation as to this fund. The amendment provides that it shall thereafter be subject to appropriation for various purposes, educational, health, industrial, and other purposes, including the purchase of land, and so forth.

It seems to the Chair this is going much further and bringing in entirely different subjects for which the fund may be used and the Chair sustains the point of order.

Mr. CRAMTON. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Michigan offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: At the end of the bill insert a new section to be known as section 7, and to read as follows:

"Such proceeds shall be thereafter subject to appropriation by Congress for educational, health, and industrial and other purposes for the benefit of the said Indians, including the purchase of lands and building of homes, and no part of said judgment shall be paid out in per capita payments to said Indians."

Mr. SPROUL of Kansas. Mr. Speaker, I make the point of order against the amendment that it is not germane to the subject matter of the bill, and it anticipates the work of the Committee on Indian Affairs, which was created to consider questions of this character. For the two reasons it is our contention that the point of order should be sustained.

Mr. CRAMTON. Mr. Speaker, the amendment now offered is offered at the proper place in the bill if it is in order upon the bill at all.

We are passing a bill to authorize these Indians to go to the Court of Claims. The Congress has jurisdiction entirely as to the disposition of judgments that may be rendered in favor of these Indians and the disposition of the money. It is, of course, tied right up with the question of whether we will grant jurisdiction as to the use that will be made of the money, and this was apparent from the fact that both the gentleman from Texas and myself were prepared to object to the consideration of the bill except upon the assurance that this amendment would be accepted by the committee.

Mr. LEAVITT. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. LEAVITT. Mr. Speaker, the committee is in a rather embarrassing situation. I did agree to the amendment as chairman of the committee, or agree that it would not be opposed by myself, at least; and my recollection is that in the Indian Affairs Committee I raised this same question myself in connection with the bill and that it was then the action of the committee that the Cramton amendment should be written into the bill. There is a misunderstanding about this, however, with Judge WILLIAMSON, the chairman of the subcommittee, who was handling it. He does not recall any such action. The parliamentary situation here is that the bill was allowed to be considered in the House as in Committee of the Whole only on this agreement, and if anyone intended to make any objection, I think it should have been made at that time.

Mr. BANKHEAD. Mr. Speaker, I hardly think that statements of this character are pertinent to the matter before the Chair. The question here is the point of order.

The SPEAKER. The Chair will ask, if he may be so indulged, whether the words "such proceeds" refer to proceeds collected under the provisions of this bill?

Mr. CRAMTON. Certainly. It follows the section that discusses these proceeds and then provides this further provision.

Mr. WILLIAMSON. If the gentleman will yield before the ruling of the Speaker, I want to call the attention of the Chair to the fact that this fund referred to here is, of course, a fund which will be realized from the judgment entered in this case, if any, and will be placed in the general funds of the Treasury to the credit of these Indians. Under existing law the Congress has the right to appropriate these funds without further legislation for the purpose of the education and the civilization and the general uses and necessities of the tribe, and it does not seem to me the amendment which the gentleman from Michigan has offered is barred for lack of germaneness. It certainly is germane to the bill and the existing law now in force. It is in the nature of a limitation.

Mr. SPROUL of Kansas. Mr. Chairman, I desire to be heard further just a moment.

The gentleman from South Dakota [Mr. WILLIAMSON] has suggested that any judgment which might be obtained in the proceedings to be authorized by this bill would be subject to be appropriated without further action on the part of the House. This I deny, under existing law. Authorization must be made for its use for special purposes by the Committee on Appropriations. I understand we have been acting on the theory that the Snyder Act constitutes such an authorization, but a close examination of that act discloses that it is not an authorization of one penny of appropriation under the law of the land and in view of the strict, or even a liberal, construction of the provisions of the act discloses that it is not an authorization act.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. SPROUL of Kansas. I yield to the gentleman.

Mr. WILLIAMSON. The gentleman knows, of course, that it has been the practice of the Committee on Appropriations to appropriate, under the Snyder Act, for all the purposes which I mentioned a moment ago.

Mr. SPROUL of Kansas. I know that has been done, but it has been done erroneously.

Mr. WILLIAMSON. I do not think there is any question but what the language of that act is broad enough to enable the Congress to appropriate funds without any further legislation whatever, for the purpose of the civilization, the education, and the general necessities of the tribe.

Mr. BANKHEAD. Mr. Speaker, may I be heard a moment?

The SPEAKER. The Chair will be pleased to hear the gentleman.

Mr. BANKHEAD. I have no interest, of course, in this legislation, but I do have an interest in preserving the integrity of the rulings of the Chair as applied to parliamentary law. It seems to me in all candor that there is no substantial difference between the last amendment offered by the gentleman from Michigan and the prior one which the Chair held out of order, and the Chair very properly predicated his ruling on the fact that the original bill was simply to effectuate one purpose, and that was to give these people the right to file their claims. That is the substance and essence of the bill. The gentleman now introduces a proposed amendment which has for its purpose, as I see it, exactly the same things that were covered or contemplated by the original amendment; there may have been some slight change in the phraseology, but the substance of it is the same as the original amendment.

Mr. COLTON. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. COLTON. I understand the first point of order was raised against the amendment because it was an amendment to a section, and this as it stands now introduces a new section providing for the disposition of the funds that may be realized after this is referred to the Court of Claims?

Mr. BANKHEAD. I think that is a distinction that would not have much weight with the Chair, because the Chair is looking at the substance, rather than the legislative position. In view of the circumstances, I think the bill should be recommitted to the committee to fight the question out. I do not want to assume the burden of making the motion.

Mr. LEAVITT. I was about to suggest that course when the gentleman from Alabama took me off my feet. I had agreed with the gentleman from Texas [Mr. BLACK] and the gentleman from Michigan [Mr. CRAMTON] that this amendment was not objectionable and we came before the House with that kind of an agreement. Of course, the chairman of the committee can not break faith with the House.

Mr. BANKHEAD. If the gentleman from Michigan will withdraw his amendment to save a ruling upon it, I will make the motion to have the bill recommitted to the committee.

Mr. CRAMTON. I am perfectly willing to accept such ruling as the Chair may make.

Mr. GARRETT of Tennessee. Mr. Speaker, may I say this, not upon the point of order? I take it that where agreements are made and objection is withheld with an understanding that an amendment is to be presented, that, of course, means that the amendment is to be presented under the rules of the House; and if a Member chooses to exercise his right, believing that the proposed amendment is not in order, he ought not to be precluded from so doing.

Mr. BLACK of Texas. Mr. Speaker, I think the gentleman has stated the case correctly. I recall not long ago on unanimous-consent day the gentleman from New York [Mr. LAGUARDIA] had in mind to offer an amendment, and it was agreed that he could do so; the bill came up and when the amendment was offered it was subject to a point of order, and I made the point of order. I did not think I was precluded from so doing, and I recognize the right of the gentleman from Kansas to make his point of order.

Mr. GARRETT of Tennessee. May I further say that the gentleman from Texas reserved the right to object to the consideration of the bill in the House as in Committee of the Whole?

Mr. LEAVITT. I understand that no other Member of the House loses any right by this—I simply agreed that the amendment will not be opposed by me.

Mr. GARRETT of Tennessee. There is a desire and an opportunity, of course, to keep faith.

Mr. LEAVITT. We have to proceed in the House on the idea that there will be no breaking of faith. I am not criticising the gentleman from Kansas, but I am stating that the chairman of the committee, of which the gentleman from Texas is a member, must not break faith, and that I must therefore ask that the bill be recommitted to the committee.

Mr. BANKHEAD. Mr. Speaker, I ask for the regular order.

The SPEAKER. The Chair is a little disturbed in this matter. He is clear that the ruling was correct in regard to the amendment first offered to the only section providing for the disposition of the funds. The Chair is not sufficiently familiar with the other provisions in the committee amendment to determine whether there is reference to any other disposition to be made of these funds.

Mr. WILLIAMSON. There is not, Mr. Speaker; that is the only reference.

The SPEAKER. Then the Chair is inclined to think that any amendment which changed the manner in which it is provided that this fund shall be disposed of, namely, that it shall be kept in a fund and draw 4 per cent interest, is not in order to provide that it may be used for educational, health, or for the purposes of building houses. The Chair does not see how he can escape the philosophy of that reasoning.

Mr. CRAMTON. Mr. Speaker, if the Chair will permit, under the present law an appropriation would be in order for any of the purposes mentioned in this proposed section. The effect of the proposed new section is to limit what might be done without that section. Appropriations can be made for health purposes, and so forth, anyway, but the effect of the amendment is to legislate against what also could be done without it, an appropriation for per capita payment.

The SPEAKER. The trouble the Chair finds himself in as he reads the bill is that the bill merely creates a method of bringing a suit in the Court of Claims, and the only thing that the bill provides as to how those claims when collected shall be disposed of is that they shall be deposited and draw 4 per cent interest, and nothing in the bill refers to their use for the building of houses.

Mr. CRAMTON. It is the general, rounded-out bill. It not only permits them to go to the Court of Claims but prescribes the rules and then determines what shall be done with the money after the judgment is rendered. It provides that a portion of that judgment shall be paid out in a certain way; that is, it is paid to the attorneys for the expenses of the litigation and for the fees of the attorneys, and it specifically gives to the Court of Claims the discretion to determine what those fees shall be. Then it provides in section 7 that the other part of it that is not paid to the attorneys and for the attorneys' fees, shall remain in the Treasury at 4 per cent interest. Under existing law, remaining in the Treasury at 4 per cent, it is subject to appropriation at any time for certain purposes, including per capita payments. The purpose of the amendment that I have offered is to limit that; and, of course, there is no specific provision in the bill now with reference to that particular feature, but it is germane to the general purposes of the bill.

The SPEAKER. Of course, with regard to attorneys' fees, it would naturally follow in any suit in the Court of Claims that the attorneys' fees should be paid. The only thing that

strikes the Chair is that where this bill provides one and only one method of disposition of the net amount received by the claimant, namely, that it shall be deposited and draw 4 per cent interest, it is a new proposition to use it for the building of houses or for any other purpose, and the Chair can not escape that logic; and, therefore, sustains the point of order.

The question is on the amendment as amended.

Mr. CRAMTON. Mr. Speaker, the bill in its present form is disapproved by the Budget and is disapproved by Members here who were assured that if it came up a certain amendment would be made to it.

Mr. LEAVITT. Mr. Speaker, I was engaged just for a moment. I ask unanimous consent that the bill be recommitted to the Committee on Indian Affairs.

The SPEAKER. The gentleman from Montana asks unanimous consent that the bill be recommitted to the Committee on Indian Affairs. Is there objection?

There was no objection.

CROW TRIBAL FUNDS

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 15723) authorizing an appropriation of Crow Tribal funds for payment of council and delegate expenses, and for other purposes, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, from funds to the credit of the Crow Tribe of Indians, the sum of $5,000, to be available for the payment of the expenses of the tribal council in holding meetings on the Crow Reservation, and for the expenses of delegates which such council may send to the city of Washington on tribal business.

With the following committee amendment:

Line 8, after the word "business" insert: "when authorized by the Secretary of the Interior or the Commissioner of Indian Affairs and under such rules and regulations as may be prescribed by the Secretary of the Interior."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF OF KLAMATH INDIANS

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 10432) for the relief of the Indians of the Klamath Reservation in Oregon. This bill is on the Union Calendar. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Montana calls up the bill (H. R. 10432), on the Union Calendar, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this bill is to relieve the Klamath Indians from certain fees now charged by the Government for supervision of the sale leasing, and so forth, of certain timberlands. These timberlands are very valuable and the Indians are deriving a very large income from them. I can see no reason why in equity we should relieve them of this charge. I would have to object to the request of the gentleman, because I desire an opportunity to discuss the bill at great length in the Committee of the Whole.

Mr. LEAVITT. Will the gentleman withhold that objection for the moment?

Mr. CRAMTON. Certainly.

Mr. LEAVITT. The purpose of the bill is not to relieve these Indians of payments which they should make, but to make unnecessary the return of this fund into the Treasury, with reappropriation necessary, and to hold down the handling of the timber affairs of these Indians to the actual cost. The committee has felt after its being referred to the subcommittee that it should pass. The gentleman from Nevada [Mr. ARENTZ], chairman of that subcommittee, has been called away temporarily and is not here, so the bill could not be gone into in greater detail.

Mr. CRAMTON. I will say very likely a bill along the lines of what the gentleman suggests might not be so objectionable, but this bill simply exempts the Klamath Indian Reservation from the general provisions in reference to such charges.

Mr. LEAVITT. There is an effort being made to see that no charge is made against them greater than the cost of the actual service rendered. The suggestion of the gentleman from Michigan, as I understand, is that another bill be introduced which will aim at that specific thing and not be an amendment to existing law.

Mr. CRAMTON. I am not suggesting the method, but I feel that the bill does not accomplish what the gentleman understands the bill to do. I would like to have more opportunity to study and see if the gentleman is right, and if the gentleman from Montana finds after more consideration I am right he may desire to change the form of the bill.

Mr. BLACK of Texas. The bill as printed refers, I think, to the law which permits the Secretary of the Interior to make a charge for the sale of timber. Now the bill would exempt the Klamath Indian Reservation in Oregon from that provision of law entirely, and it seems to me that would go farther than the gentleman has in mind to do. I do not think the Secretary of the Interior would have the right to make any charge at all under this bill as printed.

Mr. LEAVITT. Of course I will have to state that I am at a great disadvantage in handling this bill on the floor. It was introduced by Mr. Sinnott, who is now out of Congress, and was referred to a subcommittee headed by Mr. ARENTZ, who is necessarily absent, and I have not been able to give it close study so that I can give all details.

Mr. BLACK of Texas. It has been reported upon adversely by the Director of the Budget and the Secretary of the Interior, and I shall have to object to its consideration; in fact, I will raise the question of consideration if the gentleman insists upon it.

Mr. LEAVITT. I have called it up on the Calendar Wednesday calendar, but, of course, I can not get consideration in the House as in Committee of the Whole without unanimous consent. Since there is a possibility of having this rewritten in such a way that we might get it through on unanimous-consent day, I will ask permission to withdraw the bill from further consideration.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which I do not intend to do, I would be very glad to ask the gentleman from Montana about the bill (S. 3770) authorizing the Federal Power Commission to issue permits and licenses on Fort Apache and White Mountain Indian Reservations, Ariz.

As I understand, every year's delay in the passage of legislation granting such authority is losing to those Indians $15,000 or $20,000 a year.

Mr. LEAVITT. There is no question about that. But the practical situation is that I have been told by one of the California delegation [Mr. SWING] that he intends to enforce a roll call and delay the consideration of the bill; and the gentleman who introduced the bill, the gentleman from Arizona [Mr. DOUGLAS], has agreed that we do not call it up to-night. The merits of the bill are so compelling that we may be able to get a rule to pass the bill. At least, I hope we can.

Mr. DOUGLAS of Arizona. Mr. Speaker, will the gentleman yield?

Mr. LEAVITT. I do.

Mr. DOUGLAS of Arizona. I had some conversation with the gentleman from California [Mr. SWING] with respect to this bill, and we decided that if it had come up this afternoon either he or I would have made the point of order of no quorum, which would have carried the day beyond 5.15 or 5.30 o'clock, and that would have compelled a motion to adjourn.

In reference to the other bill which the Committee on Indian Affairs is anxious to be considered by the House, in order that it be not killed to-day I requested the gentleman from California that it be not called up to-day. My advocacy of the bill is no less vehement, however, I will say to the gentleman from Michigan, and I hope that the bill may be brought up by the House in either one of two ways at some later day.

Mr. CRAMTON. Of course, if there are any ramifications of this reaching down to the Boulder Dam, I am not familiar with them, but the loss to these Indians by reason of the delay I do know of. I hope some plan will be worked out by which the Indians may get their rights.

Mr. DOUGLAS of Arizona. This has nothing to do with Boulder Dam.

Mr. SWING. Mr. Speaker, of course, there are Indians on all of the tributaries of the Colorado River and they would all like to have improvements made on their reservations. And so would the white people who will benefit by the improvements; but, while negotiations are going on between the seven Colorado River Basin States, it is proper that no State shall go forward with the development. The States of Arizona, Utah, New Mexico, Nevada, Colorado, Wyoming, and California have agreed to hold it up. In 1924 they all petitioned the Federal Water Power Commission to suspend action in the basin pending a settlement. All seven have agreed that they would leave the development of all the river and its tributaries in statu quo until they had worked out an agreement. They are negotiating at this time. They may reach an agreement

within the next 60 days or 90 days. It seems to me it would be unfortunate to proceed to confer a preferred status as to development in one of the States, particularly the one State that has done more than any other to prevent an agreement being reached.

Mr. LEAVITT. Mr. Speaker, I have not called up the bill. I have been stating that I would not call it up through an agreement which had been reached at the request of the gentleman from Michigan.

If I may proceed under unanimous consent a few minutes, I would like to speak on the position of the committee.

Mr. BANKHEAD. Mr. Speaker, let us get back to the regular order of business. This is a matter not pending before the Chair. It is not the regular order. I hope the gentleman will withdraw his bill.

The SPEAKER. The gentleman from Montana asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. LEAVITT. Mr. Speaker, the committee feels in regard to this bill that it was the duty of the committee to report it out, and that it is the duty of the Congress to enact it.

Instead of the situation being as has been stated by the gentleman from California, that on every tributary of the Colorado there is an Indian reservation and a tribe of Indians, this is the only situation that I know of that has come to the attention of the committee in which a loss is occurring to these Indians year after year through the failure to develop one of their resources. On this particular tributary there are two tribes of Indians. The water rights there are entirely absorbed by prior use, but there is a possibility of developing power which would bring, according to the statement of the Assistant Commissioner of Indian Affairs, at least $15,000 or $20,000 a year in revenue to these Indians.

Mr. SCHAFER. Will the gentleman yield?

Mr. LEAVITT. I yield.

Mr. SCHAFER. Who has been pushing this bill before the committee—the Power Trust or the representatives of the Indians?

Mr. LEAVITT. The gentleman from Arizona [Mr. DOUGLAS] particularly has pushed this bill. We are informed by the Indian Office and by one man in the power business that there is a possibility of this development if this legislation is enacted.

Mr. SCHAFER. I will say that the power interests are trying to develop power on the Wolf River in Wisconsin, which will despoil the natural scenic beauty of that river. They have paid propagandists on that reservation who are claiming that the Indians will receive great sums per capita, whereas they would not receive 10 cents per capita.

Mr. LEAVITT. But under the water power act these Indians would receive about $1 per horsepower developed here, and that would mean, according to the statement of the Assistant Commissioner of Indian Affairs, from $15,000 to $20,000 a year. We have felt that because of the failure of some States to agree on something else these Indians ought not to be deprived of that revenue, and I hope the bill can come up later in another form.

The SPEAKER. The time of the gentleman from Montana has expired.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. DRANE, for two days, on account of important official business.

MINORITY VIEWS

Mr. BACHMANN. Mr. Speaker, as a member of the Committee on the Civil Service, I ask unanimous consent that I may have three legislative days in which to file minority views on H. R. 10643.

The SPEAKER. The gentleman from West Virginia asks unanimous consent that he may have three legislative days in which to file minority views on House bill 10643. Is there objection?

There was no objection.

HYDRAULIC LABORATORY IN THE BUREAU OF STANDARDS

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on Senate bill 1710 by incorporating therein a letter addressed to me by the Western Society of Engineers.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, the Committee on Rivers and Harbors has resumed hearings on the Senate bill to create a hydraulic laboratory in the Bureau of Standards. The Senate committee hearings and the House committee hearings should be made a single public document and sent to every library, high school, college, and university in the United States. Those hearings contain a wealth of information in regard to hydraulics that ought to be made available to the engineering profession and to students in our higher educational institutions. Most of that information has never appeared before in print.

The House committee in its endeavor to investigate the proposition from every imaginable slant and angle have been carried into hitherto unknown seas. Explorations have been made that will be of the greatest value to students of hydraulics and add immeasurably to the knowledge of a subject which ranges over such a vast field. No bill in recent years has aroused such intense interest among the members of any profession as the proposed hydraulic laboratory in the Bureau of Standards has created in the membership of the engineering councils, associations, and societies of this country. The American Engineering Council, the membership which is made up of 24 engineering and allied technical professions of the United States, numbering 43,000 engineers, have unqualifiedly indorsed Senate bill 1710. Representatives from that council in conjunction with eminent engineers from many parts of the United States have appeared before the Committee on Rivers and Harbors and have submitted testimony showing the desirability and need for establishing a national hydraulic laboratory under the Bureau of Standards. The council respectfully protest that section 7, of H. R. 14066, authorizing the establishment of a hydraulic laboratory under the direction of the War Department does not satisfy the need for such a laboratory nor the wishes of those interested and concerned. They hold that a national hydraulic research laboratory is needed not only for the purpose of conducting experiments for river and harbor projects but also for the purpose of conducting scientific hydraulic experiments for any citizen who submits a plausible problem and is willing to pay for the work involved in conducting the experiments. They further hold that such a laboratory is needed for the purpose of aiding in the solution of hydraulic problems of such Federal agencies as the Geological Survey, Federal Power Commission, Reclamation Service, and others.

The council maintain that the hydraulic laboratory should be under the direction and control of the Bureau of Standards, because through the years it has developed a scientific attitude and technique for the handling of such problems that may be undertaken in such laboratories; and has on its staff men trained in the several sciences, knowledge of which would be required of the staff of such a laboratory if it is to function with efficiency and effectiveness. They do not desire to take from the Corps of Engineers any authority to conduct whatever researches it may deem necessary in prosecuting its work of flood control. Nor do I wish in any way to dim the glory or blur the prestige of the Army Engineers, whose great services to the Nation reflect magnificently the discipline, courage, loyalty, patriotism, intellectuality, and training imparted and developed by the Military Academy at West Point, which sent them out into the world to overcome obstacles and to conquer the forces of nature in order that civilization might blaze along the way that destiny evidently marked for it. No one has a greater esteem, affection, and loyalty to Annapolis and West Point than myself. Our country could not separate itself from the history of those two great institutions without dimming its own glory. May they last and go out only when the Republic itself expires, which we all hope is in the never to be. If they are jealous of their accomplishments, their privileges, and the trust confined to them, we should be proud of them for that attitude. A man who is careless of his rights can not be expected to protect the rights of others. While those who jealously guard what they deem to be a sacred trust can be depended upon to fight upon land and sea for the maintenance of the Republic from which flow our rights and privileges and to which we all owe the solemn duty of so living our lives that the Nation will be stronger and farther along the road of a mighty civilization on the day we go westward forever than on the day through the miracle of birth we became a part of our country's life.

But I can not blind my eyes to the fact that a national hydraulic laboratory such as is planned by Senate bill 1710 will prove a great auxiliary to the force of Army engineers in solving the as yet unconquered difficulties and problems involved in flood control and related hydraulic subjects. The hydraulic laboratory would not be an antagonistic or hostile body but a friendly agency whose findings would be persuasive and not arbitrarily binding upon the Army engineers. The reports of the Army engineers show that that great body of men have written into the history of our country some of its most brilliant chapters; not flambuoyantly but with the steady courage of men whose education at our great Military Academy has fitted them to fight and do noble things in every field to which they may be assigned. But with all the deference that we may show to men whose careers we admire and whose

exploits we proudly acknowledge, we can not but see that there are many new things that may come into the life of the world through the aid and assistance of the civil engineers that will "broaden the vision and make golden the hearthstone where we with loved ones dwell." We can not ignore the fact that the engineering profession as a whole is largely responsible for the civilization which we enjoy, though many of its victims, for it has its victims in accordance with the law of compensation, assert that it will not be an unmixed blessing until its benefits are more wisely distributed so that those who are doomed to play the part of hewers of wood and drawers of water may become in some measure its beneficiaries and enjoy its opulence in a small way with those who by birth and fortune are in control of the great movement.

Mr. Speaker, I repeat, a wealth of information has been brought to light and may be discovered by reading these hearings. We have acquired more information than we originally sought and are perhaps building more wisely than we know. Those who went in search of the Golden Fleece brought back something more valuable than the mythical raiment. They brought back knowledge as a result of their romantic journey. Even the obvious becomes tinted with an appealing color when brought to light into such a trip as the committee has made in search of truth.

Transportation, the foundation of the world order, takes on a new interest when we trace our highways, over which move millions of automobiles, and our railways, that carry such a stupendous commerce, to the path through the wilderness made by animals in quest of water with which to slake their thirst. The Brooklyn Bridge is seen in a new perspective when we see its genesis in the tree trunk thrown across the stream as a dam. The wonder grows as we see the dug and hollowed tree developing by the magical touch of the engineering wand into the leviathan that races through the storm and the night across the broad expanse of the Atlantic or the Pacific. From Franklin's kite and key have evolved the electrical titanic that light and rule the world to-day. The fabulous stories of the Arabian Nights pale into insignificance when contrasted with the actual accomplishments and intellectual triumphs of the great engineers of the world. Let us have the hydraulic laboratory. It will be the scientific university of the United States and will radiate that knowledge and wisdom which will enlighten the world. And God said: "Let there be light, and there was light," should be our inspiration. The future beckons to us to establish this beacon. Build the laboratory; unshackle knowledge; untie the hands of inquiry. Give wisdom winged feet so that the glories of the coming day may be hastened.

The virtue, the wisdom, the necessity of proposed legislation may be seen frequently from the high character of its indorsement. Read the letter which I make a part of this modest, I hope, and feeble, I am sure, effort to impress upon the Congress and our countrymen the importance of this proposed measure, whose far-reaching consequences no man can fathom, as its ramifications may lead to the knowledge as yet locked securely in the undiscovered caverns and bowels of the earth, and carry us to those heights which will give us a clearer view of that celestial splendor which the lighthouses of astronomy of to-day but obscurely and darkly disclose:

WESTERN SOCIETY OF ENGINEERS,
Chicago, February 2, 1929.

Hon. JAMES O'CONNOR,
Rivers and Harbors Committee,
House of Representatives, Washington, D. C.

DEAR SIR: The board of direction of the Western Society of Engineers and for the society indorse Senate bill 1710, known as the Ransdell bill, providing for a national hydraulic laboratory under the Bureau of Standards. We recommend the passage of this bill by the House of Representatives to the end that it become a law. We are advized that your committee has not reported this bill, though it has been under consideration for some time after passing the Senate.

We have given consideration to the terms of the bill and it is our opinion, representing over 3,000 members who are engineers and active in the practice, that such a laboratory is necessary.

We further believe it is essential to place this under the Bureau of Standards. The purpose of this laboratory is to scientifically make a study of hydraulics, and experience has shown that the bureau is so equipped with an experienced and trained staff as to undertake such a study. It is the only arm of the Government wherein selection of such qualified investigators is possible and where the scope is not related to activities which are conflicting both as to purpose and in the appointment of staff members.

We concur in every respect with the recommendations of the American Engineering Council and the many engineers from all over the country who have appeared before your committee or who have indorsed this bill by written communication. Their arguments are sound and represent the enlightened opinion of the engineering profession.

We do not indorse the provision of section 7, H. R. 14066, which we consider unwise and limiting in its results.

By order of the board of direction, Western Society of Engineers.

EDGAR S. NETHERCUT, *Secretary.*

TARIFF ON AGRICULTURAL PRODUCTS

Mr. KETCHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the tariff on agricultural products.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. KETCHAM. Mr. Speaker and Members of the House, in connection with the current discussion with reference to the necessity of increased tariff rates upon agricultural products I desire to present a brief statement prepared by Louis J. Taber, master of the National Grange, contrasting the present tariff rates on six basic manufacturing schedules in comparison with six well-known agricultural commodities.

In a general way the average tariff rate in the six manufacturing schedules mentioned is slightly above 40 per cent ad valorem, while the average duty on the six agricultural products is 22.54 per cent. The two tables giving rates under the present tariff act are herewith set out for contrast and comparison.

Especially do I call your attention to the tariff rates that would be placed on the agricultural commodities in order to bring them to the 40 per cent ad valorem basis now provided for manufactured articles, and the attention of the Members of the House of Representatives is called to the necessity of even increasing these rates in the spirit of fair play should substantial increases be granted to the manufacturing schedules now bearing 40 per cent ad valorem rates.

This statement is not to be understood as supporting the proposition that every agricultural rate should be upon a strictly 40 per cent ad valorem basis, but in the interest of fair play the average of tariff rates should be approximately the same.

Per cent ad valorem (or average ad valorem rate of duty to value of dutiable merchandise)

Schedule, 1927:	
Chemicals, oils, and paints	28.48
Earths, earthenware, and glassware	48.43
Metals, and manufactures of	34.84
Silks and silk goods	56.18
Sundries	39.19
Cotton manufactures	35.99
Average duty on above six schedules	40.52
Average duty on imported agricultural products, excluding free list	22.54

Commodity	Present tariff	What 40 per cent ad valorem would mean
Butter	12 cents per pound	14 cents per pound.
Corn	15 cents per bushel	35 cents per bushel.
Potatoes	½ cent per pound	1 cent per pound.
Sheep	$2 per head	$2.96 per head.
Poultry, dead	6 cents per pound	12½ cents per pound.
Oranges	1 cent per pound	2 cents per pound.

PERMISSION TO ADDRESS THE HOUSE

Mr. LaGUARDIA. Mr. Speaker, I ask unanimous consent that to-morrow, after the gentleman from Illinois [Mr. HOLADAY] has addressed the House for 30 minutes, I be permitted to follow him for 5 minutes on the same subject.

The SPEAKER. The gentleman from New York asks unanimous consent that to-morrow he be permitted to address the House for five minutes immediately following the address of the gentleman from Illinois [Mr. HOLADAY]. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object—on what subject?

Mr. LaGUARDIA. On the same subject upon which the gentleman from Illinois will address the House.

Mr. SCHAFER. What is that subject?

Mr. LaGUARDIA. Corn paper.

The SPEAKER. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. GARRETT of Tennessee. Mr. Speaker, I would like the attention of the gentleman from Connecticut for a moment. I believe the bulletin states that the order of business on Friday will be special rules and the Private Calendar.

Mr. TILSON. "And/or," I believe, was the language I used in the bulletin.

Mr. GARRETT of Tennessee. Does that mean that one of the other of those matters and possibly both will be the order of business without reference to the status of the naval appropriation bill?

Mr. TILSON. Oh, no. It should be understood that the naval appropriation bill must go on until it is finished.

Mr. GARRETT of Tennessee. The naval appropriation bill will not be set aside on Friday?

Mr. TILSON. No; that is not the intention. It was understood, when the tentative program was made up, that the naval bill would be finished before that time. If it is not, of course, it should go on to the exclusion of both the other matters mentioned.

Mr. GARRETT of Tennessee. Present indications, I should think, are that the bill will not be finished to-morrow, but, of course, I do not know about that. I have been asked the question several times during the day and in order that there may be an official statement about it in the RECORD now, I have made this inquiry of the gentleman.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. LAGUARDIA. In the event special bills are called up under special rules, would it be possible to be advised some time to-morrow what rules may be called up so that the Members may be informed?

Mr. SNELL. I will say for the benefit of the Members that we expected to call up first, if we got the floor, the migratory bird bill.

Mr. TILSON. But that bill will not be taken up until after the completion of the Navy Department appropriation bill.

Mr. SNELL. That is as I understand it. The other two small matters are not controversial.

BEAL NURSERY AT EAST TAWAS, MICH.

Mr. HAUGEN. Mr. Speaker I ask unanimous consent to take from the Speaker's table the bill (H. R. 10374) for the acquisition of lands for an addition to the Beal Nursery at East Tawas, Mich., with a Senate amendment, disagree to the Senate amendment, and ask a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the bill (H. R. 10374) with a Senate amendment, disagree to the Senate amendment, and ask for a conference. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill and the Senate amendment.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, may I ask the gentleman from Iowa if his request is made after a conference with the ranking minority member or any member of the minority on the committee?

Mr. HAUGEN. No; I did not have an opportunity to confer with the gentleman about it. It was brought to my attention this afternoon. I doubt that there is any objection to it.

Mr. GARRETT of Tennessee. Of course, I do not know a thing in the world about it. The gentleman understands, of course, that we like to have this assurance about such matters going to conference. Will not the gentleman withdraw his request and let it go over until to-morrow?

Mr. HAUGEN. I will be very glad to do that.

The SPEAKER. The gentleman from Iowa withdraws the request.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 14151. An act to provide for the establishment of a Coast Guard station at or near the mouth of the Quillayute River in the State of Washington;

H. R. 14800. An act granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war; and

H. R. 16035. An act to extend the time for completing the construction of the bridge across Port Washington Narrows, within the city of Bremerton, State of Washington.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 4036. An act to authorize the Secretary of War to transfer the control of certain land in Oregon to the Secretary of the Interior;

S. 4739. An act authorizing the Secretary of the Treasury to sell certain Government-owned land at Manchester, N. H.;

S. 4787. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the city of Savanna, Ill., and the city of Sabula, Iowa;

S. 4957. An act granting the consent of Congress to the Danville & Western Railway Co. to reconstruct, maintain, and operate the existing railroad bridge across the Dan River in Pittsylvania County, Va.; and

S. 5110. An act validating certain applications for and entries of public lands, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 10774. An act for the relief of the Carlisle Commission Co.

ADJOURNMENT

Mr. LEAVITT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned until to-morrow, Thursday, February 7, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, February 7, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

To authorize and direct the Secretary of War to execute a lease with Air Nitrates Corporation and American Cyanamid Co. (H. R. 8305).

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Wool and manufactures of, February 7, 8.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Legislative appropriation bill.
Second deficiency appropriation bill.

COMMITTEE ON EXPENDITURES IN EXECUTIVE DEPARTMENTS

(10.30 a. m.)

To authorize the President to consolidate and coordinate governmental activities affecting war veterans (H. R. 16722).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

Granting the consent of Congress to the Delaware & New Jersey Bridge Corporation, a corporation of the State of Delaware, domiciled at Wilmington, Del., its successors and assigns, to construct, maintain, and operate a bridge across the Delaware River (H. R. 7725).

Granting the consent of Congress to Stranahan, Harris & Oatis, a corporation organized under the laws of the State of Ohio, and Edward Ball, of the county of Duval, State of Florida, their successors and assigns, to construct, maintain, and operate a bridge across the Delaware River (H. R. 8287).

Authorizing the Delaware & New Jersey Bridge Corporation, a corporation of the State of Delaware, domiciled at Wilmington, Del., its successors and assigns, George A. Casey, of Wilmington, Del., Clifford R. Powell, of Mount Holly, N. J., and Anthony J. Siracusa, of Atlantic City, N. J., their heirs, executors, administrators, or assigns, to construct, maintain, and operate a bridge across the Delaware River at or near Wilmington, Del. (S. 1857).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, Executive communications were taken from the Speaker's table and referred as follows:

807. A communication from the President of the United States, transmitting supplemental estimate of appropriation amounting to $350,000 for the Department of Agriculture, fiscal year 1930 (H. Doc. No. 560); to the Committee on Appropriations and ordered to be printed.

808. A communication from the President of the United States, transmitting deficiency estimates of appropriations for the Department of Justice for the fiscal year 1928 and prior years amounting to $4,705.85, and supplemental estimates of appropriations for the fiscal year 1929 amounting to $1,648,102; in all, $1,652,807.85; also drafts of proposed legislation affecting existing appropriations (H. Doc. No. 561); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 10171. A bill to exempt from taxation certain property of the National Society Sons of the American Revolution in Washington, D. C.; without amendment (Rept. No. 2389). Referred to the Committee of the Whole House on the state of the Union.

Mr. W. T. FITZGERALD: Committee on Invalid Pensions. H. R. 16027. A bill to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil and Mexican Wars, and to certain widows of said soldiers, sailors, and marines, and to widows of the War of 1812, and Army nurses, and for other purposes," approved July 3, 1926; without amendment (Rept. No. 2390). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEHLBACH: Committee on the Civil Service. H. R. 16643. A bill to amend and supplement an act entitled "An act to amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled 'An act to provide for the classification of civilian positions within the District of Columbia and in the field services,' approved May 28, 1928, and for other purposes"; with amendment (Rept. No. 2391). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of South Dakota: Committee on World War Veterans' Legislation. H. R. 16819. A bill to amend the World War Veterans' act, 1924; without amendment (Rept. No. 2392). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITE of Maine: Committee on the Merchant Marine and Fisheries. S. 1781. An act to establish load lines for American vessels, and for other purposes; with amendment (Rept. No. 2395). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITE of Maine: Committee on the Merchant Marine and Fisheries. H. R. 15430. A bill continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes; with amendment (Rept. No. 2396). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. H. R. 16850. A bill to provide for the deportation of certain aliens, and for the punishment of the unlawful entry of certain aliens; without amendment (Rept. No. 2397). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. RANSLEY: Committee on Military Affairs. H. R. 2424. A bill for the relief of James Moffitt; with amendment (Rept. No. 2386). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 11149. A bill for the relief of Albert D. Castleberry; without amendment (Rept. No. 2387). Referred to the Committee of the Whole House.

Mr. GARRETT of Texas: Committee on Military Affairs. H. R. 14579. A bill for the relief of Walter Malone; with amendment (Rept. No. 2388). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. S. 5090. An act for the relief of Lewis H. Easterly; without amendment (Rept. No. 2394). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 15641. A bill to correct the military record of Vernon S. Ross; with amendment (Rept. No. 2398). Referred to the Committee of the Whole House.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. BUSHONG: Committee on Claims. S. 2720. An act for the relief of David McD. Shearer; adverse (Rept. No. 2393). Laid on the table.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WELSH of Pennsylvania: A bill (H. R. 16918) relative to establishment for the practice of cosmetology and its regulations and to create a board of cosmetologists in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BUTLER: A bill (H. R. 16919) to amend an act entitled "An act authorizing certain tribes of Indians to submit claims to the Court of Claims, and for other purposes"; to the Committee on Indian Affairs.

By Mr. KINCHELOE: A bill (H. R. 16920) granting the consent of Congress to E. T. Franks, his successors and assigns, to construct, maintain, and operate a bridge across the Ohio River approximately midway between the cities of Owensboro, Ky., and Rockport, Ind.; to the Committee on Interstate and Foreign Commerce.

By Mr. SWING: A bill (H. R. 16921) granting additional relief for desert land entrymen in Riverside County, Calif.; to the Committee on the Public Lands.

Also, a bill (H. R. 16922) amending act of March 4, 1915, providing relief for desert land entrymen; to the Committee on the Public Lands.

By Mr. WATSON: A bill (H. R. 16923) to provide for the erection of a public building for customs and other governmental purposes in the city of Philadelphia, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. ZIHLMAN: A bill (H. R. 16924) providing for an appropriation toward completion of the construction of the new Eastern Dispensary and Casualty Hospital; to the Committee on the District of Columbia.

By Mr. BUTLER: A bill (H. R. 16925) to add certain lands to the Fremont National Forest, in the State of Oregon; to the Committee on the Public Lands.

By Mr. FREE: A bill (H. R. 16926) granting preference within the quota to certain aliens trained and skilled in a particular art, craft, technique, business, or science; to the Committee on Immigration and Naturalization.

By Mr. BOX: A bill (H. R. 16927) to clarify the law relating to the temporary admission of aliens to the United States; to the Committee on Immigration and Naturalization.

By Mr. SEARS of Nebraska: A bill (H. R. 16928) authorizing the cities of Omaha, Nebr., and Council Bluffs, Iowa, either independently or both jointly, to purchase, to condemn, or to construct, and to reconstruct, extend, enlarge, maintain, and operate one or more toll or free bridges, not exceeding three, across the Missouri River at or near said cities, or to assign such rights to others, and providing the conditions to the exercise of such powers; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH: A bill (H. R. 16929) to amend the World War veterans' act; to the Committee on World War Veterans' Legislation.

By Mr. McFADDEN: A bill (H. R. 16930) to amend the national bank act; to the Committee on Banking and Currency.

Also, a bill (H. R. 16931) to amend the War Finance Corporation act approved April 5, 1918, as amended, to provide for the liquidation of the assets and the winding up of the affairs of the War Finance Corporation after April 4, 1929, and for other purposes; to the Committee on Banking and Currency.

By Mr. ELLIOTT: Joint resolution (H. J. Res. 405) to provide for extending the time in which the United States Supreme Court Building Commission shall report to Congress; to the Committee on Public Buildings and Grounds.

By Mr. ZIHLMAN: Joint resolution (H. J. Res. 406) to authorize the merger of street-railroad corporations operating in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. McCLINTIC: Joint resolution (H. J. Res. 407) authorizing and requesting the President of the United States to take steps in an effort to protect citizens of the United States in their equitable titles to land embraced in territory to be transferred from the State of Oklahoma to the State of Texas and from the State of Texas to the State of Oklahoma as per decree of the Supreme Court of the United States in the case of Oklahoma *v.* Texas (1926, 272 U. S. 21, p. 38), and to give the consent of Congress to said States to enter into a compact with each other and with the United States relating to such subject matter; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. ARENTZ: Memorial of the State of Nevada, relative to holding sessions of the Federal court at Reno, Nev., and

urging the defeat of any measure designed to remove the Federal court from the capital, Carson City; to the Committee on the Judiciary.

Also, memorial of the State of Nevada memorializing President-elect Hoover to give his best consideration to the proposal of the appointment of Louis S. Cates, of Utah, as Secretary of the Interior; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. ROWBOTTOM: Concurrent resolution of the General Assembly of the State of Indiana, indorsing and urging the passage of the cruiser bill now pending in Congress; to the Committee on Naval Affairs.

Also, concurrent resolution of the General Assembly of the State of Indiana, requesting the Congress of the United States to appropriate funds for the establishment of a United States Veterans' Bureau general hospital within the State of Indiana for honorably discharged ex-service men of this area; to the Committee on World War Veterans' Legislation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADKINS: A bill (H. R. 16932) granting a pension to Ann Million; to the Committee on Invalid Pensions.

By Mr. ANDREW: A bill (H. R. 16933) granting a pension to William G. Harriman; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 16934) granting an increase of pension to Amanda Eppley; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 16935) granting a pension to Sarah J. Cline; to the Committee on Invalid Pensions.

By Mr. CLANCY: A bill (H. R. 16936) for the relief of Joseph A. McEvoy; to the Committee on Claims.

By Mr. DICKINSON of Missouri: A bill (H. R. 16937) granting a pension to John E. W. Todd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16938) granting a pension to Alex Rice; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 16939) granting an increase of pension to Lizzie McAuliffe; to the Committee on Invalid Pensions.

By Mr. FENN: A bill (H. R. 16940) granting a pension to Carrie K. Wollerton; to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 16941) granting an increase of pension to Catherine Zachman; to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 16942) granting an increase of pension to Carrie F. T. Hovey; to the Committee on Pensions.

By Mr. WILLIAM E. HULL: A bill (H. R. 16943) for the relief of Joseph A. O'Donnell; to the Committee on Military Affairs.

By Mr. McSWEENEY: A bill (H. R. 16944) granting a pension to Mary D. Biery; to the Committee on Invalid Pensions.

By Mr. O'BRIEN: A bill (H. R. 16945) granting a pension to Mary Jane Woofter; to the Committee on Invalid Pensions.

By Mr. SCHAFER: A bill (H. R. 16946) granting a pension to Fred E. Craine; to the Committee on Invalid Pensions.

By Mr. SIROVICH: A bill (H. R. 16947) for the relief of Joseph N. McCaughey; to the Committee on Military Affairs.

By Mr. SUMNERS of Texas: A bill (H. R. 16948) granting an increase of pension to May F. Wright; to the Committee on Pensions.

By Mr. WHITE of Maine: A bill (H. R. 16949) granting a pension to William F. Campbell; to the Committee on Pensions.

Also, a bill (H. R. 16950) granting a pension to Mary J. Turner; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 16951) granting a pension to Mark Davis; to the Committee on Pensions.

By Mr. WYANT: A bill (H. R. 16952) granting an increase of pension to Aileen Oakley Griffith; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8651. By Mr. ADKINS: Petition of veterans of the Spanish-American War, Philippine insurrection, and Chinese relief expedition, respectfully soliciting support of the Knutson pension bill (H. R. 14676) now pending before Congress; to the Committee on Pensions.

8652. By Mr. ARENTZ: Resolution of Humboldt (Nev.) County Farm Bureau, opposing any downward revision of the tariff on fresh meats and other livestock products, inasmuch as such a change would cause the livestock industry to drop back into conditions such as existed in the period following the World War; to the Committee on Ways and Means.

8653. By Mr. BARBOUR: Petition of the Presbyterian Synod of the State of California, in session, with a membership of 87,280, approved the passage of the Lankford Sunday rest bill for the District of Columbia; to the Committee on the District of Columbia.

8654. By Mr. BLAND: Petition of the members of the Christian Church, Phoebus, Va., in support of the Lankford bill (H. R. 78) for Sunday observance, or similar measure; to the Committee on the District of Columbia.

8655. By Mr. DOUGHTON: Petition of the Bethany and Fifth Creek Presbyterian Churches, with 1,000 present, Statesville, N. C., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8656. Also, petition of the Synod of Catawba of the Presbyterian Church, United States of America, and representing 25,062 members, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8657. Also, petition of the Young Men's Christian Association of Concord, N. C., with a membership of 500, and signed by the president, F. C. Niblock, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8658. By Mr. ENGLEBRIGHT: Petition of California Development Association, through its general manager, N. H. Sloan, for research work on poultry problems; to the Committee on Agriculture.

8659. Also, petition of California Development Association, through its general manager, N. H. Sloan, for research work on lima pod borer and wireworm and other insects which affect the bean plant; to the Committee on Agriculture.

8660. By Mr. FITZPATRICK: Petition of the National Association of Letter Carriers, Branch No. 387, Yonkers, N. Y., for the passage of the Dale-Lehlbach retirement bill during this session of Congress; to the Committee on the Civil Service.

8661. By Mr. KETCHAM: Petition of 55 members of the Plainwell Methodist Episcopal Church, of Plainwell, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8662. Also, petition of 15 members of the First Baptist Church, of Colon, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8663. Also, petition of 49 members of the West Mendon and Central Park Evangelical Churches, representing citizens of Mendon and Park Townships, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8664. Also, petition of 49 members of the Evangelical Church of Leighton Township, Allegan County, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8665. Also, petition of 32 members of the Presbyterian Church of Decatur, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8666. Also, petition of 22 members of the Evangelical Church located at North Maple Grove, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8667. Also, petition of 38 members of the Methodist Church of Colon, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday

as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8668. By Mr. LANKFORD: Petition of 113 members of the First Presbyterian Church, Cornell, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8669. Also, petition of 20 members of the Presbyterian Church of Huron, Wis., urging the enactment of legislation to protect the people in the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8670. Also, petition of 45 members of the First Methodist Church, Cornell, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8671. By Mr. LEECH: Petition of 850 citizens of Johnstown, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8672. Also, petition of the Cambria County Woman's Christian Temperance Union, representing a membership of 1,000, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8673. Also, petition of 65 citizens of Beaverdale, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8674. Also, petition of 955 signers, members of the Woman's Christian Temperance Union of Cambria County, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8675. By Mr. McCORMACK: Petition of Mary D. Knowles, 569 Dudley Street, Dorchester, Mass., protesting against Newton child welfare bill; also equal rights amendment; to the Committee on Interstate and Foreign Commerce.

8676. By Mr. McDUFFIE: Petition of sundry retail shoe dealers of Mobile, Ala., protesting against any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

8677. By Mr. McSWEENEY: Papers to accompany House bill 16804, granting a pension to Mary L. Sumney; to the Committee on Invalid Pensions.

8678. By Mr. MOREHEAD: Petition signed by 117 citizens of the first district of Nebraska, urging the defeat of House bills 15324, 15325, and 15427, providing for an appropriation of $7,500 for the expenses of a Confederate reunion and sending the United States Marine Band to this reunion; to the Committee on Military Affairs.

8679. By Mr. MORIN: Petition of post-office motor-vehicle employees of Pittsburgh, Pa., urging immediate action on Senate bill 1727, giving optional retirement after 30 years' service when the age of 63 is attained, with annuities increased to $1,200 per year; to the Committee on the Civil Service.

8680. By Mr. MORROW: Petition of Chaves County (N. Mex.) Farm and Livestock Bureau, in annual meeting, opposing passage of Box immigration bill; to the Committee on Immigration and Naturalization.

8681. By Mr. O'CONNELL: Petition of the Washburn-Crosby Co., New York City, favoring the passage of the Norbeck game refuge bill (S. 1271); to the Committee on Agriculture.

8682. Also, petition of the Neptune Line, New York City, opposing the passage of Senate bill 1781; to the Committee on the Merchant Marine and Fisheries.

8683. Also, petition of the Anchor Cap & Closure Corporation, Long Island City, N. Y., favoring the passage of House bill 12693; to the Committee on Agriculture.

8684. Also, petition of the Dana Natural History Society, of Albany, N. Y., favoring the passage of the Norbeck game refuge bill; to the Committee on Agriculture.

8685. By Mr. SMITH: Petition of the Woman's Christian Temperance Union, Gooding, Idaho, with a membership of 40, in behalf of the Lankford Sunday rest bill for the District of Columbia, or similar measures; also 109 citizens of the second district, in behalf of the Lankford Sunday rest bill for the District of Columbia; to the Committee on the District of Columbia.

8686. By Mr. WOODRUFF: Petition of 25 members of the Methodist Church of Harrisvide Avenue, Lincoln, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8687. By Mr. WYANT: Petition of Percy Taylor, Jeannette, Pa., protesting against any change in present tariff on hides and leather used in manufacture of shoes; to the Committee on Ways and Means.

8688. Also, petition of Stein's Shoe Store, New Kensington, Pa., protesting against any change in present tariff on hides and leather used in manufacture of shoes; to the Committee on Ways and Means.

8689. Also, petition of citizens of Sutersville, Pa., protesting against any change in present tariff on hides and leather used in manufacture of shoes; to the Committee on Ways and Means.

8690. Also, petition of citizens of Sutersville, Pa., protesting against any change in present tariff on hides and leather used in manufacture of shoes; to the Committee on Ways and Means.

8691. Also, petition of Phil A. Taylor, Jeannette, Pa., protesting against any change in present tariff on hides and leather used in manufacture of shoes; to the Committee on Ways and Means.

SENATE

THURSDAY, *February 7, 1929*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O Lord our God, who keepest covenant and showest mercy unto Thy servants who walk before Thee with all their hearts, how often have we heard Thy voice in youth and in age, in sickness and in health, in joy and in sorrow, at morning and at eventide, and hearing, failed to answer. Do Thou, therefore, come to us in the life which now entangles, meet us in the daily paths our busy feet must tread, and make a highway through the avenues of sense, clothing our mortal flesh with radiance and power.

Help us to yield ourselves so utterly to Thee before the world with its enthralling cares that we may abhor all lesser standards of the right which threaten to enslave and drive us from the high demands of public service to seek some quiet cloister of the soul. Redeem our failures, pardon our transgressions, make every circumstance a throne, and crown us with Thy never-ending peace. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Monday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 5146. An act to reserve certain lands on the public domain in Santa Fe County, N. Mex., for the use and benefit of the Indians of the San Ildefonso Pueblo;

S. 5147. An act to reserve 920 acres on the public domain for the use and benefit of the Kanosh Band of Indians residing in the vicinity of Kanosh, Utah; and

S. 5180. An act to authorize the payment of interest on certain funds held in trust by the United States for Indian tribes.

The message also announced that the House had passed the bill (S. 2360) to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,'" with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 16527. An act to authorize the Secretary of the Interior to purchase land for the Alabama and Coushatta Indians of Texas, subject to certain mineral and timber interests;

H. R. 16568. An act to repeal that portion of the act of August 24, 1912, imposing a limit on agency salaries of the Indian Service;

H. R. 15723. An act authorizing an appropriation of Crow tribal funds for payment of council and delegate expenses, and for other purposes; and

H. R. 16655. An act to authorize the survey of certain land claimed by the Zuni Pueblo Indians, New Mexico, and the issuance of patent therefor.

COUNT OF THE ELECTORAL VOTE

The VICE PRESIDENT. Pursuant to Senate Concurrent Resolution 28, the Chair appoints the Senator from California, Mr. SHORTRIDGE, and the Senator from Utah, Mr. KING, as tellers on the part of the Senate to ascertain and count the electoral votes for President and Vice President at the joint session of the two Houses to be held on the 13th instant.

LANDS AND FUNDS OF THE OSAGE INDIANS

Mr. THOMAS of Oklahoma. Mr. President, there has just come from the House the bill (S. 2360) to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906," entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma and for other purposes." About a year ago the Senate sent to the House the bill which at that time contained one section. The bill as returned to us now contains 10 pages. Because the matter is entirely new and somewhat intricate I ask unanimous consent that the bill with the House amendments be referred to the Committee on Indian Affairs for consideration.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Indian Affairs:

H. R. 16527. An act to authorize the Secretary of the Interior to purchase land for the Alabama and Coushatta Indians of Texas, subject to certain mineral and timber interests;

H. R. 16568. An act to repeal that portion of the act of August 24, 1912, imposing a limit on agency salaries of the Indian Service;

H. R. 15723. An act authorizing an appropriation of Crow tribal funds for payment of council and delegate expenses, and for other purposes; and

H. R. 16655. An act to authorize the survey of certain land claimed by the Zuni Pueblo Indians, New Mexico, and the issuance of patent therefor.

PETITIONS AND MEMORIALS

Mr. BLAINE. Mr. President, I send to the clerk's desk a petition of 114 American merchant marine officers. I ask that the body of the petition, without the names, may be read and that the petition be referred to the Committee on Commerce.

There being no objection, the petition was read and referred to the Committee on Commerce, as follows:

Petition and memorial to the United States Senate by citizens of the United States for the protection of life and property at sea, the upbuilding of an American merchant marine without discrimination against age, and employment and restraint of trade and hindrance of commerce.

To the United States Senate, Seventieth Congress, second session, Washington, D. C.:

Whereas it is necessary for the welfare of our country and of our American people that the American people must have adequate merchant marine; and

Whereas it is necessary and certain that our merchant marine be protected, first, from foreign competition; second, from abuse by American citizens; third, from restraint of trade and monopoly of commerce; and, fourth, from discrimination of employment against certain merchant marine deck officers; and

Whereas it is necessary for the protection of life and property at sea that American merchant vessels be properly, adequately, and efficiently operated and especially navigated by competent, efficient, and high-class merchant marine officers; and

Whereas certain shipowners are receiving from the United States Government very profitable mail contracts and/or other subsidies for the purpose of upbuilding and maintaining an adequate merchant marine with competent and efficient personnel on board of each vessel; and

Whereas recently there has been a disaster of the steamship *Vestris*, although not an American vessel but a vessel sailing between ports of the United States and ports of South America, carrying passengers and freight between the aforesaid ports, and carrying especially American citizens as passengers and cargo; and

Whereas investigation has shown that the steamship *Vestris* was not properly navigated and was not seaworthy at the time of her departure from the United States, and the navigation laws on the said vessel were to a certain extent compulsory but not enforced and many lives were lost through the aforesaid cause and/or default; and

Whereas it has come to the attention of petitioners that to a certain extent the United States navigaion laws are not enforced, lived up to, and/or carried out on American merchant vessels, thereby endangering lives and property at sea; and

Whereas certain powers are using insidious influence of which we have documentary evidence to nullify the laws made and promulgated for the protection of life and property at sea; and

Whereas certain merchant marine officers are forced by this insidious propaganda to go contrary to the law and contrary to good judgment, and that by such insidious propaganda, force, and intimidation the American merchant vessel is about to become a menace to navigation; and

Whereas the American merchant marine officers believe in enforcing the navigation laws, rules, and regulations as laid down by the United States Steamboat Inspection Service, but that such laws are to a certain extent not carried out and/or otherwise are inadequate; and

Whereas the American people are demanding safety of life and property at sea, which according to information we have received from citizens of standing in the community does not exist; and also demanding an adequate merchant marine free from the influence, intimidation, coercion, or fear of any private power or control:

Resolved, That the United States Senate cause a fair and impartial investigation of the affairs of the merchant marine as heretofore alleged, and for that the United States Senate will cause an investigation especially designating the Pacific coast in general, and the port of San Francisco in particular, into the matters as heretofore alleged in this resolution.

Respectfully submitted.

Your petitioners,

C. R. S. BRYANT,
Licensed Mariner
(And 113 other merchant marine officers).

Done this 16th day of January, 1929.

Mr. SHIPSTEAD presented the following resolutions of the Legislature of the State of Minnesota, which were referred to the Committee on Agriculture and Forestry:

A concurrent resolution memorializing the President of the United States, the President elect, and the Congress of the United States that it is the sense of the members of the Minnesota Legislature that national legislation should not be enacted curtailing State rights with respect to transportation and with respect to the grain-growing industry

Whereas the tendency toward Government encroachment upon the sovereign rights of the States has been steadily increasing during the past few years to such an alarming extent that State lines and boundaries are rapidly disappearing; and

Whereas the fundamental principle advanced by the framers of our Federal Constitution designed to preserve State rights appears to have been totally submerged in the scheme of bureaucratic despotism now in control of national affairs; and

Whereas the State of Minnesota has been and is being seriously injured by these encroachments, and its citizens damaged and their business enterprises seriously impaired; and

Whereas there is now pending before the Congress several bills which have for their aim a curtailment of State rights with respect of transportation and with respect to the grain-growing industry: Now, therefore, be it

Resolved by the Senate of the State of Minnesota (the House concurring), That the State of Minnesota does strenuously object to any legislation which has for its purpose the curtailment or destruction of State rights; and be it further

Resolved, That the secretary of state of the State of Minnesota be instructed to send a copy of this resolution to the President of the United States, the President elect, to each Member of Congress from Minnesota, and to those Members elected whose term of office begins after the close of the present short session.

JOHN A. JOHNSON,
Speaker of the House of Representatives.
W. I. NOLAN,
President of the Senate.

Passed the house of representatives the 15th day of January, 1929.

JOHN I. LEVIN,
Chief Clerk of the House of Representatives.

Passed the senate the 16th day of January, 1929.

G. H. SPAETH,
Secretary of the Senate.

Approved, January 22, 1929.

THEODORE CHRISTIANSON,
Governor of the State of Minnesota.

Filed January 22, 1929.

MIKE HOLM, *Secretary of State.*

Mr. BURTON presented a petition of sundry citizens of Jamestown, Ohio, praying that action be deferred on the enactment of the cruiser construction bill, which was ordered to lie on the table.

CLAIMS ARISING FROM BURNING OF COLUMBIA, S. C.

Mr. BLEASE. Mr. President, I present a statement relative to the burning of Columbia, S. C., which I ask may be printed in the RECORD and referred to the Committee on Claims, in connection with the bill (S. 3305) for the relief of the Washington Street Methodist Episcopal Church South, of Columbia, S. C., and S. 3863, for the relief of the Ladies Ursuline Community of Columbia, at Columbia, S. C.

There being no objection, the statement was referred to the Committee on Claims and ordered to be printed in the RECORD, as follows:

THE BURNING OF COLUMBIA

Howard's Report, Official Records, series 1, volume 47, page 199.

Logan's Report, page 227.

Cox's (March to the Sea), page 174.

Slocum's (Sherman's March from Savannah to Bentonville).

The Battles and Leaders of the Civil War, 4, page 686.

Rhodes's Who Burned Columbia, in American History Review, 7, page 485.

"In June, 1863, when General Lee advanced on a war of invasion, he issued an order, a portion of which is as follows:

"'No greater disgrace can befall the army, and through it our whole people, than the perpetration of barbarous outrages upon the innocent and defenseless. Such proceedings not only disgrace the perpetrators and all connected with them, but are subversive of the discipline and efficiency of the army and destructive of the ends of our movement. It must be remembered that we make war only on armed men.'

"How different does this read from the order issued by General Halleck, Chief of Staff and military adviser to President Lincoln, which said to Sherman:

"'Should you capture Charleston, I hope that by some accident the place may be destroyed; and if a little salt should be sown upon its site, it may prevent the growth of future crops of nullification and secession.'

"And Sherman's reply, in his dispatch of December 24, 1864:

"'I will bear in mind your hint as to Charleston, and don't think salt will be necessary. When I move, the Fifteenth Corps will be on the right of the right wing, and their position will bring them, naturally, into Charleston first; and if you have watched the history of that corps, you will have remarked that they generally do their work up pretty well. The truth is, the whole Army is burning with an insatiable desire to wreak vengeance upon South Carolina.'"

In Ohio in the War, by the Hon. Whitelaw Reid, he says:

"It was the most monstrous barbarity of this barbarous march. Before his movement began General Sherman begged permission to turn his army loose in South Carolina and devastate it. He used this permission to the full. He protested that he did not wage war upon women and children. But under the operation of his orders the last morsel of food was taken from hundreds of destitute families that his soldiers might feast in needless and riotous abundance. Before his eyes rose, day after day, the mournful clouds of smoke on every side that told of old people and their grandchildren driven in midwinter from the only roofs there were to shelter them by the flames which the wantonness of his soldiers had kindled. Yet if a single soldier was punished for a single outrage or theft during that entire movement we have found no mention of it in all the voluminous records on the march."

President Roosevelt in his Life of Thomas H. Benton says:

"The world has never seen better soldiers than those who followed Lee, and their leader will undoubtedly rank as, without any exception, the very greatest of all the great captains that the English-speaking people have brought forth; and this although the last and chief of his antagonists may himself claim to stand as the full equal of Marlborough and Wellington."

The South in the Building of the Nation, volume 2, History of States, page 85, says:

"General Sherman immediately entered the defenseless capital. That General Sherman burned Columbia, though long denied by that officer and by northern historians, is now fully established. Federal courts have judicially admitted that the city was destroyed by Union troops, and there were many trustworthy eyewitnesses to that wanton act. It may be sufficient to quote but one. The Rev. A. Toomer Porter, in a sermon in 1891, said that he was in Columbia at the time, and adds: 'General Sherman's troops burnt the town; I saw that done by them.' The fact is frequently overlooked that Sherman finally confessed that he burned the city. In his memoirs he says: 'The army, having totally ruined Columbia, moved on toward Winnsboro.'"

Chapman's Annals of Newberry quotes a letter from Hugh O'Neall, of Bellevue, Nebr., dated December 7, 1890, in which he says:

"One thing that I witnessed I always condemned, and always shall—that was the burning of Columbia. That town was surrendered to the brigade I belonged to. We marched into town about 11 o'clock, February 17, 1865, and my regiment stacked arms in the market house, and by 4 or 5 o'clock, it seems to me, there were not 20 sober men in the brigade. The drug stores were broken open and whisky carried out by the bucketful, * * * and I consider the burning the work of a drunken mob. * * * I know I was sober, for I never drank of intoxicating liquor in my life, and think that I saw things as they were as near as any man that was there. Although history is silent on a great many points, they are as fresh in my mind as when I witnessed them. As I stood there that night and witnessed these things I could but think if God was a just God these things would surely come home to the parties that upheld these things. It may not come in my lifetime, but I surely think it will come. I think it will come in the shape of labor against capital, and will not be confined to any particular section, but the East will suffer the worst."

See article by William Gilmore Simms, Esq., in Julian A. Selby's Memorabilia.

See pages 1346 to 1348, CONGRESSIONAL RECORD, January 8, 1929.

See message from the Governor of South Carolina, house journal, South Carolina, page 1070, in the year 1912.

EXECUTIVE REPORTS

Mr. BORAH. As in executive session, I submit some reports for the Executive Calendar.

The VICE PRESIDENT. The reports will be received and placed on the Executive Calendar.

REPORTS OF COMMITTEES

Mr. BORAH, from the Committee on Foreign Relations, to which were referred the following bill and joint resolution, reported them each without amendment and submitted reports thereon:

A bill (S. 5361) for the relief of Bertha Hanson (Rept. No. 1657); and

Joint resolution (H. J. Res. 153) for the contribution of the United States in the plans of the organization of the International Society for the Exploration of the Arctic Regions by Means of Airship (Rept. No. 1658).

Mr. COUZENS, from the Committee on Education and Labor, to which was referred the bill (H. R. 13251) to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes, reported it with amendments and submitted a report (No. 1663) thereon.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 4800) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, reported it without amendment and submitted a report (No. 1661) thereon.

CONTROL OF PRINT-PAPER SUPPLY

Mr. McNARY. From the Committee on Agriculture and Forestry, I report back favorably with amendments the resolution (S. Res. 292) to investigate the activities of groups of foreign citizens controlling the supply of white paper in the United States, and I submit a report (No. 1660) thereon. The resolution was submitted by the Senator from Minnesota [Mr. SCHALL], and, inasmuch as it involves an expenditure out of the contingent fund of the Senate, I ask that it be printed as proposed to be amended and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. Without objection, the resolution will be so printed and referred.

INVESTIGATION OF SALT CREEK OIL LEASES

Mr. WALSH of Montana. Mr. President, from the Committee on Public Lands and Surveys I submit a minority report (No. 1662) and ask that the introductory part, explanatory of the report, be read from the desk.

Mr. CURTIS. Mr. President, would the Senator mind delaying action on that until the Senator from North Dakota [Mr. NYE] can be here? He sent me a note this morning stating that he is sick and will not be able to be here to-day.

Mr. WALSH of Montana. I do not contemplate taking action on the matter. I am merely submitting the report and it can go over under the rule.

Mr. CURTIS. Very well.

Mr. WALSH of Montana. I ask that the introductory part be read from the desk, so the nature of the report may be understood.

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read as follows:

Seventieth Congress, second session

IN THE SENATE OF THE UNITED STATES.

SINCLAIR ROYALTY OIL CONTRACT, SALT CREEK OIL FIELD, WYOMING

The following minority members of the Committee on Public Lands and Surveys, to wit, KEY PITTMAN, JOHN B. KENDRICK, THOMAS J.

WALSH, C. C. DILL, HENRY F. ASHURST, ROBERT F. WAGNER, and SAM G. BRATTON, submit the following report of the investigation conducted by that committee, pursuant to S. Res. 202, into the renewal of the contract executed in the year 1922 by Albert B. Fall, Secretary of the Interior, to the Sinclair Crude Oil Purchasing Co., for the sale of the royalty oil accruing to the United States from the leases of lands within the Salt Creek district in the State of Wyoming, and into the cancellation of such renewal.

Mr. WALSH of Montana. Mr. President, out of order I submit a resolution (S. Res. 320) on the same subject, which I ask may be read.

The VICE PRESIDENT. The clerk will read the resolution.

The Chief Clerk read as follows:

Resolved, That the Senate approves and adopts the minority report herewith, from the Committee on Public Lands and Surveys, of the investigation into the renewal of the contract executed in the year 1922 by Albert B. Fall, Secretary of the Interior, and the Sinclair Crude Oil Purchasing Co., for the sale of the royalty oil accruing to the United States from the leases of lands within the Salt Creek district in the State of Wyoming, and into the cancellation of such renewal.

Mr. WARREN. Mr. President, may I ask the Senator if the majority report has yet been made?

Mr. WALSH of Montana. I do not know. Under the rule the matter will go over until to-morrow, when I shall ask under the rule that it be taken up. If the Senator from North Dakota [Mr. NYE] should not be present, of course I shall ask that it go over without prejudice.

Mr. CURTIS. The Senator from North Dakota requested that that might be done.

The VICE PRESIDENT. The resolution will go over under the rule.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bills:

S. 4036. An act to authorize the Secretary of War to transfer the control of certain land in Oregon to the Secretary of the Interior;

S. 4739. An act authorizing the Secretary of the Treasury to sell certain Government-owned land at Manchester, N. H.;

S. 4787. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the city of Savanna, Ill., and the city of Sabula, Iowa;

S. 4957. An act granting the consent of Congress to the Danville & Western Railway Co. to reconstruct, maintain, and operate the existing railroad bridge across the Dan River in Pittsylvania County, Va.; and

S. 5110. An act validating certain applications for and entries of public lands, and for other purposes.

DIVERSION OF COMMERCE FROM AMERICAN PORTS

Mr. WALSH of Massachusetts. Mr. President, there was recently submitted to the Senate by the President of the United States a report prepared by several departments of the Government in response to Senate Resolution 220, presented by me and adopted by the Senate May 7, 1928. A separate report of a more exhaustive and informative character was presented by the United States Shipping Board. These reports were ordered to be printed as a Senate document.

Within a few days an independent report has been furnished dealing with the same questions by the Association of Railway Executives upon Transportation Charges in the United States and Canada. This report was prepared by this association for the purpose of collecting first-hand information with reference to the entire questions presented in Senate Resolution 220 (Senator WALSH of Massachusetts), Senate Resolution 250 (Senator WHEELER), Senate Resolution 67 (Senator CAPPER), and Senate Resolution 208 (Senator WALSH of Montana).

The report, in my opinion, discusses more in detail and presents more directly the questions raised by my resolution 220 and the other resolutions than the reports submitted by the heads of departments who made reply to Senate Resolution 220.

It is a very excellent résumé of all the transportation questions which have arisen as a result of the allegations that American commerce is being increasingly diverted from American ports.

I ask that this report be printed, with the illustrations, as a supplemental report to Senate Document No. 212.

The VICE PRESIDENT. Without objection, it is so ordered.

SALE OF COTTON AND GRAIN IN FUTURE MARKETS

Mr. CARAWAY. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial appearing in the Washington Post of this morning dealing with the unfinished business.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

[From the Washington Post, February 7, 1929]

GAMBLING IN FUTURES

Senator CARAWAY'S bill to prevent the fictitious sale of cotton and grain in future markets has been given approval by the Senate Committee on Agriculture and Forestry. The bill makes it unlawful for a person to send any message offering "to enter into a contract for the purchase or sale, for future delivery, of cotton or grain without intending that such cotton or grain shall be actually delivered or received." Transmission of such messages would be considered interference with interstate commerce and would be punishable by fines ranging from $1,000 to $10,000 or imprisonment. A person sending a message dealing with such contracts for future delivery would be required to file an affidavit with the telegraph or telephone company, stating that he is the owner of the grain or cotton in question and that he intends to make actual deliveries. Both the person sending prohibited messages and companies transmitting them would be liable to prosecution, and printed matter tending to promote dealing in futures would be nonmailable.

Senator CARAWAY'S measure does not attempt to prohibit a farmer from selling crops which he expects to mature later on in the season, and thus would not prevent grain or cotton mills from providing for future supplies of raw materials. Any farmer could sell his crop for delivery at maturity, and this contract could be resold. But it would be unlawful for a person to sell grain or cotton which he did not possess and had no prospects of possessing, and which he did not intend to deliver. In short, it is aimed at the speculators who grow rich by gambling in more or less mythical contracts affecting farm products.

The Government has undertaken regulation of dealings in cotton and grain futures and it has failed. Both the markets can be manipulated under the present regulatory acts, with the result that consumers pay high prices and the farmers receive inadequate returns for their products. The country will welcome any practical scheme which will allow restoration of an honest, free, and open market on these agricultural products, subject to the laws of supply and demand. The measure is of foremost importance to producer and consumer alike and should be passed by Congress along with the other measures contemplated for agricultural relief.

OKLAHOMA AND TEXAS BOUNDARY LINE

Mr. STEPHENS. From the Committee on the Judiciary I report back favorably without amendment the joint resolution (S. J. Res. 196) authorizing and requesting the President of the United States to take steps in an effort to protect citizens of the United States in their equitable titles to land embraced in territory to be transferred from the State of Oklahoma to the State of Texas and from the State of Texas to the State of Oklahoma as per decree of the Supreme Court of the United States in the case of Oklahoma against Texas (1926, 272 U. S. 21, p. 38) and to give the consent of Congress to said States to enter into a compact with each other and with the United States relating to such subject matter.

Mr. THOMAS of Oklahoma. Mr. President, the joint resolution just reported by the Senator from Mississippi is one of very great emergency. If I can have permission to make a statement of a minute or so, I will ask for the consideration of the joint resolution after I shall have made the statement. It will not lead to discussion.

The VICE PRESIDENT. Is there objection?

Mr. COUZENS. Mr. President, what is the order of business under which the Senate is now proceeding?

The VICE PRESIDENT. Reports of committees are in order, and the Senator from Mississippi has submitted a report from a committee.

Mr. THOMAS of Oklahoma. I only desire a minute or so, Mr. President.

Mr. COUZENS. I ask for the regular order.

The VICE PRESIDENT. This is the regular order. It is the report of a committee.

Mr. COUZENS. As I understand, the Senator desires unanimous consent to have the joint resolution considered.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oklahoma?

Mr. COUZENS. I object.

The VICE PRESIDENT. Objection is made.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROBINSON of Indiana:

A bill (S. 5725) granting a pension to Saphronia Reed; and

A bill (S. 5726) granting an increase of pension to Amelia Veronica Briscoe; to the Committee on Pensions.

By Mr. GOFF:
A bill (S. 5727) to provide for the acquisition of a site and erection thereon of a public building at St. Marys, W. Va.; to the Committee on Public Buildings and Grounds.
By Mr. SHIPSTEAD:
A bill (S. 5728) granting a pension to Katherine May Smith (with accompanying papers); to the Committee on Pensions.
By Mr. JOHNSON:
A bill (S. 5730) amending act of March 4, 1915, providing relief for desert-land entrymen; and
A bill (S. 5731) granting additional relief for desert-land entrymen in Riverside County, Calif.; to the Committee on Public Lands and Surveys.
By Mr. HALE:
A bill (S. 5732) granting an increase of pension to Rose B. Emery (with accompanying papers); to the Committee on Pensions.
By Mr. DALE:
A bill (S. 5733) granting an increase of pension to Alma Arthur; to the Committee on Pensions.
By Mr. SWANSON:
A bill (S. 5734) providing for retired pay for certain members of the former Life Saving Service, equivalent to retired pay granted to members of the Coast Guard; to the Committee on Commerce.
By Mr. GOFF:
A bill (S. 5735) granting the consent of Congress to the city of Wheeling, W. Va., to construct, maintain, and operate a free highway bridge across the east channel of the Ohio River; to the Committee on Commerce.
By Mr. OVERMAN:
A bill (S. 5736) granting a pension to Wallace Cayton; to the Committee on Pensions.
By Mr. ODDIE:
A bill (S. 5737) for the relief of Capt. Walter R. Gherardi, United States Navy; to the Committee on Naval Affairs.
By Mr. FESS:
A joint resolution (S. J. Res. 212) to send delegates and an exhibit to the Fourth World's Poultry Congress to be held in England in 1930; to the Committee on Foreign Relations.
By Mr. KEYES:
A joint resolution (S. J. Res. 213) to provide for extending the time in which the United States Supreme Court Building Commission shall report to Congress; to the Committee on Public Buildings and Grounds.
By Mr. McMASTER:
A joint resolution (S. J. Res. 214) authorizing the establishment of an agricultural products experiment station in the State of South Dakota; to the Committee on Agriculture and Forestry.

THE AMERICAN FLAG

Mr. HEFLIN. I introduce a bill which I ask may be read at length.

The bill (S. 5729) to prohibit the flying of any flag or pennant on the same staff or hoist above the flag of the United States of America, was read the first time by its title, the second time at length, and referred to the Committee on Naval Affairs, as follows:

Be it enacted, etc., That hereafter it shall be unlawful to fly any flag or pennant on the same staff or hoist above the flag of the United States of America, or colors representing the same, on any battleship, cruiser, or other vessel in the naval service of the United States. It shall be the duty of the Secretary of the Navy to see that this provision is observed, and he is hereby directed to notify the commanding officers of all vessels under his jurisdiction of the provisions of this act.

CONSTRUCTION AT MILITARY POSTS

Mr. HASTINGS submitted an amendment intended to be proposed by him to the bill (H. R. 13825) to authorize appropriations for construction at military posts, and for other purposes, which was ordered to lie on the table and to be printed.

VOTES IN EXECUTIVE SESSION—AMENDMENT OF THE RULES

Mr. HASTINGS submitted an amendment in the nature of a substitute intended to be proposed by him to the resolution (S. Res. 309) to amend Rule XXXVIII, so as to provide for the consideration in open executive session of certain nominations, which was ordered to lie on the table and to be printed.

EXERCISES COMMEMORATIVE OF CARL SCHURZ

Mr. WAGNER submitted the following resolution (S. Res. 321), which was referred to the Committee on the Library:

Whereas March 2, 1929, is the one hundredth anniversary of the birth of Carl Schurz; and

Whereas after serving his native land by attempting to secure for his fellow citizens the blessings of democracy, he came to the United States and contributed mightily to the greatness of this Republic, as editor, lawyer, reformer, soldier, diplomat, and statesman; and

Whereas he was a distinguished Member of this body: Therefore be it

Resolved, That on Saturday, March 2, 1929, the first hour immediately following the reading of the Journal be set aside for commemorative exercises and addresses on the life, character, and public services of Carl Schurz.

SETTLEMENT OF CLAIMS AGAINST THE DISTRICT OF COLUMBIA

Mr. CAPPER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3581) entitled "An act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: In lieu of the language inserted by the House insert the following:

"SEC. 2. The Commissioners of the District of Columbia are hereby authorized and empowered to grant relief in claims for refund of taxes paid, or for cancellation of assessments heretofore made and subsequent to September 1, 1916, in such cases where like assessments, or assessments against property of similar character, have been held to be void or erroneous by decision of the Supreme Court of the District of Columbia, the Court of Appeals of the District of Columbia, or the Supreme Court of the United States: *Provided*, That any claims for refunds of taxes heretofore paid or for cancellations of assessments heretofore made shall be filed within one year from the approval of this act.

"Nothing contained in this act shall be construed as reducing the period of the statute of limitations."

And the House agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same.

ARTHUR CAPPER,
JOHN J. BLAINE,
WILLIAM H. KING,
Managers on the part of the Senate.
FREDK. N. ZIHLMAN,
CHARLES L. UNDERHILL,
RALPH GILBERT,
Managers on the part of the House.

The report was agreed to.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On February 5, 1929:

S. 1731. An act to provide for the further development of vocational education in the several States and Territories; and

S. J. Res. 171. Joint resolution granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid-transit railway.

On February 6, 1929:

S. 5578. An act recognizing the heroic conduct, devotion to duty, and skill on the part of the officers and crew of the U. S. S. *America*, and for other purposes.

THE DECENNIAL CENSUS

Mr. BRUCE. Mr. President, if there is no objection, I would like to have inserted in the RECORD an editorial from the New York Times and another editorial from the Baltimore Sun urging the adoption of the amendment which I have offered from the Census Bureau providing for the selection of supervisors and special agents, interpreters, and enumerators, in connection with the coming work of the Census, by agencies created by the United States Civil Service Commission rather than by politicians, of whom I happen to be one.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, February 6, 1929]

THE COMING CENSUS

Legislation providing for the next decennial census is now before the Senate. As the census itself is to be taken either next November or in the following May, there is no time to lose in getting the necessary machinery set up. Of course, the Federal Government has the advantage

of a permanent Census Bureau in the Department of Commerce, which will supervise the work. It has established standards of accuracy and thoroughness in refreshing contrast with some of the State undertakings, notably the recent Knapp fiasco in New York. Naturally, the field force of the bureau has to be vastly expanded to take the country-wide enumeration of the population. Under the bill now before the Senate, all these temporary appointees, including supervisors, may be appointed by the Director of the Census without reference to the requirements of the civil service laws.

To this exemption the National Civil Service Reform League vigorously objects. It argues that the result will be to open the lists to patronage and to have the census to that extent exposed to the wastes and inaccuracies of politics. The league cites a number of instances, notably in Maryland in 1900, where local scandals resulted from political manipulation of the returns. It favors an amendment, introduced by Senator BRUCE, which would make these appointments subject to the civil service law. Senator REED of Pennsylvania has taken the ground that it would be impractical to recruit census enumerators through competitive examinations, because of the temporary character of the positions. The Federal Civil Service Commission, however, feels that its rules are sufficiently flexible to admit of being applied, even to the field force.

During the last census the bureau worked in close cooperation with the Civil Service Commission, and would undoubtedly do so this time. The Knapp case has so discredited census taking under political auspices that it would be well to throw every possible safeguard around the next Federal enumeration in order not only to insure an accurate count but public confidence in the result. A specific exemption from the rules of competitive examination in the bill itself is, as the league points out, unnecessary. The civil service act specifically provides for such emergencies. Not only is the commission given wide discretion but the President is authorized to provide, by Executive order, for such exemptions as he deems appropriate.

[From the Baltimore Sun February 6, 1929]

PASS THE AMENDMENT

If Senator BRUCE forces acceptance of his amendment to the census bill—compelling selection of the 100,000 additional employees required for the work by the merit system—he will have performed one of the most useful services of his career in the Senate. There was never a time when there was greater need of an accurate and honestly conducted census and it would be foolish to count on that kind of result from a census taken by political appointees.

The decennial census for which preparation is now being made will serve as a basis for reapportionment of Congress, which has been delayed since 1910 because of jealousy among the States over losses and gains in representation. It is manifestly important, then, that the coming enumeration be so carried out that there will be no basis for suspicion of unfairness or of intentional irregularities. A census taken by the party in power with its own agents, chosen by State and local bosses, will be suspected before it begins. We have but to hark back to occasions when such a course was pursued to understand the certainty of evil consequences. Maryland itself can testify to them.

In 1890 the enumeration was made by employees selected chiefly by Republican Members of Congress. In New York City there was plain evidence of fraud in order to keep down Democratic representation. Closer home in 1900 a scandal developed in this State over a politically biased census. In one county, St. Marys, there was padding to increase representation in the house of delegates. The work has been referred to "as unbelievably crude," and the Federal grand jury said, "So long as such appointments are treated as part of the spoils of politics the recurrence of such frauds and scandals as have been revealed by our investigation may be expected."

The National Civil Service Commission declares that there is no reason why the personnel of the Census Bureau can not be selected under civil service rules. The practicability of the plan was demonstrated in 1910 and the same plan should be now adopted so as to assure a reliable enumeration.

MULTILATERAL PEACE TREATY

Mr. BORAH. Mr. President, I ask unanimous consent to have inserted in the RECORD a very brief article printed in the London Times and signed by a member of the English bar, relating to the Kellogg peace pact.

The VICE PRESIDENT. Without objection, it is so ordered. The article is as follows:

[From the London Times, January 17, 1929]

THE KELLOGG PACT—PLACE IN INTERNATIONAL LAW

TO THE EDITOR OF THE TIMES:

SIR: Now that the Kellogg pact has been ratified by the Senate of the United States, it seems opportune to sum up a few points of fundamental importance. In the first place, the treaty, by making recourse to war as an instrument of national policy unlawful, constitutes a landmark in international law. Hitherto war has always been, as a matter of law, a perfectly legitimate means of furthering national interests, seeking redress for injuries, or obtaining satisfaction for insults. By putting war outside the pale for these purposes the pact marks an advance of vital significance. Secondly, the treaty contains a provision on which insufficient emphasis appears to have been laid, namely, article 2, which states that the "high contracting parties agree that the settlement or solution of all disputes or conflicts, of whatever nature or of whatever origin they may be, which may arise among them shall never be sought except by pacific means."

This amounts to an absolutely unqualified undertaking, the practical effect of which is in itself to preclude the parties from ever engaging in war with one another, inasmuch as wars have always been occasioned or preceded by a dispute or conflict of one kind or another. Every international engagement, of course, depends for its effectiveness upon the good faith of the parties in observing it. If this is lacking, there are no means, whether by sanctions or otherwise, that can guarantee its execution, since they also depend upon the willingness of the parties to honor their bond. But, given good faith, articles 1 and 2 of the pact together render war between the parties impossible in all circumstances.

Finally, it should be understood that there have so far been no reservations by the signatories. The diplomatic correspondence does not contain reservations properly so called, but merely statements of the meaning which the governments concerned attach to the language of the treaty, and it is fair to say that the interpretations contained in the correspondence do not go beyond the natural sense implicit in the text itself. With regard to the most important of the questions raised, it is obvious that the right of self-defense must necessarily be preserved; but here again, if all the parties carry out their obligations under the treaty in good faith, the occasion for the exercise of this right can never arise.

I am, sir, your obedient servant,

ALEXANDER P. FACHIRI,
1, King's Bench-walk Temple, E. C., January 16.

RELIEF FOR THE COTTON-GROWING INDUSTRY

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the RECORD an article issued on Federal farm relief for the cotton-growing industry by the American Cotton Association.

The VICE PRESIDENT. Without objection, it is so ordered. The article is as follows:

FEDERAL FARM RELIEF FOR THE COTTON-GROWING INDUSTRY

By American Cotton Association, Harvie Jordan, managing director

GREENVILLE, S. C., *February 7, 1929.*

Economic reforms in more efficient methods of production, handling, and marketing spot cotton in the cotton-growing States are vitally essential for the future rehabilitation of the industry. Since 1920 great financial depression has prevailed among the 2,700,000 adult cotton growers, whose average gross income per family has not exceeded $600 per annum. Thousands of cotton farms and plantations have been totally abandoned, and hundreds of thousands of farmers, farm laborers, and tenants have migrated into other lines of industry to secure a living wage and comfortable livelihood. Productive farm lands in many sections of the cotton States have become a liability to their owners, while thousands of mortgaged farms have been, and are being, absorbed by large land-loan companies and the Federal farm land banks.

Relief from this unbearable situation is imperative if the industry is to be sustained and rural life made attractive and prosperous. The production and exports of American cotton for the past 40 years has been the leading factor in maintaining the annual balances of trade in favor of the United States in its international commerce. The capital and labor employed in the production of raw cotton, the manufacture and distribution of cotton fabrics, exceeds that of any other industry of the Nation. The product is not only a national but a world-wide necessity to human civilization, and its monopolistic control by this country should procure for the producers a highly prosperous and profitable industry. Proper relief from the existing intolerable conditions of the cotton growers should be of the deepest concern to the Federal Government and the entire business interests of the Nation. No other country in the world possesses a similar monopolistic control of a staple world necessity.

ECONOMIZING PRODUCTION

Modern agriculture in the cotton-growing industry must take its place in modern efficiency. The planting of an excessive acreage per plow, minimum fertilization, inefficient culture, and low yields per acre at high level of cost for production have ceased to be profitable. The intensive culture of cotton, raising abundant food and feed crops with systematic crop rotation to rebuild the soils, and the use of labor-saving farm machinery are reforms in crop operations which are vital to success. This is a type of reform largely individualistic and can only be solved successfully by ocular field demonstration work along lines of sound practice which will appeal to the growers and receive their cooperation and support. This association has successfully trained and secured splendid profitable results with thousands of cotton growers who have adopted the plan for intensive culture in the past six years.

FEDERAL FARM RELIEF

No government can legislate prosperity into any people or industry unless the beneficiaries of such legislation take full advantage of the opportunities presented. Sound and practical measures for farm relief have been pledged to American agriculture by President Hoover and the Republican Party which will be in control of the Seventy-first Congress, and those pledges we believe will be faithfully enacted into satisfactory Federal legislation. The legislation proposed is largely intended to stabilize the prices of staple farm products, control the temporary surpluses of such crops before they leave the hands of the producers; encourage the organization and effective operation of cooperative marketing associations and stabilization corporations; provide ample financial loans on surpluses held to prevent glutted markets and by adequate protective duties levied against imports of competitive agricultural products place agriculture on a basis of equality with business industry in the United States. Agriculture as the fundamental basic industry of the Nation should be protected and fostered by the Federal Government to the fullest extent of its powers under the American Constitution. To the proposed farm-relief measures we subscribe our unqualified indorsement.

RELIEF FOR THE COTTON-GROWING INDUSTRY

As a representative association of the American cotton-growing industry for the past nine years, we present herewith the following relief planks as essential and imperative for congressional consideration and approval:

Plank No. 1: The creation of a Federal farm board, whose members shall be representative farmers with powers of supervision granted, and drawn from the various agricultural sections of the Nation, to be appointed by the President and confirmed by the Senate.

Plank No. 2: That support and encouragement to the fullest extent be provided for the rapid organization and expansion of cooperative marketing and stabilization corporations throughout the Cotton Belt States for county, district, or state-wide organizations, to be chartered and vested with powers to fully represent their membership in all business dealings and operations granted by the Federal farm board.

Plank No. 3: That a revolving fund of not less than $100,000,000 be created and made available from the Treasury of the United States as needed for loans to cotton growers for retiring the estimated temporary surplus of cotton from the market each year of such surplus, the cotton year in which such surplus is harvested. The loans on such cotton retired to be made through cooperative marketing associations and stabilizing corporations under the supervision of the Federal farm board. Cotton bales purchased from growers to be retired as a part of such temporary surplus shall be held in the names of the grower members of the cooperative marketing associations and stabilization corporations until such cotton is sold to spinners when needed, and the profits after original purchase price, interest, and other legal charges are paid, the balance to be paid to the original producing members.

If the temporary cotton surplus is removed from the market each year until needed by the mills it is felt that the 75 or 85 per cent of the market value of such cotton in loans will be equal to the full market value of the entire bale if dumped into the markets and sold under the depressing price influence of a surplus. Every bale of such surplus cotton retired and deposited into local or concentrating warehouses, where the same is bonded and insured, should be done under a trust agreement signed by the owner or owners that such cotton will not be released for sale under 12 to 15 months, or such time as the staple is actually required in the channels of commerce for spinners' consumption. This would automatically fix the market price of spot cotton by the legitimate laws of supply and consumption which the cotton-growing industry has never enjoyed under existing systems of dumping the surplus in connection with such portion of the crop as is required for consumption during the cotton year in which the crop is harvested. For preventing an expansion of cotton acreage and producing an additional unwieldy surplus the following year, each member retiring a part of his crop into the surplus stored should be required to sign as a part of the trust agreement to his association or corporation that the acreage upon which his pro rata part of the surplus was harvested that year will be planted in crops other than cotton the following year.

The right of cotton exchanges operating under Federal and State laws to control and fix the price of spot cotton regardless of the welfare of the growers violates every trade law in commerce and should not be permitted. With the ability to retire and control the cotton surplus until needed by the mills, the price of spot cotton will be forced to operate under the legitimate laws of regulating the supply to meet the actual needs of consumption, regardless of manipulation and speculation intended to artificially control spot markets.

Plank No. 4: That the Federal farm board be authorized and empowered to apply the Federal warehouse act as rapidly as possible to every local or concentrating cotton warehouse in the counties and States of the Cotton Belt. That provision be made for the employment of expert cotton graders and staplers, to be placed in charge of such warehouses. That such Federal warehouse employees be required to receive, weigh, grade, and staple each bale of cotton brought to such warehouses, so that the growers can demand from the local buyers the full market price based upon the grade and staple of his cotton, including premium values of staples in excess of seven-eighths inch length.

Plank No. 5: That the Senate bill, introduced by Senator RANSDELL, of Louisiana, fixing higher duties on imports of raw jute and manufactured jute cloth and bagging, be promptly enacted into law. In 1928 statistics show total shipments of jute burlap cloth into the United States were in excess of 1,000,000,000 yards. The total output in 1928 from our domestic mills of single filling cotton duck, 46,000,000 yards; all Osnaburgs, 70,000,000 yards; all drills, 40 inches and less, 113,000,000 yards; and all sheetings, 40 inches and narrower, 747,000,000 yards; a total of 976,000,000 yards, or less than the imported yardage of jute burlap. It would require the annual consumption of 1,500,000 bales of raw cotton to supply the total imports of jute, and the domestic cotton mills and cotton growers are vitally interested in checking these enormous imports of a foreign-grown fiber which so seriously competes with American cotton in production and manufacture. It would require the production from 6,000,000 acres of cotton to supply fiber equal to jute imports on a relative basis of pound for pound, or approximately one-eighth of the entire present cotton acreage of the United States. That the bill pending in Congress requiring the general adoption for a uniform covering for cotton bales, of cotton cloth or jute, and all cotton bales be bought and sold under the net-weight contract instead of the present unjust regulations for deducting tare on a percentage basis of the gross weight of the bales be enacted into law.

Plank No. 6: That the Federal farm board be empowered to investigate the present expensive and wasteful system of baling American cotton, which has been denounced by spinners throughout the world, and to encourage as fast as practicable the introduction of high-density gin compression into the public gins of the cotton States. High-density gin compression will force the railroads to grant carload rates on cotton bales; it will check the extra expense of recompression, waste in handling and sampling; enable the growers to use cotton bagging; enforce the net-weight contract; and otherwise place into the channels of commerce a neat, economic package which will reflect credit upon the great staple crop of this Nation and save millions of dollars annually to the growers.

Plank No. 7: The time has come in the international commerce of this Nation with other countries when a protective tariff levied on the imports of competitive agricultural products into the United States is imperative as a safeguard to American agriculture. The tariff necessity has ceased to be a partisan political question and is indorsed as a sound business policy of protection by both of the leading political parties. If agriculture is to be placed on a parity of equality with business industry, the protection of a tariff must be utilized to the fullest extent in behalf of agriculture. An import duty on all classes of agricultural products entering into the United States should be fixed and maintained high enough to cover the cost of production of similar products in this country and to prepare them for the market. For the Southern States especially, necessary import duties should be applied against all forms of vegetable oils, peanuts, vegetables, and fruits. A duty of not less than 10 cents per pound should be levied against imports of Egyptian long-staple cotton as a protection to the long-staple cotton growers of the United States. A duty of 5 cents per pound to be levied against imports of short-staple cotton from whatever country imported.

AMERICAN COTTON ASSOCIATION,
J. S. WANNAMAKER,
President, St. Matthews, S. C.
J. O. THOMPSON,
Vice President, Roba, Ala.
HARVIE JORDAN,
Managing Director, Greenville, S. C.

FIRST DEFICIENCY APPROPRIATIONS

Mr. WARREN. Mr. President, I had hoped before this hour and date to be able to submit a conference report on the first deficiency appropriation bill. I have to state, however, that we are making little or no progress, and the signs are not very favorable that the conferees will reach the point which we desire. I wish to report that condition to the Senate.

Further, I wish to call the attention of the Senate to the fact that there have been finally passed but two appropriation bills, as a matter of fact, during the entire session. There is still one bill, which was the second one reported to the Senate, and which passed before Christmas, which is hanging in the air. Of course, it has been in conference, and still is in conference, but no agreement has been reached and it may, therefore, fail.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. WARREN. Certainly.

Mr. ROBINSON of Arkansas. Is the Senator in a position to state to the Senate the principal points of difference respecting the first deficiency appropriation bill?

Mr. WARREN. There were, of course, several amendments in disagreement, most of which we have been able to compose.

Mr. ROBINSON of Arkansas. I refer to the points of difference still outstanding.

Mr. WARREN. I understand, and I will attempt to give the Senator the exact facts. Barring some small items upon which there is hope of agreement, the principal amendments still in disagreement are No. 15, No. 16, and No. 17.

Amendment No. 15 has to do with changing the mode of paying refunds of taxes in the Internal Revenue Bureau of the Treasury Department. That is the amendment proposed by the Senator from Tennessee [Mr. McKELLAR].

Mr. McKELLAR. It has to do with tax refunds.

Mr. WARREN. Yes. Amendment No. 16, the second one, is the prohibition amendment, so-called, which was offered on the floor of the Senate by the Senator from Georgia [Mr. HARRIS]. The third one, being amendment No. 17, and which is not so vigorously opposed, perhaps, as the other two, is the amendment providing an appropriation of $250,000 for further investigation in regard to the enforcement of prohibition.

Mr. ROBINSON of Arkansas. What would be the effect if the deficiency bill should fail of passage and go over to the extraordinary session?

Mr. WARREN. If we fail to agree, of course, that settles the fate of the bill for this session, and it will have to go over to the next Congress.

Mr. ROBINSON of Arkansas. Is there any particular reason why it is necessary to pass the bill during the present session, in view of the fact that an early extraordinary session seems to be anticipated by everyone?

Mr. WARREN. I hardly wish to make an answer to the Senator's question because there are some very important items in the bill and I should not like to answer for other Senators.

Mr. ROBINSON of Arkansas. Has the Senator any information which he feels at liberty to divulge to the Senate as to when the extraordinary session will be convened?

Mr. WARREN. I have not the slightest information as to that. I think I might be informed in some respects on that subject by the honorable Senator from Arkansas.

Mr. ROBINSON of Arkansas. The Senator from Arkansas regrets that he is not in a position to give the Senator from Wyoming any information on that subject.

Mr. WARREN. Perhaps the leader on this side of the Chamber could inform us.

Mr. HARRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Georgia?

Mr. WARREN. I yield.

Mr. HARRIS. I understand the chairman of the committee is merely reporting to the Senate as to the condition of the bill in conference and is not asking that the Senate give instructions.

Mr. ROBINSON of Arkansas. No; the Senator from Wyoming is not asking for any action.

Mr. HARRIS. That is what I understand.

Mr. WARREN. I have not asked that the Senate shall take any action. I have not entered into any argument whatever, but I wish before any further debate shall take place to present and have read at the desk two letters from the Secretary of the Treasury. I ask that the shorter letter be first read.

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk read as follows:

JANUARY 24, 1929.

MY DEAR MR. CHAIRMAN: The Senate on Tuesday of this week adopted the following amendment to the deficiency appropriation bill:

"For increasing the enforcement force, $24,000,000, or such part thereof as the President may deem useful, to be allocated by the President, as he may see fit, to the departments or bureaus charged with the enforcement of the national prohibition act, and to remain available until June 30, 1930."

It is my understanding that in order to make prohibition enforcement more effective the Senate intended to provide additional funds for certain purposes, such as the relief of the congestion in the courts; increasing the fleet, equipment, and personnel of the Coast Guard; increasing the effectiveness of the Customs Service, including the border patrol, and increasing the personnel of the Bureau of Prohibition and the Department of Justice; and that, inasmuch as it was impossible definitely to allocate the sums to be spent for certain specified purposes at this time, the additional funds provided were to be allocated as the President in his discretion might decide.

I feel that it is my duty to point out to you that an examination of the amendment reveals that it will not accomplish the purposes intended. The appropriation will not be available for any of the purposes above enumerated, except increasing personnel of the Bureau of Prohibition and the Department of Justice, nor will it be available for the conduct of an educational program which may have been contemplated.

The amendment as adopted provides funds "for increasing the enforcement force." Granting that the language should be construed most liberally and in the light of the desired ends which the Senate was seeking to accomplish, I fear that the appropriation would not be available for more than an increased personnel. Even such essential incidental expenses necessarily accompanying an increased personnel, such as rent, office equipment and supplies, and traveling expenses, could not be paid from it.

Again, the President may allocate the appropriation for the above purpose only "to the departments or bureaus charged with the enforcement of the national prohibition act." Only the Department of Justice and the Bureau of Prohibition of the Treasury Department qualify under this language. Neither the judiciary, the Coast Guard, the Customs Service, nor the Civil Service Commission is included.

I bring this matter to your attention in order that the true intent of Congress may be accurately expressed before the bill is enacted into law, if it is determined that additional funds should be appropriated.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Hon. D. R. ANTHONY,
Chairman Committee on Appropriations,
House of Representatives.

Mr. HARRIS. Mr. President, I do not wish to say anything to delay this matter——

The VICE PRESIDENT. There is a further letter to be read.

Mr. HARRIS. Very well; I will wait until it is read.

Mr. WARREN. Mr. President, let me say that the other letter is somewhat long, and unless some Senator wishes to have it read, it may be printed in the RECORD without reading.

Mr. McKELLAR. Mr. President, I do not care to have it read. I myself have already read the letter, and I have redrafted the amendment to which it has reference.

Mr. WARREN. I understand the Senator from Georgia has the floor.

Mr. McKELLAR. I ask unanimous consent, if I may, with the permission of the Senator from Georgia, to insert in the RECORD a proposed amendment complying substantially with all of the suggestions of the Secretary of the Treasury.

Mr. ROBINSON of Arkansas. Let it be read to the Senate.

Mr. McKELLAR. I should be very glad to have it read.

The Chief Clerk read as follows:

That no part of the funds herein appropriated for tax refunds where the claim is in excess of $10,000 shall be paid out until after an open public hearing before a reviewing board of not less than three persons constituted for the purpose of conducting such hearings by the Commissioner of Internal Revenue. The present mode of handling such claims until they reach this reviewing board may be followed; but, when the claim for refund reaches this final reviewing board, herein provided for, it and all the papers and evidence in the case shall be heard and considered in an open public hearing, at which representatives of the taxpayer and of the Government may likewise be heard, at which any member of the public may be present, and such reviewing board shall keep a regular docket and hear such cases as nearly as possible in order and such docket shall be open to the public at all times. The decision of this board when handed down shall be in writing and a public document, and shall contain a statement of the facts, and the reasons, both in law and on the facts, for the decision of such reviewing board.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. McKELLAR. Certainly.

Mr. CARAWAY. Does the Senator's amendment provide that any member of the public, though not interested in the controversy, may participate in the proceedings?

Mr. McKELLAR. No.

Mr. CARAWAY. That is the impression I got from the reading of the amendment.

Mr. McKELLAR. Any person could be present at the hearing.

Mr. CARAWAY. If there was a public hearing, of course, anybody could attend the hearing; but what was the purpose of the Senator in providing in his amendment that "any member of the public may be present"?

Mr. McKELLAR. The intention was that the proceedings should not be secretly held; that is all.

Mr. President, in the letter which has been ordered printed in the RECORD, the Secretary makes complaint of the amendment which was adopted on the ground that it would mean that all the successive steps taken by the department in considering claims for refunds would have to be taken in public, and that that would entail a great deal of work and a great deal of annoyance and confusion. So, in order to meet the argument of the Secretary—which I do not think is well grounded—this amendment simply provides for a public hearing on a claim before it shall finally be refunded.

Mr. HARRIS. Mr. President, I am anxious to aid the chairman of the committee.

Mr. WARREN. Mr. President, if the Senator will wait a moment, I think I shall ask that the second letter from the Secretary of the Treasury, referring to the subject of which the Senator from Tennessee has just spoken, may be read.

The VICE PRESIDENT. Without objection, the clerk will read the second letter.

The Chief Clerk read as follows:

THE SECRETARY OF THE TREASURY,
Washington, January 29, 1929.

MY DEAR MR. CHAIRMAN: I submit the following for your consideration in connection with the Senate amendment to the first deficiency appropriation bill providing as follows:

"That no part of the funds herein appropriated for tax refunds where the claim is in excess of $10,000 shall be paid out except upon hearings before any committee or officer in the department conducting the same, which hearings shall be open to the public, and the decision shall be a public document."

The portion of the amendment which provides for public hearings is open to serious objection. In the judgment of the responsible officials of this department, this proposal is not consistent with sound administrative practice.

In order that the effect of the proposal may be clearly seen and the necessity for it correctly estimated, let me review briefly the usual procedure on a claim for refund.

After a claim for refund is filed by a taxpayer it regularly goes to the office of the revenue agent in charge in the taxpayer's district and is assigned to an agent for examination. Conferences are held with the taxpayer or his representative, the necessary examinations of the taxpayer's books and papers made, and a report prepared. This report is then reviewed in the office of the revenue agent in charge and is finally submitted to the revenue agent in charge. Further conferences in his office may be held. If he approves, the papers are forwarded to the Income Tax Unit in Washington and assigned to an auditor for complete review and consideration. The auditor's conclusion must then be reviewed and approved by his superiors before a final decision is reached. Frequently further conferences with the taxpayer or his representative are necessary. If the claim is in excess of $50,000, the entire file is sent to the general counsel's office and there assigned to a special group for another complete review and again conferences may be held with the taxpayer at this stage. The work of the attorney or attorneys who make this review is then submitted to the head of the division, and, if approved, then to the general counsel or one of his assistants for final approval. In every important case the file and recommendations go to the commissioner's office where the commissioner or one of his assistants reviews the case. In addition, if the amount allowed is in excess of $75,000, the general counsel, before transmitting the file of the commissioner prepares a complete statement of the case, which is submitted to the Joint Congressional Committee on Internal Revenue Taxation and the matter held in abeyance for the 30-day period provided by law. During that time the staff of the joint congressional committee examines the claim, and, if they have any doubt as to the propriety of its allowance, present their views, either by letter or conference, to the general counsel's office for reconsideration.

It will thus be seen that no claim is allowed as a result of the action of one or two individuals but that on the contrary every claim has to run the gantlet of thorough and complete audits, examinations, and legal review by a staff of competent men, certain of them especially chosen and trained for this work. It is my opinion that this system completely and adequately protects the Government's interests.

With this picture of the procedure in mind it is difficult to see the exact point at which a public hearing could properly be injected. Surely the Congress would not contemplate a requirement that all these proceedings be open to the public, including the initial conference of the revenue agent in the taxpayer's office in his examination of the books. Each of the subsequent proceedings are steps in the department's efforts to reach a correct conclusion by ordinary administrative practices. There is no point in the procedure for formal arguments and the presentation of evidence as in a court of law or before the Board of Tax Appeals. The record consists of evidence submitted from time to time by the taxpayer, frequently in affidavit form with his claim and sometimes furnished at a later point in the form of further affidavits and documentary proof; of facts obtained by the revenue agent from examinations of the taxpayer's books and papers; at times of reports of agents of the intelligence unit; and frequently of reports of engineers sent to make examinations of the condition or value of tangible property. The conferences consist of informal discussions of the facts thus established and the application of the law thereto. The record in each case is necessarily an accumulation of work extending frequently over a long period of time.

It is misleading to speak of the present procedure as a secret one. Conferences between the only persons who have any real interest in the matter should not be called secret simply because the idly curious are not privileged to be present, or because the procedure does not permit the divulgence of facts of interest only to the taxpayer and the Government, or because it does not authorize the presence of tax experts seeking information of interest to possible prospective clients, or to competitors of the taxpayer. There is a real purpose accomplished by the provisions of the act forbidding such disclosures. While certain large corporations may publish from time to time their balance sheets, there are many smaller taxpayers, particularly new and struggling corporations, whose business could be ruined, for the disclosure of their financial position would frequently encourage unfair business practices designed to eliminate them from the field and possibly permit competitors to take advantage of perhaps a temporarily weak condition. In addition it would reveal secret formulæ, secret trade processes, and vital statistics, such as costs of production. Furthermore, it must be borne in mind that taxable net income is an arbitrary figure often having but slight relation to the true business income of the concern, and seldom any relation to the financial condition or standing of the taxpayer. Taxable net income may be greatly in excess of, or much less than, true income. The publication, therefore, of taxable net income would necessarily be misleading. It might destroy public confidence in a well-managed business, or might unfortunately establish an unjustified confidence in the minds of creditors or investors. Particularly would this be probable since the publication of the figures would necessarily be incomplete and fragmentary. Taxpayers should be permitted to contribute to the revenues of the Government and adjust their tax liabilities without being forced to disclose their business affairs and policies, of interest only to competitors and the curious, and without being subjected to the risk of improper and unwarranted deductions. Furthermore, in cases involving the so-called special assessment provisions, the decision rests upon the data secured from competitors' returns, and these companies could rightly object to publication of their figures when they have no pending claim.

For the above reasons I respectfully urge that the provision for a public hearing on these matters be eliminated.

Whether the final decision of the department should be made a public document or record, presents a somewhat different problem, though it would seem such action is open to most of the objections above enumerated. At the present time all the larger cases are formally presented to the joint congressional committee and all the records of the department relating to refunds are at all times open to the scrutiny of the members of that committee and their agents. What more effective safeguard can be provided?

I am sending similar letters to Senator SMOOT, chairman of the Committee on Finance, Congressmen ANTHONY and WOOD, of the House Committee on Appropriations, and Congressman HAWLEY, chairman of the Committee on Ways and Means and the Joint Committee on Internal Revenue Taxation.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Hon. FRANCIS E. WARREN,
Chairman of the Senate Committee on Appropriations,
United States Senate.

Mr. HARRIS. Mr. President, I am anxious to help the able chairman of the Appropriations Committee to get through these appropriation bills. We are more behind than we have been in several years, and I think he is right in insisting upon getting action on all appropriation bills.

I desire to ask the chairman of the committee whether it is not a fact that the Senate conferees are asking only that the House vote on the amendments that the Senate placed in the bill? Does the Senator object to answering that question?

Mr. WARREN. The conferees of the House have been asked by the Senate conferees to take the matter back to the House; but their answer is that it has already been voted on in the House, and that with a majority of 99 votes they have performed their duty in that line.

Mr. HARRIS. And the Senate, which passed this amendment by a vote of 55 to 28, is simply asking that the House have a record vote on the Senate amendments instead of allowing two of the three conferees to decide the matter for the House?

Mr. WARREN. There have been various questions put to them varying from that, because that is a matter as to which we perhaps can not change their opinion and they can not change ours.

Mr. HARRIS. I am not criticizing them; I am merely making the point that as a matter of fact all the Senate conferees are asking of the House conferees is that they allow the House to vote on the amendment, and not simply on sending the bill to conference as they voted before.

I ask to have read at the desk a brief article regarding a resolution and a bill passed by the Massachusetts Legislature and the Wisconsin Legislature yesterday, and in addition to that all I care to say is:

I hope the House will not see fit to defeat this first deficiency bill, but will allow the House to have a vote on the prohibition amendment and the McKellar amendment. If they do not allow that, and the House kills the bill, of course the Senators who are in favor of prohibition enforcement will be forced to try to get the amendment on the next deficiency bill at this session; and if the House decides to kill that bill also, rather than go on record against the prohibition amendment, the only thing left that the Senate prohibitionists can do at the beginning of the extra session of Congress will be to try to get this amendment on the first appropriation bill that is before the Senate. This is not a partisan but a great moral question, and is favored by more than 80 per cent of the people of our country who believe in enforcing this law, which can only be done by a larger appropriation, so as to get more men to enforce the law. The lack of this enforcement is making the law more unpopular. The friends of prohibition, regardless of party, should aid in securing additional appropriations.

The Legislature of Massachusetts is now trying to repeal the eighteenth amendment; and it is getting encouragement in other sections of the country because the prohibition amendment is not enforced and is becoming more unpopular. The reason why it is not enforced is because the officials of the Government have not money to get sufficient men to enforce it. Unless the friends of prohibition appropriate more money to provide more men legislatures all over the country will ask that the eighteenth amendment be rescinded.

The VICE PRESIDENT. Without objection, the Secretary will read, as requested.

The Chief Clerk read as follows:

[From the Washington Post of Thursday, February 7, 1929]

MASSACHUSETTS SENATE ASKS DRY REPEAL ACTION

BOSTON, February 6.—Congress is requested to take action for the repeal of the prohibition amendment to the Constitution of the United States by a resolution adopted to-day by the State senate. The senate's action represents the wishes of the electorate of 36 of the 40 senatorial districts as registered in the November elections, when the question was submitted to a referendum.

[From the Washington Post of Thursday, February 7, 1929]

MADISON, WIS., February 6.—A bill for a referendum on whether the Severson Act, State prohibition enforcement act, should be repealed and whether 2.75 beer should be legalized was passed by the State senate to-day. The vote was 17 to 15.

Mr. McKELLAR. Mr. President——

Mr. SIMMONS. Mr. President, will the Senator from Tennessee permit me to say a few words before he makes his speech?

Mr. McKELLAR. I have not anything to say except to modify an amendment that I have already offered.

Mr. SIMMONS. I wonder if the Senator will allow me to make a brief statement first? It may affect his action.

Mr. McKELLAR. Very well.

Mr. SIMMONS. Mr. President, it seems to me that what is sought in the amendment complained of by the Secretary of the Treasury can be accomplished through the Joint Committee on Internal Revenue Taxation of the two Houses probably just as effectively and without friction or interfering with the operations of the machinery of the Treasury Department.

The Senate will remember that the Joint Committee on Internal Revenue Taxation is composed of five Members of the Senate, taken from the Finance Committee, and five Members of the House, taken from the Ways and Means Committee. That committee is given very broad powers. Its object is a general supervision of the action of the Treasury Department, especially with reference to income-tax assessments and refunds and abatement proceedings. The committee has quite a personnel organized for the purpose of doing the work assigned to the committee. The personnel has done a great deal of work in that direction, and it has made voluminous reports to the committee which have not been made as public as they ought to have been.

It has occurred to me that what the Senator desires might be accomplished by simply requiring that the Joint Committee on Internal Revenue Taxation, through its agents, who are experts and skilled men, shall make an investigation for itself of all of these cases of refunds and abatement, report to the committee, and require that the committee make reports to the Senate periodically, as often as may be necessary to advise the Senate of what the department has done with reference to these applications for refunds.

I am simply making this statement as a suggestion to the Senator from Tennessee, whose purpose is a laudable one; but I am sure the Senator does not wish to have work duplicated, and I am sure the Senator does not wish in any way unduly to embarrass the Treasury Department.

Mr. McKELLAR. Mr. President, the Senator is right in both those assumptions. I might say this, however, that at present the official of the joint committee, Mr. Parker, says that the committee have no authority to make any recommendations at all about tax refunds; that all the power they have is to look them over when they are over $75,000. I can understand that the law might be changed, and it might be changed by this amendment. The conferees no doubt would have a right to change it in this amendment, and if they would provide for a public hearing and have that particular committee, through its representative, provide for the same kind of a hearing as that suggested in this amendment, I would see no reason why that might not be done. I think probably that would be just as effective. If the conferees desire to give the joint committee more power and authority, the same power and authority that is given to this board here, that would be entirely satisfactory to me.

While I am on my feet, Mr. President, I desire, at the request and suggestion of the junior Senator from Arkansas [Mr. CARAWAY], with whom I have conferred, to make a slight change in the amendment I have suggested, by striking out the words "at which any member of the public may be present." The Senator from Arkansas thinks that probably should not be in the amendment, and I have yielded to his better judgment in the matter, and I desire that the amendment be modified in that regard.

Mr. SIMMONS. Mr. President, I do not know that the powers of the Joint Committee on Internal Revenue Taxation are quite as broad as they ought to be. They extend to a thorough inquiry by its agents into all of these several transactions, and the agents report to the committee. The committee is required to report to the Congress of the United States, which it does, I think, annually or at every session of the Congress.

It may be necessary to enlarge the powers of that committee. I have not investigated that matter, but I believe the object of the Senator can be accomplished through that joint committee better than it can be accomplished through the processes he is seeking.

I am suggesting this to the chairman of the Committee on Appropriations for the consideration of his colleagues on the conference committee.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from North Carolina yield to the Senator from Tennessee?

Mr. SIMMONS. I yield.

Mr. McKELLAR. The Senator will recall the so-called United States Steel Co. case, which is one of the cases it seems not only the employees of the joint committee looked into, but the joint committee itself, or some of the members, looked into it also. Mr. HAWLEY, the chairman of the joint committee, virtually stated that they had no power to go into that case. They were not required to pass on it, and did not pass on it, and did not undertake to do so. Mr. Parker, the official of the joint committee, testified that he did not have the power to do it.

Mr. WARREN. Mr. President, will the Senator who is speaking yield to me a moment?

Mr. McKELLAR. I have not the floor.

Mr. SIMMONS. I yield to the Senator from Wyoming.

Mr. WARREN. I just desire to say that I have duties which call me out of the Chamber. I did not bring this subject up with the expectation that it would lead to a general discussion of affairs. I will ask to be excused at this time, and will ask that the Senator from Kansas [Mr. CURTIS], who is a member of the conference committee, take charge of the matter further.

Mr. CURTIS. Mr. President——

Mr. SIMMONS. Mr. President, I am not going to be taken off the floor until I am through.

Mr. CURTIS. I have no desire to take the Senator from the floor.

Mr. McKELLAR. I thank the Senator from North Carolina for yielding to me.

Mr. SIMMONS. Mr. President, I think probably the chairman of the Joint Committee on Internal Revenue Taxation, Mr. HAWLEY, was correct. What I am suggesting is that the authority of that committee be enlarged so as to allow it to act, instead of merely being a body for the collection of information with reference to these Treasury transactions.

Mr. CURTIS. Mr. President, as nothing further can be done in this matter, until the conference report is made, I hope it may go over and that the Senate may proceed with the regular order.

CONFEDERATE VETERANS' REUNION, CHARLOTTE, N. C.

Mr. REED of Pennsylvania. Mr. President, in behalf of the senior Senator from Florida [Mr. FLETCHER] I report favorably, with an amendment, from the Committee on Military Affairs the bill (H. R. 15427) authorizing and directing the Secretary of War to lend to the Governor of North Carolina 300 pyramidal tents and various other equipment for the annual national encampment of the United Confederate Veterans to be held at Charlotte, N. C., in June, 1929. I submit a report thereon (Rept. No. 1659).

Mr. President, I intend to ask unanimous consent for the immediate consideration of the bill, but first I want to say to the Senate that this action is entirely consistent with the settled policy of the Military Affairs Committee to authorize the lending of such equipment only to national encampments and national conventions of these veteran legions. We have consistently declined to authorize the loan of such equipment for State conventions.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. WALSH of Massachusetts. Why is there not a general law covering this subject, instead of having a special measure passed each time request is made for a loan of this equipment?

Mr. REED of Pennsylvania. There might very well be a general law, but it has never been suggested until now, so far as I know.

Mr. ROBINSON of Arkansas. Mr. President, it would be quite difficult to include in general language all the instances in which it might be desirable to make the loan. This follows the precedent in the Little Rock and other cases.

Mr. REED of Pennsylvania. It is the same treatment we give to the American Legion, to the Grand Army of the Republic, and that we have given regularly to the United Confederate Veterans.

Mr. WALSH of Massachusetts. I have no objection; but I suggest that a general law might be better than to have separate bills.

Mr. REED of Pennsylvania. I think the suggestion is a good one.

Mr. HEFLIN. Mr. President, I was just going to suggest what the Senator stated, that this has been done before. The Senate has passed a joint resolution practically in this form before, at least twice since I have been here.

Mr. REED of Pennsylvania. Yes, Mr. President; that is true. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15427) authorizing and directing the Secretary of War to lend to the Governor of North Carolina 300 pyramidal tents, complete; 9,000 blankets, olive drab, No. 4; 5,000 pillowcases; 5,000 canvas cots; 5,000 cotton pillows; 5,000 bed sacks; and 9,000 bed sheets, to be used at the encampment of the United Confederate Veterans to be held at Charlotte, N. C., in June, 1929, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 5, after the word "whose," to insert the word "national," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to lend, at his discretion, to the entertainment committee of the United Confederate Veterans, whose national encampment is to be held at Charlotte, N. C., June 4, 5, 6, and 7, 1929, 300 pyramidal tents, complete with all poles, pegs, and other equipment necessary for their erection; 9,000 blankets, olive drab, No. 4; 5,000 pillowcases; 5,000 canvas cots; 5,000 cotton pillows; 5,000 bed sacks; and 9,000 bed sheets: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered from the nearest quartermaster depot at such time prior to the holding of said encampment as may be agreed upon by the Secretary of War and the business manager of the said encampment committee: *Provided further*, That the Secretary of War, before delivering such property, shall take from said business manager of the Thirty-ninth Annual Confederate Reunion a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

Mr. OVERMAN. Mr. President, I want to make a request of the Senator from Pennsylvania. When I state here, and go upon record as stating, that this is a national encampment, the last one being held in Houston, Tex., that every other State in the South has entertained these encampments except North Carolina, and we want the privilege of entertaining this one, probably the last reunion these veterans will ever have, will that not be sufficient without having the amendment go on the bill? I do not want the measure to go back to the House for action there at this period of the session.

Mr. REED of Pennsylvania. That certainly would be sufficient for me. The Senator has made his statement, and I know that the other members of the committee will feel the same as I do.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. REED of Pennsylvania. Mr. President, I would like to say that the report of this bill would have been made by the senior Senator from Florida [Mr. FLETCHER] if he had not been detained from the Senate by reason of illness.

PROPOSED AMENDMENT OF RULE XXXVIII

Mr. JONES. Mr. President, pursuant to the notice which I gave a day or two ago, I desire to submit a resolution providing for the amendment of Rule XXXVIII of the Senate rules. Several Senators are interested who are absent; one Senator in particular is absent because of illness who is especially interested in the matter. I do not want to call it up in their absence. However, I want to submit the resolution and will ask unanimous consent that it may lie over without prejudice.

Mr. CURTIS. There is no objection to that procedure.

Mr. JONES. I have introduced a new resolution differing from the one we had up the other day just in this respect. The resolution proposes an amendment of paragraph 2 of Rule XXXVIII instead of introducing an entire new paragraph. That was done at the suggestion of the able Senator from Montana [Mr. WALSH].

As proposed before, the plan was to require a two-thirds vote to keep a nomination in executive session, as it were. I have modified it to require only a majority vote. Then I have incorporated in the proposed amendment the suggestion of the Senator from Nebraska [Mr. NORRIS] with reference to the publication of the yea-and-nay votes. I will ask, as I said a moment ago, that the resolution may be considered as entered without asking that it be read.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JONES's resolution (S. Res. 322), as follows, was ordered to lie over under the rule:

Resolved, That paragraph 2 of Rule XXXVIII of the Standing Rules of the Senate, relating to proceedings on nominations in executive session, be, and the same is hereby, amended so as to read as follows:

"2. Nominations shall be considered in open executive session unless the Senate, in closed executive session, shall by a majority vote determine that any particular nomination shall be considered in closed executive session. When nominations are so considered in executive session all information communicated or remarks made by a Senator when acting upon nominations concerning the character or qualifications of the person nominated shall be kept secret. If, however, charges shall be made against a person nominated, the committee may, in its discretion, notify such nominee thereof, but the name of the person making such charges shall not be disclosed. The fact that a nomination has been made, or that it has been confirmed or rejected, shall not be regarded as a secret; and all roll calls in closed executive session, together with a statement of the question upon which such roll calls are had, shall be published in the RECORD."

Mr. ROBINSON of Arkansas. Mr. President, I give notice that if the opportunity is presented when the resolution is under consideration by the Senate, I shall offer a substitute for the resolution of the Senator from Washington so as to provide that hereafter all executive business of the Senate shall be transacted in open executive session, whether in relation to nominations or treaties, unless the Senate in open session by a majority vote shall otherwise order.

In this connection I take occasion to say that there has been so much agitation on the subject that I think the Senate ought to meet the real issue involved. We always consider treaties, and we sometimes consider nominations, in open session. Every time an effort is made to have an executive session and to conform to the rule of the Senate the issue arises. Sound policy, I believe, would apply the rule of the open session to treaties just as much as to nominations, and the same rule should apply to both. My proposal would give the Senate the power by a majority vote to determine whether the hearing and discussion shall be had in open or in closed executive session, either with respect to nominations or with respect to treaties. I believe this is sound policy.

Mr. HEFLIN. Mr. President, I hope the Senator from Washington will accept the amendment.

OKLAHOMA AND TEXAS BOUNDARY LINE

Mr. THOMAS of Oklahoma. Mr. President, I desire to call attention to a situation in the southwestern part of the country which affects a thousand American citizens and their savings of a lifetime.

The Supreme Court has recently held that the boundary line between Oklahoma and Texas has been heretofore erroneously located. Under the terms of that decision citizens residing on a strip of land more than 100 miles in length and varying from one-half mile to a mile in width will be taken from Oklahoma and set over into Texas. The United States Government never owned any land in Texas. Therefore, when the decision becomes final—and it will become final when the commissioners make their award as to the true location of the one hundredth meridian—those people will find themselves in Texas without title to their property. The States of Oklahoma and Texas can not agree on the matter because they have not the consent of Congress. Under section 10, Article I, of the Constitution, States are prevented from entering into or negotiating an agreement on any such matter until the consent of Congress is granted.

The Senator from Mississippi [Mr. STEPHENS] has just reported a joint resolution, it being a unanimous report from the Committee on the Judiciary, giving the consent of Congress to those two States to negotiate and make a contract in order that the problems occasioned by the decision may be adjusted. The resolution carries no appropriation. It merely authorizes the President to confer with the Governors of Oklahoma and Texas to see if an agreement can not be reached whereby the property owners involved in this section of territory may be protected.

I ask unanimous consent for the immediate consideration of the joint resolution.

Mr. CURTIS. Let it be reported.

The PRESIDING OFFICER. The Chief Clerk will read the joint resolution.

The legislative clerk read the joint resolution (S. J. Res. 196).

Mr. NORRIS. Mr. President, is this the joint resolution which has been pending before the Judiciary Committee?

Mr. THOMAS of Oklahoma. It is. It was reported this morning by the Senator from Mississippi [Mr. STEPHENS].

Mr. NORRIS. The Judiciary Committee directed that it be reported out?

Mr. THOMAS of Oklahoma. It did; and the Senator from Mississippi has reported it.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (S. J. Res. 196) was considered as in Committee of the Whole and was read, as follows:

Joint resolution (S. J. Res. 196) authorizing and requesting the President of the United States to take steps in an effort to protect citizens of the United States in their equitable titles to land embraced in territory to be transferred from the State of Oklahoma to the State of Texas and from the State of Texas to the State of Oklahoma as per decree of the Supreme Court of the United States in the case of Oklahoma against Texas (1926, 272 U. S. 21, p. 38), and to give the consent of Congress to said States to enter into a compact with each other and with the United States relating to such subject matter

Whereas on the 8th of December, 1919, the State of Oklahoma filed an original action in the Supreme Court of the United States against the State of Texas to have determined and located the true and correct eastern boundary of the Panhandle of Texas and the main western boundary of the State of Oklahoma; and

Whereas as the final adjudication of the issue raised in said mentioned case, the Supreme Court of the United States has decreed the following:

"The boundary between the State of Texas and the State of Oklahoma constituting the eastern boundary of the Panhandle of Texas and the main western boundary of Oklahoma is the line of the true one-hundredth meridian of longitude west from Greenwich, extending north from its intersection with the south bank of the South Fork of Red River to its intersection with the northern boundary line of the State of Texas as surveyed and marked upon the ground of John H. Clark, United States commissioner, under the act of June 5, 1858, chapter 92, or with a line running due east from the eastern terminus of the Clark survey if it is west of the meridian"; and

Whereas the said Supreme Court of the United States has appointed a commissioner to run, locate, and mark the true and correct boundary line between the said State of Texas and the said State of Oklahoma, and to establish permanent monuments along such boundary at appropriate distances, and to submit a report thereon to the court; and

Whereas the line declared by said Supreme Court to be the true and correct boundary between Texas and Oklahoma is located to the east of the line heretofore presumed to be the eastern Texas and western Oklahoma boundary; and

Whereas such new location of such boundary line has, or will, upon the approval of the report of the said locating commissioner, remove a tract of land heretofore presumed to be a part of the said State of Oklahoma and place same in the said State of Texas, and may, in addition, remove a tract of land heretofore presumed to be a part of the said State of Texas and place same in the said State of Oklahoma; and

Whereas the United States never owned or assumed to possess the title to any of the public land of the said State of Texas; and

Whereas the United States has heretofore presumed to own and did assume possession and has made disposition of most, if not all, the said land heretofore presumed to be in the said State of Oklahoma and affected by the said decision of the Supreme Court; and

Whereas in the exercise of the presumed ownership and undisputed possession of said land, the said Supreme Court of the United States, in its opinion, Oklahoma against Texas (1926, 272 U. S. 21, p. 38), said that it appeared that "prior to May 3, 1920, the United States had disposed of 20,657 acres in the strip in dispute by patents issued on homestead entries and public sales, for which it had collected $8,026; that 3,118 acres had been included in the school and university grants to Oklahoma; and that there were then 318 acres in pending entries, leaving, it was estimated, 118 acres of vacant land"; and

Whereas, according to the record made and pursuant to the approval by the Supreme Court of the final report of the locating commissioner, it is now evident that a number of persons, with titles to such land possessions based upon patents issued by the United States or by the said State of Oklahoma, will find that their residences and land possessions will have been transferred from said State of Oklahoma to said State of Texas, and that the said State of Texas may not recognize the validity of such patents; and

Whereas other persons affected by such final report may find that their residences and land possessions will have been transferred from Texas to Oklahoma with their titles to such land possessions, based upon patents issued by said State of Texas, and which the United States or said State of Oklahoma may not recognize; and

Whereas other persons affected by the final action of said Supreme Court may find that other complications surround their land titles; and

Whereas to the end that persons now residing on, in possession of, or owning the land affected and to be affected by the final action of the Supreme Court may be properly and equitably protected in their vested interests in such land, and to the further end that the United States, the State of Texas, and the State of Oklahoma may be permitted to assume proper obligations and to receive proper remunerations: Therefore be it

Resolved, etc., That the President of the United States be authorized, and he is hereby requested, to confer with the Governor of the State of Oklahoma and with the Governor of the State of Texas to ascertain if negotiations will be entertained to the end that an agreement may be reached between the United States, the State of Texas, and the State of Oklahoma as to the terms upon which said parties mentioned and in interest will accept the land, if any, transferred or to be transferred to each said party by the authority of the final decree of the Supreme Court of the United States in the action styled Oklahoma against Texas (1926, 272 U. S. 21, p. 38).

SEC. 2. In the event the Governor of the State of Texas and the Governor of the State of Oklahoma, acting for their respective States, agree to confer with the United States relative to the subject matter mentioned and described in section 1 hereof, the consent of Congress is hereby given to the said State of Texas and to the said State of Oklahoma to negotiate and enter into a compact or agreement respecting the matter in this act mentioned, and the President is herein authorized and requested to proceed with such conference and to formulate and suggest a compact or agreement to be presented to the Congress and to the Legislatures of the State of Texas and the State of Oklahoma for ratification, and, if and when ratified by each said contracting party, then each said party herein mentioned is hereby authorized to proceed to comply with the obligations in said compact or agreement assumed.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of the parties herein mentioned unless and until it has been ratified by the Congress and by the legislatures of each of the States herein mentioned.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. THOMAS of Oklahoma. Mr. President, I send to the desk a letter from the Land Department giving some references to the land involved from a historical standpoint and ask that it may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, January 7, 1929.

In re Texas-Oklahoma boundary along the 100° west of longitude.

Hon. ELMER THOMAS,
United States Senate.

MY DEAR SENATOR: Replying to your letter of December 22, 1928, asking information as to the several laws for the disposal of the lands along the Texas-Oklahoma boundary that would be affected by the relocation of the 100° of longitude, as directed by the Supreme Court in Oklahoma *v.* Texas (272 U. S. 21, and 273 U. S. 93), this boundary falls within three tracts; that is (1) "Greer County, Texas-Oklahoma," between the South Fork of Red River in T. 1 N., R. 27 W., and the North Fork of Red River in sec. 36, T. 10 N., R. 27 W., I. M.; (2) the Cheyenne and Arapahoe cession, between the North Fork of Red River and the south boundary of the Cherokee outlet in sec. 31, T. 20 N., R. 26 W., I. M.; and (3) the Cherokee outlet, Ts. 20 to 23 N., R. 26 W., I. M.

CHEYENNE AND ARAPAHOE CESSION

That portion of the boundary north of the North Fork of Red River and south of the south boundary of the Cherokee outlet was ceded to the United States by the Cheyenne and Arapahoe Tribes of Indians in an agreement ratified by act of Congress approved March 3, 1891 (26 Stat. 989, 1022–1025).

By proclamation of April 12, 1892 (27 Stat. 1018), the unreserved and unallotted lands were opened to settlement and disposed of to actual settlers only under the provisions of the homestead and townsite laws. In addition to submitting satisfactory final proof, as on other homesteads, the entryman was required to pay the sum of $1.50 per acre, as therein provided. Instructions of April 13, 1892 (20 L. D. 7).

CHEROKEE OUTLET

By section 10 of the act approved March 3, 1893 (27 Stat. 642), the President of the United States was authorized, at any time within six months after the approval of the act and its acceptance by the Cherokee Nation, by proclamation, to open to settlement any or all of the lands in the Cherokee outlet not allotted or reserved in the manner provided in section 13 of the act of Congress approved March 2, 1889 (25 Stat. 1005).

That part of the boundary between T. 20 to 23 N., R. 26 W., I. M., was opened to settlement by proclamation of August 19, 1893, and instructions of September 1, 1893 (17 L. D. 225). Homestead entrymen for land west of 98½° longitude were required to pay $1 per acre in addition to the usual fees and submit final proof.

GREER COUNTY, TEX.

A portion of the lands affected by the relocation of the 100° of longitude along the western boundary of Oklahoma was formerly claimed by the State of Texas. In 1860 it was organized under the laws of Texas and was known as Greer County, Tex. The area was included between the North Fork and the South Fork of Red River and east of the 100° of longitude.

Under the provisions of section 25 of the act of May 2, 1890 (26 Stat. 81, 92), "to provide a temporary government for the Territory of Oklahoma, and for other purposes," a bill was filed in the United States Supreme Court by the Attorney General on behalf of the United States against the State of Texas to determine the true location of the boundary between Texas and the Territory of Oklahoma along the Red River, and involving the ownership and jurisdiction over said Greer County.

In United States *v.* Texas (143 U. S. 621), decided in 1892, the Supreme Court held that it had original jurisdiction of a suit in equity brought by the United States against a State to determine the boundary between that State and a Territory. The case was heard on its merits and decided March 16, 1896 (United States *v.* Texas, 162 U. S. 1), that the South Fork of Red River was the boundary.

By an act approved January 18, 1897 (29 Stat. 490), Congress provided that every person qualified under the homestead laws who was a bona fide occupant of land within Greer County, Okla., on March 16, 1896, shall be allowed six months' preference right from the passage of the act to make homestead entry for 160 acres, and also to purchase at $1 an acre any additional land, not exceeding 160 acres, of which he was in actual possession on March 16, 1896. Instructions were issued February 25, 1897 (24 L. D. 184).

The provisions of section 1 of that act were extended and amended by acts approved June 23, 1897 (30 Stat. 105), and March 1, 1899 (30 Stat. 966), for the benefit of actual occupants and purchasers from the State of Texas prior to March 16, 1896. Instructions of April 13, 1899 (28 L. D. 274).

SCHOOL SECTIONS

Under the above legislation sections 13, 16, 33, and 36 in every township in Greer County were reserved from disposal and subsequently granted to the State of Oklahoma by the act of June 16, 1906 (34 Stat. 267). The same section numbers in the Cherokee Outlet and sections 16 and 36 in the Cheyenne and Arapahoe cession were also reserved and likewise granted to the State. The granting act of 1906, supra, contained provision for granting additional sections 13 and 33, and where sections 13, 16, 33, and 36, or any part thereof, had been disposed of or otherwise reserved indemnity land was to be selected.

TOWN SITES

While the town site laws and the provisions of section 22 of the act of May 2, 1890 (26 Stat. 81), permitting the commutation of homestead entries at $10 per acre for town-site purposes were applicable to these lands, it is not believed from present information that any town sites will be affected by the relocation of the boundary line.

Very respectfully,

WILLIAM SPRY, *Commissioner.*

THE CALENDAR

Mr. CURTIS. I ask unanimous consent that the Senate proceed to the consideration of unobjected bills on the calendar, beginning where the Senate left off at the last call of the calendar, to wit, Calendar No. 1516.

Mr. CARAWAY. The Senator does not contemplate that that will displace the unfinished business?

Mr. CURTIS. Oh, no; we are to proceed with the call of the calendar only until 2 o'clock.

Mr. BRUCE. Mr. President, I wish we might begin at the beginning of the calendar.

Mr. CURTIS. I may say to the Senator from Maryland that I shall ask for another adjournment of the Senate very soon and I shall do that in order that we may begin at the beginning of the calendar and consider bills under Rule VIII. There are about 11 pages more of the calendar that contain new bills which ought to be called.

Mr. BRUCE. The trouble is that as soon as we begin calling bills on the calendar, Senators say "Over, over," until I confess I have reached almost a state of despair.

Mr. CURTIS. The bills which will now be called are nearly all new bills which have not been heretofore called, although there are some of the old bills which will be called again.

Mr. BRUCE. The Senator must not forget that some of us are looking forward and some of us are looking backward.

Mr. CURTIS. I understand that.

Mr. BRUCE. Practically none of the bills on the calendar have been taken up for consideration, and they have had nothing done with them.

Mr. CURTIS. As I said, I expect to ask for an adjournment early next week so that the calendar may be called under Rule VIII. That will permit a Senator to move to take up any particular bill by motion if objection shall be made to its consideration.

Mr. HEFLIN. I understand it is the purpose of the Senator from Kansas to continue that plan for several days until the calendar has been called clear through.

Mr. CURTIS. Yes; just as soon as we can.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

Mr. BRUCE. I shall not object.

The PRESIDING OFFICER. The clerk will report the first bill on the calendar.

ADDITIONAL JUDGES

The bill (H. R. 12811) to provide for the appointment of one additional district judge for the eastern and western districts of South Carolina was announced as first in order.

Mr. KING. Over.

Mr. BLEASE. Mr. President, I move, notwithstanding the adverse report and the objection, that the Senate proceed to the consideration of the bill.

The PRESIDING OFFICER. The motion is out of order because of the unanimous-consent agreement under which the Senate is proceeding.

Mr. ASHURST. Mr. President, I want to be heard briefly on the bill.

Mr. CURTIS. Under the rule, I ask that the bill go over. It has been objected to.

Mr. ASHURST. Mr. President, I have examined the bill of the Senator from South Carolina [Mr. BLEASE], and the State of South Carolina requires an additional judge. As a member of the Judiciary Committee I have examined with care the bill which proposes to grant to New York State an additional judge. Senators ably and properly discuss the prohibition question, but seem to forget that the prohibition law may be enforced only by the aid and with the help of judges, yet for some reason there seems to be objection whenever we propose to give to the country a sufficient judicial arm to transact the business of the country.

I realize that the objection, of course, makes it impossible to consider the bill at this time, but I hope that at an early date

the bill providing for an additional judge for South Carolina and the bill making similar provision for New York State may be passed. I have paid some attention to the needs and requirements of those districts and I am convinced that the bills ought to be passed.

Mr. BRUCE. I do not understand that anyone objected to the present consideration of the bill.

The PRESIDING OFFICER. On objection, the bill will be passed over. The clerk will state the next bill on the calendar.

The bill (H. R. 8295) for the appointment of an additional circuit judge for the ninth judicial circuit was announced as next in order.

Mr. BLEASE. Over.

Mr. BAYARD. Mr. President, did not the Senator from South Carolina move to take up his bill?

The PRESIDING OFFICER. The motion was out of order under the unanimous-consent agreement.

Mr. WAGNER. Mr. President, I understood we were to begin consideration of the calendar at the point where we left off the last time it was called, which was Calendar No. 1515.

The PRESIDING OFFICER. Calendar No. 1516 is the first bill to be called to-day under the unanimous-consent agreement. Calendar No. 1515 was discussed until 2 o'clock the last time the calendar was called.

Mr. WAGNER. But no disposition was made of it.

The PRESIDING OFFICER. No. The request of the Senator from Kansas was to begin with Calendar No. 1516. The clerk will report the next bill on the calendar.

The bill (H. R. 14659) to provide for the appointment of two additional judges of the district court of the United States for the eastern district of New York was announced as next in order.

Mr. KING. Over.

Mr. BRUCE. Mr. President, it would seem to me that the only Senators who desire to have proper agencies provided for the enforcement of the prohibition law are those who are opposed to prohibition.

The PRESIDING OFFICER. On objection, the bill will be passed over.

YELLOWSTONE NATIONAL PARK BOUNDARY

The bill (S. 3001) to revise the boundary of the Yellowstone National Park in the States of Montana and Wyoming, and for other purposes, was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Lands and Surveys with amendments, on page 2, line 13, after the word "north," to insert:

thence continuing westerly along said divide, now between the headwaters of Lamar River and Jones Creek; headwaters of Sedge, Bear, Cub, and Clear Creeks, and the headwaters of Jones and Crow Creeks, and between Crow Creek and Middle Creek, to its intersection with the present east boundary line of Yellowstone National Park, approximately at park boundary monument 18 north, passing over Pyramid and Cathedral Peaks, Mount Chittenden, and Avalanche Peak, thence southerly along said boundary line to its intersection with the hydrographic divide immediately south of Middle Creek, approximately at park boundary monument 15 north; thence westerly along said divide, now between a southern tributary of Middle Creek, headwaters of Beaverdam, Trappers, and Mountain Creeks, and the headwaters of Canfield and Eagle Creeks, to its intersection with the present east boundary line of Yellowstone National Park, at a point near park boundary monument 5 north, passing over Reservation and Atkins Peaks, Mount Schurz, Mount Humphreys, and Eagle Peak.

And on page 3, line 21, after the word "park," to strike out the following:

Provided, That, whereas it is the purpose and intent of Congress to retain the area hereby added to the park in its original wilderness character, therefore no new roads shall be constructed and no hotels or permanent camps shall be authorized or permitted to be maintained on such lands.

And to insert in lieu thereof the following:

and all of those lands of the present Yellowstone National Park excluded from the park are hereby included in and made a part of the contiguous national forests subject to all laws and regulations applicable to national forests, and upon acceptance thereof by appropriate action of the State, jurisdiction for all purposes whatsoever shall be, and is hereby, ceded over the land hereby excluded from the park to the State of Wyoming: *Provided*, That whereas it is the purpose and intent of Congress to retain the area hereby added to the park in its original wilderness character, therefore, no new roads shall be constructed and no hotels or permanent camps shall be authorized or permitted to be maintained on such lands.

And on page 5, after line 5, to insert the following additional sections:

SEC. 3. That the provisions of the act of March 20, 1922 (title 16, sec. 485, U. S. C.), as amended, shall continue to be applicable to the areas included within the Yellowstone National Park by this act, and any lands within such areas acquired by exchange thereunder shall thereupon become a part of the Yellowstone National Park.

SEC. 4. That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral right of way, or any other purposes whatsoever, or shall affect the right of any such claimant, locator, or entryman to the full use and enjoyment of his land.

So as to make the bill read:

Be it enacted, etc., That the boundary of the Yellowstone National Park is hereby changed so as to read as follows:

"Beginning on the present north boundary line of Yellowstone National Park at its intersection with the hydrographic divide immediately north of Pebble Creek, approximately at park boundary monument 29 east; thence following said divide around the head of the drainage of Pebble Creek to its intersection with the present east boundary line of Yellowstone National Park, at a point near park boundary monument 54 north; thence southerly along said boundary line to its intersection with the hydrograpic divide between Soda Butte and Cache Creeks, at a point near park boundary monument 51 north; thence easterly along said hydrographic divide to its intersection with the crest of the Absaroka Range; thence southerly along said crest to its intersection with the main hydrographic divide between Little Lamar River and the North Fork of Shoshone River, passing over Republic and Hoodoo Peaks; thence westerly along said divide passing over Notch Mountain to its intersection with the present east boundary line of Yellowstone National Park, at a point near park boundary monument 26 north; thence continuing westerly along said divide, now between the headwaters of Lamar River and Jones Creek; headwaters of Sedge, Bear, Cub, and Clear Creeks, and the headwaters of Jones and Crow Creeks, and between Crow Creek and Middle Creek, to its intersection with the present east boundary line of Yellowstone National Park, approximately at park boundary monument 18 north, passing over Pyramid and Cathedral Peaks, Mount Chittenden, and Avalanche Peak, thence southerly along said boundary line to its intersection with the hydrographic divide immediately south of Middle Creek, approximately at park boundary monument 15 north; thence westerly along said divide, now between a southern tributary of Middle Creek, headwaters of Beaverdam, Trappers, and Mountain Creeks, and the headwaters of Canfield and Eagle Creeks, to its intersection with the present east boundary line of Yellowstone National Park, at a point near park boundary monument 5 north, passing over Reservation and Atkins Peaks, Mount Schurz, Mount Humphreys, and Eagle Peak; and

"Beginning on the present west boundary line of Yellowstone National Park at its intersection with the left bank of Gallatin River between park monuments 45 and 46 north; thence northwesterly along said bank to a point opposite the hydrographic divide between Daly and Tepee Creeks; thence northeasterly across the Gallatin River and along said divide, around the headwaters of Daly, Black Butte, Specimen, and Fan Creeks, to the intersection of said divide with the present north boundary line of Yellowstone National Park, at a point near park boundary monument 11 west.

"All of those lands lying within the boundary lines above described and the present north, east, and west boundary lines are hereby included in and made a part of the Yellowstone National Park and all of those lands of the present Yellowstone National Park excluded from the park are hereby included in and made a part of the contiguous national forests subject to all laws and regulations applicable to national forests, and upon acceptance thereof by appropriate action of the State, jurisdiction for all purposes whatsoever shall be, and is hereby, ceded over the land hereby excluded from the park to the State of Wyoming: *Provided*, That whereas it is the purpose and intent of Congress to retain the area hereby added to the park in its original wilderness character, therefore, no new roads shall be constructed and no hotels or permanent camps shall be authorized or permitted to be maintained on such lands."

SEC. 2. That the provisions of the act of March 1, 1872, reserving lands for park purposes, the act of July 10, 1890, admitting the State of Wyoming into the Union, the act of May 7, 1894, entitled "An act to protect the birds and animals in the Yellowstone National Park and to punish crimes in said park, and for other purposes," the act of August 25, 1916, entitled "An act to establish a National Park Service, and for other purposes," and all acts supplementary to and amendatory of said acts are made applicable to and extended over the lands hereby added to the park: *Provided*, That the provisions of the act of June 10, 1920, entitled "An act to create a Federal Power Commission, to provide for the improvement of navigation, the development of water power, the use of the public lands in relation thereto, and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes," shall not apply to or extend over such lands.

SEC. 3. That the provisions of the act of March 20, 1922 (title 16, sec. 485, U. S. C.), as amended, shall continue to be applicable to the areas included within the Yellowstone National Park by this act,

and any lands within such areas acquired by exchange thereunder shall thereupon become a part of the Yellowstone National Park.

SEC. 4. That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral right of way, or any other purposes whatsoever, or shall affect the right of any such claimant, locator, or entryman to the full use and enjoyment of his land.

The amendments were agreed to.

Mr. McKELLAR. Mr. President, has the bill the unanimous approval of the Committee on Public Lands and Surveys?

The PRESIDING OFFICER. It was reported by the Senator from South Dakota [Mr. NORBECK].

Mr. KENDRICK. Mr. President, I can explain the study that has been made of the bill. It is in line with the report made by the commission appointed by the President of the United States to study the boundaries of Yellowstone National Park. The changes as outlined in the bill are in line with the recommendations of that commission and are agreed upon by the representatives of the different districts.

Mr. McKELLAR. I have no objection.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to revise the north, northeast, and east boundaries of the Yellowstone National Park in the States of Montana and Wyoming, and for other purposes."

BILLS PASSED OVER

Mr. WAGNER. Mr. President, it is very distasteful for me constantly to interrupt in this way, but I think there has been some misunderstanding on the part of the Chair. The Senator from Kansas asked that we begin where we left off the consideration of the calendar the last time it was under consideration, namely, at Calendar No. 1515, and I should like to have that bill considered.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent that Order of Business 1515, being the bill (H. R. 9200) to provide for the appointment of three additional judges of the District Court of the United States for the Southern District of New York may be first considered. Is there objection?

Mr. KING. I object.

Mr. JONES. There will be objection to that bill being taken up by unanimous consent.

Mr. WAGNER. Does the Senator from Washington object to the consideration of the bill?

The PRESIDING OFFICER. Objection has been made.

The bill (S. 2783) to provide for the forfeiture of patent rights in cases of conviction under laws prohibiting monopoly was announced as next in order.

Mr. REED of Pennsylvania. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PROPOSED SUPPLEMENT TO THE NATURALIZATION LAWS

The bill (H. R. 349) to supplement the naturalization laws, and for other purposes, was announced as next in order.

Mr. BRUCE. Mr. President, what is the nature of that bill? I should like to have it explained.

The PRESIDING OFFICER. The clerk will read the bill.

Mr. BRATTON. Mr. President, the Senator from New York [Mr. COPELAND], who reported the bill, is absent from the Chamber. Under those circumstances, I shall ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. COPELAND subsequently said: Mr. President, I was out of the Chamber when Order of Business 1531, being the bill (H. R. 349) to supplement the naturalization laws, and for other purposes, was called on the calendar, and I should like to return to the bill if there be no objection.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent to revert to the bill named by him.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 349) to supplement the naturalization laws, and for other purposes, which had been reported from the Committee on Immigration with an amendment to strike out all after the enacting clause, and to insert:

That (a) the registry of aliens at ports of entry required by section 1 of the act of June 29, 1906 (34 Stat. L., pt. 1, p. 596), as amended, may be made as to any alien not ineligible to citizenship in whose case there is no record of admission for permanent residence, if such alien shall make a satisfactory showing to the Commissioner General of Immigration, in accordance with regulations prescribed by the Commissioner General of Immigration, with the approval of the Secretary of Labor, that he—

(1) Entered the United States prior to July 1, 1924;

(2) Has resided in the United States continuously since such entry;

(3) Is a person of good moral character; and

(4) Is not subject to deportation.

(b) For each such record of registry as herein authorized the alien shall pay to the Commissioner General of Immigration a fee of $20. All fees collected under this section shall be deposited in the Treasury as miscellaneous receipts.

(c) The provisions of section 76 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, shall apply in respect of the record of registry authorized by this section in the same manner and to the same extent, including penalties, as they apply in respect of the oaths, notices, affidavits, certificates, orders, records, signatures, and other instruments, papers, or proceedings specified in such section 76.

SEC. 2. Upon the making of a record of registry as authorized by section 1 of this act, the certificate of arrival required by the fourth paragraph of the second subdivision of section 4 of such act of June 29, 1906, as amended, may be issued upon application to the Commissioner of Naturalization, in accordance with regulations prescribed by the Commissioner of Naturalization, with the approval of the Secretary of Labor, and upon payment of the fee prescribed by section 5 of this act.

SEC. 3. For the purposes of the immigration laws and the naturalization laws an alien, in respect of whom a record of registry has been made as authorized by section 1 of this act, shall be deemed to have been lawfully admitted to the United States for permanent residence as of the date of his entry.

SEC. 4. After the expiration of 60 days after the enactment of this act no declaration of intention shall be made by any alien under such act of June 29, 1906, as amended, or, if made, be valid until the lawful entry for permanent residence of such alien shall have been established, and a certificate showing the date, place, and manner of his arrival shall have been issued.

SEC. 5. For any certificate of arrival issued for naturalization purposes a fee of $5 shall be paid to the Commissioner of Naturalization, which fee shall be paid over to and deposited in the Treasury in the same manner as other naturalization fees.

SEC. 6. (a) The third paragraph of the second subdivision of section 4 of such act of June 29, 1906, as amended, is amended to read as follows:

"As to each period of residence at any place in the county where the petitioner resides at the time of filing his petition, there shall be included in the petition the affidavits of at least two credible witnesses, citizens of the United States, stating that each has personally known the petitioner to have been a resident at such place for such period, and that the petitioner is and during all such period has been a person of good moral character."

(b) The fourth subdivision of section 4 of such act of June 29, 1906, as amended, is amended to read as follows:

"Fourth. No alien shall be admitted to citizenship unless (1) immediately preceding the date of his petition the alien has resided continuously within the United States for at least five years and within the county where the petitioner resided at the time of filing his petition for at least six months, (2) he has resided continuously within the United States from the date of his petition up to the time of his admission to citizenship, and (3) during all the periods referred to in this subdivision he has behaved as a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States. At the hearing of the petition, residence in the county where the petitioner resides at the time of filing his petition, and the other qualifications required by this subdivision during such residence, shall be proved by the oral testimony of at least two credible witnesses, citizens of the United States, in addition to the affidavits required by this act to be included in the petition. If the petitioner has resided in two or more places in such county and for this reason two witnesses can not be procured to testify as to all such residences, it may be proved by the oral testimony of two such witnesses for each such place of residence. At the hearing, residence within the United States but outside the county, and the other qualifications required by this subdivision during such residence shall be proved either by depositions made before a naturalization examiner or by the oral testimony of at least two such witnesses for each place of residence.

"If an individual returns to the country of his allegiance and remains therein for a continuous period of more than six months and less than one year during the period immediately preceding the date of filing the petition for citizenship for which continuous residence is required as a condition precedent to admission to citizenship, the continuity of such residence shall be presumed to be broken, but such presumption may be overcome by the presentation of satisfactory evidence that such individual had a reasonable cause for not returning to the United States prior to the expiration of such six months. Absence from the United States for a continuous period of one year or more during the period immediately preceding the date of filing the petition for citizenship for which continuous residence is required as a condition precedent to admission to citizenship shall break the continuity of such residence."

(c) So much of the seventh subdivision of section 4 of such act of June 29, 1906, as amended, as reads "or for three years on board of

merchant or fishing vessels of the United States of more than 20 tons burden" is amended to read as follows: "or for three years on board vessels of more than 20 tons burden, whether or not documented under the laws of the United States, and whether public or private, which are not foreign vessels."

(d) So much of such subdivision as reads "without proof of the required five years' residence within the United States if upon examination by the representative of the Bureau of Naturalization, in accordance with the requirements of this subdivision it is shown that such residence can not be established" is amended to read as follows: "and may be naturalized without complying with the requirements of residence within the United States and within the county."

(e) Section 10 of such act of June 29, 1906, as amended, and section 2170 of the Revised Statutes are repealed.

SEC. 7. (a) The second and third paragraphs of section 13 of such act of June 29, 1906, as amended, are amended to read as follows:

"(1) For receiving and filing a declaration of intention and issuing a duplicate thereof, $5;

"(2) For making, filing, and docketing a petition for citizenship, and issuing a certificate of citizenship if the issuance of such certificate is authorized by the court, and for the final hearing on the petition, $10."

(b) Notwithstanding the provisions of section 9 of the act entitled "An act to fix the salaries of the clerks of the United States district courts and to provide for their office expenses, and for other purposes," approved February 26, 1919, as amended, all fees received by the clerks of court to which such section applies for services rendered in naturalization proceedings shall be paid over to the Bureau of Naturalization within 30 days from the close of each quarter in each fiscal year, and the moneys so received shall be disposed of in the same manner as provided in section 13 of such act of June 29, 1906, as amended.

SEC. 8. The first sentence of section 28 of such act of June 29, 1906, as amended, is amended to read as follows:

"The Commissioner of Naturalization, with the approval of the Secretary of Labor, shall make such rules and regulations and such changes in the forms prescribed by section 27 of this act as may be necessary to carry into effect the provisions of the naturalization laws."

SEC. 9. Such act of June 29, 1906, as amended, is amended by adding at the end thereof the following:

"SEC. 32. (a) If any certificate of citizenship issued to any citizen, or any declaration of intention furnished to any declarant, under the naturalization laws, is lost, mutilated, or destroyed, the citizen or declarant may, upon the payment to the commissioner of a fee of $10, make application (accompanied by two photographs of the applicant) to the Commissioner of Naturalization for a new certificate or declaration. If the commissioner finds that the certificate or declaration is lost, mutilated, or destroyed, he shall issue to the applicant a new certificate or declaration with one of such photographs of the applicant affixed thereto.

"(b) Upon payment to the Commissioner of Naturalization of a fee of $10 the commissioner shall issue for any naturalized citizen a special certificate of citizenship, with a photograph (furnished by such citizen) affixed thereto, for use by such citizen only for the purpose of obtaining recognition as a citizen of the United States by the country of former allegiance of such citizen. Such certificate, when issued, shall be furnished to the Secretary of State for transmission by him to the proper authority in such country of former allegiance.

"SEC. 33. (a) Any individual over 21 years of age who claims to have derived United States citizenship through the naturalization of a parent, or a husband, or under section 1993 of the Revised Statutes, may, upon the payment of a fee of $10, make application to the Commissioner of Naturalization, accompanied by two photographs of the applicant, for a certificate of citizenship. Upon obtaining a certificate from the Secretary of Labor showing the date, place, and manner of arrival in the United States, upon proof to the satisfaction of the commissioner that the applicant is a citizen and that the alleged citizenship was derived as claimed, and upon taking and subscribing to, before a designated representative of the Bureau of Naturalization within the United States, the oath of allegiance required by the naturalization laws of a petitioner for citizenship, such individual shall be furnished a certificate of citizenship by the commissioner, but only if such individual is at the time within the United States. In all courts, tribunals, and public offices of the United States, at home and abroad, of the District of Columbia, and of each State, Territory, or insular possession of the United States, the certificate of citizenship issued under this section shall be conclusive evidence of the citizenship of the individual named therein.

"(b) Any person who (1) knowingly issues or is a party to the issuance under this section of a certificate of citizenship not authorized by the provisions of this section; or (2) demands, charges, collects, or receives any other or additional fees or moneys under this section except the fees and moneys herein specified; or (3) knowingly certifies that an applicant, affiant, or witness named in an affidavit, application, or certificate of citizenship or other paper or writing required to be executed under the provisions of this section, personally appeared before him, and was sworn thereto or acknowledged the execution thereof or signed the same when in fact such petitioner, affiant, or witness did not personally appear before him or was not sworn thereto, or did not execute the same, or did not acknowledge the execution thereof; or (4) procures a certificate of citizenship under this section, knowing or having reason to believe that he is not entitled thereto, shall be guilty of a felony and on conviction thereof shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"(c) The provisions of sections 74 to 81, inclusive, of the act entitled 'An act to codify, revise, and amend the penal laws of the United States,' approved March 4, 1909, shall apply in respect of proceedings and certificates of citizenship under this section in the same manner and to the same extent, including penalties, as they apply in respect of proceedings and certificates of citizenship under the naturalization laws.

"SEC. 34. Fees collected by the Commissioner of Naturalization under the two preceding sections shall be paid over to and deposited in the Treasury and accounted for by the commissioner to the General Accounting Office in the same manner as other naturalization fees received by the Bureau of Naturalization.

"SEC. 35. When used in this act the term 'county' includes parish in the State of Louisiana; a division of the judicial district in the Territory of Alaska; the entire island in the case of Porto Rico; the entire territory comprised within the Virgin Islands in the case of the Virgin Islands; and the entire district in the case of the District of Columbia.

"SEC. 36. Two photographs of himself shall be furnished by each applicant for a declaration of intention and by each petitioner for citizenship. One of such photographs shall be affixed by the clerk of the court to the declaration of intention issued to the declarant and one to the declaration of intention required to be forwarded to the Bureau of Naturalization; and one of such photographs shall be affixed to the certificate of citizenship issued to the naturalized citizen and one to the duplicate certificate of citizenship required to be forwarded to the Bureau of Naturalization."

SEC. 10. The Commissioner of Naturalization is authorized and directed to prepare from the records in the custody of the Bureau of Naturalization a report upon those heretofore seeking citizenship to show by nationalities their relation to the numbers of annually arriving aliens and to the prevailing census populations of foreign born, their economic, vocational, and other classification, in statistical form, with analytical comment thereon, and to prepare such report annually thereafter.

SEC. 11. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

Mr. BRUCE. I should like to ask the Senator from Pennsylvania [Mr. REED] whether the bill meets with his approval.

Mr. REED of Pennsylvania. Yes. The bill was very carefully considered by the committee, and I approve it heartily.

The PRESIDING OFFICER. Is there objection?

Mr. WHEELER. I object.

Mr. BRATTON. Mr. President, I objected to the consideration of the bill when it was reached on the calendar on account of the absesnce of the Senator from New York who reported it. I should like to know briefly what the bill provides.

Mr. WALSH of Massachusetts. Mr. President, I hope the bill may be passed. It will give relief to a great many aliens who are anxious to be naturalized and become American citizens but are deprived of this privilege because of a requirement in the present law that they produce with their application a certificate of entry. In many cases these have been lost or no records were kept. This bill provides that the Commissioner General of Immigration shall have discretionary power to register and give a certificate to aliens of good moral character who are not subject to deportation and who have entered the country prior to July 1, 1924. A somewhat similar bill was introduced by me but the pending bill is more comprehensive.

Mr. COPELAND. Mr. President, this bill has no relation whatever to the admission of immigrants to the country. No alien who is now here can be deported under the present law if he has been here five years.

Mr. WHEELER. I withdraw my objection.

Mr. COPELAND. This bill will go into effect on the 1st of July, and will permit aliens who are here on that date, under regulations which are prescribed by the bill, to be naturalized. They have to prove their good moral character and that they possess the suitable requirements for our citizenship, just as is required now under our present laws. I find in my city that we have a good many Canadians—and this bill involves more Canadians perhaps than any other persons.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. McKELLAR. The bill does not affect the number of aliens coming in at all in any way, does it?

Mr. COPELAND. It has no relation whatever to that.

Mr. McKELLAR. It has no relation whatever to immigration?

Mr. COPELAND. Not the slightest.

Mr. BRATTON. Mr. President, I not only withdraw the objection which I made to this bill, but I join in the expression of the hope that it may be passed.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PUNISHMENT FOR PRISON ESCAPES

The bill (H. R. 9021) providing for the punishment of persons escaping from Federal penal or correctional institutions, and for other purposes, was announced as next in order.

Mr. McKELLAR. Mr. President, heretofore I objected to the consideration of this bill, but I have since gone into it very carefully, and I think it ought to pass.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 7, after the word "shall," to insert the words "with intent to escape from custody," so as to make the bill read:

Be it enacted, etc., That if any person convicted of an offense against Federal statutes, committed to any Federal penal or correctional institution, or any State, county, or other institution designated as a place for the incarceration of Federal prisoners or being conveyed to or from such institution, shall with intent to escape from custody break such prison and escape therefrom or shall escape from the custody of any official or employee conveying such person to or from such institution or shall escape from or leave without due authority any building, camp, farm, garden, city, town, road, street, or any place whatsoever in which such person is placed or to which such person is directed or permitted to go or in which such person is allowed to be by the warden or any other officer or employee of the prison, whether inside or outside of the prison walls or grounds, such person shall be deemed guilty of an escape and shall, upon conviction, be punished by imprisonment for a term not to exceed five years, to commence from and after the expiration of the term of previous sentence: *Provided*, That in order to constitute an escape under the provisions of this act it is not necessary that the prisoner be within any walls or inclosure nor that there shall be any actual breaking nor that such prisoner be in the presence or actual custody of any officer or other person.

The amendment was agreed to.

Mr. BRUCE. I ask that the bill go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

Mr. SACKETT. Mr. President, was the bill which was just under consideration passed?

The PRESIDING OFFICER. The amendment reported by the committee to the bill was agreed to, but on objection of the Senator from Maryland the bill went over.

The bill (S. 2213) providing against misuse of official badges for United States marshals and their deputies was announced as next in order.

Mr. BRUCE. That is a bill that I intended to object to. I did not intend to object to the preceding bill.

Mr. SACKETT. I thought there was no objection to the preceding bill, and I ask that we may now revert to it.

The PRESIDING OFFICER. Is there objection?

Mr. BRUCE. I do not object to the consideration of House bill 9021.

The PRESIDING OFFICER. Without objection——

Mr. ASHURST. Let the bill be read.

Mr. KING. Let the bill be read. I wish to offer an amendment to it.

The PRESIDING OFFICER. The bill will be read.

The bill was read.

Mr. BRUCE. I object to the consideration of that bill.

The PRESIDING OFFICER. The bill will go over.

Mr. KING. If this bill should come up in my absence, I ask unanimous consent——

Mr. ASHURST. Does the Senator object?

Mr. KING. I want to offer an amendment to the bill so that it may be pending.

Mr. ASHURST. This bill would, upon the lapse or negligence of a warden or sheriff, permit a man to be imprisoned for another five years. I want to speak upon the bill. Who introduced the bill?

Mr. ROBINSON of Arkansas. It is a House bill.

Mr. BRUCE. Mr. President, the introduction of this bill arose from the fact that persons who are in prison for violation of the prohibition law are allowed a good deal of liberty not allowed to other prisoners, because of the general feeling of wardens and everybody else that the prohibition law is a mockery. In the State of Maryland it has been the case that men who have violated the prohibition enforcement act were placed in our jails and allowed all kinds of privileges that ordinary prisoners were not, simply because the jailers had no more faith in the good sense of the law than had anybody else.

Mr. KING. Mr. President, may I suggest to the Senator from Kentucky that when this bill comes up for consideration I shall offer two amendments; one, to divide and classify the offenses into misdemeanors and felonies, and provide that in misdemeanors the punishment shall not exceed six months, and that in the case of felonies the punishment shall not exceed one year. I think it is infamous that a man who is sent to a correctional institution for a misdemeanor and escapes should be imprisoned for five additional years.

Mr. SACKETT. Mr. President, the bill——

Mr. BRUCE. I make the point of order that I have objected to the consideration of the bill.

Mr. SACKETT. Mr. President, I desire to say just a word. This is a House bill, though I think a similar bill was introduced by the Senator from Nebraska. It was not introduced by me at all. There is at present no penalty for prisoners who escape. The passage of the bill would help the administration of prisons. That is the object of the bill.

BILL PASSED OVER

The bill (S. 2213) providing against misuse of official badges for United States marshals and their deputies was announced as next in order.

Mr. BRUCE. I object.

The PRESIDING OFFICER. Under objection the bill will be passed over.

HARRY E. GOOD

The bill (S. 3233) authorizing the issuance of duplicates of certain notes to Harry E. Good, was considered as in Committee of the Whole. The bill had been reported from the Committee on Finance with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of Harry E. Good, of Winamac, Ind., administrator de bonis non of the estate of Ephraim N. Good, deceased, United States registered notes numbered G–711353, for $50, G–742262, G–742263, G–722406, for $100 each, G–191976 and G–76576, for $500 each, of the Victory Liberty loan 4¾ per cent convertible gold notes of 1922–23, inscribed "Ephraim N. Good," with interest at the rate of 4¾ per cent from December 15, 1922, to May 20, 1923, said notes having been stolen in the robbery of the First State Bank of Star City, Ind., after having been assigned in blank but not acknowledged before any officer as required by the regulations of the Treasury Department: *Provided*, That said notes shall not have been presented to the Treasury Department for payment: *Provided further*, That said Harry E. Good shall first file with the Treasury Department a bond in the penal sum of double the amount of the principal of the said notes and the unpaid interest which had accrued thereon when the principal became due and payable in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any loss on account of the notes herein described.

Mr. McKELLAR. Mr. President, may we have an explanation of that bill?

Mr. REED of Pennsylvania. The Senator from Indiana [Mr. WATSON] is not now present, but I will take it on myself to explain the facts. The bill involves certain notes which were stolen in a robbery in Indiana. The notes have never been presented, and the bill merely authorizes the issuance of duplicates under the usual protective conditions of furnishing bond, and so forth. It is the same in principle as dozens of bills which we have heretofore passed.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Harry E. Good, administrator de bonis non of the estate of Ephraim N. Good, deceased."

GRAND TETON NATIONAL PARK, WYO.

The bill (S. 5543) to establish the Grand Teton National Park in the State of Wyoming, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the tract of land in the State of Wyoming particularly described by metes and bounds as follows, to wit:

Beginning at the northwest corner of township 44 north, range 115 west, of the sixth principal meridian; thence southerly along the west line of said township to the northeast corner of section 12, township 44 north, range 116 west; thence westerly to the northwest corner of the northeast quarter northeast quarter section 12; thence southerly and westerly, respectively, on quarter-quarter section lines to the southwest corner of said section 12; thence southerly to the southwest corner of the northwest quarter northwest quarter section 13; thence easterly to the northeast corner of the southwest quarter northeast quarter section 13; thence southerly on the east quarter-quarter section lines of sections 13, 24, and 25, to the southwest corner of the northeast quarter northeast quarter section 25; thence westerly and southerly, respectively, on quarter-quarter section lines to the northwest corner of the southwest quarter southwest quarter section 25; thence westerly to the northwest corner of the southwest quarter southeast quarter section 26; thence southerly to the southwest corner of the southeast quarter section 26; thence westerly to the southwest corner of the southeast quarter southwest quarter section 26; thence southerly to the southwest corner of the northeast quarter southwest quarter section 35; thence easterly to the northeast corner of the southwest quarter southeast quarter section 35; thence southerly to the southeast corner of the southwest quarter southeast quarter section 35, all in township 44 north, range 116 west; thence westerly to the northeast corner of the northwest quarter section 2, township 43 north, range 116 west; thence southerly on mid-section lines of sections 2, 11, and 14, to the northwest corner of the southeast quarter section 14; thence easterly to the northeast corner of the northwest quarter southeast quarter section 14; thence southerly on east quarter-quarter section lines of sections 14, 23, 26, and 35, all in township 43 north, range 116 west, to the right bank of South Fork Snake River; thence westerly along said bank to its intersection with the north line of township 42 north, range 116 west; thence westerly along said township line to the northwest corner of said township; thence southerly along the west line of said township to its intersection with the main hydrographic divide immediately south of Granite Canyon; thence southwesterly along said divide to its intersection with the main hydrographic divide formed by the crest of the Teton Mountains; thence northerly along said divide, between the headwaters of Moose Creek and Granite Canyon, Fox Creek, and Open Canyon, Dirby Creek and Death Canyon, Teton Creek and Taggart and Glacier Creeks, Leigh Creek and Leigh Canyon, Badger Creek and Moran Canyon, to a point where said divide intersects the main hydrographic divide immediately south and southeast of Webb (Moose) Canyon; thence northeasterly along the last-mentioned divide to its intersection with the projected east quarter-quarter section line of what will probably be when surveyed section 7, township 46 north, range 115 west; thence southerly along said line to the northwest corner of the southeast quarter southeast quarter section 7; thence westerly to the northwest corner of the southwest quarter southeast quarter section 7; thence southerly on projected mid-section lines of probable sections 7, 18, 19, and 30, to the southwest corner of the northeast quarter section 30; thence westerly to the southeast corner of the southwest quarter northwest quarter section 30; thence southerly to the southeast corner of the northwest quarter southwest quarter section 30; thence westerly to the southwest corner of the northwest quarter southwest quarter section 30, all of township 46 north, range 115 west; thence southerly on projected west line of said township and the west line of township 45 north, range 115 west, to the southwest corner of section 6, township 45 north, range 115 west; thence westerly on projected north line of what will probably be when surveyed, section 12, township 45 north, range 116 west, to the northeast corner of the northwest quarter northwest quarter section 12; thence southerly to the southeast corner of the southwest quarter northwest quarter section 12; thence westerly to the southeast corner of the southwest quarter northwest quarter probable section 11; thence southerly to the northeast corner of the southwest quarter southwest quarter section 11; thence westerly to the northwest corner of the southwest quarter southwest quarter section 11; thence southerly on projected west lines of probable sections 11 and 14 to the southwest corner of said section 14; thence easterly to the northeast corner of the northwest quarter northwest quarter probable section 23; thence southerly to the southeast corner of the northwest quarter northwest quarter section 23; thence easterly to the southwest corner of the northeast quarter of the northeast quarter section 23; then southerly to the southwest corner of the southeast quarter northeast quarter section 23; thence easterly to the southeast corner of the northeast quarter section 23; thence southerly on projected east lines of probable sections 23 and 26 to the northeast corner of the southeast quarter southeast quarter section 26; thence eastward to the northeast corner of the southeast quarter southeast quarter section 25, all in township 45 north, range 116 west; thence easterly to the northeast corner of the southeast quarter southwest quarter section 30, township 45 north, range 115 west; thence southerly on mid-section lines of sections 30 and 31, to the south line of section 31, said township; thence easterly to place of beginning is hereby reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States, and dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States under the name of the Grand Teton National Park of Wyoming: *Provided,* That whereas it is the purpose and intent of Congress to retain said park in its original wilderness character, therefore, no new roads shall be constructed, and no hotels or permanent camps shall be authorized or permitted to be maintained on such lands without authority from Congress.

SEC. 2. That the provisions of the act of August 25, 1916, entitled "An act to establish a National Park Service, and for other purposes," and all acts supplementary to and amendatory of said act, are made applicable to and extended over the lands hereby included in said Grand Teton National Park: *Provided,* That under rules and regulations to be prescribed by the Secretary of the Interior all bona fide claimants or entrymen shall have the right to graze, upon the land in said park and reasonably adjacent to the lands claimed or owned by them, such number of livestock as they have been accustomed to so graze in the past, or as may be reasonably necessary to the use and utilization of their lands, and to secure timber for use on and for the improvement of their lands.

SEC. 3. That the provisions of the act of June 10, 1920, entitled "An act to create a Federal Power Commission, to provide for the improvement of navigation, the development of water power, the use of the public lands in relation thereto, and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes," shall not apply to or extend over the land hereby reserved and dedicated as the Grand Teton National Park.

SEC. 4. That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral, right of way, or any other purposes whatsoever, or shall affect the right of any such claimant, locator, or entryman to the full use and enjoyment of his land.

SEC. 5. That the appropriations heretofore and hereafter made available for the administration, protection, and maintenance of the Yellowstone National Park shall also be available for these purposes for the Grand Teton National Park of Wyoming unless said park is otherwise provided for by act of Congress.

Mr. McKELLAR. Mr. President, will the Senator from Wyoming give an explanation of that bill?

Mr. KENDRICK. Mr. President, if I may have the attention of Senators for a few minutes, I should like to explain the purpose of this bill and what it seeks to accomplish.

The proposal to dedicate this territory as a park is not new. The discussion of such a plan and the influences bearing upon the same began as far back, perhaps, as 20 years ago; and the appeal to have this park created has been increasing with each passing year.

The territory included within the proposed park is located to the south of the Yellowstone National Park, the extreme southern boundary of which is within about 20 miles of the northern boundary of the proposed park.

When this legislation was first proposed it would have extended the boundaries of the Yellowstone Park to include all of the intervening territory, together with the outline as here provided. For many reasons this plan was found objectionable, the principal one of which was that this park should be designated not as the Yellowstone but as the Grand Teton National Park of Wyoming.

The boundary described embraces something more than 100,000 acres, representing in outline largely the Teton peaks with a fringe of surrounding foothills.

Mr. McKELLAR. Are the lands public lands?

Mr. KENDRICK. At present the territory is a part of the Teton National Forest and is almost entirely owned by the Federal Government, excepting a few small ranches located very near the border of the park. It is not intended by this legislation to impose heavy expense on the Government in the improvement of the park. The bill contains a strict stipulation that the park shall be retained in its natural state and that no concessions shall be granted and no highways or trails shall be constructed within the park except by express authority of Congress.

Wyoming has reluctantly given her consent to the plan of dedicating this part of her territory as a national park. There has been in the past and is even now a strong inclination on the part of our people at home to dedicate this as a State park; but, as I believe, the majority of our people have finally concluded to have the Congress set this territory aside as a national park because of the greater purpose it would serve to the people of the Nation.

Already thousands of people have visited and sought rest and recreation in this locality. The list has included many travelers from Europe, who described the sublime beauty of the Tetons as comparable only with the Alps of Switzerland; but one and all proclaim that the peaks of the grand Tetons provide the most profoundly impressive mountain view in the

United States if not in any part of the North American continent.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question?

Mr. KENDRICK. Certainly.

Mr. REED of Pennsylvania. It is very difficult from reading the bill to ascertain just what it includes. Does it take in the Jackson Hole country?

Mr. KENDRICK. No; it does not take in the Jackson Hole country; it merely takes in the territory immediately around the foothills of the Teton peaks, including several of the beautiful lakes around the foot of the peaks.

Mr. REED of Pennsylvania. Does it take in any part of the territory within the State of Idaho?

Mr. KENDRICK. None whatever; it does not extend on the west to the Idaho State line.

Mr. REED of Pennsylvania. It does not go so far as the State line?

Mr. KENDRICK. It does not go that far.

Mr. JONES. Mr. President, I should like to ask the Senator from Wyoming a question. As I understood him, the Senator said that there was an express provision in the bill that no roads, trails, or anything of that sort should be built until authorized by Congress. Are there any roads or trails in this territory now?

Mr. KENDRICK. Only such as may be used by people on foot and people on horseback; and it is not desired by the people who live in the immediate neighborhood that any further improvement of that kind should be made.

Mr. McKELLAR. What is to be the extent of the park?

Mr. KENDRICK. Something in excess of 100,000 acres of land.

Mr. JONES. Have the forestry people put in any trails?

Mr. KENDRICK. Just the ordinary trails for traveling over the country, through the gaps in the mountains.

Mr. JONES. Will they be expected to improve these trails for the benefit especially of tourists?

Mr. KENDRICK. So far as I know, no one will be expected to do anything along that line except the park authorities; and, as I understand the provisions of the bill, they will not be permitted even to extend the trails that are now there, but only allowed to maintain them so that people can get through the country.

Mr. KING. Mr. President, I should like to ask the Senator whether there is any provision in the bill which gives the Secretary of the Interior unlimited authority and discretion to condemn lands within the proposed park?

Mr. KENDRICK. There is no such authority.

Mr. WALSH of Montana. Mr. President, I should like to say, however, in answer to the question of the Senator from Utah, that if the Senate amendment to the Interior Department appropriation bill is not adopted, that authority will exist here as well as in every other park.

Mr. KENDRICK. I desire to say to the Senator from Montana that in this particular case there will be no controversy over that matter, because there are a very limited number of people there now, and they are willing under certain conditions to dispose of their holdings if the Government requires them; but if the plan of extending concessions shall be suspended now there will be no particular reason why the Government should buy any land in this territory.

Mr. WALSH of Montana. Nevertheless, the law would give them the opportunity to condemn if the Secretary saw fit to do it?

Mr. KENDRICK. I suppose that is true.

Mr. WALSH of Montana. I trust, of course, that a law permitting that will never be enacted by this Congress.

Mr. CARAWAY. Mr. President, what is the purpose of having the park if there are to be no roads so that people may get in there and enjoy it?

Mr. KENDRICK. That is a very pertinent question; but I will explain that a Federal and State highway runs along right at the foot of the park at this time. There is every opportunity for these concessions on the outside of the park, and the people who live there desire that they shall be continued there, and not within the borders of the park.

Mr. CARAWAY. Yes; but I was trying to ask the Senator—there is so much noise in the Senate Chamber that we can not hear anything—what is the objection to having roads so that tourists may go all through the park and enjoy its beauty? If there are to be no roads, what is the object of having the park? That is what I want to know.

Mr. KENDRICK. I am confident that if the Senator from Arkansas has an opportunity, as I hope he will at some time, to see this great mountain range, he would understand that highways of any kind are impossible. No development of that kind can be had save and excepting trails.

Mr. CARAWAY. I see.

Mr. WALSH of Montana. I think I might say, in answer to the Senator from Arkansas, that I think that is one of the most commendable features of this bill——

Mr. KENDRICK. Yes; we consider it so.

Mr. WALSH of Montana. Not to construct great automobile roads over which people would pass at the rate of 50 or 60 miles an hour. If they want to go to see this park, they can go on foot or on horseback along the trails; and the park ought to be left in its native state. We feel some doubt as to whether the construction of roads in the Glacier National Park was not a serious error.

Mr. KENDRICK. I am glad to inform the Senator from Montana that was one of the conditions named by our people who live in the vicinity.

During the latter part of last summer a subcommittee of the Public Lands Committee of the Senate visited this section of the country and had an opportunity to visualize and to see for themselves the perfectly wonderful opportunities of this place as a recreation ground, and I believe they were unanimously in favor of it; and it was the privilege of the Senate committee at that time to render real assistance in inducing our people for the first time to agree to having this land dedicated.

If in the wisdom of the Congress this bill shall receive favorable consideration, it will prove to be one more great and generous contribution which Wyoming makes to our national playgrounds.

Mr. WARREN. Mr. President, if my colleague will permit me, I understand that this matter has been thoroughly examined by the National Parks Association and by all connected with it, and that they stand behind it very strongly. I hope the bill may pass.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE, SIOUX CITY, IOWA

The bill (S. 5325) authorizing the Iowa-Nebraska Amortized Free Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Sioux City, Iowa, was announced as next in order.

Mr. BROOKHART. Mr. President, a bill substantially identical with this one has passed the House and is on the calendar here as Order of Business No. 1677, House bill 14460. I ask that that bill be substituted for Senate bill 5325.

Mr. JONES. Mr. President, may I ask the Senator a question? The House bill has one or two additional provisions, has it not, in line with the recent conclusion of the House committee as to a little further protection?

Mr. BROOKHART. A little further protection toward free bridges; yes.

Mr. JONES. I think those provisions are good; and I just wanted to be sure that the bill as passed contains them.

Mr. BROOKHART. They are in this bill. I am informed by the House committee that those provisions will be the model for them hereafter.

Mr. BLEASE. Mr. President, I should like to ask the chairman of the committee if there is any provision in these bills by which there can be some regulation of the tolls to be charged?

Mr. BROOKHART. If I may answer the question, there are very drastic provisions of that kind in this bill. The expenses of operation are to be supervised by the mayors of the cities on the opposite sides of the river. This is quite a step in advance toward reducing the tolls and amortizing the cost to make the bridge free.

Mr. BLEASE. A man in politics—it does not make any difference to me who he is—has not any business fixing the toll rates on one of these bridges. We have had some experience along that line in South Carolina.

Mr. BROOKHART. The general control of the rates is under the Secretary of War.

Mr. JONES. Yes; the Secretary of War, under all of these bridge bills, has control of the reasonableness of the tolls.

Mr. BLEASE. As I said with regard to a bill here the other day, we have had some experience in my own State along this line. The builders of these bridges charge any toll they please, and after they get their franchise there is not any power that can make them reduce these exorbitant rates. It is all right, possibly, when the bridge is first built for the builders to charge

toll until they can get their money back; but after they get their money back we should not allow the public to be continually robbed by charging the outrageous rates that some of these bridge people charge. That is why I asked the Senator from Washington the question.

Mr. BROOKHART. I am in sympathy with the Senator's ideas on that subject, and I have already introduced two bills to make all these bridges free at the earliest possible date, part of them by condemnation. There are new provisions in this bill looking more strongly toward controlling the expenses so that the amortization will occur earlier than heretofore, so this bill is a step in advance in line with the suggestion of the Senator from South Carolina.

Mr. ODDIE. Mr. President, if I may make a very short comment, there is before the Committee to Audit and Control the Contingent Expenses of the Senate a resolution providing for an investigation of toll bridges generally throughout the country. There is a very insistent demand from road organizations generally that this whole question be thoroughly investigated.

Mr. JONES. I desire to say, with reference to that, that there has been no request whatever for such an investigation coming to the Commerce Committee, and no complaints have come to it with reference to bridges that have been constructed under authority of Congress.

Mr. ODDIE. Mr. President, there is a very strong feeling on the subject throughout the country; and the various road organizations all over the United States have requested that this matter be investigated, and, in my opinion, it should be investigated.

Mr. JONES. I desire to say with reference to that resolution that when it goes to a committee on its merits it should go to the Commerce Committee. It may be that the tolls charged on bridges under State authority are too high; but there is no necessity whatever for an investigation of the construction of bridges under legislation that Congress has enacted.

Mr. BROOKHART. That is another proposition; but I shall present to the committee myself some facts supporting the resolution of the Senator from Nevada for the investigation, and those facts were given me by the Department of Agriculture.

The PRESIDING OFFICER. Without objection, the House bill will be substituted for the Senate bill.

The bill (H. R. 14460) authorizing the Iowa-Nebraska Amortized Free Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Sioux City, Iowa, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 5325 will be indefinitely postponed.

MISSISSIPPI RIVER BRIDGE, RAMSEY AND HENNEPIN COUNTIES, MINN.

The bill (S. 5165) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, in Ramsey and Hennepin Counties, Minn., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 6, after "1925," to strike out "and," and in the same line, after "1926," to insert "and March 10, 1928," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge authorized by act of Congress approved February 16, 1924, and amended by acts approved February 7, 1925, March 1, 1926, and March 10, 1928, to be built by the Chicago, Milwaukee & St. Paul Railway, its successors and assigns, across the Mississippi River, within or near the city limits of St. Paul, Ramsey County, and Minneapolis, Hennepin County, Minn., are hereby extended one and three years, respectively, from February 16, 1929.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRENCH BROAD RIVER BRIDGE, COCKE COUNTY, TENN.

The bill (S. 5301) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on Tennessee Highway No. 9 in Cocke County, Tenn., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 6, after the word "River," to insert "near Bridgeport"; and, on page 2, line 2, after the figures "1906," to strike out "and subject to the conditions and limitations contained in this act," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Highway Department of the State of Tennessee to construct, maintain, and operate a free bridge and the approaches thereto across the French Broad River, near Bridgeport, at a point suitable to the interests of navigation, on Tennessee Highway No. 9 in Cocke County, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OHIO RIVER BRIDGE, KENTUCKY AND INDIANA

The bill (S. 5337) to extend the time for constructing a bridge across the Ohio River, approximately midway between the city of Owensboro, Ky., and Rockport, Ind., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 6, after the word "Indiana," to insert "by Edward T. Franks"; in line 9, after the word "hereby," to insert "further"; and in line 10, after the word "from," to strike out "the date of approval hereof" and insert "February 25, 1929," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Ohio River, approximately midway between the city of Owensboro, Ky., and Rockport, Ind., by Edward T. Franks, authorized by an act of Congress approved June 12, 1926, and extended by the acts of Congress approved February 25, 1927, and February 25, 1928, are hereby further extended one and three years, respectively, from February 25, 1929.

SEC. 2. That the right to alter, amend, or repeal this act is expressly reserved.

The amendments were agreed to.

Mr. SACKETT. Now I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

BRIDGE BILLS

The following bridge bills were reached upon the calendar, were considered as in Committee of the Whole, reported to the Senate without amendment, and passed:

The bill (S. 5066) extending the times for commencing and completing the construction of a bridge across the St. Francis River at or near St. Francis, Ark.;

The bill (S. 5194) authorizing Richard H. Klein, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near the borough of Liverpool, Perry County, Pa.;

The bill (S. 5377) granting the consent of Congress to the Pittsburgh & West Virginia Ry. Co. to construct, maintain, and operate a railroad bridge across the Monongahela River;

The bill (S. 5378) authorizing the Fayette City Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Fayette City, Fayette County, Pa.; and

The bill (H. R. 13502) authorizing the State of Minnesota and the State of Wisconsin to construct, maintain, and operate a free highway bridge across the St. Croix River at or near Stillwater, Minn.

OHIO RIVER BRIDGE, ASHLAND, KY.

The bill (H. R. 13976) authorizing the International Business Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ashland, Ky., was announced as next in order.

Mr. DALE. I ask unanimous consent that the bill be transferred from its place under Rule VIII and be placed under Rule IX.

The PRESIDING OFFICER. Without objection, the request is granted.

BRIDGE BILLS

The following bridge bills were reached upon the calendar, were considered as in Committee of the Whole, reported to the Senate without amendment, read the third time, and passed:

The bill (H. R. 14146) granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a free highway bridge across the Monongahela River, in the city of Pittsburgh, Allegheny County, Pa.;

The bill (H. R. 14164) granting the consent of Congress to the city of Knoxville, Tenn., to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Henley Street in Knoxville, Knox County, Tenn.;

The bill (H. R. 14451) to revive and reenact the act entitled "An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River at or near McKees Rocks Borough, in the county of Allegheny, in the Commonwealth of Pennsylvania";

The bill (H. R. 14469) granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Youghiogheny River between the borough of Versailles and the village of Boston, in the township of Elizabeth, Allegheny County, Pa.;

The bill (H. R. 14481) granting the consent of Congress to the Chicago South Shore & South Bend Railroad to construct, maintain, and operate a railroad bridge across the Grand Calumet River at East Chicago, Ind.;

The bill (H. R. 14919) granting the consent of Congress to the commissioners of Mahoning County, Ohio, to construct, maintain, and operate a free highway bridge across the Mahoning River at or near Cedar Street, Youngstown, Mahoning County, Ohio;

The bill (H. R. 15072) to extend the times for commencing and completing the reconstruction of the bridge across the Grand Calumet River at Burnham Avenue, in Cook County, Ill.;

The bill (H. R. 15084) granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River at or near Reedsdale Street, in the city of Pittsburgh, Allegheny County, Pa.;

The bill (H. R. 15269) to extend the times for commencing and completing the construction of a bridge across the Red River at or near Coushatta, La.; and

The bill (H. R. 15470) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a free highway bridge across the Cumberland River in the vicinity of Harts Ferry, Trousdale County, Tenn.

RETIREMENT OF JUDGES

The bill (S. 2206) to amend section 260 of the Judicial Code, as amended, was announced as next in order.

Mr. BRUCE. Let that go over.

Mr. WALSH of Montana. I hope no objection will be urged to this bill. I do not think there is any substantial objection to be made to it. I will state briefly the nature of the measure.

The bill carries forward the provision that a judge may resign at the age of 70, having served 10 years, and thereafter shall be paid the salary he was receiving as judge. It then provides likewise that the judge, instead of resigning, may retire, in which case he may be called upon by the chief justice or the senior judge of the circuit to undertake certain duties.

Mr. BRUCE. I withdraw my objection.

Mr. BRATTON. Mr. President, let me inquire of the Senator from Montana how long a judge must serve under existing law in order to be subject to retirement on full pay?

Mr. WALSH of Montana. Ten years, and must have arrived at the age of 70.

Mr. BRATTON. The age and the period of service are the same in the law and in the bill now before us?

Mr. WALSH of Montana. Exactly.

Mr. BRATTON. I have no objection.

Mr. WALSH of Montana. There are two purposes behind the bill; first, to give a judge arriving at the age of 70, and not able to do all the work of his court, an opportunity to retire, and then thereafter to do such work as he can do, assigned to him by the chief justice or senior judge of the circuit. In addition to that, the bill provides that whenever a judge arrives at the age of 70, has served 10 years, and is mentally or physically incapacitated to do the work of his office, the President may appoint another judge to the district or circuit bench, and upon the death or resignation of the incapacitated judge no successor shall be appointed.

Mr. KING. Mr. President, I want to ask whether there is any provision for compulsory retirement at the age of 70?

Mr. WALSH of Montana. No; only in this sense: That another judge is appointed. There is no attempt to provide for compulsory retirement.

Mr. KING. Suppose a judge at the age of 70 possesses physical and mental powers which enable him to carry on as he formerly had done. Automatically is another judge appointed?

Mr. WALSH of Montana. No. The discretion is given to the President to appoint or not to appoint.

Mr. PHIPPS and Mr. SACKETT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Montana yield?

Mr. WALSH of Montana. I yield first to the Senator from Colorado.

Mr. PHIPPS. Does the 10-year service necessarily have to be continuous service?

Mr. WALSH of Montana. I think that has been changed, so that it need not be continuous.

Mr. SACKETT. May I ask the Senator whether this affects the law as to compulsory retirement, allowing a judge to be retired after he is 70 and has served 10 years?

Mr. WALSH of Montana. No. The opinion of the committee is that there is no power to compel retirement, but the situation is relieved by giving to the President power to appoint another judge in the case of a disabled judge.

Mr. SACKETT. But it is only in case of actual disablement?

Mr. WALSH of Montana. Yes; whenever the President finds that either by reason of physical or mental disability the judge can not discharge the duties of his office. I might say that it has been disclosed to us, for instance, that there have been cases where judges have been bedridden for years.

Mr. SACKETT. I understand that.

Mr. WALSH of Montana. And have still held on to their offices, will not resign, and are totally unable to do any work at all, and their work is suspended.

Mr. SACKETT. There must be some real reason, however, before the President could act?

Mr. WALSH of Montana. He must find that the judge is either mentally or physically incapacitated to do the work.

Mr. KING. Mr. President, I want to ask the Senator if he will not elaborate that a little further. Must the President so find? What I had in mind was this: The Senator will recall that a number of years ago—and I do not wish to be personal—it was thought by an Executive that certain judges did not decide as he thought they should decide, and there were severe animadversions by that Executive against some one or more judges. I was wondering whether the President of the United States would have the discretion and the power to relieve a judge when he was 70 years of age because he might think that he was not qualified, when his disqualification might result only from a difference of opinion with the President.

Mr. WALSH of Montana. I will read the language of the bill to the Senator. It is as follows:

> In the event any circuit judge, or district judge, having so held a commission or commissions at least 10 years continuously or otherwise, and having attained the age of 70 years as aforesaid, shall nevertheless remain in office and not resign or retire as aforesaid, the President, if he finds any such judge is unable to discharge efficiently all the duties of his office by reason of mental or physical disability of permanent character, may, when necessity for the efficient dispatch of business, appoint—

And so on.

Mr. KING. Mr. President, I confess that I am very reluctant to give the President that power. I think it ought to be with Congress.

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. PHIPPS. The Senator will note that the appointment by the President is to be by and with the advice of the Senate, that the assent of the Senate is requisite.

Mr. KING. Does the Senator think that after a person is retired he ought to receive as much in the way of compensation as when he was in service?

Mr. WALSH of Montana. That is a settled policy of 20 years' standing.

Mr. KING. Yes; I knew that.

Mr. HEFLIN. Mr. President, I was about to ask the Senator from Montana a question. Suppose a judge is in good condition, physically and mentally, when he is 70 years old, and does not want to retire, but wants to continue to perform the duties of his office. Under the bill, as I understand it, the President, if he wanted to do so, could appoint another man, and there would be two judges in the office instead of one, and if that were multiplied throughout the Federal districts of the United States we would have practically twice as many judges as we now have.

Mr. WALSH of Montana. No; that would not be the case. Of course, there are relatively few judges over 70 years of age, although there are quite a good many. But we have endeavored to safeguard that by the provisions expressed here that the President must find, first, that the judge is either mentally or physically incapacitated; second, that his disability is permanent in character; third, that the efficient discharge of the business of the office requires that another judge be appointed. Of course, the President of the United States may possibly abuse his power, and may, out of mere willfulness, appoint a

judge where there is already a man on the bench over 70 years of age who is entirely competent to discharge the duties of the office.

Mr. HEFLIN. But there is a safeguard even then; the Senate would have to confirm him.

Mr. WALSH of Montana. Exactly; and so, in a way, the Senate would pass upon the question.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That section 260 of the Judicial Code as amended by section 6 of the act of February 25, 1919, chapter 29, be, and the same hereby is, amended so as to read as follows:

"SEC. 260. When any judge of any court of the United States, appointed to hold his office during good behavior, resigns his office after having held a commission or commissions as judge of any such court or courts at least 10 years, continuously or otherwise, and having attained the age of 70 years, he shall, during the residue of his natural life, receive the salary which is payable at the time of his resignation for the office that he held at the time of his resignation. But, instead of resigning, any judge other than a justice of the Supreme Court, who is qualified to resign under the foregoing provisions, may retire, upon the salary of which he is then in receipt, from regular active service on the bench, and the President shall thereupon be authorized to appoint a successor; but a judge so retiring may nevertheless be called upon by the senior circuit judge of that circuit and be by him authorized to perform such judicial duties in such circuit as such retired judge may be willing to undertake, or he may be called upon by the Chief Justice and be by him authorized to perform such judicial duties in any other circuit as such retired judge may be willing to undertake, or he may be called upon either by the presiding judge or senior judge of any other such court and be by him authorized to perform such judicial duties in such court as such retired judge may be willing to undertake.

"In the event of any circuit judge or district judge, having so held a commission or commissions at least 10 years continuously or otherwise, and having attained the age of 70 years as aforesaid, shall nevertheless remain in office, and not resign or retire as aforesaid, the President, if he finds any such judge is unable to discharge efficiently all the duties of his office by reason of mental or physical disability of permanent character, may, when necessary for the efficient dispatch of business, appoint, by and with the advice and consent of the Senate, an additional circuit judge of the circuit or district judge of the district to which such disabled judge belongs. And the judge so retiring voluntarily, or whose mental or physical condition caused the President to appoint an additional judge, shall be held and treated as if junior in commission to the remaining judges of said court, who shall, in the order of the seniority of their respective commissions, exercise such powers and perform such duties as by law may be incident to seniority. In districts where there may be more than one district judge, if the judges or a majority of them can not agree upon the appointment of officials of the court, to be appointed by such judges, then the senior judge shall have the power to make such appointments.

"Upon the death, resignation, or retirement of any circuit or district judge, so entitled to resign, following the appointment of any additional judge as provided in this section, the vacancy caused by such death, resignation, or retirement of the said judge so entitled to resign shall not be filled."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF HATCH ACT AND SMITH-LEVER ACT TO ALASKA

The bill (H. R. 13882) to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska was considered as in Committee of the Whole.

The bill had been reported from the Committee on Agriculture and Forestry with an amendment, on page 1, line 10, to strike out the word "and" before the word "extension," so as to make the bill read:

Be it enacted, etc., That the following acts, to wit, an act entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," approved March 2, 1887, as amended and supplemented, and known as the Hatch Act; and an act entitled "An act to provide for cooperative extension work between the agricultural colleges in the United States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914, and known as the Smith-Lever Act, be, and the same are hereby, extended to the Territory of Alaska: *Provided*, That no appropriations shall be made under this act until annually estimated as to funds and amounts by the Secretary of Agriculture; the estimates to be based upon his determination of the ability of the Territory of Alaska to make effective use of the funds.

With the approval of the Secretary of Agriculture, agricultural experiment substations, to the number of not more than two, may be maintained under the provisions of the Hatch Act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TO FACILITATE WORK OF THE AGRICULTURAL DEPARTMENT

The bill (S. 3100) to facilitate and simplify the work of the Department of Agriculture in certain cases was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That hereafter the Secretary of Agriculture is authorized to reimburse employees and other owners of horses, vehicles, and other equipment lost, damaged, or destroyed while in the custody of such employee or the Department of Agriculture, under requirement, authorization, contract, or loan, for necessary fire fighting, trail, or other official business, such reimbursement to be made from any available funds in the appropriation to which the hire of such equipment would be properly chargeable.

SEC. 2. That the Secretary of Agriculture may require field employees of the Department of Agriculture to furnish horses, motor, and other vehicles, and miscellaneous equipment necessary for the performance of their official work; and he may provide, at Government expense, forage, care, and housing for animals, and housing or storage for vehicles and other equipment so required to be furnished.

SEC. 3. That hereafter the Secretary of Agriculture may, under such regulations as he may prescribe, authorize the hire, rental, or purchase of property from employees of the department whenever the public interest will be promoted thereby: *Provided*, That the aggregate amount to be expended under the authority of this section for the purchase of property from employees of the department shall not exceed $3,000 in any one year.

SEC. 4. The expenditures under sections 1 and 2 of this act shall be subject to the limitations of existing law.

Mr. KING. Mr. President, I ask the Senator from Oregon, the chairman of the Committee on Agriculture and Forestry, whether the committee fully considered this bill. It does seem to me that there are not sufficient restrictions imposed for the protection of the Government.

Mr. McNARY. The bill would not initiate any new practice. Ever since the formation of the Department of Agriculture, until a recent ruling by the Comptroller General, reimbursement has been made for all horses and vehicles lost in carrying out the activities of the department. Recently the Comptroller General, in an opinion, held that he did not think the present law justified that practice. This is to remedy a situation which has developed since the Comptroller General made his decision.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE A. HORMEL & CO.

The bill (S. 5058) for the relief of George A. Hormel & Co. was considered as in Committee of the Whole.

Mr. OVERMAN. Let that bill be read, Mr. President.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George A. Hormel & Co., out of any money in the Treasury not otherwise appropriated, the sum of $44 in full satisfaction of said company's claim for excess amount paid by it to the Department of Agriculture for transcript of testimony in Docket No. 269, Secretary of Agriculture against George A. Hormel & Co. and Rath Packing Co.

Mr. BRUCE. Mr. President, may I ask the Senator from Oregon why that money should be refunded?

Mr. McNARY. Mr. President, stenographers made a transcript of some testimony and a copy was furnished these claimants. The Department of Agriculture assessed the cost at $88 when in fact it was only $44, and this is to reimburse the purchasers for the overpayment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 5360) to regulate the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital, was announced as next in order.

Mr. BLEASE. Let that go over.

Mr. SHIPSTEAD. Mr. President, will not the Senator withhold his objection for a moment?

Mr. BLEASE. I would like to ask the Senator a question. Does not this bill have a provision which dictates to a man how he shall build or have constructed his own private home? If there is, I certainly shall object.

Mr. SHIPSTEAD. I will not take up the time of the Senate to explain the bill at this moment.

The PRESIDING OFFICER. The bill will go over.

The bill (H. R. 8748) for the relief of James W. Bass, collector of internal revenue, Austin, Tex., was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 924) for the relief of Joe D. Donisi was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

C. J. COLVILLE

The bill (S. 4811) for the relief of C. J. Colville was announced as next in order.

Mr. KING. Let that go over.

Mr. TRAMMELL. Mr. President, may I not take a moment to explain that bill? It is a bill that was recommended by Mr. McCarl. Under a chapter of the law enacted last year by Congress, the comptroller recommended to Congress that this bill be passed. The circumstances were something like these:

The claimant made a purchase of steel from the Government. It was to be of "E" temper. It was ascertained that the steel did not come up to the representations, and this bill is to refund this man the cash payment he made on the steel. He did not take the steel at all, and yet he had already made a cash payment of something over $4,000. Mr. McCarl held that he had no legal right to pay the claim, but he sent the bill to Congress and recommended its passage. The bill was prepared in his office, and the junior Senator from Nebraska [Mr. HOWELL], chairman of the committee, introduced it.

Mr. KING. Mr. President, is it conceded that the representations made by the Government when it sold the steel were untrue?

Mr. TRAMMELL. Oh, yes; that is conceded. There is no question about that.

Mr. KING. I was wondering if the proposed purchaser did not just go and examine the property and agree to buy it, and make payment, and then later conclude that he did not want it, and if he did not seek to excuse himself for failing to carry out his contract.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in the Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle in an amount not exceeding $4,867.91, the claim of C. J. Colville arising out of an agreement to purchase in 1920 certain steel, and which sale was not consummated because of a misunderstanding as to the quality of the steel. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum not to exceed $4,867.91 for the full and final payment and discharge of any and all claims arising out of the transaction.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WAR DEPARTMENT APPROPRIATIONS

The PRESIDING OFFICER. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. A bill (S. 1093) to prevent the sale of cotton and grain in future markets.

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate continue its consideration of the Army appropriation bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes.

Mr. REED of Pennsylvania. The two remaining committee amendments are on page 26 and page 34.

GREAT LAKES-ST. LAWRENCE WATERWAY PROJECT

Mr. WALSH of Montana. Mr. President, I take the liberty allowed in debate—and not a very wide liberty either, because the Army appropriation bill deals with improvements for the purpose of navigation—to address some remarks to the Senate concerning the Great Lakes-St. Lawrence waterway project.

There appeared in the Atlantic Monthly of November, 1928, an article by B. K. Sandwell, entitled "From Chicago to the Sea," dealing with views said to be entertained in Canada touching the project of improving the St. Lawrence River by the joint action of the Dominion and the United States so as to afford the commerce of the great interior of the continent on both sides of the international boundary line an uninterrupted outlet to the sea, in effect to move the Atlantic seaboard a thousand miles inland and make Duluth and Fort William ocean ports.

In the main the article exhibits a spirit of hostility toward the enterprise, or, at least, a disposition to provide the negotiators representing the country of the author in any exchanges looking to the necessary treaty with a line of talk that might enable them to drive a better bargain than they would otherwise be able to make.

The article in question epitomizes the arguments of a series from the pen of Mr. Sandwell appearing in the Montreal Times that provoked some caustic comment from our neighbors, to which he replied in kind.

It is not my purpose to attempt a general reply to the article referred to, but there ought not to pass unnoticed the contention made in it that because of the peculiar structure of our governmental system no nation may safely enter into a treaty with the United States. I refer to that part in which is advanced the view that as under our Constitution the Federal Government is one of limited and delegated powers, all others being reserved to the States, a treaty dealing with questions otherwise within the exclusive jurisdiction of the States is beyond the power of the National Government or is inoperative for want of power in it to coerce observance by any State.

One of the Times articles, after elaborating this view, concludes:

> In a word, the United States is a Government with which one makes treaties at one's own risk.

Making application to the principle he expounds, he asserts that the United States is authorized under the commerce clause of the Constitution to improve or join in improving the St. Lawrence for navigation, but that it is without power to install works for the generating of electrical energy—economically an essential feature of the enterprise—that power belonging to the State of New York.

It is to be gathered that, in the opinion of the writer, a treaty providing for the improvement of the river to facilitate or render possible its navigation and at the same time and in connection therewith the utilization of its power possibilities, though binding upon Canada, would be nugatory, or at least inoperative, so far as it purported to obligate the United States.

The requirement of the Constitution that treaties must be ratified by the Senate is the subject of animadversion, likewise, in the opinion of the writer of the articles, rendering it more or less dangerous to negotiate with our Government, the idea being conveyed that in the case of all other governments a treaty once signed by its plenipotentiaries, they are bound, but that the United States, under the same circumstances, is not, and that consequently some sort of injustice is wrought or an advantage is gained. The world ought to know by this time, and of course does know, that a treaty with the United States has no force until ratified. No deception is practiced, and no explanation is vouchsafed as to how it is possible to overreach a signatory with which the United States deals consequent upon that requirement of its Constitution.

It is a common thing in private business transactions for an agent to enter into an agreement subject to ratification by his principal. It is not at all exceptional in our times for treaties to be entered into subject to ratification by the parliaments of the countries involved, and it is not unknown that confirmation has not followed. In most countries operating under a parliamentary system such a result is not likely because the government negotiating the treaty has a majority in the diet. It may, however, be unable to command its members in behalf of the treaty or, pending consideration, it may fall and ratification then be defeated. That is just what happened in Great Britain with respect to the Geneva protocol of 1924 for the outlawry of war. It was signed by the proper representatives of the Kingdom under directions from the Ramsay McDonald government, but his ministry fell and the treaty was rejected.

Before proceeding to the subject to which these observations are particularly addressed, I am impelled to notice another contention insisted upon and urged with endless reiteration in the Times articles, namely that, though the treaty of Washington grants to the United States the full right to the navigation of the St. Lawrence "ascending and descending," it gives no right to the United States to pass through any canals adjacent to and

fed by the river making its navigation economically feasible. This claim has likewise been disputed by counsel of the Dominion, as eminent as any at its bar, who assert, upon the authority of English decisions, that not only does it give the United States the right upon the same terms as those imposed upon Canadian citizens to use the canals constructed by their government, but probably gives the right to enter upon Canadian soil to make whatever improvements may be necessary to render useful and valuable the easement to navigate the river.

To enforce the argument they point to the fact that without protest on the part of Canada, and indeed with her free acquiescence, the United States spent on her side of the waters leading in and out of Lake St. Clair many millions of dollars to improve the channel used indifferently by the ships of both nations pursuant to a treaty making those waters thus open to the ships of both.

Some of the Sandwell articles are replete with intimations that Canada has not fared well if, indeed, she has not been overreached in treaties into which she has entered with the United States, particularly because she has not yet succeeded in securing protection against the lowering of the lake levels by the withdrawal of water through canals existent or contemplated in the State of Illinois. No mention is made in this connection of the grant to her of the free navigation of Lake Michigan, perhaps not less important to Canada than the right accorded to us of equal rights of passage through the Welland Canal. It is not without significance in this connection that of the five parallel locks at the Sault Ste. Marie, used indifferently on the same terms by Canadian and American vessels, four were constructed by the United States on our soil and one by Canada on hers.

In view of what he considers her unfortunate experience in dealing with the United States, Canada is strongly admonished to use to the limit, as trading stock, what he considers her undoubted right to exclude United States ships from side canals Canada may construct to improve the navigation of the St. Lawrence. He would be content, however, with an agreement granting her the right of passage through any canal connecting Lake Michigan with the Mississippi River, a right this country would, judging from the policy it has pursued in the past, not think of withholding from its neighbor.

To recur to the contention that Canada proceeds blindly in entering into a treaty with the United States for the joint improvement of the St. Lawrence for navigation and incidentally for power development, and faces the possibility or probability that the Supreme Court may hold or that our Government may take the position to escape the plain obligations which it assumes, that it had no authority to enter into the treaty, the subject matter, at least with respect to power development, being within the exclusive jurisdiction of the State of New York.

It is idle to suggest that a self-respecting government, having entered into the treaty, with the concurrence of the President and the Senate by a two-thirds vote, would then seek to evade its obligations, unless under the compulsory ruling of the Supreme Court, by any such puerile claim. If Canada believes the Government of the United States capable of any such baseness, she is wise in declining to enter into the treaty proposed or any other treaty.

What are the probabilities that such a view as that advanced as tenable would ever be adopted by the Supreme Court? What ground has Mr. Sandwell for suggesting such a contingency? Any decision, any comment, even, by any court of the Union, any opinion by any lawyer of such eminence as to warrant attention to what he says on so important a question of constitutional law? Has the United States ever resorted to any such discreditable means of escaping its treaty obligations or been driven to them by the compulsive authority of a decision of the court of last resort?

The fears he entertains and attempts to excite are founded upon a letter by an assistant attorney general of the State of New York, who, whatever may be his ability or merits, is wholly unknown at the American bar, speaking nationally.

It would not have been difficult for the author of the articles giving rise to these observations to satisfy himself that the Supreme Court of the United States early in its history repudiated the idea that the National Government is powerless to enter into a treaty dealing with a subject which otherwise is within the exclusive jurisdiction of the States, and that it has repeatedly since adjudicated that it may, its latest pronouncement applying the doctrine established by it more than a century ago, having been made within the past month.

Nothing can be clearer than that under the American system whether an alien may acquire or hold real estate is determined by each State for itself and that the Constitution gives the Federal Government no authority to deal with the subject except as it is conveyed by the treaty-making power. That it is so conferred was held by the Supreme Court in the case of Fairfax's Devisee against Hunter's Lessee, decided in 1813. The case involved the ninth article of the treaty with Great Britain of 1794, as follows:

> It is agreed that British subjects who now hold lands in the territories of the United States and American citizens who now hold lands in the dominions of His Majesty shall continue to hold them according to the nature and tenure of their respective estates and titles therein; and may grant, sell, or devise the same to whom they please in like manner as if they were natives, and that neither they nor their heirs or assigns shall, so far as respects the said lands and the legal remedies incident thereto, be considered as aliens.

The decision was to the effect that Englishmen, though they had been enemies, were entitled to hold lands in Virginia and to dispose of them regardless of what its laws might provide, and judgment for possession was awarded accordingly. The same result was arrived at in Chirac *v.* Chirac, decided in 1817, a case involving the treaty of 1778 with France which having provided that French citizens or subjects—

> May, by testament, donation, or otherwise, dispose of their goods, movable and immovable, in favor of such persons as to them shall seem good; and their heirs, subjects of the said United States, whether residing in France or elsewhere, may succeed them *ab intestat*, without being obliged to obtain letters of naturalization—

Continued—

> The subjects of the Most Christian King shall enjoy, on their part, in all the dominions of the said States, an entire and perfect reciprocity relative to the stipulations contained in the present article. (2 Wheat. 270–271.)

A statute of Maryland, the effect of which would have been to limit the duration of estates held by Frenchmen to the period of their lives was, by virtue of the treaty, held inoperative and void. A like provision in another treaty with France was similarly made effective in Geofroy *v.* Riggs, decided in 1890, and one of a similar nature in a treaty with Switzerland in Hauenstein *v.* Lynham, decided in 1879. A standard work on treaties, after making reference to some of the leading cases, says:

> It is not now an open question that the removal of alien disability to inherit and dispose of real property is a proper subject of treaty regulation and within the treaty-making power, and that treaty stipulations to this effect override any inconsistent State legislation. This principle has been asserted not less clearly by the State than by the Federal courts (Crandall, 250)—

a statement it supports by reference to innumerable decisions.

On November 18 last the Supreme Court handed down its opinion of Jordan *v.* Tashiro, holding that by reason of a treaty between the United States and Japan a corporation organized and controlled by its citizens could not be denied by the laws of California the right to acquire and hold land on which to construct and operate a hospital. The basic principle of the efficacy of the treaty as against a State statute was treated by the court as so thoroughly established by its decisions that little or nothing was said on that feature of the controversy, the discussion turning on whether the particular use was authorized by the treaty and whether the privilege accorded by it could be claimed by a corporation.

That the power of the Federal Government to enter into binding treaties is by no means limited to such subjects as, in the absence of them, fall within the grants of power to the Federal Government is forcibly illustrated and expounded in the legislation concerning migratory birds.

Congress passed an act for the protection of such, authorizing the Secretary of Agriculture to proclaim closed seasons and to prescribe regulations concerning the taking of such game, violations of which were made punishable. This act was held unconstitutional on the ground that the subject matter was without the domain of congressional action, the power to deal with it being reserved to the States respectively. Thereupon a treaty was made with Canada under which the Governments of both countries agreed to cooperate for the protection of birds migrating from one to the other and to enact the necessary legislation to that end. Our northern neighbor was, in that case, apparently not deterred by any apprehension that the treaty would be ineffective, that Federal legislation would be held nugatory, and that the birds which her citizens would be prohibited by her laws from taking would be slaughtered when they crossed the line. Her confidence was not misplaced. The appropriate legislation was enacted by Congress and upheld by the Supreme Court in Missouri *v.* Holland, decided in 1920. The argument advanced in that case was identical with that offered in the Sandwell articles to sustain the thesis that Canada agrees at her peril with the United States to cooperate

in the improvement of the St. Lawrence to facilitate its navigability and incidentally to develop its power possibilities. It was pointed out in the opinion in the case last referred to that, as the States are forbidden to enter into treaties with foreign powers, the situation could not possibly be met except through the action of the Federal Government, in which is reposed exclusively the treaty-making power; that regardless of the limitations to which that power is subject, it must embrace the preservation of a food supply, and that the treaty being valid, Congress has undoubted power to make it effective by virtue of the concluding clause of section 8 of Article I of the Constitution, as follows:

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

The President and the Senate being empowered to make treaties, the Congress is authorized to make all laws "necessary and proper for carrying into execution" any treaties so made.

More reliable evidence is at hand concerning the attitude of the State of New York touching the constitutional question presented in the Sandwell articles than the opinion casually expressed by an assistant attorney general of that Commonwealth. The Congress in 1920 passed what is known as the water power act, by which was created the Federal Power Commission, consisting of the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture, which commission is authorized to grant permits for the construction of dams across navigable rivers for the generation of power. That act was the culmination of a protracted legislative struggle in the course of which, in its earlier stages, much was said to the effect that the Federal Government was not authorized under the Constitution to deal with the subject of power development. The contention, however, faded away as the discussion proceeded, in the face of the argument that as Congress had, in the legitimate exercise of its undoubted authority to preserve the navigability of interstate streams, or those open to foreign commerce, made it a penal offense on the part of anyone to erect any obstruction other than docks and like structures in a navigable stream without the consent of Congress, permit to construct a dam within such must be sought from it, and that Congress in giving its consent may attach just such conditions as it may choose. It therefore holds the key to the situation, and anyone proposing to erect a dam within a navigable stream for the development of power or for any other purpose must comply with the conditions prescribed by Congress.

Mr. COPELAND. Mr. President, will the Senator from Montana yield to me?

The PRESIDING OFFICER (Mr. SHIPSTEAD in the chair). Does the Senator from Montana yield to the Senator from New York?

Mr. WALSH of Montana. I yield.

Mr. COPELAND. Does the Senator from Montana contend that without the consent of Congress the State of New York could not proceed with any water-power development in the St. Lawrence River, a development which would have no relationship whatever to the ultimate use of the river for navigation purposes?

Mr. WALSH of Montana. Undoubtedly. The law expressly provides that to put any obstruction in a navigable stream is a crime; so that if anybody by virtue of any authority granted by the State of New York should endeavor to put any obstruction of any character in the St. Lawrence River he would fall under the condemnation of that statute.

Mr. COPELAND. What, in the opinion of the Senator, would be the necessary procedure?

Mr. WALSH of Montana. The necessary procedure would be for the Government of the United States and the Government of Canada to agree upon the construction, and then the construction could go forward as Congress might direct.

Mr. COPELAND. It may readily happen, and will happen, that the Government of Canada will not care to join in the development of the St. Lawrence either for navigation or for the development of water power.

Mr. WALSH of Montana. Quite so.

Mr. COPELAND. In that case, in the opinion of the Senator, is the State of New York estopped from any action?

Mr. WALSH of Montana. It is not estopped; but the State of New York can not negotiate with Canada; that is forbidden by the Constitution.

Mr. COPELAND. Let us grant that. Is there no power that the Congress of the United States itself has?

Mr. WALSH of Montana. I dare say that the Congress of the United States could lawfully authorize the construction of obstructions such as dams on its side of the middle of the river, but I presume probably that Canada would seriously object to any structures of that character without her consent, as we would if she should attempt to put obstructions upon the other side of the river, because each country by treaty is entitled to the free use of the river and the entire width of the river for the purposes of navigation.

Mr. COPELAND. Let me follow the idea out a little further, if it does not interfere with the Senator's thought.

Mr. WALSH of Montana. Not at all. I have offered what I think would be the complete solution of whatever difficulty might ensue with respect to the rights of the State of New York.

Mr. COPELAND. Perhaps, then, I had better wait.

Mr. WALSH of Montana. No; I will be very glad to discuss the question with the Senator.

Mr. COPELAND. Suppose the State of New York desired to go forward with water-power development on the St. Lawrence—and of course, as the Senator knows, that is a very live subject in that State—I should like to ask if we have delegated to the Federal Power Commission the right to deal with a question of that sort?

Mr. WALSH of Montana. I do not think that the Federal power act extends to the case of streams forming a boundary line between this country and a foreign country.

Mr. COPELAND. Then, if the Senator is right about that——

Mr. WALSH of Montana. However that may be, even though we have delegated it, I am perfectly satisfied that nothing can be done at all until we treat with Canada with respect to it.

Mr. COPELAND. The matter the Senator is discussing is of very vital importance to the State of New York.

Mr. WALSH of Montana. I dare say that no other State is so deeply interested in it, perhaps.

Mr. COPELAND. My State has a frontage on the St. Lawrence River between Lake Ontario, at its confluence with the St. Lawrence to Cornwall, which is the limit of our boundary, a distance of 66 miles. That section of the St. Lawrence represents tremendous power possibilities.

Mr. WALSH of Montana. It has possibilities, I am told, of two and a quarter million horsepower.

Mr. COPELAND. Yes; it has tremendous possibilities, greater even than those of Niagara Falls itself. The development of this section is a very serious matter to us as the Senator realizes, but—and I speak now for myself and for nobody else—I am convinced that, so far as Canada is concerned, she has other plans. She can run a canal from Montreal by the Ottawa River across to Lake Nipissing to the Georgian Bay, and then into Lake Huron, which is hundreds of miles shorter.

Mr. WALSH of Montana. Let me say to the Senator from New York that that project has been disapproved by the two joint international commissions that have considered the subject. The international joint commission, appointed under the treaty of 1909, and authorized by joint action of the Congress and the Dominion Parliament in 1919, that considered this matter and also the later commission appointed in 1923 have both disapproved of that project.

Mr. COPELAND. I am well aware of that, but even though commissions disagree to things the people still continue to think of them.

Mr. WALSH of Montana. Oh, yes.

Mr. COPELAND. And when they look at the map, as I am looking at the map now, they realize what tremendous possibilities are involved for the good of Montreal if there could be this shorter route across Canadian territory to the Great Lakes. But, regardless of whether commissions disagree or whether Canada is not willing to make the investment, the fact remains that the plan has congealed and will prevent development upon the St. Lawrence.

The Senator raises a very important question about the right of the State independent of any favorable action upon the part of Canada or by treaty between the two countries. It is a very important question that we are considering, whether or not the State of New York is estopped from any development on the river, and that, I assume from what the Senator has said he is trying to develop, and, perhaps, to offer a solution for that problem.

Mr. WALSH of Montana. No; I am perfectly satisfied about that feature of it. The officers of the State of New York would find themselves confronted with a penal statute if they, without any authority from Congress, should attempt to place any obstructions in the St. Lawrence River.

Mr. COPELAND. Yes; but the Senator has gone further than that, and made it appear to me that his thought is that even the Congress can not do that without an agreement with Canada.

Mr. WALSH of Montana. I am inclined to think that that is correct. Canada having the free right to the use of the river for navigation on both sides, and the United States having exactly the same right, neither, it seems to me, would be entitled, without the consent of the other, to put any obstructions in the river which might interfere with navigation.

Mr. COPELAND. Would that, in the opinion of the Senator, go so far as to preclude the possibility of erecting works there for power purposes, works that would actually have the effect of improving navigation?

Mr. WALSH of Montana. That would depend upon the improvement. A private individual might be quite willing to put works in a navigable river within the United States that would, as a matter of fact, improve navigation, but he would nevertheless be guilty of the offense described by the statute.

Mr. COPELAND. I am very much obliged to the Senator, and I shall listen with great interest to what he has to say further.

Mr. WALSH of Montana. The State of New York, by a suit brought in the Supreme Court of the United States, challenged the constitutionality of that act, particularly as it applies to the St. Lawrence River, contending that while the Federal Government may treat with Canada for the improvement of the navigation of the river, and that Congress may, in the event a treaty is effected, appropriate money for works to facilitate navigation and provide for the construction of such, the development of power is outside the field of national action, and that to couple the two purposes would render the legislation, if not the treaty, void.

An answer having been filed by the Power Commission, made a defendant in the suit, it was, on motion of the complainant, dismissed. It appears, however, that the State did not actually abandon its position, as might be inferred from its action, the conclusion having been reached that it had been premature, or at least that no present aggression was threatened. What substance is there to the claim thus made? Whether the Federal Government may or may not construct works for the development of power, either within the river or upon land outside of but adjacent to it, it is indisputable that the State of New York can not construct within the stream the dams necessary for the generation of power, first, because her officers would in so doing violate the Federal statute against the erection of obstructions in navigable streams; and, secondly, because she could not do so without the consent of Canada—and the Constitution forbids a State from entering into a treaty with a foreign power. It follows that if the contention of New York be sound, the power possibilities of the St. Lawrence must be lost to the people of the United States and, so far as the international section is concerned, perhaps, to the people of Canada, because of our peculiar governmental system.

But no such misfortune awaits them. It is indisputable—in fact, conceded—that the Government may treat for the improvement of the navigation of the river and construct and operate works to that end; and it must be conceded that, as incidental to such work, it may provide for the utilization of the power possibilities presented, turning the water held back by the necessary dams to the development of power, thus reducing the net cost of the enterprise. There would be nothing novel or unprecedented in such a course. It was necessary to erect the Gatun Dam across the Chagres River to provide water to float ships through the Panama Canal. A moderate amount of power was likewise necessary to tow bottoms through the locks, to mark the channel, and to light the necessary offices and appurtenant structures. A plant was installed adequate not only to meet the Government's necessity for power but, the dam being adequate, a plant was installed by which the whole city of Panama is lighted, a substantial revenue being returned from the sale of the excess power developed.

Even if it be conceded that the Federal Government may not engage in the development and sale of power as an independent enterprise, it does not follow that when, having spent money for a purpose within its constitutional authority, water is thus stored which may be utilized profitably for the development of power, it must allow the water to escape uselessly for the want of the necessary plant to generate energy.

Mr. WAGNER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the junior Senator from New York?

Mr. WALSH of Montana. I do.

Mr. WAGNER. While I am not prepared to agree with the Senator that where a dam is constructed to improve navigation upon a boundary stream the water-power development as the result of the construction of such a dam belongs exclusively to the Federal Government as an incident to the construction of the dam, if, however, the Senator should be correct in his contention as to that, there is no doubt, is there, that the Federal Government may give to the State the right to develop the water power which results from the construction of the dam?

Mr. WALSH of Montana. That is just what I was suggesting.

The authority of the National Government to improve the public lands by the construction of irrigation works has been vindicated by the adjudication of the Supreme Court. Water stored behind a great dam, being a part of the Salt River project in the State of Arizona, for the irrigation of lands within it, is utilized in part for the development of power to such an extent that the city of Phoenix is lighted from that source. Would anyone contend that it is forbidden by any provision of the Constitution that the cost to the water users be reduced by the construction of works that will afford not only water for irrigation but permit the generation of power?

The Congress has just passed, and the President has signed, the Boulder Dam bill, justification for it being found in the necessity of protecting lands in the Imperial Valley from overflow and in the desirability of making those of them that are public productive by irrigation. But that end can be more economically attained, it is argued, by utilizing the water held back by the dam for the generation of power; and Congress, being convinced of the soundness of that contention, authorized the necessary works.

The Government has carried on the development at Muscle Shoals primarily to insure a domestic supply of nitrates essential to the production of explosives for use in the event of war. The power potentialities of the site are greater than is necessary to that end, but there is economy in a full development if the surplus power be sold. Even if it be conceded that the Federal Government may not engage in the business of generating and distributing electrical energy apart from any activity in which it may legitimately engage, it does not follow that it must pursue an uneconomical course in respect to enterprises it undertakes within the scope of its powers because, forsooth, surplus power will otherwise be generated.

In the case of the St. Lawrence development, as at Panama, it is quite likely that some power will be essential to the operation of the works to be constructed to facilitate navigation; but, quite aside from such use, there can be no doubt of the authority of the National Government to do the whole job, to install works for the development of power as an incident of the improvement of the river for navigation, and to dispose of the energy generated.

Notwithstanding the attitude of the State of New York, as outlined in its bill of complaint filed in the Supreme Court and afterwards dismissed, there is little likelihood of any conflict between it and the Federal Government; certainly none that need embarrass negotiations with Canada. If a treaty is entered into by which the United States agrees with its neighbor jointly to carry on the work, there need be no fear about compliance on the part of our Government. The relative rights of the Nation and of the State of New York need give our Canadian friends no concern. They will be adjusted by mutual agreement or by our courts consistently with the obligations incurred by the treaty. Whether the State of New York may or may not claim title in part to the water flowing in the river, except in so far as it may be necessary in navigation, it has undoubtedly the title to the soil forming the bed of the river to the boundary line, subject to the right of the Federal Government to occupy it to promote navigation. That there is no disposition upon the part of those urging the enterprise, recommended unanimously by two international commissions, each aided by a joint board of engineers indorsing it without dissent, to ignore the just claims of New York, is shown by the closing sentence of the report of the conclusions of the American division of the commission last considering it, of which Herbert Hoover was the chairman, as follows:

> First. The construction of the shipway from the Great Lakes to the sea is imperative both for the relief and for the future development of a vast area in the interior of the continent.
>
> Second. The shipway should be constructed on the St. Lawrence route, provided suitable agreement can be made for its joint undertaking with the Dominion of Canada.
>
> Third. That the development of the power resources of the St. Lawrence should be undertaken by appropriate agencies.
>
> Fourth. That negotiations should be entered into with Canada in an endeavor to arrive at agreement upon all these subjects. In such negotiations the United States should recognize the proper relations of New York to the power development in the international section.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. COPELAND. Mr. Hoover in his report, in my judgment, did not recognize the rights of New York. He stated that a large part of the cost of the works and of the development on the part of our Government could be returned by the sale of power.

Mr. WALSH of Montana. Yes.

Mr. COPELAND. He did not talk about the rights of New York. He confined his thought wholly to the Federal right to reimburse itself, without considering for a moment the rights of New York State.

Mr. WALSH of Montana. I think there will be no trouble about that. It is quite likely that if the State of New York desires to assume so much of the total cost of the project as is properly allocable to power development in consideration of its being entitled to the electrical energy that may be developed, the Congress will readily assent to such an agreement. Of course, the Senator from New York would not expect the Congress of the United States to spend $275,000,000 for the development——

Mr. COPELAND. Yes; and probably $500,000,000.

Mr. WALSH of Montana. The estimate is practically $400,000,000; $125,000,000 to be allocated to navigation and $275,000,000 to power development. The Senator from New York certainly would not expect the Government of the United States to spend $275,000,000 for the installation of power works and then give it over to the State of New York.

Mr. COPELAND. No.

Mr. WALSH of Montana. Of course, if the State of New York wants the power, it must pay the cost of the development of the power.

Mr. COPELAND. That is it.

Mr. WALSH of Montana. Exactly.

Mr. COPELAND. I have no belief in the world that the Congress of the United States is ever going to vote $500,000,000 for the development of a waterway from the Great Lakes to the sea by the St. Lawrence; at least, I hope that the Congress never will do it. The Senator and I are not in agreement upon that.

Mr. WALSH of Montana. We are not at all in agreement on that.

Mr. COPELAND. I realize that; but, assuming that the Congress never does make that appropriation, and that the canal as such is not built, it will be unfortunate, indeed, if the State of New York is prevented from developing the water power along the St. Lawrence River.

Mr. WALSH of Montana. That is just the situation which the State of New York is placed in if the Senator maintains his present attitude.

Mr. COPELAND. That is to say, the attitude of the Senator from Montana is that unless the canal is built, unless the river is improved for navigation purposes, we can never make use of the water power?

Mr. WALSH of Montana. No; you can, of course, treat with the Government of Canada, and have a treaty simply for the development of the water power, without improving the navigation at all.

Mr. COPELAND. That is, the United States could make such an agreement?

Mr. WALSH of Montana. The United States could make that agreement.

Mr. COPELAND. If I understand the Senator, he is very positive in his position that unless there is such a treaty, the State of New York could not proceed to build works in the St. Lawrence for water-power development.

Mr. WALSH of Montana. I have no hesitancy in expressing my opinion about that at all.

Mr. COPELAND. Even though such works were primarily for navigation purposes. That would not make any difference?

Mr. WALSH of Montana. That would not make a bit of difference. The State of New York has no right, for instance, to put works for the purpose of improving navigation in the Hudson River.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. WAGNER. I understood the Senator to say a moment ago that the United States could enter into a treaty with Canada for the sole purpose of erecting dams for the development of power——

Mr. WALSH of Montana. It did so with respect to Niagara.

Mr. WAGNER. Unrelated to the question of navigation.

Mr. WALSH of Montana. Quite so.

Mr. WAGNER. Has not the State of New York some rights in relation to the construction of any works upon property owned by it, and is not the Federal Government's intervention based exclusively upon the regulation of interstate commerce or the development of navigation?

Mr. WALSH of Montana. Entirely so. Of course, in view of the fact that this stream is international, the treaty-making power is also important.

Mr. WAGNER. That is the very point I wanted to make, because I had in mind the pending treaty between the United States and Canada which is now up for ratification before the Committee on Foreign Relations. I wanted to ask whether or not a State may be ignored in a convention between our country and another country in relation to works constructed upon the boundary stream, where those works have no relation to the improvement of navigation or the regulation of interstate commerce.

Mr. WALSH of Montana. The answer is very simple, as it seems to me, Mr. President. The State of New York can not enter into any agreement with Canada.

Mr. WAGNER. I concede that.

Mr. WALSH of Montana. There is no possibility of any agreement except between Canada and the United States. When the United States enters into an agreement, under which power work may be constructed by the United States, or somebody under its authority, it seems to me to follow necessarily that Congress must prescribe the conditions under which those works may be constructed, and, of course, if the State of New York claims that it ought to have a right in the matter by reason of the fact that it owns the soil, it ought to be given, in justice and equity, it seems to me, a hearing upon the matter, and its wishes in regard to the matter, and even its rights, ought to be respected.

Mr. WAGNER. That is the point I was making——

Mr. WALSH of Montana. But there is no way of dealing with the question that I know anything about, except through treaty between the two powers.

Mr. WAGNER. I understand that. Of course, it must be the result of a treaty or a convention, but after the treaty has been entered into and made effective by ratification, can the Federal Government then do anything under that convention except in accordance with our own laws?

Mr. WALSH of Montana. If the treaty is merely permissive, of course, the United States could give the State of New York or anybody permission to do the work that was contemplated, but if the United States is obligated, under the treaty, to do some work, and do it in a certain way, I think it must follow of necessity that the State of New York can not say, "You must not do that."

Mr. WAGNER. In other words, whether it involves constructing works upon its own property, or the diversion of water which it owns, or holds in trust——

Mr. WALSH of Montana. Exactly. Let us suppose that the State of New York does not own the property, but that it is owned by private parties. The Government of the United States would be obliged to go in and condemn the land in order to carry out its obligations under the treaty with Canada. In exactly the same way it would have in some way or other to acquire whatever interests the State of New York had in the property.

Mr. WAGNER. I thank the Senator for his views. I am not in accord with them.

Mr. WALSH of Montana. I am very glad to have had the attention of the Senators from the State of New York with respect to this, because it has occurred to me that we have a perfectly common interest in negotiating with Canada for this work; and I submit to the Senators from New York that, as a practical proposition, we can not separate the two matters of navigation and power development. There is no such thing as separating them, because the economical thing to do is to combine the two and utilize them the best way we can.

I have no doubt in the world that if the State of New York should undertake the entire cost of the whole enterprise, to construct the works for the purpose of navigation in accordance with plans prescribed by the Government of the United States, the Congress of the United States would say, "Do it, and God speed you in the work. Take the whole thing over."

Mr. COPELAND. Mr. President, if the Senator will yield——

Mr. WALSH of Montana. On the other hand, if what the State of New York wants is an opportunity to develop the power, it could be said, "Very well; you pay so much of the total cost as is allocable to the development of power, and take the power." What is fairer than that? What objection does the senior Senator from New York find to such a proposition?

Mr. COPELAND. Mr. President, if the Senator means that the portion of the St. Lawrence development that coincides with the 66 miles of our frontage on the St. Lawrence River is the part that we should develop in its entirety, I have not anything to say; I would have no objection to that. But, of course, if the State of New York——

Mr. WALSH of Montana. I do not want the State to pay a dollar of that. All I suggest that they pay is so much of it as is properly allocable to the development of power.

Mr. COPELAND. I would have no possible objection.

Mr. WALSH of Montana. Of course, it is a matter of negotiation between the authorities of the United States and the authorities of the State of New York as to how much of it is properly allocable to the development of power.

Mr. COPELAND. I would like to say this, if I may, that if I had to choose between the plan proposed by the Senator, by which New York would get that power, and a part of the plan was the full development of the St. Lawrence Canal, I should oppose it. I can not believe that one can be quite patriotic—and I say that giving the Senator all consideration for his views, which are in opposition, of course—I could not be patriotic if I advocated the building of the St. Lawrence Canal; because, in the first place, I do not believe the canal could ever be profitable.

It would be a one-way proposition. It would be valuable in the exportation of wheat, but it could not be profitable to the exporter of wheat, because as a one-way proposition the charge for both ways would have to be charged against the freight. But the chief point is that I could not consent to the upbuilding of the port of Montreal as the great transshipment port of North America as against the United States ports on the Atlantic Ocean. That is exactly the way I feel about it.

I know that in a moment the Senator is going to say "It is rather strange, then, that Montreal is opposed to it." Of course, the reason Montreal is opposed to it is the one I suggested a little while ago, that the people of Montreal have in the back of their heads the idea that some time they are going to develop the Ottawa River-Lake Nipissing-Georgian Bay Canal. To look forward to the building of the St. Lawrence canal to me is looking forward to something little short of a national calamity. I think it would have a very pernicious effect upon our shipping and upon the welfare of our Atlantic ports, including the port of New York.

I should be very unhappy, indeed, to find that the Senator is right, and if he is right, that the State of New Lork is prohibited from developing the water powers on the St. Lawrence unless that development coincides with the building of the St. Lawrence canal.

Apparently from what the Senator says, and if he is right, it seems that before there can be any such development of the water powers on the St. Lawrence we will have to have a treaty, a treaty which involves the building of the canal, as well as the development of water power.

Mr. WALSH of Montana. You can make a separate treaty, of course, with Canada, for the development of water power, without the development of the river for navigation.

Mr. COPELAND. I hope we may have the powerful influence of the Senator from Montana in such a development.

Mr. WALSH of Montana. Why should the Senator expect the powerful influence of the Senator from Montana? Does not the Senator from New York conceive that the State of Wisconsin, for instance, and the State of Minnesota, and the State of Iowa, and the State of North Dakota, and the State of South Dakota, and the State of Montana, which latter State is 1,100 miles from water carriage—does not the Senator conceive that they have some rights in the premises? Does not the Senator conceive that their interests in the matter are entitled to just as much consideraion as are those of the city of New York?

Mr. COPELAND. I should concede all that, if that statement were founded on a basis of actual economic truth.

Mr. WALSH of Montana. What is the foundation of actual economic truth? Of course, I have very great respect for the Senator when it comes to engineering problems, but the people who have considered this are two boards of engineers of the United States and of Canada, with three members upon each side. In addition to that there was an economic commission, with both sides represented, and both sides are in disagreement with the Senator from New York. All the boards of engineers, and all the commissions, are against the Senator from New York in his statement that the enterprise will never pay. Indeed, one commission has reported that every year the improvement exists it will actually pay for itself.

Mr. COPELAND. By the development of water power?

Mr. WALSH of Montana. From all returns, including the vast benefits accruing to the landlocked States of the United States.

But I do not care to engage in any controversy about that. The record is here. The economic considerations were given the most exhaustive consideration. They were the subject of testimony by men of the very highest standing in the export trade, who gave the figures concerning the incoming and the outgoing trade, and that is here before us for consideration. Their conclusions, founded upon that testimony, will stand in this body as against the statement of the Senator from New York that he is against this because it will never be economically possible.

Mr. COPELAND. If the Senator from Montana will yield——

Mr. WALSH of Montana. The Senator from New York may keep that attitude, if he sees fit to do so, but it is a dog-in-the-manger policy. If the State of New York wants to develop this power, there is only one thing for it to do, to get into contact with the people who want to develop the river for the purpose of navigation, and have the whole thing conducted in an economic way, and take the first step, entering into a contract with Canada for the development.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. COPELAND. Of course, when it comes to a matter of law, I will yield at once to the Senator from Montana. When it comes to a matter of engineering, I assume I know as much about it as he does.

Mr. WALSH of Montana. I am sure the Senator does.

Mr. COPELAND. When, on behalf of the State of New York, I consider the St. Lawrence Canal, I am not considering it from a dog-in-the-manger attitude. I am considering it from the national standpoint, and we do not have to consider this purely as an academic question. We are now using the St. Lawrence River, through its various canals, and the Welland Canal, for the carriage of wheat from the lake head to Montreal.

Mr. WALSH of Montana. In ships that draw 14 feet, and that can not go to the ocean.

Mr. COPELAND. Yes; and last year 2,670 of those ships which went east with wheat came back empty. There was nothing for them to bring back.

The Senator talks about the dog-in-the-manger attitude of the Senator from New York.

To me the logic of the situation is irresistible. Within a very short time the United States will disappear as a wheat exporter. Because blood is thicker than water and because of materially lower prices of production, Great Britain will prefer to import Canadian wheat and eventually the Liverpool market will be lost to us.

Comparisons of the freight rates and facilities of the two countries are interesting. Duluth, in our country, and Fort William, in Canada, are the extreme western lake ports through which wheat is shipped for domestic consumption in the home country or for export to Europe. The rates by water from these two cities to the Atlantic seaboard are approximately the same.

Whether a canal is built or not, then, Americans and Canadians are on the same basis so far as water transportation is concerned. But they are not on the same competitive basis when we consider the rail rates from points of production to the lake head.

There is little difference between the rates from the Dakotas to Duluth, but Montana and other points farther west are at a considerable disadvantage. For instance, the rate from Butte, Mont., is 44½ cents per hundred, while it is only 26 cents from Alberta and Saskatchewan points. This gives the Canadian shipper an advantage of about 18 cents a bushel.

What do these figures prove? They show conclusively that the St. Lawrence waterway will not better the prospects of the American wheat farmer. He will continue to be on the present basis of competition with his neighbors across the line. As they increase their acreage, the cheaper rail rates in Canada, to a considerable extent, and the sentimental tie between England and her colony, to a greater extent, will cause Canadian exports of wheat to increase while ours decline.

So I am not speaking as a New Yorker with a dog-in-the-manger attitude. I am speaking as a citizen of the United States when I say that the building of that canal, so far as I can see, will not help the wheat farmers of the Northwest one iota.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. WALSH of Montana. Certainly.

Mr. WAGNER. I wish to ask the Senator a question having reference to the legal aspect of the case only and not to the economic features. I do not think the Senator and I disagree that upon a stream which is not a boundary stream the Federal Government has no power to construct any works or to do any act in relation to the stream except to improve navigation.

Mr. WALSH of Montana. That is correct, except that I have no doubt that in the construction of such works, if power is developed incidentally, they have a right to develop the power and dispose of it. Indeed they have done that repeatedly. I refer the Senator to the Fox River in the State of Wisconsin.

Mr. WAGNER. I am speaking of constructing works which have no relation to navigation.

Mr. WALSH of Montana. I fully agree that they can not go into the power development as an independent matter.

Mr. WAGNER. Or appropriate or divert the water. Did I correctly understand the Senator to say, in the case of a boundary stream which is the subject of a treaty or convention between the two countries, that under such convention a private company may be given the right to divert the waters of the boundary stream without securing permission of any kind or character from the State itself? I am speaking now of a stream that is not navigable, so there can be no question of navigation involved at all. If I may be specific, I am speaking of the Niagara River.

Mr. WALSH of Montana. The Senator is probably better informed about that than I am, but my recollection is that we entered into a treaty with Canada in relation to that subject by which Canada was granted the right to divert 36,000 cubic feet per second and we 20,000 cubic feet per second, and having the right to divert 20,000 cubic feet per second the Congress of the United States granted to a private corporation a permit thus to divert the water. The State of New York did not enter into it at all, did it?

Mr. WAGNER. The State of New York did not enter into the treaty negotiations, but that does not in any way change the legal aspects of the case.

Mr. WALSH of Montana. No; not at all.

Mr. WAGNER. My view is that the State of New York has a voice in regard to the diversion of the water of that river. There has, however, been no legal pronouncement on the question.

Mr. WALSH of Montana. Let us put the thing in a practical way. The Government of the United States and the Government of Canada enter into an arrangement by which they jointly agree to construct the necessary works for the development of navigation, and incidentally for power, to be divided between the two countries.

Mr. WAGNER. Is the Senator speaking of the Niagara situation?

Mr. WALSH of Montana. No.

Mr. WAGNER. The Senator is speaking of the ordinary situation?

Mr. WALSH of Montana. Of the international question only. I apprehend there will be no doubt in the mind of the Senator from New York, as there is not in mine, that they could make such a treaty as that; and having done so, in what way could the State of New York come in and assert any absolute right in the premises? How would it proceed? The Congress then passes an act authorizing the Secretary of War to go on and construct the works in accordance with the treaty. What could the State of New York do?

Mr. WAGNER. I think that the Senator and I misunderstand one another. I was assuming a case in which a convention was entered into for the diversion of water for water power purposes and also for the construction of remedial works. I was assuming a case in which the question of navigation was not involved at all, because the stream was not navigable and could not be made navigable. Under those circumstances was it the Senator's view that the Federal Government might permit the diversion by a private company of the amount of water limited by treaty for water power purposes, without requiring the assent of the State of New York?

Mr. WALSH of Montana. The question is, as it seems to me, quite academic.

Mr. WAGNER. No; it is an actuality, I will say to the Senator.

Mr. WALSH of Montana. If the Senator will state the facts, I shall be glad to try to answer him.

Mr. WAGNER. Let us take the pending treaty, in which a convention has been entered into between the United States and Canada as a result of which two companies, the Ontario commission and the American company, agree to construct specified remedial works, certain submerged weirs, for the purpose of restoring the scenic beauty of Niagara Falls, which, it is alleged, has been impaired. The companies, under the convention, are also given the right for a period of seven years to divert water up to 10,000 cubic feet per second in addition to that which is now allotted to them. That is the actual case. The question of navigation is not involved, because from the place where the water is taken into the power plant to the place where it is again discharged into the stream the river is not navigable and can not be made navigable. The question of navigation, therefore, does not enter.

What I would like to inquire of the Senator, because I recognize his superior legal knowledge and his superiority in every respect, but particularly as to the law, is whether or not the State of New York has any rights in relation to the diversion of that particular water. I think it is true that the State owns the bed of the river, and the riparian owners have certain rights. Can they all be ignored in a matter of that kind?

Mr. WALSH of Montana. I will say that we have problems out in the West not unlike the one cited by the Senator. The Government carries on works of irrigation out there, but we have always put in the necessary act in relation to the matter a provision that they must appropriate the water in accordance with the laws of the State. The water power act, which authorizes the granting of permits to construct dams in navigable streams and in streams on the public domain, provides that they must comply with the laws of the State in which the stream is in order to construct the works.

I should think it would be quite proper to say that those people must comply with the requirements of the laws of the State of New York to do this. But as a matter of absolute right I do not think it necessarily follows. I have no doubt at all that the General Government, desiring to construct works of irrigation out in Montana, would have a perfect right to appropriate whatever water is necessary for the purpose of doing that work without any regard to State law, so we always put into the law a provision that it must be done and the water must be appropriated in conformity with the laws of the State in which the works are constructed. I should think likewise that the law ought to provide that the consent of the State of New York to the construction of works and the appropriation of water for the purpose should be secured before it could go on.

If the Senator puts the question to me as a matter of absolute right, I should say that the matter being a matter of treaty negotiation it then falls under the legislation of the Congress, under the decision in the migratory-bird case, and that Congress may make such provision with respect to the matter as it is advised.

ROCKEFELLER-STEWART PROXY CONTEST

Mr. NORRIS. Mr. President, for several days the country has been entertained with accounts of the contest going on between Mr. John D. Rockefeller, jr., and Col. Robert W. Stewart to obtain control of the Standard Oil Co. of Indiana. It has seemed to me, inasmuch as that controversy has arisen on account of an investigation which was made by a Senate committee, that it would be well, lest we forget, to call attention in a brief way to the things that have happened out of which the contest between Rockefeller and Stewart has arisen.

Several years ago the Standard Oil Co. of Indiana, the Prairie Oil & Gas Co., and the Sinclair Co. desired to buy a great deal of oil. There was a man in Texas by the name of Humphreys who had a rich oil field and lots of oil to sell, so there resulted some negotiations between Mr. Humphreys and the Standard Oil Co. of Indiana, the Prairie Oil & Gas Co., and the Sinclair Co. in regard to the purchase of the oil.

At the Vanderbilt Hotel in New York City Mr. Humphreys met Stewart and Blackmer, of the Standard Oil Co. of Indiana, and James O'Neil, of the Prairie Oil & Gas Co., and Harry F. Sinclair, of the Sinclair interests. They negotiated for several days, as I remember the testimony, and the result of it was that Humphreys sold to those people, representing the oil companies which I have mentioned, something over 30,000,000 barrels of oil at $1.50 per barrel. Humphreys supposed he was dealing with the Standard Oil Co. of Indiana, the Prairie Oil & Gas Co., and the Sinclair Co. Up to the time that the negotiations were concluded and the contract agreed upon for the delivery of and the payment for the oil he had no idea that he was dealing with anybody else.

But when it came to the writing of the contract and putting the agreement into writing these gentlemen—Mr. Stewart and Mr. O'Neil, Mr. Blackmer, and Mr. Sinclair—said to Mr. Humphreys, "Draw this contract in the name of the Continental Trading Co. of Canada." Mr. Humphreys did not know the Continental Trading Co., he had never heard of it, and, inasmuch as the oil was to be delivered over quite a period of time and payments made accordingly, he did not want to enter into a contract for the sale of oil amounting to many millions of dollars without knowing the financial responsibility of the purchaser. So Mr. Sinclair and the other gentlemen said, "We will guarantee the payment," and with that agreement Humphreys was in accord and the contract was drawn up and signed and the guaranty made.

Stewart, Sinclair, O'Neil, and Blackmer, representing the oil companies which I have mentioned, bought the oil for $1.50 per barrel in the name of the Continental Trading Co. of Canada and resold it to their own companies for 25 cents a barrel advance. In other words, they bought it for $1.50 a barrel and sold it for $1.75 a barrel. The Continental Trading Co. had

never had any existence and was organized only the day before these transactions took place. It never had any money put into it by these men; there never was a dollar invested. It was simply a corporation to cover up the tracks of these men who bought oil for $1.50 a barrel and sold it to their own stockholders for $1.75 a barrel, the profit amounting to something between $3,000,000 and $5,000,000. So on its face it would look as though these men were false to their own stockholders and to the corporations which they respectively represented.

The Continental Oil Co. never had any other business but this one transaction; it was dissolved and went out of business as soon as this transaction was completed. They had taken in with them a Canadian lawyer by the name of Osler, who was made an official of the company, and who handled the money. The oil was bought for $1.50 and the contract provided for a certain date of payment, but they were careful in negotiating the contract that the date of payment to Humphreys, the individual who sold the oil, and whose part in the transaction was perfectly honorable and upright, should be subsequent to the date on which the companies which ultimately got the oil at an advance of 25 cents a barrel should make their payment. So, as a matter of fact, they carried out the entire transaction without investing a single penny.

This happened several years ago. These transactions were unknown until after the investigation conducted by the Senate committee and by the special attorneys of the United States pertaining to the various oil transactions and oil deals and oil steals; but in consequence of this particular transaction the Continental Trading Co. made a profit of more than $3,000,000. It made it at the expense of the companies represented by Stewart, Sinclair, and O'Neil. They used their companies' money to buy oil and they sold it to those companies at an advance of 25 cents a barrel.

The profit that this fraudulent company made was invested in Liberty bonds and was divided in equal parts and distributed among Stewart, Sinclair, Blackmer, and O'Neil. O'Neil kept his share of these bonds for three years, and then, in a fit of remorse, secretly returned it to his company. Blackmer kept his share and fled to Europe. He has been there ever since, and, like "the man without a country," he dare not come back. He is resisting a subpœna to testify. He is resisting—and under the French law has been able to do it successfully—a requisition to bring him back here on an indictment returned against him by a grand jury in connection with this transaction.

Sinclair, so far as we know from the evidence, used a part of his bonds—$230,000 of them—to give to Secretary Fall, and he also gave $250,000 or thereabouts to the Republican National Committee.

Stewart put his share of these bonds—$750,000—in a safe in his private office; and he did not tell the board of directors of his company about it or that he had that amount until about six years afterwards, at a time when he was driven into a corner by the investigation of the Senate committee, and after he had been cited for contempt of the Senate in refusing to answer questions in regard to these bonds. Then he called a meeting of the board of directors of his company, surrendered the bonds, explained that he had taken them in their behalf, and had intended to return them all the time, but has never given any explanation, so far as I know, as to his failure to return them earlier, and has never given any explanation as to why he went into this deal and into the organization of the Continental Trading Co. If he intended that the profit should go to the stockholders whom he represented, then there was no necessity of organizing this company; he could have bought, as Humphreys supposed he was doing, the oil at $1.50 a barrel and turned it over to his company; but his company had to pay $1.75 a barrel for it, and he kept the profit all those years, until he was driven into a corner by the investigation of the Senate. Then, in order to escape, he said, "I kept this all the time for the company, and intended all the time to give it to the stockholders." The fact is that these bonds were purchased with profits made at the expense of the stockholders of the company, with the connivance of Colonel Stewart; and the stockholders, in accepting them, are merely receiving what had been wrongfully taken from them at the beginning.

Now, Mr. President, Mr. Stewart, in his contest to secure reelection to the board of directors against the opposition of Mr. Rockefeller, has issued a statement widely published, from which I will quote later. In that statement he has a great deal to say in praise of the American jury system. It will be remembered that he was acquitted before a jury in the District of Columbia on a charge of perjury, and also on a charge of contempt of the Senate. He has not, however, in his glowing eulogy of the jury system, had anything to say about the court system of our country. He has not had anything to say about the Supreme Court of the United States. That court passed on these oil deals; it considered the organization of the Continental Trading Co., and I want to read from the opinion of that court:

> The creation of the Continental Co., the purchase and resale contracts enabling it to make more than $8,000,000 without capital, risk, or effort, the assignment of the contract to the resale purchasers for a small fraction of its probable value, and the purpose to conceal the disposition of its assets make it plain that the company was created for some illegitimate purpose. And the clandestine and unexplained acquisition of these bonds by Fall confirms the belief, generated by other circumstances in the case, that he was a faithless public officer. There is nothing in the record that tends to mitigate the sinisfer significance attaching to that enrichment.

I hope in the next statement Mr. Stewart makes, which I suppose he will issue immediately after he reads what I have said, he will explain what he thinks about the Supreme Court and the judgment rendered by that court in which they criticized the oil company which he helped to organize and which the court has condemned as having been organized for an illegal and unworthy purpose.

Mr. CARAWAY. Mr. President——

Mr. NORRIS. I yield to the Senator from Arkansas.

Mr. CARAWAY. It would be interesting, although Mr. Stewart will never tell it, to know the inside history of those two trials, would it not?

Mr. NORRIS. It certainly would.

Mr. CARAWAY. It would be thrilling.

Mr. NORRIS. It would also be interesting to have Mr. Stewart, in the next effusion which he gives to the press, explain all about the Continental Trading Co., why it was organized, and to take the people into his confidence and tell them why it was necessary to organize the Continental Trading Co. if he was in fact buying oil for his company, as he now claims he was.

Mr. CARAWAY. If he would just tell the truth once, it would be the most interesting thing he has said in connection with this matter.

Mr. NORRIS. He would be entitled to a chromo.

Mr. CARAWAY. But he never will do that.

Mr. WALSH of Montana. Mr. President——

Mr. NORRIS. I yield.

Mr. WALSH of Montana. I wish to remark that, whatever might be said concerning the jury which tried Colonel Stewart the last time upon the charge of perjury, it will be difficult for anybody to exculpate the jury that acquitted him for refusing to answer the questions that were propounded by the committee, for which he was first indicted. The relevancy of the questions was determined by the court and the court determined that the questions were relevant. The only question then was, Were the questions asked him and did he refuse to answer? There was no possibility of escape from a verdict of guilty, if the jury did its duty, and yet that jury acquitted him.

Mr. NORRIS. I thank the Senator from Montana for his interruption.

Mr. WALSH of Montana. I speak of it in view of Colonel Stewart extolling the jury system.

Mr. NORRIS. He ought to extol that jury, I think.

Mr. President, it is a crime, made so by statute, to refuse to answer questions propounded by a Senate or a House of Representatives committee. Mr. Stewart was indicted for refusing to answer such questions. Two points were involved: Did he refuse to answer, and were the questions proper ones for the committee to ask? As the Senator from Montana has said, the court decided whether the questions were proper, and it was held, and nobody has ever disputed, that the questions he refused to answer were proper, and nobody disputes that he refused to answer. If he had been an ordinary workman in the streets of Washington, employed on the sewers or making an excavation for a water pipe, or working behind a desk, he would within 20 minutes after the empaneling of that jury have been on his way to jail. But, as I have often said, there was too much involved in this controversy; it is pretty difficult, if not impossible, to convict a million dollars.

I wish to read, Mr. President, an article appearing in the last issue of Labor, commenting upon what Mr. Stewart has said:

> Robert W. Stewart, who recently secured a District of Columbia acquittal of the charge of perjury, is fighting vigorously to retain the headship of the Standard Oil Co. of Indiana, from which Mr. Rockefeller, jr., seeks to oust him. In the course of his appeal for support, Mr. Stewart says:
>
> "The present organization (including himself) took the Indiana company in 1918, at that time worth $170,000,000, and in 10 years, without asking one cent from the stockholders, has made it into a company

worth about $900,000,000, during which time it has paid out over $200,000,000 in cash dividends."

That is the end of the statement by Mr. Stewart. Labor goes on:

Mr. Stewart's statement may not have much to do with the question at issue, but it certainly explains the price of gasoline. A group of allied interests, of which the Standard is chief, have a practical, though not a legal, monopoly of the oil business, and they charge all the traffic will bear.

No firm subject to genuine competition in an old and settled industry multiplies its assets fivefold in 10 years, while paying out cash dividends greater than the original value. It just isn't done. Financial magic of that sort means monopoly, and a rather ruthless monopoly at that.

Mr. Rockefeller, jr., is fighting Stewart because the latter's connection with the Continental Trading Co. fake and his contradictory statements before the Senate committee have given the oil industry a bad name. For this Mr. Rockefeller deserves credit. But it does not appear that Mr. Rockefeller has any objection to the extortionate prosperity of which Mr. Stewart boasts; and that, after all, is the matter of greatest and most lasting interest.

Here we have this man Stewart boasting that he took charge of this company 10 years ago, with property of the value of $170,000,000, and that in 10 years' time, by his operation of the company, he has not only paid $200,000,000 in dividends to the stockholders but has increased the value of its property to $900,000,000. That is what he says; that is his claim; that is his boast before the country and before the stockholders to secure votes to reelect him to the control of that corporation.

Mr. President, I think, as is said in the article here by Labor, that Mr. Rockefeller is entitled to credit for trying to oust Colonel Stewart from that place. It is sufficient reason to know what his connection has been with the fake Continental Trading Co., and his intention to keep from the stockholders of his own company the profits of a transaction which he never divulged until years afterward, when he was compelled to do so as a matter of self-defense. It is a worthy thing for those reasons, and for the additional reason given that he has refused to answer proper questions submitted by a committee of investigation. The opposition to him on those grounds is laudable, but it does not go far enough. Mr. Rockefeller does not go far enough.

Is the Standard Oil Co. of Indiana proud of the record that this man himself boasts that he has made? Does it want to go before this country—the leading oil company of the world, the one that sets the pace and fixes the price that all consumers must pay for gasoline—does it want to go before the country with that kind of a record, even though technically it is legal? Every man who buys gasoline, every owner of a flivver, has contributed to that enormous profit, all out of reason, all out of morality—a profit in 10 years, adding the two together, of something more than $1,000,000,000 on property valued at the beginning at only $170,000,000, and dealing in a practical necessity of human existence in this country.

It seems to me that if they want the respect of honest people, these stockholders ought to be satisfied with a profit that is not so unconscionable, so extortionate; and, in my judgment, Mr. Rockefeller does not go to the whole distance. It seems to me that the man who is one of the shining stars of the financial firmament of the world can not afford to preach the doctrine that he preaches every Sunday to his Sabbath school and still be willing to accept the pennies that shall be extorted from the people by a monopoly of this kind.

Colonel Stewart may have whatever credit and whatever praise he may think he is entitled to; but he has not only made a financial record that is a disgrace to the company, but the investigation and the evidence adduced in the trial of these oil cases and the condemnation of this trading company by the Supreme Court of the United States all mark him as a man unfit to try to operate any corporation or any business that even pretends to be honest.

Mr. HEFLIN. Mr. President, does not the Senator think that if Colonel Stewart had been a man of less wealth, if he had been just one of the plain people, he would now be in the penitentiary?

Mr. NORRIS. Oh, he would have been behind the bars long ago. There is not any doubt about it.

I want to read now from an editorial printed in the Washington News of February 1. The title is:

MONEY TALKS—MAYBE

How good of Colonel Stewart to clarify the issue. Here the press of the country for weeks has been saying that Stewart's only claim to reelection as chairman of Standard Oil of Indiana, against the opposition of Rockefeller and others who object to his part in the oil scandals, is his ability to produce profits. Now Stewart and his board prove that point by declaring a 50 per cent stock and cash dividend on the eve of the decisive election.

I ought to have said, Mr. President, that in this campaign that Colonel Stewart is waging before the stockholders of the Standard Oil Co. of Indiana he has recently declared, in addition to the cash dividends, a stock dividend of 50 per cent, putting 50 per cent more capital, more water into the capitalization of the company which, by his financial legerdemain, is going to be converted into pure gold. I wonder if the American people will always stand for such conduct as that in a necessity of the business world? As the article from Labor says, it certainly demonstrates one thing—that this is a monopoly controlled by the Standard Oil Co. of Indiana; that they fix the price that every person in the United States must pay for gasoline; and, in addition to those huge profits, Colonel Stewart has now declared a stock dividend of 50 per cent.

I read further from this editorial:

Will the stockholders, immediately after getting a melon of $469,000,000, the largest in the history of that giant corporation, be disposed to kick out their shrewd chairman? Stewart thinks not.

I have not the capitalization before me; but I presume the $469,000,000 referred to in the editorial is the amount of the stock dividend, the amount of water converted into gold.

As Stewart says, within a decade he has increased the value of the organization from $170,000,000 to $900,000,000. What more can stockholders ask of him?

Such little matters as honor and reputation should not be taken into account it seems. What does it amount to that he has been unable to justify his part in the notorious Continental Trading Co. oil deal with Sinclair, or to explain his conflicting testimony before the Senate Teapot Dome investigating committee?

So it comes down to a question of taste. Stewart does not mind if he is smeared with that scandal and defiles his company with it. But it offends Rockefeller:

"We think of this contest as an opportunity for the stockholders of the Standard Co. to clean house and show the public that the owners of one big business will not countenance in their representatives such a course of conduct as that followed by Colonel Stewart."

This difference of taste represents a profound difference in business philosophy. Stewart is acting on the old business maxim, "The public be damned." Rockefeller is acting on the newer business principle, "Public confidence is the most valuable asset."

It will be interesting to see whether the stockholders are thinking more of this week's half billion dollar Stewart melon, or of the future prosperity and public respect sought by Rockefeller.

But whatever his stockholders may think of him, there is one thing that must trouble even the hard-boiled colonel when he tires occasionally of counting his profits: He is condemned by the American people.

And the Standard Oil Co., conceded to be the one that sets the price of its products in the United States, whose prices are followed by all its competitors, so that there is in reality no competition, having a monopoly, having during the last 10 years as its share of the illegal and unconscionable profits that it has made reaped a reward of more than a billion dollars, is now increasing its capital by a stock dividend of nearly half a billion dollars, over $450,000,000!

I wonder if these stockholders now feel, occupying the place they do in the oil world, that they owe no respect to the public, that they owe no consideration to the hundreds of millions of people who contribute their pennies for gasoline in order that this kind of big business may thrive and grow fat and turn water into gold?

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendments of the Senate to each of the following bills:

H. R. 11526. An act to authorize the construction of certain naval vessels, and for other purposes; and

H. R. 13484. An act authorizing preliminary examinations of sundry streams with a view to the control of their floods, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10374) for the acquisition of lands for an addition to the Beal Nursery at East Tawas, Mich.; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HAUGEN, Mr. PURNELL, and Mr. ASWELL were appointed managers on the part of the House at the conference.

WAR DEPARTMENT APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes.

Mr. REED of Pennsylvania. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	McKellar	Shortridge
Barkley	George	McMaster	Simmons
Bayard	Gerry	McNary	Smith
Black	Gillett	Moses	Steck
Blaine	Glass	Neely	Steiwer
Blease	Glenn	Norbeck	Stephens
Borah	Goff	Norris	Swanson
Bratton	Gould	Oddie	Thomas, Idaho
Brookhart	Greene	Overman	Thomas, Okla.
Bruce	Hale	Phipps	Trammell
Burton	Harris	Pine	Tydings
Capper	Harrison	Pittman	Tyson
Caraway	Hastings	Ransdell	Vandenberg
Copeland	Hawes	Reed, Mo.	Wagner
Couzens	Hayden	Reed, Pa.	Walsh, Mass.
Curtis	Heflin	Robinson, Ark.	Walsh, Mont.
Dale	Johnson	Robinson, Ind.	Warren
Deneen	Jones	Sackett	Waterman
Edge	Kendrick	Schall	Watson
Edwards	Keyes	Sheppard	Wheeler
Fess	King	Shipstead	

Mr. TRAMMELL. I wish to announce that my colleague [Mr. FLETCHER] is unavoidably absent.

Mr. RANSDELL. My colleague, the junior Senator from Louisiana [Mr. BROUSSARD], is necessarily absent by reason of illness.

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent. I ask that this announcement stand for the day.

Mr. FRAZIER. My colleague [Mr. NYE] is unavoidably absent on account of illness. I ask that this announcement stand for the day.

Mr. NORRIS. I desire to announce that my colleague [Mr. HOWELL] is unavoidably detained from the Senate by illness.

Mr. BRATTON. My colleague [Mr. LARRAZOLO] is absent from the Chamber on account of illness. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Eighty-three Senators having answered to their names, there is a quorum present.

Mr. REED of Pennsylvania. Mr. President, there are only two more committee amendments to be considered, so far as I know, and they both relate to the same subject. So I think that a brief explanation will be in order.

In the Air Corps 5-year program, which was adopted in the act of 1926, permission was given to the Air Corps to carry on training work only with lighter-than-air craft. The Army has built a few of these nonrigid dirigibles which Senators have from time to time seen flying around Washington. They are very small. Senators can appreciate how small they are when I say that some of them contain 200,000 cubic feet of helium, and some of them 60,000 cubic feet of helium, while the *Los Angeles*, the Navy's dirigible, contains 6,000,000 cubic feet, so that it is more than thirty times bigger than the largest of these Army craft.

The same Air Corps act provided that each year 1,200 additional enlisted men should be taken into the Air Corps, so that at the end of the five years it would have the full complement of enlisted men that was contemplated. Yet the Congress has stood very firmly against an increase in the aggregate number of enlisted men in the Army. This bill provides, as the bills in the past years have provided, for 118,750 enlisted men.

To comply with the Air Corps act, and at the same time keep the total number of enlisted men stationary, means that those enlisted men have to be taken from the other branches of the Army and put into the Air Corps. The result has been an increasing number of regiments that are skeletonized, an increasing number of battalions have to be consolidated, so that many of our Infantry regiments, which ought to have three battalions apiece, are now getting along with two very much undermanned battalions, and each year the difficulty of finding these enlisted men for the other branches has increased.

Last year the Committee on Appropriations of the House and the Committee on Appropriations of the Senate, having this bill in charge, and the Military Affairs Committee of the Senate, were all in agreement, first, that it was a sheer waste of money for the Army to go on tinkering in this feeble way with the development of lighter-than-air craft; that it was much wiser to concentrate our efforts in the Navy, where they are handling it on a larger scale; that the craft that the Army have, and which they contemplate building, were of absolutely no combatant value, nonrigid ships, with a very slow speed, with practically no combatant value at all, and they would be perfectly helpless opposed to airplanes of ordinary efficiency.

The second reason that compelled us to that conclusion was the fact that at Scott Field, in Illinois, where this work has been carried on, there were 23 officers and 506 enlisted men, and we thought they would very much better be put into the heavier-than-air activities, and relieve the Army for this year to that extent of drawing men out of the other branches of the Army to provide this annual increment of 1,200.

Mr. HAWES. Mr. President, when the Senator says "we," he does not refer to anybody connected with the Army, does he? He refers to the Senate, does he not?

Mr. REED of Pennsylvania. I mean the House Appropriations Committee, the Senate Appropriations Committee, the Senate Military Affairs Committee, and a very considerable number of officers of the Air Corps.

Mr. HAWES. Is it not a matter of fact that this was stricken out in the House and put into this bill by the Military Affairs Committee of the Senate, and that it does not meet with the approval of the Secretary of War, or of any of the witnesses representing the War Department summoned before the Committee on Military Affairs of the Senate?

Mr. REED of Pennsylvania. It met with the approval of both Houses and the President in the appropriation bill last year.

Mr. EDGE. Mr. President, will not the Senator explain just what the amendment proposes to do?

Mr. REED of Pennsylvania. Yes. There are two amendments, and we might as well discuss them both. The first one, the one now before the Senate, will be found on page 26, and reads as follows:

> That no part of the sums appropriated or authorized to be contracted for in this paragraph shall be available for construction at Scott Field, Ill.

That is the paragraph relating to military post construction. That is the first amendment. The second one is to be found on page 34, where the Senate will notice that in line 24, in the item dealing with the construction of lighter-than-air craft, experimental and research work, we struck out the words "lighter-than-air craft" and put in the words "observation balloons."

Not to take too much of the time of the Senate about that, it is admitted on all hands that it is necessary to keep up the Army's equipment of observation balloons. They are necessary for spotting field artillery fire, and they are necessary for staff observation as well. In the attack on Cantigny, which Senators will remember was our first big attack in France, about 45 per cent of the messages that came down from our observation balloons were artillery reports, and about 55 per cent were information for the staff of the division that was concerned in that attack.

Mr. NORRIS. Mr. President, I can not understand the first amendment. It seems to be confined to a limitation that would prevent anything being done at a certain field. I know nothing about the field; but, as I understand it, that does not seem to agree with what the Senator explained the amendment to mean. Why is it confined to that one place?

Mr. REED of Pennsylvania. It is limited to Scott Field because that is the place where this activity is carried on, and it is the only place.

Mr. NORRIS. Would not the officials be able, even if the amendment were agreed to, to carry on the activities in some other place?

Mr. REED of Pennsylvania. Yes, Mr. President; but the next amendment would prevent it, as the Senator will see.

The second committee amendment is that which changes the words "lighter-than-air craft" to read "observation balloons." The officials are allowed to carry on experimental and research work with observation balloons. They do not need any authorization to buy more observation balloons, because we now have in storage about 18 of them. They are comparatively cheap, they are easy to produce, they can be brought out in a short time, and if war were declared, they could be made about as fast as they could be used. So that there is a sufficient supply in storage.

There was carried over in the bill as it passed the House, and it is not the subject of a committee amendment, language which appears at the top of page 35, to the effect that no part of this construction fund may be expended for the production of lighter-than-air equipment.

As I said, they have enough observation balloons in storage and we do not want them to buy any more of the blimps with engines in them.

It has been suggested by the people in that part of Illinois and the people of St. Louis who are close to Scott Field that it would be a serious injury to their community if Scott Field were to be abandoned. I do not think there is the slightest likelihood that Scott Field will be abandoned. If the Navy

chooses to carry out lighter-than-air experiments there, that can be done; but if the Navy does not, nevertheless, Scott Field is a very necessary part of the network of landing fields for heavier-than-air craft and I think I can assure the people of those communities that, except as they will not see any more of the blimps and will see a great many airplanes, they will not be able to discover any difference in the activities of the aviation officials at that field. Probably just as many men will be stationed there in the heavier-than-air work as are stationed there now carrying on balloon experiments.

Mr. NORRIS. Mr. President, may I ask the Senator just where Scott Field is?

Mr. REED of Pennsylvania. It is in southern Illinois rather over toward the river side, not very far from St. Louis. The Senator from Illinois can tell us how far.

Mr. DENEEN. It is 20 miles from St. Louis.

Mr. REED of Pennsylvania. It is a common excursion point for people of that region.

Mr. HAWES. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. HAWES. May I add to the explanation that this is one of the oldest aviation fields in the United States.

Mr. REED of Pennsylvania. I dare say that is so, and it will continue to be an aviation field.

Mr. HAWES. More than $5,000,000 has been expended there and there is a hangar costing $2,000,000. It is the only field in the central portion of our country, and the attempt is now being made, or the first step is being taken, in my opinion, to abandon the field and take from the Army a function which it has had for years and give it to the Navy.

Mr. REED of Pennsylvania. I can answer that by saying that, so far as I know, there is no intention on the part of the committees I speak of and not any intention on the part of the Army authorities to abandon Scott Field. They regard it as of high value for heavier-than-air aviation and the Assistant Secretary for Aviation has told me that he thinks it is indispensable for that purpose.

Mr. HAWES. Did not he also tell the committee and the Senator that in his opinion this change should not be made?

Mr. REED of Pennsylvania. He did.

Mr. HAWES. And so did the old commander, Colonel Paegelow?

Mr. REED of Pennsylvania. He did.

Mr. HAWES. And all the other officers appearing before the Senator's committee from the Army?

Mr. REED of Pennsylvania. Colonel Paegelow, who is commander there, is an Air Corps officer who is not accustomed to flights in heavier-than-air machines. His activities have been limited entirely to balloon and blimp work and I should rather have expected him to look with some dismay on the Army's cessation of its activity.

Mr. HAWES. The Senator will admit that there was no more experienced officer on the front than Colonel Paegelow?

Mr. REED of Pennsylvania. I do, and his experience was almost entirely confined to observation balloons, which we provide for continuously.

Mr. HAWES. That was his duty and he had a long distinguished record. He possibly has had more experience in this field than any other officer now in the United States Army, and he is opposed to this change.

Mr. REED of Pennsylvania. He has not had more experience in the operation of dirigibles. He has had a great deal of experience with observation balloons, and we agree with him that that branch ought to be continued.

Mr. JOHNSON. Mr. President, as a matter of information, will the Senator state who was the Assistant Secretary opposed to the amendment?

Mr. REED of Pennsylvania. Mr. Davison.

Mr. JOHNSON. And the number of men left in Scott Field next year will be practically the same as at this time?

Mr. REED of Pennsylvania. That is my expectation except that they will be devoted to heavier-than-air work, which is so vitally necessary. Mr. Davison and all the rest of them cheerfully admit that the value of this service is not comparable with that of the heavier-than-air service.

Mr. DENEEN. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. Certainly.

Mr. DENEEN. Is there any equipment at Scott Field for heavier-than-air service?

Mr. REED of Pennsylvania. I understand there is. I will give the Senator the details a little later.

Mr. EDGE. Mr. President, can the Senator advise what saving, if there is a saving in the total appropriation, will be effected by this elimination?

Mr. REED of Pennsylvania. One saving that is immediate is the saving of something over $600,000 this year in the construction of three insignificant little dirigibles which General Fechet himself admits have no military value and no combatant value whatsoever.

Mr. DENEEN. Did not General Fechet testify that these small airships were used for training and that they are as necessary for training as the larger ones?

Mr. REED of Pennsylvania. That is true. They are all useful in training in aerial navigation, but if the Senate will picture to itself the utter uselessness of training officers in that way, when we do not provide them with any efficient dirigible, I think the answer will be very obvious. Suppose war were declared. These men have been trained in operating these tiny blimps. They are trained in something that has no military value. It can be said that the training will stand them in good stead in operating larger, faster ships that are qualified to attack something and to defend themselves. But the war would be over before we would ever be able to manufacture the ships for them to fly.

Mr. HAWES. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. Certainly.

Mr. HAWES. That is the Senator's opinion, but it is not the opinion of the experts of the War Department who appeared before his committee, and who said that they did have a value in the training of men who would be used in the balloon service. There is nothing in the record to substantiate the position taken by the chairman of the committee. It is his individual opinion, is it not?

Mr. REED of Pennsylvania. Not at all. There is a great deal in the record to substantiate it.

Mr. HAWES. I can not find it.

Mr. REED of Pennsylvania. Then the Senator has not looked through the record.

Mr. HAWES. I have looked in everything that relates to the change at Scott Field, and all the evidence is contradictory of the opinion stated now by the distinguished Senator from Pennsylvania.

Mr. REED of Pennsylvania. Those officers did state that this lighter-than-air work would be of value in the operation of observation balloons. That is true. But we do not propose to stop that operation. They can go on operating their observation balloons, and the bill allows it. But what is the good of continuing these ridiculous little things which General Fechet himself admits have no combatant value whatever? There is a training value in any sort of lighter-than-air activity, but why not have the training in the kind of instruments that they are going to use if there is a war, and of which we now have plenty?

Mr. DENEEN. Mr. President, will the Senator yield again?

Mr. REED of Pennsylvania. Certainly.

Mr. DENEEN. Was there any contention before the subcommittee that the flyers could be trained in the larger airships?

Mr. REED of Pennsylvania. I do not remember that the contention was made before the committee, but it has been taken as a matter of course.

Mr. DENEEN. May I ask, then, whether or not the flyers in Great Britain and in France are trained in the larger airships?

Mr. REED of Pennsylvania. They are; and they are devoted to the one activity instead of the two, as in this country.

The Government of the United States has an investment of between $5,000,000 and $10,000,000, and some time ago a new hangar was constructed which cost $1,500,000. The last Congress appropriated, if I recollect correctly, $49,500 for a helium gas tank, and it is being constructed.

Those who are interested in the field in the Middle West object very much to the amendments of the committee. I wish to call the attention of Senators to the phraseology of the proviso on page 46. I will read it:

Provided further, That no part of the sums appropriated or authorized to be contracted for in this paragraph shall be available for construction at Scott Field, Ill.

If we run back in the paragraph on page 25, we find there are two references to previous acts, one approved May 26, 1928, which provided for no construction, and one approved March 12, 1926, which did not relate to any construction. So the proviso, if I am correctly informed, has no efficacy whatever except the hidden meaning that it is a notice to the Budget officers not to prepare any estimates and to the Army not to make any requests for appropriations for lighter-than-air work. It could not mean anything else.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. EDGE. As a matter of fact, the Navy is training them in the larger airships, like the *Los Angeles*, where they are training 500 or 600 men constantly.

Mr. REED of Pennsylvania. That is true, and that is excellent training which would be of value in war time. In Great Britain they have one institution like our naval *Los Angeles*, and that adds much to the value of the training; but they do not run a little side show like these blimps, and we do not think it ought to be done because it is a sheer waste of money.

There are two reasons why this action of the committee ought to be sustained. In the first place, as I said, it is a sheer waste of the money of the Nation to keep up this side show and run these small dirigibles.

Secondly, it is a great injustice to the other branches of the Army to have the Air Corps use 508 enlisted men bitterly needed in the other branches but devoted now to this activity.

Mr. HAWES. Mr. President, may I ask the Senator from Pennsylvania if I should offer my amendment at this time?

Mr. REED of Pennsylvania. The question is on the amendment of the committee, whether it shall be agreed to or not.

Mr. HAWES. Then the motion to strike out is not necessary?

Mr. REED of Pennsylvania. No; because the question is, Shall the committee amendment be agreed to?

Mr. DENEEN. Mr. President, I intend to state very briefly a few facts about Scott Field, and also to relate as briefly as possible some of the testimony that was heard before the subcommittee.

Scott Field is the oldest flying field in the United States. It is 20 miles from St. Louis.

Mr. REED of Pennsylvania. Will the Senator tell us the year in which it was constructed?

Mr. DENEEN. In 1917, so the Representative from that district informs me.

Mr. REED of Pennsylvania. Then it is not the oldest flying field in the United States.

Mr. DENEEN. It is the oldest in the Middle West.

Mr. REED of Pennsylvania. Oh, no, Mr. President, because I flew at Mineola in 1913, and they had a flying field there then.

Mr. DENEEN. I mean a lighter-than-air flying field.

There are accommodations there for 40 officers and about 1,000 enlisted men. There are now there, so I am informed, 23 officers and 506 enlisted men. It can not mean anything else.

Mr. REED of Pennsylvania. The Senator from Illinois is mistaken—I will show that when he finishes—because the act of May 6, 1928, which is mentioned here, carried $150,000 for noncommissioned officers' quarters.

Mr. DENEEN. But there is no appropriation in this bill of $150,000 for the officers' quarters, as I understand. I have checked the matter up carefully with officers of the Army, and that is the information which I have received.

Mr. REED of Pennsylvania. There is no reference by name, but it would be within the power of the Army authorities to expend this $150,000 under the language of this appropriation if we did not put in the proviso. The same thing was done last year, and for the same purpose.

Mr. DENEEN. Officials of the Army informed me yesterday and again this morning that there were no plans made and no estimates made for construction work for quarters for officers or otherwise, and that they had submitted to the Budget Bureau estimates for equipment which amounted to $667,900. I will refer to that at the proper time.

I will read the title of the act of July 2, 1926, as it indicates the scope of the act:

> To provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States and for other purposes.

That does not relate to the Navy, and, of course, there is nothing in the act relating to the Navy. The purpose, as I understand, in the 5-year program was that the Army was to develop the lighter-than-air craft service; that all of the training should be given by the Army; that the Navy was to be limited to the development of lighter-than-air craft; and that practice has been followed.

It is true that there are various airships at the Scott Field, but the testimony of General Fechet, Colonel Paegelow, the Assistant Secretary of War, Mr. Davison, and General Summerall is all to the effect that the Army should have control of the lighter-than-air service.

While it is not pointed out in the testimony it has been pointed out in the discussions which have been had, that the Army should defend the seacoast for 200 miles beyond the coast line; that the Navy should be used to protect the country from enemy ships beyond that distance; that those trained by the Navy would be trained for service on the sea, but General Fechet and others who testified stated that those trained by the Navy would not have the training or experience to deal with questions relating to the Army, that it was necessary to train men familiar with the Army work.

I understand that the airships are sent up 2,000, 3,000, or 4,000 feet and, by telephonic communication, especially in case of balloons, indicate to the artillery the location of the targets when the targets can not be seen from the ground. That is the testimony.

Mr. REED of Pennsylvania. The Senator does not mean they indicate the targets to the artillery at Scott Field?

Mr. DENEEN. No; they are trained there for service elsewhere in the Artillery. There is no artillery at Scott Field. It is a training school for the lighter-than-air service. The Army is perfecting the work of lighter-than-air craft with a view of operating on the coast within a distance of 200 miles from the shores, and investigating the laying of mines, the activities of submarines, and following the coast to protect it from attack. It is stated that we have about 7,500 miles of coast line in the continental United States. I think we have 3,100 miles of coast line on the Atlantic Ocean, about 2,400 miles on the Gulf of Mexico, and probably 2,000 miles on the Pacific Ocean, all of which must be protected by the Army and by men who are trained by the Army.

Now, I wish to call attention to how skillfully this proposed act is drawn. First I point out that on page 33, in line 15, after the word "of," "and airships" has been eliminated. Then on page 34 the words "lighter-than-air craft" are stricken out and there are inserted the words "observation balloons." There is no appropriation for observation balloons. The information which I have does not agree with the information furnished by the distinguished Senator from Pennsylvania.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit an interruption?

Mr. DENEEN. Yes.

Mr. REED of Pennsylvania. The very item to which the Senator calls attention in line 16, page 33, is the authorization for the purchase of balloons. The Senator must have misspoken himself. He says there is no appropriation for the purchase of balloons.

Mr. DENEEN. That is true, but the committee omitted the word "airships," and there is no appropriation for the purchase of balloons. I understand that last year an appropriation of $13,500 was made, but this bill carries no such appropriation. Is not that correct?

Mr. REED of Pennsylvania. This item is the one under which an appropriation for balloons is carried each year if there is any such purchase made.

Mr. DENEEN. What is the appropriation in this bill for balloons?

Mr. REED of Pennsylvania. This particular year they say they do not need any balloons.

Mr. DENEEN. I will give the information which I have received relating to the subject. I hope the Senate will indulge me for a moment, as I desire to speak accurately. [A pause.] I find I can not refer to the memorandum now, but my recollection is—and I will stand corrected if I misstate the facts—that at the close of the war we had about 600 balloons and lighter-than-air craft, but that the fabric has rotted, so that we have now, I think, but 4 or 5 balloons which can be operated. Further, I am informed that for the year 1931, the last year of this program, we will have but two. That is the information I acquired at the War Department this morning. The assistants to the committee can look into the figures and see whether or not there is any dispute about them.

Mr. REED of Pennsylvania. The testimony of Major Netherwood at page 429 of the House hearings was that at the beginning of the present fiscal year the Army had on hand 16 spherical balloons and 14 observation balloons.

Mr. DENEEN. He was the officer with whom I talked this morning, and he stated to me that because of the condition of the fabric those balloons were not workable and could not be used. I obtained that information from him this morning.

Now, as to the necessity for maintaining the lighter-than-air craft. A number of witnesses appeared before the committee, and if the Senate will indulge me, I have made an abstract of their statements which I shall read.

General Fechet said at page 233 of the hearings:

> The aircraft is needed by the Army; the Navy could not supply the personnel for this work.
>
> Men are flying aircraft there now; they have five ships at Scott Field, two at Langley (p. 235).

There was a misprint in the hearings as to the number at Langley; 21 are reported, but the number is really 2.

> The Air Corps hopes the present equipment will last until 1931 (p. 236); that the Air Corps is charged with the training of captive

balloon observers for infantry and artillery; that there is no other service providing such training, and it is a very necessary part of the equipment of the United States Army; that the men at Scott Field are qualified balloon observers; they are sent from Scott Field to Fort Sill, to Camp Stanley, near San Antonio, to Camp Bragg, and have been sent to Camp Eustis.

General Fechet proceeded, on page 237:

Congress fixes on the War Department the responsibility for such training, and the failure of Congress to make an appropriation therefor does not relieve the Army from its responsibility. Scott Field is a lighter-than-air school; that if Scott Field were abandoned, part of the work could be assigned to the Navy and part of the work could not be assigned to the Navy.

I read an abstract of the testimony of Assistant Secretary Davison on page 237:

It is the Army's job to develop observers for coastal patrol work through lighter-than-air craft. These observers can fly over mined harbors; they are not handicapped in the way that heavier-than-air craft are. They can stay in the air a much longer time because they can throttle their motors. Nobody is doing any work in connection with observation balloons anywhere else than at Scott Field.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit an interruption?

Mr. DENEEN. Yes.

Mr. REED of Pennsylvania. That is just what we find fault with. We can not train an artillery observer where there is no artillery. We are willing that this activity should continue, but it ought to be carried on at some place where the observers can observe.

Mr. DENEEN. They are trained to fly, and after they are trained to fly, then, as Army officers they are trained to aid the Artillery. They are trained to fly at Scott Field, and they are trained for artillery work in that department.

Mr. REED of Pennsylvania. But there are no observation balloons anywhere else where there is artillery. We want to put some sense into this work and to take the observation balloons to the Artillery.

Mr. DENEEN. Let me say that everyone who has testified favors the lighter-than-air-craft work, including General Fechet, General Summerall, Colonel Paegelow, and the Assistant Secretary of War who is in charge of aircraft work, and nobody disagrees with that policy in so far as the testimony before the committee shows.

Mr. REED of Pennsylvania. It is all right to say that they favor the lighter-than-air craft; so do we, so does the committee, but we favor an intelligent application of it. We do not favor nonrigid dirigibles.

Mr. DENEEN. The intelligent application must be made by Army officers and not by the Congress. They are the officers through whom we work, and the only ones we have.

Mr. HAWES. Mr. President, will the Senator yield?

Mr. DENEEN. I yield to the Senator from Missouri.

Mr. HAWES. In the Senator's examination of this subject, has he found anybody on record representing the Army who favors this change?

Mr. DENEEN. So far as I know, no one in the Army, according to the record, favors the change, and no one in the Navy favors the change.

Mr. HAWES. I was going to ask the Senator if there are any experts of the Navy who favor this change.

Mr. DENEEN. I am not familiar with their views; but I am aware of the fact that none of them have testified.

Mr. HAWES. The change, then, seems to have been proposed by members of the committee of the United States Senate, the House having defeated this provision?

Mr. DENEEN. I so understand.

Mr. HAWES. So it is not approved by the Army or the Navy or the House?

Mr. DENEEN. The committee in the House inserted this very proviso, and it was stricken out on the floor of the House.

Mr. REED of Pennsylvania. It went out on a point of order on the floor of the House, as I understand; and it might enlighten the Senator from Missouri, if his mind is still open—of which I have some slight doubt—to discover that in the bill as it came from the House is an express prohibition against the purchase of any lighter-than-air equipment.

Mr. HAWES. I thank the Senator for his observations, and I should like to make one to him. As a matter of fact, neither the Navy nor the Army favors this proviso. It is a fad of the Senator from Pennsylvania [Mr. REED] and the Senator from Connecticut [Mr. BINGHAM], who want to take this from the Army and give it to the Navy. I think the Senator's mind was closed to the evidence of both the Army and the Navy.

Mr. REED of Pennsylvania. The Senator may recall that this policy was adopted by House and Senate in the bill which became law last year; and it did not occur to us, until the Senator's recent remarks, that it was necessary for us to call officers from the Army and the Navy in support of a policy already definitely adopted. If we had to do that, we would never get this bill through in a short session.

Mr. HAWES. The Senator can not cite authorities from the Army or from the Navy sustaining his position; and it was he who closed his mind to the testimony of the Army and the Navy. The Senator's is the closed mind, not mine.

Mr. REED of Pennsylvania. There is abundant testimony to be had from officials of the Air Corps—abundant testimony. I have had lots of it in private. There is no use in citing it now.

Mr. HAWES. That is the reason why the Senator has an "open mind." It is because of private information he has, not official information.

Mr. REED of Pennsylvania. This matter was all considered by the Committee on Military Affairs.

Mr. HAWES. It is not in this record.

Mr. REED of Pennsylvania. Of course, it is not in the record, nor is the testimony to support a hundred other matters of policy which have been settled in the past. We do not stop to take testimony about established things like that or our record would be 10,000 pages long.

Mr. HAWES. So, on the matter of closed minds, it seems to me that if the Army and the Navy took one point of view, and three Senators took another point of view, they are the men that had the closed minds.

Mr. REED of Pennsylvania. It may be; but, at least it can be said that we are trying to look at the matter from a national standpoint.

Mr. WARREN. Mr. President, it seems to me we are getting nowhere over this matter about "closed minds."

Mr. HAWES. The remarks of the Senator from Pennsylvania about closed minds are offensive to me.

Mr. WARREN. Here is the report of a committee that is not composed of three men, whether the amendment is right or wrong. I should like to have the Senator know that there are 19 men on the Committee on Appropriations.

The PRESIDING OFFICER. The Senator from Illinois is entitled to the floor.

Mr. DENEEN. I wish to make a statement in view of the statement made by the distinguished Senator from Pennsylvania. The Representative from the district where Scott Field is located, who led this fight in the House, Congressman IRWIN, of Illinois, is present; and he informs me that the matter did not go off on a point of order in the House but was decided by a vote.

Mr. REED of Pennsylvania. I am sorry that I made an incorrect statement. I have just been told the same thing.

Mr. DENEEN. Proceeding, General Fechet, on page 237, making an abstract again of his testimony, said:

The training work is peculiar to the Army. The Navy do not train their men for that kind of work. If they did train their men, the men themselves would not be basically equipped for that sort of work—to be good observers for an Artillery commander or an Infantry commander.

General Summerall testified on page 70:

The War Department believes that the Army should maintain lighter-than-air equipment, and it should not be left to the Navy. The enlisted men at Scott Field would be treated as part of the next increment in the Air Corps personnel.

General Hero, the chief of the Coast Artillery staff, testified, on page 288, that lighter-than-air service is necessary for the Coast Artillery branch of the Army.

So there we have the experts in charge of every department of the Army. Every one testified practically to the same point. Every one favored it. They were examined and cross-examined.

The distinguished Senator from Pennsylvania, giving his views about the matter, on page 232 of the hearings, made this statement to the committee:

Senator REED of Pennsylvania. Mr. Secretary, we are somewhat pressed for time; but I think that it ought to be said that the Military Affairs Committee of the Senate and the Appropriations Subcommittees in the House and in the Senate have taken the position that lighter-than-air development ought to be conducted by the Navy alone; that the work that the Army was doing was insignificant compared with the Navy work in that field, and that most of it seemed to us to be a waste of money.

Therefore, last year and the year before these appropriations for development at Scott Field have been cut out; cut out with that intention, and it has been the expectation of these committees that in a short time Scott Field should be taken over by the Navy Department and continued by that department for lighter-than-air work.

Not for heavier-than-air work. Now, I understand it is the view of the committee that Scott Field will be used for heavier-than-air work; but the statement as given before these experts was that it should be taken over by the Navy for lighter-than-air work. I should like to know whether the Senator would expect these larger ships, inflated with a million cubic feet of helium gas, to go out to Scott Field and be operated there by those men?

Mr. REED of Pennsylvania. Why, that is what the hangar was built for.

Mr. DENEEN. It is not large enough to accommodate the largest one.

Mr. REED of Pennsylvania. It is large enough to take care of any of the Navy craft except the *Los Angeles*.

Mr. DENEEN. Except the large *Los Angeles*. Is it the opinion of the committee that we ought to have not one but many such airships, so that they could afford facilities for training for these officers and enlisted men?

Mr. REED of Pennsylvania. I think the Senator possibly has been confused by the way I made the statement. It is our view that the Navy ought to take over all this work with the dirigibles, and take over the equipment for doing that, including the equipment of Scott Field; but, whether they do or whether they do not, Scott Field ought to be continued for the benefit of the heavier-than-air activities of the Army.

Mr. DENEEN. And would you abandon the lighter-than-air service?

Mr. REED of Pennsylvania. As far as the Army is concerned; yes.

Mr. DENEEN. But if the Navy takes it over, will you have the Navy abandon the lighter-than-air service?

Mr. REED of Pennsylvania. That is up to the Navy. I should expect them to use that equipment, but I have nothing to say about the Navy policy.

Mr. DENEEN. Is it the view of the committee that the Army and the Navy should abandon experimenting in lighter-than-air service and training men in that service?

Mr. REED of Pennsylvania. I wonder if it would not add to the clarity if we should differentiate between balloons and dirigibles. These committees think the lighter-than-air work ought to be continued for the balloons. It is the dirigibles that we want to see them drop. We agree with every word that General Hero said, with every word that General Summerall said, with all that Major Elliott said for the chief of field artillery. That does not run counter at all to the committee's view.

Mr. DENEEN. Is it the view of your committee that you shall deprive these machines of motors, so that they can not go rapidly from place to place?

Mr. REED of Pennsylvania. The Senator must understand that the machines that have motors are not used for observing fire.

Mr. DENEEN. No; but the lighter-than-air ships?

Mr. REED of Pennsylvania. The dirigibles are not used for that kind of observation. It is the captive balloon, the observation balloon, that is used for observation.

Mr. DENEEN. My understanding is that the Army, in defending the coast and reaching out for 200 miles on the sea, would use the lighter-than-air craft, the dirigible, and not the balloon.

Mr. REED of Pennsylvania. In defensive and offensive operations either the Army or the Navy would use a dirigible armed with machine guns and all that.

Mr. DENEEN. The dirigible is a lighter-than-air ship; is it not?

Mr. REED of Pennsylvania. Yes.

Mr. DENEEN. And in order to use them, somebody must be trained to use them. Where would you have that training done?

Mr. REED of Pennsylvania. By the Navy.

Mr. DENEEN. By the Navy; and, you think, at Scott Field?

Mr. REED of Pennsylvania. Either at Scott Field or wherever else they want to.

Mr. DENEEN. Scott Field is about 800 miles from the Atlantic Ocean, and about 600 miles from the Gulf of Mexico. Does the Senator think the Navy should go 800 miles into the interior of the country to train the men?

Mr. REED of Pennsylvania. They went to the Great Lakes Training Station for training men.

Mr. DENEEN. I know they did; and an effort was made during the war to abolish that station, yet it furnished a very large number of the sailors who were trained for the Navy. During the World War an effort was made to abolish it and to take the station to the seashore.

Mr. REED of Pennsylvania. I am not at all interested in what State these things are in. I do not think it is a matter in which we should consider State lines at all. We are trying as best we can to consider the Nation as one community.

Mr. DENEEN. I think the people of my State feel the same way. They rarely ask for any aid from the Government, but have cheerfully cooperated with the Government in making vast expenditures, running up to $100,000,000 by the State.

Now, may I ask the chairman of the subcommittee whether the training that he thinks should be given in the Navy would fit these flyers to serve the Army?

Mr. REED of Pennsylvania. Absolutely. The navigation of one of these ships is more appropriate to the training of naval officers than it is to the training of an Army officer; and the Navy officer ought to be able to navigate over land as well as over sea.

Mr. DENEEN. Do the Navy officers feel that they should train the flyers for the Army?

Mr. REED of Pennsylvania. I do not know that they have any feeling about it.

Mr. DENEEN. I have not been able to find any expression of opinion.

Mr. REED of Pennsylvania. I have never asked them.

Mr. DENEEN. Is it not true, then, that every Army officer favors having the Army train the flyers for the Army, and having the Navy officers train the flyers for the Navy?

Mr. REED of Pennsylvania. If the Senator means the pilots of airplanes, yes; that is true.

Mr. DENEEN. And the operators of the dirigibles?

Mr. REED of Pennsylvania. If the Senator means the operators of these blimps, I do not think that is the feeling in the Army.

Mr. DENEEN. I only know from the testimony. We have had here the officers of the Army, who have the responsibility of conducting this branch of the service, and they are unanimous in their views. As to Colonel Paegelow, I happen to know him. He had command of the largest number of lighter-than-air ships that served in the World War. He lost, I think, 32 of his airships, if I remember the testimony.

Mr. REED of Pennsylvania. Thirty-two of his balloons.

Mr. DENEEN. Thirty-two of his balloons; and he is a man of very wide experience. Now, may I ask, on page 34, referring to line 25, whether the observation balloons are not included under the generic name "lighter-than-air craft"? Are they not part of the family of lighter-than-air craft?

Mr. REED of Pennsylvania. I suppose so, in the sense that a barge is a ship.

Mr. DENEEN. Why, then, is that made specific, and the generic term stricken out?

Mr. REED of Pennsylvania. Because we wanted them to go on with their experimentation with observation balloons and did not want them to go on with dirigibles.

Mr. DENEEN. So you limit it to that part of the lighter-than-air service?

Mr. REED of Pennsylvania. Precisely.

Mr. DENEEN. Mr. President, may I ask the chairman of the committee again as to whether or not an estimate was not submitted to the committee—I am not sure that it was, but I have one, not printed—of lighter-than-air requirements for 1930, of which items 18, 19, and 20 are for the following:

18. Balloons, standard, spherical, 19,000 cubic feet capacity, complete, $6,400.

19. Balloons, observation, 50,000 cubic feet capacity, complete, $34,000.

20. Winches, highly mobile, complete, $40,000.

Making an aggregate of $80,400. In order to operate these observation balloons, according to the views of the Army, it would be necessary to make that appropriation. Yet no appropriation is provided for. In other words, authority is given to operate these observation balloons, and no facilities are provided to execute the will of Congress.

Mr. REED of Pennsylvania. There is a copy of the statement the Senator is reading at page 35 of the Senate hearings.

Mr. SHORTRIDGE. Mr. President, is the statement just made by the Senator from Illinois accurate?

Mr. REED of Pennsylvania. Different Senators were talking to me at the same time the Senator was making his statement, and I heard only a part of what he said.

Mr. SHORTRIDGE. I suggest that the Senator from Illinois restate it.

Mr. DENEEN. Referring to items 18, 19, and 20, appropriations are provided for balloons and winches and other matters, for the purpose of utilizing the power which the committee has placed in the hands of the Army on page 35, under the item "observation balloons."

Mr. REED of Pennsylvania. That is right.

Mr. DENEEN. I understand that there is no appropriation adequately to equip Scott Field for observation balloons; that it would require $80,400.

Mr. REED of Pennsylvania. The expression "adequately to equip Scott Field" is difficult to analyze.

Mr. DENEEN. To equip Scott Field so as to utilize the services of the 23 officers and the 506 enlisted men.

Mr. REED of Pennsylvania. They have 14 observation balloons in storage at this moment which they can take out and use, and I do not see any sense in buying six more, when they have a lot in storage which they can use right away.

Mr. DENEEN. As I stated a while ago, those are balloons that were left over from the World War among the 600, and the fabric has deteriorated.

Mr. REED of Pennsylvania. They ought to use what they have.

Mr. DENEEN. In view of the condition of those airships, each one prefers the other to use them because of the danger.

Now, referring again to page 35 of the hearings, may I ask if it is not a fact that items 1 to 17, inclusive, could be used in the event the Navy took over the work of lighter-than-air activities at Scott Field?

Mr. REED of Pennsylvania. I believe that they probably would be useful; yes.

Mr. DENEEN. Then to equip Scott Field to perform its functions an appropriation should be carried for every item from 1 to 20, inclusive.

Mr. REED of Pennsylvania. It would better go in the Navy bill, though.

Mr. DENEEN. Does the Navy bill provide appropriations for such equipment?

Mr. REED of Pennsylvania. In the Navy bill provision is made for lighter-than-air development, many million dollars.

Mr. DENEEN. Could it be utilized at Scott Field?

Mr. REED of Pennsylvania. It could be utilized anywhere they wanted to utilize it.

Mr. DENEEN. They would have to get authority of law to operate at Scott Field, would they not?

Mr. REED of Pennsylvania. A presidential order would do it.

Mr. DENEEN. Perhaps so. The necessity for this large sum—$667,900—arises out of the fact that there has been no appropriation for two years for that needed equipment, and so the appropriation per annum really would be half of that.

Mr. REED of Pennsylvania. No; in last year's bill we appropriated $13,000 for observation balloons.

Mr. DENEEN. Thirteen thousand five hundred dollars for two balloons.

Mr. REED of Pennsylvania. Yes.

Mr. DENEEN. Why did the committee recommend the appropriation for two balloons if they had 14 or 15 useless ones stored away?

Mr. REED of Pennsylvania. Because they wanted two new ones, and we gave them the two new ones, and they have not put them to use yet.

Mr. DENEEN. Have they been constructed?

Mr. REED of Pennsylvania. One of them is finished, I think, but I am not sure.

Mr. DENEEN. I have occupied more time than I had expected to take on this matter, and I shall give way to others, calling attention again, briefly, to the way this matter has been developed in the bill.

I think the understanding of the Army is that the word "construction" on page 26, does not cover any appropriation whatsoever; that it is placed there as a notice to the Army not to submit any estimates.

On page 33, in line 15, the word "airships" should be inserted before "balloons." The balloons are part of the lighter-than-air service, and a small part.

On page 34 the committee amendment should not be adopted. It is carried in line 24, to strike out "lighter-than-air." The term "observation balloons," in line 25, should be stricken out, because that is specific. "Lighter-than-air" is generic, and covers them.

Again, in line 1, page 35, "no part thereof may be expended for the production of lighter-than-air equipment," would indicate that the Navy, if that activity is transferred to the Navy, would have no such equipment whatever. There would be no improvements made, and nothing could be done.

The Army officers are unanimous in this matter; they feel that they should defend the coast line as a part of the functions of the Army, and in case of war all the fliers trained by the Navy would have to go with the fleet, because the fleet would meet the fliers from enemy countries. So the Navy would gather our Navy fliers together, and there would be left unprotected 7,500 miles of shore line of continental United States.

Mr. GLENN. Mr. President, I desire to speak briefly upon this amendment. I have been impressed, during the last few weeks, with the speeches made upon the cruiser bill and upon the peace pact by various Senators who represented and urged the great and growing importance of the development of the air program of this and other countries.

I heard the Senator from Iowa [Mr. BROOKHART] speak at length as to the great availability and desirability of aircraft in time of war, if war should come. I heard the Senator from North Dakota [Mr. FRAZIER] refer the other day to the same matter. I heard one Senator after another refer to the fact that air forces are growing in importance as a matter of offense, and as a matter of defense. It does not seem to be denied by anybody that the other great nations of the earth are developing air programs, both military and civil, far faster than is the United States. We have recently seen sailing over the Capital of the United States, over this very dome under which we sit, an airship which came across the Atlantic from Germany. Yet we propose by this amendment largely to abandon the activities of the Army of the United States in the development of this branch of the service.

I find a strange confusion between the proponents of this amendment. I heard the statement of the distinguished Senator from Pennsylvania [Mr. REED] early in the debate this afternoon upon this item, when he took the position that Scott Field should be abandoned so far as airships go, and should be utilized by the Army for heavier-than-air craft. He said that about the only difference that would be noted by the people of that region would be that they would see no blimps and no dirigibles there, but would see great airplane activity upon that field.

His associate in this endeavor is the distinguished junior Senator from Connecticut [Mr. BINGHAM]. I want to read what the Senator said about Scott Field in the hearings. It is found on page 284. The following occurred:

Senator GLENN. As I understand you, Senator BINGHAM, the concise answer to my question would be that really the purpose is to abandon Scott Field absolutely; that is, you are to take East all of the activities pertaining to the Navy, and take somewhere else all of the activities pertaining to the Army? Is that right?

Senator BINGHAM. No. So far as I am concerned, having visited Scott Field and Lakehurst, which is the naval lighter-than-air station, and being a very enthusiastic believer in the future of rigid airships and in the growth and the use of rigid airships, and having done all I could to help secure for the Navy a very large appropriation for the building of the two largest dirigibles which are now under contract, I believe that Lakehurst will be required for their use and that the Navy should be allotted Scott Field for training in the smaller types, such as the blimps and the kind of work that is going on there now.

The Senator from Pennsylvania has just said, as I understood him, that the authorities propose to abandon the use of these little blimps; that they are no good for anything; that they are no good for training; that they are no good for combat. But the Senator from Connecticut, his colaborer in this movement pertaining to Scott Field, says, "No; we propose to keep it for the Navy for the development of blimps." There is no agreement even among those who propose this amendment.

I call attention to the fact that I have had made in the last few days a map of the United States showing every location where air activities are being carried on in a large way at either a military post or a naval post. I see that if Scott Field is abandoned, if it is taken away, and if there are taken to the East these lighter-than-air operations, and the heavier-than-air operations are taken somewhere else, not a single State touching the Mississippi River, from its source in Minnesota to its mouth in Louisiana, will have any sort of a military station or a naval station where air activities are carried on, except Chanute Field, and there is a movement under way now, a very definite movement, to abandon Chanute Field.

Mr. REED of Pennsylvania. How about the very extensive operations at Shreveport, La.?

Mr. GLENN. I asked the Aeronautics Branch of the Department of Commerce to make this map for me, I not being familiar with the situation, and the map does not show that activity at Shreveport. I do not deny that it is there; but even

if it is, it is almost at the very southernmost part of the great Mississippi Valley.

I call the attention of the men from the West to this fact: That if the authorities abandon this field at Belleville, Ill., near St. Louis, there will not be a single field from that point on in the great Northwest, north of Fort Leavenworth and north of Fort Riley, not a field in Iowa, in Nebraska, in South Dakota, in North Dakota, in Colorado, in Wyoming, in Montana, in Idaho, in Oregon, in Nevada, in Utah, in Arizona, or in New Mexico. Not only will a great part of the Mississippi Valley, with the possible exception of Shreveport, be entirely eliminated from training in the air but this whole tremendous section of the Northwest, with the exception of a naval field in the State of Washington, just one, will be without any military or naval field.

Mr. McMASTER. The Senator has overlooked the Selfridge Field, has he not?

Mr. GLENN. Michigan does not touch or border upon the Missippippi River, and I am informed by the junior Senator from Michigan that there is a very positive and determined effort under way now for the abandonment of Selfridge Field, which will add Michigan to this great galaxy of States, if that is accomplished.

I look here upon the eastern coast of America. There I see grouped stars both red and blue, the red signifying a military post, where these operations are being carried on, the blue naval posts, prepared by the Department of Commerce. I find there grouped closely together nine great fields.

Why is it that if Scott Field is to be used either by the Navy for blimps, for observation balloons or dirigibles, or for the Army by heavier-than-air craft, that it is not necessary that there be some provision for construction there?

Why is it that of all the 18 or more military fields devoted to aircraft purposes in the United States this is the only one singled out by the amendment? Why is it that this is the only one as to which they say to the Army and Navy and fiscal officers of the United States that they shall not spend upon it a single dollar, and yet in the next breath we are told, "Why, we intend to use it and we think it should be used," one group saying that it should be used for blimps and dirigibles by the Navy, and the other that it should be used for airplanes and heavier-than-air craft by the Army.

I submit that it is not a proper amendment and that the bill should go out from the Senate leaving the Army and the Navy of the United States and the Commander in Chief of both free to use their discretion, and free to build up Scott Field if the demands of the Army or Navy are such as to require it.

Mr. REED of Pennsylvania. Mr. President, I only wish to say a word in reply to what the junior Senator from Illinois has just said. The Mississippi Valley is not being left undefended. The Texas frontier has the most important air stations of the entire Army. A very large establishment is being built at Shreveport and the bill carries hundreds of thousands of dollars for it.

Mr. GLENN. I distinctly limited my remarks pertaining to the Mississippi Valley, to that great body of States which the Mississippi River touches from its source to its mouth, and Texas is not included among them.

Mr. REED of Pennsylvania. I will only say that there has been no attempt in the allocation of the various air stations to consider the benefits which might be brought to particular States. There has been no effort to allot them uniformly to all the States. They have been put where strategic necessity seemed to call for them.

Mr. ROBINSON of Arkansas. Mr. President, understanding that it is expected that there will be further discussion of the pending amendment, I ask to make a brief statement and submit a request for unanimous consent.

Having arranged to leave the city to-morrow at 3 o'clock, I would like to have the opportunity of presenting now an important amendment to this bill, and to the end that the Senate may consider my request, I ask unanimous consent that the pending amendment and other committee amendments undisposed of be temporarily passed over and that I be permitted to present the amendment out of order.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the request of the Senator from Arkansas is granted.

Mr. ROBINSON of Arkansas. I now submit the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. After line 22, page 81, add the following——

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question before his amendment is read?

Mr. ROBINSON of Arkansas. Certainly.

Mr. REED of Pennsylvania. It is an appropriation that is desired to be carried by the amendment, as I understand it, and not an authorization?

Mr. ROBINSON of Arkansas. Yes; it is an appropriation.

Mr. REED of Pennsylvania. Then I think the Senator would want to change the language in two or three places. There is a reference to "any sums appropriated under this authorization." That occurs in two places at least. The Senator had better substitute the words "hereby appropriated."

Mr. ROBINSON of Arkansas. Yes; I would like to do that. I will change the language by striking out all down to the word "the," at the end of line 4, and at the end of line 5 insert the words "is hereby appropriated," so as to make it an appropriation. Where is the language to which the Senator refers?

Mr. REED of Pennsylvania. If the Senator will look at the first proviso he will find that it reads:

> Any sums appropriated under this authorization.

Mr. ROBINSON of Arkansas. I ask permission to change that so it will read "any sums hereby appropriated."

Mr. REED of Pennsylvania. Now, if the Senator will look at the last proviso——

Mr. ROBINSON of Arkansas. Yes; in line 21 I will change it so it will read "that any sum hereby appropriated."

The VICE PRESIDENT. The Senator has the right to perfect his amendment. The amendment as perfected will be read.

The CHIEF CLERK. On page 81, after line 22, add the following:

> The sum of $3,654,000, or so much thereof as may be required, is hereby appropriated for the relief of the States of Missouri, Mississippi, Louisiana, and Arkansas in the matter of roads and bridges damaged or destroyed by the floods of 1927, said sum of $3,654,000 to be apportioned as follows: To the State of Missouri, $258,418; to the State of Mississippi, $628,000; to the State of Louisiana, $967,582; to the State of Arkansas, $1,804,000: *Provided*, That any sums hereby appropriated shall be used to reimburse the States of Missouri, Mississippi, Louisiana, and Arkansas for money (1) actually expended in repairing and replacing damages to roads and bridges on the State highway systems of the respective States in amounts certified to the United States Bureau of Public Roads and verified by the bureau from records of such department, as being so expended, and (2) and to be expended on such road and bridge repairs not yet made, in accordance with the provisions of the Federal highway act, except that the provision limiting Federal payments to not exceed $15,000 per mile shall not apply and the provision restricting the expenditure of Federal funds upon roads on the system of Federal-aid highways shall not apply to the extent that such expenditure is hereby authorized on roads and bridges not on but which are extensions of said system within municipalities having a population of 2,500 or more, as shown by the last available census: *Provided further*, That any sum hereby appropriated for any State shall become available when the State shall have actually expended or shall have made available for expenditure a like sum from State funds for the purposes contained herein.

Mr. ROBINSON of Arkansas. I thank the Senator from Pennsylvania for calling my attention to the changes.

The amendment follows the precedent of last year in the case of Vermont, New Hampshire, and Kentucky. A bill in substantially the same language as the amendment which I have proposed has been unanimously favorably reported from the Committee on Agriculture and Forestry and is now pending before the Senate. In the case relating to Vermont, New Hampshire, and Kentucky of last year there was an item incorporated in one of the general appropriation bills for the sum of $5,000,000 plus for the relief of those States after a favorable report on the bill had been made by the Senate.

I ask to have printed in the RECORD the report of the Committee on Agriculture and Forestry on the bill to which reference has been made by the Senator from Pennsylvania and myself.

The VICE PRESIDENT. Without objection, it is so ordered. The report is as follows:

[S. Rept. No. 1613, 70th Cong., 2d sess.]

FLOOD RELIEF FOR STATES OF MISSOURI, MISSISSIPPI, LOUISIANA, AND ARKANSAS

Mr. MCNARY, from the Committee on Agriculture and Forestry, submitted the following report (to accompany S. 5201):

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 5201) to authorize an appropriation for the relief of the States of Missouri, Mississippi, Louisiana, and Arkansas on account of roads and bridges damaged or destroyed by floods of 1927, having considered the same, report thereon with the recommendation that the bill do pass with the following amendments:

Insert the numeral "(1)" at the beginning of line 5, page 2.

On page 2, lines 7 and 8, strike out "as may be determined by the United States Bureau of Public Roads" and insert in lieu thereof "certified to the United States Bureau of Public Roads and verified by the bureau from records of such department, as being so expended, and (2)".

On page 2, line 19, after the word "census," insert: ": *Provided further*, That any sum appropriated under this authorization for any State shall become available when the State shall have actually expended or shall have made available for expenditure a like sum from State funds for the purposes contained herein."

These amendments conform to the suggestions of the Department of Agriculture, as indicated by the following letter addressed to the chairman of the committee:

JANUARY 29, 1928.

Hon. CHARLES L. MCNARY,
Chairman Committee on Agriculture and Forestry,
United States Senate.

DEAR SENATOR: Receipt is acknowledged of your letter of January 8, with which was inclosed a copy of S. 5201 for consideration and report.

This bill would authorize an appropriation of $3,654,000, or so much thereof as may be required, for the relief of the States of Missouri, Mississippi, Louisiana, and Arkansas in the matter of roads and bridges damaged or destroyed by the floods of 1927, of which sum $258,418 will be for the State of Missouri, $628,000 for the State of Mississippi, $967,582 for the State of Louisiana, and $1,804,000 for the State of Arkansas. Any sum appropriated under this authorization shall be used to reimburse the States named for money actually expended in repairing and replacing damages to roads and bridges on the State highway systems in such amounts as may be determined by the Bureau of Public Roads, and also on such road and bridge repairs as have not yet been made, such expenditure to be in accordance with the provisions of the Federal highway act except that the $15,000 per mile limitation shall not apply and the provision respecting the expenditure of Federal funds upon roads on the system of Federal-aid highways would be modified to permit such expenditure on roads and bridges not on said system but which are extensions of said system within municipalities having a population of 2,500 or more.

The Bureau of Public Roads of this department made no investigation of the extent of the damages to roads and bridges from the 1927 floods in any of the States named, and it is now believed impossible to determine either the actual or the relative damage which resulted from said floods by an examination of the existing roads and bridges which in the meantime have been repaired and maintained or which may have suffered further damage from other causes. If the appropriations proposed should be made under the bill as now written, the only method by which the Bureau of Public Roads could determine the money actually expended by the States named in repairing and replacing the damages to their roads and bridges would be by checking the records of the State highway departments or accepting certification from those departments as to such expenditures. It therefore is suggested that it would simplify the duty which the bill would impose on the Bureau of Public Roads if it were revised to provide for reimbursement to the States for money actually expended in such amounts as may be certified to this department by the State highway departments and verified by the Bureau of Public Roads from the records of the State highway departments.

Under the language of the bill, which would permit expenditure of the funds on the road and bridge repairs not yet made in accordance with the provisions of the Federal highway act, the attention of the committee is directed to the fact that the State would have to match the Federal funds under the bill as it now reads. This is merely called to the attention of the committee in order that if such was not the intention of the proposed legislation it may be appropriately amended.

A similar bill (S. 4578) was submitted to this department for report after the close of the last session of Congress. Report on this latter bill was made to your committee under date of November 20, 1928. Prior to submitting such report, the same was submitted to the Bureau of the Budget, pursuant to Circular No. 49 of that bureau, and returned to this department under date of November 9, 1928, at which time the Director of the Bureau of the Budget advised that the proposed legislation would be in conflict with the financial program of the President. The bill now under discussion (S. 5201) has been similarly referred, and under date of January 25 the Director of the Bureau of the Budget advised this department that the legislation proposed therein would be in conflict with the financial program of the President.

Sincerely yours,

W. M. JARDINE, *Secretary.*

At a hearing before the committee testimony from the State highway departments of the four States concerned in the enactment of this legislation clearly revealed the need of the relief sought in the provisions of this bill.

Mr. REED of Pennsylvania. Mr. President, in view of the fact that this is a great emergency which in the nonmilitary part of the bill we have attempted to provide for, and in view of the fact that this particular suggestion has the unanimous approval of the Committee on Agriculture and Forestry, while I am not authorized to speak in behalf of the committee on it, I personally do not feel like making any point of order or any protest against it.

Mr. JONES. Mr. President, I desire to say just a word with reference to the amendment. I have not had an opportunity to examine the report, but as I gather from the statement of the Senator from Arkansas the amendment contemplates the payment by the United States for damages to roads and bridges in various States by flood. If such damages are paid in one place they should be paid elsewhere. I can see that in the future there will be all sorts of requests really based upon the same principle involved. I merely want to say that favorable action on this matter will not be treated by me at least as a precedent. I think it is a proposition which really ought to have much more careful consideration than will be given in this way.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Arkansas.

The amendment was agreed to.

Mr. CURTIS. Mr. President, does the Senator from Pennsylvania care to proceed further to-night?

Mr. REED of Pennsylvania. I had hoped we could finish with the committee amendments to-night, but I understand there are other Senators who wish to be heard and that it will be impossible to hold a quorum here long enough to have a roll-call vote to-night. Therefore I am willing to yield to the Senator from Kansas in order that he may ask for a recess until 12 o'clock to-morrow.

READJUSTMENT OF PAY OF COMMISSIONED AND ENLISTED PERSONNEL

Mr. SHORTRIDGE. Mr. President, I am about to submit a request and I want to advise the Senate why I make the request. By direction of the Committee on Naval Affairs I ask unanimous consent to report on behalf of the committee the bill (H. R. 12032) to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended, and I submit a report (No. 1664) thereon.

This bill is similar to Senate bill 3692, which the Senate passed on May 16, 1928. The House had before it a companion bill. They passed their bill, which comes to us, and we have approved it by amending it to the same extent as we did our bill which was sent to the House. I am now asking on behalf of the committee that the House bill be taken up for immediate consideration.

Mr. CURTIS. Is it unanimously reported by the committee?

Mr. SHORTRIDGE. It is.

The VICE PRESIDENT. Is there objection to the request of the Senator from California?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill H. R. 12032, which had been reported from the Committee on Naval Affairs with an amendment, on page 4, after line 3, to insert an additional section, as follows:

SEC. 5. That the Director of the Coast and Geodetic Survey shall have the pay and allowances of a rear admiral (lower half) of the Navy.

So as to make the bill read:

Be it enacted, etc., That the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended, is hereby further amended by striking out in paragraph 12 of section 1 of said act the following clause, lines 12, 13, 14, and 15 of said paragraph, volume 42, Statutes at Large, page 627, "Commissioned warrant officers on the active list with creditable records shall, after 6 years' commissioned service, receive the pay of the second period, and after 12 years' commissioned service, receive the pay of the third period," and inserting in lieu thereof the following:

"Commissioned warrant officers with creditable records on the active list shall receive pay as follows: During the first 10 years of commissioned service, the pay of the second period; after 10 years of commissioned service, the pay of the third period; after 20 years of commissioned service, the pay of the fourth period."

SEC. 2. That section 7 of said act is hereby amended by substituting a colon for the period, volume 42, Statutes at Large, page 629, line 4, and adding the following proviso at the end of said paragraph:

"*Provided further*, That when the total base pay, pay for length of service and allowances for subsistence and rental of quarters authorized in this act for any commissioned warrant officer shall exceed $5,000 a year, the amount of the allowances to which such officer is entitled shall be reduced by the amount above $5,000, and the pay and allowances of a commissioned warrant officer receiving the pay and allowances of the

second pay period shall not exceed $3,158 a year for the first 3 years of commissioned service, $3,258 a year for the next 3 years of commissioned service, $3,358 a year for the next 3 years, and $3,458 a year for from 9 to 10 years' commissioned service."

SEC. 3. That section 10 of said act is hereby amended by striking out in paragraph 1, lines 1, 2, 3, 4, and 5 of said paragraph, volume 42, Statutes at Large, page 630, the following:

"That on and after July 1, 1922, the monthly base pay of warrant officers of the Navy and Coast Guard shall be as follows: During the first 6 years of service at sea, $153; on shore, $135; during the second 6 years of service at sea, $168; on shore, $147; after 12 years' service at sea, $189; on shore, $168," and inserting in lieu thereof the following:

"That hereafter the monthly base pay of warrant officers of the Navy and Coast Guard shall be as follows: During the first 6 years of service, $153; during the second 6 years of service, $168; after 12 years' service, $189."

SEC. 4. That nothing contained herein shall be construed so as to reduce the pay, allowances, emoluments, or other benefits, including the benefits of the act of June 10, 1926, Forty-fourth Statutes at Large, page 725, that any person now in the service is receiving at the date of the passage of this act.

SEC. 5. That the Director of the Coast and Geodetic Survey shall have the pay and allowances of a rear admiral (lower half) of the Navy.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

GRAND VALLEY RECLAMATION PROJECT, COLORADO

Mr. PHIPPS. Mr. President, on a recent call of the calendar for unobjected bills, Calendar No. 1510, Senate bill 4710, was passed over at the request of a Senator to whom I have since furnished the information he desired, and his objection is now withdrawn. The bill merely authorizes an irrigation enterprise in Colorado to enter into a contract for the erection of a hydroelectric power plant. I ask unanimous consent for the present consideration of the measure, so that it may go to the House.

Mr. BRATTON. Mr. President, may I ask the Senator what river the project affects?

Mr. PHIPPS. The water is to be taken out of the upper Colorado River, but it in no wise affects the appropriations from the stream.

Mr. BRATTON. It does not affect the Rio Grande?

Mr. PHIPPS. No.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4710) authorizing the sale of surplus power developed under the Grand Valley reclamation project, Colorado, which had been reported from the Committee on Irrigation and Reclamation with an amendment, on page 1, line 6, after the word "project," to strike out "the Secretary of the Interior is authorized to enter into contracts for a period of not exceeding 25 years, for the sale or development of any surplus power, and the moneys derived from such sale or development shall be credited as provided in Subsection I of section 4 of the act approved December 5, 1924 (43 Stat. L. pp. 672, 703): *Provided*, That no such contract shall be made without the approval of the Grand Valley Water Users' Association, which has contracted with the United States to repay the cost of said project as adjusted by the act approved May 25, 1926 (44 Stat. L. pp. 636, 637, 638)" and insert in lieu thereof "the Grand Valley Waters Users' Association, with the approval of the Secretary of the Interior, is authorized to enter into a contract or contracts for a period of not exceeding 25 years for the sale or development of any surplus power or power privileges in said Grand Valley reclamation project, Colorado," so as to make the bill read:

Be it enacted, etc., That whenever a development of power is necessary for the irrigation of lands under the Grand Valley reclamation project, Colorado, or an opportunity is afforded for the development of power under said project, the Grand Valley Water Users' Association, with the approval of the Secretary of the Interior, is authorized to enter into a contract or contracts for a period of not exceeding 25 years for the sale or development of any surplus power or power privileges in said Grand Valley reclamation project, Colorado.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REFERENCE OF EXECUTIVE MESSAGES

The VICE PRESIDENT. In accordance with an order of the Senate heretofore adopted, the Chair refers to their appropriate committees sundry Executive messages.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock and 15 minutes p. m.) took a recess until to-morrow, Friday, February 8, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 7, 1929

FOREIGN SERVICE

To be consul general

John E. Kehl, of Ohio, now a Foreign Service officer of class 3 and a consul, to be a consul general of the United States of America.

COMMISSIONER OF IMMIGRATION

John B. McCandless, of Pennsylvania, to be commissioner of immigration at the port of Philadelphia, Pa.

APPOINTMENTS BY TRANSFER IN THE REGULAR ARMY

FINANCE DEPARTMENT

First Lieut. Charles Roderick Mize, Field Artillery (detailed in Finance Department), with rank from July 1, 1920.

SIGNAL CORPS

First Lieut. Harold Oakes Bixby, Coast Artillery Corps (detailed in Signal Corps), with rank from May 13, 1926.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. Jay Paul Hopkins, Coast Artillery Corps, from February 2, 1929.

To be lieutenant colonel

Maj. Edmund Clivious Waddill, Infantry, from February 1, 1929.

MEDICAL CORPS

To be captains

First Lieut. Harvey Cecil Maxwell, Medical Corps, from February 1, 1929.

First Lieut. James Ogilvie Gillespie, Medical Corps, from February 1, 1929.

PROMOTION IN THE PHILIPPINE SCOUTS

To be lieutenant colonel

Maj. Allen Samuel Fletcher, Philippine Scouts, from February 2, 1929.

PROMOTIONS IN THE NAVY

MARINE CORPS

Maj. Gen. Wendell C. Neville to be Major General Commandant of the Marine Corps for a period of four years from the 5th day of March, 1929.

First Lieut. Albert W. Paul to be a captain in the Marine Corps from the 22d day of December, 1928.

Second Lieut. Veryl H. Dartt to be a first lieutenant in the Marine Corps from the 5th day of December, 1928.

Second Lieut. Robert J. Straub to be a first lieutenant in the Marine Corps from the 2d day of January, 1929.

Corp. Lester S. Hamel to be a second lieutenant in the Marine Corps for a probationary period of two years from the 30th day of January, 1929.

HOUSE OF REPRESENTATIVES

THURSDAY, *February 7, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, help us to remember that we are here only a little while and there a long, long while. Breathe upon us Thy precious Holy Spirit and prepare us for the growth of every good intention and the nurture of every good desire. We recall our past deflections from the ways of rectitude. Strengthen us, that we may never even falter wherein we have failed before. Keep us from coarseness of speech, and may the deepest thoughts of our natures meet Thy approval. Bless us, qualify us for the very best that lies before us. Consider our infirmities and grant us the sweetening grace of Thy forbear-

ance. O Father, may we never lose Heaven out of our hearts; keep them in harmony with Thy holy will and in tune with that music shall resound and echo forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

ANNIVERSARY OF LINCOLN'S BIRTHDAY

Mr. COOPER of Ohio. Mr. Speaker, again we are approaching the anniversary of the date of the birth of Abraham Lincoln. I ask unanimous consent that next Tuesday, February 12, after the reading of the Journal and the disposition of business on the Speaker's table, the Gettysburg address may be read by the gentleman from Ohio [Mr. MOORE].

The SPEAKER. The gentleman from Ohio asks unanimous consent that next Tuesday, February 12, after the reading of the Journal and the disposition of matters on the Speaker's table, the Gettysburg address may be read by the gentleman from Ohio [Mr. MOORE]. Is there objection?

Mr. CONNALLY of Texas. Reserving the right to object, is it not customary for the Speaker to appoint a Member to read the address?

The SPEAKER. The Chair thinks not.

Mr. CONNALLY of Texas. I want to protect the prerogatives of the Chair.

The SPEAKER. The Chair is amply protected in this particular case. [Laughter.] Is there objection?

There was no objection.

BEAL NURSERY AT EAST TAWAS, MICH.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10374) an act for the acquisition of lands for an addition to the Beal Nursery at East Tawas, Mich., disagree with the Senate amendment, and ask for a conference.

The Clerk read the title to the bill and the Senate amendment.

The SPEAKER. Is there objection?

Mr. JONES. Reserving the right to object, I do not note any limitation of amount.

Mr. HAUGEN. The House made it $2,500 and the Senate increased it to $25,000. It is going to conference.

Mr. JONES. No other change that was brought before the committee?

Mr. HAUGEN. No.

The SPEAKER. Is there objection?

There was no objection.

The Speaker appointed as conferees on part of the House, Messrs. HAUGEN, PURNELL, and ASWELL.

PRELIMINARY EXAMINATION OF SUNDRY STREAMS

Mr. REID of Illinois. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 13484), an act authorizing preliminary examinations of sundry streams with a view to the control of their floods, and for other purposes, and agree to the Senate amendments.

The SPEAKER. The Clerk will read the bill and the Senate amendments.

The Clerk read the bill and the Senate amendments.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CONSTRUCTION OF CERTAIN NAVAL VESSELS

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 11526, "An act to authorize the construction of certain naval vessels, and for other purposes," with Senate amendments, and agree to the Senate amendments.

The SPEAKER. The Clerk will report the bill and the Senate amendments.

The Clerk read the bill and the Senate amendments.

The SPEAKER. Is there objection?

Mr. HUDDLESTON. I object.

Mr. BRITTEN. Mr. Speaker, inasmuch as objection has been preferred, I move that the bill H. R. 11526 be taken from the Speaker's table and the Senate amendments agreed to.

The SPEAKER. The gentleman from Illinois moves that the bill H. R. 11526 be taken from the Speaker's table and the Senate amendments be agreed to. The Clerk will report the first Senate amendment:

The Clerk read as follows:

Page 2, line 12, after the word "States," insert "except such material or parts as are not customarily manufactured in such Government plants."

Mr. BRITTEN. Mr. Speaker, I move to concur in the Senate amendment.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. BRITTEN. I yield.

Mr. CONNALLY of Texas. Why does not the gentleman take up the amendments and act on them in the House?

Mr. BRITTEN. That is what we are doing now.

Mr. Speaker, am I recognized for an hour?

The SPEAKER. The gentleman from Illinois is recognized for one hour.

Mr. BRITTEN. Mr. Speaker, I do not think it will be necessary to use an hour, because the bill as it comes to the House is an improved piece of legislation, from two viewpoints at least. The controversial item in the bill as it left the House was the so-called Dallinger amendment providing that the construction of eight cruisers should be in the Government navy yards. The Dallinger amendment also provided that various parts of the construction, including main engines, armor, and armament should be constructed in the navy yards, arsenals, and Government ordnance plants.

I take it that the Members of the House who voted for the Dallinger amendment did so because they favored navy-yard construction. In the first place, they probably feel that navy yards can construct these ships as cheaply or more cheaply than they can be constructed in private yards. That was one contention. The other is that having navy yards with full equipment to construct these ships always gives the Government a lever in competition with the private yards for the construction of these seventeen or eighteen million dollar vessels. That is a good thought, but the Dallinger amendment went further than that. It imposed upon the navy yards of the Government the construction of these ships in detail, the making of gun forgings, of gun mounts, of fire control, and so forth. Take the matter of fire control. The fire control on one of these ships costs $500,000. It is very largely a proprietary piece of construction; in other words, it is largely covered by patents. There are at least four big concerns like the General Electric Co. and others who compete with each other for the installation of these enormous fire-control systems aboard ship. Of course, the navy yards could not build that fire control. Two of our yards do build engines and boilers. The rest of them do not.

Optical equipment, gun forgings, and air compressors are not manufactured in Government yards.

The articles purchased by the shipyards vary somewhat, but in general shipyards purchase steel plates and shapes of all kinds, rivet material, steel castings, piping, fittings, various auxiliaries, such as pumps, winches, ventilation fans, and other materials and apparatus which are manufactured in quantities by outside concerns, or which involve special equipment for their manufacture and which, therefore, can be procured by the shipyard more cheaply by purchase than by manufacture. The total cost of materials purchased would probably represent in the neighborhood of 45 per cent of the total cost of the vessel, the remainder being represented by shipyard labor and miscellaneous expenses.

Turbines and reduction gear for each cruiser will cost in the neighborhood of $800,000. There is liberal competition among manufacturers of practically everything that goes into these ships.

Private yards and industries should be encouraged. They are a great national asset.

The bill comes back to us amended so as to benefit the navy yard. The original Dallinger amendment has been improved by the Senate. Therefore, I felt that my unanimous-consent request to immediately concur in all Senate amendments was a proper one. I can see no disagreement on the part of the House.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. LAGUARDIA. I do not believe there is any controversy about this amendment. I notice that the time limit is still in the bill. Is the gentleman in the position to state whether the time limit now meets with the approval of the President?

Mr. BRITTEN. The time limit is not in controversy this afternoon.

Mr. LAGUARDIA. How about the President's views on that?

Mr. BRITTEN. The House passed the bill with the time limit in it, and the Senate has not amended that time limit, so that that matter is not in controversy.

Mr. LAGUARDIA. It is before us nevertheless.

The SPEAKER. The question is on the motion of the gentleman from Illinois to concur in the Senate amendment.

The Senate amendment was concurred in.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Page 3, after line 2, insert:

"SEC. 5. First. That the Congress favors a treaty or treaties with all the principal maritime nations regulating the conduct of belligerents and neutrals in war at sea, including the inviolability of private property thereon.

"Second. That such treaties be negotiated, if practically possible, prior to the meeting of the conference on the limitation of armaments in 1931."

Mr. BRITTEN. Mr. Speaker, I move to concur in the Senate amendment.

Mr. HUDDLESTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HUDDLESTON. Is the Senate amendment subject to amendment?

Mr. TILSON. Mr. Speaker, the gentleman from Illinois has control of the time.

Mr. HUDDLESTON. Mr. Speaker, a parliamentary inquiry. Is the Senate amendment subject to amendment?

The SPEAKER. The gentleman from Illinois is in control of the time, and if he yields for that purpose, an amendment could be offered, but if he moves the previous question, that would prevent any amendment, if the previous question should be adopted.

Mr. BRITTEN. Mr. Speaker, I have been directed by the Committee on Naval Affairs not to yield for an amendment of any kind on the bill. The desire of the committee and the apparent wish of the country is to have the bill become a law as quickly as possible. If amendments should be agreed to, it would naturally throw the bill into conference. I move the previous question.

The SPEAKER. The question is on ordering the previous question.

Mr. HUDDLESTON. Mr. Speaker, before that is done may I propound a further parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. HUDDLESTON. Will a motion to concur with an amendment have priority over the motion of the gentleman from Illinois to concur? May some one, without the consent of the gentleman from Illinois, be recognized to make such a motion?

The SPEAKER. That would not be in order after the previous question is ordered.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. Under the procedure now being followed, if the motion of the gentleman from Illinois to order the previous question be adopted, that means that all debate and opportunity of getting any information is absolutely foreclosed?

Mr. BRITTEN. Mr. Speaker, for the purpose of giving information to the House, I shall withdraw my motion for the previous question for the present.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. BRITTEN. I have no objection to discussing the merits of the bill.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. BRITTEN. I yield for an inquiry.

Mr. LAGUARDIA. Will the gentleman explain to the House the meaning and purport of the amendment now before the House?

Mr. BRITTEN. Yes. The amendment speaks for itself. The desire of the Senate in presenting this amendment evidently was to promote a conference between the principal maritime powers of the world for an agreement on the rights of belligerents as well as neutrals in war on the seas. It is merely the expression of a desire upon the part of Congress for that kind of a conference. That sort of thing has been going on for years, not only as far back as 500 years before Christ, but in the past 20 years efforts have been made to reach an agreement between maritime powers upon the rights of neutrals at sea.

Mr. LAGUARDIA. Has the gentleman any information or figures as to the relative strength of the various navies 500 years before Christ, to which he has just referred?

Mr. BRITTEN. The problem of neutral rights at sea is a very old one. Pericles, who ruled in Athens some 450 years before Christ, introduced a bill calling for a conference at Athens, according to Plutarch—

> to deliberate * * * concerning the sea, that all might sail it fearlessly and keep the peace.

There was a codification of the laws of the sea in time of war, published at Barcelona as early as 1494. Two conflicting interests have persisted through the years: First, the interest of neutrals in continuing their trade in time of war, as in time of peace, without interference; and second, the will of belligerents to prevent their enemies from obtaining aid from neutral sources.

Mr. Speaker, the United States has insisted from the beginning that it should enjoy the rights of a neutral in time of war between European powers. This is the so-called doctrine of the freedom of the sea.

Benjamin Franklin favored a clause in the treaty of peace with Great Britain in 1783, providing that—

> all merchants or traders with their unarmed vessels, employed in commerce, * * * shall be allowed to pass free unmolested.

The failure of this provision, made the War of 1812 possible; indeed, it was a failure to observe this principle that brought on the naval troubles between our country and France in 1798.

Due to the opposition of Great Britain, the attempts of our statesmen to readjust the principles of maritime law in the treaty of Ghent, signed December 24, 1814, ended in failure. Our country reasserted its position on neutral rights at the outbreak of the Crimean War in 1854, but to no purpose. The United States was willing to surrender its rights to employ privateers on the condition that other powers would accept the American claim to full freedom on the seas as a principle of international law. Nothing came of this proposal.

Mr. Speaker, when the powers met in Paris in 1856 to liquidate the Crimean War, they set forth in the preamble to their declaration of Paris the belief that the differences of opinion between neutrals and belligerents should be adjusted in terms of a uniform doctrine. The declaration set forth that: Privateering should be abolished; that a neutral flag protects enemies' goods with the exception of contraband; that neutral goods, with the exception of contraband, are not liable to capture; that blockades can be effective only when maintained by a force competent to prevent access to the coast of the enemy. The United States objected to the first provision on the ground that it is as injurious to a private shipper to have his goods seized by a privateer as by a man-of-war. In other words, the United States would give up privateering if the other powers would grant the immunity to all noncontraband private property, whether on neutral or enemy ships. In 1858 the United States returned to the problem of neutrality by proposing to Great Britain a treaty along the lines of the declaration of Paris. Britain refused.

In 1860 an effort was made in the House of Commons to bring about an agreement upon the complete immunity for all merchant ships, but without avail.

During our Civil War our Government turned from its traditional policy and emphasized its rights as a belligerent. The ports of the seceding States were closed by decree, and our Government devoted its energies to an effective blockade. British traders adopted a scheme of sailing to Bermuda and other West Indian ports, on the theory that they would thus avoid capture for carrying contraband or for "running" a blockade. International law recognized no right of a belligerent to interfere with commerce between two British or other neutral ports. To meet this situation the United States evolved the "doctrine of continuous voyage." Our Supreme Court declared that, notwithstanding a stop in a neutral port, there was one continuous voyage from England to the belligerent. This doctrine proved to be embarrassing to the United States during the World War when American vessels bound for European neutral ports were held by the British to be subject to the rights of belligerents to search and seizure, under our own "doctrine of continuous voyage."

In 1899 John Hay, Secretary of State, instructed our American delegates to the First Hague Conference to push the project for complete immunity of private property at sea; but they met with little success.

In 1904 our Congress passed a resolution calling upon the President to obtain the—

> incorporation into the permanent law of civilized nations of the principles of exemptions of all private property at sea, not contraband of war, from capture or destruction by belligerent.

In 1907 Secretary Root instructed the American delegates to the Second Hague Conference to urge the adoption of the following articles:

> The private property of all citizens of the signatory powers, with the exception of contraband of war, shall be exempt from capture or seizure at sea by the armed vessels or military forces of the said power. However, this provision in no way implies the inviolability of vessels which may attempt to enter a port blockaded by the naval forces of the above-mentioned powers, nor the cargoes of the said vessels.

This proposal was opposed by the British delegation, with a counterproposal that Great Britain was ready to abandon the principle of contraband in case of war between the powers which may sign a convention to that effect; with the further proviso that the right of search would be exercised only for

the purpose of ascertaining the neutral character of merchant ships. The British proposal was also defeated.

DURING THE WORLD WAR

Mr. Speaker, the declaration of London, signed in 1909, setting forth existing rules of international law at some length, was never accepted by any of the powers. At the outbreak of the World War, however, President Wilson proposed to the belligerents, under date of August 6, 1914, that both sides agree to be bound by the provisions of the declaration of London. To this proposal Germany and Austria agreed, but the British Government practically refused. The United States thereupon withdrew its suggestions and served notice that it would insist "that the rights and duties of the United States and its citizens in the present war be defined by the existing rules of international law and the treaties of the United States, irrespective of the provisions of the declaration of London."

The law of the sea was "interpreted" by the principal belligerents and "adapted to modern conditions" in such ways as to bring a continuous series of protests from the United States against violations of established neutral rights. The contraband lists were extended by leaps and bounds from the earliest days of the war and the age-old distinction between absolute contraband and conditional contraband was soon obliterated. The final British contraband list, as published July 3, 1917, covered thousands of articles beginning with "abrasive materials" and ending with "yeast." Neutral vessels, instead of being searched at sea, were taken to British ports and often held for months while evidence to justify the seizure of their cargoes was accumulated. The burden of proof in prize courts was shifted from the captor to the captured. The doctrine of "continuous voyage" was revived and indefinitely extended to justify interference with American trade with European neutrals.

The British extended their blockade almost to American ports, and in the case of European neutral ports little attention was paid to the principles of international law. Rights of neutrals were wholly ignored. But in the case of Great Britain no American lives were lost, the losses being confined to American property. The violation of international law by Germany, however, involved not only the loss of property but the loss of American lives, a circumstance which led the United States to enter the war on the side of the Allies. When the United States took this step she accepted, in effect, the allied interpretations of the law and immediately proceeded to violate the rights of neutrals.

OUR NEUTRALITY

Mr. Speaker, by the terms of a diplomatic agreement effected by an exchange of notes May 19, 1927, Great Britain and the United States have agreed to press no claims on behalf of any national claiming loss or damages as a result of war, each Government undertaking to satisfy the claims of its own nationals. Under the terms of this diplomatic arrangement both Great Britain and the United States reserve the right in any future war to assume the same position as to neutral or belligerent rights that it maintained during the World War. The meaning of international law at sea in time of war is left in complete uncertainty, and this in spite of President Wilson's insistence among his "14 points" on January 8, 1918, of the "absolute freedom of navigation on the seas outside territorial waters alike in peace and war, except as the seas may be closed in whole or in part by international action for enforcement of international covenants." The British Admiralty successfully blocked all attempts to deal with the freedom of the seas issue in the treaty of Versailles. President Wilson explained, however, that this was of no importance because upon the acceptance of the League of Nations, "if there should be war there will be no neutrals." Since the United States has rejected the treaty of Versailles, America's policy of political isolation and her views of neutrality stand as before the war. The United States is determined upon retaining its neutrality in any future outbreak of war.

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. HUDDLESTON. I should like to explain the nature of the amendment that I would like to have the opportunity of offering.

Mr. BRITTEN. Mr. Speaker, will I lose my parliamentary status if I yield to the gentleman for the purpose of debate?

The SPEAKER. No.

Mr. HUDDLESTON. I do not think that will be sufficient——

Mr. BRITTEN. If the gentleman desires more time, I am sure he can get it from me.

Mr. HUDDLESTON. Mr. Speaker, the amendment adopted by the Senate looks toward a negotiation of treaties "with the principal maritime nations regulating the conduct of belligerents and neutrals in war at sea, including the inviolability of private property thereon." The debate on the bill in the Senate turned largely upon the fact that our traditional position as to "the freedom of the seas" has not been universally accepted, but to the contrary has been violated by some of the leading maritime powers. It seems to have been generally conceded by those who appear to be best informed upon the subject that if our rights upon the sea, as we have always insisted upon them, were recognized there would remain no reason for the naval expansion proposed by this bill.

Now this bill in the provisions of section 4 provides that:

> In the event of an international agreement which the President is requested to encourage for the further limitation of naval armaments, to which the United States is signatory, the President is hereby authorized and empowered to suspend in whole or in part any of the naval construction authorized under this act.

The Senate amendment carries no similar provision. If our Government should agree with the maritime powers, upon treaties which recognize in full the rights of neutrals upon the sea, the President would have no power under this bill to suspend any part of the construction which it authorizes.

It would be entirely right and proper that we give the President the same power to suspend the work in the event that we agree upon such treaties as in the event that we agree upon arms limitations.

It seems to me to be entirely logical; indeed, that it would be foolish not to do it.

Mr. BRITTEN. Will the gentleman yield?

Mr. HUDDLESTON. I will.

Mr. BRITTEN. Does not the gentleman think there is some difference between an agreement in respect to the rights of neutrals upon the sea in war time and an agreement to limit armament?

Mr. HUDDLESTON. No; for the very reason I have pointed out. The reason we find a great fleet necessary, according even to the advocates of a very large Navy, is because our rights upon the sea as neutrals have not heretofore been respected, and will be violated in the future. It is the purpose of the Navy to protect our ships upon the sea, our commerce as a neutral. But if we could be sure our neutral rights would not in future be violated, there would remain under the logic of the arguments offered in behalf of this bill good reason why we should not go ahead with the construction of the proposed cruisers.

If it is reasonable to empower the President to suspend construction because of an agreement on limitation of armament, there is more profound reason that we should give him the same power to suspend construction in the event the need for the ships was dispensed with by the entering into of such treaties protecting the rights of neutrals. We will not need these cruisers if the nations will agree to limit armaments, we will not need them if the nations agree to respect our rights as neutrals—the two stand upon a parity.

Now, one thing further. The only power that has been able up to the present time to successfully dispute our rights as neutrals, and the one against which we make the most complaint——

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. HUDDLESTON. Will the gentleman from Illinois give me more time?

Mr. BRITTEN. I will give the gentleman five minutes.

The SPEAKER. The gentleman from Alabama is recognized for five minutes more.

Mr. HUDDLESTON. The only power that it is said by authority that it is necessary for us to be in a position to protect ourselves against is Great Britain. I myself believe that if the people of Great Britain—if they had some way of expressing their will—would cheerfully accord to America the neutral rights that we desire. I believe that the best thought of Great Britain is that there should be no naval competition between the two countries. I believe that the best thought of Great Britain is that British interests would be better safeguarded by securing the rights of neutrals upon the sea than by allowing those rights to be violated as they have been in the past. I have no doubt that these influences are making themselves felt by British naval authorities. I have no doubt that the time is near at hand when the Government of Great Britain will be willing to recognize to us those rights.

Now, then, Great Britain is, aside from ourselves, the chief naval power, and if she will only recognize our rights as neutrals on the sea what reason will remain for the 15 cruisers? No man can answer with any reason why we would need them. The argument simply is not there.

Why, then, should we not now be willing to consider the possibility of Great Britain agreeing upon neutral rights—why

should we not cooperate to enable the people of Great Britain and America to dispose of this troublesome question between us and themselves? Why not give to the House now an opportunity to decide and pass upon this question? [Applause.]

If given the opportunity to do so, the amendment I would offer would be added to line 9 as it now appears on page 3 of the bill, following the Senate amendment. That amendment reads as follows:

First. That the Congress favors a treaty, or treaties, with all the principal maritime nations regulating the conduct of belligerents and neutrals in war at sea, including the inviolability of private property thereon.

Second. That such treaties be negotiated if practically possible prior to the meeting of the conference on the limitation of armaments in 1931.

I would add at the end of the amendment the following:

And should such a treaty be negotiated with Great Britain, the President is hereby authorized and empowered to suspend in whole or in part any part of the naval construction authorized by this act which may not then have been completed.

My amendment would confer upon the President the same powers, in the event a treaty on neutrality is negotiated, as he has in the event a treaty of limitation of armament is agreed upon.

The rules of parliamentary procedure give to the gentleman from Illinois [Mr. BRITTEN] the power by moving the previous question to prevent me from offering the amendment. Surely, I submit, considerations of mere parliamentary strategy should not be allowed to override principles of tremendous importance to the cause of peace in the world.

Mr. Speaker, let me say this: Nobody advocating this bill has argued that these cruisers are needed in order to repel a foreign invader. Nobody has dared to say——

The SPEAKER. The time of the gentleman from Alabama has again expired.

Mr. HUDDLESTON. May I have some additional time?

Mr. BRITTEN. I can not yield to the gentleman more time. I have a number of other requests for time.

Mr. BLACK of Texas. Mr. Speaker, I rise to make a parliamentary inquiry. The Speaker has held that a motion to concur is a privileged motion, and that a motion to concur with an amendment may be prevented by moving the previous question. I wish to draw particular attention to page 76 of Cannon's Procedure in the House of Representatives, in which it is said that—

When a bill with Senate amendments is taken from the Speaker's table for the first time the following motions are in order:

(a) Lay on the table, (b) refer, (c) amend [concur with amendment], (d) agree [concur], (e) disagree, (f) send to conference. These motions have precedence in the order named.

I contend that the gentleman from Alabama would have a preferential right to move to concur with an amendment. I also contend that he can not be cut off from this right by ordering the previous question. On page 75 of Cannon's Procedure this statement is made:

The Member in charge of the bill and having the floor may press the previous question, although another may propose a motion of higher privilege, but the motion of higher privilege must be put first.

Now, in view of the ruling which is cited in volume 5, section 5480, of Hinds' Precedents, would it not be the privilege and right of the gentleman from Alabama to offer his amendment and have it voted upon prior to the motion for the previous question? It seems to me that the motion is so clearly preferential that the gentleman from Alabama could not be prevented from offering it and having it acted upon.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. BLACK of Texas. I yield to the gentleman.

Mr. TILSON. Has the gentleman read authorities to the effect that in the present situation a motion to concur with an amendment is preferential over a motion to concur?

Mr. BLACK of Texas. Yes. That seems to be the uniform ruling upon the ground that it is privileged in order that the text of the bill might be perfected.

To concur with an amendment is preferential to a straight motion to concur, and being a privileged motion it can not be cut off by a motion for the previous question. Of course, the previous question may be moved but the motion to concur with an amendment must be voted upon first.

Mr. TILSON. How will the gentleman get the floor for that purpose if the gentleman from Illinois should move the previous question before he yields the floor?

Mr. BLACK of Texas. The gentleman from Illinois has come in and exercised his right to call up the bill. It is conceded he has that right. Now, the bill is before the House and the rules say that a Member who desires to offer a motion to concur with an amendment has a preferential right to do it. I submit the parliamentary inquiry to the Speaker whether the gentleman from Alabama, [Mr. HUDDLESTON] can be cut off from that preferential right by the gentleman from Illinois [Mr. BRITTEN] moving the previous question.

The SPEAKER. The Chair is familiar with the precedent cited by the gentleman from Texas. The Chair thinks that had the gentleman from Alabama made his motion at the same time that the gentleman from Illinois made the motion to concur that very possibly that motion should have been voted upon first, but in view of the fact that debate has been had it is now too late, and the gentleman from Illinois has the floor.

Mr. HUDDLESTON. Will the gentleman yield me some more time?

Mr. BRITTEN. Will the gentleman finish in five minutes?

Mr. HUDDLESTON. Oh, no; I could not hope to finish on this subject in any time that the gentleman would give me.

Mr. BRITTEN. Of course, if the gentleman is going to continue his requests for additional time, I will have to refuse his request.

Mr. HUDDLESTON. The gentleman can pass on that when it is reached.

Mr. BRITTEN. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. HUDDLESTON. Mr. Speaker, why such haste to pass the cruiser bill? People of foreign countries will think it strange and inopportune that immediately following upon ratification of the treaty outlawing war, entered into by all the leading nations, Congress should provide for this vast increase in the Navy. Just at this particular time, with not a cloud upon our sky, they will think it strange that Congress is guilty of such glaring inconsistency. Indeed, our own people will think it strange—all will think it strange except those who are familiar with the strategy of American politicians.

THE STRATEGY OF PARTISAN POLITICIANS

It is the strategy of "facing both ways," so characteristic of those now in power. It appeared in the 1928 Republican national platform, which praised the President for his "wonderful achievement" in negotiating the multilateral treaty, yet in another paragraph demanded a program of naval increase to the full limit of our treaty rights. It was in the President's Armistice Day speech, which rattled the saber with one hand and gesticulated in boasting of the importance of the multilateral treaty with the other. It was in the President's annual message, when he called the treaty the "most positive adherence to peace that it is possible for sovereign nations to make," and with the next breath demanded the cruiser bill "to meet our needs for defense."

It is the accepted American strategy of facing both ways and "carrying something in the bag for everybody." For be it known that there are powerful interests in the United States that do not desire peace. It does not fit in with their plans. They have no disposition to be content with such fruits as may be reaped in peace. Their dreams are of world empire, the exploitation of weak subject peoples, and the drawing of tribute from the remote corners of the world. They visualize competition and struggle with other exploiting systems of imperialism.

Then there are the private shipbuilders. Business is dull with them. They want profits. They are anxious to get their hands into Uncle Sam's pockets.

SLOGAN OF THE PEACE "DEFEATISTS"

Then there are the Navy League, and the Security League, and other "patriotic" organizations. They scoff at hopes for peace and at treaties for security. "There have always been wars, there will always be wars," say these defeatists, "and we must be prepared for the Day."

And also, strong enough to ride over the President himself, there is the Navy ring, demanding always more ships and more men and more guns. For in that way lie opportunity, honors, and emoluments for themselves.

And these militaristic elements and those of kin to them and which are under their influence form a powerful political force, a force which politicians must needs soothe and mollify. True it is that peace conditions throughout the world are more satisfactory than at any time since the war. Our own horizon is unusually clear and undisturbed. So far as one can foresee, there has been no time within 50 years when we had less prospect of international trouble, yet with breathless haste and under the strictest time limits we order the greatest naval expansion in our history!

It is the sop to partisan politics. Let the people be not alarmed. No national danger moves us. We are merely making good to the militaristic elements for having ratified the treaty.

We conceded something to the peace advocates and now we have bowed to the big navy folks—we have pleased both and now our balance is restored.

It is the accepted strategy—do something for all organized interests, particularly the selfish interests, for they are the most implacable. It has made of political platforms "mere bunches of straddles." It has converted political parties into tools of selfish organizations. It has made of ours a government by organized selfishness. It has driven public men into shameless inconsistency and made a farce of the deliberations of Congress. And the people like it; that they showed at the last election.

WORK FOR THE PRIVATE SHIPBUILDERS

Mr. Speaker, why all this breathless haste to pass this bill? Oh, I understand—the shipbuilders want work. Business is dull with them. Some of them are closed down, and they want the work. So let us hurry this bill to them. It is for their benefit that we are passing it.

What a mockery, the section of this bill which provides for stoppage of construction if a limitation of armaments should be agreed upon! The influences behind the bill do not want limitation of armaments, nor do they desire any agreement protecting the rights of neutrals if that would have the effect to stop construction. If they thought there was any provision in this bill whereby so much as a single ship would not be constructed that provision would be eliminated forthwith. What they want is ships.

What the Shipbuilders' Association wants is more work, more business. They want ships. They do not want disarmament. Talk of disarmament and of the rights of neutrals is a mere screen. They want ships. They do not believe in treaties. They rely on force, and particularly do they rely upon the force of profits in their pockets, even if the money does come out of Uncle Sam.

CAUSE AND CURE FOR WAR

War not entered upon strictly in self-defense is a crime. Possession of the instruments of war not for strictly defensive purposes convicts a nation of the intent to commit crime and puts it on the moral plane of the private criminal.

Wars do not happen; they are caused. Wars are not accidental; they are the natural result of events. Wars are not the curse of Providence; they are the product of human folly and wickedness. As I have said upon a previous occasion, war is a matter of national psychology—the fundamental cause of all wars is the "will for war."

And since the will for war is the cause of all wars, in order to avoid wars we must study the causes which produce the state of mind which finds its expression in resort to arms. It is, of course, impossible to mention all these causes, but it is not hard to name some of the chiefest. They are—

Competition in military strength—armies and navies.

Arrogance arising from the consciousness of great military power and national wealth.

Imperialism, whether taking the form of territorial expansion or other infringement on another nation's sovereignty.

Violation by belligerents of the rights of neutrals.

Unneutral participation in conflict through furnishing war supplies and loans.

Chauvinism as expressed in extreme national consciousness, egoism, and sense of superiority.

Secret alliances and agreements between nations.

Glorification of war and of the professional soldier, while minimizing the achievements of the pursuits of peace.

Competition in the exploitation of weak and unorganized peoples.

Protective tariffs, subventions, controls, and other governmental interference with the free flow of trade.

Pressure for unjust advantages in commerce.

Protection of nationals in foreign concessions and investments.

Unfair industrial and commercial competition.

Racial and religious antagonisms, traditional hatreds, jealousies, and ambitions.

Except as to the last, I have not attempted to state these causes of ill feeling between nations in the order of their importance. Racial and religious antagonisms, traditional hatreds, and so forth, have little to do with the decisions of governments. However, they have much influence upon the masses. And this the ruling classes well know, and as soon as they determine upon war they fire the passions of the people with appeals to hatred and prejudice.

Advocates of peace should bend their best thought to the discernment of the causes for ill feeling. Having found them, we must labor to remove them, to destroy the conditions which produce feelings of strife. In every threatening situation we should seek out and remove the cause. Of one thing we may always be sure—peace is never to be attained through war. Also, I believe we may rest assured that no secure and lasting peace was ever based upon force, fear, or injustice.

WHAT IS "NAVAL PARITY"?

The debate on the cruiser bill has been full of profound disquisitions upon naval "parity" between ourselves and Great Britain. Advocates of the bill have asserted that the 5-5-3 ratio, with ourselves and Great Britain first and equal in power and Japan third, should be maintained. The subject has been dealt with as though it was a sum in arithmetic—ships have been matched against ships, guns against guns, and men against men.

Gentlemen have juggled with figures as though parity in this sense was all important, apparently not recognizing that comparison in these respects is merely a single minor factor in parity. Apparently they visualize opposing navies, with all their vessels, meeting in combat at some place on the sea equally accessible and favorable to both sides and there engaging in a battle in which the balance was exactly equal in courage, equipment, efficiency, and morale. Everyone with a knowledge of history or of modern conditions knows that no such situation does, ever will, or ought to exist.

The chief factor in the relative strength of navies lies in the tasks which they are set to do. The navies of the United States and Great Britain might be equal mathematically yet wholly disproportionate in the work which confronted them. Great Britain, an island empire, with a population which would starve within a few weeks if control of the surrounding seas were lost, with the necessity of keeping open communications with her colonies scattered through all the seven seas, and with a continent of hostile nations at her back door, has an entirely different naval problem to that of self-contained and self-supporting America. It is certain that real parity between the two navies would require many more ships and men upon the part of Great Britain.

Again, the nearness of a fleet to its base of operation is of vast importance. If, for illustration, we should attack Japan in Asiatic waters, a ratio of more than 10 to 1 in our favor instead of 5 to 3 as at present, would be required. If Japan should seek to attack us in our waters, she would need 20 ships for every American ship.

Parity also becomes a different matter when the expedition is defensive to what it would be in the case of an offensive. The former is largely a task for submarines and small vessels, the latter a task for large or capital ships.

"BIG NAVY" FOREIGN POLICIES

All of this brings me to ask: What are the schemes of those who demand that our ships shall equal in number and size those of Great Britain? Do they mean to set our Navy to doing the same kind of work as the navy of Great Britain? Obviously their plans are not merely defensive. No such fleets as those demanded can ever be required for purposes of true defense.

I have been greatly interested to note that in the course of the Senate debate no advocate of the cruiser bill has had the temerity to argue that the cruisers were necessary to prevent an invasion of our shores. None have argued that they are needed to repel a foreign invader. To the contrary, it has been assumed that they would not be particularly useful for such purpose. Cruisers are weapons of offense; their value lies in sweeping an enemy's commerce from the seas.

THE NEW "NATIONAL DEFENSE"

The debate has thrown new light upon the purposes of the big-navy advocates. "National defense," within their purview, no longer means merely resistance to invasion. It has been boldly extended to include keeping open the lanes of sea travel and the protection of our trading ships upon the seas. It appears to have been assumed that in the event of a war in which America was neutral we would send a cruiser along with each of our merchant ships to protect it from capture by the belligerants. How absurd is the idea when we reflect upon the vast number of vessels which would be required for the purpose?

When confronted with the absurdity of their position they change front and assert that what they want is a navy so big that powers at war will be afraid not to respect our rights. They propose to build a navy so terrible that all nations and possible combinations of powers will stand in awe of us. Such a point of view is nothing short of militaristic madness.

The big-navy advocates have extended "national defense" to include not merely our ships upon the sea but our trade interests in foreign countries. National defense to them includes the protection of an individual American citizen residing and doing business in a foreign country whose interests may be

threatened by the government under which he has chosen to live. And their faith is proven by their works, for they sent us into Nicaragua to protect the investments of American bankers in railroads, lumber and banana fields. We were sent to Nicaragua because American creditors owned bonds and it became our duty to restore order so that they might be assured of their interest.

I want the plain people of this country to know of these perverted ideas of national defense. I want the people to know just what is contemplated by their rulers. The fathers and mothers who will furnish the boys to fight the battles—I want them to know the policies to which we are being committed. Under the cloak of national defense the powers in control have committed us to foreign policies more extreme in their logic and implications than those of the Roman Empire in its heyday. It is imperialism run mad.

THE CHOICE IS ATHENS OR SPARTA

And let me say that if these are to be the policies of America, they do well who advocate an incomparably great navy, and they do well who advocate universal conscription of soldiers for battle and labor for industry in time of war. And no extreme of preparedness is too great. For we will have need of armies and navies and the suppression of liberty and whatever else may add to our military strength. We will have need of force in all its forms, for come it will as certain as to-morrow that eventually we will be confronted by a world in arms.

No democracy should ever conceive of itself as a great military power. Military strength and efficiency is inconsistent with the principles of democratic government. The choice is before us, as it has ever been before virile and numerous peoples. Will we have peace or will we have war? Will we give our strength to military adventures or to the achievements of peace? Will we aim toward the cultural life or will we aspire to military glory? Mind you, we can not have both. [Applause.]

The SPEAKER. The time of the gentleman from Alabama has again expired.

Mr. BRITTEN. Mr. Speaker, I now yield two minutes to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Speaker, I wish to make a brief statement. After my amendment was adopted by the House and the bill passed the House, my attention was called to the fact that there were some parts of the proposed cruisers for the manufacture of which there was no machinery or equipment in any of the Government arsenals or navy yards. When the bill reached the Senate the amendment added by the Senate Naval Affairs Committee was too sweeping, in the opinion of the friends of the measure, but this amendment which the House is about to be asked to adopt was prepared by the friends of the Dallinger amendment and is perfectly agreeable to me. [Applause.]

Mr. BRITTEN. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, I thank the gentleman for the time. While I do not suppose anything I may say will make the slightest impression upon the friends of the bill, I want the RECORD to show that this bill has not the unanimous support of the House.

I voted against the bill when it was before us, and I am against it now. I am against the building of 15 additional cruisers for the reason that the defense of the country, in my opinion, does not require it; our position in world affairs does not need it; and there is no reason now in the face of an annual appropriation of $350,000,000 that we are now spending for the Navy to add $15,000,000 more a year besides the $300,000,000 that the 15 cruisers will cost.

While the bill provides that each cruiser shall not cost more than $17,000,000, I predict right now that before the next fiscal year has passed, the Naval Affairs Committee will be in here with an authorization to increase the limit of cost of each cruiser. I predict that each cruiser will cost $20,000,000 or even more.

Now, gentlemen, if you are going to build 15 cruisers, why not admit that you are anxious to start a race in competitive armament in order to obtain military and naval supremacy. But I can not understand the hypocrisy of writing into a bill providing for the immediate construction of 15 cruisers a provision that—

In the event of an international agreement, which the President is requested to encourage, for the further limitation of naval armament, to which the United States is signatory, the President is hereby authorized and empowered to suspend in whole or in part any of the naval construction authorized under this act.

While in the very first provision of the bill you provide that the building of five light cruisers must commence during the year ending June 30, 1929, within four months from now, five must be commenced during the year 1930, and the remaining five must be commenced during the year 1931. Why such haste? Where is the imminent danger of attack? This is regular wartime speed in naval shipbuilding.

If you are acting in good faith, if you really want to encourage the limitation of armament and you urge the President to bring about such a conference, if you are hopeful of accomplishing further naval disarmament, why the immediate building of these ships and the wasting of millions and millions of dollars of the taxpayers' money? If, on the other hand, you do not mean it, then you should not put any such hypocritical provision in the bill. The President of the United States officially stated in his annual message to Congress that there was no immediate need of these cruisers when he recommended the elimination of the time clause. He was definite and clear in that. These cruisers are not needed.

Mr. BRITTEN. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. BRITTEN. The gentleman, of course, knows that the suspension provision carried in this bill has been carried in every annual naval appropriation bill for the past 12 years.

Mr. LAGUARDIA. And we have continued to build ships during the past 12 years. So what does it mean? To my way of thinking, the way to bring about disarmament is not by building battleships and cruisers.

The American people who know the facts, the people who understand the comparative strength of the navies of the world, they who understand our position and our natural resources, the function of the Navy and what we need for actual defense, do not support this measure providing for the building of 15 cruisers at this time. All 15 to be commissioned within the next few years.

The gentleman from Idaho [Mr. FRENCH], in charge of the appropriation bill before the House at this time, has pointed out that new ships will require additional personnel, and I repeat that it means not only an expenditure of $300,000,000, because these ships will not be built for $17,000,000, but an additional expense of $15,000,000 every year in the cost of maintaining the Navy, and it means losing our position in the world movement for permanent peace. [Applause.]

Just as sure as day follows night, this building program will start a naval race. Every country will use our action here as a justification for increasing their respective navies. What will happen then? Why, the sponsors of this bill will come back with new comparative tables and demand still more ships. That is just what was going on in Europe for 20 years prior to 1914. The plight of Europe to-day is the result of such an insane policy.

We do not need these ships now. We are in no danger of being attacked. I am opposed to the unnecessary, extravagant naval policy, which I believe endangers the sincere desire of the American people for peace.

Mr. BRITTEN. Mr. Speaker, I move the previous question.

Mr. HUDDLESTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HUDDLESTON. Is a motion to commit this bill in order?

The SPEAKER. The question is on concurring in the Senate amendment.

Mr. HUDDLESTON. Will the Speaker hear a decision on that point? I wish to refer the Speaker to volume 5 of Hinds' Precedents, page 287, section 5575.

The SPEAKER. The Chair will hear the gentleman.

Mr. HUDDLESTON. The section reads as follows:

On November 1, 1893, the House was considering the Senate amendments to the bill (H. R. 1) to repeal a part of the act of July 14, 1890, relating to the purchase of silver bullion.

Mr. Leonidas F. Livingston, of Georgia, submitted the question of order whether, after the previous question should have been ordered on the motion to concur in a Senate amendment, it would be in order to commit the bill and amendment to a committee with instructions.

The Speaker expressed the opinion that the motion to commit would in such case be in order.

That is the authority which I submit, Mr. Speaker.

The SPEAKER. What is the motion the gentleman desires to make?

Mr. HUDDLESTON. A motion to commit with instructions and also a motion to commit. My inquiry applies to both.

The SPEAKER. To commit what?

Mr. HUDDLESTON. To commit the bill.

The SPEAKER. That would not be in order.

Mr. HUDDLESTON. Then may I ask the Speaker if a motion to commit the motion to concur in the amendment would be in order?

The SPEAKER. That would not be in order.

Mr. HUDDLESTON. May I ask the Speaker to indicate what proceeding he thinks the decision which I have read would apply to?

The SPEAKER. It does not apply to either of the two propositions the gentleman has cited.

Mr. BRITTEN. I move the previous question, Mr. Speaker.

The previous question was ordered.

The motion to concur in the Senate amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 3: Page 3, line 10, strike out the figure "5" and insert the figure "6."

Mr. BRITTEN. Mr. Speaker, I move to concur in the Senate amendment.

The motion to concur in the Senate amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 4: Page 3, line 4, strike out "1928" and insert "1929."

Mr. BRITTEN. Mr. Speaker, I move to concur in the amendment.

The motion to concur in the amendment was agreed to.

Mr. BRITTEN. Mr. Speaker, I move to reconsider the votes by which the motions to concur in the Senate amendments were agreed to and lay that motion on the table.

The motion was agreed to.

PAPER FROM CORNSTALKS

The SPEAKER. Under special order the Chair recognizes the gentleman from Illinois [Mr. HOLADAY] for 30 minutes.

Mr. HOLADAY. Mr. Speaker and Members of the House, in order that the Members of this body may have a clear understanding of the matter that I propose to discuss I think it advisable for me to make a short historical statement.

That paper pulp could be made in the laboratory from cornstalks and other waste farm products has been known for many years. But until recently no process has been developed which seemed to offer possibilities for large-scale commercial adaptation to the needs of the paper industry. The Cornstalk Products Co., a corporation financed by American capital, opened a factory in Danville, Ill., late in 1927 to produce pulp from cornstalks.

The Cornstalk Products Co. located their factory in Danville without receiving a bonus or subsidy of any kind. This location was chosen because it seemed to offer the following evident advantages:

First. A building already constructed on a site that would permit ample factory extension space.

Second. An ample supply of cornstalks.

Third. An adequate water supply.

Fourth. A system of hard roads that would permit of the transportation of raw material from the field to the factory.

Fifth. First-class railroad facilities.

With the location of their first plant in Danville, the Cornstalk Products Co. commenced an elaborate and thorough system of research not only in their laboratories and manufacturing plant but also in harvesting, transporting, and storing the cornstalks.

On the 19th day of October, 1928, the first commercial run of 58,000 pounds of paper, made from cornstalk pulp, produced by the Cornstalk Products Co., was manufactured in a paper plant in Kalamazoo, Mich., and its success was heralded in the press. It was announced that a daily newspaper and a magazine had arranged to try the new product, and this announcement received additional publicity.

On Sunday, the 16th of December, 1928, the Danville Commercial-News issued the world's first newspaper printed on paper made from cornstalks. This issue attracted the widest publicity and requests for copies were received from all over the world. The same week the Prairie Farmer, the leading farm magazine of Illinois, came out printed on this paper.

The Danville plant of the Cornstalk Products Co. has been making regular shipments of pulp to paper manufacturers since last October, and the pulp is going into various types of high-grade paper. It is now producing about 8 tons of pulp daily, and will have completed within a few weeks equipment to increase this output to 40 tons per day. The present year's production of pulp will use stalks from 20,000 acres of corn fields. This is the only commercial plant in the world making paper pulp from cornstalks. It has been pretty generally known that the Cornstalk Products Co. while developing its cornstalk-pulp process has carried on an extensive research into other farm wastes and that it has perfected processes for converting cottonseed hulls into cellulose and chemical by-products and sugar-cane fiber and various straws into paper pulp, and that its cornstalk pulp has surprised the paper-making world with its qualities as a supplementary raw material.

On December 10, 1928, Senator SCHALL, of Minnesota, introduced Senate bill 4834, to authorize the expenditure of $6,550,000 by the Bureau of Standards for the construction of demonstration plants in Minnesota, Arkansas, Louisiana, Georgia, California, Indiana, and Kansas to manufacture paper pulp and strawboard from flax, wheat or rice straw, sugar cane, or cornstalks; a xylose plant to utilize cottonseed hulls and peanut shells; and a plant for making alcohol from potatoes.

The CONGRESSIONAL RECORD for January 7, 1929, carries the remarks of Senator SCHALL relative to his bill S. 4834, and by unanimous consent there was included 17 articles written by one Blair Coan, whom the Senator described as a "well-known author and newspaper correspondent of Washington." The substance of these 17 articles had been published in various newspapers in the Middle West.

One of Coan's articles printed in the CONGRESSIONAL RECORD appeared in western papers under date of December 28, 1928, with this introductory paragraph, which was deleted before it was read into the RECORD:

Perhaps I should not write this story. The band of Washington newspaper correspondents, which is welded together for the purpose of suppressing national information, will consider this narrative unethical. But the American farmer is being so grossly discriminated against that I think this story should be broadcast.

I shall not take the time to read this entire article which deals with the work of the United States Department of Agriculture and with appropriations for research work to be done by the Bureau of Standards. Near the middle of his article Coan says:

Whether coincidently or by design, it can not be said, but about this time the lumber interests opened a Washington office and subscribed $5,000,000 to be spent in advertising. The Bureau of Standards continued its work and this summer announced its marvelous discoveries. But the announcement fell on deaf ears. No newspaper correspondent at Washington decided it was worthy of notice, and so, until this paper began publishing the facts as written by your correspondent, the merit of this work was unknown.

Coan closes this article by saying:

But one thing is certain, despite the Department of Agriculture, the lumber and paper industry, the combination of Washington newspaper correspondents to suppress this news, and every other agency, eventually paper will be made from field crops and the farmers will, indeed, reap a harvest.

Let us examine the truth of Coan's statements with reference to the Bureau of Standards. Coan says:

These new agricultural profits have been made possible by chemistry. The discovery of these facts was made by the Bureau of Standards.

George K. Burgess, Director of the Bureau of Standards, says, in his letter of January 28, 1929, addressed to me:

We have invented no new chemical process for making paper pulp from these materials.

Coan further remarks:

By allowing these plants [proposed Bureau of Standards' plants] to operate Congress will give the corn grower approximately $12 per acre more for his product, the sugar-cane grower the same amount, the cotton and peanut planter $7 per acre, the wheat farmer and rice grower $15 more per acre, while the potato grower will, in reality, make his product a drug on the market in the form of alcohol. None of these statements are guesses. They are cold, hard facts, which will show in detail what has been done in these particular fields by the Bureau of Standards.

The "cold, hard facts" as shown in the letter of the Director of the Bureau of Standards are:

During 1928 we bought 200 tons of cornstalks for this factory (Ames, Iowa) at $7.50 per ton. In both cases these contracts are made with the man who harvests and delivers the stalks. We do not know how much he pays the farmer for the stalks standing in the field. We have no information whatever as to whether or not paper could be made from stalks at this price at a profit.

Here is another statement of "Cold Facts" Coan:

This week Mr. W. E. Emley, of the Bureau of Standards, chief of the division of organic and fibrous materials, completed his experiments in

the use of rice straw for the manufacture of high-grade white paper. The test was a complete success. White paper of the highest quality can be manufactured from rice straw.

The Director of the Bureau of Standards writes me:

We are planning to investigate this subject during the next fiscal year.

When "Cold Facts" Coan begins to deal with alcohol he becomes especially enthusiastic. He says:

The Bureau of Standards began experiments on the chemistry of the potato. The results have more than warranted the expectations. These new experiments show potatoes can be converted into grain alcohol. Also, it was discovered that from them can be produced the higher grades of alcohol. These higher grades sell for as much as $1 a pint.

The Director of the Bureau of Standards replies to me:

We have not investigated the production of alcohol from potatoes.

In support of his charges that the Department of Agriculture was "hostile to development of farm wastes" and that the department had entered into a conspiracy to injure the farmers by withholding from the public the knowledge that farm wastes might be utilized for pulp-making purposes, "Cold Facts" Coan says:

About 20 years ago a chemist, working in the Department of Agriculture, discovered that white paper could be produced cheaper and better by using the cellulose of field crops than by the conversion of spruce wood.

The Secretary of Agriculture says in his letter of February 4, 1929, to me:

No responsible employee of the Department of Agriculture has ever claimed, so far as I can learn, that white paper could or can be produced cheaper and better from field crops than from wood.

Here is positive denial of the statement that the Department of Agriculture ever discovered any such process as Coan refers to, and consequently it could not have "conspired" to suppress it.

Time will not permit of me pointing out more specific statements, but practically every statement made in all Coan's 17 articles is as misleading as those I have mentioned.

I am informed Coan appeared at the Bureau of Standards on October 31, 12 days after the first large tonnage of cornstalk paper came from the mill, and again on November 12, representing himself to be the Washington correspondent for 175 newspapers—although it may be noted that he is not admitted to the press galleries of the House or Senate and is not a member of the National Press Club.

Coan professed great interest in what the Bureau of Standards was doing to utilize farm wastes. He was given information which is available to everybody about the bureau's small experimental plant at Ames, Iowa, operated in conjunction with Iowa State College to perfect a process for making wall board or insulating lumber from cornstalks by a mechanical, not a chemical, process; and he was told of the bureau's research into cottonseed hulls and peanut shells as a source of xylose, which is a rare form of sugar.

These unsensational facts did not suit Coan. They offered no weapon of attack to discredit what private capital has accomplished in utilizing farm wastes. But it was easy enough to invent a set of alleged facts and to make them so interesting and plausible that a great many editors to whom Coan sent his series of articles—making no charge for them, at least not to the newspapers—accepted and published them at their face value.

In these articles Coan attributed to the Bureau of Standards these new pulp-making processes, which in reality have been perfected because citizens of my State and of Indiana and Wisconsin, Nebraska, Missouri, Kansas, Kentucky, New York, Connecticut, and New Jersey have had the faith and courage to put more than $1,000,000 into this pioneering enterprise.

Referring to the cornstalk pulp process used at Danville, Coan published the statement that—

The Bureau of Standards claims to have developed a process far superior to the one privately owned—

although the Bureau of Standards has no process and, of course, never made such a statement.

The evident purpose of some of Coan's articles was to lead farmers to expect fabuluous prices for their waste cornstalks and straw. He falsely represented that the Bureau of Standards is paying such prices now; therefore if Congress does not build plants to demonstrate the bureau's processes the farmers will be led to believe that private industry is defrauding them if it pays less. The Bureau of Standards is actually paying at its experimental plant operated in conjunction with Iowa State College at Ames a little more than half the price Coan alleges.

Coan's propaganda articles began appearing late in November. Then, on December 10, just a few days before the appearance of a book, a Sunday newspaper and a great farm magazine printed on the first cornstalk paper, Senator SCHALL's bill was introduced, and the effect of it was to discount the importance of this industrial achievement. And Coan in public print takes credit for having inspired the Schall bill.

The bill was predicated upon Coan's false information, which I am convinced the Senator accepted in good faith, that the Bureau of Standards has new processes and that private capital will not embark in farm-waste utilization unless Congress first builds "demonstration" plants to prove that the business is profitable.

It was publicly known that this private company had perfected a rice-pulp process, and that it contemplated a rice-pulp plant in Arkansas; so this Coan-inspired bill provided a $1,000,000 Government rice-straw plant near Little Rock to compete with it. Likewise, this company had developed bagasse pulp and was negotiating with Louisiana interests for a plant there; so Coan would put one of his Federal plants near Baton Rouge. He would scatter eight plants in seven States, to cost $6,550,000.

And then Coan brought his bill to a Member of this House, asked him to write in as many plants as would look well for his own State, and introduce it over here, where appropriation bills must originate. He promised to get the Member valuable publicity! But the Member of this House wisely refused to have anything to do with Coan's bill.

But even this did not discourage Coan from continuing to flood newspapers with his free poison propaganda. That he made no charge for these articles—to the newspapers—is verified by editors in my own State with whom I have communicated. In several of these articles he assailed the integrity of the entire corps of Washington correspondents—men who represent the very highest standards of American journalism.

Showing to what unbelievable extent this man's propaganda has influenced editors, I may cite the publication of a signed article by Coan on the front page of an Iowa paper, enterprising and resourceful enough to bring out the first paper in that State printed on cornstalk newsprint.

Needless to say, the paper was made from Cornstalk Products Co.'s pulp because nobody else makes the pulp and nobody else has had commercial experience in making it. Nevertheless Coan gets by with his front-page warning to the Iowa public, printed on cornstalk paper, mind you, not to invest in cornstalk pulp and paper mills unless they are under experienced management, and he tells the public that the only people competent to run such mills are the Bureau of Standards and the chemical engineering head of Iowa State College, although neither has ever produced a ton of cornstalk pulp commercially for paper making!

Could anything be plainer than the motive of this cowardly propaganda to hamstring an established commercial industry just at the time when private capital, with two years' experience and more than $1,000,000 already invested, has made a conspicuously successful beginning and is preparing to expand?

The idea of farm-waste utilization is too sound economically and too popular as a measure of agricultural relief, and too well sponsored by respectable citizens to be attacked openly. But what could chill public enthusiasm and delay development more effectively than to spread this lie that the Government has perfected superior processes "free to all," as Coan published, by which the farmer should receive fabulous prices for his cornstalks; and that this pioneering enterprise is in danger of Government competition at every point where it has planned to expand?

Of course there will be no Government plants! Of course the Senate bill 4834 was dead before it left the hands of the one that inspired it. But such propaganda, if not exposed, could easily arrest the flow of private capital into this industry and set back its development for many years. If this industry should be throttled now, it would retard the whole program of economic farm relief through the utilization of agricultural wastes—something which every Member of this Congress and every farmer in the United States wishes to avoid.

The movement to utilize farm wastes should and can stand on its own merits, with such research assistance as Government scientific agencies can render and do render to other industries. My colleague from Iowa [Mr. DICKINSON] has a bill pending to further such research.

The following statement by Mr. W. Jule Day, president of Cornstalk Products Co., was published recently in the Danville Commercial-News:

Private initiative may be depended upon to continue solving technical and economic problems of this new industry without the proposed expenditure of millions of dollars to put the Government into competition with it. Such a policy (as the proposed building of Government plants) would have a tendency to retard rather than to encourage the building of more plants, which this company is preparing to do both in the North and the South.

It is evident from this statement that this industry is not seeking Government aid or subsidies but only desires not to be harassed by an attempt to subject it to Government competition based on the falsehoods that the Government has superior processes and that private capital is afraid to venture into this field.

In conclusion may I say that Coan, who is described as a "well-known author and newspaper correspondent" says that newspaper correspondents in Washington, himself excepted, are banded together to suppress information with reference to farm-waste utilization; that the United States Department of Agriculture has conspired with the Washington newspaper correspondents, the lumber and paper industry to prevent the manufacture of pulp from field crops; that the United States Department of Agriculture has attempted to prevent the Bureau of Standards investigating and experimenting to discover new methods to help the farmer; that private enterprise in this field has failed and is unworthy of public confidence. It would seem that Mr. Coan considers himself the only honest newspaper correspondent in Washington.

The facts are that Coan is "well known," not as a Washington newspaper correspondent but rather as a detective and paid propagandist, that he is not a member of the National Press Club nor is he permitted to enter the press galleries of the House or Senate. As a matter of fact the newspaper correspondents of Washington are the most able writers of our country, especially selected to gather the news for the great daily papers of the world, for the Associated Press, and other news-gathering agencies, and they are ever alert to herald to the reading public the real facts of the day.

The facts are that the United States Department of Agriculture is ever ready and anxious to promote the agricultural interest of our country and that there is no friction between the Department of Agriculture and the Bureau of Standards, as both of these governmental agencies have always cooperated with public and private enterprise to foster the best interests of American agriculture. [Applause.]

Mr. DENISON. Will the gentleman yield?

Mr. HOLADAY. I yield.

Mr. DENISON. Can the gentleman tell us where this man Coan gets the wherewith to carry on this propaganda?

Mr. HOLADAY. I have no definite information as to who is paying him for this propaganda.

Mr. SCHAFER. What is the man's full name?

Mr. HOLADAY. Blair Coan.

Mr. SCHAFER. He is a politician that we heard so much about a few years ago.

Mr. HOLADAY. Undoubtedly you have heard of him.

Mr. SCHAFER. He appeared in the Wheeler campaign and went up in Wisconsin and gathered up a good deal of money.

Mr. HOLADAY. I understand he is the same man.

Mr. Speaker, I yield back the balance of my time.

Mr. LAGUARDIA. Mr. Speaker, following the distinguished gentleman from Illinois, I want to say that for some time I have been interested in the development of farm waste. Not because we have farm waste in my city, but being intensely interested and willing to do anything I can as a Member of the House to bring about farm relief. In the utilization of farm waste we have an avenue whereby we can bring some relief to the farmer without adding unduly to the cost of farm products to the consumer in the city.

Hence my interest in cornstalk paper. As the gentleman from Illinois stated, the manufacture of cornstalk paper has passed the experimental stage. I have some letter heads of my own which I had printed on cornstalk paper, and gentlemen can see that it is not only a theory but an actual paper on the market.

Now, I want to point out in the very few minutes that I have that the United States Government is buying over 26,000,000 pounds of paper every year. I have not the schedule with me but I am sure the total amount is over 26,000,000 pounds every year. I introduced a resolution which was referred to the Committee on Printing which would permit the cornstalk-paper people to bid for Government orders. Under the present specifications and ruling, cornstalk paper can not bid for Government orders. That is manifestly unfair.

When I sent to the Government Printer cornstalk paper to have letterheads printed he refused to print them, and the stationery room had to send the cornstalk paper out to a private printer to have my letterheads printed. I respectfully submit that the censorship on the part of the Government Printer is wholly improper and unauthorized. I had only about 500 sheets of this. It was my intention to send a sheet to each of my colleagues to show the paper. If the use of this paper is not proper in the Government Printing Office, then that is a matter on which I should have to answer to the House and not to the Public Printer.

Mr. SCHNEIDER. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SCHNEIDER. What evidence has the gentleman other than the mark on this paper that it is made out of cornstalks?

Mr. LAGUARDIA. I know the source.

Mr. SCHNEIDER. What is the price of the paper?

Mr. LAGUARDIA. What has that to do with it now?

Mr. SCHNEIDER. I am trying to ascertain as to whether it can be made practically in competition with other papers.

Mr. LAGUARDIA. If they can not compete, they can not get the Government's orders. I say that they should have an opportunity to compete.

Mr. SCHNEIDER. Why did the Public Printer refuse to print upon it?

Mr. LAGUARDIA. I do not know; I am trying to find out.

Mr. SCHNEIDER. Did he give the gentleman any reason for that?

Mr. LAGUARDIA. Because it was cornstalk paper.

Mr. SCHNEIDER. How did he know?

Mr. LAGUARDIA. Could not he see the mark?

Mr. SCHNEIDER. That mark does not indicate it. That might all be made of wood.

Mr. LAGUARDIA. I assure the gentleman that it is made of cornstalk, and not of wood pulp.

Mr. COLE of Iowa. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. COLE of Iowa. On behalf of the Public Printer, I want to say that Mr. Carter is a native of Iowa, and he is just as much interested in making paper from cornstalks as any man possibly can be. If he has refused to use this paper, there must be something in the laws that prevents it.

Mr. STRONG of Kansas. The gentleman defends him. What is the reason?

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

IMMIGRATION

Mr. SABATH. Mr. Speaker, I ask unanimous consent that I may have three additional days in which to file minority views on the bill H. R. 16580, if I find it necessary.

The SPEAKER pro tempore. Is there objection?

Mr. JOHNSON of Washington. Mr. Speaker, reserving the right to object, is that the revised number of the last bill introduced?

Mr. SABATH. Yes. I just received the report upon it and I have not yet had a chance to read it. I may not file minority views.

Mr. JOHNSON of Washington. I have no objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes. Pending that, I ask unanimous consent that the time for general debate be limited to four hours, to be controlled one-half by the gentleman from Kansas [Mr. AYRES] and one-half by myself. I think the demand for time, after conferring with the gentleman from Kansas, will equal about the amount indicated in the request.

The SPEAKER pro tempore. The gentleman from Idaho moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill. Pending that, he asks unanimous consent that the general debate be limited to four hours, half the time to be controlled by himself and half by the gentleman from Kansas. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question now is on the motion of the gentleman from Idaho.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes, with Mr. LUCE in the chair.

The Clerk reported the title of the bill.

Mr. FRENCH. Mr. Chairman, I yield to the gentleman from New York [Mr. WAINWRIGHT]

Mr. WAINWRIGHT. Mr. Speaker, the Members of this House must by now be thoroughly impressed by the fact that there is something radically wrong and defective in conditions affecting promotion and retirement in the Regular Army. The present situation in that regard is, indeed, most unsatisfactory and urgently requires corrective legislation, the purpose of which would be to relieve the present stagnation or congestion in promotion and to set in motion and regulate and keep running for the future the necessary flow of promotion.

No subject more vitally affects the efficiency of the Army in time of peace and its consequent effectiveness in time of war than the prospect which the officers enjoy of advancement or promotion to a higher grade after a reasonable length of service in a particular grade. Without that prospect, interest and ambition so necessary to that subtle spirit we term morale is chilled, with resultant apathy and lack of initiative. The relation of the matter to the entire subject of national defense is obvious.

Most Members not on the Committee on Military Affairs must have had brought to their attention the so-called Wainwright bill, and the Wainwright bill with the McSwain amendment. The impression may prevail that the bill and the amendment are so related as to be inseparable. But the proposal contained in the Wainwright bill is one thing, that embodied in the McSwain amendment another, each quite independent and separable.

The Wainwright bill relates exclusively to the system of promotion in the Army for the future; the McSwain amendment attached to the Wainwright bill relates exclusively to the existing promotion list. Each was the subject of a separate bill capable of being enacted into law without the other. (See H. R. 13180 and H. R. 13246.)

Under the present system of promotion an officer's advancement results solely from and follows vacancies as they occur in higher grades from the various causes which separate officers from the active list of the Army, such as death, retirement, resignation, and so forth. The names of all officers below the grade of general, excepting medical officers, professors, and chaplains, are borne on a single list known as the "single promotion list," created for the first time by the revision of the national defense act in 1920. On this list the names of the officers are arranged in the order in which they are to be promoted.

From the Civil War to 1890 the system in operation was known as regimental promotion, separate lists being maintained for each regiment, and promotions following only when vacancies occurred in that regiment. From 1890 to 1920 separate promotion lists were maintained for each branch of the Army; promotions resulting as vacancies occurred in the particular branch to which the officer was assigned. The single list adopted in 1920 was designed to rectify the inequalities which resulted from the separate-branch list system, and to afford a better and more uniform rate of promotion for all officers. Under the old system of a separate promotion list for each branch, officers who entered the Army at the same time but who were assigned to different branches of the service would, after a period of 20 years, find themselves separated by as much as two grades. In one branch the rate of promotion would be slow, and in another branch the rate would be fast. These inequalities in rates of promotion created great dissatisfaction in the Army. It was to rectify these inequalities in rates and to make a uniform rate for the whole Army that the branch lists were merged into a single promotion list, thereby making an officer's promotion dependent not on vacancies occurring simply in his own branch but on vacancies occurring anywhere in the whole Army.

Unfortunately, before the new system was fairly well started, the authorized commissioned strength of the Army was reduced by Congress in 1922 by some 6,000 officers. This reduction resulted in retarding the promotion of all officers and in actually demoting to a lower grade a very large number of officers, so that at present there is a condition of stagnation in promotion throughout the Army, particularly among certain classes of officers, as bad if not worse than has ever existed. The Wainwright bill is designed to correct this condition of stagnation in promotion and to give to every officer in the Army, and to every officer who hereafter enters the Army, the definite assurance of promotion.

But there is another phase to the promotion problem. The manner in which the present single list was formed, especially with respect to the way in which the World War officers are placed on the list, has given rise to dissatisfaction and complaints of injustice. It is with this last subject that the McSwain amendment deals.

The two subjects, as stated before, are independent and separable. In fact, it is my firm conviction that the dissatisfaction with the arrangement of names on the present promotion list grew out of the fact that promotions as now prescribed by law could and would only follow vacancies as they occur in the single promotion list, and I believe that, if the system of promotion provided for in the Wainwright bill is once enacted into law, this dissatisfaction will rapidly disappear.

In order to provide the necessary number of officers required for the Regular Army as it was increased by the national defense act revision of 1920, and to perform the duties laid upon the Regular Army in connection with the training of the National Guard and the other components of the Army created by the national defense act, namely, the Organized Reserves, Reserve Officers' Training Corps, and citizens' military training camps, it was necessary to take into the Regular Army several thousand former World War officers who had served either in the National Guard or National Army elements of the Army during the war, familiarly known as emergency officers.

These emergency officers were separated by comparatively few years in age, and practically all of them had had two years or less of service. These officers were taken into the Regular Army, principally in the grades from second lieutenant to captain, with some few as majors, lieutenant colonels, and colonels. This great group of officers, together with the officers taken into the Regular Army during the World War period, standing midway in the present promotion list of a total of about 10,000 officers, has come to be known as the "World War hump." It consists of about 5,600 officers, or more than half the total number on the list. Above this "hump" are about 2,150 officers distributed in point of service over a period of about 16 years; below the "hump" are about 2,250 officers distributed in point of service over a period of about 9 years; while the 5,600 officers in the "hump" are distributed in point of service over a period of only about 2 years.

Under the present conditions about half the number within the limits of this "hump" will not reach the grade of colonel before retirement at the age of 64, if they serve that long, and many who are now captains on the list face the prospect of not advancing beyond their present grade even if they serve till retiring age. And, of course, the officers in the "hump" practically block all prospect of promotion of the twenty-two hundred and fifty officers below the "hump." From the standpoint of the officers this is obviously a well-nigh intolerable situation.

A board composed of some of the most distinguished major generals of the Army, which has recently considered the whole subject, thus described the situation and the necessity for congressional action:

> Unless some remedial measure is adopted vacancies in the higher grades will continue so slowly as to produce stagnation in the promotion of officers in and below this "hump." Officers at the top of the "hump" are now being promoted into the grade of major, while those at the bottom, with only two years' less commissioned service, are still first lieutenants, with a prospect of remaining in this grade for some 10 years longer, and of not reaching the grade of major until 23 years after the officers at the top of the "hump" have reached it.
>
> When the seniors of this "hump" becomes lieutenant colonels those at the foot of it may still be captains, with a prospect of continuing as such for about eight years longer. When the officers at the top of the "hump" become colonels, those at the bottom may still be captains. When the grade of colonel is practically filled by officers now in the "hump," there may be some officers near the foot of the "hump" still in the grade of major, and about this time practically all remains of the "hump" will be retired for age in a very brief period. As matters now stand, nearly one-half of the "hump" of about 5,600 officers may reach the age of 64 years before they have reached the grade of colonel. The condition set forth above will be one of severe stagnation. Furthermore, it indicates the serious consequences of a slight difference in position on the promotion list.

A subcommittee of the Committee on Military Affairs of the House, of which I have the honor to be chairman, studied this subject with great care during the last session of this Congress, and as a result of that study wrote the so-called Wainwright bill.

Now, the Wainwright bill seeks to correct stagnation in promotion and give to every officer the assurance of promotion by regulating the flow of promotion according to a schedule of fixed length of service, so that under this plan, an officer's promotion will come to him not when a vacancy occurs, but when

he has completed the number of years of service prescribed in the schedule. Under such an enactment, practically all the officers in the "hump," having already served the requisite number of years, will either at once, or very soon, advance, as they should, to the next higher grade. The Board of General Officers thus explains the considerations involved in fixing the length of service required in the particular grades before advancement to the next higher grade:

The primary consideration in framing this and related sections of the bill has been to establish and maintain a reasonable and effective rate in the progression of officers from grade to grade. A desirable rate of progression is one that advances officers at a rate commensurate with their ages, experience, and general value to the service. Efficiency will be attained if the time served in each grade is sufficient to master the duties thereof, to render effective service therein, and to prepare for service in the grade above. Nor should the period of service in any grade be too long. Unduly prolonged training in any grade is wasteful. It handicaps the individual by keeping him in a grade after he has lost some of the physical activity demanded by the duties of that grade, and it causes stagnation and loss of efficiency.

Obviously the automatic promotion in the lower and more numerous grades will result in increasing numbers in the higher and less numerous grades of lieutenant colonel and colonel. To avoid creating a top-heavy condition in these two higher grades, the bill limits the numbers in these grades. Such limitations, however, will reimpose a check on promotions in the lower grades and to that extent will tend to neutralize the benefit of the full application of the principle involved. But nevertheless, great relief will be afforded. The main features of the Wainwright bill in its unamended form, of the bill without the McSwain amendment (H. R. 13509) are as follows:

It directs that the number of promotion-list officers in each of the grades below brigadier general shall be such as results from the operation of the system of promotion prescribed by the act; it provides that the number of promotion-list field officers shall not be less than 26 per cent of the entire number; the number of colonels shall not exceed 6 per cent; and the number of lieutenant colonels shall not exceed 8 per cent, but that, subject to these percentage limitations and to the examination prescribed by law, officers shall be promoted according to the following schedule of years of service: After 3 years' service to first lieutenant; after 10 years' service to captain; after 15 years' service to major; after 20 years' service to lieutenant colonel; and after 26 years' service to colonel.

If less than 26 per cent of the officers are in the grades of colonel, lieutenant colonel, and major, then captains of less than 15 years' service shall be promoted in sufficient numbers to make up the 26 per cent; and if 8 per cent are in the grade of lieutenant colonel, then majors of 20 years' service will be held back in their promotion so as not to increase the 8 per cent; and if 6 per cent are in the grade of colonel, then lieutenant colonels of 26 years' service will be held back in their promotion so as not to increase the 6 per cent.

The bill, however, provides that when lieutenant colonels are held back in their promotions because of this 6 per cent limitation they shall, if retired, be retired with the rank of colonel, and also they shall be eligible, along with colonels, for appointment as chiefs of branches or as brigadier generals of the line.

There is no objection to, or controversy concerning, the proposal above described, except possibly in the requirement of examination for promotion. Officers of the department and of the Army are in substantial agreement that if the principle of promotion on fixed length of service, as above described, is adopted a large part of the present unrest and dissatisfaction of the officer personnel of the Army will disappear. Also the members of the Military Affairs Committee were unanimously agreed on the wisdom and expediency of this proposed change of system. So that so much of the present bill as embodies the original unamended Wainwright bill may be regarded as absolutely noncontroversial, and if adopted would go a long way toward correcting the present unfortunate situation as to promotion in the Army.

But with the McSwain amendment it is otherwise. The proposition therein involved has given rise to bitter controversy and differences of opinion in the Army. It seeks to recast the single list with the inevitable result that some thousands of officers will be benefited in prospect of promotion and about the same number adversely affected; some raised and some reduced by several thousand files or numbers. It is not too much to say that the 5,600 officers in the hump are practically divided into two hostile camps by this proposal.

The General Officers' Board thoroughly considered this phase of the promotion problem. They recommended that no attempt should be made to recast the list or rearrange the names of officers thereon. Their conclusion, as follows, should be carefully weighed before seriously considering the adoption of a course diametrically opposed to their conclusions. It is worthy of note to consider the personnel of this board. Maj. Gen. Mason M. Patrick, then Chief of the Air Corps, was president of the board. He and Maj. Gen. Hanson E. Ely, then commandant of the Army War College, are graduates of West Point and have served in all grades in the Army from cadet to major general, inclusive. Maj. Gen. Preston Brown, commanding the First Corps Area at Boston, and Maj. Gen. Robert H. Allen, Chief of Infantry, entered the Army as enlisted men and have served in all grades in the Army from private soldier to major general, inclusive, and Brig. Gen. E. E. Booth, Assistant Chief of Staff, came into the Army as a volunteer in the Spanish-American War and has served in all grades in the Army from second lieutenant to brigadier general, inclusive. These officers have served in the Army for periods ranging from 30 to more than 40 years. They have lived through the various promotion systems in the Army. They said:

There is no doubt that the situation with respect to promotion is not only unsatisfactory and critical but is one which should no longer be permitted to exist. This condition of affairs affects seriously the condition of the Army in time of peace and would have most disastrous effects in time of war. The conditions would not be materially improved by an alteration of the present promotion list, nor would the creation of an entirely new promotion list do more than to improve the promotion prospects of some individual officers on the list, but always at the expense of some others, and without improvement of the present unsatisfactory promotion prospects of the whole large group of officers inducted into the Army during and following the World War and of those below them. The situation must be remedied or at least ameliorated.

The board believes that this is possible by changing the promotion system so that officers in and below the World War hump may have reasonable assurance of advancement before the time comes for them to retire for age and that if this can be brought about most of the dissatisfaction with the promotion list will disappear. This conclusion is practically confirmed by a study of the reports of the local boards. These latter reports show conclusively that what may be called the general sentiment of the Army is against any attempt to alter the promotion list, but seeks some other remedy for the most unfortunate situation now confronting a large number of officers on the list. After its study of all evidence before it, its own investigation of the complaints, the alleged injustices and the inequalities of the promotion list, and after its own effort to devise remedies therefor, this board is unanimously and decidedly of the opinion that any effort to change the promotion list would do more harm than good, that the resulting state of affairs would probably be worse than the present. The board therefore recommends that the present promotion list stand as it is and that all further efforts to alter it cease.

But they recommended a change in the promotion system substantially as embodied in the Wainwright bill.

In order to intelligently consider the questions involved in the McSwain amendment, it is necessary to consider (a) the applicable provisions of the national defense act; (b) the intention of Congress; (c) the interpretation given by the War Department to the language employed; (d) the McSwain amendment itself; (e) the effects involved in recasting the list now more than eight years after it was adopted.

(a) The law: By section 24 of the national defense act of July, 1920 (41 Stat. 771), it is provided:

FILLING OF VACANCIES

Not less than one-half of the total number of vacancies caused by this act (about 7,000 in number) exclusive of those in the Medical Department, and chaplains, shall be filled by the appointment to date from July 1, 1920, and subject to such examination as the President may prescribe, of persons other than officers of the Regular Army who served as officers of the United States Army at any time between April 6, 1917, and the date of the passage of this act. (It will be borne in mind that the United States Army during the period in question in the World War was composed, besides the Regular Army, of the National Guard and the so-called National Army.)

PROMOTION LIST

SEC. 24a. For the purpose of establishing a more uniform system for the promotion of officers, based on equity, merit, and the interests of the Army as a whole, the Secretary of War shall cause to be prepared a promotion list on which shall be carried the names of all officers of the Regular Army and Philippine Scouts, below the grade of colonel, except officers of the Medical Department, chaplains, professors, the military storekeeper, and certain second lieutenants of the Quartermaster Corps hereinafter specified. The names on the list shall be arranged in general so that the first name on the list shall be that of the officer having the longest commissioned service, the second name that of the officer having the next longest commissioned service—

And so on.

Manifestly, the fundamental principle or rule to be observed in the preparation of this list was length of commissioned service.

The section then provides that in computing service for position on the promotion list—

there shall be credited all active commissioned service in the Army performed * * * whether in the Regular, provisional, or temporary forces, except service under a reserve commission while in attendance at a school or camp for the training of candidates for commissions, also service in the National Guard while in active service since April 6, 1917, under a call from the President; and also commissioned service in the Marine Corps when detached for service with the Army by order of the President. * * * The steps in the formation of the original promotion list shall be as follows:

First. Officers below the grade of colonel in the various branches who were appointed in the Regular Army prior to April 6, 1917, shall be arranged without changing their present order on the existing lineal lists, but otherwise as nearly as practicable according to length of commissioned service. * * *

Second. Officers of the Judge Advocate General's Department, Quartermaster Corps, and Ordnance Department shall be placed on the list according to length of commissioned service. * * *

Third. Captains and lieutenants of the Regular Army and Philippine Scouts originally appointed since April 6, 1917, shall be arranged among themselves according to commissioned service rendered prior to November 11, 1918, and shall be placed at the foot of the list as prepared to this point.

Fourth. Persons to be appointed as captains or lieutenants under the provisions of section 24 hereof (namely, the emergency captains and lieutenants) shall be placed according to commissioned service rendered prior to November 11, 1918, among the officers referred to in the next preceding clause (namely, the captains and lieutenants of the Regular Army), and where such commissioned service is equal, officers now in the Regular Army shall precede persons to be appointed under the provisions of this act, and the latter shall be arranged according to age.

Fifth. Persons appointed as lieutenant colonels or majors under the provisions of section 24 hereof (namely, emergency officers appointed to these grades) shall be placed immediately below all officers of the Regular Army who on July 1, 1920, are promoted to these grades, respectively, under the provisions of section 24 hereof.

The McSwain amendment arises entirely from the interpretation and application of "third" and "fourth" My distinguished colleague on the Military Affairs Committee the gentleman from South Carolina [Mr. McSWAIN] contends that in applying the above provisions relating to captains, first and second lieutenants—"third" and "fourth" above set forth—the War Department misinterpreted the law and erred in the manner in which the promotion list was framed as to the officers in these three lower grades. It is this alleged error that he seeks to correct by his amendment.

(b) Now, how did the War Department interpret and apply the law in placing officers in these two grades upon the new promotion list? It conceived that the language in the "third," requiring that captains and lieutenants appointed in the Regular Army since April, 1917, "shall be arranged among themselves according to commissioned service," required that these officers should be rearranged entirely according to length of service and without reference to grade, that is to say that the position of a captain, or a first lieutenant, or a second lieutenant, should be determined by his length of service rendered since April 6, 1917, and prior to November 11, 1918, and not by the fact that he was a captain or lieutenant, and thus that first lieutenants and even second lieutenants should be placed on the list above captains; in other words that the names of all these captains and lieutenants should be mingled or scrambled on this new promotion list, the sole determining factor being length of service and not grade. As a consequence, it was obligatory under "fourth" that the emergency captains and lieutenants covered by "fourth" should be interspersed among the regulars according to the same rule, the regular of equal service preceding the emergency officer, the latter of equal service being arranged among themselves according to age. And so the list was formed and so it at present exists.

(c) The effect given to the language of this statute follows the plain meaning of the English language. It is stated that the usual rule or custom would be to arrange officers according to rank or grade; but the language of the act makes it perfectly clear that this usual rule was not to be followed here. The preceding clause, "first," relating to officers appointed before April 6, 1917, does not provide that they shall be arranged according to grade, but merely provides that they "shall be arranged," most of them without changing the order in which they stand on the old branch promotion lists, but otherwise according to length of service. And this provision actually resulted in arranging the officers who were appointed before April 6, 1917, without reference to grade, for in examining the original promotion list that was formed in 1920, we find many majors on the list above lieutenant colonels and many captains on the list above majors.

But Congress did intend that some officers should be arranged on the list according to grade, and so we find the "fifth" clause quoted above. In the case of those emergency officers who were to be appointed in the grades of lieutenant colonel and major this "fifth" clause makes it perfectly clear that they were to be placed on the list according to grade and not according to length of service, and their positions on the list were to be determined with respect to the Regulars already on the list after the Regulars had been promoted on July 1, 1920, and not according to the rank held by the Regulars on June 30 as is now claimed should be done for the captains and lieutenants by the proponents of the McSwain amendment.

And so manifestly Congress intended by the difference in the language employed with regard to captains and lieutenants, and those appointed lieutenant colonels and majors, that there should be a different arrangement on the list. And in order to give the natural effect to the language, it would seem almost obvious that the department correctly interpreted and applied the statute.

But we are not left in doubt as to the meaning as it was understood by those most closely associated with the preparation of the law. We have the clear and convincing evidence of former Senator James W. Wadsworth, of New York, the then very able chairman of the Senate Military Affairs Committee, and of Hon. FRANK L. GREENE, then a member of the House Military Affairs Committee, now a highly respected Senator from Vermont.

Senator Wadsworth says:

I remember very distinctly the long discussions indulged in by the members of the Military Committee of the Senate and the Military Committee of the House of Representatives concerning a proper system of promotion for officers in the Army. * * * The Senate Committee on Military Affairs * * * finally reached the conclusion that the formula which would operate most consistently and bring about by far the greatest measure of justice was "length of commissioned service." * * *

We knew perfectly well that some majors would appear upon the promotion list above some lieutenant colonels; that some captains would appear above some majors; that some lieutenants, both first and second, would appear above some captains * * *. Especially was the Congress anxious to see to it that those emergency officers who were to be appointed to the Regular Army, most of them below field grade, should be so arranged on the promotion list as to most accurately conform to their relative experience during the war, credit being given them for service as emergency officers * * *. The committee provided very clearly in the legislation, under the paragraph headed "Fourth," in section 24a, "That these men should be placed upon the single list for promotion in accordance with the length of their commissioned service during the war and without regard to the grade in which they were appointed.

I have never heard the intent of Congress questioned upon this matter until very recently. And while I can not prophesy what future Congresses may do, I am convinced that the adoption of any other principle than that of "length of commissioned service" will undermine the entire principle of the single list for promotion and destroy the very thing which Congress attempted to set up.

Senator (then Congressman) GREENE says:

Having in mind, therefore, the plain provisions of the law already quoted, i. e., "that names on the list shall be arranged, in general, so that the first name on the list shall be that of the officer having the longest commissioned service, the second name that of the officer having the next longest commissioned service," and so on, "these captains and lieutenants originally appointed since April 6, 1917, were to be 'arranged among themselves' not by grades or by seniority in grades but in the order of their seniority of commissioned service, regardless of grades * * *."

With the cases of emergency officers taken into the Regular Army under the new law in the grades of captains and first and second lieutenants * * * here again it was made plain that these emergency officers taken into the second part of the single list were to be arranged, not by grades but among the Regulars already on that list, and who had already been rearranged "among themselves," not by grades but "according to commissioned service rendered prior to November 11, 1918." * * *

It is plain, then, that all these officers taken into the Regular Army since April 6, 1917, whether officers already in at the passage of the Army reorganization act or emergency men to be taken in under the terms of that act, were to be thrown into a pool together, so to say, regardless of present rank for the Regulars or grade at which taken in

if emergency men. (See also Senator FRANK L. GREENE'S recent very full statement on this subject contained in the RECORD of January 21, 1929, pp. 1960 to 1962.)

The whole subject was also fully considered and discussed in committee and subcommittee of both Houses, as the printed record of the hearings, pages 2034 and 2038, will show. Also the author of these clauses of the law, Maj. Thomas M. Spaulding, still in the Army, who drafted these very provisions for both subcommittees of the Senate and House, fully explained to the committees that length of service during the war, without reference to grade, was to be the determinant of position on the list, and the debates in both Houses clearly demonstrate that it was distinctly understood that length of service without reference to grade should be the determining factor.

Without reference, then, to the wisdom of the procedure, I believe it should not be open now to serious question that the board of officers who framed the list correctly interpreted the intent of Congress.

(d) So assuming now a full understanding of how and why the list was framed as it was, let us consider the McSwain amendment.

Section 4 of the amended bill H. R. 13509: It provides for the recasting of the promotion list in so far as it relates to captains and lieutenants by arranging this portion of the promotion list in three groups, the first comprising all officers who held the permanent grade of captain in the Regular Army on June 30, 1920, and those appointed in that grade to date from July 1, 1920; the second group, all officers who similarly held the grade of first lieutenant; and the third group all officers who similarly held the grade of second lieutenant, and that within each group the names shall be arranged according to active commissioned service between April 6, 1917, and November 11, 1918. It also contains provisions for the relief of the West Point classes which graduated during the war whose members claim they were unjustly treated by the way in which they were arranged on the list.

The effect of this amendment would be to rearrange captains and lieutenants on the list according to grade and without reference to length of commissioned service, except as among officers of the same grade. And it is significant to note here that, whereas the act of June 4, 1920, as quoted above in the fifth clause, that emergency officers appointed in the grades of lieutenant colonel or major on July 1, 1920, should take their places on the list along with the Regulars who were in those grades on that date, the McSwain amendment would place the emergency officers appointed captains or lieutenants on July 1, 1920, along with the Regulars who were in those grades on June 30, 1920. It is not only changing the rule from an arrangement by length of service to one by grade which makes the McSwain amendment highly controversial but it is in making this change as of June 30, 1920, and not July 1, 1920. On June 30, 1920, the day before the act became effective, promotions in the Regular Army were still being made according to the old branch lists and were therefore very unequal, whereas on July 1, 1920, the first full day of the operation of the single list, these inequalities were straightened out and all the Regulars found themselves promoted to the grades to which they were entitled by their length of service, and this resulted in a considerable number of Regulars being advanced upon the single promotion list above other Regulars who had preceded them on the old branch lists upon which their names appeared on June 30, 1920.

It is this difference of one day, found in the McSwain amendment, and so conspicuously inconsistent with the rule laid down in the "fifth" clause of the act, requiring emergency lieutenant colonels and majors to follow regulars promoted to those grades on July 1, 1920, that adds so much bitterness to the controversy.

When the volunteers of the Spanish-American War came into the Regular Army during and immediately following that war, they were not arranged according to length of service, but in some cases were arranged according to grade; and in practically all cases were not given credit for their volunteer service.

When the single promotion list was under consideration by Congress in 1920, amendments were offered in both Houses of Congress to rearrange the Spanish-American War officers according to length of service, and thereby reverse the action adopted by Congress in 1901.

The debates and votes in both Houses of Congress in 1920 show that Congress considered it unwise to change the action taken in 1901 under which the officers had been arranged for nearly 20 years, but that it was wise, in the light of experience, in bringing in the World War officers to provide that they should be arranged on the list according to length of commissioned service without any reference to grade.

Now, it is interesting to note that the McSwain amendment would now undo what Congress did in 1920, and would go back to the principles of 1901, which were so severely criticized in both Houses in 1920.

(e) Undoubtedly there is a persuasive force in the argument that these officers should originally have been arranged according to grade. That argument proceeds on the contention both that the War Department incorrectly applied the law, and that even though that be not so, that the injustices effected by so applying the law are so manifold and so serious that the change should be made anyway. That the first of these contentions is not sound, I submit has already been established. As to the second, I maintain first, that there was good reason to so provide in the law; and, second, that to now recast the list would probably create greater dissatisfaction, produce greater discontent, and result in a condition more grievous than the one now sought to be corrected. In this I differ from the majority of the Committee on Military Affairs which has reported the bill with the amendment included. I have reluctantly differed not only with the views of my colleagues on the committee, but particularly with those of my colleague from South Carolina, for whose views I usually have so high a regard. My views are briefly stated in a dissenting report, as follows:

> I am firmly of the opinion that the provisions of the national defense act in forming the original promotion list were correctly interpreted and executed by the War Department, and I concur in the recommendations of the various boards that have studied this matter, particularly the General Personnel Board, that my revision of the present promotion list will create more unsatisfactory conditions and more discontentment in the Army than now exists under the present plan.

The printed record of the hearing on this amendment will show that many officers and groups of officers strenuously and bitterly oppose any change in the present plan, many asserting that they accepted their commissions on the faith of the effect given to the law by the War Department, while others who claim to have been unjustly placed and who protest against the effect given to the law as earnestly advocate the change—naturally those who will be benefited favor, and those who will lose oppose.

Major Summers, an officer in the Adjutant General's Department (see testimony, hearings pp. 183–195) undertook to apply the McSwain amendment to the World War officers that were taken in as they stood on the promotion list January 1, 1928. He found that 4,628 officers would be affected by the amendment; 1,963 of these were in the Regular Army before July 1, 1920; 2,589 came in on July 1, 1920. Of the Regular Army officers, 241 were in the grade of captain; 1,689 in the grade of first lieutenant; 30 in the grade of second lieutenant. Of the emergency officers, 832 were in the grade of captain; 1,124 in the grade of first lieutenant; and 633 in the grade of second lieutenant, and 79 former Regular Army officers who have been reappointed. Applying the McSwain amendment, he found the maximum gain to be that of Captain Wilson of the Finance Department, who gains 4,000 files; and the maximum loss is that of Captain Gray, of the Quartermaster Corps, who loses 4,100 files. Major Summers estimated that 2,000 men would gain by the rearrangement and 2,500 would lose.

In the nature of things, the McSwain amendment presents a highly controversial issue. In the application of any general rule to so large a group of persons, there will always arise many injustices and abnormalities. Such is undoubtedly true of the preparation of that promotion list. In the light we have now Congress might now legislate differently. But to undertake to undo now what was done then will, in my judgment, accentuate rather than cure the present dissatisfaction and result in the very opposite of the professed purpose of the readjustment, namely, to remove the causes of discontent and restore the morale of the service so far as it has been adversely affected.

Personally, I am against a revision of the list now, because it has stood for nearly 10 years, and I believe that a rearrangement of any kind will have an adverse effect on the Army.

In the body at the other end of the Capitol the same issue and the same division of sentiment exists in the Military Affairs Committee, and the highly beneficial and remedial measures embodied in the Wainwright bill are being held in abeyance by an attempt to secure a revision of the promotion list by making the adoption of the new system conditional upon the revision.

It will be remembered that the House has already acted on the Furlow bill establishing a new single promotion list for the Air Corps and that that bill affords to the Air Corps in principle the same measure of relief as is proposed in the original Wainwright bill for the other officers of the Army without any McSwain amendment. In fact, the Furlow bill provides "the names on this list"—Air Corps promotion list—"shall be arranged in the same relative order that they now have on the Army promotion list."

That legislation to break the log jam in promotion is urgently needed has been advanced constantly and consistently by the

Secretary of War for the past several years. It seems unnecessary to block the entire noncontroversial legislation by insisting that it must be coupled with the highly controversial features carried in the McSwain amendment.

In my judgment, the best interest of the Army, and in consequence, of the national defense, demands that the provision for promotion on fixed length of service should be adopted now. Thus, and thus alone, will the flow of promotion be restored in the lower grades of the Army, and that most desirable result should not be delayed.

Recently, the Secretary of War, in effect, made this same plea in eloquent and forceful fashion before the Senate committee. He plead with the committee—

to consider to-day, the broad question of the assurance of that reasonable advancement, which is vitally important to the immediate and future effectiveness of the Regular Army. * * * This question, therefore, is of the utmost consequence to the whole of our national defense. Agitation, disagreement, and discontent have resulted during the long consideration of this subject. There are involved controversial issues. On the other hand, there are a number of distinctly noncontroversial features which are susceptible of early legislative treatment. The commissioned personnel of the Regular Army is practically a unit in agreement upon the desirability of the enactment into law of those noncontroversial features. I urge your earnest consideration of those features with a view to legislative action by this Congress. Otherwise, I fear that there may occur further delay in the solution of this promotion question, with a prolonged uncertainty which can only react adversely on the Army. * * * I believe correction of the evil can best be effected by limiting the first bill to those fundamentals on which there is general agreement. Such a bill can be passed at this session. I doubt if a controversial bill can be passed. Later, other ideas can be argued on their merits, and consequent changes can be made retroactive if so desired. * * * If a policy of promotion on length of service in grade should be adopted without any restriction (although I am not advocating this) the exaggerated importance of an officer's position on the promotion list would disappear. All would advance in grade upon serving the required period of time. Relative positions on the list would be of slight importance. * * *

High morale can not be expected from those who after foregoing the manifest advantages obtainable from civil careers to direct their efforts and talents to national service, have been deprived of the single possible reward—advancement in an honorable profession.

I am content to leave the argument there. [Applause.]

Mr. FRENCH. Mr. Chairman, I yield 20 minutes to the gentleman from Pennsylvania [Mr. McFADDEN].

Mr. McFADDEN. Mr. Chairman, the Federal Reserve Board late yesterday afternoon issued a second recent warning in regard to the credit situation. By this statement they have indicated that they are using at this time in management one of the most potential influences under their control, namely, publicity. The other two major powers vested in the system are the "discount rate" and "the purchase and sale of securities in the open market." Heretofore use has been made of these latter two functions within their power without satisfactory results.

This statement just issued indicates special reference to loans made for speculative purposes, as is shown by the following quotation from the publicity notice issued yesterday:

The firming tendencies of the money market which have been in evidence since the beginning of the year, contrary to the usual trend at this season, make it incumbent upon the Federal reserve banks to give constant and close attention to the situation in order that no influence adverse to the trade and industry of the country shall be exercised by the trend of money conditions beyond what may develop as inevitable.

The extraordinary absorption of funds in speculative security loans which has characterized the credit movement during the past year or more, in the judgment of the Federal Reserve Board, deserves particular attention lest it become a decisive factor working toward a still further firming of money rates, to the prejudice of the country's commercial interests.

The resources of the Federal reserve system are ample for meeting the growth of the country's commercial needs for credit, provided they are competently administered and protected against seepage into uses not contemplated by the Federal reserve act.

The Federal reserve act does not, in the opinion of the Federal Reserve Board, contemplate the use of the resources of the Federal reserve banks for the creation or extension of speculative credit. A member bank is not within its reasonable claims for rediscount facilities at its Federal reserve bank when it borrows either for the purpose of making speculative loans or for the purpose of maintaining speculative loans.

The board has no disposition to assume authority to interfere with the loan practices of member banks so long as they do not involve the Federal reserve banks. It has, however, a grave responsibility whenever there is evidence that member banks are maintaining speculative security loans with the aid of Federal reserve credit. When such is the case the Federal reserve bank becomes either a contributing or a sustaining factor in the current volume of speculative security credit. This is not in harmony with the intent of the Federal reserve act nor is it conducive to the wholesome operation of the banking and credit system of the country.

The main function of the Federal reserve system is the maintenance of a proper gold reserve and control of the total volume of credit, and of course, in the exercise of these prerogatives it necessarily must keep in touch with world gold and credit movements but only for the purpose of wise and competent management in the preservation of the gold reserve and total volume of credits.

I do not understand at this time that the gold reserve is in danger, nor do I see any indication of a general rise in the commodity price level, and because of these facts, I do not think that the Federal reserve system should concern itself about the condition of the stock market or of the security loan market.

I desire to quote from a speech I delivered before the American Bankers' Association in Philadelphia on October 1, 1928, as follows:

The Federal reserve system is charged with a grave responsibility in dealing with this situation because it would be easy for them to produce a business slump without intending to do so. In this connection, it is interesting to note the views of a leading British authority on the subject of finance, who is a student and close observer of our Federal reserve operations: "I am now more concerned lest the Federal reserve authorities should accidentally bring about a general business depression by attempting to take action toward the stock markets which, however well meant, is not really compatible with the system's duty toward business. I think the Federal reserve system may have been quite right to try to frighten the speculators a few months ago, but this having failed, I think they would be much better advised to leave Wall Street alone and let it boil over of itself, rather than do things which, if continued, will certainly put at risk the general prosperity of the country."

The emphasis upon this aspect of our credit structure has been much exaggerated, partly by people who are unaccustomed to a new situation and partly by those who are personally interested in a decline of security prices. I do not think that the assumption is warranted that brokers' loans are depriving business of funds, nor that all of the security loans are unproductive. In my judgment there is too little known about the ultimate disposition of stock-market loans to warrant any action designed to depress these loans by the Federal reserve system. There appears at the present to be no danger to the gold reserve, and should the reserve system tighten credit with the purpose of restricting stock speculation, and should it actually succeed, two results may follow: (1) The high interest rates will make it too expensive for corporations to finance by bonds; and (2) if the public is afraid to buy stocks it will be impossible to finance by stock issues which are usually purchased by speculators. I think this may pave the way for that lack of confidence which can easily lead to a business recession if not a depression. If it were possible to show—and I believe it is not—that any positive harm is being done to business and industry, to employment, or to bank depositors by the present growth of security loans, I think restrictive action might be sanctioned. But no such evidence is available. I firmly believe now as I have in the past that the eye of the Federal reserve system should be kept, when the gold reserve is not in danger, on the question of prices and employment. It seems to me to be rather far-fetched to endanger the pay envelope of the workingman and the profits of the business man because some one gets the notion that there is too much stock speculation or that stocks should not sell as high as they now are. There are so many matters of judgment involved in stock prices that I believe most of the critics and experts have erred in predicting the stock market. If, however, the condition of corporate profits does not warrant present prices, the market will correct itself in time. Meanwhile the Federal reserve system should keep its attention chiefly upon the stability of business and employment, which finds itself reflected generally in stable commodity prices.

While money rates remain relatively high in the United States I believe there is little danger of a further drain upon our gold reserves except by the deliberate action of the central banks. In fact, the recent decline in sterling is bringing gold back into this country. Since we are paying a higher price

for short-term money than is being paid abroad, this reaction is to be expected. It could be prevented only if the Bank of England raise the discount rate with an accompanying increase of all money rates abroad. As I came into the Chamber this morning I was notified that at a meeting of the board of directors this morning of the Bank of England the discount rate was raised 1 per cent—to 5½ per cent. If in the judgment of borrowers in this country the uses of bank funds are such that they are willing to pay high rates—for use in the stock market or elsewhere—there is nothing that should be done about it and these events should be left to run their course. On the other hand, indications point to a beginning of a fall in commodity prices, although this is not as yet shown by the Bureau of Labor Statistics index number. I am inclined to think that the high discount rates are beginning to show their effect on commodities and are beginning to bring about an inflow of gold, which can be prevented only by raising the rates in England and abroad, and this, again, would tend to depress commodity prices.

Our reserve ratio is ample, and I do not see why we need to be alarmed about it at the present time.

The large loans of our banking system at the present time, I think, are due to a number of causes:

First. The large volume of individual savings which banks must invest somewhere. These savings correspond partly to the production of additional wealth, and they are partly the results of the capitalization of values, such as stocks and real estate. Large bank loans are, of course, required if there are to be large savings.

Second. The large volume of corporate savings which are being retained by corporations in the form of cash. These cash balances standing on the liability side of the balance sheet of banks must be offset by loans and investments on the asset side. Accurate statistics on this question are not available, though I am now planning some research to get more adequate data upon this subject. Most of these savings are the result not of capitalization but of the production of additional wealth, since most corporations are not speculators but producers.

Third. Some portion of our deposits and loans are the result of the capitalization of stocks and bonds and do not represent actual increases in productive wealth, but it is difficult to get any accurate data to substantiate this assertion.

The deposits and loans and investments of the banking system will decrease if (1) there is a decrease in the volume of individual savings, or (2) if savers buy securities directly—or through investment trusts—rather than leave their funds on deposit in banks, (3) if those holding deposit balances derived through the sale of securities go back into the market and repurchase these securities from those who are holding them on margin. This is, of course, what would happen should any extensive decline take place in the stock market. Though I doubt whether any such decline is in prospect unless this present action should bring it about when we have such heavily protected margin accounts as we do at the present time. Furthermore, I do not think that it is the business of the banking system to try to wipe out one group of speculators and investors in order to benefit the other. Such a decline might be initiated among the speculators themselves should corporate earnings fail to come up to expectations. It is my belief that the action of the Bank of England in raising its discount rate is bound to result in a decline in commodity prices in the United States.

Should the indexes of employment or of prices show any tendency to decline, I think that the Federal reserve system should tend to ease money rates, and should there be no change in these indexes I do not think any further credit restriction should be brought about, because I am afraid it might result in a lack of business confidence followed by a recession. Last year the high money rates made it seem to some observers that it would be difficult to finance by bond issues. It is true that bond issues declined and that many feared a resultant decline in new construction, which would mean a slackening demand for steel and other raw materials. This result, however, did not follow for a number of reasons. Some of these, it seems to me, are: (1) Corporations have adequate cash balances so that they can finance themselves without creating additional debts; (2) many, such as Goodyear, United States Rubber, Westinghouse, American Telephone & Telegraph, and others financed by stock issues. The public was still willing to buy stock, and as a result brokers' loans have not yet declined. However, if the reserve system seeks to do so and succeeds in making money rates so high that people will be afraid to buy either stocks or bonds, I think that the depressing results on business may be realized.

There is much to be said for the independence of action and careful planning of our American business men which enabled them to keep their businesses on an even keel in spite of the disturbing money rates. I think it is also being realized that high money rates need not necessarily result in any immediate reaction in business when commodity prices are relatively stable and no lack of confidence is endangered in the future course of profits and prices. If commodity prices had been moving up and the commercial loans of business had been expanding in order to finance increasing inventories at increasing prices, I believe we would then be easily susceptible to the restraining effects of higher money rates. An upward movement in general prices always raises the question of how high the inflation will go; and when people think it will go no higher it is generally followed by a deflation. We have, however, not had a general increase in commodity prices, in spite of all of the talk of wild speculation. When all commodity prices rise there is no general increase in productive wealth, but merely an inflation. However, stock prices should be distinguished from commodity prices since there is often a corresponding increase in value measured by an increased capitalization.

There is a tendency to pay too much attention to the spectacular action of the stock market. But we should remember that the business man, the worker, and the farmer are not greatly concerned as such about stock speculation. Their chief interest is in the continuity of business and of the stability of general prices, which serve as guide to industrial activity and help to maintain employment, wages, and profits.

I do not think that the Federal reserve system should at the present time concern itself about security loans, unless there is a tendency to speculation in commodities, which means a disturbance in the industrial mechanism. To disturb industry merely to prevent stock speculation seems to me to be unwarranted and would work a gross injustice upon the business man and the workingman. This I suggest might be the result of an abortive attempt to restrict speculative and investment activities by banking policy. [Applause.]

Mr. JONES. Mr. Chairman, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. JONES. Is there any distinction made or is it practicable for the board to make a distinction in rediscount rates where the securities are on speculative investments and where they are on other character of investments?

Mr. McFADDEN. The governor of the Federal Reserve Board quite recently made the statement that they were not looking to the use to which credit was put. The actual operations, however, through the acceptance rate on acceptance, which is the class of paper which is supposed to be the best paper, show that that class has until quite recently been receiving a preferential rate, a lower rate than the prevailing rate on other discounts.

Mr. JONES. Then it is practical from his viewpoint, if he thought it advisable to do so, for him to make a higher discount rate on a purely speculative transaction?

Mr. WINGO. If the gentleman will permit, I think the gentleman from Pennsylvania overlooks the real significance of the gentleman's question. Should not you call attention to the fact that under the law stock-market loans are not eligible for rediscount at a Federal reserve bank?

Mr. McFADDEN. The gentleman is quite correct. I did not know the gentleman from Texas was referring especially to that, but these stock-exchange loans are secured on stocks and investment securities that are not eligible for rediscount.

Mr. JONES. The local banks do lend funds to-day on purely speculative transactions.

Mr. McFADDEN. It has been stated that the borrower will borrow sometimes for commercial purposes and use the money for speculative purposes.

Mr. JONES. That was the very reason for my question. Is there any practical way to stop the applying of a higher discount rate to a purely speculative stock transaction?

Mr. McFADDEN. The Federal Reserve Board assumes there is none by its operations the past year.

Mr. BEEDY. Will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. BEEDY. Governor Strong in his testimony before our committee said—I recall it very clearly—that there was no manner by which the Federal Reserve Board as such could trace the use to which loans by the Federal reserve system were put, and therefore it would indicate that they are still of the same mind when they attempt to practice the publicity method of influencing investments rather than the raise in the rediscount rate, which everybody recognizes at this time works great injury to business in general.

Mr. JONES. Then the only way to reach it is by some restrictive law?

Mr. AYRES. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BLACK].

Mr. BLACK of New York. Mr. Chairman, I wish to read a wire to me from William Randolph Hearst:

LOS ANGELES, *February 5, 1929.*

Congressman LORING BLACK, JR.,

House of Representatives, Washington, D. C.

DEAR SIR: I have been advocating the Nicaragua route for nearly 35 years. I advocated it first in preference to the Panama route, because I thought it involved fewer engineering difficulties and fewer foundation problems, and because it provided opportunity for a better canal and a quicker route, and finally because it was more easily defended and less easily destroyed in time of war.

The question now, however, is not which is the better canal. The Panama Canal has been built and another canal is needed to accommodate the constantly increasing transisthmian traffic.

There is practically no other site for an additional canal than the Nicaragua route. Consequently there is no argument as regards location. The only question is whether commercial requirements and military defense demand an additional canal.

The statistics of persistent transportation growth across the Isthmus prove conclusively the immediate need of an additional canal for purely commercial reasons.

The increase in destructiveness of military forces and methods due largely to the perfection of the airplane, show convincingly the advisability of another canal as a protective measure in case of war. It is possible that both canals might be destroyed in war; but if the canals are adequately fortified and adequately defended with guns, ships, and airplanes, it is plainly less likely that both canals would be destroyed than that one would be.

There would seem to me to be very little room for difference of opinion regarding either the commercial or military necessity for this second canal. The facts and figures are so obvious and so conclusive that there could be no reason for opposing the canal except obstinate indifference to the facts and figures, or unwillingness to spend the money for what is practically a commercial and military necessity.

Finally, the Nicaragua Canal would save over the Panama route 550 nautical miles between New Orleans and the Pacific coast of our country, and 360 miles between New York and our Pacific coast. The canal, therefore, has the advantage of being of direct benefit to the three great sections of the country, the Atlantic States, the Pacific States, and the Mississippi River and Gulf States.

It is not an enterprise, therefore, which can be opposed because of special benefits conferred merely upon one section. It will prove of advantage to all sections and should have the support of the Representatives of all sections.

I have papers in various parts of the country, and as far as I can determine through the contacts which these papers provide, the Nicaragua Canal project is supported very whole-heartedly by the people of all sections.

WILLIAM RANDOLPH HEARST.

Mr. TABER. Will the gentleman yield?

Mr. BLACK of New York. Yes; assuredly.

Mr. TABER. If the gentleman will take the hearings of the Military Affairs Appropriations Committee on the Panama Canal he will find there the testimony of the manager of the canal, the Governor of the Canal Zone, that we have a capacity in the present canal as it stands now, with the normal possibility of commercial increase, and allowing liberally, for 30 years, and that by building one more lock we will have a capacity for 30 years more at least.

Mr. BLACK of New York. I understand there is a great deal of difference of opinion about when we will arrive at the capacity of the Panama Canal.

Mr. TABER. We are a long ways from it.

Mr. BLACK of New York. That is questionable.

The CHAIRMAN. The time of the gentleman has expired.

Mr. AYRES. I yield the gentleman three additional minutes.

Mr. BLACK of New York. Mr. Hearst's wire in support of the Nicaraguan canal project demonstrates again his enlightened vision as to the future commercial and defensive requirements of the United States. This canal has been thought of compelling necessity by many of our most eminent men for scores of years, and we are fast reaching the point where the preeminent position of our country depends upon the adoption of this new route from sea to sea.

The Panama Canal is reaching its traffic saturation point, already being employed to 70 per cent of its capacity. The Nicaraguan canal was originally favored over the Panama route. Its outside cost would be, at most, $160,000,000, whereas the Panama Canal has already cost $412,000,000. The Nicaraguan route is three days shorter between New York and San Francisco. Its climate is much better than at Panama. It has a natural lake 120 by 40 miles, which can afford the water necessary for the operation of locks. At Panama such water is stored by artificial means and might readily, in case of an enemy attack, be absolutely depleted.

We paid $3,000,000 under the Bryan-Chamorro treaty for the exclusive right to build the Nicaraguan canal, and I believe that now is the time to initiate the work by the passage of the Edge resolution for a survey.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back two minutes.

Mr. AYRES. Mr. Chairman, I yield 40 minutes to the gentleman from Georgia [Mr. COX]. [Applause.]

Mr. COX. Mr. Chairman, cotton is facing the most serious crisis in all of its history. At one time it was king, but long since dethroned and is now the humblest and most unhappy of all subjects. It is produced in greater quantity than any other vegetable fiber and is put to a greater variety of uses than any other commodity with the possible exception of iron and steel. There has been a time when the United States had a monopoly on production, but it now furnishes about one-half of the world's crop. In 1927 India produced 37 per cent as much cotton as the United States. China and Egypt each produced large quantities. Russia and South America are increasing their production. More than 50 per cent of the domestic crop must find a market abroad, and in doing so is forced to compete with foreign cotton grown by the cheapest of all labor. Our best customer is Germany, which grows no cotton. The United Kingdom comes next, with France, Japan, and Italy following close behind.

Domestic cotton could in measure meet foreign competition if it might have the benefit of the home markets, but this has been taken away by other fibrous substitutes that now flood the country. It is in behalf of securing relief from this condition, as far as it is affected by importations of jute, that this appearance is made.

JUTE

Fifteen hundred or more vegetable fibers are produced in the world, but only few on a commercial basis. The more important of these will be mentioned briefly. They fall into four general classes, namely, stem or soft fiber, to which belong jute, flax, hemp, and sunn. Leaf, or hard fiber, which embraces abaca (manila), henequen (sisal), istle (Tampico fiber), phormium (New Zealand flax), mescal maguey (Mazailan hemp), palma, pitera (Mauritius hemp), sisal, cantala (Maguey). Seed fibers, such as cotton and kapok, and fruit fibers, in which class is coir.

Besides cotton the only vegetable fibers produced in the United States are flax and hemp, and these in relatively small quantities. Due to high labor costs domestic production is not likely to soon develop to any considerable proportion. Jute is the cheapest, and next to cotton is the most widely used.

It is largely a product of India, though some is grown in China, Formosa, and French Indo-China, but not on a competitive basis with India. It can be safely said that India has a complete monopoly on production.

Experiments have been made with the growing of other vegetable fibers in the United States, with the result that it is thought that production can not be had on a profitable basis.

Jute is a soft fiber obtained from the jute plant and lies between the bark and the woody stem or stalk. The fiber is soft and pliable, easily spun, and is from 4 to 8 feet in length. Jute butts is that part of the fiber that is taken from the cuttings and woody parts of stalk and varies from 5 to 25 inches in length. The finer fabrics of jute are made from the better quality of fiber, while the poorer fabrics, such as cotton bagging, are made of jute butts. From the standpoint of quality jute is the weakest and poorest of all vegetable fibers capable of being spun. It will not stand wear and rots rapidly, especially when exposed alternately to wetting and drying. Its sole advantage over other fibers is its cheapness. There is not a single use to which it is put but that cotton would serve to better purpose. It is cheaper than cotton, therefore its wide and extensive use.

The story of jute is an interesting one, but to repeat it in this hearing would not likely prove profitable. Interests controlling the industry have for more than three-quarters of a century had a complete monopoly on it. They have wrought great oppression upon a class unable to defend themselves. With them privilege and greed have ridden hard upon the backs of the unshod poor.

The following table, made up from census reports, shows importations and value of jute and manufactures imported in the years 1923, 1925, and 1927:

Imports of jute and manufactures

	1923		1925		1927	
	Pounds	Value	Pounds	Value	Pounds	Value
Jute for manufacture	163,504,320	$10,235,000	139,932,800	$11,997,000	182,292,640	$11,319,000
Jute butts, unmanufactured	24,601,920	545,000	4,661,440	312,000	25,936,960	835,000
Waste bagging and waste sack cloth	12,583,000	188,000	16,130,000	531,000	37,262,000	950,000
Burlap	598,473,000	66,971,000	625,816,000	85,028,000	569,649,000	67,249,000
Bagging for cotton gunny cloth, etc.	(1)	1,845,000	(1)	3,474,000	(1)	4,230,000
Jute bags or sacks	40,079,000	3,777,000	48,070,000	5,946,000	38,793,000	3,963,000
Jute yarns	7,623,000	869,000	777,000	113,000	2,514,000	286,000
Other manufactures	(1)	259,000	(1)	360,000	(1)	486,000
Average total of value		84,649,000		107,761,000		90,087,000

[1] Not shown.

For the first nine months of 1928 long jute in raw state was imported to the extent of 98,288,960 pounds, of the wholesale value of $6,411,500, and jute butts to the amount of 53,464,320 pounds, of the wholesale value of $2,226,217; a total of 151,753,280 pounds, valued at $8,637,717. If importations for the remainder of the year 1928 continued at same rate, then there came in long jute to the amount of 122,861,000 pounds and jute butts in the amount of 66,825,400 pounds; a total of 189,686,800 pounds, valued at $10,797,146. This would indicate that imports of raw jute for 1928 were under those of 1927, but this is true only as to long jute, as jute butts came in in threefold amount. Imports of manufactures of jute for 1928 were far in excess of previous year. In 1927 total importations of jute and manufactures amounted to 968,397,194 pounds, of a total value of $90,067,308. Total imports for the first nine months of 1928 amounted to 769,357,417 pounds, of a value of $80,749,947. If importations for the remaining three months continued at the same rate and of same value, then there came in during 1928 a total of 961,696,771 pounds, of the value of $100,937,431, a considerable increase over 1927. This is confirmed by the reports of the United States Tariff Commission on jute and manufactures of jute imported for consumption, calendar year 1927, and by like reports of same agency of imports for consumption, January 1 to September 30, 1928.

Mr. BRAND of Georgia. Mr. Chairman, will the gentleman yield there?

Mr. COX. Yes.

Mr. BRAND of Georgia. What is the rate fixed under the present tariff law on jute?

Mr. COX. That will take me away from the discussion as I have outlined it. But the gentleman directs attention to the wickedness of the present law, concerning which the country should be advised. I ask that he be content to find specific answer in observations that will follow.

For jute yarn and rovings falling under paragraph 1003 of the act of 1922 carrying a duty of from 2½ to 7 cents per pound, there came in during 1927 a total of 2,512,691 pounds, whereas the report for 1928 for first nine months show total imports of 75,602 pounds, a considerable dropping off of this class of manufactures of jute.

Jute twist, twine, and cordage, composed of two or more jute yarns or rovings twisted together, falling under same section of the act, and carrying a duty of 3½ to 11 cents per pound, came in during the year 1927 to a total of 467,350 pounds, and for the first nine months of 1928 it was 318,811 pounds, a slight increase over 1927.

It might be well to interpolate here the statement that these reports furnish an example of the influence of the tariff upon importations, for the articles carrying high duty came in in very small quantities, and in some instances none at all. For instance, the report shows that for 1927, of material composed of two or more jute yarns, or rovings, and so forth, falling under the second division of paragraph 1003, carrying duty of 6½ to 11 cents per pound, there were no imports.

It is fabrics falling under 1008, carrying 1 cent and 1 cent plus 10 per cent per pound, and under section 1018, carrying duty of 1 cent per pound plus 10 per cent, and under paragraph 1019, carrying a duty of 6 cents per square yard, that imports for 1928 far exceeded those of 1927. For instance, for the full year of 1927 there were imported fabrics, wholly of jute, plain woven, and all others not specifically provided for, not bleached, printed, stenciled, painted, or dyed, or rendered noninflammable, 567,113,688 pounds, of the value of $67,065,067. For the first nine months of 1928 this same fabric, carrying 1 cent per pound duty, was imported to the amount of 502,845,807 pounds, of the value of $64,592,613.

This same average of increase applies to fabrics assessed under the other paragraphs of the act.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. COX. Yes.

Mr. JOHNSON of Texas. Can the gentleman inform us about what proportion of this imported jute is used in the wrapping of cotton bales?

Mr. COX. About one-tenth.

Mr. JOHNSON of Texas. If this cotton were wrapped in cotton rather than in jute, how many bales of cotton would be consumed?

Mr. COX. Two hundred thousand.

The history of the case shows that when the duty on manufactures of jute is low, there is a tendency in the trade to reduce imports of better grades of the raw commodity, even though it be on the free list, preferring to buy manufactured products because obtainable at a price under the possible cost of manufacture in domestic mills.

This, however, does not apply to jute butts, which is used extensively for packing purposes, but mainly for making cotton bagging, the manufacture of which requires a minimum amount of labor. Imports of this commodity increased from 4,661,440 pounds, of the value of $312,000, in 1925 to 53,464,000 pounds, valued at $2,782,771, in 1928. Indicating that there is now more cotton bagging made of jute by domestic mills than formerly, which is confirmed by the fact that imports of cotton bagging for 1927 were to the value of $4,230,000, whereas for 1928 they were of approximate value of $2,871,825.

Jute and jute butts were of relatively low price in 1927 as compared to 1926 and 1925, being $83.54 per ton under the price of 1926 and $59.17 under 1925.

Importation of jute and jute butts given in the Cordage Trade Journal of January 24, 1929, were as follows:

	Per ton
Long jute:	
Superior, Jan. 3, 1929	$201.60
Firsts, Jan. 3, 1929	165.76
Jute butts:	
Superior spinning, Jan. 3, 1929	130.00
Second quality, Jan. 3, 1929	128.80
Ordinary mixing, Jan. 3, 1929	120.00

Jute butts of lower grade than "ordinary mixing" not quoted.

There are many kinds of burlap, but the 40-inch, 8-ounce, and 10½-ounce types are the standards. The spot price for these two kinds on January 24, 1928, and January 24, 1929, as quoted in the Daily News Record of January 25, 1929, are as follows:

	Price per linear yard	
	Jan. 24, 1928	Jan. 24, 1929
8-ounce 40-inch	$0.0775	$0.0675
10½-ounce 40-inch	.0975	.0925

Prices given and all prices stated as to other imports are prices quoted at mills in Calcutta or Dundee.

No burlap is made in domestic mills. This is bought by mills and then sewed into sacks, an operation that requires little labor. The reason for this is that due to the low duty on burlap and the slightly higher duty on sewed sacks the material can be bought and sewed into sacks at less expense than sacks would cost. But only a fraction of American labor is employed by domestic mills in the making up of finished fabrics to what would be the case if the work of spinning and weaving were done in American mills.

BAGGING FOR COTTON

There has arisen during the past half century periodical discussion of the use of cotton bagging for baling cotton. This started in 1888, but subsided with the passing of the following year. Agitation was renewed in 1908, 1914, 1920, and 1926 when cotton crops were large and the prices low, but went no further than demonstrating the superiority of cotton bagging over that made of jute.

In 1888 two cotton mills located in New Orleans, La., commenced the manufacture of what is known as Odenheimer bagging, a cotton fabric weighing 12 ounces per linear yard and woven between 42 and 45 inches wide, which they furnished to cotton growers to cover cotton during the years 1888, 1889, and 1909. The demand, however, for this type of bagging for the years named was greater than production, whereas many growers used lighter cotton materials, such as sheeting, osnaburgs, drills, and other fabrics, all too light for the purpose to which they were put. This use of unsuitable fabrics resulted in prejudice against cotton bagging, and the bulk of the cotton crop is still wrapped in jute bagging.

In 1927 the workers in the Division of Cotton Marketing designated four types of cotton bagging and a fifth for patching material. The yarn for all types was manufactured at Clemson College, South Carolina, and weaving done at Clemson College and at Raleigh, N. C., in cooperation with the North Carolina State College.

The specifications of various types were as follows:

Pattern No. 1, 10 ends and 10 picks per inch; weight, 12 ounces per linear yard when woven 45 inches wide.

Pattern No. 2, 8 ends and 8 picks per inch; weight, 16 ounces per linear yard when woven 45 inches wide.

Pattern No. 3, 6 ends and 6 picks per inch; weight, 20 ounces per linear yard when woven 45 inches wide.

Pattern No. 4, 4 ends and 4 picks per inch; weight, 24 ounces per linear yard when woven 45 inches wide.

Pattern No. 5 (patching material), 13 ends and 10 picks per inch; weight, 16 ounces per linear yard when woven 30 inches wide.

With the view of making a comparative test of this material along with the best grade of jute bagging, 120 bales of cotton were divided into groups of 24 bales each. Four of the groups were covered in the different types of cotton bagging, and the fifth in new 2-pound jute bagging. All baling was done at Henderson, N. C., and 6 yards of bagging and 6 bands were used on each bale. Shipment was made to Norfolk, Va., where the cotton was compressed and then shipped to Bremen, Germany—all being handled as any ordinary shipment of cotton. The cotton was reshipped to the United States and the bagging subjected to various tests, with the result that all types of cotton bagging proved superior to jute. Even the lighter-weight cotton bagging proved far better than the new jute bagging. Reference is made at this point to Preliminary Reports on Cotton Bagging for Cotton, published by the United States Department of Agriculture, Bureau of Agricultural Economics, division of cotton marketing, February, 1928, which contains valuable information on the subject. From this report is taken the following quotation:

The physical tests, including the breaking strength test and the shipping test, indicate that from the viewpoint of durability, protection to the cotton, and neatness, cotton bagging is a more suitable covering for the American cotton bale than is jute.

This raises the economic question of cost. And in considering this, the discussion might properly be confined to the lighter-weight bagging, that is, the 12 ounces per linear yard bagging, as this has proved its great superiority over jute. Good ordinary cotton selling at 4 cents per pound would produce bagging that would retail to the cotton grower at 62½ cents per pattern of 6 yards. Bagging of same grade of cotton selling at 10 cents per pound would retail at 98⅞ cents per pattern, or when same cotton was selling at 15 cents per pound, at 124⅘ cents per pattern. These figures are taken from computations made by the cotton marketing division in the Bureau of Agricultural Economics, and make allowance for profit, manufacture, and selling cost.

Mr. JOHNSON of Texas. Is it not true that the present use to which this low-grade cotton can be put is very limited?

Mr. COX. Yes; somewhat limited.

In 1922 when good ordinary cotton was selling at 17.39 cents per pound and jute at 9 cents per pound, 6 yards of cotton bagging of this grade of cotton would have retailed at $1.38, while jute bagging sold at 54 cents per pattern of 6 yards, a difference in favor of jute of 84 cents on the pattern; but in 1926, when good ordinary cotton sold at 10.40 cents per pound and raw jute at 12.77 cents per pound, jute bagging sold at $1.14 per pattern, while cotton bagging would have sold at 90 cents per pattern, a difference of 24 cents per pattern in favor of cotton bagging.

The history of the jute-bagging industry shows that when the cotton crop is heavy and the price is low, the demand for jute bagging is strong with the price high. When there is a small cotton crop, resulting in higher prices, the demand for jute bagging is light and the price is low. In other words, when cotton is high jute is low, and when cotton is low jute is high.

It has been reliably estimated that it would require 200,000 bales of low-grade cotton to cover the entire American cotton crop with a light-weight cotton bagging.

Mr. GREEN. Will the gentleman yield?

Mr. COX. Yes.

Mr. GREEN. I am interested to know whether this cheap cotton bagging would cost more as a wrapper than jute. Is the gentleman advised on that?

Mr. COX. That would depend on the relative prices of jute and cotton, but I think it fair to say that cotton bagging would cost 4 to 5 cents per linear yard more than jute.

Experience in the cotton trade shows that the reduction in the available supply of cotton to the extent of 200,000 bales causes a rise in price of one-half cent per pound, or $2.50 per bale. The use of cotton for purposes not now devoted is equivalent to reduction of available supply. The market price of cotton is determined upon the basis of gross weight, or at least the cotton producer thinks so, and for the purpose of the discussion will be accepted as the case.

There is a difference of 7 pounds in the weight of a pattern of 6 yards of bagging made of jute and that made of cotton. The price being fixed upon basis of gross weight, and with good cotton selling at 20 cents per pound, the farmer gets $1.40 on each bale wrapped in jute bagging that he would not get if wrapped in cotton bagging. If good ordinary cotton should be selling at 15 cents per pound, his cotton bagging should cost him $1.25 per bale, while his jute bagging might cost him as little as 80 cents per pattern, this being about the average cost for the years 1922 to 1926, inclusive. This gives another difference in favor of jute of 45 cents per bale. This added to $1.40, the price received for 7 pounds of jute make a total of $1.85, and this is what the farmer thinks he would lose should he discard the use of jute bagging for his cotton. But is this true? If the use of cotton bagging reduces available supply to extent of 200,000 bales with corresponding raise of price $2.50 per bale, he profits on the transaction to the amount of 65 cents per bale. His profit would increase as price of cotton would drop and jute rise.

There are other advantages that would result to the farmer; in fact, the entire cotton industry. Cotton bagging has a far greater reuse value than jute, which would be reflected in the price the producer receives. A saving to the grower would also result from lowering of charges on exportable surplus. Take the exports for 1923 for illustration, when the country exported 8.8 million bales. The saving on tares made in Europe, inland and ocean freight, insurance commission, insurance, and exchange would have amounted to $4,000,000. Cotton is less inflammable than jute, and cotton baled in cotton bagging would likely take a lower insurance rate than that wrapped in jute, which would be another advantage to the producer.

The appearance of the wrapping or covering of a commodity has much to do with desirability of purchase. American cotton has always suffered disadvantage because it has been so poorly wrapped. It is the most unattractive of all cotton that goes on the exchanges of the world. This handicap would be removed and demand increased if wrapped more neatly.

There is also a saving of cotton when cotton bagging is used. Considerably less lint adheres to cotton bagging in the stripping process than does jute bagging. And many other advantages that cotton bagging has over bagging of jute might be named.

For the purpose of closing this part of the discussion, the following quotation is taken from an exhaustive report made by experts connected with the United States Department of Agriculture, as follows:

1. Cotton bagging may be manufactured from the lowest grades and staple lengths of cotton produced in the United States and can be manufactured from high-grade waste.

2. Cotton bagging, as manufactured at present, makes a very suitable covering for cotton bales. It is reasonable to suppose that a better method of spinning yarns and weaving the cotton bagging fabric may be developed by experimentation and the cost of production consequently lowered.

3. Ordinarily, cotton bagging costs more than jute bagging, but in 1926 it was cheaper because the demand for cotton was weak and that for jute was strong.

4. Adoption of cotton bagging would probably force the price of jute to unusually low levels.

5. Decided economies in transportation and insurance costs would result from the use of a lighter weight bagging.

6. A strong, light-weight cotton bagging of standard construction and weight would tend to obviate the disagreeable and costly practice of challenging and taring American cotton in spinners' markets at home and abroad.

7. Cotton lint does not adhere to cotton bagging so tenaciously as it does to jute bagging.

8. The lightest weight of cotton bagging thus far tested is superior to 2-pound jute bagging and to the burlap covering commonly used on the Egyptian bale, which has the reputation of being the most attractive covering now entering the world markets.

9. The use of cotton bagging for cotton appears to depend upon the following:

(a) The manufacture of a light-weight cotton bagging which can be sold in competition with jute bagging.

(b) The sale of cotton on the basis of its net weight in the market of the world, including the local markets, to obviate the losses which would result from the use of a light-weight bagging when settlements are made on the basis of gross weight.

BAGS

According to recent survey made by Bureau of Agricultural Economics, around 700,000,000 cotton bags, for all purposes, are manufactured annually in the United States, into which goes 500,000,000 yards of cotton fabric, the equivalent of 300,000 bales of raw cotton. Of the domestic cotton bags, the wholesale grocers are the heaviest users. The trade takes approximately 325,000,000 bags weighing 112,000,000 pounds, the equivalent of 268,000 bales of 500 pounds each. The trade uses these bags as containers for sugar, flour, salt, meal, and other edible and non-edible products. Of the total, 48 per cent is used for sugar, 25 per cent for flour, 12 per cent for meal, 8 per cent for feed, 5 per cent for salt and other products, including rice, peas, coffee, seed, and so forth, take the remaining 2 per cent.

Another large user of cotton bags is the cement industry, which uses approximately 45,000 bales of cotton in bags annually. The bakery trade takes 20,000 bales, and the fertilizer industry 4,000 bales. It is with the wholesale grocery trade and fertilizer industry that the greatest possible increased use of cotton in bags lie. At the present time there is an annual use of jute bags by the wholesale grocers of 338,529,790 pounds, for which if cotton bags were substituted pound for pound would consume 789,000 bales of raw cotton and cotton waste, all of an average of 500 pounds each. This much additional cotton, however, would not be taken in the manufacture of cotton bags to take the place of bags made of jute, as cotton bags of same size and strength is much lighter than jute, the latter weighting about one and one-half times as much as cotton. This would mean that to substitute cotton bags for those made of jute now used by the grocery trade would take approximately 525,000 bales. This, added to the 268,000 bales now used, would mean that the trade would use cotton in bags to the extent of 793,000 bales.

In 1927 the fertilizer industry used cotton in bags to the extent of 4,000 bales, which was 2.4 per cent of all bags used for fertilizer in this season. If cotton bags had been used exclusively, the industry would have taken cotton to the amount of approximately 167,000 bales, an increase of 163,000 bales over the amount it did use. In 1928 the amount of commercial fertilizer sold in cotton States for all purposes amounted to 5,590,000 tons, whereas for 1927 the amount sold in same States and for all purposes was 4,552,000. The amount used on cotton for 1927 was 1,847,000 tons and for 1928 it was 2,347,000, the average price for 1927 being $25.38 per ton, and for 1928, $31.47 per ton. There was a corresponding increase of sales in other parts of the country with like increase of prices. Therefore there was a much greater use of bags by the fertilizer industry in 1928 than in 1927, and if cotton bags had been used, its consumption of cotton would have been greater.

There can be no question of the suitability of cotton bags for sacking fertilizer. The industry has learned this from experience, and tests made have proven it to be the case. The objection to the use of cotton urged by some few fertilizer manufacturers is that cotton bags might prove to be more expensive and therefore reduce the profits of the industry.

COST OF PRODUCING COTTON

Complete data on the average cost of growing cotton for 1928 are not yet obtainable, but costs may be approximately arrived at by comparing cost of the 1927 crop with certain elements of cost that went into the crop of 1928.

In 1927 there was used for cotton 1,847,000 tons of fertilizer, at an average cost of $25.38 per ton, whereas in 1928 there was used 2,347,000 tons, at an average cost of $31.47. This means that the commercial fertilizer bill for cotton for 1927 was $46,876,860, while for 1928 it was $73,860,090. The average yield of cotton for the entire country in 1927 was 154.5 pounds of lint per acre, and for 1928 the yield was 151.8 pounds. In other words, the fertilizer bill for cotton in 1928 was $26,928,130 greater than in 1927, while the per acre yield was 2.7 pounds less. The average price paid for the 1927 crop was 20.2 cents per pound, and for the 1928 crop 18 cents. The final ginning figures for the 1928 crop is not yet available, but the final estimate made by the Department of Agriculture places the 1928 crop at 14,373,000 bales of 478 pounds net. The crop of 1927 was 12,956,000 bales of 478 pounds net. The acreage harvested for 1927 was 40,158,000 acres, and for 1928, 45,326,000.

Linters are not included in the number of bales given for 1927 and 1928. In 1927 there were 875,000 bales of linters. The total for 1928 is not yet obtainable, but for five months, August to December, the number was 613,000, while for same months of 1927 the number was 547,000, indicating that the ratio of linters to cotton of the 1927 crop holds true as to the 1928 crop.

The cost of growing cotton varies between the States, all depending upon the amount of labor employed, fertility of soil, fertilizers used, weather conditions, the activity of the boll weevil and other insects, land rents, and other items that enter into the making up of total costs.

For the 1927 crop, latest figures furnished by the Department of Commerce, the cost of production was as follows:

Yield groups (pounds of lint per acre)	Net cost of lint	
	Per acre	Per pound
60 pounds and under	$21.65	$0.50
61 to 100 pounds	22.38	.26
101 to 140 pounds	25.51	.20
141 to 180 pounds	25.02	.15
181 to 220 pounds	28.52	.14
221 to 260 pounds	30.66	.13
261 to 300 pounds	35.71	.12
301 to 340 pounds	32.99	.10
341 to 380 pounds	37.64	.10
381 to 420 pounds	42.19	.11
421 to 460 pounds	41.83	.09
461 to 500 pounds	45.71	.09
501 and over	47.36	.08

The 1928 crop cost considerably more than the 1927 crop, the difference in fertilizer being $26,928,130. There are other items of added cost that might be included.

The Commerce Department has furnished the following figures, showing the per acre yield of lint in the United States:

	1927	1928
Virginia	230	265
North Carolina	238	212
South Carolina	148	147
Georgia	154	131
Florida	126	100
Missouri	188	200
Tennessee	178	185
Alabama	180	145
Mississippi	194	176
Louisiana	170	165
Texas	129	139
Oklahoma	138	133
Arkansas	157	161
New Mexico	352	310
Arizona	315	320
California	340	340
Other	160	154
United States	154.5	151.08

From the statement it will be readily seen that the States producing greatest number of bales had the lowest per acre yield. Take Texas, for instance; that State produces on an average of one-third of the cotton crop of the country. In 1927 it had an average per acre yield of 129 pounds of lint. In 1928 the yield per acre was 139 pounds of lint. Take Georgia, which is one of the large cotton-producing States; in 1927 the per acre yield was 154 pounds, and in 1928 it was 131 pounds of lint. The acreage production of these States is always below average of the United States. This is due to the fact that States producing least amount of cotton have the highest per acreage yield. In 1927 California produced 9,871 bales and had an average per acre yield for 1927 and 1928 of 340 pounds of lint. New Mexico in 1927 produced 6,930 bales of cotton, but had a per acre yield of 352 pounds, a yield per acre of more than three and one-half times as great as that of Florida for 1928. These high figures bring up the averages of the total crop.

The cotton produced in these small cotton-producing States sell at a higher average price than that grown in the principal cotton-producing States, which operates to bring up the average price of total crop.

According to statement of cost made by the Department of Commerce, the cotton produced by Florida for 1928 cost 50 cents per pound, which it sold on an average of less than 18 cents per pound. According to same computation, Georgia, Texas, and Oklahoma cotton cost 20 cents per pound to produce. It sold below 18 cents per pound. The Texas crop sold

at 17½ cents per pound. The average cost in these States was greater than of other States, the average price received less, for these are averages of totals, and that of these States fall below total averages.

In 1928 there was grown in Florida a 20,000-bale crop, produced at a cost of 50 cents per pound. It was sold at 18 cents, which netted a loss of $3,200,000. For the same year there was produced in Georgia 1,020,000 bales on which growers suffered a loss of $10,200,000. In Oklahoma there was produced 1,180,000 bales, on which the growers in that State suffered loss of $11,800,000. In Texas there was grown 5,150,000 bales, on which was sustained a loss of $64,375,000. In other words, a total loss of approximately $90,000,000 on the cotton crop of these four States for one year. Of a total cotton crop of 14,373,000 bales for 1928, Georgia, Oklahoma, and Texas furnished 7,350,000 bales. These, as well as other large cotton-producing States are, by reason of the soil, climatic conditions, labor, etc., peculiarly adapted to the growing of cotton. It is a crop that they have long produced, and one concerning which the people know most. There is no other crop that could be well substituted. The people are simply wedded to the industry and will not hear to divoreement.

It is pertinent to ask: Where is to be found, in the light of these admitted facts, basis of hope for improvement of the lives of these tillers of the soil with conditions continuing as they now exist? All agriculture is impoverished, but the grower of cotton is the poorest class of farmers in the entire country. They are the most underprivileged of all our workers. Theirs is a cheerless, dreary existence; men, women, and children are pouring the energy of their bodies and the anxiety of their hearts into the soil with the expectation of producing to the extent that there may be new clothing and new shoes in the winter, that new covering may be put upon the house and the children sent to school. It is almost invariably the case that disappointment rises up to meet them at a time when they looked for the fulfillment of their hopes and the next year proves even harder and more impossible than the one through which they have just gone. If it were possible, hundreds of thousands of them would leave and find some other means of livelihood, but in most instances they are wedded to the locality, they do not know how to do anything else, they know of no other place to go. They stay because it is home, because they can there find work for their hands to do for which their hands and minds are trained. Their freedom and their hope of a sweeter and better life lie in the possibility of giving them a greater return upon the labor they expend by way of elevating the price of that which they produce.

Mr. UNDERHILL. Will the gentleman yield?

Mr. COX. Yes.

Mr. UNDERHILL. I am in entire sympathy with the gentleman, but I want to ask him this question: If the Ways and Means Committee should bring in a bill carrying a substantial duty on jute, would the gentleman be willing to commit himself at the present time to vote for the bill?

Mr. COX. I will say this to the gentleman: That while I am not a new convert to the protective-tariff principle, if you put it that way, I, at least, want to be practical. I accept the protective tariff as a fixed American policy, at least for the present and possibly for some time to come, and, therefore, I shall, so far as my vote is concerned on the bill, be governed by what to me seems fair and right, as representing a proper and decent application of the principle.

COTTON TEXTILE INDUSTRY BENEFITED

It is a notorious fact that the cotton textile industry has for several years past obtained less than its share of the national prosperity. If cotton were substituted for jute, every cotton mill in the country would be kept running on full time and demand arise for expansion. While the cotton mills of America have been running part time and on narrow margins of profit, and behind, in hundreds of instances the jute mills in Calcutta and Dundee have been declaring dividends ranging all the way from 50 to 300 per cent and at the same time carrying over large surpluses and undivided profits. The advantage that jute mills have over those confining their operations to cotton may be illustrated by the case of the jute mills in this country.

In 1925 the average yearly wages paid cotton-mill workers was approximately $794, while for the same year the jute-mill worker of the country received an average annual wage of $895. For the same year cotton mills had a gross earning of $284.30 per primary horsepower, whereas the domestic jute mills had an earning capacity of $454.42. Deducting labor costs, cotton mills had an earning of $171.40 per primary horsepower, whereas after deducting larger labor costs paid by jute mills they had an earning of $254.26 per horsepower.

In 1925 the 1,366 cotton mills operating in the United States had an average earning per plant after deducting cost of labor of $280,623, while the 23 jute mills had an average earning, after deducting labor costs, of $317,869. No deduction is made for items of cost other than labor; and having in mind that average capital investment in cotton mills is far in excess of that of jute mills, and other operating expenses greater, the difference in earnings between the two classes of mills widens.

BENEFITS TO LABOR

In 1925 there were wage earners to the average of 6,312 employed in working jute within the United States. The total wages paid were $5,640,000. The cost of material worked was $14,567,000, and the value of products $27,518,000, or a value added by manufacture to amount of $12,951,000. The total wholesale value of all jute imported for 1925 was $108,491,000. Considering the fact that the labor performed in domestic mills consisted of making coarsest fabrics, such as jute bagging, and minimum amount employed in sewing sacks, it is safe to say that if all jute fabrics used in the United States during 1925 had been manufactured in domestic mills there would have been employed 250,000 workers, with a total annual wage of $200,000,000.

This is simply illustrative of the economic loss that the country sustains under the present practice of importing jute and manufactures thereof.

RELATIVE COST OF LABOR

In Tariff Information Survey of Jute, J–7, page 56, published by the Tariff Commission in 1922, the wages paid in jute mills in India were stated to be as follows:

Average weekly wages paid to Indian jute operatives in Bengal, January, 1920

Class of workers:	
Carder	$0.89
Rover	1.75
Winder	1.91
Weaver	2.84

In Prices and Wages in India, published by the department of statistics, Calcutta, India, publication of which was discontinued with the issue of 1923, the average weekly wages of the workers in jute mills in India were given as follows:

Class of workers:	
Carder	$0.94
Rover	1.87
Winder	2.04
Weaver	2.98
Average	1.95

The average wage paid by the American cotton-textile industry for 1923 is not available, but from the report given on page 333, Statistical Abstract of the United States, published by the Department of Commerce, 1928, the following data are obtained as to the year 1924:

	Worker		Week (hours)
	Male	Female	
Weaver	$21.55	$20.59	48
Spinners	17.71	15.31	48
Speeder tender	18.91	19.73	48
Average	19.39	18.54	48

There are no data obtainable on cost of labor employed in the cotton-textile industry for any year later than 1926, but for this year the average weekly wage paid weavers, male $19.01, female $18; spinners, male $13.87, female $13.54; speeder tenders, male $16.46, female $17.66; or an average weekly wage paid male workers of $16.45; female workers, $16.40. It should be noted that these are averages paid in the industry in the country as a whole. The wages paid in the eastern mills, where the finer cotton fabrics are made, are considerably higher than in the South, where the coarser fabrics are woven, the average difference in favor of the eastern worker being approximately $4.60 per week, which is due in most part to difference in skill of labor.

The computation of comparative costs in American and Indian labor is based upon a different basis as to what constitutes a week's work. In America 48 hours constitute a week's work to the mill worker; whereas in India a week is by law fixed at 72 hours. This means that in 1924 the average wage paid workers in American cotton textile mills was approximately 40 cents per hour, while the jute mills of India paid their workers less than 2⅔ cents per hour. In other words, the American worker received a wage fifteen times as great as the workers of India.

OBJECTIONS TO USE OF COTTON

It is urged that large users of jute bags would object to a high tariff on jute; that it would mean that they would be forced to use cotton bags at greater cost; and in this class is included grain and vegetable producers, growers of potatoes, fruits, nuts, and other farm products.

It is inconceivable that the growers of any farm commodity would object to the raise of price of another farm commodity not produced by him. The realization of the inadequacy of price of his own crop should give him an appreciation of the condition of the growers of other crops. All agriculture lags far behind other lines of industry, and in the fight for relief all farmers must make common cause. All are consumers as well as producers, though the fact that the farmer is a consumer of his own products, as well as others, is often overlooked. The cotton grower should be interested in the wheat producer getting a living price for his wheat. If he is not getting a fair price, then he should have it; and if there is outside competition that holds prices down, it should be regulated wherever possible.

The cotton-growing States are large users of crops that are handled in bags. Their production of many crops is far below consumption. So the wheat or potato grower should want the cotton grower to have the benefits of home markets although they should have to pay more for bags. Nothing more inconsistent could be imagined than for a corn grower to appeal to Congress for better protection through the raising of the tariff against importation of commodities competing with his corn, and at the same time oppose the petition of his brother farmer, the cotton grower, in his effort to protect his cotton through the raise of duty against the importation of other vegetable fibers that take his home markets from him. It is not to be believed that any considerable percentage of farmers take this narrow and selfish attitude toward the whole problem of farm relief.

Strongest objections are made and will continue to be made by the domestic and foreign manufacturers of jute, the makers of jute bagging and other materials, manufacturers of sacks from burlap, and the dealers in jute products. This is a class that understands the problem, and while disclaiming intention of seeking special preference, it is crass selfishness that prompts them, which is here sought to be proved.

First. They oppose any revision of the tariff, being satisfied with operations under existing laws.

Second. If, however, there is to be some revision, they oppose the levy of any duty whatever against raw jute. Some of them import raw jute in large quantities.

Third. They favor continuing present rate on jute "sliver" of 20 per cent ad valorem, equivalent to 1½ cents per pound.

Fourth. They favor continuing present rate on burlaps, equivalent to 1 cent per pound.

Fifth. They favor increasing the duty on bags.

In these recommendations they show their hand. Their chief interest revolves around burlaps. No burlap is manufactured in the United States, therefore the like of special interest in jute sliver, but bags are manufactured in large quantities, hence their interest in keeping duty at 1 cent per pound on burlap but raising the rate on manufactured bags. They would cut down importations of bags but not so as to jute cloth.

Here is the exposure: Jute sliver is the raw jute drawn into fleecy strands, a process through which the raw commodity must be taken preparatory to spinning and weaving. This is dutiable at 1½ cents per pound. This same sliver is carried through several stages of processing when it is finally woven into burlap or Hessian, a finished cloth, which is dutiable at 1 cent per pound. In other words, the labor and other costs expended in working sliver into cloth operates to lower the duty rather than to raise it. And this is a condition that these objections would perpetuate. They want shelter for themselves, but pray that the laborer, the farmer, and all others be left out in the cold.

It has been suggested that American capital has been extensively interested in Indian jute mills, and that, therefore, nothing should be done that would work a hardship upon the country's nationals who have invested abroad. In other words, because of this condition millions of farmers should submit to their home market being destroyed and other millions of workers should be denied performing service that they stand ready to render.

When home capital invests abroad, it accepts the sovereignty of a foreign government and becomes a competitor of homeland. It helps support and develop the country where invested. It employs foreign labor in competition with home labor. It decreases the earning capacity of the American laborer and reduces income of American enterprise. So far as the proposed legislation is concerned, such capital takes the status of foreign capital, and properly so. It should not be heard to say that its welfare is of greater national importance than that of millions of the patriotic, loyal poor.

There is but one legitimate argument against the proposal of a high tariff on jute, and that is cotton is a superior fiber and costs more; and the answer to this is, What is to become of the cotton grower if cotton is not protected? Can American labor compete with Indian labor, that can be had at one-fifteenth the cost of American labor?

Mr. GIFFORD. Will the gentleman yield?

Mr. COX. I yield.

Mr. GIFFORD. I listened to the gentleman's argument before the Ways and Means Committee and I think the gentleman listened to the opponents of his proposition. I would ask the gentleman if the ground they took is good when they said jute products had their own field of usefulness and should not be compared with cotton products, and if an attempt was made to keep them out why should you not make an equal attempt to keep silk products out because silk is in competition more than jute?

Mr. COX. We take it that the Congress is going to be at least sensible about this thing. What we are undertaking to do by the imposition of a rate against jute is to put cotton upon a competitive basis with jute, and that alone.

Mr. JONES. Will the gentleman yield?

Mr. COX. Yes.

Mr. JONES. I would like to suggest, in answer to the gentleman from Massachusetts, that we already have a tariff rate on silk and the rates on silk are very much higher than any of the suggested rates on jute.

Mr. COX. Yes.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. COX. With pleasure, sir.

Mr. GARRETT of Tennessee. I have heard it stated that the countries from which jute is imported consume more of American-grown cotton than would be used here if the end which the gentleman seeks should be accomplished, and that it is by reason of their ability to sell us jute that they are able to buy our cotton. Has the gentleman given thought to that, and what is the fact in regard to it?

Mr. COX. Yes; I have given some study to that question. That is the argument that was advanced by the manufacturers of jute in this country who are satisfied with conditions as they exist, and it is also advanced and scattered abroad liberally and extensively by the foreign manufacturer of jute, who is also interested in no change being made in the present law.

I want to say to the gentleman that I have found nothing, and I know of nothing, that supports the argument or the statement that the imposition of a tariff upon jute, that would result in putting cotton upon a competitive basis with jute products, would operate to cut down any use of American cotton on the part of India.

The following table gives the rates fixed in the acts of 1913 and 1922. It also shows the rate that is recommended as being necessary to put cotton upon a competitive basis with jute.

Tariff on jute and jute products

Classification	Rates, past, present, and proposed		
	Act of 1913	Act of 1922	Necessary to protect
FIRST STAGE—THE FARMER			
Raw jute, jute butts, waste bagging and waste sugar sack cloth (pars. 1516 and 1582).	Free	Free	4
SECOND STAGE—THE SPINNER			
Jute sliver (1003).			
Jute yarns or roving (1003)		1¼	4¼
Coarser than 20 pounds	15 per cent	2½	5¼
20 pounds to 10.01 pounds	do	4	7
10 pounds to 5.01 pounds	do	5½	8½
5 pounds and finer	20 per cent	7	10
5 pounds and finer limited to		40 per cent	12
Jute twist, twine, and cordage, composed of 2 or more jute yarns or rovings twisted together, based on single size (1003):			
Coarser than 20 pounds	35 per cent	3½	6½
20 pounds to 10.01 pounds	do	5	8
10 pounds to 5.01 pounds	do	6½	9½
5 pounds and finer	do	11	14

Tariff on jute and jute products—Continued

Classification	Rates, past, present, and proposed		
	Act of 1913	Act of 1922	Necessary to protect
THIRD STAGE—THE WEAVER			
Bagging for cotton, gunny cloth, and similar jute cloths, weighing per square yard (1019):			
15 to 32 ounces	Free	$\frac{1}{16}$ [2]	4½
Over 32 ounces	do	$\frac{1}{16}$	4½
Jute cloth [1] or burlap (lighter than 15 ounces per square yard) composed of single jute yarns or rovings averaging in size (1008):			
Coarser than 20 pounds	do	1	7½
20 pounds to 10.01 pounds	do	1	9
10 pounds to 5.01 pounds	do	1	10½
5 pounds and finer	do	1	12
Additional duty if made of same single yarns that have been plied or twisted before weaving; additional duty if bleached, printed, stenciled, painted, dyed, colored, or rendered noninflammable.	10 per cent	10 per cent	1½
FOURTH STAGE—THE BAG MANUFACTURER			
Bags or sacks made of cloth composed of single jute yarns or rovings averaging in size (1018):			
Coarser than 20 pounds	do	1 cent and 10 per cent.	9
20 pounds to 10.01 pounds	do	do	10½
10 pounds to 5.01 pounds	do	do	12
5 pounds and finer	do	do	13½
Additional duty if made of cloth woven of same single yarns that have been plied or twisted before weaving; additional duty if bleached, printed, stenciled, painted, dyed, colored or rendered noninflammable	25 per cent	5 per cent	1½

[1] The tariff act of 1913, which exempted plain woven cloth from duty, levied 35 per cent on twilled jute cloth.

[2] Specific rates are expressed in cents per pound except present $\frac{1}{16}$-cent rate on cotton bagging, which is per square yard. Percentage rates are all ad valorem.

These rates recommended represent what is thought to be such as would reasonably equalize the difference in labor costs of production.

We have no official data on the cost of producing jute, but costs may be approximately arrived at by deduction, reasoning from reliable data that is in hand.

We know that when an average wage of 2⅔ cents per hour is paid mill workers in India that the mill worker in the United States is paid 33 cents per hour. We know that wages of mill laborers in India are higher than that of farm laborers, the same as in the United States; that the labor of women and children is extensively used in jute production; and since Indian wages of women per month of 312 hours for mill work is $5.27, and that of a child for same work and like hours is $5.38, and since the wages of women in tea gardens in India is $1.82 per month of 312 hours, that of children $1.10, and that of men $2.28, the wages of women and children on jute farms is not likely to be higher than seven-twelfths of 1 cent per hour for women, one-third cent per hour for children, and that of men nineteen-twenty-sixths of 1 cent per hour.

We know Indian jute mills are running full time and declaring enormous dividends—at times as high as 400 per cent—with large carry-overs of undivided profit, while domestic cotton mills are and have been for some time skating on thin ice.

We know that the domestic cotton crop for 1928 cost 20 cents per pound and sold for 18 cents, a loss to the farmer of 10 per cent.

We know that the weaving of a pound of cotton into low-grade 12-ounce cotton bagging increases its value—selling price—7½ cents per pound—see Table 4 in Report on Cotton Bagging for Cotton, made by United States Department of Agriculture, Bureau of Agricultural Economics, division of cotton marketing, February, 1928.

We know that farm labor in the cotton States cost on an average of more than $37 per month, which is $31.64 per month less than cotton-textile workers receive, and who receive fifteen times the pay of Indian jute-mill workers.

We know from quotations on selling price of jute and jute butts (the Cordage Trade Journal of January 3, 1929) that long jute firsts that sold at 7⅖ cents per pound sold, when made into burlap, at 13½ cents per pound (Daily News Record, January 25, 1929), an increase of value of 6⅛ cents per pound.

We know that it requires more labor to spin a yard of cotton cloth than it does to spin a yard of jute cloth.

If this statement of facts is true—and it is true, supported by reliable data, official and otherwise—it seems fair to draw the following conclusions:

If American wages were paid for the production of jute, it would add to the cost price of the commodity not less than 4 cents per pound. Hence the suggestion that a duty of 4 cents per pound be levied upon raw jute.

If cotton as an essential industry is to ever thrive again, it must be given heroic treatment.

If the American cotton farmer is to have the benefits of his home markets, then the destructive competition of jute must be curtailed.

If American labor is to have employment, importation of manufactures of jute must be cut down.

If the American consumer is to have value received for that which he pays, fabrics other than those of jute must be used.

If there is to be uniformity of the application of the protective-tariff principle, then the duty on jute and manufactures thereof must be high.

If none of these things are done, then cotton will revive with the awakening of the oppressed millions of India; and as to when this time shall arrive man can not foretell. [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. FRENCH. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. COLE].

Mr. COLE of Iowa. Mr. Chairman and gentlemen of the House, we have had some discussion on cornstalk products this afternoon. I want to correct some statements that have been made, and to confirm others.

First of all, I want to correct a statement in regard to the Public Printer, Mr. Carter, who is a native of my State. He is a farmer's boy, and I am sure he is as much interested in the use of cornstalks for the making of paper as anyone can possibly be. The gentleman from New York [Mr. LAGUARDIA] made the statement that the Public Printer had refused to use this cornstalk paper in printing stationery. I understand that he did not do so because he was opposed to such paper, but because the paper carried a very conspicuous advertisement. It is the practice of the Public Printer not to use stationery carrying any form of advertising.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. COLE of Iowa. I yield.

Mr. LAGUARDIA. Will the gentleman point out the advertisement he alludes to.

Mr. COLE of Iowa. The advertisement is in the form of a very beautiful picture of a cornstalk, a stalk which looks very natural and homelike to me.

Mr. LAGUARDIA. There is no name attached to it?

Mr. COLE of Iowa. No; but below the cornstalk there is the legend, "This is cornstalk paper," and this particular cornstalk is the advertising badge of a particular company, and it is copyrighted.

Mr. LAGUARDIA. There is a picture of a cornstalk, and below it the words "This is cornstalk paper."

Mr. COLE of Iowa. Exactly. It is a trade-mark quite conspicuous. Of course, all papers carry trade-marks in the form of watermarks which can be seen by holding them up to the light. But this trade-mark is of a different order. I think the Public Printer was not only within his rights but within his duty in not using these particular sheets of paper. As a public official he must conform with public practices. I know of no one who will be more glad to use paper made from cornstalks than Mr. Carter, for he is an Iowan and it is in Iowa that we grow the tall corn we sing about.

Gentlemen, we have been discussing a product that I believe may revolutionize conditions in agriculture. I see in it larger profits for those who till the soil.

We have made a good beginning in the development of a new industry. But we must not be too impatient. We must not force too much haste. More haste may make only more waste. We must be sure of every step in this development. We must lay sound foundations for it. If we build without such foundations, the structure will fall, and we will retard and discourage the development of an industry that is full of promise. Our product is chemically a demonstrated success. All we need more is its development.

I think I have a right to speak on this subject. So far as I know, I was the first member to broach this subject on the floor of this house. Nearly three years ago I ventured to make a speech on what I called the pentosans. The very word then shocked some Members. I had to explain that the pentosans are the cellular substances from plants, so-called because they yield what the chemists call pentoses, which are related in some way to the sugars.

My attention was directed to this subject by Dr. O. R. Sweeney, an eminent chemical researcher in the agricultural college at Ames, Iowa. Accompanied by the president of that college, Dr. Herman Knapp, he came to Washington. He told me he had reached his limit at Ames. He asked for national help through the Bureau of Standards. He coveted also the prestige of that fine scientific organization.

I called up the one man in Washington who might be most interested; that is, Herbert Hoover, then Secretary of Commerce, and now the President elect. Mr. Hoover received us at once, not only gladly but eagerly. It did not take Doctor Sweeney long to sell his proposition to a man with an engineering mind. He saw in it at once one of the solutions of our distressful agricultural situation. Mr. Hoover sent us next to the Bureau of Standards, where Director Burgess was already well informed on the subject. We met with favor at the White House and also in the Bureau of the Budget. We were modest. We asked for only $50,000.

The gentleman from New Jersey [Mr. ACKERMAN], who is on the floor to-day, was a member of the subcommittee which reported out this appropriation. Together with the chairman [Mr. SHREVE] of the subcommittee he was eager to render this assistance to agriculture. The following year, and again this year, this subcommittee has seen fit to continue the modest appropriation. I want to assure them that they have not sown in barren fields.

I want to commend the work of the Bureau of Standards. They have made good use of the funds. Their principal efforts, I think, have been made at Ames in connection with Doctor Sweeney.

But simultaneously others likewise interested have been developing at Danville, Ill., this industry on a commercial basis. The gentleman from Illinois [Mr. HOLADAY] has told you this afternoon of their success, and he has also related to you some of the things they have had to contend with. The paper which has been exhibited on the floor to-day was made from pulp made at the Danville plant. So far as I know, they are the only ones who have so far been making pulp from constalks on a commercial basis. The relations between the Danville men and Doctor Sweeney, I understand, have been close enough for mutual cooperation.

They are making to-day 8 tons of dry pulp a day at Danville and they are preparing to make 40 tons a day. Other and similar pulp mills will be developed as there is need of them. They are proceeding along the right lines. They are making sure of their way, and in that policy lies the success of the whole undertaking. The procedure in such matters must not only be sound financially but chemically.

Not only can we make this pulp from cornstalks, but there will be a market for it. Paper manufacturers are prepared to make use of it, and they will use it so soon as it can be supplied on a competitive-cost basis. There is, of course, competition in the offing. The old order will not make way for the new order. Those who are interested in pulp from wood will not abandon the field. Rather, they will resist so far as they can encroachments on that field. That is the law of trade and of business. The proponents of cornstalk products are not entering this field asking special favors. They want to win a place on merit.

The haste makers have expressed their impatience in the form of a bill now pending in the Senate under the name of Mr. SCHALL, of Minnesota. They would have the Government enter this manufacturing field and other related fields by the establishment of Government-financed and Government-operated factories. For one I do not want to see such procedure followed if it could be followed. I do not believe in putting the Government into this business. Rather I would take it more out of business. I even doubt whether the Government could make a success of such an undertaking. It has never succeeded in such efforts.

I am willing to leave this infant industry in the care of private capital and enterprise. There is ample capital in the land. There are capitalists eager to invest their money. Their money will be available as fast as we pave and prove the way to success. We are doing that. They are doing it at Danville. Doctor Sweeney's research work and laboratory production are helping clear the way to success.

The main problem that remains to be solved is in the cost of assembling the raw products—that is, the cornstalks. On an average acre there are about 3,000 pounds of stalks, field weight, or 2,000 pounds dry weight. The 2,000 pounds dry weight will yield about 800 pounds of pulp, also dry weight. What is to be the cost of that 800 pounds of dry pulp?

At present, I understand, the pulp can not be produced on a competitive basis with wood pulp, so far as the manufacture of ordinary print paper is concerned. But in the production of higher-priced papers, book and bond papers, I am told, competition is already possible.

The solution of this cost problem may lie in the development of farm machinery. At Ames, Iowa, in cooperation, I believe with the International Harvester Co., they have been experimenting with a corn cutter that will gather two rows of corn, husk the ears, and bale the stalks all in one operation. In that machine we may find our solution.

The corn borer may be an important factor in this development. The borer, I fear, is bound to overspread the Corn Belt. But we are less alarmed about him now than we were a few years ago. We see in him another pest and something of a menace, but not an insurmountable one. The borer will not stop the growing of corn.

His relation to our industry is obvious. The only way of combating the borer is to clean up the cornfields. This pest hibernates in the stalks. To get rid of him we must gather the stalks, burn them or bury them. The gathering of the stalks for making paper pulp may make that operation a profitable one. In one operation we may be killing the borers and making the paper we hope for.

Mr. GARBER. Is not the only really effective remedy the rotation of crops?

Mr. COLE of Iowa. I would not say that that is the only effective one. It is one remedy. The absolute remedy is to destroy the cornstalks. The corn borer, or the beginnings of it, hibernate in the stalks. To get rid of the borer, I repeat, we must burn or bury the stalks—or manufacture them into pulp for paper, wall board, and other substitutes for lumber.

Mr. GARBER. And plowing under means rotation of crops, does it not?

Mr. COLE of Iowa. Yes.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. FRENCH. Mr. Chairman, I yield the gentleman five minutes more.

Mr. COLE of Iowa. Before I was interrupted I was about to add that plowing the stalks under is one way of getting rid of the borers.

Mr. GARBER. That is the only sure way to do it. The campaign that was put on for the extermination of the corn borer has not really demonstrated the wisdom of the investment, has it?

Mr. COLE of Iowa. No; not the only way. It may be more profitable to kill the borers in the pulp mills; that is, converting the stalks into paper may be more profitable than utilizing them for fertilizers. So far as the waste in the methods we have followed, at Government expense, in exterminating the borer, there is probably truth in the statement of the gentleman from Oklahoma [Mr. GARBER]. But that was experimental work in the face of what was viewed as a great national danger.

Mr. LAGUARDIA. And I stopped the unanimous consent for an additional $7,000,000, and every one of you farmers jumped on me for doing it.

Mr. W. T. FITZGERALD. And if making these stalks into pulp will do that, will not that put a premium on the process?

Mr. COLE of Iowa. Yes; it certainly will.

Mr. BRIGHAM. What price will the farmer have to receive for a ton of stalks in order to make it profitable to him?

Mr. COLE of Iowa. That is a question that I am not prepared to answer. We must take into consideration that some loss is involved by taking the stalks from the soil. That is, there is a fertilizing value that has to be considered. The costs of the labor involved is another important factor. If the farmer could realize $6 a ton, it would mean $9 an acre.

There are many other things I might discuss in this connection, but time forbids. It is a vast field that we have entered. But this much we know, that paper can be manufactured from cornstalks and I know that we have inventive genius enough and capital with enterprise in it enough to solve all the problems that remain unsolved.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. COLE of Iowa. Yes.

Mr. SUMMERS of Washington. It may be of interest to the gentleman for the House to know that we are doing the same thing with wheat straw in the West. Out in my district, in Whitman County, Wash., the largest wheat-producing county in the United States, they are establishing at this time a factory to convert straw into pulp for the same purposes the gentleman is using the cornstalks for. It has been very beneficial for the farmers, because we have enormous quantities of wheat straw which must be burned every year.

Mr. COLE of Iowa. I believe we are at the beginning of a great industrial development in agriculture. The application of

chemistry to agriculture will do wonders. My friend, Doctor Sweeney, has assured me that the time is coming when the farmer will realize more from those parts of his products that are now wasted than he is now realizing from the grain. We have only been skimming the surface. We have taken simply the golden grains. We are now finding out through chemical research that there may be as much value, if not more, in the stalk and in the cob.

Take the matter of oat hulls. We have a large factory in my home city where they make Quaker Oats. They used to burn thousands of tons of oat hulls, filling the whole city of Cedar Rapids with layers of soot, for oat hulls make soot. But more recently they have been using these hulls in large quantities in the manufacture of furfural, a chemical for which many uses have been found and more are impending. I cite this merely as an illustration of the possibilities through chemical research and industrial chemistry applied to agriculture.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. FRENCH. I yield the gentleman two additional minutes.

Mr. COLE of Iowa. I thank the chairman of the committee for the two minutes. I think they will enable me to finish my speech. In fact, I think I am through now, unless it is to assure you that out of furfural it is possible to make a motor fuel for the future, after our oil supplies are more depleted. You need have no fear of automobiles going out of use by oil exhaustion.

Mr. W. T. FITZGERALD. But the oil depletion is coming, is it not, and of gasoline?

Mr. COLE of Iowa. The depletion may overtake us. But if and when it does I am prepared to assure you that from the cornfields and from the oat fields of the Middle West we will supply you with all the motor fuels you need, even if the number of automobiles should be multiplied to 100,000,000. [Applause.]

Mr. FRENCH. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, if this farmer from the asphalt paved and tenement district of New York City has taken an interest in the corn farmers of Iowa and thereby has annoyed or irritated the Representative from a corn district, the gentleman who just had the floor [Mr. COLE], I am extremely sorry and I offer my sincere apologies. But I am more interested in the welfare of the corn farmers than I am in the feeling of a $10,000-job holder. I submit to my colleague, the gentleman from Iowa, who comes to the defense of the Public Printer and the reasons given by the Public Printer that he refused to print my letterhead because it contained this watermark, can not be the real reason and is not the reason. Why, I hold here in my hand the official paper of the House of Representatives, which I just picked up from a desk in the lobby, and here you will find a watermark containing the words "Chieftain Bond," a trade-mark which identifies it absolutely with the manufacturer. You also find the trade-mark of the manufacturer, an owl, and this owl has both eyes open apparently watching the Public Printer, and hence the refusal to print paper made from cornstalk of corn grown in the gentleman's district in the State of Iowa.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. LAGUARDIA. I will.

Mr. COLE of Iowa. The gentleman from New York will admit there is some difference between the trade-mark on that particular sheet of cornstalk paper and the watermark on the official paper. One is conspicuous and the other is not.

Mr. LAGUARDIA. The difference is that this is made of wood pulp brought from Canada and rags from Syria and Turkey and that is made from cornstalks raised in the gentleman's district.

Mr. COLE of Iowa. Granted; but the gentleman certainly would not believe the Public Printer is minded to discriminate against paper from a production grown in his own native State.

Mr. LAGUARDIA. My belief is immaterial. I have the actual fact that he refused to print the cornstalk paper, and this farmer from the tenement district of New York is so interested in the farmer that he went out and had this printed at his own expense, when the Public Printer from Iowa, whom the gentleman defends, refused to print the paper in utter disregard of his official duties.

Mr. COLE of Iowa. Will the gentleman yield for another question?

Mr. LAGUARDIA. Certainly.

Mr. COLE of Iowa. I am interested as much as the gentleman is in the cornstalk production, but I am also interested in the gentleman who holds the high office of Public Printer, and I know that his motives are absolutely pure, because I believe they are dictated by his interpretation of the law under which he operates that great institution.

Mr. LAGUARDIA. And again I reply to the gentleman from Iowa that the purity of the Public Printer's motive does not help the farm situation when it prevents the printing of documents at the Government Printing Office on cornstalk paper. My position is based, first, on the necessity for the inevitable relief that must come to the farmer, and if partial relief can be given to the farmer by the use of farm material that is now wasted, I know that then to that extent the price of farm products will not be increased to the consumers in my city. That is why I took this interest in the cornstalk paper, because there is a potential market for cornstalks, which means added revenue to the corn farmers.

It is said that print paper can not be made from cornstalks economically. That may be so, but I am seeking first to obtain an opportunity for manufacturers of cornstalk paper to bid for Government work.

If the gentleman from Iowa [Mr. COLE] had examined the contract pamphlet from the Public Printer, he would have found that we purchase several million pounds of paper per year, and that under the specifications—let me say to the gentleman, and through the gentleman to this farm boy who is the Public Printer—under the specifications cornstalk paper can not bid, although it is conceded that it is just as good and durable as the wood-pulp paper.

Mr. COLE of Iowa. I do not think we have the right to assume that we can not economically make paper from cornstalks. I think we can. My statement was that after we had well developed the process by which we can make it as cheaply as from wood pulp we will help to solve that problem.

Mr. LAGUARDIA. We will help to solve that problem if we permit the cornstalk paper to bid in competition in Government work.

Mr. COLE of Iowa. I agree with the gentleman.

Mr. LAGUARDIA. Then I shall yield back the balance of my time. [Applause.]

The CHAIRMAN. The gentleman yields back three minutes.

Mr. FRENCH. Mr. Chairman, I yield 30 minutes to the gentleman from New York [Mr. TABER].

The CHAIRMAN. The gentleman from New York is recognized for 30 minutes.

Mr. TABER. Mr. Chairman and members of the committee, I want to take a few minutes to talk over the naval situation. The gentleman from Idaho [Mr. FRENCH], who gives more liberally of himself to his work in the House than almost any other Member here, has covered the ground thoroughly.

There are a few items here that I would like to emphasize. First, there is a general situation in the Navy.

There has been a tendency to keep every ship in the Navy afloat and to make increasing demands for personnel for the ships we have and to increase the expenditures that way regardless of the condition of the fleet or the yards and their general equipment.

They tell us now that they have increased the desired complements of the different ships of the Navy which were in commission by about 3,500 for the year 1930 over 1929. And this after taking into account the new ships coming in. All this in spite of the fact that in almost every instance the complements of our ships exceeds those of Great Britain, and that we now within the last two months have added over 2,000 marines to the personnel of our fleet at sea. These have just been withdrawn from China and Nicaragua, where they have completed their service.

There are about 11,350 in the Air Service, of whom over 6,000 are at sea and 2,000 were without any definite assignment.

Considering these facts and the five old cruisers, which should be taken out of commission, your committee felt that increase of personnel was not the first need of the Naval Establishment, and so when we finally agreed to recommend an increase of 500 for the authorized personnel of the Navy, making a total of 84,500 to be maintained throughout the year 1930, we thought we had been liberal.

Engineering repairs as of July 1, 1929, will show of repairs undone about $2,000,000 and needed alterations $3,200,000. Repairs and maintenance to hulls will run about $2,000,000 behind, and perhaps more. No attempt was made in the Budget estimates to take care of these items or to permit the department to catch up with its uncompleted repairs.

We have been carefully into the situation and have provided a program covering two years, 1930 and 1931, for the expenditure of $3,000,000 to replace the antiquated tools and machinery in the yards, so that we can get more work out of the same money.

This we estimate will materially reduce the overload of uncompleted repairs and alterations if we have the cooperation of the navy yards and their employees.

The engineering repair overload will be reduced over $1,000,000.

In construction and repair work—that is, work on the hulls of the ships—the expense will be reduced upward of another million dollars.

This new scheme will in large part take care of and correct the condition of the machinery in our navy yard, which has been spoken of here by the gentleman from Massachusetts [Mr. UNDERHILL]. And while on this subject I wish to talk about the so-called Dallinger amendment. How much better for the navy-yard employees it would be if the alleged friends of the yards would devote their great energy and eloquence to an effort to put some pep into the yard workers and give us more efficiency out of our workers. They now receive more pay than the employees in the private yards in that they have 15 days' leave with pay and 15 days sick leave with pay which is not given in private yards. Now, we are face to face with a cruiser construction program of a very considerable extent.

The trouble with the Gallinger amendment is that it prevents competition between the yards and the different private shipbuilders. It tends to take away—because they know they are going to get half the ships that come in—all incentive for real honest work on the ships which they are building. We have had a lot of trouble with this sort of thing in the past. I have here with me a statement in the hearings had before the Committee on Naval Affairs in 1922 and in 1926 which shows the cost of the different ships which have been built by the Navy down to and including the year 1926. It shows the cost of the ships in the navy yards to have been almost entirely higher than in private yards, until you get down to the war time when they began to let cost-plus contracts. And then when we get into the period after the war we find this, that out of eight cruisers, which are now under construction without any requirement on the part of Congress, the navy yards have bids submitted to build cruisers and they have been allotted and are now building three. But in addition to those cruisers they have been building and are now building six V-boats, submarines of large type and large size, as against none in private yards.

And what has been the history of these V boats? I am only going to consider three of these, because they are fair samples. The *V–4*, which is a submarine mine layer, was originally estimated by the department and the yard to cost $5,300,000 in 1924. A little later the cost by a supplemental bill that came here was increased to $6,150,000, and it has now been raised to $6,500,000; so that the cost of that one ship is now practically up to the point of the cost of the battleship *Florida* and the battleship *Utah*, more than the cost of one of those ships that was built by private contract in a private yard.

The *V–5* and the *V–6* are now under construction in the navy yard at Portsmouth, N. H. The original limit of cost of these ships was $5,300,000. That was then extended to $6,320,000, and it has now been extended to $6,650,000, and no one knows how much higher we will have to go before they are finished.

Now as to the fleet cruisers that are being built in the navy yards, the bids of the navy yards upon the last cruisers which were to be constructed were lower, substantially lower—upward of $2,000,000 each lower—than the private yards, but the past performance of the navy yards does not justify any feeling of confidence that this situation will or can continue, or that they can possibly get their ships out within the estimates of their yards, or within the bids of the private yards.

The bids upon the *Pensacola* and the *Salt Lake City* were practically the same in a navy yard and in a private yard. One contract was awarded to the Brooklyn Navy Yard and the other to the Cramps at Philadelphia. As I say, the bids were approximately the same, being only about $100,000 apart, with the advantage a little bit in favor of the private yard, when you come to consider the engines and all the equipment which goes with them. The navy-yard ship has not been completed, so that we have nothing but past performance to go on as to cost.

Now, we have another thing to consider on this navy-yard proposition at the present time. If we are going to build cruisers and aircraft carriers in the navy yards, very considerable items must be met for renewals, replacements, and extensions. And let me say to you that in figuring the cost of ships in navy yards these renewals and replacements are not taken into consideration at all. They simply take into consideration the actual cost of things that can be directly traceable to the one ship that they are building; they allow no depreciation and no maintenance on the ships or the ways on which the ships are built. They simply take into consideration such things as the blocks and tackles which are used for the individual ship, as well as the light, power, and heat properly chargeable to that proposition and a few other upkeep items which are absolutely chargeable to the particular construction in hand. Now, if we are going to build ships in navy yards, here is our situation: We have just one yard which is now equipped and able to take on the construction of more ships than it already has. That is the New York Navy Yard at Brooklyn. It is equipped, in so far as physical equipment is concerned, to take on the construction of two ships at the present time, but its commandant reported at the time bids were received last spring upon the cruisers which were then under construction that they could not expand the personnel of the navy yard efficiently or economically so that they ought to bid upon more cruisers than the one they were then building, so they did not bid. Mare Island has one ship under construction, which will be out of the way in about a year, so one ship could be put there at that time. Puget Sound has one ship under construction in the building dock at that place, and no more can be placed in that dock until the one that is now in is taken out. Two could be built at once, but when one is under way it is impossible to start another there efficiently. Boston can do nothing without the expenditure of $250,000 for the lengthening of a way, and a very large expenditure along other lines. Philadelphia and Norfolk each have two ways which are available, but each of those ways will require the expenditure of $500,000 to put them in any kind of condition to work with. So much for the navy-yard situation.

I want to talk for just a minute or two about the proposition that has been made to expend a lot of money at Charleston for the construction of a large addition to the Charleston dry dock. Our good friend who represents the Charleston district [Mr. MCMILLAN] has asked us to make an appropriation of $300,000 for the construction of a large addition to the dock. This is an item which has not been presented to the Bureau of the Budget by the Navy Department, and one which your committee never heard of until the gentleman from South Carolina took the floor. The dock is now long enough to take the *Florida* and *Utah* and the 10 light cruisers of 7,500 tons, and all of our destroyers. It is away down on the list of projects which the Navy Department would like to present to Congress. There is about $7,000,000 in more important projects ahead, and it does not seem right to adopt such a large item when it is so far down the list, and this committee has had no chance to investigate it. The necessary work on all ships of the fleet when in the Caribbean is performed at the Canal Zone, where we have a 1,000-foot dock.

Much interest has been shown on the floor about a German ship in process of construction, and I would like to put in the RECORD what I have found out about that. This ship is a capital ship, supposed to be comparable to a battleship, which Germany is allowed to construct under the treaty of Versailles. It is of 10,000 tons and it is supposed to have a speed of 26 knots and a steaming radius of 10,000 miles at 20 knots. It is supposed to be driven by Diesel engines which are to weigh 17½ pounds per horsepower and to mount six 11-inch guns. How much armor it is to carry we do not know. The Diesel engines of this type are experimental and whether they will be successful or not we do not know. The lowest successful type that we know about at the present time in actual service weighs something like 68 pounds per horsepower. The Diesel engines on an ordinary commercial ship weigh 200 pounds per horsepower. This ship, if a success, will undoubtedly have a marked effect in revolutionizing methods of propulsion. Its gun range of 30,000 yards is said to be a little below that of our best battleships and our new 10,000-ton light cruisers, which have a range of from 33,000 to 35,000 yards. At long range the 10,000-ton cruiser would be nearly as effective, because of the greater speed and the speed of firing, but probably at short range the 11-inch guns would outmatch the 8-inch guns of our cruisers with their armor.

I have made this little statement of some of the features of the Navy and the naval appropriation bill which I believe deserves a good deal of thought and a good deal of attention. I have felt all along that the bill which we have brought here marks quite a radical departure toward something which will force the Navy Department to adopt the policy of presenting a more balanced budget to us in the future, because I believe the first thing we must look after is to keep our ships in proper engineering and mechanical condition and to keep our yards up and not try to have so many old ships in commission which we can just as well get along without, and try to keep the unnecessary expenses down.

One of our cuts was in the item of fuel. It has been developed since we came on the floor with our bill that the price of fuel oil has gone down 25 cents per barrel. If this price continues as it now is long enough, so that our Navy Department can take advantage of these prices in letting its contracts for fuel next year, there will be an excess in our appropri-

tion for fuel of at least $1,500,000 and perhaps $2,500,000. This should not be used for larger steaming, because now our steaming is as large as it ought to be, but should be either turned into the Treasury or should be used to buy fuel oil at the low prices and store it, to be used when we can use it to a great deal better advantage. [Applause.]

Mr. AYRES. Mr. Chairman, I yield myself such time as may be necessary to complete my statement.

Mr. Chairman, on Thursday of last week when this bill came up for consideration the gentleman from Idaho [Mr. FRENCH], in presenting the measure, said:

> The bill you are called upon to consider is concerned with engineering and scientific investigations that are of incalculable value to commerce and industry and progress.

He might have added that a vast majority of the people of this Nation never think of the United States Navy only in the light of a fighting machine, when, as a matter of fact, the peace-time Navy has done more to relieve suffering humanity in times of distress than any other agency.

Three years ago when the annual naval appropriation bill was under consideration, I spoke on the peace-time missions of the Navy, emphasizing particularly the part the Navy had taken in opening up new fields in foreign trade; the protection it afforded American commerce; also some of the diplomatic missions so creditably executed by naval officers; and more especially of the frequent humanitarian activities of our ships in giving relief to communities stricken by an earthquake or a storm, and many other activities of this character, which I shall not now repeat. At that time I attempted to show that the Navy was something other than a mere fighing machine.

In view of the declaration made the other day by the gentleman from Idaho, calling attention to the fact that our Navy is concerned with engineering and scientific investigations that are of such value to commerce and industry, I feel that I am justified in pointing out where, in many instances, the Navy has been the pioneer in the development of many things which are to-day produced by the industries of the Nation.

Take the Bureau of Ordnance, for instance. It has been the pioneer in the development of heavy machinery, also in the development of high-grade steels and alloys, and there is no question but what this bureau has been, indirectly, the cause of the development of many articles necessary to peace-time pursuits. In order to insure safety and efficiency along with economy, the Bureau of Ordnance experimented in the use of steel castings to supplant many of the large and expensive forgings then in use and these experiments resulted in the development of high-grade steel castings. The manufacture of enormous gun forgings and thick, heavy armor plate by the Bureau of Ordnance required special machinery, so hydraulic forging machinery with high-power hydraulic pumps was developed. Machine shop tools, larger in size than had ever been thought of before in this country, were made, and many other things I might mention along this line were developed by this bureau, all of which was done at the expense of the Navy and through the efforts and experiments of the naval experts. Much of this machinery has been adopted by the industries of the Nation.

History records the fact that prior to 1890 there were no heavy forging plants in this country capable of producing heavy forgings either of wrought iron or steel. All of these were made abroad and this country was at the mercy of foreign producers of such forgings. Our only means of production at that time was under the hammer, which was inefficient and not at all satisfactory as to results. History reveals the further fact that the Navy began to search for a way out of this dilemma with the result, it is said, that it was found that an Englishman by the name of Sir Joseph Whitworth had invented a hydraulic forging press. Unsuccessful attempts were made to obtain the use of his patents in this country. An accurate description of the press could not be obtained and strangers were not permitted to visit the Whitworth shops, nor would he make a press for use in this country. So, in 1883, the Navy Department sent a gun foundry board, of which Lieut. William Jaques was secretary, to Europe for the purpose of visiting iron and steel plants. Arriving in England, the board, after considerable difficulty, was permitted to visit the Whitworth shops and Lieutenant Jaques obtained from Whitworth a contract which gave him, personally, authority to build a plant in the United States, the Whitworth works furnishing the plans.

Lieutenant Jaques was sent to Bethlehem, Pa., where he took up with John Fritz, the general superintendent of the Bethlehem Iron Co., the question of building at Bethlehem the forging plant which he had contracted for with Whitworth, and after considerable difficulty persuaded the directors of the Bethlehem Iron Co. to undertake the project. The result was that on June 1, 1887, the United States Government placed its first contract for armor with an American concern, the Bethlehem Iron Co. This company, then a small concern, expanded greatly, finally becoming the Bethlehem Steel Corporation. Thus the Navy might be given the credit of establishing the Bethlehem Steel Co.

The Bureau of Ordnance made many experiments with a smokeless powder which, by the way, was invented by Professor Monroe, of the naval torpedo station. These experiments were made under the direction of Commander Jewell of the Ordnance Bureau, and after many tests covering a period of about two years, it was manufactured by the bureau in large quantities. Then commercial institutions took it up and manufactured it, but it must be remembered that the Navy is entitled to the credit of producing smokeless powder.

It may be interesting to some to learn that the moving pictures we enjoy at this time are largely due to naval activities. The history of this discovery is that in 1913 the Bureau of Ordnance found it necessary to make a scientific study of the motions of projectiles in flight. After making thorough investigations it was discovered that there were no cameras produced in this country or abroad that could do this satisfactorily; so the Naval Gun Factory collaborated with the Edison laboratories and built the first three high-speed cameras in the world. These cameras have been used extensively by the Navy Department, and it is a well-known fact that they have been copied, in their most essential features, by the various manufacturers of cameras in commercial use. It is, of course, unnecessary to mention the fact that these high-speed cameras have a place in educational and athletic performances as well as amusement activities. Undoubtedly the Navy is entitled to the credit of producing high-speed cameras.

The Waterbury hydraulic speed gear, which is used at present for steering gears, pinch presses, riveting machines, locomotives, textile-printing presses, and motion-picture machines, was developed by an employee of the Bureau of Ordnance for use in connection with training and elevating guns. For several years this speed gear was used for this purpose before being taken up and developed by the commercial industries of the country for the purposes already indicated.

The Navy has done more to perfect artificial ventilation than any other agency or institution. For over a quarter of a century there has been a constant demand for better ventilation. This is especially true of schools, theaters, subways, and mines. It seems that prior to 1905 there was but little scientific information available. However, the Navy began experiments in 1903 under the supervision and direction of a naval constructor to determine what was necessary to provide scientific methods for testing the capacities and efficiencies of fans used for ventilating naval vessels. After a thorough and satisfactory testing had been made the Navy Department prepared instructions which have been invaluable to the heating and ventilating industry of the Nation.

The metal-furniture industry is indebted to the Navy Department, as the Navy was one of the first users of metal furniture for other purposes than office equipment. At first special sheet metal was used for this furniture, but the Navy, not satisfied with this, equipped the navy yard at Norfolk to turn out metal furniture made of aluminum-manganese sheets and shapes which makes it just as durable and much lighter. The use by the Navy of the aluminum sheets and shapes, not alone for furniture but for light bulkheads and joiner doors, has caused many commercial manufacturers to receive orders for such aluminum work for such vehicles as Pullman cars, automobile furniture, and so forth.

It is a well-known fact that the development of helium production is due entirely to the Navy. It was the Navy that supervised the construction of the first helium plant ever established in the world and was in full charge of the plant until it was transferred to the Bureau of Mines.

The Navy was the pioneer in the development and construction of radio towers, and was one of the earliest users of this method of communication which is now so common that most any high-school boy can make his own set sufficient to satisfy the most critical. It is said that the radio industry and radio service we have at this time in this country is the direct result of the Navy's radio policy.

It is well known that the standard of quality in lubricating oil is largely due to the exacting requrements of the Navy. Because of these requirements there has been established the grades of "light," "medium," or "heavy" which are kept at all up-to-date filling or service stations to meet the needs of the automobile engine. In other words, the Navy standards of lubricating oil have become not only the Federal standards but those of the country at large. The owner of a good automobile, who is particular about oil for his engine, can thank the Navy for fixing these standards.

There is ample proof to show that the Navy was the pioneer in the electrical field. It started with the incandescent lamp, and the record shows that every new electrical discovery has been tested out by the Navy long before the commercial institutions of the country would find the same to be practicable. History records the fact that the Navy Department enabled the General Electric Co. to produce the first electrically propelled ship, namely, the *Jupiter*, which is in use at this time as an airplane carrier.

I might mention many more things in which the Navy has been the pioneer and has so developed them as to attract commercial institutions, but time will not permit, and I could fill at least 100 pages of the CONGRESSIONAL RECORD telling of the wonderful services rendered by the Navy, all of which is for the benefit of the general public, but that is unnecessary.

However, I do want to call attention to the outstanding peace time service rendered, which is especially significant at this time in view of the many recent casualties at sea. There is no doubt but that the greatest service the Navy performs in peace time is in furthering the safety of life and property at sea.

For 24 hours of every day in the year, the Navy radio stations ashore and afloat are on the alert for the S O S or distress signals from ships at sea, and the radio-compass stations are furnishing bearings to ships in the Great Lakes and off the coasts of the United States and Alaska as requested by masters in doubt of their position. The letters in praise of this service reach the department regularly and are countless in number. The radio-compass stations were started to guide our ships and transports through fog, rain, and snow during the war. They proved such a valuable aid to navigation that the system was extended and continued as a permanent service. During the past fiscal year 86,436 merchant vessels were furnished 180,648 bearings, not to mention 44,047 bearings furnished naval vessels. To cite an example: A ship in distress during a gale off the Atlantic coast sends out an S O S. A Coast Guard cutter goes to her rescue, heading for her reported position. The radio-compass station cuts her in and finds she is 60 miles out of her reckoning. The ensuing report to the Coast Guard cutter enables the rescuing ship to locate the ship in distress. There are innumerable other instances that may be cited from the merchantmen aided around Hatteras in a gale to the location of missing fishing vessels off Alaska which were later assisted into port. Such instances are considered as all in a day's work.

Much more could be said concerning this service, but the incidents of the past few days are fresh in the minds of all who read the newspapers of the wonderful rescues that have been made. My purpose in making these few observations is simply to show that the United States Navy is not alone a mere fighting machine.

The efficient chairman of this committee in presenting this measure, as usual, so thoroughly explains every item in the bill that it leaves nothing to be said unless it would be a repetition; but owing to the fact it has been a week since he made that speech it might be well for some of us to make a further explanation even though it may, to a great extent, be repeating.

First, I will refer to the item of personnel. While this committee is desirous at all times of having sufficient officers and enlisted personnel to efficiently man the Navy, we can not lose sight of the fact that economy must be practiced in this as well as other governmental activities. There is not a member of this committee who is unmindful of all of the requirements of a good and efficient Navy, and the committee is in favor of maintaining the officer personnel at practically the authorized strength of 5,499. As to the enlisted personnel, it was fixed for the current year at 84,000. The pending bill, however, provides an increase of 500 men, or 84,500; and while the increased number of men will not meet the requirements for the complements of the ships that will be brought into commission during the fiscal year of 1930, it is expected that the men for the new ships placed in commission during that time will be available by withdrawing from active service the old cruisers, which are obsolete, or practically so, and placing in reduced commission certain other ships which are not needed in order to have a well-rounded-out and efficient Navy. Your committee provided for this increase of enlisted personnel with the thought and expectation that this enlisted personnel will be kept up at the figure of 84,500, and not be allowed to exceed or fall below that figure.

Mr. FRENCH. Mr. Chairman, may I express my gratitude that the gentleman from Kansas [Mr. AYRES] has taken this opportunity to refer to the number of enlisted personnel. The question has been raised whether or not under administration it might not be possible to permit the enlisted personnel to sag, say, during the first six months of the next fiscal year, with the thought that the sag could be added to the total, 84,500, making the number at the end of the year perhaps 86,000 or 87,000. Of course, such a thing as this is possible, yet inconceivable, as I take it, upon the part of the department in administering the law. I have no doubt the department will administer the law so as to carry throughout the year not more than approximately the number authorized. In other words, you can not have 84,500 enlisted personnel every day throughout the year. Sometimes the enlisted personnel strength will be a little under that number, sometimes it may be a little over, but the thought is, as I understand it and as I think the members of the committee understand it, that the enlisted personnel shall approximate that number.

Mr. AYRES. That is my idea and I appreciate the chairman's position in the matter. I know it is the idea of every member of the subcommittee.

While the members of this committee endeavor to cooperate with the Budget, however, we do not at all times find ourselves in agreement with its estimates, and when we do not there is no hesitancy on our part to do our duty as we see it.

For instance, in this bill we have provided an item of $1,500,000 for the replacement of tools in the navy yards, in excess of the amount recommended by the Budget. There is no question but what this is in the interest of economy. The hearings disclose the fact that the tools needing replacement are either entirely worn out or worn to such an extent as to be practically useless, as they are worn beyond the requisite degree of accuracy. Because of this condition of the tools we are told that it requires a higher degree of skill in the workmen and much hand fitting, which naturally delays production and increases costs. It is estimated that the present labor cost at the navy yards per dollar of material used is $2.94, which is an increase of 9 cents over last year. We were told that with modern equipment and honest work it is believed that this figure could be reduced to as low as $2.50 per dollar of material, or a saving of 44 cents per dollar of material. This would represent a saving under engineering alone of $1,101,793, together with a relative saving of all appropriations expended at navy yards. Some of these tools have been in use since the Civil War and many of them for 25 to 40 years. There is not an industrial concern in the country but what would have discarded most, if not all, of these tools long ago. What has been said of the condition of the tools in engineering can be said also of the condition of the tools and machinery in construction and repair. In view of the deplorable condition in both the Bureaus of Engineering and Construction and Repair and the further fact that it will take from 18 months to two years to install new machinery and tools, we made the $1,500,000 item immediately available. As already stated, the committee feels that this is a matter of good business judgment and should have been done long ago.

This committee feels that it has made ample appropriation for aeronautics. We realize that the Air Service is about as important as any other department of the Navy. This bill carries an appropriation of $31,360,000, which is not as much as the current year by $596,000 and even less by $200,000 than estimated. The fiscal year 1930 will be the fourth year of the 5-year program authorized by the act of 1926. The pending bill provides for 273 additional planes for that program and also 36 planes for the Naval Reserves, thus making a total of new planes purchased and ordered, or rather to be purchased, since the beginning of the 5-year program 1,124. At the time this program started we had only 351 useful planes and 288 ordered. It is estimated that at the end of the fiscal year for which this appropriation is made that we will have 910 planes and 208 on order. I am a strong believer in this arm of our national defense. You know I am a resident of the city of Wichita, Kans., called the air capital of the Nation. Although the city of Wichita has a population of only a little over 100,000, it has more airplane factories in it than any other city in the United States.

There are at present six airplane factories in the city of Wichita in full operation, and a seventh factory being established. The record of production of planes shows that during the year 1928 there were produced approximately 1,500 planes, with a total valuation of $8,000,000. This represented between one-fourth and one-third of the Nation's commercial plane production for the year 1928. It is estimated that at least 2,500 planes will be produced in Wichita in 1929.

These factories are planning to engage in the production of multimotored transports as well as small commercial planes. Wichita has over 1,000 acres of airports, including two municipal airports, one of 160 acres and the other 640 acres, and only yesterday a contract was let to build a $72,000 hangar at one of these municipal airports. I am proud to say that the entire aeronautical industry in that city is a home industry, financed and controlled by Wichita men. Recently eastern capital has been attracted and has invaded the local field, and while it is welcome we did not have to have it. We have a plant which is the largest producer of commercial aircraft in America, ac-

cording to the Department of Commerce. This plant has produced as high as 23 planes per week.

It might be of interest to relate some of the important events won by Wichita-made planes. The Admiral Fullum Derby at St. Louis in 1924 was won by Walter Beach, a Wichita pilot and producer of planes. In 1925 Mr. Beach won the Ford reliability tours in a Wichita airplane. The Dole trans-Pacific race which created such excitement and interest was won by Arthur Goebel in a Wichita plane. Smith and Bronte, flying a Wichita plane, flew the first commercial ship from the United States to Malakai Island of the Hawaiian group. I am informed that a Wichita plane, flown by Deed Levy, made the only perfect score in the 1928 National Air Tour, and that a Wichita plane, flown by Earl Rowland, won the Class A Derby of the National Air Races, and I could relate many important air tours and air conferences that Wichita has sponsored, but time will not permit. Recently the Five hundred and sixty-first Reserve Air Corps Observation was assigned to Wichita, and we are ready to take on the Navy air force at any time.

A few days ago Mrs. New, wife of Postmaster General New, christened a Wichita-made plane for the air-mail service.

In this morning's Wichita Eagle there is a picture of a Wichita-made plane and a statement showing that this plane was stored on the ship in which Maj. Clarence M. Young of the Department of Commerce sailed yesterday for Europe. It is to be used by Major Young to fly over European airways in the interest of the Commerce Department. So, gentlemen, you can see it will be but a short time before we will be ready to take on the Army and Navy flying activities.

I am frequently asked the reason why the airplane business has become such an industry in Wichita. There are many reasons. Some of them are that Wichita is one, if not the most progressive city of the Middle West. Its flying slogan is "Where opportunity to expand has no limit and every day is a pleasant day for flight—that's the air capital of the Nation, Wichita." I might say further that it is blessed by nature with a continuous landing field, and such a thing as fog is almost an unheard-of thing in that country, and, as I have already said, the people are air-minded. I could give many more reasons, but enough has been said, I think, to convince the whole world that Wichita is truly the air capital of the United States. Having lived there for 48 years you can see why I am air-minded; but that is not all. I repeat, that to my mind, the air forces, both as to land and sea, are the most essential arms of our national defense, and for that reason I am in favor of encouraging and maintaining it to the fullest extent. [Applause.]

Mr. SEGER. Will the gentleman yield?

Mr. AYRES. Yes.

Mr. SEGER. The gentleman made the statement that we are going to build 1,124 new planes. Can the gentleman from Kansas tell us how many planes we have in use now in the Navy or in commission?

Mr. AYRES. I am not sure, but as I remember, 959 on hand and on order 192.

Mr. WOODRUFF. Before the gentleman yields the floor, may I ask the gentleman if he can give us information as to how many of those planes are obsolete?

Mr. AYRES. No; and I can not tell how many are obsolete, for the reason that the planes that were produced at the beginning of this 5-year program are now obsolescent.

Mr. WOODRUFF. I will say to the gentleman that I would go further than that and would say that the planes that were built at the beginning of this program are now obsolete.

Mr. AYRES. I expect the gentleman is right about that. As I remember, there are about 112 that are obsolete.

Mr. WOODRUFF. And many of the planes that were built later are obsolescent.

Mr. AYRES. I agree with the gentleman; and before this program is completed it is hard to tell how many planes built only two years ago will be obsolescent and how many obsolete.

Mr. FRENCH. Mr. Chairman, I yield 30 minutes to the gentleman from Iowa [Mr. KOPP].

Mr. KOPP. Mr. Chairman, the reapportionment bill was considered in the House on January 10 and 11. These were sad days for those of us that opposed the bill, for we were repeatedly, with malice aforethought and with the specific intent to injure and wound our tender feelings, charged with the unholy purpose of preventing a reapportionment under the 1930 census. Those of you who were in the majority on those fateful days little realize how we who were in the minority suffered from those cruel and unjust reflections upon our patriotism. I wish I could portray to you the agony we endured, but this is impossible. Some things are so harrowing that words can not describe them, and this is one of them.

Our good and celebrated friend the gentleman from Mississippi [Mr. QUIN], with his rare eloquence, once told us that there comes a time in the life of every Congressman when he must rise above principle. It is not my purpose at this time to do so, or even to discuss the profound observation of the gentleman from Mississippi; but I do want to add that there also comes a time in the life of every Congressman when he must rise above the injuries and injustices that may be inflicted upon him. We of the minority cling to that high ethical standard. We hold no malice. We have no spirit of revenge. We are at peace with all the world, including Michigan. It must be admitted however, that the blow from Michigan was felt most keenly. We are still dazed by it. How the valiant knight from Detroit [Mr. MCLEOD] could stab us with his dagger we can not understand. Speaking now for my own State, I say, think what Iowa has done for Michigan! We have made Michigan rich and ourselves poor by buying her automobiles. What an awful sin ingratitude is! You remember old King Lear said:

> How sharper than a serpent's tooth it is to have a thankless child!

The old King was right. When I think of the great wrong we have suffered I feel like exclaiming:

> How sharper than a serpent's tooth it is to buy our automobiles from Michigan and in return have our honor impugned and our patriotism questioned!

How could Michigan do it? We gave her all we had and all we could borrow. If we could have raised more money it would have gone to her, and yet she turned upon us. As Cæsar, on another but not a sadder day, exclaimed, almost with his latest breath, "And thou, too, Brutus!" so we now in our agony and despair exclaim, "And thou, too, Michigan!" If I were speaking after the manner of Mark Anthony, I would hold up Iowa's mantle and say:

> Look—in this place ran brave MCLEOD'S dagger through
> See what a rent the gentle MICHENER made;
> Through this the well-beloved HOOPER stabbed.

[Laughter.]

But pray do not misunderstand me. Iowa will not pay in kind. We will return good for evil. We will heap coals of fire on Michigan's head. We will continue to buy our automobiles from Michigan.

Massachusetts also surprised us. We common people, way out beyond the Mississippi, have always had a high regard for Massachusetts. We never dreamed that Massachusetts would ever insinuate that we were not devoted and sincere followers of the Constitution. We have always thought of Massachusetts as being the most exalted State in the Union. We have always looked upon its people as a superior people—a race apart. We have always felt that the poet was not only highly poetical, but also entirely truthful when he said:

> And this is good old Boston,
> The home of the bean and the cod,
> Where the Lowells talk to the Cabots,
> And the Cabots talk only to God.

But, as we hold no malice toward Michigan, so likewise we hold none against Massachusetts. Far from it. Some years ago a gentleman from Massachusetts was the orator on a public occasion in Iowa. In the course of his address he paid our State a remarkable compliment. He said—actually said it—that if Iowa would continue to toil and progress, that if it would thoughtfully and diligently continue to put forth its best and highest efforts, it might some time—some time—become known as the Massachusetts of the West. I well remember what an inspiration that was to us common people in Iowa. The people of Iowa, however, can not be surpassed in generosity. On their behalf, I now want to return that compliment. On their behalf, I now want to express the hope that Massachusetts may sometime—and that right soon—become known as the Iowa of the East. A greater compliment than this I could not bestow upon any State. [Laughter.]

I discussed the reapportionment bill somewhat when it was before us for consideration. My remarks are found on page 1505 of the CONGRESSIONAL RECORD. Surely I have no desire to repeat what I said then. What I want to do now is to call your attention to what happened to the reapportionment bill on the floor of the House.

This is really an interesting story and a situation has resulted which some might term a humorous one. I have no criticism to offer of anybody or anything. As far as I am concerned, everybody and everything is all right. I simply want to tell you, in the most amiable spirit possible, what happened to the bill on the floor of the House.

Before this bill was even read for amendment it was evident that an attempt would be made to change the manner of making the apportionment fixed by the bill. The language of the bill on this point, self-evidently contrary to the Constitution, was as follows:

By apportioning one Representative to each State (as required by the Constitution) and by apportioning the remainder of the 435 Representatives among the several States according to their respective numbers as shown by such census, by the method known as the method of major fractions.

The reading of this provision to the House, particularly the words "by apportioning one Representative to each State (as required by the Constitution)," at once arrested the attention not only of the constitutional lawyers of the House, but also of the editors, bankers, doctors, and other Members of the House. A large question mark was immediately seen hovering over the Chamber, and close observers say it was still there when the House adjourned late that evening. At first some were led to think from this provision that there must be a revised version of the Constitution, just as we have a revised version of the Bible. But when they found that no revised version of the Constitution had yet been printed it was apparent to them that the provisions of the bill and the provisions of the Constitution were irreconcilably in conflict. This is the language of the Constitution on the point in question:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. * * *

But each State shall have at least one Representative.

Plainly it was time to vindicate the Constitution, and vindicated it was by an overwhelming vote. Clearly it would not do to let such spurious language as that contained in the bill and quoted above pose as being in harmony with the Constitution. The constitutional lawyers in the House led the fight and the others ably and enthusiastically followed after. It was a noble phalanx. It was demonstrated then and there that the old Constitution will never be deserted in the hour of need. As the fight waxed warmer, the Members of the House did not lift up their eyes to the mountains, as men were advised to do in the olden time, but they cast them down to the statue of the great defender of the Constitution at the base of Capitol Hill and exclaimed in their hearts, "John Marshall, we are here."

I wish I could include in my account of this great constitutional battle all that was said and done, but this is manifestly impossible for lack of time. I deeply regret that I can make only a few brief references to this great debate. In this matter let us start at the beginning, even though that is not the customary way to proceed.

The amendment to save the Constitution was offered by the brilliant Member from Kansas [Mr. HOCH]. Here are some of the unanswerable arguments that were put forth by this able Member of the House:

Now, I submit that this is not in accordance with the Constitution of the United States; that nowhere in the Constitution is there a provision calling for the apportionment of one Member to each State before you start the reapportionment.

What does the Constitution provide? It provides that the representation shall be proportionate to the number.

Then it says in another place no State shall have less than one Member of Congress, but that is an entirely different proposition from saying that you shall first apportion one Representative to every State and then shall subsequently apportion according to their numbers. To illustrate that, suppose it were provided in this bill that we should take half of the proposed Representatives and apportion them equally among all the States regardless of population, and then should apportion the remainder according to numbers. Obviously, that would be unconstitutional.

For instance, let me put it this way: Suppose after we have apportioned all of the Representatives according to the numbers of the respective States we then find that no State has less than one Representative. I submit that we have fulfilled all the constitutional requirements, and there would be no necessity of apportioning one to every State. In other words, you have taken 48 Members of the 435 and apportioned them not on the basis of the Constitution, which is according to numbers, but you have apportioned them equally, 48 of them, among all the States of the Union, and you only provide that the remainder, namely, 435 less 48, shall be apportioned according to the Constitution.

Suppose we have given one to every State, and we then find under the apportionment of the balance that at least one goes to every State. What would be the result if this happened, and it might easily happen? We would then have a State having two Members instead of having only one Member, according to population. That is very plain.

By the time Mr. HOCH had finished his argument practically every one agreed with him, but more punishment was to be administered to the bill. Even a gentleman from Michigan [Mr. CRAMTON], who always scores heavily, took a hand. He said:

I am quite in sympathy with the gentleman's view. I think he is correct. As I understand his view, it is this, applying it: That a State with a population of 250,000, under the language of this bill, would be given two Representatives. I do not see how it could help happening.

And then even a gentleman from Massachusetts [Mr. STOBBS], well known for his unusual legal attainments, directed a telling blow. Said he:

I think the contention of the gentleman from Kansas is absolutely sound in that the phraseology of the present bill is not in conformity with the provisions of the Constitution.

Then followed the great leader of Democracy, the gentleman from Tennessee [Mr. GARRETT], who enjoys the confidence and respect of both sides of the House in an extraordinary degree, and indorsed Congressman HOCH'S position in these significant words:

I think the gentleman from Kansas deserves the thanks of the House for calling attention to the situation which manifestly will be created by the language of the bill if unchanged.

It was a grand sight to see men of both parties entirely forget partisan considerations and come to the rescue of the Constitution. It reminded one of the good old times spoken of by Macaulay. Said he, in his great poem:

Then none was for a party,
Then all were for the State.

When the gentleman from Tennessee had finished speaking it was evident that the matter was settled. It was now all over but the voting. Nobody could defend the bill; no one tried to defend it. The argument was all one way. When a division of the House was demanded, 219 Members arose for the amendment and only 1 against it.

As old Kaspar said to Peterkin and Wilhelmine: "It was a famous victory." Just why one Member voted "no" will probably never be known. All that we are sure about is that this one was a Congressman and not a Congresswoman. He evidently was the exception that proved the rule.

When the Members of the House went home that night they felt as though they had really done something worth while, having thus saved the Constitution from destruction. One Member was supremely happy and remarked to me as we were making our way through the subway to the House Office Building: "We have come to the end of a perfect day." All, except the one dissenting Congressman, felt a peculiar satisfaction when they retired that night, and all were soon sleeping the sleep of the just.

After the amendment had been perfected and adopted, the controverted provision of the bill read, as follows:

By apportioning the 435 Representatives among the several States according to their respective numbers as shown by such census, by the method known as the method of major fractions, no State to receive less than one Member.

At the time we thought the Constitution had been saved; but, alas! such after all was not the case. Strange as it may seem, with all our labors, we had really accomplished nothing. It was a case of "love's labor lost." The unsound provision, which we thought had been eliminated from the bill, is still in it; and will still govern the apportionment if the bill becomes a law.

It may aid me in explaining the situation if I relate an incident that occurred in Colorado in the early days. In a shooting affray that took place in a mining camp one night a man was wounded and his pals called the one doctor then located there. This doctor had but little education and even less experience, but he was doing the best he could. Upon examination he found that the wounded man had been shot in the right side and he extracted a .44-caliber bullet. He treated the wound and then went to his boarding house feeling that he had given the wounded man excellent service. A few hours later, however, he was aroused from his sleep and informed that the wounded man was rapidly growing worse.

The doctor was perplexed, but dressed hurriedly and hastened back to the shack where his patient was being cared for by men of the camp. When he got there he turned the wounded man over and reexamined him. Much to his surprise, he found that the man had also been shot in the left side and that there was a .44-caliber bullet still in the man. [Laughter.]

Figuratively speaking, this bill, like the man in Colorado, was shot twice. We took one bullet out, but the other bullet is still in the bill, and the bullet that is still in it is exactly like the one we took out.

The bill still directs that the apportionment shall be made "by the method known as the method of major fractions." The definition of the method of major fractions contains the very language stricken out by us as unconstitutional by a vote of 219 to 1. The objectionable provision stricken out was the one requiring that one Representative be first given to each State and that the remainder be then apportioned among the several States according to their respective numbers.

We said, by a vote of 219 to 1, that it was unconstitutional first to apportion 1 Representative to each State and then apportion the remainder of the 435 Representatives. But that is the very thing that the method known as the method of major fractions requires to be done. Here is what the Census Committee says is the procedure when the method of major fractions is used. I quote the language of the committee verbatim, namely:

> Each State is assigned 1 Member, as provided for by the Constitution, which makes 48. The remainder, 387 (435 less 48), is then assigned to all of the States.

This is exactly what we said could not and should not be done; and yet the method known as the method of major fractions, which is the method designated in the bill, requires that very thing to be done.

Doctor Hill, of the Census Bureau, told the Census Committee just what is done when the method known as the method of major fractions is used. I now quote Doctor Hill verbatim. Says he:

> The first step is to assign 1 Representative to each State, making 48 in all.

Doctor Hill's statement has been expressly approved and indorsed by Professor Willcox, who is the author of the method called by the Census Committee "the method known as the method of major fractions." Professor Willcox does not agree with us as to the meaning of the Constitution. He does not agree with the able argument made in support of Congressman HOCH's amendment. He takes an exactly opposite view. I now quote verbatim from an address delivered by Professor Willcox and printed in the hearings of the Census Committee. Said he:

> Seats in the House of Representatives are of two classes, the 48, 1 for each State, which are guaranteed by the Constitution and are as completely beyond the control of Congress as the seats of the Senators are, and the remainder, the number and distribution of which are under congressional control. The two classes might be named the apportionable and the unapportionable seats.

The Census Committee, Doctor Hill of the Census Bureau, and Professor Willcox, who according to the Census Committee is the author of the method known as the method of major fractions, all agree that the method of major fractions will do the very thing which we said it would be unconstitutional to do, and it is wholly impossible for anyone to claim otherwise. So the reapportionment bill still requires the new apportionment to be made by first apportioning one Representative to each State and by then apportioning the remainder among the several States.

The great battle which we waged for the Constitution and which we won by the impressive vote of 219 to 1 means absolutely nothing under the circumstances. It has no effect whatever. Unfortunately, there were two .44-caliber bullets in the bill and we took out only one.

As a matter of fact, an amendment was offered to strike out the requirement in the bill that the apportionment should be made by the method known as the method of major fractions. But as the Member who offered that amendment was opposed to the bill it was looked upon by the proponents of the measure as some nefarious work of the devil and was promptly defeated. Thus, as Shakespeare nearly said, "Suspicion doth make cowards of us all."

Of course, this House did not knowingly and understandingly vote the same thing up on one vote and down on another vote. Had the method known as the method of major fractions been described in the bill no doubt it would have been eliminated. But the definition of the method of major fractions was hidden away and concealed in the report and hearings of the committee. It is now, however, as plain as the noonday sun that the bill is in conflict with the Constitution on account of the requirement that the apportionment must be made by the method of major fractions.

It perhaps, however, would have done us no good even if a definition of the method of major fractions had been incorporated in the bill and had been right before us. Perhaps we could not have understood it. The Census Committee heard from a number of professors. One professor made this statement, referring to the method of major fractions:

> The most untutored mind can understand this method.

This looks as if Members of Congress might possibly be able to understand the method of major fractions also; but before you reach that conclusion hear what another professor said. In referring to the method of major fractions and two other methods, he made this significant statement:

> It is true, after all, that the members of a congressional committee and the Members of Congress as a whole will not readily understand any one of the three methods.

So while the most untutored mind can understand the method of major fractions, the Members of Congress as a whole, meaning, I presume, the average Members of Congress, can not readily do so. In other words, the most untutored mind is superior to the average Member of Congress. This professor is to be commended for not damning with faint praise.

I do not have the temerity to deny the statement of the last-named professor. I never challenge the statement of any learned man. Sometimes I think it would be justifiable to question the words and wisdom of Professor Beeswax, the man without a summer, but further than that I would hesitate to go.

Our good friend Robert Burns thought it would be fine if we could see ourselves as others see us, and we have all quoted him with approval times without number. But would that really be a fine thing? I fear not. How distressed, discouraged, and dismayed we would be if we could see ourselves as this professor sees us. It would be simply terrible. Fortunately, the Speaker and the floor leader and the Democratic leader and the Socialist leader and the chairman of the Rules Committee and the Republican and Democratic whips would not be included, for they are not average Members of Congress—I mean they are above, not below—but the rest of us would be in an awful fix.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. KOPP. I gladly yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. I thank the gentleman for the compliment; I was about to reach the conclusion from the opinions expressed by these eminent professors that perhaps all of us were in the situation somewhat analagous to the individual described by another as being so very low that he could never hope to reach the plane of total depravity. [Laughter.]

Mr. KOPP. While the Census Committee is revising the Constitution of the United States, might it not be well for it to revise Robert Burns also?

While it is disappointing that we did not succeed in doing what we undertook to do by the amendment, yet we accomplished a most remarkable feat. In one respect we broke all records. For ages logicians asserted that no man could at the same time ride two horses going in opposite directions. Never again can that be said, for we have done it. Any body of men that can accomplish such a marvelous thing has a right to be proud of its achievements. But we should not stop there. We should seek to perform even greater and nobler deeds.

I ask your indulgence while I make a further brief observation on "the method known as the method of major fractions." The Census Committee took the view that there was only one known method of major fractions and for that reason referred to it in the bill as "The method known as the method of major fractions." The hearings and the report of the committee clearly show that the committee regarded Professor Willcox's plan as "The method known as the method of major fractions." I can not agree with the Census Committee, however, that there is only one method of major fractions. As I view it, there are at least three methods of major fractions, namely, the method of major fractions developed by Professor Willcox, the method of major fractions used in 1840, and the method of major fractions outlined by Daniel Webster in 1832. In either event, however, the requirement that "the method known as the method of major fractions" be used is clearly unconstitutional.

If the Willcox method of major fractions is the only known method of major fractions, then the requirement is unconstitutional because the Willcox method is unconstitutional; and if there are several methods of major fractions then the requirement is unconstitutional for the reason that in that event the Secretary of Commerce must exercise discretion and must select one of the several methods of major fractions. It is clearly unconstitutional to delegate such discretion to the Secretary of Commerce.

The way in which this bill flouts the Constitution is really delightful. Some years ago, a great American published a book on The New Freedom. This bill has a "new freedom" all its own. How can that be explained? Only by remembering that this bill also rises above principle. Apparently, it is thought that whatever we do in Congress will be sustained by the Supreme Court. Thirty years ago, as you will remember, one of the questions foremost in the public mind was whether the Constitution followed the flag. When Dooley was asked about this he said he did not know much about it, but that he had noticed that the Supreme Court always followed the Administration. As a witticism that was fine, but for legislative purposes it would hardly be a safe guide.

In this connection, I think I should make a reply to the statement frequently made that a bill like this one was passed in 1850. The truth is that the bill of 1850 was very unlike this bill. Under the bill of 1850 the duties of the Secretary of the Interior, who was the officer authorized to make the apportionment, were simply ministerial. Under that bill the Secretary of the Interior had no discretionary power whatsoever. Under that bill the Secretary of the Interior was neither required nor permitted to determine what constituted any particular method of making the apportionment. That bill did not name any method. The bill of 1850 clearly and definitely defined how the apportionment should be made. That bill fixed the number of Representatives at 233 and provided that the apportionment should be begun by dividing the aggregate population by the number 233 and that the product of such division should be the ratio or rule of apportionment. Nothing could have been clearer or plainer than the provisions of that bill. It absolutely limited the Secretary of the Interior to ministerial duties. The bill of 1850 did not require the Secretary of the Interior to begin by assigning one Representative to each State and then apportioning the remainder among the several States. The bill of 1850 did not contain a single one of the constitutional defects pointed out in this bill, and that means a world of difference between the two. It takes a strong imagination to claim that the act of 1850 was a precedent for the bill now before us. The act of 1850 can no more be cited as a precedent for this bill than a Sunday school convention could be cited as a precedent for a prize fight.

It has also been said that the method directed to be used in the present bill was used in 1910. That is incorrect and misleading. It is true that in 1910 Professor Willcox first presented his method, referred to by himself as a "novel method," to the Census Committee. The act of 1910 nowhere, however, recognized that "novel method." The Census Committee of that year listened to him and to others, adopted such suggestions as it thought wise, and then Congress made its own apportionment. No one was authorized to make an apportionment for Congress. The apportionment was in the bill itself. Congress completed the task. Let me say that by using the term "novel method" I mean no criticism. I readily concede that any method that squarely conflicts with the Constitution of the United States is entitled to be called a "novel method."

This bill is now pending in the Senate. Notwithstanding all its defects, this bill was reported favorably by the Senate committee without the dotting of an "i" or the crossing of a "t." Of course, the Senators of that committee well knew its constitutional defects. Never could you make me believe otherwise. They reported the bill without any change whatsoever simply to show their high regard for the House. It was a delicate compliment bestowed upon the House by gallant and chivalrous Senators.

In conclusion I call the proponents of this bill back to a defense of the Constitution. I ask you to join us in the great work in which we are now engaged. I beseech you not to enact a law that will blush for shame every time it meets the Constitution face to face. There is still time to return. An old familiar quotation, with a slight modification to make it accurate and truthful, fits this situation, and with that quotation I close:

> While yet the lamp holds out to burn
> The vilest sinner may return.

[Applause.]

Mr. FRENCH. I yield five minutes to the gentleman from Michigan [Mr. HOOPER].

Mr. HOOPER. Mr. Chairman, I have listened to this beautiful ex post facto exordium delivered by the gentleman from Iowa with the same delight that Members must have heard Proctor Knott many years ago when he was describing the beauties of Duluth. I am glad the gentleman paid his tribute to Michigan. I was fearful when he mentioned the name of Hon. CLARENCE MCLEOD, who did so much for reapportionment, that instead of quoting from Julius Cæsar he was going to quote Richard III and speak thus of my colleague from Michigan:

> Clarence hath come, false, fleeting, perjured Clarence.
> Who stabbed me near the fields of Tewkesbury.
> Seize him, ye Furies, take him to your torments.

but he did not; he referred to Mr. MCLEOD, Mr. MICHENER, and myself as the Cæsarian conspirators—reiterating stab after stab on Iowa's prostrate form.

The speech of the gentleman from Iowa was one of the finest literary treats I ever heard. He quoted from one of my favorite authors, Macaulay:

> Then none was for the party;
> Then all were for the State;
> Then the great man helped the poor,
> And the poor man loved the great.

I am going to give you something for Iowa from Michigan—something better than that, a sentiment from Macaulay also. In the years that are to come, after the smoke and tumult of the reapportionment battle have died away, when the Iowan warriors who battled so magnificently for the Constitution and against reapportionment shall take their grandchildren on their knees to tell them all about the war, and what we fought each other for, then, in that golden day, those other words of Macaulay will be appropriate:

> With weeping and with laughter
> Still is the story told
> How well Horatius kept the bridge
> In the brave days of old.

I have something else to commend to the gentleman from Iowa this afternoon. Let him, when he becomes gloomy over the wrongs heaped on Iowa, crushed and bleeding as she is to-day, reapportioned and dismembered beyond recognition; let him dip into English literature and revive himself and Iowa with this:

> In the fell clutch of circumstance,
> I have not wailed nor cried aloud;
> Beneath the bludgeonings of chance,
> My head is bloody but unbowed.
>
> It matters not how strait the gate,
> How charged with punishment the scroll;
> I am the master of my fate,
> I am the captain of my soul.

[Applause.]

Mr. AYRES. Mr. Chairman, I yield now to the gentleman from Louisiana [Mr. O'CONNOR] such time as he may desire.

Mr. O'CONNOR of Louisiana. Mr. Chairman and gentlemen of the committee, to use a bromide, the hour is growing late, and I shall not make any lengthy address to-day. In view of the concluding part of the splendid speech just now made by the gentleman from Michigan [Mr. HOOPER] in which he invoked Henley's spirit to come to his aid in answer to the gentleman who preceded him, I am tempted to say that years ago in the old Grand Opera House, of New Orleans, across the boards of which strolled some of the mightiest figures in the dramatic world, such as Booth and Barrett, Salvini, James, Marie Wainwright, Joe Wheelock, Modjeska, Rustin, Fannie Davenport, Joseph Jefferson, Mansfield, Ellen Terry, Julia Arthur, and a host of others, I saw a performance called A Milk White Flag, by Hoyt. It was a musical comedy and was quite the vogue in that day.

The purpose of it was to show that some military companies were organized purely for the purpose of maintaining officers in social position. The company was called the awkward squad, and was composed of a few broken-down, dilapidated-looking men who served as the military basis for the officers who paraded, arrayed in all the panoply of brilliant uniforms, gorgeous plumes, and headgear, and gained great prestige, social and otherwise, by their peace-time bellicose activities and high-sounding military titles. That insignificant circumstance gave a slant to my whole afterlife. The more I read of the United States standing Army, the more I came to the conclusion that it was in peace times largely for the purpose of supporting an upper ten who had high official title, and gained great social prestige therefrom. That viewpoint was largely accentuated by the fact that the enlisted men were poorly paid in that day, as they had no divine poet to sing them into immortality nor had they any statesmen to stand behind them, even though they were blood of the blood and bone of the bone of our country. Nor have conditions materially changed since then in so far as concerned that compensation which would make it an inviting field for young men to enter.

That thought was applicable to the United States Navy years ago and is, to a certain extent, applicable to it to-day. Gentlemen, we must pay those who enlist and are prepared to yield their lives as holocausts to their country's needs, if we expect hopeful, ambitious young Americans to enter the military and naval service. We passed the cruiser bill. It is in behalf of the national defense, but there is no use concealing the fact that it is in the interest also of the shipbuilders of the country. Some of the gentlemen in another body were indiscreet enough to talk about the languishing ship industry and the necessity for such a bill, and as long as the cat is out of the bag we may as well see him run. The bill, while in the interest of the national defense, and I am for the national defense, unquestionably makes for the profit of those that are already opulent, rich, great, powerful, and strong. What is going to be done to the men who in the last analysis might have to go to the bottom if those ships are ever called into fighting requisition. Has anyone ever thought of their status, the status of the man who enlists at $30 a month, but who will not participate in the benefits that are to flow from this legislation, which will enrich the shipbuilders and their employees and take care of those that are already well taken care of in the navy yards?

Mr. Chairman, I am glad that Mr. MORIN has introduced a resolution proposing an investigation by a joint committee of the pay of the men in the Army and the Navy from every standpoint, going down from the top to the bottom, and I hope that in behalf of the American Army and the Navy some thought will be given to the fellow whose glory has never been sung in the history of this country, the fellow who has to stumble to his death like a dog, maybe in the trenches, or go to the bottom, whose services are ill requited by a magnificently opulent country like this. Until that is done, cynics may be justified in looking with suspicion upon the so-called patriotic efforts of statesmen to build a national defense, the profits of which will go to those who need them not, while those who serve as the basis for that Army and Navy are uncared for, unthought of, and go through the entire journey of life unrequited of that which they ought to have during their living years.

I hope the joint resolution to which I have referred (H. J. Res. 349) will pass. Here it is:

Joint resolution for the appointment of a joint committee of the Senate and House of Representatives to investigate the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service.

Resolved, etc., That a joint committee to be composed of five Members of the Senate, to be appointed by the Vice President, and five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, shall make an investigation and report recommendations by bill or otherwise to their respective Houses, relative to the readjustment of the pay and allowances of the commissioned and enlisted personnel of the several services mentioned in the title of this joint resolution.

It exemplifies the truth of the Latin maxim, multum in parvo, for it indeed contains much in a few words, and is a harbinger of hope to the American Tommy Atkins and the young fellow who would be glad to take to the deck of a battleship as a career, or the barracks, if the pay at the beginning was sufficient to make him believe that the Army and Navy wanted as recruits men who have not abandoned all hope of making homes for themselves while wearing the uniform of their country.

"A cheap coat makes a cheap man," said the lamented McKinley, and small pay for soldiers, marines, and Navy enlists indicates a desire to secure cheap service in the lower grades, where the majority are, which is not the attitude that should be assumed by a Government of a country as rich as ours. Let the joint resolution be adopted. The appointment of such a committee as is provided for will make for that investigation which will strengthen the base of the Army and Navy by raising the hopes of the personnel through a just compensation, known as the living wage.

"I care not who writes the laws of a country if you permit me to write its songs," said Fletcher. I care not what laws you write or who are in the ascendency—Democrats or Republicans—if you permit me to write that American labor standards must be maintained in the only way they can be maintained, by a just wage for those that labor for us on land or sea. I am for national defense and for ships, which must include the boys on and below decks, if we are to maintain a Navy where hope, enthusiasm, and courage will be felt uniformly from bottom to top and not in spots and sporadically, as it were.

Give the Cæsars crowns and arches; let his brow the laurel twine, but don't forget the recruits. As my distinguished friend from Michigan, Congressman HOOPER, left off with the inspiring Invictus altered to suit his purpose and the occasion, let me call upon a bard for a line that will convey the thought that is struggling for expression in my mind.

Open my eyes to visions girt
With beauty and with wonder lit,
But never let me forget the dirt
And all that spawn and die in it.

Open my ears to music. Let
Me hear spring's first flutes and drums,
But never let me dare forget
The bitter ballads of the slums.

Mr. FRENCH. Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. ROY G. FITZGERALD].

Mr. ROY G. FITZGERALD. Mr. Chairman, on the 21st of January the junior Senator from Tennessee inserted in the RECORD the opinions of the Attorney General on questions put to him by the Director of the Veterans' Bureau, relative to the proper administration of the act for the retirement of disabled emergency officers of the World War, and on the 22d I addressed this House with reference to the administration of that act. This morning I received from General Hines, the Director of the Veterans' Bureau, a copy of the reply to his request of November 10, 1928, for opinions and interpretations by the Comptroller General, and at this moment I would like to have those who are interested in the administration of the act know that in compliance with a Senate resolution the director reported that on the 29th of January 8,053 applications for retirement of disabled veterans had been received, that 1,134 men had been retired with pay, and that 90 had been retired without pay. I have received the most heart-rending appeals from all over this country from 30 to 50 of the individual disabled veterans who complain about their treatment by the Veterans' Bureau. Veterans of 14 different States, Alabama, California, Georgia, Kansas, Massachusetts, Minnesota, Mississippi, Nebraska, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, and Texas have appealed to me for help. This morning came the appeal from Minnesota alluding to the "inhuman" conduct of the Veterans' Bureau. Now, we have this opinion at last of the Comptroller General, applied for on November 10, 1928, many months after the enactment of the law on May 24, and rendered at this late date.

I am hoping that administration of the act may now proceed and that there may be an end to the cause for complaints which have been made to me and, I presume, to all the Members of this House. I therefore ask unanimous consent to revise and extend my remarks by inserting in the RECORD the resolution of the American Legion, Department of Ohio, on the administration of the Veterans' Bureau and a portion of a letter in regard to its improvement and the opinion of the Comptroller General.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

Mr. GARRETT of Tennessee. Mr. Chairman, reserving the right to object, and I shall not object, I want to ask the gentleman from Ohio if he has given thought to the desirability of having printed as a public document the opinion of the Attorney General, which has been inserted in the RECORD in the Senate, and the opinion of the Comptroller General. Would he be desirous of having that done?

Mr. ROY G. FITZGERALD. I think it would be desirable. I may say that at private expense 5,000 copies of the opinion of the Attorney General have already been printed and distributed to those who are known to be directly concerned.

Mr. GARRETT of Tennessee. That ought to be sufficient.

Mr. ROY G. FITZGERALD. There ought to be added, however, the opinion of the Comptroller General, because, as was suggested on the floor of the House on the 22d of January, the Comptroller General was the court of last resort, and that there have been occasions when the Comptroller General adhered to his opinion as to the proper construction of the law not in accord with the opinion of the Attorney General.

Mr. W. T. FITZGERALD. Will the gentleman yield?

Mr. ROY G. FITZGERALD. Certainly.

Mr. W. T. FITZGERALD. Would it take care of the dissatisfaction of the veterans of the World War in regard to some decisions as to rating, particularly some in which they are not 10 per cent disabled and therefore they are not entitled to remuneration? I might say further; take a diabetes case, absolutely incurable, where life may be prolonged for several years; that is, since the discovery of insulin and allied products. Now, to my mind, a man who has once had diabetes is never a man

who can make his way in the world. I have had letter after letter in which they say they have 2, 3, or 4 children, in which they ask for help, and they are not people who get much.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FRENCH. I yield the gentleman two additional minutes.

Mr. ROY G. FITZGERALD. In reply to the gentleman I may say the text of the law seems plain to me, and it seems plain to many others, but the minds of those who are called upon to administer it are filled with doubts. My friend may read in to-morrow's RECORD the opinion of the Comptroller General. He will find that some cases similar to that he has presented have been considered. But I do not know of the rulings on diabetes. The law provides that there shall be retirement on three-fourths pay of the disabled veteran officer who, because of and in consequence of his military service, was disabled, and at the date of the passage of the act or within one year after could be found to have been or to be 30 per cent or more permanently disabled.

Now, the degree of disability is one for doctors and men of good judgment to determine. Doctor Dunham, of Cincinnati, an eminent authority on tuberculosis, said in testifying before the Committee on World War Veterans' Legislation that any man with an arrested case of tuberculosis of the lungs is at least 25 per cent permanently disabled. Diabetes presents a like problem, to be solved in accordance with medical experience.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio to extend his remarks in the manner indicated. [After a pause.] The Chair hears none.

Mr. ROY G. FITZGERALD. When I addressed the House on this subject on January 22, some of the Members took occasion to criticize the regional offices of the Veterans' Bureau. There has been reason for such criticism. Here is the resolution of the Department of Ohio of the American Legion, adopted at the tenth annual convention August 19 to 21, 1928:

Whereas the rehabilitation of our wounded and those who are sick and suffering because of their service to our country in the Great War is the most sacred duty and solemn obligation of the American Legion; and

Whereas though we recognize that the major portion of the officials of the Veterans' Bureau are performing their duties ably and well, yet it is established that certain officials in our regional offices manifest a degree of harshness, lack of sympathy, and kindliness to claimants; that delays occur in the examination of claimants and a definite interpretation of the claimant's condition is prolonged to unreasonable length, bringing upon the claimant suffering, misery, and sometimes death before care is given him; that many of our unfortunate comrades have become discouraged, heartsick, and convinced that they are victims of ingratitude; that all too often claimants are regarded with suspicion, are accused of moral dishonesty, and are frequently ordered to give proof of service connection with present sickness that is humanly impossible to produce; and

Whereas the act creating the bureau admonished its administrators to give liberal interpretation of the act to the benefit of the claimant and the national director of the bureau has admonished all regional officials to comply with the spirit and intent of the act in this respect, with the thought that no proper claimant should be wronged: Be it therefore

Resolved by the Tenth Annual Convention of the American Legion, Department of Ohio, That any harsh or unfeeling attitude on the part of any official of the Veterans' Bureau toward a claimant be most unqualifiedly condemned; that delays in the examination and treatment resulting in further suffering and injury to the claimant are heartless and inhuman; that every possible effort be made to eliminate red tape and bureaucracy in our Nation's treatment of our unfortunate comrades; and that the most liberal interpretation be given to every case, to the end that injustice be not done.

There has, however, been improvement, for on November 21, 1928, I received a letter from a disabled veteran, from which I quote:

MY DEAR CONGRESSMAN: Deeply appreciating the effort you have already shown in my case, I am again coming to you with the latest developments.

Following your letter to * * * regional manager, you were no doubt informed that the applicant was in * * * for examination on October 12, and was under orders to report back on November 19. As per schedule, I reported there yesterday, November 19, and for the first time since I have been before the Veterans' Bureau I received sympathetic attention from everyone with whom I came in contact. For this "human" treatment I am pleased to give you the credit.

Here is the letter which I received this morning from the Director of the Veterans' Bureau and the opinions of the Comptroller General:

UNITED STATES VETERANS' BUREAU,
OFFICE OF THE DIRECTOR,
Washington, February 6, 1929.

Hon. ROY G. FITZGERALD,
House of Representatives, Washington, D. C.

MY DEAR MR. FITZGERALD: With further reference to my letter of January 19, 1929, forwarding for your information two opinions from the Attorney General of the United States, each dated January 18, 1929, in which he construes the emergency officers' retirement act of May 24, 1928 (45 Stat. 735, 736), you are advised that I have just received a decision from the Comptroller General, dated February 4, 1929, covering three of the questions passed upon by the Attorney General.

As the decision of the Comptroller General sets forth in full my submission, preliminary to passing upon the questions presented, the decision is self-explanatory.

For your information I inclose copy of the decision. A copy of this letter is also inclosed for your use.

Very truly yours,

FRANK T. HINES, *Director.*

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, February 4, 1929.

The DIRECTOR UNITED STATES VETERANS' BUREAU.

SIR: There has been received your letter of November 10, 1928, as follows:

"I have the honor to refer to your decision of August 3, 1928, in response to my letter of July 26, 1928, in which there was considered the authority of the bureau to pay traveling expenses incident to necessary examinations of claimants for benefits under Public, 506, Seventieth Congress, 'An act making eligible for retirement under certain conditions officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in service of the United States during the World War.'

"In deciding that the appropriations for the Veterans' Bureau are available for expenses incurred incident to necessary examinations for applicants under this legislation to the same extent and for the same purposes as other beneficiaries of the bureau, you held further:

"'It is apparent the intent of the act is that only those who have a permanent disability entitling them to a rating of 30 per cent or more under the schedule of ratings are entitled to retirement under the act of May 24, 1928, and if in any case the description of the disability upon which an award has been made by the Veterans' Bureau suggests that the disability may now be less than 30 per cent, it is competent for the director, in his discretion, to require the medical examination provided by the World War veterans' act in order that the rating accorded may be "in accordance with law."'

"Prior to the receipt of this decision the language limiting the benefits of this act to those 'who have been, or may hereafter, within one year, be rated in accordance with law at not less than 30 per cent permanent disability by the United States Veterans' Bureau for disability resulting directly from such war service,' had been construed by the general counsel as follows:

"'Inasmuch as the present act (lines 7 and 8, p. 1) contains the phrase, "who have been or may hereafter," it is believed that where an officer has a disability in line of duty resulting directly from his military service on account of which he received a 30 per cent permanent partial-disability rating prior to the passage of the act, he would be entitled to appropriate benefits of the act, even though since the passage of the act he has been rated less than 10 per cent permanently disabled.'

"A diversion of opinion, however, existed in the bureau on this matter, and the procedure established was based upon the theory that the intention of the legislation is that a previous rating of 30 per cent permanent, which was later reduced to less than 30 per cent permament, should be considered as an erroneous rating, and therefore not one which would entitle an officer to the benefits provided. Your decision of August 3, 1928, has been regarded as confirming this construction and the bureau has continued to act on the theory that a permanent disability of not less than 30 per cent must exist now, or within one year after the enactment of the legislation, before an ex-officer may be extended the benefits of retirement pay thereunder, and that in order to determine the present existence of such 30 per cent permanent disability reexamination would be necessary, except in the following cases:

"(1) Whenever the officer whose compensable disability, directly connected with service and incurred in line of duty, results from amputation, enucleation, organic blindness, organic deafness, organic loss of speech, fractures, scars, peripheral of cranial nerve injuries, disfigurements, or ankyloses.

"(2) Whenever the officer has had a complete physical examination by a board of three physicians (as required for permanent ratings under the regulations governing the Veterans' Bureau) within a period of 90 days.

"It is my belief that this is a reasonable interpretation of the provisions of the law and that your decision of August 3, 1928, is in substantial agreement therewith.

"In view, however, of the fact that your decision of August 3, 1928, was primarily directed at another phase of this matter, reconsideration is requested with particular reference to the following questions:

"(1) In a case where an officer has heretofore been rated 30 per cent permanently disabled for disability incurred in line of duty directly resulting from war service, and the file now shows that the rating was in error under the law or the facts, or both, may the bureau reexamine and rerate the applicant?

"(2) Where an officer has heretofore been rated 30 per cent or more permanently disabled for a disability incurred in line of duty directly resulting from war service and such rating was correct under the law and the schedule of disability ratings in effect at that time, but such rating would not be the same under the schedule of disability ratings in effect at the present time, is there authority to place the man on the retirement list on the strength of the former rating, or must a rerating be made under the present disability-rating schedule?

"In this connection consideration should be given to the change in the law governing the principles of disability ratings effected by the act of June 7, 1924, which introduced the principle of ratings based on impairment in earning capacity in occupations similar to the occupation at time of enlistment, and to the fact that the formal rating schedule thereunder was not put into effect until January 1, 1926, the schedule in effect prior to June 7, 1924, being used in the interim in conjunction with instructions to the rating authorities to apply the old schedule in the light of the law itself pending the promulgation of the new schedule. Since January 1, 1926, there have also been promulgated several extensions to that schedule of disability ratings which have caused distinct variations in ratings of individual cases on the identical disability; for example, due to a revision in the occupational variants for students, a man who has heretofore been assigned a variant as a student because he was engaged in the study of law at the time of his entrance into the military service is now under extension No. 5, dated June 29, 1928, assigned a variant as a lawyer, the use of which in the evaluation of some disabilities will bring the degree of rating for exactly the same disability below 30 per cent. Is the bureau authorized to take the rating in effect at the time of the enactment of the law which would bring him within the terms of the legislation, or must the amended schedule be applied? Conversely, where a change in occupational variant or other rating element subsequent to the enactment of the law would bring the same disability to a rating of more than 30 per cent permanent, is the bureau authorized or required to rerate the applicant under the amended schedule so as to bring his rating up to 30 per cent and give him the benefits of the retirement law?

"(3) In a case where an officer has been rated 30 per cent or more permanently disabled under the laws, regulations, and schedules of disability ratings in effect at the time the rating was made, for a disability incurred in line of duty directly resulting from war service, but the evidence now shows that he is not at the present time permanently disabled to a degree of 30 per cent or more, must the old rating be accepted and the benefits of the retirement act be accorded? Or should he be reexamined and rerated under the law and schedule of disability ratings in effect on May 29, 1928, or that in effect on the date of administrative determination? (See decisions of your office in the case of Edward L. Marthill, C-405,236, dated October 2, 1926, and January 7, 1927.)"

In the decision to which reference is made, the question for consideration was whether the appropriations for the Veterans' Bureau available for travel expenses of claimants for the benefits accruing under the World War veterans' act might be used to pay transportation and travel expenses of applicants for retirement to secure physical examination. In reaching the conclusion that the appropriations were available for payment of transportation and travel expenses for applicants for retirement under the act of May 24, 1928, it was necessary to conclude that a physical examination in some cases was necessary, and that the mere fact that the records of the Veterans' Bureau showed that at some time in the past a rating of 30 per cent, or more, disability had been given a former officer; but upon subsequent examination a less degree of or no disability was found and the record had been corrected to show the true facts would not entitle the officer to retirement. Extended discussion as to the basis for reaching such a conclusion was not deemed necessary, as that conclusion was in consonance with the conclusion reached by you and that was the reason for the submission.

If the strict literal language of the quoted phrase were the only guide as to the description of the beneficiaries it might include anyone who, whether by mistake or otherwise, had ever received a rating of physical disability of 30 per cent or more in the Veterans' Bureau under either or any of the schedule of ratings ever employed by the bureau, and who subsequently, under the authority of the Veterans' Bureau to reexamine beneficiaries, had been later correctly rated with a less degree of disability, or with no disability, might now be required to be placed on the retired list created by the act of May 24, 1928, to receive retired pay for life. In such circumstances there might be one or many, with no present disability, awarded retired pay for life, while one or many with permanent disability rated at 29 per cent would necessarily be denied any retired pay. In many cases it is understood no benefits are now being paid persons who soon after the war had ratings equal to, or in excess of, 30 per cent disability, so that the retired pay to be paid them under the act of 1928 would not in fact "be in lieu of" any disability compensation they are now receiving. The act extends its benefits to the former officers therein described—

"* * * who during such service have incurred physical disability in line of duty, and who have been, or may hereafter, within one year, be rated in accordance with law at not less than 30 per cent permanent disability by the United States Veterans' Bureau for disability resulting directly from such war service: * * *"—

and in addition to other benefits provides that former officers so placed on the retired list therein created—

"* * * shall receive from date of receipt of their application retired pay at the rate of 75 per cent of the pay to which they were entitled at the time of their discharge from their commissioned service, except pay under the act of May 18, 1920: *Provided*, That all pay and allowances to which such persons or officers may be entitled under the provisions of this law * * * shall be in lieu of all disability compensation benefits to such officers or persons provided in the World War veterans' act, 1924, and amendments thereto, except as otherwise authorized herein, and except as provided by the act of December 18, 1922: * * *."

Section 302 of the war risk insurance act of October 6, 1917 (40 Stat. 406), provided a schedule of payments for total disability and for a percentage of such payments if the disability is partial, and required that a schedule of ratings of reduced earning capacity from specified injuries or combinations of injuries of a permanent nature should be adopted and applied by the bureau. By section 305 it was provided:

"That upon its own motion or upon application the bureau may at any time review an award, and, in accordance with the facts found upon such review, may end, diminish, or increase the compensation previously awarded, or, if compensation has been refused or discontinued, may award compensation."

That provision has been continuously in the law, although amended from time to time, the present provision for reviewing an award being contained in section 205 of the World War veterans' act (43 Stat. 622), which was quoted at length in decision A-23876, August 3, 1928, referred to by you. This provision clearly assumes not only that awards may have been made of permanent partial disability which time has shown was either temporary or susceptible of improvement but also that awards might be improvidently made or made as the result of undetected malingery. In any such case where a rating was incorrectly accorded the former officer of 30 per cent or more permanent disability, it is competent for the director to review the award and accord a rating which will correctly show the present condition of the beneficiary.

As to the beneficiaries intended by the act of May 24, 1928 (see S. Rept. 115, 70th Cong. 1st sess., to accompany S. 777, which became the act of May 24, 1928), where the committee made the following statements as to the purpose and effect of the bill:

"The bill provides retirement pay of 75 per cent of the compensation paid at time of discharge from active service to emergency Army officers who incurred permanent disability of 30 per cent or more as a result of their service during the World War.

"It is believed that this degree of disability in the keen competition of civil life is, on the average, the equivalent of the 'incapacitated for active service,' which is the basis of retiring officers from the Regular Establishments on account of disability.

"The number of disabled emergency Army officers to be benefited by this proposed act, together with its costs, are shown in the appended letter and table from the Director of the Veterans' Bureau dated January 19, 1928, which are made a part of this report."

In House Report 1082, Seventieth Congress, first session, to accompany S. 777, the following statement is found:

"Your committee points out that the Senate act (S. 777) includes those disabled emergency officers of the Navy and Marine Corps, 201 in number, who did not obtain retirement under the act of June 4, 1920. The increased annual cost under this amendment will be $117,624.

"In all other respects the text of S. 777 is similar to that of H. R. 500, which was favorably reported by this committee on January 20, 1928, perfected copy of which report follows and is made a part of this report:

* * * * * * *

"The bill provides retirement pay of 75 per cent of the compensation paid at time of discharge from active service to emergency Army officers who incurred permanent disability of 30 per cent or more as a result of their service during the World War. * * *

* * * * * * *

"The number of disabled emergency officers to be benefited by this proposed act is estimated by the Director of the United States Veterans' Bureau, under date of March 21, 1928, to be 3,251. This increase over previous estimates is in part due to the operation of the new rating schedule recommended by this committee and authorized by the Sixty-eighth Congress, in part due to the fact that the physical

condition of these older disabled officers has been gradually breaking down under the handicaps of their war-incurred disabilities, and in part due to the inclusion of 185 naval officers and 16 Marine Corps officers not already retired.

* * * * * * *

"The increased annual cost to the Government, based upon the figures of the United States Veterans' Bureau, is $2,294,265, being the difference between the amount to be paid under this bill, $5,136,225, and in lieu of the amount the 3,251 are now receiving as compensation $2,841,960. The death rate of these men disabled in war is high, more than 125 deaths having occurred during the year 1927. Therefore, it is obvious that when this act becomes operative its cost should diminish rapidly.

* * * * * * *

"To relieve the War Department of the, to it, objectionable necessity of disbursing from its funds money not applicable to strictly military purposes, the bill provides that the administration of the act be committed to the United States Veterans' Bureau, which has the complete medical records of the beneficiaries. * * *."

All discussion was on the basis of former officers who were permanently disabled as the beneficiaries of the act; in other words, former officers who under the World War veterans' act (including the authority of the Veterans' Bureau to review an award under the statutory provisions cited above), were permanently disabled to an extent of 30 per cent or more and who were otherwise within the act.

The language cited defines and limits the beneficiaries under the act, with the further qualification that the disability shall have been, or shall be, rated by the Director of the Veterans' Bureau at 30 per cent, or more, in accordance with law, i. e., in accordance with the schedule of ratings in effect on the date of the act for awarding compensation under the World War veterans' act, and it is thus clear that the mere rating of a particular percentage of disability under any scheme of rating at any time in effect was not designed to be the test of the right to retirement under the act of May 24, 1928. Until the requisites for retirement under the act have been established in a particular case, the applicant for retirement continues to be a beneficiary, or an applicant for benefits, under the World War veterans' act; the act of May 24, 1928, does not suspend the application of the World War veterans' act as to persons prima facie coming within the terms of the retirement act; until the person has been retired under the terms of the act, he continues to be subject to the provisions of the World War veterans' act, including the provision of law authorizing the bureau to reexamine and rerate beneficiaries of the World War veterans' act.

On the foregoing premise your several questions will be answered in their order, the answers in each case being predicated on the assumption that the Director of the Veterans' Bureau, in the exercise of his discretion, and on the evidence available to him, has determined in a given case that the present records sufficiently suggest error to warrant a reexamination.

1. Yes.

2. The second paragraph of subdivision (4) of section 202 of the World War veterans' act, 43 Stat. 618, provides:

"A schedule of ratings of reductions in earning capacity from injuries or combinations of injuries shall be adopted and applied by the bureau. Ratings may be as high as 100 per cent. The ratings shall be based, as far as practicable, upon the average impairments of earning capacity resulting from such injuries in civil occupations similar to the occupation of the injured man at the time of enlistment and not upon the impairment in earning capacity in each individual case, so that there shall be no reduction in the rate of compensation for individual success in overcoming the handicap of an injury. The bureau in adopting the schedule of ratings of reduction in earning capacity shall consider the impairment in ability to secure employment which results from such injuries. The bureau shall from time to time readjust this schedule of ratings whenever actual experience shall show that it is unjust to the disabled veteran."

The rating must be in accordance with law, and the law in effect May 24, 1928, is the law contemplated by the act by which is to be tested the question whether the rating is in accordance with law. On the facts suggested a rerating should be made under the disability rating schedule in effect May 24, 1928. In the matter of retirement, equality of treatment for the same disability, other requisites being established, requires that all claims be rated under the same schedule, the one in effect May 24, 1928, pursuant to law; otherwise some former officers would be retired and others having identical disabilities, would not be retired. The law contemplates equal treatment for all otherwise within the law having the same degree of disability under the applicable rating schedule.

3. It is assumed that the date "May 29, 1928," was inadvertent and that May 24, 1928, the date the act providing for retirement of disabled emergency officers became effective was intended, and answer will be on that basis. All beneficiaries of the Veterans' Bureau were required by section 202 (4) of the act of June 7, 1924, to be rated on the schedule of ratings therein directed to be adopted. Section 202 (4) of the act of June 7, 1924, directs that "A schedule of ratings of reductions in earning capacity from injuries or combinations of injuries shall be adopted and applied by the bureau." It will be observed that the enactment requires not only the adoption of schedule of ratings, but also their application, i. e., that the schedule shall be put into effect; and if to put such schedule into effect required examination, the rating would not be in accordance with law until such examination had been had. It is understood that has been the administrative procedure and the law was being so administered when the act of May 24, 1928, was passed. The old ratings were not, therefore, for the purpose of the retirement act, "in accordance with law," and in any case where the description of the injury or disability or other evidence available to the bureau suggests that the application of the new schedule of ratings may affect the percentage of disability, a matter for the exclusive determination of the Director of the Veterans' Bureau, the rating is not in accordance with law, a rerating is required, and the schedule of ratings in effect May 24, 1928, should be followed. The decisions cited relate to the effective date of an increase in compensation resulting from a rerating under the schedule of ratings put into effect under the act of June 7, 1924. In a degree the status of the beneficiaries of the act of May 24, 1928, is changed. Their right to compensation under the World War veterans' act ceases after retirement, and from the date of receipt of their application for retirement in the bureau they are to be placed on the retired list therein created and are entitled to retired pay based on their commissioned rank at date of discharge from their war service. The percentage of disability should be determined under the schedule in effect on the date of the act, that all in the same situation should be treated with exact equality. For the purpose of retirement, the rating is required to be in accordance with the law as of that date.

What is here said, of course, has no application to the decisions cited by you in this connection.

Respectfully,

J. R. McCARL,
Comptroller General of the United States.

Mr. FRENCH. Mr. Chairman, I have one or two gentlemen on my list to speak. May I ask the gentleman from Kansas if he has any more requests?

Mr. AYRES. I have one Member here. He would like to extend his remarks by reading a short article. I yield five minutes to the gentleman from South Carolina [Mr. HARE].

The CHAIRMAN. The gentleman from South Carolina is recognized for five minutes.

Mr. HARE. Mr. Chairman, I hold in my hand a short, unsigned tribute which appeared in the Jasper County Record, at Ridgeland, S. C., October 11, 1928. The tribute is to the surroundings, life, character, and services of Miss Mary M. Colcock, who has taught for 52 successive years in a one-teacher school at McPhersonville, S. C., and I ask to extend my remarks by inserting same in the RECORD.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HARE. Mr. Chairman, bumping slowly along the rough little country road out of Yemassee, S. C., through the glaring sunshine of Indian summer, one stops involuntarily as sudden cool shadows fall athwart the white, sandy road. It is like stepping without warning from a humdrum work-a-day into fairyland, getting into the wee town of McPhersonville. Here and there on either side are great picture-book gates and at the end of the long avenue leading from each gate is a low, rambling, white house.

A little pebbly singing brook gurgles happily along one side of the white road. Gen. Stephen Elliott and Capt. Thomas Hegenin, gallant defenders of Fort Sumter, were small boys in McPhersonville. They waded in this same brook and tracked their small footprints over the well-scoured pine floors of these rambling old houses. They must have scooped up this same white sand to feel it trickle coolly through their childish fingers. They doubtless many times stretched their length on the brown carpet of sweet pine needles to listen to the music of the winds passing through the long, leafy trees.

There is a little Episcopal chapel beside the road and farther back in the pines, the old Stoney Creek Presbyterian Church, of which the father of the first Mrs. Woodrow Wilson, the Rev. Edward Palmer Axson, was one time pastor. It was while the Axsons lived at McPhersonville that little Ellie Lou, who was to grow up to be the first lady of the land, took her first steps. And it was Mrs. Glover who still lives at McPhersonville with her three daughters, one of whom, Miss Julia Lestarjette Glover, is a well-known writer of children's stories, who cut off little Ellie Lou's long baby dresses and made them shorter.

On the books of this famous old church, whose architecture is particularly beautiful, is also recorded the marriage of the parents of Theodore Roosevelt. This marriage, which was to give to the world the colorful figure of Theodore Roosevelt, took

place at Roswellville, Liberty County, Ga., and the ceremony was performed by the Rev. James Dunwoody, cousin of the family and, at the time, pastor of Stoney Creek Church. It was his custom to record all marriages on the books of his church, and that is how the Roosevelt marriage came to be recorded in the books of Stoney Creek Church.

Few people of this section know about Miss Glover, the writer of children's stories, so quietly does she live in this little place. And yet she has written hundreds of stories which have delighted thousands of children. She has also written two books, Hilda's Sowing and Children of Grey Court. Her sister, Miss Emily Glover, has also written a few stories for children and some poems.

Next to the Glover home, tucked away into the pines, is the home of Miss Mary Mellicent Colcock, who has just resigned after teaching in the McPhersonville School for 52 successive years. When the school bell rang Monday morning it was the first time in 52 years that Miss Colcock was not in her tiny schoolhouse at McPhersonville awaiting her handful of pupils. She sat on the porch of her old-fashioned, clapboarded, white-washed home at McPhersonville and rocked back and forth, looking wistfully through the pines to where her little deserted schoolhouse gleamed whitely in the early morning sunshine. Her thin, white, blue-veined hands moved restlessly on her lap. "I don't know what to do with myself," she laughed gently. "It seems so strange, the school bells ringing without me." She was immaculate in her black skirt, high neck, long-sleeved, old time shirt waist with a tiny black ribbon around her collar. It was though she had forgotten and dressed for school.

Miss Colcock has retired and the McPhersonville school children are being transported to the Yemassee school, a distance of about 4 miles.

Fifty-two years of teaching have stooped the shoulders of this diminutive lady, brushed her hair with silver, and etched lines of understanding in her gentle, high-bred face. Yet youth looks out of her eyes. Perhaps she is young in soul because she has lived with youth so long; perhaps it is because, in this quiet, beautiful place she has been able to keep her dreams. It is certain, at least, that life has laid gentle hands upon her. It has not wrung her, broke her, or left marks of violence upon her. She has been one of life's darlings, this wee, gentle old lady, for it has set 73 years upon her head and left her looking like a rare old painting in a silver frame.

Everybody who has gone to school in McPhersonville since 1876 Miss Colcock has taught. How many of them there has, even she does not know. There are doctors, lawyers, writers, business men and women. They remember her from time to time, and on the occasion of her 50th anniversary of teaching she received a substantial purse as material evidence of the memory of those she had taught.

Miss Colcock was born in Charleston, S. C., and came to McPhersonville, the summer home of the rice and cotton planters of the coastal country, to conduct a private school. A year or so later this was made a public school and Miss Colcock continued to teach it. She says that she first came in April of 1876, and then left when the political situation in South Carolina became so intense and went to Hendersonville, where she remained until after the election in November, when she returned to resume her school duties.

Miss Colcock holds the record for continuous teaching in one place in South Carolina and probably in the United States. A bill has been introduced in the South Carolina Legislature by Representative W. H. Lightsey, of Brunson, whereby, if passed, she will receive a pension of $50 per month for the remainder of her life. She lives alone with a sister, 11 years younger, and a cousin, who is in her sixties and confined to her bed. They bemoan the fact that there is no young blood in the family; no nephews nor nieces—nothing at all that is young, they say.

Their home, like the dozen others of this quaint little peaceful place, sits back from the road, up a winding path that runs through sweet-smelling singing pine trees. Through open windows and doors there are glimpses of old-fashioned sofas, quaint old whatnots of a day gone by, beautiful old tables, and delicate slender-legged chairs. It is like a page out of a story book, this little place and its bent, white-haired, young-eyed, tiny lady, who for more than a half century taught the youth of the community.

Here at McPhersonville is utter peace, quiet, and solitude. There is no sound except a bird's plaintive cry and the brook's contented babbling and perhaps the thin music of a cow's bell in the distance. The likeness of the place, hidden away from the world in the fastness of its tall pine trees, may not be found for many days' searching. It is a place where one might find balm for a wounded spirit, surcease for a troubled mind, or rest for a weary body. Once here, the problems of the world that go on just 4 miles away are of no consequence. The beauty and solemnity of being wraps one around. It is as though cool fingers soothed away the fevers of life.

It is not strange that so much romance is to be found in this quaint, still, little place—rather, it is to be expected. The best blood of the country has gone into the making of the place. The culture and high courage and fineness and dauntless spirit of these people, long since dust, permeate the place like a subtle perfume. Small wonder it is that here have been bred men and women who have held their torches high.

Mr. AYRES. Mr. Chairman, I yield to the gentleman from Alabama [Mr. ALLGOOD] two minutes.

The CHAIRMAN. The gentleman from Alabama is recognized for two minutes.

Mr. ALLGOOD. Mr. Chairman, I wish to read a resolution:

Resolution

Whereas the Goodyear Manufacturing Co. has located a mammoth plant at Gadsden, Ala.; and

Whereas with the development of this entire section it is highly desirable that the Coosa, Tallapoosa, and Alabama Rivers be developed at the earliest practical moment to meet the situation: Therefore be it

Resolved by the executive committee of the Mayors Association of Alabama, That they go on record as urging Congress, through the Alabama delegation, to complete this work at the earliest practical moment to meet the growing demands of this section.

HARRY T. HARTWELL, *President.*

Adopted.

M. L. ROBERTSON, *Secretary.*

Mr. Chairman and gentlemen, on account of the locating of the Goodyear tire and rubber plant at Gadsden additional post-office space is sorely needed, and I am presenting an article from the Gadsden Times, also a letter from the postmaster addressed to me with copy of letter he addressed to the Supervising Architect. The demand for more post-office space is urgent at this time. With the industrial development of our section making great strides, the improvement of our waterways must more and more have the attention of Congress.

The matter referred to is as follows:

RECEIPTS JUMP IN PAST MONTH AT POST OFFICE—GAIN OF 20 PER CENT IN JANUARY OVER 1928 MONTH

The Gadsden post office made a gain of 20 per cent in its January receipts, as compared to the same month a year ago.

The net gain was $1,055.31 for the month, which is regarded as very good by postal authorities. The gain for December was high, and it is expected that February will show another big gain. By summer it is believed the increase in receipts will have grown to large proportions, for by that time several thousand persons will have been added to the population of Gadsden.

UNITED STATES POST OFFICE,
Gadsden, Ala., February 5, 1929.

Hon. M. C. ALLGOOD,
Washington, D. C.

DEAR MR. ALLGOOD: You will find herewith copy of letter to Supervising Architect. The time has come when the Government has either got to enlarge the building or rent a building so that we can have adequate space in which to work the mails. The present building was designed and erected before the days of parcel post and C. O. D. packages, and we were already crowded to capacity before the announcement of the Goodyear Tire & Rubber Co. plant at this place. I hope you will take such action as will be necessary to get the required appropriation for the erection of an annex to the post-office building.

Yours truly,

THOS. H. STEPHENS, *Postmaster.*

TREASURY DEPARTMENT,
OFFICE OF THE CUSTODIAN,
Gadsden, Ala., February 5, 1929.

SUPERVISING ARCHITECT,
Treasury Department, Washington, D. C.

DEAR SIR: Owing to the location of the Goodyear tire and rubber plant at this place and the erection of a steel-plate mill by the Gulf State Steel Co., there is a great influx of people and several smaller industries are locating here. It is estimated by the chamber of commerce and others that the population of Gadsden will double, or increase 100 per cent within the next 12 months. The workroom in the post-office building is taxed to its capacity with the incoming and outgoing mails and the present working force, all of which will materially increase within the next few months. It will therefore be necessary to provide more space in the workroom of the post-office building to take care of the increased mails, furniture, and working force at the earliest date possible.

Yours truly,

——— ———, *Custodian.*

Copy to First Assistant Postmaster General.

Mr. AYRES. Mr. Chairman, I yield three minutes to the gentleman from Missouri [Mr. NELSON].

The CHAIRMAN. The gentleman from Missouri is recognized for three minutes.

Mr. NELSON of Missouri. Mr. Chairman and members of the committee, just about a year ago I read in this House a letter from a mother in my district, Mrs. Minnie G. Short, mother of Roger Leslie Short, who lost his life in the sinking of the *S–4*. To-day it seems, judging by what I have just read in an Associated Press dispatch, that this mother's prayers are about to be answered. I now read in part from that letter of a year ago:

> Nothing can bring back my precious boy to me. I know that, but I hope that out of all this discussion there will come something that will make it safer for the other brave boys who go down to sea for Uncle Sam. I wish you could read some of the letters I received from other mothers who have boys in the Navy and whose hearts are always filled with dread. They know my sorrow, and I know their dread of what may happen to their boys. I know these dear mothers feel as I do. They are not thinking about blaming any one; they are concerned with the increased safety of our American boys who are on their country's ships.
>
> I hope, Mr. NELSON, that the investigation will be a thorough one and will in so far as possible result in preventing another such awful catastrophe as that which robbed me of a loving son.

Because I know so much of this matter and because this brave boy was one of my constituents, I am pleased to read in the daily papers that the Government is using this same submarine, the *S–4*, which was the grave of so many noble boys, to add to the safety of those who go down into the deep. Yesterday, by means of the so-called "safety lung," three men were able to escape from the submersible, from a depth of 40 feet of water. As this device is being perfected and its dependability demonstrated, the prayers of a devoted and patriotic mother are being answered.

I read the following statement from an Associated Press dispatch in the Evening Star:

> If these Navy tests prove successful—Lieutenant Commander Dunbar said—there will have been discovered a protection against a catastrophe such as befell the *S–4* December 17, 1927, when 40 men lost their lives.

May I add that I have hope that the Congress is yet to do fitting honor to the memory of those who lost their lives in the sinking of the *S–4*, and to show in a substantial way our appreciation of their work and worth. Personally, I should like to see pensions for the mothers or other dependents of all the men who lost their lives in that terrible disaster, and I want to see the prayer of Mrs. Short answered in the fullest and finest way. We are warranted in entertaining such a hope, for who can measure the power of a mother's prayer! [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. SUMMERS of Washington. Mr. Chairman, I want to bring to your attention a bill which I introduced two or three days ago to correct a condition that exists in the Interstate Commerce Commission.

Serious and just criticism has been made of the Interstate Commerce Commission in recent year because of its delay in deciding cases and its failure to keep its work upon a current basis. This criticism has applied more particularly to the cases involving complaints against freight rates. The commission has endeavored to meet this situation by increasing its force of examiners and devising means for expediting their work. These efforts have produced results, for in the calendar year 1928 the commission ended the year, for the first time in several years, with fewer cases pending on its formal docket than at the beginning. It is also seeking a slight increase in its general appropriation for the year ending June 30, 1930, in aid of further efforts along these lines.

It is believed, however, that the difficulty which the commission has experienced in keeping abreast of its steadily growing work can also be attacked with great advantage in another way. The problem is one of efficient organization and administration. At present a very heavy burden of detailed work falls upon the commissioners. The commission is authorized by section 17 of the interstate commerce act to assign work to divisions made up of not less than three commissioners, subject to a right of appeal to the commission, but this is the limit of its power in the assignment of duties. For the decision of every formal case, therefore, as well as for many other duties, at least three commissioners are in the first instance personally responsible.

The number of these formal proceedings, involving such matters, among others, as rates, service, valuation, security issues, certificates of public convenience and necessity, and mergers, is so great that an enormous amount of time is consumed in the hearing of arguments, the reading and studying of proposed reports, exchange of memorandums, conferences, and similar work; and much of this work must now be done outside of office hours if it is to be done at all.

The load upon the commissioners is so heavy, in short, that not only is there danger of congestion at the top after the staff of the commission has done all the work that can now be delegated to it but the commissioners are prevented by this very burden of detailed work from giving all the time and attention which they ought to give to the larger transportation questions which are of really vital importance to the country. Furthermore, analysis of this detailed work for which the commissioners are now personally responsible in the first instance shows that many of the cases are of very trifling consequence from a national point of view, although they may be and often are difficult to decide. For example, there are many formal cases which involve only an interpretation of freight tariffs, or whether shipments were misrouted, or whether reparation should be awarded on a few isolated shipments or even on the movement of a single car. The procedure before the commission is so simple and involves so little expense that traffic managers of industries bring even very minor controversies with the carriers to it for settlement.

Under these circumstances the commission has come to the conclusion that principles of efficient organization and administration require a subdivision and assignment of duties beyond what is now possible under the law. It believes that the decision of many minor matters which now demand the personal attention of at least three commissioners could be assigned, without any public disadvantage whatsoever, in the first instance to individual commissioners or even to boards made up of employees, subject in all cases to the right of appeal to a division of the commission and finally to the commission itself.

Such boards of employees could specialize upon particular subjects, like the interpretation of tariffs, and could allow both shippers and carriers better opportunities for oral presentation of their views than it is now possible for divisions of the commission to accord. If rights of appeal to the commission were preserved in all such cases, it is believed that the proposed method of handling them would not only relieve the commissioners of a great burden of detail in minor matters but would also prove more satisfactory to litigants. It is also believed that as a result of relief from this burden of detail the commissioners would be able to do more effective and constructive work upon questions of major importance.

I want to explain that the Interstate Commerce Commission comes annually before one of the appropriation subcommittees of which I am a member, the subcommittee on independent offices. They brought out these facts when presenting their testimony before us this year and suggested the need of legislation which would permit them to delegate these less important cases in the way I have indicated. I have therefore introduced H. R. 16883, which I ask unanimous consent to have incorporated as a part of my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The bill referred to follows:

IN THE HOUSE OF REPRESENTATIVES,
February 5, 1929.

Mr. SUMMERS of Washington introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

A bill (H. R. 16883) proposing to amend section 17 of the interstate commerce act

Be it enacted, etc., That section 17 of an act entitled "An act to regulate commerce," approved February 4, 1887, as amended by an act approved March 2, 1889, as further amended by an act approved August 9, 1917, and as further amended by an act approved February 28, 1920, the same being section 17 of title 49 of the Code of Laws of the United States of America, be, and the same hereby is, amended by adding thereto at the end thereof a new subdivision, to be known as subdivision (6), as follows:

"(6) The commission is hereby authorized to direct by order that any particular matter or class of matters of its work, business, or functions arising under this or any other act or joint resolution, or referred to it by Congress or either branch thereof, be assigned to an individual commissioner or to a board consisting of an employee or employees of the commission, to be designated by such order, for action thereon. The commission may at any time amend, modify, supplement, or rescind any such order, and all such orders shall take effect forthwith and shall remain in effect until otherwise ordered by the commission. In conformity with and subject to the order or orders of the commission in the premises, each board so constituted or individual commis-

sioner, to which or to whom any matter or class of matter shall have so been assigned for action, shall have power to hear and determine, order, certify, report, or otherwise act as to such matter or class of matters, and in respect thereof shall have all the jurisdiction and powers conferred by law upon the commission and be subject to the same duties and obligations. Any such board shall act by a majority thereof. In case of the absence, or inability for any other reason to act, of any such individual commissioner or of an employee or employees designated to serve upon any such board, the chairman of the commission may designate another commissioner or other employee or employees, as the case may be, to serve temporarily upon such assignment until the commission shall otherwise order. Any order, decision, or report made, or other action taken by any such individual commissioner or by any such board in respect of any matters so assigned or referred, shall have the same force and effect and may be made, evidenced, and enforced in the same manner as if made or taken by the commission, and shall be subject to rehearing by a division of the commission or, in its discretion, by the commission in the manner provided in section 16a hereof. The commission may, as provided in subdivision (1) of this section, make and amend rules for the conduct of proceedings before such individual commissioner or board and for the rehearing of such action before a division of the commission or the commission. Any action by a division as to a rehearing shall be itself subject to rehearing by the commission as provided in section 16a hereof and in subdivision (4) of this section. The secretary and seal of the commission shall be the secretary and seal of each such individual commissioner or board."

Mr. SUMMERS of Washington. This bill makes possible that delegation of power to which I have referred. Every part of the United States undoubtedly has important cases which are pressing, on which hearings have been held but on which no decision has finally been reached, after a lapse of many months and possibly after the lapse of years. So we are all anxious—I know this is true in the Pacific Northwest—to have some of the major problems which have been brought before the commission determined as soon as possible; and while this will be a change in the basic law it will make for efficiency and will speed up the work of the commission. In the Northwest we are awaiting the commission's decision on fruit and grain rates, Pacific coast differentials, and as to a railroad extension.

The commission is very anxious to have this legislation. The bill has been referred to the Interstate and Foreign Commerce Committee of the House, and that committee is asking an immediate report on it. We hope to secure this legislation during this session, and to that end invite the fullest cooperation of all Members of Congress.

Mr. FRENCH. Mr. Chairman, I yield 30 minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and also permission to have read in my time a letter which I send to the Clerk's desk.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. CRAMTON. The letter I am sending to the Clerk's desk for reading is one which I am sure will be followed with a great deal of interest by all on both sides of the aisle. It is a letter from Bishop Cannon to the recent anti-Smith Democratic conference in Virginia. It discusses forcefully and with a great deal of insight into existing conditions in the Democratic Party the present situation confronting that party. I am sure it will be a letter of much interest on both sides of the aisle as well as to the country.

The Clerk read as follows:

FEBRUARY 6, 1929.

To the members of the Conference of Anti-Smith Democrats, assembled in the city of Lynchburg, February 5, 1929.

MY DEAR FELLOW WORKERS: In view of the fact that I will not be present at your conference, I have been requested by some who will attend to send a statement expressive of my views concerning the present political situation. In complying with this request I desire to emphasize as strongly as possible that it is not my purpose or desire to impose my views upon anyone else. Circumstances and duty seemed to join in a demand that during the recent campaign I should give primary direction to the anti-Smith movement, which was later carried to such a successful culmination by the aid of many able, patriotic men and women throughout Virginia and the entire South. All of my activities in that campaign were carried on under the authority of the Asheville conference, and upon the platform adopted by that body. In this statement I speak only for myself as one of the hundreds of thousands of southern anti-Smith Democrats.

Immediately following the election, as chairman of the headquarters committee of the anti-Smith Democrats, I issued to the press a statement from which I quote:

"Positive, explicit warning was given more than a year ago that the southern people would not commit both political and moral suicide by supporting the wet Tammany candidate. But Tammany in absolute control of the Houston convention ignored all protests and danger signals and nominated its wet candidate. Faced by such a situation men and women of the South, who placed principle above party, deliberately organized to preserve southern Democracy by the overwhelming defeat of the wet Tammany candidate. It is a political tragedy that so few southern Democratic political leaders recognized the nature and extent of the revolution among the southern people and believed to the last that party regulatity would be a more potent force than moral conviction. However, sincere they may have been, by their lack of understanding and by their unjustifiable denunciation of anti-Smith Democrats, many of these Democratic leaders have thoroughly discredited themselves for future leadership.

"Governor Smith and Mr. Raskob, by the ever-increasing emphasis of their attacks upon prohibition, and by their denunciation of those opposing Governor Smith as 'intolerant bigots, hypocritically using prohibition and Tammany as a cloak for their bigotry,' fanned the flames of the revolution and aided in Smith's overwhelming defeat and in the retirement in the near future of some of our Democratic leaders who have so bitterly denounced anti-Smith Democrats as 'traitors' and 'intolerant bigots.' As this wet Tammany leadership has brought upon the Democratic Party the well-deserved and the greatest defeat in American political history, it is in order for Mr. Raskob to resign at once that the Democratic Party may be reorganized free from the taint and pollution of wet or Tammany control."

Nothing has occurred to change in any way the position taken in the above statement. On the contrary, on January 5 Hon. JOHN C. BOX, of Texas, the new Democratic whip in the House of Representatives, addressed a letter to Gov. Franklin D. Roosevelt, of New York, which insisted that the Democratic Party be relieved of the incubus of the Smith-Raskob leadership as the only alternative to its complete breakdown. Mr. BOX said:

"The situation culminating in the nomination of Governor Smith and Secretary Hoover, and the election of the latter, was a calamitous political miscarriage. If the situation and forces which nominated Governor Smith and controlled the campaign continue to dominate the party, Texas and the entire South will cease to be Democratic. The East will not be controlled. The West will be permanently estranged, and the party will break up, some of its voters going to the Republican Party, others remaining with the organization, and others becoming independent."

This letter was not written by an anti-Smith Democrat, but nevertheless is absolutely accurate and genuinely prophetic.

But this frank, accurate statement by Congressman BOX called forth a roar of rage from Tammany Congressmen, and an amazing letter from Governor Roosevelt, which ignored utterly the determining moral factors in the campaign, and most absurdly declared that Governor Smith has been cheated out of the Presidency by ignorance, bigotry, and religious fanaticism.

Later on ex-Governor Smith, speaking over the radio, made a statement calling upon members of the Democratic Party to contribute to pay off the unprecedented debt of $1,500,000, and with characteristic effrontery proposed that the debt be paid by the purchase of copies of his campaign speeches at $2 per volume (which would require the purchase of at least a million copies), which speeches, including his attacks upon prohibition, and his efforts to make capital by posing as a martyr on account of his religion, and his repudiation of the policy of properly restricted immigration, if distributed by the approval of the Democratic National Committee, would be an official effort by the highest authority of the Democratic Party to reassert—indeed, to emphasize—those policies which the people had so overwhelmingly repudiated at the polls on November 6.

Within the past week there has been another very striking illustration of the utter lack of agreement between our southern people and the wet Tammany leadership. An amendment to the general deficiency bill was proposed by Senator HARRIS, of Georgia, appropriating $24,000,000 to be placed at the disposal of the President of the United States to be used as he might think best to secure more effective prohibition-law enforcement, the Secretary of the Treasury having three times officially declared that the Coast Guard, border patrol, customs officials, and Department of Justice needed strengthening, but having utterly failed as the responsible head of the prohibition department to ask for sufficient appropriation to carry out an adequate, efficient program. Every southern Democratic Senator and practically every southern Democratic Congressman voted for this proposal to carry out the wishes of the southern people concerning prohibition-law enforcement as clearly expressed in the last election. But the Tammany Congressman, representative of those elements in New York City which have consistently supported ex-Governor Smith and made possible his political career, bitterly denounced the proposed appropriation and voted practically solidly against it.

Other facts might be presented, but these are sufficient to show the wide cleavage which exists between the different wings of the Demo-

cratic Party. In view of these facts, it has seemed to me that there are three courses open to the anti-Smith Democrats at the present time:

First. They can absolutely sever their ties with the Democratic Party and declare themselves to be members and supporters of the Republican Party for the future. Personally, and speaking for myself alone, I do not think the time has come for me to take such action. I have been a lifelong Democrat, and I am not the less a Democrat, as I have always understood the meaning of that word, because of certain issues emphasized in the recent political campaign. These issues, strictly speaking, could not be branded as either Democratic or Republican. They were more specifically personal and moral than in any previous campaign in the history of our country, and before I permanently depart from the Democratic Party, or join the Republican Party, I must clearly understand what is to be the attitude of the official authoritative leadership of both parties on those issues which affect the moral welfare of the Nation. For the present at least, I have personally dismissed the idea that it is necessary for me, as an anti-Smith Democrat, to join the Republican Party.

Second. It is proposed that, having accomplished their purpose to defeat ex-Governor Smith, the anti-Smith Democrats should now be satisfied, should be content to follow the Democratic State party leadership as in the past, and should enter the August primary of the Democratic Party, without any conditions or stipulations. Again, personally, speaking for myself alone, I can not see my way clear to follow this course, unless or until there should be some very clear, explicit, positive, satisfactory statements from the present Democratic Party leaders concerning their attitude toward the issues raised in the most recent campaign and toward the action taken by the anti-Smith Democrats. Will these leaders frankly and publicly agree that, holding the views they did, the anti-Smith Democrats were conscientious and were justified in their active opposition to the nomination and election of Governor Smith, and will they withdraw their denunciations of the anti-Smith Democrats as "traitors" and "intolerant bigots"? Furthermore, will they express their agreement with the attitude of Congressman Box "that if the Smith-Raskob leadership continues to dominate the party, the entire South will cease to be Democratic"?

The State leadership of the Democratic Party in Virginia during the campaign appeared to be strangely lacking in ability to understand and to appreciate the moral issues involved in the election which determined the attitude and votes of the anti-Smith Democrats. Can those leaders who so thoroughly misunderstood the situation and so fiercely and unjustifiably denounced men for following their moral convictions, be accepted again as leaders, with confidence, and without loss of self-respect, unless they frankly and publicly admit their mistakes? And of vital importance is the question: Will those State leaders openly and actively call for the retirement of the Smith-Raskob leadership of the National Democratic Party?

Whether, therefore, I, as an individual voter of the State of Virginia, will enter the August primary to select candidates for State offices is a matter to be determined later on. I certainly can not agree to bind myself to do so under existing conditions.

Third. The other course open to anti-Smith Democrats is to remain for the time at least as independent Democrats, openly declaring that they are not Republicans but that they can not accept the present State or National party leadership with all that would be implied in such acceptance under present conditions. Again, speaking only for myself, this third position is the position which I hold to-day. I will not accept the Smith-Raskob leadership, nor will I accept any State leadership which upholds and supports that national Smith-Raskob leadership or which denies equal party loyalty to the anti-Smith Democrats. A clear majority of the people of Virginia repudiated Governor Smith and supported Mr. Hoover. Probably the Hoover vote in Virginia was nearly equally divided between Republicans and anti-Smith Democrats. The Smith vote in Virginia included practically all of the wet element in the State, and it is probably true that out of 143,000 votes cast for Smith a clear majority of that number were wet in sympathy. As a dry anti-Smith Democrat I will not agree to put myself in such a position that I will be obliged to vote for anybody for State offices, especially governor, lieutenant governor, and attorney general, whose record has not been for years personally and politically dry or who has denounced and reviled anti-Smith Democrats, or who does not agree with anti-Smith Democrats did not surrender their genuine Democratic principles in their efforts to defeat the wet Tammany candidate, ex-Governor Smith.

Personally I am not very optimistic as to the immediate future of the Democratic Party in national elections. In the last election it was clearly shown that there were very incongruous elements in the one party and that the differences between some of the Democratic groups were as great as the differences between some of the Democratic groups and the Republicans; indeed, the differences were greater. It was not necessary, as has been sneeringly stated, for southern Democratic Senators and Congressmen to support the Harris amendment mentioned above in order to convince their constituents that they favor prohibition. The anti-Smith Democrats have not in the main questioned the sincerity of the support of prohibition by the southern Members of Congress.

The burning issue in the South is not concerning the "dryness" of their Representatives in Congress but it is concerning whether those Representatives will continue to support the Smith-Raskob leadership, which stands upon and advocates a platform which is directly contrary to the views of the great majority of the southern people. It must be evident to every thoughtful person that some radical adjustments are necessary before there can be any hope of the triumph of the Democratic Party in national elections. And apparently it has been, and possibly will continue to be, exceedingly difficult to prevent the blight of the discredited national leadership from affecting injuriously the Democratic organization in various States. Personally, I can not at this time venture any prediction as to what will be the final outcomes.

It is possibly unnecessary for me to say to those members of your conference, who know my public record for more than 30 years, that I have never taken any interest in the political situation in State or Nation for the sake of securing office either for myself or for my personal friends, but I have been called upon for many years to speak and to act for certain groups of our citizens who believe that great moral principles and social reform are matters of most vital importance and should always take precedence over struggles to secure the control of public offices. I have neither the time nor the inclination to take any prominent part in political life, and I trust it will not be necessary for me to take any part in the approaching State campaign other than to cast my ballot at the appointed time. But in event that conditions should be such as once again to involve distinctly moral issues, I should use whatever strength and influence I might have to secure the triumph of what I should consider to be right.

In conclusion may I at this time publicly express my very high appreciation of the members of your conference and of other men and women who, under galling fire from many quarters, stood by their convictions and taught the world that Virginia would not commit moral suicide for the sake of purely partisan political victory.

Hoping that the conference will take such action as will be for the best interest of the State of Virginia and the Nation at large, I am,

Yours sincerely,

JAMES CANNON, Jr.

RICHMOND, VA., *February 2, 1929.*

Mr. CRAMTON. I yield back the balance of my time, Mr. Chairman.

Mr. AYRES. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Chairman, I just want to make this comment at the moment upon certain phases of the letter which has been read from the desk, particularly in their relation to the very recent attitude of the gentleman who presented the letter for reading.

Bishop Cannon, apparently, from that letter, is disturbed about many things, and the matter of most recent disturbance is the fact that there was a failure to support the $24,000,000 appropriation for prohibition enforcement, and the bishop pointed out that most of the men from the South had supported that, but the Representatives from Tammany failed to support it. I am sure it will take the bishop by surprise when he learns that the letter was presented for insertion in the CONGRESSIONAL RECORD by the gentleman from Michigan [Mr. CRAMTON] who, on that day at least, wrenched the flag from Tammany and himself assumed the leadership of the wet cause on the floor of the House. [Applause.]

I am not at all surprised that the bishop in the letter states, if I caught the reading correctly, that he remains in doubt as to what party he will affiliate with in the future until he has a more specific declaration not only from what he terms the leadership of Virginia, I believe it is, or of the South, whichever it may be, but also certain leadership of the Republican Party itself. [Applause.]

Mr. FRENCH. Mr. Chairman, the gentlemen to whom I had agreed to yield time are not here. So I am going to ask that the Clerk begin reading the bill and pending that I will say I am going to move to rise when we reach the bottom of the first page, so that Members who had expected to be here during the full reading of the bill will not be disappointed.

The Clerk read down to and including line 6, on page 1.

Mr. FRENCH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LUCE, chairman of the Committee of the Whole House on the state of the Union, reported that the committee having had under consideration the bill (H. R. 16714), the Navy Department appropriation bill, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. CULLEN, for three days, on account of death in his family.

Mr. O'CONNOR, of New York, indefinitely, on account of the death of his father.

INCREASE OF THE NAVY

Mr. MORTON D. HULL. Mr. Speaker, I ask unanimous consent to print in the RECORD brief remarks delivered by myself January 9 last before a conference on the cruiser bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MORTON D. HULL. Mr. Speaker, I am glad to present to you my views on the naval bill now pending in the Senate. Quickly stated, I think it a mistake to pass this naval authorization bill at this time. Perhaps its passage at a coming session would be a mistake. That is another question. But just at this time, when the Senate is expecting to approve a treaty renouncing war, the passage of a bill authorizing a $270,000,000 increase in our Navy is, to my mind, more than a doubtful thing. It is a serious blunder.

Some one has said that the Briand-Kellogg treaty is a magnificent gesture—implying futility. I confess that in a civilized world, so called, which is yet a savage and cynical world, I share some of the doubts of those who call this proposed treaty a magnificent gesture. I am not overconfident of its effectiveness. I fear that when interest dictates it will be forgotten. But just the same, while I fear, I also hope. And in that issue of fear against hope I do not propose to let fear conquer. It may be a magnificent gesture. But I do not forget that gestures have their value in the behavior of nations and of men—the value of the gesture depending upon its apparent sincerity. If we act on this treaty in a confident way, carrying conviction to the rest of the world, we may hope to build a moral barricade upon which the peoples of the world may brace themselves against future wars. If we act upon the treaty in a doubtful, hesitating, and suspicious way, we may indeed destroy all confidence in it from the beginning. To pass, immediately after the ratification of the treaty, a naval authorization bill authorizing an expenditure of $270,000,000 within three years will, I fear, nullify the wholesome effect of the general pact for the renunciation of war.

The question whether this authorization bill should be passed at the next session or at a later time, and whether it should have a 3-year time limit or no time limit, and whether it should provide for the building of the ships in Government yards—these are other questions. They involve an appraisal of the international situation and its tendencies and our relations to others. Personally I do not believe we can throw away our Navy.

We shall for a long time need a Navy suitable to the changing situation of the world. And the question of what is adequacy is not easy to determine. But my suspicion, growing now to a conviction, is that the present naval authorization proposal grows not out of our naval needs, not out of our inadequacy in naval preparedness, not out of anything threatening in the international situation, either now or in prospect, but out of the needs of the shipbuilding industry. Let me remind you that during the Great War we with our allies were engaged in a difficult contest between the submarines of the Central Powers engaged in destroying allied ships and the ability of the allied powers to build new ships as fast as the old ships were sunk. As a consequence our shipbuilders had an enormous inflation of business. With the coming of peace this shipbuilding business ended. There was an almost complete collapse. It is this consequent hunger for business among those left in the shipbuilding industry that makes the urge for this naval bill. Let me produce the evidence to support this.

When the measure now pending in the Senate was before the House, Congressman DALLINGER, of Massachusetts, introduced into the bill a provision which is now known as the Dallinger amendment. The Dallinger amendment provided that the Government shipyards should build the first and every other one of the ships to be contracted for. This amendment met bitter opposition in the House but ultimately prevailed. In the Senate a serious effort is to be made to defeat the purpose of this amendment by adding a proviso excepting from the amendment such material or parts thereof as the Secretary of the Navy may find procurable by contract or purchase at any appreciable saving in cost to the Government. In other words, under a discretion given to the Secretary of the Navy and under the plea of economy, the entire building of the ships is to be given to private yards.

Under date of Monday, December 17, I find a statement in the New York Times from the National Council of American Shipbuilders, said to comprise 90 per cent of the companies engaged in building and repairing vessels and in manufacturing marine equipment, confirming what I say. The plea is to give the contracts to private enterprise because it is alleged it will cost the Government less and because it will save the American shipbuilding business.

I have in my possession a resolution passed by the United States Shipping Board, an agency of the Government, in which after a long preamble reciting the decline of American shipping and shipbuilding industry it resolves that it is the earnest belief of said board that the United States Senate will strike out the Dallinger amendment and leave with the Secretary of the Navy the power which he now possesses to use his discretion in deciding whether cruisers shall be built in navy yards or privately owned yards.

Economy hoped for if not expected—the building up of an American merchant marine through the profits to private shipyards out of Government contracts for warships—and the natural American prejudice against the Government engaging in competition with private industry in business—these all present plausible appeals to American sentiment. Why, then, should not the Dallinger amendment go out of the bill? The answer is very simple, because to permit private profit to big business out of the institution of war is to put a premium on war. As long as the shipbuilding industry can get private profit out of contracts running into hundreds of millions of dollars, it can afford an active and aggressive campaign for more ships. It can ring the alarm bell about the inadequacy of our national defense. It can afford to promote canned editorials circulated over the country for the country press.

In section 5 of article 8 of the covenant of the League of Nations, I find the following:

> The members of the league agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those members of the league which are not able to manufacture the munitions and implements of war necessary for their safety.

Back of that solemn declaration of the league covenant there lies a whole world of experience on the part of the great military nations of the world.

In spite of which experience our busy generals and admirals go about making the appeal to private gain in behalf of cruiser building. From a later edition of the same paper, the New York Times, I cut an article describing General Bullard's appeal to the executive committee of the Hardware, Metals, and Allied Trades in behalf of the cruiser bill. It would contribute, he tells us, $135,000,000 to the prosperity of the land—just as though money spent in cruiser building were a productive expenditure. Whatever happens to the cruiser bill, the Dallinger amendment should remain in, even though the immediate cost is more. If American shipping is failing, if it needs help in order that American trade may have its own ships for the carrying of American goods to foreign customers, why not meet the issue frankly and openly by a subsidy. This is an offensive thing to many people.

It does not please me, but it would enable us to know the subsidy we are paying instead of concealing it in profits to industry. And it would be free from the very undesirable feature of profit to war profiteers in time of peace.

In the hearings before the House Committee on Foreign Affairs upon the Burton resolution, the Secretary of War and the Secretary of the Navy presented objections. The Burton resolution proposed that in case of war between two or more foreign powers it should be unlawful for an American national to sell certain contraband articles specifically enumerated to either belligerent without the consent of Congress. Its purpose was obvious—to prevent the participation of America in foreign wars and to discourage foreign wars by refusal to furnish the means. What, then, was the objection of our Secretaries of War and of the Navy? The objection was that as America was dependent upon private industry in case of war, American private industry should be permitted to profit by foreign wars in order to be properly equipped for America in case we ever were involved. Both Secretaries were driven up to the dilemma that we must foment war abroad in order to be properly equipped at home. Neither Secretary could answer the dilemma.

In conclusion, I regard the passage of the naval bill, or of any naval bill, at this time as very unfortunate; but, if such a bill should pass, it should include the Dallinger amendment.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 5514. An act for the relief of E. Gellerman, doing business under the name of the Lutz-Berg Motor Co. at Denver, Colo.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1347) entitled "An act to amend an act entitled 'An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes,' approved March 2, 1919, as amended."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3581) entitled "An act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia."

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 11526. An act to authorize the construction of certain naval vessels, and for other purposes;

H. R. 15657. An act to provide for the improvement and preservation of the land and buildings of the Abraham Lincoln National Park or Reservation;

H. R. 16208. An act authorizing the Cedar Point Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the southeast arm of Sandusky Bay at or near Sandusky, Ohio;

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1347. An act to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended;

S. 2792. An act reinvesting title to certain lands in the Yankton Sioux Tribe of Indians;

S. 4338. An act to authorize the President to award, in the name of Congress, gold medals of appropriate design to John H. Towers, Albert C. Read, Elmer F. Stone, Walter Hinton, H. C. Rodd, J. L. Breese, and Eugene Rhodes;

S. 5146. An act to reserve certain lands on the public domain in Santa Fe County, N. Mex., for the use and benefit of the Indians of the San Ildefonso Pueblo;

S. 5147. An act to reserve 920 acres on the public domain for the use and benefit of the Kanosh Band of Indians residing in the vicinity of Kanosh, Utah; and

S. 5180. An act to authorize the payment of interest on certain funds held in trust by the United States for Indian tribes.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President for his approval bills of the House of the following titles:

H. R. 14151. An act to provide for the establishment of a Coast Guard station at or near the mouth of the Quillayute River, in the State of Washington;

H. R. 14800. An act granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war; and

H. R. 16035. An act to extend the time for completing the construction of the bridge across Port Washington Narrows, within the city of Bremerton, State of Washington.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, it is expected that the bill now under consideration, the Navy Department appropriation bill, will continue as the order of business to-morrow until finished.

Mr. EDWARDS. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. EDWARDS. If we finish the Navy bill to-morrow, will the Private Calendar be taken up?

Mr. TILSON. No; it is expected that a special rule will come up, probably the rule for the consideration of the so-called Norbeck bird refuge bill.

Mr. AYRES. I understand we are to go ahead with this bill to-morrow?

Mr. TILSON. Yes; it is expected that the Navy Department appropriation bill will be the order of business until finished.

ADJOURNMENT

Mr. FRENCH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 21 minutes p. m.) the House adjourned until to-morrow, Friday, February 8, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, February 8, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Wool and manufacturers of, February 8.
Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.
Free list, February 20, 21, 22.
Administrative and miscellaneous, February 25.

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

Second deficiency appropriation bill.

COMMITTEE ON EXPENDITURES IN EXECUTIVE DEPARTMENTS

(10.30 a. m.)

To authorize the President to consolidate and coordinate governmental activities affecting war veterans (H. R. 16722).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause2 of Rule XXIV, Executive communications were taken from the Speaker's table and referred as follows:

809. A letter from the Comptroller General of the United States, transmitting report with his recommendations thereon of certain claims transmitted by the Secretary of War, covering damages for personal injury, death, or property loss, as required by law (H. Doc. No. 562); to the Committee on Claims and ordered to be printed.

810. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Treasury Department for the fiscal year 1929, $15,000; also a draft of proposed legislation affecting the use of an existing appropriation (H. Doc. No. 563); to the Committee on Appropriations and ordered to be printed.

811. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the office of Public Buildings and Public Parks of the National Capital for the fiscal years 1929 and 1930, $104,840 (H. Doc. No. 564); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FREE: Committee on Immigration and Naturalization. H. R. 16926. A bill granting preference within the quota to certain aliens trained and skilled in a particular art, craft, technique, business, or science; without amendment (Rept. No. 2400). Referred to the Committee of the Whole House on the state of the Union.

Mr. BOX: Committee on Immigration and Naturalization. H. R. 16927. A bill to clarify the law relating to the temporary admission of aliens to the United States; without amendment (Rept. No. 2401). Referred to the House Calendar.

Mr. LEAVITT: Committee on Indian Affairs. S. 4517. An act appropriating tribal funds of Indians residing on the Klamath Reservation, Oreg., to pay expenses of the general council and business committee, and for other purposes; with amendment (Rept. No. 2402). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. S. 5094. An act making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law; with amendment (Rept. No. 2418). Referred to the Committee of the Whole House on the state of the Union.

Mr. TEMPLE: Pursuant to Public Resolution No. 70, Sixty-ninth Congress. H. R. 16953. A bill to provide for the purchase of the use of the Harriman Geographic Code System; without amendment (Rept. No. 2419). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Washington: Committee on the Public Lands. H. R. 5729. A bill to establish the Ouachita National Park in the State of Arkansas; with amendment (Rept. No. 2421). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. IRWIN: Committee on Claims. H. R. 12492. A bill for the relief of Andrew T. Bailey; with amendment (Rept. No. 2399). Referred to the Committee of the Whole House.

Mr. GARRETT: Committee on Military Affairs. H. R. 4611. A bill to remove the charge of desertion and grant an honorable discharge to Marion M. Clark; with amendment (Rept. No. 2403). Referred to the Committee of the Whole House.

Mr. GARRETT: Committee on Military Affairs. H. R. 4624. A bill to correct the military record of Thomas Finley; with amendment (Rept. No. 2404). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 16560. A bill to correct the military record of Francis J. Moore; with amendment (Rept. No. 2405). Referred to the Committee of the Whole House.

Mr. DREWRY: Committee on Naval Affairs. H. R. 16889. A bill for the relief of Lieut. Francis D. Humphrey, Supply Corps, United States Navy; without amendment (Rept. No. 2406). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 16890. A bill for the relief of Capt. P. J. Willett, Supply Corps, United States Navy; without amendment (Rept. No. 2407). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 16894. A bill for the relief of Lieut. Edward F. Ney, Supply Corps, United States Navy; without amendment (Rept. No. 2408). Referred to the Committee of the Whole House.

Mr. WOLVERTON: Committee on Naval Affairs. H. R 16893. A bill for the relief of Lieut. Thomas C. Edrington, Supply Corps, United States Navy; without amendment (Rept. No. 2409). Referred to the Committee of the Whole House.

Mr. LEECH: Committee on Naval Affairs. H. R. 16895. A bill for the relief of Lieut. Henry Guilmette, Supply Corps, United States Navy; without amendment (Rept. No. 2410). Referred to the Committe of the Whole House.

Mr. LEECH: Committee on Naval Affairs. H. R. 16897. A bill for the relief of Lieut. Edward Mixon, Supply Corps, United States Navy; without amendment (Rept. No. 2411). Referred to the Committee of the Whole House.

Mr. DREWRY: Committee on Naval Affairs. H. R. 16898. A bill for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy; without amendment (Rept. No. 2412). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 16900. A bill for the relief of Capt. William L. F. Simonpietri, Supply Corps, United States Navy; without amendment (Rept. No. 2413). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 16902. A bill for the relief of Lieut. John M. Holmes, Supply Corps, United States Navy; without amendment (Rept. No. 2414). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 16903. A bill for the relief of Lieut. Commander Thomas Cochran, Supply Corps, United States Navy; without amendment (Rept. No. 2415). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 16896. A bill for the relief of Capt. Walter B. Izard, Supply Corps, United States Navy, retired; without amendment (Rept. No. 2416). Referred to the Committee of the Whole House.

Mr. ANDREW: Committee on Naval Affairs. H. R. 16892. A bill for the relief of Daniel A. Newman, formerly a lieutenant in the Supply Corps of the Naval Reserve Force; without amendment (Rept. No. 2417). Referred to the Committee of the Whole House.

Mr. HOFFMAN: Committee on Military Affairs. H. R. 13127. A bill for the relief of Lowell G. Fuller; without amendment (Rept. No. 2420). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 16480) granting an increase of pension to Sarah A. Niles; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 16804) granting a pension to Mary L. Sumney; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TEMPLE: A bill (H. R. 16953) to provide for the purchase of the Harriman geographic code system; committed to the Committee of the Whole House on the state of the Union.

By Mr. DEAL: A bill (H. R. 16954) granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Chowan River, in Gates and Hertford Counties, N. C.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 16955) granting the consent of Congress to the Camp Manufacturing Co. to construct, maintain, and operate a railroad bridge across the Meherrin River in Hertford County, N. C.; to the Committee on Interstate and Foreign Commerce.

By Mr. HUGHES: A bill (H. R. 16956) to amend the longshoremen's and harbor workers' compensation act; to the Committee on the Judiciary.

By Mr. ZIHLMAN: A bill (H. R. 16957) to amend an act entitled "An act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes," approved May 17, 1928; to the Committee on the District of Columbia.

By Mr. BACHMANN: A bill (H. R. 16958) to provide an appropriation for the payment of claims of persons who suffered damages from deaths, personal injuries, or property loss due to an airplane accident at Langin Field, Moundsville, W. Va., July 10, 1921; to the Committee on Claims.

By Mr. GARRETT of Tennessee: A bill (H. R. 16959) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tiptonville, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. TATGENHORST: Joint resolution (H. J. Res. 408) providing for the issuance of a special postage stamp in commemoration of the one hundredth anniversary of the establishment of building and loan associations in the United States; to the Committee on Post Offices and Post Roads.

By Mr. WELSH of Pennsylvania: Joint resolution (H. J. Res. 409) to create a joint committee to consider and report on the adequacy of the compensation of the officers and employees of Congress; to the Committee on Rules.

By Mr. LAGUARDIA: Joint resolution (H. J. Res. 410) authorizing the President by general proclamation to grant pardon and amnesty in certain war-time cases; to the Committee on the Judiciary.

By Mr. MOORE of New Jersey: Resolution (H. Res. 309) to pay Mary McLane, dependent sister of John McLane, six months' salary and funeral expenses; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHARACH: A bill (H. R. 16960) granting an increase of pension to Jennie M. Jeners; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 16961) granting a pension to Eliza Trower; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 16962) granting an increase of pension to Mary C. Wilday; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 16963) granting an increase of pension to Mary Jane Stahl; to the Committee on Invalid Pensions.

By Mr. GOLDSBOROUGH: A bill (H. R. 16964) for the relief of Robert R. Calder; to the Committee on Claims.

By Mr. HARE: A bill (H. R. 16965) for the relief of Florence M. Humphries; to the Committee on War Claims.

By Mr. HOOPER: A bill (H. R. 16966) granting a pension to Jennie M. Hill; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 16967) granting a pension to Mary Ann Senseney; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 16968) granting an increase of pension to Lavina Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16969) granting an increase of pension to Linea E. McCamon; to the Committee on Invalid Pensions.

By Mr. NEWTON: A bill (H. R. 16970) granting a pension to Otto S. Langum; to the Committee on Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 16971) granting a pension to Martha Bennett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16972) granting an increase of pension to Sarah C. Welch; to the Committee on Invalid Pensions.

By Mr. SMITH: A bill (H. R. 16973) granting an increase of pension to Andrew J. Stewart; to the Committee on Pensions.

Also, a bill (H. R. 16974) for the relief of J. C. Thompson; to the Committee on Indian Affairs.

By Mr. STALKER: A bill (H. R. 16975) granting a pension to Jesse Lester Chapman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16976) granting an increase of pension to Jennie Rust; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16977) granting an increase of pension to Lucy Middleton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16978) granting an increase of pension to Rachel McIntosh; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 16979) granting an increase of pension to Charles M. Siever, jr.; to the Committee on Pensions.

By Mr. VESTAL: A bill (H. R. 16980) granting an increase of pension to Matilda J. Gates; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8692. By Mr. BACHARACH: Petition of 40 citizens of the town of Pemberton, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8693. Also, petition of 49 citizens of Atlantic City, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8694. Also, petition of 64 citizens of Ocean City, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8695. Also, petition of 37 citizens of Mays Landing and vicinity, State of New Jersey, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8696. Also, petition of 50 citizens of Bridgeton, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8697. Also, petition of 20 citizens of Bridgeport, Burlington, and vicinity, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) and similar measures; to the Committee on the District of Columbia.

8698. Also, petition of 67 citizens of Beverly, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8699. Also, petition of 78 citizens of Maple Shade, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8700. Also, petition of 16 citizens of Smithville, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8701. Also, petition of 22 citizens of Lumberton, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8702. Also, petition of 96 citizens of Pemberton, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8703. Also, petition of 80 citizens of Pointville and vicinity, of New Jersey, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8704. By Mr. BEERS: Petition of 405 citizens of the eighteenth congressional district of Pennsylvania, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8705. Also, petition of the Senior Christian Endeavor Society (sent by Bessie Loomis), of Lewistown, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8706. Also, petition of 48 members of the Woman's Christian Temperance Union of Vira, Lewistown, R. F. D., Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided for in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8707. Also, petition of the Woman's Christian Temperance Union (175 members), of Lewistown, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8708. Also, petition of 160 members of the Grove Memorial Methodist Episcopal Church, Lewistown, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8709. Also, petition of 135 members of the Presbyterian Sunday school of East Kishacoquillas Presbyterian Church, located at Reedsville, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8710. Also, petition of 122 members of the Lake Park Sunday School, Lewistown, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8711. Also, petition of 18 members of the Woman's Missionary Society of the Presbyterian Church, Lewistown, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8712. Also, petition of 205 members of the First Baptist Sunday School, of Lewistown, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8713. Also, petition of 200 members of the Spring Run Sunday School, located near McVeytown, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8714. Also, petition of the Methodist Episcopal Church, 225 in number, Newton Hamilton, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8715. Also, petition of 20 members of the Woman's Christian Temperance Union of Newton Hamilton, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8716. Also, petition of 105 members of the Milroy Presbyterian Church, Milroy, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8717. Also, petition of members of the Milroy Presbyterian Sunday School, 100 in number, Milroy, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided for in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8718. Also, petition of the Presbyterian Sunday School, 110 members, of Belleville, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8719. Also, petition of 88 members of the Sunday school of the Vira (Lewistown, R. F. D.) Methodist Church, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8720. Also, petition of the members of Ellen Chapple Sunday School, 127 in number, of Lewistown, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or in similar measures; to the committee on the District of Columbia.

8721. Also, petition of the Presbyterian Sabbath School, 110 members, of Lewistown, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8722. Also, petition of members of the church and Sunday school of Little Valley Presbyterian Church, numbering 126 in all, and located at Vira (Lewistown R. F. D.), urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar meaures; to the Committee on the District of Columbia.

8723. Also, petition of 250 members of the Woman's Christian Temperance Union, of Waynesboro, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8724. Also, petition of the 513 members of the Grace Evangelical Sunday School, Lewistown, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford Sunday rest bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8725. Also, petition of 187 members of the Methodist Episcopal Sunday School, at McVeytown, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8726. Also, petition of 32 members of the Mifflin County Ministerial Association, in session, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8727. Also, petition of 310 members of the St. Johns Lutheran Church, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8728. Also, petition of the members of the convention of the Mifflin County Sunday schools, representing 65 Sunday schools, with a membership of over 2,000, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8729. By Mr. BOYLAN: Petition of firemen, water tenders, and coal passers at Ellis Island, N. Y., asking for an increase in salary; to the Committee on the Civil Service.

8730. By Mr. CARLEY: Petition of Anton P. Nielsen, 753 Fifty-second Street, Brooklyn, representing firemen of Ellis Island, for increase of pay; to the Committee on the Civil Service.

8731. By Mr. CHALMERS: Petition of 116 citizens of the ninth congressional district of the State of Ohio, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8732. By Mr. CRAIL: Petition of 1,600 members of the Southern California Annual Conference of the Free Methodist Church, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as one day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8733. Also, petition of 575 members of the Federated Women's Aid Society of the Presbytery of Los Angeles, Calif., urging the enactment of legislation to protect the people of the Nation's Capital in the enjoyment of Sunday as a day of rest, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8734. Also, petition of the Ministerial Association of Los Angeles and vicinity, representing 175,000 members, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as one day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8735. By Mr. CROWTHER: Petition of the pastor and 43 members of the Presbyterian Church of Minaville, N. Y., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8736. By Mr. CULLEN: Petition of the Buffalo Lumber Exchange, protesting against the proposal to place a duty on Canadian timber, lumber, lath, and shingles; to the Committee on Ways and Means.

8737. Also, petition of the Brooklyn Chamber of Commerce, urging that legislation should be immediately enacted for the relief of such congested conditions in the United States district courts; to the Committee on the Judiciary.

8738. By Mr. EATON: Petition of 38 citizens of Trenton, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8739. Also, petition of 33 citizens of White House and vicinity, N. J., urging the enactment of the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8740. Also, petition of members of Prospect Street Presbyterian Church, Trenton, N. J., urging the enactment of the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8741. By Mr. ESTEP: Petition of motor-vehicle employees of the Pittsburgh (Pa.) post office, urging action by House of Representatives on Senate bill 1727; to the Committee on the Civil Service.

8742. Also, petition of 72 citizens of Pittsburgh, Pa., urging the enactment of House bill 78; to the Committee on the District of Columbia.

8743. By Mr. EVANS of California: Petition of the Ministerial Association of Los Angeles and vicinity, representing 175,000 members, more than 100,000 of whom are voters, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8744. By Mr. GREEN: Petition of six citizens of Lake City, Fla., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8745. By Mr. HALE: Petition of 25 citizens of Laconia and Meredith, to enact into law the Lankford Sunday rest bill for the District of Columbia (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8746. By Mr. HOOPER: Petition of 32 members of the Portage and Schoolcraft Methodist Episcopal Churches, of Schoolcraft and Portage, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8747. Also, petition of 44 members of the Methodist Episcopal Church of Sunfield, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8748. Also, petition of 19 members of the Simpson Methodist Episcopal Church of Kalamazoo, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8749. Also, petition of 35 members of the Maple Street Methodist Episcopal Church, of Battle Creek, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8750. Also, petition of 16 members of the First Methodist Church of Grand Lodge, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8751. Also, petition of 68 members of the Amboy Baptist and United Brethren Churches, of Amboy, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8752. Also, petition of 15 members of the First Methodist Episcopal Church of Union City, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8753. By Mr. JACOBSTEIN: Petition of 13 citizens of West Webster, N. Y., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8754. Also, petition of the Sixth Ward Woman's Christian Temperance Union, Rochester, N. Y., representing 280, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8755. Also, petition of 11 citizens of Rochester, N. Y., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8756. By Mr. JOHNSON of Illinois: Petition of 42 residents of Milledgeville, Ill., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8757. By Mr. McCORMACK: Petition of C. M. Knowles, 569 Dudley Street, Roxbury, Mass., protesting vigorously against enactment of equal rights amendment and Newton child labor amendment; to the Committee on Interstate and Foreign Commerce.

8758. Also, petition of A. C. Lawrence Leather Co., 210 South Street, Boston, Mass., recommending early and favorable consideration of House bill 9195, pertaining to the Cuban parcel post; to the Committee on Ways and Means.

8759. Also, petition of New England Manufacturing Confectioners' Association, E. F. Gibbs, secretary, 40 Court Street, Boston, Mass., protesting against any increase of duty on sugar; to the Committee on Ways and Means.

8760. Also, petition of Michael J. Perkins Post, American Legion, South Boston, Mass., Capt. John J. Lydon, commander, unanimously indorsing cruiser bill; to the Committee on Naval Affairs.

8761. By Mr. McSWEENEY: Papers to accompany House bill 16805, granting a pension to Margaret Frizzell; to the Committee on Invalid Pensions.

8762. By Mr. MAPES: Petition of 111 members of the Burton Heights Christian Reformed Church, of Grand Rapids, Mich., urging the enactment of the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8763. Also, petition of 46 members of the Fuller Avenue Christian Reformed Church, of Grand Rapids, Mich., urging the enactment of the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8764. Also, petition of 76 members of the Garfield Park Reformed Church, of Grand Rapids, Mich., urging the enactment of the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8765. Also, petition of 15 members of the Sixth Reformed Church of Holland, Mich., urging the enactment of the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8766. Also petition of 17 members of the Beaverdam Reformed Church, of Beaverdam, Mich., urging the enactment of the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8767. Also, petition of 62 members of the Knapp Street Reformed Church, of Grand Rapids, Mich., urging the enactment of the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8768. Also, petition of 40 members of the Third Reformed Church of Grand Rapids, Mich., urging the enactment of the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8769. Also, petition of 31 members of the Christian Reformed Church, of Noodeloos, Holland, Route No. 10, Mich., urging the enactment of the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8770. Also, petition of 13 members of the First Reformed Church, of Grant, Mich., urging the enactment of the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8771. Also, petition of 11 members of the North Blendon Reformed Church, of Hudsonville, Mich., urging the enactment of the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8772. Also, petition of 15 members of the First Reformed Church, of Allendale, Mich., urging the enactment of the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8773. Also, petition of 34 members of the Van Roolte Avenue Reformed Church, of Holland, Mich., urging the enactment of the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8774. Also, petition of 81 members of the Second Reformed Church at Jamestown, Mich., urging the enactment of the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8775. By Mr. O'CONNELL: Petition of the Brotherhood of Painters, Decorators, and Paperhangers of America, Local Union No. 368, Washington, D. C., favoring the passage of Senate bill 4186, to regulate the use of spray-painting, compressed-air machines, and for other purposes; to the Committee on Labor.

8776. Also, petition of C. Bruno & Son (Inc.), New York City, opposing the passage of House bill 13452, to amend the copyright laws; to the Committee on Patents.

8777. Also, petition of Michael J. Ball, New York City, favoring the passage of the Norbeck game refuge bill; to the Committee on Agriculture.

8778. Also, petition of the Buffalo Lumber Exchange, Buffalo, N. Y., protesting against the proposal to place a duty on Canadian timber, lumber, lath, and shingles; to the Committee on Ways and Means.

8779. By Mr. SANDERS of New York: Petition of the Holley Baptist Church, of Holley, N. Y., 185 present and voting, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8780. Also, petition of 72 citizens of the thirty-ninth district of New York, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8781. Also, petition of 30 citizens of Brockport, N. Y., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8782. By Mr. SANDERS of Texas: Petition of the Sunday school of the First Presbyterian Church, Forney, Tex., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee of the District of Columbia.

8783. By Mr. TAYLOR of Colorado: Petition of the president and 65 members of the Presbyterian Ladies' Aid, of Grand Junction, Colo., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford

bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8784. Also, petition of the president and 40 members of the Women's Missionary Society of the Presbyterian Church, Grand Junction, Colo., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8785. Also, petition of the president and 25 members of the Busy Women's Bible Class, Presbyterian Church, Grand Junction, Colo., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8786. Also, petition of the Fiske Auxiliary of the Presbyterian Church, 30 members, Grand Junction, Colo., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8787. By Mr. SWING: Petition of 19 members of the men's Bible class of Calvary Presbyterian Church, Riverside, Calif., protesting against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

8788. By Mr. THURSTON: Petition of the pastor, trustees, and 12 members of the Bedford Baptist Church, Bedford, Iowa, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8789. Also, petition of the chairman of official board and 300 members of the Methodist Episcopal Church, Bedford, Iowa, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committeee on the District of Columbia.

8790. Also, petition of 49 members of the Presbyterian Church, Bedford, Iowa, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8791. By Mr. WARREN: Petition of 73 citizens of the first district of North Carolina, earnestly petitioning Congress to enact into law the Lankford Sunday rest bill for the District of Columbia (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8792. Also petition of the Woman's Auxiliary of the First Presbyterion Church, 125 members, to enact into law the Lankford Sunday rest bill for the District of Columbia (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8793. Also, petition of the Addisco Club, 24 members, of the first district of North Carolina, earnestly petitioning Congress to enact into law the Lankford Sunday rest bill for the District of Columbia (H. R. 78), or similar measures; to the Committee on the District of Columbia.

8794. Also, petition of the students of the Washington Colored Public School, 790 present, and bearing the signature of the principal, P. S. Jones, located at Washington City, N. C., in behalf of the passage of the Lankford Sunday rest bill for the District of Columbia; to the Committee on the District of Columbia.

8795. Also, petition of the students of Washington City School, 522 present, Washington City, N. C., in behalf of the passage of the Lankford Sunday rest bill for the District of Columbia.

8796. By Mr. WASON: Petition of Charles J. Corriveau and 35 other residents of Berlin, N. H., requesting no change be made in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

8797. By Mr. WELCH of California: Petition of William H. Metson, representing Mono County, Calif., advocating increased tariff on sodium sulphate; to the Committee on Ways and Means.

8798. Also, memorial of the California Gold and Silversmiths Association, advocating a reduction of the tariff rates on diamonds and other precious stones to 10 per cent and the admission of rough diamonds free of duty; to the Committee on Ways and Means.

8799. By Mr. WOODRUM: Petition of the members (2,000 present) of the Christian Church of Roanoke, Va., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8800. Also, petition of the Melrose Baptist Church, Roanoke, Va., with 1,000 members present, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8801. Also, petition of the Christian Church of Roanoke, Va., 225 members present, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8802. By Mr. WYANT: Petition of 146 members of the Pine Run Presbyterian Church, Pine Run, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

8803. Also, petition of 27 citizens of Monessen, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

SENATE

FRIDAY, *February 8, 1929*

(Legislative day of Thursday, February 7, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1347. An act to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended;

S. 2792. An act reinvesting title to certain lands in the Yankton Sioux Tribe of Indians;

S. 4338. An act to authorize the President to award, in the name of Congress, gold medals of appropriate design to John H. Towers, Albert C. Read, Elmer F. Stone, Walter Hinton, H. C. Rodd, J. L. Breese, and Eugene Rhodes;

S. 5146. An act to reserve certain lands on the public domain in Santa Fe County, N. Mex., for the use and benefit of the Indians of the San Ildefonso Pueblo;

S. 5147. An act to reserve 920 acres on the public domain for the use and benefit of the Kanosh Band of Indians residing in the vicinity of Kanosh, Utah;

S. 5180. An act to authorize the payment of interest on certain funds held in trust by the United States for Indian tribes;

H. R. 11526. An act to authorize the construction of certain naval vessels, and for other purposes;

H. R. 15657. An act to provide for the improvement and preservation of the land and buildings of the Abraham Lincoln National Park or Reservation; and

H. R. 16208. An act authorizing the Cedar Point Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the southeast arm of Sandusky Bay at or near Sandusky, Ohio.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Caraway	Goff	Keyes
Barkley	Copeland	Gould	King
Bayard	Couzens	Greene	McKellar
Bingham	Curtis	Hale	McMaster
Black	Deneen	Harris	McNary
Blaine	Dill	Harrison	Mayfield
Blease	Edge	Hastings	Neely
Borah	Fess	Hawes	Norbeck
Bratton	Frazier	Hayden	Norris
Brookhart	George	Heflin	Oddie
Bruce	Gerry	Johnson	Overman
Burton	Glass	Jones	Phipps
Capper	Glenn	Kendrick	Pine

Pittman	Sheppard	Swanson	Walsh, Mass.
Ransdell	Shipstead	Thomas, Idaho	Walsh, Mont.
Reed, Mo.	Shortridge	Thomas, Okla.	Warren
Reed, Pa.	Simmons	Trammell	Waterman
Robinson, Ark.	Smith	Tydings	Watson
Robinson, Ind.	Steck	Tyson	Wheeler
Sackett	Steiwer	Vandenberg	
Schall	Stephens	Wagner	

Mr. BLAINE. My colleague [Mr. LA FOLLETTE] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. FRAZIER. My colleague the junior Senator from North Dakota [Mr. NYE] is still detained at home by illness. I wish to let this announcement stand for the day.

Mr. JONES. The Senator from Rhode Island [Mr. METCALF] is detained at home by illness. I ask that this announcement may stand for the day.

Mr. NORRIS. I desire to announce the absence of the junior Senator from Nebraska [Mr. HOWELL] on account of illness.

Mr. TRAMMELL. I wish to announce that my colleague the senior Senator from Florida [Mr. FLETCHER] is unavoidably detained from the Senate.

The PRESIDING OFFICER (Mr. MCNARY in the chair). Eighty-two Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

Mr. ROBINSON of Arkansas presented a letter in the nature of a memorial from H. V. Beasley, of Texarkana, Ark.-Tex., remonstrating against the passage of House bill 13452, increasing the copyright royalty on talking-machine records, etc., which was referred to the Committee on Patents.

Mr. BURTON presented petitions of sundry citizens of Barnesville, Quaker City, Cleveland, Lakewood, Northfield, Chagrin Falls, Salem, and Garfield, all in the State of Ohio, praying that action be deferred on the enactment of the cruiser construction bill, which were ordered to lie on the table.

Mr. FESS presented the following resolutions adopted by the Ohio State Senate, which were referred to the Committee on Civil Service:

EIGHTY-EIGHTH GENERAL ASSEMBLY,
REGULAR SESSION, 1929.

A resolution (by Mr. Shafer) memorializing the United States Senate Civil Service Investigating Committee in behalf of Ohio's quota of positions in the Federal service at Washington

Whereas Ohio's quota of positions in the Federal service at Washington, as allowed by law, is 1,910, while on March 24, 1928, there were only 937 positions filled by residents of Ohio, while on June 20, 1919, there were 2,154 positions filled by Ohioans, or a reduction of 1,217 in less than nine years; and

Whereas the quota of Federal positions of residents of the District of Columbia, as allowed by law, is 145, while on March 24, 1928, there were 12,620 residents of the District of Columbia in the Federal service; and

Whereas, in addition to the District of Columbia, the legal quota of the State of Maryland is 480, while 2,318 residents of that State were on the Federal pay roll on March 24, 1928; and while the legal quota of the State of Virginia is 765, there were 2,477 positions in the Federal service held by residents of Virginia; and

Whereas on July 1, 1919, 26 States had more than their quotas, but on March 24, 1928, none of them had their quotas, due to reductions of force, while during the same period appointments from the District of Columbia have more than doubled; and

Whereas from July 16, 1927, to March 24, 1928, the District of Columbia received 1,966 appointments; and

Whereas, if the increase for the District of Columbia continues at that rate, in less than 10 years it will have all the appointments: Therefore

Resolved, That the Ohio Senate shall go on record as protesting against this unfair discrimination in the apportionment of civil-service appointees in favor of the District of Columbia, of Maryland, and of Virginia as against all the other States of the Union; and

Resolved further, That a copy of this resolution be forwarded to Senator PORTER H. DALE, chairman of the Senate Civil Service Investigating Committee, Washington, D. C., and to Hon. SIMEON D. FESS and to Hon. THEODORE E. BURTON, United States Senators from Ohio.

REPORTS OF COMMITTEES

Mr. BRATTON, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 12322) to quiet title and possession with respect to certain lands in Faulkner County, Ark. (Rept. No. 1665); and

A bill (H. R. 15328) to authorize the exchange of 18 sections of Government land for an equal value of State land located in Box Elder County, Utah, for experiments in sheep growing, and for other purposes (Rept. No. 1676).

Mr. ASHURST, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 15732) making an additional grant of lands for a miners' hospital for disabled miners in the State of Utah, and for other purposes, reported it with amendments and submitted a report (No. 1678) thereon.

Mr. WATERMAN, from the Committee on Naval Affairs, to which was referred the bill (H. R. 10015) authorizing the promotion on the retired list of the Navy of Herschel Paul Cook, lieutenant, junior grade, reported it without amendment and submitted a report (No. 1666) thereon.

He also, from the same committee, to which was referred the bill (H. R. 13795) for recognition of meritorious service performed by Lieut. Commander Edward Ellsberg, Lieut. Henry Hartley, and Boatswain Richard E. Hawes, reported it with an amendment and submitted a report (No. 1667) thereon.

Mr. WALSH of Massachusetts, from the Committee on Naval Affairs, to which was referred the bill (H. R. 7244) for the relief of Mary Martin Harrison, reported it with an amendment and submitted a report (No. 1673) thereon.

Mr. BLACK, from the Committee on Claims, to which was referred the bill (H. R. 4258) to authorize credit in the disbursing accounts of certain officers of the Army of the United States and for the settlement of individual claims approved by the War Department, reported it with amendments and submitted a report (No. 1668) thereon.

He also, from the same committee, to which was referred the bill (S. 5221) for the relief of Cary Dawson, reported it without amendment and submitted a report (No. 1669) thereon.

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (H. R. 4776) for the relief of Dr. Stanley R. Teachout, reported it without amendment and submitted a report (No. 1670) thereon.

Mr. BAYARD, from the Committee on Claims, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (H. R. 11698) conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *W. I. Radcliffe* against the United States, and for other purposes (Rept. No. 1671); and

A bill (H. R. 11699) conferring jurisdiction upon the United States Court for the Southern District of New York to hear and determine the claim of the owner of the French auxiliary bark *Quevilly* against the United States, and for other purposes (Rept. No. 1672).

Mr. CARAWAY, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 4815) for the relief of members of the crew of the transport *Antilles* (Rept. No. 1674); and

A bill (H. R. 9659) for the relief of F. R. Barthold (Rept. No. 1675).

Mr. ROBINSON of Indiana, from the Committee on Pensions, to which was referred the bill (H. R. 16500) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 1677) thereon.

Mr. EDGE, from the Committee on Banking and Currency, to which was referred the bill (S. 4577) to amend section 29 of the Federal farm loan act, and for other purposes, reported it without amendment and submitted a report (No. 1681) thereon.

Mr. GLASS, from the Committee on Banking and Currency, to which was referred the bill (S. 5684) to amend the War Finance Corporation act, approved April 5, 1918, as amended, to provide for the liquidation of the assets and the winding up of the affairs of the War Finance Corporation after April 4, 1929, and for other purposes, reported it without amendment and submitted a report (No. 1680) thereon.

HARRIMAN GEOGRAPHIC CODE SYSTEM

Mr. BINGHAM, from the Select Joint Committee on the Harriman Geographic Code System, submitted the views of the minority, which were ordered to be printed as part 2 of Report No. 1655.

FEDERAL RESERVE BANK, DALLAS, TEX.

Mr. GLASS. From the Committee on Banking and Currency I submit a report on Senate Resolution 152, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the report was ordered to lie on the table and to be printed in the RECORD, as follows:

Pursuant to Senate Resolution 152, Mr. MAYFIELD, patron, passed February 24, 1928, directing the Committee on Banking and Currency, or a duly authorized subcommittee thereof, to make a full and complete investigation of the administration of the affairs of the Federal Re-

serve Bank of Dallas, Tex., responsive to charges that the affairs of the said bank had been maladministered and that the governor of the institution had failed to cooperate with the member banks of the eleventh Federal reserve district, the chairman of the Senate Committee on Banking and Currency appointed Messrs. GLASS, SACKETT, and STEIWER as a subcommittee to make such investigation.

At the outset the subcommittee found that there had been an apparently exhaustive investigation of the charges in question by the board of directors of the Federal reserve bank at Dallas in December, 1927, on which occasion public hearings were had and testimony given covering some thousand printed pages. A comprehensive digest of this testimony, covering 150 pages, was furnished the subcommittee, after which prompt notice was given of the readiness of the committee to hear additional testimony not included in the evidence taken by the board of directors of the Dallas bank. It seemed to the committee that it would be futile to have a repetition of the testimony given over a considerable period of time by scores of witnesses in the eleventh Federal reserve district, all of which testimony was available in printed form.

In response to the expressed readiness of the subcommittee to hear additional testimony there came an urgent request from the patron of Senate Resolution 152 to have the committee go to Dallas, Tex., for such additional hearings as the circumstances might seem to justify. The committee did not deem it either necessary or desirable to pursue this course, whereupon repeated requests were made that the chairman of the subcommittee be authorized to go to Dallas and take evidence in the case.

This latter course was decided upon; and, accordingly, the chairman of the subcommittee, as of date June 15, 1928, sent the following dispatch to the governor of the Federal reserve bank at Dallas:

Gov. LYNN P. TALLEY,
Federal Reserve Bank, Dallas, Tex.:

Pease notify member banks of Dallas Federal reserve district that, as chairman of a subcommittee of the Banking and Currency Committee of the United States Senate, I shall go to Dallas immediately upon adjournment of convention at Houston to receive any documentary evidence or to hear any oral testimony from persons who may desire to prefer charges of mismanagement or maladministration against the governor or board of directors of the Federal reserve bank at Dallas. Have it distinctly understood that there will be no repetition of the testimony given before the board of directors of the Dallas bank. Only new and additional testimony will be received, as the Senate subcommittee does not care to have a rehearsal of testimony already given. Please engage the services of a competent stenographer to take any testimony offered and acknowledge this communication.

CARTER GLASS.

To the foregoing telegram the following response was received on the same date:

DALLAS, TEX., *June 15, 1928.*

Hon. CARTER GLASS,
Care Senate, Washington, D. C.:

As requested in your telegram of this date I will immediately notify member banks this district of your visit to Dallas and its purposes. I would appreciate telegraphic authority from you to quote your telegram in the notice. If there are any further arrangements which we could make in your behalf please advise us.

LYNN P. TALLEY, *Governor.*

In furtherance of this arrangement the governor of the Federal reserve bank at Dallas mailed to all member banks in the eleventh reserve district a circular letter notifying them of the appointed hearing of charges affecting the administration of the Federal reserve bank and the chairman of the subcommittee proceeded to Texas with a view to receiving the testimony of such member banks or responsible persons as might desire to be heard concerning the administration of the Federal Reserve Bank of Dallas, where a competent stenographic reporter had been directed to hold himself in readiness to take testimony. While at Houston the chairman of the subcommittee received a dispatch from the governor of the Federal reserve bank as follows:

DALLAS, TEX., *June 28, 1928.*

Hon. CARTER GLASS,
Care Rice Hotel, Houston, Tex.:

As requested in your telegram of June 18 and in connection with my circular letter of like date to all member banks of this reserve district, I have to advise that up to date no replies have been received signifying a desire to be heard upon the occasion of your visit to Dallas. When you are able to advise date of your arrival I shall be glad to reserve accommodations for you.

LYNN P. TALLEY, *Governor.*

No member bank or responsible person having responded to the invitation to be heard in respect of the charges of alleged mismanagement and arbitrary actions of the governor of the Dallas bank, the chairman of the subcommittee wired Governor Talley as follows:

HOUSTON, TEX., *June 29, 1928.*

Hon. LYNN P. TALLEY,
Governor Federal Reserve Bank, Dallas, Tex.:

In view of the fact that no member bank of the Dallas Federal reserve district has signified any desire to prefer charges of mismanagement or maladministration against the governor or the board of directors of the Dallas Federal Reserve Bank or any desire to be heard by the Subcommittee of the Banking and Currency Committee of the United States Senate empowered to investigate charges and to hear testimony, there seems to be no necessity for me to come to Dallas. Therefore, I am returning to Virginia to-night.

CARTER GLASS.

It should be stated that the officials of the Federal Reserve Bank of Dallas not only evinced entire willingness, but an obvious eagerness, for the proposed investigation of the bank's affairs and its relations with member banks of that Federal reserve district; and it should further be stated that information derived from authentic supervisory sources fully justifies the statement that, at the time of the proposed hearing at Dallas, the Federal reserve bank there and the member banks of the entire eleventh Federal reserve district were in a more satisfactory condition and in a better state to meet the credit requirements of the district than ever before since the Federal reserve system was instituted.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on this calendar day that committee presented to the President of the United States the following enrolled bills:

S. 1347. An act to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended;

S. 2792. An act reinvesting title to certain lands in the Yankton Sioux Tribe of Indians;

S. 4338. An act to authorize the President to award, in the name of Congress, gold medals of appropriate design to John H. Towers, Albert C. Read, Elmer F. Stone, Walter Hinton, H. C. Rodd, J. L. Breese, and Eugene Rhodes;

S. 5146. An act to reserve certain lands on the public domain in Santa Fe County, N. Mex., for the use and benefit of the Indians of the San Ildefonso Pueblo;

S. 5147. An act to reserve 920 acres on the public domain for the use and benefit of the Kanosh Band of Indians residing in the vicinity of Kanosh, Utah; and

S. 5180. An act to authorize the payment of interest on certain funds held in trust by the United States for Indian tribes.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BINGHAM:

A bill (S. 5738) to approve, ratify, and confirm an act of the Philippine Legislature entitled "An act amending the corporation law, Act No. 1459, as amended, and for other purposes," enacted November 8, 1928, approved by the Governor General of the Philippine Islands December 3, 1928; to the Committee on Territories and Insular Possessions.

By Mr. ROBINSON of Arkansas:

A bill (S. 5739) to amend section 7 of the Public Act No. 391, Seventieth Congress, approved May 15, 1928; to the Committee on Commerce.

By Mr. TRAMMELL (for Mr. FLETCHER):

A bill (S. 5740) to legalize a bridge across St. Johns River, 2½ miles southeast of Green Cove Springs, Fla.; to the Committee on Commerce.

By Mr. CAPPER:

A bill (S. 5741) granting an increase of pension to Alice M. Rhodes (with accompanying papers); to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 5742) granting an increase of pension to Frank H. Bruce; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 5743) authorizing an appropriation of $50,000 for the purchase of seed, feed, and fertilizer to be supplied to farmers in the flooded sections of Orange County, N. Y., and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. REED of Pennsylvania:

A bill (S. 5744) to authorize the maintenance of post exchanges and educational and recreational facilities at military posts and stations; and

A bill (S. 5745) to authorize appropriations for the Army Transport Service; to the Committee on Military Affairs.

A bill (S. 5746) to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa.; to the Committee on Commerce.

By Mr. JOHNSON:

A bill (S. 5747) granting a pension to Walter L. Harmon (with accompanying papers); to the Committee on Pensions.

By Mr. EDGE:

A bill (S. 5748) authorizing the United States Shipping Board to sell or lease certain property to the mayor and council of the city of Hoboken, State of New Jersey; to the Committee on Commerce.

By Mr. BINGHAM:

A bill (S. 5749) authorizing the presentation of the distinguished flying cross to Capt. Benjamin Mendez; to the Committee on Military Affairs.

CHANGE OF REFERENCE

On motion of Mr. REED of Pennsylvania, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 9453) for the relief of Tracy Lee Phillips, and it was referred to the Committee on Naval Affairs.

VOCATIONAL REHABILITATION OF DISABLED RESIDENTS OF THE DISTRICT

Mr. COUZENS submitted an amendment intended to be proposed by him to the bill (H. R. 13251) to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes, which was ordered to lie on the table and to be printed.

CONSTRUCTION AT MILITARY POSTS

Mr. HAYDEN submitted an amendment intended to be proposed by him to the bill (H. R. 13825) to authorize appropriations for construction at military posts, and for other purposes, which was referred to the Committee on Military Affairs and ordered to be printed.

FEDERAL RESERVE BOARD FUNDS

Mr. HEFLIN. Mr. President, I send to the clerk's desk a resolution, which I ask to have read.

The PRESIDING OFFICER. The clerk will read the resolution.

The Chief Clerk read the resolution (S. Res. 323), as follows:

Whereas in press dispatches recently the Federal Reserve Board has complained that money is being drawn from the channels of business and used for speculative purposes, and that some of said speculation is illegitimate and harmful; and

Whereas said Federal Reserve Board, in its efforts to correct what it regards as an evil in this matter, has increased the rediscount rate: Therefore be it

Resolved, That the Federal Reserve Board is hereby requested to give to the Senate its reason for increasing the rediscount rate, and to give any other information and suggestions that it feels would be helpful in securing legislation necessary to correct the evil complained of and prevent illegitimate and harmful speculation.

Mr. HEFLIN. I ask unanimous consent for the present consideration of the resolution.

Mr. CURTIS. Mr. President, I would like to have it go over, under the rule. I have not had an opportunity to consider it.

Mr. HEFLIN. It just calls for information.

Mr. CURTIS. I ask that it may go over, under the rule.

The PRESIDING OFFICER. The resolution will go over, under the rule.

CELEBRATION OF COMPLETION OF CANALIZING OF THE OHIO RIVER

Mr. FESS submitted the following concurrent resolution (S. Con. Res. 38), which was referred to the Committee on Commerce:

Whereas the completion of the canalizing of the Ohio River from Pittsburgh, Pa., to Cairo, Ill., represents an achievement of great importance in the development of the inland waterways of the United States; and

Whereas the Congress of the United States has by legislation contributed to the realization of this project; and

Whereas a celebration commemorating the accomplishment of this great improvement is to be held October 15 to 20, 1929, at which officials of the United States and of the States adjoining the Ohio River will attend; and

Whereas it is fitting that the Congress of the United States be represented at such celebration: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That a committee consisting of three Members of the Senate to be appointed by the President of the Senate and three Members of the House of Representatives to be appointed by the Speaker of the House of Representatives shall represent the Congress of the United States at the celebration of the completion of the canalizing of the Ohio River from Pittsburgh, Pa., to Cairo, Ill., to be held October 15 to 20, 1929. The members of such committee shall be paid their actual expenses, one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives.

EMERGENCY OFFICERS' RETIREMENT ACT

Mr. TYSON. Mr. President, I ask unanimous consent to have inserted in the RECORD a communication from the Director of the United States Veterans' Bureau transmitting a very important decision in regard to the emergency officers' retirement act by the Comptroller General of the United States.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

UNITED STATES VETERANS' BUREAU,
OFFICE OF THE DIRECTOR,
Washington, February 6, 1929.

Hon. LAWRENCE D. TYSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR TYSON: With further reference to my letter of January 19, 1929, forwarding for your information two opinions from the Attorney General of the United States, each dated January 18, 1929, in which he construes the emergency officers' retirement act of May 24, 1928 (45 Stat. 735, 736), you are advised that I have just received a decision from the Comptroller General, dated February 4, 1929, covering three of the questions passed upon by the Attorney General.

As the decision of the Comptroller General sets forth in full my submission preliminary to passing upon the questions presented, the decision is self-explanatory.

For your information I inclose copy of the decision. A copy of this letter is also inclosed for your use.

Very truly yours,

FRANK T. HINES, *Director.*

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, February 4, 1929.

The DIRECTOR UNITED STATES VETERANS' BUREAU.

SIR: There has been received your letter of November 10, 1928, as follows:

"I have the honor to refer to your decision of August 3, 1928, in response to my letter of July 26, 1928, in which there was considered the authority of the bureau to pay traveling expenses incident to necessary examinations of claimants for benefits under Public, 506, Seventieth Congress, 'An act making eligible for retirement under certain conditions officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in service of the United States during the World War.'

"In deciding that the appropriations for the Veterans' Bureau are available for expenses incurred incident to necessary examinations for applicants under this legislation to the same extent and for the same purposes as other beneficiaries of the bureau, you held further:

"'It is apparent the intent of the act is that only those who have a permanent disability entitling them to a rating of 30 per cent or more under the schedule of ratings are entitled to retirement under the act of May 24, 1928, and if in any case the description of the disability upon which an award has been made by the Veterans' Bureau suggests that the disability may now be less than 30 per cent, it is competent for the director, in his discretion, to require the medical examination provided by the World War veterans' act in order that the rating accorded may be "in accordance with law."'

"Prior to the receipt of this decision the language limiting the benefits of this act to those 'who have been, or may hereafter, within one year, be, rated in accordance with law at not less than 30 per cent permanent disability by the United States Veterans' Bureau for disability resulting directly from such war service,' had been construed by the general counsel as follows:

"'Inasmuch as the present act (lines 7 and 8, p. 1) contains the phrase "who have been or may hereafter," it is believed that where an officer has a disability in line of duty resulting directly from his military service on account of which he received a 30 per cent permanent partial disability rating prior to the passage of the act, he would be entitled to appropriate benefits of the act, even though since the passage of the act he has been rated less than 10 per cent permanently disabled.'

"A diversion of opinion, however, existed in the bureau on this matter and the procedure established was based upon the theory that the intention of the legislation is that a previous rating of 30 per cent permanent, which was later reduced to less than 30 per cent permanent, should be considered as an erroneous rating and, therefore, not one which would entitle an officer to the benefits provided. Your decision of August 3, 1928, has been regarded as confirming this construction, and the bureau has continued to act on the theory that a permanent disability of not less than 30 per cent must exist now, or within one year after the enactment of the legislation before an ex-officer may be extended the benefits of retirement pay thereunder, and that in order to determine the present existence of such 30 per cent permanent disability reexamination would be necessary except in the following cases:

"(1) Whenever the officer whose compensable disability, directly connected with service and incurred in line of duty, results from amputation, enucleation, organic blindness, organic deafness, organic loss of

speech, fractures, scars, peripheral or cranial nerve injuries, disfigurement of ankyloses.

"(2) Whenever the officer has had a complete physical examination by a board of three physicians (as required for permanent ratings under the regulations governing the Veterans' Bureau) within a period of 90 days.

"It is my belief that this is a reasonable interpretation of the provisions of the law and that your decision of August 3, 1928, is in substantial agreement therewith.

"In view, however, of the fact that your decision of August 3, 1928, was primarily directed at another phase of this matter, reconsideration is requested, with particular reference to the following questions:

"(1) In a case where an officer has heretofore been rated 30 per cent permanently disabled for disability incurred in line of duty directly resulting from war service, and the file now shows that the rating was in error under the law or the facts, or both, may the bureau reexamine and rerate the applicant?

"(2) Where an officer has heretofore been rated 30 per cent or more permanently disabled for a disability incurred in line of duty directly resulting from war service, and such rating was correct under the law and the schedule of disability ratings in effect at that time, but such rating would not be the same under the schedule of disability ratings in effect at the present time, is there authority to place the man on the retirement list on the strength of the former rating, or must a rerating be made under the present disability rating schedule?

"In this connection consideration should be given to the change in the law governing the principles of disability ratings effected by the act of June 7, 1924, which introduced the principle of ratings based on impairment in earning capacity in occupations similar to the occupation at time of enlistment, and to the fact that the formal rating schedule thereunder was not put in effect until January 1, 1926, the schedule in effect prior to June 7, 1924, being used in the interim in conjunction with instructions to the rating authorities to apply the old schedule in the light of the law itself pending the promulgation of the new schedule. Since January 1, 1926, there have also been promulgated several extensions to that schedule of disability ratings which have caused distinct variations in ratings of individual cases on the identical disability; for example, due to a revision in the occupational variants for students, a man who has heretofore been assigned a variant as a student because he was engaged in the study of law at the time of his entrance into the military service, is now under extension No. 5, dated June 29, 1926, assigned a variant as a lawyer, the use of which in the evaluation of some disabilities will bring the degree of rating for exactly the same disability below 30 per cent. Is the bureau authorized to take the rating in effect at the time of the enactment of the law which would bring him within the terms of the legislation, or must the amended schedule be applied? Conversely, where a change in occupational variant or other rating element subsequent to the enactment of the law would bring the same disability to a rating of more than 30 per cent permanent, is the bureau authorized or required to rerate the applicant under the amended schedule so as to bring his rating up to 30 per cent and give him the benefits of the retirement law?

"(3) In a case where an officer has been rated 30 per cent or more permanently disabled under the laws, regulations, and schedules of disability ratings in effect at the time the rating was made, for a disability incurred in line of duty directly resulting from war service, but the evidence now shows that he is not at the present time permanently disabled to a degree of 30 per cent or more, must the old rating be accepted and the benefits of the retirement act be accorded? Or should he be reexamined and rerated under the law and schedule of disability ratings in effect on May 29, 1928, or that in effect on the date of administrative determination?" (See decisions of your office in the case of Edward L. Marthill, C-405236, dated October 2, 1926, and January 7, 1927.)

In the decision to which reference is made the question for consideration was whether the appropriations for the Veterans' Bureau available for travel expenses of claimants for the benefits accruing under the World War veterans' act might be used to pay transportation and travel expenses of applicants for retirement to secure physical examination. In reaching the conclusion that the appropriations were available for payment of transportation and travel expenses for applicants for retirement under the act of May 24, 1928, it was necessary to conclude that a physical examination in some cases was necessary, and that the mere fact that the records of the Veterans' Bureau showed that at some time in the past a rating of 30 per cent or more disability had been given a former officer, but upon subsequent examination a less degree of or no disability was found and the record had been corrected to show the true facts, would not entitle the officer to retirement. Extended discussion as to the basis for reaching such a conclusion was not deemed necessary as that conclusion was in consonance with the conclusion reached by you and that was the reason for the submission.

If the strict literal language of the quoted phrase were the only guide as to the description of the beneficiaries it might include anyone who, whether by mistake or otherwise, had ever received a rating of physical disability of 30 per cent or more in the Veterans' Bureau under either or any of the schedules of ratings ever employed by the bureau, and who subsequently under the authority of the Veterans' Bureau to reexamine beneficiaries had been later correctly rated with a less degree of disability, or with no disability, might now be required to be placed on the retired list created by the act of May 24, 1928, to receive retired pay for life. In such circumstances there might be one or many with no present disability awarded retired pay for life, while one or many with permanent disability rated at 29 per cent would necessarily be denied any retired pay. In many cases it is understood no benefits are now being paid persons who soon after the war had ratings equal to or in excess of 30 per cent disability, so that the retired pay to be paid them under the act of 1928 would not in fact "be in lieu of" any disability compensation they are now receiving. The act extends its benefits to the former officers therein described—

"* * * who during such service have incurred physical disability in line of duty, and who have been, or may hereafter, within one year, be rated in accordance with law at not less than 30 per cent permanent disability by the United States Veterans' Bureau for disability resulting directly from such war service: * * *."

and in addition to other benefits provides that former officers so placed on the retired list therein created—

"* * * shall receive from date of receipt of their application retired pay at the rate of 75 per cent of the pay to which they were entitled at the time of their discharge from their commissioned service, except pay under the act of May 18, 1920: *Provided*, That all pay and allowances to which such persons or officers may be entitled under the provisions of this law * * * shall be in lieu of all disability compensation benefits to such officers or persons provided in the World War veterans' act, 1924, and amendments thereto, except as otherwise authorized herein, and except as provided by the act of December 18, 1922 * * *."

Section 302 of the war risk insurance act of October 6, 1917 (40 Stat. 406), provided a schedule of payments for total disability and for a percentage of such payments if the disability is partial and required that a schedule of ratings of reduced earning capacity from specified injuries or combinations of injuries of a permanent nature should be adopted and applied by the bureau. By section 305 it was provided:

"That upon its own motion or upon application the bureau may at any time review an award and, in accordance with the facts found upon such review, may end, diminish, or increase the compensation previously awarded, or, if compensation has been refused or discontinued, may award compensation."

That provision has been continuously in the law, although amended from time to time, the present provision for reviewing an award being contained in section 205 of the World War veterans' act (43 Stat. 522), which was quoted at length in decision A-23876, August 3, 1928, referred to by you. This provision clearly assumes not only that awards may have been made of permanent partial disability, which time has shown was either temporary or susceptible of improvement, but also that awards might be improvidently made or made as the result of undetected malingery. In any such case, where a rating was incorrectly accorded the former officer of 30 per cent or more permanent disability, it is competent for the director to review the award and accord a rating which will correctly show the present condition of the beneficiary.

As to the beneficiaries intended by the act of May 24, 1928, see Senate Report No. 115, Seventieth Congress, first session, to accompany S. 777, which became the act of May 24, 1928, where the committee made the following statements as to the purpose and effect of the bill:

"The bill provides retirement pay of 75 per cent of the compensation paid at time of discharge from active service to emergency Army officers who incurred permanent disability of 30 per cent or more as a result of their service during the World War.

"It is believed that this degree of disability in the keen competition of civil life is, on the average, the equivalent of the 'incapacitated for active service,' which is the basis of retiring officers from the Regular Establishment on account of disability."

"The number of disabled emergency Army officers to be benefited by this proposed act, together with its costs, are shown in the appended letter and table from the Director of the Veterans' Bureau, dated January 19, 1928, which are made a part of this report."

In House Report No. 1082, Seventieth Congress, first session, to accompany S. 777, the following statement is found:

"Your committee points out that the Senate act (S. 777) includes those disabled emergency officers of the Navy and Marine Corps, 201 in number, who did not obtain retirement under the act of June 4, 1920. The increased annual cost under this amendment will be $117,624.

"In all other respects the text of S. 777 is similar to that of H. R. 500, which was favorably reported by this committee on January 20, 1928, perfected copy of which report follows, and is made a part of this report:

* * * * * * *

"The bill provides retirement pay of 75 per cent of the compensation paid at time of discharge from active service to emergency Army officers

who incurred permanent disability of 30 per cent or more as a result of their service during the World War. * * *

* * * * * * *

"The number of disabled emergency officers to be benefited by this proposed act is estimated by the Director of the United States Veterans' Bureau, under date of March 21, 1928, to be 3,251. This increase over previous estimates is in part due to the operation of the new rating schedule recommended by this committee and authorized by the Sixty-eighth Congress, in part due to the fact that the physical condition of these older disabled officers has been gradually breaking down under the handicaps of their war-incurred disabilities, and in part due to the inclusion of 185 naval officers and 16 Marine Corps officers not already retired.

* * * * * * *

"The increased annual cost to the Government, based upon the figures of the United States Veterans' Bureau, is $2,294,265, being the difference between the amount to be paid under this bill, $5,136,225, and in lieu of the amount the 3,251 are now receiving as compensation, $2,841,960. The death rate of these men disabled in war is high, more than 125 deaths having occurred during the year 1927. Therefore it is obvious that when this act becomes operative its cost should diminish rapidly.

* * * * * * *

"To relieve the War Department of the, to it, objectionable necessity of disbursing from its funds money not applicable to strictly military purposes, the bill provides that the administration of the act be committed to the United States Veterans' Bureau, which has the complete medical records of the beneficiaries * * *."

All discussion was on the basis of former officers who were permanently disabled as the beneficiaries of the act; in other words, former officers who under the World War veterans' act (including the authority of the Veterans' Bureau to review an award under the statutory provisions cited above), were permanently disabled to an extent of 30 per cent or more and who were otherwise within the act.

The language cited defines and limits the beneficiaries under the act, with the further qualification that the disability shall have been, or shall be, rated by the Director of the Veterans' Bureau at 30 per cent or more, in accordance with law, i. e., in accordance with the schedule of ratings in effect on the date of the act for awarding compensation under the World War veterans' act, and it is thus clear that the mere rating at a particular percentage of disability under any scheme of rating at any time in effect was not designed to be the test of the right to retirement under the act of May 24, 1928. Until the requisites for retirement under the act have been established in a particular case, the applicant for retirement continues to be a beneficiary, or an applicant for benefits, under the World War veterans' act; the act of May 24, 1928, does not suspend the application of the World War veterans' act as to persons prima facie coming within the terms of the retirement act; until the person has been retired under the terms of the act, he continues to be subject to the provisions of the World War veterans' act, including the provision of law authorizing the bureau to reexamine and rerate beneficiaries of the World War veterans' act.

On the foregoing premise your several questions will be answered in their order, the answers in each case being predicated on the assumption that the Director of the Veterans' Bureau, in the exercise of his discretion, and on the evidence available to him, has determined in a given case that the present records sufficiently suggest error to warrant a reexamination.

1. Yes.

2. The second paragraph of subdivision (4) of section 202 of the World War veterans' act (42 Stat. 618) provides:

"A schedule of ratings of reductions in earning capacity from injuries or combinations of injuries shall be adopted and applied by the bureau. Ratings may be as high as 100 per cent. The ratings shall be based, as far as practicable, upon the average impairments of earning capacity resulting from such injuries in civil occupations similar to the occupation of the injured man at the time of enlistment and not upon the impairment in earning capacity in each individual case, so that there shall be no reduction in the rate of compensation for individual success in overcoming the handicap of an injury. The bureau in adopting the schedule of ratings of reduction in earning capacity shall consider the impairment in ability to secure employment which results from such injuries. The bureau shall from time to time readjust this schedule of ratings whenever actual experience shall show that it is unjust to the disabled veteran."

The rating must be in accordance with law, and the law in effect May 24, 1928, is the law contemplated by the act by which is to be tested the question whether the rating is in accordance with law. On the facts suggested, a rerating should be made under the disability rating schedule in effect May 24, 1928. In the matter of retirement, equality of treatment for the same disability, other requisites being established, requires that all claims be rated under the same schedule, the one in effect May 24, 1928, pursuant to law; otherwise some former officers would be retired and others having identical disabilities, would not be retired. The law contemplates equal treatment for all otherwise within the law having the same degree of disability under the applicable rating schedule.

3. It is assumed that the date "May 29, 1928," was inadvertent and that May 24, 1928, the date the act providing for retirement of disabled emergency officers became effective, was intended, and answer will be on that basis. All beneficiaries of the Veterans' Bureau were required by section 202 (4) of the act of June 7, 1924, to be rated on the schedule of ratings therein directed to be adopted. Section 202 (4) of the act of June 7, 1924, directs that "A schedule of ratings of reductions in earning capacity from injuries or combinations of injuries shall be adopted and applied by the bureau." It will be observed that the enactment requires not only the adoption of schedule of ratings, but also their application, i. e., that the schedule shall be put into effect, and if to put such schedule into effect required examination, the rating would not be in accordance with law until such examination had been had. It is understood that has been the administrative procedure and the law was being so administered when the act of May 24, 1928, was passed. The old ratings were not, therefore, for the purpose of the retirement act "in accordance with law," and in any case where the description of the injury or disability, or other evidence available to the bureau, suggests that the application of the new schedule of ratings may affect the percentage of disability, a matter for the exclusive determination of the Director of the Veterans' Bureau, the rating is not in accordance with law, a rerating is required and the schedule of ratings in effect May 24, 1928, should be followed. The decisions cited relate to the effective date of an increase in compensation resulting from a rerating under the schedule of ratings put into effect under the act of June 7, 1924. In a degree the status of the beneficiaries of the act of May 24, 1928, is changed. Their right to compensation under the World War veterans' act ceases after retirement and from the date of receipt of their application for retirement in the bureau they are to be placed on the retired list therein created and are entitled to retired pay based on their commissioned rank at date of discharge from their war service. The percentage of disability should be determined under the schedule in effect on the date of the act, that all in the same situation should be treated with exact equality. For the purpose of retirement, the rating is required to be in accordance with the law as of that date.

What is here said, of course, has no application to the decisions cited by you in this connection.

Respectfully,

J. R. McCARL,
Comptroller General of the United States.

CONVICT LABOR

Mr. NEELY. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Wheeling (W. Va.) Register of the 5th instant entitled "Convict Labor."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CONVICT LABOR

The State road commission in a report to the legislature requested by Senator Ben Hiner, Democrat, of Pendleton, expresses opposition to the use of convict labor for excavating, grading, and other heavy work. The commission thinks prison labor would be more costly than having the work done by contract, but the reasons given are neither lucid nor convincing.

Why, we ask, can not convict labor be employed on road construction more cheaply than under contract with private concerns using free labor? The board of control several years back offered the road commission from 600 to 800 prisoners, at $1.50 per day each, to include "delivery," guarding, feeding, transportation, clothing, medicine, etc., while free labor costs approximately $3.75 per day. Yet the road commission has ever held back and employed convict labor only in emergencies and where public opinion demanded.

It is our sincere hope that the legislature will compel the use of prison labor on State roads, not only to relieve the horribly crowded conditions at the Moundsville Penitentiary but to make great savings for the Commonwealth. Already $50,000,000 has been expended upon disjointed, disconnected roads with very little results. The fact of the matter is that after seven years and the exhaustion of $50,000,000, plus Federal aid, West Virginia to-day does not have one single first-class trans-State highway. To go anywhere in West Virginia one has to drive out of West Virginia and use the roads of neighboring States. And unless the legislature is very careful as to the manner in which the extra $35,000,000 voted last fall is expended, the people may awake some day to find that they still are without main, trunk-line roads running from north to south and east to west and vice versa capable of handling the traffic which the natural beauties, scenery, and business of the Commonwealth should draw.

WAR DEPARTMENT APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15712) making appropriations for

the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes.

The PRESIDING OFFICER. The pending question is on the committee amendment, under the subhead "Military posts," on page 26, line 3, after the word "made," to insert a colon and the following proviso:

Provided further, That no part of the sums appropriated or authorized to be contracted for in this paragraph shall be available for construction at Scott Field, Ill.

Mr. HARRISON. Mr. President, if there is no further discussion to be had on the amendment and we can have a vote, I am ready to have the vote taken; otherwise, I desire to submit a few remarks.

Mr. REED of Pennsylvania. Mr. President, I may say to the Senator from Mississippi that I think we shall reach a vote very soon. There may be some further discussion. I want to say a word or two to Senators who were not here yesterday.

Mr. HARRISON. Very well.

Mr. REED of Pennsylvania. Mr. President, a number of Senators are now in the Chamber who were not here yesterday afternoon when the Scott Field item was discussed. I want as briefly as I can to summarize for them the question which has to be decided.

At Scott Field, in southern Illinois, about 20 miles east of the city of St. Louis, there is an aviation field which was established in 1917, on which are officers' quarters for 28 officers, noncom quarters for 36 noncommissioned officers, and barracks for 750 men. There are at present at Scott Field five airships, nonrigid, of small size, known colloquially as blimps. There are four observation balloons and a number of the old-type balloons. In heavier-than-air equipment there are one observation airplane and two training airplanes kept there permanently. There are hangars there suitable for the heavier-than-air and lighter-than-air equipment.

It is a very necessary field in the scheme of things for aviation. The War Department has no intention of abandoning the field. If it goes out of the business of operating nonrigid dirigibles, the field will still be used to great advantage for heavier-than-air operations. It is a necessary stopping place for all planes flying from east to west and from west to east across the United States.

The Committee on Military Affairs of the Senate, the subcommittee which considered the pending appropriation bill in the Senate, and the subcommittee which considered the appropriation bill in the House, have felt for more than two years that it was a sheer waste of Government money for the Army to be conducting lighter-than-air experimentation. The Navy is doing it on a large scale and expending millions of dollars each year in that work. The Army has been spending less than a million dollars a year, not including the pay of the soldiers, and has discovered nothing and has improved nothing. General Fechet, the Chief of the Air Service, admitted to our committee that the blimps which they have at Scott Field are of no value whatsoever for combat purposes. He further admitted that the observation balloons which they have there, which are useful and always will be useful for artillery observation and staff observation, can not be used for artillery observation because there is no artillery near them. The observation balloons would serve a much better purpose and be of more service if stationed at Fort Sill, in our opinion, where they could actually be used for spotting artillery fire, the purpose for which they would be used in war times.

The impression has gotten about in Illinois and in Missouri, I am afraid, that we are determined upon the abandonment of Scott Field, but that, I assure the Senate, is not the case. Scott Field will have to be maintained and, under the proposed program, except that the citizens of that vicinity will no longer see the little nonrigid airships flying around, they will not be able to observe any difference. That, briefly stated, is the first reason for the committee amendment.

The second reason is even more cogent. Under the 5-year program for the Air Corps, 1,200 additional enlisted men each year have to be assigned to aviation.

The size of the Army has been limited for several years to 118,750 enlisted men. We can not and ought not to increase the size of the Army. The consequence is that each year 1,200 men have had to be taken out of regiments in the other branches and put into the Air Corps. The result has been an increasing number of skeletonized regiments, brigades, and divisions. It tells very heavily on the other branches of the Army to have annually to take those increments from them.

It was stated in the evidence that there were 508 enlisted men at Scott Field engaged in lighter-than-air work, and the report which comes to me from the War Department this morning states that there are 527. When enlisted men are so much in demand in every branch of the Army we can ill afford to have 527 of them devoted to experimentation with the little nonrigid dirigibles. I should like to see those 527 men kept in the Air Corps, but to that extent I should like to see the other branches of the Army relieved from providing 527 additional men this year.

If we are going to keep the Army efficient, we have got to have more men in each organization than are necessary for the elementary duties of kitchen police, stable police, and the drudgery of Army life; there has got to be some opportunity for military training also and it is becoming increasingly hard to do so because of the reduction in the number of enlisted men attached to the different regiments, brigades, and divisions of the line of the Army. So, first, because we want to save money and quit spending it on a useless activity, which the Navy can much better conduct; and secondly, because we want to save this number of enlisted men for use in the heavier-than-air activities of the Air Corps, the committee thinks, and thinks very sincerely, that the Army ought to give up this side show which it is running.

Mr. SIMMONS. Mr. President, may I ask the Senator from Pennsylvania a question?

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from North Carolina?

Mr. REED of Pennsylvania. I yield to the Senator from North Carolina.

Mr. SIMMONS. Is there anything in the military service which especially qualifies and equips a man for duty in the Air Corps; that is, is such a man any better qualified for such duty by reason of the fact that he has had Army training than would be an ordinary civilian?

Mr. REED of Pennsylvania. Yes, Mr. President; the military flying of airplanes is a vastly different thing from the commercial flying of airplanes.

Mr. SIMMONS. If that be so, ought we not to select the men who are to constitute the personnel of the Air Service from the Army, because of their training and experience?

Mr. REED of Pennsylvania. I do not object to that, Mr. President, and, as I have said, we are doing that. Each year we are taking out a group of 1,200 enlisted men, soldiers, and assigning them to aviation work.

Mr. SIMMONS. I understood the Senator to state that that is exactly what we are doing, but I had in mind that the remedy would be to increase the Army, if necessary, to that extent?

Mr. REED of Pennsylvania. We should hope to do that, Mr. President, except for a sort of general agreement that the strength of the Army ought not to be increased over the present figures. The Army could advantageously use an additional 20,000 enlisted men, but by general agreement the committee has not tried to provide for any such increase.

Mr. SIMMONS. Mr. President, is it the Senator's suggestion that we discontinue a part of this Air Service and thereby relieve the drain upon the Army?

Mr. REED of Pennsylvania. No; my suggestion is that we discontinue the operation of the lighter-than-air dirigibles.

Mr. SIMMONS. The Senator has stated that that requires about 500 men.

Mr. REED of Pennsylvania. About 527 men are engaged in that activity.

Mr. SIMMONS. The Senator is not making an argument against using enlisted men of the Army for that purpose——

Mr. REED of Pennsylvania. Oh, no; not at all.

Mr. SIMMONS. But he is merely contending that we ought to discontinue this lighter-than-air service?

Mr. REED of Pennsylvania. Yes; in the Army.

Mr. SIMMONS. The Senator thinks we ought to discontinue it in the Army?

Mr. REED of Pennsylvania. Yes. Mr. President, when this matter was put up to the Chief of the Air Service and the Assistant Secretary of War for aviation they both asked the committee not to discontinue this lighter-than-air activity. Of course, they are sincere in their statements, I grant you, but I do not remember any case in which an Army or Navy commander ever willingly relinquished any activity that he had once got in his hands. Last year the committee took similar action, and expressed strong views against this waste of money, as we consider it to be; and the House of Representatives, the Senate, and the President acquiesced in that decision; so that it was something of a surprise for us this year to find the action challenged. We had supposed it would be considered as settled policy. We think the men engaged in this activity and the Army itself are not profiting by it, and we think that it much better could be discontinued.

Mr. HAWES. Mr. President, Scott Field was leased by the Government in 1917. At that field we trained many of the

participants in the World War. They were taught flying there. After the war in 1919 the Government made a permanent investment in this field, and now has an investment, as I understand, of some $10,000,000. At Scott Field there is a hangar for airships costing $2,000,000.

Scott Field is within 20 miles of St. Louis and within one night's journey of Chicago, Detroit, Cleveland, Indianapolis, Louisville, Memphis, Kansas City, and Omaha; it is within 8 hours of the great cities of the Central West. It is the only field of any kind that really belongs to the Central West. That section of the country has sent men into the Army and into the Navy, and it pays its proportion of the taxes for the Army and for the Navy. We believe that this is the first move to destroy Scott Field, and the advisability of the move is not sustained by the opinion of any man connected with the Army, from the Assistant Secretary of War down to the last witness who appeared before the committee.

If anybody connected with the Navy has proposed the change which has been suggested by the members of the Military Affairs Committee of the Senate it is not disclosed in the hearings. So we find here a change proposed by a subcommittee of the Committee on Military Affairs that is not supported by the Army, that is not supported by the Navy, and that was defeated on a roll call in the House of Representatives.

It is contended by the proponents of this change that control of the lighter-than-air service should be given to the Navy. Airships, according to the testimony of the commander at Scott Feld, are necessary. I should like to say something about the commander at Scott Field. He is Colonel Paegelow. Senators may not have heard of him, but he is the man who commanded and had charge of our balloon service on the battle front.

He said in his testimony that all together he had lost 32 balloons, one of which was taken in Germany, and he speaks of the destruction of others. He is an officer experienced in war, who has studied the Air Service and who understands the climatic changes in the district where Scott Field is situated. He has had all the experience derived from 11 years' service there.

Now, it is proposed to remove the airship from the control of the Army. It is true that provision for captive balloons to direct artillery fire remains in the appropriation, but I can not understand, and apparently the Navy can not understand, and the Army certainly can not understand, why the Navy should direct the firing of artillery by the Army.

Mr. REED of Pennsylvania. Mr. President, the Senator did not understand me to suggest that, did he?

Mr. HAWES. I understand that the Senator proposes that all these airships shall be transferred from the jurisdiction of the Army to that of the Navy.

Mr. REED of Pennsylvania. Precisely; but the observation balloons, which are the only things used for observing artillery fire, are to be kept under the control of the Army, and the bill so provides.

Mr. HAWES. The Assistant Secretary of War, who testified on this subject, had this to say:

> The airship is used strategically or tactically in a situation favoring its employment as a complement or replacement of the airplane, such conditions as inclement weather, long-range operations, and situations wherein the peculiar characteristics of the airship make it a suitable agency for use in conjunction with or in lieu of heavier-than-air craft. The airship has a number of capabilities which are not enjoyed by heavier-than-air craft.

I could quote from other distinguished authorities who want this question at least left open.

If the position of members of the Senate Military Affairs Committee is sustained by a single Army officer, if it is sustained by the Navy, it is their duty to tell the Senate about it. The matter was discussed in the House, and the House refused to adopt the suggestion which is here proposed.

Mr. President, we are not asking at this time for more money; so that the striking out of these amendments which cripple the usefulness of Scott Field and forever remove lighter-than-air machines from the jurisdiction of the Army is the only question now before the Senate.

I suggest that if the entire subject of lighter-than-air craft is to be transferred to the Atlantic coast, and that is the policy and the thought back of the three amendments to this bill, it should be given further consideration, and that it at least should be supported by technical experts of the Army and the Navy. So that this amendment which we of the Central West are asking to have stricken from this bill comes before you having been defeated in the House and not approved by any competent naval or military authority in either branch of the service.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator from Missouri what is the position taken by the Secretary of the Navy with respect of this controverted matter?

Mr. HAWES. I find no expression from him.

Mr. SHORTRIDGE. What is the position of the Secretary of War?

Mr. HAWES. He is opposed to it.

Mr. REED of Pennsylvania. Mr. President, will the Senator point to his testimony?

Mr. HAWES. Yes, sir.

Mr. REED of Pennsylvania. The Senator means the Assistant Secretary of War; does he not?

Mr. HAWES. I mean the Assistant Secretary of War, acting as agent for the Secretary of War, and speaking for the Secretary of War.

Mr. SHORTRIDGE. That would seem to be so; but does the Secretary of War dissent from the views expressed by his assistant?

Mr. HAWES. No, sir. I know personally—not as a matter of record—that he is very much opposed to this change, and has so stated.

Mr. KING. Mr. President, it is recognized that all efforts made by Congress to abolish any governmental agency, particularly any executive bureau, department, or organization, are resisted to the utmost, and all such efforts have proven abortive. Executive organizations cooperate to resist efforts to dislodge them and to increase their power, authority, and jurisdiction.

The Republicans, during the campaign of 1920, made the most solemn promises to reorganize departments, eliminate bureaus, and coordinate the activities of executive instrumentalities. Since securing control of all branches of the Government following the inauguration of President Harding, whatever efforts they have put forth in the direction indicated have proven utterly unavailing. Senators will remember that a commission was appointed to consider the question of consolidating Federal agencies. President Harding selected Mr. Brown, of Ohio, as the chairman of the commission. When the commission began its futile and inconsequential activities, executive departments engaged in acrimonious discussions as to the powers and functions which belonged to them, and all resisted efforts to consolidate, reorganize, and effectuate administrative reforms. Since then more bureaus have been created, more Federal agencies have sprung into existence, and the power of the executive department is greater than ever before. The personnel of the executive departments and bureaus are increasing, and there is every promise of the extension of bureaucracy, the multiplication of Government agencies, and the assertion of greater power and authority by various branches of the executive departments of the Government.

The Senator from Pennsylvania [Mr. REED] has, with the utmost accuracy, just stated that no Federal agency has been known to concur in a movement to reduce its authority or restrict its jurisdiction So it is not surprising that officers of the War Department have resisted the recommendation of the committee that useless activities relating to Scott Field be abolished and that such work there being performed be transferred to another department better equipped for the performance of the same. The duplication of activities in Federal organizations and agencies is so great as to shock every business man who comes into contact with the work of the executive departments.

There are many activities engaging the attention of the Navy Department which receive consideration in the War Department. These numerous duplications in part account for the enormous expenses of the Federal Government. If the work of the executive departments of our Federal Government were performed by private persons and business organizations, the expenditures would be reduced to the extent of hundreds of millions of dollars annually. Waste and extravagance and uneconomical methods are characteristic of governmental activities.

Mr. President, an examination of the pending bill reveals that it carries more than $346,000,000. In addition there are authorizations which will call for tens of millions of dollars additional, and this bill carries appropriations for but one fiscal year for the Army.

We are at peace with all the world. There are no clouds of war. We are not making military preparations for an impending conflict and yet there is placed before us a bill which takes from the Treasury of the United States for the next fiscal year more than $447,000,000 to meet the ordinary expenses of the Army. It should be stated, however, that approximately $80,000,000 of this huge sum is to be devoted to flood control and for the improvement of our harbors and inland waterways.

The House will pass to-day or to-morrow the naval appropriation bill which, as I am advised, will carry items aggregating at

least $375,000,000. We have already passed a number of bills during this session appropriating approximately $25,000,000 for the Army and the Navy. This sum is to be added to the amounts that I have just given. I have no doubt that before Congress adjourns on the 4th of March the appropriations for the Army and the Navy for the next fiscal year will approximate $800,000,000, and if we are to judge the future by the past, when Congress meets next December deficiency bills will be presented calling for tens of millions of dollars to meet the obligations incurred by the War and Navy Departments.

Mr. President, the American people do not appreciate the tremendous burdens under which they labor to meet the expenses of the military arm of the Government. No country in all the history of the world has ever expended for military purposes, except in time of war, the amount which the United States has been expending during the past five or six years. We often hear of the military character of the German Empire during the years preceding the World War, and we are often told that the military expenses of the German Government during the period mentioned were enormous. Mr. President, we will appropriate very much more for our Army and Navy for the next fiscal year than Germany expended in any year preceding the outbreak of the World War in 1914. My recollection is that Germany's budget for military purposes in 1913 was considerably less than $500,000,000. We can not justify the enormous appropriations which are being made for military purposes. The overhead of the Army and the Navy is entirely too great. It is inconceivable that we are appropriating for the small Army that we have the stupendous sum carried in this bill. As Senators know, the expenses of the Federal Government for all purposes in 1900 were considerably less than $700,000,000 and for the fiscal year ending June 30, 1916, they were but slightly over $1,000,000,000.

Mr. President, the expenses of the Federal Government are increasing out of all proportion to the service rendered and the duties performed. We have been led to believe by repeated promises from the party in power that there would be a great reduction in Federal expenses but the promises have not been fulfilled and our Republican friends with the greatest cynicism now declare that expenditures will increase. Of course, that will involve an increase in taxation and will result in imposing heavier burdens upon the taxpayers of the United States.

The Federal Government is extending its activities; it is projecting itself into fields where it is an alien and where, under the Constitution, it has no jurisdiction. The executive departments welcome the conference upon them of additional authority and many of them are constantly intriguing to secure additional power and to multiply the activities with which they shall be concerned. Where the end will be it is not difficult to foresee. Bureaucracy, like the rolling snowball down the hillside, increases in size and in momentum. Sooner or later it reaches the bottom. It may rest in peace for awhile; more often it is dashed to pieces; sometimes it waits the scorching rays of the sun to destroy it. Bureaucratic governments are always the most oppressive and the most extravagant. Often they meet a premature end. History supports the statement that bureaucracies thrive in liberal and democratic governments, but with their increase in authority the cause of liberalism is diminished and the interests of democracy are imperiled. But I return to the subject before us. The Senator from Missouri [Mr. HAWES] has just referred to the fact that Scott Field was selected in 1917 during the World War and that a large number of men were drilled for military service at that point.

In those exciting and dramatic days of 1917, when this great Nation entered the World War, a large number of fields were provided in various parts of the United States. Millions of men were drilled and sent to cantonments and various points of our country, where they were drilled for service upon the seas and beyond the seas. When the war was over most of these fields and cantonments were useless. Many were promptly abandoned; too many were retained. Several years ago, as a member of the Naval Affairs Committee, I made an examination of a large number of the naval bases and stations and navy yards. My recollection now is that there were more than 150 falling within the categories just referred to. Recommendations were made by members of the committee to abandon many stations and some navy yards and stations. There were a large number of military posts scattered throughout the United States. Millions were expended in maintaining these unnecessary naval yards, bases, stations, and Army posts throughout the land. Some were finally abandoned, but the contest to secure the abandonment of a post or navy yard or station was a most bitter one. Opposition of the fiercest character was often encountered by the communities in which these Army and Navy posts, stations, and so forth, were found. Too often the interests of the country were sacrificed to meet these demands for a continuation of these governmental activities.

A considerable portion of the expense of the Army and Navy results from the maintenance of unnecessary stations, naval bases, navy yards, repair shops, arsenals, stations, and so forth, and nearly every session of Congress a number of bills are introduced to create additional stations, aviation bases, submarine bases, Army bases, and so forth. An examination of the bill before us reveals the enormous expense incident to maintaining the military posts and stations throughout the United States.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Missouri?

Mr. KING. I yield.

Mr. HAWES. Is the Senator under the impression that if this proviso is stricken out it will add to the cost, or add to this bill? I want to disabuse the Senator's mind of that impression if he has it, and then to direct his attention to the statement of the Senator from Pennsylvania that there is no intention of abandoning Scott Field; so the question the Senator has been discussing does not seem to apply to this amendment.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit an interruption?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Pennsylvania?

Mr. KING. I yield.

Mr. REED of Pennsylvania. The department requested $667,000 for this lighter-than-air activity at Scott Field, which has been denied them by the House, and which stands denied as the bill now is; and, while I am correcting the matter of figures, the amount heretofore spent on the permanent improvement of Scott Field is not $10,000,000 or anything like it. The amount actually spent down to June 30, 1928, for permanent improvement, including the original cost of the land, was $3,561,056.67. The authority for that is a letter of General Fechet, which is printed in the CONGRESSIONAL RECORD at page 1434.

Mr. KING. Mr. President, even if this field had cost $50,000,000, it would not, it seems to me, be an appealing argument for its continuation. We spent more than $3,000,000,000 in the construction of a merchant fleet during the war. We spent at Hog Island more than $50,000,000 for the construction of that plant, and it has been abandoned. Many other plants were built during the war which, when the war was over, were of no use whatever. They were war losses and should have been promptly written off as such.

As I stated a moment ago, there are fields and camps and posts and naval bases by the scores and hundreds throughout the United States, most of which should be abandoned. I do not agree with the Senator from Missouri that to continue the use of Scott Field in the manner in which it is now being used will not increase the expenses of the Government. It was stated by the Senator from Pennsylvania that more than 500 of the enlisted men now at Scott Field are needed for active service of various military posts. He stated that many of the military units were mere skeletons and that a considerable number of enlisted men of the Army are spending their time in kitchen duty and in work quite outside of military service. If the enlisted men at Scott Field are to remain there in practically nonmilitary service, an insistent demand will be made that the Army be enlarged and, of course, that would involve additional expenditures. Whenever enlisted personnel are called upon to perform nonmilitary duties additional men will be called for to recruit the ranks thus depleted. This policy of weakening the Army by assigning our soldiers to nonmilitary activities is not wise and will tend to disorganize the Army and more or less demoralize the administrative machinery of our Military Establishment.

The discussion shows that there is duplication of work by the Army and the Navy, and that if there is any value to the work now being performed at Scott Field it is quite insignificant and could be better performed by the naval organization which is devoting attention to all forms of aircraft, whether heavier than air or lighter than air. I repeat what I said a few moments ago, that there is too much duplication of work by Government agencies. Each bureau and department is jealous of all others and is unwilling to surrender any field in which it is interested, although some other agency of the Government is performing the same character of work and in many instances in a much better manner.

Mr. HAWES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Missouri?

Mr. KING. I yield.

Mr. HAWES. How many men does the Senator think it takes to operate an airship?

Mr. KING. It depends upon the character of the ship, whether it is a ship like the *Roma*, the *Los Angeles*, or the *Graf Zeppelin*, or the balloon types operated at Scott Field.

Mr. HAWES. Five or ten or fifteen or twenty?

Mr. KING. As I have stated, does the Senator mean the great airships, such as those I have mentioned?

Mr. HAWES. No; such as we have at Scott Field now.

Mr. KING. An inconsiderable number; but there are more than 500 enlisted men there, and a considerable number of officers.

Mr. HAWES. They can take them away. They are not necessary to this service.

Mr. BINGHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Connecticut?

Mr. KING. I yield to the Senator.

Mr. BINGHAM. I should like to ask the Senator from Missouri if he has ever seen a dirigible brought down with the "inconsiderable number" of men spoken of? The Senator knows perfectly well that the reason why there are 400 enlisted men at Scott Field is that they are necessary to act as human anchors when a dirigible is being walked into its hangar.

Mr. HAWES. Mr. President——

Mr. KING. I yield to the Senator from Missouri.

Mr. HAWES. Does the Senator dispute the fact that there ought to be four or five hundred men at this field? Does he want to move them all away? Is that his thought?

Mr. BINGHAM. Mr. President——

Mr. KING. I yield to the Senator from Connecticut.

Mr. BINGHAM. I shall be glad to answer that question as soon as the Senator from Utah yields the floor.

Mr. KING. Mr. President, the arguments which have been made during this debate—and this leads me to an avenue not quite pertinent to the discussion—confirm the view which has been expressed by General Mitchell and by others, and which is represented by bills which I have introduced upon numerous occasions in the Senate, that there ought to be a consolidation of the Army and the Navy under one control. All agencies connected with the national defense should be under one organization. We should have a department for national defense under the head of a Cabinet officer. There should be an assistant having charge, under the secretary, of naval matters; an assistant looking after what might be called military matters; and a third assistant who would have charge of aviation in all of its various forms. In this manner there would be a coordination of all of the activities relating to national defense. There would be no further quarrels as to who should have charge of coast defense or aviation activities along the coast, or who should defend our harbors. The different departments which now exist make for waste, duplication, extravagance, uneconomical methods and inefficiency.

It is recognized that aviation is in its infancy. It is destined to be for commercial, as well as for military purposes, one of the great agencies and forces in the world. All of the activities of the Government in connection with aeronautics and all forms of aviation should be under one control. There is much scientific work, much research work, much administrative and executive work to be done in order to coordinate all of the activities, whether they are administrative, scientific, military, or naval.

It is not my purpose to discuss the bill which I have pending providing for a consolidation of these departments and agencies, and I have alluded to it only in passing because it was pertinent to the discussion which has taken place.

Mr. President, I observe the bill carries an appropriation of more than $30,000,000 for aviation, and various appropriations for other activities in connection with balloons and dirigibles. I repeat that all of this work should be under one head. There are needed at the present time radical reforms in every branch and department of the Government. It is unfortunate that we can not select some commission of five of the ablest business men of the United States to examine our executive departments and their multitudinous offshoots and formulate a plan that will consolidate, coordinate, and bring together, in proper groups for better service and better economy, all of these executive and administrative branches of the Government. But it is hoping too much that we will have the courage, good sense, and wisdom to pursue such a course. Moreover, in trying to accomplish this end we would be attacking an almost irresistible force, which would probably hurl back all who had the temerity to assail the great citadel of bureaucracy and departmentalism which to-day is the most powerful agency in the Government.

Mr. President, I support the amendment reported by the Senate committee and hope that it will be adopted.

Mr. BINGHAM. Mr. President, there have been so many erroneous statements made in the course of this debate that it is impossible to correct them all, but I think it is only fair that attention be called to two or three of the most important ones.

In the first place, it was stated a few minutes ago that one reason for not agreeing to the committee's proposal is that $10,000,000 have already been spent at Scott Field. That is the kind of thing that local communities all over the world, and in probably every State in this Union, are fond of saying about governmental institutions which they would like to obtain in their neighborhood for sentimental or economic or other reasons.

As a matter of fact, Mr. President, that is an error by something like 200 per cent; in other words, about three and a third million dollars have been spent there and not ten million.

The reason why that much money was spent there was that it was expected, when the money was appropriated, that the Army would continue to need the services of blimps or semirigids, small dirigibles, in other words.

At the end of the war airplanes were still in a state, particularly as regarded their power plants, where they were not considered reliable, and it was not until nearly 10 years afterwards that an aviation motor was sufficiently reliable to enable a pilot to fly from New York to Paris.

The use of the dirigible over land by armies is generally regarded by military experts to-day as being unjustifiable, because the observation airplane is so much more reliable than it was at the end of the war, is so much more rapid, is so much better able to defend itself, and to get back, with its information than a dirigible that no Army corps commander would care to have his observation airplanes replaced by dirigibles. In fact, I have heard it suggested on the floor of the Senate that we ought not to have any more dirigibles in the national defense at all.

The situation over water is very different. The experience last summer of the *Graf Zeppelin*, coming across the ocean, having an accident, and being able to stay in the air for a number of hours while repairs were made to its steering apparatus, and even then, crippled as it was, to make faster speed than any ocean liner had ever made, shows the importance of the dirigible for overwater service and for the Navy.

To go back to another of the erroneous statement's, the statement was made a few moments ago on the floor that Scott Field is the only one in the Middle West, that it is centrally located, that it is within a few hours of all the great cities of the Middle West, and that therefore it is very important that this field should be developed as a lighter-than-air field.

As a matter of fact, even in Illinois, whose Senators are making a very earnest effort to have the committee overruled in this matter, the Air Corps has maintained and is maintaining a large and important field at Chanute.

Mr. GLENN. Mr. President, will the Senator yield?

Mr. BINGHAM. Certainly.

Mr. GLENN. Does not the Senator know it to be a fact that there is a very determined effort now being made to have Chanute Field abandoned also?

Mr. BINGHAM. If the effort is determined, it has not made itself heard yet in any of the committees, either the Committee on Military Affairs or the Committee on Appropriations, of which I have the honor to be a member.

Mr. GLENN. An appropriation was authorized at the last session of $220,000 for Chanute Field, none of which has been expended, for the reason that the Government is making a study now looking toward the abandonment of Chanute Field.

Mr. BINGHAM. I have not heard of any such consideration. I do know that there are a large number of buildings authorized by act of Congress for which no appropriations are made, and I was about to refer to that in a minute.

Mr. HAWES. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield.

Mr. HAWES. The Senator made an observation about reckless statements regarding the cost of this field, evidently referring to my statement as to the $10,000,000. I would like to give the Senator my authority, which is found on page 234 of the hearings.

Senator FLETCHER. What investment have we got there at Scott Field?

General FECHET. I beg your pardon.

Senator FLETCHER. What investment does the Government have at Scott Field?

Senator DENEEN. Over $5,000,000.

Colonel PAEGELOW. Around $10,000,000.

Senator DENEEN. Ten million dollars?

Senator FLETCHER. You built a hangar there not long ago costing something over $3,000,000.

General FECHET. The hangar cost $2,000,000, and was finished about six years ago.

That is my authority for that statement.

Mr. BINGHAM. I do not think the Senator was listening when the Senator from Pennsylvania [Mr. REED] a few moments ago referred to a letter, found on page 1434 of the RECORD, from General Fechet, Chief of the Air Corps, dated January 3, 1929, in which he said:

Permanent improvement including original cost of land to June 30, 1928, approximately $3,561,056.67.

I notice the Senator from Missouri walks away, so I assume he is not interested in this phase, and I shall proceed.

Mr. HAWES. I can hear the Senator.

Mr. BINGHAM. Mr. President, no argument has been made on this floor, so far as I have been able to read in the RECORD, or so far as I have heard, to show that the Army needs to maintain dirigibles. Nevertheless, there are perhaps three good reasons why the wishes of the Senators from Illinois and the Senators from Missouri should be carried out.

The first is that in the 5-year air program passed by the Congress in 1926 there was inserted a provision that the Secretary of War was authorized to carry out such experimental work on lighter-than-air equipment as he should deem wise. It was not felt at that time entirely wise to strike out dirigibles entirely from use by the Army, although the committee which finally drafted that bill was unanimously convinced that it was only in the use of observation balloons that the Army should be really interested.

It was in order to carry out that part of the 5-year program just referred to that the Assistant Secretary of War made his estimate, as stated in the hearings, with regard to the fact that the War Department would like to have something over $500,000 in this year's appropriation bill in order to buy more dirigible balloons, to buy more equipment, and to carry on with the lighter-than-air work, apart from the observation balloons.

The second reason why this amendment recommended by the committee should be opposed is that there are a certain number of officers in the Army who wear balloon wings, if I may use such a contradiction in terms. The wings which they obtained were obtained by flying lighter-than-air craft. They draw their 50 per cent additional pay on account of taking flights in balloons, sometimes captive balloons, sometimes dirigible balloons that are tied up to a mooring mast.

Several of the older officers in the Army Air Corps are "flying officers" by reason of their dirigible balloon experience. They have friends in the Army. If we were actually to take away from the Army, as we believe wise, this lighter-than-air dirigible service—and I may say parenthetically that there is no effort on the part of anybody to take away from the Army the use of the observation balloons—there would be a small number of officers, some of them with a good deal of influence, some of them with a good deal of rank, who would no longer be "flying officers," who would no longer have the excuse of qualifying for their 50 per cent increase in flying pay, who would, in a way, be out of a job, and human nature being what it is, and all of us sympathize with people who are out of work, or facing unemployment, there is a good deal of sympathy with the position in which these officers find themselves, due to the fact that there is no real military excuse for the Army to play with dirigible balloons.

Mr. HAWES. Mr. President, will the Senator yield?

Mr. BINGHAM. It is difficult to carry out an argument when yielding; but I yield.

Mr. HAWES. I am not an expert and my knowledge of this subject is confined to what I can see in the record.

Mr. BINGHAM. Let me say to the Senator that there is a great deal in this matter that does not appear in the record. That is known to all of us. It is difficult to bring this out on the floor without embarrassing individuals, and I have no desire to embarrass any individual. I am not asking for anything except what I believe to be in the interest of the Air Service of the United States. The 5-year airplane program is not fully provided for in this bill. We are not even given a sufficient amount of money to buy enough airplanes to carry out the third-year increment. This bill as it stands represents a shortage of 55 airplanes in the third increment of the 5-year program, because we can not get money enough to carry on the 5-year airplane program.

Mr. HAWES. The question I desired to propound was this: Whether the Senator's expressions of opinion were individual, or whether they were supported by the experts either of the Army or of the Navy? I have been unable to find any support for this provision in any testimony of any Army officer or any Navy officer.

Mr. BINGHAM. That is true, Mr. President; and I am trying to give the reasons for that. In the first place, the Army officers who agree with me in this matter perfectly do not like to go on record as stating that belief, because they know that it is directly contrary to the interests of their brother officers.

In the second place, there are officials in the War Department who do not like to go on record as agreeing with me for other reasons which I do not desire to state at this time.

Mr. HAWES. That is a very lamentable situation.

Mr. BINGHAM. It is. The trouble is there is a lot of politics in this matter, both local and Army. All I am trying to do is to see to it that the Army shall get all the aviation to which it is entitled and which it can use well and shall not waste any money on blimps. Blimps should be used by the Navy over the water. Blimps should not be used by the Army.

Mr. HAWES. That is not the testimony of the experts who appeared before the Senator's committee, and I can assert that neither the Navy nor the Army supports the Senator's position; the House, by a record vote, has repudiated it; so if there is any authority either from the Army or the Navy to support the Senator's position, I think the Senate should have the benefit of the quotation.

Mr. BINGHAM. The Senator is taking a very unfair advantage of a position which I stated a few moments ago. There is a great deal more in this than can appear of record. He is trying to force me to state things which will embarrass certain individuals, and I do not propose to do it. I would rather be defeated in this matter than to embarrass those individuals. Now, if the Senator will kindly refrain for a few moments until I finish my argument I shall be greatly obliged to him.

Mr. President, the point is that Scott Field, one of the earliest fields to be established, was in 1919 reserved for future use when a great many fields were closed all over the country, as a place where the Army would use its dirigibles. As time has gone on the officers of the Army and of the Air Corps have become more and more convinced that the Army has no real use for dirigibles, but they are not going to say so in public for perfectly obvious reasons. The Senator from Pennsylvania [Mr. REED] pointed out that in all his experience he has never heard of an Army officer being willing to testify in public that the Army would like to give up something it has been doing. Of course they would like to go on playing with dirigibles.

When I brought this matter to the attention of the Senate Committee on Military Affairs some time ago and it became known that arguments were being used to convince that committee unanimously that the Army ought not to go on playing with blimps, within 48 hours there were one or two Army blimps sailing beautifully along over Washington in an effort to show how attractive they were and how mistaken I was and how mistaken the committee was. It was a beautiful sunshiny day, there was no wind, and they sailed gracefully over Washington in the hope that those connected with them might be able to save their jobs as officers flying balloons for the Army.

Mr. President, no reason has been given to the committee and no reason has been given on the floor of the Senate why the Army should continue to use blimps in view of the tremendous increase in the efficiency of observation planes to-day.

The third reason which is back of the plan for defeating the committee's proposal is that certain good people living within a radius of 25 miles of Scott Field would feel badly if their friends on Scott Field, who have been kind to them, who have treated them courteously in a social way, who have traded with them, who have given them a pleasant place to which to go on a sunny afternoon when they desired to take a ride in their automobiles, should be out of a job.

Those are the real reasons. I respect, of course, the position of the Senator from Missouri and the position of the Senators from Illinois, who do not want to have an Army post interfered with or permanent construction at a post in their State or in the vicinity of one of their large cities interfered with. The truth is that there are already too many garrison posts all over the United States. Instead of being limited to a few points where they can be used to the greatest advantage for the best interests of the military policy of the Government, they are, to please the communities and the Congressmen representing those communities, scattered over a wide area. I have no doubt that there are some Congressmen who are influenced by recommendations of that kind.

As a matter of fact, in the State of Illinois there are six garrison posts to-day, counting Scott Field, and there is an excellent field where officers and men are trained for the Air Service at Chanute Field. I may say to the Senator who ques-

tioned me a few minutes ago that I do not think there is the slightest danger of what he fears happening at Chanute Field. I never have heard any reference made to it in any committee. The trouble is that there is not money enough to go around. The trouble is that the building program laid down in connection with the 5-year program and recommended by the War Department can not be carried out, because we have not money enough for it. Of $2,000,000 additional needed for hangars and shops and flying fields to carry out the accepted 5-year aviation program of the Army, we were only able to secure something less than $500,000; we had to leave out $1,500,000. That is the reason why technical building does not go on faster in the aviation posts of the United States, where it should go on.

Mr. President, I wish that it were wise and expedient to move that the appropriation for aviation be increased so as to cover all the desires of those who want to see our program for airplanes go forward and of all those who still believe in the Army using blimps, as the Senator from Missouri [Mr. HAWES] does. But in view of the fact that we are not even able to get money enough to carry out the 5-year program in regard to airplanes, it seems to me that it is only wise that the Navy, which is doing so extremely well in connection with its dirigibles, and is now about to build, and is commencing to build two of the largest dirigibles in the world, should be given the duty of experimenting, training, and carrying on the work with lighter-than-air equipment, except observation balloons, and that the Army should be given as free a hand as possible in carrying on its work with airplanes.

Mr. DENEEN. Mr. President, I desire to restate some of the facts about the amendment by the committee, and to answer some of the statements that have been made regarding it. I shall address myself first to the remarks made by the distinguished Senator from Connecticut [Mr. BINGHAM].

I am somewhat surprised at the argument put forth by him to sustain his position. He states that he thinks that certain officers of the Army desire Scott Field and others like it for the purpose of increasing their pay by 50 per cent as a bonus for flying. There is no authority for such a statement. On the contrary the responsible officers who have to do with aviation for the Army have testified before the committee that this branch of the Army service is an essential branch. We not only have a few who state that, but we have all connected with it.

On the 2d of July, 1926, the Congress passed an act the title of which I read yesterday, and which I will read again, which indicates the scope of the act:

> An act to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes.

Section 8 of that act reads as follows:

> Five-year Air Corps program: For the purpose of increasing the efficiency of the Air Corps of the Army and for its further development, the following 5-year program is authorized.

The amendment now before us seeks indirectly to do something which is not proposed to be done directly, and that is to repeal the act to which I have just referred, which has three years yet to operate. The distinguished Senator from Utah [Mr. KING] intimated that this would increase the appropriations. The only reference to appropriations in the bill is found on page 34. The appropriation there is for $36,239,643. This is not questioned by the Senator from Utah. No one questions the amount there. I take it no one will question it. There is nothing in the amendment that would increase or change the amount just referred to.

Yesterday in the debate the assertion was made by the distinguished Senator from Pennsylvania that if this amendment were not incorporated in the bill the Army would be able to expend $150,000 for barracks for officers. I took occasion this morning to make an inquiry regarding this matter. There is no estimate, I am informed, for $150,000, and no appropriation asked for that purpose, and it is not conceivable that the Army officers would endeavor to expend that amount of money even if they had the authority.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit an interruption?

Mr. DENEEN. I yield.

Mr. REED of Pennsylvania. On page 316 of the House hearings, under the heading "Scott Field, Ill.," is the item:

> Designation of project, barracks, amount $100,000.

I think that is the amount I stated.

Mr. DENEEN. I think the Senator said $150,000.

Mr. REED of Pennsylvania. The remarks given are:

> Authorized, but no appropriation made in Army act, 1929. Specific provision was made that no part of the appropriation would be available for this project.

Without the amendment of the committee now in the bill, and to which the Senator is objecting, that $100,000 could be spent on the 1st of July.

Mr. DENEEN. I was informed by the Army officers just to the contrary this morning. They made the statement, which I think will appeal to the distinguished Senator from Pennsylvania, that the items for the amount that will be appropriated are all covered specifically and that in order to withdraw any money some of them would have to be avoided.

Mr. REED of Pennsylvania. That is perfectly correct.

Mr. DENEEN. And that no one could conceive that the Army officers, after seeking appropriations for specific items, would fail to spend the money for those purposes, but would expend it on matters not covered in the bill. That is the position of the Army officers, as I understand it.

Mr. REED of Pennsylvania. I think every year some items are overrun and others underrun, and the money is interchangeable.

Mr. DENEEN. Does the Senator from Pennsylvania contend that if the proposition is not retained in the bill there is any danger that the Army would expend that amount of money, in view of their testimony and in view of the other items covered? Does he really think there is any danger of it?

Mr. REED of Pennsylvania. We want to make it clear, as we did last year, that it must not be expended for the purpose named.

Mr. DENEEN. The provision to be voted on is as follows:

> *Provided further*, That no part of the sums appropriated or authorized to be contracted for in this paragraph shall be available for construction at Scott Field, Ill.

We are not asking for any money for construction. The Army officers believe that there should be $667,900 for equipment. Yesterday in the debate it was practically conceded that $80,400 should be expended for observation balloons, and that if the Navy undertook to operate this field all the other items making up the $667,900 could be used to advantage. The larger sum I have just mentioned does not refer to any construction but to equipment. There is, however, nothing before the Senate at this time regarding that amount of money.

Now, let me say a word or two in reference to the so-called blimp. An effort has been made to change the facts by calling names. The smaller aircraft that is operated at Scott Field is the same kind, I am informed, that is being operated by the Navy. In the charge here about the Army they are called "blimps," but they have a politer name when they are operated by the Navy Department.

Mr. BINGHAM. Oh, no; Mr. President, they are called "blimps" no matter who operates them, and there is nothing derogatory in the term whatever.

Mr. DENEEN. I understood it was so, not only by the language but by the emphasis that was placed upon it.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Illinois suffer an interruption?

Mr. DENEEN. I yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. I first used the word. The word "blimp," as I understand, means a nonrigid airship; that is all.

Mr. DENEEN. I understand that, but I gathered also from the Senator's remarks—and I refreshed my recollection this morning—that a "blimp" was being regarded as a sort of toy that was used to entertain the people who live in the locality and others who go there as visitors.

The Army officers have testified that advantage should be taken of progress in the aviation art; that the flyers of the Army should be trained by officers of the Army for that purpose; that men trained in the Navy would be utilized in the naval combats and attend the fleet in emergencies; that the Army is called upon to defend the coast, and the area 200 miles from the coast, and that there are in the continental United States 7,500 miles of shore line; that there is no dispute between the Army and the Navy as to the advantage of having the Army flyers trained in the Army, and there is certainly nothing in the record to indicate otherwise.

Every officer of the Army who has responsibility in connection with this work has testified that it is to the distinct advantage of the Army to develop its own flyers, and the record does not reveal any contention by anyone else against the views of the Army officers.

To sum up, we do not ask for an appropriation, and the amendment does not carry an appropriation; this amendment

is an effort indirectly to repeal legislation that should not or could not be repealed directly, and the amendment should be defeated.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 26 to insert the proviso from line 3 to line 6, inclusive.

Mr. REED of Pennsylvania. I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered.

Mr. DENEEN. I ask that the question may again be stated.

The PRESIDING OFFICER. The question is upon agreeing to the committee amendment found on page 26, to insert the proviso beginning in line 3 to line 6, inclusive.

Mr. REED of Pennsylvania. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Barkley	Edge	Kendrick	Shortridge
Bayard	Fess	Keyes	Simmons
Bingham	Frazier	King	Smith
Black	George	McMaster	Steck
Blaine	Gerry	McNary	Stephens
Blease	Glass	Neely	Swanson
Borah	Glenn	Norbeck	Thomas, Idaho
Bratton	Goff	Norris	Thomas, Okla.
Brookhart	Gould	Oddie	Trammell
Bruce	Greene	Overman	Tydings
Burton	Hale	Phipps	Tyson
Capper	Harris	Pittman	Vandenberg
Caraway	Harrison	Ransdell	Wagner
Copeland	Hastings	Reed, Mo.	Walsh, Mass.
Couzens	Hawes	Reed, Pa.	Walsh, Mont.
Curtis	Heflin	Sackett	Warren
Deneen	Johnson	Schall	Waterman
Dill	Jones	Sheppard	Watson

The PRESIDING OFFICER. Seventy-two Senators having answered to their names, a quorum is present. The question is on agreeing to the committee amendment found on page 26, lines 3 to 6, inclusive. The clerk will state the amendment.

The CHIEF CLERK. On page 26, line 3, after the word "made," it is proposed to insert:

Provided further, That no part of the sums appropriated or authorized to be contracted for in this paragraph shall be available for construction at Scott Field, Ill.

The Chief Clerk proceeded to call the roll.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. MCLEAN]. Not knowing how he would vote, and in his unavoidable absence, I withhold my vote.

Mr. MCKELLAR (when his name was called). On this question I am paired with the senior Senator from Wisconsin [Mr. LA FOLLETTE], and withhold my vote.

The roll call was concluded.

Mr. CURTIS (after having voted in the affirmative. I desire to ask if the Senator from Arkansas [Mr. ROBINSON] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. CURTIS. I have a pair with the senior Senator from Arkansas, and withdraw my vote.

Mr. SMITH (after having voted in the negative). I have a general pair with the Senator from Indiana [Mr. WATSON]. I find that he has not voted. Not being advised as to how he would vote if present, I transfer that pair to the Senator from New Jersey [Mr. EDWARDS], and will allow my vote to stand.

Mr. TRAMMELL. I desire to state that my colleague the senior Senator from Florida [Mr. FLETCHER] is unavoidably detained from the Senate.

Mr. RANSDELL. I desire to announce that my colleague the junior Senator from Louisiana [Mr. BROUSSARD] is detained from the Senate by reason of illness.

Mr. NORRIS. I wish to state that my colleague the junior Senator from Nebraska [Mr. HOWELL] is necessarily absent from the Senate on account of illness.

Mr. JONES. I have been requested to announce the following general pairs:

The Senator from Rhode Island [Mr. METCALF] with the Senator from Florida [Mr. FLETCHER]; and

The Senator from New Hampshire [Mr. MOSES] with the Senator from Louisiana [Mr. BROUSSARD].

Mr. GERRY. I desire to announce that the senior Senator from Arkansas [Mr. ROBINSON], the senior Senator from Arizona [Mr. ASHURST], the junior Senator from Montana [Mr. WHEELER], and the junior Senator from Arizona [Mr. HAYDEN] are necessarily detained from the Senate on official business.

The result was announced—yeas 33, nays 35, as follows:

YEAS—33

Bayard	Edge	Kendrick	Swanson
Bingham	Gerry	King	Trammell
Black	Goff	McMaster	Tyson
Blaine	Gould	Norris	Walsh, Mass.
Borah	Greene	Oddie	Walsh, Mont.
Bruce	Hale	Overman	Warren
Burton	Harris	Phipps	
Capper	Hastings	Reed, Pa.	
Dill	Jones	Sackett	

NAYS—35

Barkley	Frazier	Pittman	Steck
Blease	Glenn	Ransdell	Stephens
Bratton	Harrison	Reed, Mo.	Thomas, Idaho
Brookhart	Hawes	Robinson, Ind.	Thomas, Okla.
Caraway	Heflin	Schall	Tydings
Copeland	Johnson	Sheppard	Vandenberg
Couzens	McNary	Shortridge	Wagner
Deneen	Mayfield	Simmons	Waterman
Fess	Neely	Smith	

NOT VOTING—27

Ashurst	Gillett	McKellar	Robinson, Ark.
Broussard	Glass	McLean	Shipstead
Curtis	Hayden	Metcalf	Smoot
Dale	Howell	Moses	Steiwer
Edwards	Keyes	Norbeck	Watson
Fletcher	La Follette	Nye	Wheeler
George	Larrazolo	Pine	

So the amendment of the committee was rejected.

The VICE PRESIDENT. The Secretary will state the next amendment passed over.

The CHIEF CLERK. The remaining committee amendment is on page 34, line 24, where the committee proposes to strike out the words "lighter-than-air craft" and insert "observation balloons," so as to read:

Not exceeding $2,255,930 may be expended for experimental and research work with airplanes or observation balloons and their equipment, including the pay of necessary civilian employees; no part thereof may be expended for the production of lighter-than-air equipment.

Mr. REED of Pennsylvania. Mr. President, this amendment involves somewhat the same question, but does not restrict the building at Scott Field. It merely confines the Army to the observation balloons which the Army authorities agree are necessary for Army use. It deals with experimentation and research only.

I hope the amendment will be adopted.

Mr. DENEEN. Mr. President, on this matter the Army officers are unanimously of the opinion that the lighter-than-air service should be had at Scott Field and these other fields. This relates not alone to Scott Field but to all the Army fields.

"Lighter than air" is the generic term. "Observation balloons," following, is the specific term. We should have the general definition; and I think the "lighter-than-air" amendment should be defeated.

Mr. BINGHAM. Mr. President, I do not think it is quite understood that this amendment refers solely to the experimental and research work, which is not carried on at Scott Field or other fields, but is carried on near Dayton, at Wright Field; and the question is whether the experimental and research work in connection with lighter than air should be divided between the Army and Navy, as it is at present, or should be confined to the Navy.

The committee's amendment does not allow the money for experimental purposes at Wright Field to be used for anything in lighter than air except observation balloons. It does not affect the expenditures at any other field.

Mr. HAWES. Mr. President, I desire to state that this is another amendment that is not supported by the Navy and is not supported by the testimony of the Army before the committee and was defeated in the House. Having stricken out the last amendment, all that will be done if this one is stricken out is to leave the subject open for further consideration by Army officers and Navy officers.

Mr. BINGHAM. Mr. President, will the Senator tell us when and where it was stricken out in the House?

Mr. GLENN. Mr. President, I should like to read briefly the statement of the Chief of Staff, General Summerall, in relation to this matter, on page 70 of the record of the Senate committee hearings:

Our best judgment—and the Air Corps is in accord with what I say—is that we should not abandon in the Army lighter-than-air equipment nor leave it to commercial enterprise or to the Navy to keep it on a basis of development that we think necessary.

On page 232 I read the statement of Mr. Davison, Assistant Secretary of War:

Now, then, the War Department takes the attitude that we should continue from a military standpoint, lighter-than-air operations on the same general basis as is provided in the act of July 2, 1926. We believe

that is a sound basis. We believe that it is important from a military standpoint to keep abreast of the times in lighter-than-air development.

The War Department does not think that lighter-than-air development at the present time, in any event, is anything like as important as the heavier-than-air development; but we do believe that we should keep abreast of the times; and we should have a small group of officers and men who are technically familiar with and would be technically qualified on the various phases of this branch of aviation in order that we might be able to take advantage of any development that might be made during the next few years. Since last year, as a matter of fact, there has been a very greatly increased interest in the development of lighter-than-air equipment throughout the world, and that applies in this country as well as Europe.

That is the general position of the Army, the Chief of Staff, the Assistant Secretary of War, and there is no testimony in the record to the contrary.

The PRESIDING OFFICER (Mr. FESS in the chair). The question is on agreeing to the committee amendment. [Putting the question.] The ayes have it, and the amendment is agreed to.

Mr. NORRIS, Mr. HEFLIN, and other Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HEFLIN. Mr. President, I was trying to get a division of the vote.

Mr. NORRIS. For that purpose I shall be glad to yield, Mr. President.

Mr. HEFLIN. I am not in favor of the amendment. The Chair declared that the ayes had it. I think we ought to have a rising vote on it.

Mr. REED of Pennsylvania. I call for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). Making the same announcement as on the previous vote of my pair with the Senator from Arkansas [Mr. ROBINSON], I withhold my vote.

Mr. NORRIS (when Mr. HOWELL's name was called). I desire to state that my colleague the junior Senator from Nebraska [Mr. HOWELL] is necessarily absent from the Senate on account of illness.

Mr. BRATTON (when Mr. LARRAZOLO's name was called). I desire to announce that my colleague [Mr. LARRAZOLO] is absent on account of illness.

Mr. McKELLAR (when his name was called). On this vote I am paired with the senior Senator from Wisconsin [Mr. LA FOLLETTE], and therefore I withhold my vote.

The roll call was concluded.

Mr. GLASS. Making the same announcement as on the previous vote, I withhold my vote.

Mr. JONES. I desire to announce the following general pairs:

The Senator from New Hampshire [Mr. MOSES] with the Senator from Louisiana [Mr. BROUSSARD]; and

The Senator from Rhode Island [Mr. METCALF] with the Senator from Florida [Mr. FLETCHER].

Mr. RANSDELL. I desire to announce that my colleague [Mr. BROUSSARD] is detained by illness.

Mr. TRAMMELL. I wish to announce that my colleague [Mr. FLETCHER] is unavoidably detained from the Senate.

Mr. GERRY. I desire to announce that the Senator from Arkansas [Mr. ROBINSON], the Senator from New York [Mr. WAGNER], the Senator from Iowa [Mr. STECK,] the Senator from Nevada [Mr. PITTMAN], and the Senator from Virginia [Mr. SWANSON] are detained on official business.

The result was announced—yeas 31, nays 35, as follows:

YEAS—31

Bayard	Dill	Kendrick	Reed, Pa.
Bingham	Edge	King	Trammell
Black	Gerry	McMaster	Tyson
Blaine	Goff	Norbeck	Walsh, Mass.
Bruce	Greene	Norris	Walsh, Mont.
Burton	Harris	Oddie	Warren
Capper	Hastings	Overman	Watson
Caraway	Jones	Phipps	

NAYS—35

Ashurst	Frazier	Pine	Simmons
Barkley	Glenn	Ransdell	Smith
Blease	Harrison	Reed, Mo.	Stephens
Bratton	Hawes	Robinson, Ind.	Thomas, Idaho
Brookhart	Heflin	Sackett	Tydings
Copeland	Johnson	Schall	Vandenberg
Couzens	McNary	Sheppard	Waterman
Deneen	Mayfield	Shipstead	Wheeler
Fess	Neely	Shortridge	

NOT VOTING—29

Borah	Fletcher	Hale	Larrazolo
Broussard	George	Hayden	McKellar
Curtis	Gillett	Howell	McLean
Dale	Glass	Keyes	Metcalf
Edwards	Gould	La Follette	Moses
Nye	Smoot	Steiwer	Thomas, Okla.
Pittman	Steck	Swanson	Wagner
Robinson, Ark.			

So the amendment of the committee was rejected.

Mr. WALSH of Massachusetts. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The VICE PRESIDENT. The clerk will read the amendment.

The CHIEF CLERK. On page 66, after line 13, add a new paragraph, as follows:

And provided further, That no part of the moneys herein authorized to be appropriated shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any ordnance, machinery, article, or articles that at the time of the proposed repair, purchase, or acquirement can be repaired, manufactured, or produced in each or any of the Government arsenals or navy yards of the United States, when time and facilities permit, and when, in the judgment of the Secretray of War, such repair, purchase, acquirement, or production would not involve an appreciable increase in cost to the Government.

Mr. WALSH of Massachusetts. Mr. President, this amendment is similar to that contained in the appropriation bills for the Navy. I think there is no objection to it. It merely provides for giving preference when possible to Government arsenals in ordnance work and materials. I believe the Senator in charge of the pending bill is willing to accept it, and I therefore move its adoption.

The amendment was agreed to.

Mr. NORRIS. Mr. President, I desire to offer an amendment, and before doing so I want briefly to explain the amendment. I would like to have the RECORD show, when this bill goes to conference, what the facts are in regard to the matter covered by the amendment.

Mr. HAWES. Mr. President, I have a small amendment which affects the part of the bill we have been discussing to-day and which we discussed a part of yesterday afternoon. If the Senator would allow me, I wish to present that amendment at this time.

Mr. NORRIS. There will be plenty of opportunity for the Senator to offer his amendment.

Mr. HAWES. Very well.

Mr. NORRIS. Mr. President, in northern Nebraska there is a small town called Niobrara, one of the oldest towns in the State. It has a population of about a thousand people, as I remember it. It is on the south bank of the Missouri River, which at that point forms the line between Nebraska and South Dakota. For several years the river has been gradually encroaching, coming nearer and nearer to the town, and the last high water in the Missouri brought the river very close to the town. Another period of high water will put the town out of existence; and because if we wait for legislation in the regular course it would perhaps be too late, at the beginning of this session I offered a joint resolution authorizing an appropriation of $250,000 to be expended by the War Department in revetting the banks of the Missouri River at that point. By the way, the revetting would have to take place on the opposite side of the river, so that the people of the town of Niobrara, or even of the State, would have to go out of the jurisdiction of the State if they made the repairs necessary to be made to save the town from destruction.

The Corps of Engineers of the Army are well familiar with the situation and are not opposed to this amendment. I think all of those who have investigated it are in favor of it, but they have not been able to use any public funds in that direction because it was not authorized.

I offered a joint resolution, as I have said, which was referred to the Committee on Commerce, and after a hearing before that committee lasting one entire day the committee unanimously recommended the passage of the resolution. It afterwards came up in the Senate and was passed. I have on my desk a report of the hearings before the committee. I think there is nothing in the matter that would not appeal to one who knew the facts. I know of no other way to save this town from destruction than that provided for by that resolution.

It is true that high water may not occur there again in a year, it may not occur in 10 years, but it may occur this very spring, depending on the condition of the river. The town can not withstand another period of high water such as was experienced there two years ago. The joint resolution which I introduced provided that one-third of the expense should be paid by the citizens of that locality.

With this explanation I offer the amendment which I send to the desk, which is a part of a joint resolution the Senate has already passed at this session of Congress.

The PRESIDING OFFICER (Mr. FESS in the chair). The clerk will report the amendment.

Mr. McMASTER. Mr. President, would the Senator object if I attached to his amendment one I have to offer?

Mr. NORRIS. I have no objection if they could go together; but I do not know whether that could be done or not.

Mr. McMASTER. I will just add mine to the Senator's. Would that be all right?

Mr. NORRIS. I have no objection, although it may possibly result in the defeat of my amendment.

Mr. McMASTER. Very well; I will wait.

The PRESIDING OFFICER. The clerk will read the amendment proposed by the Senator from Nebraska [Mr. NORRIS].

The CHIEF CLERK. On page 79, after line 24, insert:

For bank protection for the control of floods and the prevention of erosion of the Missouri River at and near the town of Niobrara, in the State of Nebraska, said work to be carried on under the control and supervision of the Chief of Engineers of the War Department: *Provided*, That the local interests shall contribute one-third of the cost of the said work.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. TYDINGS. Mr. President, I have an amendment which I will send to the desk and ask to have read, after which I would like to make a few remarks in explanation of it.

Mr. McMASTER. Mr. President, will the Senator yield while I offer a small amendment?

Mr. NORRIS. I will say to the Senator from Maryland that the Senator from South Dakota has an amendment similar to the one I offered, and presenting the same conditions, with the exception that it refers to an interstate bridge that is about to be washed away.

Mr. TYDINGS. I may say to the Senator that my amendment will not take three minutes, I think, and the Senator from South Dakota then may offer his amendment.

Mr. McMASTER. Very well.

The PRESIDING OFFICER. The clerk will report the amendment offered by the Senator from Maryland.

The CHIEF CLERK. On page 80, after line 15, insert:

That the Chief of Engineers of the United States Army, under the direction of the Secretary of War, is authorized and directed to make an examination and survey of the Conduit Road from the District of Columbia line to Great Falls, Md., of Cabin John Bridge, and of land contiguous to that part of such road and to such bridge, for the purpose of making recommendations for improving and widening that part of such road and such bridge, and, upon the completion of such examination and survey, to report to Congress the results thereof, together with estimates of the probable cost of carrying out such recommendations. There is hereby appropriated the sum of $4,800, or so much thereof as may be necessary, to carry out the provisions of this paragraph.

Mr. TYDINGS. Mr. President, I would like to say to those who are interested in this amendment that the Government now owns all the road, that the Budget Bureau is in favor of this amendment, and that the chairman of the Committee on Appropriations, and the chairman of the subcommittee on military affairs of the Appropriations Committee, have both familiarized themselves with it, and, I am free to state, are in favor of it. It is only for a survey of a road which the Government now owns, and I hope there will be no objection to it.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. TYDINGS. Certainly.

Mr. KING. I notice that there is a movement on foot to acquire on both sides of the Potomac River, between here and Great Falls or between here and Cabin John Bridge, a considerable area of land to be used as a national park. I was wondering if that plan, which would cost from $10,000,000 to $20,000,000 if carried into effect, would not dispense with this road.

Mr. TYDINGS. I do not think it would, because the plan would not be put in operation for some time and the road is now in daily use. The Government owns all the road and has built practically all of it except this one link. My State is powerless to do anything because we do not own the road. The Federal Government owns it, and all I have asked for is a survey. If the park is finally decided upon, this road will not in any way interfere with the park; but it will take care of a very immediate need. The road is in very bad condition, is very dangerous, and a number of serious accidents have occurred upon it. I am simply asking for a survey, and that is all.

Mr. KING. Why can not the Senator offer a separate measure?

Mr. TYDINGS. There is no basis upon which it can be fixed covered by any measure now before the Senate for consideration. I had hoped to get all the facts before the Senate so that Senators would know exactly what they were voting upon when the matter came up, but I thought I would ask merely for a survey at this session.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Maryland [Mr. TYDINGS].

The amendment was agreed to.

Mr. McMASTER. Mr. President, I desire to offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 79, at the end of the page, after the amendment submitted by Mr. NORRIS, to insert:

That there is appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $250,000, or so much thereof as may be necessary, for bank protection for the control of floods and the prevention of erosion of the Missouri River at and near the town of Yankton, in the State of South Dakota; said work to be carried on under the control and supervision of the Chief of Engineers of the War Department: *Provided*, That the local interests shall contribute one-third of the cost of said work.

Mr. McMASTER. Mr. President, the amendment is in the language of the bill which I had previously introduced as a companion bill to that of the Senator from Nebraska [Mr. NORRIS] and which went before the Committee on Commerce. They recommended the bill favorably to the Senate, it was passed by the Senate and went to the House, but the committee of the House feels that this is the proper place for the amendment to be inserted.

Mr. TRAMMELL. Mr. President——

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. TRAMMELL. No, Mr. President! The Chair will pardon me, but I feel that when a Senator was addressing the Chair before the Chair announces the amendment is agreed to, that he has a right to have recognition prior to the vote being taken.

The PRESIDING OFFICER. The Chair was not aware that the Senator desired to speak on the amendment.

Mr. TRAMMELL. I certainly was speaking loud enough to be heard all over the Chamber.

The PRESIDING OFFICER. Does the Senator want to have the vote reconsidered?

Mr. TRAMMELL. Yes; I ask that it be reconsidered.

The PRESIDING OFFICER. Without objection, the vote by which the amendment was agreed to will be reconsidered.

Mr. TRAMMELL. As an amendment to the amendment proposed by the Senator from South Dakota [Mr. McMASTER], I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will report the amendment to the amendment.

The CHIEF CLERK. Add at the end of the amendment submitted by the Senator from South Dakota the following:

That for the purpose of navigation and flood control of Lake Okeechobee, Fla., and the Caloosahatchee River, Fla., by the deepening and widening of the said Caloosahatchee River, the enlarging and deepening of the canal connecting said river with Lake Okeechobee, the enlarging and deepening of canals and improving of natural waterways from said Lake Okeechobee to the Atlantic Ocean, the constructing of channels, the construction of dikes on the border of Lake Okeechobee, the construction of dams, locks, and such other works as necessary for the accomplishment of the purpose of this act, the sum of $5,000,000, or so much thereof as may be necessary, be, and the same is hereby authorized to be appropriated out of any funds in the Treasury not otherwise appropriated.

That said improvements herein authorized and directed shall be made by the Secretary of War under the supervision and direction of the Board of Engineers for Rivers and Harbors in accordance with plans submitted in House Doc. No. 215 made to the Seventieth Congress, first session, and such modified, additional, and supplemental plans as may be necessary and hereafter adopted by the said board for providing ample flood control and improvement of navigation contemplated by this act, and the cost thereof shall be paid from the appropriation herein made, except and provided that all rights of way and lands necessary in the accomplishment of the project shall be furnished by the owners thereof free of cost to the Government.

Mr. REED of Pennsylvania. Mr. President, when the amendment of the Senator from South Dakota was offered I did not object to it because it had been previously passed upon by the Committee on Commerce and had passed the Senate in the form of a bill earlier in this session. The amendment now offered by the Senator from Florida has not been recommended by the Committee on Commerce, has not passed the Senate in any form, and therefore I feel obliged to make the point of order against it.

Mr. TRAMMELL. Mr. President, I would like to be heard a moment on the point of order.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. TRAMMELL. Mr. President, I have offered this as an amendment to the amendment of the Senator from South Dakota, which the Senator from Pennsylvania, in charge of the appropriation bill, seems willing to accept. I do not think that it is irrelevant if the amendment to which I have proposed it as an amendment is relevant. It should properly be considered as coming within the parliamentary rules.

I desire to state my object in offering the amendment. My colleague and I and also the Members of the House from Florida, since Congress convened in December, have been very diligent in our efforts to obtain relief for an emergency situation in the State of Florida. Of course, we have pursued our efforts through the proper committees both in the House and in the Senate. I little dreamed that emergency measures could be tacked on to this particular bill, but that seems to be the practice and seems to be accepted as proper, so under those circumstances I feel that all emergency cases should be treated alike.

I have no objection to the measures which have been proposed by the Senator from Nebraska [Mr. NORRIS] and the Senator from South Dakota [Mr. MCMASTER]. I am not objecting to them, but I think we have a situation in Florida which is equally as meritorious and as much of an emergency as exists in either of the other cases. In the State of Florida in what is known as the Okeechobee Lake section of the State in 1926 we suffered a very disastrous flood as a consequence of the hurricane of that time. Again in 1928 we had a recurrence of that disaster in a more intense hurricane and a more disastrous flood at Lake Okeechobee. There were something more than 2,000 lives lost in that disaster.

We have there a situation which is equally as dangerous as to the possibility of a recurrence of the disaster as that which exists in the two cases covered by the amendments which have just been sent to the desk. We are just as apt to have another flood in that locality that will be destructive of life and destructive of property as in the two cases which seem to be perfectly acceptable and agreed upon as possessing merit sufficient to entitle amendments relating to them to be incorporated in the pending bill.

The engineers have carried on an investigation in that territory, and as a result of the investigation referred to in Document 213 relating to the amendment which I propose, the engineers recommended certain improvements. I recall that they mentioned that dikes should be built on the south side of the lake and that there should be a deepening and widening of the Caloosahatchee River as a means of flood control. The Chief of Engineers recently appeared before the House committee and made recommendations in regard to the improvements there. The improvements recommended by the Chief of Engineers would come within the purview of the amendment which I have proposed. In fact, in the preparation of the bill, the language of which I have offered as the amendment, I employed the language which has been set forth in the report of the engineers based upon the investigation which they conducted last year.

We have been asking for this relief. I think it is equally as meritorious as the cases which are covered by the other amendments to which I have referred. If the Senate is going to depart from its rule of not allowing amendments of this character to be placed upon an appropriation bill, why should we in Florida not have the same treatment as other parts of the country? Mr. President, I have been a Member of the Senate for nearly 12 years. I have sat here and voted time and time again for relief to all sections of the country and, I will say in particular, for relief to the western part of the country in the way of all kinds of contributions and donations and every character of improvement, and yet when someone from the South rises and submits an amendment to provide a little relief for a Southern State or a section of the South, as a rule he can not get an attentive ear, and we can get even no sympathy.

I ask the same consideration for my State and for my part of the country, the same sympathetic consideration, and the same friendly attitude which I have manifested toward the western part of our great country during the 12 years I have been a Member of the United States Senate. We recently passed the Boulder Dam bill involving millions and millions of dollars, and I supported it, and yet when we ask for a little relief in connection with the improvement of flood conditions in the territory mentioned in my amendment we have a point of order raised.

When we ask for farm relief, when we ask for relief for the farmers who suffered so disastrously during the hurricane of 1928, they having suffered equally with the people of Porto Rico so far as the individuals were concerned, we have not been able to get it. We have been struggling all through the session of Congress, thus far unavailingly. I very greatly appreciate that the Senate saw proper to pass some bills of the kind, but in the House we have been unable to get any action.

A bill was presented here to provide $3,000,000 for the purchasing of seed for certain Western States, and it passed without any question. I was very glad to support it. All we are asking is fair treatment and that my State be considered as a part of the Union. We ask for the same generosity that has been displayed toward other parts of our country. I am not making any complaint about the amendments which have been offered heretofore, but I hope to have my amendment treated in the same manner. Those amendments I believe are meritorious, but we have an equally meritorious case presented by my amendment.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. TRAMMELL. I yield.

Mr. HEFLIN. Mr. President, I am in hearty sympathy with the Senator from Florida; I think he is absolutely right; but I want to suggest to him that the opposition to his amendment does not come from the West, but from Pennsylvania, I believe.

Mr. TRAMMELL. If the Senator will pardon me, I want to correct him. I did not say the opposition came from the West; I said that there was a spirit of generosity toward that section which did not prevail in regard to the southern part of our country. I have been one of those who have participated in that generosity toward the West and I wanted to do all I could to assist them.

Mr. HEFLIN. The Senator has done so. I am going to ask the Senator if it is not a fact that the Agricultural Committee has looked into the matter about which he has been speaking, seeking to give some measure of relief, and has expressed its approval of legislation looking to that end.

Mr. TRAMMELL. That was in regard to farm relief; that legislation, of course, has been passed by the Senate, but has been held up in the other branch of Congress.

Mr. HEFLIN. It has not been acted on by the other House?

Mr. TRAMMELL. No; we have not obtained any relief at all. We passed a bill here providing $15,000,000 for sufferers from the hurricane in Porto Rico, providing that loans up to the extent of $25,000 could be made even to an individual farmer; that $100,000 should be provided for the purpose of free seeds to be given to the people of Porto Rico; and that $2,000,000 should be donated as a gift for the reconstruction of highways in Porto Rico; and yet in the case of our plea on behalf of American citizens who were equally as stricken as the result of the hurricane in 1928, one month has passed, two months have passed, the end of the session of Congress is almost here, and we have not yet obtained any relief for those American citizens living upon American soil who suffered equally with those in Porto Rico.

Mr. COPELAND. Will the Senator from Florida yield to me?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New York?

Mr. TRAMMELL. Certainly.

Mr. COPELAND. I am in hearty accord with the Senator from Florida, and am anxious to help him, but I feel that he has failed to use his most convincing argument. He should remind the Senators on the other side of the Chamber that Florida is now a Republican State and should be "kept in the Union" by being given the proper appropriations.

Mr. TRAMMELL. I think that such an argument would have quite an appealing influence with my good friends on the other side. I am glad the Senator from New York reminded me of that.

The PRESIDING OFFICER. May the Chair inquire of the Senator from Florida whether any committee has recommended this item?

Mr. TRAMMELL. No committee has recommended this exact amendment, but the War Department has reported upon the project and recommended the improvement. The Chief of the Board of Engineers appeared before the House committee some two or three weeks ago and recommended improvements involving even a larger expenditure than that covered by the amendment which I have proposed.

The PRESIDING OFFICER. The Chair will have to sustain the point of order.

The question now is on the amendment offered by the Senator from South Dakota [Mr. MCMASTER].

Mr. TRAMMELL. Mr. President, I desire it to be understood that I am not opposing at all the amendment which has been presented by my good friend from South Dakota, but I wished also to bring before the Senate this other case, which I consider a very meritorious one. If we can not get relief at this time, I hope that we may obtain it at a very early date.

Mr. KING. Mr. President, I should like to ask the Senator from South Dakota what obligation there is upon the part of

the Federal Government to undertake the work provided for in the amendment which he has offered?

Mr. McMASTER. The same obligation there was under the flood relief bill which we passed containing an appropriation of $500,000,000 to prevent the destruction of property by flood. The same principle exactly is involved, there is no difference.

Mr. KING. The principle may be the same, but I fail to perceive it. As I understand, a railroad built a bridge over the Missouri River——

Mr. NORRIS. No, Mr. President; it is an automobile bridge. Will the Senator from Utah permit an interruption?

Mr. KING. Certainly.

Mr. NORRIS. It is a public bridge, Mr. President, in the construction of which the two States participated. It is the only bridge for a good many miles which is above that portion of the river the improvement and navigation of which have already been taken over by the Government as a matter of law. Everybody concedes it is at a point where the river will eventually become navigable. It is navigable now, of course, but it needs some work, although the Government has not authorized the improvements on the river that far up. If something of this kind is not done, then the bridge is likely to be spanning a lot of dry sand and the river will be running around one end of it.

Mr. KING. Why does not the State, if it constructed the bridge, take the necessary steps to protect it?

Mr. NORRIS. The amendment provides that one-third of the expense shall be contributed by the parties interested.

It is exactly of equal merit with the amendment which we have adopted, excepting that in that case a larger number of people and their homes are involved. However, the principle in this instance, as I understand, is exactly the same.

Mr. KING. Mr. President, I do not find myself in accord with the Senator as to the obligation of the Federal Government in connection with the inland waterways of the United States. I was opposed to the principle announced in the Mississippi River flood control bill to the effect that the United States had the right to, and did, assume control over all the rivers, streams, and springs between the summit of the Rocky Mountains and the top of the Allegheny range. The principle announced in that bill, as I interpret it, was: That the Federal Government would take charge of these streams and be responsible for their control. Under this assumption of authority by the Federal Government the States were to be denied any control over the streams; their police powers were not to be employed in any manner which would give them jurisdiction or control over the waters or the banks and beds of such streams whether interstate or intrastate. The Federal Government was to assume the burden of flood control and the States be relieved therefrom. It is obvious that this policy will impose upon the Federal Government enormous burdens; indeed, it is difficult to visualize just what the costs will be to the United States.

When the Mississippi River bill was before the Senate, the chairman of the committee admitted that the cost to the Government in the Mississippi Valley would be $750,000,000 or more. I have been told by persons more or less familiar with the matter that the cost for the improvements in the lower reaches of the Mississippi River will exceed a billion dollars. What the costs will be to the Federal Government, if it is to be responsible for all the streams and is to control them and protect the banks and the towns and farms within the watersheds, no one can predict, but it is certain they will be not only hundreds of millions of dollars but several billion dollars.

Mr. President, I find no warrant in the Constitution for many of the appropriations made by Congress for navigable and nonnavigable streams within the United States. Congress has the power to prevent interference with navigation, but that grant of power has, in my opinion, been perverted or expanded or prostituted until the doctrine is now announced by some that the Federal Government owns the streams in all the States and may exercise such control over them as to it may seem proper. There is to be no limitation upon its authority and the States are powerless to exercise any control or jurisdiction over the streams within their borders.

Something has been said during the debate about storms and cyclones which caused destruction of property and inundated private lands. The contention is made that the Federal Government should pay for these injuries.

Recently in the city of Washington there was a cyclone; the rain fell in torrents, property was damaged by the floods, and houses were unroofed. I suppose under this doctrine the Federal Government is responsible. In my own State a few years ago there was a heavy rainfall and a mighty torrent rushed down from the mountain side destroying farms and houses and worked devastation and ruin within a rather restricted area. Under the view which I have heard expressed in this Chamber, Congress should make an appropriation to reimburse the unfortunate persons who were the victims of this flood.

Yesterday the Senate voted to take from the Treasury over $4,000,000, and pay the same to the State of California because that State had expended considerable sums in improving the Sacramento River. The money expended by California was for the benefit of that State and its inhabitants. It was expended not at the request of the Federal Government but by the State because of its duty to its own people. Congress seems to have adopted the policy that the Government is not only to be responsible for all improvements and developments and expenditures in all streams throughout the United States in the future but the Federal Government is to tax the American people and then make appropriations to pay to the States all that they have expended, from the beginning of the Government I suppose down until the present time, upon the streams within their respective borders. Mr. President, this is a most dangerous policy, one which I opposed when the Mississippi flood control bill was before the Senate and one which I protest against now. That policy is in violation of the rights of the States; it takes from them the control of the streams within their borders; it relieves them of responsibilities which it is their duty to assume. It places upon the Federal Government enormous burdens the extent of which and the evils resulting from which it is impossible to determine.

Mr. SIMMONS. Mr. President, I think that we are going far afield in our legislation on this particular bill. With most of the legislation relating to other subjects than that embraced in the bill itself I have been in sympathy, and am still in sympathy, because I sympathize with the distress afflicting people in this country growing out of certain providential visitations of an extraordinary character during the last few years; but I think, after all, it is a great deal better for us in legislating to follow the line that has heretofore been prescribed for safeguarding against hasty legislation.

I think every member of the Commerce Committee will bear me out in the statement that there is no member of that committee, nor of the Senate, who sympathized more profoundly than I with the people living along the Mississippi River who were victims of the great flood which produced the overflow that was so disastrous to that section of our country. I supported that legislation; indeed, I was inclined to be a little radical in my support of it; I went probably further than any member of the committee in my support of it; but we followed the ordinary lines of legislation with respect to it and acted upon the report of a commission which had made a very thorough investigation and which furnished the committee with data as the basis of their action.

We were very particular in making that vast appropriation for flood control—the expense of which was to be paid by the Government—to reserve the question for future determination as to what expenditure the States which were affected by the flood and which were the recipients of the benefits of the appropriation should contribute. We have in this bill, without any regard to what may be the ultimate policy of the Government with respect to these matters, made definite appropriations, and I think we have set a precedent that may trouble us in the future.

On yesterday, with very little debate—scarcely any—and without any reference to a committee, I think, we adopted an amendment to this bill appropriating nearly $4,000,000 for the benefit of four States that were affected by the flood.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

Mr. SIMMONS. I yield.

Mr. CARAWAY. There was a favorable report from the Committee on Agriculture and Forestry on that bill.

Mr. SIMMONS. The bill was reported from the Committee on Agriculture and Forestry. Ordinarily those bills are referred to the Committee on Commerce; but there was a report. I could not find it in my heart then to object, and I do not object now, and I am not criticizing the action of the Senate in any way whatsoever. I am simply saying that it establishes a precedent.

A flood has visited my State. A flood has visited the State of the distinguished senior Senator from South Carolina [Mr. SMITH], who sits at my left. A flood has swept over the State of the distinguished Senator from Georgia [Mr. GEORGE], who sits at my left. A flood has swept over the State of the distinguished Senator from Florida [Mr. TRAMMELL], who has just addressed the Senate. It was a flood the like of which has never been seen before in either of those States, carrying ruin in its wake to thousands and tens of thousands of homes.

In my State the disaster was not as great as it was in the other Southern Atlantic States, but it was very heartrending. It absolutely destroyed the crops of many farmers. It overflowed the rivers, and destroyed expensive roads which had

been constructed by the States. Concrete roads were undermined, and fell in and had to be rebuilt. Bridges were swept away over many of the main waterways of the States, and had to be rebuilt by the State or by the county, depending upon whether they happened to be along the State system or the county system of roads. I have had no estimate made, and I presume the Senator from South Carolina and Georgia and Alabama and Florida have had no estimate made, as to the amount of damage to the roads and the bridges in those States. I am sure that it was very much greater in the other States than in my State; but in my State I am sure the amount of damage done runs well up into the millions of dollars.

We have now, by legislation, recognized the duty and the obligation of the Government to assume the burden of replacement and reimbursement to the States. Of course that means that each of these States, if they are assertive of the rights which the Senate has declared that they possess, will at once proceed to have an investigation with a view to ascertaining what was the damage, and in the future they will be knocking at the doors of Congress asking that the Government reimburse them.

Where this legislation will end, I do not know; but I do feel that bills of this kind ought to be carefully examined by the proper committees of Congress, and that the Senate ought to have a report.

The Senator from Arkansas [Mr. CARAWAY] says that they had a report in that case. I would make no trouble about that case if there were no report, because their distress is so great and my sympathy with those people is so profound that I am willing to do almost anything, regular or irregular, for their relief; but as to these other States we ought to be regular about it, and we ought not to undertake what is really road work or river and harbor work without having bills referred to a committee and investigated by the committee and by the engineers, and having the Congress put in possession of accurate information before it acts.

I am not speaking in opposition to any bill. I am only saying that I think the character of the amendments we are now making to this bill, probably without proper investigation in some instances, sets a new precedent and opens the door for claims against the Government that otherwise probably never would have been thought of.

I have profound sympathy with the Senator from Florida and his people. That State suffered terribly and exceptionally. In certain localities of that State the result of the flood of 1928 was as disastrous as the result of that which overflowed the Mississippi River's banks at an earlier date. The distress of the people was almost unspeakable, and I am willing to go very far toward relieving them. I am willing to abandon the precedents of the Senate and the rules of the Senate in order to help them; but I want to file notice now that other States similarly situated which have made no demand will regard this action as an invitation to them to make demand not only for relief from the disasters that have taken place but for relief from similar disasters that may take place in the future; and we will find the Government finally engaged in a vast field of reparation and restoration wherever the operation of the laws of nature shall result in injury to the property of the people of the different sections of the country.

Like the Senator from Florida, if these benefits are to be dealt out, I want the section of the country from which I come to be treated in the same spirit of liberality that is manifested in the treatment of other sections of the country; but I think it would be much safer for us to have legislation of this character upon a bill framed for this purpose and not upon a bill which relates to the military operations of the country. It is so easy to secure amendments to bills of this character, especially when the Senate is weary and tired and anxious to get through its business, and we are in danger of hasty and ill-considered legislation.

I did not object to the amendment of the Senator from Nebraska [Mr. NORRIS]. That had been before the Commerce Committee. It has not been the rule of the Commerce Committee to report bills of that character without referring them to the Army engineers for investigation. I do not know whether this amendment was referred in that way or not. It makes no difference. The committee acted upon it. If it did so without that reference, it acted contrary to its usual custom. The same thing was true, I take it, of the amendment offered by the Senator from South Dakota [Mr. MCMASTER]. The committee acted upon it. The committee has not acted upon the bill introduced by the Senator from Florida [Mr. TRAMMELL]. The bill introduced by the Senator from Florida is distinctively a river and harbor proposition. It is for the improvement of a waterway. It is for the enlargement of a waterway. It involves an expenditure of $3,000,000 for the improvement of one of the waterways of his State.

I am not going to object to it, because I know that right there was the center of that terrific storm which destroyed the lives of a large number of the inhabitants of that territory and devastated their property. My heart is too big to raise a question of order or a question of regularity with reference to a bill that looks to their relief, and I will not do it; but, Mr. President, I hope that this method of legislation will not be continued. I think it would be better to invoke our rules, but they ought to be invoked in the beginning. They ought to be invoked as to every bill that is presented, and not invoked merely as to a part of them.

The chairman of the Committee on Commerce is not present. If he had been present, I would have asked him to call the attention of the Senate to what is before us as the result of the precedent we set here. As the chairman of the committee is not here, however, and I feel that some member of that committee ought to do it, I am doing it; but I want it distinctly understood that in doing so I do not voice any opposition to the action of the Senate yesterday with reference to the amendment offered by the Senator from Arkansas [Mr. CARAWAY], because that, too, like the one offered by the Senator from Florida, was to relieve a situation in a section of the country that has suffered to an extent that invokes the sympathy not only of the United States but of the whole world.

Mr. SMITH. Mr. President, I want to join with the Senator from North Carolina [Mr. SIMMONS] and express my views in regard to this matter. I have had no advices from my State as to the amount of damage done. I know, roughly speaking, that, so far as the hard-surfaced roads, as well as others, but particularly the hard-surfaced roads, and the expensive bridges which have been built, a great percentage of them in cooperation with the Government, were concerned, they were practically destroyed in sections.

I had no intimation whatever that any such relief would be asked as has been asked here. My State has given me no intimation that they desired any reimbursement for the moneys they had to expend, mounting into the millions, in order to repair the roads which were damaged by the unprecedented floods and storms. But I feel that I would be derelict in my duty as a representative in part of my State in particular, and of the Government as a whole, if I did not join with the Senator from North Carolina in his suggestion that this matter ought to be considered in a comprehensive manner, so that every State and every community that has a just claim on the same basis that has already been acted upon might submit its claim and have it passed upon by a properly appointed committee.

The amount of damage to property and roads in the three States of South Carolina, Georgia, and Florida, running southward in the territory covered by that storm and by the preceding flood, was, in my opinion, as great as the damage in the Mississippi Valley from the disastrous flood of a few years ago.

In sections the inhabitants were driven out, the livestock was destroyed, the houses in great areas were either destroyed or partially ruined, and the crops were a total loss. The area covered was not as great, of course, as that covered by the great Mississippi flood, but the damage was as intense and disastrous over the region it did cover.

I do not know whether, in conference or elsewhere, the appropriations will be maintained, but if they are I shall insist that my State, which has suffered perhaps more than any other one in the territory visited by the storm and the floods referred to, shall be recognized on the same basis on which recognition has been given to those affected by the same elements in other States.

I do not know whether the precedent is a wise one or not. I do not know whether it can be carried out to its fullest extent, in justice and equity, without disastrous results following from the establishment of the precedent, but if the precedent is established, justice and equity demand that the relief shall be equally apportioned among those who suffered from like causes.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from South Dakota [Mr. MCMASTER].

The amendment was agreed to.

Mr. HARRIS. Mr. President, I send to the desk two amendments, to which I am sure there will be no opposition. One is to extend the time for the building of a road until the Legislature of Georgia can meet and accept the road upon the part of the State.

The PRESIDING OFFICER. The clerk will report the amendment.

The LEGISLATIVE CLERK. On page 72, after line 22, insert the following:

Paving La Fayette extension road: The appropriation of $193,500 for the "paving of Government road from Lee & Gordon's mill to La Fayette, Ga.," contained in the second deficiency act, fiscal year 1928, approved May 29, 1928, is hereby continued and made available until expended (act May 29, 1928, vol. 45, p. 929).

Paving Ringgold Road: The appropriation of $117,000 for "Government road, known as the Ringgold Road, extending from Chickamauga and Chattanooga National Military Park to the town of Ringgold, Ga.," contained in the second deficiency act, fiscal year 1928, approved May 29, 1928, is hereby continued and made available until expended (act May 29, 1928, vol. 45, p. 929).

Mr. REED of Pennsylvania. Mr. President, I understand that this has been authorized by previously enacted legislation.

Mr. HARRIS. In legislation enacted a year ago.

Mr. REED of Pennsylvania. I understand also that it has the approval of the Budget Bureau.

Mr. HARRIS. It has. It is a part of the supplemental estimate sent to the Congress.

Mr. REED of Pennsylvania. I understand also that it does not call for the appropriation of any additional funds, but merely continues in effect a previous appropriation.

Mr. HARRIS. That is quite correct.

The amendment was agreed to.

Mr. HARRIS. Now I ask for action on the second amendment I sent to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The LEGISLATIVE CLERK. On page 73, after line 26, insert the following:

To enable the Secretary of War to have surveys made of the battle fields around Atlanta, including the Battle of Kennesaw Mountain, to determine the cost of adequately marking the battle lines and of a suitable memorial park at Kennesaw Mountain, $6,000.

Mr. REED of Pennsylvania. Mr. President, I understand that this has been recommended by the board of engineers appointed by the War Department in a report which has been sent to the Congress.

Mr. HARRIS. And is the first on the list.

Mr. REED of Pennsylvania. And this amendment is on the list recommended by the board; and, in fact, is the first item on it.

Mr. HARRIS. The Senator is quite correct in his statement.

The amendment was agreed to.

Mr. REED of Missouri. Mr. President, I send to the desk an amendment, which I ask to have read.

The PRESIDING OFFICER. The clerk will report the amendment.

The LEGISLATIVE CLERK. On page 81, after line 14, insert:

ORDNANCE DEPARTMENT

For the payment to John W. Stockett the sum of $142,500, on account of the use by the United States of the patent device of the said John W. Stockett for breech-firing mechanism.

Mr. REED of Missouri. Mr. President, a bill carrying this item, approved by the War Department, approved by the Chief of Ordnance, and approved by the commitee, has been already passed by the Senate. It is tied up in some way, and I am asking to have it inserted on this bill as an amendment. There is no dispute about the correctness of the bill.

Mr. REED of Pennsylvania. Mr. President, I know of no appropriation that has passed the Senate in recent years which appeals more than does this one. This man was the inventor of the first successful breech mechanism that made it possible to open heavy guns, with a caliber of 5 inches and upward, by one motion. Always before his invention three motions were required, and considerable time was taken in opening the breech of a heavy gun.

Mr. Stockett was a draftsman in the Ordnance Bureau, and he invented this out of a clear sky, I might say. It was better than anything ever known in Europe up to that time, and better than anything we had. We used it on about a thousand guns, as I recall the number.

Another thing that was wrong with our guns in those days was the method of firing the charge. It was extremely dangerous and very slow. The charges had to be fired by a primer which was screwed into the breech after it was closed, and then by a sort of a scratching action was detonated. Several men were killed by those appliances because they had not been screwed in tightly. This man invented a primer which was proof against all those faults, and saved many a life, no doubt, by his invention, and the Government made over 2,000 of them.

The going royalty on breech blocks at that time being paid by the Government to a Swedish and British concern was $400 per breech block. If Stockett got that much for his invention, he would be entitled to over a quarter of a million dollars, instead of the amount carried by this amendment, to say nothing of the value of his other inventions.

This has been recommended by the Chief of Ordnance in most glowing terms, by the Secretary of War, has been unanimously approved by our Committee on Claims, and passed the Senate without dissent. It is being held up for some reason that I can not understand, some personal objection, in the House. I hope no Senator will object to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri.

The amendment was agreed to.

Mr. CARAWAY. Mr. President, I send to the desk an amendment to be inserted in the bill at an appropriate place. There will be no objection to it, I understand. It simply authorizes the Chief of Engineers to change the location of a levee. It calls for no appropriation.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 79, after the amendment of Mr. MCMASTER, insert:

That in the reconstruction of the levee along the left bank of the Arkansas River in Conway Levee District No. 1, Conway County, Ark., as provided under the terms of section 7 of the flood control act (Public, No. 391), approved May 15, 1928, authority is hereby granted to the Secretary of War, upon the recommendation and approval of the Chief of Engineers, to relocate all or any part of said levee when in the opinion of the Chief of Engineers such relocation shall be deemed practical and feasible.

Mr. REED of Pennsylvania. That does not carry any appropriation.

Mr. CARAWAY. It does not.

Mr. REED of Pennsylvania. I can not promise the Senator that we shall be able to hold it in conference.

Mr. CARAWAY. I think there will be no objection to it, because it has been reported in the House.

The amendment was agreed to.

Mr. BLACK. Mr. President, I desire to make an inquiry with reference to the provision which was placed in the bill by the House on pages 12 and 13, which would limit each officer of the Army to one mount. What has been done with that?

Mr. REED of Pennsylvania. The committee recommended that the House provision be stricken out, and the Senate has concurred in that action, so that the law will remain as it now is if the Senate amendment is maintained. An officer over the grade of captain who is required to be mounted will be permitted, if he pleases, to maintain two horses at the public expense.

Mr. BLACK. I understood that if there was any objection to any committee amendment agreed to last Saturday it could be voted on. I do not want to present any argument, or anything of that kind, but I do ask for a vote on this amendment after the Senate shall understand what it is.

Mr. REED of Pennsylvania. I am very glad to agree in asking that the Senate reconsider its action, if the Senator wants a vote on the amendment.

Mr. BLACK. I request that the Senate do take a vote upon striking out that particular House provision.

Mr. REED of Pennsylvania. That is found on page 12, the provision beginning in line 18 and running to line 3 on the following page.

Mr. BLACK. I will just state what it is. This amendment of the Senate committee would strike out a House provision, limiting each Army officer to one horse. It does not amount to so very much; there are several hundred horses, the number having been given in the debate in the House.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. COPELAND. The Senator knows that if the horses are not provided privately they will be provided by the Government, because it is necessary that such mounts be provided.

Mr. BLACK. But the provision of the bill would limit each man to one horse, whether it is provided by the Government or provided by himself.

Mr. COPELAND. No; it does not do that.

Mr. BLACK. The Government will not pay for the expense of the additional horse.

Mr. COPELAND. If the Senator will read the record, he will find that it is plainly set forth that if the amendment prevails the Government will be called upon to maintain more horses at Government expense.

Mr. BLACK. The Senator must be wrong, because this is the language of the amendment:

Provided, That the number of horses owned by any officer of the Army occasioning any public expense, including extra compensation, shall be reduced to one on July 1, 1929, and no appropriation contained in this act shall be available for any expense on account of a Government-owned horse used by any officer who has a privately owned mount occasioning public expense, including extra compensation, except in the case of an officer serving with troops whose privately owned mount may be sick or injured, and except in the case of an officer away from his regular post of duty.

Mr. COPELAND. Suppose the one mount he owns goes lame.

Mr. BLACK. That is provided for.

Mr. COPELAND. He has then got to take a Government horse.

Mr. BLACK. Yes; except in the case of the officer serving with troops whose privately owned mount may be sick or injured. If his horse gets sick or is injured, the Government lets him take a horse.

Mr. COPELAND. I gained the very distinct impression from the testimony that any man serving with troops, who had occasion to use a horse, needed to have two horses, either privately owned or maintained by the Government, because he could not hope to do full effective service with one mount alone.

Mr. REED of Pennsylvania. If his horse goes lame and he takes a Government horse, he has to take it from some one, and that means some enlisted man who would be no longer mounted. Furthermore, the important reason which should prevail against the House action is that it is a very severe blow at the horse-breeding industry, which needs all the encouragement the Army can give it.

Mr. BLACK. I do not care to argue it, but I do not see any more reason why we should encourage the horse-breeding industry by keeping a surplus of horses that are not needed any more than we should encourage the making of uniforms by providing two or more uniforms for each man.

Mr. BARKLEY. In order to have the required number of horses for the Cavalry of the Army it is necessary to have in the country a large surplus of well-bred horses from which selections can be made. If we cut down the number of horses by one-half, it not only discourages and demoralizes the Cavalry itself, but it also discourages the breeding of horses for the creation of this reservoir from which the Army makes its selection in order to obtain the required number of the proper kind of horses.

Mr. BLACK. I do not understand how that could be. I did not rise to argue the question. I simply wanted to call the attention of the Senate to the fact that the whole issue is whether an Army officer should have one horse or two horses. I know that when I was in the Artillery we did not have saddles most of the time. Part of the time we were compelled to get along with one horse. I can not see why an Army officer should have two horses.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. BLACK. Mr. President, there is one more matter that I want to call to the attention of the Senate and to the chairman of the Committee on Military Affairs, being an amendment on pages 21 and 22 with reference to procurement. As I understand it, the objection in the House to the item of procurement was that it was money which was utilized for the purpose of sending men out into the various fields of industry and manufacturing activities in order to acquaint themselves with industry and manufacturing. Is that the object of the provision?

Mr. REED of Pennsylvania. That is a small part of the larger subject of what is called procurement plans. As the Senator knows, when the last war broke out no one in the War Department could say what industries were capable of producing shells or guns or blankets, and so forth. With few exceptions they were perfectly ignorant of the capacity of the country for war-time supplies. It is with the idea of preventing a recurrence of such a situation that a study has been going on since the conclusion of the war to determine just from which industries could be had what quantities of essential supplies for war time. The language refers to that activity. There are two amendments in the bill touching on the subject. One of them is that found at the bottom of page 21 dealing with the number of officers who should be assigned to that work and the other relates to having only one office in any city. The obvious result of the House provision would be that if we had an officer in each of two Government buildings in the same town, they would have to abandon those offices and hire two rooms in some other place. We figured it would add much to the cost of the work and would make no saving at all, so we proposed to strike out that language.

As to the number of officers, at the urgent request of the Secretary of War or his assistant, the committee unanimously decided to strike out the provision to which the Senator calls attention.

Mr. COPELAND. Mr. President, there are one or two matters about which I wish to inquire and to have emphasized. First, I refer to the Organized Reserve. As I understand it, we trained last year 16,000 men. This year provision was made for 19,500. In the pending bill the number is increased to 21,000. Am I correct?

Mr. REED of Pennsylvania. Yes, Mr. President; the Senator is correct.

Mr. COPELAND. Of course, there are many in the reserve, like General Delafield and others who appeared before us, who think that number is entirely inadequate. But I think in defense of the bill and of the general spirit of the Congress it should be pointed out to the country that we have increased the number 19,500 trained last year to 21,000 for next year.

Mr. REED of Pennsylvania. That is correct; and it was only 16,000 the year before that.

Mr. COPELAND. It was 16,000 last year, 19,500 this year, and it will be 21,000 the coming year.

Now, I wish to inquire about the appropriation made for the Reserve Corps flying. I was very much disappointed because I did not succeed in impressing upon the committee the importance of appropriating more money for the sake of safety in the air. But in the subcommittee we agreed that the number of hours should be increased to 22,500 in order that we might have 4 hours a month in the air instead of 1 as it is at present.

Mr. REED of Pennsylvania. I doubt if it will give four hours, but it ought to give at least two hours to every reserve aviation officer of class 1, the class considered ready for active war-time service.

Mr. COPELAND. Of course the testimony was very clear before the committee that, in order to have safety in the air, these men should have four hours a month. In order to have that much it was necessary to increase the appropriation by $477,000.

Mr. REED of Pennsylvania. That is correct.

Mr. COPELAND. I observe the amount was increased only about one-half that sum, and I desire to inquire about it because in the subcommittee we had a different plan in mind. That will be found on page 56 of the bill, line 3.

Mr. REED of Pennsylvania. The addition was $477,389 to provide the additional 7,000 hours of reserve flying.

Mr. COPELAND. Then am I to understand the Senator to say that we increased the amount by the amendment to the House bill to add $477,389?

Mr. REED of Pennsylvania. That is correct.

Mr. COPELAND. Then, if I am correctly advised, that will provide for four hours of flying instead of one, and of course will increase materially the safety of the air. I am right about that, I assume?

Mr. REED of Pennsylvania. I am afraid the Senator is not correct. I wish he were correct. I agree with him that four hours a month are desirable, but it is one of the many places at which a saving had to be made.

Mr. COPELAND. The Senator is quite confident that the Congress of the United States desires to appropriate money enough to make flying as safe as possible. I am quite disappointed if the Senator takes the view that the appropriation as agreed upon will not give four hours a month for such flying as we are discussing. How much more would we need to give that much flying?

Mr. REED of Pennsylvania. To give four hours of flying per month for the 630 officers who are classed as class 1 on inactive duty we would have to add $980,036 to the amount now in the bill.

Mr. COPELAND. Does the Senator mean $980,000 in addition to the $477,000 already added? I think he is mistaken about that.

Mr. REED of Pennsylvania. That would be the amount, I am told, necessary to be added to the amount provided by the House, so that the increase would be approximately $490,000 over the increase we have provided.

Mr. BINGHAM. Mr. President, I think the chairman of the Committee on Military Affairs is wrong, for this reason: The House, in their wisdom, only provided for one hour of flying a month for each of the first-class reserve officers on an inactive status. The Senate committee doubled that amount, to provide for two hours a month, and the cost of that additional one hour per month is nearly $500,000. To double that again and make it four hours per month, as those of us who are interested in aviation would like to see done, would mean the addition of nearly $1,000,000 to the amount provided by the House.

Mr. COPELAND. I assume that Senators may be well informed on aviation, but are not always good mathematicians. As a matter of fact, we add to the bill as it came from the House $233,095; but it was testified before the subcommittee that by the addition of $477,000—that is, by an addition of $244,000 over what is provided in the Senate committee bill—there could be four hours of flying.

Mr. REED of Pennsylvania. Mr. President, on page 206 of the Senate committee hearings the Senator from Connecticut [Mr. BINGHAM] asked:

What about those figures on the 4-hour proposition?

The answer was:

Mr. DAVISON. Well, to add 20,000 hours to the 15,531 hours that are included by the bill would require $980,036.

So the addition of $980,036 to the amount included in the House bill would provide four hours, according to his testimony. I confess I can not see how it figures out that way.

Mr. COPELAND. As reported in the bill that we have before us there is an increase of 50 per cent in the number of flying hours. Is there not an increase from 15,000 hours to 22,500? Am I right about that?

Mr. REED of Pennsylvania. That is correct.

Mr. COPELAND. And the view of the Senator is that with that addition it would not be possible to give four hours of flying service?

Mr. REED of Pennsylvania. I think that is correct.

Mr. COPELAND. Am I right in assuming that a point of order would lie against a motion to increase the amount?

Mr. REED of Pennsylvania. Yes; and I should feel obliged to make the point of order.

Mr. COPELAND. I can quite understand the position of the Senator, and I realize that his motives are entirely honorable. But, of course, I want it understood, so far as I am concerned, that I am very much disappointed that the committee did not recommend a larger amount for safety in flying. I tried hard in the subcommittee to have a million dollars added to the appropriation for safety service and investigation. That idea did not prevail, and I am again disappointed. From the notes that I took at the time I thought reserve officers would have four hours of flying. But that seems impossible, and we are precluded from increasing the amount because of the parliamentary situation. We shall try again next year to promote safety in the air.

Now, I want to ask the chairman of the committee about the citizens' military training camps. As I understand, last year or year before last we provided for the training of 35,000 and in the bill before us there is provision for 37,500 men. Am I right in that?

Mr. REED of Pennsylvania. We hope they will be able to train a larger number than that. We are appropriating the same amount of money as last year, but it is with the hope and expectation that a larger number of young men will be provided for.

Mr. COPELAND. May I ask the chairman of the committee what is the attitude of the committee or of its chairman regarding the use of reserve officers in training the trainees in the citizens' military camps?

Mr. REED of Pennsylvania. In our judgment it is a very good thing, both for the trainees and for the officers, assuming that the proper selections are made.

Mr. COPELAND. Is it the judgment of the Senator that that plan will be followed?

Mr. REED of Pennsylvania. I hope it will be. It was tried in one camp last summer, and was found to be very successful; a good thing for the officers and a fine thing for the young men under them.

Mr. COPELAND. I hold in my hand, Mr. President, an editorial from the Reserve Officer, the official organ of the Reserve Officers' Association, volume 5, December, 1928, No. 9, from which I quote the following:

The most important advancement in the training of the Officers' Reserve Corps and, we think, the citizens' military training camp students, is the plan just announced by the War Department.

I ask that the article be included in the RECORD without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article is as follows:

[Editorial from The Reserve Officer, official organ of the Reserve Officers' Association of the United States, vol. 5, December, 1928, No. 9]

RESERVE REGIMENTS TO TRAIN CITIZENS' MILITARY TRAINING CAMPS

The most important advancement in the training of the Officers' Reserve Corps and, we think, the citizens' military training camp students, is the plan just announced by the War Department. The plan comes to us through the clear understanding of the needs of the reserve officers by the Assistant Secretary of War, Col. Charles Burton Robbins, who has had the plan under consideration for months.

Adequate training can not be afforded a reserve officer that does not provide an opportunity to command, one thing that can not be accomplished in any correspondence course ever devised. The new plan of training will afford practical problems in administration and opportunities to exercise command that will enable superior officers to give instruction and actual knowledge of the capabilities of the officers of their command.

Supplementing the terse instructions of the War Department comes a fuller understanding of the way the plan is to be operated. Reserve officers will be placed in full charge and made responsible for the success of the citizens' military training camps, under the supervision of post commanders and Regular Army executive officers with the citizens' military training camps and reserve officers, through a system of inspections and critics. The command of the camps, however, will be actually exercised by the reserve commanders.

Such training as this plan does not incidentally supply the various grades of officers present will be afforded by specially prepared schedules which will be carried out in addition to the routine camp work.

Those reserve officers most familiar with the plan which might well be designated the "Robbins plan of training" are enthusiastic and unhesitatingly predict its complete success for both the citizens' military training camps and the Organized Reserves.

Mr. COPELAND. If I understand the Senator correctly, it is his view that it would be advantageous both to the reserve officers and the citizens in the camps if this plan of training by the reserve officers prevailed?

Mr. REED of Pennsylvania. Yes; quite so.

Mr. COPELAND. Let me ask the Senator if this plan has been studied by the War Department?

Mr. REED of Pennsylvania. Yes, Mr. President; and after study the War Department authorized the establishment of the scheme in one camp in order to try it out.

Mr. COPELAND. As I understand, the Senator says in that camp there was approval of the plan?

Mr. REED of Pennsylvania. There was general approval by both the officers and the trainees and also by the Regulars who observed it.

Mr. COPELAND. Was there approval from any other camp or any other conspicuous source of that plan?

Mr. REED of Pennsylvania. No other camp had it.

Mr. COPELAND. I mean in so far as the theory is concerned?

Mr. REED of Pennsylvania. I saw a number of editorials in the Hearst newspapers denouncing it, but it was perfectly evident that the man who wrote the editorials did not know anything about the subject.

Mr. COPELAND. I suppose a man might write for the Hearst newspapers or any other newspapers and yet have some patriotic intention.

Mr. REED of Pennsylvania. I am quite sure that the Hearst newspapers are animated by nothing but unselfish patriotism, but they are sometimes wrong, and that was one of the times.

Mr. COPELAND. Does the Senator resent any reference to this matter because it happened to be mentioned in the Hearst newspapers?

Mr. REED of Pennsylvania. No; I resented the editorial bitterly because many of the reserve officers learned to manage men and to command men by actual battle service in the World War, and I resented very much that the newspapers of large circulation such as those should publish unfair editorials denouncing them as if they had had no training at all.

Mr. COPELAND. Of course, the Senator realizes that the Senator from New York has made no reference to the Hearst editorials.

Mr. REED of Pennsylvania. I so understand.

Mr. COPELAND. And that the particular sentiments to which he refers are not pertinent to the present discussion, I take it.

Mr. REED of Pennsylvania. I did not mean to ascribe to the Senator from New York any of the sentiments of those editorials.

Mr. COPELAND. I am very much interested in the matter under discussion. It has been brought to my attention that complaints have been made by citizens who have gone to the military training camps that a system of training directed by reserve officers may not be so perfect as a system directed by officers of the Regular Army.

I realize that no finer training could be given than by the men who served in the late war. If I were to study under the instruction of any military teacher, I should be proud to have one who had the heroic experience of actual warfare; but, of necessity, as was pointed out before our committee, the men who served in the late war, with notable exceptions in the Senate,

are growing old. Of course, I realize that the able and vigorous Senator from Pennsylvania [Mr. REED], the distinguished Senator from Connecticut [Mr. BINGHAM], and other Senators who served in the World War are young men.

Mr. REED of Pennsylvania. I have aged considerably since the Senate began the consideration of this bill. [Laughter.]

Mr. COPELAND. I can realize that, and I hope not to add more than a few weeks to the age of the Senator by prolonging the discussion, and I trust that the bill may pass very soon. However, the point I was making was that, as suggested by General Delafield, for instance, and by other reserve officers, the fact is that it is very necessary for us to encourage officers who come from the Reserve Officers' Training Corps, the college training corps, to take part in this activity in order that they may help maintain our citizen army; but the question does enter my mind whether it is wise to turn over to reserve officers work which in the past has been done by Regular Army officers. It is probably all right, but I think that the Senate is entitled to have a report from the General Staff of the studies made regarding this innovation and the recommendations they have to make about it before the order shall actually be issued.

Furthermore, while the Senator has spoken about a report from the officers of one camp, it seems that we ought to know exactly what was the attitude of the trainees in the camps regarding this particular plan. It was because I felt that we were entitled to know the facts that I rose to my feet to-day. May I ask the Senator if he will be good enough to see that there shall be made to the Senate a report from the Army regarding this question?

Mr. REED of Pennsylvania. I shall be very glad to do that, Mr. President. I think the Senate is entitled to full information about it; but I hope the Senator will understand that to the young man who goes as a trainee to one of those camps it is a matter of comparative indifference whether the lieutenant and the captain of his company are graduates of the West Point Military Academy or are graduates of some other university where military training is given. Neither of them when they graduate have had any experience in the command of men; to become valuable officers, both the Regular and the reserve officer must have it, just as the National Guard men must have it. We never can tell except by actual trial which men have the gift of command; it is one thing that can not be weighed or tested in advance by any species of analysis or checking. These young officers are criticized most severely, but I hope the Senate will believe that any one of them found wanting in the qualities that go to make up a proper and considerate leader of men would be instantly dismissed from his assignment and probably dismissed from the reserves.

Mr. COPELAND. Of course, that is one of the things I had in mind, if I may say so to the Senator. Sometimes these men might be so inexperienced and so temperamentally unfit that they would fail in their command of men in the camp, and in that way demoralize their respective groups.

Mr. REED of Pennsylvania. Any officer who showed such a tendency would be dismissed the very first day of his service. We had the same situation during the war. In the organization of the National Army divisions there were scarcely a handfull of Regular officers assigned to each division. The company officers, the battalion officers, and many of the other field officers were reserve officers who had never commanded men; many of them had never exercised command. The weeding out process was very rapid, and that is what we will have in another war. If we can weed the officers out in advance we shall have gained just that much time, and I can assure the Senator that their work will be rigidly scrutinized.

Mr. COPELAND. It is because I am anxious that we should not have that state of affairs if we ever have another war, which God forbid, that I think we must make very certain that the men from civil life who give of their time and forego their vacations and frequently their pay in order to have the training, shall be well taught and trained. I have sometimes criticized the colleges because the freshman student does not receive instruction from trained teachers. Often new instructors, new teachers, are placed in charge of the freshmen in a college, when, as a matter of fact, in that formative period of their lives and of their minds they need the very best instruction they can have.

Likewise, I feel that in the case of these citizens' training camps we should make sure that the citizens who go there to train are given the very best of instruction; and I know that is exactly what the Senator from Pennsylvania desires. I rose to ask these questions and am very glad of the promise of the Senator that we shall be given this information. I want to be able to say to my constituents that this matter has been given serious consideration by the Senate and by the General Staff of the Army, and that the plan, if it is adopted, is a proper plan. At this time there is some doubt in certain minds about it; and I hope this information promised by the chairman of the committee will dissolve all doubts, and that the country will be satisfied.

I thank the Senator.

Mr. KING. Mr. President, apropos of the subject referred to by the Senator from Iowa, I have had a number of communications from reserve officers urging an increase in the membership of that organization. I have also had communications from members of the National Guard in which the contention was made that Congress had been too generous to the reserve officers' organization; that there was no necessity for increasing the number of reserve officers, but, upon the contrary, that there should be a gradual reduction. There were some complaints that there was a disposition to retain in the organization too large a number who were, because of age or other causes, not suitable for efficient and active service.

Mr. President, I am inviting the attention of the chairman to these statements in order that he may have an opportunity to reply to the same. I confess that I have had considerable interest in the reserve officers' organization and have felt that it was serving a useful purpose. It seems to me that I have believed that if the Government is to maintain military organizations outside of the Regular Army to aid in military training, the National Guard organizations should be developed and strengthened. I should dislike to see any rivalry between the reserve officers' organization or the National Guard. Some of the communications which I have received emphasize the importance of developing the National Guard and making it an important auxiliary of the Army.

Mr. REED of Pennsylvania. Mr. President, it is difficult to answer so many question by a single "yes" or "no"——

Mr. KING. I know it is.

Mr. REED of Pennsylvania. But I shall try to be brief.

A good many people follow the method of the poor salesman: They try to get an advantage for some cause they believe in by running down something else.

To start with, I do not believe that at any time in its history the National Guard has been as efficient, as well officered, as well disciplined, or as much interested in its work as it is to-day. We have every reason to be proud of the National Guard and of the system under which it is now working.

All of the National Guard officers are themselves reserve officers. Nine thousand of them have commissions in the reserve; so that we have to start by excluding that group, for presumably they are not criticizing themselves.

About thirty-five or forty thousand—I forget the exact number, but approximately that many—are physicians, veterinarians, dentists, chaplains, officers of staff qualifications, who are never intended to have command of troops, who do not need to be experienced in military science. We have to exclude them, too, because they are practicing their professions all the time and presumably are keeping in practice.

When we take the remainder of the Reserve Corps, sixty-five or seventy thousand—they run all the way from young men, full of ardor, who keep up their military studies all the time, like these class 1 pilot aviators—there is not a finer group of young men on earth than they are—and the younger officers in the line regiments, the Infantry and the Field Artillery and the Engineers. It is a great national asset to have them in the reserve, already assigned to skeleton regiments that will be organized when war is declared. They are a great asset; and the complaints that the Senator has heard do not apply to them. Then, there are a lot of old fellows like myself who are rapidly getting past their days of military fitness, who are still on the list of reserve officers, and who ought to be weeded out; and the process of weeding out is going on now. The examinations are very drastic. They have to pass both physical and mental examinations and repeated courses in paper work; so that the ineffective ones are being weeded out. To the extent that they are still there, the criticism is just; but everybody is aware of it, and in a couple of years the weeding-out process will have given us a very fit reserve.

I hope that answers the Senator's question.

Mr. KING. I think it meets the question submitted to me, Mr. President. I am glad to receive the information.

Mr. REED of Pennsylvania. May I add further that in their sympathy with the National Guard the subcommittee and the full Committee on Appropriations have adopted all of the suggestions urged by the adjutants general for increases in the National Guard appropriations, and we hope that we shall be able to hold them in conference.

Mr. KING. I desire to inquire of the Senator whether there is any appropriation carried in the bill for Alaska except the $1,000,000 found on page 78?

Mr. REED of Pennsylvania. Yes, Mr. President; there is an item under the Signal Corps for the cable which runs from Puget Sound to Alaska.

Mr. KING. May I say to the Senator that I am not so much concerned about that. Is there any item carried in the bill for the railroad in Alaska?

Mr. REED of Pennsylvania. I do not think there is any item in this bill for the railroad. I do not recall.

Mr. KING. There should not be; but I was fearful that there might be, in view of the item which I find on page 78—

$1,000,000, to be available immediately, and to include $1,000 compensation to the president of the Board of Railroad Commissioners for Alaska, in addition to his regular pay and allowances.

I was wondering, first, what this $1,000,000 is to be used for; and, if it is for roads or bridges or trails or anything of that nature, I was wondering why it should be in this bill.

Mr. REED of Pennsylvania. Because it is expended under the Corps of Engineers. It costs about half a million dollars a year for current maintenance of the roads and bridges in Alaska. The additional half million dollars is for the extension of roads into new communities. The Senator knows how much it costs to transport freight in the interior of Alaska. The road system there ought to be much extended. This item does not include anything for the Alaska Railroad.

Mr. KING. Is this road system, for which provision is made, postulated upon the ground that it is a military necessity?

Mr. REED of Pennsylvania. No, Mr. President. It is postulated on the same theory that leads us to appropriate money for road assistance throughout the United States; and we must remember that practically every acre of land in Alaska is land owned by the United States Government. We are building roads through our own property, in a sense; and we must remember, also, that very large contributions are made out of the Territorial treasury from taxes levied in the Territory.

Mr. KING. Why should not the appropriations made by the Federal Government for roads in Alaska be expended by the Bureau of Public Roads in the Department of Agriculture, rather than by the military organization?

Mr. REED of Pennsylvania. Presumably because they have no organization there.

Mr. KING. If that is true, that probably would be a sufficient reason for departing from the accepted plan which is employed in the construction of Federal roads.

Mr. REED of Pennsylvania. The Army always has done it, Mr. President, ever since the development of Alaska began.

Mr. KING. I notice, beginning with line 17, on page 66, and terminating with line 3, on page 67, a number of items. I am making no objection to the items. I was wondering what the liability of the Government was, and why these items were not carried in some pension bill.

Mr. REED of Pennsylvania. Those, as I recall, are all widows of doctors who took part in the yellow-fever experiments under Maj. Walter Reed. Those are special payments that have been authorized by a previous act of Congress.

Mr. KING. Then they would not come within the general pension act?

Mr. REED of Pennsylvania. No, Mr. President. There is a bill which will be reported to the Senate to-morrow providing for pensions for all of those heroic people who exposed themselves to the yellow-fever tests, about 30 of them in all.

Mr. KING. May I ask the Senator if the item of $50,000,000, carried in the bill for rivers and harbors, includes the appropriations which would be made under the recent Mississippi River flood control act?

Mr. REED of Pennsylvania. No, Mr. President; that is a separate item. The Mississippi flood-control item will be found on pages 80 and 81. The $50,000,000 is for work regularly done each year under the Chief of Engineers. The flood-control item is found at line 24, page 80. That is why this appropriation bill is so much bigger than that of last year.

Mr. KING. I should like to ask the Senator who is to determine where the $50,000,000 is to be expended? What authorizations have been made?

Mr. REED of Pennsylvania. I should much prefer to have the Senator ask the chairman of the Committee on Commerce about that. This part of the bill is chiefly based on laws that have come from that committee. I have, myself, a very vague impression of the flood control act. If the Senator will postpone that question, I will try to get him the answer.

Mr. KING. The inquiry was directed, rather, toward the various items which undoubtedly make up the $50,000,000 appropriation.

Mr. REED of Pennsylvania. Oh, I beg the Senator's pardon. As to that, the Senator will find the rivers and harbors figures given completely. There is an entire volume of the House hearings devoted almost exclusively to that subject. In that is a tabulation showing the apportionment of the $50,000,000. It begins on page 116 of the House hearings and ends on page 122. Does the Senator wish me to give the recapitulation?

Mr. KING. I would be glad to have the Senator do that.

Mr. REED of Pennsylvania. I will hand the figures to the clerk to read, if the Senator does not object.

Mr. KING. I have no objection to that. May I say to the Senator that he will understand that those who are not members of the committee did not have the advantage of contact with the witnesses who have testified and have no opportunity to become acquainted with these large appropriations. I have been curious to ascertain just how that $50,000,000 is to be allocated, upon whom the responsibility is to rest, and whether we may safely commit to their hands the allocation of this large amount.

The PRESIDING OFFICER. The clerk will read.

The Chief Clerk read as follows:

	Improvement	Maintenance
Seacoast harbors and channels	$9,009,520	$10,676,860
Mississippi River system	16,509,000	3,524,000
Lake harbors and channels	3,122,000	1,725,500
Internal waterways, exclusive of the Mississippi River system	1,773,000	1,718,500
Surveys (H. Doc. No. 308, 69th Cong., 1st sess.)	1,500,000	
Examinations, surveys, and contingencies of rivers and harbors		250,000
Departmental service, allotment roll		191,620
Total	31,913,520	18,086,480
	50,000,000	

Mr. GEORGE. Mr. President, I would like to make an inquiry of the Senator from Pennsylvania, who is in charge of this appropriation bill, with reference to the sums of money now incorporated in the bill by amendments for the purpose of reimbursing the States for damage done to roadways, causeways, bridges, or what not. Of course, I am familiar with the amendment on which we voted yesterday, providing an appropriation to the State of California of $4,370,000 to reimburse the State for moneys expended upon the Sacramento River. The RECORD of yesterday shows the approval of an amendment to reimburse four States in the Mississippi Valley in the sum of $3,654,000 for moneys expended in the replacing of bridges, roads, and so on, to which the Federal Government had in the first instance contributed. But there are other like items; that is to say, other amendments of the same general character, as I understand it, which have been accepted to-day, or voted into the bill, and I would like to have some idea of the amount involved.

Mr. REED of Pennsylvania. I know of no other amendment now in the bill that calls for the reimbursement of any State for expenditures of any sort. Two amendments were adopted to-day providing appropriations for certain flood-relief work on the Missouri River.

Mr. GEORGE. Is that for work to be done or for work already done?

Mr. REED of Pennsylvania. It is for work to be done.

Mr. GEORGE. Prospective?

Mr. REED of Pennsylvania. Prospective. It is just like the $50,000,000 appropriated for river and harbor work.

Mr. GEORGE. There is no other amendment except the ones indicated?

Mr. REED of Pennsylvania. I know of no other retrospective donations to States.

Mr. SIMMONS. The $50,000,000 appropriation covers appropriations made under authorizations heretofore made by Congress?

Mr. REED of Pennsylvania. Yes, Mr. President.

Mr. SIMMONS. But as I understand the Senator from Georgia now, he is asking for information as to the sum total of the amounts we have appropriated for rivers and harbors and bridges where there has been no authorization or past action.

Mr. REED of Pennsylvania. What he asked was the amount reimbursed to States for past expenditures. Was not that the Senator's question?

Mr. GEORGE. I confined my question to that.

Mr. SIMMONS. If the Senator will pardon me, I would like to ask the Senator from Pennsylvania an additional question as to how much the bill will carry under the amendments he has accepted and the Senate has agreed to for future expenditures on works that have not heretofore been authorized, where the appropriation is an entirely new thing?

Mr. REED of Pennsylvania. I am not prepared to answer the Senator. I do not know how much will be required on these two projects on the Missouri River. I am told the work can

be done for something under half a million dollars, but I do not recall the amount. In those cases the authority for the appropriation has already passed the Senate, so that we are not acting in the dark and without the advice of our standing committees.

Mr. SIMMONS. How much was appropriated for the California project?

Mr. REED of Pennsylvania. The California project has been authorized, has been approved by the Budget, and is covered by existing law. The amount is $4,360,000, as I recall it, for past work and $1,000,000 for work to be done in the next fiscal year. All that is covered by existing legislation.

Mr. SIMMONS. I happened to be out of the Senate for a few moments. What became of the amendment offered by the Senator from Florida [Mr. TRAMMELL]?

Mr. REED of Pennsylvania. I made a point of order against the amendment offered by the Senator from Florida, and it was sustained.

Mr. GEORGE. Mr. President, I do not know that I have ever before said anything with regard to any appropriation bill, except possibly to offer some minor amendment. I have no purpose to criticize the method of procedure now growing up in the Senate at this time, because perhaps I ought to have been more active before; but if the Senate is going to commit itself to the policy of reimbursing the States for expenditures made by the States on the States' own programs, and under the States' own supervision, there will positively be no end to the trouble into which the Congress is bound to run.

I have no particular purpose in saying anything about the appropriation voted yesterday of $3,654,000 for four of the States in the Mississippi Valley, but that appropriation was voted to reimburse the States for moneys already expended by the States in repairing roads upon which the Federal Government had initially or theretofore expended money.

I undertake to say that in my own State, and in very nearly every other State in this Union, a very considerable bill could be presented to the Senate every year for precisely the same character of damages. I am not saying that we should not have voted the amounts in these instances, or in the case of California, because the flood control bill did authorize that particular appropriation, perhaps renewed the authority for it, but there will be no way to distinguish between the claim of one State and the claim of another State, and the size of the flood and the disaster wrought by the flood will have, properly speaking, no material bearing, because where a road is washed away and destroyed, if it had been built in the first instance by Federal money, or in part by Federal funds, the State would have the same moral and legal right to come to Congress and ask that it be reimbursed.

Mr. President, I want to emphasize what I am saying, that the Senate is committing itself to a course that it will undoubtedly have occasion to rue, because we can not keep up expenditures that will grow and constantly grow upon the same account represented by these appropriations.

In the early part of this session the Senator from South Carolina [Mr. SMITH] introduced a joint resolution providing for an appropriation by Congress, not to be given or donated to anyone, but to be used as a loan fund, not for people who were engaged in an experiment, but for people who had for long, long years, indeed, for generations, been engaged in farming. It was necessary to provide a fund, if possible, by way of a loan to the farmers in two or three of the Southeastern States, in order to enable them to make crops, to make it possible for them to remain upon their farms.

The Senate passed that joint resolution, and in the House it was referred to the President and to the Budget. That kind of legislation is against the financial program and policy of the administration, and the joint resolution had the disapproval of the President and of the Budget. But last year, in an appropriation bill, we appropriated $5,000,000 to reimburse the States of Vermont, New Hampshire, and Kentucky for the repair of roads which had been damaged and destroyed by floods.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. BARKLEY. The appropriation in that case was not to reimburse those States, but to match dollar for dollar for the purpose of reconstructing the roads, large portions of which were Federal highways.

Mr. CARAWAY. Mr. President, if a State has gone ahead and discharged an obligation which ought to rest upon the Government, is it not entitled to have the money returned to it just as much as if it had applied in advance and had the money appropriated?

Mr. GEORGE. I do not think so.

Mr. CARAWAY. For instance, if Kentucky and Vermont are entitled to have paid to them out of the Federal Treasury 50 cents on every dollar spent by them in the repair of roads, and some other State suffering exactly the same injury has gone ahead and repaired similar roads, does not the Senator think it would be entitled to be reimbursed?

Mr. GEORGE. I do not say it is not entitled to be reimbursed, but we are not entitled to vote money to reimburse States when they have undertaken work, under their own programs, under their own supervision, unrestrained, uninfluenced, and uncontrolled by the Congress.

Mr. CARAWAY. There was no restraint and no control over the kind and amount of work to be done in Vermont, except the amount of the Federal appropriation.

Mr. GEORGE. I presume that appropriation came under the general act and was governed by the general law, except that the appropriation itself was made upon this special bill.

Mr. BARKLEY. The appropriation had to be expended under the jurisdiction and control of the Federal highway department, just as all other road funds are now expended.

Mr. CARAWAY. There may be a difference there, but I shall never be able to see it.

Mr. GEORGE. There is this difference. The Congress will be able to see it or else we will be placed in that situation under which no Congress can live. If we are going to appropriate money, as we are now beginning to appropriate it, to reimburse a State where the State has elected to do the improving on its own plan, under its own supervision, at its own will, we virtually give over to the State the power and authority to do the work, and come here and merely collect the funds and reimburse itself for the work it has done.

Mr. KING. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. KING. My understanding is that Federal highways when completed are to be maintained subsequently by the States—that is to say, the Federal Government under the present plan makes certain appropriations for Federal highways—but after they are completed the maintenance of them devolves upon the States. If the Federal Government is to be called upon to maintain them because of a flood, it would seem to me the Federal Government could be called upon to maintain them when by erosion or use the roads are in a condition to require repair.

Mr. GEORGE. It was not any particular injustice in any particular appropriation made that I was directing to the attention of the Senate. I have no doubt that in the case of the Mississippi Valley States the reimbursement authorized and now to be made was in the first instance a very proper expenditure, very wisely made. That might be true in any particular instance, but it will not be true in all instances; it can not be true in all instances if we adopt the policy of reimbursing for expenditures made by a State upon its program under its supervision and then permitting it to come to the Congress to get its money back.

But beyond that the possibilities are so great for overloading appropriation bills that we have got to think of the problem whether we will or not. Perhaps the largest appropriation bill we have to consider is that for the maintenance of the War Department and for the Army. It is a bill carrying a considerable sum of money. The War Department perhaps more than any other department of the Government is overloaded with nonmilitary matter. It has to carry the burden. That, of course, does not make any difference; that is to say, it makes no particular difference to the people nor any particular difference to the Congress. But if we adopt the policy that is manifest particularly in this Congress and in the Congress preceding it, we will find that the appropriations will grow by leaps and bounds until there will scarcely be any way to put a limitation upon them.

It is not very difficult, perhaps, to get a committee to favorably report a particular bill, even an appropriation bill; because the committee generally assumes that it is coming before the Senate and is going to be pretty fully debated by the Senate, and oftentimes it is not very difficult to have a report made by a committee so that any proposal to attach an appropriation to a general appropriation bill may withstand a mere point of order aimed at it. It will be seen in this particular bill that we are appropriating nearly $10,000,000 to reimburse States for expenditures already made, and then considerable sums for prospective work, on the mere recommendation or favorable report of a committee to the body without much real consideration of the appropriation. I think we can begin to have some appreciation of the evils involved in the policy of appropriating money as we are now doing. It would be much better for every bill to go to its appropriate committee and there have its consideration. It would be much better to make more rigid rules

with reference to the addition of sums to an appropriation bill than to take the other course and find an easier way of increasing the appropriations.

I know very well that in the State on the south of my own State, in the State to the north of my own State, in my own State, and no doubt in many other States, we have had on account of flood and storm tremendous damage to the highways, causeways, bridges, and other public improvements to which the Federal Government has in part contributed; and that for those three States alone if a bill were brought to the Congress we would be called upon to appropriate at least a sum of money much in excess of the items which have been incorporated in the bill to-day and yesterday. I have no doubt the same is true of many other States.

I am merely trying to emphasize again that we will be confronted with the precedent we are setting in the Senate yesterday and to-day, and it will be a troublesome precedent. It will be a precedent which, if we yield to it, certainly will carry our appropriations beyond what at least many of us think at this time.

Mr. HEFLIN. Mr. President, I want to ask the Senator from Georgia if he thinks that action will be taken upon the measure to which he referred a little while ago, providing funds to take care of the sufferers from floods in Georgia and South Carolina and Florida. The Senator will recall that when the matter was first brought up in the Senate by the Senator from Florida [Mr. TRAMMELL] and the Senator from South Carolina [Mr. SMITH] the Porto Rico matter was pending, and they were urged not to press the claim at that time or to attempt to attach it to the Porto Rico bill, which they had in mind to do, but to postpone it until the Porto Rico matter was out of the way and that their matter would then be certainly taken care of.

I think as a matter of good faith those who engineered and had in charge the Porto Rico matter owe it to the Senator from Georgia and his colleague, and to the South Carolina Senators and to the Florida Senators and the people who represent those States here, and who urged this matter and who presented it and had favorable commendation on it by the Committee on Agriculture and Forestry, to help pass the bill and have it approved by those in authority in the administration. It ought to be enacted into law promptly.

Mr. GEORGE. Mr. President, I will say to the Senator from Alabama that the House committee has reported the bill with amendments for approximately one-third of the amount approved in the Senate. I believe that perhaps they will get a rule in the House for consideration of the measure as amended. The Senator from South Carolina would probably be in better position to speak upon that matter. He this morning called on the officers of the House.

Mr. SMITH. Mr. President, will the Senator from Alabama yield to me?

Mr. HEFLIN. Certainly.

Mr. SMITH. In answer to the inquiry of the Senator from Alabama and the statement of the Senator from Georgia, I will state that Members of the House and Senate from the region affected met the Rules Committee this morning, asking that a special rule, in accordance with the custom of that body, be reported out. I understand that the Committee on Rules unanimously reported a rule to bring out the bill.

If the Senator from Alabama will allow me further, I would like to state in this connection that there has been circulated in my State and elsewhere a statement to the effect that this effort on the part of those who tried to get the relief was a mere gesture, that we had no intent or purpose, perhaps, to push it to an ultimate conclusion.

I hope that that rumor was born of the keen disappointment of those who so sadly needed it and whose disappointment came about because of the seeming delay. The Senate kept the faith to the letter on the tacit understanding that if those of us who had suffered so severely from the same cause as Porto Rico would not insist on the measure introduced by myself being attached to the Porto Rico measure, and assured us that our bill would receive like treatment as the Porto Rico measure, which it did in this body. The Porto Rico measure was reported by the proper committee to the other body. It was passed and brought here, referred to the committee, and reported to the Senate, and passed.

Mr. HEFLIN. For the full amount?

Mr. SMITH. Yes; for the full amount. The bill which I introduced, under the suggestion that we keep our policies intact, was referred to the Committee on Agriculture and Forestry. It was reported by that committee to the Senate, and the Senate kept the faith and passed the bill.

Mr. HEFLIN. What was the amount?

Mr. SMITH. It was $15,000,000 for four States specifically mentioned—North Carolina, South Carolina, Georgia, and Florida—and subsequently it was so worded as to take care of others that had suffered likewise.

Mr. HEFLIN. There was some damage in my State.

Mr. SMITH. Yes. The Porto Rico bill passed and was promptly signed, and the officers who were named in the bill to administer it went to Porto Rico, I understand, and the money is now being used there.

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. HEFLIN. Certainly.

Mr. BINGHAM. Unfortunately there is not a penny available to be used, because Congress has not yet appropriated any money for that purpose.

Mr. HEFLIN. They know they are going to get it.

Mr. SMITH. My information was to the effect that Mr. Warburton—if I must call names—went to Porto Rico under the authorization of the bill to plan the work for the relief, though perhaps the Senator from Connecticut is right. The money will be available. Anyway, the plan for relief received no setback or hindrance.

Mr. HEFLIN. The fact that it had been enacted into law would assure those people down there that the money would be forthcoming and would enable them to carry on their operations. I ask the Senator from Connecticut if he does not think that is true?

Mr. BINGHAM. They may have hopes, and we all have hopes, that the money will be available some day. I merely wanted to correct the Senator from South Carolina in his statement that the money was being used. Unfortunately, although the bill passed over a month ago, the appropriation bill carrying the money has not yet passed.

Mr. SMITH. The Senator and I know that the appropriating committees of the Senate are not going to deny those suffering people the relief carried in that bill. He knows it and I know it. We would override any appropriating committee if such a thing would become necessary. The Senator knows it and I know it. Those people have come under our jurisdiction and are dependent upon us for relief, and the Senator knows they are going to get it and there is no use attempting to beg the question—and I do not believe the Senator is. So far as the machinery of this body is concerned, there was not a single hitch in the program.

When the relief measure for the section which I have the honor in part to represent went to the House—and I shall not criticize the method there—the Budget Bureau and the President were asked about it, and the reply was that the proposed appropriation was not in accord with the economy program of the administration. For that reason it hung fire. Having discharged my duty, as I thought, in this body, I did not think it incumbent upon me or upon other Senators to assume the burden of its legislative journey through the House. However, we were called upon for our good offices to try to expedite the passage of the proposed legislation, and, as did the Senator from Florida and others, I did what I could to accomplish that result. Several months have elapsed; the planting time has arrived; the farmers of the stricken region had no seed of their own to plant, and the germination of the cottonseed and the corn seed furnished by the Government is so poor as to be practically useless.

The price of fertilizer has advanced while the purchasing power of the people has been destroyed. The matter was gone over and the amount cut down to $6,000,000. That, however, will help some. A special rule was unanimously adopted by the Rules Committee, and the prospects are now that perhaps we shall have the authorization for $6,000,000 for a region three or four times as large as Porto Rico and the suffering in which was equal to that in Porto Rico. I suppose I shall have to be grateful—I will try to be—if we shall finally get the $6,000,000.

Mr. SIMMONS. Mr. President——

Mr. HEFLIN. I yield to the Senator from North Carolina.

Mr. SMITH. I beg pardon of the Senator from Alabama.

Mr. SIMMONS. Mr. President, I want to say to the Senator from Alabama that what some of us have been complaining about to-day was that we were setting a precedent and establishing so far as we could a policy in this bill without anything like mature consideration and by hasty action. That is the gravamen of the complaint that we have been making to-day, or, at least, it was the gravamen of the complaint which I made, and which I think the Senator from Georgia made.

The case to which the Senator from South Carolina refers stands upon an entirely different basis. We were not setting any precedent in that case; we were merely following a well-established precedent in this body. We did not, as we have

not done in the past, give the distressed people in the Southern States anything. We simply provided that the Government should loan them its credit and loan it upon good security. The bill requires the same security for amounts advanced by the Government to relieve these distressed farmers that would be required if they were to go to the Federal reserve bank or to the War Finance Corporation, when it was in operation, and apply for a loan. Should they borrow the money, they are required to give good security for it. That is the precedent we are following in the measure in behalf of a distressed people in the southern section of the country; but in the pending bill we have adopted amendments which have never been referred to a committee; which have no precedents to support them; and we are proposing to establish in this hasty way a policy which, as the Senator from Georgia has said and as I said yesterday morning, will lead to consequences that nobody can foresee or foretell.

Mr. OVERMAN. Mr. President, I have made up my mind that I am going to ask the Committee on Appropriations to instruct the chairman to raise on the floor of the Senate a point of order against every amendment that does not come before that committee regularly and is not otherwise in order. No matter what his embarrassments may be, for he frequently does not make the point because some Senator offers the amendment to whom he is under obligations, the chairman of the committee or the Senator in charge of the bill ought to be instructed by the committee to make such a point of order in order to eliminate appropriations that have never been regularly considered.

Mr. HEFLIN. Mr. President, I can understand that occasion might arise after a bill is under consideration when a Senator may learn of a situation in his State needing attention which he has no opportunity of presenting to the committee. In such a case he ought not to be deprived of the opportunity of presenting his cause to the Senate; but, as a rule, the Senator from North Carolina [Mr. SIMMONS] is right. There ought to be submitted to the committee in advance any proposition which it is desired to present here.

In the Porto Rican measure there were gifts to the people of that island; Porto Rican farmers were allowed to have as much as $25,000 each; while, if I remember correctly, in the bill that I am now discussing and in which the Senators from Georgia, Florida, South Carolina, and North Carolina are interested, it is provided that no farmer shall have over $3,000, though in this instance the farmer is securing the Government and the money is to be returned with the interest upon it. So if we have a Budget Bureau that has rules that can not be bent or broken to meet emergencies such as this we ought to break them for them.

It is wrong when farmers in any section of the United States are driven out of their homes and off their farms because the Government refuses to come to their rescue or to help them back on their feet after a flood has destroyed their possessions, for the Government to go outside of the country, into foreign possessions, establish a different order of things, and become very charitable. It ought to let its charity begin at home; it ought to extend it to the citizens who support the Government in time of peace and fight for it in time of war.

Mr. SIMMONS. Mr. President——

Mr. HEFLIN. I yield to the Senator from North Carolina.

Mr. SIMMONS. I should like to say to the Senator that when I said a while ago that we were following a well-established precedent I meant that we were following a well-established precedent in dealing with our own people. When we come to deal with foreign people or people who are semiattached to the United States we are very much more liberal than we are when we are dealing with our own people.

Mr. HEFLIN. Certainly; the Senator is right as to that.

Mr. SIMMONS. So far as the granting of the Government's credit to help out the farmers is concerned, I have no apology for my position with reference to that. We were certainly doing what we have done heretofore many times, and I was glad this morning to go before the Rules Committee and to urge that committee to facilitate action upon that bill.

Mr. HEFLIN. The Senator means the Rules Committee of the House?

Mr. SIMMONS. Yes.

Mr. HEFLIN. They have cut the amount down from about $15,000,000 to $6,000,000, while Porto Rico will get $8,000,000.

Mr. TRAMMELL. Mr. President——

Mr. HEFLIN. I yield to the Senator from Florida, who is the first Senator who ever mentioned the flood destruction in the southern section of the country.

Mr. TRAMMELL. I think Porto Rico will get $15,000,000 instead of $8,000,000.

Mr. HEFLIN. Perhaps the Senator is correct.

Mr. BINGHAM. Oh, no; the Senator is quite mistaken.

Mr. TRAMMELL. What is the amount?

Mr. BINGHAM. The total amount is about $7,000,000, if they get it; they have not gotten it as yet.

While I am on my feet may I take exception to what the Senator from Alabama said a few moments ago in his implication that the people of Porto Rico are foreigners and do not help us in time of war? The people of Porto Rico are American citizens; they raised their full quota and would have done more if we had allowed them to do so during the recent war. They are not foreigners; they are American citizens. They served under the colors, and there are about 15,000 there to-day who served during the war.

Mr. HEFLIN. I did not mean the remark in the sense that the Senator understood it.

Mr. BINGHAM. I am very glad to hear the Senator say so.

Mr. HEFLIN. I meant, now that we have taken Porto Rico under the flag, that we should not show more consideration for Porto Rico, for those who have been recently brought under our wing, than we do to those who live in some of the States which were the original Colonies, and neglect them.

Mr. TRAMMELL. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. TRAMMELL. The point I wanted to make inquiry about was whether or not the Director of the Budget has even approved an appropriation of $6,000,000 for the relief of our home people. The Director of the Budget has not even approved of that, has he?

Mr. HEFLIN. I do not know.

Mr. TRAMMELL. It is my understanding that the Director of the Budget has withheld his approval even of an appropriation of $6,000,000 to be loaned to our own home people.

So far as the Director of the Budget working under any fixed rules is concerned, from my experience and observation I have found that he has worked under no fixed rules whatever. He works under a rule of discrimination and prejudice, showing a friendly attitude to certain requests and an unfriendly attitude to others, regardless of the merits of the proposition. That is the action of the Director of the Budget, as I have observed it.

Mr. HEFLIN. There has been a good deal of complaint along that line.

I wish to say before I take my seat that if we can not get some action in this matter now, if we can not get the Budget Bureau to approve a meritorious measure such as this, the Senate, representing the sovereign States of this Union, ought to assert itself and speak for the people. This Government is being cursed to-day with bureaucracy; it is top-heavy with bureaucracy. A few highbrow individuals get into positions of power and arrogate to themselves the right to O. K. some and disapprove other measures that do not exactly appeal to them. As the Senator from Florida has said, we know that some can get their measures approved; they are smiled upon, while others are frowned upon and their measures are disapproved. I want everybody treated alike, and that is what Congress ought to see is done, and that is what the Government ought to do. It ought to be just to everybody in the country, to high and low alike; and whenever an unfortunate situation arises, whether it be in the South or in the North, it ought to receive the consideration of every Senator in this body, and there ought not to be any favoritism shown. We ought to do the fair and just thing in it all.

Mr. KING obtained the floor.

Mr. SMITH. Mr. President——

Mr. KING. I yield to the Senator from South Carolina.

Mr. SMITH. Mr. President, I merely wish to make a brief observation, and I thank the Senator from Utah for giving me the opportunity of doing so. Since the question of the Budget has arisen I myself have in times past criticized what we call the Budget system, and I do not know but that, if the opportunity ever offers, I shall vote to repeal the law providing for such, in my opinion, undemocratic institution; but in justice to the Director of the Budget let me say that, as I understand, his duties are, in cooperation with the President, to ascertain what amount of money is available for the different departments of the Government, and then to apportion the total sum in accordance with the various needs.

The Budget Bureau, of course, has no power to enforce its findings or decrees; its power is more suggestive than anything else. So it is up to Congress to decide what are the impelling, necessary things that may not be contemplated by the Budget. The responsibility for settling these questions rests upon us in the last analysis.

We are not sent here by the people of the United States to be governed by any kind of a body that we have created. They hold us responsible for economy and expedition of business. I presume we established the Budget Bureau so that they might

investigate the conditions of the different departments of the Government and make recommendations as to what appropriations would meet the absolute necessities of the different cases and to hold them within economic lines. Being devoted to that duty, they would be better advised than Congress. But when it comes to these questions that are imperative, that arise outside of and are not dependent upon the investigations of the Budget, the responsibility is on us; and no Member of this body or any other body has the moral right to shirk a responsibility simply because some appointee of the Government, appointed at our will and subject to our action, says it is not in accord with the program that has been outlined. It is up to us to say whether it is in accord with the intent and purpose of the governing body in the United States.

I, for one, think it is our duty not to place upon the Director of the Budget or upon the officers of the Budget responsibilities such as this. In my opinion, we ought never to have gone to him. Congress knew the crying necessity of these cases. It should have passed this legislation without regard to the Budget or anybody else, and have given the relief regardless of who might say anything to the contrary.

So the responsibility is on us; and I am sure that both the other body and this body will grant this relief, as they ought to do.

Mr. KING. Mr. President, the Senator from South Carolina [Mr. SMITH] has made what I regard as an accurate statement of the functions of the Budget and the Director of the Budget, and the responsibility which rests upon Congress in dealing with public questions.

With all due respect to the Senator from Alabama [Mr. HEFLIN], I want to say that, in my opinion, General Lord has discharged the duties of his important office with fidelity and without regard to section or party. He has not always agreed with my views, or rather I have not always agreed with his views. Perhaps he was right. I am not here to criticize or condemn him. Perhaps I should modify that statement by saying that I have sometimes believed that the Budget Bureau has been too liberal and generous in making recommendations to the President, which the President, in turn, has submitted to Congress.

I am greatly interested in the law creating the Bureau of the Budget. I had some part in drafting the Budget bill. I was a member of the special committee which prepared that legislation. In my opinion this law has accomplished a great deal of good, and has proven of the highest importance to the Government. Without it Congress would have been deluged with demands from executive departments that would have proven irresistible.

The Senator from Pennsylvania [Mr. REED] referred to the tendency of departments, when they get hold of a subject, never to release their control or their grip; they seek to aggrandize their authority and expand their jurisdiction. It is a well-known fact that the executive departments and bureaus and instrumentalities of the Government, in preparing their estimates of expenses, swell the amounts far beyond all reasonable bounds. There is something in bureaucracies referred to by the Senator from Alabama which justifies criticism.

Bureaucrats do not have to raise the money. They belong to spending organizations; they are there to spend and to find methods of spending.

The Budget Bureau has done much to curb some of the mad and extravagant ambitions of various Federal agencies and departments. I only wish that General Lord and the Budget had resisted to a greater degree than they have resisted the claims and demands of some executive departments; but I pay tribute to General Lord, to his fidelity and courage, and to the splendid service which he has rendered.

Mr. President, the Budget—that is, the executive department operating under the Budget law—is required to submit estimates in the form of a budget to Congress. It is the duty of the President, through the Budget, to inform himself as to the needs of the Government, and then to present to Congress, in the form of the Budget, the requirements for the coming fiscal year. The Budget submitted at the opening of Congress in December last shows that there would be a surplus of $37,000,000 after all appropriations for the next fiscal year had been made.

Mr. President, this session is not yet ended. Already, according to my information, there is a deficit of $37,000,000 plus. Before Congress adjourns, unless there shall be a remarkable change in the attitude of Congress, the deficit will be between one and three hundred million dollars.

To meet this deficit, the Government may be required to become a borrower. We are not in a position to increase taxes at present. Indeed, there is no chance to pass a revenue bill this session.

The Republican Party came into power claiming that it would reorganize the departments and effect economies and reforms that would challenge the admiration of the world. It effected no reforms; it has brought about no reorganization, but has multiplied executive agencies and increased the expenses of the Government. For the next fiscal year it is certain that the appropriations will exceed those of the present fiscal year.

Mr. President, we seem to be oblivious to the fact that we are appropriating nearly $5,000,000,000 to meet the expenditures of the Government for the coming year. The bill before us calls for more than $446,000,000. The Navy bill, as I said a few moments ago, will call for nearly $400,000,000. There will be between seven and eight hundred million dollars for our military and naval expenses for the coming year. Then we are appropriating over five hundred, perhaps six hundred millions plus for the Veterans' Bureau, two hundred millions plus for pensions, eight hundred millions for interest, and a stupendous amount for other expenses of the Government, so that when the entire appropriations shall have been tabulated, I think it will be shown that our Budget calls for nearly five billions of dollars to meet the expenses of the Government for the next fiscal year.

Mr. President, there seems to be no spirit of economy in the administration, and I regret to say a similar spirit is manifested in this Chamber. There should be no politics in the consideration of appropriation bills or, for that matter, in the consideration of the overwhelming majority of questions that come before Congress. Democrats and Republicans alike should be interested in reducing the burdens of taxation and limiting expenditures of the Government to the lowest possible point. There is no warrant for the claim made that this administration has been economical. I submit that the proof is indisputable that there have been appropriations made justifying the criticism that recklessness and extravagance have too often been manifested.

The Democratic Party which, when in power, has stood for economy, could have made a more appealing record to the people if it had vigorously opposed the extravagance of the administration and attacked the stupendous appropriations which have been made since the Republican Party came into power. I have criticized my own party because of its failure in this respect. It has often voted against unjust and improper appropriation, but in my opinion we have not been as earnest and vigorous as we might have been in challenging appropriation measures which have been brought before us for consideration.

Mr. President, I shall, when the debate is concluded, submit a motion to recommit the bill with instruction to reduce the aggregate amount carried in the bill $50,000,000, twenty million of which to be taken from the item dealing with rivers and harbors.

Mr. BRATTON. Mr. President, the Bureau of the Budget seems to be under consideration. Opposing views have been expressed. I think the system is a good one. Allowing for all of its mistakes and shortcomings, it is my belief that it has made a substantial contribution to a well-balanced system of the fiscal affairs of the Government.

The matter to which I desire to address myself briefly is the policy, upon which we are now embarking, of reimbursing States for damages caused to highways by floods or otherwise.

It is my understanding that under the Federal-aid highway law the Federal Government pays 63 per cent of the cost of constructing all Federal-aid highways and the State pays the remaining 37 per cent of the cost. When a road is completed its maintenance thereafter is a burden to be borne by the State. The Government has discharged its full duty when it pays its share of the original cost. But now, if I understand the situation correctly, we are establishing a precedent of reimbursing the States for financial burdens occasioned by damages to highways previously constructed under the Federal-aid highway system.

Mr. President, it is my belief that the policy is a dangerous one. I doubt if any Member of the Senate can visualize the enormous expenditures it will necessitate in the future.

I voted against the contentions made by the two Senators from California so ably and so effectively yesterday because I felt that the principle and the policy upon which we were asked to embark was unsound and wrong. In this one bill we are appropriating approximately $7,000,000 for this class of relief. Perhaps the Federal Treasury can stand that without any undue strain, but it merely paves the way for the presentation of other claims in the future, bottomed upon just as much merit as are these items. It may be that we shall be committed in the future. Perhaps no distinction can be drawn between the cases with which we deal in this bill and those that will be presented to the Senate in the future.

I do not want to be bound by the policy, at least through quiescence. I protest against it now, because I think it is laden

with trouble that will cause us to rue in the future the precedent we are establishing now.

Every State in the Union, perhaps, can present a claim or a series of claims just as meritorious as any one of these. They will command a sympathetic consideration of the Senate just as much as any one of these.

It is not my desire to detain the Senate longer. The vote was taken yesterday after prolonged discussion. I simply desire to voice my disapproval of the course we have taken, and to express what I believe to be the troubled avenues into which it will lead us in the future.

Mr. WARREN. Mr. President, will not the Senator join me in attempting to have this bill passed now, so that it may go to conference? Of course the Senator knows, as we all do, that we are pressed hard here sometimes to take up matters which may or may not be of proper concern to the conferees, but certainly the matters to which the Senator alludes must be settled in conference. The Senate has no more power over them than has the House.

Mr. BRATTON. No, Mr. President; the two items with regard to California will not be in conference, because the Senate has accepted the House provision.

Mr. WARREN. In that case, of course, the Senate followed the law implicitly.

Mr. BRATTON. That may be true as to the California cases, but it is not true as to the amendment adopted yesterday.

Mr. WARREN. I grant that. Will not the Senator now permit me to ask the presiding officer to put the question leading to the passage of this bill?

Mr. BRATTON. Yes, Mr. President; I will do that for the Senator from Wyoming.

Mr. HEFLIN. Mr. President, I shall detain the Senate but a moment. I hope the motion of the Senator from Utah to strike out of this bill the $20,000,000 item intended to aid the river and harbor projects of the country will not prevail. I think we need to have more money appropriated for our rivers and harbors instead of the small amount that is now appropriated.

The Senator from New Mexico has referred to the Budget Bureau. I think that bureau has done some good, but I want the Budget Bureau to understand that the Congress makes the appropriations for projects which Congress thinks should be looked after, and we intend to continue to do that. We would like to have the advice of the Director of the Budget, and would like to have him look into matters and give us the benefit of any suggestion he may have to make; but if we reach the time when the Congress, representing 120,000,000 people, must bow down before one man at the head of a Budget Bureau, we will have surrendered to him the functions and powers of the Congress. The people at home will not stand for it, and they should not. As one of their representatives I am not going to submit to it, and I shall prevent it if possible.

Mr. TRAMMELL. Mr. President, I do not like to delay a final vote on the bill, but a question has arisen in regard to the policy of making appropriations for assistance where Federal-aid roads have suffered damage on account of floods or hurricanes, and that subject appeals to me very powerfully on account of the fact that I am confident that in the hurricane and flood of last year the highways in my State that are Federal-aid highways suffered damage to the extent of not less than $5,000,000.

If it is the policy of Congress to assist in other localities similarly suffering, I think it is but right that there should be contributions to the State of Florida and to other States where there was a visitation of a similar disaster to assist in the rebuilding and repairing of their roads and of their bridges.

I know that in my State we suffered, as I have said, an enormous loss. I want to offer an amendment, to be inserted at the appropriate place in the bill, for an appropriation of $1,000,000 to assist in the repair and the rebuilding of Federal-aid highways in the storm area of Florida which suffered as the result of the hurricane and flood of 1928.

Mr. REED of Pennsylvania. Mr. President, I make a point of order against that.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. TRAMMELL. I expected the Senator from Pennsylvania to do that. I regret very much to say that he uses this prerogative when it suits his good pleasure to deprive one State of its justice and of its rights; and, on the other hand, he waives that prerogative and graciously accepts amendments in behalf of some other territory. That has been my experience here to-day in offering these amendments.

If it was right to accept the amendments providing for the three million and odd dollars of appropriations yesterday to repair Federal-aid roads in certain other States, it is right to accept a similar amendment to-day as to Florida. If it is wrong and should be rejected to-day, it should have been rejected yesterday by the distinguished chairman of the committee through a point of order.

That is a character of public service that meets with my displeasure, and that was the reason I criticized the Director of the Budget. The Director of the Budget, when he passed upon the question of the relief of Porto Rico, knew that Florida and certain other Southeastern Atlantic States were in a similar situation, and that they were equally deserving of contribution or assistance on the part of the Federal Government. Yet he very graciously approved the appropriation of the sum which was requested for Porto Rican relief. Then, when we asked for relief in the Southeastern Atlantic States, he said, "It does not come within the financial policy of the administration." I dare say that the next day the Director of the Budget approved some item of more than $15,000,000 for some enterprise of less merit than that which he disapproved providing a loan fund, and a loan fund only, for the farmers in the southeastern territory.

Mr. WARREN. Mr. President, will the Senator permit a question?

Mr. TRAMMELL. Certainly.

Mr. WARREN. The Porto Rican case was somewhat different, of course. The appropriation was for a loan to Porto Rico, and I think whenever Florida has asked for an appropriation for the purchase of seeds, and like matters, it has been readily furnished.

Mr. TRAMMELL. That is all we are asking now. All we ask is a loan to us for the purpose of purchasing seeds and fertilizer and stock feed. Porto Rico was given $2,000,000 as a donation for the restoration of their highways and the rebuilding of their public schools. In Florida there was scarcely a public-school building in the storm area that was not laid low or seriously damaged. But we did not ask for any help toward rebuilding our schoolhouses.

Mr. WARREN. I hardly think one pulls himself over the wall by pulling some one else down. I do not think that gets one anywhere. As far as the Budget is concerned, the President is the real head of the Budget, and he has control, for he has the last say as to every bill.

Mr. TRAMMELL. I do not think anybody pulls himself over the wall by discrimination and partiality in behalf of one particular class of citizens or one particular enterprise to the detriment of another. That is the policy I am criticizing here. The Director of the Budget knew the situation in the southeastern Atlantic States, and particularly in Florida. He had no regard for it. He cared nothing about the suffering there, and about the disaster which visited us, with the loss of more than 2,000 lives, with homes and farms laid low and agricultural interests destroyed in all that territory. He was very sympathetic in the matter of Porto Rican relief.

I was favorable to giving relief to Porto Rico, but I dare say had there not been a large financial American interest operating in Porto Rico, a financial interest of America that desired to rebuild their citrus groves and to rehabilitate and restore their farms, there never would have been any such generous act approved by the Budget Bureau, which provided that one operator of one farm could borrow as much as $25,000. Yet a farmer in this country, with good security, has been begging and pleading for the privilege of borrowing some money, not over $3,000, and so far, at least, that privilege has been denied.

As to the particular matter in question, yesterday more than $3,000,000 was appropriated to assist in the restoration of Federal-aid highways in certain States, and to-day when a request is made for a million dollars for the restoration of highways in Florida which are similarly damaged, which does not cover over one-fifth of the damage experienced, the assistance is withheld and denied.

I think we should adopt the policy of dealing with all alike, not discriminating between the different localities of the country. I do not think we should make fish of one and flesh of the other. Yet that seems to be the ruling and the governing policy, if we are to judge by the incidents of yesterday and the incidents of to-day.

Mr. President, I shall pursue this matter of asking for an appropriation to assist in the restoration of the highways in the State of Florida which suffered damage similar to that caused in the other States for which appropriations have been made, and I shall do so feeling that it is my duty, that I am clearly within my rights, the policy having been established, and knowing that I am asking and pleading with the Senate and with the Congress in behalf of a very meritorious contention under the circumstances.

We did not ask for it before, but the precedent was established here yesterday, and the precedent was established by the accepting of an amendment. I would like to ask the chairman of the committee if this $3,000,000 amendment put on the bill yesterday was approved by the Director of the Budget?

Mr. REED of Pennsylvania. Is the Senator asking that question of me?

Mr. TRAMMELL. Yes; was that approved by the Director of the Budget?

Mr. REED of Pennsylvania. It was represented to us that it was part of the Mississippi flood-relief project, and a necessary part of it.

Mr. TRAMMELL. That does not answer the question.

Mr. REED of Pennsylvania. I do not know whether it has been approved by the Budget or not, but we will know before the bill reaches the President.

Mr. TRAMMELL. The approval of the Director of the Budget did not seem to be necessary yesterday. It seems that certain items can get into these bills without the approval of the Director of the Budget, and, as a matter of fact, I think they should, when the Director of the Budget is partial in his approval or withholds his approval of just and meritorious items.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. TRAMMELL. Certainly.

Mr. OVERMAN. I tried to warn the Senate yesterday where we were headed. The Senator would not have introduced his amendment except for the fact that the amendments were agreed to on yesterday.

Mr. TRAMMELL. Certainly not.

Mr. OVERMAN. I think the Senator's amendment ought to be adopted, although it is out of order, because of the others having been adopted. But I am in hopes, when the President looks over the bill and sees that we are reimbursing States for money spent in this way, that he will veto the bill. I submit to the President that it opens a veritable Pandora's box to the country to come to Congress year after year for the reimbursement of money expended, and I hope that he will veto it. He ought to do it and I am going to endeavor to persuade him to do it; and it will be seen if I have any influence with him.

Mr. TRAMMELL. In answer to that suggestion I will state that of course I did not offer the amendment until the precedent had been established. We were going ahead in Florida carrying our burden, restoring our highways, rebuilding our schools. All we asked of the Government was to establish a fund from which our farmers in the storm-stricken district could borrow for the purpose of buying fertilizer and stock feed that they might again restore their farming activities. That is all we asked.

Mr. KING. Mr. President, I would like to ask the Senator in charge of the bill—and I do not want to embarrass him or be impertinent—if he accepted the amendment which was offered by the Senator from Arkansas [Mr. ROBINSON] yesterday and did not raise the point of order against it?

Mr. REED of Pennsylvania. The amendment offered by the Senator from Arkansas was in substance exactly the same as Senate bill 5201, which had been affirmatively reported by our Committee on Agriculture and Forestry. In view of the action of that committee I did not feel that it was incumbent upon me, knowing the importance of the subject, to raise the point of order. Every other Senator has the same power and the same right to make the point of order that I have. I simply remained silent.

Mr. KING. I regret exceedingly that I was not here. I was called out of the Chamber for the moment. If I had been here, I should have raised the point of order against my own leader, because I think the amendment was improper. I agree absolutely with the distinguished Senator from North Carolina [Mr. OVERMAN]. I think the President of the United States should veto the bill if it passes the Congress with the two items in it—the one relative to California and the other covered by the amendment offered by the senior Senator from Arkansas.

Mr. GLASS. Mr. President, may I inquire if that amendment is not still subject to a point of order, as the bill has not passed?

The PRESIDING OFFICER. The amendment has already been acted on, and has been agreed to.

Mr. GLASS. I understand the point of order lies against it at any stage of the proceedings until the bill has been passed.

Mr. KING. If it does, I desire to raise the point of order against it.

Mr. BRATTON. Mr. President, let me suggest to the Senator that the author of the amendment, the senior Senator from Arkansas [Mr. ROBINSON], is absent from the city, and I suggest that he defer that action. The Senator from Arkansas is not in the city at this time.

Mr. KING. Of course, I do not want to take advantage of his absence.

Mr. BRATTON. The matter must go to conference. Let me appeal to the Senator from Utah to withhold making the point of order under the circumstances.

Mr. KING. Under the circumstances I shall, of course not raise the point of order.

The PRESIDING OFFICER. The Chair is of the opinion that the point of order would not lie at this time against the amendment, but the Senator can ask for a separate vote on it when the bill reaches the Senate.

Mr. KING. Before the bill is passed I want to register my protest against the provisions to which I have referred and against other provisions. I think that we can not defend ourselves in the high court of conscience for carrying in the bill approximately $450,000,000. It is obvious that we shall have a deficit. I think we are engaging in an orgy of extravagance in these appropriation bills that may not be defended. At the proper time I shall move to recommit the bill to the Committee on Appropriations with instructions to reduce the aggregate appropriation by $50,000,000.

Mr. HEFLIN. Mr. President, I am a member of the Committee on Agriculture and Forestry. I saw there the moving pictures of the roads down in Louisiana, Arkansas, and Mississippi. I saw the terrible destruction that had been wrought by the floods. The roads were completely destroyed in many places, undermined in other places, and broken to pieces in other places. The damage had been done by the flood. I think it is the business of the Federal Government to take care of such a situation.

I do not believe the people in the States who live along the Mississippi River and the other interstate water courses should bear this burden by themselves. The people of the States constructed those roads with the aid of the Federal Government, and then came a flood, something over which they had no control whatever. The people can not prevent a flood from coming, but when the flood does come and destroys the roads in the States along interstate waterways it is too much to ask the people of those States to go in debt again to reconstruct the roads in which the Federal Government is interested and which comprise a part of the post-road system of the Nation.

Of course, we regret that it is necessary to have to spend money to meet projects of any kind that take money out of the Federal Treasury. It is not pleasant. But, Senators, these matters occur and they have to be looked after. The people in the locality are sorry that they did occur. They are sorry the roads have been destroyed. But I do not think we are going to find that the people of the country anywhere, especially those who live along the interstate water courses, are going to appreciate the suggestion that we should put this burden on them and leave them in the lurch when a flood comes and destroys the highways along the water courses where they live.

I think it is right that the Government should go to their rescue and help them when they have been stricken as those people have been stricken by a terrible flood. I do not believe there is a Senator here who, if he could have seen the moving pictures shown to the Committee on Agriculture and Forestry, would oppose such a proposition. Hundreds of thousands of people were shown at work endeavoring to save their homes in the flooded areas, the roads entirely out of sight, broken to pieces, and bridges washed away. It was a terrible thing and it was a terrible loss that those people suffered.

I have seen Senators rise here and vote for an appropriation of $100,000,000 without the slightest hesitation. These big items of $50,000,000 or more are swallowed as a sweet morsel by Senators, but when we come to appropriate two or three or four million dollars to relieve the people of a sovereign State who have suffered an affliction under a great flood, they turn red in the face and want to break up the whole machinery of Government.

The PRESIDING OFFICER. If there are no further amendments to be submitted as in Committee of the Whole, the bill will be reported to the Senate.

Mr. KING. Mr. President, a parliamentary inquiry. At what stage of the proceedings will a motion to recommit be permitted?

The PRESIDING OFFICER. When the bill is in the Senate. The question is, Shall the bill be reported to the Senate as amended?

The bill was reported to the Senate as amended, and the amendments were concurred in.

The PRESIDING OFFICER. The Chair will state to the Senator from Utah that his motion will be in order at this time.

Mr. KING. Mr. President, I move that the bill be recommitted to the Committee on Appropriations with instructions to reduce the aggregate appropriation carried in the bill $50,000,000, including the item found on page 81 of the bill providing

for flood control of the Sacramento River, Calif., and the amendment offered by the Senator from Arkansas [Mr ROBINSON] to page 81, after line 22, carrying the sum of $3,654,000—

for the relief of the States of Missouri, Mississippi, Louisiana, and Arkansas in the matter of roads and bridges damaged or destroyed by the floods of 1927—

And so forth. And to report the bill back to the Senate after such reduction thereto has been made.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah to recommit the bill.

The motion was rejected.

The PRESIDING OFFICER. The question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed, and the bill was read the third time and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 349) to supplement the naturalization laws, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JOHNSON of Washington, Mr. VINCENT of Michigan, Mr. SCHNEIDER, Mr. SABATH, and Mr. BOX were appointed managers on the part of the House at the conference.

The message also announced that the House insisted upon its amendments to the bill (S. 2366) to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ZIHLMAN, Mr. UNDERHILL, and Mr. BLANTON were appointed managers on the part of the House at the conference.

The message further announced that the House insisted upon its amendments to the bill (S. 3848) creating the Mount Rushmore National Memorial Commission and defining its purposes and powers, disagreed to by the Senate; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LUCE, Mr. HOOPER, and Mr. BULWINKLE were appointed managers on the part of the House at the conference.

THE NATURALIZATION LAWS

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 349) to supplement the naturalization laws, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JOHNSON. I move that the Senate insist upon its amendment, agree to the conference asked by the House, and that the Chair appoint three conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JOHNSON, Mr. REED of Pennsylvania, and Mr. COPELAND conferees on the part of the Senate.

YORKTOWN SESQUICENTENNIAL COMMISSION

Mr. GLASS. I ask unanimous consent to take from the table the House concurrent resolution prolonging the time when the report of the Yorktown celebration may be made to Congress. It does not involve any expenditure at all.

Mr. JONES. Is there a similar Senate resolution on the calendar?

The PRESIDING OFFICER. There is.

Mr. JONES. If there is a similar Senate resolution, I have no objection.

The concurrent resolution (H. Con. Res. 46) was read, considered, and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That section 6 of the House concurrent resolution establishing the United States Yorktown Sesquicentennial Commission be, and the same is hereby, amended to read as follows:

"SEC. 6. That the commission shall on or before the 15th day of December, 1929, make a report to the Congress in order that enabling legislation may be enacted."

OHIO RIVER BRIDGE AT MAYSVILLE, KY.

Mr. BARKLEY. From the Committee on Commerce I report back without amendment the bill (H. R. 14479) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio, and I ask unanimous consent for its present consideration.

Mr. CARAWAY. If the bill will require any discussion, I hope the Senator will not press it now.

Mr. BARKLEY. It will require no discussion. It simply extends the time for the building of a bridge.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The bill was read, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio, authorized to be built by Dwight P. Robinson & Co. (Inc.), its successors and assigns, by the act of Congress approved March 12, 1928, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT OF COLUMBIA APPROPRIATIONS

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which is Senate bill No. 1093.

Mr. BINGHAM. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of H. R. 16422, the District of Columbia appropriation bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut?

Mr. CARAWAY. Mr. President, I do not want to object, because, of course, the appropriation bills have the right of way; but I want to ask how long the Senator thinks it would take to complete the consideration of the bill?

Mr. BINGHAM. There are very few amendments. I do not think there will be any debate of any consequence. I have not heard of any prolonged debate that is contemplated.

Mr. CARAWAY. I am asking because there is a bill which is the unfinished business that ought to be disposed of one way or the other, so that other business may be taken up by the Senate. I understand this is the only appropriation bill that is now ready for the consideration of the Senate?

Mr. BINGHAM. It is the only appropriation bill now awaiting consideration.

Mr. CARAWAY. Does the Senator think it can be disposed of this evening or early to-morrow?

Mr. BINGHAM. I hope so.

Mr. CARAWAY. I am not going to object, but I sincerely hope that I may be able to get some action to-morrow on the unfinished business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16422) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such district for the fiscal year ending June 30, 1930, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. BINGHAM. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut? The Chair hears none, and it is so ordered.

Mr. KING. Mr. President, the Senator does not intend to proceed to-night with the bill?

Mr. BINGHAM. It will not take very long. I hope we can proceed with it for a while. The unfinished business has been waiting for several days for consideration.

Mr. KING. I think the Senator will gain nothing by continuing to-night.

Mr. CARAWAY. I hope the Senator from Utah will not object to our going on with the District appropriation bill to-night because the unfinished business has been pending several days, and I am becoming exceedingly anxious to have some action taken on it.

Mr. BINGHAM. Will not the Senator let us proceed with the amendments which may not be objected to? I am anxious, out of a sense of fairness to the Senator from Arkansas [Mr. CARAWAY], whose bill has been the unfinished business now for several days without being considered, that we may take up the measure at the present time. It will not take long.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut?

Mr. KING. I hope the Senator will let us take a recess at this time.

The PRESIDING OFFICER. Objection is made.

SALES OF GOVERNMENT SHIPS

Mr. BLACK. Mr. President, I ask unanimous consent to insert in the RECORD a memorandum sent to me by the secretary of the local shipping board at Mobile, Ala., with reference to the policy of the Shipping Board in disposing of ships.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

Memorandum

Section 7 of the merchant marine act, 1920, provides that in sales of Shipping Board lines preference shall be given to the companies having the support, financial and otherwise, of the domestic communities primarily interested.

It has always seemed logical that the companies operating the lines for the board should be given every possible opportunity to purchase their lines; they have been developing the lines and in turn are being developed to become the owners. Most people feel the board has the right to give these operators an absolute preference in sales.

Recent indications that interests outside of the Gulf are seeking to purchase some of our Gulf lines make this question of preference a vital issue. Ownership of any of our Gulf lines by interests in the north Atlantic, for instance, with the resultant control of rates and traffic, would be most disastrous to the Gulf and to the Middle West that is now so largely using the Gulf ports, as well as a violation of section 7 of the merchant marine act, 1920. Some of the outside interests seeking Gulf lines have stated the companies formed to purchase the lines would have "local representation," but, of course, this does not enable them to qualify under the preference provision of the law.

In order to protect the local communities and carry out the law it has been suggested the Shipping Board carry in its sales specifications a provision that the present operator, the local company, shall be given an absolute preference, or that the present operator shall be permitted to take the line at the highest bid submitted. Unquestionably it was the intent of the preference provision to ultimately transfer a line to the company acting as the board's operator and which company had been so acting with the support of the local communities. The line should be sold to the operator at a price satisfactory to the board, regardless of any bid submitted by a company whose control and principal interests are lodged outside of the geographical region from which the line is operated.

SPECULATIVE ACTIVITIES—WARNING OF THE FEDERAL RESERVE BOARD

Mr. GLASS. Mr. President, I ask unanimous consent to insert in the RECORD an editorial published in to-day's New York Times relative to the recent admonition from the Federal Reserve Board against speculative activity.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE RESERVE BOARD'S WARNING

It has long been evident that renewed intervention by the Federal reserve in the increasingly abnormal credit situation would become unavoidable. To that extent, the reserve board's emphatic announcement of its ideas and purposes in the matter should have caused no surprise. Although its views on the enormous absorption of credit into speculation were well known, the board had neither made nor threatened any restrictive action since the rediscount rate was raised from 3½ per cent in January of last year to 5 in July. This had created a mistaken notion that the Federal reserve had concluded that there was nothing more which could be done. It was forgotten that drastic action in the money market, which might seriousy have embarrassed trade if taken in the busy autumn season, is now more feasible. Undoubtedly, the reserve board had also waited—as last October's bankers' convention did, when it adopted its noncommital resolutions on the credit situation—to see if the fury of speculation would not, as the bankers put it, "burn itself out."

That has not happened. Briefly stated, what has occurred is that borrowings by stock brokers, which had been enlarged by $1,330,000,000 in the 12 months before last July, were further increased $1,541,000,000 in the rest of 1928 and $295,000,000 more last month. Even with such evidence of an immense accessible supply of credit, the demand for speculative uses was so insatiable that the rate for such borrowings, which a year ago stood at 4 per cent, has lately reached 9 and 12, and that six months' loans on stock and bond collateral now bring 7½ per cent, a rate never approached at this time of year, except for 1920, in the past half century.

A month ago private banks which were heavy lenders on the stock exchange were themselves borrowing from the Federal reserve $630,000,000 more than a year ago. When some of these banks began to curtail their "brokers' loans" their place was taken by rich corporations, which withdrew their deposits from the banks to lend for their own account on the stock exchange.

One result of this process was that, even with the 626 "member banks" reporting to the Federal Reserve Board, loanable deposits had decreased $150,000,000 in the 12 months ending with January, whereas they had increased $1,500,000,000 in the same 12 months a year before and $400,000,000 two years ago. Clearly this meant progressive reduction of the banking fund available for financing the country's trade. It foreshadowed inability of the reserve banks or the private banks to keep the rate for merchants' borrowings from rising to the height prevailing for loans on stock and bond collateral.

The reserve board speaks gravely of this disturbing aspect of the matter. Its declaration points out with unusual frankness that continuance of these tendencies may be expected to "impair the future" of legitimate trade. It scrupulously disavows any right or purpose of passing judgment on the merits of stock-market valuations. But it firmly asserts that its duty and its right are to "take such measures as may be deemed suitable and effective" for correcting a situation which directly or indirectly diverts reserve bank credit into speculative uses, which obstructs the Federal reserve in its function of "accommodating commerce and business," and which threatens to create influences distinctly "adverse to the trade and industries of the country."

The language of the board is temperate, but the fact that so plain a statement had become necessary shows of itself the gravity of the situation. What action the board and the Federal banks will take if their hand is forced we do not profess to know. At least a beginning has been made by the formal warning, simultaneously issued by the board to the reserve banks, that "rediscounting" facilities should be denied to member banks which are borrowing from the Federal reserve "for the purpose of maintaining speculative loans."

EXECUTIVE SESSION

Mr. JONES. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. JONES. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate took a recess until to-morrow, Saturday, February 9, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 8 (legislative day of February 7), 1929

POSTMASTERS

ALABAMA

Madison D. Majors to be postmaster at Georgiana, Ala., in place of M. D. Majors. Incumbent's commission expired January 27, 1929.

William H. McCalman to be postmaster at Vinemont, Ala. Office became presidential July 1, 1928.

CALIFORNIA

Robert C. Ross to be postmaster at Cotati, Calif., in place of R. C. Ross. Incumbent's commission expires February 17, 1929.

COLORADO

Patrick H. Gallagher to be postmaster at Windsor, Colo., in place of P. H. Gallagher. Incumbent's commission expires February 18, 1929.

ILLINOIS

Edwin A. Mead to be postmaster at Hebron, Ill., in place of E. A. Mead. Incumbent's commission expired January 8, 1929.

Lucy H. Renich to be postmaster at Woodstock, Ill., in place of L. H. Renich. Incumbent's commission expired January 3, 1929.

William W. Harmon to be postmaster at Xenia, Ill., in place of W. W. Harmon. Incumbent's commission expired January 8, 1929.

IOWA

Samuel A. McCreery to be postmaster at Clarion, Iowa, in place of S. A. McCreery. Incumbent's commission expires February 16, 1929.

Clara Bentzinger to be postmaster at Donnellson, Iowa, in place of Clara Bentzinger. Incumbent's commission expires February 16, 1929.

Martin T. Jensen to be postmaster at Grandmound, Iowa, in place of M. T. Jensen. Incumbent's commission expires February 16, 1929.

John R. Irwin to be postmaster at Keokuk, Iowa, in place of W. C. Howell, deceased.

MISSISSIPPI

Albert S. Johnston, jr., to be postmaster at Carthage, Miss., in place of A. S. Johnston, jr. Incumbent's commission expires February 16, 1929.

NEBRASKA

Dorothy Keefer to be postmaster at Johnstown, Nebr., in place of T. E. Valentine, removed.

Cyril Svoboda to be postmaster at Prague, Nebr., in place of Cyril Svoboda. Incumbent's commission expires February 17, 1929.

John R. Bolte to be postmaster at Snyder, Nebr., in place of J. R. Bolte. Incumbent's commission expires February 17, 1929.

NEVADA

Julia G. Pangburn to be postmaster at Jarbidge, Nev., in place of J. G. Pangburn. Incumbent's commission expired January 17, 1929.

NEW HAMPSHIRE

Blanche W. Drew to be postmaster at Intervale, N. H., in place of B. W. Drew. Incumbent's commission expires February 17, 1929.

KANSAS

Clyde O. Brown, jr., to be postmaster at Centralia, Kans., in place of C. O. Brown, jr. Incumbent's commission expires February 18, 1929.

William L. Petitjohn to be postmaster at Hoyt, Kans. Office became presidential July 1, 1926.

KENTUCKY

John E. Skaggs to be postmaster at Neon, Ky., in place of W. M. Quillen, removed.

MASSACHUSETTS

Charles W. Cole to be postmaster at Dighton, Mass., in place of C. W. Cole. Incumbent's commission expires February 17, 1929.

Edmund V. O'Brien to be postmaster at North Brookfield, Mass., in place of John Howe. Incumbent's commission expired March 17, 1926.

Clarance J. Conyers to be postmaster at Seekonk, Mass., in place of C. J. Conyers. Incumbent's commission expires February 17, 1929.

MICHIGAN

Fred G. Scott to be postmaster at Bergland, Mich., in place of F. G. Scott. Incumbent's commission expired January 3, 1928.

MINNESOTA

George H. Hopkins to be postmaster at Battle Lake, Minn., in place of G. H. Hopkins. Incumbent's commission expires February 17, 1929.

Thomas Clarkson to be postmaster at Bethel, Minn., in place of Thomas Clarkson. Incumbent's commission expired January 31, 1928.

Mary Zakula to be postmaster at Kinney, Minn., in place of C. C. Barker, resigned.

Edith Steinbring to be postmaster at Markville, Minn. Office became presidential July 1, 1927.

Albert Groenke to be postmaster at New Germany, Minn., in place of Albert Groenke. Incumbent's commission expired January 31, 1929.

Bennie H. Holte to be postmaster at Starbuck, Minn., in place of B. H. Holte. Incumbent's commission expired December 9, 1928.

NEW JERSEY

Clair MacFarland to be postmaster at Monroeville, N. J., in place of Clair MacFarland. Incumbent's commission expired December 18, 1928.

Everton A. Corson to be postmaster at Ocean City, N. J., in place of E. M. Sutton, deceased.

NEW YORK

Carl H. Hamlin to be postmaster at Brushton, N. Y., in place of S. E. G. Harris. Incumbent's commission expired June 5, 1928.

Byron W. Cornwell to be postmaster at Clark Mills, N. Y., in place of F. J. Manchester, deceased.

Victor Demars to be postmaster at Faust, N. Y., in place of Victor Demars. Incumbent's commission expired January 8, 1928.

Morgan C. Harris to be postmaster at Newport, N. Y., in place of M. C. Harris. Incumbent's commission expires February 18, 1929.

Harry S. Bowers to be postmaster at Wayland, N. Y., in place of H. S. Bowers. Incumbent's commission expired January 13, 1929.

OHIO

Harriett E. Craig to be postmaster at Neffs, Ohio, in place of H. E. Craig. Incumbent's commission expired December 17, 1928.

PENNSYLVANIA

Charles J. Williamson to be postmaster at Greensboro, Pa., in place of D. C. Mapel, resigned.

Charles S. Mayhugh to be postmaster at South Mountain, Pa., in place of C. S. Mayhugh. Incumbent's commission expired December 16, 1928.

Hulett M. Turner to be postmaster at Towanda, Pa., in place of H. M. Turner. Incumbent's commission expired January 8, 1928.

SOUTH CAROLINA

James M. Byrd to be postmaster at Branchville, S. C., in place of J. M. Byrd. Incumbent's commission expires February 16, 1929.

SOUTH DAKOTA

Levi J. Thomas to be postmaster at Ipswich, S. Dak., in place of L. J. Thomas. Incumbent's commission expired January 2, 1929.

TENNESSEE

Homer W. Black to be postmaster at Bolivar, Tenn., in place of H. W. Black. Incumbent's commission expires February 18, 1929.

TEXAS

Maurine Folbre to be postmaster at Wickett, Tex. Office became presidential July 1, 1928.

WEST VIRGINIA

Ernest L. Head to be postmaster at Jenkinjones, W. Va., in place of C. A. Murphy, resigned.

Leslie F. Fagert to be postmaster at Paden City, W. Va., in place of J. E. McCaskey, removed.

WISCONSIN

Leroy G. Waite to be postmaster at Dousman, Wis., in place of L. G. Waite. Incumbent's commission expires February 17, 1929.

Hugh S. Caldwell to be postmaster at Lodi, Wis., in place of H. S. Caldwell. Incumbent's commission expires February 18, 1929.

John J. Kocian to be postmaster at Milladore, Wis., in place of J. J. Kocian. Incumbent's commission expires February 17, 1929.

Libbie M. Bennett to be postmaster at Pewaukee, Wis., in place of L. M. Bennett. Incumbent's commission expires February 17, 1929.

Grace R. Morgan to be postmaster at Spring Green, Wis., in place of G. R. Morgan. Incumbent's commission expires February 18, 1929.

James E. Robar to be postmaster at Walworth, Wis., in place of J. E. Robar. Incumbent's commission expires February 17, 1929.

Albert J. Topp to be postmaster at Waterford, Wis., in place of A. J. Topp. Incumbent's commission expires February 17, 1929.

WYOMING

Elsie C. Mann to be postmaster at Yoder, Wyo., in place of A. N. Johnson, removed.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 8 (legislative day of February 7), 1929

UNITED STATES ATTORNEY

Howard D. Stabler to be United States attorney, district of Alaska, division No. 1.

POSTMASTERS

ILLINOIS

Eva B. Perryman, Cowden.
Nathan T. Lawrence, Dongola.

INDIANA

Fred Rohrer, Berne.
Floyd Coomier, Lagro.

IOWA

Matt Olson, Clear Lake.
Finley E. Dutton, Manchester.
Guy C. Wilhelm, Modale.
Ren S. Bosley, Newhall.

NEW JERSEY

Charles Carter, Mount Ephraim.

NEW YORK

Bertha Howland, Lisle.

NORTH CAROLINA

Russell Best, Calypso.
Miles S. Elliott, Edenton.
A. Irvin Jolley, Mooresboro.

OKLAHOMA

Jacob B. Sample, Bixby.
Bernard H. Buchanan, Collinsville.
Joseph T. Dillard, Waurika.

PENNSYLVANIA

Charles O. Smith, Black Lick.
Lucy A. Truax, Robertsdale.

TEXAS

Connie Stewart, New Waverley.
Olive L. Adams, Olden.
Ruth M. Fuqua, Pelly.

VIRGINIA

Charles E. Bevins, Coeburn.
Samuel W. Collie, Danville.
James T. Reely, Middletown.

WASHINGTON

James B. Robertson, Kettle Falls.

WISCONSIN

James A. Watson, Chippewa Falls.
Lawrence A. Fjelsted, Colfax.
George F. Kimball, Janesville.
Helen L. Menzner, Marathon.
Katherine B. Shier, Winegar.

HOUSE OF REPRESENTATIVES

FRIDAY, *February 8, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, Thou art our Father, the lowly Nazarene is our Savior, and the Holy Spirit is our guide and comforter. Thus life is made too sacred for any wavering of affection and too spiritual for any unrighteous moods. As we bow at the altars of our hearts, make this moment very precious to us. Hear us once more. Subdue us, pity us, and make us tender. May we all with common eagerness seek Thee and feel the pressure of Thy holy arms. Great God, bring into our lives such delights and music that it shall be springtime in all our hearts. Qualify us for excellency of service and in no way may we frustrate the divine will. Through Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved:

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 13502. An act authorizing the State of Minnesota and the State of Wisconsin to construct, maintain, and operate a free highway bridge across the St. Croix River at or near Stillwater, Minn.;

H. R. 14146. An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a free highway bridge across the Monongahela River, in the city of Pittsburgh, Allegheny County, Pa.;

H. R. 14164. An act granting the consent of Congress to the city of Knoxville, Tenn., to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Henley Street in Knoxville, Knox County, Tenn.;

H. R. 14451. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River at or near McKees Rocks Borough, in the county of Allegheny, in the Commonwealth of Pennsylvania";

H. R. 14460. An act authorizing the Iowa-Nebraska Amortized Free Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Sioux City, Iowa;

H. R. 14469. An act granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Youghiogheny River between the borough of Versailles and the village of Boston, in the township of Elizabeth, Allegheny County, Pa.;

H. R. 14481. An act granting the consent of Congress to the Chicago South Shore & South Bend Railroad to construct, maintain, and operate a railroad bridge across the Grand Calumet River at East Chicago, Ind.;

H. R. 14919. An act granting the consent of Congress to the commissioners of Mahoning County, Ohio, to construct, maintain, and operate a free highway bridge across the Mahoning River at or near Cedar Street, Youngstown, Mahoning County, Ohio;

H. R. 15072. An act to extend the times for commencing and completing the reconstruction of the bridge across the Grand Calumet River at Burnham Avenue, in Cook County, Ill.;

H. R. 15084. An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River at or near Reedsdale Street, in the city of Pittsburgh, Allegheny County, Pa.;

H. R. 15269. An act to extend the times for commencing and completing the construction of a bridge across the Red River at or near Coushatta, La.;

H. R. 15427. An act authorizing and directing the Secretary of War to lend to the Governor of North Carolina 300 pyramidal tents, complete; 9,000 blankets, olive drab, No. 4; 5,000 pillowcases; 5,000 canvas cots; 5,000 cotton pillows; 5,000 bed sacks; and 9,000 bed sheets to be used at the encampment of the United Confederate Veterans to be held at Charlotte, N. C., in June, 1929; and

H. R. 15470. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a free highway bridge across the Cumberland River in the vicinity of Harts Ferry, Trousdale County, Tenn.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 349. An act to supplement the naturalization laws, and for other purposes;

H. R. 12032. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended; and

H. R. 13882. An act to extend the benefits of the Hatch Act and the Smith-Lever Act to the Territory of Alaska.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House was requested:

S. 2206. An act to amend section 260 of the Judicial Code, as amended;

S. 3001. An act to revise the north, northeast, and east boundaries of the Yellowstone National Park in the States of Montana and Wyoming, and for other purposes;

S. 3100. An act to facilitate and simplify the work of the Department of Agriculture in certain cases;

S. 3233. An act for the relief of Harry E. Good, administrator de bonis non of the estate of Ephraim N. Good, deceased;

S. 4710. An act authorizing the sale of surplus power developed under the Grand Valley reclamation project, Colorado;

S. 4811. An act for the relief of C. J. Colville;

S. 5058. An act for the relief of George A. Hormel & Co.;

S. 5066. An act extending the times for commencing and completing the construction of a bridge across the St. Francis River at or near St. Francis, Ark.;

S. 5165. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, in Ramsey and Hennepin Counties, Minn.;

S. 5194. An act authorizing Richard H. Klein, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near the borough of Liverpool, Perry County, Pa.;

S. 5301. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on Tennessee Highway No. 9, in Cocke County, Tenn.;

S. 5377. An act granting the consent of Congress to the Pittsburgh & West Virginia Railway Co. to construct, maintain, and operate a railroad bridge across the Monongahela River;

S. 5378. An act authorizing the Fayette City Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Fayette City, Fayette County, Pa.;

S. 5543. An act to establish the Grand Teton National Park in the State of Wyoming, and for other purposes; and

S. J. Res. 196. Joint resolution authorizing and requesting the President of the United States to take steps in an effort to protect citizens of the United States in their equitable titles to land embraced in territory to be transferred from the State of Oklahoma to the State of Texas and from the State of Texas to the

State of Oklahoma as per decree of the Supreme Court of the United States in the case of Oklahoma *v.* Texas (1926, 272 U. S. 21, p. 38), and to give the consent of Congress to said States to enter into a compact with each other and with the United States relating to such subject matter.

The message also announced that pursuant to Senate Concurrent Resolution 28, the Vice President had appointed Mr. SHORTRIDGE and Mr. KING as tellers on the part of the Senate to ascertain and count the electoral votes for President and Vice President at the joint session of the two Houses to be held on February 13, 1929.

MOUNT RUSHMORE NATIONAL MEMORIAL COMMISSION

Mr. LUCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3848) creating the Mount Rushmore National Memorial Commission, and defining its purposes and powers, insist on the House amendments, and agree to the conference asked for.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table the bill S. 3848, insist on the House amendment, and agree to the conference asked for.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees on the part of the House: Mr. LUCE, Mr. HOOPER, and Mr. BULWINKLE.

DEGREE-CONFERRING INSTITUTIONS

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 2366, insist on House amendment, and agree to the conference asked for.

The SPEAKER. The gentleman from Maryland asks unanimous consent to take from the Speaker's table the bill S. 2366, insist on the House amendment, and agree to the conference asked for. The Clerk will read the title of the bill.

The Clerk read as follows:

An act (S. 2366) to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. ZIHLMAN, Mr. UNDERHILL, and Mr. BLANTON.

NATURALIZATION LAWS

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 349, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Washington asks unanimous consent to take from the Speaker's table the bill H. R. 349, disagree to the Senate amendments, and ask for a conference. The Clerk will read the title of the bill.

The Clerk read as follows:

An act (H. R. 349) to supplement the naturalization laws, and for other purposes.

The SPEAKER. Is there objection?

Mr. SABATH. Reserving the right to object, what bill is this?

Mr. JOHNSON of Washington. It is the bill designed to regulate the time of the residence of witnesses to naturalization. The Senate has added certain naturalization features.

Mr. SABATH. Is there any objection to agreeing to the Senate amendments?

Mr. JOHNSON of Washington. I think it would be better to have the committee look into it.

Mr. GARRETT of Tennessee. I assume that this is agreeable to the ranking minority member of the committee?

Mr. JOHNSON of Washington. The gentleman from Illinois [Mr. SABATH] and the gentleman from Texas [Mr. BOX] will be on the conference.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. JOHNSON of Washington, Mr. VINCENT of Michigan, Mr. SCHNEIDER, Mr. SABATH, and Mr. BOX.

NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16714, the naval appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LUCE in the chair.

The Clerk read as follows:

NAVAL ESTABLISHMENT

OFFICE OF THE SECRETARY

PAY, MISCELLANEOUS

For commissions and interest; transportation of funds, including the cost of insurance on shipments of money by registered mail when necessary; exchange; for traveling expenses of civilian employees; and not to exceed $5,000 for the expenses of attendance, at home and abroad, upon meetings of technical, professional, scientific, and other similar organizations when, in the judgment of the Secretary of the Navy, such attendance would be of benefit in the conduct of the work of the Navy Department; not to exceed $2,000 for the part time or intermittent employment in the District of Columbia or elsewhere of such experts and at such rates of compensation as may be contracted for by and in the discretion of the Secretary of the Navy; actual expenses of officers and midshipmen while on shore patrol duty, including the hire of automobiles when necessary for the use of shore patrol detachments; hire of launches or other small boats in Asiatic waters; for rent of buildings and offices not in navy yards; expenses of courts-martial, including law and reference books, prisoners and prisons, and courts of inquiry, boards of inspection, examining boards, with clerks, and witnesses' fees, and traveling expenses and costs; expenses of naval defense districts; stationery and recording; religious books; newspapers and periodicals for the naval service; all advertising for the Navy Department and its bureaus (except advertising for recruits for the Bureau of Navigation); copying, ferriage; tolls; costs of suits; relief of vessels in distress; recovery of valuables from shipwrecks; quarantine expenses; reports; professional investigation; cost of special instruction at home and abroad, including maintenance of students and attachés; information from abroad and at home, and the collection and classification thereof; all charges pertaining to the Navy Department and its bureaus for ice for the cooling of drinking water on shore (except at naval hospitals), and not to exceed $170,000 for telephone rentals and tolls, telegrams and cablegrams; postage, foreign and domestic, and post-office box rentals; for necessary expenses for interned persons and prisoners of war under the jurisdiction of the Navy Department, including funeral expenses for such interned persons or prisoners of war as may die while under such jurisdiction, and for payment of claims for damages as provided in the act making appropriations for the naval service for the fiscal year 1920, approved July 11, 1919 (U. S. C. p. 1127, sec. 600); and other necessary and incidental expenses; in all, $1,500,000: *Provided*, That no part of this appropriation shall be available for the expense of any naval district unless the commandant thereof shall be also the commandant of a navy yard, naval training station, or naval operating base: *Provided further*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, inspection, and messenger service in navy yards and naval stations, for the fiscal year ending June 30, 1930, shall not exceed $517,000.

Mr. VINSON of Georgia. Mr. Chairman, I reserve the point of order to the paragraph.

Mr. BLANTON. I, too, reserve a point of order.

Mr. FRENCH. Mr. Chairman, I move to amend by striking out on page 4, line 6, the word "for."

Mr. BLANTON. But the reservation of the point of order ought to be disposed of before any amendment.

The CHAIRMAN. Will the gentleman from Georgia state his point of order?

Mr. VINSON of Georgia. I make the point of order to the language in line 7, after the semicolon, down to line 12, after the words "Navy Department," page 2—that it is legislation on an appropriation bill.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. VINSON of Georgia. Mr. Chairman, the burden is not upon me; it is upon the Chairman of the committee to show that there is some legislative authority for this expenditure, so I submit that the Chairman should advise his inquiry for information as to authority to the chairman of the subcommittee.

The CHAIRMAN. If the gentleman will permit, the gentleman from Georgia had not stated his point of order; having stated his point of order, the Chair now directs the inquiry to the gentleman from Idaho.

Mr. FRENCH. Mr. Chairman, I concede the point of order in the present form of the language. The members of the committee thought that the language should be briefer and simpler and cover that which we have been covering in the past when we have appropriated money for attendance upon such meetings as conferences of hydrographers, astronomers, and so forth, and we have grouped these items here and by fixing a

limited amount we thought we could effect economy. However, I concede the point of order.

Mr. VINSON of Georgia. I desire to ask the gentleman from Idaho this: The gentleman made a statement here the other day that there was no legislation in this bill. In reading the bill I regretted very much to find myself at variance with the gentleman from Idaho, because I think there is a great deal of legislation in the bill.

I have no complaint about the merits of the items set forth in the bill, but I do think that the Committee on Appropriations should literally follow the rule. The Appropriations Committee from year to year is trespassing upon the prerogatives of these other committees. Now, of course, this item to which I have made the point of order has been carried repeatedly in appropriation bills, but if we are going to have a strict observance of the rule then the Committee on Appropriations should not come in here from year to year and take control over that which belongs to the legislative committees. I want to state to the gentleman I have no complaint about the subject the item deals with, but I am opposed as one member of the Naval Affairs Committee to the Committee on Appropriations usurping our jurisdictional authority.

Mr. BLANTON. Will the gentleman yield?

Mr. VINSON of Georgia. I have not the floor except by courtesy.

Mr. BLANTON. The rule adopted that was offered by Mr. RAMSEYER hereafter is going to compel the appropriations subcommittees to point out every single change in the law, and every piece of legislation that is contained in appropriation bills, and that is the best rule that the House has adopted that I know of since I have been here 12 years, because it is going to keep the Appropriations Committee hereafter from hiding these items of legislation in their bills. Whenever they want legislation to go in a bill they so hide it that it takes sometimes several hours to find it. Now, hereafter we are going to be able to identify legislation by reading the report.

Mr. FRENCH. May I say in response to the gentleman that the committee undertook in its supplementary report to point out specifically just what has been placed in the bill under that rule?

Mr. BLANTON. If the gentleman will permit, there is another part of this paragraph that is legislation, but it is such good legislation and it so safeguards the Public Treasury that I do not care to make the point of order against it. It is for the benefit of the people.

Mr. FRENCH. Does it change fundamental law?

Mr. BLANTON. Oh, yes; it is legislation, because it is not authorized by law.

Mr. FRENCH. May I ask the gentleman if it has been carried in the appropriation bills heretofore?

Mr. BLANTON. Yes.

Mr. FRENCH. Then the rule that was adopted a few days ago does not apply to it, as members of our committee understand the rule.

Mr. BLANTON. A point of order would knock it out, but it is such good legislation that I want it in.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield further?

Mr. FRENCH. Yes.

Mr. VINSON of Georgia. The gentleman has further legislation in this paragraph on line 18.

Mr. FRENCH. Will the gentleman object to disposing of his first point of order before we go on to that? I concede the point of order.

Mr. VINSON of Georgia. I am willing to withdraw my point of order, now that the chairman of the committee has come in and confessed that there is legislation in the bill, when the other day he said there was no legislation.

Mr. FRENCH. I am glad to have added that modicum of comfort to the gentleman's soul.

Mr. VINSON of Georgia. On line 18 of the bill we find the following language:

> including the hire of automobiles when necessary for the use of shore-patrol detachments; hire of launches or other small boats in Asiatic waters.

That is subject to the point of order.

Mr. FRENCH. I assume this discussion is going on under the gentleman's reservation of the point of order. I do not think that the language to which the gentleman draws attention is subject to the point of order. I think that the particular line to which he is now drawing attention would be abundantly within the rules under which we may carry money for a definite object, although all of the details prescribed to be carried out under the object are not set out in detail. The amount carried in that item will probably not equal $200. It means efficiency in the shore-patrol establishments and is limited to an exceedingly small amount.

Mr. VINSON of Georgia. If the gentleman will permit, the gentleman's bill further authorizes the Secretary, without any authority of law, to pay for rent of buildings and offices not in the navy yard. Surely the gentleman would not say that that is a public work and that he has the right to authorize an appropriation of that kind without authority of law.

Mr. FRENCH. The members of the committee think there is no question as to that language being wholly within the authorization of existing law, and would so maintain. I do not understand that the gentleman is making the point of order against this language?

Mr. CLARKE. Mr. Chairman, a parliamentary inquiry. Would it speed up legislation if I were to demand the regular order and cut off this debate?

Mr. VINSON of Georgia. Oh, I trust the gentleman from New York will let us clear this matter up, because in that way we will expedite the passage of the bill.

Mr. FRENCH. Has the gentleman from Georgia withdrawn his first point of order?

Mr. VINSON of Georgia. I am willing to withdraw that, Mr. Chairman, since the chairman of the subcommittee recognizes the fact that it is legislation. We at least want the chairman of the subcommittee to know that the House is aware of the fact that he has trespassed upon the legislative authority of these other committees.

The CHAIRMAN. The gentleman from Georgia withdraws the point of order.

Mr. VINSON of Georgia. Mr. Chairman, I make the further point of order upon the language in line 19, after the semicolon, as follows:

> for rent of buildings and offices not in navy yards.

I submit, Mr. Chairman, that that is legislation on an appropriation bill and not authorized by law.

The CHAIRMAN. The Chair will hear the gentleman from Idaho.

Mr. FRENCH. Mr. Chairman, the items to which the gentleman has been directing attention are just such items as are incident to the carrying forward of the responsibilities of the Navy in connection with the different stations throughout the United States and the world wherever they may be. I submit that the very items to which the gentleman is now directing attention are items that are purely incidental to the carrying forward of large work.

One item to which he referred will cost in money not more than possibly $200. The other item, in the matter of hiring patrol boats, is an item that in the same or somewhat similar language has been carried heretofore. More than that, these items have been before the House, and the question has been directed to the attention of the Chair and they have been ruled in order. For instance, on February 11, 1921, when the Navy bill was under consideration, the gentleman from Illinois [Mr. BRITTEN], the present chairman of the committee of which my colleague from Georgia [Mr. VINSON] is a member, made the point of order against somewhat similar language. In fact, if you will check it up, it will be found to be exact language. Mr. BRITTEN said this—

> Mr. Chairman, I call the attention of the Chair to the language in line 19, page 2—

Curiously enough, the language to which objection is now made is in line 19, page 2, of the present bill. I call the attention to the same words used in a former bill:

> hire of launches or other small boats in Asiatic waters.

Mr. BRITTEN said:

> That language was added to the appropriation bill in 1883 and is subject to a point of order, and I make the point of order at this time.

The then chairman, Mr. CHINDBLOM, after a somewhat interesting discussion of the question, in which the late Mr. Mann participated, came to the conclusion that the language was in order and so ruled, as the Chair will find on page 3145 of the CONGRESSIONAL RECORD of February 11, 1921. The Chair wound up the decision by saying:

> The Chair, for the reason at that time expressed, will overrule the point of order.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. In a moment. The second proposition to which the gentleman from Georgia referred in his point of order was also made by the gentleman from Illinois [Mr. BRITTEN] at the same time. The language then in the bill was as follows:

For rent of buildings and offices not in navy yards.

That is the language carried in the pending bill. Upon that the Chairman, Mr. CHINDBLOM, I believe at that moment in the chair, said:

The gentleman from Illinois makes a point of order against the language, "For rent of buildings and offices not in navy yards."

Under the decision cited by the gentleman from Michigan, the Chair there held that appropriations for repair of buildings were appropriations for the continuation of a public work, and the Chair held that that language is in order, and therefore overruled the point of order. The ruling I refer to now had relation to the two points referred to by the gentleman from Georgia.

Mr. VINSON of Georgia. In answer to that I recognize the fact that an appropriation for continuation of a public work is not subject to a point of order, but I contend that the rent of buildings outside of navy yards is not the kind of public work that is contemplated in legislation of this kind and which is held as in order. Now at the present time the Secretary of the Navy has the right, if he sees fit, to go outside the boundaries of the navy yards and contract for rent of any others; that is an obligation that he is imposing upon the Government.

The CHAIRMAN. The Chair is of opinion that by an attempt to put into the law minute provision for all possible manner of expenditure the size of the statute book would be largely increased, and that by reason of the impossibility of foresight in matter of detail more harm than good would result. It has been the uniform ruling of preceding Chairmen, so far as the Chair can ascertain, that these minor and incidental objects of expenditures are natural to the conduct of the business establishment concerned.

Furthermore, the Chair is supported in his conviction by the fact that these items have passed under the scrutiny of repeated Congresses, and therefore might be assumed to have in this particular received at least the tacit approval of preceding Congresses as matters incident to the conduct of the business establishment. While, of course, such approval, if it be assumed, is never conclusive, yet when the question is one of the interpretation of existing law the construction accepted by previous Congresses may be somewhat persuasive.

For these reasons the Chair overrules the point of order.

Mr. FRENCH. Then, Mr. Chairman, I move to amend line 6, page 4, by striking out the word "for," the first word in the line, it being a repetition.

The CHAIRMAN. The gentleman from Idaho moves to strike out on line 6, page 4, the word "for." The Chair has already said, "Without objection, the change will be made," and no objection was made. The Clerk will read.

The Clerk read as follows:

STATE MARINE SCHOOL, ACT MARCH 4, 1911

To reimburse the State of New York, $25,000; the State of Massachusetts, $25,000; and the State of Pennsylvania, $25,000, for expenses incurred in the maintenance and support of marine schools in such States as provided in the act authorizing the establishment of marine schools, etc., approved March 4, 1911 (U. S. C. 1150, sec. 1121); in all, $75,000.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. BRIGGS. Mr. Chairman, I would like to ask the chairman of the subcommittee a question with reference to these marine schools. Is the Government carrying these schools mentioned on page 5 of the bill?

Mr. FRENCH. I will say that the Government does not carry on these schools.

Mr. BRIGGS. I knew the Government was not carrying on these schools; but I was going to ask if the Government in providing ships was making this contribution under the act approved March 4, 1911, whereby the States contribute a part and the Government a part?

Mr. FRENCH. That is true. The law provides that these schools may be maintained, and the States referred to are already maintaining the schools—Massachusetts, New York, and Pennsylvania. Those States are required to contribute as much as the Federal Government is contributing; and I will say, from the inquiry we have made, the amounts contributed by the States are far in excess of the amounts contributed by the Federal Government. The gentleman may be interested in knowing that the object of the schools is for the purpose of furnishing practical information along navigational and nautical lines. Referring to the report of the Massachusetts Nautical School, I find this language:

This school offers practical and theoretical instruction in navigation, seamanship, marine engineering, and electricity to prepare young men for service as officers in the merchant marine. The course of study extends over two years.

I will say that these schools are functioning in a most creditable manner, and are carrying a rather large number of men upon their rolls. For instance, Massachusetts graduated in 1927, 40 men. New York had enrolled on December 31, 1927, 83 men. Pennsylvania in February, 1928, had enrolled 80 members. The appropriations from the several States are considerably larger than the funds necessary to match the Federal appropriations. Massachusetts expended in 1928, $92,250; New York, the same year, $98,687; and Pennsylvania in the fiscal year 1928 and 1929, $70,885.

Mr. BRIGGS. I was wondering also in this connection why these items are indicated as reimbursable items. Do they represent advances made by the States in question to cover the Government's portion?

Mr. FRENCH. That is correct. The law provides that these States may be reimbursed to this extent, provided the States have already expended in addition thereto as much or more.

Mr. BRIGGS. That is what I thought. Now, it is the purpose of the department to encourage the establishment of these schools wherever they can be established under the law—is not that true?

Mr. FRENCH. I would say to the gentleman that under the present law only these three schools are now being conducted.

Mr. BRIGGS. My impression is that there is a provision in the act for the extension of this privilege to other States upon compliance with certain provisions as indicated in the act.

Mr. FRENCH. But other States have not passed the necessary cooperative laws and have taken no steps, so far as we are aware, to avail themselves of the general law.

Mr. BRIGGS. I am inclined to think the gentleman is correct about that, but I am talking about the general law providing for their doing so if they so desire.

Mr. FRENCH. I understand that whenever other States comply with the general law they may avail themselves of the same privilege.

Mr. BRIGGS. And the purpose of the Federal Government would be to cooperate in the same way it cooperates with these States.

Mr. FRENCH. I so understand.

Mr. BRIGGS. And that the Navy Department would be willing to assign ships of appropriate type for that purpose; is that correct?

Mr. FRENCH. I understand that is correct.

The CHAIRMAN. The time of the gentleman from Texas has expired.

The pro forma amendment was withdrawn.

The Clerk read as follows:

In all, Naval Home, $207,000, which sum shall be paid out of the income from the naval pension fund.

Mr. VINSON of Georgia. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Idaho whether the language carried in the item for the Naval Home at Philadelphia includes the transfer of patients from one Government hospital to another or is it restricted to the Naval Home. The language is somewhat ambiguous, because it provides for the transportation of employees from other Government hospitals. Now, does that mean that the Government pays the expenses of transportation from one Government hospital to another of those who are not eligible for hospital treatment at the Naval Home?

Mr. FRENCH. In the first place, I would say that those in the Naval Home would need to be beneficiaries entitled to the privileges of the home. Starting from that basis, the law itself carries a provision for the bearing of the expense, when necessary, of transporting patients from the home to other hospitals or from other hospitals to the home.

Mr. VINSON of Georgia. Then under a strict interpretation it only applies to patients at the Naval Home and not to patients in other Government hospitals?

Mr. FRENCH. The appropriation has to do with moneys pertaining to patients only who are related to the home and not to patients of other hospitals who may be transferred from one hospital to another.

The pro forma amendment was withdrawn.

The Clerk read as follows:

BUREAU OF ENGINEERING

ENGINEERING

For repairs, preservation, and renewal of machinery, auxiliary machinery, and boilers of naval vessels, yard craft, and ships' boats, dis-

tilling and refrigerating apparatus; repairs, preservation, and renewals of electric interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate machinery belonging to other bureaus; searchlights and fire-control equipments for antiaircraft defense at shore stations; maintenance and operation of coast signal service; equipage, supplies, and materials under the cognizance of the bureau required for the maintenance and operation of naval vessels, yard craft, and ships' boats; care, custody, and operation of the naval petroleum reserves; purchase, installation, repair, and preservation of machinery, tools, and appliances in navy yards and stations, pay of classified field force under the bureau; incidental expenses for naval vessels, navy yards, and stations, inspectors' offices, the engineering experiment station, such as photographing, technical books and periodicals, stationery, and instruments; services, instruments and apparatus, supplies, and technical books and periodicals necessary to carry on experimental and research work; payment of part time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicists as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding $20 per diem for any person so employed; in all, $19,686,300, and, in addition, the Secretary of the Treasury is authorized and directed, upon the request of the Secretary of the Navy, to make transfers during the fiscal years 1929 and 1930 from the naval supply account fund to the appropriations "Engineering, Bureau of Engineering, fiscal years 1929 and 1930," of sums not to exceed in the aggregate $1,500,000, to be available exclusively for the procurement of new tools and machinery for shops under the cognizance of the Bureaus of Engineering and Construction and Repair: *Provided*, That the sum to be paid out of this appropriation, under the direction of the Secretary of the Navy, for clerical, drafting, inspection, and messenger service in navy yards, naval stations, and offices of United States inspectors of machinery and naval material for the fiscal year ending June 30, 1930, shall not exceed $1,715,000.

Mr. FRENCH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FRENCH: Page 16, line 11, before the word "of," insert "and construction and repair, Bureau of Construction and Repair, fiscal years 1929 and 1930."

On the same page, line 12, after the word "procurement," insert "and installation."

The amendment was agreed to.

The Clerk read as follows:

Transportation and recruiting of naval personnel: For mileage and actual and necessary expenses and per diem in lieu of subsistence as authorized by law to officers of the Navy while traveling under orders; for mileage, at 5 cents per mile, to midshipmen entering the Naval Academy while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen, and not more than $2,500 shall be available for transportation of midshipmen, including reimbursement of traveling expenses while traveling under orders after appointment as midshipmen; for actual traveling expenses of female nurses; for travel allowance or for transportation and subsistence as authorized by law of enlisted men upon discharge; transportation of enlisted men and apprentice seamen and applicants for enlistment at home and abroad, with subsistence and transfers en route, or cash in lieu thereof; transportation to their homes, if residents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof; transportation of sick or insane enlisted men and apprentice seamen and insane supernumerary patients to hospitals, with subsistence and transfers en route, or cash in lieu thereof; apprehension and delivery of deserters and stragglers, and for railway guides and other expenses incident to transportation; expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for and obtaining men and apprentice seamen; actual and necessary expenses in lieu of mileage to officers on duty with traveling recruiting parties; transportation of dependents of officers and enlisted men; expenses of funeral escorts of naval personnel; in all, $4,525,500.

Mr. LaGUARDIA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report:

The Clerk read as follows:

Amendment offered by Mr. LaGUARDIA: Page 24, line 21, at the end of the line insert the following: "*Provided*, That not more than $25 shall be paid as a reward for the apprehension and delivery of a deserter."

Mr. LaGUARDIA. Mr. Chairman, the purpose of this amendment is to make the reward the same as the House made it in the military appropriation bill for the year 1930. I desire to try this out for a year and see whether or not it will correct some of the abuses now existing, especially in the large cities. I stated at the time the military appropriation bill was under consideration that in New York in one month, I was informed, that one agency delivered no less than 80 prisoners to the naval district in Brooklyn. At that time I cited a specific case where the same agency enticed a boy to desert. They got him a job as an usher in a theater, and after he had stayed away the required length of time to make him a deserter he was apprehended by the same people and delivered to the authorities, and they received the reward.

I believe that if we reduce the reward it will cut off that source of income from these disreputable agencies, which make it a business of enticing boys to desert only to deliver them and obtain the reward. I think it is well worth trying.

Mr. FRENCH. Mr. Chairman, the gentleman from New York [Mr. LaGUARDIA] was good enough to call the subject of the amendment to the attention of the chairman of the committee several days ago, and I have taken occasion to check up on this question as it pertains to the Navy.

In the first place, it would seem that if a person is engaged in aiding or promoting desertion, he himself would be a violator of law and ought to be prosecuted, and the question ought to be called to the attention of the proper law-enforcement officers, the United States attorneys, or the law officers of the Navy Department. Certainly, if any such practice as this is being indulged in by anybody, it is most reprehensible and the Government ought not to stop short of enforcing the law to the limit against any one guilty of such practice.

However, going back to the merits of the amendment, may I say that under the present law we are following as pertains to the enlisted men of the Navy and the Marine Corps the practice of offering rewards of $50 for the apprehension and delivery of a deserter. We are carrying in the bill only $3,000 for this purpose and other expenditures must also be met under the item.

I think the Members of the House would be interested in knowing that we do not have a large number of desertions in the Navy and in the Marine Corps. In 1928, the last fiscal year, we had only 794 gross desertions in the Navy. I say gross desertions because there were 2,906 men who had absented themselves and then after they had discovered that they had overstayed their leave or in some way were technically deserters, immediately reported and surrendered and the charge of desertion was accordingly wiped out. So we have net desertions amounting to 794.

I do not believe it would be a practicable thing to hold out a reward of $25 with the expectation that that amount would encourage police officers or others to assist the Navy Department in apprehending deserters.

It is not a wholesome thing for the country to have desertion going on in the Naval Establishment. It is a bad thing. It is a bad thing for the persons who desert; it is a bad thing for the ones with whom they associate. It tends to put the group——

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. FRENCH. It is a bad thing for the deserters themselves from the standpoint of their contact with society to feel that, after all, they are criminals and therefore that it matters little if they commit some crime that is even more serious than the one of which they are guilty.

It seems to me if we are going to have the law enforced, we can not afford to offer a less amount than $50.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. FRENCH. Let me follow that up with this statement: The gentleman's amendment was accepted as it pertained to the Army bill, but we have a different situation in the Navy, and I want the Members of the House, and especially the gentleman from New York, who offers this amendment, to realize that, and I think when he does realize it he will withdraw his amendment.

We have a different situation touching the enlisted personnel of the Naval Establishment. When these men come in they are taken to the different training stations. They are held there for something like three months and it is usually a longer time than that before these men are really inducted into the service and capable of any great work. If a boy deserts at the end of his first year of enlistment it will be after it has cost the Government $350 for his training, exclusive of the pay of the personnel engaged in recruiting and training. If he has a longer service the cost is considerably greater. If the deserter is not

apprehended the cost to which I have referred is doubled because you must find a new man to take his place and train him for some period of time after you have trained the first man who has deserted, and, therefore, you have doubled the expense. You do not find this situation, measured in money, obtaining in the Army to the extent it obtains in the Navy; in fact, the expense is much smaller.

Therefore, I would hope that the gentleman would not insist upon his amendment and that the House would not concur in it if he does.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. FRENCH. I shall be pleased to yield.

Mr. LAGUARDIA. If a deserter is apprehended the Navy gets no further service from him, because he goes in the brig for six months and then is dishonorably discharged. So there is nothing in that argument.

What I would like to ask the gentleman is this: Is the $50 reward fixed by law?

Mr. FRENCH. It is not fixed by law; it is fixed as a result of a regulation under the law. In further reference to the statement touching the deserter and his status after desertion, at first the result is as indicated, but many of these men have the charge of desertion removed and again enter the service. They are trained men and efficient men. They are sorry for what they have done and go back into the service.

Mr. LAGUARDIA. The gentleman stated that $3,000 is set aside for the purpose of rewards, but that is only in the hearings or in the estimates. There is nothing in the law that would limit it to that amount. Would the gentleman accept an amendment providing that not more than $3,000 of this amount shall be used for payment of rewards?

Mr. FRENCH. I think it would not be a wholesome thing to put in a restriction. I would say that in practice the amount expended is considerably less than $3,000.

Mr. LAGUARDIA. What I am trying to do is to abolish a condition which is very unwholesome right in New York City. I can not do any more——

Mr. FRENCH. I do not think the second proposed amendment would have that effect at all.

Mr. LAGUARDIA. I can not do any more than bring the matter to the attention of the committee and to the attention of the House.

Mr. FRENCH. I will say to the gentleman he has directed the attention of the committee and the House to the subject and has done so since the hearings closed. I am going to let the suggestion of the gentleman flag the committee as we conduct our hearings next year, and we shall go into this question further. Certainly, the House and the members of the committee do not want to condone the practices on the part of any persons who are imposing upon the Government and upon the enlisted personnel.

Mr. LAGUARDIA. And in the meantime we will give another year of lucrative business to these disreputable detective agencies and other parties who thrive on this business.

Mr. FRENCH. This should be brought to the attention of the proper law-enforcement officers.

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

The CHAIRMAN (Mr. DOWELL). The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

The Clerk read as follows:

In all, for pay, subsistence, and transportation of naval personnel, $154,934,282, and, in addition, $578,500 of the unexpended balance of the appropriation "Pay, subsistence, and transportation, Navy, 1928," is hereby made available for such purposes; and the money herein specifically appropriated and made available for "Pay, subsistence, and transportation of naval personnel," shall be disbursed and accounted for in accordance with existing law and shall constitute one fund: *Provided,* That additional commissioned, warranted, appointed, enlisted, and civilian personnel of the Medical Department of the Navy, required for the care of patients of the United States Veterans' Bureau in naval hospitals, may be employed in addition to the numbers appropriated for in this act: *Provided further,* That no part of this appropriation shall be available for the pay of any midshipmen whose admission subsequent to January 30, 1929, would result in exceeding at any time an allowance of four midshipmen for each Senator, Representative, and Delegate in Congress; of one midshipman for Porto Rico, a native of the island, appointed on nomination of the governor, and of four midshipmen from Porto Rico, appointed on nomination of the Resident Commissioner; and of two midshipmen for the District of Columbia: *Provided further,* That nothing herein shall be construed to repeal or modify in any way existing laws relative to the appointment of midshipmen at large, from the enlisted personnel of the naval service, or from the Naval Reserve.

Mr. FRENCH. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 24, line 23, after the comma following the word "personnel," strike out all matter down to the word "purpose," in line 2, page 25, and insert in lieu thereof the following: "$154,512,782, of which sum $578,500 shall be charged to the unexpended balance of appropriations, pay, subsistence, transportation, Navy, 1928."

Mr. FRENCH. Mr. Chairman, that amendment is to correct the matter of totals and refers to one item which should have been included in the totals, but through inadvertence was included in addition thereto.

Mr. COLE of Iowa. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. This item of $154,000,000, plus, is an increase over the appropriation made for the same purpose last year?

Mr. FRENCH. Somewhat. It includes money for additional enlisted personnel, to the extent of 500 men. A part of the increase also will be used in connection with the increase of other items in connection with change of ratings, longevity, and submarine work.

Mr. COLE of Iowa. You leave the expenditure and the number of enlisted men at the discretion of the Navy Department?

Mr. FRENCH. We have appropriated on the basis of 84,500 enlisted men.

Mr. COLE of Iowa. What is the total of the personnel now?

Mr. FRENCH. A little under 84,000. The enlisted personnel for which appropriation was made for the current year was on the basis of 84,000 men.

Mr. COLE of Iowa. And this is an increase of 500?

Mr. FRENCH. They would be enlisted during the fiscal year beginning July 1, next. I might say to the gentleman that it is not the thought of the committee, and I think it is not the thought of Congress, to permit the number of enlisted men to run down to, say, 80,000, during the first half of the year, and then in order that the department may come within the total money available increase the number of personnel four or five thousand beyond the number we have estimated for. Such a thing would be possible, but we think there is no question as to the department's administering the law in the good faith in which Congress will pass it. We may rely upon the department administering the law in such a way as to provide for approximately 84,500 men throughout the year.

Mr. COLE of Iowa. This increase is about $4,000,000 over last year, and as I understand part is for the additional personnel?

Mr. FRENCH. There are several factors that enter into this item of increase; in part the 500 additional enlisted men, higher ratings for some of the men now enlisted, additional compensation to men who are engaged in submarine work and in diving, and longevity pay, which some men in the service have accumulated. I think I have included the essential items covering the increase.

Mr. COLE of Iowa. I think that sufficiently answers my inquiry.

Mr. VINSON of Georgia. Mr. Chairman, I move to strike out the last two words. I would like to ask the chairman of the committee what thought has been given with reference to increasing the number of appointments of midshipmen to the academy, on account of the cruiser program which we have passed? From my observation it will be necessary in the near future to provide for another midshipman at the academy. In other words, to-day there is a maximum of five under the law, but you have limited the appointments to four. What have we done to accommodate the increase necessary?

Mr. FRENCH. It would take about $500,000 annually to accommodate an additional midshipman at the academy for each Member of the Senate and the House. I think we would not need to increase the facilities at the academy, although we would need to maintain a larger instructional force, both of officers and civilian instructors.

Mr. VINSON of Georgia. It is not necessary to add to the building to the academy, but only necessary to carry more money for maintenance of the midshipmen?

Mr. FRENCH. We so understand. We did maintain five at the academy at one time and have not been short of facilities.

Mr. VINSON of Georgia. What is the gentleman's thought for next year—to withdraw this limitation and permit five to be appointed?

Mr. FRENCH. No; the members of the committee could hardly anticipate the action that we would take in a year from now. We felt that it would not be a wise thing to do at this time. In the first place, the gentleman will recall that last year we added certain additional midshipmen to the academy, one for each Member of the Senate and House. We permitted the

amendment to become operative for the fiscal year. The effect was to increase the number of midshipmen at the academy by 160. That means that the privilege that was granted last year, because of the lateness of the session in which the bill was passed, was successful in adding to the academy a very small proportion of the number that could have been added. The vacancies thus created will pile up against the succeeding year, and so the approaching entering class will be exceedingly large, and it would be very unwise to provide an additional midshipman at this time.

Mr. VINSON of Georgia. But the gentleman recognizes the fact that in view of the 16 ships that must be finished within three years it will be necessary within the three years to increase the number at the academy.

Mr. FRENCH. No; I do not recognize that. When the last graduating class was graduated from the academy we were within one of the number of naval officers provided for in the general law upon the basis of the authorized enlisted personnel. We are below at this time to the extent of about 121. We will be quite up to the total authorized officer strength upon the graduation of the present class from the Naval Academy. I have no doubt at all that the addition of one midshipman to the academy for every Senator and Representative would give the Navy Department a great deal more latitude in permitting officers to serve on who had graduated from the academy and to weed out others who are not the best type or who do not desire to serve on. A very liberal course in retirement could be followed.

Mr. UPDIKE. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. UPDIKE. Does not the gentleman think that it would be a good policy to do that?

Mr. FRENCH. It would mean a good training, but it would be an expensive proposition to the Federal Government.

Mr. UPDIKE. But it would be a good thing in case we have a large merchant marine for these men to be trained, so that they could operate these ships.

Mr. FRENCH. It would be an expensive means of training men efficiently for that work. We think that they could be trained for that work quite efficiently at much less expense.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

The question is on the amendment offered by the gentleman from Idaho.

Mr. NEWTON. Mr. Chairman, I rise in opposition to the amendment. What is the reason for the proviso on page 25, lines 11 to 20? It is my understanding that before the appropriation a year ago every Member had three appointees every four years. Then we passed a provision in the appropriation act of last year creating another vacancy. That meant four. It was not permanent, as I understand it, but it created another one.

Mr. FRENCH. That is true.

Mr. NEWTON. What is the reason for restricting it to four in this proviso?

Mr. FRENCH. Because the general law authorizes the appointment of five, and we have provided money in the bill for four only, just as the authorized enlisted personnel of the Navy is 137,000 plus, and yet we are carrying money in the bill for only 84,500.

Mr. NEWTON. Is this the usual provision except that it is changed to four instead of three?

Mr. FRENCH. That is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho.

The amendment was agreed to.

The Clerk read as follows:

RESERVE FUEL OIL

For the procurement and transportation of petroleum products to be placed in reserve storage tanks, $450,000, to be available immediately, and, in addition, the unobligated balance on January 30, 1929, of the continuing appropriation "Reserve material, Navy," is hereby made available for such purpose. Fuel acquired hereunder shall not be issued without the approval of the President.

Mr. FRENCH. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. FRENCH: Page 28, line 1, strike out the word "is" and insert the following: "and such sum or sums as may accrue from time to time within the total of the appropriation 'Fuel and transportation, Bureau of Supplies and Accounts, 1930,' from the purchase of fuel oil at an average rate lower than 97.22 cents per barrel are."

Mr. FRENCH. Mr. Chairman, let me say a word as to the effect of the amendment. It is to authorize the department to buy additional fuel oil out of moneys carried in the annual appropriation bill that we are considering, for fuel oil, if there shall be funds available for that purpose for storage purposes. Since our hearings closed it appears that the price of fuel oil has fallen 25 cents per barrel under what the Budget estimates were when they came to the committee. We think that for next year we ought not to let the steaming be based on the additional amount of fuel oil which might be purchased with the same money, 25 per cent more almost when measured by barrels, than it was thought could be bought with the money recommended. We think we ought to hold to the steaming that the number of barrels of oil we attempted to provide for will furnish the Navy. If the Navy Department can, through the lower price of oil that is now prevailing, purchase additional storage oil and continue the program of filling the storage tanks in Hawaii, we think it would be a desirable thing for the department to do. This language will enable the department to do that specific thing.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Idaho.

The amendment was agreed to.

Mr. FRENCH. Mr. Chairman, I move to amend page 29, line 17, by inserting a comma after the word "school." It seems to have been inadvertently omitted.

The CHAIRMAN. If there is no objection, the correction will be made.

There was no objection.

The Clerk read as follows:

Navy yard, Charleston, S. C.: Dredging, to continue, $36,000.

Mr. McMILLAN. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 32, line 23, after the figures "$36,000," insert the following: "extension of dry dock, $300,000; in all, $336,000."

Mr. McMILLAN. Mr. Chairman and gentlemen of the committee, a few days ago I took occasion under general debate to call attention of the House to the amendment which I am now offering. This amendment, gentlemen of the committee, is to provide for the extension of the dry dock at Charleston for approximately 60 feet. I told the House the other day that the dry dock at Charleston is the only dry dock we have from Cape Hatteras on the Atlantic coast all the way to the Mexican border. That, my friends, is a distance of some 3,000 miles. The other day I also took occasion to call to the attention of the committee the importance of this dry dock. I repeat, that is the only dry dock we have in the entire South Atlantic and Gulf coast to Mexico.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. McMILLAN. I will.

Mr. LaGUARDIA. A few days ago on one of the bills we authorized the leasing of a dry dock at New Orleans. How would that affect the gentleman's proposition?

Mr. McMILLAN. That is only a floating dry dock, 525 feet in length.

Mr. LaGUARDIA. That would take in a cruiser?

Mr. McMILLAN. Absolutely not. The purpose of this extension, I may say to the gentleman, is to provide for the accommodation of the cruisers we are about to build and those contemplated to be built according to the building program which passed yesterday.

Mr. GREEN. Will the gentleman yield?

Mr. McMILLAN. I will.

Mr. GREEN. I would like to know if the gentleman has ascertained what per cent of the moneys are expended between Hampton Roads and the Rio Grande River. That is, what percentage of the moneys for dry docks and for other naval purposes as compared with the rest of the Atlantic coast?

Mr. McMILLAN. I will say in reply to the gentleman's inquiry that since the war approximately 98 per cent of all the moneys appropriated by this Government for the expenditures of the Naval Department for shore purposes has been spent from Norfolk to Portsmouth, N. H., a distance of 530 miles, and about 2 per cent of those funds have been expended for such purposes from Cape Hatteras to the Mexican border, a distance of 3,000 miles.

Mr. BEEDY. Will the gentleman yield?

Mr. McMILLAN. I will.

Mr. BEEDY. I would like to ask the gentleman if the committee was informed of this situation when this bill was reported out?

Mr. McMILLAN. In reply to the gentleman I will say that the committee was evidently not informed. I took the matter up with the Navy Department and with the White House prior to the Christmas holidays, but, unfortunately, during the holiday period I went home, as all Members did, perhaps, and there I was confronted with a serious illness in my family. The result was that I could not return here until the committee had closed its hearings, and this is the only opportunity I have had of presenting this very important matter to the House.

Mr. BEEDY. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. Certainly.

Mr. BEEDY. I was astounded when this matter was brought to my attention and I found that on that tremendous stretch of coast line we had no dry dock to which we could send one of our big ships in case of distress. It seems to me obviously the grossest kind of negligence in connection with our naval policy.

Mr. McMILLAN. I thank the gentleman for his contribution to my argument.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. McMILLAN. Mr. Chairman, I ask for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. VINSON of Kentucky. Mr. Chairman, will the gentleman yield there?

Mr. McMILLAN. I yield to the gentleman from Kentucky.

Mr. VINSON of Kentucky. What is the length of this dock and what is the length of the other docks?

Mr. McMILLAN. The length of the dry dock in Charleston is 566 feet. We need an extension of about 60 feet in order to accommodate the cruisers we are now building and those Congress just yesterday authorized to be built. We have now $1,250,000 invested in the Charleston dry dock. We have a yard down there now equipped with facilities and capable of accommodating and serving any of these ships in case of an emergency, with the exception of the size of the dry dock. We have there a harbor that has a depth of from 32 feet to 37 feet, and we can accommodate a ship over the sill of our dry dock now that provides for a depth of 34 feet. These dry docks north of Cape Hatteras vary from 400 feet to 1,100.

Mr. UPDIKE. Mr. Chairman, will the gentleman yield?

Mr. McMILLAN. Yes.

Mr. UPDIKE. Can the gentleman tell us whether or not the navy yard at Charleston is equipped to construct cruisers? Have they the necessary tools and equipment there?

Mr. McMILLAN. I will say in answer to the gentleman's inquiry that the Charleston Navy Yard is well equipped. It is a modern yard. It is in such a position that if we can get this extension there that is so necessary we can take care of and construct the cruisers now building and those contemplated under the new cruiser program.

Mr. HUDSON. Mr. Chairman, will the gentleman yield for a question?

Mr. McMILLAN. Certainly.

Mr. HUDSON. When was the present dry dock constructed?

Mr. McMILLAN. In 1908, at a cost of $1,250,000.

Mr. HUDSON. Is it in such condition now that the addition can readily be built?

Mr. McMILLAN. Yes. We have the land there necessary, the available space, without the removal of any tracks or buildings or anything. It is an open space. There is nothing to do but go out there and extend this dock 60 feet.

Mr. BLACK of Texas. That is the estimate that has been made?

Mr. McMILLAN. Yes. That is the estimate already made by the Navy Department. They have prepared blue prints and plats and have the whole necessary layout. The only reason why the committee was not advised of the project is because of the fact that I was delayed at home for reasons beyond my control during the committee's hearing.

Mr. VINSON of Kentucky. What do the naval authorities say about it?

Mr. McMILLAN. Practically every naval authority who knows anything about the condition backs up the project to the limit.

We have an extension of trade and commerce that is being rapidly expanded to the south of us. Our ships will go south with this progress and increase in trade and expansion of commerce. I submit it is only reasonable for us as Representatives in this Congress to come and vote for this project at this time.

Gentlemen, I appeal to you. As I said the other day, this is not a question of a sectional appeal; but I ask you as Members of the House, representing here a great section of our southern coast, 3,000 miles in length, supplied with only one dry dock. I appeal to the membership of this House to support me in this proposition here to-day and help put across a project that means so much to the entire country. [Applause.]

Mr. TABER. Mr. Chairman, I rise in opposition.

This is an item that has not been presented by the Navy Department to the Budget. It is an item which is so far down the list of the improvements that the Navy would like to have considered that there are $7,000,000 of other projects under the Bureau of Yards and Docks which the Navy Department considers to be more important and more desirable than this.

The fleet is not based on Charleston. It is based either off Hampton Roads, or up farther north, or down near the Canal Zone. At the Canal Zone we have already a thousand-foot dock. At Hampton Roads we have a thousand-foot dock which would take in any ship.

Mr. VINSON of Georgia. In the case of a disabled ship in the Atlantic it would have to pass through a 100-foot lock to get to the dock. Of course, if the ship is disabled in the Atlantic, there would be grave doubt about its ever getting over to the Pacific to dock.

Mr. TABER. There would be grave doubt about its getting to Charleston.

Mr. McMILLAN. Charleston for several years has been the base in the South Atlantic for about five months in the year.

Mr. TABER. And that has furnished very considerable use for the dock, I assume.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. TABER. I yield.

Mr. VINSON of Georgia. The gentleman stated that this item had not been submitted to the Budget. Is it not a fact that your committee does not pay much attention to the estimates of the Budget anyhow, because the Budget has asked for $1,000,000 more for the Navy than the committee has given?

Mr. TABER. The committee is reappropriating, so that with the reappropriations and all, our appropriations are considerably beyond the Budget estimate.

Mr. GREEN. Will the gentleman yield?

Mr. TABER. Yes.

Mr. GREEN. Does not the gentleman believe it would be economy in the long run to establish this dock in that vicinity?

Mr. TABER. I believe it would be a waste of money to spend this money at this time because the repairs of all of the fleet are well taken care of at the present time.

Mr. GREEN. But they are taken care of at Norfolk?

Mr. TABER. Well, Norfolk is only 300 or 400 miles away.

Mr. GREEN. Well, 300 or 400 miles is quite a distance.

Mr. EDWARDS. It is approximately 600 miles from Charleston by way of the coast to Norfolk.

Mr. TABER. Five hundred miles would be the maximum.

Mr. EDWARDS. Well, let us say it is 500 miles. How many docks are in New York?

Mr. TABER. There are three or four, but only two that would be suitable to take care of these big ships.

Mr. EDWARDS. Assuming there is none within this 3,000-mile stretch from Norfolk south, how are they going to be taken care of unless they are towed to Norfolk or New York?

Mr. TABER. Of the light cruisers that are under construction there would not be many based around that part of the sea.

Mr. EDWARDS. The sea is just as salty and just as big down there as it is around New York.

Mr. TABER. They would be based in the Pacific a good deal of the time.

Mr. NEWTON. Will the gentleman yield?

Mr. TABER. I yield.

Mr. NEWTON. How many docks are there on the Atlantic of substantial size?

Mr. TABER. There is a dock at Boston of 1,000 feet; two in New York that would take in these cruisers; there is one in Philadelphia and there is one at Norfolk, which makes four.

On the Pacific coast we only have the Mare Island and Puget Sound docks, besides the Canal Zone dock. This item was never even heard of by this committee until we came on the floor. It never has been presented to us and we have never had an opportunity to investigate the merits or demerits of it.

Mr. NEWTON. The gentleman from South Carolina has explained that.

Mr. McMILLAN. I think I have explained to the committee why I was unable to present this matter to the gentleman's committee.

Mr. NEWTON. To me the point seems to be this: Is the Navy, as it is now constituted, in a situation so that it could use to advantage additional dry-dock facilities of substantial size?

Mr. TABER. The dry-dock facilities we already have are not more than half taken up. On the Atlantic coast last year they were not more than 20 per cent used.

Mr. VINSON of Georgia. Will the gentleman yield further?

Mr. TABER. Yes.

Mr. VINSON of Georgia. In response to the gentleman's inquiry let me say that the dry-dock situation is such that the bill carries an item providing for the leasing of a dry dock in San Francisco Bay, because we have not a dry dock suitable, except at the Bremerton yard, to care for conditions on the Pacific side, and the same condition exists on the Atlantic side.

The CHAIRMAN (Mr. LUCE). The time of the gentleman from New York has expired.

Mr. NEWTON. Mr. Chairman, I ask unanimous consent that the gentleman from New York may proceed for five additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. NEWTON. What is the situation on the Atlantic coast? Does the gentleman agree with the gentleman from New York on that statement?

Mr. VINSON of Georgia. My position is that it would be quite advantageous to extend this dock at Charleston for this reason: All naval experts state that if you have an engagement in the Atlantic it is bound to occur in the vicinity of the Bahama Islands, and if a ship is disabled there in naval battle it would have to be towed to the Norfolk Navy Yard, and in towing it there, in all probability the ship would be injured and probably destroyed. So Charleston is in a logical and strategic situation and should have a dry dock that will take all of the large naval vessels.

Mr. NEWTON. I know; but does the gentleman agree with the gentleman from New York that at the present time there are fairly ample dry-dock facilities on the Atlantic coast?

Mr. VINSON of Georgia. I do not.

Mr. NEWTON. What authority can the gentleman give to bear out that statement?

Mr. VINSON of Georgia. What I have just said; that in an emergency or as the result of a battle we would need a dry dock in that vicinity.

Mr. TABER. Is there any question but what we have four 1,000-foot docks on the Atlantic side?

Mr. VINSON of Georgia. Of course we have, but they are not located at the right place. From the Panama Canal up to Hampton Roads there is not a dock suitable in size to take care of one of the 15 cruisers you have just authorized, and what we are trying to do is to provide a dock at the proper place, which is Charleston, and that dock should be large enough to take care of a cruiser in the event it is disabled in battle.

Mr. TABER. If that is the situation, why was not the matter presented to the committee so that we could secure statements from the responsible officers of the Navy upon the subject? Why, if they are so interested in this kind of a proposition, have they not presented the proposition to us and to the Budget so that it could be properly, fairly, and honestly considered? Why should we run wild in making appropriations to put in big dry docks or to extend them wherever some individual locally wants them, when the Navy Department has not felt the matter important enough to present it to Congress and to the Budget?

Mr. EDWARDS. Mr. Chairman, I move to strike out the last word.

The gentleman who has just concluded asks the question, "Why?" Evidently the gentleman has not investigated the matter very carefully, even though he is on the Appropriating Committee.

The arguments presented by the gentleman from South Carolina [Mr. MCMILLAN] and by other gentlemen who really understand this situation, make out a fair, strong case for this extension. We can visualize it. We have dry docks on the Atlantic, but where are they? They are up in the gentleman's State of New York, four or five of them, and elsewhere north of Norfolk.

Here is a stretch of coast of approximately only 500 miles from Norfolk on north, with some 17 dry docks, and here is a stretch of approximately 3,000 miles, or more, stretching south of Norfolk all the way down the Atlantic, where the water is just as deep, just as briny, and the ocean just as big as it is around New York, and there is but one dry dock on that long stretch of coast, and that dry dock is too short to take care of the cruisers that this committee is appropriating to construct and operate.

We have storms down in the South Atlantic, around Cuba and in that entire section, and yet the gentleman from New York [Mr. TABER] would force the Government to the great expense and to the extravagance of towing a crippled ship from the South Atlantic clear up to Norfolk or to New York or to the Massachusetts coast to get it repaired, when with only $300,000 we can modernize and vitalize and make useful the dry dock that we already have down there by simply extending it.

This is in the interest of economy. It is good sense, and, my friends, you can vote to-day to refuse this appropriation if you want to, but you will do an injury to the Navy and you do an injury to the Government itself. I hope, gentlemen, this case having been presented for the South Atlantic coast, you will see fit to do the right thing, the just thing, and the needed thing—you know it is needed—and extend this dry dock at Charleston.

Mr. BEEDY. Will the gentleman yield?

Mr. EDWARDS. I will be pleased to yield.

Mr. BEEDY. The statement has been made by the gentleman from New York [Mr. TABER] that the naval authorities have never presented this case to the committee.

Mr. TABER. Or to the Budget.

Mr. BEEDY. Or to the Budget, and that is an important statement, and yet the statement is also made by the gentleman from South Carolina [Mr. MCMILLAN] that this project has been called to the attention of the naval authorities and every one of them, without a dissenting voice, has approved of it. Now, what is the fact?

Mr. MCMILLAN. If the gentleman will permit, that refers to the officers, the permanent officers, such as the captains and the admirals of the Navy, not to the administrative heads, so to speak.

Mr. EDWARDS. I will say, furthermore, in that connection, whether it has been called directly to the attention of the Navy Department or the Budget, this matter has been presented on the floor of the House ever since the gentleman from South Carolina [Mr. MCMILLAN] has been in Congress. It bobs up every time we have an opportunity to bring it up, and we have begged and we have pleaded and we have argued for it, and I beg to-day that you do the just and the right thing, because it is needed. It is a shame on this country that we leave the shipping on the South Atlantic coast unprotected for 3,000 miles, when we have 17 dry docks north of Norfolk and only the one at Charleston on the coast south of Norfolk.

Now you have the case; let us do the right thing. [Applause.]

Mr. FRENCH. Mr. Chairman, this amendment ought not to pass.

In the first place, it carries a very sizable amount of money. The last gentleman who has spoken has referred to our distinguished and amiable friend from South Carolina, and I must confess, if the amiableness and graciousness of a gentleman of the House were to be thrown into the balances in determining the wisdom of an appropriation, long ago I would have surrendered upon this item to my friend from South Carolina. [Laughter and applause.]

The gentleman has importuned, he has presented every argument that it seems could be presented, but we, as Members of the House, have a serious responsibility here. We can not look lightly upon the expenditure of $300,000 from the Treasury for a purpose that even is so desirable as the gentleman from South Carolina and the gentleman from Georgia indicate this to be. Now, what are the facts?

Mr. EDWARDS. Will the gentleman yield?

Mr. FRENCH. Let me just follow up this statement and then I shall be pleased to yield.

The dry dock at Charleston lacks only about 8 feet of being able to accommodate several of the cruisers that we have in the Navy to-day. This accommodation could be extended, as I am advised by the Navy Department, for the small sum of $800 that would be used for the purpose of cutting out a niche on the land end of the dock.

The ships that we are providing for in the bill that passed the House yesterday will not be completed for a period of three years. It would not require more than a fraction of a year to extend the length of this dock so that it would accommodate the larger cruisers, and therefore there is no need of considering the item at this particular moment.

Mr. MCMILLAN. Will the gentleman yield?

Mr. FRENCH. All right.

Mr. MCMILLAN. The gentleman a moment ago made the statement that $300,000 is quite a substantial amount. In part that is correct, but is it not true that in the extension of any dock, whether it be this dock of mine or any other dock, you are going to have to use money and it is going to cost money because it is a good project, and I want to say further that the cruisers that we have just authorized to be built will cost $15,000,000 to $20,000,000 each, and $300,000 for the protection and maintenance of these cruisers will be a mere bagatelle, and, of course, nobody knows when or where they are going to go out of commission.

Mr. EDWARDS. Will the gentleman yield?

Mr. FRENCH. I yield now to the gentleman.

Mr. EDWARDS. The gentleman stated that the dock at Charleston, which is 566 feet long, just lacks 8 feet of being long enough. Adding 8 feet to 566 feet will make 574 feet, and the cruisers we have at present are 610 feet long.

Mr. FRENCH. Some of them.

Mr. EDWARDS. I want to ask the gentleman how much has the Government invested in the dry dock at Charleston?

Mr. FRENCH. We have the data right here.

Mr. EDWARDS. It is considerably over $1,000,000, and it is now obsolete for the cruisers we have and it will be entirely obsolete for the cruisers that are to be built. So this $300,000 will really vitalize and make modern the investment that we already have and will save the Government a vast sum of money in the long run.

Mr. FRENCH. Mr. Chairman, this question must, of course, be taken into consideration in connection with the development of the cruiser program during the next few years. When Admiral Gregory, Chief of the Bureau of Yards and Docks, was before our committee he spoke about the Charleston yard and said that the only class of naval vessels regularly using the Charleston dock was the mine sweeper *Falcon* class—180 feet long.

I want to say further that during the entire fiscal year of 1928 no large vessels were docked in the Dry Dock No. 1. He indicated that during the last six or seven months only some six small vessels of the Navy have docked in that dock.

We are trying to conserve the moneys of our Government in handling the naval appropriation bill. In connection with the extension of the dry dock you will in all probability have to provide cranes, machinery, facilities generally for doing work on larger ships that might be brought in and for which no adequate facilities now exist. More than that, this item is not one that the Navy Department regarded as of sufficient importance to bring to our attention during the hearings.

After the gentleman from South Carolina brought the matter to my attention I was so interested in seeing what the attitude of the department would be that I took up the question with the Chief of the Bureau of Naval Operations, Admiral Hughes, and he told me that as desirable as the dock might be, it was low down in the priority list of expenditures needed for the Navy.

I took the matter up with Admiral Gregory, Chief of the Bureau of Yards and Docks. I do not doubt that some naval officers have expressed their approval of the facilities, but the admiral said there are four or five million dollars of improvement work that ought to be made before this project should be undertaken. I submit, then, to Members of the House, that we ought not on the basis of any showing that has been made, when most of the very ships for which the dock extension is proposed, will not be coming into commission for several years, make such an appropriation at this time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. McMILLAN].

The question was taken; and on a division (demanded by Mr. FRENCH) there were 81 ayes and 45 noes.

Mr. FRENCH. Mr. Chairman, I am going to ask for tellers.

Tellers were refused.

Mr. MILLER. Mr. Chairman, I offer the following amendment as a new section.

The Clerk read as follows:

Page 33, in line 2, after the figures "$300,000," insert the following as a new paragraph:

"Puget Sound Navy Yard, Washington: For extension of Dry Dock No. 2, $400,000. Limit of cost, $700,000."

Mr. FRENCH. Mr. Chairman, I reserve a point of order on the amendment.

Mr. MILLER. Mr. Chairman and gentlemen, here is an item that is strongly recommended by the Navy Department and approved by the Director of the Budget [applause] and still it is eliminated from the bill. That is the condition that confronts the House on this amendment. It is recommended by the Director of the Budget. The Chief of the Bureau of Yards and Docks was before the committee at the hearing; that department is of the opinion that this is the most important item in the pending budget, in so far as satisfying the need of the fleet is concerned. It is extremely desirous of having the item made available. In fact, at one time it was strongly recommended to make the appropriation immediately available.

Here is the situation: There are seven navy yards on the Atlantic coast. There are two on the Pacific coast. There is the Mare Island Navy Yard and the Puget Sound Navy Yard. The Puget Sound Navy Yard is the only one capable of accommodating major ships in the Navy. The Puget Sound Navy Yard is the home of the Pacific Battleship Fleet. There is a dry dock there—Dock No. 2, 800 feet and 8 inches long. We have as a part of the Pacific Fleet two airplane carriers, the *Lexington* and the *Saratoga*, each 888 feet long, which can not now be accommodated at the Puget Sound Navy Yard.

There is a dock at Balboa, 6,600 miles south of the home of the Pacific Fleet, that will accommodate the *Saratoga* and the *Lexington*. There is a dock at Pearl Harbor, 2,800 miles west of the home of the Pacific Fleet, that will accommodate the two airplane carriers. There is a private dock owned by the Bethlehem Ship Corporation at Hunters Point, San Francisco, that will accommodate these two vessels, but no navy yard dry dock in continental America. Here is where the difficulty lies. We pay 8 cents a ton per day for docking ships at the Hunters Point dry dock. These two airplane carriers are of 30,000 tons each and cost nearly $43,000,000 each. They could be docked at the Hunters Point dry dock at a cost of $2,400 a day. It takes 10 days to dock one of these ships, and there we have $24,000 to dock each one of these ships once a year, and there are no repair facilities at the Hunters Point dry dock whatever. There is no electricity, no water, no heat, no crane service, nothing that can be used in the repair of these ships. This amendment provides that the only dock at a Pacific coast navy yard, Dock No. 2 at Puget Sound Navy Yard, be made available. We ask that this dry dock be extended 90 feet. The dock is already 800 feet 8 inches long and the ships are 888 feet long. We are working on a pretty small margin, but that will accommodate these two ships. The interest on $700,000, the estimated cost, at 5 per cent, will be $35,000 a year. To dock the two ships, the *Lexington* and the *Saratoga*, once a year at Hunters Point dry dock will cost $48,000. This is the economy of the situation, and it must appeal to every Member.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to continue for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER. Everywhere, in every department of the Navy, they have been looking forward to this development at Puget Sound Navy Yard to accommodate these ships. There are repair facilities there of every character. We could build the *Saratoga* and the *Lexington* at the Puget Sound Navy Yard. At the Balboa dock, at the entrance to the Panama Canal, there are no facilities for the permanent repair of war vessels. All of the repairs there are for the temporary repairs of merchant ships, in order that they may make their home ports. There are no repair facilities at Pearl Harbor Navy Yard.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Yes.

Mr. ABERNETHY. How much is involved in this expenditure?

Mr. MILLER. The estimated cost is $700,000, to extend the dry dock 90 feet, of which $400,000 is covered in my amendment to make it available for next year.

Mr. ABERNETHY. Does the Budget approve of this?

Mr. MILLER. Yes; it does.

Mr. ABERNETHY. Why did not the committee put it in?

Mr. MILLER. The committee can explain that. I suppose they left it out on the ground of economy.

Mr. EDWARDS. How much is now invested in the dry dock proposed to be extended?

Mr. MILLER. About $2,500,000; and there are two other docks there.

Mr. EDWARDS. And we can bring this dock up to date and make it serviceable for this expenditure of money.

Mr. MILLER. Absolutely. If it strikes the House that the economies of the situation are in favor of my amendment, then I ask the House to support the amendment. I think it ought to be included in the bill in accordance with the desire of the Navy Department and the Director of the Budget. It was arbitrarily excluded from the bill.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Yes.

Mr. VINSON of Georgia. Is there one dock on the Pacific side now where the *Saratoga* and *Lexington*, the two large airplane carriers can be repaired, that belongs to the Government?

Mr. MILLER. There is not. None.

Mr. VINSON of Georgia. The nearest Government dock is at Pearl Harbor, is it not?

Mr. MILLER. Yes; and that is 2,700 miles away.

Mr. VINSON of Georgia. And the gentleman's amendment merely provides that the dock at Puget Sound be enlarged sufficiently to care for the two airplane carriers?

Mr. MILLER. Yes; and such other uses as the dock may be put to.

Mr. VINSON of Georgia. And it is recommended by the Budget and approved by the department.

Mr. MILLER. Yes.

Mr. ABERNETHY. There is sufficient water there for these ships to get into this dock, is there?

Mr. MILLER. Oh, yes.

Mr. FRENCH. Mr. Chairman, will the gentleman yield to permit me to ask a question of the gentleman from Georgia?

Mr. MILLER. Yes.

Mr. FRENCH. I desire to ask the gentleman from Georgia [Mr. VINSON] a question. Since this amendment is subject to the point of order, being legislation, has the gentleman's committee given any consideration to it?

Mr. VINSON of Georgia. We try to consider everything that the Navy Department sends to us. If this has not been considered I am at a loss to understand why it has not been sent up, but I am under the impression that we have had some hearings on this subject.

Mr. FRENCH. But the gentleman would not support it under any consideration, unless it had been reported out by his committee, would he?

Mr. VINSON of Georgia. Oh, in a matter of this importance where we have two ships costing $80,000,000 to build, and they can not be accommodated at a dry dock there, it ought to be considered and approved the first time we get a chance to do it. [Applause.]

Mr. MILLER. And another thing. This is simply a continuation of a work heretofore authorized. For that reason I do not believe it is subject to the point of order. The Navy Department and everyone connected with that department wants to see this extension, so that these big ships that we have constructed may have a home along with the other vessels of the Pacific Fleet at the Puget Sound Navy Yard.

Mr. FRENCH. Mr. Chairman, I shall withdraw the reservation of the point of order that I made and discuss the proposition as it has been proposed. If the proposition shall go through, I think it ought to carry the limitation that would have made it subject to the point of order. The reason I withdraw my reservation of the point is because of my judgment in that regard. However, in my judgment, the amendment ought not to be approved. I think the Members of the House who have listened to the economies that can be brought about through the amendment of the gentleman from South Carolina [Mr. MCMILLAN], as presented by him, and the economies that will be obtained if the amendment of the gentleman from Washington [Mr. MILLER] shall prevail, must realize that they are of such magnitude that if these gentlemen could get together and work out a scheme of expenditures for the Navy Department, the economies would be such that soon we would be able to have revenue sufficient to run the Naval Establishment.

Mr. VINSON of Georgia. Will the gentleman yield right there?

Mr. FRENCH. If the gentleman is serious in his argument in reference to such economies, I will yield and let him spring it on the House.

Mr. MILLER. I desire to say to the gentleman I am sincerely in earnest in this matter and that the Navy approves and the Budget recommends it. I have nothing whatever to "spring." Here is the question: Speaking of economies, it will cost $24,000 for each of these vessels to dry dock at Hunters Point and 5 per cent interest on the amount covered by this item is $35,000 a year and——

Mr. VINSON of Georgia. The gentleman a moment ago used the Budget's failure to approve the South Carolina item as a reason why the House should reject it. The Budget approves this, and, if you apply the same logic the gentleman was applying, why should not the committee accept this item?

Mr. FRENCH. That argument, of course, is worked both ways by the gentlemen on the other side. Let me continue with my observation on the merits of the proposition itself. We have at Bremerton a dry dock capable of accommodating every ship of the American Navy almost except the two carriers, *Lexington* and *Saratoga*. Those ships ordinarily will not be there. We carried in the bill that passed the House yesterday provision for authorizing an airplane carrier of a type that we suppose will be similar to five carriers that Congress will build as the years go along. Everyone knows that those two ships, the *Lexington* and the *Saratoga*, are money consumers; money consumers when in operation or when they are idle. They have cost, as has been said, upwards of $40,000,000 each. They cost for maintenance more than any other ships of the American Navy for fuel. The amounts that are involved in just the keeping of those ships are so stupendous that we think the Government will consider, and members of our committee will consider, that they ought to be withdrawn from commission just as soon as their places can be taken by other airplane carriers of a type that will be capable of caring for our needs more economically.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. LAGUARDIA. I desire to state to the gentleman that I pointed out these defects five or six years ago and I was kicked all over this floor and called a pacifist.

Mr. FRENCH. Let me continue my statement. These airplane carriers will need to go into dry dock possibly every year. We expect to accommodate them in the naval dry docks, if they should be in the Panama region, as they are apt to be during the year, or in the dry dock at Pearl Harbor, if they should be in Hawaiian waters, as they are apt to be during the year. Or again we could rent accommodations for them in a private dry dock at Hunters Point, San Francisco, when they go to that region. The gentleman from Washington has suggested that a long trip would need to be made to take these ships from San Francisco Bay to the Hawaiian Islands——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FRENCH. I ask for five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FRENCH. It is a long trip. The gentleman has also told the House that it is 800 miles from San Francisco to Bremerton. I wonder if the gentleman has not convinced the House that it is such a distance from San Francisco Bay to Bremerton that the department has been justified in the use of the Hunters Point dry dock to the extent it has been used during the last year.

We could have taken the *New Mexico* to Bremerton, but we did not. We entered it at the dry dock at Hunters Point. The *Tennessee*, the *California*, the *West Virginia*, the *Idaho*, all of those capital ships, were put into dry dock at Hunters Point. The Government paid rent for accommodations at that dry dock, and the ships were not taken up to Bremerton. Why? Because of the item of cost involved in taking a great ship up there, I have no doubt, 800 miles up and 800 miles back, requiring all that steaming, chargeable to the Navy. I suspect if we were to approve of the amendment and increase the length of the dry dock at Bremerton, the *Saratoga* and the *Lexington* would be handled at Hunters Point rather than be sent on up to Bremerton for a few days in dry dock.

Now, the gentleman from Washington [Mr. MILLER] has figured in these several estimates of his and has pointed out to the House the profits that soon will be flowing into the Treasury from the investment. He has pointed out that it will probably require 10 days each for these ships to be in dry dock. Let me refer to the record touching capital ships at Hunters Point. The *Tennessee* was there 3 days, the *Pennsylvania* was there 5 days, the *California* 3 days, the *Idaho* 3 days, the *West Virginia* 2 days, the *Texas* 3 days, the *Lexington* 7 days, and the *Saratoga* 5 days. In other words, the time consumed by those capital ships, exclusive of the airplane carriers, at Hunters Point is on an average something like 3 days, or one-third of the time now estimated by the gentleman for the *Lexington* and the *Saratoga*. The gentleman proposes an investment of $700,000 for a purpose that we hope will not need to be drawn upon only until one or a few airplane carriers of a smaller type may be built. With the needs of the Naval Establishment as they are, this House is not justified in adding willy-nilly another $700,000, even though it be approved by the gentleman who has proposed the amendment.

Mr. MILLER. And by the Budget Bureau.

I desire to say further that it is not a "willy-nilly" matter. I have never before heard recommendations of the Budget termed "willy-nilly."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Washington [Mr. MILLER].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MILLER. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 43, noes 52.

Mr. MILLER. Mr. Chairman, I ask for tellers.

The CHAIRMAN. Tellers are demanded. The Chair will count. [After counting.] Twenty-four gentlemen have arisen, a sufficient number. Tellers are ordered. The Chair appoints the gentleman from Idaho [Mr. FRENCH] and the gentleman from Washington [Mr. MILLER] to act as tellers. All those favoring the amendment will pass between the tellers and be counted.

The committee again divided; and the tellers reported—ayes 52, noes 67.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Naval ammunition depot, Lake Denmark, N. J.: Replacement of certain public works destroyed by explosion, $100,000.

Mr. VINSON of Georgia. Mr. Chairman, I made a point of order against the Lake Denmark item on the ground that it is legislation on an appropriation bill.

Let me make this statement: Of course, I recognize the fact that if this were a continuous public work this appropriation would be in order. But I call the Chair's attention to the fact that this property was destroyed by the great explosion at Lake Denmark when the munitions depot blew up. The purpose is to rebuild. Therefore it is a new item and not a continuation of a public work, falling in a different class from the other items enumerated in this bill concerning continuous public works.

The item says, "Replacement of certain works destroyed by explosion." I submit when it uses the words "destroyed by explosion" it means the rebuilding of these buildings that were destroyed. Therefore it is not in the category of a public work in process of being developed. It has got to start from the very beginning to be developed, and for that reason it must be authorized. And it is not authorized.

Mr. FRENCH. Mr. Chairman, I had hoped that the gentleman would not insist upon his point of order, even though it were sound. However, I do not think that the point of order is sound. When it comes to buildings and replacement of buildings that have been authorized by law we do not have authority in our committee to bring in money for new building construction, and even if a building were destroyed we would not have authority to bring in money to replace the building. It would have to be done following authorization.

However, in caring for explosives we have a different proposition entirely. We all recall the disaster at Lake Denmark, the destruction of much property, and the apprehension that was caused in the minds of people living in the vicinity of Lake Denmark and other cities in neighboring parts of New Jersey. As the result of that disaster last year the Congress in this very bill carried under this heading money for the construction of two magazine buildings, $66,000.

I think the work is a work that is in progress. The storage of munitions is a different proposition from the storage of grain or the storage of automobiles or machinery. You do not ordinarily build many separate buildings for ordinary storage purposes. For powder and other explosives you must provide for safety by separating the contents through building numerous units. You think of storage space and not separate buildings as such. For instance, at Yorktown we are building a series of explosive containers that are of the igloo type. They would look like mounds to anyone who would be passing by. Are they separate houses? Are they separate institutions and works in the degree that we are required to come in and obtain an authorization for each one of them from the legislative committee? Or is it a part of a continuing program for the care of a very hazardous type of material, which ought to be cared for if human life and if property values are to be conserved? Now, the same principle, although a different type of container for the explosives, is applicable to the case of Lake Denmark.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. VINSON of Georgia. Do I understand the gentleman, then, to contend that where any Government building has been destroyed and it becomes necessary to replace it that the committee has the jurisdiction to replace it on the general idea that it is a continuation of public works, or does he contend that it is necessary to get legislative authority before he can make the appropriation?

Mr. FRENCH. Oh, no. I would like to say that I anticipated the gentleman's question by answering it before he asked it. In other words, I said a moment ago that, generally speaking, I did not think it was within our jurisdiction, in the absence of authorization, to report out money for new buildings or even for the replacement of buildings that had been totally destroyed. Here, however, is an emergency and here is a program that is under way for which money was carried in the bill last year to the extent of $66,000.

Mr. VINSON of Georgia. Mr. Chairman, in view of the gentleman's statement as to what policy the committee will pursue when emergencies of this kind arise and when property is destroyed, I withdraw the point of order.

The Clerk read as follows:

Naval air station, San Diego, Calif.: Extension of erection shop, $150,000; improvement of steam distribution, $19,500; shell house and bomb magazine, $9,000; extension of building No. 4, $30,000; dredging and extension of seaplane runway, $60,000; improvement of flying field, $25,000; in all, $293,500.

Mr. VINSON of Georgia. Mr. Chairman, I make the point of order that line 14, shell house and bomb magazine, $9,000, is legislation on an appropriation bill. Let me ask the chairman of the subcommittee whether any authority for this building has been granted?

Mr. FRENCH. If the gentleman makes the point of order, I shall be compelled to concede it.

Mr. VINSON of Georgia. What are the facts with reference to this? The gentleman may have good reasons for it, and so I ask him why it is necessary. Of course, it is legislation.

Mr. FRENCH. I would say that the accommodations contemplated are for the purpose of housing shells and bombs taken from aircraft or other ships that are for the time being at San Diego undergoing repairs, possibly, or based for the time being at San Diego. There ought to be facilities for caring for the shells and bombs during such periods.

Mr. VINSON of Georgia. Was this approved by the Navy Department?

Mr. FRENCH. It is approved by the department and comes to the committee in the regular order.

Mr. VINSON of Georgia. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Naval air station, Pearl Harbor, Hawaii: Refrigerating plant for crews' galley, $15,000; extension of motor test stands, $25,000; in all, $40,000.

Mr. UNDERHILL. Mr. Chairman, I move to strike out the last word. I had seriously thought of offering an amendment to this bill on page 32, the navy yard at Boston, Mass., for the construction of a marine railway and for the purchase of new machinery and tools, but I realize the hopelessness of securing the adoption of such an amendment. So I will not take up the time of the committee by offering the amendment. However, I do want to emphasize a little further what I had to say the other day about the situation as it exists on the east coast.

The Navy Department has apparently adopted the policy of keeping a large proportion of the fleet on the west coast. This was justified sometime ago, but there is no necessity at present for such an inequitable division of the fleet. If more vessels could be allocated to the east coast, or the Atlantic Fleet, undoubtedly considerable of the work load at the various yards could be stabilized. I confess that I am not as well informed on the necessities of the fleet as would lead me to utter any criticism whatever of the department's policy, but I am interested not only from a local but from a humanitarian view of the situation. To have some 600 men thrown out of employment in the middle of the winter seems almost criminal. I realize that money must be appropriated, and work allocated, or this undesirable condition is bound to occur. It occurred to me that these amendments might provide work at the present time, and take care, in a small degree, of the discharge of these expert mechanics in the Government yards. In other words, it is right along the lines as recommended by Mr. Hoover in one of his speeches.

Mr. FRENCH. Will the gentleman yield?

Mr. UNDERHILL. I yield.

Mr. FRENCH. I would say that the gentleman from Massachusetts [Mr. UNDERHILL] has been very earnest and diligent in presenting the needs of this naval station to the committee and in urging the amendment to which he is referring now and to which he referred the other day in his general discussion. However, as it appeared to the committee, we could not approve of the particular item. It did not have the support of the Navy Department before the committee; or, in other words, it did not come to the committee as a Budget recommendation.

More than this, I want to say—and I think it will interest the gentleman from Massachusetts—that when our hearings were on we discovered that there was an attrition going on in connection with the machinery and tools of the different navy yards that was far beyond the moneys for their upkeep and replacement, and, accordingly, we carry in this present bill $1,500,000 as the first half of a program of $3,000,000, which we hope to carry through in two years for the replacement of tools and machinery and facilities at the different navy yards. I think this will go a long way toward improving the situation in the navy yard in Massachusetts in which the gentleman is so much interested.

I doubt if it will touch the question of the marine railway, but I think it will give other facilities, and at another time we shall be able to consider the question still further.

Mr. UNDERHILL. May I ask the gentleman if the necessity, the crying necessity, for the replacement of equipment in

the Boston yard was presented to his committee, and if a part of this $1,500,000 will probably go to replacement of the equipment of that yard up to the point where it ought to be as a first-class navy yard.

Mr. FRENCH. It was presented as part of the deficiency that exists in all the yards. I would say that the question of administration we have not attempted to direct. We are leaving that with the department. I have no doubt, however, that the navy yard at Boston will need to be brought up in tools and facilities, just as the other yards, where properties have been deteriorating, will need to be replaced in order that a better working condition may be brought about.

Mr. UNDERHILL. I thank the gentleman for his assurance, and I am satisfied with that for the present.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last two words.

The gentleman from Massachusetts [Mr. UNDERHILL] made a very earnest plea for the benefit and the employment of the Naval Establishment in his district.

Mr. UNDERHILL. May I interrupt the gentleman to say that most of my remarks have been for the whole east coast and all the yards?

Mr. LAGUARDIA. For the whole east coast; I thank the gentleman. Therefore other Members will join the gentleman in making that plea.

Just a few moments ago the gentleman from South Caroline [Mr. MCMILLAN], predicting a battle some time in the near future in the immediate vicinity of his State, prevailed upon this House to adopt a motion for the establishment of a navy yard at Charleston. Then the gentleman from Washington [Mr. MILLER] complained a few moments ago, in accordance with the exact statement made by the gentleman from Massachusetts, that the fleet had been transferred mostly to the Pacific and therefore they required another dry dock in the vicinity of his district located on the Pacific.

Yesterday we provided for 15 more cruisers and an additional airplane carrier. To-day we are providing for additional dry docks because of these additional cruisers. By the time the next appropriation bill comes out, perhaps, we will find we have too many dry docks and therefore we will require more cruisers to occupy the unemployed dry docks. And now, Mr. Chairman, for the sake of brevity, instead of having these amendments offered piecemeal, one at a time, I believe we ought to adopt an amendment providing for a dry dock and navy yard in every congressional district and send them down to the document room for distribution. [Laughter.]

The pro forma amendments were withdrawn.

The Clerk read as follows:

BUREAU OF AERONAUTICS

AVIATION, NAVY

For aviation, as follows: For navigational, photographic, aerological, radio, and miscellaneous equipment, including repairs thereto, for use with aircraft built or building on June 30, 1929, $1,155,000; for maintenance, repair, and operation of aircraft factory, air stations, fleet, and all other aviation activities, testing laboratories, for overhauling of planes, and for the purchase for aviation purposes only of special clothing, wearing apparel, and special equipment, $12,170,000, including $230,000 for the equipment of vessels with catapults and including not to exceed $160,000 for the procurement of helium of which such amounts as may be required may be transferred in advance to the Bureau of Mines; for continuing experiments and development work on all types of aircraft, including the payment of part-time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicists as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding $20 per diem for any person so employed, $2,000,000; for drafting, clerical, inspection, and messenger service, $820,000; for new construction and procurement of aircraft and equipment, including not to exceed $774,000 for the Naval Reserve, $14,215,000, of which amount not to exceed $10,000,000 shall be available for the payment of obligations incurred under the contract authorization for these purposes carried in the Navy appropriation act for the fiscal year 1929, approved May 21, 1928 (45 Stat. 637); toward the construction of one of the rigid airships as provided in the act authorizing construction of aircraft, etc., approved June 24, 1926 (U. S. C., Supp. I, p. 223, sec. 749a), $1,000,000; in all, $31,360,000, of which $248,000 shall be available immediately; and the money herein specifically appropriated for "Aviation" shall be disbursed and accounted for in accordance with existing law and shall constitute one fund: *Provided*, That in addition to the amount herein appropriated and specified for expenditure for new construction and procurement of aircraft and equipment, the Secretary of the Navy may, prior to July 1, 1931, enter into contracts for the production and purchase of new airplanes and their equipment, spare parts and accessories, to an amount not in excess of $10,000,000: *Provided further*, That not to exceed $150,000 of the appropriation "Aviation, Navy, 1927," shall remain available until June 30, 1930: *Provided further*, That no part of this appropriation shall be expended for maintenance of more than six heavier-than-air stations on the coasts of the continental United States: *Provided further*, That no part of this appropriation shall be used for the construction of a factory for the manufacture of airplanes: *Provided further*, That the Secretary of the Navy is hereby authorized to consider, ascertain, adjust, determine, and pay out of this appropriation the amounts due on claims for damages, which have occurred or may occur to private property growing out of the operations of naval aircraft, where such claim does not exceed the sum of $250.

Mr. FRENCH and Mr. MCKEOWN rose.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent that the word "procurement," on page 35, line 13, may be properly spelled.

The CHAIRMAN. Without objection, the spelling of the word "procurement," on page 35, line 13, will be corrected.

There was no objection.

Mr. MCKEOWN. Mr. Chairman, I make a point of order against the language on page 35, line 14, after the word "helium," "of which such amounts as may be required may be transferred in advance to the Bureau of Mines."

The CHAIRMAN. On what ground, may the Chair inquire?

Mr. MCKEOWN. That it is not authorized by law.

The CHAIRMAN. Does the gentleman from Idaho desire to be heard?

Mr. FRENCH. The language to which the point of order is directed is the language that provides that moneys may be transferred in advance to the Bureau of Mines for the purchase of helium.

Mr. MCKEOWN. But the language is—

of which such amount as may be required may be transferred in advance to the Bureau of Mines—

And I say that is not authorized by law.

Mr. FRENCH. I think the point of order is not sound for the reason that the Bureau of Mines has been authorized to construct a helium-producing plant, and such plant is now completed or practically completed, at an expenditure of something like $1,600,000 or $1,700,000, including money that has been paid for leases.

The plant is in such shape that in a very short time, possibly 30 days, certainly not more than 90 or 120 days, it can be in operation. The general law provides for the transfer of money from one department to another. I now direct the attention of the Chairman to Forty-first Statutes at Large, page 613, chapter 194, wherein we find the following language:

SEC. 7. That whenever any Government bureau or department procures, by purchase or manufacture, stores or materials of any kind, or performs any service for another bureau or department, the funds of the bureau or department for which the stores or materials are to be procured or the service performed may be placed subject to the requisitions of the bureau or department making the procurement or performing the service for direct expenditure: *Provided*, That funds so placed with the procuring bureau shall remain available for a period of two years for the purposes for which the allocation was made unless sooner expended.

It seems that there is no question that authority exists for precisely what we have provided for in the bill.

Mr. MCKEOWN. Does the gentleman recollect that we recently passed a bill setting out that the department should buy helium from private individuals if they sold it cheaper than the bureau of the Government? This is in contravention of that statute.

Mr. LAGUARDIA. The gentleman's point of order is not based on that.

Mr. MCKEOWN. The provision in the bill is in contravention of the law. The statute says that they shall buy from private individuals if the private individuals sell it cheaper.

The CHAIRMAN. Will the gentleman from Idaho give the Chair the citation again?

Mr. FRENCH. It is Forty-first Statutes at Large, page 613, chapter 194. It is also in the volume of the Navy Laws, which I shall send to the desk.

Mr. MCKEOWN. I want to call attention to the Chair the fact that we passed a bill relative to the production of helium in the Sixty-eighth Congress, and in that it provided that the United States should buy from private parties wherever and whenever they could buy it cheaper than they could from the Government. In other words, they gave the private individual some opportunity if he could sell it cheaper than the Government.

Mr. FRENCH. I think the gentleman from Oklahoma is under a misapprehension. There is nothing in the language that requires the Government to buy from the Bureau of Mines. We used the word "may."

Mr. McKEOWN. There is nothing here giving private parties the opportunity to sell if they can sell cheaper to the Government.

Mr. ARENTZ. The language in the bill is clear:

Where the procurement of helium, of which such amounts as may be required may be transferred in advance to the Bureau of Mines.

If that does not mean purchase from the Bureau of Mines, what does it mean?

The CHAIRMAN. Will the gentleman from Oklahoma cite the Chair to the statute that he alludes to?

Mr. McKEOWN. Mr. Chairman, I have not the statute here, but I think I can give the language.

The CHAIRMAN. The Chair thinks it is necessary for him to have the statute before him.

Mr. JONES. Mr. Chairman, I call the attention of the Chair to the fact that in the act to which the gentleman refers there was a provision that the Bureau of Mines should furnish the Army and the Navy such amounts as they required, and this is in strict accord with both the naval law and the helium law. I think the gentleman's point of order is not well taken.

Mr. McKEOWN. The act was passed in the Sixty-eighth Congress.

The CHAIRMAN. Unless the gentleman from Oklahoma can give the Chair a definite citation of the statute, the Chair is obliged to overrule the point of order. The Chair overrules the point of order.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word. Gentlemen, you talk about the Government in business and keeping the Government out of business. What are you doing? It depends upon whose business it is that you are going to keep the Government out of it. Private operators expend their money to produce helium gas. The Government undertakes through its departments to horn everybody out of the business. After a private party goes in, manufactures it, then comes along the Bureau of Mines and tells the Navy Department and the War Department that they can let them have helium for $20 a thousand; but they do not count in the overhead, the cost of the buildings erected by the Government, and so forth. They do not figure that overhead in, and they do not figure the cost. They then come up here and say that they can make it for less money.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. PERKINS. It seems to me that if you read carefully this appropriation it means that there is appropriated $160,000, part of which may be transferred to the Bureau of Mines to purchase helium, but it does not provide for the transfer of helium. It simply provides that they can purchase helium out of the $160,000.

Mr. McKEOWN. Here is what is taking place, and it does not make any difference whether you call it a transfer to buy helium or not. The Bureau of Mines has gone into the helium business. The Congress put a provision in the helium bill regulating the sale of helium that they should buy from private individuals, if they could buy it cheaper.

I have no objection to the Government having supervision or the right to go in at any time its necessities require and acquire all of the helium it wants, but let me show you what they do to that business. Suppose you are in the helium business. You figure your cost on the amount of overhead and the amount of your capital that you have invested, but here comes the Government and puts in this money and they want to sell it back to the Government at just what it cost to put it in, not counting in the operating cost or the capital invested.

Mr. BLACK of Texas. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. BLACK of Texas. I understand that the helium plant at Fort Worth cost $4,000,000.

Mr. McKEOWN. Yes.

Mr. BLACK of Texas. I doubt if they produced that much helium throughout the entire operation of the plant. I understand that it has been discontinued and is to be turned into a fish hatchery. I am wondering how it may be used for that purpose.

Mr. McKEOWN. I was here on the floor opposing the construction of the plant at Fort Worth because I took the position at that time that the helium territory at that time was not adjacent to Fort Worth, but on account of more powerful influences it went to Texas and left the helium country in Oklahoma and Kansas without any plant, but as the gentleman says, we invested our money, and you are doing it again through the Bureau of Mines. You are giving them thousands and thousands of dollars to go out there and put out of business the private people who have invested their capital in good faith, wanting to sell to the Government.

Mr. HOWARD of Oklahoma. Is it not a fact that the policy of the Government in the handling of helium is throttling private enterprise and permitting daily millions of feet of gas to be consumed in which there is helium, which can not find a market, and which consequently is not expected?

Mr. PERKINS. Can the gentleman inform us when the plant at Fort Worth was constructed?

Mr. McKEOWN. It was constructed some time prior to 1920.

Mr. PERKINS. About 10 or 11 years ago?

Mr. McKEOWN. Yes. I have no objection, be it understood, to the Bureau of Mines going out and investigate to find out how cheaply helium can be produced. I have no objection to the Bureau of Mines selling it, if the Government wants to go into the business, to the different departments of the Government, but I do object to the Bureau of Mines selling it for just what it costs them to produce, without counting in the overhead and the investment of the United States Government.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. SCHAFER. The Democratic Party put the Government into this helium business in 1918, did it not?

Mr. McKEOWN. I suppose that all of us put it in; the Republicans voted for it, just as the Democrats did.

Mr. UNDERHILL. What is the gentleman's attitude on Muscle Shoals?

Mr. McKEOWN. I will tell the gentleman exactly. There is no use of expressing your opinion on a matter that for the present is dead, but I will give you my opinion about it. I have been of the opinion all of the time that it should be so run as to yield a fair return to the people of the country, who put their money in it—that is, the people of the United States—and so that the most good can be obtained from it at reasonable rates to the people. That is what I think about it. If the Government intruded in the gentleman's business, I am sure that he would join with me in saying that he wanted the Government out of it.

Mr. FRENCH. Mr. Chairman, I think that I should make a short statement to the House upon the helium question. What the gentleman from Oklahoma [Mr. McKEOWN] has said touching the investment of the United States in Texas at Fort Worth, is generally correct. I am not commenting on the details. The helium bearing gas from which we have been extracting helium at the Fort Worth plant has become so nearly exhausted that it is not profitable to operate the plant any more. With that thought a new plant under the Bureau of Mines was provided for less than two years ago, to be constructed at some other place. The place chosen is Amarillo, Tex. That plant, together with the pipe line, has cost $775,000. The Government has made an investment of $855,800 in gas fields, largely in leases, as I understand it, making a total investment in the new Amarillo plant of $1,620,800. The committee has estimates from the Bureau of Mines that the helium from that plant can be produced if we will give the Bureau of Mines the opportunity of producing as much as 675,000 cubic feet per month, at $20 per thousand cubic feet, and at a less cost for increased production. There is a private plant at Dexter, Kans., which has been operating for less than a year and a half. That plant cost about one-half million dollars. From that plant we can purchase helium at about $35 per thousand cubic feet. The gentleman from Oklahoma says that the overhead of the Government plant in Texas ought to be figured in as part of the cost to the Government of helium from the plant, if we are going to compare the cost of the Government's production of helium with the cost of procuring it from a private plant. That may be true from the standpoint of economic comparisons, but is it true from the standpoint of cost to the Treasury?

The investment of the Government has been made. Rightfully or wrongfully we own the plant. We thus have this plant investment whether we purchase from a private institution or take the helium from the plant owned by the Government. You can not get away from it. You must keep the plant in some sort of repair whether operated or idle. You must take into account the interest upon the investment. In other words, by purchasing helium from a private plant you do not stop the overhead expense at the Government plant. You must add it in to the cost of the helium whether you purchase helium from the Government or from the private plant. If that is true, we must approach this question upon the basis of where we shall be able to procure helium the cheapest. We found we could procure helium from the Government plant at a cost not greater than $20 per 1,000 cubic feet, exclusive of the investment cost, as against about $35 per 1,000 cubic feet from a private plant. However, we do not undertake to require that the Government purchase from the Government plant. We have left it clearly

optional with the department. We have used the word "may" so that if a private plant may produce helium at an attractive price, or if the Bureau of Mines can not meet the situation, the Navy Department may have an opportunity to purchase wherever it may do so.

Mr. McKEOWN. Will the gentleman yield?

Mr. FRENCH. I will.

Mr. McKEOWN. Will the gentleman tell us how much it cost the Government per 1,000 cubic feet of helium when you take into consideration the total amount of investment that is put into the proposition?

Mr. FRENCH. Oh, the gentleman would have to include in that the whole investment, cost of experimental work, cost of experimentation, and so forth. Surely that would not be fair. Now, with reference to the Fort Worth plant——

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKEOWN. I ask that the gentleman may have two minutes more in order that I may ask him a question.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. McKEOWN. Suppose the United States Government should go into the gentleman's district and take some of the fine, rich potato land out in the State of Idaho and go into the potato business. Would the gentleman say that the Government of the United States should just measure the price they could purchase at without computing the cost to private people?

Mr. FRENCH. The gentleman's illustration is not apt. The Government does not want to go into private business and it is not seeking to do so. We are told by the experts from the Bureau of Mines that it is estimated that we have enough helium in the United States to last our country 700 years upon the basis of the use of 10,000,000 cubic feet per year. But no one knows and no one knows the waste that will go on.

Mr. McKEOWN. I just wanted to say we have some figures on Fort Worth.

Mr. FRENCH. Yes; and I am glad the gentleman interjected that observation for the reason that we do not know. We can not tell how much helium there may be in the earth in the United States. So far as we know the world's great store of helium is within the United States. No other country has helium to any great extent. The scientists in Japan are trying to extract helium from the gases of volcanos.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FRENCH. I ask for three additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FRENCH. The scientists in Germany and other countries are working to see if they can not extract helium from the air, from other gases, or if they may not discover a gas which is not inflammable.

Helium is so valuable that under the law it may not be exported from the United States except upon permission from the President.

Now, that leads me to a point that is pertinent right here. The Dexter Field, in Kansas, where the private plant is located, is a field that contains gases that are not used commercially, in addition to gases from other wells of commercial value. The gases from which the helium is being extracted in that field to-day are gases which do not have commercial value. Helium ought to be conserved in a field like that.

In the Texas field helium is infused with a gas that is being used for industry as it is flowing from the well. As it goes into industry, unless the helium shall be extracted at the time, it passes on as waste product, without anybody receiving any profit from it whatever. In the interest of conservation we ought to have regard for what seems to be natural storage.

We ought to purchase it and extract it from fields where gas is being used for commercial purposes, and not go to the fields where the helium would not be withdrawn with gasses for commercial use.

Mr. McKEOWN. Has the gentleman any information about the helium gas that is being extracted from the northern and northwestern parts of the State of Oklahoma? Is any effort being made to obtain that helium?

Mr. FRENCH. My idea is that we ought to obtain helium from the place where it is or may be taken from the earth as a by-product of another gas, and where it otherwise would go to waste.

Mr. McKEOWN. The gentleman knows that on the lands where gas of no commercial value is produced you find more and better helium?

Mr. FRENCH. Yes; and that gas ought to stay in the ground last of all. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FRENCH: Page 35, line 14, after the word "such" insert the word "sum."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. UNDERHILL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. UNDERHILL: Page 37, line 7, strike out "$250" and insert "$500."

Mr. UNDERHILL. Mr. Chairman, it is ridiculous to make a limitation of $250 in case of airplane accidents which may be settled directly by the department. The Committee on Claims has within two weeks considered one of these accidents, which damaged four different owners of property, and every case in excess of $300. In each instance it has been necessary to bring before Congress a special bill, to take up the time of the committee and of the House and of the Senate, in order to settle a just debt owed by the Government to one of its citizens—a debt which could have been settled in five minutes by the department without anybody losing anything or the Government being in any way mulcted of anything. There should be no limit on the departments. Honest and immediate settlement is the only law.

I recognize that that is too revolutionary and too arbitrary to effect any such amendment as that to prevail; I offer an amendment increasing the amount to $500, and, if I am here when another such bill is considered, I may offer an amendment for $1,000, and so on, until Congress is educated to the policy of referring these matters to the department where they belong, where they can be settled without delay, without suit, without the intervention of a lawyer, and without economic waste.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. SCHAFER. That would not preclude a claimant from bringing a claim to Congress if the Navy Department were arbitrary. They are very arbitrary in many cases in order to cover up the negligence of some member of their establishment.

Mr. UNDERHILL. Congress has been very liberal with the public.

Mr. BLACK of Texas. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BLACK of Texas. My recollection is that we have a general law that does permit the Secretary of the Navy in these cases to settle a claim of not more than $250. I did not make a point of order because I think the limit of $500 is a reasonable one. But the Congress has heretofore refused to adopt a law making a claim payable by the department in too large amount.

Mr. UNDERHILL. The department has a law to enable them to settle damage claims caused by United States vessels up to $1,000.

Mr. BLACK of Texas. That does not apply to aircraft, as I recollect it. My recollection as to the paragraph relating to aircraft is that the limitation is $250.

Mr. UNDERHILL. My recollection is that the Army already has the privilege of settling claims up to $500. I think this amendment will surely do no harm. I hope the chairman of the committee will accept the amendment.

Mr. FRENCH. Mr. Chairman, I am advised that the provision in the Army bill is $250. On the other hand, it seems to me the amendment is in line with good business and good sense. If in a businesslike way, when an airplane is required to make a forced landing and plow through a garden or through a field of grain, an adjustment could be made within 30 days after the accident may have occurred, the Government would be advantaged and so would the individual who has suffered the loss. On behalf of the committee, I am glad to accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

The Clerk read as follows:

For miscellaneous supplies, material, equipment, personal and other services, and for other incidental expenses for the Marine Corps not otherwise provided for; purchase, repair, and exchange of typewriters and calculating machines; purchase and repair of furniture and fixtures; purchase, exchange, and repair of motor-propelled and horse-drawn pas-

senger-carrying and other vehicles, including parts; veterinary services and medicines for public animals and the authorized number of officers' horses; purchase of mounts and horse equipment for all officers below the grade of major required to be mounted; shoeing for public animals and the authorized number of officers' horses; books, newspapers, and periodicals; printing and binding; packing and crating of officers' allowance of baggage; funeral expenses of officers and enlisted men and accepted applicants for enlistment and retired officers on active duty and retired enlisted men of the Marine Corps, including the transportation of their bodies, arms, and wearing apparel from the place of demise to the homes of the deceased in the United States; construction, operation, and maintenance of laundries; and for all emergencies and extraordinary expenses, $2,028,159: *Provided*, That there may be expended out of this appropriation not to exceed $23,100 (including the exchange value of any vehicles which may be used as part payment) for the purchase of 17 motor-propelled passenger-carrying vehicles, the gross cost of any one vehicle not to be in excess of the respective amounts which follow: Three, $2,000 each; four, $1,300 each; ten, $650 each; also 20 motor cycles, cost not to exceed $270 each: *Provided further*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, drafting, inspection, watchman, interpreter, and messenger service in the classified field service of the Marine Corps, for the fiscal year ending June 30, 1930, shall not exceed $90,000.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent to return to page 42, which is less than two pages back, for the purpose of correcting the typographical structure of the sentence. One line seems to have been dropped and reinserted in the wrong place. The amendment which I desire to offer will correct that.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent to return to page 42 for the purpose indicated. Is there objection?

There was no objection.

Mr. FRENCH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FRENCH: On page 42, line 14, strike out all the matter in line 14 and insert in lieu thereof the following: "ment, including cash in lieu of ferriage and transfers en-."

The amendment was agreed to.

The Clerk read as follows:

INCREASE OF THE NAVY

Construction and machinery: On account of hulls and outfits of vessels and machinery of vessels heretofore authorized, $22,750,000, and in addition the Secretary of the Treasury is authorized and directed to make transfers during the fiscal year 1930 from the naval supply account fund to this appropriation of sum aggregating $2,000,000, and the total sum hereby made available shall remain available until expended.

Mr. FRENCH. Mr. Chairman, on page 45, line 9, I move to strike out the word "sum" and insert the word "sums."

The CHAIRMAN. The gentleman from Idaho offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FRENCH: Page 45, line 9, strike out the word "sum" and insert in lieu thereof the word "sums."

The amendment was agreed to.

The Clerk read as follows:

Armor, armament, and ammunition: Toward the armor, armament, and ammunition for vessels heretofore authorized, to remain available until expended, $12,000,000.

Mr. FISH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FISH: Page 45, line 14, after "$12,000,000," add the following: "*Provided*, That any contract for naval construction may be canceled in whole or in part by the President at his discretion which is inconsistent with the terms of any treaty hereafter ratified to further limit naval armament."

Mr. WAINWRIGHT. Mr. Chairman, I make the point of order that that is legislation upon an appropriation bill.

Mr. FISH. Will the gentleman reserve his point of order?

Mr. WAINWRIGHT. I will reserve the point of order so that the gentleman may make a statement.

Mr. FISH. Mr. Chairman, of course, the amendment is subject to a point of order; but the amendment I propose, if my colleague from New York will study it, does not interfere or limit the naval appropriations except after a treaty has been ratified by the Senate of the United States. Then it gives the President power immediately to curtail, cut down, or cancel the appropriations for the construction of ships in the event a treaty to limit armament is ratified. It does not simply require an agreement to be reached, but actually requires a treaty to be ratified. I am sure that if the gentleman understands the exact situation he would not care to tie the hands of the President of the United States to cancel contracts for naval construction after a treaty has been ratified to limit naval armament. It is an entirely different proposition than that of entering into an agreement for naval limitation which has no legal standing until it is ratified by treaty. A provision already exists under the bill that was passed yesterday empowering the President to suspend all construction in case an agreement is reached to limit naval armament, and this gives him power to cancel naval contracts in case a treaty is ratified. Certainly the gentleman can not find any objection to a proposition of that kind.

Mr. SCHAFER. Will the gentleman yield?

Mr. FISH. Yes.

Mr. SCHAFER. I think the incorporation of the gentleman's amendment in this bill would have a tendency to increase the cost of these repairs and alterations, because it would be necessary to have a cancellation clause in the contract; and with that cancellation clause in the contract the bids would necessarily be higher.

Mr. FISH. No. The purpose of the amendment is to save money to the Government. The main purpose of the amendment is to free the hands of the President when he goes into a conference to limit naval armament; and, secondly, to save money to the Government, because if you ratify a treaty it may be months before the President can be empowered to cancel existing contracts.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. FISH. I yield.

Mr. LaGUARDIA. Of course, I am sympathetic toward what the gentleman is trying to do, but with respect to strengthening the hands of the President, we strengthened them with 15 cruisers, and then had the inconsistency to say that we were looking to a disarmament conference.

Mr. FISH. I am very strongly for the 15 cruisers.

Mr. LaGUARDIA. Then the gentleman is inconsistent, too.

Mr. FISH. No; because I am in favor of parity or equality with Great Britain, but I believe that Great Britain and Japan are ready to agree to a limitation upon light cruisers such as we authorized yesterday. I voted with an overwhelming majority of the House in favor of the 15 cruisers, but believe provocative competition can only be prevented by calling a conference in the near future to extend the 5-5-3 ratio to light cruisers.

Mr. WAINWRIGHT. Mr. Chairman, I think we can face the situation contemplated by this amendment when it arises.

No such situation can arise until a future Congress, and I believe it can then be met. I feel, though, that the conditions and the mandatory provision relating to the construction of these cruisers as contained in the bill which has now passed both Houses and which either has been or we hope will be signed shortly, should not in any way be qualified or subjected to any further conditions. I must insist upon my point of order.

Mr. FISH. Does not the gentleman know that the President already has the power to suspend all construction under the bill that passed yesterday? This is to give him the right and the power after a treaty is ratified to cancel all appropriations, in whole or in part, to conform with any limitation of armament treaty hereafter ratified.

Mr. TEMPLE. Will the gentleman yield?

Mr. FISH. Yes; I yield.

Mr. TEMPLE. Is it not true that a treaty when it is ratified becomes a law and supersedes any statute of earlier date?

Mr. FISH. That is a question for the courts to decide.

Mr. TEMPLE. Have they not already decided it?

Mr. FISH. I think they have uniformly held that a treaty and a law of Congress are of equal force.

Mr. TEMPLE. Of equal power, and the one of later date is the one that is to be enforced.

Mr. FISH. That is a question for the courts.

Mr. WAINWRIGHT. Mr. Chairman, I insist upon my point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BLACK of New York. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BLACK of New York. Mr. Chairman, President Coolidge in his Armistice Day speech has brought to the forefront the question of our naval inadequacy. Now that America has become the leading economic unit of the world it is well that we take a reckoning of our power on the seas.

In 1916 President Wilson, conscious of our advancing economic status, inaugurated a great naval program as a guaranty for our commercial security. The main feature of the program was the large battleship of great speed, range, and tonnage. This plan was interrupted by the war. Ship workers were required to build merchantmen and destroyers as a protection for the merchant ships. In 1919 the Wilson program was renewed, and we were well on our way to having the leading navy of the world when British statesmen became alarmed at our naval and economic expansion.

The first sea lord, Admiral Wemyss, insisted that we abandon our naval and commercial maritime program. Pacifists in America followed the British Admiralty, and after British propaganda had steamed up the disarmament cult, President Harding called the Washington conference. Uniform disarmament may make for peace, but unilateral disarmament, such as America disarming while Britain arms, has a quite different effect.

The American proposals at the Washington disarmament conference were fair enough, but the other powers considered the conference a maneuver in the naval war game, and we were defeated.

We proposed under our main plan—

the use of capital-ship tonnage as the measurement for strength for navies and a proportionate allowance of auxiliary combatant craft prescribed.

By this we intended that there be a reduction by all powers in battleship tonnage and a reduction in proportion of light cruisers, destroyers, and submarines.

The conference proceeded to work on this basis—naturally the first unit to be considered was the capital ship, the ship of over 10,000 tons. We agreed on a ratio of capital ships to Britain and Japan known as the 5–5–3. For every 5 tons of capital-ship construction we were to have, Great Britain was to have 5 tons and Japan 3 tons. No new construction, except specified replacements, were to be built which were over 10,000 tons or to carry over 8-inch guns. Great Britain and the United States were each allowed to have 135,000 tons of aircraft carriers.

We scrapped 11 ships out of 15, 40 per cent completed, on which we had spent four hundred millions. We scrapped 32 ships of a total tonnage of 842,380 tons, 552,800 of which was new construction. Great Britain scrapped 447,750 of old tonnage. Great Britain scrapped 22 ships, 18 of which were obsolete. We further agreed not to fortify naval bases in the Pacific. Japan and Great Britain were free to strengthen theirs.

Moreover, as the relative capital-ship power worked out Great Britain has 558,950 tons of capital ships, while we have 525,850 tons. Britain's ships are faster and of greater ranges. The British compute normal displacement with a light load, while we compute it with a maximum load. So the actual British tonnage approaches 600,000 tons. The British list the *Renown* at 26,500 tons, but when she passed through the Panama Canal with a light load she weighed 33,379 tons. Our *Mississippi* and *Idaho*, listed at 32,000 tons, went through the canal the same year, but in actual displacement were far less than the *Renown*.

The broadside fire of our three largest ships is 16,800 pounds, while that of the three largest British vessels is 21,060 pounds.

We in 1922 were in a better financial position to proceed with capital-ship construction than the other powers. Our wealth amounted to $320,803,862,000, Great Britain's to $120,000,000,000, Japan's to $22,500,000,000.

It is quite apparent, then, that at the Washington conference the United States made a most substantial contribution for peace through disarmament. But Great Britain and Japan did not see the conference in that light. Instead, they applied the money saved through curtailed battleship construction to large cruisers and submarines, throwing out of balance the 5–5–3 formula.

Since the conference Great Britain has provided for the construction of 28 cruisers in excess of 7,500 tons each. We have been forced by Great Britain's building plans to provide for 18 in excess of 7,500 tons. Considering all modern cruisers provided for, the British have 67 of a tonnage of 386,636, Japan 33 of a tonnage of 206,415, and the United States 18 of a tonnage of 146,000. This makes the tonnage ratio: British Empire, 5.0; Japan, 2.7; United States, 1.4. In 1931, when there may be another conference should the powers party to the Washington conference agree to call one, the British will have 30 cruisers carrying 8-inch guns with a range of 7 miles and we will have 8. Even if the President signs the 15 cruiser bill, we will be far behind Great Britain in 1931. Moreover, the British have 888,000 tons of fast merchant ships that could be converted into 6-inch-gun cruisers, while we have only 188,000 tons.

The British have in light cruisers of 20 years of age or less and a speed of over 27 knots, known as first-line cruisers, 58 of a tonnage of 362,596. We have 13 of a tonnage of 155,000. Japan has 18 of a tonnage of 196,000.

In cruisers 20 years or less of age and a speed of less than 27 knots, known as second-line cruisers, the British have 9 ships of 5 to 16 years of age of a tonnage of 48,380. We have 6 ships of from 19 to 20 years of age of a tonnage of 53,930. Of cruisers past the effective age of 20 years we have 16 ships, while the British have none.

All the naval experts of all the powers agree on the tremendous value of cruisers, so that when we consented to a disarmament of capital ships and left the field for building cruisers open, and the British and the Japanese took advantage of the letter of the treaty and constructed modern cruisers, the Washington conference worked to the decided disadvantage of the United States.

When the Geneva conference was called it was for the purpose of bringing about a disarmament of auxiliary craft, particularly cruisers. The position of the United States and Great Britain at the Washington conference was reversed at the Geneva conference. At the Washington conference we had the strength and sacrificed it. At the Geneva conference Great Britain had the strength and refused to sacrifice it. Instead of agreeing to cut down her cruiser strength at Geneva, the British insisted that their minimum need was 70 cruisers, asking in all for a 600,000-ton cruiser construction. We suggested a maximum of 300,000 tons of cruiser tonnage.

Great Britain further wanted to divide the cruisers into two classes, the 10,000-ton 8-inch-gun cruisers and the 6,000-ton 6-inch-gun cruisers. If an agreement had been worked out on that basis, we could have had an equal number of 10,000-ton cruisers with Great Britain and an equal number of the 6,000-ton cruisers, but this would not be a parity in cruiser strength, because Great Britain has four bases in the Atlantic—one at Bermuda, one at Halifax, one at Trinidad, and one at St. Lucia. Our 6,000-ton cruisers would be comparatively useless to us because of our lack of bases, whereas the 6,000-ton cruisers of the British could be put to the utmost utility because of these accessible bases. This proposal of Great Britain was fraught with trickery and it is to the credit of the American delegation that they did not subscribe to it. Great Britain does not want to give us parity in naval strength, although Great Britain has always proclaimed her right to rule the seas based on her economic position. That economic position has been changed in favor of us since the war. Accepting the British precedent, we have a right to rule the seas. However, we have not insisted on that, and at the Washington conference agreed upon a parity of naval strength. But the British position on this some time after the disarmament conference was stated by the Chancellor of the Exchequer, Mr. Winston Churchill, when he said:

Therefore we are not able now, and I hope at no future time, to embody in a solemn international agreement any conditions which would bind us to the principle of mathematical parity in our naval strength.

Parity in naval strength to the British means the surrender of their age-long claim to the rule of the seas, and no British political party will be at any time ready to acquiesce in parity. Indeed, it was the Labor Party, through Mr. Ramsey MacDonald, that departed from the spirit of the Washington conference and started the erection of modern cruisers in 1924. I have always believed that we would not be in the naval snarl we now find ourselves had our State Department protested against the building of these modern cruisers by Great Britain as a violation of the spirit of the Washington conference. The great naval issue to-day is cruiser strength. Japan, after the disarmament conference, fostered a plan for the construction of 22 cruising submarines, hiring the best German submarine experts to supervise the construction. We have a large number of old and small submarines, and their use was restricted to our disadvantage by the rules laid down at the Washington conference.

The British since the disarmament conference have 16 fleet submarines built or in building and 12 more authorized. The Japanese have 25. We have 6 built or building, and at the last Congress we appropriated a small sum for plans for 3 more, so that on fleet submarines, which are the submarines capable of operating with the fleet, we are far below the 5–5–3 ratio; and this is another item that has unbalanced the 5–5–3 ratio. We have no destroyer leaders. These are a slightly larger type of destroyer, with greater speed, and are necessary to direct the movement of a destroyer squadron, and there should be 1 destroyer leader for each group of 18 destroyers.

Great Britain has 18 destroyer leaders, while Japan has 24. We outrank Great Britain in the number of destroyers, having 262 to Great Britain's 156; but about 164 of our destroyers are out of commission, but the Navy Department states that they are constantly being oiled and kept in trim. However, by 1936 all of them will have reached the age limit for destroyers of 16 years. Those who oppose our building cruisers state that our destroyer strength offsets the British cruiser strength. That is not so, for the light cruisers of Great Britain, with a greater gun range and greater speed and accessible bases, according to Admiral Hughes, could with impunity destroy our destroyers.

Some opponents of increased naval strength in the United States set forth that the British require a greater navy because of their so-called isolation and their need of keeping the lanes of the sea open for food supplies. As a matter of fact, it will be quite easy for the British to assure their food supply from continental Europe by the use of mines and submarines. The British bill for imported foods yearly is $2,500,000,000, while the United States imports food of the value of $1,160,000,000. The British actually want the cruisers for the purpose of maintaining a blockade in case of war, so that neutral commerce can not make contact with the British foe. The British are more concerned with power to starve a hostile nation than they are with their own food supply, which can be guaranteed safe passage from nearly any port of continental Europe to Great Britain.

We have reached a point of economic rivalry with Great Britain that can only be protected by an adequate navy. In 1926 we led Great Britain in the ratio of 91 to 85 in the relative value of our foreign trade; and despite this, even though we adopted the 71-ship program suggested by the General Board of the Navy at the last session of Congress, the British would have 400,000 tons of cruisers to protect their trade five years before we had. We have a world trade of $10,000,000,000 that we must protect. We have such focal positions to be guarded as the principal points of the Atlantic, the Pacific, and the Gulf coast, the Panama Canal Zone, and the Hawaiian zone.

We have the liberties of approximately 120,000,000 people to safeguard. It is a strange thing that Great Britain, with a lesser stake in the world than we, and a member of the League of Nations, insists on a fleet greater than ours. Surely, if the League of Nations means anything, there is no possibility of a British conflict with any member of the league, so that the only reason for the intensive British naval construction is the possibility of trouble with the United States. There should be disarmament in the world and particularly should the members of the League of Nations, in view of this cooperative agreement, be ready and willing to lead in disarmament. The recent Franco-British naval agreement, by which the cards were to be stacked against us at any future disarmament conference, shows a bias on the part of European nations against us, because by this secret accord the French were to agree with the British that the British design for light-cruiser strength was to be the paramount consideration of a future naval conference.

If the League of Nations does not warrant disarmament of its members, surely it does not relieve us of the duty to maintain a navy. The thesis of the league on disarmament is an incentive to naval construction. The league proposes at some future time to pass a disarmament resolution to the effect that the member nations shall not arm beyond their then strength. This naturally makes for extensive construction in the meanwhile, as each nation will want to approximate maximum power at the time of the resolution.

By the Kellogg treaties the abstraction, war, is renounced as an instrument of national policy, but, so far, none of the subscribing powers have destroyed a ton of steel naval vessels as an instrument of national policy.

After much shifting the administration seems to have found its bearings on the naval question and insists on building up the Navy to the 5–5–3 ratio. This is a simple duty under the preamble to the Constitution. When the 71 ship bill was offered public opinion reacted against it because it was felt that three-quarters of a billion dollars would be spent immediately on the Navy. That was due to a misunderstanding of congressional procedure. In Congress we can not appropriate for one single naval vessel unless the law provides, prior to the appropriation, that that vessel may be built. In other words, if the 71 ship bill were passed, then Congress could appropriate, from time to time, for the units provided for in the 71 ship legislation.

In 1916 Congress passed a bill for nine fleet submarines, and it was not until the last Congress that money was appropriated for plans for the last three of these, and we have not appropriated money for the destroyer leaders that were provided for by the 1916 act. If the naval appropriation bill is before the House, and a Member offers an amendment to add moneys for the construction of one ship, and that one ship is not authorized by law, the amendment will be thrown out by the House on a point of order. I believe that the Senate should add to the 16-ship bill that is now pending before it an amendment to cover the 71 ships originally asked for by the Navy Department. That would give us a well-balanced program calling for an expenditure, over a period of years, within our means, for the building up of the Navy.

Such a policy would have a powerful effect on disarmament throughout the world. No nation is in a position to compete with us in the building of naval vessels. We are spending about $6 per year on the national defense, while Great Britain is spending about $16 a year and can not go much further. Lord Nelson said that—

there is no more powerful negotiator in the councils of Europe than a fleet of British war vessels.

There would be no more powerful negotiator toward real disarmament than the expressed determination of this country to build a large Navy.

A navy, though not fighting, is not wasted. As a matter of fact, our Navy does not cost us, per annum, 1 per cent of our Navy-protected trade. Building a navy is of great benefit to the industry of the country. We have fallen behind considerably in the construction of merchant ships. Since the Washington conference we have built 18 merchant ships of a total tonnage of 195,000 while Great Britain has built 882 approximating in tonnage 5,000,000 tons. As a result the shipbuilding industry is in a deplorable condition. Out of 60 shipways in five East coast yards, 50 were vacant until recently. Our navy yards are considerably undermanned due to lack of work. The material for ship construction is gathered from all over the United States, and so money appropriated for the Navy vessels goes to all parts of the country and helps to vitalize all industry. In case of emergency it would not be an easy thing to assemble the mechanical personnel needed to build ships, and those who believe that we could create a Navy in five days to meet an advancing British fleet have little insight into shipbuilding conditions. There are 61,600,000 tons of merchant tonnage in the world as a whole. Of this the United States has only 4,000,000 of tons suitable for competitive trade.

Over 46 per cent of the world's total new tonnage is British owned, and so a large part of our trade is carried in British ships, much to the hindrance of American industry. The building of a navy and a merchant marine under the Jones-White bill as part of the naval reserve will help to restore the shipbuilding industry. It has been testified to by naval authorities before congressional committees that we have not a first-class Navy. They have presented facts, as I have, to substantiate this conclusion. There is no use drawing on the imagination to bestir the American people to regain power on the seas. Those who believe we are living in an ideal world are relying too much on the imagination. In view of the world's history of 13 years of war to 1 year of peace, it is far easier to imagine war than peace. Armament does not mean war, unless it is inferior armament. As Frederick the Great said, "God fights on the side of the heaviest artillery." The Naval War College has demonstrated by six problems the inferiority of the American Battle Fleet. In three problems all our 18 ships were destroyed in a space of time running from 21 minutes to 45 minutes, while the British fleet was damaged at the highest point at 58 per cent and at the lowest point at 18 per cent. The result of these war games have been known to the administration for some time, and it is regrettable that the administration has waited until this late day to live up to its constitutional obligation in regard to he Navy. However, I believe that Congress should get back of the President and support the plan of the General Board of the Navy for the 71 ships. There is no reason why we should have a sea inferiority complex to Great Britain. Great Britain has built up its tremendous power due to its naval foresight. There was every reason in the world why we should perpetuate our great economic power by the same means. Our people want this Nation to have the dignity so markedly expressed by power on the sea. It gives us authority abroad and has a psychological reaction favorable to authority within our borders. May America be of maritime competency and let us so hope that politics does not assume the bridge and economy haul down the flag.

The Clerk read as follows:

No part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employees of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work, nor shall any part of the appropriations made in this act be available to

pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant; and that no part of the moneys appropriated and/or made available for the Naval Establishment for the fiscal year 1930 shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article, or articles that at the time of the proposed repair, purchase, or acquirement can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit, and when, in the judgment of the Secretary of the Navy, such repair, purchase, acquirement, or production would not involve an appreciable increase in cost to the Government.

Mr. TABER. Mr. Chairman, I make a point of order against the paragraph on the ground that it is legislation on an appropriation bill, and I call attention to the last part of the paragraph and to the decision of Chairman CHINDBLOM in 1926, at page 3283 of the RECORD, where the precise language in question was held to be legislation on an appropriation bill.

Mr. LAGUARDIA. Does the gentleman make the point of order on the first part of the paragraph only?

Mr. TABER. I make it on the whole paragraph. Part of the paragraph being out of order, the whole paragraph is not in order.

Mr. LAGUARDIA. The gentleman would not press it on the whole paragraph?

Mr. TABER. I would.

Mr. MILLER. Commencing at line 8?

Mr. TABER. Yes; commencing at line 8.

The CHAIRMAN. Does the gentleman from Idaho desire to be heard on the point of order?

Mr. FRENCH. Mr. Chairman, I rather think the point of order is well taken. We carried this language, as I have indicated, for the purposes set forth in my general remarks, and I would say further that it is language that has been put into the bill substantially in the same language for many years. However, I think it is subject to a point of order.

Mr. LAGUARDIA. Mr. Chairman, I desire to be heard for the purpose of not having the RECORD show that the entire paragraph is out of order. The stop-watch provision has been held to be in order.

Mr. TABER. It has been held in order and out of order.

Mr. LAGUARDIA. Yes; but the last decision reversed the ruling which held it out of order, and it has been put in appropriation bills repeatedly for years; and the rulings of the various chairmen are overwhelmingly in favor of declaring it in order.

Mr. TABER. But there is not any question about the last part of the paragraph being out of order.

Mr. LAGUARDIA. Well, I will not discuss that with the gentleman.

The CHAIRMAN (Mr. LUCE). It is not necessary for the Chair to dwell upon the provision in the first part of the paragraph, inasmuch as the last part of the paragraph is clearly out of order, and therefore, the Chair sustains the point of order to the entire paragraph.

Mr. LAGUARDIA. Mr. Chairman, I have an amendment. On page 46, after line 7, I offer the following as a new paragraph.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Page 46, after line 7, insert as a new paragraph the following:

"No part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant."

Mr. LAGUARDIA. Mr. Chairman, this provision has been in the appropriation bill in the past and inasmuch as the gentleman from New York can not now make a point of order, I submit it to the committee.

Mr. TABER. Mr. Chairman, I desire to be heard in opposition to the amendment.

This is an amendment to promote inefficiency in our navy yards. This committee has shown its friendliness to the navy yards. It desires to put new machinery and new tools in the factories of the navy yards and give the workers in the navy yards a chance to be efficient and to produce work properly and to make the repairs upon Government ships in a proper way.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. TABER. Not at this time.

This amendment is designed to prevent the full efficiency that might be realized under the guise of pretending to do something for the workers of the navy yards by putting in an amendment, which creates and promotes inefficiency.

The workers in the navy yards and their friends and their alleged friends should be in favor of every method which will produce efficiency and produce good results.

Any business establishment in the world would insist upon having the methods of efficiency that are maintained generally in the efficient plants throughout the country. We as managers, or those who legislate for the management of navy yards, ought to be in favor of efficiency in navy yards and give the workmen a chance to put the navy yards and the arsenals of the country on an efficient basis. We ought to provide all that sort of thing that promotes the welfare and opportunity of the workmen, and this amendment is against their interest.

Mr. LAGUARDIA. Mr. Chairman, this provision is nothing new. It has been in the appropriation bills for the Army and the Navy as long as I have been in Congress.

Mr. TABER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. TABER. This amendment, notwithstanding it has been in the appropriation bill so long, has worked very much to the detriment and efficiency of the workmen.

Mr. LAGUARDIA. I heard the gentleman a few days ago take the floor and talk about the efficiency of the navy yards.

Mr. TABER. I beg the gentleman's pardon.

Mr. LAGUARDIA. Does the gentleman say that the navy yards of the country are inefficient?

Mr. TABER. That is my understanding.

Mr. LAGUARDIA. You are making a very generous appropriation for inefficient navy yards. I say that our navy yards are efficient, so efficient that they have the private yards worried a great deal. They fear that the navy yards will take the business away from them. I do not see any reason for my colleagues getting unduly excited about the amendment. It is nothing new. It has been in these appropriation bills as long as I can remember. I do not believe that the chairman of the subcommittee will take the floor in opposition to it. I will not take any more of the time of the committee, because it has been passed upon so many times.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LAGUARDIA].

The question was taken; and on a division there were 27 ayes and 40 noes.

Mr. LAGUARDIA. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from New York demands tellers. All in favor of taking the vote by tellers will rise. [After counting.] Fourteen Members have arisen; not a sufficient number.

Mr. LETTS. Mr. Chairman, I make the point of order that no quorum is present.

The CHAIRMAN. The gentleman from Iowa makes the point of order that no quorum is present. The Chair will count. [After counting.] One hundred and four Members present, a quorum.

Mr. MILLER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and members of the committee, I paid particular attention to the very able address of the gentleman from Idaho delivered one week ago to-day in opening out the provisions of this bill. The gentleman always makes a splendid presentation.

I not only heard his address but I have read it and reread it since its publication in order that any points or parts that I may have missed or gotten a wrong interpretation of the language used at the time are either supplied or made clear by the published text.

On Saturday last I heard the address of the gentleman from Massachusetts [Mr. WIGGLESWORTH] and likewise I have carefully read and reread the published text as the same appears in the RECORD.

In the discussion of the Government policy to build ships at the navy yard, the matter of the comparative cost of vessels so constructed with the cost of vessels built in private yards has been presented especially by the gentleman from Massachusetts [Mr. WIGGLESWORTH]. The gentleman represents the congressional district within which is located the Fore River plant of the Bethlehem Shipbuilding Corporation. That is his good fortune. The Bethlehem Corporation is a very substantial as well as a very creditable concern. It is striving for business the same as every other private shipbuilding concern.

It depreciates navy yard competition and in this depreciation it undertakes to put the navy yards out of business as construction plants. Its hostility to the Dallinger amendment is prompted by a purely selfish interest. A long, strained, and somewhat overdrawn statement from the National Council of American Shipbuilders is inserted in the RECORD concerning the construction of cruisers in Government navy yards. For one, I do not care to take any figures on comparative costs in Government and private yards from this grossly hostile source. I prefer to at least take my figures from a fair and disinterested source, a source free from any selfish interest.

I am frank to say I represent a district within which is a Government navy yard, construction yard, repair yard, the home yard of the Pacific Battleship Fleet. I am not blind nor deaf to private interests, but I do put the national defense—the public welfare—first and above the interest of any private concern in America.

Of course, I want to see the Puget Sound yard kept in a healthy condition. I want to see it kept as a going concern, as a factor in the national defense just the same as I want to see every other Government yard kept in good condition as a similar factor. For that matter, I would like most well to see all the private shipbuilding yards in a prosperous condition, but, unfortunately, there is not enough Government and private construction to supply the necessary work. The Washington conference for the reduction of naval armaments had the definite and only purpose in view reducing the amount of naval construction of major vessels. It did this purposely and deliberately as a matter of national economy. The enormous inflation of commercial construction during the war left not only this country but the entire world with a huge surplus of commercial tonnage. Both of these conditions have operated to reduce new construction, hence the decline of shipbuilding, not only naval but commercial, and not only in our country but throughout the world. Great Britain has suffered far greater than has this country. Establishments on the Clyde, the great world center of ship construction, of all types of vessels, which before and during the war was ablaze with activity are now suffering liquidation and bankruptcy. World conditions have brought this about in Scotland. The same condition prevails here and throughout the world. I appreciate the importance of the private shipbuilding industry the same as do all of us as an auxiliary source to our supply of naval vessels, but notwithstanding this importance it is far more important in my judgment to keep our navy yards in a healthy condition. To keep a navy yard in a healthy condition means constant and continuous work for the men. If a navy yard has to depend exclusively on repair work as it comes in on the schedule when delays and other uncertainties are present, there is a constant laying off and taking on of men. This leads to the better men, the better grade of mechanics, going elsewhere where there is constant employment.

Ship construction at navy yards has for one of its purposes a reservoir, so to speak, for employment during the lean repair periods. By this I do not mean that new construction is considered as an "odd job," but I do mean that the crews on construction work are frequently increased or decreased dependent upon the regular or irregular flow of repair work.

The second principle, and probably as important a factor as the one just suggested which lead the Government to install construction equipment in navy yards, is that they may thus become a competitor and thereby a stabilizing factor in the price to be paid for the construction of vessels of war. This latter is of the utmost importance and it is to get rid of this "stabilizing factor" that private-yard interests are now bending every energy to kill off the Government yards, or at least to minimize their activities. Private yards would then be without competition which we all know, in the light of common experience, would not tend to bring lower cost of production as far as Government work is concerned. Monopoly control does not tend to reduce the cost of production in any line or anywhere.

Viewing the matter, therefore, from the standpoint of selfish interest, I am not surprised at the concerted assault on navy-yard construction, and especially on the Dallinger amendment, by this high-sounding and especially imposing National Council of American Shipbuilders.

Any organization that has for its only purpose the putting of a competitor out of business can not make much of an impression on the American Congress. And think of doing this by law, a law that you and I will have to vote for. The policy of the Government in installing construction equipment in its navy yards was not done without certain purposes in view. It was not done accidentally or incidentally. It was not done from any hostility toward private enterprise. It was done with the definite purposes in view and one of these was to keep private yards within the range of reason in prices. The margin of profit is well illustrated in a comparison of the respective accepted bids of private yards and navy-yard estimates in the case of the six 10,000-ton cruisers allocated June 13, 1927. The following communication from the Secretary of the Navy gives us an insight on this highly interesting phase of the matter:

JANUARY 5, 1929.

MY DEAR CONGRESSMAN MILLER: Replying to your letter December 31, 1928, the construction periods are, as stated in your letter, 36 months for light cruisers Nos. 26, 27, and 30, and 45 months for Nos. 28, 29, and 31.

The other information requested is contained in the following statement:

Number	Name	Builder	Contract price or estimate	Date of contract or order	Contract dates of completion	Percentage of completion Dec. 1, 1928
26	Northampton	Bethlehem Shipbuilding Corporation (Fore River plant)	$10,675,000	June 13, 1927	June 13, 1930	39.9
27	Chester	American Brown-Boveri El. Corporation	10,815,000	do	do	39.2
28	Chicago	Puget Sound Navy Yard	[1] 8,614,250	do.[2]	Mar. 13, 1931	16.0
29	Houston	Mare Island Navy Yard	[1] 7,759,065	do.[2]	do	12.0
30	Houston	Newport News Shipbuilding & Dry Dock Co.	10,567,000	do	June 13, 1930	36.4
31	Augusta	do	10,567,000	do	Mar. 13, 1931	25.2

[1] Includes cost of plans furnished and not included in yard estimates.
[2] Beginning of construction period.

Respectfully,

CURTIS D. WILBUR.

Hon. JOHN F. MILLER, M. C.,
United States House of Representatives, Washington, D. C.

What would have been the figures of the private plants if this competition had not existed; that is, what would have been the figures if navy yards had been silenced? You, my colleagues, can form your own estimate just as well as I can form mine. To put navy yards out of competition is the whole plan and purpose of this National Council of American Shipbuilders. The Dallinger amendment divides the cruiser-construction program into halves, one half going to navy yards and the other half to private interests. To-day there are more navy yards equipped for construction work and competent to handle such work than there are private yards in America equipped for construction and competent to handle such class of work. The navy yards outnumber the private yards 2 to 1 if all the private yards competed on the June 13, 1927, bids. If the private yards did not all compete, one of two conditions must have prevailed, namely, the noncompeting yards either did not want the work or else they stayed out of competition for some reason not disclosed on the face of things; and I can not imagine these private yards not wanting the work in the face of the statement of the National Council of American Shipbuilders.

Either way one looks at the picture he gets the same perspective. It takes a rather bold organization to circularize the American people in favor of a monopoly of which such organization or individual members thereof are to be the beneficiary.

Let us examine the above figures; let us see the results. It will not take us long to see where this selfish interest came in and to see who gets the profit. In the case of the June 3, 1927, bid the six cruisers are exactly alike, as near alike as pins. Only one set of plans were drawn for all six of these vessels, and these plans were drawn by the architects, engineers, statisticians, estimators, actuaries, and draftsmen coming from private yards. My information is that the Government pays this organization of architects, engineers, statisticians, estimators, draftsmen, and so forth, near $400,000 for the two sets of

plans—duplicates—one for the Mare Island Navy Yard and one for the Puget Sound yard. Two hundred thousand dollars is thus added to the estimates of each of the navy yards.

Now, as to the figures of the successful bids and estimates, respectively, of the June 13, 1927, six cruisers.

The bid of the Bethlehem Shipbuilding Corporation, Fore River plant, Quincy, Mass., was the sum of $10,675,000 for one vessel, which is $2,061,750 higher than the estimate of the Puget Sound yard and $2,915,935 higher than the estimate of the Mare Island yard. That is a pretty stiff margin to the private yard.

The bid of the American Brown-Boverie Electric Corporation, of Camden, N. J., was the sum of $10,815,000 for a single vessel, which is exactly $3,055,935 higher than the estimate of the Mare Island (Calif.) Navy Yard for the construction of the same identical vessel and is $2,200,750 higher than the estimate of the Puget Sound Navy Yard, another pretty fat margin in favor of the private contractor.

The bid of the Newport News (Va.) Shipbuilding & Dry Dock Co. was $10,567,000 each for two vessels, which is $2,807,935 higher than the estimate of the Mare Island Navy Yard for one vessel and $1,952,750 higher than the estimate of the Puget Sound yard. Here is still another appetizing margin in favor of private interests, and it is well to keep in mind that this concern received awards for two vessels.

These figures give the average cost of $10,656,000 for private-yard construction as compared with $8,186,657 for navy-yard construction, a difference of $2,469,343 for each vessel in favor of the Government-yard construction. Or, in other words, the Government could add $2,000,000 to each of these vessels allocated to Government yards and then be well under the lowest bid from any private yard. This tells the story, the picture is complete, the motive of the National Council of American Shipbuilding stands out in all its boldness.

Mr. UPDIKE. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Yes.

Mr. UPDIKE. I would like to know if the gentleman has any figures of how many navy yards are equipped to build these vessels?

Mr. MILLER. Five navy yards on the Atlantic and two on the Pacific.

Mr. STOBBS. Is it not true that the prices that the gentleman has quoted of what ships can be built at in Government yards are based entirely upon estimates?

Mr. MILLER. Yes.

Mr. STOBBS. Whereas the price quoted on the private yards is based on actual bids on contracts?

Mr. MILLER. That is true. In the navy yards the price is based on estimates, and in the private yards it is based on the bids.

Mr. STOBBS. And that is an unfair comparison to make.

Mr. MILLER. The gentleman probably has not fully considered the matter of construction.

Mr. FRENCH. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Yes.

Mr. FRENCH. Does the gentleman know the original estimate for the construction of the submarine tender *Holland* in the Bremerton Navy Yard?

Mr. MILLER. No.

Mr. FRENCH. Let me remind him that it was about $1,900,000, and that it cost the Government around $5,000,000 in that particular yard to construct the ship—nearly three times the original estimates.

Mr. MILLER. And I also know that on seven different occasions the Government changed the plans of that very vessel when it was practically completed, and we had to tear it down and build it up again each time the Navy Department changed its plans. That is the reason for the cost of that vessel. Give us a fair deal and we will show you that the navy yard can produce our war vessels more cheaply than the private yard in America. [Applause.] All we want is a fair deal.

Mr. FRENCH. Does the gentleman also have in mind bills that have been brought in rather regularly for increasing the cost touching various ships that have been constructed in navy yards, submarines and others?

Mr. MILLER. Oh, yes. The gentleman ought not to think that I am deaf to that. I am on the committee that brings those bills in.

Mr. FRENCH. The point is this: That the estimates submitted by the navy yards are estimates that the Navy Department is not bound by, and, according to the gentleman's own admission, they do not prevent the modification and the increase of cost to the extent of millions of dollars, whereas when a private contractor makes the bid he is held under his bond to come within the amount for which he has undertaken to do the work.

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER. Mr. Chairman, I am aware that vessels built in the United States navy yards have run over the estimates. No one can be in Congress two years without knowing that, much less can he be on the Naval Affairs Committee, where I am, which committee brings in bills to increase the cost, but we can bring in a bill to increase the cost of each of these vessels by $1,000,000 and then still be a million and a half dollars below the lowest bid of the private bidder.

Mr. STOBBS. Will the gentleman yield?

Mr. MILLER. I will.

Mr. STOBBS. The gentleman said that this bunch of New England shipbuilders were the ones behind the movement. Is it not true the United States Shipping Board, in a formal resolution passed in December, recommended these ships to be built in private yards rather than in Government yards?

Mr. MILLER. I do not know what they recommended, but I have a very distinct remembrance of this Congress voting over $4,500,000 for the Shipping Board to build a dry dock at the Norfolk Navy Yard.

Mr. STOBBS. Is it true or not?

Mr. MILLER. I do not know, and I do not care.

Mr. PERKINS. Mr. Chairman, will the gentleman yield there?

Mr. MILLER. Yes.

Mr. PERKINS. I am sure most of us would want to see our navy yards going. But is it true that when overhead is charged the net overhead constitutes a very large percentage of the cost of construction?

Mr. MILLER. I do not know about that, but I do know that the Navy Department has added to these estimates for the navy yards $219,000 each for plans. These are formulated by the private interests of this country.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. LETTS. Mr. Chairman, I offer an amendment.

Mr. FRENCH. Mr. Chairman, I just want to take time for two or three minutes to direct the attention of the House to the situation involving work done by Government navy yards and by private yards. The gentleman from Washington [Mr. MILLER], when I directed his attention to the construction of the submarine *Holland* in the Bremerton Navy Yard, indicated that the amazing increase in the cost of construction from $1,900,000, approximately, to around $5,000,000 must have been due to modifications and changes. Surely something must be wrong, if it is true, that in the construction of so simple a vessel as a tender the cost is nearly three times the original estimate of the yard undertaking the construction.

More than that, the gentleman has indicated several comparative figures such as those pertaining to cruisers of more recent date. Take, for instance, the *Salt Lake City* and the *Pensacola*. I think he referred to both of them. The *Salt Lake City* was launched just a few weeks ago. The cost of that ship in the Brown-Bovari yards will be $8,697,004.

Mr. MILLER. No estimate was made.

Mr. FRENCH. That is the trouble with the gentleman's whole statement. He furnishes us figures respecting an uncompleted craft in a Government navy yard, and then gives us figures respecting an uncompleted craft in a private yard, and tries to fit them together.

Mr. MILLER. The gentleman knows that the contract was given to Cramp & Sons for the hull, and that same firm had bid for the engines of the *Pensacola* and the *Salt Lake City*. That is not included.

Mr. FRENCH. The figures that I shall use will be comparable figures. The gentleman refers to the cost of the *Pensacola* in a Government navy yard, and the original figure he gave was $2,000,000 plus under the figure indicated for the *Salt Lake City*.

Mr. MILLER. Let the gentleman give the figures.

Mr. FRENCH. I will give the figures. The original figures were $7,799,499, but this estimate did not include the main engines and such other parts of the machinery as were being purchased by contract. The revised estimate of the New York Navy Yard was $9,788,462. In other words, in dealing with a question of this kind we as a body are not in a position to pass upon it at all, for we are not in position to study in detail the total costs, including, as they must, a multitude of items. It ought to be turned over to the responsible officers of a great department of our Government, where the very facts that are in conflict can be brought side by side, where the

figures touching the different elements can be thrown into contrast, where all the factors may be considered, and where the department can have some discretion in saying whether or not it will avail itself of rightful competition between Government navy yards on the one hand and private industry on the other. For my part I want to say, as I said with regard to the helium plant in Texas, I am for the private navy yards to the extent that it is possible and consistent with Government economy and the Treasury of the United States. [Applause.]

Mr. LETTS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LETTS: Page 46, after line 7, insert a new paragraph, as follows:

"No part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work."

Mr. FRENCH. Mr. Chairman, I make the point of order that the House has just voted upon that amendment.

Mr. LAGUARDIA. Let us have the entire amendment read.

The CHAIRMAN. Let the whole of it be read, so as to determine whether any change has been made or not.

The Clerk resumed the reading of the amendment, as follows:

"nor shall any part of the appropriations made in this act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant; and that no part of the moneys herein appropriated shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article, or articles that at the time of the proposed repair, purchase, or requirement can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit, and when, in the judgment of the Secretary of the Navy, such repair, purchase, acquirement, or production would not involve an appreciable increase in cost to the Government."

Mr. TABER. Mr. Chairman, I make a point of order against the amendment. That is the same amendment, with a very small change, against which I made the point of order before, and the change does not affect its character as legislation on an appropriation bill.

Mr. LAGUARDIA. The gentleman from Iowa has stricken out the objectionable part which made the amendment out of order.

Mr. TABER. Oh, no.

The CHAIRMAN. The Chair will call the attention of the gentleman to the fact that he had previously ruled that the last part of the paragraph in question was out of order, and that therefore the whole paragraph went out.

The gentleman has submitted the last part of the paragraph once more.

Mr. LETTS. May I call the Chair's attention to the fact that the amendment which I now offer is different than the one which was ruled on?

The CHAIRMAN. The amendment still contains the same obnoxious provision which the Chair called attention to when previously offered.

Mr. LETTS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LETTS. I did not understand the ground upon which the Chair ruled with respect to the point of order.

The CHAIRMAN. In the last few lines of the paragraph appear the words—

and when, in the judgment of the Secretary of the Navy, such repair, purchase, acquirement, or production—

And so forth. That provision, by reason of the words "in the judgment of the Secretary of the Navy," puts a duty upon the Secretary of the Navy. Therefore it is out of order and the Chair sustains the point of order.

Mr. DALLINGER. Is the Chair aware in making that ruling that there is a general statute which contains this exact language?

The CHAIRMAN. Will the gentleman produce that statute?

Mr. DALLINGER. I have not the statute here, but we passed a general law a number of years ago containing this exact language, and this is simply repeating the language of the general law, which has never been repealed.

Mr. LETTS. And, if I may add, the author of that law was the gentleman from Connecticut [Mr. TILSON], and that law requires this precise thing.

The CHAIRMAN. The point now hinges upon the production of the statute. The statute itself must be brought to the attention of the Chair before, under the point of order, he can permit the amendment to be voted upon. Lacking that, the Chair sustains the point of order.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment. On page 46, after line 7, I offer the following as a new paragraph.

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 46, after line 7, insert a new paragraph, as follows:

"No part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person or persons having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof; nor shall any part of the appropriations made in this act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant."

Mr. TABER. Mr. Chairman, I make a point of order against the amendment. It has already been passed on, and such changes as have been made are only a subterfuge, and that is patent on its face.

Mr. LAGUARDIA. I strike out an entire line. I strike out all of line 15 and all of line 16.

The CHAIRMAN. The Chair overrules the point of order.

Mr. LAGUARDIA. Mr. Chairman, just a few moments ago the committee, apparently under a misapprehension, voted down an amendment, which was only a proviso, carried in the appropriation bill for the last 15 or 20 years—at least as long as I have been in Congress. Now, the real purpose of this proviso, as well known to the members of the committee, is this: If we are going to establish a racing, slave system in our navy yards, let the gentleman from New York say so, and we will know what we are voting for. Let us be perfectly frank about this. In one way or another some of the members of the Committee on Appropriations are trying, first, to put the navy yards out of business; and second, if they can not put them out of business, then to destroy the morale of the personnel.

Mr. SCHAFER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SCHAFER. Those who want to sustain the Naval Affairs Appropriation Committee should vote for the gentleman's amendment, because it merely puts into the bill language which was stricken out on a point of order and which language was reported by that committee.

Mr. LAGUARDIA. Why, of course. Now, I just say to my friends of the Committee on Appropriations, if you want to get along nicely and finish this bill, be reasonable. If you do not, we are going to invoke all the rules of the House, and you may have tough going. I urge the adoption of my amendment.

Mr. TABER. Mr. Chairman, I rise in opposition to the gentleman's amendment. I am surprised, after what has been said here to-day, that the gentleman from New York should suggest that this committee, or that I, in opposing this amendment, are trying to establish a slave system. We are simply trying to give the navy-yard workers a chance to be on the square with the Government and to do a fair, honest day's work.

Mr. SCHAFER. Will the gentleman yield?

Mr. TABER. Certainly.

Mr. SCHAFER. Why did the committee, of which the gentleman is a member, report the bill with the identical language contained in the pending amendment?

Mr. TABER. I have always been opposed to that language in the committee and everywhere else, whenever there was a chance to oppose it, because I know that language is against the interests of the men who work in the navy yards. It tends to create inefficiency and it keeps them from getting the work they might get if their work was done right.

Mr. LEAVITT. Will the gentleman yield?

Mr. TABER. Yes.

Mr. LEAVITT. If it is not in the interest of the workers in the navy yards, why are they asking to have it put in the bill?

Mr. TABER. Because there is a certain element of agitators who go around and tell them that if they do not do a fair day's work but loaf on the job their jobs will last longer. That is the meat of it.

If the men who are so eloquent here would urge the workers to produce and to keep the costs of things manufactured in navy yards down where they belong and to do fairly by the Government, then we could have a better spirit in the navy yards and we would not have to contend with such things as this.

Mr. LETTS. Will the gentleman yield?

Mr. TABER. Yes.

Mr. LETTS. The gentleman has expressed his belief that this provision is against the welfare of the men in these shops.

Mr. TABER. Yes; it is an absolute certainty.

Mr. LETTS. Does the gentleman believe we ought to resort to the Taylor system in these places?

Mr. TABER. I do not believe it hurts anybody to have tests made as to how work can be done efficiently. I believe it is in the interest of the workingman. The reason the workingman is better off in this country than he is in the old countries is because we have adopted modern methods of production and we are able to produce more and the workingman has a better chance and gets more pay.

Mr. DALLINGER. Will the gentleman yield there?

Mr. TABER. Certainly.

Mr. DALLINGER. Does the gentleman think he could perform his duties as a Member of Congress if, from the time he started in the morning until he finished at night, he had a man standing over him with a stop watch?

Mr. TABER. Sure; but there is no such thing proposed.

Mr. DALLINGER. The gentleman would not tolerate it for a moment.

Mr. TABER. There is no such proposal in here and the gentleman is rather putting up a straw man to shoot at.

Mr. DALLINGER. Oh, no.

Mr. TABER. Because the gentleman knows there never has been any practice anywhere in a Government factory of holding a stop watch on every workman all day long. That is the most ridiculous thing that could be brought up here.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. TABER. Yes.

Mr. LaGUARDIA. The gentleman knows that this same proviso is in the Army appropriation bill and in the Post Office appropriation bill.

Mr. TABER. But it is bad, and when a thing is bad it ought to be thrown out.

Mr. DOWELL. And it has been in this bill at every session and the committee has come in here each time to have us put it in the bill again, just as we are going to put it in the bill to-day. [Applause.]

Mr. TABER. But it is bad just the same and is against the interests of the workingman.

Mr. BLACK of New York. Mr. Chairman, I want to be heard in support of the amendment.

The gentleman from New York——

Mr. LaGUARDIA. Which one?

Mr. BLACK of New York. The "agitated gentleman from New York" [Mr. TABER] has given a splendid example of a worker who does not need an agitator to make him work. I want to say to the gentleman from New York [Mr. TABER] that he is not as well acquainted as he thinks with the work of the men in the navy yards. The commandants of the navy yards have uniformly given credit to the civilian personnel of the navy yards for their splendid and efficient work, and they perform year in and year out without a stop watch, giving this same splendid type of work.

Now, what has happened? The men in the navy yards of this country are men affiliated with the American Federation of Labor. They work under an 8-hour day. They are Americans. The men outside of the navy yards who are getting the work on American ship construction when the work is not awarded to the navy yards are not necessarily Americans. They are not affiliated with the American Federation of Labor. They are not working under an 8-hour day. They are not working with all the safeguards that come from membership in the American Federation of Labor.

This proposition of the stop watch is intended to tear down the efficiency of the American workingman. It is a proposition to humiliate the American workingman. It is in the interest of the foreign workingman and I am surprised that the gentleman from New York is back of it.

There has been no complaint about the work of the men in the navy yards by those who know something about it. There has been no upset about it at all.

Mr. MILLER. Will the gentleman yield for a short question?

Mr. BLACK of New York. Surely.

Mr. MILLER. Inefficient and indolent workmen in navy yards are weeded out immediately.

Mr. BLACK of New York. Yes; they are not permitted to last there.

In addition to the inspiration for service that comes from membership in the American Federation of Labor, they have constantly with them the supervisory forces of the Navy Department. One of the difficulties with the navy-yard situation with respect to work is that there has been a tremendous overhead charged to navy-yard work due to the presence of gold braid in the navy yards.

There is no sense in this stop-watch proposition. It is unfair to American labor, and I will tell the gentleman from New York that not only will the men in the navy yards resent this stop-watch proposition but every decent, honorable American workman throughout the country, no matter what his trade or craft may be, will resent it.

If you want to do something for American labor, make the Navy Department pay attention to the statute that requires the Navy Department to give the men in the navy yards the prevailing rate of wages. Year in and year out the men in the yards present to the wage board of the Navy Department data showing the wages that are paid in the vicinity for similar type of work and year in and year out the Navy Department ignores this data just as it ignores the desire of Congress in awarding construction work, and if the gentleman from New York would get agitated and wave his arms in behalf of the American workman on the wage proposition he would accomplish something for American labor and for American industry.

This stop-watch proposition is nonsense. [Applause.]

Mr. LETTS. Mr. Chairman, I move to strike out the last word. I wish to call attention to the particular situation that has arisen to-day, and which is somewhat anomalous. Here is language carefully drawn by a powerful committee of this House presented for consideration, and immediately upon being read it is assailed by a member of that committee on a point of order, whereupon the chairman of the committee has admitted that it is subject to a point of order. The gentleman from New York [Mr. TABER] accuses some one of setting up a straw man and knocking him over. What has this legislative committee done? They bring in this provision and a point of order, a weapon with which to slay it, and the chairman of the committee gracefully assents that there had been an error and that the provision ought to go out. Here is language carried in the law for a number of years. It has been held in order by a great many distinguished chairmen of the House. I know that the distinguished chairman who occupies the chair to-day is familiar with the decisions, and I realize that he has ruled with a full knowledge and understanding of the precedents, but his ruling was not applied to this language, and this House and the Congress of the United States have for a number of years approved the proposition. It is in harmony with economic practice, it is humane in purpose, it is essential to the independent life of the men who work in the Government arsenals and workshops. I feel that the House would take a backward step in not going along with labor in the improvement of working conditions and in the maintenance of all of the rights labor has gained in the past by persistent struggle, step by step, through all the years.

Mr. MILLER. Will the gentleman yield?

Mr. LETTS. I yield.

Mr. MILLER. Is it not a fact that a stop watch will destroy the morale of any workman?

Mr. LETTS. That seems to me to be apparent. We must not destroy the souls of men who work; we should not place them in a situation where the hopes and aspirations of life are lessened. We must encourage them as men entitled to equal and full rights with men who occupy other stations in life.

It will be a great mistake if this House refuses to carry in this bill the language which we now ask, and which has been approved by many Congresses before. May I ask the membership of the House to exercise due discretion and a sound judgment in harmony with the heartbeats of those who will benefit, the men who work in the arsenals and workshops of the United States. [Applause.]

Mr. YON. Mr. Chairman, I move to strike out the last two words. I had intended to make a few remarks in the discussion of this bill, and particularly as it affects the welfare of the Navy Department of the United States. You have observed newspaper accounts of some of the experiments that are being made off Key West in Florida waters with the Navy's submarines in order to demonstrate the possibility of escape from a sunken submarine. This brings to your mind and will remind you that the Gulf coast country, especially the Florida coastal waters, are particularly fitted and particularly adapted to the experiments and the maneuvers that are to be carried on by the Navy Department as to the usefulness of the submarine.

You remember the *S-4* and the tragedy that occurred last year, and the pall it cast over the Nation by that accident, and

the great effort that was made in trying to save the lives of the men marooned in the icy waters in that submarine, and the many weeks spent in bringing the bodies to the surface and the condition of the bodies when recovered. You remember the experiments later of raising this ill-fated ship with appliances attached for raising submarines.

I expected and really had in mind to introduce an amendment to the bill under consideration making it possible, and which I hope Members of the House will consider in formulating a bill in the future, that they will consider the use of the Gulf waters off Florida, that are the warm waters of the Gulf of Mexico, that great body of water, in making its experiments. The commerce of the United States is fast taking place in these waters now. Remember that our Navy is being maintained to defend our commercial lanes and to carry the flag of this Nation to those lanes most adaptable to the commerce of the world, as it is carried on with the nations of the world by us.

I think, gentleman, that you should consider this in your future deliberations in respect to the requirements of the Navy. We are appropriating millions of dollars every year and we desire to build up a magnificent Navy which will be a credit to a great Nation. In doing so, however, I think we should take into consideration the adaptability of certain waters of the country for naval maneuvers. I am very thankful to the committee for the consideration that has for years been given to a naval establishment in my district at Pensacola. I have been told by the commandant there and officers of the naval air station there that it is one of the finest and best situated from the standpoint of climatic conditions and the hours of sunshine during the year, and landing conditions, of all of the naval air stations in the whole United States, my friends of southern California to the contrary notwithstanding. [Laughter and applause.] If it were not for the wonderful climate that we have in Florida, does anybody think that President-elect Hoover would be there, or that Mr. Ford or Mr. Edison or any of the other great men of America who are there to-day would be there? [Applause.] If it is good for the men and women of America to go there and enjoy the balmy sunshine that God entitles to every free man, will it not also be good for a great establishment of this nation which is being paid for by the taxpayers of America to make use of these natural conditions? [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 70, noes 9.

So the amendment was agreed to.

Mr. ARENTZ. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. ARENTZ, as a new paragraph, to follow the amendment offered by Mr. LAGUARDIA:

"The Secretary of the Navy is authorized and directed to have an investigation made of the relative cost of construction of naval vessels in navy yards and in privately owned shipyards, and make a report to Congress by December, 1929, of such ships constructed during the past 10 years."

Mr. FRENCH. Mr. Chairman, I make the point of order that the proposed amendment is legislation. That is a matter that ought to be considered by the Committee on Naval Affairs. Since the watchdog of that committee is not present I shall make the point of order against the amendment.

Mr. ARENTZ. Mr. Chairman, will the gentleman withhold the point of order for a moment?

Mr. FRENCH. I shall be very glad to withhold my point of order.

Mr. ARENTZ. Mr. Chairman, since I came here in 1921, every year we have had a naval bill under consideration and every year we have had discussion between either two men on this side or men on both sides as to whether or not the navy yards of America can build ships as cheaply as they can be built in privately owned yards. Let us find that out once for all and do away with this discussion every year.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. ARENTZ. Yes.

Mr. SCHAFER. Does the gentleman not think that he ought to add to his amendment that the Secretary should also transmit information which would enable Congress to know how many naval officers who have been employed in the navy yards have obtained lucrative positions with private shipbuilding concerns after their retirement?

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. ARENTZ. Yes.

The CHAIRMAN. The matter before the House is the point of order.

Mr. MILLER. I think the gentleman from Nevada has yielded to me.

The CHAIRMAN. The gentleman from Nevada is addressing the Chair only for the purpose of illuminating the mind of the Chair as to the validity of his amendment. [Laughter.] The Chair sustains the point of order.

Mr. ARENTZ. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment may be withdrawn.

There was no objection.

The Clerk concluded the reading of the bill.

Mr. FRENCH. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LUCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16714, the naval appropriation bill, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. FRENCH. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. FRENCH. Mr. Speaker, I demand a separate vote on the amendment whereby the item for a dock at Charleston, S. C., was put into the bill.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. WINGO. Mr. Speaker, I make the point of order that there is no quorum present. I withhold it for the present.

The SPEAKER. If there is no other demand for a separate vote, the Chair will put the question on the other amendments in gross.

The question was taken, and the amendments were agreed to.

The SPEAKER. The Clerk will report the amendment upon which a separate vote was demanded.

The Clerk read as follows:

Page 32, line 23, after the figures "$36,000" insert the following: "Extension of dry dock, $300,000; in all, $336,000."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken.

The SPEAKER. In the opinion of the Chair, the noes have it.

On a division (demanded by Mr. MCMILLAN) there were—ayes 81, noes 53.

Mr. FRENCH. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and forty-five Members are present, not a quorum. The Clerk will call the roll.

The question was taken; and there were—yeas 155, nays 120, answered "present" 1, not voting 152, as follows:

[Roll No. 23]

YEAS—155

Abernethy	Cox	Hastings	McMillan
Allgood	Crisp	Hill, Ala.	McReynolds
Almon	Dallinger	Hill, Wash.	Major, Ill.
Andresen	Davey	Houston, Del.	Major, Mo.
Arentz	Davis	Howard, Nebr.	Martin, La.
Arnold	Deal	Howard, Okla.	Mead
Aswell	DeRouen	Huddleston	Michener
Auf der Heide	Dickinson, Mo.	Hudspeth	Miller
Bachmann	Dominick	Hull, Morton D.	Milligan
Beedy	Doughton	Irwin	Montague
Bell	Douglass, Mass.	Jeffers	Moore, Ky.
Black, Tex.	Drane	Johnson, Okla.	Morehead
Bland	Drewry	Johnson, Tex.	Morrow
Blanton	Driver	Jones	Nelson, Mo.
Bloom	Edwards	Kelly	Norton, Nebr.
Box	England	Kemp	O'Brien
Brand, Ga.	Eslick	Kendall	O'Connor, La.
Briggs	Fisher	Kent	Oldfield
Britten	Fitzgerald, Roy G.	Kerr	Oliver, Ala.
Browning	Fulmer	Kincheloe	Patterson
Buckbee	Furlow	Langley	Peery
Bulwinkle	Gambrill	Lanham	Quin
Busby	Garber	Lankford	Ragon
Canfield	Gardner, Ind.	Larsen	Rainey
Cannon	Gasque	Lea	Rankin
Carss	Gregory	Leavitt	Romjue
Cartwright	Green	Letts	Rutherford
Chapman	Greenwood	Lindsay	Sabath
Cochran, Mo.	Griffin	Lowrey	Sanders, Tex.
Collier	Guyer	Lyon	Sandlin
Cooper, Wis.	Hare	McDuffie	Schafer
Corning	Harrison	McKeown	Schneider

Sears, Fla.	Sumners, Tex.	Ware	Wilson, La.
Sinclair	Swank	Warren	Wingo
Spearing	Tarver	Watres	Wolfenden
Sproul, Ill.	Thompson	White, Colo.	Wright
Sproul, Kans.	Vincent, Mich.	Whitehead	Wurzbach
Steagall	Vinson, Ga.	Whittington	Yon
Steele	Vinson, Ky.	Williams, Mo.	

NAYS—120

Ackerman	Dickinson, Iowa	Ketcham	Reid, Ill.
Adkins	Dowell	Kiess	Robinson, Iowa
Allen	Elliott	Knutson	Rogers
Ayres	Englebright	Korell	Sanders, N. Y.
Bacharach	Fitzgerald, W. T.	LaGuardia	Seger
Barbour	Fort	Lampert	Selvig
Beck, Wis.	Free	Leatherwood	Simmons
Beers	Freeman	Luce	Smith
Berger	French	McCormack	Snell
Black, N. Y.	Gibson	McFadden	Speaks
Bohn	Glynn	McLeod	Stalker
Brigham	Goodwin	Magrady	Stobbs
Browne	Hadley	Mapes	Strong, Kans.
Buchanan	Hale	Menges	Summers, Wash.
Burdick	Hall, Ill.	Merritt	Swick
Burtness	Hall, Ind.	Michaelson	Taber
Chalmers	Hancock	Monast	Taylor, Colo.
Chase	Hardy	Moore, Ohio	Temple
Christopherson	Haugen	Morgan	Thurston
Clague	Hickey	Nelson, Me.	Tilson
Clancy	Hoch	Newton	Timberlake
Cochran, Pa.	Hoffman	Neidringhaus	Wainwright
Cole, Iowa	Holaday	Parker	Wason
Collins	Hooper	Peavey	Watson
Colton	Hope	Perkins	Wigglesworth
Cramton	Hughes	Porter	Williams, Ill.
Crosser	Jenkins	Pratt	Williamson
Crowther	Johnson, Ind.	Purnell	Wolverton
Culkin	Kading	Ramseyer	Woodruff
Darrow	Kahn	Ransley	Wyant

ANSWERED "PRESENT"—1

Garrett, Tenn.

NOT VOTING—152

Aldrich	Doutrich	King	Robsion, Ky.
Andrew	Doyle	Kopp	Rowbottom
Anthony	Dyer	Kunz	Sears, Nebr.
Bacon	Eaton	Kurtz	Shallenberger
Bankhead	Estep	Kvale	Shreve
Beck, Pa.	Evans, Calif.	Leech	Sirovich
Begg	Evans, Mont.	Lehlbach	Somers, N. Y.
Boles	Fenn	Linthicum	Stedman
Bowles	Fish	Lozier	Stevenson
Bowman	Fitzpatrick	McClintic	Strong, Pa.
Boylan	Fletcher	McLaughlin	Strother
Brand, Ohio	Foss	McSwain	Sullivan
Bushong	Frear	McSweeney	Swing
Butler	Fulbright	Mans	Tatgenhorst
Byrns	Garner, Tex.	Manlove	Taylor, Tenn.
Campbell	Garrett, Tex.	Mansfield	Thatcher
Carew	Gifford	Martin, Mass.	Tillman
Carley	Gilbert	Mooney	Tinkham
Carter	Golder	Moore, N. J.	Treadway
Casey	Goldsborough	Moore, Va.	Tucker
Celler	Graham	Moorman	Underhill
Chindblom	Griest	Morin	Underwood
Clarke	Hall, N. Dak.	Murphy	Updike
Cohen	Hammer	Nelson, Wis.	Vestal
Cole, Md.	Hawley	Norton, N. J.	Vincent, Iowa
Combs	Hersey	O'Connell	Weaver
Connally, Tex.	Hogg	O'Connor, N. Y.	Welch, Calif.
Connery	Hudson	Oliver, N. Y.	Weller
Connolly, Pa.	Hull, Wm. E.	Palmer	Welsh, Pa.
Cooper, Ohio	Hull, Tenn.	Palmisano	White, Kans.
Crail	Igoe	Parks	White, Me.
Cullin	Jacobstein	Pou	Williams, Tex.
Curry	James	Prall	Wilson, Miss.
Davenport	Johnson, Ill.	Quayle	Winter
Dempsey	Johnson, S. Dak.	Rayburn	Wood
Denison	Johnson, Wash.	Reece	Woodrum
Dickstein	Kearns	Reed, Ark.	Yates
Douglas, Ariz.	Kindred	Reed, N. Y.	Zihlman

So the amendment was agreed to.

The Clerk announced the following pairs:

Mr. McClintic (for) with Mr. Martin of Massachusetts (against).
Mr. Stevenson (for) with Mr. Griest (against).
Mr. Tillman (for) with Mr. Kurtz (against).
Mr. Cohen (for) with Mr. Leech (against).
Mr. Wilson of Mississippi (for) with Mr. Chindblom (against).
Mr. Garner (for) with Mr. Aldridge (against).

General pairs:

Mr. Johnson of South Dakota with Mr. Pou.
Mr. Hawley with Mr. Hull of Tennessee.
Mr. Fenn with Mr. Carew.
Mr. Bacon with Mr. Connally of Texas.
Mr. Hudson with Mr. Kindred.
Mr. King with Mr. Moore of Virginia.
Mr. Manlove with Mr. Cullen.
Mr. Evans of California with Mr. Parks.
Mr. Murphy with Mr. Gilbert.
Mr. Denison with Mr. Boylan.
Mr. Connolly of Pennsylvania with Mr. Moorman.
Mr. Begg with Mr. O'Connell.
Mr. Frear with Mr. Fletcher.
Mr. Gifford with Mr. Hammer.
Mr. Beck of Pennsylvania with Mr. Quayle.
Mr. Johnson of Illinois with Mr. Woodrum.
Mr. Graham with Mr. O'Connor of New York.
Mr. Kearns with Mr. Tucker.
Mr. Thatcher with Mr. Mooney.
Mr. Shreve with Mr. Prall.
Mr. Vestal with Mr. Reed of Arkansas.
Mr. Foss with Mr. Byrns.
Mr. Golder with Mr. Connery.
Mr. Hall of North Dakota with Mr. Moore of New Jersey.
Mr. Browning with Mr. Weller.
Mr. Campbell with Mr. Sullivan.
Mr. Cooper of Ohio with Mr. Kunz.
Mr. Johnson of Washington with Mr. Casey.
Mr. Crail with Mr. Bankhead.
Mr. Kopp with Mr. Mansfield.
Mr. Curry with Mr. Douglas of Arizona.
Mr. McLaughlin with Mr. Oliver of New York.
Mr. Dempsey with Mr. Garrett of Texas.
Mr. Swing with Mr. Rayburn.
Mr. Reed of New York with Mr. Stedman.
Mr. Robsion of Kentucky with Mr. Igoe.
Mr. Taylor of Tennessee with Mr. Underwood.
Mr. Welsh of Pennsylvania with Mr. Doyle.
Mr. Treadway with Mr. Weaver.
Mr. Wood with Mr. Linthicum.
Mr. Underhill with Mr. Williams of Texas.
Mr. White of Maine with Mr. Somers of New York.
Mr. Yates with Mr. Fulbright.
Mr. Tinkham with Mr. Evans of Montana.
Mr. Strong of Pennsylvania with Mr. Dickstein.
Mr. Reece with Mr. Carley.
Mr. Nelson of Wisconsin with Mr. Cole of Maryland.
Mr. Dyer with Mr. Lozier.
Mr. Eaton with Mr. McSwain.
Mr. Bowles with Mr. Celler.
Mr. Clarke with Mr. Fitzpatrick.
Mr. Davenport with Mr. Palmisano.
Mr. Lehlbach with Mr. Sirovich.
Mr. James with Mr. Goldsborough.
Mr. Zihlman with Mr. Jacobstein.
Mr. Tatgenhorst with Mr. Shallenberger.
Mr. Rowbottom with Mr. McSwain.
Mr. Estep with Mr. Kvale.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time.

Mr. LAGUARDIA. Mr. Speaker, I have a motion recommit. I move to recommit the bill to the Committee on Appropriations with instructions to return it forthwith with the following amendment to be added to the LaGuardia amendment.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. LAGUARDIA. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. LAGUARDIA moves to recommit the bill to the Committee on Appropriations with instructions to that committee to report the same forthwith, with the following amendment to be added to the LaGuardia amendment:

"On page 46, 'and that no part of the moneys herein appropriated for the Naval Establishment or herein made available therefor shall be used or expended under contract hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article, or articles that at the time of the proposed repair, purchase, or acquirement can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit, and when such repair, purchase, acquirement, or production would result in a saving in cost to the Government.'"

Mr. FRENCH. Mr. Speaker, I make a point of order against the motion on the ground that it is legislation, and that it is a matter that has been passed upon twice. It is in almost the identical language that has been read heretofore and ruled out, as I caught the language.

Mr. LAGUARDIA. Mr. Speaker, it is not the same amendment as that which was declared out of order. It is taken from the present law.

Mr. BLANTON. Mr. Speaker, I make a further point of order, if the Chair will permit me. It interferes with the discretion that is lodged in the officers of the Government.

Mr. LAGUARDIA. It is the existing law.

Mr. DALLINGER. Mr. Speaker, I just want to call the Chair's attention to the fact that this is from the law of 1926, and in it the words "in the judgment or discretion of the Secretary of the Navy," which was the ground for ruling it out in the Committee of the Whole, do not occur. They are stricken out.

Mr. LAGUARDIA. And it provides for a saving to the Government, clearly.

Mr. TABER. But the language of the act of 1926 was thrown out.

Mr. LAGUARDIA. That is the law.

Mr. TABER. There is no law for it.

Mr. BLANTON. That was clearly an annual appropriation act.

Mr. TABER. Mr. Speaker, may I be heard?

The SPEAKER. The Chair will be glad to hear the gentleman.

Mr. TABER. Mr. Speaker, this provision is contrary to every provision of affirmative law in the code. The language itself that is carried in the bill, which was carried in an appropriation bill, applied specifically only to the appropriations carried in that particular bill. So there is no precedent for ruling it in order.

Mr. LaGUARDIA. There is a saving involved. It is purely a limitation.

Mr. BLANTON. That saving would require a computation. It is absolutely indefinite.

Mr. TABER. It imposes additional duties on the part of the department, and you must show a saving.

Mr. LaGUARDIA. It is specifically provided that the saving is shown.

Mr. TABER. It is contrary to the law requiring competition.

Mr. GARRETT of Tennessee. The amendment itself does not show that it will impose any new duty.

Mr. TILSON. It puts it up to an officer of the department to ascertain whether there is a saving or not.

The SPEAKER. The Chair, after reading the amendment of the gentleman from New York [Mr. LaGUARDIA], finds that the only change made in the latter part of the section is that he strikes out the words "in the judgment of the Secretary of the Navy," and the words "not involve an appreciable increase" are stricken out and the words "result in a saving" are inserted. It was ruled out in the committee. Of course, it is conceded that the matter as carried in the bill is subject to a point of order. Now, the Chair is called upon to decide whether striking out of the words "Secretary of the Navy" and the substitution of the words "result in a saving" in lieu of the words "not involve an appreciable increase" do not make any change in the fact that on some official is imposed an additional duty of determining whether or not there is a saving.

The Chair clearly thinks that the striking out of the words "Secretary of the Navy" does not change the situation in that regard. The Chair sustains the point of order.

The question is, Shall the bill pass?

The question was taken, and the bill was passed.

On motion of Mr. FRENCH, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 13484. An act authorizing preliminary examinations of sundry streams with a view to the control of their floods, and for other purposes;

H. R. 13502. An act authorizing the State of Minnesota and the State of Wisconsin to construct, maintain, and operate a free highway bridge across the St. Croix River at or near Stillwater, Minn.;

H. R. 14146. An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a free highway bridge across the Monongahela River in the city of Pittsburgh, Allegheny County, Pa.;

H. R. 14164. An act granting the consent of Congress to the city of Knoxville, Tenn., to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Henley Street in Knoxville, Knox County, Tenn.;

H. R. 14451. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River at or near McKees Rocks Borough, in the county of Allegheny, in the Commonwealth of Pennsylvania";

H. R. 14460. An act authorizing the Iowa-Nebraska Amortized Free Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Sioux City, Iowa;

H. R. 14469. An act granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Youghiogheny River between the borough of Versailles and the village of Boston, in the township of Elizabeth, Allegheny County, Pa.;

H. R. 14481. An act granting the consent of Congress to the Chicago South Shore & South Bend Railroad to construct, maintain, and operate a railroad bridge across the Grand Calumet River at East Chicago, Ind.;

H. R. 14919. An act granting the consent of Congress to the commissioners of Mahoning County, Ohio, to construct, maintain, and operate a free highway bridge across the Mahoning River at or near Cedar Street, Youngstown, Mahoning County, Ohio;

H. R. 15072. An act to extend the times for commencing and completing the reconstruction of the bridge across the Grand Calumet River at Burnham Avenue, in Cook County, Ill.;

H. R. 15084. An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River at or near Reedsdale Street in the city of Pittsburgh, Allegheny County, Pa.;

H. R. 15269. An act to extend the times for commencing and completing the construction of a bridge across the Red River at or near Coushatta, La.;

H. R. 15427. An act authorizing and directing the Secretary of War to lend to the Governor of North Carolina 300 pyramidal tents, complete; 9,000 blankets, olive drab, No. 4; 5,000 pillowcases; 5,000 canvas cots; 5,000 cotton pillows; 5,000 bed sacks; and 9,000 bed sheets, to be used at the encampment of the United Confederate Veterans to be held at Charlotte, N. C., in June, 1929; and

H. R. 15470. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a free highway bridge across the Cumberland River in the vicinity of Harts Ferry, Trousdale County, Tenn.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3581. An act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President for his approval bills of the House of the following titles:

H. R. 11526. An act to authorize the construction of certain naval vessels, and for other purposes;

H. R. 15657. An act to provide for the improvement and preservation of the land and buildings of the Abraham Lincoln National Park or Reservation; and

H. R. 16208. An act authorizing the Cedar Point Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the southeast arm of Sandusky Bay at or near Sandusky, Ohio.

EXTENSION OF REMARKS

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of the Cavalry in the Army by inserting, among other things, an editorial from one of the Washington newspapers.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks on the subject of the Cavalry by printing an editorial published in one of the Washington papers. Is there objection?

Mr. SPROUL of Illinois. I object.

The SPEAKER. Objection is heard.

DEATH OF FORMER REPRESENTATIVE EDWIN S. UNDERHILL

Mr. STALKER. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STALKER. Mr. Speaker, it is my painful duty to announce the sudden death of a former Member of this House, the Hon. Edwin S. Underhill, of New York. Mr. Underhill was for many years an influential and valuable Member of this House.

He had the confidence and friendship of the membership on both sides of the aisle.

In making this sad announcement, I am announcing the death of a very warm personal friend, and my feelings will be shared by many of the older Members of this House.

DEATH OF FORMER REPRESENTATIVE EDWIN DENBY

Mr. CLANCY. Mr. Speaker, it is with deep sorrow that I rise to announce the death this morning of a friend and constituent of mine, a former Member of this House and a former Secretary of the Navy, Hon. Edwin Denby.

By coincidence the death of this man, who enlisted in the Marine Corps as a private in the Great War and who later served as head of the Navy Department, is announced while the House is considering the great Navy appropriation bill to preserve and develop the Navy, which he loved as the apple of his eye.

My statement must be brief, but I believe it proper to note in the RECORD now that Mr. Denby was of a noble cast of mind and that his sufferings as a public servant contributed to his early death. Both as a Congressman and as a Cabinet officer he endured the outrageous flings of political fortune.

But both friend and foe have always given Mr. Denby credit for absolute honesty, unflinching integrity, the highest patriotism, and utterly unselfish ideals of service. Added to this, he had a lovable personality. His geniality and kindliness set off well his huge physical stature.

In Detroit, where the people knew him well and all of his life, both public and private, was known and understood, he was well beloved.

ALCATRAZ SQUARE, SAN FRANCISCO, CALIF.

Mrs. KAHN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting resolutions passed by the board of supervisors of the city and county of San Francisco, which explain a bill which I have introduced.

The SPEAKER. The lady from California asks unanimous consent to extend her remarks in the manner indicated. Is there objection?

There was no objection.

Mrs. KAHN. Mr. Speaker, under leave granted me to extend my remarks in the RECORD I insert the following resolutions passed by the Board of Supervisors of the City and County of San Francisco:

Resolution 30107 (new series)

Whereas the city and county of San Francisco, as the successor of the Mexican pueblo known as Yerba Buena, and afterwards San Francisco, became entitled to the pueblo lands belonging to the said pueblo, and thereafter by ordinance duly and regularly passed (known as the Van Ness ordinance) granted to the respective parties in possession at a given date title to certain portions of said land; and

Whereas a part of said lands so granted consisted of the area of about 100 acres embracing the present site of Fort Mason and lands contiguous thereto west of Van Ness Avenue; and

Whereas thereafter the Supreme Court of the State of California validated the said Van Ness ordinance and confirmed the titles thereunder; and

Whereas the grantees of said city, holding the title of said city to such lands, and their successors in interest, improved many parts of the said property and were in possession thereof in undisputed claim and right; and

Whereas the city of San Francisco reserved two square blocks of said pueblo land for a park, known as Alcatraz Square; and

Whereas, in 1863, the Secretary of War directed the commanding general at San Francisco to take possession of said 100 acres and fortify the same in whole or in part as a war emergency measure in anticipation of privateer attack on San Francisco, and in pursuance of said direction the occupants of said 100 acres of land were dispossessed by the military authorities without compensation and as a war emergency, and referred for relief to Washington; and

Whereas the dispossessed owners, subsequent to the war, appealed to Congress for relief, and thereafter Congress, by an act passed in 1870, restored about 50 acres of said land to the owners thereof, but no relief was given to the other grantees of said city, though entitled thereto; and

Whereas it is to the interest of the city of San Francisco that the areas involved should be restored to the rightful owners to be made the site of homes, and the city should repossess itself of said Alcatraz Square and enlarge its park areas if the city so desires; and

Whereas the State of California did, on February 14, 1901, after a careful investigation of the facts and records, memorialize the Congress of the United States to enact relief legislation for the benefit of Mrs. Jessie Benton Fremont: Now, therefore, be it

Resolved, That the city and county of San Francisco, through the board of supervisors thereof, do hereby respectfully memorialize the National Congress to enact the proper legislation like unto that of said act of 1870 restoring the balance of said land to the parties entitled thereto or their successors in interest; and

Resolved further, That the mayor and the clerk of this board send a copy of this resolution to the Hon. HIRAM W. JOHNSON and the Hon. SAMUEL M. SHORTRIDGE, United States Senators from California, and to the respective Congressmen from California, with the request that they cooperate in all proper ways to the securing of such legislation.

Adopted: Board of supervisors, December 17, 1928.

Ayes: Supervisors Andriano, Colman, Havenner, Hayden, Kent, Marks, McGovern, McSheehy, Powers, Roncovieri, Schmidt, Shannon, Stanton, Suhr, Todd, Toner, 16.

Absent: Supervisors Deasy, Gallagher, 2.

J. S. DUNNIGAN, *Clerk*.

Approved, San Francisco, December 17, 1928.

JAMES ROLPH, Jr., *Mayor*.

DECEASED MEMBERS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Referring to the announcement of the death of a former Member by the gentleman from New York [Mr. STALKER], I want to suggest that Members in making such announcements will do well to give the date of the death of the persons referred to. I am helping to gather data for the compiling of this new biographical directory of former Members of the House, and I find it is extremely difficult to get information in certain cases on account of the fact that announcements frequently overlook that feature and fail to give the date of death.

Mr. STALKER. Mr. Underhill, of New York, died on February 7.

LEAVE OF ABSENCE

By unanimous consent, Mr. REED of New York (at the request of Mr. TABER) was granted leave of absence, on account of the death of a business associate.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 39 minutes p. m.) the House adjourned until to-morrow, Saturday, February 9, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, February 9, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON RIVERS AND HARBORS

(10.30 a. m.)

To authorize the establishment of a national hydraulic laboratory in the Bureau of Standards of the Department of Commerce and the construction of a building therefor (S. 1710).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

812. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the General Accounting Office for the fiscal years 1929 and 1930 in the amount of $10,800 (H. Doc. No. 565); to the Committee on Appropriations and ordered to be printed.

813. A communication from the President of the United States, transmitting supplemental and deficiency estimates of appropriations for the District of Columbia for 1928 and prior fiscal years, $85,951.26; for the fiscal year 1929, $405,910.89; and for the fiscal year 1930, $16,600, amounting in all to $508,462.15 (H. Doc. No. 566); to the Committee on Appropriations and ordered to be printed.

814. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of Justice for the fiscal year 1929 amounting to $38,000 (H. Doc. No. 567); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. S. 5181. An act to amend section 4 of the act of June 15, 1917 (40 Stat. p. 224; sec. 241, title 22, U. S. C.); without amendment (Rept. No. 2430). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 11802. A bill establishing under the jurisdiction of the Department of Justice a division of the Bureau of Investigation to be known as the division of identification and information; without amendment (Rept. No. 2431). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 14931. A bill to amend section 93 of the Judicial Code establishing the judicial district of Nebraska; without amendment (Rept. No. 2432). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. H. R. 16314. A bill to amend section 198 of the Code of Law for the District of Columbia; without amendment (Rept. 2433). Referred to the House Calendar.

Mr. BRITTEN: Committee on Naval Affairs. H. R. 16839. A bill to provide for investigation of sites suitable for the estab-

lishment of a naval airship base; without amendment (Rept. No. 2434). Referred to the House Calendar.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 4125. An act to amend chapter 15 of the Code of Law for the District of Columbia, and for other purposes; without amendment (Rept. No. 2439). Referred to the House Calendar.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 4441. An act to amend the laws relating to assessment and collection of taxes in the District of Columbia, and for other purposes; with amendment (Rept. No. 2440). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. H. R. 16394. A bill to authorize the United States to be made a party defendant in any suit or action which may be commenced by the State of Oregon in the United States District Court for the District of Oregon, for the determination of the title to all or any of the lands constituting the beds of Malheur and Harney Lakes in Harney County, Oreg., and lands riparian thereto, and to all or any of the waters of said lakes and their tributaries, together with the right to control the use thereof, authorizing all persons claiming to have an interest in said land, water, or the use thereof to be made parties or to intervene in said suit or action, and conferring jurisdiction on the United States courts over such cause; with amendment (Rept. No. 2441). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. RANSLEY: Committee on Military Affairs. H. R. 2436. A bill for the relief of Harvey H. Goyer; without amendment (Rept. No. 2422). Referred to the Committee of the Whole House.

Mr. BOYLAN: Committee on Military Affairs. H. R. 2441. A bill for the relief of William P. Brady; without amendment (Rept. No. 2423). Referred to the Committee of the Whole House.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 10824. A bill for the relief of Edward H. Cotcher; without amendment (Rept. No. 2424). Referred to the Committee of the Whole House.

Mr. GARRETT of Texas: Committee on Military Affairs. H. R. 14767. A bill for the relief of Howard C. Frink; without amendment (Rept. No. 2425). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 15029. A bill for the relief of Edward A. Burkett; without amendment (Rept. No. 2426). Referred to the Committee of the Whole House.

Mr. WARE: Committee on Claims. S. 2291. An act for the relief of certain seamen and any and all persons entitled to receive a part or all of money now held by the Government of the United States on a purchase contract of steamship *Orion* who are judgment creditors of the Black Star Line (Inc.) for wages earned; without amendment (Rept. No. 2435). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 15449. A bill for the relief of Joel Townsend; with amendment (Rept. No. 2436). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 16837. A bill for the relief of C. J. Colville; without amendment (Rept. No. 2437). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 16958. A bill to provide an appropriation for the payment of claims of persons who suffered damages from deaths, personal injuries, or property loss due to an airplane accident at Langin Field, Moundsville, W. Va., July 10, 1921; without amendment (Rept. No. 2438). Referred to the Committee of the Whole House.

Mr. HUDSPETH: Committee on Claims. H. R. 6939. A bill for the relief of Thomas T. Grimsley; without amendment (Rept. No. 2442). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 7560. A bill for the relief of James P. Hamill; with amendment (Rept. No. 2443). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 12782. A bill for the relief of C. L. Beardsley; with amendment (Rept. No. 2444). Referred to the Committee of the Whole House.

Mr. ROY G. FITZGERALD: Committee on Claims. H. R. 15288. A bill for the relief of Angelo Cerri; without amendment (Rept. No. 2445). Referred to the Committee of the Whole House.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. SINCLAIR: Committee on War Claims. H. R. 6538. A bill to reimburse Lieut. Col. Charles F. Sargent; adverse (Rept. No. 2427). Laid on the table.

Mr. PEAVEY: Committee on War Claims. H. R. 7987. A bill for the relief of W. H. Fisher; adverse (Rept. No. 2428). Laid on the table.

Mr. SINCLAIR: Committee on War Claims. H. R. 12637. A bill granting jurisdiction to the Court of Claims to hear the case of David A. Wright; adverse (Rept. No. 2429). Laid on the table.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 16981) authorizing the city of Wheeling, W. Va., to construct, maintain, and operate a free highway bridge across the Ohio River at or near Wheeling, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. McDUFFIE: A bill (H. R. 16982) authorizing J. E. Robinson, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Tombigbee River at or near Coffeeville, Ala.; to the Committee on Interstate and Foreign Commerce.

By Mr. VINCENT of Iowa: A bill (H. R. 16983) authorizing the cities of Omaha, Nebr., and Council Bluff, Iowa, either independently or both jointly to purchase, to consider, or to construct, and to reconstruct, extend, enlarge, maintain, and operate one or more toll or free bridges, not exceeding three, across the Missouri River at or near said cities or to assign such rights to others, and providing the conditions to the exercise of such powers; to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER: A bill (H. R. 16984) providing for the final enrollment of the Indians of the Klamath Indian Reservation in the State of Oregon; to the Committee on Indian Affairs.

By Mr. COLTON: A bill (H. R. 16985) authorizing the Uintah, Uncompahgre, and the White River Bands of the Ute Indians in Utah and Colorado and the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico to sue in the Court of Claims; to the Committee on Indian Affairs.

By Mr. COLLINS: A bill (H. R. 16986) to provide for the establishment of a branch home of the National Home for Disabled Volunteer Soldiers in the State of Mississippi; to the Committee on Military Affairs.

By Mr. DRANE: A bill (H. R. 16987) for the control of floods in the Caloosahatchee River and Lake Okeechobee drainage areas, Florida, and for other purposes; to the Committee on Flood Control.

By Mr. ESTEP: A bill (H. R. 16988) to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. HANCOCK: A bill (H. R. 16989) authorizing the payment of paving assessment in the city of Syracuse, N. Y.; to the Committee on Claims.

By Mr. SUTHERLAND: A bill (H. R. 16990) validating certain applications for and entries of public lands; to the Committee on the Public Lands.

By Mr. TAYLOR of Colorado: A bill (H. R. 16991) to add certain lands to the Holy Cross National Forest, Colo.; to the Committee on the Public Lands.

By Mr. BLACK of New York: Resolution (H. Res. 310) to investigate warning as to speculative loans issued by Federal Reserve Board; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 16992) granting an increase of pension to Isabella Shields; to the Committee on Invalid Pensions.

By Mr. DOUTRICH: A bill (H. R. 16993) granting an increase of pension to Priscilla Pye; to the Committee on Invalid Pensions.

By Mr. KELLY: A bill (H. R. 16994) granting a pension to Maggie Rachael Wilt; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 16995) granting an increase of pension to Sadie J. Daymude; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16996) granting an increase of pension to Emma E. Kerr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16997) granting a pension to Sarah A. Welsh; to the Committee on Invalid Pensions.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 16998) for the relief of Clayton M. Thomas; to the Committee on Military Affairs.

By Mr. REED of New York: A bill (H. R. 16999) granting an increase of pension to Agnes A. Tiffin; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 17000) granting an increase of pension to Nancy M. Hinkley; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 17001) for the relief of Capt. Walter R. Gherardi, United States Navy; to the Committee on Naval Affairs.

By Mr. WYANT: A bill (H. R. 17002) granting a pension to Annie M. Kinsel; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: Resolution (H. Res. 311) that the sum of $1,000 be paid to Margaret Elma Naylor for extra and expert services to the Committee on Invalid Pensions; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9804. Resolution of the Winnebago County Bar Association, urging location of United States district court at Rockford, Ill.; to the Committee on the Judiciary.

9805. Petition of Active Republican Club (Inc.), fifth assembly district, New York, urging legislation by the Congress that will eliminate the traffic in narcotics; to the Committee on Ways and Means.

9806. By Mr. BLOOM: Petition of the New York State Fish, Game, and Forest League, indorsing the Norbeck game refuge bill (S. 1271); to the Committee on Agriculture.

9807. Also, petition of executive committee of the Garden Club of America, indorsing the Norbeck game refuge bill (S. 2171); to the Committee on Agriculture.

9808. By Mr. BOHN: Petition of 20 members of the Methodist Episcopal Church of Pickford, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9809. By Mr. BOIES: Petition of the pastor and 300 members of the Presbyterian Church at Battle Creek, Iowa, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9810. By Mr. BOYLAN: Resolution adopted by Active Republican Club of New York City, favoring legislation prohibiting the peddling of narcotics; to the Committee on Interstate and Foreign Commerce.

9811. By Mr. CULLEN: Petition of the Garden Club of America, indorsing the Norbeck game refuge bill; to the Committee on Agriculture.

9812. Also, petition of the members of the General Henry W. Lawton Camp, No. 21, Department of New York United Spanish War Veterans, urging favorable consideration of House bill 14676, granting pensions and increase of pensions to certain soldiers, sailors, marines, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition; to the Committee on Pensions.

9813. By Mr. DOUTRICH: Petition of 170 members of Grace Evangelical Church, Millersburg, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9814. Also, petition of 106 citizens of the eighteenth congressional district of the State of Pennsylvania, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9815. By Mr. ESLICK: Petition of the Woman's Christian Temperance Union of Columbia, Tenn., membership 85, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9816. By Mr. GARBER: Petition of Albert E. Niehus, in support of the Norbeck game refuge bill (S. 1271); to the Committee on Agriculture.

9817. Also, petition of Mrs. E. H. Peine, Blackwell, Okla., in support of the Norbeck bird conservation bill (S. 1271); to the Committee on Agriculture.

9818. By Mr. GIBSON: Petition of 56 citizens of the second congressional district of the State of Vermont, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9819. By Mr. GREENWOOD: Petition of members of the First Presbyterian Church, Vincennes, Ind., 500 strong, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9820. By Mr. HANCOCK: Petition of 26 citizens of Cortland County, Cincinnatus, N. Y., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9821. By Mr. HOFFMAN: Petition of 36 citizens of third congressional district of New Jersey, urging that no change be made in tariff on hides and leathers; to the Committee on Ways and Means.

9822. Also, petition of 14 citizens of Highland, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9823. Also, petition of 40 citizens of Middlesex County, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9824. Also, petition of 27 citizens of Perth Amboy, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9825. Also, petition of 25 citizens of Cranberry, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9826. Also, petition of 60 citizens of Jamesburg and vicinity, in the State of New Jersey, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9827. Also, petition of 53 citizens of Neptune City, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9828. Also, petition of 39 citizens of Long Branch, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9829. By Mr. HUDSON: Petition of 45 citizens of Davisburg, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford Sunday rest bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9830. Also, petition of 63 citizens of Dansville, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9831. Also, petition of 22 members of the Emmanuel Baptist Church, of Flint, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9832. Also, petition of 61 members of the First Evangelical Church of Flint, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of

Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9833. Also, petition of 26 members of the First Baptist Church of Holly, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9834. Also, petition of 33 members of the Kearsley Park Evangelical Church, of Flint, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9835. Also, petition of 24 members of the Long Lake Methodist Episcopal Church, of Long Lake, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided by the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9836. Also, petition of nine members of the Methodist Episcopal Church of South Mundy, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9837. Also, petition of 14 members of the Methodist Episcopal Church of Grand Blanc, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9838. Also, petition of 22 members of the Clyde Methodist Episcopal Church, of Clyde, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9839. Also, petition of 18 members of the Methodist Episcopal Church of Gaines, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9840. Also, petition of 66 members of the Methodist Episcopal Church of Linden, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9841. Also, petition of 10 members of the First Baptist Church of Fenton, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9842. Also, petition of 21 members of the First Baptist Church of Rochester, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9843. Also, petition of Mary C. Street and B. T. Street, both of Fenton, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided by the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9844. By Mr. KEARNS: Petition of the Women's Christian Temperance Union, consisting of 42 members, Hillsboro, Ohio, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9845. By Mr. KELLY: Petition of the teacher and 14 members of the Young Ladies' Class of the United Presbyterian Church, Swissvale, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9846. Also, petition of 64 citizens of the thirty-third congressional district of the State of Pennsylvania, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9847. By Mr. KIESS: Petition from citizens of Avie, Pa., favoring the passage of House bill 78, introduced by Representative LANKFORD; to the Committee on the District of Columbia.

9848. Also, petition of 29 citizens of Emporium, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9849. Also, petition of 24 citizens of Lock Haven, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9850. Also, petition of 102 citizens of Jersey Shore, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9851. Also, petition of 650 members of Lycoming Presbyterian Church, Williamsport, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9852. Also, petition of 94 citizens of Williamsport, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9853. By Mr. LINDSAY: Petition of John Earl, John Hynes, and Edward Graham, citizens of Brooklyn, N. Y., a committee representing the American Wire Weavers' Protective Association, makers of Fourdrinier wire cloth, representing one of the oldest trades in America, praying that earnest consideration and support be given to recommendations presented by the president of the executive board at hearings on January 16, 1929, before the Ways and Means Committee on metal manufactures, petitioning that adequate protection be given this industry; to the Committee on Ways and Means.

9854. By Mr. LINTHICUM: Petition of medical and chirurgical faculty of the State of Maryland, opposing Sheppard-Towner-Newton bill on child welfare; to the Committee on Interstate and Foreign Commerce.

9855. Also, petition of Peabody Piano Co., Baltimore, Md., opposing House bill 13452, which aims to increase royalties on phonograph records; to the Committee on Patents.

9856. Also, petition of Dr. H. S. Willis, Johns Hopkins Hospital, and Dr. Thomas R. Boggs, Baltimore, Md., urging granting of pension to Mrs. Joseph Goldberger, widow of Doctor Goldberger, late of the Public Health Service; to the Committee on Pensions.

9857. Also, petition of N. S. Kenney, F. J. Le Moyne, U. O. Michaels, Bacharach Rasin Co., M. Champlin Robinson, James Bailey & Son, F. M. MacDonald, Canton National Bank, James Stuart Lowry, R. U. Darby, J. P. Pfeiffer & Son, J. William Middendorf & Sons, B. Howell Griswold, jr., Sherwood Bros., W. W. Seward, M. E. Towner, D. K. Este Fisher, Brinkmann & Co., and William M. Thornton, jr., all of Baltimore, Md.; Mrs. Ellen G. Robinson, Brooklandville, Md.; Elmer Haulenbeck, Oakland, Md.; Josiah A. Beck, Denton, Md.; and Copley Amory, Washington, D. C.; favoring passage of Norbeck game refuge bill; to the Committee on Agriculture.

9858. By Mr. LUCE: Petition of John F. Cavanaugh and Michael T. Cavanaugh, Framingham, Mass., protesting change in duty on hides and leather; to the Committee on Ways and Means.

9859. By Mr. McCORMACK: Petition of Mrs. Thomas F. Donovan, 764 Columbia Road, Dorchester, Mass., protesting vigorously against the Newton maternity bill and the equal rights amendment; to the Committee on the Judiciary.

9860. By Mr. MEAD: Petition of Buffalo Lumber Exchange; to the Committee on Ways and Means.

9861. Also, petition of New York State Fish, Game, and Forest League; to the Committee on Agriculture.

9862. By Mr. MICHENER: Petition of 45 members of the Evangelical Church of St. Rockwood, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9863. Also, petition of 56 members of the First Baptist Church of Milan, Mich., urging the enactment of legislation to protect

the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9864. Also, petition of 33 members of the Evangelical Church of Carlton, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9865. By Mr. MORROW: Petition of the pastor and 78 members of the Presbyterian Church of Alamogordo, N. Mex., urging the enactment of the Sunday observance bill for the District of Columbia, as provided in the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

9866. By Mr. O'CONNELL: Petition of the Weatherbest Stained Shingle Co. (Inc.), Jackson Heights, Long Island, New York, opposing the lumber, log, and shingle tariff; to the Committee on Ways and Means.

9867. Also, petition of Philip A. Meckel, Woodhaven, Long Island, N. Y., favoring an amendment to paragraph 1671, schedule 15; to the Committee on Ways and Means.

9868. Also, petition of Mrs. David Holmes Morton, Brooklyn, N. Y., favoring the passage of the Norbeck game refuge bill (S. 1271); to the Committee on Agriculture.

9869. Also, petition of the Chamber of Commerce of the United States, favoring the passage of House bill 450; to the Committee on Military Affairs.

9870. Also, petition of Louis Eisman, of New York City; Mrs. L. J. Francke, of New York City; Robert J. Caldwell, New York City; and the Garden Club of America, New York City, favoring the passage of the game refuge bill (S. 1271); to the Committee on Agriculture.

9871. By Mr. PEAVEY: Petition of 150 members of Methodist (German) Church, Merrill, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9872. Also, petition of 800 members of St. Stephens Episcopal Church, Merrill, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9873. Also, petition of 42 members of the Emmanuel Scandinavian Congregational Church, Merrill, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9874. By Mr. PERKINS: Petition of 80 members of Methodist Episcopal Church of Belvidere, N. J., suggesting a change in the preamble to the Constitution of the United States; to the Committee on the District of Columbia.

9875. Also, petition of 106 members of the Woman's Christian Temperance Union, Washington, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9876. By Mr. QUAYLE: Petition of C. Bruno & Son (Inc.), of New York City, opposing House bill 13452, to amend the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, as amended, in respect of mechanical reproduction of musical compositions, and for other purposes; to the Committee on Patents.

9877. Also, petition of Weatherbest Stained Shingle Co. (Inc.), of North Tonawanda, N. Y., opposing the lumber, log, and shingle tariff; to the Committee on Ways and Means.

9878. Also, petition of Buffalo Lumber Exchange, protesting against the proposal to place a duty on Canadian timber, lumber, lath, and shingles; to the Committee on Ways and Means.

9879. Also, petition of the Dana Natural History Society, of Albany, N. Y., favoring the passage of the Norbeck game refuge bill; to the Committee on Agriculture.

9880. Also, petition of the Washburn Crosby Co. (Inc.), New York City, N. Y., favoring the passage of the Norbeck game refuge bill; to the Committee on Agriculture.

9881. Also, petition of Anchor Cap & Closure Corporation, of Long Island City, N. Y., favoring the passage of House bill 12693, a bill which relates generally to standards for preserves, jellies, and other similar products; to the Committee on Agriculture.

9882. Also, petition of Robert Brautigam Co., of Brooklyn, N. Y., opposing the Timberlake resolution, having as its objective the placing of certain restrictions and limitations on the free entry of Philippine sugar into this country; to the Committee on Ways and Means.

9883. Also, petition of the Dime Savings Bank of Brooklyn, N. Y., favoring the passage of the Norbeck game refuge bill; to the Committee on Agriculture.

9884. Also, petition of I. Rokeach & Sons (Inc.), of Brooklyn, N. Y., opposing any duty which may be proposed on soapmaking oils and fats now on the free list; to the Committee on Ways and Means.

9885. Also, petition of Chamber of Commerce of the United States of America, Washington, D. C., favoring the passage of House bill 450, with authorizes educational or training orders as an essential feature of an effective program of industrial preparedness for national defense; to the Committee on Military Affairs.

9886. Also, petition of Benjul Music House, of Brooklyn, N. Y., opposing House bill 13452, to amend the act entitled "An act to amend and consolidate the acts respecting copyright"; to the Committee on Patents.

9887. Also, petition of Brotherhood of Painters, Decorators, and Paperhangers of America, Local Union No. 369, Washington, D. C., favoring the passage of Senate bill 4186, a bill to regulate the use of spray painting compressed air machines, and for other purposes; to the Committee on Labor.

9888. By Mr. RAMSEYER: Petition of the Methodist Episcopal Church of Kirkville, Iowa, with a membership of 143 present, unanimously petitioning to enact into a law the Lankford Sunday rest bill for the district of Columbia (H. R. 78) or similar measures; also

Sixteen citizens of Kirkville, Iowa, petitioning to enact into law the Lankford Sunday rest bill for the district of Columbia (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9889. By Mr. REED of New York: Petition of 120 members of the Woman's Christian Temperance Union and 40 members of the Baptist Church, Niobe, N. Y., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9890. By Mr. ROMJUE: Petition of W. W. Sears et al., Palmyra, Mo.; to the Committee on Ways and Means.

9891. By Mr. ROWBOTTOM: Petition of Indiana Farm Bureau Federation, in opposition to proposed tariff on Canadian lumber, shingles, and logs; to the Committee on Ways and Means.

9892. By Mr. SCHNEIDER: Petition of 500 members of First Presbyterian Church, Oconto, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9893. By Mr. SWICK: Petition of the Mahoningtown Presbyterian Church, 380 members, located at New Castle, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9894. Also, a petition of 71 citizens of the twenty-sixth congressional district of the State of Pennsylvania, urging the enactment of legislation to protect the people of the Nation's Caiptal in the enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9895. Also, petition of the Woman's Christian Temperance Union of Rochester, Beaver County, Pa., with a membership of 140, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9896. Also, petition of the Woman's Christian Temperance Union of Beaver, Beaver County, Pa., with a membership of 225, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9897. Also, petition of the Presbyterian Church of Slippery Rock, Pa., with a membership of 461, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9898. Also, petition of the Ladies' Aid Society of Vanport Presbyterian Church, membership of 15, urging the enactment

of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9899. Also, petition of 59 members of the Twentieth Century Club, Rochester, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9900. Also, petition of members (500 in number) of the Presbyterian Church of Ellwood City, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9901. Also, petition of the Presbyterian Church, 300 members, of Freedom, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9902. Also, petition of the Woman's Club of College Hill, Beaver Falls, Pa., having a membership of 100, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9903. By Mr. TAYLOR of Colorado: Petition from citizens of Eagle County, Colo., protesting against any legislation to abrogate the Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

9904. Also, petition from citizens of Rifle, De Beque, and Palisade, Colo., protesting against any legislation to abrogate the Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

9905. Also, petition from citizens of Aspen, Colo., protesting against any legislation to abrogate the Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

9906. Also, petition from citizens of Delta, Colo., protesting against any legislation to abrogate the Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

9907. Also, petition from citizens of Gunnison, Colo., protesting against any legislation to abrogate the Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

9908. Also, petition from citizens of Glenwood Springs, Colo., protesting against any legislation to abrogate the Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

9909. Also, petition from citizens of Leadville, Colo., protesting against any legislation to abrogate the Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

9910. Also, petition from citizens of Delta County, Colo., protesting against legislation to abrogate Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

9911. Also, petitions from citizens of Rico and Telluride, Colo., protesting against legislation to abrogate Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

9912. Also, petitions from citizens of Durango, Colo., protesting against any legislation to abrogate the Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

9913. By Mr. THOMPSON: Resolution of Cecil Institute, meeting at Cecil, Paulding County, Ohio, pertaining to legislation to remedy farming conditions; to the Committee on Agriculture.

9914. By Mr. WATSON: Petition of the members (96 in number) of the Presbyterian Church, Ivyland, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9915. Also, petition of 26 citizens of Springtown, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9916. Also, petition of 150 members of the Presbyterian Church and 13 members of the Woman's Missionary Society, Eddington, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9917. Also, petition of 26 citizens of Greenville, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9918. Also, petition of 36 citizens of Hatboro, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9919. Also, petition of 127 citizens of Quakertown, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9920. Also, petition of 53 citizens of Norristown, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9921. Also, petition of 68 citizens of Ambler, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9922. Also, petition of 10 citizens of Conshohocken, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9923. Also, petition of 302 citizens of Bucks and Montgomery Counties, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9924. Also, petition of 75 citizens of Souderton, Pa., and vicinity, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9925. Also, petition of 65 citizens of North Wales, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9926. Also, petition of 25 citizens of Rahus and Collegeville, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9927. Also, petition of 22 citizens of Palm, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9928. Also, petition of 49 citizens of Perkasie, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9929. Also, petition of 18 citizens of Mill Hall, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9930. Also, petition of 101 citizens of Lansdale, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9931. Also, petition of 38 citizens of Bucks County, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9932. Also, petition of 30 citizens of Bristol, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9933. Also, petition of 843 members of the Central Presbyterian Church, Norristown, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the

Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9934. Also, petition of 1,050 members of the First Presbyterian Church, Norristown, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9935. Also, petition of 1,108 members of the Calvary Baptist Church, Norristown, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9936. Also, petition of 950 members of the Haws Avenue Methodist Episcopal Church, of Norristown, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9937. Also, petition of 19 citizens of Bristol, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9938. Also, petition of the Young Peoples Branch of the Woman's Christian Temperance Union, of Yardley, Pa., 37 members, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9939. Also, petition of the Woman's Christian Temperance Union (55 members), of Yardley, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9940. Also, petition of 35 members of the North Wales Woman's Christian Temperance Union, Mrs. William Craven, president, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9941. Also, petition of the Young Women's Christian Association of Norristown, Pa., with a membership of 22, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford Sunday rest bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9942. Also, petition of the Christ Reformed Church, Norristown, Pa., with a membership of 570, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9943. Also, petition of the Norristown branch of the Christian Endeavor, consisting of 23 societies, with a membership of 523, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9944. Also, petition of the First Baptist Church, of Norristown, Pa., with a membership of 575, and sponsored by the Woman's Christian Temperance Union, with a membership of 125, all urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9945. Also, petition of the members of All Saints' Parish, Norristown, Pa., a total of 400, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided by the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9946. Also, petition of 700 members of the First Methodist Episcopal Church of Norristown, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9947. Also, petition of 375 members of the Bethany Evangelical Church of Norristown, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9948. Also, petition of 100 members of the Church of the Brethren of Norristown, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9949. Also, petition of 85 members of the Lansdale Church, of which Rev. C. E. Ryder is the pastor, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9950. Also, petition of 20 members of the Collegeville Branch of the Woman's Christian Temperance Union, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford rest bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9951. Also, petition of 65 members of the Ladies' Aid Society of Trinity Reformed Church, Collegeville, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9952. Also, petition of 63 members of the Women's Missionary Society, Collegeville, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford Sunday bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9953. Also, petition of 47 members of the Women's Christian Temperance Union of Churchville, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9954. Also, petition of 30 citizens of the ninth district, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9955. Also, petition of 30 members of the Philathea Bible Class of the Reformed Church, Churchville, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9956. Also, petition of 45 members of the Women's Bible Class of the Methodist Church, Lansdale, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided by the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9957. Also, petition of 80 members of the Men's Bible Class of the Methodist Episcopal Church of Lansdale, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9958. Also, petition of 70 members of the Women's Christian Temperance Union of Bristol, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9959. Also, petition of 77 citizens of the ninth congressional district of Pennsylvania, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9960. By Mr. WILLIAMSON: Petition of the pastor, trustees, and 400 members of the Presbyterian Church, Lemmon, S. Dak., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

SENATE

SATURDAY, *February 9, 1929*

(Legislative day of Thursday, February 7, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed a bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 3581. An act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia;

H. R. 13484. An act authorizing preliminary examinations of sundry streams with a view to the control of their floods, and for other purposes;

H. R. 13502. An act authorizing the State of Minnesota and the State of Wisconsin to construct, maintain, and operate a free highway bridge across the St. Croix River at or near Stillwater, Minn.;

H. R. 14146. An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a free highway bridge across the Monongahela River, in the city of Pittsburgh, Allegheny County, Pa.;

H. R. 14164. An act granting the consent of Congress to the city of Knoxville, Tenn., to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Henley Street, in Knoxville, Knox County, Tenn.;

H. R. 14451. An act to revive and reenact the act entitled "An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River at or near McKees Rocks Borough, in the county of Allegheny, in the Commonwealth of Pennsylvania";

H. R. 14460. An act authorizing the Iowa-Nebraska Amortized Free Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Sioux City, Iowa;

H. R. 14469. An act granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Youghiogheny River between the borough of Versailles and the village of Boston, in the township of Elizabeth, Allegheny County, Pa.;

H. R. 14481. An act granting the consent of Congress to the Chicago South Shore & South Bend Railroad to construct, maintain, and operate a railroad bridge across the Grand Calumet River at East Chicago, Ind.;

H. R. 14919. An act granting the consent of Congress to the commissioners of Mahoning County, Ohio, to construct, maintain, and operate a free highway bridge across the Mahoning River at or near Cedar Street, Youngstown, Mahoning County, Ohio;

H. R. 15072. An act to extend the times for commencing and completing the reconstruction of the bridge across the Grand Calumet River at Burnham Avenue, in Cook County, Ill.;

H. R. 15084. An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River at or near Reedsdale Street, in the city of Pittsburgh, Allegheny County, Pa.;

H. R. 15269. An act to extend the times for commencing and completing the construction of a bridge across the Red River at or near Coushatta, La.;

H. R. 15427. An act authorizing and directing the Secretary of War to lend to the Governor of North Carolina 300 pyramidal tents, complete; 9,000 blankets, olive drab, No. 4; 5,000 pillowcases; 5,000 canvas cots; 5,000 cotton pillows; 5,000 bed sacks; and 9,000 bed sheets to be used at the encampment of the United Confederate Veterans to be held at Charlotte, N. C., in June, 1929; and

H. R. 15470. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a free highway bridge across the Cumberland River in the vicinity of Harts Ferry, Trousdale County, Tenn.

PETITIONS AND MEMORIALS

Mr. WALSH of Massachusetts presented the following resolutions adopted by the State Senate of Massachusetts, which were referred to the Committee on the Judiciary:

THE COMMONWEALTH OF MASSACHUSETTS,
IN THE YEAR 1929.

Senate Resolution 256, requesting Congress to take action for the repeal of the eighteenth amendment to the Federal Constitution, known as the prohibition amendment

Whereas there was placed on the official ballot used in 36 of the 40 senatorial districts of the Commonwealth at the State election in November, 1928, under the provisions of sections 19 to 22, inclusive, of chapter 53 of the General Laws, the following question:

"Shall the senator from this district be instructed to vote for a resolution requesting Congress to take action for the repeal of the eighteenth amendment to the Constitution of the United States, known as the prohibition amendment?" and

Whereas a plurality of the votes cast in 34 of said 36 districts was in favor of such instruction; and

Whereas the total affirmative vote on said question in said 36 districts was 707,352; the total negative vote on said question in said districts was 422,655; and the total number of persons voting at said election in said districts who did not vote on said question was 310,244: Accordingly be it

Resolved, That the Senate of the Commonwealth of Massachusetts, in view of the vote taken as aforesaid under the statutes of the Commonwealth, and the results of said vote, respectfully requests Congress to take action for the repeal of the eighteenth amendment to the Constitution of the United States, known as the prohibition amendment; and be it further

Resolved, That the clerk of the senate be directed to transmit to the Presiding Officers of both branches of the Congress of the United States and to the Massachusetts Members thereof duly certified copies of these resolutions.

WILLIAM H. SANGER, *Clerk*.

A true copy. Attest:

WILLIAM H. SANGER, *Clerk*.

Mr. WATSON presented the following concurrent resolution of the Legislature of the State of Indiana, which was referred to the Committee on Finance:

A concurrent resolution requesting the Congress of the United States to appropriate funds for the establishment of a United States Veterans' Bureau general hospital within the State of Indiana for honorably discharged ex-service men of this area

Whereas the World War veterans' act of 1924, as amended, provides that "the Director of the United States Veterans' Bureau is authorized to furnish hospitalization and necessary traveling expenses to veterans of any war, military occupation, or military expedition since 1897, not dishonorably discharged, without regard to the nature or origin of their disabilities: *Provided*, That preference to admission to any Government hospital for hospitalization under the provisions of this subdivision shall be given to those veterans who are financially unable to pay for hospitalization and their necessary traveling expenses"; and

Whereas as a result of the above enactment of Congress there has been a substantial increase of admissions to hospitals, and as this increase of admissions is expected to continue for years to come; and

Whereas in this area, comprising the States of Indiana, Kentucky, Ohio, Michigan, and Illinois, there is at this time an acute and increasing need for general hospital facilities, and as the State of Indiana has not been allowed a United States Veterans' Bureau hospital, while in each of the States bordering Indiana there have been United States Veterans' Bureau hospitals established; and

Whereas, as Indiana is the center of population of the United States, a nucleus of the agricultural and industrial elements, the greatest railroad center of the world, and easily accessible by highways, there is probably no area within the United States comprising States that potentially serve such a large number of ex-service men; and

Whereas a United States Veterans' Bureau general hospital located within the State of Indiana would economically serve approximately 1,000,000 ex-service men who are residents of this area; and

Whereas the savings alone in transportation would be of such stupendous amount, because of the central location and because of serving such a wide area, the institution should be of such proportions as to meet the present acute and increasing needs, so that the large necessary expenditure will be an economic one: Therefore

Be it resolved by the Senate of the State of Indiana (the House of Representatives concurring)—

SECTION 1. That the United States Government is hereby respectfully urged and requested to provide the necessary funds for the establishment of a United States Veterans' Bureau general hospital at some convenient place within the State of Indiana, of such capacity as to afford adequate hospital facilities for persons entitled to treatment in such hospitals in the area consisting of the States of Indiana, Ken-

tucky, Ohio, Michigan, and Illinois. The United States Senators and Members of Congress from this State are hereby urged to use all honorable means to secure the establishment of such a hospital in the State of Indiana.

SEC. 2. That the secretary of state is hereby directed to send certified copies of this resolution to each of the United States Senators and each Congressman from Indiana.

EDGAR D. BUSH,
President of the Senate.
JAMES M. KNAPP,
Speaker of the House of Representatives.
HARRY G. LESLIE,
Governor of the State of Indiana.

Approved January 28, 1929.

Mr. SHEPPARD presented a resolution adopted by the Texas Reclamation and Drainage Association, at Corsicana, Tex., favoring the passage of the bill (S. 4689) to provide for the making of loans to drainage or levee districts, and for other purposes, which was referred to the Committee on Irrigation and Reclamation.

JUDICIAL PROCEDURE IN EUROPEAN COUNTRIES

Mr. NORRIS. Mr. President, sometime ago I introduced a bill providing for the establishment of a new court and invited the attention of the Senate to it. I have now an article written by Hon. Edward J. Henning, United States district judge for the southern district of California, a very interesting article which bears rather directly on the subject. In the article he gives his observations as a result of an examination of the courts, particularly of England and Germany. I ask unanimous consent that the article may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the article was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

OBSERVATIONS OF JUDICIAL PROCEDURE IN EUROPEAN COUNTRIES

By Edward J. Henning, United States district judge for the southern district of California

On July 21, 1928, I sailed on the *George Washington* for Cardiff, Wales, where I landed on July 30. After spending a week in the British Isles, two weeks in Germany and Austria, and a week in Paris, I sailed for home from La Havre, France, on August 29.

The month of August seems to be preeminently a month of court vacations throughout the Temperate Zone. The courts of Great Britain, of Germany, Austria, and France were in vacation as a rule while I was in those respective countries. Minor courts were in session everywhere, and in Frankfort on the Main, Germany, about one-third of the courts of all grades were functioning.

Most American lawyers are fairly familiar with the British judicial system. Four years ago I made a more or less intensive study of the British system in London. American lawyers are accustomed to reading considerable in the literature of their craft about the doings of the courts in the British Isles and on occasion hear a British lawyer or judge deliver an address before some bar association of which they are members. In 1924 the associations of the English-speaking bars of the world met in conference at London. About 2,000 American lawyers attended. Many American lawyers who failed to attend the conference have read the reports thereof.

The procedure of the courts of the different European countries I visited vary greatly from each other. All are in sharp contrast with our own general scheme of procedure. However, I found several things which seem to characterize European procedure of all countries and which are quite distinct from ours.

The most striking thing I observed in all the countries I visited is the commanding position of the judge and the rather unimportant position of the lawyer while a court is in session. Again, while without exception, judges and lawyers of European countries wear gowns and other regalia typical of their position, and while there is much formality in that regard, the proceedings themselves in court are very much more informal in European countries than in America.

Another outstanding feature I noticed in all the countries of Europe which I visited is the fact that judges have an unlimited tenure of office when once permanently placed upon the bench. It is probably because of that feature that there has developed with the passing of the years in European countries the relatively reversed relation to a trial, as compared with our own, of the lawyer and the judge.

The most striking thing that came to my attention was the discovery of the fact that since the establishment of the German Republic there are no jury trials in that country. The jury system, largely founded by the Germanic people, has been abolished lock, stock, and barrel in Germany. There is no exception to that rule.

In the city of Cardiff, Wales, I learned from a judge of a minor court there that the practice of shifting judges in the British Isles from one locality to another is extensively indulged and is a part of the fundamentals of the British system. This particular judge advised me that he expected to sit in London in the fall. His statement to me in substance was that while the power exists in some authority to shift judges of the lower courts and courts of first instance at will, that the wishes of the individual judge are consulted and that the system works without friction or discontent, so far as the bench is concerned. He advised me that the theory of it all is that the judge, holding a position for life, is not interested in anything having to do with litigation except justice and that he can function best to that end when he is a stranger to litigants, jurors, and bar.

While much of American jurisprudence comes to us from England, and while the principles and rules of law of the two countries are very similar, so far as substantive law is concerned, there is really very little similarity in the operation of the courts of the two countries. Generally speaking, such a comparison is to our disadvantage. Most of the rules of practice, the rules governing the operations of the courts, which we imported from England, were based upon conditions existing in that country several centuries ago. They were intended to protect the individual against autocratic and tyrannical governments.

The principal changes of the British system of court procedure have come in the last quarter of a century. These English reforms were the result of more than half a century of agitation and tentative legislation and it is to be noted that the principal reform was brought about by those who were strangers to our craft. The criminal appeals act of England is beyond question the outstanding reform in British legal history and unquestionably the thing which has brought about the greatest distinction between English criminal court procedure and our own. The bar generally opposed this reform. The layman brought it about.

This court of criminal appeals, by virtue of practicing what the statute authorizes it to do, has liberalized and modernized to a great extent criminal trials in the courts of first instance in England. This court is given broad discretion. It rarely sends a case back for a new trial. The criminal appeals court is authorized to make any change in the verdict of the jury and the sentence of the court which, in its opinion, should be made in the interest of justice. It may shorten the sentence; it may lengthen the sentence; it may set it aside entirely. It may hear witnesses and take additional evidence to clarify some point. Because of this broad power of the criminal appeals court appeals have been greatly reduced in number, even though appeal has been made very simple.

Recently considerable comment has been made by writers and speakers regarding the varying sentences imposed by different judges of courts of the same type and jurisdiction, as for example, the United States district courts upon convictions for crime under the same statute. Some judge will impose a small sentence or grant probation under the same statute and under the same circumstances under which another judge will impose the maximum imprisonment sentence. One effect of the English appeals court in criminal cases is to equalize sentences coming from various courts of the same jurisdiction. This makes for a degree of certainty and definiteness as to sentence throughout the British Isles.

I observed in Germany that a rather similar condition exists in criminal matters although under a wholly different system. Criminal cases are tried in Germany in a court of original jurisdiction and a defendant may have an appeal from the trial court of first instance to an intermediate court by simply announcing upon conviction that he desires an appeal. The court to which he appeals tries the case de novo and has a wholly free hand to deal with the matter as though it had never before been in a court. Simple as these appeals are, the fact is that they are not invoked in a large per cent of cases. I was present at a criminal trial in a court of second instance at Frankfort where a case was considered, involving husband and wife, based on a charge of fraudulent practices. They had been sentenced to serve six months in prison. Just before proceeding to trial and after the case had been called defendants' attorney asked for a conference with the prosecutor and the court took a short recess. Upon reconvening defendants' attorney announced to the court that the defendants desired to withdraw their appeal and accept the sentence of the court of first instance. This being a right the court made an order accordingly. Defense counsel explained to me the reasons for this action and mentioned among several that the defendants felt that should they be found guilty in this court the sentence, no doubt, would be made much more severe.

In Austria I was unable to witness any court in operation for the reason that all the courts at Vienna, except petty police courts, were in vacation. I learned there that the jury system is very extensively used and under the Republic every citizen is qualified to serve as a juror, practically speaking. The criticisms I heard in that country with reference to criminal matters were very much like the criticisms we hear in this country. It is said that juries are entirely too much inclined to acquit those charged with crimes and that many guilty people escape punishment.

A trial in the English courts is a much simpler proceeding than in our courts. Objections to the receipt of testimony are rare. The lawyer has performed his labors largely in his office and prior to the trial and has communicated to the court his written memorandum or brief. The English have largely lost the psychology which is so prominent in the

mind of the American lawyer, namely, that anything said by anyone in court will prejudice the mind of the juror to the extent that he can not render a fair verdict. The English juror is largely taken into the group who are trying to ascertain the facts and there is no great effort to keep the juror in a glass case. The public prosecutor is regarded as a quasi judicial officer and he conducts himself in that character.

Four years ago I was in London while a very famous murder trial was on. It was the sordid story of a young married man of some standing in the business world who was charged with having killed a mistress in some cottage in the country where they had lived. The evidence was circumstantial. However, after the Government rested the accused took the stand, admitted the death of the woman by virtue of a fight, but claimed that she accidentally stumbled and fell, striking her head on the andirons of the fireplace, which caused her death. The jury found him guilty. Thereupon the prosecutor made public the record of this man, including three prior convictions, two of them under serious charges. The prosecutor explained that these facts were not brought out on cross-examination of the defendant because it was felt that under so serious a charge—murder—the jury should be permitted to decide the facts regardless of the character of the defendant under all the circumstances.

The trial of a civil case in an English court is not unlike the meeting of a board of directors of some successful American corporation, were it not for the formal clothes worn by bench and bar. The judge takes the part of the president and chairman of the board and the whole proceeding is rather informal.

The American visitor, familiar with American court practice, is usually astounded when he observes a jury trial in that country, particularly in the matter of summing up the case to the jury. The English bar has brilliant orators, as has every bar I know anything of. There one hears some brilliant addresses to the jury, but how different these addresses are from the feature orations of American lawyers to a jury in a criminal case. The English lawyer is concise and precise in his argument to the jury and never gets away from the evidence. The outstanding "address" to the jury, however, is made by the judge. He sums up the evidence, suggests helpful details to the jury as to how to go at the consideration of the evidence, and indicates what to him seems the crux of the case and what the evidence seems to indicate in that regard. He carefully advises the jury, however, that they are the sole judges of the facts.

The lawyer is still less prominent at a trial in Germany. I did not witness many trials of an important nature there, but in all of them, with two exceptions, which I attended the lawyers stood at the bar throughout the trial. A table was provided in the courtroom, but practically no chairs inside of the bar or rail. Witnesses and lawyers stood before the bar throughout the proceedings and tables were used only for the accommodation of lawyers' brief cases. As before stated, there are no juries in Germany. Every trial I attended, with one exception, was presided over by a senior judge, accompanied by either one or two junior judges, and in every instance by two lay judges. The exception noted is a special court dealing solely with controversies between landlord and tenants and cotenants in city dwellings. This court was created to furnish relief in connection with a very serious housing shortage. It consists of one judge and two laymen. The laymen for this court, which is also an exception, must be one representative of the landlord class and one representative of the tenant class. In all other instances the laymen are chosen regardless of their occupation and serve only in one case per six months or year. They are drawn in a manner somewhat analogous to our method of selecting jurors. The selections are made by certain authorities of the community and two laymen are assigned each day to each court. There are no challenges of laymen provided.

The presiding judge examines the witnesses and invariably asks them to tell their story in their own way. Usually the witness spoke rapidly and wandered far afield, being brought back to his story from time to time by the presiding judge. No record was taken of what the witness said. When the witness had concluded the judge dictated to the reporter in a few well-chosen words the substance of the witness's testimony, which was taken either in shorthand by the reporter or directly on a typewriter. Thereupon the judge would have the testimony read to the witness and the inquiry made whether or not that was his testimony in substance. Sometimes the witness made a correction which sometimes was included in his testimony by the order of the judge and sometimes not. The lawyer for the one or the other of the parties sometimes made a suggestion to the court as to something in the testimony of the witness, either suggesting that the judge had not understood it entirely correctly or suggesting that some further inquiries be made of the witness along certain lines. The judge would acquiesce in the request or deny it, as his judgment dictated.

When the examination of witnesses had been concluded counsel for both sides very briefly and in conversational tone and standing at the bench would briefly call attention to the true meaning of the testimony, and often would suggest that other witnesses should be called who might cover a certain point or that certain of the witnesses had an important interest in the case. I noted that the party to the suit had the right to testify, but not under oath.

In all civil trials which I attended the court would take the matter under advisement or, rather, return to chambers without comment and would render its judgment whenever it was ready. In a majority of cases of a civil nature the trial is had by installments, often involving adjournment of several weeks.

In cases where counsel suggested that additional witnesses should be called the court would determine in chambers whether or not the evidence was sufficient as it stood and call additional witnesses at some future day if it found that the evidence was not sufficient. A three-fourths vote of the members of the court is necessary to find a judgment.

One of the criticisms, made largely by the judges, of the present German system which came to me a number of times was the fact that if the two laymen stood together they could compel the three judges to look at the matter as they did to reach a verdict, and that the laymen frequently so act, and the public, if dissatisfied with a decision, will criticize only the judges, even though the laymen forced the decision and the regular judges sitting alone would have reached a different decision.

The ethics of the German system require that a lawyer have no contact or interview with a witness to be called by either side. He takes the statement of his client as to the probable testimony of given witnesses and prepares his brief of the law and facts in advance on that basis and submits the brief in the record a required number of days after the case is at issue and a required number of days before a possible trial. In his brief he gives the court the names of the witnesses he desires to have present and the court provides for their attendance.

The European lawyer finds it difficult to comprehend the American dual system of courts—Federal and State. The American Constitution, of course, has no parallel in Europe, and that is the reason. They are much confused, when studying our system, to learn that the 48 States each has its independent system and a supreme court, and that over the same territory there is a wholly separate and complete system of courts called the Federal courts without any apparent connection between the two. It is my observation that most European lawyers who have any knowledge of our system consider the Federal system alone and assume that somewhere the State courts fit into it.

No doubt the practice in the Federal courts more nearly resembles the practice in the English courts than does the practice in the courts of any one of our States. The distinction very largely consists in the broader powers in the conduct of a trial exercised by a Federal district judge than by the judge of any court of first instance of any State. It seems to me that the criticism of the American courts by laymen is addressed almost wholly to the State courts, and particularly to the trial of criminal cases.

By way of a general comment I may say that it is my impression that the greatest outstanding phase in which English courts are more efficient and more effective than the American is in the field of criminal jury trials and in the matter of reviewing criminal jury trials by courts of appeals. In substantially all other respects the American system compares very favorably with that of any other country and has many outstanding phases of superiority as compared with the system of all the rest of the world. After spending 30 years in the courts of the United States, both State and Federal, as a trial lawyer, as prosecuting attorney for the United States, and as a United States district judge, I feel that the American jury system is the outstanding feature of American jurisprudence. The longer I deal with courts and juries the higher I respect the verdict of a jury. The outstanding flaws in our jury system, or rather the outstanding phases which bring about criticism, are not the fault of the jury system itself. The fault lies in the first instance with the judges and in the second instance with the statutes and rules governing the operation of courts, particularly in the States. The remedy lies not in doing away with the jury system but in getting at the faults.

In the 60 years last past the United States was metamorphosed from an agricultural country into the most marvelous industrial people of all time. American labor receives the highest wages of any country in the world, and yet American business successfully competes with any of them. The reason is that we have thrown away old standards of business, old conceptions of industrial relations, old interpretations of economic laws, and have builded anew so successfully that the rest of the world stands, contemplates, and is astounded.

And while this marvelous progress has been made in manufacture, in trade, in industry, in commerce, in every material line, our courts operate to-day substantially under the same rules and the same statutes as to practice that they did a century ago. They need to get into step with the rest of American civilization. If the lawyers are unable to do this, the American business man will.

The other day in perusing one of the "century" numbers of the Spectator, that old English weekly, I found in it a clipping which was taken from the number of the Spectator of November 15, 1828—a century ago. It is a discussion in a few words of the workings of the courts in India where native jurors were being employed in the courts and commenting upon the rapid progress made by the natives in adopting the English judicial system. The following words are as true to-day

as they were a century ago and are as applicable in the United States of America as anywhere else in the world. We read:

"Whatever in a well-regulated commonwealth may be the value of the institution of juries as compared with that of sole, responsible judges, there can be no doubt that, in the case of India, as in that of every country which want to be civilized, the first is much to be preferred. It diffuses a knowledge of the principles of justice, and accustoms the people to interest themselves in the administration of it, and to look upon themselves in some measure as its guardians. The purposes of justice might have been secured perhaps as well by judges without juries; but the purposes of civilization would not have been so well answered."

SELFRIDGE AVIATION FIELD

Mr. VANDENBERG. Mr. President, there have been some disagreements in connection with the War Department housing bill, H. R. 13825, regarding the expansion and development of Selfridge Field, the great Federal air field in southwestern Michigan. I understand the argument has now been settled in favor of Selfridge Field and that the Committee on Military Affairs is now prepared to restore authorizations heretofore stricken from the bill. I have various documents here from the War Department and others bearing upon the utility and the importance of Selfridge Field, which should be permanently preserved and which I ask may be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

FORT BENNING, GA., *February 3, 1929.*

Senator ARTHUR VANDENBERG,
United States Senate, Washington, D. C.:

Development of Selfridge Field in accordance with present plans is of utmost importance. It affords immediate aerial defense for great industrial district and permits reenforcement to either coast within 24 hours. It also affords valuable training facilities for operations in low temperatures.

F. TRUBEE DAVISON,
Assistant Secretary of War.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF THE AIR CORPS,
Washington, February 4, 1929.

Hon. ARTHUR H. VANDENBERG,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In reply to your question reference to the reasons why the Air Corps has developed Selfridge Field as a station for the First Pursuit Group, the following is submitted:

This pursuit group is the only independent pursuit group in the Air Corps and has station at Selfridge Field. This location is very excellent from a tactical and strategical point of view for the reason that these air troops are within easy flying distance from all three coasts; that is, they are approximately 4½ hours from New York and about 9 hours from Florida, 12 hours from the Gulf and Mexican borders, and 24 hours of flying time from the Pacific coast. This enables these troops, in case of emergency, to be moved to the necessary front in the minimum amount of time.

The field is also excellently located from a technical point of view, as it is the only station where we are able to carry on training of pilots in cold weather, and, in addition, special developments of motors, landing equipment, and other particular equipment required by very cold climates.

Selfridge Field is an excellent station for aerial gunnery and bombing training, inasmuch as it is closely located to the range at Oscoda, Mich., where this work can be carried on any time of the year. Most of the other Air Corps stations are located in close proximity to denser populated areas and it is exceedingly difficult to provide bombing and machine-gun ranges without the troops flying a long distance to a point where such a range is available. At Selfridge Field this training can be carried on without difficulty.

Selfridge Field is located in the vicinity of one of our most highly developed industrial areas, and in case of war with a particular country this location would be of exceptional advantage. There is no question but what during a war a large amount of aircraft material would be fabricated in this district, and the First Pursuit Group with such other air troops as would be stationed there in time of war would form a nucleus for the defense of this area.

The Government has already invested a large amount of money in the procurement of the property and for temporary construction. It has recently completed 5 large permanent barracks and 30 noncommissioned officers' quarters at a cost of approximately $760,000. If this field is abandoned this investment will be completely lost.

The selection of Selfridge Field as a permanent home for the First Pursuit Group was made after detailed study and investigation, and it is believed to be an ideal location for these units of the Air Corps, and should be retained by all means.

In case appropriations were not available to complete Selfridge Field and it is necessary to abandon this station, I would recommend the procurement of another station in the immediate vicinity of this locality.

Very truly yours,

J. E. FECHET,
Major General, Air Corps, Chief of the Air Corps.

DETROIT, MICH., *February 5, 1929.*

Senator ARTHUR H. VANDENBERG:

Deeply regret the attempt of certain interests to eliminate or take away pursuit aviation from Selfridge Field and State of Michigan. Climatic conditions and location plus geographical advantages of Selfridge demand wholehearted support of both Congress and Senate in not only maintaining present status but improving pursuit aviation, which in time of hostilities will always be scouting and fighting branch of our service.

E. V. RICKENBACKER.

DAYTON, OHIO, *February 4, 1929.*

Senator ARTHUR VANDENBERG,
Senate Office Building:

Understand effort is being made to abandon Selfridge Field. It is my firm conviction that Selfridge Field, due to its extreme changes in weather conditions, its location on Lake St. Clair, which affords a gunnery range at the field, its proximity to Oscoda, an excellent field gunnery range, and to Detroit, the leading city in the production of aircraft, is the best location in the United States for an active and ambitious tactical unit of the Air Corps. Too much stress can not be placed upon the great advantage for training under real service conditions afforded by the cold and variable weather at Selfridge. Furthermore, it is one of the finest airdromes in the country. With best personal regards.

MAJOR LAMPHIER.

(Quotations from memorandum to the Chief of the Air Service, dated November 25, 1924, from Maj. F. G. Lamphier, on the subject of the retention of Selfridge Field)

Selfridge Field to-day is the best airdrome in the United States. This landing field has been used almost daily for two years, and there never has been a time when it was not possible to take off and land at Selfridge Field, a record which few, if any, of the airdromes in the United States can duplicate.

Selfridge Field presents the best opportunities for daily gunnery practice of any field in the United States. This gives us an opportunity to test our machine guns, to conduct preliminary target practice, and to keep our armament personnel familiar with the upkeep and maintenance of our armament.

The proximity of the field to Lake St. Clair is another big advantage during peace time as well as during time of war, as it affords an opportunity to combine seaplane activities with land planes at this field.

REFUNDS OF INTERNAL-REVENUE TAXES

Mr. McKELLAR. Mr. President, there have been several suggestions about the proposed tax-refund amendment on the deficiency appropriation bill. I ask unanimous consent to insert in the RECORD at this point another proposal which may be of benefit to the conferees.

There being no objection, the proposed amendment was ordered to be printed in the RECORD, as follows:

Provided, That no part of funds herein or hereafter provided for tax refunds where the claim is in excess of $10,000 shall be paid out until the Joint Committee on Internal Revenue Taxation shall, after holding public hearing, at which both the taxpayer and the Government shall be represented personally or by counsel, approve the payment of such claim or claims. The said Joint Committee on Internal Revenue Taxation is hereby invested with full power to examine into, pass upon, approve, in whole or in part, reject, in whole or in part, such claim or claims. The Commissioner of Internal Revenue shall furnish in the case of every claim a full statement of facts as found by him concerning such claim, and the said Committee on Internal Revenue Taxation shall have access to all papers, affidavits, and other instruments in the files regarding such claims. Said Committee on Internal Revenue Taxation, or their duly authorized representative or representatives, shall examine into such records, is authorized to hear additional proof, if deemed to be necessary in the fair and just settlement of such claims, shall file a succinct statement of the facts, together with their conclusions on the law and facts, which findings of fact and opinion shall be a public document.

REPORTS OF COMMITTEES

Mr. BINGHAM, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 100) to provide for appropriate military records for persons who, pursuant to orders, reported for military duty, but whose induction or

commission into the service was not, through no fault of their own, formally completed on or prior to November 11, 1918, and for other purposes, reported it with amendments and submitted a report (No. 1685) thereon.

He also, from the same committee, to which was referred the bill (S. 4708) to amend the act of May 24, 1928, entitled "An act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War, reported it without amendment and submitted a report (No. 1698) thereon.

Mr. BROOKHART, from the Committee on Military Affairs, to which was referred the bill (H. R. 14153) to authorize an additional appropriation of $150,000 for construction of a hospital annex at Marion Branch, reported it without amendment and submitted a report (No. 1686) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 11722) to establish a national military park at the battle field of Monocacy, Md., reported it with amendments and submitted a report (No. 1695) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 264) for the relief of Margaret I. Varnum (Rept. No. 1696); and

A bill (S. 4274) for the relief of James Evans (Rept. No. 1697).

Mr. DALE, from the Committee on Commerce, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 5511) granting the consent of Congress to the Hawesville & Cannelton Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River (Rept. No. 1687);

A bill (S. 5548) to extend the time for commencing and the time for completing the construction of a bridge across the Potomac River (Rept. No. 1688);

A bill (S. 5554) to extend the times for commencing and completing the construction of a bridge across the Allegheny River at or near Oil City, Venango County, Pa. (Rept. No. 1689); and

A bill (H. R. 13593) granting the consent of Congress to the villages of East Dundee and West Dundee, State of Illinois, to construct, maintain, and operate a footbridge across the Fox River between East Dundee and West Dundee, Ill. (Rept. No. 1690).

He also, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted a report, as indicated:

A bill (H. R. 14479) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio;

A bill (H. R. 15382) to legalize a trestle, log dump, and booming ground in Henderson Inlet near Chapman Bay, about 7 miles northeast of Olympia, Wash. (Rept. No. 1691); and

A bill (H. R. 16162) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near New Orleans and Gretna, La.

Mr. ODDIE, from the Committee on Naval Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 12390) for the relief of Frank C. Messenger (Rept. No. 1692);

A bill (H. R. 12666) for the relief of William S. Shacklette (Rept. No. 1693); and

A bill (H. R. 15577) to authorize the Secretary of the Navy to dispose of material to the sea scout department of the Boy Scouts of America (Rept. No. 1694).

Mr. McMASTER, from the Committee on Claims, to which was referred the bill (H. R. 9285) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death, reported it with amendments and submitted a report (No. 1699) thereon.

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on this calendar day that committee presented to the President of the United States the enrolled bill (S. 3581) authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NORRIS:

A bill (S. 5750) to amend section 649 of the Revised Statutes, as amended; to the Committee on the Judiciary.

By Mr. THOMAS of Idaho:

A bill (S. 5751) granting a pension to Thomey J. Willis; to the Committee on Pensions.

By Mr. KING:

A bill (S. 5752) authorizing the Uintah, Uncompahgre, and the White River Bands of the Ute Indians in Utah and Colorado and the Southern Ute and the Ute Mountain Bands of Ute Indians in Utah, Colorado, and New Mexico to sue in the Court of Claims; to the Committee on Indian Affairs.

By Mr. McNARY:

A bill (S. 5753) for the incorporation of the Klamath Tribe of Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. HALE:

A bill (S. 5754) to amend the merchant marine act of 1928; to the Committee on Commerce.

A bill (S. 5755) granting an increase of pension to Nancy M. Bearce (with accompanying papers); and

A bill (S. 5756) granting an increase of pension to Lillian H. Durgin (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 5757) to amend paragraphs (c) and (d) of section 9 and paragraphs (a) and (b) of section 10 of the act of Congress entitled "An act to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes," approved March 3, 1925; to the Committee on the District of Columbia.

A bill (S. 5758) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.; to the Committee on Commerce.

A bill (S. 5759) granting a pension to Anna Wynn (with accompanying papers); to the Committee on Pensions.

By Mr. WHEELER:

A bill (S. 5760) for the relief of E. M. Davis; to the Committee on Claims.

By Mr. HAYDEN:

A bill (S. 5761) for the relief of John W. Adair; to the Committee on Claims.

By Mr. WAGNER:

A bill (S. 5762) for the relief of George B. Marx; to the Committee on Claims.

A bill (S. 5763) granting an increase of pension to John Hutcheson; to the Committee on Pensions.

By Mr. SACKETT:

A bill (S. 5764) granting the consent of Congress to E. T. Franks, his successors and assigns, to construct, maintain, and operate a bridge across the Ohio River approximately midway between the cities of Owensboro, Ky., and Rockport, Ind.; to the Committee on Commerce.

By Mr. DALE:

A bill (S. 5765) granting an increase of pension to Emma S. Stevens (with accompanying paper); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 5766) for the relief of Andrew T. Bailey; to the Committee on Claims.

By Mr. BLAINE:

A bill (S. 5767) to amend the act entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Seminole Indians may have against the United States, and for other purposes," approved May 20, 1924, as amended; to the Committee on the Judiciary.

By Mr. BARKLEY:

A bill (S. 5768) authorizing the Secretary of War to award the Congressional Medal of Honor to Elmer C. Roberts, Julian I. Hickson, Kelley Ballard, Martin L. Gore, Thomas E. Carroll, Chester A. Hewitt, Richard Shinners, Norman C. Oleson, and David P. Hart; to the Committee on Military Affairs.

PROPOSED PENSION TO MARY VON EZDORF

Mr. OVERMAN submitted an amendment intended to be proposed by him to House bill 16878, granting pensions and increase of pensions, etc., which was referred to the Committee on Pensions and ordered to be printed.

HOUSE BILL REFERRED

The bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

CHANGE OF REFERENCE

On motion of Mr. SHEPPARD, the Committee on Military Affairs was discharged from the further consideration of the bill (S. 4756) for the relief of Capt. William Cassidy, and it was referred to the Committee on Claims.

THE SENATE MANUAL

Mr. CURTIS submitted the following resolution (S. Res. 324), which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Rules be instructed to prepare a new edition of the Senate manual, and that there be printed 2,500 copies of the same for the use of the committee, of which 300 copies shall be bound in full morocco and tagged as to contents.

THE LEGAL BUSINESS OF THE GOVERNMENT

Mr. NORRIS. Mr. President, I have an address delivered by the Hon. William D. Mitchell, Solicitor General of the United States, on The Legal Business of the Federal Government, which I ask unanimous consent may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The article is as follows:

THE LEGAL BUSINESS OF THE FEDERAL GOVERNMENT

(An address by the Hon. William D. Mitchell, Solicitor General of the United States, broadcast by radio, under the auspices of the American Bar Association, January 15, 1929, by the National Broadcasting Co.)

The National Broadcasting Co. and associated radio stations have extended their facilities to the American Bar Association for a series of short addresses on the administration of justice in the United States, so that the public may be better informed on the subject and of the work that is being done by the bench and bar of America toward the solution of the problems in this field. The purpose of the association is to stir a greater interest among the people generally on this important subject. It is easy to interest you in legislative and executive matters, but not so easy to hold your attention in matters dealing with the administration of justice. This is because that subject is more technical and you are prone to be content to leave the solution of its problems to lawyers and judges. Our purpose is to bring home to you in this series of short addresses how closely the administration of justice affects the lives and happiness of all the people and to enlist your support for all means to improve it.

As this is the first of the series, a word about the American Bar Association will not be out of place. That is an association of lawyers and judges from all the States, Territories, and insular possessions organized about 50 years ago, with a present membership of nearly 30,000. Glancing over the list of former presidents of the association these names stand out among that distinguished group of great lawyers: Joseph H. Choate, Frank B. Kellogg, William Howard Taft, Elihu Root, George Sutherland, John W. Davis, and Charles Evans Hughes.

And there is a long list of other distinguished lawyers whose names are familiar to us all. The president of the association for this year is the Hon. Guerney Newlin, a distinguished lawyer of California, and the secretary of the association is the Hon. William P. MacCracken, of Illinois, better known to you, no doubt, as our active and efficient Assistant Secretary of Commerce in charge of commercial aviation.

The purpose of the Bar Association is disinterested. Its constitution states that its principal object shall be to advance the science of jurisprudence and to promote the administration of justice and uniformity of legislation. The association meets annually, but continuously throughout each year its committees work actively and without financial reward to better our legal system, improve our laws, and make this a better country for us to live in.

To-night, I have been asked to speak about the legal business of the Federal Government, how it is conducted by the Department of Justice of the United States, and how it touches closely the affairs of all the people. This may seem like a dry subject, but it is worth your while to know something about it. Who knows how soon you may be involved in a legal controversy with the Government, if you are not so involved already?

If you are a taxpayer, or an importer, or engaged in interstate commerce, or performing Government contracts, or selling the Government merchandise, or you have a policy of war-risk insurance, or are interested in public lands, or in being naturalized as a citizen, or in immigration matters, you may have legal business or litigation with the Government and come in contact with the lawyers of the Department of Justice, and, of course, if you are considering using the mails to sell blue-sky securities, or defrauding the Government, or dealing illegally in narcotics, or robbing a national bank, or smuggling, or transporting stolen motor cars in interstate commerce, or are a bootlegger you may well expect to, and we sincerely hope you shall, come in contact with the Department of Justice and have, I trust, an interesting and lively experience.

We have, as you know, a dual system of laws, those enacted by the States and those enacted by Congress. To-night we are considering only the administration of justice in the Federal courts and the enforcement and application of the laws of the United States.

The Department of Justice is not all in the city of Washington. Here are its headquarters and its chief officers, but it has officials and agents throughout the United States. All United States attorneys and their assistants throughout the United States are in this department, discharging their duties under the direction of the Attorney General of the United States.

At the head of the Department of Justice is the Attorney General, now Hon. John Garibaldi Sargent, of Vermont. Next to him comes the Solicitor General of the United States, whose functions I will speak of in a moment. The work of the Department of Justice is placed in various divisions, each headed by an Assistant Attorney General.

There is the division known as the antitrust division, having charge of antitrust and commerce act cases and various other related matters, now headed by the Hon. William J. Donovan, Assistant to the Attorney General, of whom you have all heard, an able lawyer and a distinguished veteran of the World War, and who has enforced the antitrust laws in a constructive way. There is the administrative division, headed by Assistant Attorney General John Marshall, of West Virginia, who has been the Attorney General's right-hand man in all administrative matters. There is the division of taxes and prohibition, headed by the Assistant Attorney General, Mrs. Willebrandt, a sound lawyer and a woman of good judgment. There is the division in charge of defense of suits against the United States in the Court of Claims, headed by Assistant Attorney General Galloway; the division in charge of public lands and Indian affairs, headed by Assistant Attorney General Parmenter; the division in charge of criminal prosecutions, headed by Assistant Attorney General Luhring; the division in charge of admiralty, shipping litigation, war-risk insurance, and many other related matters, headed by Assistant Attorney General Farnum; the division in charge of customs cases, with headquarters at New York City, headed by Assistant Attorney General Lawrence; the division dealing with pardons and paroles and all applications for Executive clemency, and there is a bureau of investigation, whose duty it is to investigate and collect evidence of alleged offenses against the laws of the United States. These Assistant Attorneys General have general supervision over the conduct of the Government's legal business, civil and criminal, in the lower Federal courts, subject, of course, to the general direction of the Attorney General.

The policy of the department during the administration of Attorney General Sargent has been toward what may be called home rule; that is, allowing the United States attorneys in each State and Territory, and who are familiar with local conditions, to be responsible for and have control of the Government's business in their respective districts with as little interference from Washington as possible.

The Attorney General is a member of the President's Cabinet, and his legal adviser, and because of his vast administrative duties has not time to conduct cases in court. He supervises the vast administrative machinery of the department, renders opinions to the President and to the heads of executive departments, makes recommendations to the President on the appointment of judges of the Federal courts and other officials of the Department of Justice. In my judgment, the Executive has no more important single function than that of appointing judges of the Supreme Court and of the inferior courts of the United States, and the Attorney General has a grave responsibility in assisting the President in that matter.

The Solicitor General is by statute made Acting Attorney General in case of the absence or disability of the Attorney General. His principal function, however, is supervision over the civil and criminal litigation of the Government in the appellate courts and particularly in the Supreme Court of the United States. He has charge of all the Government business in that court, which constitutes from 25 to 35 per cent of all the business before it.

Now, just how do Government cases arise in the courts? If it is a criminal matter, it may come to the attention of the United States attorney from some local source and he initiates the prosecution. The offense may be discovered by one of the executive departments of the Government, such as the Treasury Department, and it is then reported to the Attorney General and the Assistant Attorney General in charge of that branch of the work forwards the matter to the United States attorney of the proper district for action. In very important cases or in those in which special knowledge may be required special assistants are sometimes sent to the United States attorneys to aid them. Civil cases arise in many ways. If you think you have overpaid your taxes, or the Government owes you money, you bring a suit against the United States in a United States district court or in the Court of Claims, and lawyers from this department defend it. We may think you owe the United States money and the Attorney General then directs that suit be brought against you in the district in which you reside.

The vast scope of the criminal and civil matters that may arise in the courts under acts of Congress and take the form of litigated cases may only be touched upon here.

We have to deal with the acts to regulate commerce, the Sherman Antitrust Act and its amendments, with the Federal Trade Commission act, with the packers and stockyards act, and with a large mass of legislation dealing with interstate and foreign commerce.

There is the national prohibition act, the complicated system of income tax and other internal revenue laws, the tariff acts, law relating to admiralty and shipping matters, bankruptcy matters and crimes against the bankruptcy laws, civil-service matters, war-risk insurance held by veterans of the World War, cases arising under the national banking acts, the Federal reserve act, the Federal farm loan act, matters connected with insular and territorial affairs, minor regulations of commerce, such as the hours of service act, the 28-hour act, the safety appliance act, the quarantine acts, pure food acts, migratory bird treaty act, the acts relating to the public lands, forest reserves, Indian affairs, reclamation projects, and a vast amount of other legislation which brings the Government into contact with citizens and gives rise to litigation civil and criminal.

An enormous number of cases, civil and criminal, to which the United States is a party is always pending in the Federal courts. Your liberty or your property may at any time be involved in such litigation. The purpose of the United States and of the attorneys from the Department of Justice representing it in such cases is not merely to win. In that respect the Government differs from other litigants. It is usually litigating with its own people. It is inevitable that it should have a little advantage over its adversaries. Because it litigates with its own people, it has a responsibility which does not rest upon the average litigant. It can not afford to win at the expense of justice. There has long been a maxim here in the Department of Justice, attributed to one of my distinguished predecessors, Hon. Frederick W. Lehman, of Missouri, himself a former president of the American Bar Association, that the Government wins a lawsuit whenever justice is done to one of its citizens.

During the last three years, thirty-four times have we gone before the Supreme Court of the United States and expressed the opinion that a lower court was wrong in deciding some question in favor of the Government. In 33 of those cases the Supreme Court agreed with us. Fortunately, in the other, we had sense enough to submit the question to the judgment of the court. This does not mean that we in the department are easy adversaries. If we think the Government is right, and that you are seeking something you are not entitled to, the lawyers for the United States will contest your claim tooth and nail.

In another respect litigation with the Government is unique. A Government may not be sued without its consent. No claim against the United States, however just, may be asserted against it in its courts unless there is an act of Congress permitting such suits to be brought. In times long past that consent has been given grudgingly. In recent years there has been a tendency to let down the bars and to allow citizens to assert in the courts of the United States claims against their Government, and to have them judged by the same rules of law and equity that govern citizens in their business transactions with each other. That is as it should be, and as experience discloses defects in that system amendments to the laws are necessary to be made from time to time, to enable you to obtain complete and speedy justice in the courts in cases arising out of your dealings with your Government. Governments should be held to the same rules of business honesty as are citizens. In the end, Government operations will cost less if it is known that those doing business with it will receive their just dues on an ordinary business basis. The fear that such treatment will not be accorded tends to raise the prices to the Government for all that it requires.

Even if you have no Government litigation of your own, you are interested as a citizen and taxpayer in the proper administration of justice in litigation in which others are involved. You are entitled to the protection afforded by proper enforcement of the criminal laws, and you are interested in seeing that your fellow citizens pay their just dues into the common Treasury and do not extract from it something to which they are not entitled. For example, some two or three years ago there was a group of six tax cases in the Supreme Court of the United States on the outcome of which there depended some $320,000,000 of Treasury funds. The outcome of litigation like that means something to the people of the country generally.

I think it may safely be said that there is no one executive department in the Federal Government that has more influence on governmental operations than has the Department of Justice. This is because that department, by the legal opinions it gives to the President and to the other executive departments, and by the position it takes in the courts on questions of law affecting governmental matters, has an enormous influence in guiding the operations of Government in all the departments and in establishing rules, by judicial decisions, which have a lasting effect upon the course of Government action. The people realize this. They seem to be more sensitive about conditions in this department than about those in some of the others. The administration of justice is not a partisan matter. I am glad to be able to say that during my more than three years of service as Solicitor General not once has any public official, Republican or Democrat, asked me to guide my action as Solicitor General by any political consideration.

Now, what does all this lead to? The point I have been trying to make is that the administration of justice in the Federal courts, in the application and enforcement of that vast system of laws enacted by Congress under the Constitution of the United States is a matter vitally affecting the interests of every citizen, and anything which tends to improve conditions operates to the common benefit.

There are two main factors in the proper administration of justice—one is the personnel and the other is the system. If your judges are able and upright men and the attorneys for the United States are competent and skillful, good results may be obtained from almost any system of practice and procedure. On the other hand, however good the system may be, if the men selected to administer it are not of the right quality, the result is unsatisfactory. These two things you are interested in: First, that the men selected to fill positions in the Federal judiciary and in the Department of Justice throughout the United States are qualified for the places; and, second, that all possible improvements be made in the practice and procedure and in the system of laws under which these tribunals operate. It is in these matters that the American Bar Association is active. Its attention is continuously and persistently directed toward bringing about improvement in our laws and in the administration of justice.

There is always room for improvement. Not a session of Congress passes without committees of the bar association appearing before committees of Congress in support of legislative measures intended to improve the administration of justice, to reduce the expense of litigation, to save time in litigation, and to add to the facilities with which justice may be done. Only yesterday a committee of the association called at the Department of Justice in connection with proposed legislation to divide and reorganize the great eighth judicial circuit of the United States, with a view to expediting the disposition of cases in the Federal courts of that circuit and saving expense to litigants. We want you to take a greater interest in these things, to realize how intimately these matters affect the welfare of our country and the happiness of our people, and how much the stability of our institutions and the preservation of our liberties depend upon our courts and upon the proper administration of justice in them. With your greater interest aroused, we may then expect that whenever you have an opportunity at the polls, or in any other way to exert your influence, you will stand back of any effort by the American Bar Association, or by any disinterested and intelligent group of men directed toward the improvement of our laws and our methods for the administration of justice, and toward helping to preserve our liberties and institutions for our posterity.

THE CENSUS AND THE CIVIL SERVICE

Mr. BRUCE. Mr. President, I desire, if there is no objection, to have inserted in the RECORD an editorial from the St. Louis Post-Dispatch urging the adoption of the amendment which I offered to the census bill with a view to having the entire field force of the Census Bureau brought within the provisions of the Federal merit system of appointment.

The VICE PRESIDENT. Without objection, it is so ordered.

The editorial is as follows:

CENSUS AND CIVIL SERVICE

Senator BRUCE, of Maryland, has offered an amendment to the census bill, now before Congress, providing for the appointment of special agents, supervisors, supervisors' clerks, enumerators, and interpreters subject to the civil service law. Its purpose is to remove the 1930 census from partisan politics and to insure an accurate count.

In its present form the census bill makes possible an orgy of patronage dispensing. Approximately 100,000 workers are needed in the field force and, unless some safeguard is placed in the law, the Director of the Census and his aides may make appointments for political purposes without any regard for qualifications for the work.

According to the National Civil Service Reform League, a reliable census was obtained in 1920 when, at the request of the Director of the Census, supervisors of the census were selected through the machinery of the United States Civil Service Commission. For the law to give the director such wide discretion might have less happy results next time.

Previous census takings, notably that of 1899, have been scandalously conducted. In 1890 Republican Members of Congress were permitted to choose the field force. A check of its work showed that in New York City large numbers of residents, often entire houses, had been omitted. The inference was that Republican census takers had deliberately underestimated the population of a Democratic city to reduce its membership in Congress. In 1900 in Maryland graveyards were canvassed to obtain additional representation in the house of delegates for the party in power.

Past experience has abundantly proved the desirability of Senator BRUCE'S amendement, not only to assure an honest and reliable count, but to prevent the wasteful use of census funds.

DIVERSION OF COMMERCE FROM AMERICAN PORTS

Mr. WALSH of Massachusetts. Mr. President, in view of the recent reports submitted to the Senate in response to Senate Resolution 220, and the importance of the subject dealt with in such reports—the diversion of shipping from American to

Canadian ports—I ask that an editorial entitled "Canadian Discrimination," printed in the Washington Post Wednesday, February 6, may be inserted in the CONGRESSIONAL RECORD.

The editorial is as follows:

CANADIAN DISCRIMINATION

A well-defined difference of opinion between the Shipping Board and the Departments of State and Agriculture is expressed in a joint report submitted to the Senate Tuesday on the subject of diversion of shipping from American to Canadian ports. The Shipping Board and the two departments were joined in a study of conditions by the Interstate Commerce Commission, which functioned more or less as a neutral in furnishing statistical data, and which sides with the departments. All agree that there is diversion of shipping from American to Canadian ports, but the departments assert that its volume is not such as to warrant the Government in offending Canada by attempting retaliatory measures. The Shipping Board, however, takes the position that no matter what the volume of diversion may be it is up to the United States to protect its own shipping by modifying American rules to conform with Canadian practice.

In some respects the report loses force because of the division of opinion. The study was undertaken at the request of the Senate, according to a resolution passed last May, and while no action is anticipated during the present session in view of the imminence of adjournment, the matter may come up for discussion in connection with the tariff bill now being formulated by the House Ways and Means Committee. If the report had been positive in its recommendations, one way or the other, action in the matter might more readily have been obtained. Under the circumstances both those who believe that the United States should adopt retaliatory measures against Canada and those who believe otherwise will find comfort.

The report concedes the inequality of the arrangement by which Canadian ports are favored in the matter of mail rates, grain inspection, preferential customs regulations, and preferential schedules dealing with other parts of the British Empire. Against this situation, however, it is pointed out that a far greater volume of Canadian products is shipped through American ports, largely offsetting any disadvantages which American rail lines and shipping companies may suffer by reason of British imperial preference. In its minority report, however, the Shipping Board asserts that "the right to remedy rests on basic principles which justify their application and enforcement irrespective of statistical information concerning the extent of the consequences resulting from their violation."

A way has been opened for further debate on and consideration of the subject of diversion of shipping from American to Canadian ports. The friendship that exists between the United States and Canada should not be endangered by hasty or ill-conceived action, but, on the other hand, the shipping industry is entitled to every protection with which the Government can surround it. Congress must be the final judge of whether action is advisable or necessary.

LANDS FOR ADDITION TO BEAL NURSERY, EAST TAWAS, MICH.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10374) for the acquisition of lands for an addition to the Beal Nursery at East Tawas, Mich., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McNARY. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. McNARY, Mr. CAPPER, and Mr. SMITH conferees on the part of the Senate.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. BINGHAM. Mr. President, I ask that the District of Columbia appropriation bill be laid before the Senate and proceeded with.

The Senate, by unanimous consent, as in Committee of the Whole, proceeded to consider the bill (H. R. 16422) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. BINGHAM. Mr. President, repeating my request of last evening, I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments may be first considered.

Mr. HARRISON. Mr. President, there are very few committee amendments, are there not?

Mr. BINGHAM. Not a great many.

Mr. HARRISON. I make no objection to the request of the Senator, but I do feel that bills of this nature ought to be read, at least a little, so that we may know something about them.

The VICE PRESIDENT. Is there objection to the request of the Senator from Connecticut? The Chair hears none, and it is so ordered.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	Kendrick	Shipstead
Barkley	Edge	Keyes	Simmons
Bayard	Fess	King	Smith
Bingham	Frazier	McKellar	Steck
Black	George	McMaster	Steiwer
Blaine	Gerry	McNary	Stephens
Blease	Gillett	Moses	Swanson
Borah	Glass	Neely	Thomas, Idaho
Bratton	Glenn	Norbeck	Thomas, Okla.
Brookhart	Goff	Norris	Trammell
Broussard	Greene	Oddie	Tydings
Bruce	Hale	Overman	Tyson
Burton	Harris	Phipps	Vandenberg
Capper	Harrison	Pine	Wagner
Caraway	Hastings	Pittman	Walsh, Mass.
Copeland	Hawes	Ransdell	Walsh, Mont.
Couzens	Hayden	Reed, Pa.	Warren
Curtis	Heflin	Robinson, Ind.	Waterman
Dale	Johnson	Sackett	Watson
Deneen	Jones	Sheppard	Wheeler

Mr. JONES. I desire to announce that the Senator from Rhode Island [Mr. METCALF] is absent on account of illness.

Mr. NORRIS. I wish to announce that my colleague the junior Senator from Nebraska [Mr. HOWELL] is detained from the Senate on account of illness. I ask that this announcement may stand for the day.

Mr. FRAZIER. My colleague the junior Senator from North Dakota [Mr. NYE] is still detained from the Senate on account of illness. This announcement may stand for the day.

Mr. BLAINE. I desire to announce that my colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably absent. I will let this announcement stand for the day.

Mr. TRAMMELL. I wish to announce that my colleague [Mr. FLETCHER] is unavoidably detained from the Senate. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present.

WAR DEPARTMENT APPROPRIATIONS

Mr. NORRIS. Mr. President, on yesterday, in the consideration of the War Department appropriation bill, I offered an amendment appropriating $250,000 relating to the protection of the banks of the Missouri River at or near Niobrara, Nebr. I am informed by the Chief Clerk that the amendment which I sent to the desk, and which technically went into the bill when the amendment was agreed to, omitted to state the amount, $250,000. In order to correct the omission I ask unanimous consent that the votes by which the amendments were ordered to be engrossed and the bill was ordered to a third reading and passed may be reconsidered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the votes are reconsidered.

Mr. NORRIS. I now ask unanimous consent that the vote by which the amendment was agreed to may be reconsidered.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. NORRIS. I now ask that perfected amendment, with the numerals "$250,000,' be considered and agreed to, as I supposed had been done yesterday.

The VICE PRESIDENT. The amendment as perfected will be read.

The CHIEF CLERK. On page 79, after line 24, insert:

For bank protection for the control of floods and the prevention of erosion of the Missouri River at and near the town of Niobrara in the State of Nebraska, there is hereby appropriated the sum of $250,000, or so much thereof as may be necessary; said work to be carried on under the control and supervision of the Chief of Engineers of the War Department: *Provided*, That the local interests shall contribute one-third of the cost of said work.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

FEDERAL RESERVE BOARD FUND

Mr. HEFLIN. Mr. President, on yesterday I submitted the resolution (S. Res. 323) relating to funds of the Federal Reserve Board, and it went over at the request of the Senator from Kansas [Mr. CURTIS]. I hope there will be no objection to the consideration of my resolution this morning.

Mr. CURTIS. If there is to be no debate, I shall have no objection.

Mr. GLASS. Mr. President, reserving the right to object, I would like to inquire of the Senator from Alabama to what

particular action of the Federal Reserve Board his resolution would apply? I wonder if the Senator from Alabama knows that there has been no change in the rediscount rate of the Federal reserve bank since July of last year, now nearly eight months ago.

Mr. HEFLIN. I was under the impression that it was more recent, but I learned yesterday that the date was July, 1928.

Mr. GLASS. I wonder also if the Senator from Alabama is aware of the fact that there is on the calendar, and high up on the calendar, Senate Resolution 113, offered by the senior Senator from Wisconsin [Mr. LA FOLLETTE], of which the Senator's resolution is a paraphrase, and which was reported as long ago as last May from the Banking and Currency Committee of the Senate. I ask whether the Senator thinks, in the absence of the Senator from Wisconsin [Mr. LA FOLLETTE], that his resolution should take precedence?

Mr. HEFLIN. Certainly, Mr. President, the resolution of the Senator from Wisconsin was reported last May; but my resolution deals with the worst gambling scheme that has been inaugurated in this country in half a century. It is such a notorious situation that the Federal Reserve Board has felt called upon to issue a statement to stop this thing and to call on bankers to aid in doing so. My resolution merely asks the Federal Reserve Board to give the Senate any suggestions they have to make, or any information, in order that the Senate may know what it can do, if anything. I am not suggesting what should be done.

Mr. GLASS. Mr. President, if the Senator will permit me, I desire to say that what I am suggesting is that, in my view, it would be discourtesy to the Senator from Wisconsin, in his absence, to give precedence to a resolution that is a mere paraphrase of his resolution, which has already been favorably reported from the Committee on Banking and Currency, and is now on the calendar. If the Senator from Alabama will ask unanimous consent to consider and have passed the resolution of the Senator from Wisconsin, I shall have no objection.

Mr. HEFLIN. Mr. President, I did not know the Senator from Wisconsin had introduced a resolution of this kind.

Mr. GLASS. The resolution of the Senator from Wisconsin is almost textually in the words of the resolution of the Senator from Alabama.

Mr. HEFLIN. Mr. President, I introduced my resolution because of what I have been reading in the press, and because of the impression that I have that something is radically wrong in the gambling now going on that is draining the money out of the channels of legitimate business in every State in the Union.

Mr. GLASS. Mr. President, I quite agree with the Senator from Alabama that there is something going on which is wrong, and it has persistently gone on for the past two years. The resolution offered by the Senator from Wisconsin suggests that the Federal Reserve Board do just exactly what it has now belatedly done. Furthermore, it requests information from the Federal Reserve Board almost textually in the very language the Senator from Alabama now proposes to ask it.

Mr. SIMMONS. Mr. President, will the Senator from Alabama pardon me a moment?

Mr. HEFLIN. I will.

Mr. SIMMONS. Let me suggest to the Senator from Virginia [Mr. GLASS] that if the situation which the Senator from Wisconsin had in view when he offered his resolution has reached an acute climax in his absence, why not offer that resolution as a substitute for the resolution of the Senator from Alabama?

Mr. GLASS. Why should the resolution of the Senator from Wisconsin be offered as a substitute, when that resolution has been favorably reported by the Banking and Currency Committee, is now on the calendar, and will accomplish precisely the object that is proposed to be accomplished by the resolution of the Senator from Alabama?

Mr. SIMMONS. I agree with the Senator from Virginia, if we could now consider the resolution of the Senator from Wisconsin.

Mr. GLASS. We can consider it just as easily as we can the resolution of the Senator from Alabama.

Mr. SIMMONS. I would assist the Senator in trying to have it considered, but if we can not do that, and the resolution of the Senator from Alabama shall be taken up, then I would suggest that the resolution of the Senator from Wisconsin, being of the same text and purpose, be offered as a substitute for the resolution of the Senator from Alabama. It is certainly necessary that we should take some action in reference to the matter.

Mr. GLASS. Mr. President, if in order, in lieu of the proposition of the Senator from Alabama [Mr. HEFLIN] I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1164, being Senate Resolution 113, submitted by the Senator from Wisconsin [Mr. LA FOLLETTE], favorably reported by the Banking and Currency Committee, and now standing high up on the calendar.

Mr. HEFLIN. Mr. President, I want to read the resolution of the Senator from Wisconsin. Nearly all of his resolution was stricken out, I presume, by the Banking and Currency Committee.

Mr. GLASS. No; none of the resolution of the Senator from Wisconsin was stricken out, but the preamble to the resolution was stricken out.

Mr. HEFLIN. Yes. The resolution—what little of it is left—now reads:

Resolved, That it is the sense of the Senate that the Federal Reserve Board should admonish all Federal reserve banks to take steps to advise against further expansion of loans by member banks for purely speculative purposes.

Then there were stricken out three more lines, going down to the second resolving clause of the resolution, which reads:

Resolved, That the Federal Reserve Board be directed to report to the Congress what legislation, if any, is required to prevent the future excessive use of the funds and credit of the Federal reserve system for speculative purposes.

The resolution offered by me reads in this way:

Whereas in press dispatches recently, the Federal Reserve Board has complained that money is being drawn from the channels of business and used for speculative purposes, and that some of said speculation is illegitimate and harmful; and

Whereas said Federal Reserve Board, in its efforts to correct what it regards as an evil in this matter, has increased the rediscount rate: Therefore be it

Resolved, That the Federal Reserve Board is hereby requested to give to the Senate its reason for increasing the rediscount rate and to give any other information and suggestions that it feels would be helpful in securing legislation necessary to correct the evil complained of and prevent illegitimate and harmful speculation.

The resolution of the Senator from Wisconsin undertakes to have the Senate advise the Federal Reserve Board what it should do with this fund while my resolution simply calls on the board to tell the Senate what it is that is going on to which it objects and to make any suggestion that it wishes to make that would be helpful to us in handling the matter. That is all. They are two different resolutions.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. CURTIS. Mr. President, we expect to adjourn to-night; and in that event, the resolution of the Senator from Alabama will come up in regular order on Monday. Will not the Senator allow it to go over until then? A recess having been taken last night, the resolution would properly go over until Monday, under the rules.

Mr. HEFLIN. I think it is a matter that ought to be acted on as early as possible.

Mr. CURTIS. One day's delay will not be harmful, and Monday morning the resolution of the Senator will come up in the regular order, and will be before the Senate in the regular way.

Mr. GLASS. Mr. President, I think the resolution of the Senator from Wisconsin ought to have been acted on in May of last year when the resolution of the Senator from Wisconsin was favorably reported by the Banking and Currency Committee.

Mr. EDGE. Mr. President, as a matter of fact, if I may interrupt the Senator from Virginia or the Senator from Alabama, if he has the floor, the so-called La Follette resolution provides that the Federal Reserve Board shall report to Congress—in fact, it directs them to do so—what legislation, if any, would be helpful in this situation. So, after all is said and done, that is all that could now be done, namely, obtain recommendations as to the desirability of possible legislation.

Mr. CURTIS. Mr. President, I hope the Senator from Alabama will allow the resolution to go over until Monday. It will not properly be before the Senate until that time, and we should like to go on with the appropriation bill.

Mr. HEFLIN. I allowed the resolution to go over on yesterday with the understanding that we would take it up this morning. I do not quite understand why the Senator from Virginia is so opposed to my resolution being acted upon.

Mr. GLASS. I am not opposed to the Senator's resolution being acted on, but I think it would be a distinct discourtesy to the Senator from Wisconsin to have another Senator's resolution take precedence of his resolution, which is now on the calendar with a favorable report and relates to exactly the same subject.

Mr. HEFLIN. Mr. President, I should like to amend the resolution of the Senator from Wisconsin by incorporating in it the first part of my resolution and ask that it be adopted. They cover different subjects.

Mr. CURTIS. I have no objection, if it can be done without debate; but I do think we ought to go on with the appropriation bill. The resolution can be considered on Monday.

Mr. HEFLIN. I offer my resolution as an amendment to the resolution of the Senator from Wisconsin.

The VICE PRESIDENT. Is there objection to the consideration of the resolution?

Mr. GLASS. Let it go over until Monday. I will confer with the Senator from Alabama and see if we can arrive at a satisfactory arrangement.

The VICE PRESIDENT. Objection is made. The resolution will go over.

Mr. HEFLIN subsequently said: Mr. President, I ask unanimous consent to have printed in the RECORD the La Follette resolution which was referred to this morning in connection with my resolution relating to the Federal Reserve Board, which I endeavored to have considered. I ask to have the part which was stricken out printed as well as the amendments made by the committee.

There being no objection, the resolution as submitted by Mr. LA FOLLETTE May 12, 1928, was ordered to be printed in the RECORD, as follows:

[Omit the part in black brackets and insert the part printed in italic]

[Whereas the total loans secured by stocks and bonds of the 51 member banks in the New York Federal reserve district on January 11, 1928, reached the unprecedented total of $3,819,573,000; and

Whereas the largest part of this sum is used for speculation on the New York Stock Exchange, as stated by the Federal Reserve Board in its annual report for 1926 as follows:

"The largest growth, both absolutely and relatively, was in security loans, which increased by about 66 per cent during the period. That to this growth in loans on securities represents to a considerable extent an increased volume of credit used in financing transactions in securities at the New York Stock Exchange is indicated by the rapid growth during the period of loans to brokers and dealers in securities in the New York market."

and

Whereas during the past year such speculative loans made through the Federal reserve system have increased more than a billion dollars, and during the past seven years more than $3,000,000,000; and

Whereas the reports of the New York Federal Reserve Bank reveal that $1,502,580,000 of these loans on stocks and bonds is for the account of out-of-town banks, representing credit transferred from other parts of the country to be used in New York for speculative purposes; and

Whereas the inevitable result of the utilization of the funds of the Federal reserve system for speculative purposes is to restrict the amount of credit available for legitimate commercial purposes, as is indicated by the fact that the amount of commercial paper outstanding as reported to the Federal Reserve Bank of New York actually decreased from a total of $925,379,000 in October, 1924, to $610,945,000 in October, 1927; and

Whereas the intent of the Congress in the creation of the Federal reserve system was to prevent its use for the encouragement of support of purely speculative operations, as is evidenced by the following paragraph of section 13 of the Federal reserve act:

"Upon the indorsement of any of its member banks, which shall be deemed a waiver of demand, notice and protest by such bank as to its own indorsement exclusively, any Federal reserve bank may discount notes, drafts, and bills of exchange arising out of actual commercial transactions; that is, notes, drafts, and bills of exchange issued or drawn for agricultural, industrial, or commercial purposes, or the proceeds of which have been used, or are to be used, for such purposes, the Federal Reserve Board to have the right to determine or define the character of the paper thus eligible for discount, within the meaning of this act. Nothing in this act contained shall be construed to prohibit such notes, drafts, and bills of exchange, secured by staple agricultural products, or other goods, wares, or merchandise from being eligible for such discount, and the notes, drafts, and bills of exchange of factors issued as such making advances exclusively to producers of staple agricultural products in their raw state shall be eligible for such discount; but such definition shall not include notes, drafts, or bills covering merely investments or issued or drawn for the purpose of carrying or trading in stocks, bonds, or other investment securities, except bonds and notes of the Government of the United States": Now, therefore, be it]

Resolved, That it is the sense of the Senate that the Federal Reserve Board should [immediately] *admonish all Federal reserve banks to* take steps to [restrict the] *advise against* further expansion of loans by member banks for *purely* speculative purposes. [and as rapidly as is compatible with the financial stability of the Nation require the contraction of such loans to the lowest possible amount; and be it further]

Resolved, That the Federal Reserve Board be directed to report to the Congress what legislation, if any, is required to prevent the future *excessive* use of the funds and credit of the Federal reserve system for speculative purposes.

DISTRICT OF COLUMBIA APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16422) making an appropriation for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes.

The Chief Clerk proceeded to read the bill.

Mr. BINGHAM. Mr. President, under the order heretofore agreed to, the formal reading of the bill was dispensed with.

Mr. DILL. I thought I objected to that request before the roll was called. I tried to do so.

Mr. BINGHAM. The order was entered yesterday evening. If the Senator will look at the RECORD, he will find that to be the case.

Mr. DILL. The Senator asked for such an order this morning.

Mr. BINGHAM. If the Senator will look at the RECORD, he will find the request was made yesterday, and it was so ordered.

Mr. DILL. I was acting on the Senator's request made this morning.

Mr. BINGHAM. It was my mistake, Mr. President.

Mr. DILL. I think the bill ought to be read. It is a very important measure and contains large appropriations.

The PRESIDING OFFICER (Mr. FESS in the chair). The first amendment reported by the committee will be stated.

The first amendment of the Committee on Appropriations was, on page 2, line 7, after the words "in addition," to strike out "$9,000,000" and insert "$10,000,000," so as to read:

Be it enacted, etc., That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1930, any revenue (not including the proportionate share of the United States in any revenue arising as the result of the expenditure of appropriations made for the fiscal year 1924 and prior fiscal years) now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived shall be credited wholly to the District of Columbia, and, in addition, $10,000,000 is appropriated, out of any money in the Treasury not otherwise appropriated, to be advanced July 1, 1929, and all the remainder out of the combined revenues of the District of Columbia, and the tax rate in effect in the fiscal year 1929 on real estate and tangible personal property subject to taxation in the District of Columbia shall be continued for the fiscal year 1930, namely:

Mr. KING. Mr. President, I ask for an explanation from the Senator having the bill in charge as to the reason for this increase. Senators who are interested in this matter may have read the very able and convincing speech of Representative SIMMONS in the House of Representatives in regard to this item. I should like to know the reason why the Senate Committee on Appropriations changed the amount from $9,000,000 to $10,000,000, thus imposing an additional $1,000,000 burden upon the Treasury of the United States.

Mr. BINGHAM. Mr. President, I shall be very glad to tell the Senator why the committee so acted. The Senator will recall that, under the suggestion of the late Representative Madden, the United States Bureau of Efficiency was requested to transmit to the Committee on Appropriations a report on the fiscal relations between the Government of the United States and the District of Columbia. On page 5 of the report of the Bureau of Efficiency the following comment is made:

We will say, however, that in our opinion the solution of the problem of fiscal relations lies in determining the Federal Government's liability toward the cost of operation and maintenance of the city of Washington, D. C., along two lines, namely, (1) its tax liability as a municipal taxpayer of Washington in connection with the ordinary costs of government of the municipality, and (2) its liability on account of the loss of revenue and on account of extraordinary expenditures occasioned by the fact that Washington is the National Capital.

Mr. CARAWAY. Mr. President, right there I want to ask the Senator a question. The Senator does not agree with either one of those statements, does he? He does not agree, in the first place, that the Government has a liability as a taxpayer, because it has no such liability; it does not pay taxes anywhere; and next as to the withdrawal of its property from the tax list. The Senator would not indorse either of those statements, would he? I am not now objecting to the $10,000,000 appropriation, but I want to ask if the Senator would indorse either of those statements?

Mr. BINGHAM. The Senator from Connecticut thinks that the language employed was unfortunate, but he does agree with the idea underlying the language.

Mr. CARAWAY. The theory upon which the Government pays is simply one of donating to the District of Columbia as it might donate to any other cause, is it not? There is no other liability. The word "liability" means some legal obligation on the part of the Government.

Mr. BINGHAM. The committee believes that there is a certain liability on the part of the Federal Government to pay toward the cost of operating and maintaining the National Capital.

Mr. CARAWAY. I mean a legal obligation. Does the Senator think there is a legal obligation?

Mr. BINGHAM. Toward maintaining the expenses of the National Capital; yes.

Mr. CARAWAY. That is a legal liability, is it?

Mr. BINGHAM. The Senator is a lawyer and I am not, and I fear he is likely to get me into deep water.

Mr. CARAWAY. Very well; I will not ask the question. I was just trying to get the theory behind it. I beg the Senator's pardon.

The PRESIDING OFFICER. Without objection——

Mr. KING. Mr. President, I am not sure what the Chair means when he says "without objection." There is objection; we are discussing this amendment. The Chair is a little too premature, if the Chair will pardon me for so saying.

Mr. BINGHAM. The Senator from Connecticut desires to read a little further from the report of the Bureau of Efficiency, although he hesitates to do so in view of the objection just raised by the Senator from Arkansas. The report goes on to say:

The liability of the Federal Government as a municipal taxpayer——

Mr. SIMMONS. Mr. President——

Mr. BINGHAM. I yield to the Senator from North Carolina.

Mr. SIMMONS. I desire to say that I am entirely in sympathy with the liberality of the committee. I agree with the Senator from Arkansas that there is not any legal liability in a purely technical sense, but I think there is a moral liability which is just as strong as, if not stronger than, a legal liability.

Mr. BINGHAM. I agree with the Senator. There is no legal liability whatsoever.

Mr. KING. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield.

Mr. KING. In view of the statement made by the Senator from North Carolina, I do not quite understand what he means by the phrase "moral obligation." There is a legal and a moral obligation upon the property owners of the District of Columbia to pay a reasonable tax for the expenses of maintenance of the District of Columbia. When they pay a tax comparable to that paid by citizens of the United States generally, and there is a deficit left, then, in my opinion, the Federal Government should meet that deficit. I have always taken the position, however—and I think it is the sound and the just position—that the owners of property in the District of Columbia—and they are profiting enormously from the Federal expenditures here; more than $150,000,000 is expended in the District annually—should pay a reasonable tax upon their property, tangible and intangible; and then, after that tax has been paid, if there were $50,000,000 deficit—of course, I am just illustrating my point; there could not be that amount, of course—the Federal Government should pay it. But to say that there is any moral obligation upon the part of the Government to pay until the taxpayers, who are the beneficiaries of the generosity and the contributions and the expenditures of the Government, have paid the reasonable tax of which I have spoken, is something as to which I can not agree with the Senator from North Carolina.

Mr. SIMMONS. Mr. President, the Senator has said that if there is a deficit after the District has imposed reasonable taxation upon the property of its citizens, however large that deficit may be—nine millions, ten millions, or fifty millions—the Government should assume the balance. He admits some sort of an obligation, either a legal obligation or a moral obligation, of the Government; in the case he puts, an obligation to pay a much larger sum than is provided in the report of the committee.

I said there was a moral obligation. I base that statement upon broad principles, the first being that this is the Capital of the Nation, and all the people of the United States are interested in its government, in its progress, in its development. The Government has located here in the District property of enormous value that is not subject to direct taxation on the part of the people of the District of Columbia; and while the District of Columbia may receive some benefit by reason of the Government's activities here, so the people of every other section of this country receive benefits from the activities of the Government, wherever those activities may take place.

It makes no difference, however, whether the obligation be legal or moral; the Senator from Utah admits that the Government is liable for whatever amount is necessary properly to conduct the government of the District of Columbia after the people of this District have paid upon their property a reasonable amount of taxation.

Mr. KING. Mr. President, if the Senator will pardon me, I made no such admission. I said I should favor it as an act of generosity.

Mr. BINGHAM. Mr. President, in connection with what has just been said, I desire to call the attention of Senators to Table 5 of the document entitled "Fiscal Relations Between the Government of the United States and the District of Columbia," as prepared by the Bureau of Efficiency, in which the situation in Washington is contrasted with the situation in other cities of similar size. They have taken some 12 or 15 American cities approximating Washington in size to show what the citizens of those cities have to pay in the way of taxation, and what they are confronted with in the way of exempt property.

It is pointed out in Table 5 that while the average ratio of exempt to taxable real property for all cities in the United States of this size, not including Washington, is 17.35 per cent, and while cities almost equal in size, like the city of Pittsburgh, which is a little bit larger, have a ratio of exempt-tax property of 17.26 per cent, and Buffalo, which is very nearly the same size, has a ratio of 17.33 per cent, and Newark, which is a little bit smaller, has a ratio of 15.29 per cent, and Minneapolis, which is about the same size as Newark, has a ratio of 15.06 per cent, if we count all Government property in Washington that is legally exempt the ratio is 54.09 per cent, or three times as much as in any other city of similar size.

Mr. CARAWAY. The Senator realizes that in that they take into consideration the streets and parks.

Mr. BINGHAM. Not the streets, Mr. President.

Mr. CARAWAY. I used to be on the town council, and that was the process then of reaching it; and I rather imagine they have not changed it.

Mr. BINGHAM. No, Mr. President; this is the report of the Bureau of Efficiency.

Mr. CARAWAY. I know; I read it. I think I know what is in it.

Mr. BINGHAM. If one takes away from the amount of exempt property that which is used by the Federal Government alone, and leaves merely that which is used by the District, and the parks but not the streets, one finds the proportion to be still 19.74 per cent, or a very considerable amount over that of the average city of this size.

Now, let us take these figures in a little bit different way.

The city of Buffalo has a population of 553,000. The city of Washington has a population estimated at 525,000; so that they are very closely related in size of population. In the city of Buffalo the total amount of exempt real property is $178,000,000, in round numbers. In the city of Washington the total amount of exempt property is $604,000,000. If we do not consider the amount used by the National Government itself, the amount still remains at $283,000,000, or nearly $110,000,000 more exempt property in Washington than in the city of Buffalo.

A similar comparison may be made with the city of Newark, which is a little bit smaller than Washington, where the amount of exempt property is only $104,000,000.

It is for these reasons, Mr. President, that the committee believes that it is proper that the Federal Government should make a gift to the city of Washington, in lieu of any taxation—for which it may not be legally liable, but for which I entirely agree with the Senator from North Carolina it is morally liable—of an amount of money corresponding to the difference between what the citizens of any city in the United States of similar size have to pay and what the citizens of Washington have to pay.

The amount of $1,000,000, I may say, is made up in this way: According to the statement of the Bureau of Efficiency——

Mr. COUZENS. What page is the Senator reading from?

Mr. BINGHAM. Page 5, at the present moment, of the pamphlet on the fiscal relations between the Government of the United States and the District of Columbia. On page 5 it is shown that if the Federal Government paid the local taxes on its real property, they would amount to $5,452,767. If it paid such taxes on its tangible personal property, they would amount to $1,536,315. Of course, to pay on all its intangible personal property would be a ridiculous thing, because of the enormous amount of that in the vaults of the Treasury; so the Bureau of

Efficiency took a figure equal to that of the tangible personal property, because of the fact that in most business concerns it has been found that the tangible personal property is about equal to the intangible personal property; and the taxation on that would amount to $451,857, or a total of $7,440,939.

That may be said to be the amount with which the United States Government might be properly charged as a taxpayer if it were a taxpayer. As a matter of fact, in the bill as it came from the House, and in the appropriation act under which we are operating for the present fiscal year, there is a lump-sum contribution of $9,000,000. This leaves an amount of $1,559,061 to be applied against other charges, not legal but moral or ethical, which may be made against the Federal Government.

The two principal items which may be considered in this connection are the loss of tax revenue on account of excess ordinary real property exemptions and, second, the cost of excess park acquisitions and maintenance.

The first of these items, the account of excess ordinary real property exemptions, I have briefly referred to; and it may be seen that over a city of similar size the city of Washington has an excess of something over $110,000,000 worth of exempt property, apart from that owned and used by the United States Government, more than exists in similar cities. It seemed reasonable to the committee that a rate should be charged against this exemption which would amount, at the rate of 17 mills, to something like $1,700,000, which more than uses up the difference in the lump-sum contribution between the $9,000,000 and the $7,440,000 which are held to be due as municipal taxes. Supposing that that cancels the one against the other, we then have the other item, the cost of excess park acquisitions and maintenance.

The Bureau of Efficiency have provided, on page 7, Table 1, of the document on Fiscal Relations, a statement with regard to park area and its relation to the population in regard to these cities of similar size, which seems to me to be very illuminating.

The cities nearest to Washington in size are the cities of Buffalo, Milwaukee, and Newark. In Buffalo, with a population of 553,000, there are 24,000 acres of land in the parks, or 1 acre of park to 332 of population. In Milwaukee the figure is 1 acre of park to 433 of population. In Newark it is 1 acre of park to 596 of population. Please bear those figures in mind and notice the difference. In Washington it is 1 acre of park to 140 of population. In other words, the park area in Washington is twice as large as that in cities of similar size. That is because this is the National Capital, and the parks here in a way are national parks. All the national parks are paid for by the Federal Government, without regard to taxation on the States in which they are located, or on the neighboring communities, and by looking over the appropriation bills and ascertaining the amount appropriated for the acquisition of parks and their maintenance, and deducting therefrom an amount which a city of similar size might properly be charged with, the committee finds the difference to be about $1,000,000. That accounts for the $1,000,000 which the committee added to the bill.

I hope that the Senate will agree with the committee that that is a fair allotment from the Federal Government to assist the city of Washington in maintaining the extraordinary burden of exempt property, the park property which is now maintained here because this is the National Capital.

Mr. TYDINGS. Mr. President, will the Senator yield a moment before he takes his seat?

Mr. BINGHAM. Certainly.

Mr. TYDINGS. I would like to call to the attention of the Senate, and get a word from the Senator in reply, to a situation which exists between Maryland and the District government.

Some time ago Congress passed an act creating a National Park and Planning Commission, and over in Maryland we were requested to create a similar commission, so that the two commissions could work together. I believe it is perfectly obvious that the time is near at hand when there will not be sufficient land in the District of Columbia of the kind we would like to have for parks in this vicinity. The suburbs are building up very rapidly. With that in mind the Maryland Park and Planning Commission extended theoretically Rock Creek Park, the addition consisting of 700 acres of ground, all in Maryland, and that property was offered to the District of Columbia without a cent of cost, with no charge whatsoever, dedicated and handed on a silver platter to the District of Columbia. Of course, the land is in Maryland, but it is an extension of Rock Creek Park.

The people of Maryland having given that land, which has an appraised value of a million dollars, to the District government for nothing, they felt that they had a right to ask the District government to build roads through it, not just to take it and do nothing with it at all. If they are going to do nothing with it, if they are not going to utilize it as a park, it is obviously unfair to ask or expect the people of Maryland to part with the land.

The amendment covering that matter which I submitted to the Appropriations Committee for some reason or other did not receive favorable action at this session of Congress. I do not believe there is a section of land around Washington that is as desirable as an extension of the present Rock Creek Park. If it is not gotten in hand before it is developed, or built up or sold to some one who does not care anything about the park, and it is wanted later, it will be practically impossible to acquire it.

Had the people of the State of Maryland interested come before the Senate and asked that Washington pay for this land, our case would probably have been very weak; but when they come before the Senate and say, "We give you this land, which your own commission, created by act of Congress, thinks you ought to have as a proper extension of the parks of the city of Washington, and all we ask you to do is to utilize it as a park, to build a road or two through the property, that is all," I think we were deserving of better treatment than we received, with all due respect to the committee.

Colonel Grant, the chairman of the Park and Planning Commission of the District, has strongly recommended that this gift be accepted by the Congress on behalf of the Federal Government. It will be too late, perhaps, two or three or four or five years from now, to acquire that land. The people of Maryland are still ready to tender it to the Federal Government free of any cost whatever. They do not ask the Government to spend a cent for it, although it will be a continuation of the present Rock Creek Park.

The property was surveyed by the Washington Park and Planning Commission. They defined what they thought should be the proper boundaries of that park. Our own local commission has approved it. The land has all been acquired. It is ready to be dedicated. I am only rising now to obtain, if possible, an expression from the Senator from Connecticut as to what may be the committee's attitude, in order that those interested may know how to proceed at the next session of Congress in the event they want to renew the offer at that time.

Mr. BINGHAM. Mr. President, in reply to the Senator from Maryland, I should like to state that the committee was informed by Mr. Warner, who appeared in behalf of the Senator's amendment, that in order for the Government to secure this additional land for Rock Creek Park, the Maryland Legislature, now in session, would have to repeal certain legislation which it passed in 1927, to the effect that the title to no land used for park purposes could be in the United States. Therefore it would seem that the first thing necessary to be done would be for the Maryland Legislature to repeal that act and make it possible for the United States to hold that land.

Mr. TYDINGS. May I interrupt the Senator right on that point?

Mr. BINGHAM. Certainly.

Mr. TYDINGS. My amendment was so worded that not a thing would be done until that action was taken; but the Senator can not expect the people to give the land and go through all this process without some acceptance on the part of the Federal Government.

Mr. BINGHAM. The Federal Government, in my opinion, should not put any pressure on a State to change its laws.

Mr. TYDINGS. No pressure is being put on the State.

Mr. BINGHAM. I believe in the rights of the States, and I believe the Senator from Maryland also does. If we were to bribe the State of Maryland to change its laws, I think it would be a very bad precedent. Furthermore, the committee felt that this was a matter which should be brought before the proper standing committees of the Congress and that a bill should be reported, either from the District Committee or from the committee which deals with the national parks, authorizing an appropriation, before any would be made. If that were done, and the authorization were made, so far as I am able to speak for myself, I should be very glad, indeed, to see Rock Creek Park extended, and to take advantage of the very generous offer of the people who hold the land in that vicinity. I should hope, however, that the strip to be acquired might be wide enough so that the roads to be built might run through the park and not merely on the edge of the park.

Mr. TYDINGS. I am glad the Senator has made that statement, because I think it will facilitate the solution of this matter. Aside from the fact that Maryland is my State, and I am very anxious to further its beauty in any way I possibly can, I do feel that, regardless of that fact, every Senator realizes that the time will come when parks will be of great value to Washington, and that the time to acquire the land for them is now, not after the outlying sections are built up and the land becomes expensive and there are other encumbrances in the way.

I feel that the action of the people of Maryland in giving to the District this plot of ground without any charge whatsoever makes the case pretty strong. When I see laws enacted by overwhelming majorities refunding money which States have expended without any authority from the Federal Government whatsoever, the amounts running into the millions of dollars, I do feel that I am well within the spirit of the Senate at this session when I come in and say, "Here is a park that will cost nothing, and all we ask you to do is not to take it and do nothing with it. If you really want it, develop it."

Mr. BINGHAM. In the first place, it would cost $400,000 for roads. In the second place, it does not seem quite fair to me, speaking for myself alone, that this should be charged up against the District of Columbia. I believe absolutely in having a national park in the vicinity referred to by the Senator from Maryland, but I think that the amount should be appropriated by the Federal Government as part of its normal appropriations for the upkeep of and roads in national parks.

Mr. TYDINGS. I think the Senator's point is very well taken. However, it is worthy of this observation, that the people of the District of Columbia would, more than any other people, enjoy the park if it were built, and it would not in any sense be a national park as Glacier Park or Yellowstone Park or any of the other larger parks happen to be. It would be a park for the city of Washington and for its people; and I do hope that at the next session of Congress the Senate will remember this brief explanation, and that the committee will cooperate with those people who are trying to extend this beautiful park, the finest park in this city, particularly when it can be acquired at no expense whatsoever to the Federal Government.

Mr. KING. Mr. President, will the Senator yield?

Mr. TYDINGS. I am glad to yield.

Mr. KING. I was wondering whether this matter had been brought to the attention of the District Committee of either the House or the Senate. I am a member of the District Committee of the Senate, and I confess that this is the first time the matter has been brought to my attention.

Mr. TYDINGS. It was not brought directly to the attention of those committees, I will say to the Senator from Utah; but Congress passed an act creating a National Park and Planning Commission, and in that act, which came before the Committee on the District of Columbia, that commission was charged with looking about and making recommendations for carrying out a general scheme for beautifying Washington. That commission, in order that the people of Maryland might cooperate with them, requested that we in Maryland have a commission also. We have appointed the commission, and the two commissions have met and looked over all the environment of Washington, and out of the total survey they said that this extension of Rock Creek Park would be the most desirable of any that had been brought before them. Whereupon a movement was launched by our citizens to acquire that land and to have it all dedicated to the Federal Government, and in the amendment which I submitted it was made a condition precedent that the Legislature of Maryland should give the District the right to own that land.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. TYDINGS. Certainly.

Mr. NORRIS. I am very much interested in the explanation the Senator has given, but I would like to suggest to the Senator from Maryland that, at least as I understand it, the Appropriations Committee of the Senate would not properly have jurisdiction of the matter.

Mr. TYDINGS. I think that is right.

Mr. NORRIS. Instead of presenting the matter to the Committee on Appropriations, it seems to me the Senator ought to take it up with the District Committee of the Senate.

Mr. TYDINGS. I think the Senator is perfectly correct in that suggestion, and I thank him for it. I did not want to let this opportunity go by, there not being time now, perhaps, to get a bill through, without letting the Maryland people know why it had not been acted upon, so that they would be in a position to proceed with more promise of success at the next session.

Mr. KING. Mr. President, has the Senator from Connecticut concluded what he desired to say upon this question?

Mr. BINGHAM. Yes, Mr. President.

Mr. NORRIS. Before the Senator from Utah proceeds, would he have any objection if I submitted a question to the Senator from Connecticut?

Mr. KING. Certainly not.

Mr. NORRIS. I am very much interested in the figures the Senator has given, but it seems to me the proper test in deciding a question of taxation is a comparison of the amount of taxes, or the rate of taxation, in the District of Columbia, with the amount paid on the same valuation in cities of similar size outside. If the Senator has given that information, it was when I was not in the Chamber.

Mr. BINGHAM. I am very glad to give the Senator the information. It is found in Table 3, on page 9, in the document relating to the fiscal relations between the Government and the District of Columbia.

In cities of a similar size the average adjusted tax rate for all cities, not including Washington, is 17.29. The rate for Washington is 17. In other words, the Washington rate is a little bit below that of the average city. There are some cities, like the city of Milwaukee, for instance, which has very nearly the same population, where the rate is 15.67.

Mr. NORRIS. Of course, to give that rate is just to give the rate itself, but that is not sufficient, because the valuation must be taken into consideration. We ought to know about the valuation.

Mr. BINGHAM. I will say to the Senator that it is my understanding that the Bureau of Efficiency attempted to make an adjusted valuation in order to be as fair as possible.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. BINGHAM. I yield.

Mr. BLAINE. I think that there is a grievous error made in the calculations referred to by the Senator. For instance, as to the city of Milwaukee, if I am correctly informed, the bureau has used the taxes for city purposes only. But it must be remembered that in all those instances there should be added the county tax, the State tax, and in some cases in our State the school-district tax. I am quite certain as to Milwaukee that if all those various items were taken into account the rate would exceed 15 mills.

Mr. KING. Of course, there would be the income tax and special assessments as well.

Mr. BLAINE. I do not believe the income tax enters into the situation unless we take the total of the income tax paid into the State treasury and then apportion it upon the basis of the total assessed valuation of all property within the State.

Mr. KING. Mr. President, if the Senator will pardon me, there are many persons in the city of Milwaukee, because it is a wealthy city, who pay an income tax to the State. The State of Wisconsin also has an inheritance tax. These taxes are properly chargeable against the inhabitants of the city when a comparison is instituted.

Mr. BLAINE. Only in the proportion that the assessed valuation bears to the total State valuation.

Mr. KING. I would like to say to the Senator from Kentucky that the rate of taxes in many of the cities of the United States is from 35 to 45 mills. This includes municipal, county, State, and district school taxes. In the city in which I live my recollection is the total tax amounts to more than 4 per cent. Other cities in the United States pay as large a tax as that. And I believe that the valuation of property in such cities is as high or higher than that in the District of Columbia.

Mr. BINGHAM. I am sorry that I did not emphasize the adjusted figures. I was desirous of saving time. The actual tax rate for the city of Milwaukee, including county and State levies, is 29 mills, but the Bureau of Efficiency, if the Senator will do me the courtesy to study their tables, has endeavored to compare things as nearly as possible in a fair light with their adjusted valuation, bearing in mind the fact of the assessed value of property in some of the cities being only 50 per cent of its fair value, and so on. It is rather too complicated to go into at the present time and I merely tried to give the general result, which is that the citizens of Washington are paying a tax slightly less than in other cities of the same size, but they are paying a fair tax in view of all the adjustments which have been made by the accountants of the Bureau of Efficiency.

Mr. COUZENS. Mr. President, the Senator in his discussion with respect to other cities compared Washington with Buffalo and Newark. Looking at the table from which he quoted, if he will take the same cities, he will find that Buffalo, even after using the adjusted valuation, pays $23.46 per $1,000 of valuation and that Newark pays $20.10 per $1,000 of valuation.

Mr. KING. That is purely for municipal purposes.

Mr. COUZENS. And it has been adjusted on that basis. I will say that with a limit of $9,000,000 as the contribution by the Federal Government we are still paying, in the District of Columbia, less per $1,000 than other cities pay on the average. The committee wants to raise the amount of the Federal contribution and still reduce the average that the property owners in the District of Columbia pay below what it already is.

Mr. BINGHAM. No; there is no reduction in the tax rate at all.

Mr. COUZENS. I understand that; but if the Government contributed an additional amount it would certainly not raise

the District rate, but if anything it would leave it the same, and it is already lower than in other cities.

Mr. BINGHAM. Not lower than any other city.

Mr. COUZENS. Lower than the average, but the Senator picked out in this case, perhaps, the two lowest of any of the cities in the table, instead of picking out the same cities used in his previous comparison.

Mr. BINGHAM. Indianapolis has a levy of 11 mills, Cincinnati 11 mills, St. Louis 11 mills, Baltimore 11 mills. The Senator does me an injustice.

Mr. COUZENS. But those are not comparable in the matter of population. The Senator emphasized in his last statement the fact that Buffalo and Newark are comparable in the matter of population. Cincinnati and the other cities he now mentions are not comparable in population.

Mr. BINGHAM. St. Louis has a population nearly twice that of Washington.

Mr. COUZENS. But the Senator did not mention St. Louis.

Mr. BINGHAM. I think the Senator will find upon looking at the reporter's notes that I did mention St. Louis and also mentioned Baltimore. The average is what really is effective. I tried to take cities closest to Washington. There are three cities like Cleveland, St. Louis, and Baltimore that have a lower rate and a smaller valuation.

Mr. COUZENS. But the Senator did not use the same cities that he used before.

Mr. BINGHAM. I am sorry the Senator does not like the way I am handling the matter. I would be very glad to turn it over to him.

Mr. COUZENS. I want a fair proposition because I think the District property owners are not paying sufficient taxes in comparison to property owners in other cities.

The PRESIDING OFFICER (Mr. FESS in the chair). The question is on agreeing to the amendment of the committee on page 2, line 7.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "License bureau," on page 4, line 24, after the numerals "$19,820," to strike out the colon and the following proviso:

Provided, That hereafter the superintendent of licenses of the District of Columbia shall not issue a registration certificate or identification tags for any motor vehicle upon which any personal taxes are due and unpaid to the said District.

The amendment was agreed to.

Mr. KING. Mr. President, may I ask the Senator in charge of the bill a question?

Mr. BINGHAM. Certainly.

Mr. KING. I should like to ask the Senator if ample provision has been made in this bill for school facilities and for the school program for the next two years?

I will say frankly that I have been very greatly interested in the development of the public schools. A number of years ago, at my request, an investigation was conducted which went quite fully into the question of schools, not only the mechanics of the schools, if I may use that expression, but the buildings and in regard to the scholastic requirements, and the curriculum. I am wondering whether the program which we then outlined is being carried out, and whether there are sufficient appropriations provided in this bill to build the needed schoolhouses as rapidly as possible.

Mr. BINGHAM. Yes; the program is being carried out. I regret that the bill does not carry a larger amount for schools, but the committee has added something for schools, and the House committee added very materially to the amount as proposed originally by the Budget and by the commissioners.

Mr. KING. I have such confidence in the committee that I do not want to challenge its report in the matter to which I am referring, but I will be very glad if the committee would add to the appropriations a considerable sum to push forward to speedy completion the needed school buildings in the District.

Mr. BINGHAM. The Senator from Connecticut regrets that the Senator from Utah, who feels so strongly about the matter, did not present his opinion to the subcommittee having the bill in charge in order that it might be presented to the full committee and might come up in the Senate without leading to a point being made that it was out of order.

Mr. KING. As the Senator knows, I was engaged in other committee work at the time, but I did mention the matter to one or two members of the committee. I am wondering if the Senator thinks if such an amendment were added in the Senate it would meet with opposition in the House.

Mr. BINGHAM. The Senator from Connecticut feels sure that it would meet with opposition, as the House have gone as far as they believe they ought to go at the present time in the general matter of expenses for the District.

Mr. KING. Mr. President, I shall not offer the amendment, because I should not want to do anything that would delay the passage of this bill.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Highways department," on page 6, line 16, after the word "construction," to strike out "act" and insert "on parcel 108/3 immediately east of"; in line 18, after the word "and," to insert "at," and in the same line, after the word "repair," to strike out "shop" and insert "shops,"; so as to read:

For such additional construction on parcel 108/3 immediately east of the Bryant Street pumping station and at the District automobile repair shop, as may be necessary to house the shops of the highways department, including the laboratory of the inspector of asphalts and cements, and for repairing, servicing, and housing the motor vehicles of the highways department, the trees and parking department, and of such other departments as may be economically served at this location, $205,000.

The amendment was agreed to.

The next amendment was, under the subhead "Municipal architect's office," on page 7, line 12, to reduce the appropriation for personal services, from $63,700 to $59,900.

Mr. CARAWAY. Mr. President, I desire to ask the Senator in charge of the bill a question.

This amendment deals with the municipal architect and the force under him. There have been constantly disasters here in the District of Columbia, like the Knickerbocker Theater disaster, where the faulty construction resulted in the death of a hundred and odd people. Recently some workingmen were killed by reason of faulty construction, and the coroner's jury held the building inspectors responsible; and some feebleminded man associated with the District government in some way gave out a report that they were under no obligation to supervise the manner of construction. Is that true under the District law?

Mr. BINGHAM. I shall have to ask some member of the District Committee. I am not familiar with the District law on that point; but the Senate committee is proposing to add, a little bit later, an item to provide for the payment of a per diem to members of boards of survey engaged in surveys on buildings that are unsafe and dangerous. That matter will come up a little later.

Mr. CARAWAY. Are you trying to relieve these people of any responsibility and employing new people to do what they are supposed to do?

Mr. BINGHAM. Under the District law a board has to be employed to survey buildings that are unsafe or dangerous; but under the law as it at present exists, and under the appropriation bill as it came over from the House, there is no provision made to pay those who serve on that board. The amendment to be proposed later proposes a per diem of $10, which used to be the law but was inadvertently stricken out.

Mr. CARAWAY. I think we need a new force more than we do new pay.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 7, line 20, before the words "per cent," to strike out "2½" and insert "2¾," so as to read:

All apportionments of appropriations for the use of the municipal architect in payment for the services of draftsmen, assistant engineers, clerks, copyists, and inspectors, employed on construction work provided for by said appropriations, shall be based on an amount not exceeding 3 per cent of a total of not more than $2,000,000 of appropriations made for such construction projects and not exceeding 2¾ per cent of a total of the appropriations in excess of $2,000,000.

Mr. KING. Mr. President, I desire to ask the Senator a question in regard to that item.

I am not quite clear that that is a wise provision—to pay the architects of the District, where they are employed and receive compensation, and where their help comes under the classified service generally, a commission; or, rather, to base the compensation paid them upon the amount of money which is expended in the construction of public buildings. The bill provides, as I recall, that the amount to be paid for architectural and other services in connection with buildings shall be 2½ or 2¾ per cent, or not to exceed that, of the total cost of the building.

I know that in private life the architects and builders charge a certain per cent for their services in preparing the plans and supervising the construction, which is added to the cost of the building; but I am not quite satisfied that we ought to determine the compensation of employees of the District by the cost of buildings which may be constructed by the Government.

Mr. BINGHAM. Mr. President, the item on page 12 for personal services covers the items of those employed continuously. The Senator will realize that when new buildings are being built, and new construction is being attended to, it is necessary to employ additional draftsmen, and so forth. In order to provide for that the law has been that an amount not exceeding 3 per cent of a total of not more than $2,000,000 shall be paid for such construction projects. That is chiefly for the employment of people who are not employed regularly. The item we are changing is to pay from 2½ per cent to 2¾ per cent of the total of the appropriation in excess of $2,000,000 in case that becomes necessary, the total amount involved being about $1,950, it being shown to the committee by the municipal architect's office that it will be necessary for them to have this additional amount if they do the large amount of work which is contemplated. The reason for the percentage is so as to make it flexible in connection with the amount of work done. If the work is not done, then they do not have to pay it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 13, line 15, after the word "department" to strike out "two at $500 each" and insert "one at $500 and one at $765," and at the end of line 16, after the words "in all," to strike out "$95,135" and insert "$95,400," so as to read:

For maintenance, care, repair, and operation of passenger-carrying automobiles owned by the District of Columbia, $77,525; for exchange of such passenger-carrying automobiles now owned by the District of Columbia as, in the judgment of the commissioners of said District, have or shall become unserviceable, $16,110; and for the purchase of passenger-carrying automobiles as follows: Highways department, one at $500 and one at $765, Public Library, one at $500; in all, $95,400.

The amendment was agreed to.

The next amendment was, on page 15, at the end of line 14, to increase the appropriation for postage for strictly official mail matter from $22,000 to $25,000.

The amendment was agreed to.

The next amendment was, under the subhead "Gasoline tax road and street fund," on page 19, after line 16, to strike out:

Northwest: Upton Street, Thirty-eighth Street to Wisconsin Avenue, $3,900.

The amendment was agreed to.

The next amendment was, on page 20, after line 2, to strike out:

Northwest: Forty-second Street, Jenifer Street to Military Road, $9,900.

The amendment was agreed to.

The next amendment was, on page 20, after line 4, to insert:

Northwest: Western Avenue, Forty-first Street to Chevy Chase Circle, $21,000.

The amendment was agreed to.

The next amendment was, on page 20, line 12, after the word "east," to strike out "to" and insert "of," so as to read:

Northwest: Tilden Street from end of asphalt block pavement east of Connecticut Avenue to Rock Creek Park, $49,500.

The amendment was agreed to.

The next amendment was, on page 21, after line 2, to strike out:

Northwest: Eighteenth Street, Allison Street to Webster Street, $4,900.

The amendment was agreed to.

The next amendment was, on page 22, after line 2, to insert:

Northwest: Tunlaw Road, Thirty-seventh Street to Beecher Street, $10,800.

The amendment was agreed to.

The next amendment was, on page 22, after line 4, to insert:

Northwest: Benton Street, Tunlaw Road to Huidekoper Place, $7,400.

The amendment was agreed to.

The next amendment was, on page 22, after line 6, to insert:

Northwest: Observatory Place, Benton Street northward to concrete, $1,600.

The amendment was agreed to.

The next amendment was, on page 22, after line 8, to insert:

Northwest: Eighth Street, Tuckerman Street to Underwood Street, $6,200.

The amendment was agreed to.

The next amendment was, on page 22, after line 10, to insert:

Northwest: Tewkesberry Street, Seventh Street to Eighth Street, $5,400.

The amendment was agreed to.

The next amendment was, on page 22, after line 12, to insert:

Northeast: Neal Street, Bladensburg Road to Holbrook Street, $6,500.

The amendment was agreed to.

The next amendment was, on page 22, after line 14, to insert:

Northeast: Newton Street, Rhode Island Avenue to Eastern Avenue, $14,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 16, to insert:

Northeast: Myrtle Avenue, Central Avenue to Walnut Street, $12,800.

The amendment was agreed to.

The next amendment was, on page 22, after line 18, to insert:

Northeast: Evarts Street, Twentieth Street to Twenty-second Street, $8,800.

The amendment was agreed to.

The next amendment was, on page 22, after line 20, to insert:

Northeast: Summit Place, T Street to Todd Place, $2,900.

The amendment was agreed to.

The next amendment was, on page 25, line 17, after the name "Douglass Street," to strike out "Twenty-second Street to Twenty-fourth Street, $7,300" and insert "Queens Chapel Road to Twenty-fourth Street, $12,300," so as to read:

Northeast: Douglass Street, Queens Chapel Road to Twenty-fourth Street, $12,300.

The amendment was agreed to.

The next amendment was, at the top of page 27, to insert:

Southeast: Twenty-third Street, Minnesota Avenue to Q Street, $6,500.

The amendment was agreed to.

The next amendment was, on page 28, line 5, before the name "Michigan Avenue," to strike out "Northwest" and insert "Northeast," so as to read:

Northeast: Michigan Avenue, North Capitol Street to Monroe Street, $81,000.

The amendment was agreed to.

The next amendment was, on page 28, line 19, after the words "in all," to strike out "$1,565,600" and insert "$1,655,800," so as to read:

In all, $1,655,800; to be disbursed and accounted for as "Gasoline tax road and street improvements," and for that purpose shall constitute one fund and be available immediately.

The amendment was agreed to.

The next amendment was, under the subhead "Sewers," on page 33, line 2, to strike out "$600,000" and insert "$612,000," so as to read:

For suburban sewers, including the replacement of four motor trucks at not to exceed $925 each, the purchase of one motor tractor at not to exceed $975, and the maintenance of nonpassenger-carrying motor vehicles used in this work, $612,000.

The amendment was agreed to.

The next amendment was, under the heading "Public schools," on page 38, line 17, after the numerals "$36,900," to strike out the colon and the following proviso:

Provided, That beginning July 1, 1931, and thereafter, section 3 of the act of the Legislative Assembly of the District of Columbia, approved June 23, 1873, entitled "An act to establish a normal school for the city of Washington" (sec. 42, ch. 57, of the Compiled Statutes in force in the District of Columbia), shall apply only to those graduates of the normal schools of the District of Columbia who shall at the time of their graduation rank within the first 25 per cent of their respective classes, arranged in order of their ratings received for their entire normal-school course.

The amendment was agreed to.

The next amendment was, under the subhead "Teachers," on page 39, at the end of line 6, to strike out "$5,966,000" and insert "$6,000,000" so as to read:

Salaries: For personal services of teachers and librarians in accordance with the act approved June 4, 1924 (43 Stat. 367–375), $6,000,000.

The amendment was agreed to.

The next amendment was, under the subhead "Furniture," on page 43, at the end of line 9, to strike out "1930" and insert "1931," so as to read:

For completely furnishing and equipping buildings and additions to buildings, as follows: E. A. Paul Junior High School, $48,000; 24-room building, including combination assembly hall and gymnasium, at Nineteenth Street and Columbia Road, $31,000; 8-room building, including combination assembly hall and gymnasium, on Grant Road, $13,500; 8-room building, including combination assembly hall and gymnasium, at Fourteenth and Upshur Streets, $13,500; 8-room addition, including combination assembly hall and gymnasium, Raymond School, $13,500; 18-room building, including combination assembly hall and gymnasium, Langdon School, $19,000; 8-room addition, including combination assembly hall and gymnasium, Burrville School, $10,500; 8-room building, including combination assembly hall and gymnasium, to replace the old Bell and Cardozo Schools, $13,500; Francis Junior High School, $20,000; health school for colored pupils, $12,000; in all, $194,500, to be immediately available and to continue available until June 30, 1931.

The amendment was agreed to.

The next amendment was, under the subhead "Buildings and grounds," on page 46, line 22, after the word "site," to strike out "to be" and insert "being," so as to read:

For the erection of a junior high school building on a site being purchased for that purpose in the Reno section, in accordance with the plans of Macfarland Junior High School, $200,000, and the commissioners are authorized to enter into contract or contracts as in this act provided for such building, at a cost not to exceed $500,000.

The amendment was agreed to.

The next amendment was, on page 47, line 17, after the word "school," to insert "and sanatorium," so as to read:

For the erection of a new health school and sanatorium for colored pupils, $150,000.

The amendment was agreed to.

The next amendment was, on page 47, line 22, after the name "Macfarland Junior High School," to insert "including necessary remodeling and enlargement of the heating plant at the Macfarland Junior High School to provide heat for the Business High School," and on page 48, line 1, after the word "building," to insert "exclusive of the treatment of grounds," so as to read:

For the construction of a new school building for the Business High School on a site now owned by the District of Columbia adjoining the Macfarland Junior High School, including the necessary remodeling and enlargement of the heating plant at the Macfarland Junior High School to provide heat for the Business High School, $300,000, and the commissioners are authorized to enter into contract or contracts as in this act provided for such building, exclusive of the treatment of grounds, at a cost not to exceed $1,500,000.

The amendment was agreed to.

The next amendment was, on page 48, line 3, after the numerals "$1,500,000," to strike out the colon and the following proviso:

Provided, That upon completion of such building, the building now occupied by the Business High School shall be used as an elementary school for colored pupils.

The amendment was agreed to.

The next amendment was, on page 48, line 6, after the word "addition," to insert "or additions," so as to read:

For the construction of an addition or additions to the Park View School, including the necessary remodeling of the present building, $265,000.

The amendment was agreed to.

The next amendment was, on page 49, line 19, after the word "building," to insert a comma and "a new platoon school building, and a colored health school and sanatorium," so as to read:

For the purchase of a site on which to locate a new junior high-school building, a new platoon school building, and a colored health school and sanatorium in northeast Washington.

The amendment was agreed to.

The next amendment was, on page 49, after line 23, to strike out:

For the purchase of a site for a colored health school.

The amendment was agreed to.

The next amendment was, on page 50, line 8, to increase the appropriation for the purchase of sites for school buildings from $407,000 to $517,000.

The amendment was agreed to.

The next amendment was, under the heading "Metropolitan police—Salaries," on page 52, line 17, after the numerals "$2,722,110," to strike out the colon and the following proviso:

Provided, That hereafter no more than $360 per annum shall be paid as extra compensation to members of said force who may be mounted on horses, furnished and maintained by themselves, no more than $50 per annum as extra compensation to members mounted on bicycles, and no more than $312 per annum to members who may be called upon to use motor vehicles furnished and maintained by themselves.

Mr. DILL. Mr. President, I understand that the purpose of this amendment is to restore to these officers the rates of pay they are now receiving for caring for their horses and their motor cycles?

Mr. BINGHAM. That is correct.

Mr. DILL. I think it is a very desirable amendment.

Mr. CARAWAY. Mr. President, like every one else, I have been interested in the controversy now raging down at police headquarters. I am confident that there is something very wrong with the police force. Whether it is with the individual men or whether it is with the major in charge, I do not know. I have no doubt about one thing, however—that Mr. Dougherty, who is the president of the Board of Commissioners of the District of Columbia, is utterly unsuited to have charge of the police force. He may not be in sympathy with lawlessness; I do not know—I never heard of him until he was appointed, and I have not found anybody else who ever had—but he is in sympathy with most of the abuses that are taking place in the police force, I am sure, from his attitude toward some things that have been attempted.

Here is Captain Burlingame, who stands convicted in the minds of everybody who has half sense. Everybody knows there is something wrong with him and his connection with this palmist, his extortion of money from her, his unwillingness to explain to the District Commissioners, or any one else, his relations with this palmist; and in that he is upheld by the District Commissioners, notwithstanding the fact that the House committee investigating the affairs of the District has requested them to suspend him.

Yesterday a policeman who pleaded guilty to intoxication was fined $100 and restored to duty. Anybody knows that a man on the police force who gets drunk is protecting somebody who is selling whisky; and if he will protect a bootlegger he will protect a burglar, or a murderer, or any one else for a consideration, because men are not honest and dishonest in spots. They are either honest or they are dishonest.

The man who protects somebody in the commission of a crime is dishonest. Whether he is in sympathy with the law or not, he is an undesirable man to be put in charge of law enforcement, because he is corrupted already. We can not reach all such men. I was intending to offer an amendment, to be inserted on page 52, after the numerals "$2,722,110," to read as follows:

Provided, That no part of the sum herein appropriated shall be used to pay the salary of Captain Burlingame until he shall be vindicated from the charges now pending against him.

I want a vote on that amendment.

Mr. BINGHAM. Mr. President, will not the Senator wait until the committee amendments shall be disposed of?

Mr. CARAWAY. If the Senator wants to make that objection to it.

The PRESIDING OFFICER. This is in the nature of an amendment to the committee amendment.

Mr. BINGHAM. Mr. President, then, of course, I have no objection to it being acted on now.

Mr. CARAWAY. The security of property and life in the District of Columbia, as in every city, depends on the police force. When some man who is corrupt is still retained on the force, and in a position of authority, and that is generally known, that example tends to break down the morale of the whole police force. If it were just a matter of dealing with Captain Burlingame alone, it would be different. He has been on the force, he has been crooked for years, we now know, but the public did not know it. The public does know it now. Every policeman in the department knows it now, and they know that for some reason not given the commissioners are protecting Burlingame in his position. They know there is something wrong with those higher in command, and therefore their attitude is an invitation for every policeman to find the weak spot in the police department and take advantage of it. I hope, therefore, that the amendment may be adopted.

The PRESIDING OFFICER. The clerk will state the committee amendment.

The CHIEF CLERK. On page 52, beginning with line 17, the committee proposes to strike out down to line 24, inclusive, as follows:

Provided, That hereafter no more than $360 per annum shall be paid as extra compensation to members of said force who may be mounted on horses, furnished and maintained by themselves, no more than $50

per annum as extra compensation to members mounted on bicycles, and no more than $312 per annum to members who may be called upon to use motor vehicles, furnished and maintained by themselves.

The amendment was agreed to.

The PRESIDING OFFICER. The amendment of the Senator from Arkansas will now be stated.

The CHIEF CLERK. On page 52, line 17, after the numerals "$2,722,110," to insert a colon and the following:

Provided, That no part of the sum herein appropriated shall be used to pay the salary of Captain Burlingame until he shall be vindicated from the charges now pending against him.

Mr. BINGHAM. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. BINGHAM. That being in the nature of a limitation, would a point of order lie against it?

The PRESIDING OFFICER. It would not.

Mr. McKELLAR. Let the amendment be read again.

The amendment was again read.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas.

The amendment was agreed to.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Connecticut to page 60, line 6, where the word "women" occurs. That should be "woman."

Mr. BINGHAM. I move that the word be changed to "woman."

The PRESIDING OFFICER. Without objection, that amendment will be made.

The next amendment of the committee was, under the subhead "Supreme Court, District of Columbia," on page 64, line 22, before the word "stenographers," to strike out "six" and insert "seven"; and in line 23, after the word "justice," to strike out "$15,600; in all, $86,100" and insert "$18,200; in all, $88,700," so as to read:

Salaries: Chief justice, $10,500; 6 associate justices, at $10,000 each; 7 stenographers, 1 for the chief justice and 1 for each associate justice, $18,200; in all, $88,700.

The amendment was agreed to.

The next amendment was, under the subhead "Medical charities," on page 75, line 11, to increase the appropriation for care and treatment of indigent patients at the Children's Hospital from $18,000 to $22,000.

The amendment was agreed to.

The next amendment was, under the heading "Public buildings and public parks—General expenses, public parks," on page 86, line 11, after the word "exceeding," to strike out "$90,000" and insert "$122,000," so as to read:

General expenses: For general expenses in connection with the maintenance, care, improvement, furnishing of heat, light, and power of public parks, grounds, fountains, and reservations, propagating gardens and greenhouses under the jurisdiction of the Office of Public Buildings and Public Parks of the National Capital, including $5,000 for the maintenance of the tourists' camp on its present site in East Potomac Park, and including personal services of seasonal or intermittent employees at per diem rates of pay approved by the director, not exceeding current rates of pay for similar employment in the District of Columbia; the hire of draft animals with or without drivers at local rates approved by the director; the purchase and maintenance of draft animals, harness, and wagons; contingent expenses; city directories; communication service; car fare; traveling expenses; professional, scientific, technical, and law books; periodicals and reference books; blank books and forms; photographs; dictionaries and maps; leather and rubber articles for the protection of employees and property; the maintenance, repair, exchange, and operation of not to exceed four motor-propelled passenger-carrying vehicles and all necessary bicycles, motor cycles, and self-propelled machinery; the purchase, maintenance, and repair of equipment and fixtures, etc., $570,000: *Provided*, That not exceeding $35,000 of the amount herein appropriated may be expended for placing and maintaining portions of the parks in condition for outdoor sports and for expenses incident to the conducting of band concerts in the parks; not exceeding $25,000 for the improvement and maintenance as recreation parks of Sections C and D, Anacostia Park; not exceeding $122,000 for the improvement of the Rock Creek and Potomac connecting parkway and the continuation of construction of sea wall.

The amendment was agreed to.

The next amendment was, under the heading "National Capital Park and Planning Commission," on page 87, line 18, after the word "amended," to insert "and the act approved December 22, 1928 (Public, No. 646, 70th Cong.)," so as to read:

For each and every purpose requisite for and incident to the work of the National Capital Park and Planning Commission as authorized by the act entitled "An act providing for a comprehensive development of the park and playground system of the National Capital," approved June 6, 1924 (43 Stat. 463–464), as amended, and the act approved December 22, 1928 (Public, No. 646, 70th Cong.), including not to exceed $100 for technical books and periodicals, not to exceed $50,000 for personal services in the District of Columbia, and not to exceed $3,500 for printing and binding, $1,000,000, to be immediately available and to remain available until expended.

The amendment was agreed to.

Mr. BINGHAM. There are several other committee amendments which I am authorized by the committe to offer, and I shall ask the clerk to read the one I now send to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The CHIEF CLERK. On page 12, line 24, after the syllable "ings," insert a comma and the following: "including payment of a fee of $10 per diem to each member of the board of survey, other than the inspector of buildings, while actually employed on surveys of dangerous or unsafe buildings."

The amendment was agreed to.

Mr. BINGHAM. I offer another amendment authorized by the committee.

The PRESIDING OFFICER. The clerk will report the committee amendment.

The CHIEF CLERK. On page 31, line 24, after the numerals "$120,000," insert a colon and the following:

Provided, That so much of cost of this work as relates to the paving between and 2 feet exterior to the outer rails of the street-car tracks, and to the reconstruction of the street-railway track system, shall be paid by the street-railway company using the bridge.

The amendment was agreed to.

Mr. BINGHAM. I offer another amendment authorized by the committee.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 39, line 2, after the word "course," insert a colon and the following:

Provided, That the Board of Education is hereby authorized, under appropriations hereafter to be made, to expand the two existing normal schools into teachers' colleges, and at the end of the fourth year thereof to award appropriate degrees.

The amendment was agreed to.

Mr. BINGHAM. I am authorized to offer another amendment.

The PRESIDING OFFICER. The clerk will state the committee amendment.

The CHIEF CLERK. On page 76, after line 5, insert as a separate paragraph the following:

For the erection and equipment, including furniture and other accessories, of a hospital building for the care and treatment of tubercular children, $150,000.

The amendment was agreed to.

Mr. BINGHAM. Mr. President, that completes the committee amendments, but since the committee met there has been received from the Budget an estimate for the transportation of crippled children attending schools, of $12,000, and I ask leave to offer an amendment covering that matter.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 42, after line 8, insert a new paragraph, as follows:

For transportation for pupils attending schools for crippled pupils, $12,000: *Provided*, That expenditures for street car and bus fares from this fund shall not be subject to the general limitations on the use of street car and bus fares covered in this act.

The amendment was agreed to.

Mr. BINGHAM. Mr. President, in this connection the committee has received, since it met, a recommendation from the Bureau of the Budget with regard to the employment of two physiotherapeutists to aid these crippled children in connection with the transportation item just passed, and I ask that the amendment I send to the desk may be read and agreed to.

The PRESIDING OFFICER. The clerk will report the amendment.

The CHIEF CLERK. On page 60, in line 5, strike out "$74,000" and insert in lieu thereof "$78,600."

The amendment was agreed to.

Mr. BINGHAM. That concludes all the committee amendments.

Mr. JONES. Mr. President, I have the impression that the amendment in line 5, page 28, was overlooked. In order to be sure, I am calling it to the attention of the chairman of the committee.

The PRESIDING OFFICER. That amendment was agreed to.

Mr. PHIPPS. Mr. President, I desire to offer an amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 28, line 8, strike out "$75,000" and insert in lieu thereof "$80,000."

Mr. PHIPPS. Mr. President, that would have the effect of adding $5,000 to the allowance for grading property, opening up new streets, to take care of new enterprise, a large tract of property being developed in the southeast section, which would give to the District, by dedication, a large circle somewhat like Chevy Chase Circle, only larger in area. It is necessary to have the grading performed in order to get the property dedicated.

Mr. McKELLAR. Where is it located?

Mr. PHIPPS. In the southeastern section. It would be beyond the Washington University, a little to the south and east of the university. In the development of that tract of land the owners propose to dedicate to the District a suitable tract of land for the purpose of a public school, which is the first time we have been able to secure an offer of that kind.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. VANDENBERG. Mr. President, in view of the very wide public interest in the matter, I wish the Senator in charge of the bill would state why the amendment was not inserted which he had anticipated offering, to provide for an airport survey in the city of Washington.

Mr. BINGHAM. Mr. President, at one time I had hoped to present and had intended to present to the committee a proposal for an amount of money sufficient to provide for a complete survey to be made of the airport situation, in order that we might have the facts before us. I learned that quite an extensive survey had been made, and therefore that this was not needed. I therefore did not propose the amendment.

May I take this opportunity of saying that I hope very much that the District Committee, and particularly the subcommittee of which the Senator from Michigan is chairman, will promptly take into consideration the bills now pending in regard to the authorization of an appropriation for an airport in Washington. Nearly all the other great capitals of the world either have or are building suitable and adequate airports. Even Rome, the capital of Italy, where to-day there are very few lines of airplanes coming in, has about completed the construction of a magnificent airport. The capitals of Germany, France, England, Holland, and other countries have provided fine and adequate airports. We alone have not yet made any such provision, and I hope that within the near future the committee over which the Senator from Michigan presides will arrive at a conclusion as to where is the best place for authorizing such an airport.

Mr. VANDENBERG. I should like to inquire further of the Senator from Connecticut, who is familiar with the District program as well as the air program, whether he thinks there is any development in governmental air facilities contemplated in the District which would recommend, perhaps, very careful inquiry and some delay before an independent munpicipal project at Gravelly Point was undertaken?

Mr. BINGHAM. Mr. President, I have been giving some consideration to the fact that the War Department is asking for a very considerable increase in the size of Bolling Field, a field which is at present used by both the War Department and the Navy Department. I submitted informally and tentatively, to the Assistant Secretary of War for Aeronautics, a question as to whether, in case the size of that field were increased, it might not be possible to use a part of the field for commercial purposes. I received a lengthy report from him only this morning in which he stated that, after looking into the matter quite fully, he believes it would be the great disadvantage of both the military and naval services if that suggestion were followed, and that the interests of Washington, from the point of view of commercial aeronautics, would not be well served by such an arrangement.

On the other hand, after having conversed with several experts who have looked into the matter quite fully, I hope very much that the Department of Agriculture may be led to take the view that their experimental work now being carried on at the flats opposite Potomac Park, near the end of the Highway Bridge and the new Memorial Bridge, might be equally well carried on at some other place in the vicinity of Washington, and that that land, which is adjacent to one of the two fields now used for commercial purposes—one of which I think bears the name of Hoover Field—might be combined with land now occupied by the Department of Agriculture to make an adequate airport for the city of Washington at a much earlier date than would be the case if we were obliged to use the project known as the Gravelly Point project.

Mr. VANDENBERG. Just one more question, if the Senator will permit. Has he any conviction as to the proper division of cost in the development of a municipal airport in Washington?

Mr. BINGHAM. The question brings up a matter on which the two Houses are continually at variance, and it is rather a difficult one for me to answer. My own personal feelings in the matter are these: The persons who would use such an airport to its fullest extent would be in nearly all cases persons coming to Washington for the sake of having to do business with the Federal Government and not with the citizens and business houses of Washington. They would be persons in large measure coming to appear before the committees of Congress and to attend to matters in which their States and communities were interested and with respect to which they desire to communicate with their Senators and Congressmen. In view of that fact, it seems to me that the Federal Government ought to bear the expense of constructing an adequate municipal airport, or at least a very large share of that expense.

Mr. VANDENBERG. I thank the Senator for his testimony.

The PRESIDING OFFICER. The bill is still in Committee of the Whole and open to amendment. If there are no further amendments to be proposed as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. BINGHAM. Mr. President, I ask unanimous consent that the clerks be given authority to change any totals which may be required to be changed and which may have been overlooked in the course of the amendments.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is, Shall the amendments be engrossed and the bill to be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	Keyes	Smith
Barkley	Fess	King	Smoot
Bayard	Frazier	McKellar	Steck
Bingham	George	McMaster	Steiwer
Black	Gerry	McNary	Stephens
Blaine	Gillett	Moses	Swanson
Blease	Glass	Neely	Thomas, Idaho
Borah	Glenn	Norbeck	Thomas, Okla.
Bratton	Goff	Norris	Trammell
Brookhart	Gould	Oddie	Tydings
Broussard	Greene	Overman	Tyson
Bruce	Hale	Phipps	Vandenberg
Burton	Harris	Pittman	Wagner
Capper	Harrison	Ransdell	Walsh, Mass.
Caraway	Hastings	Reed, Pa.	Walsh, Mont.
Copeland	Hawes	Robinson, Ind.	Warren
Couzens	Hayden	Sackett	Waterman
Curtis	Heflin	Sheppard	Watson
Dale	Johnson	Shipstead	Wheeler
Deneen	Jones	Shortridge	
Dill	Kendrick	Simmons	

The PRESIDING OFFICER. Eighty-two Senators having answered to their names, a quorum is present.

AMENDMENT OF SECTION 1233, REVISED STATUTES

Mr. REED of Pennsylvania. Mr. President, in January, 1928, at the request of the State Department, I introduced two bills intended to make eligible for appointment in the Diplomatic Service officers of the Navy and of the Army who were on the retired list and who, by a construction of an old statute, had recently been held to be ineligible under a provision preventing officers on the active list from taking such appointments. It never was intended by the Congress that retired officers should be made ineligible to serve their country in any other capacity.

The Committee on Naval Affairs promptly reported out a bill with reference to naval officers and it passed the Senate. I am now authorized by the Committee on Military Affairs to report back favorably, without amendment, the bill (S. 2409) to amend section 1223 of the Revised Statutes of the United States, and I submit a report (No. 1682) thereon. Inasmuch as the bill involves no other question than that which has already been decided by the Senate, I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2409) to amend section

1223 of the Revised Statutes of the United States, and it was read, as follows:

Be it enacted, etc., That section 1223 of the Revised Statutes of the United States be amended by adding at the end thereof the following new sentence: "*Provided, however*, That the foregoing provision shall not apply to any officer of the Army on the retired list."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Mr. BINGHAM. Mr. President, from the Committee on Military Affairs I report back favorably without amendment the bill (S. 5544) to increase the membership of the National Advisory Committee for Aeronautics, and I submit a report (No. 1683) thereon. I ask unanimous consent for the immediate consideration of the bill. It is a unanimous report from the committee; it will not cost anything, and if the purpose is to be accomplished at this session we must get the bill through the Senate and over to the House as soon as possible.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5544) to increase the membership of the National Advisory Committee for Aeronautics, and it was read, as follows:

Be it enacted, etc., That the membership of the National Advisory Committee for Aeronautics is hereby increased from 12 members to 15 members: *Provided*, That the three additional members to be appointed by the President shall be acquainted with the needs of aeronautical science, either civil or military, or skilled in aeronautical engineering or its allied sciences, and shall serve as such without compensation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALTERATIONS AND REPAIRS TO CERTAIN NAVAL VESSELS

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which is Senate bill 1093.

Mr. HALE. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar 1356, the bill (S. 4570) to authorize alterations and repairs to certain naval vessels.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

Mr. BRATTON. Mr. President, let me inquire what is the bill to which the Senator refers?

The PRESIDENT pro tempore. The clerk will report the bill for the information of the Senate.

Mr. HALE. May I say before that is done, Mr. President, that it is a bill which has to do with the modernization of two of our battleships, the *Arizona* and the *Pennsylvania*. The bill should be passed by the Senate to-day if it is possible to have it done. The Navy Department appropriation bill has just come to the Senate from the House and we are to hold hearings on that bill commencing next Monday.

This is an item that should be considered in that bill. The detailing of the men for the coming year has been arranged with the understanding that the men who are on the *Arizona* and the *Pennsylvania* will be available for use on the *Oklahoma* and the *Nevada*, which have just been modernized and reconditioned. Unless action shall be taken to-day, we shall have no authorization to consider this matter in proceeding with the appropriation bill. The whole question is simply one of following out the plan that was adopted four years ago of modernizing each year two ships of the Navy. This bill merely proposes to follow out the plan.

Mr. BRATTON. Mr. President, if the Senator will yield, will he let me inquire why it is necessary that action be taken to-day?

Mr. HALE. Because we are going to hold hearings on Monday on the naval appropriation bill, and in that appropriation bill there should be an item to take care of these ships.

Mr. BLEASE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from South Carolina?

Mr. CARAWAY. I yield.

Mr. BLEASE. I do not like to object to this particular bill, but I do think this manner of legislating is hardly proper.

Mr. GLASS. Mr. President, I hope the Senator from South Carolina will not object. The consideration of this bill will not require any discussion. The Appropriations Committee meets on Monday. These ships ought to be modernized and repaired. The Senator will remember that I did not vote for the cruiser bill, and I am not especially a "big Navy" man, but this is a matter that ought to be attended to and ought to be attended to immediately. I therefore hope the Senator from South Carolina will not object to the consideration of the bill.

Mr. BLEASE. Mr. President, I am different from the Senator from Virginia in that respect. I voted for a large Navy; I believe in a large Army; I believe in a big airplane service, if that is what it may properly be called; I believe in anything to fight with; but I do not believe in fighting with it. However, I believe in being ready to fight, so that if the other fellow jumps on you you can take care of yourself.

Mr. HALE. Mr. President, that is the object of this bill, to put these ships in condition so that they can be on equal terms with the modern ships of other navies. I hope the Senator from South Carolina will not object to the consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

Mr. BLEASE. If the Senate will pass my judgeship bill right after it shall pass this bill, then I shall not object to the consideration of the bill.

Mr. SWANSON. I hope the Senator from South Carolina will not object.

Mr. GLASS. I did not object to the bill of the Senator from South Carolina.

Mr. BLEASE. I object to the consideration of the bill.

Mr. SWANSON. I hope the Senator from South Carolina will not persist in his objection.

The PRESIDENT pro tempore. The Senator from South Carolina objects. The Senator from Arkansas [Mr. CARAWAY] has the floor.

Mr. McNARY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Oregon?

Mr. CARAWAY. I yield.

Mr. McNARY. I should like to submit and have considered this afternoon the conference report on the agricultural appropriation bill. The speech of the Senator from Arkansas will be just as effective after the conference report shall have been considered. I am going to submit a conference report and ask unanimous consent for its consideration.

Mr. CARAWAY. Mr. President, just a moment.

The PRESIDENT pro tempore. Temporarily laying aside the unfinished business?

Mr. CARAWAY. Just a moment. I will ask the Senator from Oregon how long the consideration of the conference report will take?

Mr. McNARY. I think it will take but a brief moment.

Mr. CARAWAY. I want to oblige the Senator from Oregon, but if I shall yield to him it will probably be absolutely impossible to complete the unfinished business this evening. I hope that on Monday I may be permitted to proceed with it to a final conclusion.

Mr. CURTIS. Mr. President, if I may intervene, I desire to suggest that the Senate proceed with the consideration of the conference report, and then, if there be no objection, I will ask unanimous consent to proceed with unobjected bills on the calendar, beginning where we left off the last time the calendar was under consideration. We could put in the afternoon very nicely in that way, and let the Senator from Arkansas proceed with his bill on Monday.

Mr. SMITH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from South Carolina?

Mr. CARAWAY. I yield.

Mr. SMITH. What was the request which the Senator from Oregon made?

The PRESIDENT pro tempore. The request was that he might present a conference report, which is a privileged matter and may be presented at any time, and he also asked unanimous consent for the present consideration of the conference report.

Mr. SMITH. It is a conference report on what bill?

Mr. McNARY. On the agricultural appropriation bill.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Massachusetts?

Mr. CARAWAY. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. Mr. President, I wish to announce that the Senator from South Carolina [Mr. BLEASE] is prepared to withdraw his objection to the bill consideration of which was asked for by the Senator from Maine [Mr. HALE], on the ground that employees of the navy yards are being discharged for lack of favorable action on this measure. I understand on that representation the Senator from South Carolina will withdraw his objection.

Mr. REED of Pennsylvania. I should like to add my own entreaty to that just voiced by the Senator from Massachusetts.

The PRESIDENT pro tempore. The Chair understands that the objection to the bill is withdrawn.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4570) to authorize alterations and repairs to certain naval vessels, which was read, as follows:

Be it enacted, etc., That for the purpose of modernizing the U. S. S. *Pennsylvania* and *Arizona*, alterations and repairs to such vessels are hereby authorized at a total cost not to exceed the sum of $14,800,000 in all. The alterations to the capital ships herein authorized shall be subject to the limitations prescribed in the treaty limiting naval armaments, ratified August 17, 1923.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The question now recurs on the unanimous-consent proposal made by the Senator from Oregon [Mr. MCNARY].

Mr. HALE. Mr. President, I ask unanimous consent to reconsider the vote by which the bill just passed was ordered to be engrossed for a third reading, read the third time, and passed, in order that a similar bill which has been passed by the House may be substituted for the Senate bill.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the votes are reconsidered.

Mr. HALE. I now move that the Committee on Naval Affairs be discharged from the further consideration of the bill (H. R. 11616) to authorize alterations and repairs to certain naval vessels.

The motion was agreed to.

Mr. HALE. I ask unanimous consent that the House bill 11616 be substituted for Senate bill 4570, and that the Senate proceed to its consideration.

There being no objection, the Senate proceeded to consider the bill (H. R. 11616) to authorize alterations and repairs to certain naval vessels, which was read, as follows:

Be it enacted, etc., That for the purpose of modernizing the U. S. S. *Pennsylvania* and *Arizona*, alterations and repairs to such vessels are hereby authorized at a total cost not to exceed the sum of $14,800,000 in all. The alterations to the capital ships herein authorized shall be subject to the limitations prescribed in the treaty limiting naval armaments, ratified August 17, 1923.

The bill was ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, the bill (S. 4570) to authorize alterations and repairs to certain naval vessels is indefinitely postponed.

AGRICULTURAL APPROPRIATIONS—CONFERENCE REPORT

Mr. MCNARY. I now submit the conference report on the agricultural appropriation bill and ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. Is there objection?

Mr. KING. What is the request?

The PRESIDENT pro tempore. The Senator from Oregon submits a conference report on the agricultural appropriation bill, and asks unanimous consent for its present consideration. It will not displace the unfinished business.

Mr. CARAWAY. Mr. President, I am going to make no objection, but I am going to ask that we be permitted on Monday to consider the unfinished business. I hope that all Senators will remember that I am yielding to oblige the Members of the Senate, but on Monday I hope that I shall be permitted to proceed with the unfinished business.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oregon?

There being no objection, the report was read, and the Senate proceeded to its consideration, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15386) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 19, 21, 22, 24, 27, 28, 29, 30, 31, 35, 40, 44, 47, 48, 52, 57, 66, and 68.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 32, 37, 39, 43, 46, 54, 55, 58, 59, 60, 61, 62, 63, 65, 69, and 70, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: On page 13 of the bill, in line 25, strike out "$11,728,390" and insert "$12,008,390"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,120,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,153,400"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$353,780"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,533,070"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,133,070"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$831,200"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$810,920"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,234,731"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,960,343"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,646,200"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,541,280"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,024,280"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$32,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,630,075"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,089,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$204,000"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,882,670"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$396,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$633,273"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,163,566"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,429,166"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,325,800"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,633,500"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$144,511,554"; and the Senate agree to the same.

The committee of conference have not agreed on amendment numbered 15.

CHAS. L. MCNARY,
W. L. JONES,
HENRY W. KEYES,
LEE S. OVERMAN,
WM. J. HARRIS,
JOHN B. KENDRICK,
Managers on the part of the Senate.

L. J. DICKINSON,
E. H. WASON,
JOHN W. SUMMERS,
J. P. BUCHANAN,
JOHN N. SANDLIN,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the report.

The report was agreed to.

INSPECTION OF BATTLE FIELDS IN MISSISSIPPI

Mr. SHEPPARD. From the Committee on Military Affairs I report back favorably with an amendment the bill (H. R. 8736) to provide for the inspection of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss., and I submit a report (No. 1684) thereon. I direct the attention of the Senator from Mississippi [Mr. HARRISON] to the bill.

Mr. HARRISON. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The amendment of the Committee on Military Affairs was to strike out all after the enacting clause and to insert:

That for the purpose of commemorating the battles of Brices Cross Roads, Miss., and Tupelo, Miss., the Secretary of War is authorized and directed to (1) acquire not to exceed 1 acre of land, free of cost to the United States, at each of the above-named battle fields, (2) fence each parcel of land so acquired, (3) build an approach to each such parcel of land, and (4) erect a suitable marker on each such parcel of land.

SEC. 2. There is authorized to be appropriated $10,000, or so much thereof as may be necessary, to carry out the provisions of section 1 of this act.

SEC. 3. Each parcel of land acquired under section 1 of this act shall be under the jurisdiction and control of the Secretary of War, and there is authorized to be appropriated for the maintenance of each such parcel of land, fence, approach, and marker a sum not to exceed $250 per annum.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to provide for the commemoration of the Battles of Brices Cross Roads, Miss., and Tupelo, Miss."

THE CALENDAR

Mr. CURTIS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of unobjected bills on the calendar, beginning with the number where we left off when the calendar was last under consideration.

Mr. MCKELLAR. Do I understand the Senator to ask that the consideration of the calendar be begun where it was left off when last under consideration?

Mr. CURTIS. Yes; and that unobjected bills only be considered.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the call of the calendar will proceed.

BOISE RECLAMATION PROJECT

The bill (H. R. 11360) to authorize the Secretary of the Interior to convey or transfer certain water rights in connection with the Boise reclamation project was considered as in Committee of the Whole.

The bill had been reported from the Committee on Irrigation and Reclamation with amendments, on page 1, beginning in line 4, to strike out "convey upon such terms and conditions as he may see fit, either at public auction to the best bidder or at private sale at such prices as he may fix" and to insert "relinquish to the board of control of the Arrowrock division, Boise irrigation project," and on page 2, line 2, after the word "reservoir," to strike out "The proceeds received by the United States from the sale of such rights shall be used toward or credited to part payment on that part of the cost of the construction of the Arrowrock division, Boise project, chargeable to the board of control of the said Arrowrock division," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to relinquish to the board of control of the Arrowrock division, Boise irrigation project, all the right, title, and interest of the United States in or to certain Ridenbaugh or Nampa and Meridian irrigation district water rights, not heretofore disposed of, obtained when land with appurtenant water rights was purchased by the United States for the Deer Flat Reservoir.

SEC. 2. The Secretary of the Interior is authorized to permit the water to which the United States is entitled under the said Ridenbaugh rights to be taken into and distributed through the canal system of the Arrowrock division of the Boise project by the board of control and used or disposed of by the said board of control for the benefit of the said Arrowrock division.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

COLLECTION OF COTTON STATISTICS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5474) authorizing the Director of the Census to collect and publish certain additional cotton statistics, which was read, as follows:

Be it enacted, etc., That hereafter in collecting and publishing statistics of cotton on hand in warehouses and other storage establishments, and of cotton known as the "carry-over" in the United States, the Director of the Census is hereby directed to ascertain and publish as a separate item in the report of cotton statistics the number of bales of linters as distinguished from the number of bales of cotton.

Mr. HARRISON. Does that bill provide for the census?

Mr. HEFLIN. No; it is a bill introduced by me, and merely provides for the collection and publication of certain additional cotton statistics.

Mr. HARRISON. I have no objection to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HERMAN C. DAVIS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9737) for the relief of Herman C. Davis, which had been reported from the Committee on Claims with an amendment, in line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Herman C. Davis, of Camp Knox, Hardin County, Ky., the sum of $2,500 in full settlement of all claims against the United States for injuries arising out of a gunshot wound inflicted by a member of the provost guard doing duty at Camp Knox on March 17, 1919.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill read a third time.

The bill was read the third time and passed.

F. STANLEY MILLICHAMP

The bill (H. R. 11064) for the relief of F. Stanley Millichamp was announced as next in order.

Mr. KING. I should like an explanation of that bill.

The PRESIDENT pro tempore. The Senator who reported the bill is not in the Chamber.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

WILLIAM A. SCHOENFELD

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8968) to allow credit in the accounts of William A. Schoenfeld, which was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed in the settlement of the accounts of William A. Schoenfeld, a special temporary disbursing agent of the Department of Agriculture, to allow the sum of $80 now standing as a disallowance in the accounts of said William A. Schoenfeld, being the difference between $110 each paid for two typewriting machines purchased in Vienna, Austria, and the limiting price for such machines, $76 each, fixed by act of April 4, 1924 (43 Stat. p. 67).

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL AND JOINT RESOLUTION PASSED OVER

The bill (S. 4819) for the relief of Roy M. Lisso, liquidating trustee of the Pelican Laundry (Ltd.), was announced as next in order.

Mr. BLEASE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (H. J. Res. 135) for the relief of special disbursing agents of the Alaska Railroad was announced as next in order.

Mr. KING. I should like an explanation of that measure.

The PRESIDENT pro tempore. The Senator from Mississippi, who reported the joint resolution, is not in the Chamber.

Mr. KING. Let it go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

C. TISDALL CO. AND OTHERS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3955) for the relief of the C. Tisdall Co., Herbert W. Smith, Newman Bros., Thomas J. Murphy Co., formerly Edward A. Brown Co., and Giles P. Dunn, jr., which had been reported from the Committee on Claims with an amendment, on page 1, line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the C. Tisdall Co., of Newport, R. I., the sum of $1,037.65; Herbert W. Smith, of Newport, R. I., the sum of $146.15; Newman Bros., of Bristol, R. I., the sum of $114.25; Thomas J. Murphy Co., formerly Edward A. Brown Co., of Newport, R. I., the sum of $151.85; and Giles P. Dunn, jr., of Block Island, R. I., the sum of $619.54, all of said sums being due said individuals and companies for merchandise furnished crews of certain naval vessels of the United States during the late war.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CACHE NATIONAL FOREST

The bill (H. R. 310) authorizing an addition to the Cache National Forest, Idaho, was announced as next in order.

Mr. THOMAS of Idaho. I should like to have that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

TITLE TO LANDS IN MICHIGAN

The bill (H. R. 13899) authorizing the Secretary of the Interior to issue patents for land held under color of title was announced as next in order.

Mr. ODDIE. I ask that that bill go over.

Mr. VANDENBERG. Mr. President, will the Senator withhold his objection for just a moment?

Mr. ODDIE. I withhold the objection.

Mr. VANDENBERG. This bill applies solely to farm lands on the Raisin River, in Monroe County, Mich., and straightens out difficulties inherited from the old French titles 150 years ago. That is the sole purpose of the bill.

Mr. ODDIE. I have not had an opportunity to look into it. It does not, then, refer to mining locations?

Mr. VANDENBERG. Not at all.

Mr. ODDIE. I withdraw my objection to the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That if, within five years after the passage of this act, it shall be shown to the satisfaction of the Secretary of the Interior that a tract or tracts of public land in the State of Michigan, not exceeding in the aggregate of 160 acres, has or have been held in good faith and in peaceable, adverse possession by a citizen of the United States, his ancestors or grantors, for more than 20 years prior to the approval of this act under claim or color of title, and that valuable improvements have been placed on such land or some part thereof has been reduced to cultivation, the Secretary may, in his discretion, upon the payment of $1.25 per acre, cause a patent or patents to issue for such land to any such citizen: *Provided*, That the term "citizen," as used herein, shall be held to include a corporation organized under the laws of the United States or any State or Territory thereof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHOPTANK RIVER BRIDGE, MARYLAND

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5465) authorizing V. Calvin Trice, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Choptank River at a point at or near Cambridge, Md., suitable to the interest of navigation, between Dorchester County, Md., and a point opposite thereto in Talbot County, Md., which had been reported from the Committee on Commerce with amendments. The first amendment was, in section 1, page 2, line 2, after the word "the," to strike out "interest" and insert "interests"; in the same line, after the word "navigation," to strike out "between Dorchester County, Md., and a point opposite thereto in Talbot County, Md.," so as to make the section read:

That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, V. Calvin Trice, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Choptank River at or near Cambridge, Md., at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

The amendment was agreed to.

The next amendment was, in section 4, page 4, line 15, after the word "filed," to strike out "and shall make a finding of the actual and reasonable costs so filed," so as to make the section read:

SEC. 4. V. Calvin Trice, his heirs, legal representatives, and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War, and with the Highway Department of the State of Maryland, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of Maryland shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a

finding of the actual and reasonable costs of construction, financing, and promoting such bridge; for the purpose of such investigation the said V. Calvin Trice, his heirs, legal representatives, and assigns shall make available all records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject only to review in a court of equity for fraud or gross mistake.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing V. Calvin Trice, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Choptank River at a point at or near Cambridge, Md."

RIO GRANDE BRIDGES AND MISSISSIPPI RIVER BRIDGE AT ST. PAUL

The following bridge bills reached upon the calendar were severally considered as in Committee of the Whole, reported to the Senate without amendment, read the third time, and passed:

A bill (H. R. 14458) authorizing the Rio Grande del Norte Investment Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near San Benito, Tex.;

A bill (H. R. 15005) authorizing the Donna Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Donna, Tex.;

A bill (H. R. 15006) authorizing the Los Indios Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Los Indios, Tex.;

A bill (H. R. 15069) authorizing the Rio Grande City-Camargo Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Rio Grande City, Tex.; and

A bill (H. R. 15968) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn.

DAVID E. JONES

The bill (S. 4250) for the relief of David E. Jones was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the requirements of sections 17 to 20, inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of David E. Jones, formerly a laborer, Ordnance Department, Fort Sill, Okla., and the United States Employees' Compensation Commission is authorized and directed to consider and act upon his claim for compensation for injury suffered in the performance of his duties as such laborer, under the other provisions of such act as amended.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM D. GHRIST

The bill (H. R. 14572) for the relief of William D. Ghrist was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to credit the account of William D. Ghrist, postmaster at Uniontown, Pa., in the sum of $2,875, being an amount charged in the postal account due to the cashing of war-savings stamps in the year 1924, which were found by the Treasury Department to be counterfeit and charged back to the postmaster's account, for which amount the postmaster was in no way responsible, the loss having occurred without negligence on his part.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WINSTON W. DAVIS

The bill (H. R. 15039) for the relief of Winston W. Davis was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Winston W. Davis, former postmaster at Johnstown, Pa., in the sum of $13,100, being an amount charged in the postal account due to the cashing of war-savings stamps in the year 1924, which were found by the Treasury Department to be counterfeit and charged back to the postmaster's account, for which amount the postmaster was in no way responsible, the loss having occurred without negligence on his part.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLORENCE P. HAMPTON

The bill (H. R. 15004) for the relief of Florence P. Hampton was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $5,000 to Florence P. Hampton, on account of the death of her husband, Henry Alfred Hampton, who was killed in Calhoun County, Fla., September 6, 1928, while deputized as a prohibition enforcement officer.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRING OF VEHICLES FROM LETTER CARRIERS

The bill (H. R. 13451) to authorize the Postmaster General to hire vehicles from letter carriers for use in service was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 3850 of the Revised Statutes (U. S. C., title 39, sec. 52) be amended by the addition of the following:

"*Provided*, That beginning with the fiscal year 1928, and thereafter, the Postmaster General may hire vehicles from letter carriers for use in the city delivery and collection service, either under an allowance or on a contract basis."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROMOTIONS IN POST-OFFICE MOTOR-VEHICLE SERVICE

The bill (H. R. 13449) to provide for the promotion of clerks and general mechanics in the motor-vehicle service was announced as next in order.

Mr. KING. I ask that that bill go over, and I also ask that the bill following it on the calendar may go over.

The PRESIDENT pro tempore. May the Chair be permitted to call the attention of the Senator from Utah to the fact that the two measures referred to by him are merely designed to provide for uniform promotion in all grades of the Postal Service?

Mr. KING. I received an inquiry as to whether or not there was any discrimination under the bills.

The PRESIDENT pro tempore. On the contrary, the bills are designed to obviate the discrimination that now exists.

Mr. KING. Then I have no objection. My informant was one who claimed that he should be benefited by the proposed legislation, but he was apprehensive that it would not benefit him.

The PRESIDENT pro tempore. The opinion of the present occupant of the chair, as chairman of the committee which heard and considered the measures, is that both House bill 13449 and House bill 13450 provide uniform methods of promotion in the Postal Service which were not provided in the earlier legislation, so that all discriminations which now exist will hereafter be obviated.

Mr. KING. I will ask the chairman of the committee, who now honors the chair, if complaints were made before the committee upon the ground that there was discrimination now, and were those who made complaints satisfied with the provisions of these measures?

The PRESIDENT pro tempore. Yes.

Mr. KING. Then I have no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13449) to provide for the promotion of clerks and general mechanics in the motor-vehicle service, which was read, as follows:

Be it enacted, etc., That section 6 of the act of February 28, 1925 (43 Stat. 1060, 1061, U. S. C., title 39, sec. 116), is amended by adding the following:

"Clerks and general mechanics in the motor-vehicle service shall be promoted successively after one year's satisfactory service in each grade, to the next higher grade, until they receive the maximum pay prescribed for clerks and general mechanics in the reclassification act of February 28, 1925. In computing one year's satisfactory service, employees shall receive credit for time served in the grades established by the Postmaster General prior to January 1, 1925, as well as the grades created by the act of February 28, 1925, and the compensation of employees in the motor-vehicle service on January 1, 1925, shall be adjusted accordingly."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 13450) to provide for the promotion of clerks, general mechanics, driver mechanics, and garage men drivers in

the motor-vehicle service was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 6 of the act of February 28, 1925 (43 Stat. 1060, 1061, U. S. C., title 39, sec. 116), is amended by adding the following:

"In making promotions after one year's satisfactory service since the last promotion, clerks, general mechanics, driver mechanics, and garage men drivers in the motor-vehicle service, who have been transferred from one post office to another and who have not reached the maximum grade to which they are entitled to progress automatically, shall be given credit for previous service in the same capacity at other post offices, the same as if all service had been performed at one post office. This provision of law shall be effective as of January 1, 1925, and thereafter."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECEIPTS FOR ORDINARY MAIL

The bill (H. R. 56) to authorize the Postmaster General to issue receipts to senders for ordinary mail of any character and to fix the fees chargeable therefor was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TRANSPORTATION OF FOREIGN MAILS

The bill (H. R. 6865) to prescribe more definitely the rates of compensation payable to steamships of United States registry for transportation of foreign mails was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECIPROCAL FREE POSTAGE FOR DIPLOMATIC CORRESPONDENCE

The bill (H. R. 12415) to grant freedom of postage in the United States domestic service to the correspondence of the members of the diplomatic corps and consuls of the countries of the Pan American Postal Union stationed in the United States was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUBSTITUTE CLERKS SERVING AS SPECIAL-DELIVERY MESSENGERS

The bill (S. 4981) to include in the credit for time served allowed substitute clerks in first and second class post offices and letter carriers in the City Delivery Service time served as special-delivery messengers was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the second proviso of section 4 of the act entitled "An act reclassifying salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensations on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925 (43 Stat. 1059; U. S. C., title 39, sec. 108), is amended to read as follows:

"That hereafter substitute clerks in first and second class post offices and substitute letters carriers in the City Delivery Service when appointed regular clerks or carriers shall have credit for actual time served, including time served as special-delivery messengers, on a basis of one year for each 306 days of eight hours served as substitute or messenger, and shall be appointed to the grade to which such clerk or carrier would have progressed had his original appointment as substitute been to grade 1."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF POSTMASTERS

The bill (S. 5255) for the relief of present and former postmasters and acting postmasters, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That on and after July 1, 1929, the provisions of section 6 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes," approved May 10, 1916, as amended by the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, shall not be construed to apply where the total amount of the salaries actually paid to postal employees does not exceed $2,000 per annum, and such employees shall be paid for services notwithstanding sections 1764 and 1765 of the Revised Statutes: *Provided*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of present and former postmasters and acting postmasters with payments made by them to postal employees, mail messengers, and other employees of the United States for dual services in post offices prior to July 1, 1929, contrary to said provisions of law and also the provisions of sections 412 and 3850 of the Revised Statutes, and section 226 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; and an appropriation of such sum as may be necessary is authorized to be appropriated out of postal revenues to enable the Comptroller General of the United States, where there is no other appropriation available, to credit said accounts and/or to pay to postal employees, mail messengers, and other employees of the United States sums refunded by them, or deducted from balances due to them by the United States, for dual services in post offices to and including June 30, 1929, under the laws herein named, as shown by the records of the General Accounting Office.

Mr. KING. Mr. President, I should like an explanation of that measure.

Mr. PHIPPS. Mr. President, perhaps I may give the Senator the information that is desired. I think the report on the bill covers it pretty thoroughly. In certain cases where special work was required of employees of the Post Office Department that work was assigned to them, overlooking the fact that there was a governmental regulation prohibiting the payment of two salaries to any individual. This is to cover a time when that had not been provided for.

Mr. KING. Does it not apply to the future as well as to the past?

Mr. PHIPPS. True. On their own responsibility, no doubt in ignorance of the law, postmasters have utilized the services of regular salaried employees in a dual capacity where the combined rate of salary or pay exceeded $2,000 per annum. They have employed substitutes to perform temporary service as laborers, and laborers to perform temporary service as substitutes. This is to enable the department to straighten them out on the compensation which is justly due the people who performed the work.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

F. STANLEY MILLICHAMP

Mr. JONES. Mr. President, I was necessarily absent from the Chamber when we started on the calendar. I did not know that we were going to start on it. I understand that Order of Business 1572, House bill 11064, went over at the request of the Senator from Utah [Mr. KING]. It is a bill for the relief of F. Stanley Millichamp.

I just want to say that that bill is for the relief of a man on the Yakima Indian Reservation whose orchard was very badly damaged by fire set by the Government agents there, who permitted it to get into his orchard; and it damaged quite a good many of the trees, as set out in the report. The bill has passed the House and has been favorably reported by the Senate committee. The amount allowed is not all that the man claimed, by any means; but the report sets out the number of trees damaged, the estimated value, and so forth. I hope the Senator will withdraw his objection.

Mr. KING. Why does he not sue the Government agents for tort? Why is the Government responsible for the misdeeds of some particular man?

Mr. JONES. They might not be termed "misdeeds." The Government agents were cleaning up some adjoining land and started a fire on that land for a legitimate purpose; but they allowed the fire to get beyond their control, and possibly they were not negligent, but probably it was something they could not help. At any rate, this man certainly is not responsible at all. There was very severe damage to his orchard; and, as I say, the compensation carried by the bill is nothing like the amount by which he really thinks he was damaged.

I hope the Senator will withdraw his objection.

Mr. KING. Mr. President, I will withdraw my objection; but there is no question but that this is a bad precedent. We are providing now for making the Federal Government liable for every delinquency of its employees in every department, for their torts and misdeeds, no matter whether the damages are direct or consequential. The Federal Government is assuming the responsibility; and I give warning to the Senator that he is establishing a precedent and announcing a rule here that will be very dangerous to the Federal Government.

Mr. JONES. I hardly think that is the case.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11064) for the relief of F. Stanley Millichamp.

The bill had been reported from the Committee on Claims with an amendment, on page 1, after line 2, to strike out "That the sum of $4,042 is hereby authorized to be paid" and insert "That the Secretary of the Treasury be, and he is hereby,

authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $4,042," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $4,042 to F. Stanley Millichamp, of Wapato, Wash., in full settlement of all claims against the Government for the burning of his orchard, and the damages resulting therefrom, caused by a fire set by Government employees under the Bureau of Indian Affairs of the Department of the Interior.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ROY M. LISSO, TRUSTEE

Mr. BROUSSARD. Mr. President, I ask unanimous consent to recur to Order of Business 1574, Senate bill 4819.

The PRESIDING OFFICER (Mr. BRATTON in the chair). The Senator from Louisiana asks unanimous consent to return to Order of Business 1574. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4819) for the relief of Roy M. Lisso, liquidating trustee of the Pelican Laundry (Ltd.), which was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Roy M. Lisso, liquidating trustee of the Pelican Laundry (Ltd.), on account of work performed in May, June, and July, 1918, by the Pelican Laundry (Ltd.), the French Unique, and the Frazee Hat Co. in laundering and dry cleaning equipment of the United States Army, and to allow said claim in an amount not exceeding $17,212.65 in full and final settlement of any and all claims arising out of work performed by either or all of said companies during the period mentioned. The sum of $17,212.65, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated for the payment of said claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AIR MAIL CONTRACTS

The bill (S. 5443) to enable the Postmaster General to make contracts for the transportation of mails by air from island possessions of the United States to foreign countries and to the United States and between such island possessions, and to authorize him to make contracts with private individuals and corporations for the conveyance of mails by air in foreign countries, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Post Offices and Post Roads with amendments, on page 1, line 6, after the word "possessions," to insert "and Territories"; and on page 2, line 24, after the word "plus," to strike out "$3" and insert "$1," so as to make the bill read:

Be it enacted, etc., That the act of March 8, 1928, entitled "An act to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions and Territories of the United States for periods of not more then 10 years and to pay for such service at fixed rates per pound or per mile, and for other purposes," be, and the same is hereby, amended to read as follows:

"SECTION 1. When in his judgment the public interest will be promoted thereby the Postmaster General is authorized to enter into contracts for air mail service on routes between the United States and possessions of the United States, between possessions of the United States, between the United States or possessions of the United States and foreign countries, and in and between foreign countries, for the transportation of mails of the United States and its possessions both ways over the routes, and in addition thereto mails of other countries on the outbound or the inbound flights under arrangements he may make with such countries, for periods of not more than 10 years, and to pay for such service at fixed rates per pound and/or per mile; and the Postmaster General is hereby authorized to award such contracts to the bidders that he shall find to be the lowest responsible bidders that can satisfactorily perform the service required to the best advantage of the Government: *Provided*, That the rate to be paid for such service for the load of mails provided by the Postmaster General to be carried in a plane shall not in any case exceed $2 per mile each way, plus $1 per pound per thousand miles, or pro rata thereof for greater or less mileage, for any mails required to be carried in the same plane in excess of the specified load, and that, at the request of the Postmaster General, domestic mail shall be conveyed without additional charge on that part of the route in the United States to the border of the United States and to intermediate points: *Provided further*, That the Postmaster General may make arrangements with concessionaires operating air mail service in foreign countries for transportation by their service of mails of the United States and its possessions: *And provided further*, That in the award and interpretation of the contracts herein authorized the decision of the Postmaster General shall be final and not subject to review by any officer or tribunal of the United States except by the President and the Federal courts.

"SEC. 2. The Postmaster General shall make and issue such rules and regulations as may be necessary to carry out the provisions of this act.

"SEC. 3. All contracts heretofore made by the Postmaster General under section 1 of the act of March 8, 1928, entitled 'An act to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years and to pay for such service at fixed rates per pound or per mile, and for other purposes,' as originally enacted, may be amended under agreement of the parties thereto so as to provide for the transportation of excess mails and for transportation not covered by the existing contract of mails of the United States and its possessions or of foreign countries, at not exceeding the contract rate per mile and not exceeding the rates per pound provided in section 1 hereof for excess mails."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF POSTAL RECLASSIFICATION ACT

The bill (S. 5040) to amend the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925, was announced as next in order.

Mr. KING. Mr. President, I should like an explanation of that bill.

Mr. MOSES. Mr. President, the explanation will be found in full in the report accompanying the measure.

This bill is designed to correct the last inconsistency arising from the salary act of February 28, 1925. We discovered, in the application of that act, that a fourth-class postmaster, as soon as his cancellations and receipts reached the point where he would be entitled to more than the $1,000 salary which is provided under the old act, was immediately penalized upon going into the next class; so we merely established another grade.

The chances are that within a year the figures will show that the amount of money saved will take care of the $100 increase in salary. I will not guarantee that to the Senator from Utah, but it is my conviction that we shall presently find that to be the fact.

Mr. KING. Mr. President, may I ask the Senator whether this increase extends to all grades?

Mr. MOSES. Oh, no! This is merely as a postmaster passes from the fourth class into the third class—that is, from the class where the appointment is made by the Postmaster General into the class where the appointment is made by the President.

Mr. KING. My information is, generally speaking, that the estimates of the receipts of the Post Office Department for the current year will show a deficit of more than $9,000,000.

Mr. MOSES. Personally, Mr. President, I shall be very happy if it is not more than that.

Mr. KING. Up to date it is $9,000,000; and I prophesy that it will be perhaps forty or fifty millions before the end of the fiscal year.

Mr. MOSES. I should not go that far, but I think it is going to be considerably more than $9,000,000. However, this particular measure will not especially contribute to it.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Post Offices and Post Roads with amendments, on page 2, line 14, after "$1,400," to strike out "$1,900 but less than $2,100, $1,400"; in line 18, after "$1,900," to strike out "$2,400" and insert "$4,200"; and on page 3, line 15, after "$1,900," to strike out "por" and insert "per," so as to make the bill read:

Be it enacted, etc., That so much under the heading "Classification of postmasters" of section 1 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal

rates to provide for such readjustment, and for other purposes," approved February 28, 1925 (U. S. C. title 39, sec. 53), as reads, "The third class shall embrace all those whose annual salaries are less than $2,400 but not less than $1,100," is amended, to take effect July 1, 1929, so as to read: "The third class shall embrace all those whose annual salaries are less than $2,400 but not less than $1,200."

SEC. 2. The fourth paragraph, under the heading "Reclassification of postal salaries," of section 1 of such act (U. S. C. title 39, secs. 54 and 81) is amended, to take effect July 1, 1929, to read as follows:

"Third class—$1,500 but not less than $1,600, $1,200; $1,600 but less than $1,800, $1,300; $1,800 but less than $2,100, $1,400; $2,100 but less than $2,400, $1,500; $2,400 but less than $2,700, $1,600; $2,700 but less than $3,000, $1,700; $3,000 but less than $3,500, $1,800; $3,500 but less than $4,200, $1,900; $4,200 but less than $5,000, $2,000; $5,000 but less than $6,000, $2,100; $6,000 but less than $7,000, $2,200; $7,000 but less than $8,000, $2,300: *Provided*, That when the gross postal receipts of a post office of the third class for each of two consecutive calendar years are less than $1,500, or when in any calendar year the gross postal receipts are less than $1,400, it shall be relegated to the fourth class: *Provided*, That postmasters at offices of the third class shall be granted for clerk hire an allowance of $330 per annum where the salary of the postmaster is $1,200 per annum; an allowance of $420 per annum where the salary of the postmaster is $1,300 per annum; an allowance of $510 per annum where the salary of the postmaster is $1,400 per annum; an allowance of $600 per annum where the salary of the postmaster is $1,500 per annum; an allowance of $690 per annum where the salary of the postmaster is $1,600 per annum; an allowance of $780 per annum where the salary of the postmaster is $1,700 per annum; an allowance of $870 per annum where the salary of the postmaster is $1,800 per annum; an allowance of $960 per annum where the salary of the postmaster is $1,900 per annum; an allowance of $1,050 per annum where the salary of the postmaster is $2,000 per annum; an allowance of $1,140 per annum where the salary of the postmaster is $2,100 per annum; an allowance of $1,400 per annum where the salary of the postmaster is $2,200 per annum; an allowance of $1,600 per annum where the salary of the postmaster is $2,300 per annum: *Provided further*, That the Postmaster General may modify these allowances for clerk hire to meet varying needs, but in no case shall they be reduced by such modification more than 25 per cent: *Provided, however*, That the aggregate of such allowances, as modified, shall not exceed in any fiscal year the aggregate of allowances herein prescribed for postmasters of the third class."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AUTHORITY OF COMMISSIONERS TO CLOSE STREETS IN THE DISTRICT

The bill (S. 5121) to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan of other streets, roads, or highways in the District of Columbia, and for other purposes," approved January 30, 1925, was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, I should like to ask the Senator who reported that bill what effect it will have on the opening of Fourteenth Street through the Walter Reed Hospital reservation?

Mr. VANDENBERG. Mr. President, that and several other questions that have arisen since the bill was reported have necessitated some additional amendments that are now in course of preparation, and I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

SUBSTITUTE SEA POST CLERKS

The bill (H. R. 58) to authorize the assignment of railway postal clerks and substitute railway postal clerks to temporary employment as substitute sea post clerks was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 15279) for the relief of the family of Wang Erh-Ko was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

YELLOWSTONE NATIONAL PARK BOUNDARY COMMISSION

The joint resolution (S. J. Res. 206) to authorize the President of the United States to appoint a Yellowstone National Park Boundary Commission to inspect the areas involved in the proposed adjustment of the southeast, south, and southwest boundaries of the Yellowstone National Park, was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized and directed to appoint a commission, consisting of five members, to be known as the Yellowstone National Park Boundary Commission, whose duty it shall be to inspect the areas involved in the proposed adjustment of the southeast, south, and southwest boundaries of the Yellowstone National Park, and report to the President its recommendations concerning such adjustment. The necessary expenses of such inspection shall be paid from any appropriation available for Yellowstone National Park.

Mr. KING. Mr. President, I should like to ask whether there is any limitation upon the life of this commission. We have appointed commissions from the beginning of the Government, and after they are appointed they never die. They find an excuse to perpetuate their existence.

Mr. KENDRICK. Mr. President, this joint resolution is to conclude the work of a boundary commission appointed by the President some time ago which made its report, and in the main the report was accepted and approved; but there are one or two other sections of the boundary which are still in controversy and which were not acceptable to the interested States, Wyoming and Idaho. It seemed, under the circumstances, that the best way out of the difficulty was to have a more complete and detailed survey made. This joint resolution is intended to take care of that situation, and to provide the Congress with the information it needs to determine exactly what ought to be done in connection with the proposed changes in the boundary.

Mr. KING. Would the Senator object to an amendment requiring the commission—because I feel sure that if the amendment is not offered it will prolong its existence—to make a final report by a certain date?

Mr. KENDRICK. I have no objection if the amendment is drawn so as to impose a reasonable limitation.

Mr. KING. I suggest the following amendment:

Provided, That said commission shall submit a final report to Congress on or before January 1, 1930.

Mr. KENDRICK. Mr. President, I believe it should be "on or before January 1, 1931," because this is an extensive piece of work.

Mr. KING. That will be entirely satisfactory.

The PRESIDING OFFICER. The amendment of the Senator from Utah, as modified, will be stated.

The CHIEF CLERK. It is proposed to insert, at the end of the joint resolution, the following:

Provided, That said commission shall submit a final report to Congress on or before January 1, 1931.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

AID TO SETTLERS ON FEDERAL RECLAMATION PROJECTS

The bill (S. 2829) to provide for aided and directed settlement on Federal reclamation projects was announced as next in order.

Mr. FESS. Mr. President, what is this bill?

Mr. KING. I should like an explanation of the bill. Is this the bill to allow a loan of $3,000 to every person upon reclamation projects?

Mr. KENDRICK. The provisions of this bill are materially different from those of the bill referred to by the Senator from Utah. It differs primarily in the fact that it places a limitation of $500,000 that may be loaned to settlers on reclamation projects who are unable to finance themselves locally in proceeding with their work of development. Owing to its unusual importance, I hope the Senator will permit it to be considered and passed.

Mr. FESS. I do not think it ought to be passed in five minutes.

SEVERAL SENATORS. Let it go over.

Mr. OVERMAN. I think the bill had better go over. I object to its consideration.

The PRESIDING OFFICER. The bill will be passed over on the objection of the Senator from North Carolina.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had agreed to the amendment of the Senate to each of the following bills:

H. R. 12032. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted

personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended; and

H. R. 13097. An act for the relief of Thomas W. Moore.

The message also announced that the House had disagreed to the amendment of the Senate to each of the following bills:

H. R. 6496. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested;

H. R. 6497. An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested;

H. R. 6499. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested;

H. R. 7024. An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers and all other streams in which such States are jointly interested; and

H. R. 7025. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested.

PENSIONS AND INCREASE OF PENSIONS

The bill (S. 4559) to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases, was announced as next in order.

Mr. NORBECK. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

FEDERAL PRISON CAMPS

The bill (H. R. 11285) to establish Federal prison camps was announced as next in order.

Mr. BLEASE. Mr. President, I would like to have some one state what this bill means. Does it mean that Federal prisoners are to be put out on the roads in camps? I would like to know whether that is the purpose of it. If no explanation is made, I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

FAMILY OF WANG ERH-KO

Mr. BINGHAM. Mr. President, I understand that the Senator from South Carolina objected to the consideration of House bill 15279, for the relief of the family of Wang Erh-Ko. He is now willing to withdraw his objection, and I ask unanimous consent that we may recur for a moment to that bill on the calendar.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the appropriation is hereby authorized, out of any money in the Treasury not otherwise appropriated, of the sum of $875 as indemnity to the family of Wang Erh-Ko, late of the city of Peking, in the Republic of China, deceased, who was killed on January 4, 1927, by being struck by an automobile negligently operated, not in the line of duty, by members of the United States Legation guard in said Peking; such indemnity to be used for the purchase, on terms satisfactory to the American minister at Peking, of an annuity for the family of Wang Erh-Ko.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDNANCE MATERIAL FOR THE NAVY

The bill (H. R. 5491) to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes," approved July 12, 1921, was considered as in Committee of the Whole.

Mr. KING. I would like to have an explanation of that bill.

Mr. HALE. Mr. President, it has been the practice of the Navy Department to make transfers of used or obsolescent material of the Bureau of Ordnance to other bureaus of the Navy Department and to other departments of the Government; such transfers of used and obsolescent material have resulted in considerable economy to the Government by saving the cost of purchasing new material.

Such material acquired by the Bureau of Ordnance since July 12, 1921, can not now be transferred by reason of the provision contained in the naval appropriation act of July 12, 1921, that is—

That hereafter no money appropriated for ordnance or ordnance material or materials purchased therewith shall be used for any other purpose than that for which appropriation was made.

This provision restricts and makes illegal the transfer of such used and obsolescent material and will finally prohibit transfers altogether.

The purpose of this bill is to so amend the act of July 12, 1921, that for the purpose of economy and saving of cost to the Government such transfers may continue to be made.

This bill provides that certain material can be transferred to the other departments or to other bureaus of the Navy Department, though the appropriation was not made specifically for that purpose. It would save money to the Government.

Mr. KING. Will this bill permit the Navy Department or any branch of it, when it receives an appropriation for a specific purpose and does not use it, to divert it and use it for some other purpose?

Mr. HALE. Not at all, Mr. President.

Mr. KING. That practice, I am afraid, is becoming too general. Instead of the money being covered back into the Treasury, where it should go if it is not used, it is manipulated, and I do not use the term in any offensive sense, and used for some other purpose.

Mr. HALE. I agree with the Senator that that should not be done.

Mr. KING. I have no objection.

The bill had been reported from the Committee on Naval Affairs with an amendment, on page 2, line 1, to strike out the words "apply to" and insert in lieu thereof the words "prohibit the transfer to other bureaus or departments of," so as to make the bill read:

Be it enacted, etc., That the second proviso under the heading "Contingent, Bureau of Ordnance," contained in the naval appropriation act approved July 12, 1921 (42 Stat. L. 128), is hereby amended to read as follows:

"*Provided further*, That hereafter no money appropriated for ordnance or ordnance material or material purchased therewith shall be used for any other purpose than that for which the appropriation was made, except that this provision shall not prohibit the transfer to other bureaus or departments of used or obsolescent material which is no longer needed for the purpose for which originally acquired.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

NAVAL DENTAL CORPS

The bill (S. 2068) for the relief of certain officers of the Dental Corps of the United States Navy was announced as next in order.

Mr. KING. Mr. President, I would like to have an explanation of the bill.

Mr. ASHURST. Mr. President, this bill was introduced by the junior Senator from Minnesota [Mr. SCHALL]. He is absent from the Chamber, but I think he is on his way here. I have a copy of a report from the Secretary of the Navy, which is very short, and, if it be read, I am sure it will satisfy all Senators. I might say that the bill is purely for precedence purposes. It will not cost the Government any additional money, as the Secretary of the Navy says, and I think his letter would better be read. It is very short.

The PRESIDING OFFICER. The clerk will read.

The Chief Clerk read as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, January 25, 1929.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: In my letter to you dated February 25, 1928, certain comment was made upon the bill H. R. 480 "For the relief of certain officers of the Dental Corps of the United States Navy." In that letter you were informed that the bill H. R. 480 had been referred to the Director of the Bureau of the Budget, who had informed the

Navy Department that the enactment of the proposed bill was in conflict with the financial program of the President.

I have the honor to invite your attention to paragraph 3 of my letter dated February 25, 1928, which reads as follows:

"The enactment of the proposed legislation would not directly result in any increased cost to the Government. It would, however, advance Lieut. Commander John R. Barber, Dental Corps, United States Navy, to a position where he would be eligible for selection for promotion to commander, and, if selected after the passage of the bill H. R. 480, he would be advanced in date of promotion from approximately January 1, 1929, to the date of the act, and the cost to the Government would be at the rate of $600 per annum for such period."

Since the above was written, Lieutenant Commander Barber, Dental Corps, United States Navy, has been selected for promotion to the rank of commander, and is now eligible for promotion to that rank upon the promotion of his running mate, which will occur on or before February 17, 1929. Should the bill be enacted after promotion to the rank of commander of Lieutenant Commander Barber, Dental Corps, United States Navy, no additional cost will result. It will merely permit his active service (about seven months) as an assistant dental surgeon to be counted for precedence purposes. This service is already counted for pay purposes.

The bill, if enacted, will result in his having a new running mate assigned and will permit him to become eligible for selection to the rank of captain at an earlier date. However, no change in pay period will be involved in that promotion. Consequently, no additional cost will be involved.

On January 8, 1929, the above additional information as to cost was referred to the Bureau of the Budget. Under date of January 17, 1929, the Director of the Bureau of the Budget advised the Navy Department that since no additional cost would be involved under the provisions of the bill H. R. 480, that the relationship of the matter to the financial program of the President is not involved.

In view of the above, the Navy Department recommends that the bill H. R. 480 be enacted.

Sincerely yours, CURTIS D. WILBUR,
Secretary of the Navy.

Mr. KING. I think the bill had better go over.

The PRESIDING OFFICER. The bill will be passed over.

POTASH PRODUCTION

The bill (H. R. 496) authorizing an appropriation for development of potash jointly by the Department of Agriculture and the Department of Commerce by improved methods of recovering potash from deposits in the United States was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OPEN EXECUTIVE SESSIONS

The resolution (S. Res. 309) to amend Rule XXXVIII so as to provide for consideration in open executive sessions of certain nominations was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

Mr. JONES. Mr. President, the resolution may just as well be indefinitely postponed, because there is another resolution that takes the place of it. Let it be indefinitely postponed.

The PRESIDING OFFICER. Without objection, Senate Resolution 309 will be indefinitely postponed.

NAVAL POST 110, AMERICAN LEGION

The bill (H. R. 12607) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of Naval Post 110, of the American Legion, the bell of the battleship *Connecticut* was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WARRANT OFFICERS, UNITED STATES NAVY

The bill (H. R. 5713) to permit certain warrant officers to count all active service rendered under temporary appointments as warrant or commissioned officers in the regular Navy, or as warrant or commissioned officers in the United States Naval Reserve Force, for the purpose of promotion to chief warrant rank, was considered as in Committee of the Whole.

Mr. KING. I would like to have an explanation of the bill.

Mr. HALE. Mr. President, the purpose of this bill is to remedy an injustice now suffered by some 15 pay clerks and some 70 other warrant officers by permitting their war service to be counted toward promotion from warrant-officer grade to commissioned-warrant grade.

Under the provisions of existing law boatswains, gunners, carpenters, machinists, and pharmacists become eligible for promotion to commissioned warrant rank "after six years from the date of warrant." Such warrant officers, therefore, in computing the 6-year period required for promotion to chief warrant rank are permitted to count all service rendered by them from the date of warrant, including service as temporary commissioned officers in the regular Navy during war period. However, with respect to pay clerks the law is different; such officers, under act of March 3, 1915, become eligible for promotion to commissioned warrant rank of chief pay clerk only after six years' service as such pay clerk, not being permitted to count any prior or other service.

During the war many of these pay clerks were given temporary appointments as commissioned officers in the regular Navy, but upon reversion to their permanent warrant status as pay clerks such commissioned war service can not be counted for the purpose of promotion to chief pay clerk, because the law specifically requires such persons to render six years' service as a pay clerk before becoming eligible for promotion to the grade of chief clerk. All that this bill does is to put pay clerks on the same basis with the other warrant officers, which would be only fair to them.

Mr. KING. That is to say, clerks are to be promoted to be officers?

Mr. HALE. Pay clerks are entitled to warrant rank.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MACKENZIE MEMORIAL HOSPITAL, CHINA

The bill (H. R. 13428) for the relief of Mackenzie Memorial Hospital and German-American Hospital and Lau Ye Kun, all of Tientsin, China, was considered as in Committee of the Whole.

Mr. REED of Pennsylvania. Mr. President, why did not that bill go to the Committee on Foreign Relations? I have looked into the bill, and it seems to be entirely all right, but I think that bills of such a nature always go to the Committee on Foreign Relations.

Mr. HALE. I can not answer the Senator's question. The bill came to the Committee on Naval Affairs because it was considered in the House by the Naval Affairs Committee.

Mr. REED of Pennsylvania. I have no objection to it, except that we just passed a bill, House bill 15279, which is similar to this one, and which went to the Committee on Foreign Relations.

Mr. HALE. Does the Senator want to have an explanation of the bill?

Mr. REED of Pennsylvania. Not at all. I was just asking why it was not referred to the Committee on Foreign Relations.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS TO CONGRESS

The bill (S. 5621) to repeal paragraphs 127 and 128 of the act entitled "An act to discontinue certain reports now required by law to be made to Congress," approved May 29, 1928, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That paragraphs 127 and 128 of the act entitled "An act to discontinue certain reports now required by law to be made to Congress," approved May 29, 1928, are hereby repealed.

SEC. 2. The reports of the acts of the Philippine Legislature referred to in paragraph 127 of such act of May 29, 1928, and the acts and resolutions of the Legislature of Porto Rico referred to in paragraph 128 of such act of May 29, 1928, shall be continued as if such act of May 29, 1928, had not been enacted.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL CONSTRUCTION CO. (INC.)

The bill (S. 4817) for the relief of the Federal Construction Co. (Inc.) was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

RELIEF OF CERTAIN ARMY OFFICERS

The bill (H. R. 4266) for the relief of certain officers and former officers of the Army of the United States, and for the settlement of individual claims approved by the War Department, was announced as next in order.

Mr. KING. I would like to have an explanation of that. Why should the Government be responsible? Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

ERNEST J. HISCOCK

The bill (H. R. 4267) for the relief of Ernest J. Hiscock was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK F. MOORE

The bill (H. R. 3949) for the relief of Frank F. Moore was considered as in Committee of the Whole.

Mr. OVERMAN. I would like to have the bill read. The title does not always state what a bill is for.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to credit the account of Frank F. Moore, postmaster at Roscoe, Ill., in the sum of $102, such sum representing the deficit in the account of the said Frank F. Moore, caused by fire to the post office on November 10, 1926, and for which casualty the said Frank F. Moore was in no way responsible.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM J. CASEY

The bill (H. R. 10624) for the relief of William J. Casey was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Treasurer of the United States is hereby directed to pay to William J. Casey, out of any money in the Treasury not otherwise appropriated, the sum of $1,440 in full payment of claims against the United States for disability caused by injuries received while employed in the Quartermaster's Department of the United States Army at Fort Gibbon, Alaska.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LITTLE ROCK COLLEGE, LITTLE ROCK, ARK.

The bill (S. 1109) for the relief of Little Rock College, Little Rock, Ark., was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$670.09" and to insert in lieu thereof "$1,451.41," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to reopen and allow credit in the property accounts of the Little Rock College, Little Rock, Ark., in the sum of $1,451.41, representing certain articles of ordnance, quartermaster, and engineer property for which the said Little Rock College is held liable on reports or surveys, as follows: Nos. 7, 8, 11, 12, approved January 13, 1926, and No. 10, approved January 5, 1926.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M. THOMAS

The bill (H. R. 1939) for the relief of James M. Thomas was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALMON PROPAGATION IN THE COLUMBIA RIVER DISTRICT

The bill (S. 4841) establishing a fund for the propagation of salmon in the Columbia River district was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments. The first amendment was, on page 1, line 5, after the word "hereby," to insert the words "authorized to be."

Mr. KING. Mr. President, I would like to ask the Senator from Oregon to make a brief explanation of what the bill would accomplish. I make the inquiry because a few years ago evidence was brought to the attention of the Senate, or at least to some of the committee, that licenses were given to the so-called canning trust—and I do not use the term "trust" offensively—under which it was denuding the salmon streams, and the loss of salmon in many of the streams was directly due to the maladministration of the law and to the privileges which were granted to salmon fishery organizations, that have a sort of a combine, as it was claimed, and that as a result of the conduct of the Government we might expect that all the streams would soon be denuded of their salmon.

Mr. McNARY. Mr. President, the situation described by the Senator from Utah does not exist at all in the northwestern section of the United States. I can not speak for the industry in the New England States.

Mr. KING. If the Senator will pardon me, the evidence to which I have referred related to the Northwest, and was brought to our attention particularly by the representative from Alaska. The Senator will recall that we had some legislation restricting the power of the Department of Commerce to license those canning industries.

Mr. McNARY. I do recall that. It related to the fisheries in Alaska waters, where they have what they called the king salmon, which is comparable to the chinook salmon of the Columbia River. But that affected only what they called the "escapement," the number of salmon permitted to escape the nets and go into the upper waters for the purposes of spawning. That is not this situation at all.

In the estuary of the Columbia River, the dividing line between the States of Oregon and Washington, is a submerged island known as Sand Island. Originally that was a part of the mainland, a part of the Territory of Oregon.

In 1862 the Government attempted to fasten its claim to the island for military purposes, and after an opinion of the Department of Justice it was found that the State had fee simple title to the island. During the administration of President Lincoln, when Mr. Stanton was Secretary of War, the Government asked the State Legislature of Oregon to cede that island to the Government for military purposes only. The State of Oregon, complying with that request, did transfer the title to the Government for military purposes, as this was an outpost on the Columbia River, a most excellent place, at least at that time thought to be, for military purposes.

Subsequently the Government acquired property from the State on the south bank of the river, which is in the State of Oregon, where we now have Fort Stevens, an Army post. It never used Sand Island for military purposes. But during all of these years it has collected from the fishermen there and the cannery men fees and licenses until there has been an accumulation, over these years, of practically half a million dollars.

The States of Oregon and Washington are claiming that that money was collected in violation of the reason which induced the State of Oregon to convey the title to the Government, and that it ought to go back to the industry from which it was collected, namely, the salmon industry along the Columbia River, and the basin.

This money is not to be turned over to the States of Oregon and Washington. It is to be given to the Bureau of Fisheries of the Department of Commerce, with instructions that the money must be used for the maintenance and propagation of the salmon industry, from which the money came.

As a matter of justice, as a matter of decency, as a matter of principle, and also for a good use, I am asking that this money may be turned over to the Government through the agency of the Bureau of Fisheries to promote the industry which made the contribution.

Mr. KING. May I ask the Senator whether the fund is still intact in the Treasury of the United States?

Mr. McNARY. I can not say as to that. Probably it has become mixed with other funds after these long years.

Mr. KING. So it will require an appropriation from the Treasury?

Mr. McNARY. This is merely an authorization. I think, so long as there has been a misapplication of the use of the property which the State surrendered, that the money collected by the Government ought to go back to the industry. We are not asking that it go back to the State, but to that great industry which needs propagation and which is a great resource to those Western States.

Mr. KING. I think the State is a little slow in asserting its rights, whether moral or legal.

Mr. McNARY. I may say in answer to the Senator that it was not until the month of November of last year that the court of appeals, sitting in San Francisco, determined that the title still remained in the Government. There has been a dispute between the States of Washington and Oregon over the title, which was determined only last November. Immediately after that determination and as expeditiously as I could I prepared the bill, with the encouragement of the industry and the fishermen, and the Department of Commerce, which has recommended it.

Mr. KING. May I make just one further observation? Does the Senator believe, if the authorization is granted and the appropriation is made and the fish industry is developed pursuant to the bill, that there will be fair protection for the poor fishermen? I have had one hundred or two hundred letters from those poor fishermen along the Alaskan coast from the mouth of the Columbia River up—not so much from those fishing in the Columbia River—protesting against the injustice of the Department of Commerce in granting, as they did a few years ago, exclusive rights to some of the big canning industries, as a result of which some of the poor fishermen were driven out of business.

Mr. McNARY. If that were true, it would be a very just criticism, but I can state to the distinguished Senator from Utah that the mere preservation of the industry must in itself inure to the benefit of the poor fishermen. It has put him in business, and I do not know of any practice such as that about which the Senator complains. I am quite sure the Columbia River and its tributaries are free entirely from discriminations against the poor fisherman.

Mr. KING. The Senator will recall that the big canning companies put in traps and denuded some of the streams, and the men who had fished there for years were denied licenses and the fishing industry passed into the hands of a few big canning factories or trusts.

Mr. McNARY. I can assure the Senator we are working under a new era of freedom.

Mr. KING. I hope it is applicable to those fishermen in the North Pacific waters.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The next amendments of the Committee on Commerce were, on page 1, line 8, after the word "received," to insert the numerals "1905"; in line 9, after the word "island," to strike out the word "Oregon" and to insert in lieu thereof the words "near the mouth of the Columbia River"; in line 10, before the word "grant," to insert the word "attempted"; and on page 2, line 12, after the word "moneys," to insert the words "authorized to be," so as to make the bill read:

Be it enacted, etc., That there is hereby established in the Treasury a fund to be known as the Columbia River salmon-propagation fund. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be paid into such fund, a sum equal to the sums heretofore received since 1905 by the United States as rental for fishing rights on Sand Island, near the mouth of the Columbia River, since the attempted grant of such land to the United States by the State of Oregon. All sums hereafter received by the United States as rental for fishing rights on such island shall be covered into such fund.

SEC. 2. All moneys in such fund are hereby reserved, set aside, and appropriated to be available for expenditure by the Secretary of Commerce for the propagation of salmon in the Columbia River district, including the establishment and operation of fish-cultural stations and fish hatcheries, the conduct of practical and scientific investigations and experiments relative to the salmon fisheries, and the diffusion of useful information relative thereto.

SEC. 3. No part of the moneys authorized to be appropriated by this act shall be expended in the construction, purchase, or enlargement of any fish hatchery or fish-cultural station or laboratory until the State in which such hatchery, station, or laboratory is to be located, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and fish culture and all operations connected therewith in any manner and at any time that may by the commissioner be deemed necessary and proper, any laws of the State to the contrary notwithstanding. The operation of any hatchery, station, or laboratory shall be suspended whenever the State ceases to accord such right, or whenever, in the judgment of the Secretary of Commerce, State laws and regulations affecting fish propagated are allowed to remain so inadequate as to impair the efficiency of such hatchery, station, or laboratory.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JONES. Mr. President, while I am very heartily in favor of the bill which has just been passed and am very glad to have it passed, nevertheless I desire to have it understood that I take this view of any issue relating to the title to Sand Island. There is quite a controversy between the States of Oregon and Washington with reference to the ownership of the island known as Sand Island. If there is any statement in the report on the bill or made in the remarks of the Senator from Oregon [Mr. McNARY] with reference to the title as giving it to Oregon, I simply want to take issue with such statements so that they may not be used hereafter in any possible controversy that might come up between the two States. I trust, however, the legislation being passed as it is, that there will be no further controversy between the two States in regard to Sand Island.

Mr. McKELLAR. The Senator does not want to be estopped?

Mr. JONES. No.

MONTANA STATE COLLEGE

The bill (H. R. 11510) for the relief of Montana State College was considered as in Committee of the Whole and was read.

Mr. WALSH of Montana. Mr. President, in line 11 the year "1927" should be "1923." I move that amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In line 11 strike out "1927" and insert "1923," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of $8,535.87 to reimburse the Montana State College at Bozeman, Mont., for services rendered in providing and supervising special field instruction of project trainees under the vocational rehabilitation act, during the period from March 24, 1923, to June 30, 1923.

Mr. BLEASE. Mr. President, I would like to ask the Senator what the bill means?

Mr. WALSH of Montana. The circumstances giving rise to the claim are set forth in some detail in a letter accompanying the report from the Director of the Veterans' Bureau. The Veterans' Bureau entered into a contract with the Montana State College——

Mr. BLEASE. That is sufficient. I have no objection.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CONSTRUCTION AT MILITARY POSTS

The bill (H. R. 13825) to authorize appropriations for construction at military posts and for other purposes was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert in lieu thereof the following:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $16,619,210, to be expended for the construction and installation at military posts of such buildings and utilities and appurtenances thereto as may be necessary, as follows:

Albrook Field, Canal Zone: Dispensary, $30,000.

Corundu, Canal Zone: Barracks, $357,500.

France Field, Canal Zone: Barracks, $360,000; noncommissioned officers' quarters, $324,000; officers' quarters, $427,200; dispensary, $30,000.

Schofield Barracks, Hawaiian Department: Noncommissioned officers' quarters, $100,000; officers' quarters, $300,000.

Wheeler Field, Hawaiian Department: Noncommissioned officers' quarters, $111,600; officers' quarters, $150,000; dispensary, $40,000.

Porto Rico: Barracks, $144,000; noncommissioned officers' quarters, $119,000; officers' quarters, $396,250; nurses' quarters, $36,000; headquarters building, $20,000; chapel, $20,000; recreation hall, $10,000; storehouse, $15,000; garage and repair shop, $40,000; stables, $40,000; hay and forage shed, $3,000; wagon shed, $6,000; incinerator, $5,000; flagstaff, $500; hospital, $10,000.

Henry Barracks, Porto Rico: Barracks, $352,000; noncommissioned officers' quarters, $39,600; officers' quarters, $192,500; hospital, $35,000; stables, $24,000; hay and forage shed, $3,000; wagon shed, $4,000; guardhouse, $10,000; post exchange, $10,000; chapel, $20,000; headquarters building, $15,000; recreation hall, $10,000; storehouse, $15,000; maintenance building, $7,500; fire house, $7,500; bakery, $12,000.

Philippine Department: Signal depot warehouse, $49,000.

Camp Devens, Mass.: Noncommissioned officers' quarters, $36,000; officers' quarters, $164,000.

Fort Jay, N. Y.: Hospital, $400,000.

Mitchel Field, N. Y.: Noncommissioned officers' quarters, $216,000; officers' quarters, $660,000; hospital, $150,000.

Fort Monmouth, N. J.: Noncommissioned officers' quarters, $100,000; officers' quarters, $250,000.

Plattsburg Barracks, N. Y.: Barracks, $45,000; addition to hospital, $55,000.

Raritan Arsenal, N. J.: Noncommissioned officers' quarters, $42,000; hospital, $50,000.

Fort Slocum, N. Y.: Barracks, $180,000.

Fort Wadsworth, N. Y.: Barracks, $50,000; noncommissioned officers' quarters, $30,000.

Aberdeen Proving Ground, Md.: Hospital, $60,000.

Carlisle Barracks, Pa.: Mess hall and kitchen, $110,000.

Fort Humphreys, Va.: Noncommissioned officers' quarters, $274,000.

Langley Field, Va.: Barracks, $764,160; noncommissioned officers' quarters, $216,000; officers' quarters, $480,000; hospital, $175,000; construction of a sea wall and for necessary fill, $200,000.

Fort Leonard Wood, Md.: Noncommissioned officers' quarters, $50,000; nurses' quarters, $40,000; officers' quarters, $210,000.

Fort Monroe, Va.: Officers' quarters, $200,000.

Fort Benning, Ga.: Noncommissioned officers' quarters, $526,000; officers' quarters, $114,000; dispensary, $60,000.

Fort Bragg, N. C.: Noncommissioned officers' quarters, $144,000; nurses' quarters, $60,000; officers' quarters, $496,000; hospital, $100,000.

Maxwell Field, Ala.: Officers' quarters, $300,000; barracks, $178,000; noncommissioned officers' quarters, $188,150; quartermaster warehouse, $45,000; quartermaster maintenance building, $15,000; garage, $40,000; fire station, $15,000; guardhouse, $20,000; post exchange, $25,000; ordnance magazine, $15,000; hospital, $75,000; stables, $20,000; railroad spur, $5,000; telephone and telegraph system, $31,250.

Camp McClellan, Ala.: Hospital, $100,000.

Fort Benjamin Harrison, Ind.: Noncommissioned officers' quarters, $54,000; service club, $50,000.

Erie Ordnance Depot, Ohio: Hospital, $75,000.

Fort Leavenworth, Kans.: Hospital ward, $75,000.

Marshall Field, Kans.: Barracks, $125,000; noncommissioned officers' quarters, $144,000; officers' quarters, $300,000.

Fort Riley, Kans.: Noncommissioned officers' quarters, $114,000; nurses' quarters, $36,000; officers' quarters, $50,000.

Fort Snelling, Minn.: Officers' quarters, $54,500.

Camp Normoyle, Tex.: Barracks, $180,000.

Fort Sam Houston, Tex.: Noncommissioned officers' quarters, $150,000; officers' quarters, $250,000.

San Antonio Primary Training School, San Antonio, Tex.: Noncommissioned officers' quarters, $61,200; officers' quarters, $600,000; completion of hospital, $50,000.

Fort D. A. Russell, Wyo.: Officers' quarters, $112,000; barracks, $40,000.

Fort Douglas, Utah: Noncommissioned officers' quarters, $54,000; officers' quarters, $75,000.

Letterman General Hospital, California: Hospital ward, $150,000.

Camp Lewis, Wash.: Noncommissioned officers' quarters, $93,000; officers' quarters, $215,000.

March Field, Calif.: Noncommissioned officers' quarters, $100,800; hospital, $150,000.

Rockwell Field, Calif.: Noncommissioned officers' quarters, $108,000; officers' quarters, $150,000.

Army medical center, District of Columbia: Completion of Army Medical School, $840,000; addition to power plant, $50,000.

Walter Reed General Hospital, District of Columbia: Nurses' quarters, $300,000; chapel, $12,000, to be erected as supplementary to or in connection with the nonsectarian chapel, the erection of which was authorized by the act approved February 2, 1928; observation, tuberculosis, and infectious-disease wards and a laboratory and morgue, and the reconstruction of the third floor of the main building into an operating room, and for the necessary corridors, roads, walks, grading, utilities, and appurtenances thereto, $90,000.

Bolling Field, D. C., or at a point on a military reservation in the vicinity of the District of Columbia to be selected by the Secretary of War: Radio and communication center, $30,000.

SEC. 2. That the Secretary of War is hereby authorized and empowered to acquire by purchase or condemnation real estate adjacent to Bolling Field, Washington, D. C., for extension and development of said flying field; and there is authorized to be appropriated out of any money in the Treasury not otherwise appropriated, a sum not to exceed $666,000 for that purpose.

SEC. 3. That there is hereby authorized to be appropriated not to exceed $5,139,842, to be expended for the construction and installation at military posts and at airports and landing fields of such technical buildings and utilities and appurtenances thereto as may be necessary, as follows:

Panama Canal Department, Albrook Field: Concrete runways, $51,000.

France Field: Gas and oil storage system, $10,000; paint, oil, and dope warehouse and appurtenances to hangar, $13,016; concrete runway from hangars, $52,000; 6-inch gasoline pipe line from Coco Solo, $20,000; bombing range, $3,555.

Hawaiian Department, new site: Improvement to landing field, $623,000.

Hawaiian Department, air bases, $22,000.

Wheeler Field: Hangars and field shop, $79,000.

Boston Airport, East Boston, Mass., moving and reerecting technical buildings, $15,000.

Mitchel Field, Long Island, N. Y.: Hangars, field shops, field warehouse, $141,000; armament and parachute buildings, $5,000; central heating plants, $75,000.

Bolling Field, D. C.: Hangars, $90,000; field shop, $60,000; central heating plants, $50,000; parachute and armament building, $15,000; photographic building, $36,000; radio building, $10,000; concrete runways and aprons, $53,700.

Langley Field, Va.: Hangars, $524,590; field warehouse, $100,000; headquarters and operations building, $80,000; photo, radio, parachute, and armament buildings, $76,000; central heating plants, $100,000; gas and oil storage system, $10,000; paint, oil, and dope warehouse, $5,000; improvement of landing field, $85,000; concrete runways, $122,098.

Air Corps Tactical School, Maxwell Field, Montgomery, Ala.: Hangars, $210,500; field shop, $19,000; field warehouse, $60,000; armament and parachute building, $5,000; concrete runways, $50,000; gas and oil storage system, $5,000; school building, $100,000.

Shreveport, La. (attack wing): Hangars, $200,000; field shop, $50,000; field warehouse, $45,000; headquarters and operations buildings, $85,000; radio, parachute, and armament buildings, $25,000; gas and oil storage system, $10,000; improvement to landing field, $135,000.

Bowman Field, Louisville, Ky.: Hangar, $50,000; radio, photographic, and shops, $20,000; operations and administration building, $20,000; gas and oil storage system, $5,000; concrete runways, $13,000.

Fairfield Air Depot, Fairfield, Ohio: Hangars, $120,000; headquarters building, $40,000; central heating plant, $20,000; paint, oil, and dope warehouses, $20,000.

Chicago Municipal Airport, Chicago, Ill.: Completion of Army Air Corps hangar, $20,986.

Fort Leavenworth, Kans.: Completion of hangar, field shop, headquarters building, $35,000; central heating plants, $20,000.

Marshall Field, Fort Riley, Kans.: Completion of hangars, shops, and technical buildings, $55,000; central heating plant, $30,000.

Fort Crockett, Tex.: Night flying lighting system, $3,775; runways, $10,775.

Dryden, Tex.: Gasoline and oil storage system, $2,821; operations building, $5,000.

Duncan Field, San Antonio, Tex.: Hangars and depot shop building, $220,000; oil reclamation house, $13,000.

Lordsburgh, N. Mex.: Operations building, $5,000; gas and oil storage system, $2,821.

Randolph Field, Tex.: Hangars, $220,000; field shops, $38,000; concrete runways, $232,500.

Tucson, Ariz.: Operations building, $5,000; concrete floor in hangar, $1,705.

March Field, Riverside, Calif.: Hangars, field shops, field warehouse, $75,000; gasoline and oil storage system, $10,000; concrete runways, $104,000.

Rockwell Field, Calif.: Hangars and field warehouse, $45,000; field shop, $100,000; construction of concrete runways, $50,000.

SEC. 5. That the Secretary of War be, and he is hereby, authorized to transfer to the Petersburg National Military Park such portion of the Camp Lee Military Reservation, Va., as in his discretion may be required in connection with the establishment of the Petersburg National Military Park, as authorized by the act of Congress approved July 3, 1926.

SEC. 6. That the Secretary of War be, and he is hereby, authorized, in his discretion, to sell, upon such terms and conditions as he considers advisable, to the Fishers Island Corporation, or its nominee, a tract of land containing 1⅛ acres, more or less, said tract now forming the extreme northeasterly corner of the Fort H. G. Wright Military Reservation, situate on Fishers Island, in the State of New York, which said tract is no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf, with and to the said the Fishers Island Corporation, or its nominee, any and all contracts, conveyances, or other instruments necessary to effectuate such sale, the proceeds of the sale of the property hereinbefore designated to be deposited in the Treasury to the credit of the fund known as the military post construction fund: *Provided*, That the Secretary of War shall have the said tract surveyed and appraised at the expense of the Fishers Island Corporation: *And provided further*, That the Secretary of War shall not sell said tract for a less consideration than the appraised value hereinbefore referred to.

SEC. 7. That the Secretary of War is hereby authorized to acquire, by purchase or otherwise, two tracts of land on the Atlantic seaboard, with necessary rights of way as may, in his discretion, be necessary in the proper defense of the Atlantic coast, and the sum of $20,000 is hereby authorized to be appropriated from any funds in the Treasury not otherwise appropriated, which sum shall remain available until expended.

SEC. 8. That there is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $125,000 for the construction of a cannon powder blending unit at Picatinny Arsenal, Dover, N. J., to replace the one destroyed by fire on July 31, 1928.

SEC. 9. That a joint committee of Congress, to consist of five Senators, to be appointed by the President of the Senate, and five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, is authorized and directed to make a full investigation of the problem of the control of aircraft for seacoast defense, and to recommend to Congress as soon as practicable such legislation concerning aerial coast defense as it shall deem necessary or proper.

For the purpose of this resolution such committee is authorized to hold hearings, to sit and act at such times and places, to employ such experts and clerical, stenographic, and other assistance, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The expenses of the committee, which shall not exceed $2,000, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

Mr. McKELLAR. Mr. President, will the Senator from Pennsylvania explain what is proposed by the bill?

Mr. REED of Pennsylvania. It is an authorization bill to carry out the housing program which has been already determined and approved by Congress, and also to carry out the purchase of the technical buildings for the Air Corps in accordance with their building program.

I may say that Senators will be interested to know that it provides for the acquisition of the land south of Bolling Field

so as to get those barracks and officers' quarters out of the swamp in which they are now. It also contains a number of other provisions which have either been passed by the Senate or by the House, and which it seemed desirable to embody in the one bill.

Mr. McKELLAR. Will the Senator, before he leaves the Bolling Field item, tell us whether or not it is the purpose to build a real airport at Bolling Field—to enlarge the present one and build a strictly first-class airport.

Mr. REED of Pennsylvania. Yes; it is the intention to make it first class, and we feel that it is not first class now.

Section 4 of the committee amendment with regard to the sale of a part of the land at Jeffersonville Barracks has been questioned by some Senators who say they want time to look into it. As the committee added it here more as a matter of convenience than anything else, I know that the committee would authorize me, in deference to the wishes of those Senators, to request that the committee amendment be amended by striking therefrom section 4, which relates to Jeffersonville Barracks.

Mr. SACKETT. The same matter is contained in another bill which is before the Senate now?

Mr. REED of Pennsylvania. Yes. I know Senators will acquiesce in it when they have had time to look into it.

The PRESIDING OFFICER. The amendment submitted by the Senator from Pennsylvania to the amendment of the committee will be stated.

The CHIEF CLERK. On page 14, strike out section 4 of the committee amendment, as follows:

SEC. 4. That the Secretary of War be, and he is hereby, authorized to sell, or cause to be sold, at either public or private sale, upon terms and conditions deemed advisable by him, the land situated in the city of Jeffersonville, Clark County, Ind., lying along the Louisville & Jeffersonville Bridge & Railroad Co.'s railroad right of way, comprising an area of approximately 7 acres and designated as parcel No. 1 on map of Jeffersonville Quartermaster Depot, on file in the office of the Quartermaster General, United States of America: *Provided*, That the expense of sale be paid from the proceeds thereof and the net proceeds deposited in the Treasury of the military post construction fund: *And provided further*, That the Secretary of War be required to have the parcel of land hereby authorized to be conveyed duly appraised by competent and disinterested persons and that the consideration received for the conveyance of said land be not less than the appraised value thereof.

The amendment to the amendment was agreed to.

Mr. REED of Pennsylvania. Mr. President, I desire to offer a further perfecting amendment. On page 16, line 19, in the first line of the second paragraph of section 9, I move to strike out the word "resolution" and insert the word "section."

The amendment to the amendment was agreed to.

Mr. VANDENBERG. Mr. President, as this bill came from the House there were certain authorizations regarding Selfridge Field. They were stricken from the bill by the committee. Since that time there has been an opportunity for investigation to demonstrate their propriety, and I understand the committee is now ready to restore them. I therefore offer the amendment which I send to the desk which will accomplish this purpose.

Mr. REED of Pennsylvania. A report from the war-plans division of the General Staff approved the continuation of the airport at Selfridge Field, Mich. In view of that decision I know the committee would not care to persist in its position under the circumstances.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 12, after line 24, insert:

Selfridge Field, Mich: Officers' quarters, $465,000; construction of a sea wall and for a necessary fill, $230,400.

Selfridge Field, Mich: Hangars and field shop, $122,000; central heating plants, $60,000; concrete runways, $51,000; improvement of landing field, $125,000.

The amendment to the amendment was agreed to.

Mr. HASTINGS. Mr. President, I desire to offer an amendment striking out the word "concrete" at certain places in the bill and to insert in lieu thereof the word "paved."

Mr. REED of Pennsylvania. That occurs in a number of places. The request from the War Department was for authorization for concrete. The Senator from Delaware suggests, and I think wisely, that we ought not to limit them to concrete as the material for paving. They ought to be allowed to use what in their opinion is the best paving material. Therefore I approve of the change of the word "concrete" to "paved" wherever it appears in the bill.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 11, in lines 3, 7, and 22, strike out the word "concrete" and insert in lieu thereof the word "paved"; on page 12, in lines 4, 9, and 19, strike out the word "concrete" and insert in lieu thereof the word "paved"; and on page 13, in lines 17, 18, 19, 22, 24, and 25, strike out the word "concrete" and insert in lieu thereof the word "paved."

The amendment to the amendment was agreed to.

Mr. HAYDEN. Mr. President, I offer the following amendment to the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 13, after line 19, insert the following:

Yuma, Ariz., operations, building, $5,000.

Mr. HAYDEN. Mr. President, by the act of Congress approved May 29, 1926, there has been set aside near Yuma, Ariz., 160 acres of land for an aviation field, but there is no building upon it. The land was reserved with the understanding that the field was to be leveled and made available for use by the board of supervisors of Yuma County. The act provides that the airport is reserved for use by the War Department at any time. I visited that field last summer and it is now a bare, level piece of ground entirely suitable for aviation purposes. Yuma is halfway between Tucson and Los Angeles and military airplanes frequently stop there. Authorization should be made for the construction of a building at a limit of cost of $5,000.

I ask to include as a part of my remarks a copy of the act to which I have referred, and direct particular attention to the last paragraph thereof.

The PRESIDING OFFICER. Without objection, it is so ordered.

The act referred to is as follows:

[Public, No. 314, 69th Cong.]

An act (H. R. 7911) to authorize the exchange of certain public lands and the establishment of an aviation field near Yuma, Ariz.

Be it enacted, etc., That in order that the entire southeast quarter of section 9, township 9, south of range 23, west of the Gila and Salt River meridian, Arizona, may be reserved for a public aviation field, the Secretary of the Interior is hereby authorized to issue unrestricted patent for any public land in said section 9 in exchange for the east half of the southeast quarter and the northwest quarter of the southeast quarter of said section 9.

SEC. 2. That upon the exchange being completed, the entire southeast quarter of said section 9 shall be reserved as a public field for the landing and taking off of aircraft of all descriptions: *Provided*, That the board of supervisors of Yuma County, Ariz., shall by resolution agree to assume the expense of clearing and maintaining the field, and that the following conditions are agreed to:

That operators of Government-owned aircraft shall always have free and unrestricted use of said field; that rules and regulations governing the operation of aircraft upon said field shall include and coincide with rules and regulations prescribed and promulgated by the War Department; that Government departments and agencies operating aircraft shall have the right to erect and install upon said land such structures and improvements as the heads of such departments and agencies may deem advisable, including facilities for maintaining supplies of fuel, oil, and other materials for operating aircraft; that in case of emergency, or in the event that it shall be deemed advisable by the Secretary of War, the War Department may assume absolute control of the management and operation of said field.

Approved May 29, 1926.

Mr. REED of Pennsylvania. Mr. President, I am glad to accept the amendment on the condition that the attitude of the conferees may be affected by a report from the War Department which we will ask for at once. We have no report from the War Department.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Arizona.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. REED of Pennsylvania. I ask unanimous consent that the clerk be authorized to correct the section numbers in so far as that action may be necessary.

The PRESIDING OFFICER. Without objection, it is so ordered.

ESTATE OF EDGAR C. BRYON

The bill (H. R. 3967) for the relief of the next of kin of Edgar C. Bryon was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government,

the sum of $5,000 to the legal representatives of Edgar C. Bryon for his next of kin in full compensation for any claims arising out of death of such Edgar C. Bryon, who was struck and killed by an automobile truck in the service of the United States Post Office Department on October 2, 1919, in Brooklyn, N. Y., as a result of gross negligence on the part of the driver thereof and through no fault of his own, such driver having since been indicted for manslaughter in the second degree for such negligence.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS, DAYTON, OHIO

The bill (H. R. 132) authorizing the erection of a sanitary fireproof hospital at the National Home for Disabled Volunteer Soldiers, at Dayton, Ohio, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Board of Managers of the National Home for Disabled Volunteer Soldiers be, and it is hereby, authorized and directed to cause to be erected at the central branch of said home at Dayton, Ohio, on land now owned by the United States, a sanitary fireproof hospital of a capacity for 500 beds. Such hospital shall include all the necessary buildings with the appropriate mechanical equipment, including roads and trackage facilities leading thereto, for the accommodation of patients, and storage, laundry, and necessary furniture equipment, and accessories, as may be approved by the Board of Managers of the National Home for Disabled Volunteer Soldiers.

SEC. 2. That in addition to the persons now by law entitled to the privileges of treatment in this hospital when constructed there shall be admitted and treated honorably discharged nurses (female) who have served with the armed forces of the United States in any war and who are disabled by diseases or wounds and by reason of such disability are either temporarily or permanently incapacitated from earning a living.

SEC. 3. That in carrying the foregoing authorization into effect the Board of Managers of the National Home for Disabled Volunteer Soldiers is hereby authorized to enter into contracts for the construction of the plant, or to purchase materials in the open market or otherwise, and to employ laborers and mechanics for the construction of the plant complete at a limit of cost not to exceed $1,500,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROCKY FORD NATIONAL BANK, ROCKY FORD, COLO.

The bill (H. R. 12714) for the relief of the Rocky Ford National Bank, Rocky Ford, Colo., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of the Rocky Ford National Bank, of Rocky Ford, Colo., United States registered note No. K-1111428 in the denomination of $100 of the Victory Liberty loan 4¾ per cent convertible gold notes of 1922–23, inscribed "James O. Bartholemew," with interest from December 15, 1922, to May 20, 1923, without presentation of said note, the said note having been lost or destroyed after having been assigned in blank by the registered payee and being the property of the Rocky Ford National Bank; and the Secretary of the Treasury is hereby authorized and directed to also redeem in favor of the Rocky Ford National Bank, Rocky Ford, Colo., United States coupon notes Nos. F-6055335, G-7693827, and L-12363810, each of the $50 denomination, of the Victory Liberty loan 4¾ per cent convertible gold notes of 1922–23, with interest from June 15, 1922, to December 15, 1922, in the case of the first note above described, and with interest from June 15, 1922, to May 20, 1923, in the case of the last two notes above described, without presentation of said notes, said notes having been lost or destroyed, and being the property of the Rocky Ford National Bank: *Provided*, That the said notes shall not have been previously presented to the Treasury Department under such circumstances as would necessitate their redemption in favor of the person, firm, or corporation presenting them: *And provided further*, That the Rocky Ford National Bank shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of the said notes and the unpaid interest which had accrued thereon when the principal became due and payable, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any loss on account of the notes hereinbefore described.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TALBIRD & JENKINS

The bill (H. R. 10913) to compensate Talbird & Jenkins for balance due on contracts with Navy Department dated March 20 and October 9, 1919, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary be, and he is hereby, authorized and directed to pay Thomas Talbird and Heyward Jenkins, attorneys, doing business under the firm name of Talbird & Jenkins, Beaufort, S. C., out of any money in the Treasury of the United States not otherwise appropriated, the sum of $1,000 in full payment for the balance due on account of professional services rendered by the said Talbird & Jenkins under contracts with the Navy Department dated March 20, 1919, and October 9, 1919.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. SALLEY

The bill (H. R. 9716) for the relief of Charles H. Salley was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Charles H. Salley, of Salley, S. C., the sum of $67 in full compensation for costs and disbursements as administrator of the estate of Jim Woodward, deceased.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSTANT-FREQUENCY MONITORING RADIO STATION

The bill (S. 5550) to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant-frequency monitoring radio station, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized to purchase a suitable site, provided a suitable site now owned by the Government is not available for the purpose, and to contract for the construction thereon of a building suitable for installation therein of apparatus for use as a constant-frequency monitoring radio station, and for the construction of a suitable roadway, power, and communication facilities, at a cost not to exceed $50,000.

Mr. KING. Mr. President, I should like an explanation of that bill.

Mr. JONES. Mr. President, I will say to the Senator from Utah that a year or so ago in an appropriation bill we made an appropriation with which to buy equipment, apparatus, and so forth, necessary in connection with certain radio work. Now, the department informs us that—

This apparatus has been contracted for and is now in the course of production. It will be the most accurate apparatus of its kind in use.

I will read just a brief paragraph showing what use will be made of it:

To get the highest degree of efficiency and the results desired it is considered necessary that the apparatus be placed at some point near the center of the United States. It must be away from populous sections, free from electrical disturbances caused by the operation of other electrical equipment, and some distance from power lines. Several surveys have been made to ascertain if a suitable building could be leased in a location which would give us the advantages sought. Being unable to find a suitable building, it is proposed that authority be obtained to purchase the land and erect a suitable building on a site which would insure the efficiency required.

The limit upon the cost of the site and building is that they shall not cost to exceed $50,000. In view of the tremendous expansion of the radio industry, and in view of the fact that we have authorized the purchase of the apparatus that is being secured, it seemed to the committee that it was very necessary to make provision for the site and building as recommended by the department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COAST GUARD ACADEMY

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16129) to provide for the acquisition of a site and the construction thereon and equipment of buildings and appurtenances for the Coast Guard Academy, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to acquire in fee simple without cost to the United States a suitable site at New London, Conn., and to construct and equip thereon such buildings and appurtenances as he may deem necessary for the purpose of the United States Coast Guard Academy, all at a total cost not to exceed $1,750,000, which amount, or so much thereof as may be necessary, is hereby authorized to be appropriated.

Mr. KING. Mr. President, I should like to have an explanation of that bill.

Mr. BINGHAM. Mr. President, at the request of the Senator from Utah, I will be very glad to make a brief explanation. The Government has three commissioned services—the Army, Navy, and Coast Guard. For each of those commissioned services is maintained an academy, one at West Point for the Army, one at Annapolis for the Navy, and one at New London, Conn., for the Coast Guard. At West Point and at Annapolis the Government has provided beautiful buildings, adequate grounds, and ample facilities, so that the young men who go there to secure their education to prepare them for their commissions are very proud of their surroundings. For the Coast Guard Service, also a commissioned service, under a similar status in every other way, we have not provided anything except the rather dilapidated buildings of an old fort, built about 1812, and in addition, two or three wooden buildings which were erected during the war as temporary structures for war purposes. They are entirely inadequate and are a disgrace to the Government. Frequently when young men from different parts of the United States who go there to be trained to receive commissions in the Coast Guard see the buildings which the Government offers for their training they give up the opportunity and return home, because it is actually a disgrace that the Government should continue to maintain the school under such conditions.

The citizens of New London, realizing what was happening, and being desirous of having the students of the Coast Guard School proud of the school, have, at their own expense, purchased a beautiful site on the banks of the Thames River, near the Connecticut College, the site containing about 45 acres, which they propose to give to the Government, so that the Government will not spend anything for the acquisition of the site. This bill merely authorizes the construction of buildings which are believed to be necessary and adequate for the purpose designed. I hope the Senator will not object.

Mr. KING. I shall not object, but I was wondering whether, in the Coast Guard Academy, the young men are educated who perform service in the work of enforcing the prohibition law. The Senator knows that a large number of the Coast Guard boats are used for prohibition-enforcement purposes.

Mr. BINGHAM. The boats of the Coast Guard, whether they are used for the protection of life, or for the rescue of wrecked ships, or for enforcing internal revenue laws, or the prohibition law, are commanded by commissioned officers of the United States, who are commissioned in the Coast Guard, and who are trained in the Coast Guard Academy.

Mr. KING. Is the personnel of the Coast Guard Service being increased?

Mr. BINGHAM. Only in so far as the appropriations made for that purpose allow of an increase. My recollection is that last year we increased the appropriation for the Coast Guard in order that there might be more vessels provided.

Mr. KING. Are not substantially all the activities of the Coast Guard confined to the prohibition service?

Mr. BINGHAM. The Senator from Washington can answer that question better than can I.

Mr. JONES. Not at all, Mr. President. The Coast Guard is about one of the oldest organizations in the Government.

Mr. KING. I know that, but I am speaking of its present activities.

Mr. JONES. No. It looks after wrecks, danger to vessels at sea, and all that sort of thing. It performs work of the greatest service outside of its activities in connection with prohibition enforcement.

Mr. OVERMAN. Mr. President, does this bill provide for an academy such as that at West Point and such as the Naval Academy at Annapolis, to which young men can be sent to be instructed for service in the Coast Guard?

Mr. BINGHAM. I will say to my distinguished friend from North Carolina that such an academy has been in existence for a number of years, but the Government has never provided the proper buildings for its use. It has only provided temporary structures.

Mr. OVERMAN. How are the cadets at the Coast Guard Academy selected?

Mr. BINGHAM. I shall ask the Senator from Washington [Mr. JONES] to answer that question.

Mr. JONES. They are selected by competitive examinations. Possibly in the future, as the service develops, the cadets to the Coast Guard Academy may be selected as are the cadets at the Military Academy and the midshipmen at Annapolis. There is a very limited number of Coast Guard cadets, I think to only about 120; so that the appointments can not be distributed as are appointments to West Point cadets; but the cadets are selected by competitive examination.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ETTA PEARCE FULPER

The bill (S. 5453) authorizing the payment of Government life insurance to Etta Pearce Fulper was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau is authorized and directed to pay to Etta Pearce Fulper, widow of William H. Fulper, late second lieutenant, supply officer, Second Battalion, New Jersey State Militia, the amount of his Government life-insurance policy No. K-446185, as if such William H. Fulper had been in Federal service when such policy was issued.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HERBERT TOLL

The bill (S. 4938) granting war-risk insurance to the estate of Herbert Toll was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the World War veterans' act, 1924, as amended, the war-risk insurance policy of Herbert Toll (claim No. XC-260475) shall be held and considered to have been in force on June 25, 1919, the date on which such Herbert Toll was killed in action at Romanovka, Russia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SETTLEMENT OF INDEBTEDNESS OF GREECE

The bill (H. R. 10760) to authorize the settlement of the indebtedness of the Hellenic Republic to the United States of America and of the differences arising out of the tripartite loan agreement of February 10, 1918, was announced as next in order.

Mr. BLAINE. I ask that that bill go over.

Mr. BURTON. Mr. President, I hope the objection to this bill will be withdrawn. We have criticized quite severely some of the stronger and larger nations of the earth in the discussions in the Senate in the last week or two. We now have an opportunity of doing something that is worth while for a small nation that is suffering very much for the lack of the appropriation provided in the bill. It is in pursuance certainly of a moral obligation if not a legal obligation of the highest quality.

Mr. SMOOT. Mr. President, let me say to the Senator from Wisconsin [Mr. BLAINE] that the basis of the settlement with Greece under this bill is 34½ per cent of the present cash value of the debt. With Italy the basis was 26½ per cent; with Yugoslavia it was 33 per cent. So this is a better settlement than that with either one of those countries.

Furthermore, I wish to say to the Senator that the bill proposes to carry out the agreement between France, Great Britain, and America with the Greek Government. Under that agreement we were to advance money to Greece, and a certain sum was advanced, but not our full proportion. England advanced her full proportion. Under this bill we will advance $12,167,000 to make the amount advanced by the United States equal to that advanced by Great Britain and to carry out our contract, just as England has carried out her contract.

The settlement will be on the identical basis as England has settled with Greece for the money advanced by her in order that Greece might provide an army to cooperate with England and America during the war.

I think that the settlement is all that we could possibly ask under the conditions, and the bill merely carries out on our part a solemn agreement signed and delivered. If the bill shall pass, it will simply mean that we are doing just what England has done in the case of Greece under the agreement. I hope the Senator will not object.

Mr. BLAINE. I should like to inquire of the Senator the number of foreign governments which have not as yet settled their indebtedness to the United States?

Mr. SMOOT. The only countries with which we have not made settlements are Greece and France. Russia owes us $178,000,000, with interest, and has been owing it to us ever since it was advanced a number of years ago; but we have not recognized Russia, and so we can not make any settlement with her. However, the other countries have all settled now, with the exception of France and Greece.

Mr. BLAINE. Including Austria?

Mr. SMOOT. Oh, yes; the bill providing for the settlement with Austria was passed the other day, and has been also passed by the House, and is now a law. This is the only debt outside of the debt of France still remaining unsettled. The Senator will remember that the representatives of France agreed to a settlement on the basis of about 52 per cent, but France refused to ratify that agreement, and I have never yet asked the Senate—and I made the statement once upon the floor of the

Senate that I would not ask the Senate—to consider a settlement with France until France should agree to the settlement which we had already made.

Mr. BLAINE. Mr. President, I shall make no objection to the consideration of the bill at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury, with the approval of the President, is hereby authorized to conclude an agreement for the settlement of the indebtedness of the Hellenic Republic (hereinafter referred to as Greece) to the United States of America under the terms and conditions as set forth in Senate Document No. 51, Seventieth Congress, first session. The general terms of the agreement shall be as follows:

(1) The existing indebtedness amounting to $18,125,000 shall be funded over a period of 62 years. The computation of this indebtedness is set forth below:

Principal amount of obligations to be funded	$15,000,000.00
Interest accrued and unpaid thereon to Dec. 15, 1922, at the rate of 4¼ per cent per annum	744,333.79
Total principal and interest accrued and unpaid as of Dec. 15, 1922	15,744,333.79
Interest thereon at 3 per cent per annum from Dec. 15, 1922, to Jan. 1, 1928	2,383,588.88
	18,127,922.67
To be paid in cash by Greece upon execution of agreement	2,922.67
Total indebtedness to be funded	18,125,000.00

(2) The bonds aggregating in face amount $20,330,000 (the existing indebtedness, as computed above, together with the interest to be paid in respect thereof) shall be paid in semiannual installments beginning July, 1928, up to and including January 1, 1990, on a fixed schedule, subject to the right of Greece to make such payments in three-year periods, any postponed payments to bear interest at 4¼ per cent per annum, payable semiannually. The amount of the first annual installment shall be $40,000, the annual installment to increase to $350,000 in the eleventh year, which shall be the amount of each remaining annual installment.

(3) In addition to the payment of the bond maturing on January 1 or July 1 of any year, Greece shall have the right on such dates to make payments on account of any unmatured bonds of this series under such conditions as to notice or otherwise as the Secretary of the Treasury may prescribe.

(4) Any payment may be made at the option of Greece in any United States Government obligations issued after April 6, 1917, such obligations to be taken at par and accrued interest.

(5) To assist in the completion of the work of the Greek Refuge Settlement Commission, the Secretary of the Treasury is further authorized to advance to Greece out of the appropriation "Purchase of obligations of foreign governments," established under authority of the Liberty bond acts, the sum of $12,167,000, for which Greece shall deliver to the Secretary of the Treasury its 20-year gold bonds bearing interest at the rate of 4 per cent per annum, payable semiannually, with provisions for a sinking fund sufficient to retire such bonds within 20 years.

(6) Greece shall, in accordance with the exchange of notes, dated January 18, 1928, between the United States and Greece and as set forth in Senate Document No. 51, Seventieth Congress, first session, furnish as securities for the loan referred to in paragraph (5), the excess of revenues under the control of the International Financial Commission, and shall procure the assurance of the service of the loan by that commission.

(7) Greece shall forego all claims for further advances under the tripartite loan agreement, dated February 10, 1918, and such agreement, so far as the United States and Greece are concerned, shall terminate upon the date on which the agreement authorized by this act becomes effective.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AWARD TO BETHLEHEM STEEL CO. EMPLOYEES

The bill (H. R. 5780) to provide for the further carrying out of the award of the National War Labor Board of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co., Bethlehem, Pa., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the provisions of the act entitled "An act to provide for carrying out the award of the National War Labor Board of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co., Bethlehem, Pa.," approved March 4, 1925, and amended March 3 and April 6, 1926, are hereby extended to include the claims for additional compensation for work performed as employees of the Bethlehem Steel Co. on contracts made by or under the authority of the Secretary of the Navy. For the purpose of this award, the findings of the War Department Claims Board reporting the Navy's share as 24.99 per cent is approved, to be paid to such claimants as have filed claims in accordance with the act of March 4, 1925. All provisions contained in the said act of March 4, 1925, as amended, not in conflict with this act, are continued in full force and effect.

The unexpended balance of the appropriation carried by the act of March 4, 1925, as amended, or so much thereof as may be necessary for the purpose, is hereby made available for the payment of the claims herein referred to and for the payment of the incidental and necessary administrative expenses.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES O. WILLIAMS

The bill (H. R. 8807) for the relief of James O. Williams was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized to relieve James O. Williams, special disbursing agent for the State of Washington and the Territory of Alaska during the Fourteenth Decennial Census, from accountability or responsibility for losses for which he was accountable or responsible, by crediting his account with the sum of $3,924, erroneously paid out by him in good faith, for subsistence, on the strength of certain travel authorizations during the period from August 14, 1919, to November 30, 1920.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RELIEF OF MISSOURI, MISSISSIPPI, LOUISIANA, AND ARKANSAS

The bill (S. 5201) to authorize an appropriation for the relief of the States of Missouri, Mississippi, Louisiana, and Arkansas on account of roads and bridges damaged or destroyed by floods of 1927 was announced as next in order.

Mr. McNARY. Mr. President, just a day or so ago that bill, which had been reported from the Committee on Agriculture and Forestry, was attached as an amendment to the Army appropriation bill. Therefore, the Senate bill now on the calendar should be indefinitely postponed.

Mr. BRATTON. Mr. President, in view of the fact that in conference the amendment may not remain in the appropriation bill, I suggest to the chairman of the committee that the bill be passed over for the present without prejudice.

Mr. McNARY. That is a very good suggestion, and I ask that that be done.

The PRESIDENT pro tempore. The bill will be passed over.

KATHERINA KAUTZ AND FRED G. KAUTZ

The bill (H. R. 11289) for the relief of Katherina Kautz and Fred G. Kautz, heirs of the estate of Christian F. Kautz, deceased, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of Katherina Kautz and Fred G. Kautz, heirs of the estate of Christian F. Kautz, deceased, three United States certificates of indebtedness, series G, 1921, issued February 15, 1921, and matured July 15, 1921, serial Nos. 12823, 12824, and 12825 of the denomination of $1,000 each, with interest at the rate of 5½ per cent per annum from February 15, 1921, to July 15, 1921, without presentation of the said certificates or the coupons representing interest thereon from February 15, 1921, to July 15, 1921, the certificates having been lost or stolen: *Provided*, That the said certificates shall not have been previously presented for payment and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *Provided further*, That the said Katherina Kautz and Fred G. Kautz as heirs shall first file in the Treasury Department a bond in the penal sum of double the amount of the certificates and the interest payable thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost or stolen certificates of indebtedness herein described or the coupons belonging thereto.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MR. AND MRS. PETER J. EGAN

The bill (H. R. 12007) for the relief of Mr. and Mrs. Peter J. Egan was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN E. RILEY

The bill (S. 432) for the relief of Martin E. Riley was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffer-

ing injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Martin E. Riley, who contracted a disease while employed in a post office in Chicago, Ill., resulting in permanent physical disability, and his case is authorized to be considered and acted upon under the remaining provisions of such act, as amended: *Provided*, That a notice of such disease and claim for compensation are filed with the United States Employees' Compensation Commission by him not later than 60 days from the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAWYER MOTOR CO.

The bill (H. R. 9943) for the relief of Sawyer Motor Co. was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

G. J. BELL

The bill (H. R. 10191) for the relief of G. J. Bell was announced as next in order and was read.

Mr. SMOOT. Mr. President, will the Senator reporting this bill explain it, or else have it read again?

Mr. TRAMMELL. Mr. President, I can explain the bill. It authorizes placing this man upon the compensation roll; but the facts are as follows:

This bill passed the House. It seems that this employee was connected with the War Department, working at Florence, Ala. While he was engaged in his employment in a pit where the temperature was quite excessive, but where he was required to work, he suffered a sunstroke, which afterwards resulted in his being paralyzed. The question came up as to whether or not he was entitled to compensation. The Compensation Commission held that the injury was not the result of the service. The House committee investigated the matter thoroughly and made quite a full report. I made the House report a part of mine. The House committee and the House itself decided that the injury was the result of this man's employment. The Senate committee also took that view of the matter, and we recommended the passage of the bill.

Mr. SMOOT. Mr. President, at what date did this injury happen? It was after 1916, was it not?

Mr. McKELLAR. In 1925, I will say to the Senator.

Mr. SMOOT. Why should we say here that his disability shall "be considered as total and permament"—a total disability?

Mr. McKELLAR. The man is absolutely totally and permanently disabled, as shown by the proof.

Mr. SMOOT. The commission found otherwise, did they not?

Mr. McKELLAR. No; they did not.

Mr. SMOOT. If they did not so find, then he is entitled to compensation through the commission.

Mr. McKELLAR. No; their idea was that the injury was not connected with the service.

Mr. KING. In other words, it is proposed to overrule the commission.

Mr. SMOOT. I should like to have the bill go over to-day, and I will make inquiry about it.

Mr. McKELLAR. I hope the Senator will examine it and withdraw his objection.

Mr. SMOOT. I will ask the commission about it, and I assure the Senator——

Mr. HEFLIN. Mr. President, what is the objection of the Senator from Utah? This is my colleague's bill. As I understand, this man lives in Florence, Ala.

Mr. McKELLAR. He did originally. He is a resident of Tennessee now.

Mr. SMITH. Mr. President, do I understand from the Senator who had charge of the bill in the committee that this matter was investigated by both the Senate and the House committees?

Mr. McKELLAR. The bill was reported by the Senator from Florida [Mr. TRAMMELL].

Mr. TRAMMELL. That is correct.

Mr. SMOOT. The Employees' Compensation Commission heard the case. They decided that it did not fall under the law, and therefore it did not give the claimant a status for compensation. This bill is to override the decision of the commission. There is not any report here to show just why the commission did it.

Mr. McKELLAR. Oh, yes; there is.

Mr. SMOOT. All I ask is that the bill go over so that I may ask the commission why they did it.

Mr. McKELLAR. Would the Senator object to my reading a portion of the report to him? Perhaps he will not object after hearing the facts:

His duties in this connection were very strenuous and exacting, and while he was working on top of the dam, 118 feet high, where there was good ventilation, he was able to endure the intense heat of the sun as well as the heat from the steam pipe over his head. He was engaged in this work for about a year and nine months. He was then taken off the dam and put at the same kind of work in the bottom of the basin, about 30 feet under the bank of the river where he was exposed to the direct rays of the sun. The temperature at that point on June 1, 1925, was 110° F., and this heat, augmented by the intense heat from the uninsulated steam pipe over his head, caused him to be overcome by heat and he fell unconscious.

This man has been absolutely disabled ever since; and the proof in this record is that he is permanently disabled. Of course, if the Senator wants time to look into the matter, that is all right; but I hope he will withdraw his objection.

Mr. SMOOT. I assure the Senator that I shall write to-morrow morning to the Employees' Compensation Commission. I want to know why they refused this man compensation. I shall have no objection if the claim is straight.

Mr. McKELLAR. Very well.

The PRESIDENT pro tempore. The objection being maintained, the bill will be passed over.

DR. ANDREW J. BAKER

The bill (H. R. 11385) for the relief of Dr. Andrew J. Baker was announced as next in order.

Mr. KING. Mr. President, I feel constrained to object to the consideration of this bill. I have read the report and the findings of the chairman of the Compensation Commission, and there is no liability.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

H. A. RUSSELL

The bill (H. R. 11749) for the relief of H. A. Russell was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN I. FITZGERALD

The bill (H. R. 7392) for the relief of John I. Fitzgerald was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMERICAN FOREIGN TRADE CORPORATION AND OTHERS

The bill (H. R. 8511) for the relief of the American Foreign Trade Corporation and Fils d'Asian Fresco was announced as next in order.

Mr. KING. I should like an explanation of that bill, Mr. President.

The PRESIDENT pro tempore. The Senator reporting the bill is not in the Chamber.

Mr. KING. Let it go over for the present.

The PRESIDENT pro tempore. The bill will be passed over.

COLLECT-ON-DELIVERY POSTAL SERVICE, ETC.

The bill (H. R. 12898) to extend the collect-on-delivery service and limits of indemnity to sealed domestic mail on which the first-class rate of postage is paid was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEZ PERCE TRIBE OF INDIANS

The bill (H. R. 12520) for the relief of the Nez Perce Tribe of Indians was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN IRRIGATION PROJECTS

The bill (H. R. 13977) authorizing the Secretary of the Interior to settle claims by agreement arising under operation of Indian irrigation projects was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEALTH REGULATIONS AND SCHOOL ATTENDANCE ON INDIAN RESERVATIONS, ETC.

The bill (H. R. 15523) authorizing representatives of the several States to make certain inspections and to investigate State sanitary and health regulations and school attendance on Indian reservations, Indian tribal lands, and Indian allotments, was considered as in Committee of the Whole.

Mr. KING. Mr. President, I had hoped the Senator from Oklahoma [Mr. PINE] would be here. The committee of which he is a member is now making some investigation of Indian conditions. I will ask the chairman of the Indian Affairs Committee whether this bill, in view of the work of his committee is regarded as necessary?

Mr. FRAZIER. Mr. President, this is a House bill. It was considered by the Senate committee, and the Senate committee is of the opinion that it is a step in the right direction. It allows certain State officials to go in and inspect schools as to their sanitary conditions, health conditions, and so forth. It will be of assistance to the department.

Mr. KING. I have no objection.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DONATION OF CANNON TO PHOENIX, ARIZ.

The bill (S. 5270) to authorize the Secretary of War to donate a bronze cannon to the city of Phoenix, Ariz., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to donate, without expense to the United States, to the city of Phoenix Ariz., a bronze cannon marked as follows: "L'Obstinee ultima ratio regum no 4. Pluribus nec impar a Strassburg par Berenger 1756," now located at Fort Jay, N. Y.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE NEAR SOBOBA INDIAN RESERVATION, CALIF.

The bill (S. 5113) to authorize an appropriation to pay half the cost of a bridge near the Soboba Indian Reservation, Calif., was announced as next in order.

Mr. FRAZIER. Mr. President, the House has passed House bill 15092, which is identical with Senate bill 5113. I ask unanimous consent that the Committee on Indian Affairs be discharged from the consideration of that bill and that it be substituted for the Senate bill and passed.

Mr. KING. Mr. President, I confess to having a deep interest in the Indians. I will ask the Senator whether the Indians living upon this reservation, if there is a reservation, need this bridge—whether they should be charged with it?

Mr. FRAZIER. Oh, yes. The old bridge was washed away by a flood some months ago. There is a hosiptal on this reservation, but it is practically out of business, because during high water the Indians can not get over there and the physicians can not get over there.

Mr. KING. Is this a bridge to be used largely by the white people or by the Indians?

Mr. FRAZIER. Practically entirely by the Indians, so the information which comes to me indicates. I think it is a very worthy bill.

Mr. KING. Very well.

The PRESIDING OFFICER (Mr. FESS in the chair). The Senator from North Dakota asks unanimous consent that the Committee on Indian Affairs be discharged from the further consideration of House bill 15092, and that it be substituted for the Senate bill. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15092) to authorize an appropriation to pay half the cost of a bridge near the Soboba Indian Reservation, Calif.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 5113 will be indefinitely postponed.

ALABAMA AND COUSHATTA INDIANS OF TEXAS

The bill (S. 5519) to authorize the Secretary of the Interior to purchase land for the Alabama and Coushatta Indians of Texas, subject to certain mineral and timber interests, was announced as next in order.

Mr. FRAZIER. Mr. President, the House has passed House bill 16527, which is identical with Senate bill 5519. I ask unanimous consent that the Committee on Indian Affairs be discharged from the consideration of the House bill; that it be substituted for the Senate bill and passed; and that the Senate bill be indefinitely postponed.

The PRESIDING OFFICER. The Senator from North Dakota asks unanimous consent that the Committee on Indian Affairs be discharged from the further consideration of House bill 16527 and that it be substituted for the Senate bill. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16527) to authorize the Secretary of the Interior to purchase land for the Alabama and Coushatta Indians of Texas, subject to certain mineral and timber interests.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGENCY SALARIES OF INDIAN SERVICE

The bill (S. 5563) to repeal that portion of the act of August 24, 1912, imposing a limit on agency salaries of the Indian Service, was announced as next in order.

Mr. FRAZIER. Mr. President, the House has passed House bill 16568, which is identical with Senate bill 5563. I ask unanimous consent that the Committee on Indian Affairs be discharged from the consideration of the House bill; that it be substituted for the Senate bill; and that the Senate bill be indefinitely postponed.

Mr. KING. I have no objection to the substitution; but I desire to ask the Senator, in view of the fact that his committee is now engaged in making a comprehensive study of the Indian question, including a study of the Indians upon the reservations and the dealings of the Indian Bureau with them, whether this legislation is proper.

The Senator knows that statements have been made by the Indian Bureau, when criticisms have been made of their administration and failure to secure adequate results, that all they need is more money and higher salaries. It seems that the Indian Bureau regards as a sine qua non to a proper working out of the Indian problem more employees and higher salaries. This bill seems to be in harmony with that view, and I think we ought to postpone legislation of this kind while the committee is making a comprehensive study of the entire Indian question.

Mr. FRAZIER. Mr. President, this bill would repeal an act that was passed August 24, 1912, limiting the amount to be paid as salaries in Indian agencies. Since that time the conditions have changed on a few reservations materially, especially some of the Oklahoma reservations; and I think the Senator from Oklahoma will bear me out in that statement.

The argument of the Department of the Interior was that it was impossible to take care of the present situation on some of those Oklahoma reservations, especially under the present law, with the present salaries provided.

Mr. KING. Mr. President, I want to say that I think the Indian Bureau—and I am not saying this by way of criticism—has not fully appreciated the grave situation of the Indians of the United States and the responsibilities which rest upon the department. As I have said, they are recommending more employees and larger salaries to meet the evils which are known to exist and to bring the Indians to a proper condition.

I do not think that is the way to meet the situation. We need more intelligent administration of the law, we need to repeal some laws, and to adopt more humane and a better policy in dealing with the Indians than is provided by the law to-day. I am not in favor of this bill until the Committee on Indian Affairs, of which the distinguished Senator from North Dakota is chairman, makes its report.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. THOMAS of Oklahoma. At the present time it costs more than $20,000 a year to operate a number of the agencies. From year to year the Interior Department appropriation bill, in appropriating money, makes the extension, the extension amounting to a practical repeal of this provision of law for the time being.

Inasmuch as Congress violates this law by adding this provision to the appropriation bill from year to year, it is the intent of this measure to permanently repeal that law and fix the limit at fifteen or twenty thousand dollars a year. It has to do only with a practice that is now many years old; it deals with something we are constantly doing in violation of the law; and the law being not applicable and now being violated, the department wants to get rid of it. With that explanation, I think there should be no objection to this measure.

Mr. KING. There is some objection. The point I am making is this—and, of course, it involves no reflection upon my dear friend the Senator from Oklahoma—that the department makes its recommendations as a cure for this Indian problem, which has not been solved, and that increases the salaries and increases the number of employees.

We are not getting at the root of this very serious problem. We are not going to solve the Indian problem, we are not going to do justice to the Indians by hiring more white men and paying larger salaries. It may be necessary to employ more men and pay larger salaries, but in view of the fact that the Senate has directed the committee, after the bureau has fought for

years to prevent it, to make an investigation of the entire problem to see what ought to be done with the Indians and for them and in their behalf for their civilization, for their protection—and that committee is now working—I feel that we can pretermit any legislation of this character until that committee reports. If, when the Senator from North Dakota [Mr. FRAZIER] makes his report as chairman of the committee, it appears that legislation of this kind is necessary, I shall, of course, very cheerfully vote for it. But we have all conceded that the situation needs some remedy, and until the committee reports I shall feel constrained to object.

The PRESIDING OFFICER. On objection, the bill will go over.

UNION SHIPPING & TRADING CO. (LTD.)

The bill (S. 1979) for the relief of the Union Shipping & Trading Co. (Ltd.) was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of the Union Shipping & Trading Co. (Ltd.) against the United States of America for damages alleged to have been caused by a collision on April 25, 1918, near Pauillac, in the Gironde River, France, between the Spanish steamship *Consuelo* (at the time of the collision the British steamship *Reims*) and the American steamship *Berwind*, then in the transport service of the United States War Department, may be sued for by the said Union Shipping & Trading Co. (Ltd.) in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the said Union Shipping & Trading Co. (Ltd.) or against the said Union Shipping & Trading Co. (Ltd.) in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That at the trial of said suit the written report or reports concerning said collision made by the pilot, master, any officer or member of the crew of the steamship *Berwind*, who is not available to testify because he is dead or can not be found, may be admitted in evidence: *Provided further*, That such notice of the said suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN L. JENIFER

The bill (H. R. 2492) to extend the benefits of the United States employees' compensation act of September 7, 1916, to John L. Jenifer, a former employee of the Government Printing Office, Washington, D. C., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE J. ILLICHEVSKY

The bill (H. R. 967) for the relief of George J. Illichevsky was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STORM DAMAGE IN SOUTH CAROLINA

Mr. SMITH. Mr. President, I ask unanimous consent to have a telegram I have received read and incorporated in the RECORD. It is very short.

The PRESIDING OFFICER. The clerk will read.

The Chief Clerk read as follows:

Hon. E. D. SMITH,
United States Senator:

Re tel. Damage to State highways alone by floods of August and September, 1928, estimated at $650,000, and this amount already allotted by State highway commission for making repairs. Damage to other roads probably more than State highway, but no accurate estimates available.

CHAS. H. MOOREFIELD,
State Highway Engineer.

Mr. OVERMAN. Mr. President, I suppose the Senator is contemplating the offering of a measure for the reimbursement of his State for money spent in repairing the roads in his State, under the precedent set yesterday by the Senate in appropriating for other States which have suffered damage.

Mr. SMITH. I am just laying the foundation. At the proper time I shall introduce a measure, hoping that there may be extended to my State the same generosity that has been extended to others that have suffered.

Mr. GLASS. In other words, the Senator from South Carolina did not get his Christmas gift this time, and he wants to get it the next time.

Mr. SMITH. Santa Claus has already passed on, and I did not get an opportunity to get anything in the stocking at all. Therefore I am preparing so that justice may be done all parties suffering.

Mr. GLASS. The Senator means in order that equal injustice may be done.

Mr. SMITH. We will not differ about the terminology if I get the money.

FOREST SERVICE TRAIL-CREW RELIEF

The bill (H. R. 12711) for the relief of certain members of a trail crew employed by the Forest Service was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, to W. A. Coleman, $50; Robert T. Hardin, $59; Roy McGregor, $25; James Innis, $46; Frank Eaton, $56; William Ward, $43; William Kane, $59; and Lowell Palmerton, $45, these respective amounts on account of losses sustained by them when called from their regular duty as members of a trail crew by order of the Forest Service to fight forest fires during July, 1926, in the Coeur d'Alene National Forest.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSIE L. KINSEY

The bill (S. 5326) for the relief of Jessie L. Kinsey was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Jessie L. Kinsey, postmaster at Beach, N. Dak., in the sum of $479.90, due the United States on account of the loss of postal funds resulting from the failure of the First National Bank of Beach, Beach, N. Dak.: *Provided*, That the said Jessie L. Kinsey shall assign to the United States any and all claims she may have to dividends arising from the liquidation of said bank.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES J. HUNT

The bill (H. R. 10327) for the relief of Charles J. Hunt was announced as next in order.

Mr. KING. I would like to have the bill go over for the present.

The PRESIDING OFFICER. The bill will be passed over.

ARMY DISBURSING OFFICERS' ACCOUNTS

The bill (H. R. 7166) to allow credit in the accounts of disbursing officers of the Army of the United States on account of refunds made to purchasers of surplus war supplies was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments.

The first amendment was, on page 2, line 6, to strike out "Capt. H. B. Lovell, Finance Department, $7,912.66," and a semicolon.

Mr. KING. Mr. President, will not the Senator from Pennsylvania explain the bill?

Mr. REED of Pennsylvania. Mr. President, this is a bill which came from the Committee on Claims, but I have examined the report on it, and it seems to be intended to square the accounts of the Comptroller General and those officers who had to do with the sale of surplus war supplies and who made admittedly proper refunds to various purchasers on account of shortages of goods or return of their bid money, but the Comptroller General held they had no authority to do it without a bill being passed.

Mr. McKELLAR. Does the Comptroller General recommend it?

Mr. REED of Pennsylvania. I am not certain of that. I think it appears in the report, however. The details of the various refunds are all given in the report, and the Committee on Claims felt that they were entirely justified. The report from the Comptroller General I see states:

In view of the facts relative to the payments in question, as above set forth, this office will interpose no objection to the legislation proposed by the bill.

The amendment was agreed to.

The next amendment of the committee was, on page 2, line 13, after "$180," to insert a colon and the following proviso: "*Provided*, That any amounts otherwise due to said disbursing officers by reason of refunds of income taxes and which amounts have been credited by the Comptroller General of the United States to disallowances in their accounts with the United States be refunded to them," so as to make the bill read:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the accounts of the disbursing officers of the Army of the United States named herein in the several amounts indicated, representing payments made by direction of local boards of sales control as authorized refundments to purchasers of surplus war supplies for which credit has been disallowed by the General Accounting Office in the audit of their accounts, to wit: Capt. Francis J. Baker, Finance Department, $59,273.11; Lieut. Col. Ward Dabney, Quartermaster Corps, $2,708.04; Capt. E. O. Hopkins, Finance Department, $3,981.40; Capt. P. G. Hoyt, Finance Department, $2,054.13; Capt. M. T. Legg, Finance Department, $17,459.52; Lieut. Col. S. B. McIntyre, Finance Department, $3,039.10; Capt. E. C. Morton, Finance Department, $629.58; Capt. A. J. Maxwell, Finance Department, $601.91; Capt. L. L. Simms, Finance Department, $6,246; Maj. E. B. Spiller, Finance Department, $274.63; Capt. E. W. Wilson, Finance Department, $180: *Provided*, That any amounts otherwise due to said disbursing officers by reason of refunds of income taxes and which amounts have been credited by the Comptroller General of the United States to disallowances in their accounts with the United States be refunded to them.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PENSIONS AND INCREASE OF PENSIONS

The bill (H. R. 16522) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 4, line 18, after the words "rate of," to strike out "$12" and insert "$20," so as to read:

The name of Ida Wilkinson, widow of William H. Wilkinson, late of Company E, First Regiment Ohio Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 9, after line 4, to strike out:

The name of Marie P. Wilson, widow of Maj. William P. Wilson, late of the Ordnance Department, United States Army, Regular Establishment, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, line 18, after the words "rate of," to strike out "$20" and insert "$12," so as to read:

The name of Nancy R. Gibbs, widow of Joseph Z. Gibbs, late of the Ninety-ninth Company, United States Coast Artillery Corps, Regular Establishment, and pay her a pension at the rate of $12 per month and $2 per month additional on account of each minor child of the soldier until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 12, line 15, after the words "rate of," to strike out "$12" and insert "$20," so as to read:

The name of Laurance L. Percy, late of Company L, Fifth Regiment Massachusetts Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 12, line 20, after the words "rate of," to strike out "$20" and insert "$12," so as to read:

The name of Maggie Crecelius, widow of Elmer Crecelius, late of Company C, Twentieth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 13, line 5, after the words "rate of," to strike out "$12" and insert "$20," so as to read:

The name of Arthur Searls, late of Company I, First Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 13, line 8, after the words "rate of," to strike out "$12" and insert "$20," so as to read:

The name of John W. Kahl, late of the Thirtieth Company, United States Signal Corps, war with Spain, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 13, line 24, after the words "rate of," to strike out "$15" and insert "$12," so as to read:

The name of Charles Sabins, late of the Sixth Battery, Iowa Volunteer Light Artillery, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 17, line 7, after the words "rate of," to strike out "$20" and insert "$12," so as to read:

The name of William Darrah E. Shelmire, late of the United States Navy, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 17, after line 18, to strike out:

The name of Vernon L. Johnson, late of Company B, Second Regiment Missouri Volunteer Infantry, war with Spain, and pay him a pension at the rate of $90 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, line 21, after the word "month," to insert "in lieu of that he is now receiving," so as to read:

The name of John G. Heck, late of the Seventy-fifth Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, line 6, after the words "rate of," to strike out "$20" and insert "$30," so as to read:

The name of Susie G. Gambin, widow of Orville L. Gambin, late of the United States Navy, war with Spain, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 19, after line 9, to insert:

The name of Austin T. Rogers, late of Twenty-ninth Battery, United States Field Artillery, and pay him a pension at the rate of $10 per month.

The name of John H. Isiley, late of Company C, of Instruction, General Recruiting Service, Columbus Barracks, Ohio, and pay him a pension at the rate of $10 per month.

The name of Emma Braunlich, widow of Charles Braunlich, late of Troop F, Sixth Regiment United States Cavalry, and pay her a pension at the rate of $12 per month.

The name of Frank Trout, late of One hundred and nineteenth United States Coast Artillery Corps, and Company B, Ninth United States Ammunition Train, and pay him a pension at the rate of $24 per month.

The name of Margaret Shirkley, widow of John A. Shirkley, late of Battery C, Fifth United States Artillery, and pay her a pension at the rate of $12 per month.

The name of George P. Ives, late of Company A, Second Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Charles Bess, late of Company M, Eighteenth United States Infantry, and pay him a pension at the rate of $17 per month.

The name of Arthur H. Egleston, late of Company M, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Marion M. Gray, widow of Hawthorne C. Gray, late of United States Hospital Corps, and captain of Thirty-fourth Regiment United States Infantry, and pay her a pension at the rate of $40 per month and $4 per month for each of three minor children until 16 years of age, to commence May 15, 1928, in lieu of that she is now receiving.

The name of Rudolph Lange, late of Company A, Third Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Roy H. Fisher, late of the One hundred and sixteenth Company, United States Coast Artillery Corps, and pay him a pension the rate of $24 per month in lieu of that he is now receiving.

The name of John Brennan, late of Battery D, Fourth United States Artillery, and pay him a pension at the rate of $20 per month.

The name of Marcellus Red Tomahawk, late of Indian Police Service, Standing Rock Sioux Reservation, detailed to take Sitting Bull at Ghost Dance outbreak in 1890, and pay him a pension at the rate of $20 per month.

The name of Hugh Swifthawk, late of Indian Police Service, Standing Rock Sioux Reservation, detailed to take Sitting Bull at Ghost Dance outbreak in 1890, and pay him a pension at the rate of $20 per month.

The name of Thomas Stoneman, late of Indian Police Service, Standing Rock Sioux Reservation, detailed to take Sitting Bull at Ghost Dance outbreak in 1890, and pay him a pension at the rate of $20 per month.

The name of Eugene Little Soldier, late of Indian Police Service, Standing Rock Sioux Reservation, detailed to take Sitting Bull at Ghost Dance outbreak in 1890, and pay him a pension at the rate of $20 per month.

The name of William Redbear, late of Indian Police Service, Standing Rock Sioux Reservation, detailed to take Sitting Bull at Ghost Dance outbreak in 1890, and pay him a pension at the rate of $20 per month.

The name of Daniel Ojinca (Bobtail Bull), late of Indian Police Service, Standing Rock Sioux Reservation, detailed to take Sitting Bull at Ghost Dance outbreak in 1890, and pay him a pension at the rate of $20 per month.

The name of Leo Bear Weasel, late of Indian Police Service, Standing Rock Sioux Reservation, detailed to take Sitting Bull at Ghost Dance outbreak in 1890, and pay him a pension at the rate of $20 per month.

The name of Gabriel Grayeagle, late of Indian Police Service, Standing Rock Sioux Reservation, detailed to take Sitting Bull at Ghost Dance outbreak in 1890, and pay him a pension at the rate of $20 per month.

The name of Antoine Onefeather, late of Indian Police Service, Standing Rock Sioux Reservation, detailed to take Sitting Bull at Ghost Dance outbreak in 1890, and pay him a pension at the rate of $20 per month.

The name of Joseph Whitebird, late of Indian Police Service, Standing Rock Sioux Reservation, detailed to take Sitting Bull at Ghost Dance outbreak in 1890, and pay him a pension at the rate of $20 per month.

The name of Oliver Looking Elk, sr., late of Indian Police Service, Standing Rock Sioux Reservation, detailed to take Sitting Bull at Ghost Dance outbreak in 1890, and pay him a pension at the rate of $20 per month.

The name of Walcott Shootswalking (or Wakutemani), late of Indian Police Service, Standing Rock Sioux Reservation, detailed to take Sitting Bull at Ghost Dance outbreak in 1890, and pay him a pension at the rate of $20 per month.

The name of Jacob Crossbear, late of Indian Police Service, Standing Rock Sioux Reservation, detailed to take Sitting Bull at Ghost Dance outbreak in 1890, and pay him a pension at the rate of $20 per month.

The name of Joseph Paints Brown, late of Indian Police Service, Standing Rock Sioux Reservation, detailed to take Sitting Bull at Ghost Dance outbreak in 1890, and pay him a pension at the rate of $20 per month.

The name of Mary Brownman, widow of Elias Brownman, late of Indian Police Service, Standing Rock Sioux Reservation, detailed to take Sitting Bull at Ghost Dance outbreak in 1890, and pay her a pension at the rate of $12 per month.

The name of Mary Loneman, widow of John Loneman, late of Indian Police Service, Standing Rock Sioux Reservation, detailed to take Sitting Bull at Ghost Dance outbreak in 1890, and pay her a pension at the rate of $12 per month.

The name of Martina Goodelk, widow of Edward Goodelk, late of Indian Police Service, Standing Rock Sioux Reservation, detailed to take Sitting Bull at Ghost Dance outbreak in 1890, and pay her a pension at the rate of $12 per month.

The name of John H. Sullivan, late chief train master of the Fourth Army Corps, and pay him a pension at the rate of $20 per month.

The name of George Bauman, late of Naval Recruiting Rendezvous, United States Navy, and pay him a pension at the rate of $12 per month.

The name of John A. Bohman, late of Hospital Corps, United States Army, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Marjorie G. Buchanan, widow of Richard B. Buchanan, late of United States Marine Corps, and pay her a pension at the rate of $30 per month, and $4 per month additional for each minor child under 16 years of age, in lieu of that she is now receiving.

The name of Patrick Mahr, late of Ordnance Department, United States Army, and pay him a pension at the rate of $17 per month.

The name of Mary E. Short, widow of Asa Calvin Short, late of Pendleton County Volunteers, Oregon Militia, and pay her a pension at the rate of $12 per month.

The name of Mary A. McClure, widow of Henry L. McClure, late of Company G, Second Regiment Idaho Militia, and pay her a pension at the rate of $12 per month.

The name of Absalom F. Price, late of Company G, Second Regiment Idaho Volunteer Militia, and pay him a pension at the rate of $20 per month.

The name of Andrew J. Smith, late of Company G, Second Regiment Idaho Militia, and pay him a pension at the rate of $20 per month.

The name of Benjamin F. Jackson, late of the One hundred and twenty-sixth Company, United States Coast Artillery, and pay him a pension at the rate of $12 per month.

The name of Henry E. Heppner, late of Capt. F. C. Sell's company, Grant County Home Guards, Oregon Volunteers, and pay him a pension at the rate of $12 per month.

The name of Henry Grant Guild, late of Capt. E. C. Sell's Grant County Home Guards, Oregon Volunteers, and pay him a pension at the rate of $12 per month.

The name of Dorothy Simpson, helpless child of Charles J. Simpson, late of Company K, First District of Columbia Infantry, and pay her a pension at the rate of $20 per month.

The name of Helen F. Lasher, widow of Oren E. Lasher, late of United States Naval Academy, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Blaine E. Davis, late of Company B, Twenty-seventh Regiment United States Infantry, and pay him a pension at the rate of $17 per month.

The name of Allie Porter, widow of Charles J. Porter, late of Troop M, Eighth United States Cavalry, and pay her a pension at the rate of $12 per month, which rate should be withheld to recover $1,032 unlawfully drawn by her from May 4, 1920, to July 4, 1927, in cashing checks due to soldier.

The name of Charles Morse, late of Company A, First Separate Battalion, Colored National Guard Infantry, and pay him a pension at the rate of $8 per month.

The name of Edna Angell, widow of Thomas G. Angell, late of Company F, Twenty-seventh Regiment United States Volunteer Infantry, and pay her a pension at the rate of $20 per month and $30 per month when she attains the age of 60 years.

The name of William H. Blake, late of Battery C, Thirteenth United States Field Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary Carswell, widow of Donald Carswell, late of Company A, Seventh Regiment United States Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ruth K. Calland, helpless child of James B. Calland, late of Company B, First Rhode Island Infantry, and pay her a pension at the rate of $20 per month.

The name of Margarete Weidlich, widow of Robert Weidlich, late of Troop I, Eighth United States Cavalry, and pay her a pension at the rate of $20 per month and $2 per month for each minor child under 16 years of age in lieu of that she is now receiving.

The name of William Hart, late of Troop I, Fourth United States Cavalry, and pay him a pension at the rate of $17 per month.

The name of George F. Wiggins, late of the United States Navy, and pay him a pension at the rate of $12 per month.

The name of Carol B. Hough, late of the United States Navy, and pay him a pension at the rate of $17 per month.

The name of Laura Peterson, helpless child of Eskild C. Peterson, late of Capt. George Tucker's company, Utah Militia Cavalry, and pay her a pension at the rate of $12 per month.

The name of Caleb D. Brenton, late of Capt. Edward Guest's Utah Militia, and Capt. Orson P. Myers's company, Utah Militia, and pay him a pension at the rate of $12 per month.

The name of Nathan A. Barrett, late of Capt. Caleb Hawes's company, Utah Militia, and pay him a pension at the rate of $12 per month.

The name of Marie Myers, widow of George F. Myers, late of Band, Eighth United States Cavalry, and Company D, Eighth United States Infantry, and pay her a pension at the rate of $20 per month.

The name of George F. Kilburn, late of Troop H, Seventh United States Cavalry, and pay him a pension at the rate of $12 per month.

The name of George A. Atkinson, late of United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jacob T. Arrasmith, late of Captain Emmett Wilson's organization of Oregon Volunteers, and pay him a pension at the rate of $12 per month.

The name of Thadeus Cherry, late of Company H, Thirty-first Regiment United States Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Mary Coleman, widow of Patrick Coleman, late of Company K, Nineteenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of Allan H. Browning, late of Troop K, Fourteenth United States Cavalry, and pay him a pension at the rate of $17 per month.

The name of Jackson St. John, late of Battery D, Fourth United States Artillery, and pay him a pension at the rate of $12 per month.

The name of Chalmers A. King, late of Company M, Fiftieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Ethel M. Opper, late of Army Nurse Corps Reserve, and pay her a pension at the rate of $12 per month.

The name of Robert Martin, late of Second Battalion, Fifth United States Field Artillery, and pay him a pension at the rate of $20 per month.

The name of Thomas M. McDonell, late of Company I, First Regiment West Virginia Infantry, and pay him a pension at the rate of $20 per month.

The name of Lester L. Karns, late of Company M, Eighteenth Regiment United States Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Carlotta Padilla De Martinez, widow of Jose M. De Martinez, late of Company D, First Regiment New Mexico Cavalry, and pay her a pension at the rate of $20 per month.

The name of Sarah Farmer, widow of James Farmer, late of Captain Allred's company, Sanpete County Militia, and pay her a pension at the rate of $12 per month.

The name of Cedenia Willis, widow of Merrill E. Willis, late of Capt. John Steel's company, Utah Militia, and Capt. Albert Minnerly's company, Utah Militia Cavalry, and pay her a pension at the rate of $12 per month.

The name of Albert Schrank, late of Company B, Twenty-second Regiment United States Infantry, and pay him a pension at the rate of $20 per month.

The name of Charles L. Shaeffer, late of Company F, Nineteenth Regiment United States Infantry, and pay him a pension at the rate of $20 per month.

The name of James J. Jordan, late of Company A, Seventh Regiment United States Infantry, and pay him a pension at the rate of $20 per month.

The name of Robert J. Chapman, late of Battery A, First Regiment Indiana Field Artillery, and pay him a pension at the rate of $10 per month.

The name of William B. Harrison, late of Medical Department, United States Army, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Porter Conway, late of United States Navy, and pay him a pension at the rate of $12 per month.

The name of Julius Perkins, late of Troop F, Ninth United States Cavalry, and pay him a pension at the rate of $12 per month.

The name of James W. Melton, late of Third Company, United States Coast Artillery, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of William Caspar, late of United States Navy, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Lizzie K. Owens, widow of Walter W. Owens, late of Company H, Ninth Regiment New York Infantry, and pay her a pension at the rate of $20 per month.

The name of Ralph P. Bell, late of Battery C, Sixteenth United States Field Artillery, and pay him a pension at the rate of $12 per month.

The name of Florence J. Frazier, former widow of George E. Crane, late of Battery E, Third United States Artillery, and pay her a pension at the rate of $12 per month.

The name of Annah E. Core, widow of George E. Core, late of Company G, Twelfth Regiment United States Infantry, and pay her a pension at the rate of $20 per month and $30 per month when it is shown she has attained the age of 60 years.

The name of Bertram C. Hayner, late of Company C, Twenty-eighth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Wesley Adcock, late of Capt. J. L. Sperry's Company C, First Regiment, Third Brigade, Pendleton Volunteers of Oregon, and pay him a pension at the rate of $20 per month.

The name of Edmond A. Hart, later of Capt. A. C. Smith's company, Oregon Militia, and pay him a pension at the rate of $12 per month.

The name of Oliver D. Ferguson, late of Capt. John Sperry's company, Umatilla Guards, Oregon Militia, and pay him a pension at the rate of $12 per month.

The name of Max Lilienthal, late of Company H, Second Regiment, United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Frank M. Bowman, late of Capt. James Ewart's company, Washington Volunteers, and pay him a pension at the rate of $12 per month.

The name of Samuel W. Sims, late of Capt. Peter Pence's company, Idaho Volunteers, and pay him a pension at the rate of $12 per month.

The name of Felix Shaser, late of Capt. Sam Packwood's company, Washington Volunteers, and pay him a pension at the rate of $12 per month.

The name of Jacob E. Rego, late of Capt. Sam Packwood's company, Washington Volunteers, and pay him a pension at the rate of $12 per month.

The name of Harry Breese Johnson, late of Company M, Sixteenth Regiment, United States Infantry, and pay him a pension at the rate of $20 per month.

The name of Robert B. Early, late of Battery —, Twenty-second United States Field Artillery, and pay him a pension at the rate of $20 per month.

The name of Walter H. Caswell, late of Company D, First Regiment Washington Infantry, and pay him a pension at the rate of $20 per month.

The name of Annie McKinnie, dependent mother of John Neal, late of Company A, Tenth Regiment United States Infantry, and pay her a pension at the rate of $20 per month.

The name of Andrew C. Weatherstone, late of Company H, Two hundred and third Regiment N. T. Infantry, and Company F, Ninth Regiment United States Infantry, and pay him a pension at the rate of $20 per month.

The name of Samuel H. Anderson, late of quartermaster's department, Seventh Regiment United States Cavalry, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The name of Vance K. Stewart, late of Company G, Twenty-second Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of John P. Classi, late of General Mounted Service, United States Army, and pay him a pension at the rate of $10 per month.

The name of William Nellis, late of Company E, Twenty-eighth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Otto S. Langum, late of Company I, Thirteenth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Harlow Hewett, late of Company F, Second Regiment Nebraska Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Fred Erton, late of Company B, Twenty-ninth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lenore La Hue, widow of Harve La Hue, late of Company H, Twenty-second Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of Henry E. D. Patee, late of United States Navy, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Jessie L. Kilgore, widow of Edward G. Kilgore, late of Capt. O. C. Applegate's company, Oregon Volunteer Militia, and pay her a pension at the rate of $12 per month.

The name of George Myers, late of Battery K, Third Regiment United States Artillery, and pay him a pension at the rate of $17 per month.

The name of John A. Ritter, late of Company B, First Battalion Nevada Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of William M. Sherman, late of Troop A, Eighth Regiment United States Cavalry, and pay him a pension at the rate of $12 per month.

The name of Thomas L. Freeman, late of Troop A, First Regiment United States Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

The name of Georgia Young, widow of William A. Young, late of Company C, Second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Lucy C. Senges, widow of William H. Senges, late second lieutenant, Air Corps Reserve, and pay her a pension at the rate of $24 per month and $4 per month additional for each minor child under 16 years of age.

The name of Bertha H. Barnes, widow of Charles Erskine Barnes, late of Company F, Twenty-seventh Regiment United States Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Louis P. Mosseau, late Indian scout, United States Army, and pay him a pension at the rate of $12 per month.

The name of Clara J. Gillespie, dependent mother of Edward D. Gillespie, late of Battery D, Fifth Regiment United States Field Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary Anna Cooper, widow of Alva C. Cooper, late of Company D, Twenty-second Regiment United States Infantry, and pay her a pension at the rate of $20 per month.

The name of James A. McKinley, late of Company D, Fortieth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Mary R. Gehlbach, widow of William C. Gehlbach, late of the Seventy-third Company, United States Coast Artillery Corps, and pay her a pension at the rate of $12 per month and $2 additional per month for each minor child under 16 years of age.

The name of George Peirce, late of Capt. William Bierbauer's company, Mankato Riflemen, Minnesota State Militia, and pay him a pension at the rate of $20 per month.

The name of Lewis J. Kenney, late of Company B, Eighth Regiment United States Infantry, and pay him a pension at the rate of $20 per month.

The name of George W. Smith, late of Capt. Sam Packwood's company, Washington Volunteers in 1877 and 1878, and pay him a pension at the rate of $12 per month.

The name of Marietta K. Johnson, widow of William E. Johnson, late of Company A, Second Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of John R. Gilbert, late of Capt. Orlando Robbins's Company A, Idaho Volunteers, Capt. H. J. Maxon's company of Volunteers, Idaho Home Guards, and pay him a pension at the rate of $12 per month.

The name of James C. Virdin, late of Troop A, Second Regiment United States Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The name of Fredrik S. Ross, late of United States Navy, and pay him a pension at the rate of $12 per month.

The name of John G. Brickel, late of Company A, Twenty-first United States Infantry, and pay him a pension at the rate of $20 per month.

Mr. SHIPSTEAD. Mr. President, I propose an amendment on page 33, line 17, in the committee amendment in the item for Samuel H. Anderson. After the words "rate of," I move to strike out "$25" and insert "$30."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LOYAL SHAWNEE INDIAN TREATY

The bill (S. 5127) to carry into effect the twelfth article of the treaty between the United States and the Loyal Shawnee Indians, proclaimed October 14, 1868, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 2, line 11, to strike out "20" and insert "10"; and on the same page, line 19, to strike out all after the word "State" down to the period in line 22, as follows: "and which receipt, release, and relinquishment shall be approved by the Commissioner of Indian Affairs and the Secretary of the Interior and which shall be binding when executed and approved on all parties thereto," so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $109,746.25, and the Secretary of the Treasury be, and he is hereby, authorized and directed to pay said sum to the Indians of the Loyal Shawnee Tribe, their heirs, or legal representatives, in accordance with the official findings, arbitration award, and report of the Secretary of the Interior to Congress made in pursuance of the twelfth article of the treaty between the United States and the Loyal Shawnee Indians, proclaimed October 14, 1868 (15 Stat. L. 513); which claims are similar to but not included with those of the Shawnee Indians for whom an appropriation was made by act of December 22, 1927 (Public, No. 2, 70th Cong., 1st sess.): *Provided*, That out of said sum there shall be paid to the duly authorized attorney for said Indians, as evidenced by contracts executed by said Indian claimants or their then living heirs, during the years 1903, 1904, and 1905, 10 per cent of the above amount in full satisfaction of such contract or contracts: *And provided further*, That before payment of the amount hereby authorized to be appropriated the Indian beneficiaries or their legal representatives entitled to said awards shall execute in writing a receipt, release, and relinquishment of any and all claims arising under the twelfth article of said treaty which they may have against the United States.

A committee of five male adult members of the Loyal Shawnee Tribe, to be selected under the direction of the Commissioner of Indian Affairs, with its headquarters at Vinita, Okla., shall execute a release on behalf of all beneficiaries having no legal representatives.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KANSAS OR KAW TRIBE OF INDIANS

The bill (H. R. 8901) to amend and further extend the benefits of the act approved March 3, 1925, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes," was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHEROKEE, SEMINOLE, CREEK, CHOCTAW, AND CHICKASAW INDIAN SUITS

The joint resolution (H. J. Res. 343) authorizing an extension of time within which suits may be instituted on behalf of the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to June 30, 1930, and for other purposes, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COOS AND OTHER INDIANS

The bill (H. R. 13692) authorizing the Coos (Kowes) Bay, Lower Umpqua (Kalawatset), and Siuslaw Tribes of Indians of the State of Oregon to present their claims to the Court of Claims was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND RESOLUTION PASSED OVER

The bill (H. R. 4084) for the relief of the persons suffering loss on account of the Lawton, Okla., fire, 1917, was announced as next in order.

Mr. PHIPPS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 5769) to authorize the consolidation and coordination of Government purchases, to enlarge the functions of the General Supply Committee, and for other purposes, was announced as in order.

Mr. KING. I would like to have an explanation of the bill. It is a very long measure. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 12203) to authorize the designation and bonding of persons to act for disbursing officers and others charged with the disbursement of public money of the United States was announced as next in order.

Mr. SACKETT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1688) for the relief of Gabriel Roth was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 16422) making appropriations for the government of the District of Columbia, and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes.

The PRESIDING OFFICER. The bill will go over.

The resolution (S. Res. 258) directing the Federal Trade Commission to reinstate the complaint against the Continental Baking Corporation was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

CIVIL SERVICE RETIREMENT

The bill (H. R. 13565) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved July 3, 1926, was announced as next in order.

Mr. BLEASE. Let that go over.

Mr. DALE. Mr. President, will not the Senator withhold his objection for a moment?

Mr. BLEASE. Certainly.

Mr. DALE. I would like to say, in explanation of this bill, that it carries no appropriation whatever, and places nobody on the rolls. Under the retirement act a person in the service should apply for retention in the service 30 days before he reaches retirement age. Most of the men affected by this bill were employed in the office of the Architect of the Capitol, and there was a question as to whether they came within the purview of the act, and therefore they did not make application for retirement. It was later decided that these employees came within the intended scope of the act, but their positions now on the roll are irregular because of the date of retirement having passed. This simply gives the Civil Service Commission authority to examine into the conditions as to those men, and if they find that they were passed over in error, to allow them to be retained in the service. They are in the service and are drawing their salaries. This would simply rectify a technical wrong under the law.

Mr. BLEASE. I have no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROMOTION OF NAVAL OFFICERS

The bill (H. R. 14039) to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes, was announced as next in order.

Mr. KING. That may go over.

The PRESIDING OFFICER. The bill will be passed over.

MERGER OF DISTRICT STREET RAILWAYS

The joint resolution (S. J. Res. 208) to authorize the merger of the street railway corporations operating in the District of Columbia, and for other purposes, was announced as next in order.

Mr. McKELLAR. Over.

Mr. CAPPER. Mr. President, I wish to say as to the merger joint resolution that I hope to get a preferred status for it at an early date so that we may have ample opportunity for its discussion. It is a very important matter to the people of the District of Columbia.

The PRESIDING OFFICER. On objection, the joint resolution will be passed over.

COLORADO-NEBRASKA-WYOMING COMPACTS

The bill (S. 5573) granting the consent of Congress to compacts or agreements between the States of Colorado, Nebraska, and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the States of Colorado, Nebraska, and Wyoming to negotiate and enter into compacts or agreements providing for an equitable division and apportionment between such States of the water supply of the North Platte River and of the streams tributary thereto and of other streams in which such States are jointly interested.

SEC. 2. Such consent is given upon condition that a representative of the United States, to be appointed by the President, shall participate in the negotiations and shall make report to Congress of the proceedings and of any compact or agreement entered into.

SEC. 3. No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

SEC. 4. The right to alter, amend, or repeal this act is herewith expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CUARTEL LOT, MONTEREY, CALIF.

The bill (H. R. 12347) granting all right, title, and interest of the United States to the piece or parcel of land known as the Cuartel lot to the city of Monterey, Calif., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That all the right, title, and interest of the United States in the piece or parcel of land known as the Cuartel lot, situated in the city of Monterey, State of California, is hereby granted for municipal purposes to the said city of Monterey as the successor in interest of the Mexican Government.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIMAN GEOGRAPHIC CODE

The bill (S. 5722) to provide for the purchase of the use of the Harriman Geographic Code System was announced as next in order.

Mr. REED of Pennsylvania. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PULASKI SESQUICENTENNIAL COMMISSION

The joint resolution (H. J. Res. 304) providing for the observance and commemoration of the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski, and establishing a commission to be known as the United States Pulaski sesquicentennial commission, was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That there is hereby established a commission to be known as the United States Pulaski sesquicentennial commission (hereinafter referred to as the commission) and to be composed of five commissioners, as follows: One person to be appointed by the President of the United States, two Senators by the President of the Senate, and two Members of the House of Representatives by the Speaker of the House of Representatives. Any vacancy in the office of a commissioner shall be filled in the same manner as the original appointment. The commissioners shall serve without compensation therefor from the United States. The commission shall select a chairman from among its members.

SEC. 2. The commission is authorized to arrange in cooperation with any organization or society without cost to the United States an appropriate observance and commemoration to take place in the month of October, 1929, of the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski, and to participate, on behalf of the United States, in such manner as it deems advisable, in any other observance or celebration of such anniversary which may be held in the United States during the year 1929.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STATUE OF MAJ. GEN. GEORGE W. GOETHALS

The bill (S. 4964) to authorize the erection of a suitable statue of Maj. Gen. George W. Goethals within the Canal Zone was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the President of the United States is authorized, through such person or persons as he may designate, to select an appropriate site within the Canal Zone and to cause to be erected thereon a suitable statue of heroic size of Maj. Gen. George W. Goethals in commemoration of his signally distinguished services in connection with the construction and operation of the Panama Canal.

SEC. 2. The design and location of such statue and the plan for the development of the site shall be submitted to the Commission of Fine Arts for advisory assistance.

SEC. 3. There is hereby authorized to be appropriated a sum not to exceed $100,000 for every object connected with the purposes of this act, including site development and any essential approach work.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH ROBINS PENNELL

A joint resolution (S. J. Res. 58) to relieve Elizabeth Robins Pennell from necessity of providing a surety on her bond for the benefit of the United States as residuary legatee and remainderman under the will of Joseph Pennell, was considered as in Committee of the Whole and was read, as follows:

Whereas Joseph Pennell, of Philadelphia, Pa., by his will dated January 7, 1919, and a codicil thereto dated September 29, 1924, gave the residue of his estate to his wife, Elizabeth Robins Pennell, for life, and upon her death to the United States of America, for the division of prints of the Library of Congress, to be administered by the proper officers thereof upon the terms and conditions in his said will provided; and

Whereas the said Joseph Pennell died April 23, 1926, and Elizabeth Robins Pennell, executrix, filed her account of decedent's estate in the office of the register of wills of Philadelphia County, Pa., and the same was adjudicated and confirmed absolutely by the orphans' court of the said county on the 6th day of May, 1927, and the balance shown by said account awarded to Elizabeth Robins Pennell, to be held as directed by decedent's will, upon the entry of security by her in the sum of $400,000, under section 23 of the fiduciaries act of Pennsylvania; and

Whereas the premium on a surety bond would have to be paid out of the income of decedent's estate and thereby greatly reduce the income which the said Elizabeth Robins Pennell would receive during her life; and

Whereas the said Elizabeth Robins Pennell has requested Congress to take such action as may relieve her from the necessity of providing a surety on her bond (so conditioned): Therefore be it

Resolved, etc., That the United States of America hereby waives any claim for security from the said Elizabeth Robins Pennell other than her own bond, for its benefit as residuary legatee and remainderman under the will of the said Joseph Pennell, and it is declared to be the opinion of Congress that such personal bond without surety would, if approved by the orphans' court of Philadelphia County adequately secure the interests of the United States under section 23 of the fiduciaries act of Pennsylvania.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

BILL INDEFINITELY POSTPONED

The bill (H. R. 11800) to establish a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the Battle of Rhode Island was announced as next in order.

The PRESIDING OFFICER. The bill should be indefinitely postponed on the ground that the date of the observance has already passed. Without objection, the bill will be indefinitely postponed.

VOCATIONAL REHABILITATION

The bill (H. R. 13251) to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes, was considered as in Committee of the Whole and was read. The bill had been reported from the Committee on Education and Labor with an amendment.

Mr. BINGHAM. Mr. President, I should like to have the chairman of the Committee on Education and Labor explain the bill. I have been told that the bill establishes a new precedent; that it would be used as an entering wedge for a system which would later be applied to the States. I am to-day informed that that is not correct, but that we are merely doing for the District of Columbia what we have already done for the States. Which is correct?

Mr. COUZENS. Mr. President, I desire to read from the hearings before the Committee on Education of the House of Representatives, page 2, from a statement of Hon. JOHN W. SUMMERS, a Representative in Congress from the State of Washington:

Mr. Chairman and members of the committee, this bill is very similar to the Federal vocational rehabilitation act which was passed by Congress and became a law in June, 1920. Under that act we are cooperating with 41 States of the Union in the rehabilitation of those who are injured in industry or in public accidents or who are congenitally or from disease disabled.

Very extensive hearings were held in the House. The report is very exhaustive as to the merits of the bill. It does no more for the District than has already been done in 41 States. The report indicates that it is a very meritorious bill. I do not want to take the time of the Senate to go through the entire report, but I think Senators who will read the report will be satisfied that it is a very meritorious bill and should be passed.

Mr. BINGHAM. I know that the Senator from Utah [Mr. SMOOT], who is absent from the Chamber at this time, is opposed to the bill, but I think he is laboring under the same impression that I was, that it would establish a new form of Federal aid. With the understanding that what the chairman of the Committee on Education and Labor has now stated is correct, that there is nothing new about it and that it merely does for the District what we are doing for the States, I have no objection.

The PRESIDING OFFICER. The committee amendment will be stated.

The CHIEF CLERK. On page 3, line 12, after the word "year," strike out "except that for the fiscal year ending June 30, 1929, there is authorized to be appropriated the sum of $12,000, of which not more than $6,000 shall be expended for salaries," so as to make the section read:

SEC. 6. For the purpose of carrying out the provisions of this act there is authorized to be appropriated to the Federal Board for Vocational Education a sum not to exceed $15,000 for each fiscal year: *Provided*, That no such appropriations of Federal funds shall be available for expenditure except when matched by equal appropriations of District of Columbia funds which are hereby authorized.

The amendment was agreed to.

Mr. COUZENS. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, line 3, strike out "1928" and insert "1929," and on page 2, line 2, strike out the word "vocation" and insert the word "vocational," so as to make the bill read:

Be it enacted, etc., That on and after July 1, 1929, the Federal Board for Vocational Education is authorized and directed to provide for the vocational rehabilitation and return to employment of any disabled resident of the District of Columbia.

SEC. 2. For the purposes of this act (1) the term "disabled resident of the District of Columbia" means any bona fide resident in the District of Columbia who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury, or disease, is or may be expected to become totally or partially incapacitated for remunerative occupation; and (2) the term "vocational rehabilitation" means the rendering of any such disabled resident fit to engage in a remunerative occupation.

SEC. 3. (a) The United States Public Health Service is authorized and directed to cooperate with the Federal Board for Vocational Education in carrying out the provisions of this act, and the board may, in carrying out such provisions, obtain the cooperation of (1) any other establishment in the executive branch of the Government; (2) any department or agency of the government of the District of Columbia; (3) any State, Territory, or political subdivision thereof; or (4) any private agency or person.

(b) The Federal Board for Vocational Education and the United States Employees' Compensation Commission are authorized and directed to formulate a plan of cooperation for the vocational rehabilitation of civil employees of the United States disabled while in the performance of duty and who reside in the District of Columbia, and such board may, in carrying out the provisions of this act, in so far as it applies to such civil employees, carry out such plan.

SEC. 4. The board is authorized to prescribe such rules and regulations as may be necessary or appropriate to carry out the provisions of this act.

SEC. 5. The Federal Board for Vocational Education is authorized to make such expenditures (including expenditures for personal services at the seat of government and elsewhere, for printing and binding, for traveling and subsistence expenses, for the payment of tuition to schools, for the compensation of tutors, for the purchase of prosthetic appliances and instructional supplies and equipment, and for the payment of necessary expenses of persons undergoing vocational rehabilitation) as may be necessary to carry out the provisions of this act.

SEC. 6. For the purpose of carrying out the provisions of this act there is authorized to be appropriated to the Federal Board for Vocational Education a sum not to exceed $15,000 for each fiscal year: *Provided*, That no such appropriations of Federal funds shall be available for expenditure except when matched by equal appropriations of District of Columbia funds which are hereby authorized.

SEC. 7. The board shall submit to Congress on or before the first day of each regular session a report of all rehabilitation service provided and of all expenditures made under this act during the preceding fiscal year.

Mr. KING. Mr. President, I would like to ask the Senator from Michigan if the so-called vocational rehabilitation act is to remain a statute forever? In other words, is there no limitation on the law itself?

Mr. COUZENS. The Federal Vocational Board has been doing excellent work. There is no time limit in the law. It is not confined to any particular group of disabled persons but is a system for the rehabilitation of those who are crippled or sick, thus taking them off the charity rolls and making them useful citizens. It has cost the Government and the country much less under the system since the rehabilitation law was enacted than it did before when they were on charity.

Mr. KING. To what extent are the States cooperating with the Federal Government?

Mr. COUZENS. I have not the details here, but if the Senator cares to have me go through the House hearings I think I could demonstrate to him by the experiences there stated from Buffalo and other cities that it has been a great public advantage.

Mr. KING. I do not care to have the Senator take the time to do that now. I know that before this law was enacted many States were caring for those who needed vocational rehabilitation, and I was wondering whether the Federal Government was to continue in this cooperative activity.

Mr. COUZENS. It is largely an educational system, the same as with reference to agriculture or any other activity.

Mr. WATERMAN. Mr. President, may I ask how the expense with reference to this matter is charged; whether against the District or against the Government?

Mr. COUZENS. It is against the Government.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Michigan.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BERTHA HANSON

The bill (S. 5361) for the relief of Bertha Hanson was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Bertha Hanson, widow of George M. Hanson, late American Consul at Colon, Panama, the sum of $4,500, being one year's salary of her deceased husband, who died while in the Foreign Service; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sufficient sum to carry out the purpose of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXPLORATION OF ARCTIC REGIONS BY AIRSHIP

The joint resolution (H. J. Res. 153) for the contribution of the United States in the plans of the organization of the International Society for the Exploration of the Arctic Regions by Means of the Airship was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That, in compliance with the recommendation of the President contained in his message of January 4, 1928, printed as House Document No. 133, Seventieth Congress, first session, an annual appropriation for five years of $300 is hereby authorized as the contribution of the United States in the plans of the organization of the International Society for the Exploration of the Arctic Regions by Means of the Airship for the establishment of geophysical observations in the inner Arctic regions.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 4800) to amend section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, was announced as next in order.

Mr. COPELAND. Mr. President, I presume that the bill has merit, but I desire to give it some study before it is passed by the Senate. I ask, therefore, that it may go over.

The PRESIDING OFFICER. The bill will be passed over.

LANDS IN FAULKNER COUNTY, ARK.

The bill (H. R. 12322) to quiet title and possession with respect to certain lands in Faulkner County, Ark., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That all right, title, and interest of the United States in and to the lands situated in Faulkner County, Ark., described as follows: The northwest quarter of the northwest quarter, section 11, township 5 north of the base line, range 11 west, fifth principal meridian, containing 40 acres more or less, be, and the same are hereby, released and relinquished by the United States to the respective owner or owners of the equitable title and to their heirs and assigns.

SEC. 2. Nothing in this act shall in any manner abridge, divest, impair, injure, or prejudice any valid right, title, or interest of any person or persons in or to any portion or part of the lands mentioned in the said first section, the true intent of this act being to relinquish and abandon, grant, give, and concede any and all right, interest, and estate, in law or equity, which the United States is or is supposed to be entitled to in said lands, in favor of all persons, estates, firms, or corporations who would be the true and lawful owners of the same under the laws of the State of Arkansas, including the laws of prescription in the absence of the said interest and estate of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HERSCHEL PAUL COOK

The bill (H. R. 10015) authorizing the promotion on the retired list of the Navy of Herschel Paul Cook, lieutenant (junior grade), was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to promote as of June 3, 1922, to the rank of lieutenant (retired), Herschel Paul Cook, now lieutenant (junior grade) (retired), without any deduction for pay made such officer while on the active list subsequent to that date. That hereafter the pay of this officer while on the retired list shall be computed as if he had been retired in the rank of lieutenant (senior grade) June 3, 1922: *Provided*, That no back pay or allowances shall accrue prior to the passage of this act.

Mr. KING. Mr. President, I should like to have an explanation of the bill. We have a general law for promotions. Why a special act?

Mr. WATERMAN. Mr. President, Mr. Cook was appointed a midshipman in the Navy on July 8, 1915, and was commissioned an ensign on June 7, 1918. He was promoted to the rank of lieutenant (junior grade) (temporary), from September 21, 1918, and permanently commissioned a lieutenant (junior grade) from July 1, 1920. On September 6, 1923, Mr. Cook was transferred to the retired list of the Navy by reason of chronic pulmonary tuberculosis incurred in the line of duty.

The reason for offering the bill is that when he came up for examination or was due for examination for promotion he was ill with tuberculosis in the hospital and could not attend, and therefore by reason of that fact he did not receive the promotion. The bill gives him the promotion to which he would have been entitled had he not been too ill to take the examination.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD ELLSBERG, HENRY HARTLEY, AND RICHARD E. HAWES

The bill (H. R. 13795) for recognition of meritorious service performed by Lieut. Commander Edward Ellsberg, Lieut. Henry Hartley, and Boatswain Richard E. Hawes was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 11, to strike out the word "ship" and insert in lieu thereof the words "ships *S–4* and *S–5*," so as to make the bill read:

Be it enacted, etc., That the President of the United States be, and is hereby, authorized to appoint Edward Ellsberg, now a naval constructor with the rank of lieutenant commander in the Naval Reserve, a naval constructor with the rank of commander in the Naval Reserve; and Chief Boatswain R. E. Hawes, United States Navy, an ensign in the Navy; and to advance Lieut. Henry Hartley, United States Navy, 35 numbers on the list of lieutenants of the Navy, in recognition of their services in the salvage of the U. S. S. *S–4* and *S–51*.

SEC. 2. That these officers shall be additional numbers in the grades to which or in which they are hereby advanced, and in any to which they may hereafter be promoted.

The amendment was agreed to.

Mr. REED of Pennsylvania. Mr. President, I would like to have an explanation of the bill. The idea seems to be that because a cadet stood high in his class at Annapolis he should now be promoted by an act of Congress.

Mr. WATERMAN. I shall be glad to give the Senator an explanation.

The young man Ellsberg—I can not speak so definitely for the others as for him—entered the Annapolis Academy about 20 years ago as a Colorado boy. He led his class for four years in that institution, was promoted from time to time in the service, and served during the war. He has become, so it is said, and has been characterized as the Lindbergh of the submarine service of the country. The list of his accomplishments which appears in the House report, at page 3, is an extended one.

After a while, I think about 1920, he retired from the Navy voluntarily. He did all the work that related to the foundered *S–51* and received for that service a medal. I do not know what medal it was, but he received a medal. At the time the *S–4* went down he was in private life. He volunteered his services to his Government. He was called to New York and was sent to the scene of the sunken submarine. He took charge of the undersea work. He put on a diver's suit and went down and was the only man that ever brought forth a verbal picture of the situation of that submarine as she lay on the bottom of the sea. For that service he was written a letter by the Secretary of the Navy in the most commendatory terms.

There seems to be no objection to the bill anywhere except I think that there was an objection from the Navy Department to this designation, but the designation is merely promoting him in the reserve from lieutenant commander to commander. There was also an objection on the ground that he had had the distinguished-service medal on account of his work in connection with the *S–51*. Therefore the bill was amended by the committee to embrace his services in connection with the *S–4*.

Mr. REED of Pennsylvania. In view of the explanation of the Senator from Colorado and the statement in the later pages of the report, I agree with the committee that the bill is entirely meritorious, and that Commander Ellsberg ought to be promoted. But I suggest that the man who wrote the report ought to be demoted, because Senators have to read through about 16 pages before we find why the bill is recommended.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISBURSING ACCOUNTS OF ARMY OFFICERS, ETC.

The bill (H. R. 4258) to authorize credit in the disbursing accounts of certain officers of the Army of the United States and for the settlement of individual claims approved by the War Department was considered as in the Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments.

Mr. KING. Mr. President, I should like to have a brief explanation of the reason for the bill.

Mr. REED of Pennsylvania. The bill came from the Committee on Claims and was reported by the Senator from Alabama [Mr. BLACK]. He can doubtless explain to the Senator from Utah.

Mr. KING. I shall be glad if the Senator will do so.

Mr. BLACK. Mr. President, this is one of a series of four bills taking up various technical charges which have been

placed against the accounts of Army officers. We have examined them at great length. I have examined them several times and taken them up with the committee. We agreed with the report of the Comptroller General except in two or three minor instances.

The amendments which have been made reduce the amount. I should be glad if there is any question about any particular item to go into the matter, but the items are so numerous that I do not think it would be wise to cover all of them.

Mr. KING. I find, for instance, on page 4 of the bill that Lieut. Roy Wiedersum is to receive $3,386.54. Will the Senator from Alabama explain the reason for that?

Mr. BLACK. I shall do so in just a moment.

Mr. KING. Then Edward F. Becken is to get $1,450 for damages sustained to his property. I also note in the conluding paragraph of the bill that $2,741.50 was expended by Lieutenant Wiedersum for medical treatment. I am wondering if, being in the service, he did not receive medical treatment and hospitalization at the hands of the Government?

Mr. BLACK. Here is what the report in reference to Wiedersum's case states:

Wiedersum, Roy, first lieutenant, Air Corps Reserve, United States Army: Lieutenant Wiedersum says that on April 5, 1925, he, as a reserve officer and pilot, was assigned a Curtiss airplane, *J. N. 4–H*, by the authorities of Mitchel Field, N. Y., for the purpose of making a practice flight in Government aircraft. That thereupon, with Pvt. Ralph Hyslop, United States Army, as passenger, he took off the ground with said plane from Mitchel Field, and after arriving at an altitude of from 250 to 350 feet he could no longer control said plane, and said plane fell out of control from above-mentioned altitude, striking the earth, causing serious injury to himself and passenger.

That as a result of the fall and accident above described he received severe injuries to the feet, legs, left arm, ribs, face, and body, which injuries are described in detail in the affidavits of the doctors. He was confined in bed at the Nassau Hospital for three months, namely, from April 5, 1925, to June 27, 1925, and to his home for six months, namely, from June 27, 1925, to January 1, 1926. That upon becoming a patient in said hospital his left arm and left leg were suspended by means of a Balkan frame, pulleys, and weights. His left leg was suspended as above mentioned for many weeks. His left arm was suspended for the entire period he was confined to hospital and both feet and legs incased in plaster casts for the greater part of the period he was detained in said hospital. That during the period at home, mentioned above, he was confined to bed and a wheel chair for many weeks. Thereafter he required crutches until January 1, 1926, at which later date he was able to walk with the aid of two canes. He has suffered permanent injuries to the feet and ankles, including a shortage of the right leg of about 1 inch, which causes him to walk lame and with a defective gait. He at present also suffers from headaches, backaches, and intense pain in the legs, ankles, and feet.

Under section 6 of the act approved June 3, 1924 (Public, 1826, 68th Cong.) Lieutenant Wiedersum is entitled to all pay and allowances from April 5, 1925, date of injury, to June 27, 1925, date of transportation to his home, amounting to $645.24, and to reimbursement for amounts expended by him for medical and hospital treatment during the same periods, amounting to $2,741.50, which have been approved in the sum of $3,386.74.

The PRESIDING OFFICER. The amendments of the Committee on Claims to the bill will be stated.

The first amendment was, on page 2, line 4, after the words "Quartermaster Corps," to strike out "$150" and to insert "$99.85"; in the same line, after "$150," to strike out the words "Capt. E. W. Wilson, Finance Department, $150"; in line 5, after the words "Finance Department," to strike out "$150" and to insert "$99.85"; in line 7, after the words "Finance Department," to strike out "$150" and to insert "$99.85"; and in line 8, after the words "Finance Department," to strike out "$150" and insert "$99.85," so as to make the clause read:

First Lieut. J. P. Tillman, Quartermaster Corps, $99.85; Maj. H. E. Pace, Finance Department, $99.85; Lieut. Col. S. B. McIntyre, Finance Department, $99.85; and Capt. R. G. Jenks, Finance Department, $99.85, on account of payments of reenlistment allowance made by them to one Tom F. Nicholson on fraudulent vouchers: *Provided*, That the officers certifying as to the correctness of the service of the soldier and the vouchers on which these payments were made shall be relieved of all responsibility in connection therewith.

The amendment was agreed to.

The next amendment was, on page 3, line 8, after the words "Finance Department," to strike out "$22.10" and to insert "$12.90," so as to make the clause read:

Capt. L. V. Houston, Finance Department, $12.90, representing overpayments to citizens' military training camp students on account of travel pay to and from camp.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CARY DAWSON

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5221) for the relief of Cary Dawson, which was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the settlement of the accounts of Cary Dawson, regional disbursing officer, special disbursing agent, United States Veterans' Bureau, Cincinnati, in the sum of $330 for restoration of the premises which were occupied by the United States Veterans' Bureau on the fourth floor of the Cleveland Life Building, Evansville, Ind.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DR. STANLEY R. TEACHOUT

The bill (H. R. 4776) for the relief of Dr. Stanley R. Teachout was announced as next in order.

Mr. REED of Pennsylvania. I ask that that bill go over.

Mr. McKELLAR. Mr. President, will the Senator withhold his objection until I can make a statement relative to the bill?

Mr. REED of Pennsylvania. Yes.

Mr. McKELLAR. The facts in this particular case are these: The War Risk Insurance Bureau rented from Doctor Teachout up to 1925, so long as that bureau was in existence, one of his buildings in Nashville. When the present Veterans' Bureau took its place in 1925 it desired to continue the contract, and at the same time to rent a very large house next to that building. In order to get the space it wanted it desired certain changes made, and the official who had the matter in charge in the bureau here went down to Nashville, made a contract with that Doctor Teachout under which he was to spend $26,600 in rearranging those two buildings in accordance with plans and specifications of the bureau and its architect.

The representative of the bureau agreed that the Government would rent the building for five years. At that time it was very difficult to get space in Nashville, and this official told Doctor Teachout that, while the bureau could not rent except for one year, it would rent the building year by year for five years, provided the improvements were made. Doctor Teachout put up the money, rebuilt the buildings, and nine months afterwards, without the slightest explanation, without any regard to its agreement, when there was a better office building, perhaps a new office building, erected in Nashville, the bureau threw up its contract and rented space in the new building.

A claim was made for reimbursement by Doctor Teachout. The chief of the Veterans' Bureau, General Hines, thought it was absolutely right that the claim should be paid. He tried to get authority from the Comptroller General to do so; he took it up with the Budget Bureau, and asked to be permitted to pay it out of certain funds that he had; but it was finally decided that it could not be done in that way. General Hines states in the record that it is a perfectly proper claim against the Government.

The bill was then introduced in the House of Representatives and passed there. There is an elaborate report here accompanying it. The bill has been reported out by the Committee on Claims. It seems that a number of claims exactly like this, or very nearly like it, have already been considered by the committee, reported out, and passed. I, therefore, hope that the Senator from Pennsylvania will not object, but will let the bill pass.

Mr. REED of Pennsylvania. Mr. President, how about the suggestion in the letter of the Veterans' Bureau that the matter be submitted to the Comptroller General in accordance with the House bill which is mentioned?

Mr. McKELLAR. That has been done. It will be found in the record that General Hines himself took the case to the Comptroller General and tried to arrange so that he might pay the claim out of certain funds that he had, but it could not be done in that way. So a bill for the purpose had to be passed by Congress.

Mr. REED of Pennsylvania. The only letter I find from General Hines in the report is the one suggesting that the matter should be submitted to the Comptroller General.

Mr. McKELLAR. In the affidavit it is shown that General Hines afterwards took the matter up with Comptroller General McCarl and asked for authority to pay it out of funds that he had, but Comptroller General McCarl would not pass it in that way, and said it would require an act of Congress.

Mr. REED of Pennsylvania. What is the good of our putting a 1-year limitation on the bureau's leases if we have to pay by a special bill additional amounts based on a 5-year expectation?

Mr. McKELLAR. In answer to the Senator, I should say that I think this is an illustration of the absolute necessity of putting some limitation on governmental officers who cause men to spend their money in preparing offices in this way and then disregard the contract of the Government.

Mr. REED of Pennsylvania. I agree with that. A district manager of the Veterans' Bureau has no authority to make any lease at all, and yet we are being asked to pay out $22,000 under a contract which was made.

Mr. McKELLAR. Yes; this officer had authority to make the lease; he was sent down there from Washington for the purpose of making the lease. When he got down there he could find no suitable place except this, and before he would lease this property he required that $26,000 of improvements be made, in accordance with the plans and specifications provided by the architect of the bureau.

Mr. REED of Pennsylvania. I can appreciate that if we shall not pass the bill it will be very hard on the owner of the property, while if we shall pass it it will be very hard on the Government. However, I will not object.

Mr. KING. Mr. President, I want to make one observation. I think that the member of the Finance Committee who is the chairman of the subcommittee which considers these matters ought to challenge the attention of the Veterans' Bureau to the present situation. I know in my State and other places where I have been the Veterans' Bureau rents expensive buildings for its activities. There is no reason why they should go to the extent of establishing themselves in the most costly quarters that can be found. I think that the Veterans' Bureau has been too prodigal in the expenditure of money for overhead. I am in favor of giving all that is necessary to those who were injured, but I think perhaps the Veterans' Bureau is censurable for its tendency to lease expensive buildings. This case is an illustration. After they have gone to the expense or trouble of having a new building prepared, without any reason they end the contract and abandon it.

Mr. JONES. Mr. President, I desire to say in justice to the Veterans' Bureau that, so far as my information is concerned, in the city of Seattle they do not rent an expensive building by any means. As a matter of fact, the building which, I think, they have occupied ever since they have been there is a very ordinary building.

Mr. KING. I am glad to know that.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. REED of Pennsylvania. Mr. President, I am not going to object to the bill, but in response to what has been said by the Senator from Utah, I think one of the reforms that we have got to put through in the next Congress is the consolidation of the agencies that are dealing with veterans' relief. It is entirely unsystematic and senseless for us to be keeping up a Pension Bureau, a Home for Disabled Volunteer Soldiers which has no connection with the Pension Bureau, and a Veterans' Bureau which has no connection with either. We are having a duplication of facilities; we are having three offices maintained where one could do the work. I am very hopeful that one of Mr. Hoover's first acts will be to outline and recommend such a consolidation for the sake of economy and efficiency, and I am sorry that the Senator from "Florida" [Mr. SMOOT] is not here to tell us what is going to be done along that line.

Mr. McKELLAR. I hope the Senator may soon introduce such a bill.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Dr. Stanley R. Tenchout, of Nashville, Tenn., $22,602.14 in full compensation for losses sustained and expenses incurred by him on account of certain repairs and alterations which he made in his buildings at Nashville, Tenn., at the instance of and with the approval of representatives of the United States Veterans' Bureau and for the purpose of renting the premises to the United States Veterans' Bureau; and for losses and damages sustained by him on account of the premises being vacated and the lease canceled by the bureau after an occupancy of nine months.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OWNER OF STEAMSHIP "W. I. RADCLIFFE"

The bill (H. R. 11698) conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *W. I. Radcliffe* against the United States, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 2, line 6, after the word "due," to strike out "from" and insert "against"; in line 7, after the name "United States," to strike out "to" and insert "in favor of"; in line 8, after the word "(Limited)," to insert "or against the said Wynstay Steamship Co. (Ltd.) in favor of the United States," so as to make the bill read:

That the claim of the Wynstay Steamship Co. (Ltd.), a British corporation, owner of the steamship *Radcliffe*, against the United States for damages alleged to have been caused by collision between said steamship *Radcliffe* and the U. S. S. *Sylvan Arrow*, on December 1, 1918, may be determined in a suit to be brought by said claimant against the United States in the United States District Court for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court in admiralty cases, and that said court shall have jurisdiction to hear and determine said suit and to enter a judgment or decree for the amount of such damages, and costs, if any, as shall be found due against the United States in favor of the said Wynstay Steamship Co. (Ltd.) or against the said Wynstay Steamship Co. (Ltd.) in favor of the United States, by reason of said collision, upon the same principles and under the same measures of liability as in like cases between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and upon such notice it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That such suit shall be begun within four months of the date of the approval of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

FRENCH AUXILIARY BARK "QUEVILLY"

The bill (H. R. 11699) conferring jurisdiction upon the United States Court for the Southern District of New York to hear and determine the claim of the owner of the French auxiliary bark *Quevilly* against the United States, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments on page 2, line 6, after the word "any," to insert "as"; in the same line, after the word "found," insert "to be"; in the same line, after the word "due," to strike out "from" and insert "against"; in line 7, after the name "United States," to strike out "to" and insert "in favor of"; and in line 8, after the name "*Quevilly*," to insert "or against the said owners of the French auxiliary bark *Quevilly* in favor of the United States," so as to make the bill read:

That the claim of the owners of the French auxiliary bark *Quevilly* against the United States for damages alleged to have been caused by collision between said steamship *Quevilly* and the U. S. torpedo boat *Sampson*, in the Atlantic Ocean outside of the entrance to New York Harbor, on January 26, 1917, may be determined in a suit to be brought by said claimant against the United States in the United States District Court for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court in admiralty cases, and that said court shall have jurisdiction to hear and determine said suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the said owners of the French auxiliary bark *Quevilly*, or against the said owners of the French auxiliary bark *Quevilly* in favor of the United States by reason of said collision, upon the same principles and under the same measures of liability as in like cases between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and upon such notice it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That such suit shall be begun within four months of the date of the approval of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MARY MARTIN HARRISON

The bill (H. R. 7244) for the relief of Mary Martin Harrison was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 2, line 3, to strike out "*Provided*, That the said Mary Martin Harrison establishes that she was dependent upon her son, Henry Hartwell Harrison, at the time of the latter's death," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary Martin Harrison, mother of the late Henry Hartwell Harrison, ensign, United States Navy, Aviation Sevice, the sum of $1,125 on account of the death of her son, who was killed in line of duty, the said sum being the amount of six months' pay at the rate said Ensign Henry Hartwell Harrison was receiving at the date of his death, November 1, 1926, at Pensacola, Fla., when he crashed into the sea with a plane in which he was riding.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (H. R. 9659) for the relief of F. R. Barthold was announced as next in order.

Mr. KING. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

CREW OF TRANSPORT "ANTILLES"

The bill (S. 4815) for the relief of members of the crew of the transport *Antilles* was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to examine and settle the claims of the crew of the transport *Antilles*, which was sunk in October, 1917, on the high seas by an enemy torpedo, for the value of private property lost by the sinking of said vessel, and to allow reimbursement of the value of said private property not exceeding the sum of $100 in any one case, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, sufficient sums, not exceeding in the aggregate $3,600, for the payment of such of these claims as may be allowed by the Comptroller General of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS

The bill (H. R. 16500) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 12, after line 4, to strike out:

The name of Margaret E. Beaston, widow of James Beaston, alias James Roberts, late of Company G, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, after line 2, to strike out:

The name of Sarah Roof, widow of John Roof, late of Company A, One hundred and forty-eighth Regiment, and Company B, Fifty-third Regiment, Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, after line 23, to strike out:

The name of Mariah Powell, widow of Henry A. Powell, late of Company E, Fifth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, after line 15, to strike out:

The name of Lucinda M. Goodsell, widow of George A. Goodsell, late of Company F, Fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 84, after line 9, to strike out:

The name of Effie M. Britton, widow of Thomas D. Britton, late of Company E, Second Regiment Minnesota Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 89, after line 18, to strike out:

The name of Sallie A. Hollister, widow of David H. Hollister, late of Company E, Twelfth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 100, after line 12, to insert:

The name of Emma Armstrong, widow of George Armstrong, late of Company I, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martinia L. Johnson, widow of Edward B. Johnson, late of Company E, Fifth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah E. Marcam, widow of Daniel F. Marcam, late of Company E, Thirteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sallie C. Driscoll, widow of Cornelius Driscoll, late of Company D, Eighth Regiment United States Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of John W. Hay, late of Capt. C. L. Holsapple's Company B, South Cumberland Battalion, Kentucky State Volunteers, and pay him a pension at the rate of $50 per month.

The name of Milan B. Siddles, late of Troop B, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The name of Ellen Grever, widow of Jacob M. Grever, late of Company D, Eighty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ella Winger, widow of John Winger, late of Company D, Eighty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Katherine French, widow of Asa T. French, late of Company F, Eleventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Adaline E. Draper, widow of George W. Draper, late of Company I, Thirty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Maria Allen, widow of William A. Allen, late of Company E, Seventeenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna J. Van Nuys, widow of Isaac Van Nuys, late of Company D, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Silas Overmier, late of Company H, Twenty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Launa Dickens, widow of Francis M. Dickens, late of Capt. William Turner's independent company, West Virginia State Guards, and pay her a pension at the rate of $30 per month.

The name of Catherine Ramsey, widow of Rufus Ramsey, late of Company K, One hundred and twenty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Henry Thomas, late of Company H, Sixty-seventh Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

The name of John Musgraves, late of Company D (Captain Kennamore's company), Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

The name of Mariah E. Crom, widow of Jeremiah B. Crom, late of Company F, Eighty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Helen A. O'Haver, widow of Howard M. O'Haver, late of Company C, One hundred and forty-ninth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Margaret Dunn, helpless child of Patrick Dunn, late of Company C, Fifty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Lottie Lou Hart, helpless child of Alva T. Hart, late of Company F, Eighty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Sallie H. Dethample, widow of Nicholas Dethample, late of Company M, One hundred and ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy Jane Stewart, widow of James A. Stewart, late of Company E, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Laura F. Gross, widow of Charles F. Gross, late of the United States Military Telegraph Corps, and pay her a pension at the rate of $30 per month.

The name of Lydia E. Brown, widow of William H. H. Brown, late of Company B, Twelfth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Carrie A. Kirtland, widow of John D. Kirtland, late of Company H, One hundred and sixty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah B. Quigley, widow of William Y. Quigley, late of Troop E, Twelfth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Jones, widow of Daniel K. Jones, late of Troop A, Second Regiment California Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Harriet Brones, widow of Peter N. Brones, late of Company I, Forty-third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Carrie E. Ramsey, widow of James A. Ramsey, late of the United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Minnie D. Fogg, widow of Augustus W. Fogg, late of Company L, Thirty-first Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Nancy J. Hooker, widow of George W. Hooker, late of Company E, Sixth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Caroline B. Bauduy, widow of Jerome K. Bauduy, late assistant surgeon, United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah Shepard, widow of Charles A. Shepard, late of Company E, First Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary S. Warner, widow of William Warner, late of Company E, Twelfth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Maude G. Davis, helpless child of William Henry Davis, late of Company C, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Josie Woolworth, widow of George A. Woolworth, late of Company B, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Caroline A. Brandis, widow of Frederick Brandis, late of Company C, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah E. James, widow of Henry James, late of First Independent Battery, Iowa Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lou Lukens, widow of James Lukens, late of Company F, One hundred and forty-seventh Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $30 per month.

The name of Laura B. Mills, widow of Cleveland W. Mills, late of Company K, Tenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary A. Gerald, widow of Frank E. Gerald, late of Company D, Third Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah E. Ragan, widow of James K. P. Ragan, late of Company A, Fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary E. Monroe, widow of Americus B. Monroe, late of the Eighth Battery Indiana Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Hannah F. Clarke, widow of William Clarke, late of Company F, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Elizabeth Sherlock, widow of Charles Benjamin Sherlock, late of Company D, First Battalion, Twelfth Regiment, United States Infantry, and pay her a pension at the rate of $30 per month.

The name of Eleanor E. Gerry, widow of Orlando F. Gerry, late of Company C, Seventeenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ida Emmott, helpless child of Thomas Emmott, late of the Seventh Battery, Massachusetts Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elizabeth E. Carpenter, widow of Franklin Carpenter, late of Company G, Fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma Hall, widow of Thomas E. Hall, late of Company B, Ninety-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catharine Henicle, widow of Samuel Henicle, late of Company G, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret C. Butler, widow of John Butler, late of Company F, Sixty-ninth Regiment New York State Militia Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Celestia Edwards, former widow of Thomas Lucia, late of Company F, Second Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Laura Cross, widow of Monroe Cross, late of Troop E, Second Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, and $2 per month for a minor child, Ebert M., until he attains the age of 16 years.

The name of Sallie Ireton, widow of Erastus C. Ireton, late of Company B, One hundred and fifty-third Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Alice L. Enloe, helpless child of Edwin T. Enloe, late of Troop D, Third Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Alice J. Phillips, widow of Henry S. Phillips, late of Company K, One hundred and ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of May Smelker, widow of Jesse P. Smelker, late of Company A, Forty-first Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month, and $30 per month when she attains the age of 60 years.

The name of Elizabeth Casseday, widow of John J. Casseday, late of Company C, Second Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emma A. Gannett, widow of Frederick Gannett, late of Company B, Third Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Jennie A. Gilbert, widow of George R. Gilbert, late of Company F, Twenty-fourth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy M. Tarter, helpless child of George W. Tarter, late of Company A, Nineteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Maria O. Walter, widow of John Walter, late of Company I, One hundred and sixtieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Elizabeth Gifford, widow of James Henry Gifford, late of Company K, One hundred and fifty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Katie H. V. Long, widow of Edward F. Long, late of the United States Navy, and pay her a pension at the rate of $70 per month in lieu of that she is now receiving, to include $20 per month for her helpless child, Frederick, subject to the usual limitations of the Bureau of Pensions.

The name of Laura B. Strider, former widow of Jasper W. Reed, late of Company D, Forty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Pricy Riley, widow of Daniel Riley, late of Company C, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret Campion, widow of Michael Campion, late of Company G, One hundred and thirty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Levi Wilkerson, alias Wilkison, late of Capt. Ezra King's Cape Girardeau County company, Missouri Volunteer Militia, and pay him a pension at the rate of $50 per month.

The name of Minnie O. Buchanan, former widow of John W. Buchanan, late of Company I, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Maggie Pippitt, widow of James E. Pippitt, late of Company D, One hundred and fifty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Frances E. Peironnet, widow of Charles A. Peironnet, late of Company E, Eleventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ellen Bibs, widow of Edward Bibs, late of Company B, One hundred and fifteenth Regiment United States Colored Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary E. Hartwell, former widow of Arthur C. Hartwell, late of Troop F, Twelfth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary N. Henry, widow of James P. Henry, late of Troop D, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary F. Brown, widow of Daniel Brown, late of Company B, Thirtieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha Talley, widow of William T. Talley, late of Company A, Eighty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mayme D. Phelps, helpless child of Zachariah R. Phelps, late of Troop A, Seventh Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Annie L. Elwell, widow of Horace E. Elwell, late of Troop F, Eighth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month; and $30 per month when she attains the age of 60 years.

The name of Ella P. Neeld, widow of Thomas Neeld, late of Company F, Sixth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Maria L. Evans, widow of James Evans, late of Company G, Ninety-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah Whobery, widow of James Whobery, late of Company C, Seventeenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Winifred Tucker, widow of Albert O. Tucker, late of Company K, Eleventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Rachel Ann Evans, widow of Princes Evans, late of Company H, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emma Pilate, widow of Thomas Pilate, late of Company C, Fifty-second Regiment Kentucky Volunteer Mounted Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Susie May Reed, helpless child of Thomas F. Reed, late of the First Independent Battery, Ohio Volunteer Light Artillery, and pay her a pension at the rate of $20 per month.

The name of Elizabeth Staggers, widow of John P. Staggers, late of Troop C, Eighteenth Regiment Pennsylvania Volunteer Cavalry, and pay per a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Celina Plant, widow of Victor Plant, late of Company K, Fifth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Frances P. Snow, widow of Henry Snow, late of Company I, Eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Saphronia Reed, widow of Samuel Reed, late of Company G, Fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Purlyette Slack, widow of Albert L. Slack, late of Company D, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Malinda Beard, widow of Solomon Beard, late of Company C, Thirtieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Bessie M. Jenkins, widow of William Jenkins, late of the Ninth Independent Battery, Massachusetts Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LANDS IN BOX ELDER COUNTY, UTAH

The bill (H. R. 15328) to authorize the exchange of 18 sections of Government land for an equal value of State land located in Box Elder County, Utah, for experiments in sheep growing, and for other purposes, was considered as in Committee of the Whole.

Mr. JONES. Mr. President, I note that according to the title of the bill this is a measure to exchange 18 sections of Government land for an equal value of State land. How is that value to be determined? It seems to me it should be "an equal area."

The PRESIDING OFFICER. The Senator from New Mexico [Mr. BRATTON] made the report on this bill.

Mr. BRATTON. Mr. President, may I have the attention of the Senator from Utah? Inquiry is made with reference to H. R. 15328, Order of Business No. 1705, authorizing the exchange of 18 sections of land within Box Elder County, Utah, for an equal value of State land. It is a House bill. The author of the bill, the chairman of the committee having charge of the bill in the House [Mr. COLTON], and the Senator from Utah came before the Committee on Public Lands and Surveys. As I recall, the bill authorizes the exchange of certain lands located within a game refuge in Utah for lands on the outside, the two tracts to be of equal value. I think that is correct.

Mr. KING. Yes.

Mr. JONES. Is it to be an exchange of 18 sections for another 18 sections?

Mr. BRATTON. No; land of equal value.

Mr. JONES. The title does not read that way. I have not had an opportunity to examine the bill. It says, "to authorize the exchange of 18 sections of Government land for an equal value of State land." It does not say "an equal area," but "an equal value."

Mr. ASHURST. I suggest adding that amendment.

Mr. BRATTON. That is the usual way in which these exchanges are authorized. That is, the Government land is simply exchanged for other land of equal value, regardless of area. The Secretary of the Interior will be required to ascertain and determine whether the State land offered in exchange is of equal value.

Mr. JONES. I think most of these exchange acts have provided for an equal area of land and equal value.

Mr. GLASS. Mr. President, suppose the equal area of land is not of equal value: How are you going to get around that obstacle?

Mr. JONES. You would have to find an equal area somewhere that is of equal value. I can not understand how they are going to determine the equal value of the lands to be received in exchange for these 18 sections.

Mr. BRATTON. By an actual examination of the land; and if the 18 sections offered are of less value than the Government land, the Secretary will require that more land be tendered. In other words, the State must offer enough land to equal in value the 18 sections described in the bill.

Mr. JONES. But is a body of appraisers provided for by the bill to determine the equal value, or is that to be left to some examiner of the Interior Department?

Mr. KING. Mr. President, will the Senator yield?

Mr. BRATTON. I yield to the Senator from Utah.

Mr. KING. My recollection of preceding bills of a similar character is this language is substantially the same, and the discretion has been exercised by the Secretary of the Interior in determining the value. As a matter of fact, where these exchanges have been authorized the Senator will recall that they are usually lands that have but little value—perhaps a dollar and a quarter per acre, or thereabouts. They are unused lands nonmineral in character; and in order to consolidate the holdings of the Government it oftentimes desires to make exchanges and get an equivalent amount of land, so far as possible, from private individuals or from the State.

Mr. JONES. Of course the lands of the State probably will not be consolidated, because the State generally does not have its land in a consolidated area, does it?

Mr. KING. The Senator knows that under the grant to the State under the enabling act there was some of those townships or sections where perhaps there would not be 18 sections in one compact body. I am not quite sure as to that. There has been no difficulty experienced in the past in the exchanges which have been authorized.

Mr. JONES. The Senator is acquainted with the situation and what is sought to be done?

Mr. KING. Yes; and it has been approved by the Interior Department and by the officials of the State.

Mr. JONES. I shall not object.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINERS' HOSPITALS, UTAH AND ARIZONA

The bill (H. R. 15732) making an additional grant of lands for a miners' hospital for disabled miners of the State of Utah, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 2, after line 3, to insert a new section, as follows:

SEC. 2. That in addition to the provisions contained in the act of Congress approved June 20, 1910 (36 Stat. L.), for miners' hospitals for disabled miners, there is hereby granted to the State of Arizona, subject to all the conditions and limitations contained in said act, 50,000 acres of land for miners' hospitals for disabled miners within said State, said land to be selected from the surveyed, unreserved, unappropriated, and nonmineral lands of the United States within the limits of said State, in the manner provided by said act approved June 20, 1910.

So as to make the bill read:

Be it enacted, etc., That in addition to the provisions made by the act of Congress approved July 16, 1894 (28 Stat. L. 110), for a miners' hospital for disabled miners, there is hereby granted to the State of Utah, subject to all the conditions and limitations of the original grant, an additional 50,000 acres for a miners' hospital for disabled miners to be selected by the State, under the direction and subject to the approval of the Secretary of the Interior, from vacant nonmineral surveyed unreserved public lands of the United States in the State of Utah and not to include lands that are likely to be needed hereafter for inclusion in Federal reclamation or national park projects.

SEC. 2. That in addition to the provisions contained in the act of Congress approved June 20, 1910 (36 Stat. L.), for miners' hospitals for disabled miners, there is hereby granted to the State of Arizona, subject to all the conditions and limitations contained in said act, 50,000 acres of land for miners' hospitals for disabled miners within said State, said land to be selected from the surveyed, unreserved, unappropriated, and nonmineral lands of the United States within the limits of said State, in the manner provided by said act approved June 20, 1910.

The amendment was agreed to.

Mr. REED of Pennsylvania. Mr. President, I have learned very much about legislation in the past week, and about the ways in which benefits are secured for our States. I should like to ask the Senator from Arizona to tell us why this bill is limited to the States of Utah and Arizona?

I noticed that the bill was introduced in the House by a representative from Utah [Mr. COLTON] and provided for a donation of 50,000 acres for a miners' hospital in Utah. In the Senate committee it was amended, and reported out by the Senator from Arizona, to provide 50,000 acres for a miners' hospital in Arizona. We do not have on the Committee on Public Lands and Surveys any of the Senators from Pennsylvania; but we have miners in my State, Mr. President, hundreds of thousands of them, for whom the State of Pennsylvania has built miners' hospitals, I think about 12 in all. They are maintained by State appropriations, and not paid for by grants of public land by the United States. In Virginia, in Maryland, in West Virginia, in Ohio, in Indiana, in Illinois——

Mr. ASHURST. In New York.

Mr. REED of Pennsylvania. No; not New York—there are hundreds of thousands of miners. Why do we limit the benefits of this legislation to Utah and Arizona?

Mr. ASHURST. Mr. President, the question is a tribute to the Senator's power of observation and his pungency of mind.

When Pennsylvania was admitted, when she became a State, all her lands were available for her people except a few post-office sites, sites for other Federal buildings, and a few acres for docks and arsenals. All the area of that vast domain was available to the people. When, however, Utah was admitted 60 per cent—the able junior Senator from that State will correct me if I am wrong—50 or 60 per cent of the domain of that State was held by the strong arm of the Federal Government, not to be taxed to assist in supporting a State, not to be taxed or used in building up a State; but, although the Federal Government's strong arm had taken half the area of Arizona and more than half the area of Utah and two-thirds of the area of Idaho, the Federal Government said, when it passed the enabling acts admitting them into the Union, "Inasmuch as we have taken a very large part of the area of your State, we will condescend to give you a few hundred thousand acres for State institutions."

So when Utah was admitted in 1896 these various State institutions, like the capitol, the penitentiary, the asylum for the insane, and the miners' hospital were granted so many acres of land; but the grant to Utah for her miners' hospital was only 50,000 acres.

Mr. REED of Pennsylvania. Mr. President——

Mr. ASHURST. Let me finish, please. Utah was admitted in 1896; and the fund that she has derived from her 50,000 acres during all these years is only about $80,000.

Arizona was admitted in 1912, with 50,000 acres, and the fund that she has derived for the miners' hospital is only $1,504 a year. So Utah and Arizona very properly say, "We wish first to have the appropriation of land for our State miners' hospital increased to the amount for the other State institutions, 100,000 acres."

The other States have not asked it, because they have had their 100,000 acres. Pennsylvania has no complaint to make, because the Federal Government did not withhold her lands when she was admitted.

Mr. REED of Pennsylvania. Pennsylvania is not complaining. Pennsylvania is just seeking information. Will the Senator tell me who pays the operating expenses of these hospitals?

Mr. ASHURST. The State.

Mr. REED of Pennsylvania. It is not done by Federal appropriation?

Mr. ASHURST. No, sir.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act making an additional grant of lands for miners' hospitals for disabled miners of the States of Utah and Arizona, and for other purposes."

Mr. BRATTON. Mr. President, I desire to emphasize the importance of what the Senator from Arizona has said with regard to the inequality on the part of the so-called public-land States as contrasted with States having their full territorial area subject to taxation.

If the Senator from Pennsylvania and those of like mind will surrender the public lands to the States in which they are located, we gladly shall absolve the Government from any obligation.

Mr. REED of Pennsylvania. Are not those lands available now for homestead entries and for mining entries?

Mr. BRATTON. Yes.

Mr. REED of Pennsylvania. Does not that return them or deliver them to the control of the States?

Mr. BRATTON. Oh, no. They are not subject to taxation.

Mr. REED of Pennsylvania. After they have been entered on?

Mr. BRATTON. After a homesteader has resided upon his entry the required time, and the land is patented, and the title thus passed, it becomes subject to taxation; but until that time the State is barred from receiving any income whatsoever from it.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. BRATTON. I yield to my friend from Utah.

Mr. KING. May I say, in response to the question propounded by the Senator from Pennsylvania, that a very large percentage indeed—perhaps 80 or 90 or more per cent—of the remaining unoccupied nonmineral lands of the United States within the so-called public-land States are not susceptible of cultivation. No man could go upon those lands and carve out of them 160 acres or more than 500 acres, according to the enlarged homestead act, and make a living on them. That would be impossible. The only purpose that most of the lands can serve is for sheep grazing and cattle grazing; and it would be necessary to have an enormous area to graze a very small number of sheep or cattle. They do have some value for those purposes. Many of the lands of the State of Utah and some of the other Western States acquired under their enabling acts as grants from the Government were sold by the States for $1.25 an acre.

These lands in the State of Utah that would under this act be carved out of the public domain probably would not be worth more than $1.25 or $2 an acre at the most, and that for sheep-grazing purposes. So the people will not go upon the land.

They can not get title; they can not comply with any law. Of course, if there are minerals there, then people may go on the land and locate mining claims.

Mr. REED of Pennsylvania. Mr. President, I have many times gone on record as favoring the delivery of all the Federal lands in those States to the States themselves. I believe that the Federal Government ought to surrender its proprietary ownership over those public lands. I hope that in the not distant future we may see that accomplished. My feeling in regard to the matter is not wholly out of generosity to the States, because I believe that the Federal ownership of a lot of nonproductive land in Western States is used as a basis for appropriations that would otherwise be indefensible.

Mr. BINGHAM. Mr. President, will the Senator from New Mexico yield?

Mr. BRATTON. I yield to the Senator from Connecticut.

Mr. BINGHAM. I only wanted to add my voice to the opinion which has been expressed by the Senator from Pennsylvania, and I hope to see the time come in the not distant future when the Western States will have the lands within their borders assigned to them for their own purposes. Personally, I have never been able to see the justification for the Federal Government retaining these enormous amounts of land in the Western States, and I shall be very glad to aid the Senator from New Mexico, or any other Senator, in securing what I conceive to be justice for the Western States in that regard.

Mr. BRATTON. Mr. President, I am glad to hear the Senator from Connecticut and the Senator from Pennsylvania express those sentiments. This is a subject to which I have given much thought. I think those lands should be ceded to the States. All the States in the Union should be on an equal footing, and I can not see that they are on an equal footing when one has the power to tax and receive income from all of the lands within its borders, and another is deprived of that right in respect to a part of the lands within its boundaries.

During the next session of the Congress I intend to introduce and push as expeditiously as I am able to do a bill to cede all of the public lands to the States in which they are located.

Mr. KING. Mr. President, will the Senator yield?

Mr. BRATTON. I yield.

Mr. KING. Mr. President, I have such a bill pending before the committee now. I introduced a bill of like character when I was a Member of the House of Representatives, and at every session of Congress since I have been in the Senate, since 1917, I have presented a bill for the cession of the public lands to the States within which those lands are found.

In the Senate I have always found a very sympathetic feeling toward the measures to which I have referred. When Senator Cummins was in the Senate, he expressed himself repeatedly in favor of my measure, and said that it would be better for the Federal Government financially to get rid of the public lands and cede them to the States.

Mr. SACKETT. Mr. President, may I ask what the possession of such land by the United States amounts to in the way of taxes to a State, for instance, like New Mexico? The kind of land the Senator from Utah has described seems to have very little value. What would it mean in the way of taxes?

Mr. BRATTON. The income to the State will be increased by whatever sum the taxes aggregate, because under the present situation the respective States receive no income whatever from the public lands.

Mr. SACKETT. Lands of that character, which people will not even enter and become proprietors of, can not yield very much.

Mr. BRATTON. They can be used for grazing livestock and similar purposes. They would be worth as much to the State as they are to the Government, so that their value would not be a proper element in considering whether they should be ceded to the States. They rightfully belong to the States, regardless of their value. The Senator's State has the right to exercise sovereignty over all lands within her borders, to tax them, and to receive tribute from them. My State does not enjoy that privilege. So the two States are not on an equal footing, and equality of privilege and prerogative on the part of the several States is a fundamental part of our system of government.

I desire to say to my friend from Utah that during the next session of Congress I shall join him in urging the passage of a bill; that is to say, appropriate legislation, to bring about the cession of the public lands to the States in which they are located.

Mr. KING. Mr. President, may I make one observation to my friend from Kentucky?

Mr. BRATTON. I yield.

Mr. KING. May I say to the Senator from Kentucky that when these lands pass into private hands some improvements are made, wells are frequently dug, and houses and sheds are erected, so that the lands take on an additional value when they pass out of the hands of the Government into the hands of private individuals.

Mr. SACKETT. The land could pass now under the homestead act.

Mr. KING. Only in limited amounts.

Mr. BLEASE. Mr. President, what is before the Senate?

Mr. BRATTON. Conversation.

The PRESIDING OFFICER. The clerk will report the next bill on the calendar.

WAR FINANCE CORPORATION

The bill (S. 5684) to amend the War Finance Corporation act approved April 5, 1918, as amended, to provide for the liquidation of the assets and the winding up of the affairs of the War Finance Corporation after April 4, 1929, and for other purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the War Finance Corporation act of April 5, 1918, as amended, be, and the same is hereby, further amended so that at the close of April 4, 1929, the liquidation of the assets remaining at that time and the winding up of the affairs of the corporation thereafter shall be transferred to the Secretary of the Treasury, who for such purpose shall have all the powers and duties of the board of directors of the corporation under said act, as amended. For carrying out the provisions of this act the Secretary of the Treasury may assign to any officer or officers of the United States in the Treasury Department the exercise and performance, under his general supervision and direction, of any such powers and duties. He shall from time to time pay into the Treasury as miscellaneous receipts any moneys belonging to the corporation which, in his opinion, are not required for carrying on and completing the liquidation of its remaining assets and the winding up of its affairs, including reasonable provision for the further expenses thereof. Nothing in the said act, as amended, or this act, shall be construed to affect any right or privilege accrued, any penalty or liability incurred, any criminal or civil proceeding commenced, or any authority conferred thereunder, except as herein provided in connection with the liquidation of the remaining assets and the winding up of the affairs of the said corporation, until the Secretary of the Treasury shall find that such liquidation will no longer be advantageous to the United States and that all of its lawful obligations have been met, whereupon he shall retire any capital stock then outstanding, pay into the Treasury as miscellaneous receipts the unused balance of the moneys belonging to the corporation, and make the final report of the corporation to the Congress. Thereupon the corporation shall be deemed to be dissolved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. STOCKETT

Mr. REED of Missouri. Mr. President, I desire to make a short statement with reference to an item in the military appropriation bill, passed yesterday.

There was an item regarding John W. Stockett, which was embraced in an amendment which I offered, and which was incorporated in the bill. A bill carrying the same item had previously passed the Senate, had gone to the House, and had been amended, and a conference had been asked, which was not granted for a long period of time. It finally was granted, but the last attempt at a hearing was delayed by the application of the junior Senator from Nebraska [Mr. HOWELL], who was ill and could not attend, and who desired to have an opportunity to consider the bill. In so far as any delay in the matter of considering the item in conference is concerned, the Senator from Nebraska was only asking for time in which to examine into the matter. In the meantime I took the course of presenting the matter to the Senate again as an amendment to the military appropriation bill.

I make this statement in justice to the Senator from Nebraska, so that it may be known that he was in no manner responsible for any of the delays touching the consideration of the matter.

FEDERAL FARM LOAN ACT

The bill (S. 4577) to amend section 29 of the Federal farm loan act, and for other purposes, was announced as next in order.

Mr. BLEASE. Let the bill go over. I want to make a speech on it.

The PRESIDING OFFICER. The bill will be passed over.

CHARLES J. HUNT

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent to return to Order of Business No. 1663, House bill 10327, for the relief of Charles J. Hunt. When the bill was reached on the calendar the Senator from Utah [Mr. KING] objected, and he has kindly consented to withdraw his objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTENSION OF FARM LOAN ACT TO PORTO RICO

Mr. BINGHAM. Mr. President, the other day when Senate bill 5302, to amend the second paragraph of section 4 of the Federal farm loan act, as amended, was reached on the calendar, it was objected to by the Senator from Rhode Island [Mr. METCALF]. He has since looked into the matter, and has withdrawn his objection. I now ask unanimous consent that we proceed to the consideration of the bill, which grants to Porto Rico the same rights and the same limit with regard to farm loans as apply to the States.

May I say that I am informed by the officials of the Farm Loan Board that the Porto Rican branch of the farm loan bank, in Baltimore, is one of the best banks in the United States, that its record for paying its debts and for meeting its obligations is second to none.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut?

There being no objection the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Banking and Currency with an amendment, on page 2, line 11, to strike out "$15,000," and to insert in lieu thereof "$25,000," so as to make the bill read:

Be it enacted, etc., That the second paragraph of section 4 of the Federal farm loan act, as amended, is amended to read as follows:

"The Federal Farm Loan Board shall establish in each Federal land bank district a Federal land bank, with its principal office located in such city within the district as said board shall designate. Each Federal land bank shall include in its title the name of the city in which it is located. Subject to the approval of the Federal Farm Loan Board, any Federal land bank may establish branches within the land bank district. Subject to the approval of the Federal Farm Loan Board and under such conditions as it may prescribe, the provisions of this act are extended to the island of Porto Rico and the Territory of Alaska; and the Federal Farm Loan Board shall designate a Federal land bank which is hereby authorized to establish a branch bank in Porto Rico and a Federal land bank which is hereby authorized to establish a branch bank in the Territory of Alaska. Loans made by each such branch bank shall not exceed the sum of $25,000 to any one borrower and shall be subject to the restrictions and provisions of this act, except that each such branch bank may loan direct to borrowers, and, subject to such regulations as the Federal Farm Loan Board may prescribe, the rate charged borrowers may be 1½ per cent in excess of the rate borne by the last preceding issue of farm-loan bonds of the Federal land bank with which such branch bank is connected: *Provided*, That no loan shall be made in Porto Rico or Alaska by such branch bank for a longer term than 20 years."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UNITED STATES SUPREME COURT BUILDING COMMISSION

Mr. KEYES. Mr. President, I report favorably from the Committee on Public Buildings and Grounds Senate Joint Resolution 213, to provide for extending the time in which the United States Supreme Court Building Commission shall report to Congress. I am sure there will be no opposition, and I ask unanimous consent for the immediate consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That section 2 of the act entitled "An act to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States," approved December 21, 1928, is amended by striking out "March 1, 1929," and inserting in lieu thereof "the first day of the first regular session of the Seventy-first Congress."

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GRANVILLE M. AND DOROTHY M. PEARSON

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate Resolution 304, submitted by Mr. DALE January 23, 1929, reported it favorably without amendment, and it was considered, as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the appropriation for miscellaneous items, contingent fund of the Senate, fiscal year 1928, to Granville M. Pearson and Dorothy M. Pearson, son and daughter, respectively, of Granville W. Pearson, late an employee of the Senate under the direction of the Sergeant at Arms, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

Mr. JONES. Is that according to precedent?

Mr. DENEEN. The time of service was 39½ years. The policy is to grant one year's pay where the employee has served 25 years.

The resolution was agreed to.

NELLIE C. BOND ROOT

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate Resolution 307, submitted by Mr. GREENE January 26, 1929, reported it without amendment, and it was considered, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Nellie C. Bond Root, daughter of George H. Bond, late an employee of the Senate under direction of the Sergeant at Arms, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

Mr. DENEEN. According to the notation, the service was for 39 years.

Mr. KING. What was the character of the service?

Mr. DENEEN. It is stated in the resolution as messenger.

The resolution was agreed to.

INVESTIGATION OF ELECTION OF SENATOR FROM PENNSYLVANIA, 1926

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate Resolution 310, submitted by Mr. SHORTRIDGE January 28, 1929, reported it without amendment, and it was considered and agreed to, as follows:

Resolved, That Senate Resolution 68, agreed to on December 17, 1927, authorizing the Committee on Privileges and Elections to investigate the election of a Senator from the State of Pennsylvania in 1926, hereby is continued in full force and effect until the end of the first regular session of the Seventy-first Congress.

KATHARINE NICHOLS CONNER

Mr. DEENEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate Resolution 318, submitted by Mr. MCKELLAR January 30, 1929, reported it favorably without amendment, and it was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay to Katharine Nichols Conner, widow of John W. Conner, late a messenger in the employ of the Senate, under direction of the Sergeant at Arms, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

COMMITTEE TO AUDIT AND CONTROL THE CONTINGENT EXPENSES

Mr. DENEEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported a resolution (S. Res. 325), which was read, considered, and agreed to, as follows:

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate, or any subcommittee thereof, is authorized during the Seventieth and Seventy-first Congresses to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding 25 cents per 100 words, to report such hearings as may be had on any subject before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during any session or recess of the Senate.

BOARD OF VISITORS TO THE PHILIPPINE ISLANDS

Mr. BINGHAM. Mr. President, I ask the Senator from Illinois, the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, whether there has been a report made on the bill relating to the board of visitors to the Philippine Islands, which has been before the committee for some months.

Mr. DENEEN. Action on that bill, and four others, went over to the next meeting of the committee.

APPORTIONMENT OF REPRESENTATIVES IN CONGRESS

Mr. BINGHAM. Mr. President, I send to the desk a very interesting and able article by Representative TILSON, the Re-

publican leader of the House, in regard to apportionment bill, which I ask to have printed in the RECORD and referred to the Committee on Commerce.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The article is as follows:

[From the New York Times, Sunday, February 3, 1929]

WANTS NO INCREASE OF HOUSE MEMBERS—IN FACT, THE REPUBLICAN FLOOR LEADER BELIEVES WE COULD DO WITH FEWER REPRESENTATIVES—URGES REAPPORTIONMENT—BILL RECENTLY PASSED MEETS ALL NEEDS OF THE SITUATION, MR. TILSON DECLARES

By JOHN Q. TILSON, Republican leader of the House of Representatives

It is provided in the Constitution that every 10 years the membership of the House of Representatives shall be reapportioned among the several States according to population, and this was done after each decennial census up to and including the census of 1910. After the census of 1920 had been taken an effort was made to reapportion under it, but without success. More than eight years have since elapsed. Numerous attempts have been made to obtain action, but the problem remains unsolved.

There is serious danger that 1930 will come and go without a reapportionment. The time has come, therefore, when this problem should be brought to the attention of the country in such a way as to call forth an active public sentiment on behalf of a question which strikes to the very roots of our form of popular government. Strange as it may seem, comparatively few people have paid the slightest attention to it, although to the credit of the press of the country it must be said that a very considerable number of newspapers have consistently urged reapportionment. Unfortunately many of these, however, have been content to abuse Congress for inaction instead of helping to arouse a public interest that could not be resisted by Congress. Three times the question has been considered in the House apparently without arousing public interest except in the few sections like southern California and Michigan, where the present inequalities are greatest. In fact, the average person outside of these two States does not appear to fully realize the danger that confronts us if the constitutional provision for a reapportionment every 10 years is persistently ignored.

SHOULD REPRESENT POPULATION

Truly representative government in this country will cease to exist unless the membership of the House of Representatives shall with some degree of accuracy represent the population. Under the Constitution the Senate is established to represent the several States, while the function of the House is to represent the population. In theory, each Member of the House is supposed to speak for an equal number of people, so that a majority of this body will represent a majority of the people, regardless of State lines.

As the country grows there is a continuous redistribution of the population. Our forefathers wisely foresaw that only by reapportionment at frequent intervals could the House of Representatives be maintained as a truly representative body. The men who drafted the Constitution doubtless had in their minds the conditions which through a long period of years had gradually grown up in England under the so-called "rotten borough" system, which was still growing worse when our Constitution was written. Many members of Parliament represented districts in which there were but a handful of people, and as a result Parliament was dominated by the great landowners, who in many instances literally owned the so-called "rotten boroughs."

Since 1910, owing to the Great War and other influences, there has been a very pronounced and well-recognized redistribution of population in the United States, so that the failure of Congress to reapportion on the basis of the 1920 census carried us perceptibly in the direction of inequality in popular representation among the States, which inevitably leads toward the "rotten borough" system. The present decade will doubtless carry us further in the same direction. I do not believe that the Republic is in imminent danger of disruption or disintegration on account of the steps already taken in a wrong direction, because I believe that we will promptly retrace these steps; but as leader of the responsible majority in the House I deem it my duty to call attention to and give warning of any danger that might seriously threaten our democratic institutions.

THREE VOTES IN AS MANY YEARS

Since 1921 many Members of Congress and others have felt uncomfortable on account of the failure of Congress to perform a perfectly plain duty under the Constitution. When I became floor leader of the House at the beginning of the Sixty-ninth Congress I began to cast about for some method by which failure to perform this duty for the future might be prevented. I called in my colleague, Mr. FENN, the chairman of the Committee on the Census, and suggested to him the plan of an anticipatory law fixing the membership of the House and providing a method for the proper allocation by the Secretary of Commerce, as a purely ministerial duty, of the fixed number of Representatives among the several States according to the population as determined by the 1930 census. For the last three years the Committee on the Census has been working on the details of such a bill. During this time on three different occasions the House of Representatives has been brought to a vote on the question.

On January 11 the House finally passed a bill fixing the membership of the House at 435, the present membership, and providing that this number shall be allotted to the several States in accordance with the provisions of the Constitution as applied to the census taken in 1930. If there were no direct reference to the matter in the bill itself, it goes without saying that action by the next Congress would supersede any action taken by this Congress; but in order to avoid even the appearance of attempting to limit the freedom of action of the next Congress the pending bill specifically provides that it is to go into effect only if and when the next Congress fails to make a reapportionment under the 1930 census. In other words, such legislation now will serve as a guaranty that either the next Congress will act as it is in duty bound to act or in default of such action the provisions of the present bill will automatically become effective.

As this is written the bill that passed the House is awaiting action in the Senate, and it is hoped that sufficient interest will be aroused throughout the country to impress upon that body the grave importance of enacting this bill into law before the end of the present Congress.

AVOIDING LARGER MEMBERSHIP

The fundamental reason for the failure to reapportion after the 1920 census was because of the considerable increase in membership carried in the bill that passed the House at that time. In this the House was only copying the bad example set by previous Congresses following the census for the last five decennial periods in attempting to fix the size of the House so as to prevent States from losing any part of their representation. After the Ninth Census the membership of the House was increased from 243 to 293; after the Tenth Census to 332; after the Eleventh to 357; after the Twelfth to 391; and after the Thirteenth Census (1910) to 435.

The veteran Representative and Senator, THEODORE E. BURTON, on December 15 last, for the second time left the House to enter the Senate. In his farewell remarks he warned the House against further increases in its membership. He referred to the three occasions during his service in Congress when the size of the House was increased in order to prevent certain States losing representation and reminded us that on each of these occasions the increase was made with the distinct promise that the membership should not be increased again.

After the changes in the seating arrangements of the House made necessary by the addition of nearly 50 Members following the 1910 census had been carried out and the inevitable effects of an increasingly unwieldy body began to make themselves felt, a decided sentiment against further increase began to make itself felt both in and out of Congress so that the proposed increase following the 1920 census was not generally acceptable, and this was the real cause for the failure to reapportion at that time. An additional reason or excuse advanced at the time was that the census taken early in 1920, so soon after the great disturbance caused by the war, did not accurately reflect the permanent distribution of the population as between rural and urban communities. This, however, of itself would not have been sufficient to prevent reapportionment had it not been for the firmly grounded and growing sentiment against further increase in the size of the House.

It is argued that the number of Representatives should keep pace with the increase in population, so that a Member of Congress would always represent about the same number of people. Such a proposal is neither sound nor practicable. If this policy had been followed from the First Census down to the present time, we should now have a House of Representatives numbering between three and four thousand Members, which would be a grotesque absurdity.

Others argue that the membership of the House should increase rapidly enough at least to take care of the additional Members from the most rapidly growing States, so that no State should ever lose in the number of its Representatives. During the last 50 years this argument has prevailed in almost every instance. The difficulty is that the difference in the rate of growth between some of the older States and some of the newer or more rapidly growing States is so great that the House would need to be enlarged by about 50 Members every 10 years in order to take up the increase. Such an increase every 10 years would be, in my judgment, little short of a public calamity.

HOUSE TOO LARGE NOW

The House should not be further increased. It is already too large. If it were practicable to reduce it considerably under 400, I should favor it; but this is not practicable. It is a difficult task to prevent it growing larger, and if the pending bill should fail in the Senate I doubt whether it would be possible to prevent an increase in membership in case there should be reapportionment at all.

Many of those who have watched and studied the growing difficulties of an increasingly unwieldy membership are determined not to be a party to a further increase if it can be prevented; and many prefer no apportionment at all if this is the only alternative. Either result would be a great misfortune, and yet this is the dilemma that may confront Congress in case the decennial census period should again pass without previous legislation. When the 1930 census shall have been taken and

it is figured out just the number of Representatives each State will lose under a reapportionment, it will be far more difficult than it now is to secure legislation having this result. The pending bill, if enacted into law, would cure the effects of inaction, but only by the sound judgment of the next Congress prevailing over personal interest and State pride can the further increase in the House be prevented in case any action whatever is taken.

The examples of foreign parliamentary bodies are cited in favor of a larger membership. It is true that most of the parliaments of the world are larger than our House of Representatives and many countries have relatively larger legislative bodies as measured by total population. The composition of most of these bodies, however, and the nature of the function they serve in government are so different from our own Congress that there is practically no analogy.

In the British House of Commons there are about 650 members, but their system of government is so different from our own that no criterion for comparison exists. The rank and file of the members of that body attend only on extraordinary occasions. The heads of the several executive departments are also the leaders in Parliament and practically control all legislation. A quorum in the House of Commons is 100, while 40 is a quorum in the committee of the whole. Less than one-third of the total membership could find seats if by any unforeseen chance they should all happen to visit Parliament House at one time.

The French Chamber of Deputies is in no accurate sense comparable with the House of Representatives. It functions quite differently. Its large membership is made up of many different party blocs which on most occasions are voted en masse by their respective leaders without the necessity of the presence of individual members.

WOULD REQUIRE NEW SYSTEM

The example of other legislative bodies might be cited, but, as I have said, none of them may properly serve as a criterion by which to judge or with which to compare our own House of Representatives. Do we desire our House of Representatives to develop into the character of the legislative bodies above indicated or, for that matter, any other which might be cited? Such a development would completely change our system of government.

The House of Representatives is a deliberative body. It is and is designed to be representative of the people themselves, who are the real sovereigns under our system of government. Each Member here is in fact, as in theory, equal in power and equal in responsibility, except as one Member or another may be clothed by his colleagues with temporary power or authority for the public good or for the convenience of all, and then entirely subject always to the will of a majority of the House. The entire membership of the House, theoretically and actually, participates in legislation and it is to be hoped that the House will never become so large as to make this difficult or impossible.

Upon the demand of any one Member of the House of Representatives more than one-half the entire membership must be present before the most trifling item of business may be transacted. If it were not for this wholesome provision of the Constitution, it is quite probable that we, too, should find a smaller attendance even upon roll calls than is now the case. The present tendency is that as the House increases in size the percentage of habitual absenteeism also increases. It would be far better to have a smaller total membership with a higher percentage of regular attendance.

Worst of all, there is an element of justification for the absence of Members during sessions of the House in the fact that even with the present size of the House there is considerable difficulty in understandingly transacting business if the entire membership is actually present.

The limit has been reached in the size of the House, so that further increase in membership means either less efficiency or, worse still, a gradual but complete change in the character of the function to be performed by the House. It is not a good time in the history of our political development for such a change. It can be prevented, or at any rate stopped where it now is, by fixing for the time being the limit of membership where it now is, and this the bill now pending in the Senate will make certain. It is to be hoped that nothing may prevent its passage by that body before the end of the present Congress.

EXECUTIVE SESSION

Mr. JONES. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, February 11, 1929, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 9 (legislative day of February 7), 1929

IN THE ARMY

GENERAL OFFICER

Ludwig Shaner Conelly to be brigadier general, reserve, Ohio National Guard.

APPOINTMENT BY TRANSFER

Charles Roderick Mize to be first lieutenant, Finance Department.

Harold Oakes Bixby to be first lieutenant, Signal Corps.

APPOINTMENT BY PROMOTION

Jay Paul Hopkins to be colonel.

Edmund Clivious Waddill to be lieutenant colonel.

PHILIPPINE SCOUTS

Allen Samuel Fletcher to be lieutenant colonel.

REGULAR ARMY—APPOINTMENTS BY PROMOTION

Harvey Cecil Maxwell to be captain, Medical Corps.

James Ogilvie Gillespie to be captain, Medical Corps.

PROMOTIONS IN THE NAVY

Ross F. Collins to be lieutenant commander, United States Naval Reserve.

Laurance N. McNair to be captain.

George L. Harriss to be lieutenant commander.

Hugh H. Goodwin to be lieutenant.

Thomas J. Raftery to be lieutenant.

George T. Smith to be medical director, with the rank of rear admiral from the 27th day of June, 1920.

Henry C. Weber to be surgeon, with the rank of lieutenant commander from the 1st day of July, 1926.

Carl L. Hansen to be lieutenant commander.

Kent H. Power to be lieutenant.

Armand J. Robertson to be lieutenant.

Corydon H. Kimball to be lieutenant.

Robert W. Morse to be lieutenant.

Joe W. Stryker to be lieutenant (junior grade).

Clanton E. Austin to be lieutenant (junior grade).

Harry D. Johnson to be dental surgeon with rank of commander.

Tucker C. Gibbs to be paymaster with rank of lieutenant commander.

Norman A. Helfrich to be assistant paymaster with rank of ensign from the 3d day of June, 1926.

Charles Le V. Smith to be chief pay clerk.

MARINE CORPS

Thomas Holcomb to be colonel.
George W. Shearer to be captain.
Eli Savage to be captain.
Edward B. Moore to be captain.
Harold W. Whitney to be captain.
Claude A. Phillips to be captain.
John W. Beckett to be captain.
John Halla to be captain.
Kenneth A. Inman to be captain.
Lester N. Medaris to be captain.
Robert S. A. Gladden to be first lieutenant.
Arthur T. Mason to be first lieutenant.
Saville T. Clark to be second lieutenant.
Joseph J. Tavern to be second lieutenant.
Joe A. Smoak to be second lieutenant.
John V. Rosewaine to be second lieutenant.
Hewin O. Hammond to be second lieutenant.
Harvey E. Dahlgren to be second lieutenant.
William I. Phipps to be second lieutenant.
Burns D. Goodwin to be chief quartermaster clerk.

POSTMASTERS

ALABAMA

Rupert M. Bearden, West Blocton.

FLORIDA

Robert E. Coates, Fort Meade.
Ward M. Parker, Venice.

GEORGIA

Josie M. Crawford, Dalton.
Camillus L. Roberds, Villa Rica.
George A. Poche, Washington.

IDAHO

Albert O. Edwards, Grangeville.

LOUISIANA

Albert C. Locke, Marthaville.
Jason Taylor, Newellton.

MICHIGAN

Ronald H. Macdonald, Dollar Bay.
Frank Leonard, Hubbell.

MINNESOTA

Marvin R. Christensen, Arco.
Llewellyn L. Medbery, Browns Valley.
Willie W. Bunday, Dennison.

Lafayette R. Willis, Hitterdal.
Henry B. Young, Holt.
Oswald H. Jacobson, Rothsay.
Frank W. Hanson, Rush City.
Arnold C. Klug, Zumbrota.

MISSOURI

Ira E. Knight, Conway.
Bert G. Bottorff, New London.

MONTANA

Myrtle H. Keselring, Sunburst.

NEBRASKA

Eugene V. Hickok, Atkinson.

NEVADA

Katie O'Connor, Virginia City.

NEW MEXICO

Hilario A. Delgado, Sante Fe.

NEW YORK

Kenneth C. Steblen, Cape Vincent.
Alice C. Lewis, Gilboa.

OREGON

Theresa Scott, Jordan Valley.

PENNSYLVANIA

Jennie S. Curren, Gordon.
Russell J. Horne, Marianna.
Bertha N. Stiner, Moylan.
Spencer M. Lloyd, Republic.

PORTO RICO

Jose R. Sotomayor, Barceloneta.

SOUTH CAROLINA

John G. Jones, Allendale.
Mack M. Stewart, Winnsboro.

SOUTH DAKOTA

Julius S. Clevan, Brookings.
Irene Olsen, Eureka.

TEXAS

Claude Jones, Brownfield.
John C. Ray, Hutto.
Alexander P. Hicks, Taylor.

WASHINGTON

William A. Coates, South Washington.

HOUSE OF REPRESENTATIVES

SATURDAY, *February 9, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

With Thee, our Heavenly Father, as our ever-present help, the fine fidelities of service shall prevail. Thy sovereignty takes up all human choices and deeds and shapes them into Thy eternal purpose. Oh, bless us with a nobler self-hood, enriched from Thy infinite fullness. Not less of life, but life that is more abundant, for this we ask. Stay with us in famine and in plenty, in sickness and in health. Fortify us with Thy wisdom, stimulate us with Thy love, then we shall rejoice and triumph in Thee. Thy mercy is no desert stream that loses itself in the sands, but it widens and deepens in the breadth of the vastness of the infinite ocean. Glory be to Thee, O Lord, Most High. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill and concurrent resolution of the House of the following titles:

H. R. 14479. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio; and

H. Con. Res. 46. Concurrent resolution amending section 6 of the House concurrent resolution establishing the United States Yorktown Sesquicentennial Commission.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 15712. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 349) entitled "An act to supplement the naturalization laws, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSON, Mr. REED of Pennsylvania, and Mr. COPELAND to be the conferees on the part of the Senate.

ELECTORAL VOTES

The SPEAKER. The Chair lays before the House the following communication from the Secretary of State:

DEPARTMENT OF STATE,
Washington, February 5, 1929.

The honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: According to the provisions of section 2 of the act approved May 29, 1928, the Secretary of State of the United States shall receive from each State two certificates relating to the presidential election. One certificate is that of the final ascertainment of electors of President and Vice President. The other certificate is that of the electors themselves and the law provides that to that certificate there shall be attached a copy of the certificate of the final ascertainment of electors of President and Vice President.

Your attention is called to the fact that the State of Mississippi, although it has sent in the second certificate, together with a copy of the first certificate properly certified by the governor, has not transmitted a separate certificate of the final ascertainment of electors for President and Vice President as provided by the act.

For your information there is inclosed a photostat copy of the certificate of final ascertainment of President and Vice President which was appended to the certificate of the electors as described above. It may be added that the department, under date of January 22, 1929, called the attention of the Governor of Mississippi to the fact that the certificate of final ascertainment had not been received by the department, but no reply has yet been received to this communication.

I have the honor to be, sir, your obedient servant,

FRANK B. KELLOGG.

PAY AND ALLOWANCES OF THE COMMISSIONED AND ENLISTED PERSONNEL OF THE ARMY, NAVY, ETC.

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 12032, a bill to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended, and agree to the Senate amendment.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table House bill 12032, with a Senate amendment, and concur in the amendment. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.
The Clerk read the Senate amendment.
The SPEAKER. Is there objection?
There was no objection.
The Senate amendment was agreed to.

RELIEF OF THOMAS W. MOORE

Mr. MORIN. Mr. Speaker, by direction of the Committee on Military Affairs, I ask unanimous consent to take from the Speaker's table H. R. 13097, a bill for the relief of Thomas W. Moore, and agree to the Senate amendment.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table House bill 13097, with a Senate amendment, and concur in the same. The Clerk will report the bill and the Senate amendment.

The Clerk read the title of the bill.
The Clerk read the Senate amendment.
The SPEAKER. Is there objection?
There was no objection.
The Senate amendment was agreed to.

COMPACTS OR AGREEMENTS BETWEEN VARIOUS STATES

Mr. SMITH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House bill 6496, granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested; House bill 6497, granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested; House bill 6499, granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other

streams in which such States are jointly interested; House bill 7024, granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers, and all other streams in which such States are jointly interested; House bill 7025, granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested, and disagree to the Senate amendments.

The SPEAKER. The Clerk will report the first bill, with the Senate amendment.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. Is it not proper to call up these bills one at a time?

The SPEAKER. They will be reported to the House one at a time. The Clerk will report House bill 6496, with the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which I do not intend to do, as I understand it the gentleman's request is only to disagree to the Senate amendment.

The SPEAKER. The request of the gentleman from Idaho is that the Senate amendment be disagreed to. Is there objection?

Mr. McFADDEN. Mr. Speaker, reserving the right to object, is there anything here which pertains to the Columbia River Basin project?

Mr. SMITH. Nothing at all.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was disagreed to.

The SPEAKER. The Clerk will report the next bill, H. R. 6497, with the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, do I understand that the gentleman is taking this course by direction of the committee?

Mr. SMITH. Yes; by direction of the committee.

Mr. GARBER. What is the effect of the Senate amendment?

Mr. SMITH. The Senate amendment provides that the officer to represent the Federal Government in connection with these deliberations with the State commissions shall be appointed without limitations, while the House bill provides that the representative shall be appointed from the Department of the Interior. We think some one could be detailed from the Department of the Interior and thus save the expense of having an individual from private life as could be done under the Senate amendment.

Mr. GARBER. The gentleman is now acquiescing in the Senate amendment, is he not?

Mr. SMITH. No; we are disagreeing to the Senate amendment.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. SMITH. Yes.

Mr. LAGUARDIA. What is the purpose of the gentleman's strategy in disagreeing and not asking for a conference?

Mr. SMITH. In order to give the Senate an opportunity to reconsider and recede without a conference.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was disagreed to.

The SPEAKER. The Clerk will report the next bill (H. R. 6499).

The Clerk read the title of the bill.

The Clerk read the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The Senate amendment was disagreed to.

The SPEAKER. The Clerk will report the next bill (H. R. 7024).

The Clerk read the title of the bill.

The Clerk read the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The Senate amendment was disagreed to.

The SPEAKER. The Clerk will report the next bill (H. R. 7025).

The Clerk read the title of the bill.

The Clerk read the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The Senate amendment was disagreed to.

BRIDGE ACROSS THE FRENCH BROAD RIVER

Mr. DENISON. Mr. Speaker, I call up the bill (S. 5301) granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on Tennessee Highway No. 9 in Cocke County, Tenn., a similar House bill, H. R. 16218, having been reported and now being on the calendar.

The Clerk read the title of the bill.

The SPEAKER. The Chair understands that a similar House bill has been reported?

Mr. DENISON. Yes; a similar House bill has been reported and is now on the calendar.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Highway Department of the State of Tennessee to construct, maintain, and operate a free bridge and the approaches thereto across the French Broad River, near Bridgeport, at a point suitable to the interests of navigation, on Tennessee Highway No. 9 in Cocke County, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS THE MONONGAHELA RIVER

Mr. DENISON. Mr. Speaker, I call up the bill (S. 5377) granting the consent of Congress to the Pittsburgh & West Virginia Railway Co. to construct, maintain, and operate a railroad bridge across the Monongahela River, a similar House bill being on the calendar.

The Clerk read the title of the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Pittsburgh & West Virginia Railway Co., its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto across the Monongahela River at a point suitable to the interests of navigation, at Charleroi, county of Washington, State of Pennsylvania, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Pittsburgh & West Virginia Railway Co., its successors and assigns; and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized to exercise the same as fully as though conferred herein directly upon such corporation.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS LAKE CHAMPLAIN

Mr. DENISON. Mr. Speaker, I call up the bill (S. 4560) authorizing Elisha N. Goodsell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain between a point at or near Rouses Point, N. Y., and a point at or near Alburgh, Vt., a similar House bill being on the calendar.

The Clerk read the title of the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, Elisha N. Goodsell, of Alburgh, Vt., his heirs, legal representatives, and assigns, be, and he is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Lake Champlain, at a point suitable to the interests of navigation, at or near Rouses Point, N. Y., to a point at or near Alburgh, Vt., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon Elisha N. Goodsell, his heirs, legal representatives, and assigns, all such rights and powers to enter

upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Elisha N. Goodsell, his heirs, legal representatives, and assigns are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of New York, the State of Vermont, any public agency or political subdivision of either of such States within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches and any interest in real property necessary therefor, by purchase or condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necesary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 6. Elisha N. Goodsell, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the Highway Departments of the States of New York and Vermont a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War, may and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable cost of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Elisha N. Goodsell, his heirs, legal representatives, and assigns, shall make available all his records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all rights, powers, and privileges conferred by this act is hereby granted to Elisha N. Goodsell, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferrred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

PENSIONS

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent that the bill (H. R. 16878) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, may be taken from the Speakers' table and considered in the House as in Committee of the Whole.

This is an omnibus pension bill that should have been considered yesterday, under the rules.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of the bill H. R. 16878, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill.

This bill is a substitute for the following House bills referred to said committee:

H. R. 5915. Mary R. Welsh.
H. R. 8817. Fannie A. Struhs.
H. R. 9526. Samuel A. Kersey.
H. R. 10719. Louisa E. Prall.
H. R. 12494. William H. Reveile.
H. R. 12561. Margaret E. Hayes.
H. R. 12713. Ida C. Watson.
H. R. 12747. Mary J. Thomas.
H. R. 12825. Sarah Stanfield.
H. R. 12847. Mary C. Judson.
H. R. 13672. Caroline Ryder.
H. R. 13681. Mary Peterson.
H. R. 14142. Fred Koeckritz.
H. R. 14236. Frank B. McCartney.
H. R. 14373. Rose Z. Cote.
H. R. 14386. Sarah R. Atwood.
H. R. 14396. Clinton A. Short.
H. R. 14490. Elizabeth A. Wilkinson.
H. R. 14515. George E. Jones.
H. R. 14559. Sam H. Wilkinson.
H. R. 14702. John F. Halpin.
H. R. 14836. Morrow B. Wilson.
H. R. 14885. Clarence Dehart.
H. R. 15030. John Stoll.
H. R. 15097. Emma P. Ripley.
H. R. 15129. Catherine Krips.
H. R. 15237. Urtilla N. Schroeder.
H. R. 15283. Emma C. Bragg.
H. R. 15302. Americus Watt.
H. R. 15411. Edward G. Murton.
H. R. 15433. Kate Thomas.
H. R. 15511. Margaret C. Donovan.
H. R. 15531. Ellen Noonan.
H. R. 15600. Lena Jenkins.
H. R. 15630. Minnie V. Stahl.
H. R. 15644. Carola M. Tonry.
H. R. 15691. Mary R. Gehlbach.
H. R. 15750. Clara E. Moor.
H. R. 15751. Anna Steele.
H. R. 15794. Ellis B. McNeeley.
H. R. 15812. George Curry.
H. R. 15819. Peter F. Van Auken.
H. R. 15844. Rachel L. Morris.
H. R. 15872. Johanna Moss.
H. R. 15899. Sarah A. Byam.
H. R. 15907. Charles R. Reist.
H. R. 15910. Margaret Harrold.
H. R. 15959. Lizzie Gullett.
H. R. 16105. Nancy M. Oglesby.
H. R. 16156. James Thompson.
H. R. 16260. Thomas Waters.
H. R. 16261. Minnie Yearout.
H. R. 16294. William E. Dollard.
H. R. 16326. Maggie L. Gibson.
H. R. 16335. William W. Cook.
H. R. 16411. Mary H. Goldberger.
H. R. 16415. Mary Dunn.
H. R. 16493. Robert J. Edwards.
H. R. 16552. Martha A. Osborne.
H. R. 16667. Samuel Round.
H. R. 16684. Mary C. Brown.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

RELIEF OF FARMERS IN STORM AND FLOOD STRICKEN AREAS, SOUTHEASTERN UNITED STATES

Mr. SNELL. Mr. Speaker, by direction of the Committee on Rules I submit a privileged report on the resolution H. Res. 312 for printing in the RECORD.

The resolution is as follows:

House Resolution 312

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate Joint Resolution 182, for the relief of farmers in the storm and flood stricken areas of southeastern United States. That after general debate, which shall be confined to the Senate joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the Senate joint resolution, the Senate joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the Senate joint resolution for amendment, the committee shall arise and report the Senate joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the Senate joint resolution and the amendments thereto to final passage without intervening motion except one motion to recommit.

The resolution was referred to the House Calendar and ordered to be printed.

AGRICULTURAL APPROPRIATION BILL—CONFERENCE REPORT

Mr. DICKINSON of Iowa. Mr. Speaker, I present a conference report upon the bill (H. R. 15386) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes, for printing under the rule.

SANCTUARIES FOR THE PROTECTION OF MIGRATORY BIRDS

Mr. WILLIAMS of Illinois. Mr. Speaker, I call up a privileged report from the Committee on Rules, House Resolution 307.

The Clerk read the resolution as follows:

House Resolution 307

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole on the state of the Union for the consideration of S. 1271, an act to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall arise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. WILLIAMS of Illinois. Mr. Speaker, this resolution makes in order the consideration of the migratory bird refuge bill. This matter, in various forms, has been before Congress for some years. Everyone has recognized the urgent necessity of the Federal Government taking action that would protect the wild fowl of the United States, but in all the bills that have been reported heretofore there has appeared provisions that aroused so much opposition from various sources, that it has not been possible to get the enactment of an adequate law.

The bill we are about to consider has removed, I think almost entirely, the objectionable and controversial features which have appeared in bills presented heretofore.

This bill provides, first, for the creation of a commission known as the migratory bird conservation commission.

This commission is to be composed of the Secretary of Agriculture, who is ex-officio chairman of the commission; the Secretary of the Interior; two Members of the Senate, to be appointed by the Presiding Officer of the Senate; and two Members of the House of Representatives, to be appointed by the Speaker. Associated with this commission in its duties will be the heads of the game department of the various States in matters relating to such States, or in States where they have no game department the governor, or some one authorized to act for him, will sit with the commission, taking part in the transactions of the commission applicable to those States.

This measure does not provide for public shooting, a feature there has been carried in former bills. It is a simon-pure migratory bird conservation measure. It carries an appropriation from the Federal Treasury. The license feature always carried in bills heretofore has been omitted.

The appropriation authorized in the bill for the first year ending June 30, 1930, is $75,000; for the next year it is $200,000; for the third year it is $600,000; and $1,000,000 thereafter for six years.

The $75,000 to be expended the first year under the plan outlined to the committee by the Department of Agriculture will be to make a survey of the United States and secure options on desirable locations for the proposed sanctuaries. There will be no acquisition of land or sites under the appropriation for the first year. It will be a general survey by the Department of Agriculture to determine where such sanctuaries can properly be located.

When the entire program contemplated in the bill is completed, we will have probably something like 125 of these refuge stations throughout the country; there will be one or more in each State of the Union. These lands will be acquired after the location has been decided upon by the commission under the terms of the bill.

Mr. GARBER. Will the gentleman yield?

Mr. WILLIAMS of Illinois. I yield to the gentleman.

Mr. GARBER. Do the provisions of the bill make it compulsory to have one of these stations in each State?

Mr. WILLIAMS of Illinois. Not necessarily so; I do not think that would be a wise provision. The representatives of the department said to the committee that there would be one or more in each State of the Union. Of course, they will have to be located at points where suitable locations can be secured and along the line of the travel of migratory birds.

Mr. BRAND of Georgia. Will the gentleman yield?

Mr. WILLIAMS of Illinois. I yield.

Mr. BRAND of Georgia. Is it mandatory that each State shall have one of these stations?

Mr. WILLIAMS of Illinois. No; as I said, however, that would be the practical result.

Mr. BRAND of Georgia. It leaves it discretionary as to whether we shall have one in Georgia or not?

Mr. WILLIAMS of Illinois. That will be left to the commission, which is composed of the Secretary of Agriculture, the Secretary of the Interior, two Senators, and two Representatives.

Mr. ASWELL. The location of the sanctuary would depend exclusively on the action of the legislature.

Mr. WILLIAMS of Illinois. Yes; before any sanctuary can be acquired the legislature of the State in which it is being acquired will have to give its consent in a legal way.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. WILLIAMS of Illinois. I yield.

Mr. COCHRAN of Missouri. I notice that the House committee has stricken out the Senate bill and substituted the new bill with similar language. Can the gentleman assure me that if the bill goes to conference it will not be rewritten and be brought back with the Senate bill in it?

Mr. WILLIAMS of Illinois. The bill that came over from the Senate was introduced by Senator NORBECK, of South Dakota. After it had passed the Senate, certain changes seemed to be desirable, which will be explained in the course of the debate. I understand that these changes are absolutely satisfactory to the sponsors of the bill in the Senate, and was told so by Senator NORBECK. We have now substituted the Andresen bill for the Norbeck bill and are considering it as an amendment to the Senate bill, and I am assured that if the bill passes the House there will be no trouble in conference.

One of the features in this bill which appeals to me is that we are adopting a fixed and definite policy for the conservation of the wild fowl of the country. It is a long-time program. It will be 10 years, probably, before all of the sites that are necessary or desirable can be acquired, but when this is done and when these sanctuaries have been established, they are forever inviolate to the wild fowl of the country.

Mr. HALE. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. HALE. To what extent, if any, does it require contribution of money by the States where locations are made?

Mr. WILLIAMS of Illinois. The States are not required to contribute in any way. This is a national policy, a national program for the conservation of the wild-fowl life of the United States, the necessary funds for which will come from the Federal Treasury.

Mr. LEAVITT. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. LEAVITT. In what way could an area that is already in the ownership of the United States, so that no purchase is required, be brought under the provisions of this bill? I refer to an area not in a national forest or in a water-power withdrawal.

Mr. WILLIAMS of Illinois. I think there is a provision here which will take care of that.

Mr. LEAVITT. I searched for that provision, and have not been able to satisfy my mind with regard to it.

Mr. WILLIAMS of Illinois. I do not understand that the commission would have the power to arbitrarily take over a preserve now owned by the Government and convert it to one of these refuges.

Mr. LEAVITT. The particular thing I have in mind is an area in Montana which has been part of a reclamation withdrawal, but action has been taken to release it. I have asked that it be withheld without restoration to entry with the idea that its greatest use is probably for a migratory bird refuge. I want to know how under the provisions of this bill an area of that kind, which would not require purchase, and which might be agreed to by the State, could be brought within this system.

Mr. WILLIAMS of Illinois. I think that could be done under the provisions of the bill. If the commission decided that it is a desirable location for one of these stations, and the Government already has title, it could be converted into a game preserve under the terms of this bill.

Mr. LEAVITT. And if there is any doubt about that, there would be no objection to an amendment to clarify it?

Mr. WILLIAMS of Illinois. I think not. I can not see where there would be. One of the big objections heretofore to a measure of this kind has been that they have all carried a

license provision whereby anyone who desires to shoot wild fowl would be required to take out a Federal license. It was the plan to finance the whole conservation scheme by a license levied on the individual citizens of the United States.

I think everyone who has given this problem, and it is a big problem, careful consideration has reached the conclusion that this is a great national problem. Whether we be sportsmen or not, we all know the inestimable value that the wild-fowl life has to agriculture and the forest interests of the country. The Committee on Agriculture of the House has unanimously reported this bill. As I said, I think it meets every valid objection that has heretofore been urged against the enactment of the conservation legislation and merits the support of the House. I think beyond doubt it has the support of the country more generally than any measure that has been presented here during my service in Congress.

Mr. IRWIN. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. IRWIN. I notice that the provisions of the bill apply to migratory birds.

Mr. WILLIAMS of Illinois. Yes.

Mr. IRWIN. The gentleman from Illinois a number of times used the term "wild game." This applies to migratory birds, and not to other game?

Mr. WILLIAMS of Illinois. It applies to migratory birds, and the fowl named in the bill are identical with those named in the treaty between the United States and Great Britain.

Mr. IRWIN. It does not apply to any other game?

Mr. WILLIAMS of Illinois. No; it applies only to the wild fowl named in the treaty between the United States and Great Britain in 1916 and in the act of 1918 putting into effect the provisions of that treaty.

Mr. BRAND of Georgia. Does this bill define migratory birds?

Mr. WILLIAMS of Illinois. Yes; it defines them as they are defined in the treaty between the United States and Great Britain negotiated in 1916.

I reserve the remainder of my time and yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, I will ask the gentleman for 10 minutes with permission to yield part of that time.

Mr. Speaker, the bills relating to this subject which have been before past Congresses have always been of such a nature as to render them, it seemed to me, fundamentally objectionable, and I have always, notwithstanding my deep sympathy with the principle of wild-life conservation, found myself unable to support those measures in the past, and, as some Members probably will recall, I have not only not supported them but have opposed with all the earnestness of which I was capable their passage in the House.

The license fee, which has been contained in the measures of the past, a provision to which I was opposed, that every hunter pay a Federal license, it seemed to me presented such an encroachment on the part of the Federal Government as that it would have created an irritation on the part of citizens that would have more than destroyed all the good that might come out of the other features of the bill. Fortunately the bill that is proposed now to consider has eliminated these objections of principle that have heretofore, to my mind, been insuperable, and I am very glad on account of my deep interest in this matter of conservation that a measure has been brought before the House to which I can give my support. [Applause.]

I yield whatever time may be remaining to me to the gentleman from Indiana [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Speaker, I have not been able to reach the conviction to support these bills which have had for their purpose the conservation of bird life that have come in previous Congresses, but this bill seems to have features that will preserve the wild life of America, and the objectionable features having been eliminated I feel that I can support this measure with sincerity. I was interested a few days ago in reading the account of the dedication of the sanctuary in Florida, at which the President made a dedicatory speech, not only on account of the singing tower, but the sanctuary for the preservation of bird life which surrounded it. I think it is a great lesson and that the words uttered by the President in that dedication expressed the sentiment of the people of America to preserve our wild life, because we all appreciate that many species are becoming extinct. The school children of America have long studied bird life and have been engaged in the making of bird boxes, and nearly every community has its bird club for the purpose of preserving and carrying out the very features this bill proposes to preserve with reference to wild life. Not only is there a sentiment connected with the preservation of bird life, but the study of it is recognized in the preservation of bird life. There is the destruction of insects and the preservation of crops wrapped up in this subject, and I think the Federal Government does well to take a lead in a bill that is a bill of real conservation, not a bill, as former ones have been, that will preserve the bird life in certain restricted areas and then permit people to go in there and slay and kill, which does not mean a sanctuary.

That means a place where wild life is to be destroyed. If we are going to have preservation with the idea of permanence, then it would not do for a bill like this to preserve the wild life just part of the time and permit the destruction of it at other times, and this bill will also permit the Federal Government to help keep the treaty that we have made with the Dominion of Canada.

No State by its statutes can preserve the life of migratory birds, because State lines mean nothing in such a case. It must be a national policy. This bill satisfies the requirements of a national policy, and as a real conservation bill it will make these places a real sanctuary for the bird life of America, and I am glad to support the bill. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, there are no other requests for time on the bill on this side.

Mr. WILLIAMS of Illinois. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Senate bill. Pending that, I suggest that the debate be limited to two hours, half the time to be controlled by the gentleman from Louisiana [Mr. ASWELL] and the other half by myself.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate bill 1271. Pending that, the gentleman asks unanimous consent that the time be equally controlled by himself and the gentleman from Louisiana, each to have control of one-half of the time. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Iowa.

The motion was agreed to.

The SPEAKER. The gentleman from Michigan [Mr. HOOPER] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1271, with Mr. HOOPER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 1271, which the Clerk will report.

The Clerk read as follows:

A bill (S. 1271) to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement, and for other purposes.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. Under the rule the debate is confined to two hours, to be equally divided between the gentleman from Iowa [Mr. HAUGEN] and the gentleman from Louisiana [Mr. ASWELL]. The gentleman from Iowa is recognized.

Mr. HAUGEN. Mr. Chairman, this bill is intended to meet more effectively the obligations of the United States under the migratory bird treaty with Great Britain. The Senate bill as it came to the House carried an appropriation of $1,000,000 annually for an indefinite time. The bill has been amended in accordance with suggestions made by the Department of Agriculture. As amended it carries $75,000 for the first year, $200,000 for the second year, and $600,000 for the third year, and annually $1,000,000 for seven years thereafter. It limits expenditures and maintenance of the reservation to 20 per cent of the amount appropriated for the first 10 years, and after that $200,000 a year.

As has been stated, a commission is created to be known as the migratory bird conservation commission, consisting of the

Secretaries of the Departments of Agriculture, Interior, and Commerce, and two Members of the Senate, to be selected by the President of the Senate, and two Members of the House, to be selected by the Speaker, to consider and pass upon any project within the meaning of the act, recommended by the Secretary of Agriculture for purchase or rental, and to fix the price, and provides that no purchase or rental shall be made of any such area until it has been duly approved for purchase or rental by said commission.

By section 5 of the bill the Secretary of Agriculture is authorized to purchase or rent such areas as have been approved for purchase or rental, at the price fixed by the commission, and to acquire by gift, and so forth, of areas he shall determine to be suitable.

Particular attention has been given to the question of safeguarding the rights of the States in connection with the establishment of sanctuaries. Section 2 makes the chief game official of each State or his representative or the governor of the State having no game department or his representative, a member of the commission for the purpose of considering and voting on all questions relating to acquisition of areas under the act in his State for sanctuary purposes. Section 7 provides that no area may be acquired in a State until after the State has consented by law to such acquisition. Section 8 reserves to the State jurisdiction both civil and criminal over persons upon areas acquired by the Government. Section 9 specifies that the act is not intended to interfere with the operation of the game laws of the several States, and section 17 provides that when a State shall by suitable legislation make provision for the enforcement of the Federal law and regulation on the sanctuaries it may cooperate with the Secretary of Agriculture in such enforcement.

Section 2 is amended, as stated in the letter of the Secretary of Agriculture, by striking out the words "Postmaster General" and inserting in lieu thereof the "Secretary of the Interior." The previous bill carried the licensing feature, under the cognizance of the Postmaster General. The elimination of the license feature from the bill makes the object of the legislation foreign to the interests of the Post Office Department. The Secretary of the Interior is suggested as a member of the commission in view of his responsibilities in connection with the administration of public lands.

According to present information of the department, at least 125 sanctuares are required, one or more in each State of the Union and several in the Territory of Alaska.

Unless suitable water and marsh areas are maintained for our waterfowl for breeding and feeding grounds, these migratory birds will gradually disappear, regardless of further restrictions on hunting. Hence immediate action is vitally important.

The Secretary is not authorized to purchase or rent until it is so recommended by the commission.

Mr. Chairman, under leave to extend my remarks, I desire to append a letter from the Chief of the Biological Survey, under date of January 21, 1929, setting forth its program for the establishment of the necessary sanctuaries along the migration routes:

JANUARY 21, 1929.

Hon. GILBERT N. HAUGEN,
Chairman Committee on Agriculture,
House of Representatives.

DEAR MR. HAUGEN: Supplementing my remarks of this morning and at the request of your committee, I submit for its consideration the following program of expenditures under the Norbeck bill (S. 1271) to establish inviolate sanctuaries for migratory birds.

As suggested in the report of this department on the measure under date of January 11, 1929, the $75,000 proposed for the first year's expenses would be used in making a comprehensive survey of the most desirable sanctuary sites throughout the United States, and in developing a clear-cut, businesslike program for the establishment of the necessary sanctuaries along the migration routes.

The biological and physical characteristics of the various sites will be studied from the standpoint of their desirability as sanctuaries and breeding, feeding, and resting places for migratory birds, and information will be gathered on which to establish the value of the areas in question as a basis for estimating their cost. This would not only include the value of the land itself but the improvements and developments necessary to establish satisfactory sanctuaries in the various localities.

Although the department has had no funds available to make thorough field examinations in order to determine just where the Federal migratory bird sanctuaries should be established, a preliminary report has been prepared by members of the Biological Survey based upon information in its files and the conclusion reached that Federal sanctuaries are needed in at least 125 concentration areas. The list includes one or more sanctuaries in each State of the Union, as shown on the attached map, and several in the Territory of Alaska. As a result of the investigations to be made during the first year, it will be determined whether these locations fit in with the program of the department for permanent sanctuaries and what additional sites should be included.

During the second year the department will proceed to secure options and acquire lands needed for the Federal sanctuaries. Practically all of the estimated amount of $200,000 will be expended in accordance with the present plans of the department on the acquisition of lands found by the investigations made during the first year to be needed for sanctuary purposes, and which have been approved for acquisition by the commission. It is not planned to expend any of this $200,000 in the administration of sanctuaries during this year.

During the third year under the $600,000 appropriation we estimate that we will use 95 per cent for the acquisition of additional lands, including the construction of necessary improvements, such as dikes, ditches, dams, etc., and approximately 5 per cent for administering the areas already acquired. Subsequently and until a sufficient number of sanctuaries have been obtained to provide for the welfare of the migratory birds, it is the present plan of the department to use each year approximately 80 to 85 per cent in acquisition and improvements and not to exceed 15 to 20 per cent for the employment of protectors to administer and patrol the sanctuaries.

Definite information is lacking as to the prices at which all the desirable lands are held. Figures have been obtained, however, with respect to a limited number of areas which would indicate that land suitable for Federal sanctuaries could in many instances be secured at an average price of not to exceed $5 per acre. The department proposes in all cases to proceed in a businesslike manner to obtain the land at the lowest possible price. In any event, no lands can be obtained under the bill except those that have been approved for purchase at prices fixed by the commission, consisting of three members of the Cabinet, two members of the House of Representatives, and two Senators.

Sincerely yours,

PAUL G. REDINGTON, *Chief.*

Mr. GARBER. Mr. Chairman, will the gentleman yield there?

Mr. HAUGEN. Certainly.

Mr. GARBER. Are the representatives to be selected with regard to equal representation throughout the country?

Mr. HAUGEN. Two Members of the Senate are to be appointed by the President of the Senate and two Members of the House by the Speaker of the House.

Mr. GARBER. Does not the gentleman think that a fair representation throughout the country would be more satisfactory to the people, if some suggestion were made in the bill regarding the appointments?

Mr. HAUGEN. I assume that those making the appointments will take that into consideration.

Mr. COLE of Iowa. How are you going to distribute two Members of the House and two Members of the Senate all over the country?

Mr. HAUGEN. There is no hard-and-fast rule of distribution, but I assume the suggestion that they be appointed with due regard to representation would be sufficient.

Mr. COLE of Iowa. I do not see how you could get representation of all parts of the country in the appointment of two men from the House and Senate.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield? I want to ask the gentleman from Iowa a question.

Mr. HAUGEN. Yes.

Mr. ABERNETHY. Does this bill put any tax on the hunter?

Mr. HAUGEN. Not at all. The license feature has been eliminated from the bill.

Mr. ABERNETHY. You do not allow hunting on these sanctuaries?

Mr. HAUGEN. Not at all.

Mr. GARBER. Mr. Chairman, will the gentleman yield to another question?

Mr. HAUGEN. Yes.

Mr. GARBER. What does it do with reference to the jurisdiction over violations? They still maintain jurisdiction over all violations of the sanctuary?

Mr. HAUGEN. Yes; both civil and criminal.

Mr. Chairman, I yield 15 minutes to the gentleman from Minnesota [Mr. ANDRESEN].

The CHAIRMAN. The gentleman from Minnesota is recognized for 15 minutes.

Mr. ANDRESEN. Mr. Chairman and members of the committee, during the past 25 years a great deal has been said and done regarding the conservation of our natural resources. Federal and State laws have brought about the establishment of national and State forestry park areas for the conservation of our timber supply. The educational program for tree planting, scientific utilization of timber products, and protection of forest areas, is a step in the right direction which will assure future generations of adequate timber supplies, if properly continued.

Legislation has been enacted, though wholly inadequate, for the conservation of our water power, development of inland waterways, and general protection of the Nation's untold wealth in minerals, oils, and other natural resources. This program should be extended so that our God-given natural resources may be properly used and conserved for the benefit of all the people.

Many large areas of land, sparsley timbered, particularly in northern Minnesota, Wisconsin, and Michigan, unproductive for agricultural purposes, but abundant in beauty and wild life, rushing streams and deep, clear lakes filled with gamey fish, should be set aside as the Nation's playground. To have these areas desecrated by the ruthless advance of industry would be a travesty upon the American people. This, the "last stand" of wildernesses in the Middle West, should be left in its original wild state and consecrated as a sanctuary for the sport-loving people of this country.

Federal and State Governments are carrying out programs for the conservation and propagation of fish and other game, with varying success. During the past 10 years the supply of game fish in streams has been greatly diminished, due principally to pollution of the waters by sewage and inadequate enforcement of game laws. Unless action is promptly taken to remedy these existing evils, fishing will no longer be a sport for the rank and file but will be a pastime for those with means who are able to travel long distances into the wilderness of this country and Canada. No time should be lost in conserving the fish of the country in their natural and usual habitat.

The bill now under consideration, Senate 1271, with the companion measure, H. R. 16525, commonly known as the Norbeck-Andresen game refuge bill, deals with the conservation of migratory birds. It is a necessary measure and should be enacted into law during the present session of Congress. The act fixes a national policy for conservation of migratory birds to more effectively meet the obligations of the United States under the migratory-bird treaty with Great Britain.

At the present time there are but few areas set aside as sanctuaries for migratory birds in the United States, and as a consequence during both open and closed season hundreds of thousands of birds are annually slaughtered for the lack of a safe resting and feeding haven.

The program proposed by this bill ultimately contemplates the establishment of permanent sanctuaries for migratory birds in every State in the Union and Alaska. Areas where birds may nest, feed, and rest without being molested by hunters. Inviolate sanctuaries. It has for its aim the preservation of ducks, geese, song birds, and insectivorous birds for future generations, as well as an assurance of a liberal supply of the migratory birds which may be legally taken for the hunters of to-day.

In order that the Members of the House may know as to the number of migratory birds covered by the treaty with Great Britain, I quote from Article I of the treaty, which was approved on December 8, 1916, by the representatives of the two Governments:

ARTICLE I

The high contracting powers declare that the migratory birds included in the terms of this convention shall be as follows:

1. Migratory game birds:

(a) Anatidae or waterfowl, including brant, wild ducks, geese, and swans.

(b) Gruidae or cranes, including little brown, sandhill, and whooping cranes.

(c) Rallidae or rails, including coots, gallinules, and sora and other rails.

(d) Limicolae or shorebirds, including avocets, curlew, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.

(e) Columbidae or pigeons, including doves and wild pigeons.

2. Migratory insectivorous birds: Bobolinks, catbirds, chickadees, cuckoos, flickers, flycatchers, grosbeaks, humming birds, kinglets, martins, meadowlarks, nighthawks or bull-bats, nut-hatches, orioles, robins, shrikes, swallows, swifts, tanagers, titmice, thrushes, vireos, warblers, wax-wings, whippoorwills, woodpeckers, and wrens, and all other perching birds which feed entirely or chiefly on insects.

3. Other migratory nongame birds: Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murres, petrels, puffins, shearwaters, and terns.

Such birds as the bobolinks, catbirds, humming birds, martins, meadowlarks, orioles, robins, wrens, woodpeckers, and many others are migratory birds. They live chiefly on insects and annually save the farmers of this country hundreds of millions of dollars in preventing destruction of crops by insects. The sanctuaries established under this bill will be havens for these industrious and valuable creatures. Increasing the number of insectivorous birds in America will be of enormous financial benefit to agriculture, as well as added pleasure to the American people.

One of the most detailed estimates of the extent of damage inflicted by insects in the United States is that compiled by C. L. Metcalf and presented in the fifty-fifth annual report of the Entomological Society of Ontario in 1924. At that time the aggregate damage to staple field crops, vegetable crops, fruit, greenhouse products, livestock, as well as damage and losses brought about by insect-borne diseases, was placed at $1,590,044,500.

This figure would be increased materially were it not for a number of factors that tend to reduce the numbers and control the activities of insect pests. Conspicuous among these agencies is the work done by beneficial insectivorous birds. An estimate of the value of this service has been made on the basis of a total bird population of the country. Bird enumerations have established the fact that two birds per acre is a fair estimate, at least for the eastern half of the United States. On parts of this area many more are present, making up in part at least for the admittedly smaller number of birds in some of the arid sections of the West. On this basis it is probable that there are 3,800,000,000 breeding birds in the United States. On their northward and return journeys additional migrating birds spend a portion of each year in this country. It has been estimated that this augmentation of our insect-eating birds is approximately a third of the resident population. We can assume, therefore, that there are at our service fully 4,500,000,000; the size of this feathered army is beyond real conception since each individual in it may destroy a hundred or even many hundreds of insects daily. How enormously difficult to realize is the total destruction of the insects and other animals taken up in their food! If we are to place the value of the annual services of these birds at the insignificantly low figure of 10 cents a piece, the American public would realize annually a saving of approximately $450,000,000.

This estimate, of course, is an abstract one; but many local instances have come to light where the good services of birds are glaringly apparent, and in those areas the value of these feathered aids can not be doubted. A classical instance of the beneficial work effected by birds was that performed during outbreaks of the Rocky Mountain locust in the pioneer days of Utah. To-day a monument stands in Salt Lake City in commemoration of those valued services. Even in later years the Salt Lake Valley has experienced conspicuous work of insectivorous birds. More than 45 species were known to feed on the alfalfa weevil only a comparatively short time after it was introduced. In the South 66 species were known to feed on the cotton-boll weevil, 98 prey on cutworms, 120 on leaf hoppers, and 168 on wire worms, all destructive pests of agriculture.

For the past six years or more the subject of conservation of migratory birds has been up for discussion before Congress and the conservationists of the country. In the past there has been more or less disagreement amongst the organizations as to the proper plan of conservation. I am now, however, happy to announce that all of the leading conservation organizations of the country are in thorough accord and most enthusiastically indorse and urge the passage of Senate bill 1271 as amended by the House Committee on Agriculture.

The National Committee on Wild Life Legislation, officially representing all of the leading wild-life conservation organizations in this country, has rendered a distinct service to the people of America in its unselfish effort to secure the passage of this legislation. The officers of the committee—Dr. T. Gilbert Pearson, of the National Association of Audubon Societies, as chairman; Carlos Avery, of the American Game Protective Association, as vice chairman; Seth E. Gordon, of the Izaak Walton League of America, as secretary; and the other members of the committee—deserve special mention for their untiring work in behalf of the conservation of migratory birds. These men are here to-day to witness the realization of a long-cherished dream.

The American Game Protective Association; the Izaak Walton League of America; the International Association of Game; the Western Association of Game, Fish, and Conservation Commissioners; the National Association of Audubon Societies; the American Forestry Association; the Gopher Campfire Club, of Hutchinson, Minn.; General Federation of Women's Clubs; and other organizations and individuals are now unitedly for this bill as amended, and have given most valuable aid in bringing about national interest for the conservation of migratory birds as set forth in this bill.

Senate bill 1271, as amended, has the approval of the President, the Director of the Budget, and the Secretary of Agriculture.

The bill, as amended, clearly defines and establishes a definite policy of the Government for the conservation and protection of migratory birds. Areas of land and land and water will be acquired for inviolate sanctuaries for migratory birds in every State and in Alaska.

Section 2 provides for the creation of the migratory bird conservation commission, consisting of the Secretary of Agriculture as chairman, the Secretary of Commerce, the Secretary of the Interior, two Members of the Senate, appointed by the Vice President, and two Members of the House of Representatives, appointed by the Speaker. The ranking officer of the State in which the refuge is located shall be a member ex officio of the commission, having the right to vote on all questions relating to the acquisition of areas in his State. The commission will have charge of selecting areas and establishing sanctuaries, and will serve without pay.

The administration of the act is placed in the hands of the Secretary of Agriculture and provides for joint cooperation with the States in the enforcement of its provisions.

The bill provides for no license fee and is financed out of the Treasury, as follows: Seventy-five thousand dollars for 1930, $200,000 for 1931, $600,000 for 1932, and $1,000,000 a year thereafter for seven years, after which time $200,000 is provided annually for the administration of the refuges.

The bill specifically provides that not more than 20 per cent of each annual authorization shall be used in the administration of the sanctuaries, leaving a balance of 80 per cent for acquisition of areas of land and land and water for inviolate sanctuaries, during the 10-year program.

To make it clear: There will be no license fee and no public shooting grounds under the provisions of the bill. The areas secured will be inviolate permanent sanctuaries for migratory birds. There will be cooperation as to enforcement and selection of sanctuaries by the State and Federal Government. Enabling legislation on the part of the State will be necessary before a sanctuary is established and acquired by the Federal Government.

The areas acquired under this act will serve a threefold purpose. First, sanctuaries for migratory birds; second, spawning and feeding grounds for fish, as well as ideal fishing grounds; and third, places for propagation of fur-bearing animals, such as beaver, mink, muskrat, and so forth.

Members of the House, this bill should receive your unanimous approval, and it is my sincere hope that it will, in its amended form, be approved by the Senate, become a law, and be recognized as the outstanding achievement for conservation of the Seventieth Congress. [Applause.]

Mr. NEWTON. Will the gentleman yield?

Mr. ANDRESEN. Yes.

Mr. NEWTON. The committee struck out everything after the enacting clause in the Senate bill. Some time ago I received a number of communications suggesting that the House pass the bill substantially as the Senate sent it over, but, as I understand, the committee has made some very substantial improvements in the bill as it came over.

Mr. ANDRESEN. That is correct.

Mr. NEWTON. And that now the very organizations which originally favored the bill as it came over are behind the bill as it has been reported to the House?

Mr. ANDRESEN. That is correct. Some of the amendments made in the bill were of minor character. The Postmaster General was designated in the Senate bill as a member of the commission originally. The idea was that the Postmaster General, through the post offices, should collect the license fee, but with the license fee eliminated from the bill we thought it better to have the Secretary of the Interior, who has control of the public lands, on the commission in preference to the Postmaster General. Another change made in the bill was as to the amount of money authorized. The Senate bill provided for an annual appropriation of $1,000,000. Upon investigation we found that during the first three years the department would be unable to spend that amount of money, so instead of providing for $1,000,000, we changed the amount to $75,000 for the first year, $200,000 the second year, and $600,000 the third year.

Mr. NEWTON. This illustrates that in the indorsement of any given proposition people would do better to indorse the general principles embodied in a bill rather than to attempt to write the detailed text of the bill.

Mr. ANDRESEN. I think the gentleman is correct.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. ANDRESEN. Yes.

Mr. COLE of Iowa. Can the gentleman give us any idea as to how large these areas will be ultimately?

Mr. ANDRESEN. Well, areas should be established all over the United States as far as the appropriations go, and that program, as I understand it, will be carried out by the Biological Survey. The Biological Survey will first make an investigation as to proper places to be designated as such areas.

Mr. COLE of Iowa. In other words, how large should an area be to serve as a game preserve?

Mr. ANDRESEN. We now have an area, known as the upper Mississippi wild-life refuge area, where the program ultimately contemplates the acquisition of 165,000 acres of land and water at a total cost of some one million and a half dollars. However, that is a large area and it will not be necessary to have as large areas as that under this bill.

Mr. COLE of Iowa. But it will be necessary to have quite large areas in order to serve these purposes?

Mr. ANDRESEN. Oh, that is true; they should be large enough so as to serve the purposes and they should also be in the line of flight, where the birds generally fly, and where there are proper feeding and nesting grounds for migratory birds. That will all be taken into consideration in connection with the investigation.

Mr. ALMON. Will the gentleman yield?

Mr. ANDRESEN. Yes.

Mr. ALMON. The gentleman stated that certain enabling legislation or action on the part of the States would be necessary before any sanctuaries could be established in a State. Will the gentleman briefly explain what will be necessary on the part of the respective States?

Mr. ANDRESEN. It will be necessary for the State legislatures to pass enabling legislation so that the Federal Government may take over and buy the land. The governor of a State, or the administrative officer in charge of game and fish enforcement, will sit on the commission to provide for the locations within a particular State.

Mr. LEAVITT. Will the gentleman yield?

Mr. ANDRESEN. I yield to the gentleman from Montana.

Mr. LEAVITT. I asked a previous speaker under the rule a question that I should like also to put to the author of the bill.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. HAUGEN. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. LEAVITT. I have not been sure in reading the bill whether it provides for a situation such as this, that there is a suitable area which belongs to the Federal Government now and which is a natural feeding ground for migratory birds. It could be made a part of this system if the Secretary of the Interior were authorized to transfer it to the Secretary of Agriculture for the purposes of the act, but I have not been sure whether in this act there is authority that would allow the Secretary of the Interior to make such a transfer.

Mr. ANDRESEN. In answer to the gentleman I might say that at the present time there are approximately 80 different kinds of sanctuaries in the country, virtually all of which have been transferred by Executive order, and I believe that under the circumstances the gentleman mentions an Executive order could be issued.

Mr. LEAVITT. There is no question but that an Executive order could be issued, but there is a question whether the Secretary of the Interior, who is to be a member of this commission, could make such a transfer without a presidential order.

Mr. ANDRESEN. I do not believe he could.

Mr. LEAVITT. Would it not be better, since this commission is authorized to acquire other lands by purchase, to authorize the Secretary of the Interior to make such a transfer without the delay of an Executive order?

Mr. ANDRESEN. I do not believe so, for the reason that in some of the smaller States, where there are large national-forest areas, it might be inadvisable.

Mr. LEAVITT. Those areas, of course, are exempted under the bill. What I have in mind, to be specific, is this: Within the last few months a situation has developed in Montana with respect to an area that for many years was withdrawn as a part of a reclamation project for reservoir purposes. This area naturally would be a fine wild bird sanctuary, and the question is now up as to what is to be done with these lands. I have asked the Secretary of the Interior not to restore these lands to public entry so that they can be dissipated under the homestead law or otherwise while this matter is being worked out, and I had rather hoped that this bill would authorize the Secretary, without very much machinery, to include them in this system, if the authority created in this bill should determine that that is their wisest use. I have drawn this amendment for discussion, but I do not intend to offer it if it is not entirely satisfactory to the committee, since I desire the bill to pass speedily:

Add a new section—section 20:

"The Secretary of the Interior is hereby authorized to transfer to the jurisdiction of the Secretary of Agriculture for all of the purposes of

this act any areas of public land determined by the agencies herein to be suitable therefor, except such areas as are specifically exempted in this act."

This, of course, would still exempt national-forest areas or areas under water-power withdrawal except under an agreement with the States, and would not include anything except a little easier machinery for building up this system of sanctuaries by including areas that we now own and would not have to buy.

Mr. ANDRESEN. I do not believe the gentleman's amendment would do any harm, but I think as long as a commission is created to pass upon the location of the land and the designation of sanctuaries it would probably be well to leave it within their discretion as to securing an Executive order rather than to give the power to the Secretary of the Interior to transfer that land.

Mr. LEAVITT. This is simply removing one step of the difficulties.

Mr. ANDRESEN. We generally have Presidents who are in sympathy with conservation.

Mr. DENISON and Mr. LAGUARDIA rose.

Mr. DENISON. I would like to ask the gentleman from Minnesota, if he will be kind enough to yield, a question about section 7. This bill, of course, is to establish a national policy and is in pursuance of a treaty with another government and proposes to establish national game refuges, and yet section 7 provides that no land shall be acquired in any State for a game refuge without the consent of the State.

If it is a matter of wise national policy to establish a game refuge why should not the Federal Government establish one in a State without the special permission of the State? What is the theory back of that provision in the bill?

Mr. ANDRESEN. The theory of that is that we might go into an individual county or section of a State where a great deal of the land——

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. HAUGEN. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. ANDRESEN. Where a great deal of the land might be acquired by the Federal Government either under condemnation or by purchase which would take away from the county taxable lands and might create considerable difficulty. I know of counties in Minnesota where we would have that situation, and we feel that as long as the governor sits in as a member of the commission designating the area, that if the State is interested in conservation, we will not have any trouble about getting the areas.

Mr. DENISON. It seems to me if it is of sufficient national importance that the Federal Government should acquire land and establish game refuges and that it is of importance it should be done in a certain State, the Federal Government ought to have the right to do so, whether the State wants it done or not. I can not understand why this should be made subject to the approval of the State.

And may I ask the gentleman, while he has the floor, whether or not the States will have the right to tax this land?

Mr. ANDRESEN. No; the land will be owned by the Government unless it is leased.

Mr. DENISON. Of course, section 8 of the bill gives the State civil and criminal jurisdiction over it.

Mr. ANDRESEN. If the gentleman is reading section 8 of the committee amendment——

Mr. DENISON. I am reading section 8 of the committee amendment and I did not know whether that was broad enough to include the right to tax or not.

Mr. ANDRESEN. No; it is tax-exempt property.

Mr. DENISON. I would like to ask the gentleman one more question. Section 9 provides—

that nothing in this act is intended to interfere with the operation of the game laws of the several States.

So if we establish a game refuge in a particular State and if the laws of that State permit men to go on that land and hunt and destroy the birds, they can do it?

Mr. ANDRESEN. No; they can not do that, because the State law has to comply with the Federal law and if the State law is out of line the State will have to change its law.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. ASWELL. Mr. Chairman, the Department of Agriculture reports that 75 per cent of all the migratory fowl in the United States and in Canada spend their winters in the sanctuaries in the southern portion of the State of Louisiana.

This bill proposes to establish resting and feeding grounds for these migratory fowl as they fly from the north to the southern sacred sanctuaries each winter and back in the spring. All of us in that section are vitally interested in such a measure as the one proposed here.

Since the bill has been changed, the Federal license having been stricken from it and the other objectionable features removed, I have no information that there is any opposition in this Chamber to the measure. There certainly is none in the committee. There is no opposition on the floor and yet we are to discuss it for a short time.

I now yield 10 minutes to the gentleman from Kentucky [Mr. KINCHELOE].

Mr. KINCHELOE. Mr. Chairman and gentlemen of the committee, as you know, in 1916, the Government of the United States and the Government of Canada entered into a treaty for the protection of migratory birds. Shortly thereafter Congress passed an enabling act in order to protect and uphold that treaty. That act has not been sufficient for the protection of migratory birds.

Ever since I have been a member of the Agricultural Committee there has been an effort to pass some kind of a migratory bird law that would give protection to the wild-fowl life of this country and Canada; but there has always been a division in the committee and on the floor of the House when the committee reported any bill of that character. It met with opposition, and as a result there has been no legislation.

Here is a bill reported by the committee that has met the approval of every member of that committee. I have tried to study these bills since I have been a member of the committee because I am one who is absolutely interested in the protection of the wild fowl of this country and Canada. I think this is the greatest conservation measure, without any exception, that has been presented to the Congress of the United States since I have been a member of the committee.

The two major objections to the bill heretofore reported to this House were: First, the license feature, compelling every man who hunted migratory birds to procure a Federal license from his post office, and that fund to finance the buying of preserves for these wild fowl. The second was—and this was my major objection—that it gave to the Secretary of Agriculture the discretion to open these sanctuaries at intervals and let the big hunters of the country come in and have a good time, when the poor fellow at home paid a dollar for his license and did not have time nor money to go into the preserve.

Now, these two features have been eliminated by this bill. This is a representative bill; it is a democratic bill; it coordinates with State authority in the enforcement of it. First and foremost, it creates a commission composed of the Secretary of Agriculture, the Secretary of the Interior, the Secretary of Commerce, and two Members of the House, appointed by the Speaker, two Members of the Senate, appointed by the Vice President, and one representative, either at the head of a game department of the State, if the State has one, and, if not, the governor of the State, who shall be a member of this commission, with as much power as any other member of the commission on the question of buying preserves within their respective States.

It also provides that the States shall have the right to enforce any game laws so long as they do not conflict with the Federal game laws in the preserves or sanctuaries.

The biological survey of the Department of Agriculture has already given years of study to this proposition, looking to the day when Congress might pass a bill for real conservation of wild fowl life in this country and Canada. In their letter they say that they have all agreed that there are as many as 125 game preserves, and that they are so distributed that at least every State in the Union will have one. Therefore, if this bill is passed there will be 125 of these preserves.

Mr. ALMON. And each State will have at least one?

Mr. KINCHELOE. Each State will have at least one, but I do not care about that feature, because you have got to have land of a certain topographical nature in order to have the propagation of the game.

Mr. WILLIAM E. HULL. A State would not want a preserve if they had no use for one. In other words, no State would request one if they had no use for it.

Mr. KINCHELOE. Absolutely; and that is the reason for putting in that provision in order to establish a preserve the State has to agree to it. If they did not want it they need not have it.

If they do want it, we want them to come in wholeheartedly, and with all of their local forces, game wardens, and others, helping to preserve the wild fowl of America. When you have as many as 125 game preserves throughout this country made inviolate sanctuaries, so that a gun is never fired in them for any purpose, you are going to preserve the wild fowl life of this country and Canada. It does not make any difference how many million ducks, or geese, or other migratory birds go from

the North to the South in the wintertime and back again later on, unless you have some place in transit for those birds to rest and feed and nest it will not be very far in the future when you will have no wild fowl life either in this country or in the Dominion of Canada.

To me the passage of a bill like this is not only a benefit to the wild-fowl life of the country, but it is for the common weal, it is of good to everyone. The marshlands in the United States are being very rapidly, and I think distressingly so, cleared up for agricultural purposes, when there are millions of acres of agricultural lands in the country not now under cultivation. Why should not those marshlands be preserved? Why is there not conservation policy in that? If we establish these sanctuaries inviolate there will not be any trouble about the propagation of game. The wild ducks and the wild geese and the other migratory birds that make the round trip each way will find more quickly than anything else where there is a gun fired. There will be no trouble if these preserves are established under this bill, because these birds will know in a very little while where to go where no gun is ever fired. I do not know whether any of you other gentlemen have had the experience or not, but I have driven around the Speedway here in duck season and I have seen from two to five hundred wild ducks right out here in the river.

Mr. FENN. And they are there to-day.

Mr. KINCHELOE. Yes; they are there to-day; and they are there because they know if they go a little farther down the river a gun will be fired at them.

Then the bill provides for cooperation in the enforcement of the law by the various States. That I think is absolutely necessary. You can not enforce any law without the support of the local government and the sentiment of that government in favor of enforcement. If these sanctuaries are established, we say that the State must take affirmative action and say that it will cooperate, and will pass an enabling act so that we can take the territory, and we will not take any territory in any State in the Union unless that State consents to it. It is a cooperative measure not only in the acquisition of these preserves, but in the enforcement of the State laws.

In the original bill we provided for an appropriation of a million dollars a year. In this bill we start with $75,000 for the first year for the purpose of making these surveys, and then the sum increases each year up to a million dollars in 1933, and remains at a million dollars a year until 1939, it being the opinion, of course, that in that time they will have been able to purchase all of the preserves that are necessary. After the preserves are obtained, it is the opinion of the Agricultural Department that it will take only a sum of $200,000 a year as operating expenses in order to enforce the law in every game preserve in the United States.

If we pass the bill to-day and it goes to the Senate, we have the assurance that it will enact the bill as it is. If we pass this bill to-day, I believe that posterity will rise and call us more blessed for this vote than for any vote that has been cast here in years. [Applause.]

Mr. ASWELL. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. MONTAGUE].

Mr. MONTAGUE. Mr. Chairman, it is interesting to observe the transformation in the sentiment of the game associations of America with respect to this legislation as we read of their approvals of this bill. The record will show that I have been opposed to legislation on this subject as embraced in former bills. I have never opposed legislation for the preservation of game. I yield to no Member of the House in my sincerity and ardor for the preservation of game. I heretofore opposed the bills because they were not for the preservation of game, but for the establishment of public hunting grounds, public shooting grounds, thereby inexorably establishing reservations for the destruction of game and not for the preservation of game. Moreover, I did not think Congress had authority to enact such legislation, unless we did it in pursuance of our treaty with Canada, and that treaty does not provide for or contemplate public hunting grounds.

That treaty affords no basis for the passage of any measure for the destruction of game, but is a basis only for the preservation of game. I have been in receipt of some very caustic letters by reason of my attitude on these bills. I am happy to say that the authors of some of these letters and criticisms are to-day supporting this bill, based upon the identical ground which I have always heretofore taken—that the Congress has a right to legislate for the preservation of game and not for the destruction of game, no matter how the language may have been camouflaged.

I have pleasure in supporting this particular bill. It meets my views and convictions. I have on former occasions stated on this floor that I would support any reasonable bill for preservation of game, for sanctuaries for birds if the provisions for the establishment of public hunting or shooting reservations and Federal licenses were eliminated. I congratulate the committee that this elimination has been made in the pending bill, and that I am now enabled to vote my approval of a game-preservation measure.

I think we are now free of the vice which has impaired if not destroyed the merits of all former bills upon this subject, and that we have now open to us a clear way for the preservation of the migratory birds of America.

Mr. ASWELL. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. JONES].

Mr. JONES. Mr. Chairman, ladies, and gentlemen of the House. In 1916 the United States of America and the United Kingdom of Great Britain and Ireland entered into a treaty (treaty series No. 628), as shown in Senate Document 348. That treaty was to last for a period of 15 years. The names of more than 70 kinds of wild life are listed in this treaty. Twenty-nine different varieties of those birds are birds that eat insects and therefore are valuable both to production and to life. This treaty was signed by both countries and became effective on December 8, 1916.

Its terms provide for an operative period of 15 years. At the end of those 15 years, which will be 1931, if neither of the countries give 12 months' notice of their desire to be relieved of the provisions of the treaty it would be automatically extended for a period of 1 year, and thereafter from year to year until such notice may be given. Thus, so long as the two countries are satisfied with the provisions of the treaty it will automatically remain effective. If anyone desires to read or look up the names of the birds referred to here he will find it on page 2646——

Mr. JOHNSON of Texas. Will the gentleman put those in his speech?

Mr. JONES. I will put the reference in the speech, and any gentleman desiring to do so can get Senate Document 628, which contains the full text of the treaty. I want to emphasize the point made by the gentleman from Virginia [Mr. MONTAGUE]. The provisions of that treaty state that its purpose is for the preservation of these useful birds, and to prevent their indiscriminate slaughter. The first bill, over which we had such a fight in the House and which had both the licensing fee and the provision for public shooting grounds, purported to be a measure for the carrying out of this treaty, and yet even the most casual reading of that bill disclosed the fact that it was not essentially for the preservation of the birds, but its primary purpose was to furnish a slaughtering ground for professional huntsmen of the country, who, under its terms, could follow the birds from place to place until in their helplessness they would be driven frantic with fear and, of course, ultimately destroyed. But this bill in accordance with the terms of the treaty is a pure sanctuary bill. It will not in any way interfere with legitimate hunting. It is in the interest of the true sportsman, for it furnishes a haven of refuge for the wild life of the country, without in any way interfering with such shooting as the treaty permits outside the limits of the sanctuaries.

The purpose of the treaty is stated in terms as follows:

> Being desirous of saving from indiscriminate slaughter and of insuring the preservation of such migratory birds as are either useful to man or harmless, the contracting parties have resolved to adopt some uniform system of protection which shall effectively accomplish such object, and to the end of concluding a convention for this purpose have appointed as their respective plenipotentiaries—

And so forth.

That states the purpose of the treaty, which treaty is signed by the two contracting governments.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. JONES. I will.

Mr. JOHNSON of Texas. Under this bill hunting will not be permitted on the game reserve.

Mr. JONES. No; hunting on the game preserves under no circumstances will be allowed under the terms of this bill. The first bill provided not only for public shooting grounds but also gave the privilege, at certain periods of the year, of entering the sanctuary itself for purposes of shooting. But in this bill those features have been eliminated.

The CHAIRMAN. The gentleman is recognized for two additional minutes.

Mr. JONES. It also forbade any man hunting on his own premises if he did not have the dollar license, which he would have to go to the post office and get, even if he shot only one time in the year.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. JONES. Certainly.

Mr. MOORE of Virginia. I understand the gentleman makes the point that the measure we had here before was not really in line with the purposes of the treaty?

Mr. JONES. Yes.

Mr. MOORE of Virginia. One more question: Has the gentleman any information to show the results as to the multiplying of these birds under legislation heretofore enacted under the treaty?

Mr. JONES. If the gentleman will secure the hearings that were had a year ago, he will find that they set out the full information gained by the Department of Agriculture on that point.

Mr. MOORE of Virginia. It is contained in the report?

Mr. JONES. Yes; in the report of the Secretary of Agriculture.

This bill eliminates the license feature and the shooting-ground feature. There will be places in the future, if this measure passes, where birds going south will enter these sanctuaries and will be there protected against all character of hunting. It will be impossible then to destroy the wild life of this country. As a matter of fact, the number and value of the wild life of this country are inconceivable.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. ASWELL. I yield to the gentleman two additional minutes.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes; I yield to the gentleman from Illinois.

Mr. WILLIAM E. HULL. I want to ask a question. Of course, I favor this bill. The gentleman from Texas made a remark a little while ago that a man could not hunt on his own premises.

Mr. JONES. That was under the original bill. That is, he could not hunt on the premises unless he actually lived on the specific ground and had less than 160 acres. If he had a tract across the road he could not hunt on it. But this measure corrects that.

Mr. WILLIAM E. HULL. During the shooting season this will not interfere with a man hunting on his own preserves?

Mr. JONES. No. I was speaking of the original bill. This bill before us now carries out the original treaty, both in letter and spirit, between this country and Great Britain as negotiated in 1916; and I believe that with the provisions of this bill properly carried out, that treaty will continue to be a friendly treaty relationship between our country and the British Empire, and especially the Dominion of Canada, probably for an indefinite period.

Mr. GARBER. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. GARBER. Is there anything in this bill that will prevent a private gun club from shooting on its own grounds?

Mr. JONES. There is nothing in the bill covering that. Of course, such shooting would be limited by the treaty. Shooting would only be allowed in season.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. COOPER of Wisconsin. Ought there not to be a proviso in the bill to the effect that no reservation shall be located within a State that does not provide for that?

Mr. JONES. I think that would be a wise provision. I think, however, that probably will be taken care of in the regulations.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. ASWELL. Mr. Chairman, no further time is requested on this side.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. KETCHAM.]

The CHAIRMAN. The gentleman from Michigan is recognized for five minutes.

Mr. KETCHAM. Mr. Chairman and members of the committee, I recognize, of course, that there is no concerted opposition to this bill, and therefore I do not purpose to take the time of the committee for any extended observations. But I thought that just a word or two by way of recollection of the debate heretofore might be of interest.

By a peculiar coincidence this measure has been before the House three different times in the month of February. The first time it was reported in the House was in February, 1923. I think you will recall the interest that was shown in that debate. The three principal features to which the fire was directed in the bill, as has already been indicated, were the licensing feature, the public shooting grounds, and the unusual control by the Federal Government. I want to set out just in a sentence or two, to indicate the trend of the debate, the remarks made by a few Members of the House at that time.

These will only be selected sentences. In the first place, may I quote one sentence in the argument made in opposition to the 1923 form of the bill by the minority leader, the gentleman from Tennessee [Mr. GARRETT], who favors the present bill? Said he, speaking of the friends of the bill:

> They fail to appreciate the fact that this is but enhancing Federal power, taking another step toward adding to the restlessness and discontent of the average citizen with the Federal Government.

I think that fairly well indicates the attitude of the gentleman from Tennessee and many of those who voted against the bill at that time.

Mr. Mondell, the majority floor leader at that time, was also opposed to the bill, and I think you will be interested in one sentence from his remarks. He said:

> Mr. Chairman, I have tried to make it plain that my opposition to this legislation is because it is an extraordinary extension of Federal police power without any sound reason or excuse for such extension.

I want to refer just a moment to an expression from conservative New England. Mr. TREADWAY, of Massachusetts, said:

> I think it is a very poor bill, and I wish my colleagues on the Republican side were as cordial in their indorsement of that statement as my Democratic friends are; but this is not a political matter, gentlemen. It is purely a question whether or not we are going to get down to brass tacks on the question of controlling everything in sight from a Federal Government center. I am opposed to that principle.

Governor MONTAGUE, of Virginia, has already set out his own views on the present bill, but I think as a matter of history it might be well to read one sentence from his remarks on that first bill. Said Governor MONTAGUE:

> Mr. Chairman, if this were a bill for the protection of game I would vote for it cheerfully. If it were to set aside a sanctuary or refuge for these birds I would vote for it. But these are mere incidents in the bill.

Mr. ASWELL. Will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. ASWELL. The gentleman means to refer to the remarks on the former bill and not this bill?

Mr. KETCHAM. I thought that was clear.

Mr. ASWELL. I wanted that made clear.

Mr. KETCHAM. These, of course, are remarks made in connection with the debate on the first bill that was presented. It may interest the committee to know something about the details of the vote taken on these other occasions. On the first form of the bill as presented to the House the test vote was upon a motion to strike out the enacting clause. That prevailed by a vote of 154 to 135. Subsequently the matter was brought to the attention of the House a second time under a special rule, in February, 1925, and in the form of the bill then reported a very sincere effort was made to correct many of the things complained of in the first form. So successful was the Committee on Agriculture in this effort that the bill passed the House at that time by a vote of 212 to 113.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HAUGEN. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. KETCHAM. I have found by checking the RECORD that 29 different gentlemen of the House who cast their votes in opposition to the first form of the bill voted for it upon its second presentation to the House.

Now, in the present form of the bill I think everything that has been complained of by the opponents of the bill has been met, and so far as I am aware and so far as the hearings before the committee indicate there is no opposition offered to it, and I sincerely trust that this perfected form of the bill will meet with the overwhelming approval of the House, with the understanding that if it goes to the Senate there will be a general agreement in conference and the bill in the form as we now present it, which I believe by far is the best form, will finally be enacted into law and a great forward step taken in this tremendous problem of conservation. It certainly is a pleasure to note that the present bill meets the hearty approval of the three gentlemen mentioned now in the House who so strongly opposed it in 1921.

Mr. GREEN. Will the gentleman yield?

Mr. KETCHAM. Yes.

Mr. GREEN. As I understand, the bill does not carry a license fee?

Mr. KETCHAM. It does not carry a license fee. The bill also eliminates the other very objectionable shooting-grounds

provision to which attention was called. It goes further, and, I think, works out as satisfactorily as it can be worked out this vexing question of Federal and State authority with reference to control.

Mr. GREEN. I may say to the gentleman that I have received a large number of telegrams and even more letters in support of the bill and none opposing it. Therefore I am supporting the bill.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. HOPE].

Mr. HOPE. Mr. Chairman and gentlemen of the committee, while, as has been indicated, when this bill was before the House on previous occasions there was a great deal of opposition to it, that opposition, I think, was always to the form of the bill and not to its purpose. It has been stated that by the provisions of this bill the Government embarks upon a new policy. It does not, however, do that in a broad sense. This Government has recognized for many years its obligation to conserve our wild life and to maintain refuges for our migratory birds. However, until the present time there has been no definite constructive policy in this regard. We have, I think, at the present time, some 65 or 70 bird refuges, but all of those have been acquired piecemeal and not as a result of any definite plan.

The result has been that they are not, perhaps, as useful or well located as they might otherwise be. Under this plan the Secretary of Agriculture and other members of the board will have an opportunity to make a survey of the entire country and determine the proper locations of these refuges. There are a good many things to be taken into consideration in determining these locations. Migratory birds, as you all know, have certain well-defined routes of flight and these refuges will have to be located on those routes. They will also have to be located with reference to the habits of the birds and the availability of food supplies. Their location must also be determined with reference to whether they are going to be used as feeding grounds, as nesting grounds, or resting grounds, in the course of a flight.

The Biological Survey, I am informed, has already made quite an extensive survey of the country for this purpose and they say that at the present time they have in mind at least 125 sites which it would be possible to use as migratory-bird refuges. Heretofore they have never had an appropriation which was sufficient to allow them to make a proper and thorough investigation.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. HOPE. I will.

Mr. BLACK of Texas. This act, as I read it, is intended to supplant the former migratory bird act?

Mr. HOPE. It is.

Mr. BLACK of Texas. I have not seen anything in the act which repeals that law or any part of the law that is in conflict with this act.

Mr. HOPE. In reply to that, I will say that perhaps I misunderstood the gentleman when I said it was expected to supplant any former act. It is not expected to take the place of any former act, but it does supplant former bills which have been before this Congress but which have never been enacted into law.

Mr. BLACK of Texas. The former migratory bird bill passed by the House was not enacted by the Senate. Is that the situation? I understand we passed it in the House.

Mr. WILLIAMS of Illinois. Yes; in 1918 we passed the migratory bird act, but this in no way repeals that act but deals with the whole subject in a practical manner. All this bill does is to provide sanctuary for these birds.

Mr. BLACK of Texas. This is just to dovetail into the other act. The other act provides for a licensing fee, as I understand.

Mr. ANDRESEN. No; I will say to the gentleman there is no license fee now charged by the Federal Government for the shooting of migratory birds and there is no law on that subject. As the gentleman stated, the purpose of this bill is to dovetail into the other act and make it a part of the general scheme of protection of migratory birds.

Mr. BLACK of Texas. I do not want to further take the time of the gentleman from Kansas. His explanation makes entirely clear to me the purpose and scope of the pending bill.

Mr. HOPE. This measure, I may say, is purely supplemental to all of our previous laws either creating game refuges or for the protection of migratory birds generally. It does not attempt to repeal or modify any of our present laws on that subject.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. HAUGEN. Mr. Chairman, I yield the gentleman three additional minutes.

Mr. HOPE. I was telling of some of the work that the Biological Survey has already done in connection with establishing these refuges. It has not only made a survey for the purpose of determining where these refuges should be located, but there have been, as Members of Congress know, a number of refuges established within recent years and since the migratory bird treaty was consummated in 1916. One of these is the Upper Mississippi Refuge, another is the Bear River Marsh Refuge out in Utah; but never until the proposal of this measure have we had a definite, comprehensive program for the establishment of these sanctuaries.

Canada has far outstripped us in establishing bird sanctuaries. At the present time Canada has some 1,700 square miles which is either inviolate sanctuaries or a combination of sanctuaries and public shooting grounds. One thousand square miles of the total areas comprises inviolate sanctuaries and the remaining 700 square miles of course is a sanctuary during most of the year, although shooting is permitted during certain seasons.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption there?

Mr. HOPE. Yes.

Mr. COOPER of Wisconsin. Did I undestand the gentleman to say that Canada has reservations that are in part sanctuaries and in part public shooting grounds?

Mr. HOPE. My understanding is they have a total of 1,700 square miles of bird refuges and about 1,000 square miles of the area is a year-round sanctuary, but shooting is permitted on about 700 square miles of this area of refuges; that is, there are 40 of these sanctuaries which are inviolate the year round and there are 51 upon which shooting is permitted during certain seasons of the year.

Mr. DENISON. Will the gentleman yield for a question?

Mr. HOPE. I yield.

Mr. DENISON. Is it the intention of those who have originated this legislation to make these sanctuaries inviolate or to permit shooting on them?

Mr. HOPE. It is the intention of this bill, I will say to the gentleman from Illinois, to make these sanctuaries inviolate.

Mr. DENISON. But the bill does not do that.

Mr. HOPE. Yes; the bill does do that.

Mr. DENISON. The bill provides that the game laws of the States shall apply, and under the laws of the States they can go in there and hunt.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. HAUGEN. Mr. Chairman, I yield the gentleman two more minutes.

Mr. DENISON. Section 9 of the bill reads as follows:

> That nothing in this act is intended to interfere with the operation of the game laws of the several States applying to migratory game birds in so far as they do not permit what is forbidden by Federal law.

There is no Federal law preventing or prohibiting such shooting.

Mr. HOPE. This bill provides in other sections that the sanctuaries shall be inviolate.

Mr. DENISON. Then, what does the section mean that says the State game laws shall apply? What State game laws will apply?

Mr. HOPE. I take it that simply means this proposed act does not apply to State game laws as far as they affect the States outside of these sanctuaries.

Mr. DENISON. It does not say that.

Mr. ANDRESEN. Will the gentleman yield?

Mr. HOPE. I yield.

Mr. ANDRESEN. I may say to the gentleman from Illinois that before the sanctuaries may be established in any State it will be necessary to have enabling legislation within that State, and that enabling legislation will provide that these areas shall be inviolate sanctuaries.

Mr. DENISON. How do we know that others will not be established?

Mr. HOPE. Mr. Chairman, I do not believe there is any doubt that under the provisions of the bill, taken as a whole, there can be established nothing but inviolate sanctuaries. If that is not clear in the bill it ought to be, but I am satisfied, so far as I am concerned, that that is included in the bill. [Applause.]

Mr. DENISON. That may be true, but I can not understand the necessity for section 9, which provides that nothing in the act shall interfere with the State game laws. I wish some Member of the House who is familiar with the terms of the bill will explain that to the House.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. WILLIAM E. HULL].

Mr. WILLIAM E. HULL. Mr. Chairman, the migratory bird act protects migratory game birds from the dangers threatened by drainage, and other causes, by acquisition of areas of land and of water to furnish in perpetuity reservations for adequate protection of such birds.

This act, in my judgment, is one that will perpetuate the hunting for future generations more than any bill that could be passed in Congress.

Civilization and cultivation of lands and drainage of lands have taken away from large areas in the United States the sport and hunting that has existed for many years and has eliminated the opportunity of those who enjoy outdoor life, and especially hunting, to such an extent that it makes it necessary now for those that may desire to hunt to either build or cooperate with those who do build hunting preserves, thus eliminating at least 95 per cent of the population who might have opportunities if this bill is voted through the Congress of the United States and becomes a law.

I favor it for many reasons. The young boy, either from the city or the country, should have opportunities of knowing what wild life is in this country. The opportunities that were given to the earlier generations have passed and there is no way that hunting can be preserved better than by passing a migratory bird act which will establish reservations for their protection and game laws which will protect the migratory bird from destruction during the period of hatching and raising of the young birds.

I am well acquainted with a section of the country known as the Illinois-Mississippi Valley which is probably the best hunting section for migratory birds of any part of the country. Unless provisions are made for the protection and conservation of the North American birds, it will only be a few years until they will be extinct.

I favor this bill as a whole and I hope every Member of Congress will vote for it. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield two minutes to the gentleman from Connecticut [Mr. MERRITT].

Mr. MERRITT. Mr. Chairman, as confirming what has been said by the gentleman from Illinois [Mr. WILLIAM E. HULL], I want to read a telegram from a man who resides in my district and who has, I think, done as much by his personal effort in the interest of wild life in Canada and this country as any other citizen of the United States. He is Dr. William T. Hornaday, for many years the head of the Zoological Park in New York. He has traveled extensively in this and other countries and has an international reputation as an expert and writer on wild life. Both by his writings and his influence he has greatly aided legislation such as this bill contains. The telegram is as follows:

STAMFORD, CONN., *February 8, 1929.*

Hon. SCHUYLER MERRITT,

House of Representatives:

On behalf of progressive conservation, I beg you to oppose all amendments that may be offered to the Andresen-Norbeck bill as unnecessary and dangerous. As it stands, the bill is perfect, and with both the birds and the sanctuaries it is a case of now or never.

WILLIAM T. HORNADAY.

Mr. HAUGEN. Mr. Chairman, I have no other requests for time.

Mr. AYRES. I have not.

The CHAIRMAN. General debate is exhausted, and the Clerk will read the bill. Without objection, the Clerk will read the committee amendment in lieu of the bill.

There was no objection.

The Clerk read the committee amendment.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule the committee automatically rises and reports the bill to the House.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that, pursuant to the rule, the committee had had under consideration the bill (S. 1271) for the protection of migratory game birds, and reported the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. AYRES) there were 219 ayes and 0 noes.

On motion of Mr. HAUGEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EXTENSION OF REMARKS ON THE BILL

Mr. ANDRESEN. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their remarks on the bill.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that all Members may have five legislative days in which to extend their remarks on the bill just passed. Is there objection?

There was no objection.

SANCTUARIES FOR THE PROTECTION OF MIGRATORY BIRDS

Mr. MORROW. Mr. Speaker, under leave granted Members of Congress to extend their remarks in the RECORD I desire to avail myself of that opportunity and to express my thought upon the bill establishing a sanctuary to protect migratory birds. The measure as amended and passed by the House provides a real refuge for the protection and conservation of bird life.

Bird life has been ruthlessly slaughtered by both wanton selfishness and careless attention to this species of fowl which means so much to the food life of man. The bird not only means a food supply but the habits of the bird provide destruction of enemies to crop and vegetable life.

Nature intended that in the orderly carrying out of its laws in a systematic manner all animal life should exist; some for food of other animals; some to destroy insects and other species of life which menace plant, vegetable, and timber life; all being important elements in the food growth for the success and life of the people.

Under the provisions of the bill, land and water can be acquired over a period of 10 years; sanctuaries are created in all of the States desiring to come within the provisions of the act, such States cooperating with the Federal Government in the enforcement of the law.

In my opinion, such cooperation between States and Federal Government is most important, because to make a law fully effective its provisions should be fully appreciated in each State and such provisions should be strictly observed in conformity with the act.

The bill offers hope to the sportsman who believes in protecting wild life not only for the pleasure and recreation he will procure in the hunt during the proper hunting season, but also because the measure means the curtailing of destructive waste.

Actual protection is offered bird life in its necessary flight from one locality to another; a resting and nesting home where the bird is at least temporarily safe is provided.

The bill as passed provides $75,000 the first year, $200,000 the second year, $600,000 the third year, and $1,000,000 annually for each year thereafter for a period of seven years. This expenditure, if handled properly and systematically, can increase the species of wild-bird life enormously, and the provisions are extended to all the States upon a successful cooperative plan.

Under the provisions of the measure, the Secretary of the Interior is made a member of the Migratory Bird Conservatory Commission. This is a very proper feature because remaining public land, Indian reservations, national parks, national monuments, and other Government reservations of land and water are under the supervision of this Government department. The Secretary of Agriculture should also be added to the commission; his department having under control the national forests of our country. The forests should be the home of much of our bird life; there the birds can rest and raise their young; in a broader sense of the word "sanctuary," the forests should be closed completely to the hunter. Only hunting for the destruction of predatory animals should be allowed in the forests.

Other principal features of the bill are explained in an article which appeared in the Sunday Star, February 10, 1929, and which is entitled "House Passes Bill Protecting Birds," and from which I quote:

OTHER FACTORS INVOLVED

Secretary Jardine of the Department of Agriculture emphasizes that the acquisition of areas suitable for refuges, although primarily intended to increase the numbers of wild fowl, really involve a number of other important factors of definite advantage to the public. It is a serious mistake, he said, to believe that all drainage of water or marsh areas is a public benefit, because actual experience has shown in numerous instances that drainage has resulted in the destruction of water areas which have very profitable uses, and have left instead land of little or no agricultural value.

Under proper conditions, Secretary Jardine points out, many lakes, ponds, swamps, and marsh areas will yield distinctly larger returns financially and otherwise than would the same areas drained for agricultural purposes. The development and utilization of all available products of such areas is termed "water farming."

In addition to the returns that water and swamp areas may yield in wild fowl, many other benefits may result along the following lines:

First. A valuable supply of food and game fish.

Second. Their annual return in furs from such animals as beavers, muskrats, skunks, and raccoons, which frequent them.

Third. Their production in certain areas of grasses, valuable for forage, or for the manufacture of grass rugs and other commodities, which have developed a profitable industry; also in suitable areas, the production of willow suitable for basketry, wicker furniture, and other purposes.

Fourth. A natural ice supply.

Fifth. Definite help they afford in maintaining the underground water level, which is essential for the production of forests and other vegetation, and for subirrigation of hay and other agricultural lands.

Sixth. Their invaluable function in holding back the run-off of flood waters, and in assisting to prevent excessive erosion and other flood damages. The systematic drainage of shallow lakes and swamp areas along drainage ways will greatly increase the danger of floods and the destruction of life and property. The effect of too extensive drainage deserves careful attention in view of its direct relation to the public welfare.

Seven. Many of the more attractive of such water areas lend themselves admirably to educational uses and assist in interesting the people in outdoor recreation and in the natural resources of plant and animal life, which are so important in supplying commodities, such areas in effect constituting outdoor laboratories for important and varied scientific investigations.

The quotation, in my opinion, is worthy of publicity in showing the greater benefits to be derived from the enactment of the legislation. In the main this class of legislation is wholesome, constructive, and in the interest of all the people. It shows no personal interest in the protection and propagation of game for the few; rather, a very broad view is taken to protect a form of life which adds much to man's food supply and also much in the protection and healthy growth of vegetable and timber life.

The State which I have the honor to represent, New Mexico, has a great variety of bird life, and a real effort is being made to protect this form of life by sanctuaries as proposed by the legislation in question.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 5066. An act extending the times for commencing and completing the construction of a bridge across the St. Francis River at or near St. Francis, Ark.; to the Committee on Interstate and Foreign Commerce.

S. 5194. An act authorizing Richard H. Klein, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near the borough of Liverpool, Perry County, Pa.; to the Committee on Interstate and Foreign Commerce.

S. 5378. An act authorizing the Fayette City Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Fayette City, Fayette County, Pa.; to the Committee on Interstate and Foreign Commerce.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 14919. An act granting the consent of Congress to the commissioners of Mahoning County, Ohio, to construct, maintain, and operate a free highway bridge across the Mahoning River at or near Cedar Street, Youngstown, Mahoning County, Ohio;

H. R. 15072. An act to extend the times for commencing and completing the reconstruction of the bridge across the Grand Calumet River at Burnham Avenue, in Cook County, Ill.;

H. R. 15084. An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River, at or near Reedsdale Street, in the city of Pittsburgh, Allegheny County, Pa.;

H. R. 15269. An act to extend the times for commencing and completing the construction of a bridge across the Red River at or near Coushatta, La.;

H. R. 15427. An act authorizing and directing the Secretary of War to lend to the Governor of North Carolina 300 pyramidal tents, complete; 9,000 blankets, olive drab, No. 4; 5,000 pillow cases; 5,000 canvas cots; 5,000 cotton pillows; 5,000 bed sacks; and 9,000 bed sheets to be used at the encampment of the United Confederate Veterans, to be held at Charlotte, N. C., in June, 1929;

H. R. 15470. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a free highway bridge across the Cumberland River in the vicinity of Harts Ferry, Trusdale County, Tenn.;

H. R. 13484. An act authorizing preliminary examinations of sundry streams with the view to the control of their floods, and for other purposes;

H. R. 13502. An act authorizing the State of Minnesota and the State of Wisconsin to construct, maintain, and operate a free highway bridge across the St. Croix River at or near Stillwater, Minn.;

H. R. 14146. An act granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a free highway bridge across the Monongahela River, in the city of Pittsburgh, Allegheny County, Pa.;

H. R. 14164. An act granting the consent of Congress to the city of Knoxville, Tenn., to construct, maintain, and operate a free highway bridge across the Tennessee River, at or near Henley Street, in Knoxville, Knox County, Tenn.;

H. R. 14451. An act to revise and reenact the act entitled "An act granting the consent of Congress to the County of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River, at or near McKees Rocks Borough, in the county of Allegheny, in the Commonwealth of Pennsylvania";

H. R. 14460. An act authorizing the Iowa-Nebraska Amortized Free Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River, at or near Sioux City, Iowa;

H. R. 14469. An act granting the consent of Congress to the County of Allegheny, Pa., to construct a bridge across the Youghiogheny River between the Borough of Versailles and the village of Boston, in the Township of Elizabeth, Allegheny County, Pa.; and

H. R. 14481. An act granting the consent of Congress to the Chicago South Shore & South Bend Railroad, to construct, maintain, and operate a railroad bridge across the Grand Calumet River, at East Chicago, Ind.

NORTHERN PACIFIC LAND GRANT

Mr. MICHENER. Mr. Speaker, by direction of the Committee on Rules I call up House Joint Resolution 398, to extend the period of time in which the Secretary of the Interior shall withhold his approval of the adjustment of Northern Pacific land grants, and for other purposes, which I send to the desk and ask to have read.

The Clerk read as follows:

Joint resolution (H. J. Res. 398) to extend the period of time in which the Secretary of the Interior shall withhold his approval of the adjustment of Northern Pacific land grants, and for other purposes

Resolved, etc., That the first section of the joint resolution entitled "Joint resolution directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes," approved June 5, 1924, as amended by joint resolutions approved March 3, 1927, and May 28, 1928, is amended by striking out "June 30, 1929" wherever it appears and inserting in lieu thereof "June 30, 1930."

SEC. 2. The present members of the joint committee created by section 3 of such joint resolution approved June 5, 1924, as amended, if reelected to the Seventy-first Congress, shall continue to serve, notwithstanding the expiration of the Seventieth Congress, until the end of the first regular session of the Seventy-first Congress, at which time such joint committee shall cease to exist. In case a vacancy occurs in such joint committee by reason of the retirement from Congress on March 4, 1929, of any Member of the House of Representatives, the Speaker of the House of Representatives shall, before the expiration of the Seventieth Congress, appoint a Member of the House to fill such vacancy.

Mr. MICHENER. Mr. Speaker, this resolution states its purpose. It was introduced by the gentleman from Utah [Mr. COLTON], chairman of the Committee on the Public Lands. If there are any questions about the resolution, I should be glad to yield to the gentleman to explain. If not, and there is no desire for debate, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

CELEBRATION OF CANALIZING THE OHIO RIVER

Mr. PURNELL. Mr. Speaker, by the direction of the Committee on Rules I ask unanimous consent for the present consideration of House Concurrent Resolution 51, which I send to the desk and ask to have read.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of the House Concurrent Resolution 51, which the Clerk will report.

The Clerk read as follows:

House Concurrent Resolution 51

Whereas the completion of the canalizing of the Ohio River from Pittsburgh, Pa., to Cairo, Ill., represents an achievement of great importance in the development of the inland waterways of the United States; and

Whereas the Congress of the United States has by legislation contributed to the realization of this project; and

Whereas a celebration commemorating the accomplishment of the great improvement is to be held October 15 to 20, 1929, at which officials of the United States and of the States adjoining the Ohio River will attend; and

Whereas it is fitting that the Congress of the United States be represented at such celebration: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That a committee consisting of three Members of the Senate to be appointed by the President of the Senate and three Members of the House of Representatives to be appointed by the Speaker of the House of Representatives shall represent the Congress of the United States at the celebration of the completion of the canalizing of the Ohio River from Pittsburgh, Pa., to Cairo, Ill., to be held October 15 to 20, 1929. The members of such committee shall be paid their actual expenses, one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives.

The SPEAKER. Is there objection?

Mr. MAPES. Mr. Speaker, reserving the right to object, I notice that the report of the Committee on Rules states that this is a privileged report from the Committee on Rules. The gentleman from Indiana asks unanimous consent to have it considered. Of course, it is not a privileged report. If it were privileged, unanimous consent would not be necessary to get it considered. I am wondering whether the gentleman from Indiana concedes that it is not.

Mr. SNELL. He does, or he would not have asked unanimous consent.

Mr. PURNELL. Mr. Speaker, evidently it was so regarded, otherwise I would not have submitted a request for unanimous consent for its consideration.

Mr. MAPES. The committee evidently did not so regard it when it made the report, because it stated in its report that it was a privileged report from the Committee on Rules.

Mr. SNELL. Mr. Speaker, I think perhaps I am the one who is in error in that respect. We did understand that this is not a privileged report, but I had consulted with the gentleman from Massachusetts [Mr. UNDERHILL], the chairman of the Committee on Accounts, and this was such a small matter that we thought we would put it all through in one resolution and that there would be no objection to it at this time.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, I particularly request the attention of the gentleman from New York [Mr. SNELL] and the gentleman from Connecticut [Mr. TILSON]. I rise to say a word or two concerning the matter that has just been discussed in the colloquy between the gentleman from Michigan [Mr. MAPES] and the gentleman from Indiana [Mr. PURNELL]. It is true that there is a precedent holding that a concurrent resolution very similar to the one presented by the gentleman from Indiana is not privileged. That is a decision made by Mr. Speaker Clark, though I do not now remember the date of it. I have had occasion recently to examine it. It is my opinion that upon a more complete examination than was then given to that question, upon a fuller reasoning, some occupant of the chair in the future will probably feel constrained to overrule that precedent.

Mr. MAPES. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. I can see no real distinction, so far as reasoning is concerned, between the privilege of a concurrent resolution creating a joint committee, and a simple House resolution creating a House committee. I yield to the gentleman from Michigan.

Mr. MAPES. Mr. Speaker, it seems to me that this resolution is not privileged for two reasons. One is based upon the precedent of Mr. Speaker Clark that it does not relate to matters pertaining to the rules, joint rules, or order of business; and, further, it makes an appropriation out of the contingent fund of the House, over which the Committee on Accounts has exclusive jurisdiction.

Mr. GARRETT of Tennessee. There is no question about that latter part destroying the privileged character of the resolution, but——

Mr. MAPES. For the two reasons that resolution is not privileged.

Mr. GARRETT of Tennessee. Yes. I did not have that latter part in mind. Of course, that precedent is well fixed and grounded in reason, but what I had in mind was holding it nonprivileged simply because it is to create or initiate a joint committee, which may eventually prove more important.

Mr. MAPES. Of course, that point is not being argued now, and the gentleman is merely stating his own opinion about it.

Mr. GARRETT of Tennessee. Of course that is so.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. WAINWRIGHT, for Monday, February 11, on account of urgent business.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 2 o'clock and 26 minutes p. m.) the House adjourned until Monday, February 11, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Monday, February 11, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Silk and silk goods, February 11, 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency appropriation bill.

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON PARKS AND PLAYGROUNDS

(10.30 a. m.)

Authorizing the acquisition of land in the District of Columbia and the construction thereon of two modern, high-temperature incinerators for the destruction of combustible refuse (H. R. 16700).

COMMITTEE ON THE JUDICIARY—SUBCOMMITTEE NO. 1

(10 a. m.)

Authorizing the Commissioner of Prohibition to pay for information concerning violations of the narcotic laws of the United States (H. R. 16874).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

815. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the United States Tariff Commission for the fiscal year 1929 in the amount of $4,000, and a draft of proposed legislation increasing the limitation of $562,470 for personal services in the District of Columbia contained in the independent offices appropriation act for the fiscal year 1929 to $629,000 (H. Doc. No. 568); to the Committee on Appropriations and ordered to be printed.

816. A letter from the secretary of National Institute of Arts and Letters, transmitting report of its activities during the year 1928; to the Committee on the Library.

817. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1929, for Fort Donelson National Military Park, Tenn., amounting to $45,000 (H. Doc. No. 569); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. SNELL: Committee on Rules. H. Res. 312. A resolution providing for the consideration of S. J. Res. 182, a joint resolution for the relief of farmers in the storm and flood stricken areas of southeastern United States; without amendment (Rept. No. 2446). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. S. 3590. An act to amend section 110 of the Judicial Code; with an amendment (Rept. No. 2448). Referred to the House Calendar.

Mr. KELLY: Committee on the Post Office and Post Roads. S. 3281. An act to provide a shorter workday on Saturday for postal employees; without amendment (Rept. No. 2449). Referred to the Committee of the Whole House on the state of the Union.

Mr. KIESS: Committee on Insular Affairs. H. R. 16877. A bill providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands; without amendment (Rept. No 2450). Referred to the Committee of the Whole House on the state of the Union.

Mr. KIESS: Committee on Insular Affairs. S. J. Res. 110. A joint resolution to provide for annexing certain islands of the Samoan group to the United States, and for other purposes; without amendment (Rept. No. 2451). Referred to the Committee of the Whole House on the state of the Union.

Mr. KIESS: Committee on Insular Affairs. H. R. 16881. A bill to approve, ratify, and confirm an act of the Philippine Legislature entitled "An act amending the corporation law, Act No. 1459, as amended, and for other purposes," enacted November 8, 1928, approved by the Governor General of the Philippine Islands December 3, 1928; without amendment (Rept. No. 2452). Referred to the House Calendar.

Mr. KELLY: Committee on the Post Office and Post Roads. H. R. 16305. A bill for the relief of present and former postmasters and acting postmasters, and for other purposes; with an amendment (Rept. No. 2453). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HAWLEY: A bill (H. R. 17003) authorizing the Secretary of the Interior to exchange certain lands to Charles Beecher Scott; to the Committee on the Public Lands.

By Mr. GREGORY: A bill (H. R. 17004) to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Eggners Ferry, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17005) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Canton, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17006) to extend the times for commencing and completing the construction of a bridge across the Cumberland River at or near Smithland, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17007) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Hickman, Ky.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17008) to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near the mouth of Clarks River; to the Committee on Interstate and Foreign Commerce.

By Mr. MORIN: A bill (H. R. 17009) to authorize appropriations for expenses of military tribunals, retiring boards, boards of investigation, and for other purposes; to the Committee on Military Affairs.

By Mr. WHITE of Maine: A bill (H. R. 17010) to amend the merchant marine act of 1928; to the Committee on the Merchant Marine and Fisheries.

By Mr. LARSEN: A bill (H. R. 17011) to increase the penalties provided for violations of certain antitrust laws; to the Committee on the Judiciary.

Also, a bill (H. R. 17012) to provide for an increased penalty in the case of violations of certain antitrust laws by directors, officers, or agents; to the Committee on the Judiciary.

By Mr. ROBSION of Kentucky: A bill (H. R. 17013) to erect a monument, tablets, and markers to mark the battles at Cumberland Gap and as memorials to the Federal and Confederate soldiers who were killed there, and for other purposes; to the Committee on Military Affairs.

By Mr. SNELL: A resolution (H. Res. 312) providing for the consideration of S. J. Res. 182, for the relief of farmers in the storm and flood stricken areas of southeastern United States; to the Committee on Rules.

By Mr. BLACK of New York: Resolution (H. Res. 313) requesting information from the Federal Reserve Board; to the Committee on Banking and Currency.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. JOHNSON of Indiana: Memorial of the General Assembly of the State of Indiana, requesting the Congress of the United States to appropriate funds for the establishment of a United States Veterans' Bureau general hospital within the State of Indiana for honorably discharged ex-service men of that area; to the Committee on World War Veterans' Legislation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 17014) granting an increase of pension to Alice M. Durant; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 17015) granting an increase of pension to Laura G. Chipman; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 17016) granting an increase of pension to Candace J. Carr; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 17017) to authorize the President to present the distinguished flying cross to Capt. Benjamin Mendez; to the Committee on Military Affairs.

By Mr. LEA: A bill (H. R. 17018) for the relief of Ernst Lueger; to the Committee on Claims.

By Mr. ROMJUE: A bill (H. R. 17019) granting a pension to Fannie Valentine; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9961. By Mr. ARENTZ: Resolutions adopted at the tenth annual meeting of the Nevada State Farm Bureau, January 23, 1929; to the Committee on Ways and Means.

9962. By Mr. BLOOM: Petition of New York State League of Fish, Game, and Forest Clubs, urging enactment of legislation that will convey outright or for nominal consideration the tract of land located at Camp Upton, Long Island, to the government of New York State in the conservation department, to be developed into a fish and game refuge of great value to future generations through the system now operative under the New York State Conservation Commission; to the Committee on Agriculture.

9963. By Mr. CARTER: Petition of the California Development Association, urging the passage of legislation providing the Department of Agriculture with a sufficient appropriation to prosecute investigations on poultry problems; to the Committee on Agriculture.

9964. Also, petition of the California Development Association, urging an appropriation for the United States Department of Agriculture of at least $10,000 per annum to employ and equip entomologists to study the lima pod borer, wireworm, and other insects which affect the bean plant; to the Committee on Agriculture.

9965. By Mr. CRAIL: Petition of Martin Music Co., Los Angeles, Calif., opposing House bill 13452, which provides for an increase of copyright royalties on phonograph records; to the Committee on Patents.

9966. Also, petition of Orange County Council, American Legion, Anaheim, Calif., urging additional hospital facilities for southern California; to the Committee on World War Veterans' Legislation.

9967. Also, petition of Santa Ana Chamber of Commerce, Santa Ana, Calif., urging additional hospital facilities for California; to the Committee on World War Veterans' Legislation.

9968. Also, petition of Isaak Walton League of America, Los Angeles Chapter, No. 11, in support of the Norbeck game refuge bill; to the Committee on Agriculture.

9969. By Mr. CRAMTON: Petition of 44 members of the First Baptist Church, Bad Axe, Mich.; 53 members of the Methodist Episcopal Church of district including Pinnebog, Chandler, and Caseville, Mich.; 19 members of the Evangelical Church of Greenwood Township, Mich.; 44 members of the Emanuel Evangelical Church, of Brown City, Mich.; 69 mem-

bers of the Kilmanagh Evangelical Church, of Kilmanagh, Mich.; 53 members of the Elkton Methodist Episcopal Church, Elkton, Mich.; 75 members of the First Methodist Episcopal Church, Lapeer, Mich.; and 22 members of the Evangelical Church, Sebewaing, Mich., urging favorable action on the Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

9970. By Mr. CURRY: Petition of residents of the third California district, protesting against the enactment of the Lankford Sunday bill for the District of Columbia; to the Committee on the District of Columbia.

9971. By Mr. DAVENPORT: Petition of 188 signed members of the Walcott Memorial Church, New York Mills, N. Y., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9972. Also, petition of members of the Methodist Episcopal Church, New York Mills, N. Y., representing 250, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9973. Also, petition of 88 members of the Salem Welsh Congregational Church, New York Mills, N. Y., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9974. By Mr. EVANS of California: Petition of 29 citizens of the Monte Vista Grove Presbyterian Ministerial Homes, Pasadena, Calif., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9975. By Mr. GARBER: Petition of chamber of commerce, Enid, Okla., in support of House bill 16346; to the Committee on Ways and Means.

9976. Also, petition of the board of directors of the National Knitted Outerwear Association, urging a general tariff revision at the earliest possible date; to the Committee on Ways and Means.

9977. Also, petition of the Chamber of Commerce of the United States of America, in support of House bill 450; to the Committee on Military Affairs.

9978. By Mr. HARRISON: Petition of seven citizens of Woodstock, Va., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9979. By Mr. HAWLEY: Petition of 63 citizens of Newberg and vicinity, Oreg., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9980. By Mr. HOWARD of Nebraska: Petition submitted by Amelia Glasner, of Clarkson, Nebr., and 39 others, protesting against any change in the tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

9981. By Mr. JOHNSON of Texas: Petition of Robert F. Riley, cashier of the First National Bank of Teague, Tex., favoring a tariff on hides, canned meats, and jute; to the Committee on Ways and Means.

9982. By Mr. KADING: Petition of 125 members of the First Presbyterian Church, Lodi, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9983. Also, petition of 300 members of Reformed Church, Sheboygan, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9984. Also, petition of 364 members of Reformed R. C. A. Church, Sheboygan, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9985. Also, petition of 200 members of the Presbyterian Church, Kilbourn, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9986. Also, petition of 150 members of Christian Reformed Church, Ostburg, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9987. By Mr. LAMPERT: Petition of the Woman's Christian Temperance Union (85 members), of Ripon, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9988. Also, petition of 101 members of the Salem Presbyterian Church, Oshkosh, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9989. Also, joint resolution of the Wisconsin Legislature, relating to more adequate protection for the farmers of this State who grow sugar beets; to the Committee on Ways and Means.

9990. Also, petition of 800 members of the Christ Lutheran Church, Oshkosh, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9991. By Mr. LANKFORD: Petition of 71 members of Methodist Church, Brenton and New Paris, Ind., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9992. Also, petition of 39 members of United Brethren Church, Warsaw, Ind., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

9993. Also, petition of the Kiwanis Club of Warsaw, Ind.; the Warsaw Reading Club, 40 active members; and seven citizens of Warsaw, indorsing the Lankford Sunday rest bill for the District of Columbia; to the Committee on the District of Columbia.

9994. Also, petition of the pastor and 700 members of the Hanes Institutional Church, Winston-Salem, N. C., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9995. Also, petition of the pastor and 95 members of the Mount Pleasant Church, Winston-Salem, N. C., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9996. Also, petition of the pastor and 558 members of the Goler Memorial A. M. E. Zion Church, Winston-Salem, N. C., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9997. Also, petition of the pastors of New Bethel Baptist, Mineral Springs Baptist, First Baptist, and Waughton Baptist Churches of Winston-Salem, N. C., totaling 2,811 members, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9998. Also, petition of 60 members of the First Baptist Church, Washington, D. C., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as privided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

9999. Also, petition of Bishop John W. Wood, sixth Episcopal district, the A. M. Zion Conference, with a membership of 30,000, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day

of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

10000. Also, petition of the pastor and 200 members of the West End Church, Winston-Salem, N. C., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

10001. Also, petition of the pastor and 1,150 members of the West End Methodist Church, Winston-Salem, N. C., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

10002. Also, petition of the pastor and 32 members of the United Holiness Church of America, Winston-Salem, N. C., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committe on the District of Columbia.

10003. Also, petition of the pastor and 153 members of the Grace Presbyterian Church, of Winston-Salem, N. C., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

10004. Also, petition of the pastors, with a membership of 1,075, of four Christian Churches in Winston-Salem, N. C., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

10005. Also, petition of 31 citizens of Winston-Salem, N. C., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

10006. Also, petition of the Lott Carey Baptist Foreign Missionary Convention of America, with a membership of 50,000, in session at Winston-Salem, N. C., on the 2d day of September, 1928, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford Sunday rest bill for the District of Columbia, or similar measures; to the Committee on the District of Columbia.

10007. Also, petition of the Ministers Alliance, with a membership of 10,000, in session at High Point, N. C., and bearing the signatures of the president, S. L. Parham, and secretary, Doctor Ashe, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

10008. Also, petition of the West Durham Baptist Church, Durham, N. C., with 804 members present, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford Sunday rest bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

10009. Also, petition of the Ministers' Alliance, with a membership of 11,000, bearing the signatures of the president, A. D. Avery, and the secretary, T. H. Hairston, in session at Greensboro, N. C., July, 1928, urging the enactment of legislation as provided in the Lankford Sunday rest bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

10010. Also, petition of the Evangelical Holiness and Missionary Association, in session at Winston-Salem, N. C., with 500 present, unanimously urging you on behalf of the enactment of legislation to protect the people of our Nation's Capital, as provided in the Lankford bill (H. R. 78), or similar legislation; to the Committee on the District of Columbia.

10011. Also, petition of principal, faculty, and students of the high school, High Point, N. C., with 1,219 of the student body of 1,238 present, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

10012. Also, petition of the Canal Furniture Co., High Point, N. C., and bearing the signature of the president, W. A. Carroll, numbering 2,000, on behalf of the passage of the Lankford Sunday rest bill for the District of Columbia, or similar measures; to the Committee on the District of Columbia.

10013. Also, petition of the members of Waughtown Baptist Church, located at Winston-Salem, N. C., with 139 members present, on behalf of the passage of the Lankford Sunday rest bill for the District of Columbia, or similar measures; to the Committee on the District of Columbia.

10014. Also, petition of M. Ernest Welch, a realtor of State City, N. C., on behalf of the passage of the Lankford Sunday rest bill for the District of Columbia or similar measures; to the Committee on the District of Columbia.

10015. Also, petition of the First Presbyterian Church, High Point, N. C., with 500 members present, petitioning you on behalf of the passage of the Lankford Sunday rest bill for the District of Columbia or similar measures; to the Committee on the District of Columbia.

10016. Also, petition of the Duke Memorial Church, Durham, N. C., with 1,900 present, petitioning you on behalf of the passage of the Lankford Sunday rest bill for the District of Columbia or similar measures; to the Committee on the District of Columbia.

10017. Also, petition of the Frehsale-Highland Charge, Rev. E. M. Jones, pastor, with 1,000 members present, on behalf of the passage of the Lankford Sunday rest bill for the District of Columbia (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10018. Also, petition of 45 members of Ridgedale Presbyterian Church, South Bend, Ind., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10019. Also, petition of the Christian Church, Graham City, N. C., with 67 members present, petitioning you in behalf of the passage of the Lankford Sunday rest bill for the District of Columbia (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10020. Also, petition of the Methodist Episcopal Church, High Point, N. C., with 1,000 members present, urging the enactment into law of the Lankford Sunday rest bill for the District of Columbia (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10021. Also, petition of the members of First Baptist Church, of High Point, N. C., with 1,170 members present, petitioning you on behalf of the passage of the Lankford Sunday rest bill for the District of Columbia (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10022. Also, petition of the members of the Christian Church, at High Point, N. C., and submitted by Rev. L. N. McFarland, superintendent of North Carolina Friends, with 1,000 present, urging your help on behalf of the passage of the Lankford Sunday rest bill for the District of Columbia or similar measures; to the Committee on the District of Columbia.

10023. Also, petition of the Park Place Methodist Episcopal Church, Greensboro, N. C., with a membership of 590, petitioning you in behalf of the passage of the Lankford Sunday rest bill for the District of Columbia or similar measures; to the Committee on the District of Columbia.

10024. Also, petition of 31 members of the First Baptist Sunday School, Washington, D. C., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10025. Also, petition of 39 members of the Presbyterian Church, Warsaw, Ind., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10026. Also, petition of 33 members of Christian Church, Warsaw, Ind., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10027. Also, petition of 18 members of the Women's Christian Temperance Union, of Warsaw, Ind., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10028. Also, petition of First Church of Christ Scientist, Warsaw, Ind., urging the enactment of legislation to protect the people of the Nation's Capitol in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

10029. Also, petition of 190 citizens of Warsaw, Ind., urging the enactment of legislation to protect the people of the Nation's

Capitol in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

10030. Also, petition of 31 members of the North Winona Church of the Brethren, Winona Lake, Ind., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

10031. Also, petition of 58 members of Methodist Church of Nappanee, Ind., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

10032. Also, petition of 13 members of Methodist Church at Mentone, Ind., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

10033. By Mr. LINDSAY: Petition of Luckenbach Steamship Co., protesting against Senate bill 1781, urging change to include coastwise steamers in its application, as exclusion of barges is a discrimination against steamer coastal transportation; to the Committee on the Merchant Marine and Fisheries.

10034. Also, petition of John Tracy, and Thomas J. Howard, New York City, protesting against Senate bill 1781, urging change to include coastwise steamers in its application, as exclusion of barges is a discrimination against steamer coastal transportation; to the Committee on the Merchant Marine and Fisheries.

10035. Also, petition of New York Band Instrument Co. (Inc.), protesting against passage of House bill 13452, as bringing serious consequences adversely affecting the entire talking-machine industry; to the Committee on Patents.

10036. By Mr. O'CONNELL: Petition of the New York Band Instrument Co. (Inc.), opposing the passage of House bill 13452; to the Committee on Patents.

10037. Also, petition of Thomas J. Howard, John Tracy, and the Luchenbach Steamship Co. of New York, opposing the passage of Senate bill 1781; to the Committee on the Merchant Marine and Fisheries.

10038. Also, petition of the New York State Fish, Game, and Forest League, favoring the passage of the Norbeck game refuge bill (S. 1271); to the Committee on Agriculture.

10039. Also, petition of the New York State Fish, Game, and Forest League, favoring the development of Camp Upton, Long Island, N. Y., into a fish and game refuge; to the Committee on Agriculture.

10040. Also, petition of the National Knitted Outerwear Association, New York City, opposing any partial revision which will unbalance the business outlook, substitute uncertainty for confidence, and result in postponing the general revision so necessary at this time; to the Committee on Ways and Means.

10041. By Mr. O'CONNOR of New York: Resolution adopted by the board of directors of the National Outerwear Association, January 18, 1929, urging an early extra session of Congress for the purpose of a general revision of the tariff; to the Committee on Ways and Means.

10042. By Mr. PORTER: Petition of 33 citizens of Allegheny County, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10043. Also, petition of 27 citizens of the thirty-second district of Pennsylvania, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford Sunday rest bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10044. Also, petition of 30 citizens of the thirty-second congressional district of Pennsylvania, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10045. Also, petition of the Women's Christian Temperance Union of Allegheny County, Pa., with about 1,000 members, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10046. Also, petition of 78 citizens of Allegheny and Washington Counties, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10047. By Mr. SCHAFER: Petition of 150 members of Wauwatosa Evangelical Church, Wauwatosa, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10048. Also, petition of 325 members of United Presbyterian Church, West Allis, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10049. Also, petition of 52 members of Greenfield Presbyterian Church of West Allis, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10050. Also, petition of 65 members of the Willard Woman's Christian Temperance Union, Milwaukee, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

10051. By Mr. SINCLAIR: Petition of C. E. Grasser, of Epping, N. Dak., and 213 others, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

10052. By Mr. STRONG of Pennsylvania: Petition of citizens of Armstrong and Jefferson Counties, Pa., opposed to any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

10053. By Mr. THOMPSON: Memorial of 35 citizens of Montpelier, Ohio, opposing any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

10054. By Mr. WHITEHEAD: Petition of 34 citizens of Charlotte County, Va., requesting the enactment of House bill 14144, proposing to grant equipment allowance to third-class postmasters; to the Committee on the Post Office and Post Roads.

10055. By Mr. WHITTINGTON: Petition of A. B. Wiggins, president of board of supervisors of Bolivar County, Miss., for amendment of migratory game law to extend open season on ducks and geese; to the Committee on Agriculture.

10056. Also, petition of W. L. Hines and others, for legislation in aid of drainage district; to the Committee on Reclamation and Irrigation.

10057. Also, petition of M. Black and others, with relation to tariff on hides and leather; to the Committee on Ways and Means.

10058. By Mr. WINTER: Petition of Veteran Presbyterian Church, representing a membership of 75, at Veteran, Wyo., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10059. Also, petition of 15 members of the Community House, Veteran, Wyo., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10060. By Mr. WYANT: Petition of Westmoreland County Rural Letter Carriers' Association, favoring passage of Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

10061. Also, petition of Izaak Walton League of America, Pittsburgh Chapter, No. 13, of Pennsylvania, favoring passage of Norbeck bird conservation bill (S. 1271; H. R. 5457); to the Committee on Agriculture.

10062. Also, petition of Audubon Society of Western Pennsylvania, Alva K. Held, secretary, favoring passage of Norbeck game refuge bill (S. 1271); to the Committee on Agriculture.

10063. Also, petition of Scranton Bird Club, favoring passage of Norbeck-Andresen game refuge bill; to the Committee on Agriculture.

10064. Also, petition of citizens of Pennsylvania, favoring passage of Norbeck bird conservation bill (S. 1271); to the Committee on Agriculture.

SENATE

MONDAY, *February 11, 1929*

The Chaplain, Rev. Zebarney T. Phillips, D. D., offered the following prayer:

O Heavenly Father, whose life is within and whose love is about us, make us glad of heart as without haste or confusion we enter upon our appointed tasks, conscious of our ability to meet every rightful demand because of Thine indwelling. Give us a robust spirit that shall choose its way with self-possession, with the discerning eye of interest and the quick pulse of power—a spirit that shall enable us to know our fellow men and plead their righteous cause. May ours be the helping hand to the weak, may we be a comfort to those in sorrow and affliction, even as we have been comforted of Thee, that with heart and hand we may give ourselves to do the work of Him who hath called us to follow His most holy life, Jesus Christ, Thy Son, our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Thursday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed the following bills of the Senate:

S. 4560. An act authorizing Elisha N. Goodsell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain between a point at or near Rouses Point, N. Y., and a point at or near Alburgh, Vt.;

S. 5301. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on Tennessee Highway No. 9 in Cocke County, Tenn.; and

S. 5377. An act granting the consent of Congress to the Pittsburgh & West Virginia Railway Co. to construct, maintain, and operate a railroad bridge across the Monongahela River.

The message also announced that the House had passed the bill (S. 1271) to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds, and authorizing appropriations for the establishment of such areas, their maintenance and improvement, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 16878. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. J. Res. 398. Joint resolution to extend the period of time in which the Secretary of the Interior shall withhold his approval of the adjustment of Northern Pacific land grants, and for other purposes.

The message also announced that the House had adopted a concurrent resolution (H. Con. Res. 51) to appoint a committee from the Senate and House to represent the Congress of the United States at the celebration of the completion of the canalizing of the Ohio River from Pittsburgh, Pa., to Cairo, Ill., October 15 to 20, 1929, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Capper	George	Hayden
Barkley	Caraway	Gerry	Heflin
Bayard	Copeland	Gillett	Johnson
Bingham	Couzens	Glass	Jones
Black	Curtis	Glenn	Kendrick
Blaine	Dale	Goff	Keyes
Blease	Deneen	Gould	King
Borah	Dill	Greene	McKellar
Bratton	Edge	Hale	McMaster
Brookhart	Edwards	Harris	McNary
Broussard	Fess	Harrison	Mayfield
Bruce	Fletcher	Hastings	Neely
Burton	Frazier	Hawes	Norbeck
Norris	Sackett	Steiwer	Walsh, Mass.
Oddie	Schall	Stephens	Walsh, Mont.
Overman	Sheppard	Swanson	Warren
Phipps	Shipstead	Thomas, Idaho	Waterman
Pine	Shortridge	Thomas, Okla.	Watson
Pittman	Simmons	Tydings	Wheeler
Ransdell	Smith	Tyson	
Reed, Mo.	Smoot	Vandenberg	
Reed, Pa.	Steck	Wagner	

Mr. FRAZIER. My colleague [Mr. NYE] is still detained at his home on account of illness. I wish to have this announcement stand for the day.

Mr. JONES. I wish to announce that the Senator from Rhode Island [Mr. METCALF] and the Senator from New Mexico [Mr. LARRAZOLO] are absent on account of illness.

Mr. NORRIS. My colleague the junior Senator from Nebraska [Mr. HOWELL] is unavoidably detained from the Senate by illness.

Mr. BLAINE. I wish to announce that my colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] is necessarily detained from the Senate.

Mr. FLETCHER. My colleague [Mr. TRAMMELL] is necessarily absent owing to illness. I will let this announcement stand for the day.

The VICE PRESIDENT. Eighty-five Senators having answered to their names, a quorum is present.

PROTECTION OF MIGRATORY BIRDS

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1271) to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds, and authorizing appropriations for the establishment of such areas, their maintenance, and improvement, and for other purposes, which was to strike out all after the enacting clause and insert:

That this act shall be known by the short title of "Migratory bird conservation act."

SEC. 2. That a commission to be known as the Migratory Bird Conservation Commission, consisting of the Secretary of Agriculture, as chairman, the Secretary of Commerce, the Secretary of the Interior, and two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives to be selected by the Speaker, is hereby created and authorized to consider and pass upon any area of land, water, or land and water that may be recommended by the Secretary of Agriculture for purchase or rental under this act, and to fix the price or prices at which such area may be purchased or rented; and no purchase or rental shall be made of any such area until it has been duly approved for purchase or rental by said commission. Any Member of the House of Representatives who is a member of the commission, if reelected to the succeeding Congress, may serve on the commission notwithstanding the expiration of a Congress. Any vacancy on the commission shall be filled in the same manner as the original appointment. The ranking officer of the branch or department of a State to which is committed the administration of its game laws, or his authorized representative, and in a State having no such branch or department, the governor thereof, or his authorized representative, shall be a member ex officio of said commission for the purpose of considering and voting on all questions relating to the acquisition, under this act, of areas in his State.

SEC. 3. That the commission hereby created shall, through its chairman, annually report in detail to Congress, not later than the first Monday in December, the operations of the commission during the preceding fiscal year.

SEC. 4. That the Secretary of Agriculture shall recommend no area for purchase or rental under the terms of this act except such as he shall determine is necessary for the conservation of migratory game birds.

SEC. 5. That the Secretary of Agriculture is authorized to purchase or rent such areas as have been approved for purchase or rental by the commission, at the price or prices fixed by said commission, and to acquire by gift or devise, for use as inviolate sanctuaries for migratory birds, areas which he shall determine to be suitable for such purposes, and to pay the purchase or rental price and expenses incident to the location, examination, and survey of such areas and the acquisition of title thereto, including options when deemed necessary by the Secretary of Agriculture, from moneys to be appropriated hereunder by Congress from time to time: *Provided*, That no lands acquired, held, or used by the United States for military purposes shall be subject to any of the provisions of this act.

SEC. 6. That the Secretary of Agriculture may do all things and make all expenditures necessary to secure the safe title in the United States to the areas which may be acquired under this act, but no payment shall be made for any such areas until the title thereto shall

be satisfactory to the Attorney General, but the acquisition of such areas by the United States shall in no case be defeated because of rights of way, easements, and reservations which from their nature will in the opinion of the Secretary of Agriculture in no manner interfere with the use of the areas so encumbered for the purposes of this act; but such rights of way, easements, and reservations retained by the grantor or lessor, from whom the United States receives title, shall be subject to rules and regulations prescribed from time to time by the Secretary of Agriculture for the occupation, use, operation, protection, and administration of such areas as inviolate sanctuaries for migratory birds; and it shall be expressed in the deed or lease that the use, occupation, and operation of such rights of way, easements, and reservations shall be subordinate to and subject to such rules and regulations.

SEC. 7. That no deed or instrument of conveyance shall be accepted by the Secretary of Agriculture under this act unless the State in which the area lies shall have consented by law to the acquisition by the United States of lands in that State.

SEC. 8. That the jurisdiction of the State, both civil and criminal, over persons upon areas acquired under this act shall not be affected or changed by reason of their acquisition and administration by the United States as migratory bird reservations, except so far as the punishment of offenses against the United States is concerned.

SEC. 9. That nothing in this act is intended to interfere with the operation of the game laws of the several States applying to migratory game birds in so far as they do not permit what is forbidden by Federal law.

SEC. 10. That no person shall knowingly disturb, injure, or destroy any notice, signboard, fence, building, ditch, dam, dike, embankment, flume, spillway, or other improvement or property of the United States on any area acquired under this act, or cut, burn, or destroy any timber, grass, or other natural growth, on said area or on any area of the United States which heretofore has been or which hereafter may be set apart or reserved for the use of the Department of Agriculture as a game refuge or as a preserve or reservation and breeding ground for native birds, under any law, proclamation, or Executive order, or occupy or use any part thereof, or enter thereon for any purpose, except in accordance with regulations of the Secretary of Agriculture; nor shall any person take any bird, or nest or egg thereof on any area acquired under this act, except for scientific or propagating purposes under permit of the Secretary of Agriculture; but nothing in this act or in any regulation thereunder shall be construed to prevent a person from entering upon any area acquired under this act for the purpose of fishing in accordance with the law of the State in which such area is located: *Provided*, That such person complies with the regulations of the Secretary of Agriculture covering such area.

SEC. 11. That for the purposes of this act, migratory birds are those defined as such by the treaty between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916.

SEC. 12. For the acquisition, including the location, examination, and survey, of suitable areas of land, water, or land and water, for use as migratory bird reservations, and necessary expenses incident thereto, and for the administration, maintenance, and development of such areas and other preserves, reservations, or breeding grounds frequented by migratory game birds and under the administration of the Secretary of Agriculture, including the construction of dams, dikes, ditches, flumes, spillways, buildings, and other necessary improvements, and for the elimination of the loss of migratory birds from alkali poisoning, oil pollution of waters, or other causes, for cooperation with local authorities in wild life conservation, for investigations and publications relating to North American birds, for personal services, printing, engraving, and issuance of circulars, posters, and other necessary matter and for the enforcement of the provisions of this act, there are authorized to be appropriated, in addition to all other amounts authorized by law to be appropriated, the following amounts for the fiscal years specified—

Seventy-five thousand dollars for the fiscal year ending June 30, 1930;

Two hundred thousand dollars for the fiscal year ending June 30, 1931;

Six hundred thousand dollars for the fiscal year ending June 30, 1932;

One million dollars for the fiscal year ending June 30, 1933;

One million dollars for each fiscal year thereafter for a period of six years; and

Two hundred thousand dollars for the fiscal year ending June 30, 1940, and for each fiscal year thereafter. Not more than 20 per cent of the amounts appropriated pursuant to this authorization for the fiscal year beginning July 1, 1930, and for each fiscal year to and including the fiscal year ending June 30, 1939, shall be expended for personal services in the District of Columbia and elsewhere incident to the administration and maintenance of acquired areas, printing, engraving, and issuance of circulars and posters. No part of any appropriation authorized by this section shall be used for payment of the salary, compensation, or expenses of any United States game protector, except reservation protectors for the administration, maintenance, and protection of such reservations and the birds thereon: *Provided*, That reservation protectors appointed under the provisions of this act shall be selected, when practicable, from qualified citizens of the State in which they are to be employed. The Secretary of Agriculture is authorized and directed to make such expenditures and to employ such means, including personal services in the District of Columbia and elsewhere, as may be necessary to carry out the foregoing objects.

SEC. 13. That for the efficient execution of this act, the judges of the several courts established under the laws of the United States, United States commissioners, and persons appointed by the Secretary of Agriculture to enforce this act, shall have, with respect thereto, like powers and duties as are conferred by section 5 of the migratory bird treaty act (title 16, sec. 706, U. S. C.) upon said judges, commissioners, and employees of the Department of Agriculture appointed to enforce the act last aforesaid. Any bird, or part, nest or egg thereof, taken or possessed contrary to this act, when seized shall be disposed of as provided by section 5 of said migratory bird treaty act.

SEC. 14. That any person, association, partnership, or corporation who shall violate or fail to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than $10 nor more than $500, or be imprisoned not more than six months, or both.

SEC. 15. That for the purposes of this act the word "take" shall be construed to mean pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill, unless the context otherwise requires.

SEC. 16. Nothing in this act shall be construed as authorizing or empowering the Migratory Bird Conservation Commission herein created, the Secretary of Agriculture, or any other board, commission, or officer, to declare, withdraw, or determine, except heretofore designated, any part of any national forest or power site, a migratory bird reservation under any of the provisions of this act, except by and with the consent of the legislature of the State wherein such forest or power site is located.

SEC. 17. That when any State shall, by suitable legislation, make provision adequately to enforce the provisions of this act and all regulations promulgated thereunder, the Secretary of Agriculture may so certify, and then and thereafter said State may cooperate with the Secretary of Agriculture in the enforcement of this act and the regulations thereunder.

SEC. 18. That a sum sufficient to pay the necessary expenses of the commission and its members, not to exceed an annual expenditure of $5,000, is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be paid out on the audit and order of the chairman of said commission, which audit and order shall be conclusive and binding upon the General Accounting Office as to the correctness of the accounts of said commission.

SEC. 19. That if any provision of this act or the application thereof to any person or circumstance is held invalid the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 20. That this act shall take effect upon its passage and approval.

Mr. NORBECK. I move that the Senate concur in the House amendment.

Mr. REED of Missouri. I should like to have the House amendment lie over for a few minutes before it is passed. I want merely to examine it.

Mr. NORBECK. I suggest that it lie over until 2 o'clock.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. REED of Missouri subsequently said: Mr. President, I asked that action be deferred until I had an opportunity to make an examination of the amendment. I have done so and have no objection to it.

Mr. NORBECK. Mr. President, I had previously moved that the Senate concur in the amendment of the House.

The PRESIDING OFFICER (Mr. FESS in the chair). The question is on agreeing to the motion of the Senator from South Dakota.

Mr. BRATTON. Mr. President, let me ask the Senator from South Dakota what changes were made in the bill by the House?

Mr. NORBECK. Quite a number, but none material except that the authorization for appropriations was materially reduced for the first three years.

Mr. BRATTON. The appropriations for the first three years were reduced?

Mr. NORBECK. Yes.

Mr. BRATTON. In what other way was the Senate bill amended

Mr. NORBECK. Most of the amendments were simply to harmonize the bill. The bill contained a great many amend-

ments offered on the floor of the Senate, and they were a little out of joint with each other. I would say that the only material amendment is the one I have stated, except that the program is to come to a close at the end of 10 years.

Mr. DILL. Mr. President, I took considerable interest in the bill when it was in the Senate. The House has followed primarily the bill as it passed the Senate. I am very much in favor of the amendment of the House.

Mr. KING. Mr. President, I think the bill in its present form and as it passed the Senate is a vindication of the right of unlimited debate in the Senate. For a number of years certain organizations, and among them certain manufacturers of guns and munitions, tried to drive through the Congress a bill which was very obnoxious. It was a bill in the interest of shooting grounds and imposed upon those who were hunters the duty of obtaining licenses from the Federal Government. Those bills were for years objected to, and many of our friends in the Senate were sometimes very much agitated because of the interposition of objections to the bill and the ensuing discussion.

The present bill is an admirable one, and I think it justifies the opposition which was manifested to the shooting ground bills which for years were promoted by the manufacturers of powder and guns in the United States.

Mr. BLAINE. Mr. President, I merely want to take this occasion to state that I opposed the original bill as it was introduced in the Senate. I understand that now the bill as amended by the House is substantially in the same terms as the bill as amended as it passed the Senate, and which I supported, providing for bird sanctuaries and prohibiting the destruction of birds; that it provides for the preservation of the migratory birds and does not provide for public shooting grounds. I therefore favor the amendment of the House.

The PRESIDING OFFICER. The question is on the motion of the Senator from South Dakota to concur in the amendment of the House.

The motion was agreed to.

FINAL ASCERTAINMENT OF ELECTORS

The VICE PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, an authenticated copy of the certificate of the final ascertainment of electors for President and Vice President appointed in the State of Idaho at the election held therein November 6, 1928, and requesting that it be substituted for the certificate sent on December 15, 1928, which, with the accompanying paper, was ordered to lie on the table.

WOMAN SUFFRAGE IN PORTO RICO

The VICE PRESIDENT laid before the Senate a message from the presidents of the Republican and Socialist Parties of Porto Rico, which was ordered to be printed in the RECORD and to lie on the table, as follows:

[Cablegram]

SAN JUAN, P. R., *February 11, 1929.*

Hon. CHARLES DAWES,

President United States Senate, Washington:

Caucus senators and representatives Republican-Socialist coalition Porto Rican Legislature, representing over 120,000 voters, earnestly request United States Senate, Senators BINGHAM and BAYARD especially, approve pending bill granting Porto Rican women suffrage. Opposition raised due to local rights legislature is less important that incorporation privilege amendment women suffrage organic act of Porto Rico.

RAFAEL MARTINEZ NADAL,
President Republican Party.
SANTIAGO IGLESIAS,
President Socialist Party.

Mr. BINGHAM. Mr. President, there seems to have been some misunderstanding among my good friends in Porto Rico. I notice a reference to me in this cablegram that has just been handed down by the Vice President. The facts in regard to the situation of woman suffrage in Porto Rico are these:

At the beginning of this Congress I introduced a bill granting to the women of Porto Rico the same rights in regard to voting as the men have, believing that had the Congress, when it gave the men of Porto Rico the right to vote, done so after the nineteenth amendment was adopted, this matter would have been attended to at that time. Instead of that, the right to vote was granted before the nineteenth amendment to the Constitution was adopted, and consequently the women of Porto Rico have never had the right to vote. But that bill, being referred to the Committee on Territories and Insular Possessions, was laid upon the table in the committee. I was not successful in persuading a majority of the committee to report it favorably. Later on the House of Representatives passed a similar bill in the House and sent it over to us; and at that time the committee acted favorably, and that bill is now upon the calendar. It has, however, been adversely reported by a minority of the members of that committee, so that the minority report is also upon the calendar.

Mr. TYDINGS. Mr. President, will the Senator yield for a question?

Mr. BINGHAM. I yield.

Mr. TYDINGS. I should like to ask the chairman of the committee if it is not a fact that under the constitution of Porto Rico the Legislature of Porto Rico has authority to confer suffrage on the women of Porto Rico, if it sees fit to do so, without any help or action at all on the part of the Federal Congress?

Mr. BINGHAM. That is true, Mr. President, because when the Congress gave to the Porto Ricans the right to vote they gave to the legislature the right to say who should vote. The place at which my distinguished friend from Maryland and I differ is in this regard: Both of us are strong for local self-government and State rights; but our States, where we learned that, had the right to vote first, before the Union was formed, and we surrendered a certain part of our rights to the United States when the Union was formed. On the other hand, the people of Porto Rico did not have the right to vote until we gave it to them. When we gave it to them, unfortunately, we gave it to them before the nineteenth amendment was passed. Had we given it to them after the nineteenth amendment was passed, I am sure we would have done it in such a way as not to deprive the women of Porto Rico of the right to vote.

Mr. TYDINGS. Does not the Senator think that the people of Porto Rico are competent to handle their own affairs down there without coercion or guidance from the Federal Government in this purely local matter?

Mr. BINGHAM. I think it would be better if we told them that they must not limit the right to vote by reason of sex.

Mr. TYDINGS. Then where does our policy of State rights begin and end, if we undertake to change it on every little matter of local self-government in which we may differ with them?

Mr. BINGHAM. Mr. President, the point is that we gave them the right to vote in the first place. They did not have it in the first place as our ancestors did. That is the difference.

Mr. TYDINGS. But it seems to me that the people of Porto Rico are competent to settle that matter for themselves.

Mr. HAYDEN. Mr. President, I ask leave to have printed in the RECORD, in connection with the cablegram referred to by the Senator from Connecticut, a letter that I have received from Mrs. Ana L. de Velez, president of the Porto Rican Association of Women Voters; a reply that I have written thereto; a translation of a letter written by Hon. FELIX CORDOVA DAVILA, Resident Commissioner from Porto Rico, to Mrs. Velez; the minority report on House bill 7010; and a compilation of the educational qualification provisions in the constitutions or laws of various States made by the legislative reference service of the Library of Congress.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

SAN JUAN, P. R., *January 27, 1929.*

The Hon. Senator HAYDEN,

United States Congress, Washington, D. C.

DEAR SIR: The island press has released the news that you will be the leader of the opposition to the bill amending our organic law to the effect of granting the women of Porto Rico, American citizens, the right to vote. If this is so, allow us to believe that your attitude must be based on misleading information as to political and social conditions here, particularly regarding women.

For this reason we believe it our duty to bring to your attention, among others, one single fact which will perhaps make you rectify your stand in this matter. We refer to the fact that a large number of American citizens, the women of Porto Rico, have not the electoral franchise in our own land, while with our votes we could change the tide of an election in Continental United States, where Porto Rican women are now exercising the right to vote.

We can assure you that the passage of this law will cause no social revolution in this island as some prejudiced people will have you believe.

The Asociacion Puertorriquena de Mujeres Sufragistas invites you to reconsider this matter so that you may favor instead of opposing it, thus keeping in consonance with the principles of American democracy and earning thereby the gratitude of the women of Porto Rico.

We remain, sir,

Most sincerely yours,

ANA L. DE VELEZ,
Presidenta Asociacion Puertorriquena de Mujeres Sufragistas.

UNITED STATES SENATE,
COMMITTEE ON TERRITORIES AND INSULAR POSSESSIONS,
Washington, D. C., February 9, 1929.

MRS. ANA L. DE VELEZ,
Presidenta Asociacion Puertorriquena de Mujeres Sufragistas,
San Juan, P. R.

MY DEAR MADAM: I am in receipt of your letter of January 27, and inclose herewith a copy of the minority views on the bill (H. R. 7010) to amend the organic act of Porto Rico, which passed the House of Representatives on December 17, 1928. By reading the report you will be advised as to why the five United States Senators who signed it are opposed to the enactment of that measure.

It is indeed an anomaly that Porto Rican women resident in the continental United States may vote while they are denied that privilege at home. The Committee on Territories and Insular Possessions was informed that the courts have decided that the nineteenth amendment to the Constitution of the United States granting equal suffrage is not operative in Porto Rico, notwithstanding the fact that the people of that island are American citizens.

The question is what is the best way to correct an obviously illogical if not an absurd situation. The Senators who signed the minority report are convinced that the Legislature of Porto Rico is the proper authority to remedy the evil, rather than the Congress of the United States.

Personally I have no fear that giving the electoral franchise to women will cause a social revolution in Porto Rico. Upon the contrary, I have faith that the result would be highly beneficial, just as it was in my own State. I voted for woman suffrage in Arizona when equal rights were granted in 1912, and as a Member of Congress I earnestly supported the amendment to the Federal Constitution which was submitted to the States for ratification in 1919.

Believing that ballots in the hands of ignorant voters are much more to be dreaded than the arms of invading enemies, I am also a firm supporter of an educational qualification for voters. By combining the two proposals, as was contemplated by the Legislature of Porto Rico, the electorate is made to consist of the educated and intelligent members of both sexes.

Behind every ballot there is a direct responsibility for the public welfare which should not be intrusted to the ignorant. Thomas Jefferson, who did more than any other man to establish the principles of American democracy, gave his hearty approval in 1814 to a provision in the proposed new constitution for the Kingdom of Spain, which disfranchised all who could not read and write, by saying:

"This is new, and is the fruitful germ of everything good and the correction of everything imperfect in the present constitution. This will give you an enlightened people and an energetic public opinion which will control and enchain the aristocratic spirit of government."

Two years later Mr. Jefferson said:

"If a nation expects to be ignorant and free in a state of civilization, it expects what never was and never will be."

I hope that the Legislature of Porto Rico shall of its own free will and accord, as it has complete authority to do, pass an act which will grant to all educated citizens the right to vote without regard to sex. These two reforms should be accomplished at one and the same time. If, unfortunately, Congress should determine to impose equal suffrage upon the people of Porto Rico without affording the legislature a further opportunity to act, as is proposed in the bill H. R. 7010, then I shall certainly insist that the bill be amended by adding to it a further proviso reading as follows:

"*Provided, however*, That no person shall have the right to vote who, not being prevented by physical disability from so doing, shall not be able to read the Constitution of the United States in the English or Spanish language in such manner as to show that he or she is neither prompted nor reciting from memory and write his or her name."

There is precedent for this proposal in the act of April 30, 1900, to provide a government of the Territory of Hawaii, which states that in order to be qualified to vote a person shall—

"be able to speak, read, and write the English or Hawaiian language."

It seems to me that this was a wise provision, and that if Congress should take action on the subject, which I trust will not be hasty, then the same rule should apply to the English and Spanish languages in Porto Rico.

The amendment to the bill H. R. 7010 which I have drafted is based upon a provision in the constitution of the State of Maine that was also used as a model by the Legislature of Arizona in adopting an educational qualification for voters in 1909, before that Territory was admitted into the Union.

In the act of June 20, 1910, to enable the people of Arizona to form a constitution and become a State, Congress, to serve a political purpose, ignored and repealed this act of the Territorial legislature and directed that the qualifications of electors should be the same as provided in the revised statutes of Arizona, adopted in 1901. As a result many illiterates voted in the special statehood election of 1911. The people of Arizona bitterly resented this coercive and unwarranted interference with their just right of self-government. The first State legislature in 1912 promptly reenacted the educational qualification law which Congress had destroyed and that law is in effect in my State to-day.

As one born and reared under a Territorial form of government and therefore having personal knowledge of the unsatisfactory conditions which inevitably exist when a distant Congress has power to amend or repeal any law enacted by the local legislature, I can sympathize with the desire of the people of Porto Rico for the largest obtainable measure of local self-government. It shall always be my purpose to resist the arbitrary use of such power by Congress, and, as in the instance of the bill H. R. 7010, I can not consent to the enactment of any such measure until after the Legislature of Porto Rico has had every reasonable opportunity to solve the problem in its own way.

Assuring you of my continued interest in the issue thus presented, I am,

Yours very respectfully,

CARL HAYDEN,
United States Senator.

[S. Rept. No. 1454, 70th Cong., 2d sess.]

January 17 (calendar day, January 18), 1929

CONFERRING THE RIGHT TO VOTE UPON PORTO RICAN WOMEN

MINORITY VIEWS ON THE BILL (H. R. 7010) TO AMEND THE ORGANIC ACT OF PORTO RICO, APPROVED MARCH 2, 1917

* * * * * * *

The undersigned members of the Committee on Territories and Insular Possessions recommend that the bill (H. R. 7010) to amend the organic act of Porto Rico, approved March 2, 1917, do not pass, because the enactment of such a measure would be an unwarranted interference by Congress with local self-government in Porto Rico.

The organic act, approved March 2, 1917, provides that—

"*Voters shall be citizens of the United States 21 years of age or over and have such additional qualifications as may be prescribed by the Legislature of Porto Rico: Provided, That no property qualification shall ever be imposed upon or required of any voter.*"

It will be observed that the Legislature of Porto Rico now has full and complete power to extend the right to vote to women of that island.

At a hearing before the Committee on Territories and Insular Possessions on an identical bill (S. 753) held on April 25, 1928, it was shown that the Legislature of Porto Rico has recently given serious consideration to the question of woman suffrage. The proposal was to adopt an educational qualification for voters and then permit all qualified citizens, without regard to sex, to vote. The statement of Hon. FELIX CORDOVA DAVILA, Resident Commissioner from Porto Rico, with respect to the action of the Legislature of Porto Rico is, in part, as follows:

"*The bill did not pass the House, but it passed the Senate. We grant in this bill the right to vote to women or men. They will have to know how to read and write, but it will apply equally to men and women.*

"*There was opposition to the bill in Porto Rico from the Socialist Party, on account of the literacy test, and I believe that is the reason that this bill did not pass the House. They want to vote without any literacy test, and I really believe, Mr. Chairman, that that is necessary. I believe that a literacy test is a good thing, and that it should pass.* * * *

"*But I maintain that Congress should not legislate in Porto Rican local matters. To be frank, I do not believe you are qualified to legislate in local matters in Porto Rico. You do not know Porto Rico. We are better qualified than you are. So you should let the Porto Ricans handle their own local affairs.*"

We concur in the views of the duly elected and accredited spokesman for the people of Porto Rico that they should determine this question for themselves without interference by Congress.

JESSE H. METCALF.
PETER NORBECK.
CARL HAYDEN.
M. E. TYDINGS.
THOMAS F. BAYARD.

[Translation]

WASHINGTON, D. C., *January 30, 1929.*

MRS. ANA VELEZ,
President Association of Porto Rican Women Voters,
San Juan, P. R.

MY DISTINGUISHED FRIEND: I am just in receipt of the following cablegram:

"Porto Rican Association of Women Voters energetically protest your attitude against woman suffrage."

I was greatly surprised upon the receipt of the above cablegram. It surprised me, firstly, because it bears your signature, and secondly, for the injustice that it involves.

On the occasion of your visit to Washington, I had the honor to know you personally, and wish to state that I was greatly impressed

by your discreet and proper attitude, by your spirit of justice, and by your impartiality. The cablegram sent me does not reveal these qualities, and it is but natural that I should feel so surprised.

You know, as well as all other persons who know me, that I am a sincere adherent of woman suffrage; that I have aways defended the right of women to participate in the development of the public interests on an equal basis with the rights of men. You likewise know that to claim for Porto Rico the right to legislate in our local affairs and to ask that the privilege of suffrage be granted to those who know how to read and write, without distinction of sex, does not constitute an opposition to woman suffrage, but on the contrary, a vigorous help to the rights of women and a healthful measure for the Porto Rican people.

I feel that we should broach this problem openly and frankly and without regard to the results that would individually affect those persons sustaining this opinion. The public interests are supreme and the man or woman who, guided by political conveniences, withhold their support to a measure like this of undeniable benefits for our country, lack in the performance of their duty and fail to obey the dictates of their own conscience. Of course I am referring to those persons who, in their heart of hearts, recognize the healthfulness of this measure yet publicly sustain a different opinion, either because it is agreeable to their political interests or because they lack courage to sustain their convictions.

I am not worried by what can be thought of me nor by the injustices that may be committed against me, attributing to me attitudes that I have not adopted. In this matter, as well as in all others dealing with my country, I respond to my convictions and to my conscience, and will always know how to remain firm and fearless in the performance of my duty.

Very truly yours,

FELIX CORDOVA DAVILA.

LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE.

EDUCATIONAL QUALIFICATIONS FOR VOTING

ALABAMA [1]

(Constitution, 1901, Art. VII, sec. 181)

SEC. 181. After the 1st day of January 1903, the following persons, * * * shall be qualified to register as electors, provided they shall not be disqualified under section 182 of this constitution:

First. Those who can read and write any article of the Constitution of the United States in the English language, and who are physically unable to work; and those who can read and write any article of the Constitution of the United States in the English language, and who have worked or been regularly engaged in some lawful employment, business, or occupation, trade, or calling for the greater part of the 12 months next preceding the time they offer to register; and those who are unable to read and write, if such inability is due solely to physical disability; or * * *.

ARIZONA

(Laws 1927, c. 87, sec. 14, pp. 207, 208 (code 1913, sec. 2879))

SEC. 14. Qualifications of electors: Every citizen of the United States, * * * who, not being prevented by physical disability from so doing, is able to read the Constitution of the United States in the English language in such manner as to show that he is neither prompted nor reciting from memory, and to write his name, shall be deemed to be an elector of the State of Arizona, and shall be entitled to register for the purpose of voting at all elections which are now or may be hereafter authorized by law * * *.

CALIFORNIA

(Constitution, 1879, Art. II, sec. 1)

SECTION 1. * * * and no person who shall not be able to read the Constitution in the English language and write his or her name shall ever exercise the privileges of an elector in this State * * *.

COLORADO

(Constitution, 1876, Art. VII, sec. 3)

SEC. 3. Educational qualifications of elector: The general assembly may prescribe by law an educational qualification for electors, but no such law shall take effect prior to the year A. D. 1890, and no qualified elector shall be thereby disqualified. (No effect has been given this provision by statute.)

CONNECTICUT

(Constitution, 1818, amendments, Art. XXIX)

Every person shall be able to read in the English language any article of the Constitution or any section of the statutes of this State before being admitted an elector.

DELAWARE

(Constitution, 1897, Art. V, sec. 2)

SEC. 2. * * * no person who shall attain the age of 21 years after the 1st day of January, in the year A. D. 1900, or after that date, shall become a citizen of the United States, shall have the right to vote unless he shall be able to read this constitution in the English language and write his name; but these requirements shall not apply to any person who by reason of physical disability shall be unable to comply therewith * * *.

GEORGIA [1]

(Constitution, 1877, Art. II, sec. 34, pt. 4 (4))

All persons who can correctly read in the English language any paragraph of the Constitution of the United States or of this State and correctly write the same in the English language when read to them by any one of the registrars, and all persons who solely because of physical disability are unable to comply with the above requirements, but who can understand and give a reasonable interpretation of any paragraph of the Constitution of the United States or of this State that may be read to them by any one of the registrars; or * * *.

HAWAII

(Organic act, sec. 60, pt. 5)

Fifth. Be able to speak, read, and write the English or Hawaiian language.

IDAHO

(Constitution, 1890, Art. VI, sec. 4)

SEC. 4. Legislature may prescribe additional qualifications. The legislature may prescribe qualifications, limitations, and conditions for the right of suffrage additional to those prescribed in this article, but shall never annul any of the provisions in this article contained. (Legislature has not given effect to this provision by statute.)

LOUISIANA [1]

(Constitution, 1921, Art. VIII, sec. 1 (c))

(c) He shall * * *. He shall be able to read and write, and shall demonstrate his ability to do so when he applies for registration by making, under oath, administered by the registration officer or his deputy, written application therefor, in the English language or his mother tongue, which application shall contain the essential facts necessary to show that he is entitled to register and vote, and shall be entirely written, dated, and signed by him, except that he may date, fill out, and sign the blank application for registration hereinafter provided for, and, in either case, in the presence of the registration officer or his deputy, without assistance or suggestion from any person or any memorandum whatever, other than the form of application hereinafter set forth: *Provided, however,* That, if the applicant be unable to write his application in the English language he shall have the right, if he so demands, to write the same in his mother tongue from the dictation of an interpreter; and, if the applicant is unable to write his application by reason of physical disability, the same shall be written at his dictation by the registration officer or his deputy, upon his oath of such disability * * *.

MAINE

(Constitution, 1819, amendments Art. XXIX)

No person shall have the right to vote or be eligible to office under the constitution of this State who shall not be able to read the Constitution in the English language and write his name: *Provided, however,* That the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be 60 years of age or upward at the time this amendment shall take effect.

MASSACHUSETTS

(Constitution, 1917, amendment Art. XX)

No persons shall have the right to vote, or be eligible to office under the constitution of this Commonwealth, who shall not be able to read the Constitution in the English language and write his name: *Provided, however,* That the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be 60 years of age or upward at the time this amendment shall take effect.

MISSISSIPPI [1]

(Constitution, 1890, Art. XII, sec. 244)

SEC. 244. On and after the 1st day of January, A. D. 1892, every elector shall * * * be able to read any section of the constitution of the State; or he shall be able to understand the same when read to him or give a reasonable interpretation thereof * * *.

NEW HAMPSHIRE

(Constitution, 1912, Bill of Rights, Art. II)

ART. II. * * * (but no person shall have the right to vote or be eligible to office under the constitution of this State who shall not be able to read the Constitution in the English language and to write: *Provided, however,* That this provision shall not apply to any

[1]Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia permit alternatives to be substituted for literacy test.

[1]Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia permit alternatives to be substituted for literacy test.

person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be 60 years of age or upwards on the 1st day of January, A. D. 1904 * * *).

NEW YORK

(Constitution, 1894, Art. II, sec. 1)

SEC. 1. * * *. Notwithstanding the foregoing provisions, after January 1, 1922, no person shall become entitled to vote by attaining majority, by naturalization, or otherwise unless such person is also able, except for physical disability, to read and write English; and suitable laws shall be passed by the legislature to enforce this provision.

NORTH CAROLINA [1]

(Constitution, 1868, Art. VI, sec. 4)

SEC. 4. Every person presenting himself for registration shall be able to read and write any section of the constitution in the English language * * *.

OKLAHOMA

(Constitution, 1921, Art. III, sec. 4a)

SEC. 4a. No person shall be registered as an elector of this State or be allowed to vote in any election held herein, unless he is able to read and write any section of the constitution of the State of Oklahoma; but no person who was, on January 1, 1866, or at any time prior thereto, entitled to vote under any form of government, or who at that time resided in some foreign nation, and no lineal descendant of such person shall be denied the right to register and vote because of his inability to so read and write sections of such constitution * * *. (Held unconstitutional, see Guinn v. U. S., U. S. 238, 347.)

OREGON

(Constitution, 1925, Art. II, sec. 2. See Laws 1925, p. 5)

SEC. 2. In all elections, not otherwise provided for by this constitution, every citizen of the United States * * * shall be entitled to vote provided such citizen is able to read and write the English language * * *.

SOUTH CAROLINA [1]

(Constitution, 1895, Art. II, sec. 4 (d))

Sec. 4 (d). Any person who shall apply for registration after January 1, 1898, if otherwise qualified, shall be registered: *Provided*, That he can both read and write any section of this constitution submitted to him by the registration officer * * *.

VIRGINIA [1]

(Constitution, 1928, Art. II, sec. 20, par. 2)

SEC. 20. PAR. 2. That, unless physically unable, he make an application to register in his own handwriting, without aid, suggestion, or memorandum, in the presence of the registration officer * * *.

WASHINGTON

(Constitution, 1889, Art. VI, sec. 1)

SEC. 1. All male persons of age of 21 years or over possessing the following qualifications shall be entitled to vote at all elections; * * * they shall be able to read and speak the English language * * *.

WYOMING

(Constitution, 1889, Art. VI, sec. 9)

SEC. 9. No person shall have the right to vote who shall not be able to read the constitution of this State. The provisions of this section shall not apply to any person prevented by physical disability from complying with its requirements.

PETITIONS AND MEMORIALS

Mr. SHORTRIDGE presented a communication in the nature of a petition, which was ordered to lie on the table and be printed in the RECORD, as follows:

LOS ANGELES, CALIF., *February 5, 1929.*

United States Senate, Washington, D. C.

HONORABLE SIRS: The Belvidere Gardens Post of the American Legion of the State of California, in regular meeting, has instructed the vice commander to inform your honorable body that they are heartily in accord with and desire to voice their approval of the measure known as the cruiser bill, and which it is understood is now before the Senate for their consideration.

Respectfully submitted.

CHRISTY J. NELSON,
Vice Commander of the Belvidere Gardens Post of the American Legion, State of California.

Mr. BLAINE presented the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Finance:

STATE OF WISCONSIN

Joint resolution 30 (S. 1929), relating to more adequate protection for the farmers of this State who grow sugar beets

Whereas the Committee on Ways and Means of the House of Representatives of the Congress of the United States has given notice to the public of hearings preliminary to a general discussion of tariff schedules; and

Whereas the products of agriculture will likely be among the first items to receive the serious attention of Congress; and

Whereas the farmers of Wisconsin have for more than 30 years found the growing of sugar beets a desirable cash-paying proposition and one materially affecting the agricultural welfare of the State; and

Whereas by reason of the large importation of foreign cane sugar into this country free of duty or at tariff rates lower than those imposed by other countries the very life of the domestic industry is threatened; and

Whereas the loss or impoverishment of such an industry would be exceedingly harmful to every phase of the business life of this State: Therefore be it

Resolved by the senate (the assembly concurring), That this legislature hereby indorses the action of the Farm Bureau Federation in its effort to secure adequate protection for domestic sugar and to limit the free entry of Porto Rican and Philippine sugar into the United States; and be it further

Resolved, That properly attested copies of this resolution be forwarded to Hon. WILLIS C. HAWLEY, chairman of the Committee on Ways and Means of the House of Representatives, and to each of the Senators and Representatives in Congress from Wisconsin.

Mr. BURTON presented resolutions adopted by the Ohio Farmers' Protective Association, protesting against the imposition of a tariff on lumber, shingles, and logs from Canada, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Paulding, Ohio, praying for the passage of the so-called Knutson bill, being the bill (H. R. 14676) granting pensions and increase of pensions to certain soldiers, sailors, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition, and for other purposes, which was referred to the Committee on Pensions.

Mr. COPELAND presented resolutions unanimously adopted by the annual convention of the New York State Fish, Game, and Forest League at Saranac Lake, N. Y., which were referred to the Committee on Commerce and ordered to be printed in the RECORD as follows:

NEW YORK STATE FISH, GAME, AND FOREST LEAGUE

* * * * * * *

Whereas there have been idle and unimproved tracts owned by the Federal Government since the period of the late World War, and these tracts are of no substantial value to the Federal Government; and

Whereas one of these tracts, located at Camp Upton, Long Island, could be developed into a fish and game refuge of great value to future generations through the system now operative under the New York State Conservation Commission: Therefore be it

Resolved, That the New York State League of Fish, Game, and Forest Clubs representing 166 fish, game, and conservation organizations in New York State with a total membership in excess of 250,000, in convention assembled at Saranac Lake, N. Y., December 6 and 7, 1928, hereby petition the Congress of the United States to enact legislation that will convey outright or for nominal consideration this tract to the government of New York State in the conservation department to be used for the above-named purposes forever; and be it further

Resolved, That copies of this resolution be sent to both Members of the United States Senate and to every Member of the House of Representatives from New York State, with the request that they initiate and support this project.

* * * * * * * *

CRONK S. ROGERS, *Executive Secretary.*

FEDERAL RESERVE BOARD FUNDS

Mr. HEFLIN. Mr. President, on Saturday when I called up Senate Resolution 323 to request the Federal Reserve Board——

Mr. CURTIS. Mr. President, that is a resolution coming over from a previous day and will be reached after the conclusion of the regular routine business. I hope the Senator will let it go until we reach it in its regular order. The Senator from Virginia [Mr. GLASS] is not in the Chamber at the moment.

Mr. HEFLIN. Very well.

LAKE OKEECHOBEE HURRICANE REPORT

Mr. FLETCHER. Mr. President, I ask unanimous consent to have printed in the RECORD and referred to the Committee on Agriculture and Forestry a report from Col. Sumter L. Lowry, jr., of the National Guard, in charge of affairs at West Palm

[1] Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia permit alternatives to be substituted for literacy test.

Beach during the disaster of the great hurricane of September, 1928.

The VICE PRESIDENT. Without objection, it is so ordered. The report is as follows:

HEADQUARTERS ONE HUNDRED AND SIXTEENTH
FIELD ARTILLERY, FLORIDA NATIONAL GUARD,
OFFICE OF THE REGIMENTAL COMMANDER,
Tampa, Fla., January 17, 1929.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

DEAR SENATOR: I am inclosing herewith a report to the Governor of Florida on the hurricane situation in Lake Okeechobee and its relation to the National Guard.

I have been in command of troops in the Okeechobee area immediately after the last two hurricanes, and my experience has prompted me to make this report in hopes that my recommendations will be carried out with a view to preventing loss of life in the lake when future storms pass that way.

I would be glad to have your comments on this report.

Yours truly,

SUMTER L. LOWRY, JR.,
Colonel One hundred and sixteenth Field Artillery.

HEADQUARTERS ONE HUNDRED AND SIXTEENTH
FIELD ARTILLERY, FLORIDA NATIONAL GUARD,
OFFICE OF THE REGIMENTAL COMMANDER,
Tampa, Fla., December 3, 1928.

Subject: Lake Okeechobee hurricane problem.
To: The Governor, State of Florida.
(Through Adjutant General Florida, St. Augustine, Fla.)

1. Two predominating factors in the Okeechobee Lake situation compel the National Guard to regard it as a problem of primary importance to the guard. These factors are:

a. The perpetual likelihood of repeated disasters as long as the physical condition of the lake and surrounding country remain as they are.

b. Even though operations on a comprehensive plan for control of the lake and for effecting refuge work were started immediately, a number of hurricane seasons must pass, because of the magnitude of the operation, before a state of safety from disaster could possibly be reached.

2. Hence, with two equinoxial seasons per annum to face, the problem of possible disaster and of following rescue, police, and rehabilitation work rests squarely before us and commands our attention. Furthermore, the ever-increasing demand for the rich bottom lands of this section as farming land, and the continuous immigration into this territory, multiplies steadily the complications and the difficulties of handling the situation.

3. So long as the Okeechobee district remains open to settlement and lies unprotected as it now is from the "tidal wave" action of the lake, we can anticipate serious loss of life with each hurricane passing over it. Such dikes as exist, and along the northeast shore of the lake, the ridge on which Connors Highway is located, proved to be no protection from this tidal wave action. The hurricane force of the wind acting over so broad a surface and over so shallow a body has every opportunity of literally pushing the water out over its borders, creating the havoc we have witnessed at Moore Haven, at South Bay, and at Taylor Creek sections. The shallowness of the water precludes the possibility, at most points along the shore, of return flow, undertow-like, of the water when it is piled up on the broad flats, and serious flooding is almost inevitable. Once the slight elevation of the shore or protection is topped, the flatness of the country allows of practically a bodily movement of the lake out over the inhabited sections and the tilled flats.

4. The exceedingly flimsy construction common in the buildings of this section also adds to the hazard. It is noteworthy that practically all of the loss of life was due to drowning. Buildings in several cases where they were of average good wood construction, well fastened together, survived the fury of the blow only to be floated off when the flood came, carrying occupants to safety on higher ground or riding out the storm, settling on some remote point with the receding waters. However, in so many cases that it is heart-sickening to remember, the homes of the lake-shore dwellers, in fact, did tumble down about their ears, floating off piece by piece, leaving perhaps an iron range, or bed, and in at least one instance a sewing machine, to mark the spot where a dwelling had been. Light masonry construction will not stand the stress, while massive brick construction will prove only a trap in which to drown unless built well up above probable high-water level.

5. In this connection it is worth while to note that in the Moore Haven disaster the water rose to 8 or 10 feet above the average ground level, while in South Bay the recent storm caused a rise of 10 feet above the lake level, and along Connors Highway in the north end of the lake the water swept 6 to 8 feet over the highway, which itself is 5 or 6 feet above the lake level at that point. These facts are reviewed here to keep fresh in mind the gravity, yes, the terror, of the situation.

6. Some of the most interesting and important elements worthy of consideration in any study of this problem are the evident apathy of the people concerned toward the hazard; their resignation to the fates, as it were, that imposes on them periodic floods of disastrous nature, and the striking mental inertia which apparently prevents their comprehension of the situation. After the disaster they seemed dazed, lost, aimless—which is quite natural, following such a calamity. Notwithstanding this mental condition, many heroic acts are recounted and some striking ingenuity was displayed before and after the storm. One instance was the lashing of a large houseboat in the lock at South Bay, where with violent bailing and pumping the craft was kept afloat and the hundred and fifty souls aboard rode out the storm. But the vast majority of these people need outside aid in time of emergency.

7. Though rich in agricultural possibilities, the lake-shore section is poverty stricken. The work of beneficent organizations through the section is quite well known. Such assets as the inhabitants possessed were destroyed, other than land. Such protection against the lake as these citizens receive will have to come from outside sources; the problem is altogether beyond any possibility of their handling it themselves. The terrible loss of life experienced in these two disasters bears this out.

8. In view of the fact that the duty of recovering the dead, rescue of the living, the initial steps in rehabilitation, the establishment of first communications to the outside world from stricken areas, the organization of initial transportation facilities, including emergency repairs to highways and bridges, all these functions devolving immediately on the National Guard, make it a problem to that organization of great importance.

9. Two times in as many years, now, the National Guard of this State has had to serve in the wake of disaster. Under the circumstances, I feel that some definite plan of action should be formulated, and that this plan should be immediately adopted for future use in situations as they arise.

10. The Okeechobee problem, for the purpose of this discussion, automatically divides itself into three parts:

I. The engineering problem of controlling the lake. Although intensely interesting, this phase must be solved by the State or Federal Government; no recommendation will be made in this report.

II. Precautions to be taken to prevent loss of life before storms occur.

a. While plans are being accomplished for the control of the waters of Lake Okeechobee, plans that will eliminate the possibility of repeated disaster, thousands of people are residing along the lake shore and back country flats now, just as they did before former disasters, and so they will continue to live. The State of Florida should recognize this situation and should take immediate steps to provide means which will prevent such terrible loss of life in any hurricane that may pass that way. While the expense of properly and safely controlling the lake will run into millions of dollars, and completion of the necessary work would consume several years, the cost of providing suitable refuges and maintaining appropriate observation and warning systems to insure that the people would be assembled in them before a disaster would be only a fraction of the former.

b. The population of the probable flood area of the lake can only be approximated at present. A survey should be instituted to determine the numbers, names, and locations of all persons in this section. However, an approximation of some value as to the cost of this work can be arrived at by estimating the housing requirements on the basis of allotting a given number of square feet of area per person in the area to be protected, and arriving by rational methods at the number of buildings necessary.

c. Taking as a unit for study a house to accommodate 100 persons and allowing area on the basis of 6 square feet per person, we arrive at a building of 20 feet by 30 feet. These could be built in standardized units, joined into groups to suit local needs, or constructed separately. The buildings should be fire resistant and of permanent type of construction. They must be designed to resist hurricane wind pressures and withstand relatively violent water action. The type of construction most economical and best adapted to this service would be built on these general specifications:

(1) Wood pile foundation with concrete caps.

(2) Steel frame construction properly braced to withstand a wind pressure of 30 pounds per square foot, and a lateral force on the substructure as may be exerted by the movement of flood waters at an accepted velocity.

(3) Concrete slab floors to support 50 pounds per square foot of live load. Floor to be a safe height above probable flood level.

(4) Side walls and roof of steel framing and covered with corrugated asbestos sheathing, adequately fastened.

(5) Steel sash heavily glazed.

(6) All steel work to be protected by an asphaltum paint. Incidentally the experience of Porto Rico in the recent storm shows that

the corrugated asbestos withstood the force practically without failure or damage.

(7) A suitable siren should be placed on each refuge house which could relay warnings all along the lake as they are received from the Weather Bureau.

d. A nominal figure for the cost of these buildings would be $3,000 each. Arbitrarily disposing houses at intervals at about 4 or 5 miles along the lake shore, decreasing the distance between them in the vicinity of settlements, some 50 houses would be necessary. This represents an approximate cost of $150,000 for buildings. Making a nominal allowance for visual and sound signaling systems of $25,000 and $25,000 for several guard stations and possible equipment, we find that an expenditure of $200,000 would in all probability insure the State of Florida and the people of Okeechobee against loss of life in future disasters. These buildings could be used regularly, as the service might demand, for community houses, school buildings, etc., reducing the cost chargeable strictly against storm protection.

e. Were these refuges established, the National Guard should be mobilized on definite advice that a storm is imminent over Okeechobee, moved into the area, and supplement the warnings by requiring inhabitants to go into the refuges. It is understood that the use of troops on a mission of this kind would be resorted to only upon definite and authentic information from the United States Weather Bureau that the lake area would be visited by a storm of sufficient intensity to be a menace to life and property. My inquiry into the last disaster proved by conversation with survivors that they would use these refuges if available. Many people left the area on receipt of warnings, but the suddenness of the disaster caught numbers on the highways, washing them to destruction. Were these building located at frequent intervals along the principal highways, there is little doubt but that practically all could be saved. In extreme emergency or underestimation of population, these refuges could, with some discomfort, accommodate twice as many people as estimated. The duration of the storms is short and no serious hardship would result. With these safety buildings established the section afflicted would become more prosperous and the terrible catastrophes of past years would not be repeated.

f. One of the chief factors in handling a situation of this kind is to quickly determine what the actual conditions are in all towns on the lake. Accurate and authentic information is the only real basis for making correct decisions as to the handling of the problem. In this connection a system is worked out with definite assignments to various officers of the 116th Field Artillery whereby these officers, without instructions from the regimental commander, will immediately go to their assigned points, thoroughly investigate the results of the storm, hurriedly ascertain the needs of the people, and immediately get out of the area and make a personal report by telephone or telegraph to the regimental commander. The assignment is attached to this report as Appendix "A."

III. Action to be taken by the National Guard after a storm has passed through an area.

a. This work consists of the following detailed operations:

(1) Establishing a central military headquarters from which all operations can be directed.
(2) Organization of troops into relief details and assignment to sectors.
(3) Transportation of troops into stricken areas by—
  (a) Rail.
  (b) Motor transport.
  (c) Motor boat.
  (d) Airplane.
(4) Establishing communication with outside world:
  (a) Repairing telephone and telegraph lines.
  (b) Establishing radio communication.
  (c) Courier.
(5) Publishing from central military headquarters at noon each day an official military communique, giving the public accurate knowledge of conditions in the area as they exist.
(6) Reorganizing transportation facilities:
  (a) Establishing truck lines where necessary.
  (b) Cooperation with railroads.
  (c) Emergency repairs to roads and bridges.
  (d) Arranging for adequate water craft for lake transportation.
(7) Police activity in cooperation with local authorities.
(8) Rescue of the living from danger and recovery of bodies.
(9) Supply of quarters and rations to refugees in emergency cases.
(10) Coordination of activities and cooperation with relief organizations.

11. The question of police regulations is important. Under the stunning effect of these disasters it has been found impossible for local authorities to organize survivors into relief units for the various necessary operations. Here the troops fill a very distinct breach, and it is my opinion that local authorities should in fact turn over police authority and all relief organizations to the commanding officers of the various relief detachments. Centralized control is of vital importance, and for the first few days after a disaster full control by the military is the most efficient way of meeting the situation. It is not desirable that the troops be continued in control when the civil authorities and permanent relief organizations have become organized and established.

12. The coordination of the activities of relief and benefit organizations is of great importance. These should operate under general direction of the military, certainly during initiation of activities. The troops invariably are first on the scene. They have first authentic information of the conditions that exist, and are therefore best qualified to guide the initial relief work of these organizations.

13. Requisitions for supplies should all be checked through one headquarters in order to coordinate the supply and eliminate overlapping and waste. This should properly be the central military commander's headquarters. This is most important, as past experience has shown that a great amount of money and supplies are wasted for lack of proper distribution.

14. As conditions improve and become normal and the troops are withdrawn, direction of further relief and of rehabilitation should be turned over to the organization best qualified to properly direct it.

15. It is my belief that the National Guard should be ready at all times to mobilize on short notice to cope with a situation of this nature. It is my recommendation that the entire Okeechobee district be definitely assigned to the One hundred and sixteenth Field Artillery for all relief work. The proximity of troops on the north and west, with excellent communication, the probability that troops in Miami and West Palm Beach will be busy with storm problems in their own cities, and with experience in previous disasters behind us, this unit is well situated and qualified to organize and handle this problem.

(16) In addition to the above features in connection with this problem, suitable action should immediately be taken to make it possible for the military commander of a district to have authority to request airplane or seaplane assistance from the Pensacola Naval Station without having to go through the complicated system now in effect to secure this aid.

(17) To sum up this report I make the following recommendations in connection with the Okeechobee hurricane area:

(a) That this district be assigned to the One hundred and sixteenth Field Artillery to organize and operate before and after a disaster.

(b) That refuge houses be built along the plan outlined and based on actual survey of the true situation.

(c) That authority be given for the district National Guard commander to call direct for naval air station assistance.

(d) That appropriate observation and signal systems be established on the lake.

(e) That accurate information on storm conditions be sent by the Weather Bureau to a central point on the lake to be broadcast from refuge to refuge by signal and siren system.

SUMTER L. LOWRY, Jr.,
Colonel One hundred and sixteenth Field Artillery,
Commanding.

HEADQUARTERS ONE HUNDRED AND SIXTEENTH
FIELD ARTILLERY, FLORIDA NATIONAL GUARD,
OFFICE OF THE REGIMENTAL COMMANDER,
Tampa, Fla., December 4, 1929.

APPENDIX A

General Orders, No. 16

I. ASSIGNMENT OF AREAS FOR STORM RECONNAISSANCE

1. In view of the severe property damage and loss of life occasioned by hurricane winds in the region of Lake Okeechobee within the past two years, and guided by the fact that it invariably becomes the duty of the National Guard to render aid to the stricken inhabitants of this portion of the State at such a time, the following assignment of areas for the purpose of storm-damage reconnaissance is made:

Headquarters Battery One hundred and sixteenth Field Artillery, Fort Myers, Fla.: Fort Myers and all towns on Lake Okeechobee from Lakeport to Clewiston, both inclusive.

Headquarters Battery Fifty-sixth Field Artillery Brigade, Avon Park, Fla.: Okeechobee City and all towns on the west side of Lake Okeechobee from Lake Okeechobee City to Lakeport and all towns on the east side of Lake Okeechobee from Okeechobee City to Utopia, inclusive.

Battery F, One hundred and sixteenth Field Artillery, Arcadia, Fla.: Punta Gorda and all towns on south and east side of Lake Okeechobee from Clewiston to Utopia.

First Battalion, One hundred and sixteenth Field Artillery, Tampa, Fla.: All cities on Gulf Coast from Englewood to Cedar Keys, both towns inclusive.

2. As soon as definite, authentic information is received that a storm of hurricane force has struck in the area herein assigned to a unit, the commanding officer of that unit, accompanied by such officers of his post as he deems necessary to accomplish his mission, will immediately go into the area and make a personal reconnaissance of his sector; he will investigate the results of the storm, ascertain the needs of the people, and will then proceed as quickly as possible to the nearest available line of communication—telephone, telegraph,

radio, etc.—and notify the regimental commander of the results of his reconnaissance.

3. The necessity for rapid work on the part of the officer or officers making the post-storm reconnaissance should be apparent to all. It is necessary that accurate information from a responsible person be quickly received by the regimental commander in order that effective plans for relief work may be made.

4. At least one officer will be left at home station to prepare the unit for the field. This officer should be instructed to notify all members to hold themselves in readiness for a call to active service, and he will make plans for a speedy and effective mobilization of the command.

By order of Colonel Lowry.

Official:

GEORGE E. GRACE,
Captain, One hundred and sixteenth Field Artillery,
Adjutant.

DISTRIBUTION

3. Each unit commander.
2. Each battalion commander.
1. Adjutant general's office.
3. Commanding officer headquarters Battery Fifty-sixth Field Artillery Brigade.
5. Files.

REPORTS OF COMMITTEES

Mr. KENDRICK, from the Committee on Public Lands and Surveys, to which was referred the joint resolution (S. J. Res. 207) to extend the period of time in which the Secretary of the Interior shall withhold his approval of the adjustment of Northern Pacific land grants, and for other purposes, reported it without amendment.

Mr. BRATTON, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3940) granting certain public lands to the State of New Mexico for the use and benefit of the Eastern New Mexico Normal School, and for other purposes, reported it without amendment and submitted a report (No. 1700) thereon.

Mr. TYDINGS, from the Committee on Naval Affairs, to which was referred the bill (H. R. 2486) for the relief of Andrew Jackson Seward, jr., deceased, reported it without amendment and submitted a report (No. 1701) thereon.

Mr. GERRY, from the Committee on Naval Affairs, to which was referred the bill (H. R. 4770) for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy, reported it without amendment and submitted a report (No. 1702) thereon.

Mr. DILL, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 5046) to relinquish all right, title, and interest of the United States in certain lands in the State of Washington, reported it with an amendment and submitted a report (No. 1703) thereon.

He also, from the Committee on Naval Affairs, to which was referred the bill (H. R. 10238) for the relief of Lieut. L. A. Williams, Supply Corps, United States Navy, reported it without amendment and submitted a report (No. 1704) thereon.

Mr. STEIWER, from the Committee on Naval Affairs, to which was referred the bill (H. R. 13685) to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes, reported it with an amendment and submitted a report (No. 1705) thereon.

Mr. BLAINE, from the Committee on the Judiciary, to which was referred the bill (S. 5503) to amend section 22 of the act entitled "An act to provide compensation for disability or death resulting from injury to employees in certain maritime employments, and for other purposes," approved March 4, 1927, as amended, reported it without amendment.

Mr. WATERMAN, from the Committee on the Judiciary, to which was referred the bill (S. 5717) for the relief of the State of Nevada, reported it without amendment and submitted a report (No. 1706) thereon.

He also, from the Committee on Claims, to which was referred the bill (H. R. 2474) for the relief of the San Francisco, Napa & Calistoga Railway, reported it without amendment and submitted a report (No. 1714) thereon.

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 5286) for the relief of J. H. Sanborn (Rept. No. 1707);

A bill (H. R. 5287) for the relief of Etta C. Sanborn (Rept. No. 1708);

A bill (H. R. 5288) for the relief of William F. Kallweit (Rept. No. 1709); and

A bill (H. R. 5289) for the relief of Loretta Kallweit (Rept. No. 1710).

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (H. R. 12638) for the relief of David A. Wright, reported it without amendment and submitted a report (No. 1711) thereon.

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (S. 5030) for the relief of Eva Broderick, reported it with amendments and submitted a report (No. 1712) thereon.

He also, from the same committee, to which was referred the bill (H. R. 13632) for the relief of Ruth B. Lincoln, reported it without amendment and submitted a report (No. 1713) thereon.

Mr. DILL, from the Committee on Interstate Commerce, to which was referred the bill (S. 4937) continuing the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes, reported it without amendment and submitted a report (No. 1715) thereon.

EXCHANGE OF CERTAIN LANDS IN UTAH

Mr. SMOOT. Mr. President, from the Committee on Public Lands and Surveys I report back favorably without amendment the joint resolution (H. J. Res. 356) to authorize the exchange of certain public lands in the State of Utah and for other purposes. I ask unanimous consent for the immediate consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That when the public interests will be benefited thereby the Secretary of the Interior be, and hereby is, authorized, in his discretion, to accept on behalf of the United States title to any lands, surveyed or unsurveyed, within township 7 north, ranges 2 and 3 west, and townships 8, 9, and 10 north, ranges 2, 3, 4, and 5 west, Salt Lake meridian, Utah, which in the opinion of the Secretary of Agriculture are chiefly valuable for the purposes contemplated under the act approved April 23, 1928 (45 Stat. L. 448), and in exchange therefor may patent not to exceed an equal value of surveyed unappropriated lands owned by the United States within the said townships nonmineral in character: *Provided*, That before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted and in some like newspaper published in the county in which may be situated any lands to be given in such exchange.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NORTHERN PACIFIC LAND GRANTS

The VICE PRESIDENT. The Chair lays before the Senate a joint resolution from the House of Representatives.

The joint resolution (H. J. Res. 398) to extend the period of time in which the Secretary of the Interior shall withhold his approval of the adjustment of Northern Pacific land grants, and for other purposes, was read twice by its title.

Mr. JONES. Mr. President, there is an identical Senate joint resolution favorably reported. I ask that the House joint resolution may be put on its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That the first section of the joint resolution entitled "Joint resolution directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes," approved June 5, 1924, as amended by joint resolutions approved March 3, 1927, and May 28, 1928, is amended by striking out "June 30, 1929," wherever it appears and inserting in lieu thereof "June 30, 1930."

SEC. 2. The present members of the joint committee created by section 3 of such joint resolution approved June 5, 1924, as amended, if reelected to the Seventy-first Congress, shall continue to serve, notwithstanding the expiration of the Seventieth Congress, until the end of the first regular session of the Seventh-first Congress, at which time such joint committee shall cease to exist. In case a vacancy occurs in such joint committee by reason of the retirement from Congress on March 4, 1929, of any Member of the House of Representatives, the Speaker of the House of Representatives shall, before the expiration of the Seventieth Congress, appoint a Member of the House to fill such vacancy.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Senate Joint Resolution 207 will be indefinitely postponed.

HOUSE BILL AND CONCURRENT RESOLUTION REFERRED

The bill (H. R. 16878) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was read twice by its title and referred to the Committee on Pensions.

The concurrent resolution (H. Con. Res. 51) to appoint a committee from the Senate and House to represent the Congress of the United States at the celebration of the completion of the canalizing of the Ohio River from Pittsburgh, Pa., to Cairo, Ill., October 15 to 20, 1929, was referred to the Committee on Commerce.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BROOKHART:

A bill (S. 5769) authorizing the cities of Omaha, Nebr., and Council Bluffs, Iowa, jointly or severally, to construct, maintain, purchase, and operate one or more toll or free bridges not exceeding three, together with approaches thereto, across the Missouri River at points suitable to navigation at or near said cities; to the Committee on Commerce.

By Mr. McMASTER:

A bill (S. 5770) to pay judgment rendered by the United States Court of Claims to Yankton Sioux Tribe of Indians; to the Committee on Indian Affairs.

By Mr. GOFF:

A bill (S. 5771) granting a pension to Anna M. Cole (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 5772) granting a pension to Lucy Ann Bubar (with accompanying papers); and

A bill (S. 5773) granting a pension to Telesphore Thivierge (with accompanying papers); to the Committee on Pensions.

By Mr. HAWES:

A bill (S. 5774) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo.; to the Committee on Commerce.

By Mr. SHEPPARD:

A bill (S. 5775) authorizing the removal, relocation, and reconstruction of the Saluria Coast Guard Station on the Texas coast so as to place it at a point more adaptable to Coast Guard purposes in the vicinity of Pass Cavallo; to the Committee on Commerce.

A bill (S. 5776) for the relief of Wynona A. Dixon; to the Committee on Claims.

A bill (S. 5777) granting an increase of pension to May F. Wright; to the Committee on Pensions.

By Mr. THOMAS of Idaho:

A bill (S. 5778) granting an increase of pension to Andrew J. Stewart; to the Committee on Pensions.

By Mr. NORBECK:

A bill (S. 5779) to establish the Badlands National Monument in the State of South Dakota, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. CAPPER:

A joint resolution (S. J. Res. 215) providing that it shall be unlawful, unless otherwise provided by Congress or by proclamation of the President, to export arms, munitions, implements, or other articles for use in war to any country violating the provisions of the multilateral treaty for the renunciation of war, and declaring it to be the policy of the United States that the nationals of the United States should not be protected by their Government in giving aid and comfort to a nation which has committed a breach of said treaty; to the Committee on Foreign Relations.

CHANGES OF REFERENCE

On motion of Mr. REED of Pennsylvania, the Committee on Claims was discharged from the further consideration of the bill (H. R. 4626) for the relief of Maj. Arthur A. Padmore, and it was referred to the Committee on Military Affairs.

On motion of Mr. BINGHAM, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 11422) for the relief of Samuel J. D. Marshall, and it was rereferred to the Committee on Claims.

MERGER OF DISTRICT STREET RAILWAYS

Mr. BLAINE. I desire to offer three amendments to Senate Joint Resolution 208, to authorize the merger of street-railway corporations operating in the District of Columbia, and for other purposes. Later on I shall file the views of the minority upon the resolution.

The VICE PRESIDENT. The amendments will lie on the table and be printed.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL

Mr. CURTIS submitted an amendment intended to be proposed by him to the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place insert the following:

"To reimburse the Economics Building Co., of Washington, D. C., for actual expenditures made by it in the erection of the Economics Building, exclusive of taxes, in accordance with the provisions of the second deficiency act, fiscal year 1926, approved July 3, 1926, $25,000."

PROPOSED AIRPORT COMMITTEE FOR THE DISTRICT

Mr. VANDENBERG submitted the following resolution (S. Res. 326), which was referred to the Committee on the District of Columbia:

Whereas it is vital to the resources of the Capital of the United States that its airport facilities should be adequate for present and anticipated aviation needs, in order that Washington's equipment in this respect should serve maximum Capital requirements and reflect the Capital's national leadership; and

Whereas this important problem involves not only municipal facilities but also Federal facilities and a proper consideration of the relationships between them; and

Whereas comprehensive inquiry and recommendation requires simultaneous study of such ports and fields as may be maintained for the use and benefit of the War Department, the Navy Department, the Post Office Department, the Commerce Department, and the municipality; and

Whereas this multilateral problem involves considerations ordinarily referred to six separate committees of the Senate: Therefore be it

Resolved, That there is hereby created a special select committee of seven Senators to be known as the airport committee, which is authorized and directed to investigate the needs for airports and aviation fields of the War Department, the Navy Department, the Post Office Department, the Department of Commerce, and the District of Columbia, and to report to the Senate the results of its investigation, together with its recommendations of sites, plans, and suitable allocation of costs. The committee shall be composed of the chairman of the Subcommittee on Appropriations for the District of Columbia, who shall be chairman, and one Senator, to be appointed by the President of the Senate, from each of the following committees: Military Affairs, Naval Affairs, Commerce, District of Columbia, Post Offices and Post Roads, and Appropriations. The President of the Senate shall appoint Members to fill any vacancies that shall occur in the committee, except that the chairman of the Subcommittee on Appropriations for the District of Columbia shall succeed to the chairmanship.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventieth and succeeding Congresses until the final report is submitted, to employ such counsel, experts, and clerical, stenographic, and other assistants; to require, by subpœna or otherwise, the attendance of such witnesses and the production of such books, papers, and documents; to administer such oaths; and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $2,000, shall be paid from the contingent fund of the Senate, upon vouchers approved by the chairman.

PRESIDENT'S ADDRESS, MOUNTAIN LAKE SANCTUARY, FLORIDA

Mr. FLETCHER. Mr. President, I ask to have printed in the RECORD the splendid address delivered by the President at Mountain Lake, Fla., dedicating the Mountain Lake Sanctuary and the singing tower presented by Mr. Edward W. Bok to the American people on February 1, 1929.

The VICE PRESIDENT. Without objection, it is so ordered. The address is as follows:

Our country is giving an increasing amount of attention to art. We have reached a time when our people have more leisure for enjoyment and more means for gratifying their taste. Even during its colonial history it was not without some progress in this direction. Very early it produced painters of historic merit. Some of the architecture of the eighteenth century continues to hold a very high place, but with the exception of a few public buildings these creations were for private use and reached but a few people.

While the United States has been by no means lacking in spiritual vision, and, considering the circumstances of its surroundings, has been remarkable in the devotion of its religious life, yet, being new and undeveloped, it has been necessary for our people first of all to give their attention to the material side of existence. We have been forced

to get things done. We have been required to build cities, improve harbors, open mines, cut down forests, lay out great systems of transportation, till the soil, erect factories, open banks, and develop commerce. We have been making a new nation out of raw materials. What others have done in many centuries we have crowded into the short space of 300 years. It is only in the last generation that the great body of our people have been sufficiently relieved from the pressing necessities of existence so that they could give some thought to the art of living.

It is significant of our institutions and of the spirit of our national life that in the opening up of the new era we have attempted to give to the people at large what in other days had been enjoyed only by a fortunate and privileged few. This effort began with popular education. The free public school, the endowed academy and college, the high school, and the State University were the beginnings of this movement. They have more recently been supplemented by public art galleries, popular concerts for the presentation of the best music, and the opening of innumerable public parks. The useful and the practical is being supplemented by the artistic and the beautiful.

This has been done in no small and niggardly way but on a vast scale representing an outlay of many hundred millions of dollars.

Many people have given large sums to these purposes, and municipal, State, and national resources have been employed in ever-increasing amounts.

It would be a mistake to suppose that the organization of the material side of existence has been completed. It is more likely that it has only just begun. But it has progressed far enough so that a moderate amount of industry and thrift is all that is needed to relieve the great mass of our people from the pinch of poverty, and when these are supplemented with such training and skill as it is possible for almost anyone to acquire, to raise them to a position of comparative affluence. Above this line there are an increasing number of individuals who have sufficient resources to enable them to minister in a most substantial way to the humanitarian and artistic side of life. Some of the largest fortunes which were ever accumulated in the United States have been almost entirely devoted to such charities.

We can not observe this movement without smiling a little at those who but a short time ago expressed so much fear lest our country might come under the control of a few individuals of great wealth. They claimed that the rich were growing richer and the poor were growing poorer. Our experience has demonstrated that the reverse of this would be much nearer the truth. So many of our people have large amounts of property that it has taken on the aspect of being common. The distinction that it once carried is gone. It is also doubtful if there ever was a time when even great wealth gave its possessors so little power as at present. Their money is of very little value in determining political action. Capital is so easily secured for any promising enterprise that it is no longer necessary to be rich to go into business, even on an extensive scale. The possession of money has never been sufficient to gain the social attentions of persons of culture and refinement.

On the other hand, the advantages that are enjoyed by people of moderate means, including the great mass of wage earners, were never so great as they are at present. Not only is their income proportionately greater than ever before but their whole method of life, their opportunities to secure benefits which but a short time ago were the exclusive possession of the rich, have been tremendously increased. I have already referred to the broadening field of education. Another new element is the wide use of the automobile. Whole families are able to have the beneficial results of travel at an outlay which is so small that it is practically within the reach of everyone. Within the last few years the radio has come to afford entertainment and instruction to a great body of our people. Through these instrumentalities the vision has been extended to embrace the wide circle of our rich scenery, and the hearing has been amplified so that it may listen to the eloquence and music of many distant places. Through the medium of the motion picture all that is attractive and instructive in the art of acting and the presentation of scenery is to be had at a very moderate cost. All of this has greatly enriched the life of those who were recently looked upon as poor.

These grounds which we are dedicating to-day are another extension of this rapidly developing movement. It has been designated as a sanctuary because within it people may temporarily escape from the pressure and affliction of the affairs of life and find that quiet and repose which comes from a closer communion with the beauties of nature. We have not secured the benefits which I have enumerated without being obliged to pay a price. The multiplicity and the swiftness of the events with which we are surrounded exhaust our nervous energy. The constant impact upon us of great throngs of people of itself produces a deadening fatigue. We have a special need for a sanctuary like this to which we can retreat for a time from the daily turmoil and have a place to rest and think under the quieting influence of nature and of nature's God.

It is not only through action but through contemplation that people come to understand themselves. Man does not live by bread alone. This thought is expressed in the motto of the sanctuary in the words of John Burroughs: "I come here to find myself. It is so easy to get lost in the world." We are so thickly crowded with the forest of events that there is not only danger that we can not see the trees, but that we may lose our sense of direction. Under the influence of these beautiful surroundings we can pause unhampered while we find out where we are and whither we are going. Those who come here report the feeling of peace which they have experienced. In the expression of an ancient writer, it is a place to which to invite one's soul, where one may see in the landscape and foliage not what man has done but what God has done.

The main purpose of this sanctuary and tower is to preach the gospel of beauty. Although they have been made possible through the generosity of Mr. Edward W. Bok, he does not wish them to be considered as a memorial or a monument. While it has been his purpose to give some expression here to his own love of the beautiful in form, in color, and in sound, he has also sought to preserve the quiet majesty of the trees, increase the display of coloring in the flowers, and combine stone and marble in the graceful lines of the tower, all in a setting surrounded by green foliage and reflected in sparkling waters over which the song of the nightingale will mingle with the music of the bells.

As the tourist and the traveler in search of recreation and a change from the more rigorous climate of the North come to this wonderful State of perpetual springtime and summer, they can pause and think how much our country can profit by cultivating an appreciation and understanding of the beautiful in nature and in art as they are here combined. The material prosperity of our Nation will be of little avail unless it is translated into a spiritual prosperity. We need a deeper realization of the value and power of beauty. While few have the means to present such a gorgeous display as will here strike the eye and the ear, it is well to remember that beauty is not dependent upon large areas or great heights. Some of the most appealing and fascinating homes in the world are small. They may represent but little outlay and be the abode of people of moderate means, but if there dwells a fine character within it will shine forth and give to all the surroundings a touch of peace and loveliness which the most spacious palace can not surpass.

Wherever communities are formed there is ample opportunity for this kind of expression. Those who visit here can not escape taking away with them an inspiration for better things. They will be filled with a noble discontent which can not fail to react in some degree against all forms of physical and spiritual ugliness. They will go forth as missionaries of the beautiful because of what they have seen and heard. The streets of distant towns will be cleaner. Lawns will be better kept. A larger number of trees will spread their verdant shade over highways and homes. Public buildings will take on more beautiful lines, making life more graceful and more complete. Certainly, we need to put more emphasis on improvements of such a nature.

The influence of an example like this is always contagious. The noticeable improvement of architecture in this country had its inception in the exhibition of the fine buildings of the World's Fair at Chicago. The five years following the fair at San Francisco changed the whole face of the State of California. This combination of influences has resulted in the recent enactments of Congress to span the Potomac with a memorial bridge and adorn the avenues of the Capital City with stately public buildings. Already there is a very healthy and beneficial competition in this field among various cities of the United States. Civic centers are being laid out with spacious squares surrounded by public buildings which will reflect the power and dignity of the beautiful in community life.

This sanctuary and tower are not only endowed with a beauty of their own, but they are a representation of the beneficent spirit of the giver. They are another illustration that the men of wealth of the United States are not bent on the accumulation of money merely for its own sake, or that they may use it in selfish and ostentatious display. A most cursory examination of the facts would soon disclose that our country leads the world in its charities and endowments. It would be difficult to recall any line of endeavor capable of ministering to human welfare, not only in our own country but in many places abroad, which is not being helped by the generosity of our people of wealth. Not only that, but the charities of this Nation stand on a plane which is occupied by them alone. They have never been tainted with any effort to hold back the rising tide of a demand for the abolition of privilege and the establishment of equality, but have rather been the result of a sincere philanthropy. They have not come from any class consciousness; certainly, not from any class fear. They represent in all its beauty and purity the love of man and the desire to benefit the human race. We have a strong sense of trusteeship. While giving every credit to the genius of management, and holding strongly to the right of individual possessions, we realize that to a considerable extent wealth is the creation of the people, and it is fitting, as in this case, that it should be expended for their material, intellectual, and moral development.

While there is much to be said for the statement that there is nothing new in the world, there are yet many things that are new in our country. In the Netherlands, Belgium, France, and England the carillon has been in existence for hundreds of years. It goes back to the fourteenth century. In the Netherlands, which supplied the in-

spiration for this singing tower, a community that does not have a carillon is not regarded as complete. While in the United States we have always been accustomed to the bells of the churches, and later to their use in transportation and industry, yet the carillon has been very little appreciated. Only a few have been built. This singing tower only brings our entire number up to 30. It will take its place, therefore, of giving our people what is to them a comparatively new form of music, as they have the pleasure of listening to its melodious cadence. It contains 61 bells and is the largest and heaviest ever cast in a single order. So intricate is the task of turning them out perfectly tuned and in complete harmony that their construction has taken nearly a year. The people of this locality have already been listening to them, and in the future the beauty of their song will impress itself upon the endless line of coming generations. As they gaze upon the structure which holds them and are moved by their music, it will all blend in one harmonius whole and more and more they will realize the significance of the designation given to such structures by the Dutch of "singing tower."

This wonderful work, with all its loveliness of form, of color, and of sound, is another evidence of the breadth and completeness of the life of our Republic. We should find, if we sought for it, a considerable literature undertaking to prove the necessity of a ruling class for national political well-being and the need of a privileged nobility as the best method of providing for the cultural and artistic life of a people. It is not to be denied that under such a system, when tempered with a wholesome regard for liberty under the law, there has been great progress. But in many respects it is of a narrow and limited nature. The brilliance at the top of the social structure has always been insufficient to furnish light for the great mass of the people. When we erected our institutions on the basic theory of equality, our ability under such conditions to produce the finer things of life was immediately challenged. The correctness of our theory has been more and more demonstrated by the course of events. We have been able to raise up individuals who stand out in history undimmed by any comparisons to which they can be subjected. Our artistic growth has been constant and in its individual examples and its general application is not excelled by any other people. In its main purpose to create a nation and increase intelligence, stability, and character, our Republic has met with unexampled success. It has been thoroughly demonstrated that the principle of equality is sound. Our institutions have endowed our people with insight and vision. The individual has been developed, the Nation has become great. The belief that there is nothing which our people can not do, and no power which our people ought not to have, has been the main source of our progress. Faith in our people stands vindicated beyond further discussion. Into their hands we have entirely intrusted the future destiny of our Nation.

It is a trait of human nature to wish to personify its ideals. This is the chief reason that the kingly office continued to exist after it had served its main purpose of being sufficiently skilled in military leadership so as to increase the order and security of the country. The people found it easier to have their conception of sovereignty embodied in a personality. The monarch reflected the greatness which came from them. It was very seldom that he created it. It was much easier under those circumstances to secure a response when calling on the people to make sacrifices for the national welfare. They felt they were doing it for the king. They could see him in person and hear his expression of approbation. For his glorification not only were men willing to take up arms, but they found in him an inspiration for their art. Their music, their literature, their sculpture, and their painting dealt with royal subjects. Even Shakespeare gave royal titles to a number of his productions.

In the course of long human experience actions of this nature are not accidental. If they did not serve some useful purpose in the development of the race, either they would not have occurred at all or would have been of a transitory nature. They persisted because they gave the people a better conception of the abstract idea of national unity and national sovereignty. Even when our own Constitution was adopted this idea was so firmly intrenched that it was with great difficulty and hesitation that the people of that period were able to cast aside the idea of a personal sovereignty. That they did so stamped their action as extremely revolutionary. But finally our Nation and our States have planted themselves squarely and securely on the theory that all the powers of government emanate from the people. They stand as our sovereign. They are our national monarch. That act was a recognition of their own inalienable nobility.

Gradually, for complete revolutions do not occur in a day, we have transferred our allegiance to the people. It is for them that our songs are made, our books are published, our pictures are painted, our public squares are adorned, our park systems are developed, and the art of the stage and screen is created. While these things are done by individuals, this movement is "of the people, by the people, and for the people." It is no accident that this superb creation which we are dedicating to-day is the conception of a man whose only heritage was that of good breeding, an American by adoption, not by birth, who has felt the pinch of poverty, who has experienced the thrill of hard manual labor, and who has triumphed over many difficulties. Edward W. Bok is making this contribution in recognition of his loyalty to his sovereign, the people. It is another demonstration that when they are given the opportunity the people have the innate power to provide themselves with the wealth, the culture, the art, and the refinements that support an enlightened civilization.

Now, therefore, in a spirit of thankfulness for the success of our institutions, which is here attested, and appreciation of the munificent generosity, which is here exhibited, in my capacity as President of the United States, I hereby dedicate this Mountain Lake Sanctuary and its Singing Tower and present them for visitation to the American people.

PRESERVATION OF NIAGARA FALLS

Mr. WAGNER. Mr. President, I ask unanimous consent to have printed in the RECORD certain correspondence between myself and Governor Roosevelt, of New York, with reference to the recent message of the President transmitting to the Senate for its ratification a convention and protocol between the United States and Great Britain (Canada) for the preservation and improvement of the scenic beauty of Niagara Falls.

The VICE PRESIDENT. Without objection, it is so ordered.

The correspondence is as follows:

FEBRUARY 2, 1929.

Hon. FRANKLIN D. ROOSEVELT,
The State Capitol, Albany, N. Y.

Your attention is invited to the recent message of the President transmitting to the Senate for its ratification a convention and protocol between the United States and Great Britain (Canada) for the preservation and improvement of the scenic beauty of Niagara Falls.

The convention provides that the two nations agree that remedial works be constructed at Niagara Falls designed to preserve and enhance their scenic value, and that, in addition to the diversion of water presently permitted under the treaty of 1909, further diversion be authorized at a rate not exceeding 10,000 cubic feet per second on the American side, and 10,000 cubic feet per second on the Canadian side during the nontourist season from October 1 to March 31 for a period of seven years. The proctocol signed simultaneously with the convention provides that the remedial works shall be constructed in accordance with the recommendations theretofore made by the Special International Niagara Board.

The history of the negotiations which led to the signing of these instruments at Ottawa, on January 2, 1929, is briefly as follows:

In 1925 a special international Niagara board, consisting of Canadian and American representatives, was established and requested to inquire into and report upon the measures and works necessary to preserve and improve the beauty of the Falls, and to determine what additional diversion of water from the Falls might be permitted consistently with the full preservation of their scenic value. In partial compliance with this request the Special International Niagara Board submitted a report on December 14, 1927, which recommended the construction of various weirs and works in the Niagara River above the Falls of an estimated cost of $1,750,000, calculated to insure an unbroken crest line from shore to shore.

On April 9, 1928, the Hydroelectric Power Commission, of Ontario, and the Niagara Falls Power Co., of New York, jointly offered to construct, at their own expense, the works recommended by the Special International Niagara Board, subject to certain conditions, amongst which were the following: "(2) The board (i. e., the Special International Niagara Board) will use its best efforts to assist the commission and the company (i. e. the Hydroelectric Power Commission, of Ontario, and the Niagara Falls Power Co., of New York) to obtain from all governmental authorities whose consent is required by law the necessary permits for the construction of the proposed works.

"(5) To permit observation of the effects of remedial works * * * the amount of water which, under the international treaty, may be diverted for power purposes from the Niagara River above the Falls on each side of the river, shall be increased by an amount not exceeding in the aggregate a daily diversion at the rate of 10,000 cubic feet of water per second during the nontourist season, from October 1 to March 31, inclusive, yearly."

This offer the Special International Niagara Board recommended for acceptance, with the limitation that the diversion shall not be prolonged beyond a period of seven years.

To carry out that recommendation the convention and protocol were signed.

This arrangement, if ratified, makes possible the preservation of the Falls at no cost to the Government. It affords an opportunity for observation and experimentation during the nontourist seasons for a temporary period of seven years to determine whether any diversion beyond that now authorized may be permitted without injury to the scenic grandeur of the Falls. Although at present the United States is allotted only 35 per cent of the water diverted at the Falls, it will receive fully 50 per cent of the additional diversion during this period of experimentation. There is nothing in the convention or protocol

which conflicts with such interests as the Federal Government claims in the waters of the Niagara River or the water power developed therefrom.

The matter is not quite as clear in so far as the interests of New York State are concerned. It is for that reason that I have submitted these facts for your consideration and invite an expression of your views and your counsel, to the end that the policy of New York State with respect to its water power shall not be thwarted, and its rights, both sovereign and proprietary to the water and water power of the Niagara, shall not be surrendered.

The development of power from falling water is comparatively a new element in our economic life and necessarily so in our jurisprudence. The relative rights of the Federal Government, the State, and the riparian owners of land upon navigable and boundary streams remain yet to be explored and defined. On the Niagara River the uncertainty is intensified by reason of the legislation enacted by the State legislature at various times concerning the Niagara River and the Niagara Falls Power Co. (1886, 1889, 1891, 1892, 1893, 1918, and 1921.)

The precise questions are—

First. Do you favor the proposal to have the work of preserving the Falls undertaken at private expense and simultaneously therewith making available for private utilization by the Niagara Falls Power Co. the additional water to be diverted under the convention for a temporary period?

Second. Does the State of New York claim that its consent is prerequisite before any disposition can be made of the additional 10,000 cubic feet per second made available by the convention?

Third. Does the State of New York claim the right to charge for the use of such additional water the rental provided for in subdivision 13 of section 613 of the conservation law?

Both the convention and the protocol are silent on these matters.

In the normal case I should be of the opinion that the State is possessed of the rights mentioned in the questions and that the Federal Government is powerless to infringe upon them. I have not, however, the information at hand necessary for a determination whether the Niagara Falls Power Co. is, by virtue of a special grant or otherwise, outside the sphere of the general rule.

In considering the broad question of approval or disapproval, regard should also be had for the relative value of that which the State receives and that which it gives. It is estimated that the present facilities of the Niagara Falls Power Co. can develop from the additional water made available a maximum of 80,000 kilowatts.

I need hardly add that were this a proposal for a totally new grant of water power for private development rather than a temporary experimentation, I would be unalterably opposed to it. As you well know, I advocate that the State retain the ownership and control of water power at its source.

I have tried to lay my thoughts on the pending treaty before you and I shall appreciate an expression of your views. New York State is most directly concerned and the Senate will undoubtedly desire to be advised of the position of its chief executive.

Very cordially yours,

ROBERT F. WAGNER.

NIAGARA TREATY

STATE OF NEW YORK, EXECUTIVE CHAMBER,
Albany, February 9, 1929.

Hon. ROBERT F. WAGNER,
United States Senator, Washington, D. C.

DEAR SENATOR WAGNER: I have delayed answering your letter of February 2 for several days, because it brings up a matter very vital to the interests of the people of the State of New York. You ask me three specific questions in regard to the attitude of this State concerning the convention signed at Ottawa between representatives of the United States and the Government of Canada in relation to the diversion of water in the Niagara River above Niagara Falls.

This convention is intended primarily to preserve the scenic beauty of Niagara Falls by preventing rapid erosion of the center of the crest of the Falls through erection of weirs or other structures in the bed of the river above the Falls on both the New York side and the Ontario side, thus diverting sufficient water to the wings of the Falls.

This convention is the result of careful study made by the International Niagara Board, and this board worked out a plan under which an offer of the Hydroelectric Power Commission of Ontario and the Niagara Falls Power Co., a private corporation of New York State, was recommended for acceptance.

Under this offer the Ontario commission and the New York private corporation agreed to build the necessary weirs and structures in the bed of the river and asked in return the use, for a period of seven years, during the six winter months of each year, of 10,000 cubic feet per second of water on each side of the river.

It is estimated that this 10,000 cubic feet per second on the American side would enable the Niagara Falls Power Co. to develop between 80,000 and 100,000 horsepower.

SAYS STATE WAS IGNORED

First of all I want to call your attention to the important fact that quite aside from the merits of this proposal the State of New York was in no way invited to participate in the discussions attending this proposal; to the second important fact that the proposed weirs and structures would have to be erected on the bed of the Niagara River owned by the State of New York; and to the third important fact that use of 10,000 cubic feet per second proposed to be withdrawn depends on the consent of the State of New York to that withdrawal and to the satisfying of the State of New York that if it is withdrawn the people of the State are to receive an adequate rental for this water.

In regard to the three categorical questions you ask me, I beg to advise you as follows:

First. In pursuance of its long-standing policy the State of New York requires that its consent is prerequisite before any disposition can be made of the additional 10,000 feet per second of water made available for power development by the convention.

Second. In pursuance of the same policy of long standing, the State of New York requires a charge for the use of such additional water, said charge or rental being determined in pursuance of the statutes of the State.

Third. In your other question you ask whether the State accepts the proposal to have the work of preserving the Falls undertaken at private expense and at the same time making available for private utilization by the Niagara Falls Power Co. of the additional water to be diverted under the convention for a temporary period.

ANALYZES SCOPE OF TREATY

A careful reading of the proposed convention discloses the fact that the letter of the Secretary of State transmitting the convention refers to a protocol to be agreed to between the United States and Canada. The protocol itself is appended to the convention and the protocol refers to the recommendations of the International Niagara Board.

In other words, the three documents must be read together, and it becomes at once clear that the treaty itself is essentially an agreement to carry out a specific plan heretofore adopted.

If the State of New York offers no objection to the ratification of the treaty by the Senate of the United States, the State may by inference be bound to the acceptance of the plan worked out between the International Niagara Board on the one side and the Ontario Power Commission and the Niagara Falls Power Co. on the other.

My easiest course, as governor, would have been to ask you and your colleague in the United States Senate to oppose the ratification of the treaty as strongly as possible on the ground that the treaty ties the hands of the State of New York as to the methods by which the beautification and diversion can be arrived at, and forces the State to accept the offer of the Niagara Falls Power Co.

STATE WILLING TO COOPERATE

I think I can speak for the whole State in telling you that we want to cooperate with the Federal Government and the Congress of the United States in every way possible to aid in the preservation of the scenic beauty of Niagara Falls and the Niagara River.

That is why, instead of direct opposition to the ratification of the treaty, I have tried in a spirit of cooperation to enter into a plan by which the scenic beauty of the Falls can be preserved and at the same time all of the rights of the people of the State of New York in and to their property and governmental powers can be equally retained.

After a number of conferences I am glad to say that I have been able to obtain from the Niagara Falls Power Co. a written stipulation, duly executed by it, which stipulation fully preserves the property rights and governmental authority of this State.

I might note the following facts in regard to the Niagara Falls Power Co.:

1. It is the only private company now in a position immediately and economically to utilize the proposed experimental diversion of the additional 10,000 cubic feet per second of water.

2. The Niagara Falls Power Co. has for a number of years been paying a rental to the State of New York for the water which it is now using.

3. The Niagara Falls Power Co. has paid this rental to the State under protest.

The stipulation signed by the Niagara Falls Power Co. agrees that if it is allowed to use for seven years the additional water obtained from this experimental diversion it will, firstly, withdraw all objections to the payment of the rental now being charged by the State for existing water, and, secondly, will agree to pay such equitable rental for the additional experimental supply as may be determined by the State under the water power act, and, thirdly, will recognize the necessity of obtaining a license from the State for the use of this experimental water.

This is a complete recognition of the right and sovereignty of the State of New York to license and to rent all water now being used by the company and all water to be used under the provisions of the convention and protocol.

OLD DISPUTE CLEARED AWAY

It is, of course, clear that the proposed treaty with Canada is a temporary measure, only running for the diversion period of only seven

years, and that the State of New York is in no way restricted as to its full control of this water after the 7-year period has run.

The stipulation received by the State of New York clears up the matters long in dispute between it and the private company and makes it perfectly clear that the State has the full sovereignty and control over the water on the American side of the Niagara River for all time.

I am very happy that the State by this stipulation obtains all that it has in the past claimed from the Niagara Falls Power Co. as its rights at this particular site, and that the State can contribute in a constructive way in the beautification of the Falls, which is the primary object of this convention.

It is, of course, obvious that though the factor of scenic beauty exists in this particular case, it should not be considered in any way as modifying the policy of this State at other power sites in regard to the development of water power under direct State control and possession.

The State reserves, of course, every right to make a different arrangement at the termination of the 7-year period should the diversion be made permanent or be increased.

I hope that I have made my position clear in this matter.

Sincerely yours,

FRANKLIN D. ROOSEVELT.

PROHIBITION ENFORCEMENT

Mr. HARRIS. Mr. President, I ask unanimous consent to have printed in the RECORD an article written by Mr. William P. Helm, jr., published in the Washington Post of yesterday, relative to prohibition enforcement.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

McBRIDE TELLS HOPES OF DRYS FROM HOOVER—SPEEDING UP ENFORCEMENT, ANTI-SALOON LEAGUE'S FIRST DEMAND—PROPOSE CAMPAIGN TO EDUCATE NATION—WOULD HAVE THE GOVERNMENT ADVERTISE PROHIBITION TO THE PEOPLE

By William P. Helm, jr.

"What does the Anti-Saloon League expect of Herbert Hoover?"

F. Scott McBride, the league's general superintendent, answers the question, in substance, as follows:

First, a speeding up of prohibition enforcement. Effective use of as much money as the Government needs—whether it be an additional $10,000,000 a year, $24,000,000, or $100,000,000—to enforce the law. And a nation-wide "campaign of education" to sell law enforcement to the American public.

"How could such a campaign be conducted, Doctor McBride?"

"By bulletins and posters, millions of them, and in other ways."

"Paid for by the Federal Treasury?"

"Yes; the Government has advertised many times in the past."

"Do you think the Government should use paid advertising in the newspapers and magazines in this educational campaign?"

DONE FOR LIBERTY LOANS

"Why not? Personally, I think such advertising would be most helpful. It was so in the case of the Liberty loans. It has been helpful in other cases. Why not apply it to law enforcement?"

"Would you advocate the use of the radio and public speakers?"

"Where effective, yes; they are details, however, that would have to be worked out by the proper Federal agencies."

"How much do you think the Government should spend in this educational campaign?"

"That would be for Mr. Hoover and his subordinates to decide. My own opinion is that enough should be spent to make the campaign effective—several million dollars a year anyhow."

"Five millions?"

"That would be very conservative."

"Ten millions?"

"I wouldn't want to say ten millions or any other flat sum. The program would have to be worked out in the light of conditions."

"What should the Government advertise?"

"Law enforcement; its advantages and benefits to the public."

FOR GENERAL ENFORCEMENT

"Prohibition law enforcement alone?"

"No; I would make the appeal wider. General law enforcement. That should appeal to everybody, and it includes prohibition enforcement."

"Where should the campaign be carried on?"

"Wherever needed; in the big wet centers, of course, and in territory that is moist but not dripping wet."

"New York? Chicago? Detroit?"

"Yes; in those cities and many other places. Boston, Philadelphia, Atlantic City, Baltimore, New Orleans, St. Louis, Milwaukee, Kansas City, San Francisco, to mention a few places that come to mind immediately. Generally speaking, the campaign should be carried on wherever law enforcement is at a low ebb."

"And that means, mainly, the big cities. Prohibition enforcement has become largely a city problem, a big city problem. Take the first eight cities of the country; in their municipal areas and suburbs there are more people to-day than there are on all the farms in the country. Those big communities are the chief wet spots in the United States. We should concentrate on them and on smaller cities where prohibition enforcement is ineffective. The rural regions don't need it so much."

DISAPPOINTED BY HOUSE

Doctor McBride expressed disappointment at the failure of the House to appropriate the proposed $24,000,000 additional for prohibition enforcement during the coming fiscal year, but added that the result was not unexpected.

"The bill to make that appropriation," he said, "provided for the educational campaign we have just been discussing. Its need was recognized by Mr. Mellon, who referred to it in his letter to Senator WARREN.

"Regardless of the failure of the House to pass that particular item, the basis has been laid for speeding up the Federal end of prohibition in the near future. And, of course, the drys expect to press for more money in the future. Mr. Hoover ought to be given all the money he can use to advantage in enforcing the law. I don't believe anybody will take exception to that as a basic principle.

"It goes without saying that the appropriation of additional funds should be safeguarded and distributed among the various agencies. I have advocated that from the beginning. There never has been any conflict of opinion in dry ranks on that score, or, so far as I know, on the need of more funds for Federal enforcement. We are and have been a unit on that point.

FOR GREATER COORDINATION

"The Federal Government's share of prohibition enforcement, however, is only a part of the program. Just now, I believe, there is need for greater coordination among the Federal agencies engaged in enforcing the law and prosecuting violators. I believe that need will be met during the Hoover administration; we think Mr. Hoover will work it out.

"There is still greater need, however, for coordination between the Federal authorities on the one hand and the State and local authorities on the other. We believe Mr. Hoover and his subordinates will recognize that need and take effective steps to meet it. The proposed campaign of education would help; and doubtless other measures will be taken along that line during the Hoover administration."

"What measures, for instance?"

"Well, prohibition enforcement essentially is largely local. Local officials must be stimulated—encouraged, perhaps, is a better word—to enforce the law in their localities. Chicago furnishes a good illustration.

SMALL FORCE IN CHICAGO

"There are about 7,000 policemen in Chicago, but only 27 Federal prohibition agents. I understand that 1,700 of Chicago's 7,000 policemen are engaged in traffic requirements alone. There ought also to be a good-sized force engaged similarly in prohibition enforcement. The job oughtn't to be left wholly to the Federal Government.

"One of the things we expect to accomplish during the Hoover administration is a betterment of conditions such as that. I believe that problem will be approached from two angles.

"First, I believe the Federal Government, under Mr. Hoover, will do what it can to create a better understanding between Federal authorities and State and local authorities in the matter of prohibition enforcement, so that the State and local people will become more active in cleaning up their own houses.

WANT CHURCH MEMBERS

"And, next, we are planning to devote our own attention more to local conditions. We plan to stimulate church members to greater interest in public affairs. In 1924, for instance, only 40 to 50 per cent of the church members—adults, I mean—went to the polls in Chicago. Last year we determined to get out the vote. We assigned the task largely to volunteer workers, giving each worker, say, 10 names of church members to be notified by telephone on the days when they should register and vote.

"As a result, 97 per cent of the voters in one church went to the polls in 1928. The lowest percentage, I believe, was 81. That sort of work told in the primary and election. Our candidate for State's attorney was nominated by 200,000 plurality and elected by 160,000.

"During the Hoover administration we expect to follow those tactics in greater degree than ever before. We expect to get out the church vote—solidly, if possible—in every wet community. We have recently established our own research department, and it is now beginning to make available a considerable amount of educational material. We expect to use this more and more in local communities. The drive will be the most extensive, perhaps, ever made by the dry forces of the Nation."

INTENSE EFFORT PLANNED

"A greater drive than the drives for submission and ratification of the eighteenth amendment?"

"Fully as extensive wherever it is needed, and perhaps even more extensive in some communities. The dry organizations of the United States are on the eve of an intense effort to have prohibition enforced.

"We know prohibition can be enforced and we believe that sort of effort will result in its being enforced throughout the Nation. The work necessarily will be slower in some communities than in others, but eventually the law will be enforced throughout the entire country. We expect to see conditions vastly improved during the Hoover administration.

"Will you tell Mr. Hoover how you think the job ought to be done?"

HAVE FAITH IN HOOVER

"We believe in Mr. Hoover. We have full faith and confidence in his sincerity and ability. We think he will be able to uphold the Federal end of law enforcement effectively. And we will back him to the limit in his efforts.

"But, after all, the task is his, so far as Federal enforcement is concerned. We recognize that fully, and we do not intend to intrude upon or embarrass him. His is the responsibility; he should be given every opportunity to work out the problem himself. He can count on any help we can give him if he wants it. The drys will see to it that he gets a dry Congress every election and all the money that a dry Congress should appropriate for effective use in prohibition enforcement."

"Will the Anti-Saloon League attempt to tell President Hoover how to go about the job?"

"Certainly not. Mr. Hoover needs nobody to tell him that."

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On February 8, 1929:

S. 4739. An act authorizing the Secretary of the Treasury to sell certain Government-owned land at Manchester, N. H.

On February 9, 1929:

S. 4036. An act to authorize the Secretary of War to transfer the control of certain land in Oregon to the Secretary of the Interior;

S. 4338. An act to authorize the President to award, in the name of Congress, gold medals of appropriate design to John H. Towers, Albert C. Read, Elmer F. Stone, Walter Hinton, H. C. Rodd, J. L. Breese, and Eugene Rhodes;

S. 4787. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the city of Savanna, Ill., and the city of Sabula, Iowa;

S. 4957. An act granting the consent of Congress to the Danville & Western Railway Co. to reconstruct, maintain, and operate the existing railroad bridge across the Dan River in Pittsylvania County, Va.; and

S. 5110. An act validating certain applications for and entries of public lands, and for other purposes.

On February 11, 1929:

S. 4818. An act for the relief of hay growers in Brazoria, Galveston, and Harris Counties, Tex.

FORESTRY AND FLOOD CONTROL IN THE MISSISSIPPI VALLEY

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Commerce:

To the Congress of the United States:

I am transmitting herewith for the information of the Congress communications from the Secretary of Agriculture dated June 4, 1928, and February 9, 1929, submitting reports with reference to the relation of forestry to the control of floods in the Mississippi Valley. These reports have been prepared in compliance with the provision contained in section 10 of the act of Congress approved May 15, 1928, for the control of floods on the Mississippi River and its tributaries, and for other purposes.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 11, 1929.*

(NOTE.—Report accompanied similar message to the House of Representatives.)

SPECULATIVE ACTIVITIES—FEDERAL RESERVE BOARD

Mr. HEFLIN. Mr. President, I send to the clerk's desk my resolution as modified. When previously submitted it contained a provision asking the Federal Reserve Board its reason for increasing rediscount rate. The Senator from Virginia [Mr. GLASS], who objected to the resolution on Saturday, came over and talked to me about it, and stated that if I struck out that part of the resolution and framed it as now modified, he would have no objection to it.

Mr. EDGE. Mr. President, I ask that the resolution as modified by the Senator from Alabama be stated with the corrections or changes that have been made in it.

The VICE PRESIDENT. The resolution as modified by the Senator from Alabama will be stated.

The CHIEF CLERK. As modified, the resolution reads as follows:

Whereas in press dispatches recently the Federal Reserve Board has complained that money is being drawn from the channels of business and used for speculative purposes, and that some of said speculation is illegitimate and harmful: Therefore be it

Resolved, That the Federal Reserve Board is hereby requested to give to the Senate any information and suggestions that it feels would be helpful in securing legislation necessary to correct the evil complained of and prevent illegitimate and harmful speculation.

Mr. DILL. Mr. President, I ask the Senator from Alabama what is his idea in asking for the adoption of this resolution?

Mr. HEFLIN. The press has had a good deal to say recently about wild speculation in the exchanges in New York, and the Federal Reserve Board issued a statement that something would have to be done to prevent money being drawn out of the channels of legitimate business to carry on such speculation.

Mr. DILL. Does the Senator think that was a wise act?

Mr. HEFLIN. I do.

Mr. DILL. I hope the Senator is not proposing this with a view to preventing the board from stopping speculation.

Mr. HEFLIN. Not at all. I am asking the board if it wants to make any suggestion to us as to what legislation would be advisable to prevent such speculation in the future.

Mr. CARAWAY. Mr. President——

Mr. HEFLIN. Mr. President, has my resolution been adopted?

The VICE PRESIDENT. It will come up in its regular order.

Mr. HEFLIN. I was asking unanimous consent to have the resolution acted on.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. CARAWAY. Mr. President, reserving the right to object—which I do not mean to do—I desire to say a few words. I think gambling on the exchanges should be prohibited. I would, however, be very loath to see lodged in a bureau of this Government, whether the Federal Reserve Board or any other bureau, the right to say when speculation should be considered legitimate and when illegitimate. If that power be given to the Federal Reserve Board or to any other instrumentality of government, it will hold the credit of this country in the hollow of its hand. Everybody who does business will do it subject to their consent. It would make possible at any time a combination to destroy the entire credit of the country.

I think the law ought to provide what may and what may not be done, and then the enforcement of that law will, of itself, check the evil complained of. I should very much dislike to see a license given to gambling, but to provide that whenever gambling does not please a certain board, whether it be the Federal Reserve Board or any other Government instrumentality, it may stop it, would be bestowing a dangerous power. Whether it were used for a sinister purpose or not, people in the market who were destroyed by the order would always believe the action was taken at the request of a combination of people who were on the other side of the market. Indeed, the opportunity for abuse would be so great that such power ought not to be lodged in anybody's hands.

Hundreds and hundreds of millions of dollars, in fact, billions of dollars, would rest upon the permission or the refusal of permission of such a body to proceed with a market that it might decide was speculative. I say the law should fix what is and what is not legitimate speculation, and not lodge the control in any board and give it the right to say, "This is legitimate and that is not legitimate," because no living man would know when such a body was going to say speculation was legitimate and when it was illegitimate, and therefore, there could be no security in any business. I hope there is no intention of trying to lodge such authority by future legislation aimed at by this resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. BARKLEY rose.

The VICE PRESIDENT. Does the Senator from Kentucky desire to speak on the resolution?

Mr. BARKLEY. I do.

The VICE PRESIDENT. The Senator from Kentucky is recognized.

Mr. BARKLEY. Mr. President, I have no desire to occupy the time of the Senate at length in reference to this resolution;

neither do I intend to oppose it; but I do desire to call attention to some matters in connection with this subject, in view of the fact that nearly a year ago the Senate Committee on Banking and Currency reported a resolution which had been offered by the Senator from Wisconsin [Mr. LA FOLLETTE]. Very interesting hearings were held by the committee on the resolution, and if the Members of the Senate have not read those hearings it would be enlightening to study them, because some very able financial experts in this country testified on the subject of what Congress could and could not do with respect to the regulation of the use of credit for speculative purposes on stock markets. In the 12 months which have elapsed since the introduction of that resolution and the almost 12 months since its report to the Senate, so far as I am aware there has been no effort to secure its consideration. It was on the calendar for a considerable portion of the last session of Congress—since last May—and it has been on the calendar all during the present session. That resolution, among other things, requested the Federal Reserve Board to issue some character of warning or take some steps that would curb the use of the credit of this country in speculative finance.

The Governor of the Federal Reserve Board testified before the committee, and very well-known financial experts of colleges and universities and of the Federal reserve banks testified. So we can not say that the Senate has done anything more to bring about any possible correction of any evil that may exist in speculative financing than to have one of its committees report a resolution and put it on the calendar, and then take no further steps. Because the Federal Reserve Board has done precisely what the La Follette resolution asked it to do, to wit, has issued a warning or a public statement which has had a very decided effect, at least temporarily, on the prices of stocks on the stock exchange. After the horse has been stolen, we rush in here to lock the door.

It may be entirely proper for us to ask the Federal Reserve Board for any information it may possess or for any suggestion that it may desire to make with reference to amendment of the Federal reserve act with respect to speculative financing, although I have an idea that it will be as difficult for Congress, and probably more damaging for Congress, to undertake to define the limitations and say that a certain thing is and another thing is not the speculative use of finance and credit as it was for Congress in the case of the Kellogg-Briand treaty to define self-defense and in the naval cruiser bill to define freedom of the seas. I doubt very seriously whether anything more harmful could occur to the financial structure of this Nation than for Congress to undertake to step in every time it thinks that there has been too much or too little speculative financing carried on in the country and try to regulate it by some strait-jacket restriction in the form of legislative enactment.

Presumably we have a competent Federal Reserve Board. We all know that the Federal reserve system has functioned very largely to the satisfaction of our country in stabilizing the financial condition and the credit of our Nation and distributing that credit broadcast all over the country, without concentrating it at any particular point. As a general rule, we are satisfied with the operation of the Federal reserve system, and I am willing to assume, until the contrary appears without serious controversy, that we have a competent Federal Reserve Board that is all the time functioning and has its hands upon the pulse of the financial situation of the country. I assume——

Mr. CARAWAY. Mr. President——

Mr. BARKLEY. Just a moment. I assume that last week when the Federal Reserve Board issued its more or less sensational statement with reference to the credit conditions of the country it was justified in so doing, but in doing that it did exactly what the La Follette resolution asked it to do a year ago. Now that it has done it of its own volition, I doubt the wisdom of any action being taken here by the Senate or by the House or by Congress as a whole that would create the impression that we regard that action or that warning of the Federal Reserve Board as having been prompted by some evil purpose or intent.

The newspapers have been filled with the suggestion that the Federal Reserve Board conferred with a distinguished English financier before the warning or the statement was issued, and the inference was drawn that some sinister motive was thereby involved, although in issuing its statement the Federal Reserve Board did nothing more than its duty in warning against any pyramiding of credit.

I doubt seriously whether we can benefit the condition which exists. I do not object to this resolution, and if the Federal Reserve Board has any suggestion as to the wise amendment of the law that would in any way assist it in keeping the credit situation within bounds and always adjustable to the real needs of the country, I would be very much in favor of such legislation; but I do doubt the wisdom of half-baked statements or half-baked efforts on the part of Congress to handle a situation which I think the Federal Reserve Board itself is amply qualified to handle.

Mr. BROOKHART. Mr. President——

Mr. BARKLEY. I am glad to yield to the Senator from Iowa.

Mr. BROOKHART. It has repeatedly been said—and the Senator repeated the statement a few minutes ago—that the Federal Reserve Board has stabilized business in the United States. I want to ask the Senator if he considers that it has stabilized agriculture?

Mr. BARKLEY. I did not say that the Federal Reserve Board had stabilized business. I said that it had been largely influential in stabilizing credit in the country as a whole. I do not think that agriculture has been stabilized. I am not prepared to say, however, that the Federal Reserve Board has not gone as far as it had the right to go under the law in an effort to do that.

Mr. BROOKHART. It went as far as it had the right to go to deflate agriculture, did it not?

Mr. BARKLEY. I do not care to go into that. The Senator has reference to things that occurred some 10 years ago, which were the subject of very great controversy, and I do not desire to enter into them at this time.

Mr. BROOKHART. It started that deflation 10 years ago, and the process has not been ended up to this date; in fact, it is still emphatically going on right now.

Mr. BARKLEY. I doubt whether it can be successfully contended that the Federal Reserve Board has taken any official action which has denied to agriculture any credit that it was able to obtain with the security that it was possible to accept under the Federal reserve law.

Mr. BROOKHART. The Senator is aware that credit control affects everything.

Mr. BARKLEY. I appreciate that.

Mr. BROOKHART. And the discrimination in favor of speculation would be against agriculture.

Mr. BARKLEY. It would be against agriculture, provided any money were taken from agricultural activities which it otherwise would have obtained. The testimony before the Banking and Currency Committee on the part of the officers of the Federal Reserve Board and the testimony of Professor Sprague, I believe, who is the financial expert at Harvard or Yale, indicated very clearly to my mind that there had been no credit withdrawn from agricultural communities by reason of the conditions which at that time existed. Whether that is true now a year later, I am not able to say, but at the time we held our hearings before the Banking and Currency Committee I was pretty well convinced that, so far as any actual money being withdrawn from either legitimate business or agricultural pursuits was concerned, it had not been done by reason of the conditions that were portrayed at that time.

Mr. BROOKHART. Mr. President, it was worse than anything of that kind, because it so unsettled agricultural values that they are no longer good security for loans, and the damage has been much greater than the mere denying of loans to agriculture.

Mr. BARKLEY. Mr. President, I did not rise to object to this resolution. If, as I said, the Federal Reserve Board can furnish the Senate any information upon which valuable information can be had, we ought to welcome it; but I did desire to express my doubt of the wisdom of any ill-considered action on our part which might have a bad effect upon the credit of the country.

Mr. THOMAS of Oklahoma. Mr. President, before the resolution is passed I should like to submit an inquiry to the author of the resolution: What good is hoped for in the event of the passage of the resolution?

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Oklahoma yield to the Senator from Alabama?

Mr. THOMAS of Oklahoma. I yield.

Mr. HEFLIN. I will read the "whereases" of the resolution:

> Whereas, in press dispatches recently, the Federaly Reserve Board has complained that money is being drawn from the channels of business and used for speculative purposes, and that some of said speculation is illegitimate and harmful; and
>
> Whereas said Federal Reserve Board, in its efforts to correct what it regards as an evil in this matter, has increased the rediscount rate: Therefore be it

Resolved, That the Federal Reserve Board is hereby requested to give to the Senate any information and suggestions that it feels would be helpful in securing legislation necessary to correct the evil complained of and prevent illegitimate and harmful speculation.

That is all it does. It simply calls on the board to give to the Senate any information that it feels would be helpful in the matter.

Mr. THOMAS of Oklahoma. Mr. President, it occurs to me that this resolution will fall far short of obtaining satisfactory results. It simply asks the Federal Reserve Board to advise the Congress, with such recommendations as the board may see fit and proper to make, in order that legislation may be proposed by the Congress and considered and probably enacted.

Mr. HEFLIN. I will ask the Senator what harm could come from that?

Mr. THOMAS of Oklahoma. It occurs to me that this inquiry should go much further. If the Federal Reserve Board has any observations or suggestions or recommendations to make it is the duty of such board to present such recommendations; and, so far as I know, while I am not a member of the Committee on Banking and Currency, no such recommendations have been made.

It appears from the newspaper comments that some $5,000,000,000 have been withdrawn from productive purposes and used for speculative purposes. At the same time, it appears from the newspaper comments that some $14,000,000,000 have been loaned by American financiers abroad. It occurs to me that if it is bad policy to permit our banking institutions to loan $5,000,000,000 here at home for speculative purposes, it is many times worse to permit $14,000,000,000 of our money and credit to be loaned to and in foreign countries. It occurs to me that proper results can not be reached by the resolution proposed by the Senator from Alabama.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Kentucky?

Mr. THOMAS of Oklahoma. I yield.

Mr. BARKLEY. It is hardly correct, I think, to state that the banks in this country have loaned $5,000,000,000 at home for speculative purposes. Without in any way commenting upon the propriety of such loans, I think the Senator will find that almost half of the $5,000,000,000 referred to comprises loans made by others than banks, including corporations and private individuals. So it is not quite a correct statement to say that the Federal reserve bank has made loans to the amount of $5,000,000,000 for speculative purposes.

If this amount has been loaned, it is difficult to say what is purely speculative and what is not. If a man goes into a bank with a perfectly good security and asks to borrow ten or twenty thousand dollars upon it, I doubt whether the Federal reserve system has the right to say to that bank that they must inquire what the man is going to do with the money before they allow him to borrow it. At any rate, however, a large portion of this $5,000,000,000 represents money owned by corporations and individuals which have loaned it for this purpose, and it is not chargeable to the banks themselves. Whether or not it is proper for them to do that is a question upon which I do not undertake to pass.

Mr. EDGE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New Jersey?

Mr. THOMAS of Oklahoma. I yield to the Senator from New Jersey.

Mr. EDGE. Is it not likewise true, supplementing the remarks of the Senator from Kentucky, that, rightly or wrongly, as long as call money is averaging from 6 to 9 or 10 per cent, individuals all over the country who happen to have money will take advantage of such a high rate of interest and try to make it?

Mr. THOMAS of Oklahoma. Mr. President, under present procedure the banks can borrow money from the Federal reserve system and, after paying interest, can reloan that money on call and make a substantial profit.

If it is true that $5,000,000,000 are now being loaned for speculative purposes, that is more money than there is in circulation. I have before me a statement from the Treasury Department of date December 31, 1928, showing the total amount of money in circulation at that time to be $4,973,168,182. Of that amount approximately $500,000,000 are in circulation in foreign countries, which reduces the actual amount of money—paper, gold, and silver—in circulation in America to less than four and one-half billion dollars.

Mr. President, it occurs to me that not enough importance and attention are given to financial matters by the Congress. We often say that the Supreme Court is the most important tribunal that we have. I venture the assertion that the Supreme Court is not the most important tribunal that we have; that there is one tribunal of far more importance to the people of this country than the Supreme Court, and that tribunal is the Federal Reserve Board. This board has the power to put its hands in the pockets of every citizen of this Republic. This board has the power to feed money into circulation, to make money plentiful, and thereby to make money cheap, the inevitable result being a general raising of prices. Likewise, the board has the power to take money from circulation, to make money scarce, and thereby to make money dear, the result being a general depression in prices. Either action affects the laboring man and the salaried man; in brief, such action affects every man in the Nation, and yet at this moment I doubt if one-tenth of 1 per cent of the people could name a single member of the Federal Reserve Board. I doubt if one ten-thousandth of 1 per cent of our citizenship could name all the members of this board, which in my judgment is the most important board in our Government.

I wish to call attention also to the fact that at the present time our financial structure is undergoing a radical change. In former years, when companies and institutions desired to finance an enterprise, bonds were issued and sold and funds thus raised were used to finance such enterprise. To-day companies are not floating bonds; they are issuing stocks.

To-day we see companies with bonded indebtedness and with preferred stocks retiring such preferred stocks and retiring such bonds by the issuance of common stock without par value. This new development or policy has very greatly increased the amount of common stocks now before the investing public. The people were educated in securities during the World War. More people are interested in securities to-day than formerly, and, of course, they should be protected.

I have no objection to the passage of this resolution, but it occurs to me that it would be much better to direct the attention of the committees of the Congress to this subject matter, to the end that the committees may have hearings and bring back to the Congress recommendations in the form of proposed legislation.

The Federal Reserve Board consists of seven members, five of them appointed by the President. The members, as measured by banking standards, draw only small salaries. However, I am not criticizing the membership of the board. The members of the board get $12,000 a year. Membership on the Federal Reserve Board to-day is only a stepping-stone to some other position. When persons have acquired membership on this board and thereafter secure an opportunity to enter some banking institution, trust institution, or brokerage house, with an enlarged salary, they appear to be only too glad to step out of their positions on the Federal Reserve Board and accept private employment.

Mr. GLASS. Mr. President, the Senator is aware of the fact that the law prohibits any member of the Federal Reserve Board from accepting a position in a bank until two years after his retirement from the board?

Mr. THOMAS of Oklahoma. I call the attention of the Senator from Virginia to the fact that within the last few days a member of that board, the Comptroller of the Currency, resigned; and, if press reports are true, the former comptroller is now a member of a brokerage firm in New York City.

It occurs to me, Mr. President, that membership on the Federal Reserve Board should be the culmination rather than a stepping-stone to a financial career. I am of the opinion that the salary of the members of the Federal Reserve Board should be increased and their tenure of office lengthened, to the end that the best financiers of America may be interested in ending their financial careers as members of the Federal Reserve Board, instead of making such service a stepping-stone to private employment. It occurs to me that this subject matter is one worthy of the consideration of the regular standing committee, to the end that the acts complained of may be given more than passing notice.

The VICE PRESIDENT. Is there objection to the unanimous-consent request of the Senator from Alabama for the consideration of the resolution?

Mr. GLASS. Mr. President, I should like to inquire of the Senator from Alabama if he has altered his resolution in accordance with the suggestion that I made to him on Saturday?

Mr. HEFLIN. Mr. President, I have stated to the Senate that the Senator from Virginia and I had a conference Saturday on this subject, and that I had stricken out the part that referred to the rediscount rate. A rather interesting thing occurred in that connection. When the Senator from Virginia

came over to see me, I suggested to him that I had already marked that out; and he said, "Well, I will show you that I have done the same thing." He brought his copy of the resolution over here, and we had both marked it exactly alike. That has been stricken out.

Mr. GLASS. Mr. President, I shall make no objection whatsoever to the consideration and passage of the resolution as altered, nor do I imagine any member of the Banking and Currency Committee of the Senate will offer any objection. Those of us who have conferred about it concur in the opinion that the resolution can do no harm. I venture to doubt whether it will do a great deal of good, for the reason that the Federal Reserve Board is not charged by law with the supervision of stock-exchange activities, except as speculative activities may relate themselves to the facilities of the Federal reserve banks.

These processes in the money centers have gotten far beyond that. As has been suggested by the Senator from Kentucky, the great corporations of the country have acquired the habit of throwing their surplus funds into the vortex of stock speculation, instead of distributing them among their stockholders in the nature of dividends, and individuals are doing the same thing. Member banks of the system have manipulated their deposit accounts so as to transfer from the demand deposit account, requiring a reserve of 7 per cent, to the time deposit account, requiring a reserve of only 3 per cent, transferring from one to the other, and thereby releasing enormous funds of the banks to be thrown into the maelstrom of stock speculation.

To show how utterly unwilling some banks are to desist from this practice, when I presented a bill here last week to restore the reserve behind time deposits to the figure which obtained in the original set-up of the Federal reserve system, banks all over the country began to write me letters of protest. That alone would withhold from these speculative activities at least $300,000,000; but some of the banks are not willing to desist.

Speaking of the expense accounts of the Federal reserve system referred to by the Senator from Oklahoma, the Senate will understand that the Government of the United States does not defray one dollar of the expenses of the Federal reserve system, and it never has. Yet, much to my astonishment, I found in the Budget statement transmitted to Congress last December by the President of the United States an item of $2,700,000 for the administration of the Federal reserve banking system. How on earth the Director of the Budget, who is assumed to be an experienced financier, could have reported to the President an item of that description is beyond my comprehension, because the Federal Treasury is not taxed to the extent of one dollar for the expense accounts of the Federal reserve system. The entire expense of the system is borne by the member banks, assessed against the member banks by the Federal Reserve Board. Yet here we find in the Budget an item of $2,700,000 for the administration of the Federal reserve system.

Mr. CARAWAY. What became of that item?

Mr. GLASS. I do not know. I suppose it was to impress Congress with the fact that the Government is engaged in enormous expenditures, and that economy was very essential.

Mr. CARAWAY. And they struck it out?

Mr. GLASS. It has not been stricken out. It was in the estimates of the Director of the Budget.

Mr. CARAWAY. When it goes out it will be pointed to as showing how much they have saved, I assume.

Mr. GLASS. I will not undertake to say as to that.

Mr. OVERMAN. It does not appear in any of the appropriation bills before any subcommittee of which the Senator from Virginia is a member?

Mr. GLASS. Oh, no. It was just in the Budget estimate transmitted to the Congress by the President; and how the Director of the Budget could have made any such mistake is beyond my comprehension. Of course, the President is not to be censured for transmitting it. He is not expected to know such details; but the Director of the Budget ought to have known. That is merely incidental, however.

I want to add that I shall make no objection to the Senator's resolution, though I am satisfied it will accomplish no good, if no harm.

Mr. KING. Mr. President, does not the statement made by the Senator with respect to the—shall I say imperfections—of the operations of the Federal reserve system, or the banks, lead to the conclusion that there ought to be legislation?

Mr. GLASS. I think there ought to be legislation. I have introduced several bills which merely touch the abuses of which we are now complaining.

Mr. President, unless some man be wise enough, have wit enough, to give a statutory definition of investments as contradistinguished from stock gambling, I do not see how we are to curb these gambling activities. That ought to be done.

If one invests $10,000, for example, in General Motors, with a view of investment, with a view of deriving therefrom the dividends a prosperous company is supposed to pay annually, that is an investment; but if one buys $10,000 of General Motors, or of any other stock, this hour with a view to selling the same stock even before delivery physically can be made, the next hour, or with a view to anticipating the future of to-morrow or the next day thereafter, that is nothing in the world but pure gambling, just as much gambling as if Senators were to sit at a roulette table and bet on the outcome of the game.

I have often pointed to the absurdity of States and communities and the Nation enacting laws making it a criminal offense for a company of gentlemen to sit around a table and wager at poker, or to go to a race track and bet on a race, and then legalizing a system of pure gambling that menaces the entire commercial and financial fabric of the Nation. It is an absurdity, and there ought to be some statutory definition made of investment as contradistinguished from pure gambling, and laws should be enacted to put stock gamblers out of business. There is not a thing in the world constructive in their operations. It is a matching of gambling wit against gambling wit. They do not produce a thing on earth that contributes either to the happiness of mankind or to the prosperity of legitimate business.

Mr. EDGE. Mr. President, does not the Senator put the old-fashioned game of poker in rather a preferred class in comparison with the operations on the stock exchange in the illustration he has just given?

Mr. GLASS. I may say to the Senator that I do not know anything about poker and I do not know anything about stock gambling. I keep out of both operations.

Mr. CARAWAY. Mr. President, at least it could be said for poker that people bet their own money.

Mr. GLASS. Yes.

Mr. CARAWAY. But in stock transactions they are gambling in other people's wealth.

Mr. GLASS. They sell things they do not possess, and they buy things they never expect to get.

Mr. CARAWAY. And break people who are not concerned in their gambling.

Mr. GLASS. And thereby disturb the whole commercial fabric of this country, and it ought to be stopped.

Mr. KING. Mr. President, I offered a bill several years ago, and I think I offered a similar bill at this session, which would prohibit banks connected with the Federal reserve system from loaning to stock brokers or to persons who were buying on a margin for speculative purposes, requiring an investigation preceding a loan to ascertain whether the money was to be used in a marginal transaction or in a valid purchase. I made an investigation at that time and discovered that more than 85 per cent of all the transactions upon the New York Stock Exchange were marginal transactions, and that more than 80 per cent of the marginal purchasers were wiped out, so that the banking system was used in the promotion of marginal transactions for the purpose of wiping out the hundreds and thousands of investors in the United States who bought on margin. The bill which I offered interdicted that and made some investigation necessary precedent to such a loan.

I suggested to some of the Senators at that time—and I have suggested since—that it might be a good idea to adopt the English system, letting the Federal reserve system fix a minimum rate of interest, and then have discretion to increase the rate of interest where there were any speculative activities, so as to interfere as much as they possibly could with these speculative transactions.

Mr. GLASS. Mr. President, I may say that no law is required to enable the Federal Reserve Board to preserve its facilities from that sort of transaction. It may do it under existing law. I have pounded and pounded the board for three years to have them do it. They may do it, and, conscious of the fact, and only because conscious of the fact, they issued their declaration of three days ago, doing just exactly what would have been expressed as the sense of the Senate as to what ought to have been done if the La Follette resolution had been adopted last May. Yet every time that resolution was reached upon the calendar it encountered an objection here. We would hear several say "Over," and the resolution did go over. In this belated way, a year after the resolution was favorably reported from the Banking and Currency Committee, the Federal Reserve Board does precisely what that resolution would have asked them to do, but they have done it too late. If the board had shown the vision and the firmness and the courage that it ought to have had and ought to have exercised, we would never have gone to this startling peak of $6,000,000,000 of loans to stockbrokers.

I may say in a word, in conclusion, that the great difficulty which arises in the situation which besets the Banking and Currency Committees of the two Houses is the fact that we have a dual system of banking. We have a national bank system and a State bank system, and regulations by the board or statutory requirements by Congress of a severe nature would drive the national banks, which are compelled to be members of the Federal reserve system, into the State banking systems. So that it has been exceedingly difficult to make these regulations, or to pass these laws, and make them effective, without in the last analysis, if not destroying, seriously crippling, the system itself.

That has largely been the trouble; but, as I have said, the Federal reserve banking system is not charged by law with the supervision of stock-speculating activities, and I imagine that the board will say, in response to this resolution, that it has no lawful authority except to protect the facilities and assets of the Federal reserve system from encroachment for these purposes. It can not control the stock market.

Mr. SACKETT. Mr. President, will the Senator yield to allow me to ask the Senator from Virginia a question?

Mr. HEFLIN. I am going to have another resolution brought up immediately, on the same subject, the La Follette resolution.

Mr. SACKETT. I just want to ask the Senator from Virginia a question.

Mr. HEFLIN. The matter has consumed a good deal of time. But I yield to the Senator.

Mr. SACKETT. I wanted to ask the Senator the very question that he raised a moment ago, as to the difficulty between the dual systems of banking. Would not the difficulty be increased if the Federal Reserve Board would not allow either series of banks to take advantage of the high rates of money that are now being offered for stock-exchange loans?

Mr. GLASS. If the Federal Reserve Board were to exercise in what might be regarded a harsh way or arbitrary way the power with which it is vested under the law, it might drive many member banks out of the system.

The Federal Reserve Board has access to the books of every member bank. It knows or ought to know—yes; I say it does know—which of its member banks are loaning money on call for stock-speculative purposes.

Mr. SACKETT. If they were prevented from getting 8 or 9 per cent, many of them would go under the State banking laws, would they not?

Mr. GLASS. Yes; they would go out of the Federal reserve system.

Mr. HEFLIN obtained the floor.

Mr. BROOKHART. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Iowa?

Mr. HEFLIN. I yield.

Mr. BROOKHART. I desire to take a few moments——

Mr. HEFLIN. I hope the Senator will wait a moment. I am going to ask to take up another resolution in a moment.

Mr. BROOKHART. I desire to make a few comments on the question raised by the Senator from Virginia.

Mr. CURTIS. Mr. President, I understand that this is all being done by unanimous consent.

Mr. HEFLIN. If the Senator from Iowa insists upon it, of course, I will yield, but his remarks will call for a reply.

Mr. BROOKHART. No; not necessarily.

Mr. CURTIS. Mr. President, to-day is Calendar Monday, and quite a number of Senators are anxious to have the calendar called under Rule VIII. As I understand, debate in this hour, after 1 o'clock, is limited to five minutes. I have not raised the question before because the debate has been very interesting, and valuable information has been given the Senate, and every one seemed to be willing that it should continue. I hope that the resolution will be disposed of promptly so that we may go ahead with the calendar under Rule VIII after the conclusion of the routine morning business.

The VICE PRESIDENT. The Senator from Iowa is recognized.

Mr. BROOKHART. Mr. President, I think the remarks of the Senator from Virginia [Mr. GLASS] are very appropriate to the resolution and largely describe the situation, but I want to call attention to another fact. The Federal reserve law itself outlawed speculative loans for rediscount purposes and it affirmatively prohibits the Federal reserve bank from rediscounting speculative loans. That is the law now. So far as I know the banks have lived up to that law, and speculative loans, even as defined by the Senator from Virginia, are not rediscounted. I think that is true. I think it is not charged that the board is violating the law.

It seems to me that the same reason exists for prohibiting the member banks from making speculative loans that existed for prohibiting the reserve banks from rediscounting speculative loans. No one has ever suggested to me a reason why those loans should be outlawed for rediscount purposes in the big overhead banks, the most responsible of all the banks, and then permitted in the member banks, except possibly it be the indirect suggestion of the Senator from Virginia that it would drive the business into the State banks.

But, Mr. President, we have authority to control those State banks. We can stop gambling through the United States mails and through telegraphy, and we can stop gambling in interstate commerce. We have ample authority to bring the State banks under exactly the same rule as the national banks. I introduced a bill, and have had it pending before the Committee on Banking and Currency for more than a year, to prohibit member banks from making such loans. We can prohibit corporations from making these gambling loans in interstate commerce likewise.

The making of these loans constitutes the greatest menace of the times. It is now gathering up the surplus credit of the country, taking it away from legitimate business, and, not only that, but it is destroying the values of legitimate securities and weakening agriculture until agricultural values are no longer a basis for credit even in their own banks, and it has been done directly and indirectly through the gambling activities that ought to be prohibited by the Federal reserve law and the general banking laws.

Mr. HEFLIN. Mr. President, may I have my resolution acted upon now?

The VICE PRESIDENT. Is there objection to the present consideration of the resolution of the Senator from Alabama?

There being no objection, the resolution was read, considered by unanimous consent, and agreed to, as follows:

Whereas in press dispatches recently the Federal Reserve Board has complained that money is being drawn from the channels of business and used for speculative purposes, and that some of said speculation is illegitimate and harmful: Therefore be it

Resolved, That the Federal Reserve Board is hereby requested to give to the Senate any information and suggestions that it feels would be helpful in securing legislation necessary to correct the evil complained of and prevent illegitimate and harmful speculation.

Mr. HEFLIN. Now, Mr. President, I will ask that the other resolution——

Mr. CURTIS. Mr. President, let us have the regular order.

The VICE PRESIDENT. The regular order is demanded.

Mr. HEFLIN. Will not the Senator permit me to call up the La Follette resolution?

Mr. CURTIS. Let us get through with morning business first. I ask for the regular order.

INVESTIGATION OF SALT CREEK OIL LEASES

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be stated.

The CHIEF CLERK. The resolution (S. Res. 320) by Mr. WALSH of Montana for the adoption of the report of the Committee on Public Lands and Surveys on the investigations conducted under Senate Resolution 202, as follows:

Resolved, That the Senate approves and adopts the minority report herewith, from the Committee on Public Lands and Surveys, of the investigation into the renewal of the contract executed in the year 1922 by Albert B. Fall, Secretary of the Interior, and the Sinclair Crude Oil Purchasing Co., for the sale of the royalty oil accruing to the United States from the leases of lands within the Salt Creek district in the State of Wyoming, and into the cancellation of such renewal.

Mr. WALSH of Montana. Mr. President, the Senator from Indiana [Mr. ROBINSON] is interested in the resolution. He was obliged to leave the city for a few days. He preferred a request that the resolution go over until Friday, when he can be here. I was extremely desirous of having the attention of the Senate at the earliest possible day, but I feel obliged to accede to this request upon the understanding that it would go over until Friday without prejudice. I ask unanimous consent that the resolution may go until Friday without prejudice.

The VICE PRESIDENT. Without objection, it is so ordered.

OPEN EXECUTIVE SESSIONS

The VICE PRESIDENT. The Chair lays before the Senate another resolution coming over from the previous day, which will be stated.

The CHIEF CLERK. The resolution (S. Res. 322) by Mr. JONES to amend Rule XXXVIII of the rules of the Senate.

Mr. CURTIS. Mr. President, the senior Senator from Arkansas [Mr. ROBINSON] has offered a substitute for the resolution of the Senator from Washington. I ask unanimous consent that the resolution may go over without prejudice until the Senator

from Arkansas returns, which, I am informed, will be to-morrow or the next day.

Mr. JONES. Mr. President, I merely wish to say that I shall hope to get the resolution up and considered in the next morning hour. I am perfectly willing to have it go over now without prejudice.

The VICE PRESIDENT. Without objection, the resolution will go over without prejudice.

Mr. GEORGE. I submit an amendment in the nature of a substitute for Senate Resolution 322, presented by the Senator from Washington [Mr. JONES]. I ask that the proposed substitute may lie on the table and be printed.

Mr. GEORGE's substitute amendment was ordered to lie on the table and to be printed, as follows:

Nominations shall be considered in open executive session unless the Senate, in open executive session, shall by a majority vote determine that any particular nomination shall be considered in closed executive session. When nominations are considered in closed executive session all motions and all votes taken thereon shall nevertheless be published in the RECORD, but information communicated or remarks made by a Senator when acting on nominations in closed executive session concerning the character or qualifications of the person nominated shall be kept secret: *Provided, however*, That the committee may advise any nominee of the nature and character of charges made against him, but the name of the person or persons making such charges shall not be disclosed.

WALL STREET GAMBLING

Mr. HEFLIN. Mr. President, the Senator from Oklahoma [Mr. THOMAS] has called attention to a very important matter, and the Senator from Virginia [Mr. GLASS] has touched on some things of importance in connection with illegitimate speculation. I had in mind when I offered the resolution the desire to obtain the Federal Reserve Board's opinion as to what kind of speculation it regarded as illegitimate and harmful——

The VICE PRESIDENT. The calendar under Rule VIII is in order. Does the Senator from Alabama ask unanimous consent to proceed out of order?

Mr. HEFLIN. I will move to take up a bill and then speak on that motion.

The VICE PRESIDENT. That would be out of order at this time.

Mr. HEFLIN. If I can make a motion to take up the bill, I could speak on that motion.

The VICE PRESIDENT. The calendar is in order on Monday under Rule VIII.

Mr. CURTIS. That can only be waived by unanimous consent on Monday.

Mr. HEFLIN. I will only consume six or seven minutes to say what I wish to say, and I ask unanimous consent to do that.

Mr. BRUCE. Mr. President, does the Senator really mean six or seven minutes?

Mr. HEFLIN. I do not think it will take more than that length of time.

The VICE PRESIDENT. Is there objection to the request of the Senator from Alabama? The Chair hears none, and the Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, I am not trying to prevent the owners of real shares of stocks and bonds from selling them. That is legitimate business. But I am opposed to the sale in unlimited quantities of imaginary shares, fictitious values, and watered stocks. When that stuff is put upon the market to induce the citizen to buy it, the promoters or stock-market gamblers are practicing fraud and deception upon him and obtaining his money under false pretenses, and Congress owes it to itself and to good citizens everywhere to put an end to it.

The same unfortunate and deplorable situation exists regarding cotton. When the crop of actual cotton is about 14,000,000 bales, the speculators in 12 months' time buy and sell on the cotton exchanges 200,000,000 bales of a fictitious stuff called cotton. And these transactions are used to beat down the price of actual cotton. So there is a kind of speculation in cotton that is legitimate and a kind that is illegitimate and hurtful to the producers. It is incumbent upon us to put a stop to the kind that is illegitimate and harmful. In all deals involving shares, stocks, bonds, and cotton there should be actual shares, stocks, bonds, and cotton back of every contract bought and sold on the exchange.

Mr. President, Wall Street has become the most notorious gambling center in the universe. It is the hotbed and breeding place of the worst form of gambling that ever cursed the country. No predatory monarch with his plundering army ever exacted such toll from his victims as the gambling monster of Wall Street takes from the American people every year. The Louisiana State lottery slew its hundreds, but the New York State gambling exchanges slay their hundreds of thousands. They not only draw millions of money out of productive enterprises and other channels of legitimate business to be fed into the gambling devices of New York, but they are causing State and Federal employees, clerks in stores, and bank cashiers and men of moderate means in every walk of life to send in their meager earnings to be swallowed up by a Wall Street gambling monster that has grown fat on the losses of these and other unfortunate victims.

But that is not all, Mr. President. Besides the taking away of money needed to meet the business requirements of communities in every State, this gambling monster is gathering in the last vestige of personal effects, household goods, and the house itself. He is destroying good citizens and breaking up once happy American homes. He has lured into his diabolical and deceptive haunts men of promise and of good repute, and he has blackened their characters, robbed them of their substance, and left them dazed and crazed without a cent in the world. He has made paupers out of men once prosperous and happy, and he has sent hundreds of his victims to insane asylums and hundreds more down to death by their own hands.

Money is being drained out of every community in the country to satisfy the insatiate demands of this New York gambling monster. The farmer can not obtain a loan satisfactory in length of time and interest rate to enable him to hold his produce off the market until spot prices will yield him a profit. So the farmer and his family must suffer. The merchant and manufacturer are told that the situation created by speculation—another name for gambling—is such that they can get a higher rate of interest for money there, and therefore the money must go there. As a result of this deplorable and damnable condition millions of patriotic Americans are denied the money at a reasonable rate of interest necessary to carry on their legitimate business.

This monstrous gambling system is making legitimate business in the United States a secondary matter, injuring and crippling it every day. It is denying to local exterprise and industry throughout the country the money needed to carry on productive and other necessary enterprises. It is gambling in an "imaginary" or "fictitious" stuff called cotton to beat down the price of real cotton, and robbing the cotton farmers of millions of dollars every year. It is helping to make farm life unpleasant and unprofitable. It is spreading the gloom of despondency and poverty amongst hundreds of thousands of farmers and producing in America a form of agricultural slavery. Those things, Mr. President, are not only wrong, they are inexcusable and indefensible. The Government owes it to itself and to its people to put an end to this monstrous evil.

THE CALENDAR

The PRESIDING OFFICER (Mr. FESS in the chair). The calendar under Rule VIII is in order. The clerk will report the first business on the calendar.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war was announced as first in order.

Mr. KING. Let the joint resolution go over.

Mr. NORRIS. I ask that the joint resolution go over.

The PRESIDING OFFICER. Being objected to, the joint resolution will be passed over.

Mr. WALSH of Massachusetts. Mr. President, in view of the change of business before the Senate and the absence of many Senators, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	Keyes	Simmons
Barkley	Fess	King	Smith
Bayard	Fletcher	McKellar	Smoot
Bingham	Frazier	McMaster	Steck
Black	George	McNary	Steiwer
Blaine	Gerry	Mayfield	Stephens
Blease	Gillett	Neely	Swanson
Borah	Glass	Norbeck	Thomas, Idaho
Bratton	Glenn	Norris	Thomas, Okla.
Brookhart	Goff	Oddie	Tydings
Broussard	Gould	Overman	Tyson
Bruce	Greene	Phipps	Vandenberg
Burton	Hale	Pine	Wagner
Capper	Harris	Pittman	Walsh, Mass.
Caraway	Harrison	Ransdell	Walsh, Mont.
Copeland	Hastings	Reed, Mo.	Warren
Couzens	Hawes	Reed, Pa.	Waterman
Curtis	Hayden	Sackett	Watson
Dale	Heflin	Schall	Wheeler
Deneen	Johnson	Sheppard	
Dill	Jones	Shipstead	
Edge	Kendrick	Shortridge	

Mr. NORRIS. I desire to announce the unavoidable absence of the junior Senator from Nebraska [Mr. HOWELL] on account of illness. I will let this announcement stand for the day.

The PRESIDING OFFICER. Eighty-five Senators having answered to their names, a quorum is present. The clerk will report the next bill on the calendar.

INTERSTATE COMMERCE IN COTTONSEED OIL

The bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes, was announced as next in order.

Mr. McNARY. Is that the bill reported favorably by the junior Senator from Texas [Mr. MAYFIELD] from the Committee on Agriculture and Forestry?

The PRESIDING OFFICER. The Chair is informed that it is.

Mr. McNARY. At one time and early in the session the Senator from New York [Mr. COPELAND] expressed a desire to be present when the bill should come up.

Mr. MAYFIELD. Mr. President, I will say to the Senator from Oregon that he need not have any fear about the Senator from New York not being present when the bill is called. He will always be here.

Mr. COPELAND. Mr. President, the Senator from New York is here and would like to have the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

BILLS AND RESOLUTIONS PASSED OVER

The bill (S. 1728) placing service postmasters in the classified service, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 1266) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety was announced as next in order.

Mr. BAYARD. Let that bill go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 759) to give the Supreme Court of the United States authority to make and publish rules in common-law actions was announced as next in order.

Mr. BAYARD. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2864) to establish the standard of weights and measures for the following: Wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes, was announced as next in order.

Mr. McNARY rose.

Mr. JONES. Mr. President, the senior Senator from Kansas [Mr. CURTIS] has asked that that bill be passed over.

Mr. McNARY. Very well. I was going to express the same thought as has the Senator from Washington and ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1093) to prevent the sale of cotton and grain in future markets was announced as next in order.

The PRESIDING OFFICER. Being the unfinished business, that bill will be passed over.

The joint resolution (S. J. Res. 57) requesting the President to immediately withdraw the armed forces of the United States from Nicaragua was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The joint resolution will be passed over.

Mr. BLEASE. Mr. President, what became of Order of Business 325, being the bill (S. 1728) placing service postmasters in the classified service?

The PRESIDING OFFICER. The bill went over.

Mr. BLEASE. Very well.

The bill (S. 2679) to limit the period for which an officer appointed with the advice and consent of the Senate may hold over after his term shall have expired was announced as next in order.

Mr. JONES. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1263) to amend section 4 of the interstate commerce act was announced as next in order.

Mr. BRUCE. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 173) expressing it as the sense of the Senate that Andrew W. Mellon should resign as Secretary of the Treasury was announced as next in order.

Mr. PHIPPS. Over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 1748) relating to the qualifications of jurors in the Federal courts was announced as next in order.

Mr. BRUCE. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3151) to limit the jurisdiction of district courts of the United States was announced as next in order.

Mr. REED of Pennsylvania. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8298) authorizing acquisition of a site for the farmers' produce market, and for other purposes, was announced as next in order.

Mr. BRUCE. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 25) to declare the 11th day of November, celebrated and known as Armistice Day, a legal holiday, was announced as next in order.

Mr. JONES. Let that joint resolution be passed over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 1729) extending the classified civil service to include postmasters of the third class, and for other purposes, was announced as next in order.

Mr. BRUCE. I move that that bill be taken up for consideration.

The PRESIDING OFFICER. Does the Senator ask for the present consideration of the bill?

Mr. BRUCE. Now I come to think of it, as we have such little time left, I will withdraw my request.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 742) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. JONES. I think that bill can not be disposed of in the time we have left, so I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1995) placing certain employees of the Bureau of Prohibition in the classified civil service, and for other purposes, was announced as next in order.

Mr. BRUCE. I object to the consideration of the bill.

The PRESIDING OFFICER. The bill will be passed over.

HELEN F. GRIFFIN

The bill (S. 1215) for the relief of Helen F. Griffin was announced as next in order.

Mr. McNARY. Mr. President, I have obtained some very convincing testimony with respect to the validity and merit of that bill, and I desire to present it to the committee. I therefore ask unanimous consent that the bill may be recommitted to the Committee on Claims.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the bill will be recommitted to the Committee on Claims.

BILL AND JOINT RESOLUTION PASSED OVER

The bill (S. 2901) to amend the national prohibition act, as amended and supplemented, was announced as next in order.

Mr. BRUCE. Let that bill go over.

The PRESIDING OFFICER. Being objected to, the bill will go over.

The joint resolution (S. J. Res. 117) authorizing an investigation and survey for a Nicaraguan canal was announced as next in order.

Mr. DILL. Over.

The PRESIDING OFFICER. The joint resolution will be passed over.

PROTECTION OF MUNICIPAL WATERSHEDS IN NATIONAL FORESTS

The bill (S. 2097) to provide for the protection of municipal watersheds within the national forests was announced as next in order.

Mr. BRATTON. Mr. President, I offer to the bill the amendment which I send to the desk.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. KING. I reserve the right to object.

The PRESIDING OFFICER. Without objection, the clerk will state the amendment offered by the Senator from New Mexico.

The LEGISLATIVE CLERK. It is proposed to add a new section to the bill, to be known as section 4, and to read as follows:

SEC. 4. That no action shall be taken under the provisions of this act except pursuant to the request of an interested municipality and after a public hearing conducted within the county where all or a part of the area sought to be withdrawn or affected is situated by a representative of the Secretary of Agriculture designated for that purpose.

The PRESIDING OFFICER. Is there objection to the amendment?

Mr. KING. Mr. President, I do not like to object to this bill; yet it will take some discussion should it be considered

at this time. I have a number of amendments which I desire to offer to the bill. I am utterly unwilling to give to the Secretary of Agriculture the great discretion that is conferred upon him in this bill. Let the bill go over.

Mr. BRATTON. Does the Senator object to the adoption of the amendment which I have proposed?

Mr. DILL. Mr. President, it seems to me that the amendment protects the communities which may be interested in this bill. It is a measure of extreme importance to a great many communities in the West which are dependent for their community water on the streams that rise in the national forests. If we shall not pass some such bill as this, we will have to pass a series of individual bills. This is a blanket bill, and with the saving amendment of the Senator from New Mexico, I think all interests are protected in a general way.

The PRESIDING OFFICER. The Chair inquires of the Senator from Utah whether he objects to the consideration of the amendment.

Mr. KING. I do not object to the consideration of the amendment.

The PRESIDING OFFICER. Then the bill will be considered as in Committee of the Whole for the purpose of offering the amendment.

The question is on agreeing to the amendment offered by the Senator from New Mexico.

The amendment was agreed to.

Mr. KING. Mr. President, I regret exceedingly to make an objection to this bill because I know how important it is. I also know the value of having the watersheds protected. I have secured the passage of a number of bills with respect to this matter in my State, and there is never any objection to securing appropriate legislation in such cases. I will ask at this time that the bill go over; I will confer with the Senator from New Mexico, and I will be glad to join with him in having the bill taken up at the next morning hour.

Mr. McNARY. Mr. President, before that bill goes over, I observe that the property in question is located in the national forests. It seems, if the record is correct, that the report has been made by the Committee on Public Lands and Surveys, when the jurisdiction is limited entirely to the public domain. I am curious to know if the bill has been referred to the committee have jurisdiction of the subject matter, namely, the Committee on Agriculture and Forestry. Does the Senator know about that?

Mr. BRATTON. Mr. President, I am unable to give the Senator the information. I do recall that the bill was referred to the Committee on Public Lands and Surveys and a subcommittee was appointed to consider it. The subcommittee gave the bill thorough consideration and then the full committee did likewise; but I am unable to say how it occurred that the bill was referred to the Committee on Public Lands and Surveys instead of the Committee on Agriculture and Forestry.

Mr. McNARY. Very well. The bill is going over as I understand, and I can examine it meanwhile.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 3458) to create the reserve division of the War Department, and for other purposes, was announced as next in order.

Mr. BRUCE and other Senators. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1625) to fix the salaries of the members of the Board of Commissioners of the District of Columbia was announced as next in order.

Mr. PHIPPS and Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1945) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes, approved July 11, 1916, and for other purposes, was announced as next in order.

Mr. PHIPPS and other Senators. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

ASSISTANCE OF LATIN-AMERICAN REPUBLICS IN HIGHWAY MATTERS

The bill (S. 1718) to authorize the President to detail engineers of the Bureau of Public Roads of the Department of Agriculture to assist the governments of the Latin-American Republics in highway matters was announced as next in order.

Mr. KING. Let that go over.

Mr. ODDIE. Mr. President, will the Senator from Utah withhold his objection for a moment?

Mr. KING. Yes.

Mr. ODDIE. I should like very much to see this bill go through. There is a strong demand for its passage from all the automobile and good-road organizations in the country, and from those who want to see a better feeling exist between the various countries of the Americas, which the passage of this legislation will create.

This bill has the approval of the Department of Agriculture and the Bureau of Public Roads. It is a very necessary piece of legislation. I hope the Senator will withdraw his objection.

Mr. KING. I persist in my objection.

Mr. PHIPPS. Mr. President, will the Senator from Utah permit me a moment? I wish to make an inquiry of the Senator from Nevada. Would the Senator be willing to accept an amendment limiting the time for which an employee of the Bureau of Roads might be detailed to this work in South American countries to a period not to exceed, say, one year?

Mr. ODDIE. Yes, Mr. President. I so stated the last time this bill was brought before the Senate. I will agree to that amendment.

The PRESIDING OFFICER. The bill goes over under the objection of the Senator from Utah.

Mr. ODDIE. Mr. President, I desire to give notice that at the first opportunity I shall bring up this bill and move that it be passed.

BILLS PASSED OVER

The bill (S. 1294) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce was announced as next in order.

Mr. COPELAND. I ask that the bill go over without prejudice.

Mr. McNARY. I was going to make that request on account of the absence of the Senator from Idaho.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1762) granting consent to the city and county of San Francisco, State of California, its successors and assigns, to construct, maintain, and operate a bridge across the Bay of San Francisco from Rincon Hill to a point near the South Mole of San Antonio Estuary, in the county of Alameda, in said State, was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

USE OF CAPITOL BUILDING AND GROUNDS

The bill (H. R. 391) to regulate the use of the Capitol Building and Grounds was announced as next in order.

Mr. CARAWAY. Let that go over.

Mr. BLAINE. Mr. President, a short time ago I offered an amendment to this bill, and I desire to perfect that amendment.

The PRESIDING OFFICER. Objection has been made to the consideration of the bill and it will be passed over.

Mr. BLAINE. I simply ask leave to perfect the amendment, and then will ask that the bill go over, if there is no objection.

On page 2 of the amendment, line 9, strike out the words "Treasury Building" and insert the word "Capitol."

The PRESIDING OFFICER. The amendment will be modified as requested by the Senator from Wisconsin and the bill will be passed over.

BILL PASSED OVER

The bill (S. 2475) to create a prosperity reserve and to stabilize industry and employment by the expansion of public works during periods of unemployment and industrial depression was announced as next in order.

Mr. PHIPPS and Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

DISTRIBUTION OF INFORMATION REGARDING AGRICULTURE

The bill (H. R. 11074) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. McNARY. Mr. President, will the Senator from Utah bear with me for just a moment?

Mr. KING. Many moments.

Mr. McNARY. This bill has passed the House. It has been on the Senate Calendar for some time. The Department of Agriculture thinks it is very important legislation. Indeed, the Secretary thinks it is intimately associated with farm relief. I think practically all of the farm organizations of the country have indorsed the measure, and have seen me repeatedly and urged action, so far as I could influence action, as chairman of the committee.

The bill simply places the Department of Agriculture in a position to be a better fact-gathering agency in foreign countries

than it is now, to give data to farmers that will be useful in the distribution of their crops. It will collect and distribute information that will be helpful to them in the matter of marketing their crops. I know the fine spirit the Senator from Utah has with respect to all agricultural matters, and his sympathy with and general knowledge of the needs of the farmer; and I am going to ask, in lieu of further remarks that I might make, that a letter written to me by the Secretary of Agriculture may be read at this time.

Mr. KING. Let me say to the Senator that I appreciate his position. I have talked with the Secretary of Agriculture. I have several amendments to offer to the bill, and I shall not object to its consideration on the next rule day.

Mr. McNARY. Very well. If the Senator will be kind enough to bear with me the next time and permit the consideration of the bill, I shall ask to withdraw the letter at the present time.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 3089) to increase the efficiency of the Military Establishment, and for other purposes, was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4174) to establish a woman's bureau in the Metropolitan Police Department of the District of Columbia, and for other purposes, was announced as next in order.

Mr. PHIPPS and Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1749) providing for the development of hydroelectric energy at Great Falls for the benefit of the United States Government and the District of Columbia was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3874) authorizing appropriations of funds for construction of a highway from Red Lodge, Mont., to the boundary of the Yellowstone National Park near Cooke City, Mont., was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

FREE TEXTBOOKS FOR DISTRICT PUBLIC-SCHOOL PUPILS

The bill (S. 3902) to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia was announced as next in order.

SEVERAL SENATORS. Let that go over.

Mr. COPELAND. Mr. President, will the Senator from Colorado [Mr. PHIPPS] bear with me for just a moment while I ask a question? Is some revision in process of this bill which is on the calendar?

Mr. PHIPPS. Mr. President, I did not make objection to-day. I have done so in the past. When the bill comes up for consideration I shall propose certain amendments, because I think the scope of the bill is too broad.

Mr. COPELAND. May I venture to suggest that the Senator present his amendments, so that they may be printed and we may have them before us?

Mr. PHIPPS. Yes; if I may, Mr. President.

The PRESIDING OFFICER. Is there objection to presenting the amendments? The Chair hears none.

Mr. PHIPPS. I offer the following amendments:

On line 4, page 1, after the word "schools," strike out the comma and insert the word "and."

On line 5, after the word "schools" and the comma, strike out "and senior high schools."

On line 6——

Mr. COPELAND. What would that mean, may I ask the Senator?

Mr. PHIPPS. Just a moment. I will explain what the bill would mean after I submit this amendment.

On line 6, after the word "textbooks" and the comma, I move to strike out "supplemental books, and other necessary educational books and supplies."

So that the first section of the bill would read:

That the Board of Education of the District of Columbia shall provide pupils of elementary schools and junior high schools of the District of Columbia free of charge with the use of all textbooks.

Mr. President, the objections to this bill to my mind are that extending to the senior high schools a provision for free textbooks and books of reference and other supplies that a student might have occasion to use is going too far. I have no objection whatever to the present plan of supplying textbooks to the pupils in the elementary schools. I should not object to its extension so as to include junior high schools; but when it comes to furnishing books of reference, those are in the libraries. They are available to students of the schools; and this language is broad enough so that each student might be furnished with books of reference. Other supplies, such as writing paper, pads, and pencils, and all that, I believe should be supplied by the students themselves, because otherwise they are too careless of them.

Mr. COPELAND. I hope that with the very reasonable amendments offered by the Senator from Colorado we may consider and pass the bill.

Mr. PHIPPS. I should have no objection to the passage of the bill with the acceptance of those amendments.

Mr. HEFLIN. Mr. President, I have several amendments to this bill.

On page 1, line 4, after the word "of," insert the word "public."

On page 1, line 4, after the word "schools," insert "public."

On page 1, line 5, after the word "and," insert "public."

Also the following amendment on page 2, after line 18, insert the following new section:

SEC. 7. No school book containing language contrary to the American principle of separation of church and state shall be taught in any school in the District of Columbia.

Any person violating the provisions of this section shall be punished by fine and imprisonment in the discretion of the court.

The PRESIDING OFFICER. The bill goes over under objection unless the Senator withholds his objection. Is there objection to considering the amendments proposed?

Mr. PHIPPS. May I have consideration of the amendments which I offered?

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Secretary will state the amendments of the Senator from Colorado.

The LEGISLATIVE CLERK. On page 1, line 4, strike out the word "schools" and the comma and insert "schools and."

The amendment was agreed to.

The LEGISLATIVE CLERK. On line 5, strike out the comma and the words "and senior high schools."

The amendment was agreed to.

The LEGISLATIVE CLERK. On line 6, strike out "supplemental books, and other necessary educational books and supplies."

The amendment was agreed to.

Mr. HEFLIN. Now, Mr. President, I do not suppose there will be any objection to my amendment, just to make it certain that these books are to be books for public schools and not for sectarian schools of any kind, and that no book can be taught in the District of Columbia, by the section I add, that contains language contrary to the American doctrine of the separation of church and state. No American Senator should object to that and nobody in America should object to that. It is good, sound, American doctrine, and it looks to me as though it would be very appropriate to put it in here.

Mr. BRUCE. Mr. President, will the Senator tell me just where the word "public" comes in there?

Mr. HEFLIN. On page 1, line 4, after the word "of," insert "public."

Mr. BRUCE. So that it will read "public elementary schools"?

Mr. HEFLIN. Yes.

Mr. BRUCE. That is all right. Then what is the next one?

Mr. HEFLIN. On page 1, line 5, after the word "and," insert the word "public."

Mr. BRUCE. Exactly—just two insertions?

Mr. PHIPPS. Pardon me; should not that come before the word "schools" rather than after it?

Mr. BRUCE. Mr. President, I think I have the floor, if the Senator will wait just a minute.

Mr. HEFLIN. I yield to the Senator from Maryland.

Mr. BRUCE. Just tell me where it would come in.

Mr. HEFLIN. The next one is on page 2, after line 18, to insert the following new section:

SEC. 7. No schoolbook containing language contrary to the American principle of separation of church and state shall be taught in any school in the District of Columbia.

Any person violating the provisions of this section shall be punished by fine and imprisonment in the discretion of the court.

Mr. BRUCE. Mr. President, I desire to ask the Senator, as a matter of curiosity, whether he knows that any schoolbook is now being used in the city of Washington which inculcates anything hostile to the American principle of separation of church and state?

Mr. HEFLIN. I remind the Senator that in a controversy in the Atlantic Monthly, I believe, between Doctor Fountain, a Baptist minister of New York, and Doctor Ryan, here in Wash-

ington, the dean of the Catholic University. Doctor Fountain pointed out that a certain Catholic schoolbook used in Catholic parochial schools contained the doctrine of the union of church and state; and Doctor Ryan said that it might as well have been left out, but he did not deny the charge made by Doctor Fountain.

Mr. BRUCE. I am not speaking of Catholic schools; I am speaking of public schools.

Mr. HEFLIN. Any school.

Mr. BRUCE. No; I ask the Senator whether he knows of any case in which books are being used in the public schools in the District of Columbia which are obnoxious to the principle of separation of church and state?

Mr. HEFLIN. This would cover all schools, parochial schools as well.

Mr. BAYARD. And private schools as well?

Mr. HEFLIN. It says:

No schoolbook containing language contrary to the American principle of separation of church and state shall be taught in any school in the District of Columbia.

Any person violating——

The PRESIDING OFFICER. The time of the Senator from Alabama has expired. The Senator from Maryland is recognized.

Mr. BRUCE. I really think that would involve an investigation as to whether there are such books at the present time used in the Catholic schools.

Mr. HEFLIN. I should like to have the investigation made.

Mr. BAYARD. Mr. President——

Mr. BLAINE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield; and if so, to whom?

Mr. BRUCE. I shall be glad to yield to the Senator from Delaware if he asks me to yield. Did the Senator ask me to yield?

Mr. BAYARD. No; I was asking the Senator from Alabama a question.

Mr. BRUCE. I yield.

Mr. BAYARD. I wanted to know distinctly whether the amendment was designed to cover all schools, public and private, of every character. Does the Senator know whether any private schools do teach other than the doctrine he suggests?

Mr. HEFLIN. From what I told the Senator, the controversy——

SEVERAL SENATORS. Regular order!

The PRESIDING OFFICER. The regular order is demanded.

Mr. BAYARD. Mr. President, in so far as I can, I object to the Senator's amendment. I do not think he has any right to undertake to prescribe what shall be taught in private schools. If we want to run the public schools, well and good; the private schools, no.

Mr. HEFLIN. I will reply in a moment to the Senator from Delaware.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

BILLS PASSED OVER

The bill (S. 1900) to provide for the construction of a post road and military highway from a point on or near the Atlantic coast to a point on or near the Pacific coast, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3890) to amend section 5 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1921, and for other purposes," was announced as next in order.

Mr. BROOKHART. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 717) to provide for the deportation of certain alien seamen, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection?

Mr. HEFLIN. Mr. President, reserving the right to object, I want to say, in reply to the Senator from Delaware, that he has announced a very strange and un-American doctrine, it seems to me, that we can regulate public schools but can not have anything to do with private schools. If the time ever comes when private schools can teach the union of church and State undisturbed and the State and Congress can not reach that situation, the Republic is doomed. Of course, we can reach it. The idea of taking the position that a State, or the Nation itself, can not say to any group of people teaching the youth of the country that the doctrine of the union of church and state is not right, that you can not stop them from teaching it, it seems to me is a strange and unsound position for an American Senator to take. It is strange indeed. We ought to be able to stop it. We have the power to stop it, and we are going to stop it.

I know it is unpopular with some Senators in this body to have any mention made of the Catholic question in the Senate. They shy away from it, frightened to death when you mention it. They shiver in their shoes when you broach that subject. They are courting favor with the Roman Catholic political power in the United States, but, Mr. President, I am going to dare as long as I am a Member of this body to point out the dangers that threaten my country from any and every quarter; I do not care whether they come from Protestant quarters, Jewish quarters, or Catholic quarters. I am trying my best to do my duty and serve my country in the way that I feel I should. Every time one mentions the activities of the Catholics and refers to their encroachments upon American rights and institutions, there are a few Senators in this body who are on the alert, and they are on their feet to safeguard the Catholic program, and doing what they can to prevent action from being taken if the Catholic powers that be object to it.

I for one am getting weary of it, and I do not think the day is far distant when we will have enough American Senators in this body to stand up for what the American Republic stands for, and preserve this Republic in its integrity.

Mr. BLAINE. Mr. President, I do not care to interrupt the Senator, but I ask for the regular order.

Mr. HEFLIN. I have said all I care to say right now.

Mr. BRUCE. Mr. President, will the Senator allow me to say just a word in explanation of my position? I am not going to discuss the question, but merely to say such a word, because otherwise I might be placed in a false position.

I asked about the object of inserting the word "public" in those two lines of the bill simply because I wished to satisfy myself as to whether there was any real need for inserting those words. Of course, none of us, I assume, would deem it to be our duty for a moment to vote schoolbooks to any but public schools. I take it for granted that it is not necessary to discuss that matter. But on examining the amendments of the Senator from Alabama I find that it is not necessary to insert the word "public" as he proposes, because it is the Board of Education of the District of Columbia that is to provide pupils of elementary schools, and so on, with books, and, of course, it would be entirely ultra vires for that board in the absence of explicit authority to furnish schoolbooks to private schools. There is no need to have the word "public" inserted. If there was, I should vote to have that done.

Mr. HEFLIN. Suppose some one should come and ask that they do so. There is no law that would prevent the board from furnishing them.

Mr. BRUCE. Yes; there is, because it is foreign to the present powers of the Board of Education. It would be ultra vires for the Board of Education, in the absence of express, pointed authority to the contrary, to provide private schools with books at public expense. So there is no necessity for inserting the world "public."

When we come to the other amendment, with respect to placing under the ban any schoolbooks containing language contrary to the American principle of the separation of church and state, it seems to me that the question put by the Senator from Delaware is a very timely one, as to whether it is suggested that that shall include all private schools.

Mr. HEFLIN. Does not the Senator think we have the right to prevent private schools from teaching the doctrine of union of church and state?

Mr. BRUCE. If such a doctrine were generally being taught, yes; I would.

Mr. BINGHAM. Mr. President, what is the regular order?

The PRESIDING OFFICER. The regular order is the 5-minute speech of the Senator from Maryland, if he wants to make one. If not, the clerk will call the next bill.

Mr. BAYARD. Mr. President, speaking on the pending bill, I desire to make some reply to the Senator from Alabama.

Mr. BRUCE. Mr. President, I move that Senate bill 3902 be taken up for consideration.

Mr. BAYARD. I desire to speak on whatever bill may be before us. The Senator from Alabama made a statement a moment ago which included me.

Several Senators addressed the Chair.

Mr. BAYARD. Have I the floor, Mr. President?

The PRESIDING OFFICER. Does the Senator from Delaware yield?

Mr. BAYARD. I have the floor?

The PRESIDING OFFICER. The Senator from Delaware has the floor.

Mr. BAYARD. Mr. President, as I said, I desire to make a reply to the statement made by the Senator from Alabama a moment ago, when he undertook to include me among others of those who always rise to their feet in this Chamber when he starts to discuss a certain subject. I want to assure him very frankly that I had no such idea. I happen to have three children going to private schools in this city and I do not intend for a moment that the Senator from Alabama, or all the Senators in this Chamber, I say, with the greatest respect for them, shall dictate to me or to my children what subjects they shall study, when they shall study them, and why they shall study them. That is the reason why I objected to the amendment.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over. The clerk will call the next bill on the calendar.

AIR CORPS

The bill (H. R. 12814) to increase the efficiency of the Air Corps was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

LOANS BY FEDERAL RESERVE BANKS

The resolution (S. Res. 113) favoring a restriction of loans by Federal reserve banks for speculative purposes was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

Mr. PHIPPS. Mr. President, in view of the action taken this morning, should we not indefinitely postpone the resolution?

The PRESIDING OFFICER. Without objection, the resolution will be indefinitely postponed.

Mr. KING. No, Mr. President.

Mr. HEFLIN. Mr. President, I do not want to have the resolution indefinitely postponed.

The PRESIDING OFFICER. The resolution will go over.

Mr. HEFLIN subsequently said: Mr. President, who objected to the consideration of the La Follette resolution? I thought Senators were anxious to have it agreed to.

Mr. PHIPPS. Mr. President, I did not object; I merely suggested that, in view of the action taken by our adopting the resolution offered by the Senator from Alabama this morning, we might properly clear the calendar of the La Follette resolution. If it is desired to have it remain on the calendar, I have no objection.

Mr. HEFLIN. It touches on a different subject altogether.

Mr. PHIPPS. Very well.

The PRESIDING OFFICER. The resolution will be passed over and will take its place on the calendar.

TAX ASSESSMENTS UPON HON. JAMES COUZENS

The resolution (S. Res. 213) to investigate certain circumstances connected with the matter of additional tax assessments upon Hon. JAMES COUZENS was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

BILLS PASSED OVER

The bill (S. 3938) relating to the District Court of the Canal Zone was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 9024) to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4304) to provide for the storage for diversion of the waters of the North Platte River and construction of the Casper-Alcova reclamation project was announced as next in order.

Mr. PHIPPS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4305) to provide for the storage for diversion of the waters of the North Platte River and construction of the Saratoga reclamation project was announced as next in order.

Mr. PHIPPS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 5527) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3866) authorizing the appointment of H. P. Milligan as a major of Infantry in the Regular Army was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 668) amending section 1 of the interstate commerce act was announced as next in order.

Mr. RANSDELL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4411) to amend the United States cotton futures act, approved August 11, 1916, as amended, by providing for the delivery of cotton tendered on futures contracts at certain designated spot-cotton markets, by defining and prohibiting manipulation, by providing for the designation of cotton-futures exchanges, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

NATIONAL INSTITUTE OF HEALTH

The bill (S. 4518) to establish and operate a national institute of health, to create a system of fellowships in said institute, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings, and for other purposes, was announced as next in order.

Mr. SMOOT. Mr. President, we could not finish the consideration of the bill in the few minutes remaining. Let it go over.

Mr. BAYARD. If there be no objection, I should like to offer an amendment to that bill.

Mr. RANSDELL. Mr. President, I move that the Senate proceed to the consideration of the bill.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	Keyes	Simmons
Barkley	Fess	King	Smith
Bayard	Fletcher	McKellar	Smoot
Bingham	Frazier	McMaster	Steck
Black	George	McNary	Steiwer
Blaine	Gerry	Mayfield	Stephens
Blease	Gillett	Neely	Swanson
Borah	Glass	Norbeck	Thomas, Idaho
Bratton	Glenn	Norris	Thomas, Okla.
Brookhart	Goff	Oddie	Tydings
Broussard	Gould	Overman	Tyson
Bruce	Greene	Phipps	Vandenberg
Burton	Hale	Pine	Wagner
Capper	Harris	Pittman	Walsh, Mass.
Caraway	Harrison	Ransdell	Walsh, Mont.
Copeland	Hastings	Reed, Mo.	Warren
Couzens	Hawes	Reed, Pa.	Waterman
Curtis	Hayden	Sackett	Watson
Dale	Heflin	Schall	Wheeler
Deneen	Johnson	Sheppard	
Dill	Jones	Shipstead	
Edge	Kendrick	Shortridge	

Mr. NORRIS. I desire to announce that my colleague [Mr. HOWELL] is detained from the Senate by illness.

Mr. BLAINE. I wish to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent, and I ask that the announcement may stand for the day.

The PRESIDING OFFICER. Eighty-five Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed without amendment the bill (S. 3178) to provide an additional method for collecting taxes in the District of Columbia, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BARBOUR, Mr. CLAGUE, Mr. TABER, Mr. HARRISON, and Mr. COLLINS were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 7409) for the relief of John J. Campbell.

The message also announced that the House had agreed to the amendments of the Senate to each of the following bills:

H. R. 500. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 16522. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 12032. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

H. R. 13097. An act for the relief of Thomas W. Moore; and

H. R. 14479. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio.

WAR DEPARTMENT APPROPRIATIONS

The PRESIDING OFFICER (Mr. BROUSSARD in the chair) laid before the Senate the action of the House of Representative disagreeing to the amendments of the Senate to the bill (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. REED of Pennsylvania. I move that the Senate insist on its amendments, agree to the request for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. REED of Pennsylvania, Mr. WARREN, Mr. JONES, Mr. HARRIS, and Mr. FLETCHER conferees on the part of the Senate.

SALE OF COTTON AND GRAIN IN FUTURE MARKETS

The PRESIDING OFFICER (Mr. FESS in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1093) to prevent the sale of cotton and grain in future markets.

Mr. CARAWAY. Mr. President, I am conscious in discussing a matter which, because it has been a rule of action so long, has become fixed in the minds of people as a necessary process of marketing, the burden will rest upon those of us who propose the change. I would have liked an opportunity to discuss it with the Senators who are to decide its fate, because it is the most important piece of legislation that will come before the Senate. More than 20,000,000 of the American people are dependent upon agriculture for their livelihood, their right to exist, their clothes to wear and food to eat, and the means to educate their children—all are involved in this measure. Therefore, at least, those who are to settle that controversy for them ought to do it with all the information they can acquire.

I intend to talk only a short time on the bill. There has been carried on, opposing this legislation, the most active lobby I have ever seen around Washington in the 16 years I have been a Member of one House or the other. They have almost broken quorums in the Senate by calling Senators out, to argue with them. They have spent first and last millions of dollars in having their personal agents come here to solicit votes against the measure and to publish literature and to send telegrams and to have agents to discuss the question before boards of trade, chambers of commerce, rotary clubs, and all such organizations that can be made use of sometimes to carry on propaganda.

In my own State of Arkansas—and I presume what is true there is true in other States—they have changed every group of cotton dealers into a board of trade. Every man who buys cotton or sells cotton or represents some mill or some combination of men engaged in purchasing or selling cotton has with his fellows been organized into a board of trade, and their first and, so far as I know their only, real activity is to send telegrams to Members of Congress stating that the legislation threatens the cotton market and is therefore ruinous to the farmers.

Mr. President, I am conscious of this propaganda. Whether or not it can control the Senate I do not know. I will know when the vote is cast. Everyone who believes that the gambling interests ought to be protected, although agriculture shall perish, will vote against this legislation. They will give whatever excuse to themselves seems good, but every thinking man and woman will know that back of it all is that they had rather the right to gamble with somebody else's sweat and blood should be preserved than that agriculture should thrive. That is all there is to the controversy.

I am going to talk about cotton, because all my life I have grown cotton and part of my life I have sold cotton. I think I know what the farmer encounters under the present conditions which confront him. I know that there can be no stable market, that it is absolutely absurd to expect a stable market until the right to gamble in the products which the farmer produces is taken away, because a gambling market thrives upon a fluctuating market. There should be no gambling, there should be no future hedging if there is to be a stable market.

One of the things that I was hopeful might come out of the McNary-Haugen bill was the elimination of the wide fluctuation that takes place every year in the prices of farm products of the country. No gambler in farm products wants a stable market. In other words, if the market moves up and down according to the law of supply and demand, if there is no wide fluctuation, there would be no incentive to bet upon the market, and there would be no money made in it. For instance, the man who buys 100 bales of cotton has to put up $1,000. He has to put up $10 on each bale on which he attempts to gamble. He can get back only $87.50 of each $100 put up, whichever way the market goes. He has to lose $12.50 on every hundred bales of cotton on which he has bet in the market. But the gamblers have realized that there might be too wide a fluctuation in the market, so in self-defense they have established a rule that there must never be for one day a greater fluctuation than $10 a bale. In other words, they do not want to do any more than wipe out the man who is in the market, because then they would become liable for the difference, so they have adopted the rule that the fluctuation must never be more than $10 a bale. Therefore that is the amount of margin that the man who goes into the market must put up.

We are told that it is necessary to have a future market so that the men who are to buy cotton and manufacture it, the textile people, may have a guaranty that their supply of cotton will cost them only so much, so they can sell their finished products in advance of manufacture and not lose money. I submit, even if that statement were the truth, that they have no right to demand that their product shall be guaranteed against fluctuation and loss at the expense of those who produce the raw material, that they shall incur no possibility of loss. In order to insure them against loss they have no right to destroy the 20,000,000 people who produce the product that they expect to spin. But I say, Mr. President, there is no truth in the statement that it is necessary to have a future market for that reason. There is no truth in the statement that legitimate hedging is the principal purpose of cotton and grain exchanges. It constitutes practically no part of the business conducted in those exchanges.

I have before me the statement of Doctor Palmer, who is in charge of cotton in the Department of Agriculture—and I said a moment ago that I should talk mostly about cotton—in which he said that under the present exchange rules the cotton market can be manipulated $7.40. No one would contend that one can hedge upon a market where a lot of gamblers can get together and move that hedge up or down, destroy it, wipe it out by such a manipulation as that, and the spinner would become the loser not only upon the cotton that he has bought but upon the hedge he may have put up.

It does not stop there. Under the able leadership of the senior Senator from South Carolina [Mr. SMITH], in an investigation held last spring and summer, it was developed that Mr. Clayton, of Anderson-Clayton Co.—and I think, by the way, the shrewdest gambler that ever went on the cotton exchange—that he had not only wiped out the lambs who had been playing in the market but he preyed on the members of the exchange also, and therefore was brought here by a congressional investigation to ascertain how he did it.

Mr. Marsh, who for a long time had been the president of the cotton exchange—I think first and last he was its president for 18 years—was the complaining witness. He said that Anderson, Clayton & Co. manipulated the market so that they broke everybody concerned with it. Mr. Clayton made a very plausible defense. He said he played the game according to the rules. I do not fall out with him about that. They made the rules and he went in and manipulated the market under the rules and grew enormously rich out of it, while others lost; not only the farmers suffered but the gamblers on the other side likewise suffered.

I should like to read just a line or two of what he said about future market. We hear it contended that the future market is a world market; that it is the index of what the product is worth all over the world, and therefore it tends to stabilize the market. It shows what the product is worth and therefore is a guide to the man who has the commodity to sell and the man who has it to buy. But if that is true Mr. Clayton is a liar, and I do not think he is. I was impressed with his candor. He said that a future market might be influenced by local conditions; that, first and last, it might be considered a local market, and it did not reflect world conditions and could not because it was influenced by local conditions. He spoke to that effect, and

I myself asked him some questions, although I was not a member of the committee. The fact is that Liverpool, which is looked upon as the world index for cotton, and New York parted company 200 points, or $20 a bale; so that American cotton was worth $20 a bale less in Liverpool than it was in New York. It ought to have been worth in Liverpool as much more as the transportation charges, the handling charges and the insurance added to the price; but the price was manipulated so that it dropped $20 a bale, plus the ordinary carrying charges to reach Liverpool from New York or from the cotton centers of the South, which charges ought to have been somewhere between four and six dollars a bale. Mr. Clayton said that was the result of local conditions in Liverpool. I object to a general strike or a prolonged coal strike or a textile strike in Liverpool taking $20 a bale from the cotton of the men and women in Alabama or Mississippi or Louisiana or South Carolina who have grown it, because, God knows, there never has been $20 a bale profit in its production, and that price represents practically 50 per cent of what cotton on the average has sold for from the time of the Civil War until the World War. The hearing was a voluminous one, and I am going to take only a minute to read what Mr. Clayton said:

> In the final analysis it must be a local market as to the value of cotton in that particular place.
>
> Senator CARAWAY. In other words, it is simply inevitable that we must know that a future market is not a world market but a future market.
>
> Mr. CLAYTON. It is a world market in the sense that the traders all over the world use it to get an interest in cotton; but in the final analysis that value must be in the place in which that contract calls for delivery.
>
> Senator CARAWAY. And local conditions can affect it?
>
> Mr. CLAYTON. Local conditions can affect it and did, in Liverpool.

He referred finally to the fact that, after all, local conditions affect the price. Local conditions, as I said a moment ago, affected it in Liverpool; they affected it to the extent of $20 a bale plus the carrying charges, which, if Liverpool were the index market, would have wiped out every cotton grower in America.

Mr. WATSON. Mr. President, will the Senator permit me to ask him a question?

Mr. CARAWAY. Certainly.

Mr. WATSON. What was the particular local condition in Liverpool?

Mr. CARAWAY. The coal strike and the depressed condition in Great Britain growing out of and following the general strike. There was a local condition; there was dead business in England, and, therefore, the price of cotton was depressed. Yet we are asked to maintain a condition in America that makes us accept Liverpool quotations as the index of the value of our products grown in the fields of the South and on the plains of the West.

Mr. NORRIS. Mr. President, may I ask the Senator a question?

Mr. CARAWAY. Certainly.

Mr. NORRIS. I would be interested to know how long that great discrepancy existed and whether it affected the condition in this country on the exchanges.

Mr. CARAWAY. It existed for two or three months. It ruined people by the thousands in this country. That is what brought about this investigation. Marsh and his friends got on the wrong side of the market when Clayton and his friends were manipulating the market. They made the price of futures part company with New Orleans to the extent of about $4 a bale, as I now recall. Clayton very candidly said if he had not done certain things which I will explain in a moment they would have taken the shirt off his back. I asked him, "Having done that, you took the shirt off the other fellows' backs, did you not?" and he rather modestly admitted that he had left them with no more clothes than law required them to wear.

I am not falling out with Mr. Clayton. He played the game according to the rules. Here is what he did. He carried to New York 200,000 bales of cotton, approximately, so that when he was short on the market and somebody called him he could tender that cotton. Nobody wanted cotton. They do not sell cotton on the exchanges, despite what may be said here about there being market places. I venture the assertion that not one broker in a thousand and certainly not one of a hundred thousand of the people who speculate on the market would know a bale of cotton if they were to see it. They sell cotton in Chicago and in New York where certainly they do not know a thing about it. They could not find a warehouse where the bales are stored. They do not have any interest in cotton.

Mr. Clayton took this cotton up there with him. Talk about the exchanges regulating their own abuses! That cotton was reclassified, although it had been classified by the Government of the United States under the Department of Agriculture, and it was found, as I now recollect, that nearly 20 per cent of it was absolutely untenderable; he had no right to offer it on the market. Yet he had kept it there and broken a rising market time after time with it, and at the same time and by the same means robbed everybody that grew a bale of cotton.

You can not have a stable market if you are going to have a gambler's market; that is impossible. If you believe the farmer is entitled to a stable market, you must give it to him by destroying this gambling den. There is no better way to keep him an unstable, fluctuating market than the present system of selling futures and thus to destroy his market.

I grow cotton; I have a place that is not a mile and a half from the field to the gin and the station where the cotton is shipped. I recall that two years ago, being on the place, we started to town with some of our cotton, and speculators broke the market $10 a bale while we went a mile and a half. There was not $10 a bale in it for the men and women who had toiled for 12 months to produce it and harvest it and process it and get it ready for the market. By a cablegram from Liverpool they wiped out every possibility of profit on 12 months of toil that these people had given to producing a cotton crop. If that seems to be a wise and humane way to treat people who feed and clothe the world, why, God bless your soul, vote against the bill and vote to perpetuate that condition.

It is said that it is legitimate hedging. It is not so. You can not hedge on this market; you can gamble on it, but you can not hedge on it; you can not hedge on any market that can be manipulated. It was hoped that under the Capper bill the grain market would be proof against manipulation; and yet in 1926—I have the quotations here, but I will not take the time to read them in the RECORD, because they appeared in all the newspapers of the country—there was sold, as I now recall, in one day in the wheat pit on the board of trade in Chicago more wheat than was grown by every American farmer that year, and the price of wheat was broken 53 cents a bushel during the time of this manipulation. There was a rumor one day that a certain man who was long on wheat was going out of the market, and the wheat market was broken 15¾ cents a bushel on the report that somebody was changing his position; that he was no longer supporting the market; that he was no longer a bull, but had become a bear. His swapping sides in that market—just the rumor that he was going to change sides—robbed the American producers of wheat of 15¾ cents a bushel. In other words, it cost the farmers more than they could possibly have made as profit if every farmer in America had obtained a reasonable profit for his wheat. The rumor of a change of position of one man had that effect.

I picked up the other day a rather interesting article. It says:

> Foreigners were among the sellers of May wheat in Chicago early in the day—

That was one day in February; I have forgotten the date, and I do not believe I have it—

> possibly to hedge against Argentine purchases. The Argentine interest of 125,000,000 bushels of wheat is more than 10,000,000 bushels less than the total possible supply. These foreigners coming here to hedge against gambling down in Argentina broke the price of wheat 3 cents a bushel in Chicago.

In other words, under this system of marketing a group of gamblers in Argentina manipulated our market in order to hedge against a possible shift in the market in South America and cost our farmers more than they actually make profit on a bushel of wheat.

I have another article here taken from a financial journal—I will not take the time to read it, but I will put it in the RECORD—in which it is said that last month the market did not respond to the law of supply and demand at all; that it went wild on a gamble in the market.

Now take the question of hedging. A legitimate hedge is this: If I want a product delivered to me next October, I can go out and buy it now and have it delivered to me then. That is legitimate; I have no objection to that. I have no objection to any man who has something to sell selling it and delivering it this year or next year or the year after next if he has it. I have no objection if he is going to produce it to letting him sell it if he has a reasonable opportunity to expect that he will have it to deliver. I think that is legitimate business. I have no objection to the man who buys that contract from him selling it again, and to having it sold as many times as there can be found a buyer; but I want this contract for future delivery to rest upon a product either in existence or in process of being created. That is all I ask; that is all any legitimate hedge could be.

If a man who owns a textile mill wants to hedge, if he wants to know what his cotton is going to cost him delivered in his city next October or November or December or in whatever month he may want it, I have no objection to his going to the man who has the cotton or to the man who is growing cotton, and buying for future delivery as much as he wants. That is legitimate. All I object to is that he shall buy from somebody who does not have and when he never expects to receive what he has bought. That is gambling; that is what destroys the cotton and grain market, not only of America but of the world.

It hurts both ways. You will find that the price of the flour that the poor eat and everybody eats is based upon the highest possible level at which wheat is quoted for the season for which it is manufactured. If it is quoted on a future market at $1.75, every pound of flour that goes into the market will be priced upon a possible cost of $1.75 per bushel for wheat. It makes no difference if the miller actually buys the wheat at 75 cents a bushel; it does not lower the price of flour, because he says, "You know, we hedged against a possible $1.75," and every consumer of flour is charged as if the wheat brought the farmer that much. On the other hand, the farmer is compelled to sell upon the lowest quotations that are made in the market. Therefore, this benevolent institution maintained in New York and Chicago and New Orleans robs both the producer and the consumer, and makes a profit for no one except the manipulators of the market.

I know, and everybody who has handled cotton knows—I am talking about that principally—that the price of cotton will follow every future decline. The actual selling of spot-cotton will follow every future decline. If there is a drop of 1 cent a bale in Liverpool it will be reflected five times over in the price of cotton that you try to sell in Arkansas. On the other hand, when the market is fluctuating, the buyer always refuses to follow the market up. He says, "This is a speculative market, and therefore I can not follow it up." But he will follow it down every blessed time it falls. He will make that the world's market for your product; but when it goes up he will say that is a gamblers' market, and we are not following the market up.

I have seen it done over and over, and everybody who ever grew a bale of cotton has observed it fall. Every time there is an intimation in Liverpool or Bremen or anywhere else that cotton is going to sell off, they follow it down, but they refuse to follow it up.

I said a moment ago that I did not intend to take much of your time. I am going, however, to refer to a matter debated here to-day.

Congress passed a law providing that the man who keeps a gambling house here in the District of Columbia may be sent to the penitentiary for five years; and we have a law against bookmaking. In other words, when they are running races at Laurel, it is unlawful to sell a chance on that Laurel race. Congress has thought it was immoral, and has so declared it. You can not play poker without violating the law; and I presume that is the law in every State in this Union. And yet those people are gambling only on what they themselves own. They are affecting nobody's fortunes but their own. On the other hand, you license and legalize the greatest gambling game that ever existed in the history of the earth, where the man does not gamble on his own wealth, but on everything that men and women and children who grow agricultural products anywhere in the world produce. He gambles on the necessities of life. He destroys the producer. He increases the cost to the consumer. He enriches nobody but himself.

I do not believe there is a Senator present who would vote to open here in the District of Columbia a gambling casino like the one in Monte Carlo. You would say, "This is a Nation that abhors gambling, and we will not do it." Every preacher in America would go into his pulpit to denounce you if you did it; and yet when you vote down this measure you vote to license a gambling concern that reaches every hamlet and every home in America. The amount they gamble in Monte Carlo in a year would not keep this gambling machine going a day; and they gamble there on their own money, while these people here gamble on the sweat and toil of everybody who produces an agricultural product.

That is the moral side of it, and it has a tremendous appeal to me. I would feel ashamed to send anybody to jail or, as I read the other day, to send a man to the penitentiary for four years for gambling here in the District of Columbia in a poker game, and at the same time vote to license everybody who wants to gamble for any amount they see fit, and print their quotations in every newspaper that goes into the mails, so that they can reach everybody with a spare penny in America, and absorb not only what they can spare but what they can not legitimately spare to find a mart in these exchanges. More people have made defalcations, more bank cashiers, more county officials, more trusted employees in every occupation have gone wrong, because of stock gambling than all the other causes; and yet we license it.

I know this: I know you are going to be told, and you have been told—because I presume there is not a Senator in the Senate Chamber who has not been called out by somebody who wanted to lobby with him about this—they will tell you what hurtful things would happen if the future markets were destroyed. Well, there are lots of things in which there is not any future market. There is none in cattle; there is none in hogs; there is none in wool, although Chicago was trying to establish a wool market last year so that they could have something else to gamble in. There is not any future market in vegetables, in apples, in potatoes, although Chicago the other day wanted to establish a produce exchange and gamble in that, and they were trying to list the various things. I have the list lying here somewhere. I should like to read it, but I will not take the time to hunt it up just now. They were listing the products that they would like to sell and buy on the exchange. There were potatoes, apples, squashes, pumpkins, and a lot of their by-products; I do not know what they might be, but there was quite a long list of things in which it would be necessary to have a future market.

I do not know whether they will succeed in establishing it or not. Possibly they will, because they have had such good luck with other gambling in farm products that they would afford some a chance to make more money.

Take a stock-exchange seat: I can remember when they were worth $25,000 apiece. They are now worth $600,000. In other words, the privilege of gambling will sell in New York at $600,000—the license to prey upon everyone who has not any more sense than to come into their market, which they control and manipulate.

There used to be an adage when I was a boy that nobody but a fool would bet on the other man's trick. I think there is wisdom in it. Why should you put your money into a market that you do not control, that you can not influence? You know that somebody does control it, somebody influences it, for this reason:

If a man will sell you something that he does not own, that does not exist and never will exist, and promises to deliver you this something next October or pay you the difference between what he says it is worth now and what it will be worth then, he is either a fool or has some way to manipulate the market so that he can make the margin fall his way and not against him. A wise man would not sell that which does not exist, and pledge his fortune to deliver an article that he knows never will be in existence or pay the difference between that price at which he offers to sell it and what it may be worth on the delivery day, unless he has some power to control the price on delivery day, because left uninfluenced nobody can tell what the price will be.

For instance, as soon as this trading year is closed, but before there is a bale of cotton in existence that will be grown in the year 1929, before the cotton is even planted, before anybody knows whether there will be 17,000,000 bales or 10,000,000 bales, and before anybody knows what the world's demands will be, I could find a man who would sell me 200,000,000 bales of cotton, when he knows there will not be one-twentieth of that much produced, if I had the money to pay the margin. The man who will sell me that, I said a minute ago, is either a fool or he can manipulate the market; and, since he has money, I must decide that he is not a fool, because fools and their money, according to an old adage, soon part. Therefore, I know that he can manipulate that market. I know it because nearly all the wealth of this country is now owned by people who are playing the market.

A gentleman whose name I shall not call, a very highly reputable man, who was the president of one of the great banks in New York until a few years ago, was in my office one day last week, and he showed me deposit-slips of over $90,000 that he had made speculating in one product in the last 60 days; and he told me that while he had retired from business, and was giving practically no attention even to the stock market, he had made this year $750,000. Well, now, somebody lost it, because these stock-gambling transactions do not create wealth. They may destroy it, but they can not create it; and yet you will find nearly every bit of the wealth of the country being absorbed by the gambling markets. Why, the suggestion of the Federal Reserve Board to curb this wild speculation shows that it realized that nearly all the money in America was being taken from legitimate trade and absorbed in a wild speculative venture in New York, a great gambling venture.

It is true that I am not trying to curb that market. I am not dealing with it. I think it ought to be dealt with; but I am seeking to deal in this matter with the things that I know something about personally. I am talking about farm products.

They will tell you, for everybody in the world who is able to read has been told, and will be told over and over again, that these future markets afford an index of what farm products are worth, and therefore keep the farmer from being skinned by the speculator. Anybody who believes that the speculator is engaged in trying to protect and stabilize the farmers' market could have a certificate from the Presiding Officer here and get admitted into a home for the feeble-minded in any State in the Union. No other proof would be required of your condition to entitle you to be cared for for the remainder of your natural life.

They will say, "Why, just look what happened in 1914, when the Great War broke out, and the future market was closed. Cotton went down to 6 cents a pound and you could not sell it."

Well, to start with, if the future market could have kept the market up, why on earth did they close the future market? Was not the fact these markets closed an admission that the gamblers could not maintain a price? They all went out of business just as soon as the sea was closed. That was a concession that a future market does not make a real market, and can not make a market. It was a confession that all they do is to bet on what the other fellow's market is and that they quit whenever they can not manipulate the price. Why, if they could have maintained the market, or if maintaining a future market could have made cotton sell at 14 cents a pound, they ought all to have been put before a firing squad if they walked out on the agriculturists of this country and let them be bankrupted because a great war broke out in Europe. Everybody knows that; and yet you will hear that often as one of the convincing arguments that they ought to have a future market—"Look what happened to cotton in 1914."

Everybody knows but the man who will make that argument that what happened to cotton in 1914 was that nobody knew who was going to control the sea, and nobody could get his cotton across the sea. There was nobody buying anything then except instrumentalities of death and the market for cotton, of course, was destroyed; but it did not die because the future market was closed. The future market closed because the market died. It was just the other way round. They were not patriotic. They would have gambled while the best blood of America was soaked up in the soil of France, and they did do it. They had no compunctions of conscience. They were not withholding their activities in order to aid anybody, but simply to take care of their own pockets. I say again, if the closing of the future markets in 1914 resulted in the losses which came to the wheat growers and the corn growers and the cotton growers of America, if they could have maintained a future market and thereby maintained the price, every one of them ought to have been stood up in front of a firing squad instead of having been given a lease of life to prey further on the farmers of this country.

Let me return to the situation in my own section of the country, and I say again I know more about cotton than I do about corn. Somebody has facetiously said that all that is needed for a corn market is a fruit jar. I do not know whether that is true or not. Others, no doubt, possibly have more information about it than I have.

Referring to the plantations in my section of the country, I think that every one of them of 500 acres or more that I know of, except one, has passed out of the hands of the farmer who was the original owner into the possession of some broker in the last few years, certainly within the last 20 years. That has been the rule everywhere. I know of one cotton merchant in St. Louis, whose money was not invested in buying and selling staple cotton, who owned more plantations in my State than any hundred farmers in it. Every one of the farms had been lost by some fool who speculated with the brokers in the cotton market; or the owners were forced to sell because the market had been so manipulated that the cost of production was higher than the price at which they could sell their product.

If the future markets are responsible for the present market conditions in America, if those maintaining them will stand up and plead guilty to that, could they ask us to continue them? What farmer do Senators know who has made anything off his farm in the last 8 or 10 years? When those maintaining the future market claim that they are responsible for present conditions they condemn themselves.

I imagine that about fifteen or sixteen million bales of cotton has been the yearly production of cotton in America on the average. But there are sold in the future markets about 200,000,000 bales a year. Before you conclude that that is a reasonable transaction in what is produced and what is traded in you must know that nearly one-fourth of the cotton, quite a fifth of it, indeed, is long-staple cotton, and that is not traded in on the exchanges at all. You can not buy nor sell on the market for future delivery a single bale of what is known as staple cotton.

We are told that there must be a future market for the sale of cotton, but every bale of staple cotton, which constitutes at least quite a fifth of the cotton produced, is actually sold without a future market. All of the cotton grown in Arizona, all the cotton grown in New Mexico, all the cotton grown in California, and in all those other Western States—I say all, and I think I am correct in that—is marketed without a future market. Then there is a great deal of cotton that is under the grade that is traded in in the market, that can not be tendered on the market, that is not traded in on the market. Therefore I say that if there are 15,000,000 bales of cotton a third of that can safely be subtracted as cotton that can not be traded in at all, and never was traded in, and there remain 10,000,000 bales against which the speculators "hedge" 200,000,000 bales.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. CARAWAY. I yield.

Mr. WALSH of Montana. May I ask the Senator if the fluctuations observable in the prices of the long staple cotton not traded in upon the market are similar to the fluctuations in the ordinary product that is traded in on the market?

Mr. CARAWAY. They are not.

Mr. WALSH of Montana. That is, the same fluctuations do not occur?

Mr. CARAWAY. No. One year there may be a premium of 4 or 5 cents on staple. The next year it may be 1 or 2 cents a pound, but the price does not fluctuate, as does the price of cotton traded in on the exchange.

Mr. SMITH. Mr. President, I rather think that the staple cotton, outside of the ordinary upland cotton—not entirely, as the Senator from Arkansas says, but I think largely—follows the ordinary fluctuations. It depends a good deal on the amount of staple cotton that is made.

Mr. CARAWAY. In other words, it follows the law of supply and demand. It bears a premium sometimes of 5 or 6 cents, sometimes not more than 1 or 2 cents. It is sold in accordance with the law of supply and demand.

Mr. WALSH of Montana. If a man has long staple cotton, how does he know whether he is getting the right price or not?

Mr. CARAWAY. He knows it because he knows what he can get for it. He has to sound out the millers or the other agencies that are going to consume it. While they undertake to tell you that long staple will be so many points above the market, it is not the truth, and there is no way to verify it, and there is nobody to hedge you against it, and therefore you have nothing in the world to fear from the gamblers.

The long-staple cotton growers have organized themselves. They have not as much cotton in the market, and they have no future markets and have organized themselves, and sell their own product. What little money has been made by cotton growers has been made on staples. The only cotton association that is now solvent, so far as I know—and I think I know—is the organization of the long-staple cotton growers of Mississippi. They have made money because they have organized and controlled their own markets, and they make the gamblers keep their hands off of it, but they are the only ones who have made a cent. The other cotton associations have passed out. I have been a member of a cotton-growers' cooperative association for five or six years, and I know that 8 or 10 per cent of the producers of a product can not control it. We are compelled to admit that we are unable to protect the cotton growers against the fluctuations caused by the gamblers.

Somebody ought to control the market, but every one who has any sense knows that you can not control a market when a lot of gamblers in New York or New Orleans can run it up or run it down by raids on the market. You can not control it under those circumstances. Yet somebody has to control the market. Either the producer or the purchaser can control it, unless gamblers in the product cause fluctuations in the market. As it is now, the producer has to hedge at an enormous expense, at a great loss, to prevent the gambler ruining him, and since the farmer has no way to hedge he sees bankruptcy overtake him.

If the futures market did not exist, as it now exists, the farmer who has the product to sell would be in control of the market, because there is no law to compel him to sell. He could say to the people who have to buy, "There is no way for you to protect yourself except to buy from somebody who has, and I have and nobody else has, and therefore I control the market." But as long as somebody can sell what does not exist, he can control the market.

In conclusion, I want to say that I do not object to a man selling for future delivery what he has. The bill I have offered would not prevent a man from selling what he had, or what he had a right to expect he will have. If a farmer is going to produce a thousand bushels of wheat this year, and if the mills want to buy now for future delivery what he has, or what he has a reasonable right to expect he will produce, I have no objection, and this bill would not prevent him selling it for delivery at whatever date they can agree upon for delivery, whether next July, September, August, or any month that the miller and the producer may agree upon. Or if the miller should buy from the farmer, and decides he has more than he wants, there is nothing in the bill to prevent him from reselling that contract to anybody who wants to buy. That is legitimate. The other is gambling.

This matter has been passed upon by the courts in most of the States of the Union, and by the Supreme Court of the United States. I brought here the decision of the Supreme Court of the United States; I will not take time to read it now. It laid down this doctrine: That if you sell what you do not expect to deliver, and the other man buys what he does not expect to demand, but both expect to settle upon commercial differences, however they may be arrived at, that is gambling, call it whatever name you choose to give to it. That contract is void in any court in America. The Court of Appeals in every circuit, the decisions of which I have examined, has laid down that rule. The Supreme Court of the United States has also. The supreme court in every State I know of has adopted the rule that if you are selling what you do not own and never expect to deliver to somebody who does not expect to receive it, but you are to get together and settle on differences, arrived at by whatever process you may employ, you are engaged in gambling.

The farmer has the right to demand at least that you do not thus gamble in that which he in the sweat of his brow produces.

Mr. RANSDELL. Mr. President, I have discussed this subject so often since I have been a Member of this body that I feel loath to take up the time of the Senate now in any prolonged discussion. I would like to remind this body that this measure, in more or less the same form, has been before Congress for at least 50 years.

Mr. CARAWAY. And it has been defeated by the same crowd every time.

Mr. RANSDELL. Perhaps so. It has been defeated, however, every time, and it is going to be defeated again.

Mr. CARAWAY. That is what the exchange told me.

Mr. RANSDELL. In 1892 my predecessor, afterwards Chief Justice of the United States, Edward Douglass White, delivered a wonderful speech in this body in opposition to what was then called the Hatch antioption bill, along exactly the same lines as this proposed legislation. Similar measures have been up again and again and again. I am not going to attempt to discuss it at any length; but I wish to say to the Senators who honor me by listening that this business on the cotton exchanges and the grain exchanges of America has been conducted for a great many years, certainly from 50 to 60 years. It is a very large business. It enters into the ordinary, usual, everyday methods of selling and handling the great grain and cotton crops of America. We do not know how to handle grain and cotton aside from the agencies furnished by these exchanges, and this bill would completely destroy those great agencies handling grain and cotton and would offer nothing in lieu thereof.

Let me ask this common-sense question: If there be evils in the methods of transacting business on the exchanges, would it not be wise, would it not be proper, for the lawmaker seeking correction of those evils to suggest methods of relief? Why does he seek to destroy the agencies? Why not correct what is wrong if there be anything wrong? Why disrupt business in the country—and I assure you, sir, it would be a terrific disruption of business if we should pass this bill.

One of the greatest agencies of modern times is insurance. We have insurance for every kind of business. It exists in every walk of life and in every business under the sun. I know of no kind of insurance available to transactions on the grain and cotton markets except the sale of grain or cotton on future contract.

Mr. BROOKHART. Mr. President, will the Senator yield?

Mr. RANSDELL. I am glad to yield to the Senator from Iowa.

Mr. BROOKHART. I would like to ask the Senator who that insures. Does it insure the farmer or does it insure the speculator or the dealer?

Mr. RANSDELL. In my judgment, it insures everyone.

Mr. BROOKHART. But it only indirectly affects the farmer.

Mr. RANSDELL. I think it affects the farmer directly, and I will try to show it. Let me ask the Senator a question. We have, and I am sure the Senator will admit it, hundreds of thousands of producers of grain and hundreds of thousands of producers of cotton. We have only a few mills in the United States and in the world at large which consume cotton, and only a limited number which directly mill the grain preparatory to its consumption by the people who eat it.

Mr. BROOKHART. But the mill——

Mr. RANSDELL. Wait a moment! Pardon me. I am going to ask this question and then I will give the Senator all the time he wishes.

In what shape would the farmer be if he did not have somebody or some agency to protect him from a possible combination of the millers, for instance, who handle cotton or grain? I know that mill men as a rule are high-grade men. I know they are great manufacturers. I know they have contributed wonderfully to the wealth of the country. But I say to you, Senator, that there are only a limited number of mills which handle cotton, using that as an illustration right now—less, perhaps, than a thousand of them in America. I do not know how many there are abroad, but perhaps 1,000 or 1,500. There are hundreds of thousands of producers. It would be entirely possible for the mills to form a combination and say, "We are going to get out of the cotton market. We think cotton is high enough now and we will simply quit buying." What would happen to the cotton producer then? He certainly would be on the rocks.

But what does happen to him now under a circumstance like that? The so-called gamblers, the speculators, not only of this country, but of Canada and Europe, Asia, Africa, and South America, come into the market and say, "Cotton is low enough and I am going to buy some cotton. The mill people are all getting out of the market and are not buying. I will go in and buy some cotton now." Immediately the price steadies. That has a steadying, stabilizing effect, an effect which causes the farmer to get better prices for his cotton. The same thing applies to grain.

I now yield to the Senator from Iowa.

Mr. BROOKHART. The point I am making is that the farmers do not do this hedging themselves. They do not sell or buy cotton in the exchange, unless it might be some big farmer, and there are not many of those who do it.

Mr. RANSDELL. A great many of them do not, and a great many do, but what difference does it make whether they sell directly and have the price go up or whether the result of the trading in the exchanges causes the price to go up? They get the benefit of it.

Mr. BROOKHART. The Senator is imagining a case where the millers would combine and beat down the price. Let me extend that imagination just a little and suppose that the millers and speculators all combine to beat down the price until they get the farmers' cotton; then afterwards what would happen?

Mr. RANSDELL. The Senator is not stating a supposable case. It would be entirely feasible for a few hundred or possibly a thousand or two thousand millers to combine, but does the Senator indicate in a serious way that he could get the speculators of the world to combine to beat the price down? Let me suggest to the Senator that whenever he sells a commodity he has to find a buyer. There must be a buyer for every sale.

Mr. BROOKHART. How many exporters of cotton are there?

Mr. RANSDELL. I could not answer the question.

Mr. BROOKHART. About 50 agencies, are there not?

Mr. RANSDELL. I could not answer the Senator's question.

Mr. BROOKHART. I think the Senator from South Carolina [Mr. SMITH] stated that at one time in the RECORD.

Mr. RANSDELL. It may be; I do not know.

Mr. BROOKHART. There are only about 50 of them, and they export about 65 per cent of all of the exportable cotton of the world.

Mr. RANSDELL. Of the exportable cotton of this country.

Mr. BROOKHART. Of the world, as I understand it.

Mr. RANSDELL. We export about 60 to 65 per cent of what we make in the United States, but we do not make all the cotton in the world. There is considerable cotton made in India and Egypt, in parts of Africa, and in South America.

Mr. BROOKHART. As I recollect—and I am only speaking from recollection—we only export a little over half of what we produce in this country.

Mr. RANSDELL. Yes; something between 60 and 65 per cent of what we produce is usually exported.

Mr. BROOKHART. That is about as big a proportion, as I recollect it, of the world's whole exportation of cotton.

Mr. RANSDELL. I have stated it as I understand it.

Mr. BROOKHART. What proportion is it of the world export? Does the Senator know?

Mr. RANSDELL. I can only say that we export of this country's production in the neighborhood of 60 to 65 per cent. My impression is that in round numbers the United States produces about two-thirds of all the cotton of the world. About all the cotton we know anything about that enters into trade outside of our own is that which is exported from India, Egypt, South America, and Mexico, and the other countries where it is made. What those countries consume at home I do not believe anybody could tell.

Mr. BROOKHART. If we produce two-thirds, our export cotton would necessarily be more than one-half of the exportable cotton of the world.

Mr. RANSDELL. I do not understand the Senator's point at all.

Mr. BROOKHART. My point is this——

Mr. SMITH. Mr. President, will the Senator permit me to interrupt?

Mr. RANSDELL. Certainly.

Mr. SMITH. Did the Senator from Iowa ask how much cotton was exported or what percentage of all the cotton exported by the world is American cotton?

Mr. BROOKHART. The latter.

Mr. RANSDELL. I have told the Senator that two or three times. It is from 60 to 65 per cent.

Mr. BROOKHART. No; I understood the Senator to say it was that proportion of the American production. There is a certain amount exported from other countries. What proportion of all the cotton of the world is exported cotton?

Mr. RANSDELL. If the Senator from South Carolina can answer the Senator from Iowa, I am glad to yield to him for that purpose.

Mr. SMITH. I do not think any really definite percentages have ever been made as to what proportion of all the exported cotton the American cotton is. I think it is around 45 to 50 per cent.

Mr. RANSDELL. Of the world's export, the Senator means?

Mr. SMITH. Yes.

Mr. BROOKHART. That would mean that almost no cotton produced anywhere else is used in its own country.

Mr. SMITH. The Senator will understand that the India cotton is produced under the auspices, of course, of the British Government.

Mr. BROOKHART. Yes; and a great deal of it is spun right in the India mills and is not exported.

Mr. SMITH. We hardly consider that which is consumed in Manchester and Leeds and Lyon and that group around the canal in England. The other cotton is Egyptian cotton which really is not, in common parlance, used as cotton at all. It is really a tree silk, so far as its use is concerned. But for the sake of the argument and for the sake of the legislation we are now seeking, Egyptian cotton may well be eliminated from the discussion.

But Argentina makes cotton. There is some made in China and practically all of it consumed there. Of course China imports some American cotton. I think that it is safe to say that the world's export—that is, cotton passing from one country to a foreign country—is 45 to 50 per cent American cotton.

Mr. BROOKHART. I saw some figures in the general investigation of the farm problem which indicated a higher percentage than that. I think perhaps that ought to be determined definitely, if it is possible to do it.

Mr. RANSDELL. Will the Senator indicate what difference it makes, if any, whether it is 45 or 65 per cent?

Mr. BROOKHART. It makes this difference in discussing the question of margins, that if there are only 50 exporters of cotton, there are only a few people to combine in order to control the market so far as the farmers are concerned.

Mr. RANSDELL. Even if there are 45 or 50, as the Senator states, a great deal of cotton is consumed in this country and we would have to have a combination of the mills with the exporters in order to control the price of American cotton.

Mr. CARAWAY. Is not this true? Does not every textile man in America belong to the textile institute?

Mr. RANSDELL. I presume it is true.

Mr. CARAWAY. Therefore they speak with one voice.

Mr. RANSDELL. I do not know that they speak with one voice, but I say to the Senator that they could speak with one voice in fixing the price if it were not for other outside agencies.

Mr. CARAWAY. They do that anyway. The outside agencies do not interfere with them. They do speak with one voice and buy with one dollar.

Mr. RANSDELL. The Senator is a wise man. He probably knows better about it than I do.

Mr. CARAWAY. I will ask the Senator if he does not think so?

Mr. RANSDELL. I do not think so at all.

Mr. CARAWAY. I will ask the Senator from South Carolina if they do not all belong to one institution.

Mr. SMITH. I think they are practically all in it. In my own time I want to call attention to that very fact. When the Senator from Louisiana shall have concluded I shall be very glad to make what contribution I can to the discussion.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from North Carolina?

Mr. RANSDELL. I gladly yield to the Senator from North Carolina.

Mr. SIMMONS. I am simply asking this for information. The Senator was making the point a little while ago that these institutions tend to stabilize the prices, that they prevent that result which he says would follow if all mills were to say "We will not buy any more cotton." I understand the Senator means, and I want to ask him if he means it, that on the exchanges there are two parties, the bears on one side and the bulls on the other side. They are fighting each other and that fight, he means, as I understand him, prevents this combination which he says would be so ruinous.

Mr. RANSDELL. That is correct. Those bulls and bears, I will say to the Senator, are made up of a great many people throughout the United States and Canada and the world other than those who desire cotton to spin in their mills.

Mr. SIMMONS. There is one class trying to depress the price?

Mr. RANSDELL. Yes.

Mr. SIMMONS. And another class trying to advance the price?

Mr. RANSDELL. The Senator is correct.

Mr. SIMMONS. And that conflict keeps up the price?

Mr. RANSDELL. It does. We had a striking illustration of what would happen and the Senator from Arkansas [Mr. CARAWAY] discussed it somewhat. Let me remind the Senator from North Carolina what happened when the exchanges closed during the World War.

Mr. CARAWAY. Why did they close?

Mr. RANSDELL. Let me answer this question and then I will yield to the Senator.

Mr. CARAWAY. The Senator will never answer my question.

Mr. RANSDELL. In the World War the exchanges stopped, I think, from August until November—several months at any rate—and the price of cotton went down, down, down. There was nobody to buy. There was no speculation. There were no bulls and bears, the one trying to push the price up and the other down—the bull with his horns trying to toss the price up and the bear with his claws trying to pull it down. We could not have these transactions on the exchange because the exchanges were closed.

Mr. CARAWAY. Why did they close?

Mr. RANSDELL. They closed as the result of the war.

Mr. CARAWAY. But why?

Mr. RANSDELL. I do not know why, but they closed and remained closed until November.

Mr. CARAWAY. If they had stayed open, does the Senator think the price of cotton would been kept up?

Mr. RANSDELL. The price of cotton began to go up as soon as they opened.

Mr. CARAWAY. They opened when the price of cotton went up.

Mr. RANSDELL. I beg the Senator's pardon, but I have a dozen reports from different sources, if I chose to take the time to present them——

Mr. CARAWAY. Take the market reports, which are much better. Does the Senator think they could have kept up the market if they had stayed open?

Mr. RANSDELL. I think if they had stayed open the market never would have fallen as abruptly as it did. My reason for saying that is not the Senator's opinion or mine, but it is the opinion of innumerable economists who testified before the committee at the time.

Any Senator who desires to read on that subject, not my views but the views of many papers published contemporaneously, which are entitled to consideration——

Mr. CARAWAY. Then, will the Senator tell me why the exchanges closed?

Mr. RANSDELL. I presume that the World War completely disorganized all kinds of business and exchanges closed on that account.

Mr. CARAWAY. If they had remained open, and they could have kept up the market for wheat, and the market for cotton,

those who operate them ought to be confined in the penitentiary for breaking the wheat market and the cotton market, and ruining the farmers, ought they not?

Mr. RANSDELL. I did not understand the Senator's question.

Mr. CARAWAY. The Senator now says that if the exchanges had stayed open the prices would have stayed up——

Mr. RANSDELL. I said the prices would have been a good deal more stable than they were; that they fell a great deal more than they would have otherwise fallen.

Mr. CARAWAY. I would not want to legislate for people who were so unpatriotic as to quit, and break every farmer in America when the war came.

Mr. RANSDELL. Has not the Senate been fairly kind in legislation to the railroads?

Mr. CARAWAY. I voted against the bill, if that was being kind to them.

Mr. RANSDELL. We acquired the railroads; we took them over when the war disorganized everything.

Mr. CARAWAY. We did not take over the exchanges. The Senator does not think that the World War disorganized the price of cotton, does he? It was the closing of the exchanges which did that and not the war.

Mr. WALSH of Montana. Will not the Senator tell us why they closed the exchanges?

Mr. RANSDELL. I can not tell the Senator, but I know, as a fact, that they closed; I know, as a fact, that they remained closed for three or four months under the general disorganization prevalent in America; I know, as a fact, that when they opened, and when the speculators throughout the world began to deal on the markets and on the exchanges, cotton began to go up. I know in the meantime that we had a "buy a bale" movement, and if ever a people were in the slough of despond it was those of the South during that period.

Mr. WALSH of Montana. I suppose that if the exchanges were closed they were closed by direction of some governmental authority?

Mr. RANSDELL. They may have been; I do not so understand. If they were, I do not know it.

Mr. WALSH of Montana. Very well, they were closed temporarily; but is the Senator entirely without information as to why they were closed?

Mr. RANSDELL. I can not give any definite information. I know that when the World War broke out there was great excitement throughout the world; ships were being sunk by the German submarines; we could not ship cotton safely abroad because the ship carrying cotton was likely to be destroyed by the submarines. All business became disorganized, and there was practically chaos for a while. I suppose that was the reason.

Mr. WALSH of Montana. Am I correct, then, in the assumption that they were closed by the directors themselves?

Mr. RANSDELL. That is my understanding.

Mr. WALSH of Montana. And the directors closed them because the conditions were so uncertain that it was impossible to conduct them satisfactorily?

Mr. RANDSDELL. That is my general understanding. Perhaps the Senator from South Carolina [Mr. SMITH] can enlighten the Senator on that point. If he can do so, I will be glad to yield to him for that purpose.

Mr. SMITH. Mr. President, there was a combination of circumstances the like of which, perhaps, will never happen again in the history of this country and in the history of cotton production. In 1914 the war broke out, just about the time when the size of the cotton crop was known. As soon as war was declared there was demoralization, of course, on account of the scope of the war; and, on top of that, we made that year the largest cotton crop ever made in the history of America by some two and a quarter million bales in excess of the normal quantity. The demoralization in the channels of trade, the outlook for the supply—these two elements combining—produced such a chaotic condition that the whole cotton business, both in Europe and America, was closed temporarily until there could be found some means of determining how the trade might go on.

Mr. WALSH of Montana. That was by the voluntary action of the directors of the exchanges?

Mr. SMITH. I think it was by their voluntary action.

Mr. CARAWAY. Mr. President, if the Senator will allow me to ask him a question, does he think that if the exchanges had remained open the price would have broken?

Mr. SMITH. I think the price would have broken whether there were exchanges or not.

Mr. CARAWAY. The closing of the exchanges, then, did not break the price?

Mr. SMITH. I do not think the closing of the exchanges broke the price, but this is what I think happened; it was a condition and not a theory: Of course, the mills realized that an enormous amount of cotton had been made and they were only consuming so much.

It was a revelation to the world that we made sixteen and a quarter million bales that year, while the best prognosticators of consumption stated we would not consume more than 10,000,000 bales, which would leave out of a one year's crop approximately 6,000,000 bales unconsumed.

Mr. CARAWAY. Let me ask the Senator another question.

Mr. SMITH. Let me finish this statement, if you please.

Mr. SIMMONS. Mr. President, the Senator does not mean that we would consume 10,000,000 bales?

Mr. SMITH. I mean the world would not consume more than 10,000,000 bales—that statement will be found in the press—which would leave a surplus, not the ordinary carryover but a surplus, out of that crop of 6,000,000 bales. But when all the confusion had passed, and the facts were ascertained, there were consumed 14,800,000 bales of American cotton during that cotton year from August 1 to August 1.

Mr. WATSON. What year was that?

Mr. SMITH. From August 1, 1914, to August 1, 1915.

Mr. WATSON. When were the exchanges closed?

Mr. SMITH. They were closed along about the 1st of August.

Mr. RANSDELL. I think they opened about the 1st of November.

Mr. SMITH. They closed just after the World War began; I do not remember the exact date, but they closed for a good long time.

Mr. RANSDELL. The exchanges began to close about the 1st of August and remained closed for about three months, as I recall.

Mr. SMITH. It was something like that.

Mr. CARAWAY. Let me ask the Senator a question.

Mr. SMITH. Certainly.

Mr. CARAWAY. If the Senator will consult the figures, I think he will find that at the time the exchange closed the estimate of the cotton crop was under 13,000,000 bales. The enormous crop of that year, like the enormous crop of this year, was the result of the heavy late production. I am sure that if the Senator will look at the figures, he will find that cotton was selling around 15 or 16 cents when the war broke out, because the estimate of the crop was rather low, but they increased the estimate of actual production because of a large late crop.

Mr. SMITH. I do not recall.

Mr. CARAWAY. I think, if the Senator will look at the figures, he will find that to be the case.

Mr. SMITH. I will take advantage of an opportunity of doing that.

Mr. CARAWAY. Does the Senator know—and then I am not going to interrupt him any further—that the exchanges closed because they became afraid of a market that they could not either guess or control?

Mr. SMITH. I do not think they could find sale for any contract, and I do not think that the actual cotton could find any sale. They could hardly sell any cotton on the local market. I think the Senator from North Carolina will bear me out in that.

Mr. SIMMONS. Mr. President, is not this the truth about that situation? We produce 70 per cent of the cotton of the world, and we sell probably two-thirds of what we produce.

Mr. SMITH. No; we sell about 60 per cent of our production.

Mr. SIMMONS. Well, somewhere around two-thirds; 60 per cent, we will say. Every cotton exchange or grain exchange or any kind of exchange depends upon the continuance of normal market conditions. That is the basis upon which prices are necessarily fixed. It not only takes into consideration the American market, the domestic market, but the world market. It is based upon that. The result of the war was to stop the flow of cotton.

Mr. SMITH. Everybody quit.

Mr. SIMMONS. Yes. The result was to stop the flow of cotton from one country to the other, and that destroyed the basis upon which prices are fixed on the exchanges.

Mr. RANSDELL. Mr. President, I said that I had something here from the press. Let me read one or two of these quotations. This is from The Cotton and Cotton Oil News of Dallas, September 7, 1914:

> The closing of the futures market has certainly eliminated the speculator or "gambler," as some are pleased to term the trader in cotton futures.

Some Congressmen and some agitators among southern cotton growers have long demanded that the speculator be eliminated. Well he has been eliminated, boots, breeches, and all. The exchanges have been closed, another demand of said agitators.

According to the claims and promises of these great reformers, the southern cotton grower should now be reaping his profits. The mills would be buying direct from the farmers and paying the latter the big margins that erstwhile went to the exchanges and the gamblers, so called. But what do we see?

Even a blind man can see that the closing of the exchanges and the elimination of speculators have closed the cotton markets and have put the cotton grower entirely at the mercy of a few spot buyers for the mills. The cotton grower is forced to accept any price offered him.

Mr. CARAWAY. Does the Senator believe that?

Mr. RANSDELL. Pardon me, I did not interrupt the Senator when he was in the midst of reading a passage like that. I will answer him when I get through, and not before.

Mr. CARAWAY. That is all right; the Senator is not going to answer that at all.

Mr. RANSDELL. The cotton grower is forced to accept any price offered him. He has not the benefit of the bulls and bears which the Senator from North Carolina just described, one pushing up and the other pulling down.

The cotton mills are also handicapped, since they can not go into the open market and buy cotton for future delivery by putting up a margin of about $5 per bale in cash, one-tenth of the value of cotton.

Senators will realize what it was then worth—around $50 a bale.

Now that he is required to pay cash this buying power is paralyzed, and he only purchases one-tenth the quantity of cotton he was able to buy when the exchanges were opened and future trading possible.

Under these conditions there is no wonder that cotton has declined and keeps declining.

Our reformer friends among the farmers have simply been forced to take the physic they have been so long prescribing, and it certainly should make them sick of silly leaders and quack nostrums.

I now yield to the Senator from Arkansas, if he wishes to ask me a question.

Mr. CARAWAY. I ask the Senator if he believes that the closing of the exchanges broke the price of cotton?

Mr. RANSDELL. I believe their closing had a very material effect; I believe the price fell lower than it would otherwise have fallen. I also believe, and so does every sane man, that the awful chaos brought about by the World War, and perhaps the closing of many mills in France, in Germany, in England, and in other countries that consumed a large part of our cotton was a factor and had great influence in putting the price down.

Mr. CARAWAY. Will the Senator say that he does or does not believe that if the exchanges had kept open the price of cotton would have stayed up?

Mr. RANSDELL. I believe the price would have been better than it was had they kept open.

Mr. CARAWAY. Why did they close?

Mr. RANSDELL. I can not tell the Senator, except for the chaos resulting from the World War, which interfered with all kinds of business.

Mr. CARAWAY. In other words, they could not control the market?

Mr. RANSDELL. They do not control the market. That is a statement which the Senator has made again and again, but the exchanges do not control the market. It is the people who deal on the exchanges——

Mr. CARAWAY. Of course—the gamblers.

Mr. RANSDELL. Not the gamblers. A great part——

Mr. WATSON. Mr. President——

Mr. RANSDELL. One moment—a great part of the business carried on by the exchange is legitimate, and it was so testified last year before the subcommittee of which the Senator from South Carolina [Mr. SMITH] was chairman. I think the Senator from Arkansas was there. Mr. Marsh, who was for a long time president of the New York Cotton Exchange, so testified. He said that from 80 to 85 per cent of the business on the exchanges is legitimate hedging business.

Mr. Will Clayton, of Texas, the largest cotton dealer in America, a man who was on trial at that time, as the Senator from South Carolina [Mr. SMITH] knows, under the accusation of this very man, Mr. Marsh, said that he thought the estimate of Mr. Marsh was a little high; that he thought it was not as much as 80 to 85 per cent of the transactions that were perfectly legitimate trading, but legitimate trading certainly ran as much as 60 per cent. Would you call a thing "gambling" that is 60 per cent of the whole? Sixty per cent of that business is legitimate insurance, legitimate hedging. It is the only kind of insurance they have.

Now I yield to the Senator from Indiana.

Mr. WATSON. Mr. President, with the permission of the Senator from Louisiana, I should like to ask the Senator from North Carolina a question purely for information.

Mr. SIMMONS. I am not an expert.

Mr. WATSON. The Senator has said that the exchanges were closed because of the interruption of the normal flow of the business. They opened in three months. Had the normal flow of business been so restored in three months that they were able to resume? Had normal conditions been restored to that extent in three months?

Mr. SIMMONS. I do not know myself the real cause of the change. I was suggesting that that was the cause; but I think, in answer to the question of the Senator, that there was a momentary absolute dislocation of that interchange of products upon which the prices that are fixed in the exchange depend; and while that condition exists there could be no operation on the part of the exchanges, because the basis upon which they act had disappeared.

Now, I do not agree with the Senator——

Mr. SMITH. Mr. President, just let me make this statement in reference to the reason why the exchanges opened at the end of the three months. I should like to have this go into the RECORD, and if it is not absolutely correct I will look it up and correct it.

I think this country had some sort of a meeting and understanding—perhaps through our Government—with certain of the countries of Europe touching this and other matters; and when the condition had been gone over by them so that they might understand to what extent the trading could go on, then the market opened.

Mr. WATSON. I was just wondering about that. That is to say, they were closed by voluntary action?

Mr. SMITH. Yes.

Mr. WATSON. They were opened, then, as a result of some sort of governmental understanding?

Mr. SMITH. Some sort of governmental understanding amongst the countries.

Mr. SIMMONS. The restoration of the channels of commerce——

Mr. CARAWAY. Mr. President, does the Senator say the exchanges were opened as the result of a governmental understanding?

Mr. RANSDELL. Pardon me; the Senator from North Carolina has the floor.

Mr. SIMMONS. I was simply saying that I know the exchanges probably temporarily closed because the world conditions were such that there could not be that normal flow of commerce upon which prices on the exchange are based.

Mr. RANSDELL. I think the Senator is right in that.

Mr. SIMMONS. But I do not think the closing of the exchanges resulted in that tremendous slump in the price of cotton.

Mr. RANSDELL. I did not say that it did.

Mr. SIMMONS. I think the cause of that was the fact that we were unable to export. We had such a tremendous surplus that the supply was so greatly in excess of the demand that the slump naturally ocurred in response to the law of supply and demand.

Mr. RANSDELL. I agree with the Senator.

Mr. SIMMONS. As soon as the channels were opened and we could dispose of the 70 per cent that we sell to the rest of the world, prices began to revive again.

Mr. RANSDELL. I think the Senator has stated that correctly; and the point I tried to make was that the closing of the exchanges did cause cotton to drop more than it would have dropped had they been kept open.

In verification of that I have been talking about what the papers said when the exchanges were closed, but here are the documents. Some of you are lawyers, and you like to hear contemporaneous statements from the press. Let me read briefly from the Wichita Falls, Tex., paper of September 8. It is very brief:

The directors of the chamber of commerce to-day telegraphed a request to the presidents of the New York and New Orleans Cotton Exchanges urging that steps be taken at once for reopening business.

Mr. SMITH. Who was it that gave that order?

Mr. RANSDELL (reading):

The directors of the chamber of commerce—

This is from Wichita Falls, Tex.—

to-day telegraphed a request to the presidents of the New York and New Orleans Cotton Exchanges, urging that steps be taken at once for reopening business. The directors expressed belief that renewal—

I wish the Senator from North Carolina would listen to this—

that renewal of the speculative interests will result in higher prices for cotton.

That was September 8, Mr. President; and it is a fact that as soon as the exchanges did open, and business began to move, prices gradually went up—not a great deal. The Senator has stated a large part of the cause. It was the interruption of world business. It was putting out of the market those great customers of ours in Europe who took so much of our cotton. That was a large part of the cause of the failure.

I have another one here from the Mobile (Ala.) Register. This is September 9, 1914. Referring to the action of the committees at New York in trying to effect a settlement of contracts made before the war the cotton market report in the Mobile Register of September 9 says:

If a settlement of these contracts will open the way for the resumption of business by the exchanges, it is a consummation devoutly to be wished, as ever since the exchange closed shippers, brokers, manufacturers, as well as everyone else in any way interested in cotton, have all been at sea as to what cotton is worth.

Nobody knows what cotton is worth unless there be some place in the United States where there is buying and selling going on, and the prices of the sales and of the purchases are registered and telegraphed throughout the world.

Mr. BROOKHART rose.

Mr. RANSDELL. Just one moment and I will yield.

The lack of a broad central market resulted in an irregularity in prices such as the trade has never witnessed.

I now yield to the Senator from Iowa.

Mr. BROOKHART. Mr. President, the Senator says that they know nothing about the price of cotton except as these sales are recorded. That is the exact complaint the cotton farmers have been making all the time. Their cost of production, which ought to determine their price, is not considered at all in making these prices. The cost of production plus a margin of profit of some kind, is the basis of price in almost everything else that is sold; and yet under this system the farmers must be left to take whatever price, for instance, speculators figure out.

Mr. SIMMONS. Mr. President, may I interrupt the Senator?

Mr. RANSDELL. I yield to the Senator from North Carolina.

Mr. SIMMONS. The Senator is right. The price ought to be based upon supply and demand; and if this country, in any year when there is not an excessive carry-over, produces only enough for its own use and what the world demands from it, the price of cotton in this country is very satisfactory as a rule; but when this country produces largely in excess of what it needs itself and the balance of the world demands of it, the price of cotton is low, and always will be low.

Mr. BROOKHART. I can not agree with the last conclusion of the Senator. I think if we properly finance and hold that surplus of cotton, instead of turning it over to the speculator, we can regulate the price.

Mr. SIMMONS. That is another question. I agree with the Senator about that. The Senator knows I do. I argued that very strenuously when we were considering the McNary-Haugen bill. If we could just take that surplus off the market in a fat year, so to speak, and hold it until we had a lean year, then we might be able to regulate and control the price of cotton.

Mr. BROOKHART. The only use these speculators make of the surplus is to beat down the price.

Mr. RANSDELL. Do not some of them beat it up? Did you ever know of a seller when there was not a buyer? Did you ever know of a buyer without a seller? Ah, my friend, you must be fair now. The price of cotton is just as often put up by speculation as it is put down by speculation.

Mr. GLASS. Then, Mr. President, whether it go down or whether it go up, the people that get beaten up are the consumers.

Mr. SMITH. Mr. President, if the Senator will allow me——

Mr. RANSDELL. I yield to the Senator from South Carolina.

Mr. SMITH. The Senator from Iowa has touched on the crux of this whole matter. The agricultural interests of this country have no bargaining power. The farmer has to dispose of his product within from 30 to 90 days, because the obligations assumed in its production mature at that time. He has no resources, no reserve fund, and he has to dispose of it. If there is nobody to buy it but the party who is going to purchase and convert it, the producer then is entirely at the mercy of that individual; but under the system now existing, in view of his helplessness, there is a friend—a quasi friend or a real friend—in the form of the man who believes that the intrinsic value of the thing warrants him in buying it.

Mr. BROOKHART. Yes; but that man, when he comes to buy it, wants it as cheaply as possible, and he beats down the market, and then he holds is for a higher market. He is the speculator.

Mr. SMITH. The Senator must understand that it is not a question with him as to the initial price he gives. It is a question of what is going to be the response as he buys it up to its intrinsic value. Otherwise, what would you have? You would have the disorganized, unresourceful, poverty-stricken producers absolutely tied to the party whose very nature is that he is a bear, trying to buy the product just as low as he can, convert it, and sell it as high as he can.

I am not standing here with any brief for a speculative market.

Mr. BROOKHART. The miller will not buy the product if he does not need it. The speculator buys it on the theory that he will sell it to the miller later at a bigger price.

Mr. SMITH. Precisely.

Mr. BROOKHART. In buying that product from the farmer, the speculator's interest is in beating the farmer's price down just as low as he can.

Mr. SMITH. Well, what would the miller's price be?

Mr. BROOKHART. And he has a better chance to get a low price than the miller.

Mr. SMITH. Let us not lose sight of the fact that he has to sell. You had a bill here, known as the McNary-Haugen bill——

Mr. BROOKHART. Yes; but the lower the price for which he can buy the product, the better chance he has to make a profit when he comes to sell it.

Mr. SMITH. All right; take the Senator's own argument. The farmer now is helpless. He has not a friend. He has to sell. Neither by legislation nor by the economic condition in which he finds himself has he a reserve dollar. The only thing he has is his crop. He has to sell it to meet the obligations that he has entered into, and they mature in a comparatively few days. The aggregate amount that he produces will extend over 12 months. Somebody is going to convert it, and that is the last form of its marketing. If you restrict him to the man who is going to buy it for his use, he can lay in 30 days' supply and then say to the farmer, "Well, there is no market. I do not want any more. I have 30 days' supply."

Let us not lose sight of the fact that until the bargaining power of the agricultural interests of this country is made equal to the bargaining power of those who buy their product, you will have this farm problem. You had a bill here in the form of the McNary-Haugen bill. The fundamental principle of that bill——

Mr. BROOKHART. I had a bill in different form.

Mr. SMITH. Very well; but you had the same principle involved——

Mr. BROOKHART. No.

Mr. SMITH. That you were to finance the farmer. If he does not get sufficient finances to hold his crop and distribute it and absorb the overhead, you will always have this farm problem.

You know and I know that it is not a question of the organization of the great industrial plants that convert cotton into cloth or the great rolling mills that convert wheat into flour. The mere fact that they build these great institutions calls for capital. They lay aside their surplus. They are in a position now to combine themselves and name their price; but every farmer has to sell wherever he can sell. He has no resources. He has nothing back of him, and this system has grown up, and until we can supplant it with a reserve fund for the farmer and put him in a position where in the market place he is on an equality in bargaining power with the people who convert his product, you are going to have this farm problem.

Mr. BROOKHART. The Senator's explanation does not comport with the facts as I have observed them out in my own State, as to oats, for instance. The Quaker Oats Co. out there has the biggest oat mill in the world, and when I was up in their city last summer—and I think the Senator from Indiana was there at the same time—the price of oats was about 32 cents a bushel on the market, but they were buying their supply. Of course, a few weeks before oats had been 65 to 70 cents a bushel. The new crop came on, and the price went down, so they went in and bought their supply at the low price. One of the managers of the mill said to me that they might just as well have paid 65 to 70 cents to the farmers, but the board of trade market came along and beat the price down, and they would buy their supply while they could get it at the

low price. They sold it the year around to the consumers as though it had cost them the 65 or 70 cents. That is the way it works out as to oats.

Mr. SMITH. The Senator is answering his own argument.

Mr. BROOKHART. I can not see any difference in results in the case of cotton; when the speculator beats the price down, the miller could go out and buy at the low figure.

Mr. SMITH. If the speculator were not there, the miller could beat it down.

Mr. BROOKHART. He would not be as expert.

Mr. SMITH. He would have all the power he wanted, because he would be the only purchaser. If he goes in and buys only when the speculator beats it down, if the speculator is removed he will buy it at the price that suits him. That is the very point. The Senator answers his own argument when he said that there was a time when it was higher than that at which they bought. Some farmers sold at that high price.

Mr. BROOKHART. No; no farmer did. The farmers do not get the high prices. The high price is the speculator's price.

Mr. SMITH. Oh, Mr. President, what is the use——

Mr. BROOKHART. Let us take 1916. The farmers got $1.51 a bushel for their wheat, on the average in 1916; but the speculator got as high at $3.25 a bushel at Chicago.

Mr. SMITH. Not as an average.

Mr. BROOKHART. That is the reason why President Wilson organized the wheat corporation.

Mr. SMITH. He did not get that as an average.

Mr. BROOKHART. They got far above $1.51, on an average. The price to the consumers was based largely on the price of $3.25 a bushel.

Mr. SMITH. Just as many farmers had the opportunity to sell at $3.25 as had the opportunity to sell at $1.50.

Mr. BROOKHART. No. The Senator has explained that. The farmer must sell, it is true, in 30, 60, or 90 days. The bank calls him, and he must sell; he has no choice. That is when the price is always low. The speculators are always holding him down, because that is when they can buy their supply and hold it for the better market later. That is what happened in 1916. The speculators got wheat for an average of $1.51, and after they got it—the next spring, before the new crop came in—it was $3.25.

Mr. SMITH. The Senator from Louisiana, the Senator from North Carolina, the Senator from Arkansas, all of us know—and I will bring in the cotton reports of 30 years to prove—that it is not always true that cotton is lowest during that selling period.

Mr. BROOKHART. Is not that usually the case?

Mr. SMITH. No; I can not say that it is. Take this year, for instance.

Mr. BROOKHART. I concede it is not always true, but it is usually the case.

Mr. SMITH. Let us take this year, if the Senator from Louisiana will allow me.

Mr. RANSDELL. I yield further; but I would like to say right there that I have always found that I could get a better price for my cotton if I rushed in and sold it quickly. The price is higher at the beginning than later.

Mr. BROOKHART. That is true because speculators have not yet gotten in their work of beating down the price.

Mr. SMITH. Let me state what has occurred this year: When the market opened, it opened at least $10 to $15 a bale higher than it is right now; and during the rush period—that is, when the small fellow has to sell—it was anywhere from $5 to $10 a bale higher than it is now, showing that the outlook for the crop has something to do with the price. But the speculator, the man who sees the value of the product, believes that intrinsically it is worth more than it is bringing, and during that selling period the farmer gets the advantage of whatever those who are trying to get a higher value may have done.

I do not want to be put in the attitude and I am not going to be put in the attitude of standing here and trying to defend gambling or speculation in farm products, but I am here to say that until we do get this country to realize that there must be something done for agriculture in the way of giving it a reserve fund to enable it to market its own products, we are going to have this farm problem, and we are bound to have it. It is the inequality of bargaining power that makes the farmer the victim of those who go into the market place.

Mr. BROOKHART. I am considerably in accord with that idea of the Senator. I have raised cotton down in Texas myself, and I never struck a year like the one the Senator has been describing just now. They were always the other way. So far as getting a reserve fund is concerned, I think we have to convince the country first that this gambling system of handling our products is wrong. Then I think we will get a farm bill that will really result in some method of handling the surplus.

Mr. SMITH. It is not worth our while to go afield and select out a certain group of men and brand them with an epithet and lay upon them the sin of manipulating the market. The Senator knows, and I know, that there is no speculative market in cottonseed. That is a by-product of cotton. Fifty-eight standard commercial articles are made from cottonseed alone. Yet a certain group of cottonseed mills, or crushers, or refiners of the oil, own all the processes. There is no market for it outside of them. We are selling our cottonseed by the ton for just about what would be given for the meal that comes out of a ton.

Mr. RANSDELL. Whatever the purchasers are willing to pay?

Mr. SMITH. Whatever they are willing to pay.

Mr. BROOKHART. We are using a good deal of it, and we are paying a high price.

Mr. SIMMONS. Mr. President, I want to ask the Senator if cottonseed is not selling really at a lower price, in proportion to the demand for it or for the products that are made out of it, than cotton itself?

Mr. SMITH. Infinitely lower.

Mr. BROOKHART. They are working your cottonseed just as they are working our oats up north.

Mr. SMITH. Yes; but the charge is that the speculator is ruining the cotton market. There is no speculation in cottonseed. The refiners who finally use them put the price down to where it suits them.

Mr. BROOKHART. It seems to me, from the description the Senator has given, that the refiner is both a speculator and a refiner.

Mr. SMITH. I do not care what name you may call him.

Mr. RANSDELL. Suppose the Senator lets me go ahead now.

Mr. SMITH. Just let me finish this sentence, and then I will speak in my own time.

Since we are discussing the cottonseed proposition, I may say that there is no cattle food, as the Senator knows, equivalent to cottonseed cake. There is not a fertilizer that is superior to cottonseed meal. No better butter ever came from Elgin than the butter made from cottonseed. No better salad oil comes from olives than comes from the refined cottonseed oil. No better lard ever came from a hog than is made from cottonseed. All the medicated cotton comes from the little fiber taken from the long fiber that is taken off, and yet, in spite of all these world-wide necessities that come from cottonseed, they actually sell at less than the hulls and the meal, after the oil is expressed, will bring in the open market. There is no speculation. The poor, disorganized farmer is in the grip of an organization that takes three-fourths of the value of his stuff, and the relative value of the cottonseed is infinitely lower than the relative value of cotton.

Mr. RANSDELL. I am ready to proceed now.

Mr. HARRIS. Mr. President, may I ask one question?

Mr. RANSDELL. Does the Senator wish to ask me a question, or ask the Senator from South Carolina?

Mr. HARRIS. I wish to ask the Senator from Louisiana a question.

Mr. RANSDELL. I yield to the Senator.

Mr. HARRIS. I understood the Senator to say that the fighting of the bears and the bulls raises the price of cotton?

Mr. RANSDELL. I said that sometimes it contributes to raise and sometimes it lowers it. I said that there is never a buyer without a seller, and never a seller without a buyer. It is the conflict of the two that makes the market.

Mr. HARRIS. The bears would stop fighting if they could not run down the price of cotton. They would not stay in the market if they simply raised the price.

Mr. BROOKHART. Did not the Senator say that 85 per cent of the so-called selling and buying is pure fiction?

Mr. RANSDELL. No; exactly the reverse. The Senator was not listening. I quoted from Mr. Marsh, showing that 80 to 85 per cent of all the trades in the New Orleans market and the New York market were perfectly legitimate hedging transactions.

Mr. BROOKHART. I would like to have a little more information about that hedging business. Who does this hedging?

Mr. RANSDELL. Anyone who wants to hedge.

Mr. BROOKHART. Anyone who has bought cotton will go and sell it as a hedge?

Mr. RANSDELL. Suppose I raise some cotton, as I do in Louisiana, and have a hundred bales I wish to sell. I go to Lake Providence, my home town, to a buyer—there are usually half a dozen or so there—and one of them will make me a

better price than anyone else. Let us say he offers 20 cents middling and buys my cotton. In order to insure that the cotton is going to be worth 20 cents middling when he delivers it, he will sell that hundred bales at 20 cents.

Mr. BROOKHART. To whom does he sell?

Mr. RANSDELL. He goes on the exchange and sells it.

Mr. BROOKHART. Who buys it?

Mr. RANSDELL. Somebody is buying, perhaps a speculator, if you please, perhaps a man who is not a speculator.

Mr. BROOKHART. I know the case of a farmer up in my town who hedged to the extent of $50,000, and when he came to collect his money the fellow was broke.

Mr. RANSDELL. If he had dealt on the New York Exchange or the New Orleans Exchange, let me say to the Senator that he would not have lost a copper, because those are perfectly responsible business organizations, and the trades made there are protected by them.

Mr. BROOKHART. He was dealing on the Chicago Board of Trade.

Mr. RANSDELL. I am not so familiar with the board of trade, but understand it is a thoroughly reliable institution. Now, I want to read just two or three more of these articles.

Mr. BLEASE. Mr. President, the Senator said a "responsible" organization. He did not mean respectable?

Mr. RANSDELL. I said responsible. The Senator can put in any adjective he desires. I have some mighty good friends on those exchanges, and I will say to the Senator that they are just as respectable men as there are in Louisiana or in any other State in the Union.

Mr. BLEASE. That may be, but I never heard of any before that were respectable.

Mr. RANSDELL. The Senator is not acquainted with the Louisiana Exchange, then.

Now, I wish to read a few of these reports from the papers contemporary with the closing of the exchanges in 1914. I am not going to get away from that subject, because it is an actual historic occurrence, when the very thing happened which the Senator from Arkansas is trying to make happen again, and I want to show how it would work out.

I will read now from the Atlanta Constitution, which we will all admit is a great paper. This is dated September 12, 1914.

Mr. GEORGE. Mr. President——

Mr. RANSDELL. Mr. President, will not the Senator let me read two or three of these, and then I will be delighted to yield?

This is dated September 12, 1914, and reads:

The chamber of commerce committee on ways and means to meet the cotton situation has taken steps to cut down the 1915 crop and materially improve the market for the present year's output. The committee also adopted a resolution urging the New York, New Orleans, and Liverpool Cotton Exchanges to open, so a definite market price may be fixed on spot cotton for the benefit of the immediate market.

I now read from the New York Herald of October 2, 1914:

Southern planters who in the past have been working for the abolition of the cotton exchanges as mere instruments for the cheapening of their product for the benefit of speculators—

The very arguments that are made here now—

have received an important lesson during the two months since these institutions were compelled to suspend operations. The importance of the stock exchanges in providing a perpetual market for securities and in fixing values through the open competition of buyers and sellers has been impressed upon the country during the protracted period of suspension.

Now from the New York Sun of October 19, 1914, I read the following:

As Mr. McAdoo says: "What cotton wants is a restored market. The direct road to a solution of the cotton problem lies through the reopening of the cotton exchanges, which will give both growers and spinners a future market to deal in, and the future market will offer the surest and safest way of caring for the 1914 surplus cotton."

Continuing:

"The reopening of the exchanges will conserve all equities, not of the cotton grower alone, but of the spinner, the cotton-goods merchant, and the retail buyer, in a manner impossible by all of the other devious methods proposed, for the world will then have again a natural cotton market regulated by economic law."

Then from the Textile Manufacturers' Journal of October 24, 1914:

The opening of the cotton exchange, it is believed, will exert a bullish influence—

I suppose Senators know what that means—putting the price up—

on raw cotton, as there is bound to be a large amount of buying of hedges and for speculation. A futures market will afford mills a basis for contract work and will give advance offers a safer standing.

Continuing—and if Senators will listen just a few minutes longer I shall be through—I do not wish to have Senators agree with what I happen to say on the subject or what my friend the Senator from South Carolina [Mr. SMITH] or any other friend of the bill may say, but it does seem to me they can pay a great deal of attention to what is said by the Secretaries of Agriculture of the country. Let me say without reading from all of them, that they have been a unit in opposing legislation of this kind.

I read briefly from the report of Mr. Henry C. Wallace, Secretary of Agriculture, in a letter to the senior Senator from Nebraska [Mr. NORRIS], dated January 25, 1924:

During the past 50 years, many bills have been introduced in Congress which would prohibit the sale or purchase of contracts for the future delivery of grain or cotton not providing for the actual delivery thereof. None of these drastice bills passed, because evidently Congress reached the conclusion that such legislation would substantially impair, if it would not actually destroy, the valuable hedging facility which is furnished by the making of the vast number of contracts on and through the exchanges in which deliveries are contemplated rather than actually assured. In rejecting these bills, it seems that Congress wisely refused to deprive the producers, the merchants, and the manufacturers of these farm products of the benefit of this insurance against price fluctuation. However, congressional study of the subject matter led to the passage of laws designed to regulate and supervise future trading in cotton and grain for the purpose of eliminating excessive speculation, market manipulation, dissemination of false information, and other known injurious practices which attended the operation of exchanges in the conduct of their business in future trading. The legislative thought on this subject crystallized into the cotton futures and the grain futures act.

Since the passage of the cotton futures act in 1914, its reenactment in 1916, and its amendment in 1919, it may fairly be claimed that the quotations for cotton have more accurately reflected the value of spot cotton than was previously the case. As the future quotations have functioned on the value of spot cotton, the market has offered a better opportunity for the making of hedges than was previously the case when futures sold at a much larger discount compared with spots. The requirement which the act makes of settlement on ascertained commercial differences rather than on arbitrary differences which were fixed by the exchange rules has resulted in settlements of such contracts which are much fairer to the buyer. Since ascertainment of commercial differences and the classification of cotton by the department, there has been much less opportunity for unfair manipulation of the future market by powerful traders. Practically all interests directly concerned in future trading in cotton agree that the law has been of great benefit, and many of those which formerly strenuously opposed the enactment of the law have accepted it and are operating under it without complaint.

The grain futures act of September 21, 1922, comprehensively places under the supervision of the Secretary of Agriculture the exchange whereon there is future trading in grain. It prohibits the dissemination by an exchange of any of its members of false, misleading, or inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of commodities, and prohibits manipulation of prices or the cornering of grain by the dealers or operators on the exchanges.

In conclusion Secretary Wallace said:

Therefore I am inclined to believe that Congress should give the grain futures act and also the cotton futures act more time to demonstrate their worth before it resorts to far-reaching legislation proposed by S. 626, because I am convinced that the insurance facility is of great value and is largely dependent for its existence upon public speculation in grain and cotton contracts.

I hope Senators who are opposed to the measure will listen to that. Mr. Wallace said that the insurance facility is—

largely dependent for its existence for public speculation in grain and cotton contracts, and this hedging privilege should not be destroyed until—

Until when? Listen to this Senators—

until these industries find some better way to insure themselves against price fluctuations.

What better way has been brought forward by the proponents of the measure? What means is suggested to take its place? It is destruction, Senators, but not construction. It

seeks to pull down the temple over our heads, but does not suggest any means of building another temple.

Let me read just a few words from the report of Mr. Jardine, the present Secretary of Agriculture, dated January 13, 1926, in which he said:

From time to time a great many bills have been introduced to prohibit the purchase and sale of contracts for the future delivery of agricultural products not providing for actual delivery thereof. Congress, however, evidently concluded that such legislation would impair or destroy the hedging facilities—

Listen to that, Senators—the hedging facilities, the insurance facilities—

which are furnished through trading on the exchanges, and thus far it has refused to deprive the producers, merchants, and manufacturers of these farm products of the benefit of such insurance against price fluctuations.

Study of the subject matter, however, has led to the passage of laws providing for the regulation and supervision of future trading in cotton and grain for the purpose of eliminating undue speculation and other injurious practices which had crept into the business of future trading.

Mr. BROOKHART. That was Secretary Wallace's report?

Mr. RANSDELL. No; that is Secretary Jardine's report.

Mr. BROOKHART. That is worse yet.

Mr. RANSDELL. He is secretary of the party which has honored the Senator from Iowa so much. It seems to me Secretary Jardine is a very fine man. I think he is all right, even if the Senator from Iowa does not. He is certainly disinterested in this matter.

Mr. BROOKHART. I remember discussing that proposition with Secretary Wallace and I said to him——

Mr. RANSDELL. Secretary Wallace is not here to talk about it for himself, and I have read what he said.

Mr. BROOKHART. I said I thought the so-called hedging was the most insidious form of speculation we had under the respectable name of insurance.

Mr. RANSDELL. That was the Senator's view, but the cold, carefully prepared written opinion of Secretary Wallace was what I have just read.

A few years ago there was a good deal of objection to contracts on the New York and New Orleans exchanges because certain evils had crept in. The matter was investigated very carefully, as I recall, for two or three years. Our colleague the Senator from South Carolina [Mr. SMITH] was in charge of the measure in the Senate and his then colleague in the House, Mr. Asbury Lever, was in charge of it in the House of Representatives. Very great care was taken in the investigation. I do not know how many witnesses were summoned, but surely a great many. Finally a bill was introduced and passed, known as the Smith-Lever bill. I have designated it on the floor of the Senate as one of the great pieces of constructive legislation of the last 50 years and I have no apology to make for the statement.

I think it was a great piece of legislation. It became a law finally in 1916 and is on the statute books now. Here is what the committee said, among other things, in rendering their wonderfully able report on that measure:

It is the opinion of the committee that the abolition of cotton exchanges would result inevitably in the monopolizing of the entire cotton crop in the hands of a very few powerful interests with the force and means to fix the price at which the farmer would be compelled to sell his cotton. Fully 75 per cent of American-produced cotton leaves the hands of the producer during the four months of September, October, November, and December. It takes no stretch of the imagination to foresee how utterly helpless the farmer, as a class, would be in his present disorganized condition as a factor in fixing the price of his own product, as against the organized genius and money of the spinners and powerful spot-cotton dealers.

Mr. President, in conclusion, let me say that this is a very important matter. The measure is seeking to destroy an agency which has existed many years, an agency which in the opinion of a great many thoughtful Americans is operating well. The sponsors of this measure are not trying to correct its evils, if it has any, but to destroy it entirely. That is not the way legislators should act. They should correct evils, if there be any, but should not destroy a great agency of commerce which has existed for more than half a century and the beneficial effect of which is generally recognized.

Mr. GEORGE. Mr. President, I wish to submit and will offer at the proper time, as a substitute for the unfinished business, the language now contained in the bill (H. R. 13646) for the prevention and removal of obstructions and burdens upon interstate commerce in cotton by regulating transactions on cotton-futures exchanges, and for other purposes, which passed the House on January 21, 1929, having been introduced by Congressman VINSON of Georgia. In the language of H. R. 13646 I have already made some changes.

I desire now to say that the Senator from South Carolina [Mr. SMITH] has a bill which has been favorably reported and is on the calendar, which in many respects is identical with the Vinson bill, H. R. 13646. If the Senator from South Carolina should wish to amend my substitute by making it conform to his bill, which has already had a favorable report from the Committee on Agriculture and Forestry, I should have no objection.

I now ask that the substitute which I submit, and which I shall at the proper time offer, may be printed in the RECORD for the information of the Senate, again calling attention to the fact that I have made some changes in the bill as it passed the House, and that I reserve the right to perfect my substitute by further amendment before the vote is reached upon it.

There being no objection, the proposed amendment was ordered to be printed in the RECORD, as follows:

That this act shall be known by the short title of the "Cotton futures trading act."

(a) For the purposes of this act "contract of sale" shall be held to include sales, agreements of sale, and agreements to sell. The word "person" shall be construed to import the plural or singular, and shall include individuals, associations, partnerships, corporations, and trusts. The word "cotton" shall be construed to mean lint cotton in bales. The term "future delivery," as herein used, shall not include sale of cash or spot cotton for deferred shipment or delivery. The words "cotton-futures exchange" shall be held to include and mean any exchange, association, or board of trade, whether incorporated or unincorporated, of persons who shall be engaged in the business of buying or selling cotton or receiving the same for sale on consignment. The act, omission, or failure of any official, agent, or other person acting for any individual, association, partnership, corporation, or trust within the scope of his employment or office shall be deemed the act, omission, or failure of such individual, association, partnership, corporation, or trust as well as of such official, agent, or other person. The words "interstate commerce" shall be construed to mean commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof, or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof, or within any Territory or possession, or the District of Columbia.

(b) For the purpose of this act (but not in anywise limiting the foregoing definition of interstate commerce) a transaction in respect to any cotton shall be considered to be in interstate commerce if such cotton is part of that current of commerce usual in the cotton trade whereby cotton is sent from one State with the expectation that it will end its transit, after purchase, in another, including, in addition to cases within the above general description, all cases where purchase or sale is either for shipment to another State, or for manufacture within the State and the shipment outside the State of the products resulting from such manufacture. Cotton normally in such current of commerce shall not be considered out of such commerce through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this act. For the purpose of this paragraph the word "State" includes Territory, the District of Columbia, possession of the United States, and foreign nation.

SEC. 2. Transactions in cotton involving the sale thereof for future delivery as commonly conducted on cotton-futures exchanges and known as "futures" are affected with a national public interest; that such transactions are carried on in large volume by the public generally and by persons engaged in the business of buying and selling cotton in interstate commerce; that the prices involved in such transactions are generally quoted and disseminated throughout the United States and in foreign countries as a basis for determining the prices to the producer and the consumer of cotton and to facilitate the movements thereof in interstate commerce; that such transactions are utilized by shippers, dealers, manufacturers, and others engaged in handling cotton in interstate commerce as a means of hedging themselves against possible loss through fluctuations in price; that the transactions and prices of cotton on such cotton-futures exchanges are susceptible to speculation, manipulation, and control, and sudden or unreasonable fluctuations in the prices thereof frequently occur as a result of such speculation, manipulation, or control, which are detrimental to the producer or the consumer and the persons handling cotton in interstate commerce, and that such fluctuations in price are an obstruction to and a burden upon interstate commerce in cotton and render regulation imperative for the protection of such commerce and the national public interest therein.

SEC. 3. It shall be unlawful for any person to deliver for transmission through the mails or in interstate commerce, by telegraph, telephone, wireless, or other means of communication, any offer to make or execute, or any confirmation of the execution of, or any quotation or report of the price of, any contract of sale of cotton for future delivery on or subject to the rules of any cotton-futures exchange in the United States, or

for any person to make or execute such contract of sale, which is or may be used for (1) hedging any transaction in interstate commerce in cotton, or (2) determining the price basis of any such transaction in interstate commerce, or (3) delivering cotton sold, shipped, or received in interstate commerce for the fulfillment thereof, except: (a) Where the seller is at the time of the making of such contract the owner of the actual physical property covered thereby, or is the grower thereof, or in case either party to the contract is the owner or renter of land on which the same is to be grown, or is an association of such owners or growers of cotton or of such owners or renters of land; or (b) where such contract is made by or through a member of a cotton-futures exchange which has been designated by the Secretary of Agriculture as a "contract market," as hereinafter provided, and if such contract is evidenced by a record in writing, which shows the date, the parties to such contract and their addresses, the property covered and its price, and the terms of delivery and otherwise comply with section 5, 7, or 11 of this act: *Provided*, That each exchange member shall keep such record for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct, which record shall at all times be open to the inspection of any duly authorized representative of the United States Department of Agriculture or the United States Department of Justice.

SEC. 4. The Secretary of Agriculture is hereby authorized and directed to designate any cotton-futures exchange as a "contract market" when, and only when, such cotton-futures exchange complies with and carries out the following conditions and requirements:

(a) When the governing board thereof provides for the making and filing by the exchange or any member thereof, as the Secretary of Agriculture may direct, of reports in accordance with the rules and regulations, and in such manner and form and at such times as may be prescribed by the Secretary of Agriculture, showing the details and terms of all transactions entered into by the exchange, or the members thereof, either in cash or spot transactions consummated at, on, or in such exchange, or transactions for future delivery, and when such governing board provides, in accordance with such rules and regulations, for the keeping of a record by the exchange or the members of such exchange, as the Secretary of Agriculture may direct, showing the details and terms of all cash or spot and future transactions entered into by them, consummated at, on, or in a cotton-futures exchange, such record to be in permanent form, showing the parties to all such transactions, including the persons for whom made, any assignments or transfers thereof, with the parties thereto, and the manner in which said transactions are fulfilled, discharged, or terminated. Such record shall be required to be kept for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct, and shall at all times be open to the inspection of any duly authorized representative of the United States Department of Agriculture or the United States Department of Justice.

(b) When the governing board thereof provides for the prevention of dissemination by such exchange or any member thereof, or any person using the facilities thereof, of false or misleading or knowingly inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of cotton in interstate commerce.

(c) When the governing board thereof provides for prevention of manipulation of prices or the cornering of any cotton by the dealers or operators upon such exchange.

(d) When the governing board thereof does not exclude from membership in, and all privileges on, such cotton futures exchange, any duly authorized representative of any lawfully formed and conducted cooperative association of producers having adequate financial responsibility which is engaged in spot or cash cotton business, or any duly authorized representative of any organization acting for a group of such cooperative associations of producers, if such association or associations have complied, and agree to comply, with such terms and conditions as are or may be imposed lawfully on other members of such exchange: *Provided*, That no rule of a contract market shall forbid or be construed to forbid the return on a patronage basis by any such cooperative association to its bona fide members of moneys collected in excess of the expense of conducting the business of such association.

(e) When the governing board provides for making effective the final orders or decisions entered pursuant to the provisions of paragraph B of section 12 of this act.

(f) When the governing board thereof provides that members of such exchange shall require that any nonmember filing for execution an order for the purchase or sale of cotton futures shall comply with all the requirements and regulations applicable to members of such exchange.

(g) When the governing board thereof provides that the futures contracts traded in on such exchange shall name as places of delivery of the cotton covered by such contracts not less than two and not more than six bona fide spot cotton markets, designated as such by the Secretary of Agriculture under this act, which designation by the Secretary of Agriculture shall include Charleston, S. C., Norfolk, Va., Savannah, Ga., New Orleans, La., Houston, Tex., Augusta, Ga., Dallas, Tex., Memphis, Tenn., Little Rock, Ark., and Galveston, Tex., and such other places as he may from time to time deem advisable; and shall further provide that the cotton delivered on each contract must be delivered in its entirety in one storage place; and shall further provide that notice by the seller of intention to deliver must be issued not less than 10 days prior to the date of delivery, and must specify the place of delivery and the grade and staple of the cotton to be delivered on such contract; and shall further provide that any cotton contract market located on the Atlantic coast shall have among its delivery points at least two Atlantic ports named as delivery points, which ports shall be designated spot markets; also provided that any cotton contract market located on the coast of the Gulf of Mexico shall have among its delivery points at least two ports on the Gulf of Mexico named as delivery points, which ports shall be designated spot markets: *Provided*, That any cotton contract market located in the interior shall have among its delivery points at least two ports either on the Atlantic coast or the Gulf of Mexico named as delivery points, which ports shall be designated spot markets.

For the purposes of this act the word "manipulation" shall be construed to mean, among other things:

(1) Shipping or transferring to any contract market any cotton for the purpose of delivery on such contract market at an obvious loss on the transaction for the purpose of artificially influencing prices.

The purchase in one contract market of a given number of bales of cotton for delivery in one month and a corresponding sale in the same contract market of a like number of bales of cotton for delivery in a later month, accompanied by the receipt of any cotton on the purchase and the tender of the same or other cotton on the sale, when such transaction is done at an obvious loss, for the purpose and with the effect of artificially influencing the price relationship of the two months.

(2) Tendering and repeatedly retendering on futures contracts in any designated contract market notices of delivery of the same cotton for the purpose of artificially influencing prices upon such contract market.

(3) The tender upon futures contracts more than once by the same person in the same calendar month of notices of delivery of the same cotton, or otherwise trafficking in notices of delivery for the purpose of artificially influencing prices.

(4) Engaging in straddle operations in and between various markets designated by the Secretary of Agriculture as contract markets with the apparent purpose of artificially influencing the movement of prices in any such designated contract market.

For the purposes of this section a straddle shall be understood to mean the purchase in one contract market of a given number of bales of cotton for delivery in one month and a corresponding sale in the same or another contract market of a like number of bales for delivery in another month, or the purchase in one designated contract market of a given number of bales of cotton for delivery in one month and the sale in another designated market of a like number of bales for delivery in the same month.

The foregoing definitions of manipulation shall not be held to exclude from the operations of this act other forms of manipulation not herein specifically described.

SEC. 5. That each contract of sale of cotton for future delivery under this section shall:

First. Be in writing plainly stating, or evidenced by written memorandum showing, the terms of such contract, including the quantity of the cotton involved and the names and addresses of the seller and buyer in such contract, and shall be signed by the party to be charged, or by his agent in his behalf. If the contract or memorandum specify in bales the quantity of the cotton involved, without giving the weight, each bale shall, for the purposes of this act, be deemed to weigh 500 pounds.

Second. Specify the basis grade for the cotton involved in the contract, which shall be one of the grades for which standards are established by the Secretary of Agriculture, except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section, the price per pound at which the cotton of such basis grade is contracted to be bought or sold, the date when the purchase or sale was made, and the month or months in which the contract is to be fulfilled or settled: *Provided*, That middling shall be deemed the basis grade incorporated into the contract if no other basis grade be specified either in the contract or in the memorandum evidencing the same.

Third. Provide that the cotton dealt with therein or delivered thereunder shall be of or within the grades for which standards are established by the Secretary of Agriculture except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section and no other grade or grades.

Fourth. Provide that in case cotton of grade other than the basis grade be tendered or delivered in settlement of such contract, the differences above or below the contract price which the receiver shall pay for such grades other than the basis grade shall be the average actual commercial differences, determined as hereinafter provided.

Fifth. Provide that cotton that because of the presence of extraneous matter of any character, or irregularities or defects, is reduced in value below that of low middling, or cotton that if white is below the grade of low middling, or if extra white, cotton that is below the grade of low middling, or if yellow tinged, cotton that is below the grade of strict middling, or if yellow stained, cotton that is below the grade of good middling, or if spotted, cotton that is below the

grade of middling, or if light yellow stained, cotton that is below the grade of good middling, or if gray, cotton that is below the grade of strict middling, the grades mentioned being of the official cotton standards of the United States, or cotton that is blue stained according to said official standards, or cotton that is less than seven-eighths of an inch in length of staple, or cotton of perished staple or of immature staple, or cotton that is not of sound staple character, or cotton that is irregular, weak, and wasty, or cotton that is "gin cut" or reginned, or cotton that is "repacked" or "false packed" or "mixed packed" or "water packed" shall not be delivered on, under, or in settlement of such contract.

Sixth. Provide that all tenders of cotton under such contract shall be the full number of bales involved therein, except that such variations of the number of bales may be permitted as is necessary to bring the total weight of the cotton tendered within the provisions of the contract as to weight; that, on the tenth business day prior to delivery, the person making the tender shall give to the person receiving the same written notice of the date of delivery, and that, on or prior to the date so fixed for delivery, and in advance of final settlement of the contract, the person making the tender shall furnish to the person receiving the same a written notice or certificate stating the grade of each individual bale to be delivered and, by means of marks or numbers, identifying each bale with its grade: *Provided*, That where any cotton to which any such notice of the date of delivery shall apply shall have been previously certificated, such notice of the date of delivery shall state the total number of bales of each grade and staple to be delivered.

Seventh. Provide that all tenders of cotton and settlements therefor under such contract shall be in accordance with the classification thereof made under the regulations of the Secretary of Agriculture by such officer or officers of the Government as shall be designated for the purpose, and the costs of such classification shall be fixed, assessed, collected, and paid as provided in such regulations. Samples representing cotton classified and certificated by such officers for the purposes of this section shall be made available for examination to any person, whether he be a member or a nonmember of a cotton futures exchange, upon the payment of such fees and upon compliance with such regulations as the Secretary of Agriculture may prescribe. All moneys collected as costs hereunder may be used as a revolving fund for carrying out the purposes of this subdivision.

The provisions of the third, fourth, fifth, sixth, and seventh subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase "Subject to the cotton futures trading act, section 5."

The Secretary of Agriculture is authorized to prescribe regulations for carrying out the purposes of the seventh subdivision of this section, and the certificates of the officers of the Government as to the classification of any cotton for the purposes of said subdivision shall be accepted in the courts of the United States in all suits between the parties to such contract, or their privies, as prima facie evidence of the true classification of the cotton involved.

SEC. 6. (a) That for the purposes of section 5 of this act the differences above or below the contract price which the receiver shall pay for cotton of grades above or below the basis grade in settlement of a contract of sale for the future delivery of cotton, shall be, for each grade, the average of the actual commercial differences in the spot markets of not less than five places designated from time to time by the Secretary of Agriculture, as determined and quoted in each such market from actual sales of spot cotton, or, in the absence of actual sales of spot cotton, from bona fide bid and offered prices, upon the eleventh business day prior to the date fixed in accordance with the sixth subdivision of section 5 for delivery of cotton on the contract: *Provided*, That for the purposes of this section such values in the said spot markets shall be based upon the official cotton standards established by the Secretary of Agriculture.

(b) The Secretary shall prescribe regulations for the determination of the actual commercial differences and the actual commercial staple premiums and discounts in the spot markets in the places designated by him, and for the publication of the quotations thereof. Whenever the Secretary shall find that, in any such spot market, the quotations of such differences, or of staple premiums or discounts, have not been made in accordance with his regulations or do not reflect the actual commercial differences, staple premiums, or discounts, he may, for such period as he shall deem necessary, determine such actual commercial differences, staple premiums, and discounts in any such market, and publish the quotations thereof. The quotations so published shall be deemed the quotations of such market.

(c) Any person who shall fail or refuse to furnish any information in his possession requested by such Secretary under paragraph (b) of this section shall not be heard to complain in respect of any quotation published by such Secretary.

SEC. 7. In case cotton of grade or grades other than the basis grade specified in the contract shall be tendered in performance of any contract under this section, the parties to such contract may agree, at the time of the tender, as to the price of the grade or grades so tendered; and that if they shall not then agree as to such price, then, and in that event, the buyer of said contract shall have the right to demand the specific fulfillment of such contract by the actual delivery of cotton of the basis grade named therein and at the price specified for such basis grade in said contract, and if the contract also comply with all the terms and conditions of section 5 hereof not inconsistent with this section: *Provided*, That nothing in this section shall be so construed as to authorize any contract in which, or in the settlement of, or in respect to which any device or arrangement whatever is resorted to, or any agreement is made, for the determination or adjustment of the price of the grade or grades tendered other than the basis grade specified in the contract by any "fixed difference" system, or by arbitration, or by any other method not provided for by this act.

Contracts made in compliance with this section shall be known as section 7 contracts. The provisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase "Subject to the cotton futures trading act, section 7."

Section 11 of this act shall not be construed to apply to any contract of sale made in compliance with section 7 hereof.

SEC. 8. That for the purposes of this act the only markets which shall be considered bona fide spot markets shall be those which the Secretary of Agriculture shall, from time to time, after investigation, determine and designate to be such, and of which he shall give public notice.

SEC. 9. That in determining, pursuant to the provisions of this act, what markets are bona fide spot markets, the Secretary of Agriculture is directed to consider only markets in which spot cotton is sold in such volume and under such conditions as customarily to reflect accurately the value of middling cotton seven-eighths of an inch in length of staple and the differences between the prices or values of middling cotton seven-eighths of an inch in length of staple and of such other grades and staple lengths of cotton for which standards shall have been established by the Secretary of Agriculture, as the Secretary of Agriculture may require in regulations prescribed by him in furtherance hereof: *Provided*, That if there be not sufficient places, in the markets of which are made bona fide sales of spot cotton of grades and staple lengths for which standards are established by the Secretary of Agriculture to enable him to designate at least five spot markets in accordance with section 6 of this act, he shall, from data as to spot sales collected by him, make rules and regulations for determining the actual commercial differences in the value of spot cotton of the grades and staple lengths established by him as reflected by bona fide sales of spot cotton, of the same or different grades and staple lengths, in the markets selected and designated by him, from time to time, for that purpose, and in that event, differences in value of cotton of various grades and staple lengths involved in contracts made pursuant to section 5 of this act shall be determined in compliance with such rules and regulations: *Provided further*, That it shall be the duty of any persons engaged in the business of dealing in cotton, when requested by the Secretary of Agriculture or any agent acting under his instructions, to answer correctly to the best of his knowledge, under oath or otherwise, all questions touching his knowledge of the number of bales, the classification, the price or bona fide price offered, and other terms of purchase or sale of any cotton involved in any transaction participated in by him, or to produce all books, letters, papers, or documents in his possession or under his control relating to such matter. Any such person who shall, within a reasonable time prescribed by the Secretary of Agriculture or such agent, willfully fail or refuse to answer such questions or to produce such books, letters, papers, or documents, or who shall willfully give any answer that is false or misleading, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding $500.

SEC. 10. That the Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards of cotton by which its quality or volume may be judged or determined, including its grade, length of staple, strength of staple, character, color, and such other qualities, properties, and conditions as may be standardized in practical form, which, for the purposes of this act, shall be known as the "official cotton standards of the United States": *Provided*, That any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall not be changed or replaced within a period less than one year from and after the date of the promulgation thereof by the Secretary of Agriculture: *Provided further*, That no change or replacement of any standard of any cotton established and promulgated under this act by the Secretary of Agriculture shall become effective until after one year's public notice thereof, which notice shall specify the date when the same is to become effective. The Secretary of Agriculture is authorized and directed to prepare practical forms of the official cotton standards which shall be established by him, and to furnish such practical forms from time to time, upon request, to any person, the cost thereof, as determined by the Secretary of Agriculture, to be paid by the person requesting the same, and to certify such practical forms under the seal of the Department of Agriculture and under the signature of the said Secretary, thereto affixed by himself or by some official or employee of the Department

of Agriculture thereunto duly authorized by the said Secretary. Any moneys received for or in connection with the sale of cotton purchased for the preparation of such practical forms and condemned as unsuitable for such use, or with the sale of such practical forms, may be expended for the purchase of other cotton for such use, and for travel and transportation and all other necessary expenses incident thereto.

SEC. 11. All contracts under this section shall comply with each of the following conditions:

First. Conform to the rules and regulations made pursuant to this act.

Second. Specify the grade, type, sample, or description of the cotton involved in the contract, the price per pound at which such cotton is contracted to be bought or sold, the date of the purchase or sale, and the time when shipment or delivery of such cotton is to be made.

Third. Provide that cotton of or within the grade or of the type, or according to the sample or description, specified in the contract shall be delivered thereunder, and that no cotton which does not conform to the type, sample, or description, or which is not of or within the grade specified in the contract shall be tendered or delivered thereunder.

Fourth. Provide that the delivery of cotton under the contract shall not be effected by means of "set-off" or "ring" settlement, but only by the actual transfer of the specified cotton mentioned in the contract.

The provisions of the first, third, and fourth subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the document or memorandum evidencing the same, at or prior to the time the same is entered into, the words "Subject to the cotton futures trading act, section 11."

This section shall not be construed to apply to any contract of sale made in compliance with section 5 of this act.

SEC. 12. Any cotton-futures exchange desiring to be designated a "contract market" shall make application to the Secretary of Agriculture for such designation and accompany the same with a showing that it complies with the foregoing conditions, and with a sufficient assurance that it will continue to comply with the said requirements.

(a) A commission composed of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General is authorized to suspend for a period not to exceed six months, or to revoke the designation of any cotton-futures exchange as a "contract market" upon a showing that such cotton-futures exchange has failed or is failing to comply with any of the above requirements, or is not enforcing its rules of government made a condition of its designation as set forth in section 4. Such suspension or revocation shall only be after a notice to the officers of the cotton-futures exchange and upon a hearing: *Provided*, That such suspension or revocation shall be final and conclusive unless within 15 days after such suspension or revocation by the said commission such cotton-futures exchange appeals to the circuit court of appeals for the cricuit in which it has its principal place of business by filing with the clerk of such court a written petition praying that the order of said commission be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such cotton-futures exchange will pay the costs of the proceedings if the court so directs. The clerk of the court in which such a petition is filed shall immediately cause a copy thereof to be delivered to the Secretary of Agriculture, chairman of said commission, or any member thereof, and the said commission, or any member thereof, and the said commission shall forthwith prepare, certify, and file in the court a full and accurate transcript of the record in such proceedings, including the notice to the cotton-futures exchange, a copy of the charges, the evidence, and the report and order. The testimony and evidence taken or submitted before the said commission duly certified and filed as aforesaid as a part of the record shall be considered by the court as the evidence in the case. The proceedings in such cases in the circuit court of appeals shall be made a preferred cause and shall be expedited in every way. Such a court may affirm or set aside the order of the said commission, or may direct it to modify its order. No such order of the said commission shall be modified or set aside by the circuit court of appeals unless it is shown by the cotton-futures exchange that the order is unsupported by the weight of the evidence or was issued without due notice and a reasonable opportunity having been afforded to such cotton-futures exchange for a hearing, or infringes the Constitution of the United States, or is beyond the jurisdiction of said commission: *Provided further*, That if the Secretary of Agriculture shall refuse to designate as a contract market any cotton-futures exchange that has made application therefor, then such cotton-futures exchange may appeal from such refusal to the commission described herein, consisting of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General of the United States, with the right to appeal as provided for in other cases in this section, the decision on such appeal to be final and binding on all parties interested.

(b) If the Secretary of Agriculture has reason to believe that any person is violating any of the provisions of this act, or is attempting to manipulate the market price of any cotton in violation of the provisions of section 4 hereof, or of any of the rules or regulations made pursuant to its requirements, he may serve upon such person a complaint stating his charge in that respect, to which complaint shall be attached or contained therein a notice of hearing, specifying a day and place not less than three days after the service thereof, requiring such person to show cause why an order should not be made directing that all contract markets, until further notice of said commission, refuse all trading privileges thereon to such person. Said hearing may be had in Washington, D. C., or elsewhere, before the said commission, or before a referee designated by the Secretary of Agriculture, who shall cause all evidence to be reduced to writing, and forthwith transmit the same to the Secretary of Agriculture as chairman of the said commission. That for the purpose of securing effective enforcement of the provisions of this act, the provisions including the penalties of section 12 of the interstate commerce act, as amended, relating to attendance and testimony of witnesses, the production of documentary evidence, and the immunity of witnesses, are made applicable to the power, jurisdiction, and authority of the Secretary of Agriculture, the said commission, or said referee in proceedings under this act, and to persons subject to its provisions. Upon evidence received the said commission may require all contract markets to refuse such person all trading privileges thereon for such period as may be specified in said order. Notice of such order shall be sent forthwith by registered mail or delivered to the offending person and to the governing boards of said contract markets. After the issuance of the order by the commission, as aforesaid, the person against whom it is issued may obtain a review of such order or such other equitable relief as to the court may seem just, by filing in the United States circuit court of appeals of the circuit in which the petitioner is doing business a written petition, praying that the order of the commission be set aside. A copy of such petition shall be forthwith served upon the commission by delivering such copy to its chairman or to any member thereof, and thereupon the commission shall forthwith certify and file in the court a transcript of the record theretofore made, including evidence received. Upon the filing of the transcript the court shall have jurisdiction to affirm, to set aside, or modify the order of the commission; and the findings of the commission as to the facts, if supported by the weight of the evidence, shall in like manner be conclusive. In proceedings under paragraphs (a) and (b) the judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 240 of the Judicial Code.

SEC. 13. Any cotton-futures exchange that has been designated a contract market in the manner herein provided may have such designation vacated and set aside by giving notice in writing to the Secretary of Agriculture requesting that its designation as a contract market be vacated, which notice shall be served at least 90 days prior to the date named therein as the date when the vacation of designation shall take effect. Upon receipt of such notice the Secretary of Agriculture shall forthwith order the vacation of the designation of such cotton-futures exchange, effective upon the day named in the notice, and shall forthwith send a copy of the notice and his order to all other contract markets. From and after the date upon which the vacation became effective the said cotton-futures exchange can thereafter be designated again a contract market by making application to the Secretary of Agriculture in the manner herein provided for an original application.

SEC. 14. For the efficient execution of the provisions of this act, and in order to provide information for the use of Congress, the Secretary of Agriculture may make such investigations as he may deem necessary to ascertain the facts regarding any unfair practices or abuses upon, and regarding the general operations of, cotton-futures exchanges whether prior or subsequent to the enactment of this act, and may publish from time to time, in his discretion, the result of such investigation and such statistical information gathered therefrom as he may deem of interest to the public, except data and information which would separately disclose the business transactions of any person and trade secrets or names of customers: *Provided*, That nothing in this section shall be construed to prohibit the Secretary of Agriculture from making or issuing such reports as he may deem necessary relative to the conduct of any cotton-futures exchange or of the transactions of any person found guilty of violating the provisions of this act under the proceedings prescribed in section 12 of this act: *Provided further*, That the Secretary of Agriculture in any report may include the facts as to any actual transaction. The Secretary of Agriculture, upon his own initiative or in cooperation with existing governmental agencies, shall investigate marketing conditions of cotton, including supply and demand, cost to the consumer, and handling and transportation charges.

SEC. 15. Further to effectuate the purposes of this act the Secretary of Agriculture shall have authority to prescribe the manner and form in which accounts, records, and memoranda relating to cotton and contracts for the purchase and sale thereof shall be kept, and he may require all persons who act in the capacity of a clearing house, clearing association, or similar institution for the purposes of clearing, settling, or adjusting any such transactions to keep such records and to make such returns as will fully and clearly disclose all facts in their possession relating thereto, and thereafter any person who fails to keep such accounts, records, and memoranda in the manner and form pre-

scribed or approved by the Secretary shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding $500.

SEC. 16. The Secretary of Agriculture is authorized and directed from time to time, after investigation, to fix, prescribe, and publicly announce the maximum limit of open interest which may be held by any individual, firm, or corporation, or his or its affiliations in contracts of purchase or sale of cotton on any contract market for future delivery in any month or in specified months, and it shall thereafter be unlawful for any individual, firm, or corporation, or his or its affiliations, to acquire or hold such on open interest in excess of the maximum limit so fixed: *Provided*, That in fixing and prescribing any maximum limit of open interest hereunder the Secretary of Agriculture shall give due consideration to any recommendation submitted to him by the governing board of such contract market: *Provided further*, That such limitation of interest shall be for the purpose of preventing the forcing of any month or any futures market out of proper parity with other months, or other futures markets shall not be used for the purpose of arbitrarily limiting the legitimate merchandising operations of any individual, firm, or corporation, or his or its affiliations, and the Secretary of Agriculture may from time to time increase or reduce the maximum limit if upon investigation he finds that the interests of the cotton industry will be best served by so doing: *Provided further*, That no reduction in such limitations shall affect contracts already entered into within the limit theretofore fixed.

SEC. 17. Any person who shall violate the provisions of section 3 or 16 of this act, or who shall fail to evidence any contract mentioned in said section 3 by a record in writing as therein required, or who shall deliver for transmission through the mails or in interstate commerce by telegraph, telephone, or wireless, or other means of communication false or misleading reports concerning crop or market information or conditions that affect or tend to affect the price of cotton in interstate commerce, or any person or persons who shall manipulate or attempt to manipulate prices of cotton or who shall corner or attempt to corner any cotton in futures-contract transactions upon any cotton-futures exchange designated as a contract market under this act, or any person who shall knowingly submit to any officer of the United States Department of Agriculture for classification under this act any reginned, repacked, false packed, mixed packed, or water-packed cotton without informing such officer that such cotton is in fact reginned, repacked, false packed, mixed packed, or water packed; or any person who shall interfere with or influence improperly or attempt to influence improperly any person employed in the administration of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof be fined not more than $10,000 or imprisoned for not more than one year, or both, together with the costs of prosecution.

SEC. 18. No fine or imprisonment shall be imposed for any violation of this act occurring within 60 days following its passage.

SEC. 19. The Secretary of Agriculture may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and shall have the power to appoint, remove, and fix the compensation of such officers and employees, not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, telegrams, telephones, law books, books of reference, periodicals, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this act in the District of Columbia and elsewhere, and there are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for such purposes.

SEC. 20. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Mr. BLEASE. Mr. President, I have listened with a great deal of interest to what has been said with reference to the Federal Reserve Board and the cotton exchanges. I think if it would be in order it would be a good idea for the Senate to send all bills relative to these matters back to a special committee consisting of Members of the House and the Senate from the cotton-growing States and let them agree among themselves. Possibly if they could do that, the representatives from the other parts of the country might be able to help solve the problem; but so long as the representatives from the Southern States which grow cotton are so wide apart as they are to-day as to what is best in the interest of the cotton farmer, it seems to me that it is going to be rather difficult, indeed, to find a solution.

Personally, I have never dealt in cotton futures; I have never owned any stock in any corporation, except in two newspapers, and I lost what little I had in them, and I was glad of it because I found out that I could not put any confidence in editors. Therefore, I am not in a position to say very much about the cotton situation or how to solve this problem, but I can not see that it will ever be solved by protecting the cotton exchanges which we know for 50 years have absolutely, openly, and boldly been stealing cotton from the cotton farms of this country.

When I say "stealing" I do not mean "foraging." The gamblers and speculators manipulate the market in New York and they manipulate the market at other points to the ruin of the poor man and his wife who grow the cotton. The farmer rises before daylight; his wife cooks the morning meal for him, and his little children; he goes out in the cotton field and works until 12 o'clock, when he returns home and eats his dinner and then hurries back into the cotton patch and works until it is too dark to see how to work. The farmer and his family are the ones who make the cotton; they are the ones on whose work depends the operation of the great machinery in the cotton mills; yet the Congress of the United States has sat here for years and allowed that farmer and his wife and his little children to be robbed by a gang of thieves in New York, and, I suppose, in Louisiana also, as my friend the Senator from Louisiana [Mr. RANSDELL] has mentioned Louisiana.

Then, Mr. President, Congress establishes some farm banks, as they are called, and puts them in the hands of a gang that is made up of a worse set of thieves than those in Wall Street. The farm banks were organized to loan money to the farmer, it is said, but they charge him an exorbitant rate of interest; they charge him outrageous attorney's fees, and they charge him to examine the title to his property. They deduct all of that, they take his note for the money, and then when the time comes to make payment if the flood has washed away his crop, or the hail has beaten down his fields, or his crop runs short and he is unable to pay, the United States Government sells his land, drives his wife and little children out of the home and off of the farm, and that is called aiding the farmer! Some of the one-horse farmers, I am sorry to say, have not sense enough as yet to see that they are being robbed, instead of being aided by the Congress of the United States.

Mr. FRAZIER. Mr. President, will the Senator from South Carolina yield to me?

Mr. BLEASE. Yes, sir.

Mr. FRAZIER. I want to call the Senator's attention to the fact that he omitted to refer to one provision in the law. The bank not only makes the farmer sign a note and requires him to pay an exorbitant rate of interest and attorney's fees, but compels him also to take stock in the bank.

Mr. BLEASE. I thank my friend for his suggestion. I did overlook that. The bank also makes the farmer take stock in the company operating the bank.

And what do the farm banks do? The officers steal the bank's funds, as they did in Columbia, S. C. They absolutely stole that bank. To-day stock in that bank is selling for less than $30 on the hundred, and is being bought up by three of the richest men in the State of South Carolina, one of them president and owner of several cotton mills. They are buying up the stock of that bank in the city of Columbia at $30 per share, and then talking about suing the poor little fellow who was made to put his money into it, in order to make him go down into his pockets and make up the loss.

That is what is going on in South Carolina right now—this afternoon—and yet Congress sits here and does not do anything. Congress does not want to help those people. The men who own stock in Wall Street, the men who gamble in Wall Street in cotton, in stocks and bonds, will never help the man on the farm. I say that advisedly.

I repeat, Mr. President, that if we want to help the farmer, if we want to get rid of the cotton exchanges, we have got to intrust administration to men who do not deal in them, who do not buy cotton futures, who do not deal in Wall Street, who have no accounts in Wall Street, and who do not vote for the interest of their own pockets and their own stocks in Wall Street; we have got to get men who vote for the laboring people of this country and not men who are constantly receiving telegrams and long-distance calls from Wall Street.

In my own State presidents of two of these banks have recently been kicked out. One of them was an ex-Congressman, the gentleman who has been so highly praised here on the floor this evening. He was the president of one of the banks, and he has gone. The president of another was a fellow who was sent there from the Atlanta (Ga.) Penitentiary. Thank God, he has gone, too. They got another poor fellow in such a close place that he committed suicide and went to hell to get out of the mess. [Laughter.] Three or four other people connected with the bank have resigned. Two have been sent to the penitentiary. Yet when I submitted a resolution here and had it referred to the Committee on Banking and Currency asking

that committee to investigate the conditions, they reported the resolution back—and the report is in my desk—and said that nothing is wrong; there is nothing needing an investigation. What a lie! I wonder what the members of that committee think about it to-day. I wonder what that poor fellow who is down below in the fire, shoveling coal, thinks about the committee? [Laughter.] If the Senate had adopted that resolution and the committee had investigated the situation, that poor fellow might have been saved and the conditions prevailing there might have been remedied.

As suggested by the Senator from North Dakota [Mr. FRAZIER] a few moments ago, the farmer who borrowed money from the bank had to take stock in it. He has lost his stock and is seeing it gobbled up by men who have money. Every law that has been passed by Congress for 50 years has been in the interest of the moneyed man. Not a law has been passed by Congress that has been of any use in the interest of the poor people, the laboring people of this country. No matter by which side it was passed or for what purpose, its administration has been put in such hands that it has been used as a club of tyranny against the men in whose aid and behalf it was claimed the bill was being enacted. My colleagues know that and the people know it.

Somebody may say, "Oh, yes; but they are satisfied with it. They elected Hoover." Mr. President, thank God, South Carolina did not have anything to do with that. [Laughter.] It gave him about 5,000 votes, and gave them merely as a compliment.

Mr. CARAWAY. What kind of a compliment?

Mr. BLEASE. Merely as a sort of compliment to keep him from taking Joe Talbert out of his job, I reckon. Joe collects the money for them down there and turns it over to the Republican campaign fund. So, I reckon they can not turn him out, and they might just as well have Joe as somebody else.

I repeat, Mr. President, if we want to relieve the farmer and the laboring man, let us pass some law and put it in the hands of honest administrators who really mean to help them and want to help them; but do not keep making pretty speeches here and sending them out in the RECORD, and having people read them and talking about what we are doing for the farmer.

I could tell the people what we are doing for him if it were inside the rules of parliamentary law to do so. [Laughter.] I would tell them just what the old fellow said who went to church. He was a great, large, fine-looking man, a very handsome man. The preacher asked him what the Lord had done for him. He said He had been mighty good to him, mighty nice to him. A few years after that the preacher held a meeting in the same place and an old fellow came in and sat down in a seat. It was having one of those good old-fashioned Methodist meetings, where the congregation rise and give their experiences. I wish they would go back to them and have more old-fashioned religion, rather than merely preach religion for those who have money. They used to preach Jesus Christ and Him crucified, but they have almost quit that now. The preacher said, "I have not heard from you. What about you?" The old fellow got up, twisted around on one side, got his stick and pulled himself up and looked at the preacher and said, "Well, parson, I reckon you can see what He has done for me." The parson said, "It looks like he treated you pretty bad." The old fellow replied, "Yes; He played hell with me." [Laughter.] That is about what Congress has done with the cotton farmer.

Mr. President and Senators, if you want to help the cotton farmer quit parliamentary pariance, quit playing to Wall Street, quit trying to make stocks and bonds go higher, and all the time robbing the poor fellow who is at work. Let us be honest with our people and honest with ourselves and enact some law that will do them some good and not enact a law that will simply mean their robbery.

I have letters here in my desk that I have been wanting to read to the Senate, but I have not had the opportunity of doing so and I will not now take the time to read them to the Senate. They are most pitiful letters, some of them showing how the farm land bank in South Carolina is robbing the farmers of that section of the country. They put in jail in one of the States a brother of the governor, Mr. Preus, just the other day on account of a $50,000 transaction in one of those banks. Yet we are saying that we are helping the farmer.

Yet you are helping the farmer! Congress never has helped the farmer, and never has helped the laboring man; and the reason why we do not help him is because we do not look the truth squarely in the face.

I appeal to Congress that if they want to help the farmer, the way to do it is to go right down and help him and quit fooling him; quit deceiving him. I know how he is going to get help. We all know that. The only help he is ever going to get is what he gives to himself and what God Almighty gives to him. Men who gamble on Wall Street, who own large interests in steel, oil, railroads, and like bonds and stocks will never vote against their own interests, for where a man's pocketbook is there is his heart, and no man, Senator or Representative, can serve both God and mammon. Call the roll and exclude any man from voting on this issue who owns such stock.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 49 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, February 12, 1929, at 12 o'clock meridian.

FRIENDSHIP, COMMERCE, AND CONSULAR RIGHTS WITH AUSTRIA

In executive session this day a treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom and from the resolution agreed to in connection therewith, as follows:

To the Senate:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith a treaty of friendship, commerce, and consular rights between the United States and Austria, signed at Vienna on June 19, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1928.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty of friendship, commerce, and consular rights between the United States and Austria, signed at Vienna, on June 19, 1928.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 1, 1928.

TREATY OF FRIENDSHIP, COMMERCE AND CONSULAR RIGHTS BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF AUSTRIA

The United States of America and the Republic of Austria, desirous of strengthening the bond of peace which happily prevails between them, by arrangements designed to promote friendly intercourse between their respective territories through provisions responsive to the spiritual, cultural, economic and commercial aspirations of the peoples thereof, have resolved to conclude a Treaty of Friendship, Commerce and Consular Rights and for that purpose have appointed as their plenipotentiaries:

The President of the United States of America, Mr. Albert Henry Washburn, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Austria, and

The Federal President of the Republic of Austria, Monsignore Ignatius Seipel, Doctor of Theology, Federal Chancellor,

Who, having communicated to each other their full powers found to be in due form, have agreed upon the following articles:

ARTICLE I

The nationals of each of the High Contracting Parties shall be permitted to enter, travel and reside in the territories of the other; to exercise liberty of conscience and freedom of worship; to engage in professional, scientific, religious, philanthropic, manufacturing and commercial work of every kind without interference; to carry on every form of commercial activity which is not forbidden by the local law; to employ agents of their choice, and generally to do anything incidental to or necessary for the enjoyment of any of the foregoing privileges upon the same terms as nationals of the state of residence or as nationals of the nation hereafter to be most favored by it, submitting themselves to all local laws and regulations duly established.

The nationals of each of the High Contracting Parties within the territories of the other shall be permitted to own, erect or lease and occupy appropriate buildings and to lease lands for residential, scientific, religious, philanthropic, manufacturing, commercial and mortuary purposes upon the same terms as nationals of the country.

As regards the acquisition, possession, and disposition of immovable property, except as regards the leasing of lands for

specified purposes provided for in the foregoing paragraph, the nationals of each of the High Contracting Parties shall enjoy in the territory of the other, subject to reciprocity, the treatment generally accorded to foreigners by the laws of the place where the property is situated.

The nationals of either High Contracting Party within the territories of the other shall not be subjected to the payment of any internal charges or taxes other or higher than those that are exacted of and paid by its nationals.

The nationals of each High Contracting Party shall enjoy freedom of access to the courts of justice of the other on conforming to the local laws, as well for the prosecution as for the defense of their rights, and in all degrees of jurisdiction established by law.

The nationals of each High Contracting Party shall receive within the territories of the other, upon submitting to conditions imposed upon its nationals, the most constant protection and security for their persons and property, and shall enjoy in this respect that degree of protection that is required by international law. Their property shall not be taken without due process of law and without payment of just compensation.

Nothing contained in this Treaty shall be construed to affect existing statutes of either of the High Contracting Parties in relation to the immigration of aliens or the right of either of the High Contracting Parties to enact such statutes.

ARTICLE II

With respect to that form of protection granted by National, State or Provincial laws establishing civil liability for injuries or for death, and giving to relatives or heirs or dependents of an injured party a right of action or a pecuniary benefit, such relatives or heirs or dependents of the injured party, himself a national of either of the High Contracting Parties and within any of the territories of the other, shall regardless of their alienage or residence outside of the territory where the injury occurred, enjoy the same rights and privileges as are or may be granted to nationals, and under like conditions.

ARTICLE III

The dwellings, warehouses, manufactories, shops and other places of business, and all premises thereto appertaining of the nationals of each of the High Contracting Parties in the territories of the other, used for any purposes set forth in Article I, shall be respected. It shall not be allowable to make a domiciliary visit to, or search of any such buildings and premises, or there to examine and inspect books, papers or accounts, except under the conditions and in conformity with the forms prescribed by the laws, ordinances and regulations for nationals.

ARTICLE IV

Where, on the death of any person holding real or other immovable property or interests therein within the territories of one High Contracting Party, such property or interests therein would, by the laws of the country or by a testamentary disposition, descend or pass to a national of the other High Contracting Party, whether resident or non-resident, were he not disqualified by the laws of the country where such property or interests therein is or are situated, such national shall be allowed a term of three years in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and withdraw the proceeds thereof, without restraint or interference, and exempt from any succession, probate or administrative duties or charges other than those which may be imposed in like cases upon the nationals of the country from which such proceeds may be drawn.

Nationals of either High Contracting Party may have full power to dispose of their personal property of every kind within the territories of the other, by testament, donation, or otherwise, and their heirs, legatees and donees, of whatsoever nationality, whether resident or non-resident, shall succeed to such personal property, and may take possession thereof, either by themselves or by others acting for them, and retain or dispose of the same at their pleasure subject to the payment of such duties or charges only as the nationals of the High Contracting Party within whose territories such property may be or belong shall be liable to pay in like cases.

ARTICLE V

The nationals of each of the High Contracting Parties in the exercise of the right of freedom of worship, within the territories of the other, as hereinabove provided, may, without annoyance or molestation of any kind by reason of their religious belief or otherwise, conduct services either within their own houses or within any appropriate buildings which they may be at liberty to erect and maintain in convenient situations, provided their teachings and practices are not inconsistent with public order or public morals and provided further they conform to all laws and regulations duly established in these territories; and they may also be permitted to bury their dead according to their religious customs in suitable and convenient places established and maintained for the purpose, subject to the established mortuary and sanitary laws and regulations of the place of burial.

ARTICLE VI

In the event of war between either High Contracting Party and a third State, such Party may draft for compulsory military service nationals of the other having a permanent residence within its territories and who have formally, according to its laws, declared an intension to adopt its nationality by naturalization, unless such individuals depart from the territories of said belligerent Party within sixty days after a declaration of war.

ARTICLE VII

Between the territories of the High Contracting Parties there shall be freedom of commerce and navigation. The nationals of each of the High Contracting Parties equally with those of the most favored nation, shall have liberty freely to come with their vessels and cargoes to all places, ports and waters of every kind within the territorial limits of the other which are or may be open to foreign commerce and navigation. Nothing in this Treaty shall be construed to restrict the right of either High Contracting Party to impose, on such terms as it may see fit, prohibitions or restrictions of a sanitary character designed to protect human, animal or plant life, or regulations for the enforcement of police or revenue laws.

Each of the High Contracting Parties binds itself unconditionally to impose no higher or other duties or charges, and no conditions, prohibitions or restrictions, on the importation of any article, the growth, produce or manufacture of the territories of the other Party, from whatever place arriving, than are or shall be imposed on the importation of any like article, the growth, produce or manufacture of any other foreign country; nor shall any such duties, charges, conditions, prohibitions, or restrictions on importations be made effective retroactively.

Each of the High Contracting Parties also binds itself unconditionally to impose no higher or other charges or other restrictions or prohibitions on goods exported to the territories of the other High Contracting Party than are imposed on goods exported to any other foreign country.

In the event of licenses being issued by either of the High Contracting Parties for the importation into or exportation from its territories of articles the importation or exportation of which is restricted or prohibited, the conditions under which such licenses may be obtained shall be publicly announced and clearly stated in such a manner as to enable traders interested to become acquainted with them; the method of licensing shall be as simple and unvarying as possible and applications for licenses shall be dealt with as speedily as possible. Moreover, the conditions under which such licenses are issued by either of the High Contracting Parties for goods imported from or exported to the territories of the other Party shall be as favorable as the conditions under which licenses are issued in respect of any other foreign country. In the event of rations or quotas being established for the importation or exportation of articles restricted or prohibited, each of the High Contracting Parties agrees to grant for the importation from or exportation to the territories of the other Party an equitable share in the allocation of the quantity of restricted goods which may be authorized for importation or exportation. In the application of the provisions of this paragraph no distinction shall be made between direct and indirect shipments. It is agreed, moreover, that in the event either High Contracting Party shall be engaged in war, it may enforce such import or export restrictions as may be required by the national interest.

Any advantage of whatsoever kind which either High Contracting Party may extend, by treaty, law, decree, regulation, practice or otherwise, to any article, the growth, produce or manufacture of any other foreign country shall simultaneously and unconditionally, without request and without compensation, be extended to the like article, the growth, produce or manufacture of the other High Contracting Party.

All articles which are or may be legally imported from foreign countries into ports of the United States or are or may be legally exported therefrom in vessels of the United States may likewise be imported into those ports or exported therefrom in Austrian vessels without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in vessels of the United States; and, reciprocally, all articles which are or may be legally imported from foreign countries into the ports of Austria or are or may be legally exported therefrom in Austrian vessels may likewise be imported into those ports or exported therefrom in

vessels of the United States without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in Austrian vessels.

With respect to the amount and collection of duties on imports and exports of every kind, each of the two High Contracting Parties binds itself to give to the nationals, vessels and goods of the other the advantage of every favor, privilege or immunity which it shall have accorded to the nationals, vessels and goods of a third State, whether such favored State shall have been accorded such treatment gratuitously or in return for reciprocal compensatory treatment. Every such favor, privilege or immunity which shall hereafter be granted the nationals, vessels or goods of a third State shall simultaneously and unconditionally, without request and without compensation, be extended to the other High Contracting Party, for the benefit of itself, its nationals, vessels and goods.

The stipulations of this Article shall not extend to the treatment which either Contracting Party shall accord to purely border traffic within a zone not exceeding 10 miles (15 kilometres) wide on either side of its customs frontier, or to the treatment which is accorded by the United States to the commerce of Cuba under the provisions of the Commercial Convention concluded by the United States and Cuba on December 11, 1902, or any other commercial convention which hereafter may be concluded by the United States with Cuba, or to the commerce of the United States with any of its dependencies and the Panama Canal Zone under existing or future laws.

ARTICLE VIII

The nationals and merchandise of each High Contracting Party within the territories of the other shall receive the same treatment as nationals and merchandise of the country with regard to internal taxes, transit duties, charges in respect to warehousing and other facilities and the amount of drawbacks and bounties.

ARTICLE IX

Limited liability and other corporations and associations, whether or not for pecuniary profit, which have been or may hereafter be organized in accordance with and under the laws, National, State or Provincial, of either High Contracting Party and maintain a central office within the territories thereof, shall have their judicial status recognized by the other High Contracting Party provided that they pursue no aims within its territories contrary to its laws. They shall enjoy free access to the courts of law and equity, on conforming to the laws regulating the matter, as well for the prosecution as for the defense of rights in all the degrees of jurisdiction established by law.

The right of such corporations and associations of either High Contracting Party so recognized by the other to establish themselves within its territories, establish branch offices and fulfill their functions therein shall depend upon, and be governed solely by, the consent of such Party as expressed in its National, State or Provincial laws.

ARTICLE X

The nationals of either High Contracting Party shall enjoy within the territories of the other, reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other State with respect to the organization of and participation in limited liability and other corporations and associations, for pecuniary profit or otherwise, including the rights of promotion, incorporation, purchase and ownership and sale of shares and the holding of executive or official positions therein. In the exercise of the foregoing rights and with respect to the regulation or procedure concerning the organization or conduct of such corporations or associations, such nationals shall be subjected to no conditions less favorable than those which have been or may hereafter be imposed upon the nationals of the most favored nation. The rights of any of such corporations or associations as may be organized or controlled or participated in by the nationals of either High Contracting Party within the territories of the other to exercise any of their functions therein, shall be governed by the laws and regulations, national, state or provincial, which are in force or may hereafter be established within the territories of the Party wherein they propose to engage in business. The foregoing stipulations do not apply to the organization of and participation in political associations.

The nationals of either High Contracting Party shall, moreover, enjoy within the territories of the other, reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other State with respect to the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain of the other.

ARTICLE XI

Commercial travellers representing manufacturers, merchants and traders domiciled in the territories of either High Contracting Party shall on their entry into and sojourn in the territories of the other Party and on their departure therefrom be accorded the most favored nation treatment in respect of customs and other privileges and of all charges and taxes of whatever denomination applicable to them or to their samples.

If either High Contracting Party require the presentation of an authentic document establishing the identity and authority of a commercial traveller, a certificate issued by any of the following in the country of his departure shall be accepted as satisfactory:

a) the authority designated for the purpose;

b) a chamber of commerce;

c) any trade or commercial association recognized for the purpose by the diplomatic representative of the Contract Party requiring such certificates.

ARTICLE XII

There shall be complete freedom of transit through the territories including territorial waters of each High Contracting Party on the routes most convenient for international transit, by rail, navigable waterway, and canal, other than the Panama Canal and waterways and canals which constitute international boundaries of the United States, to persons and goods coming from or going through the territories of the other High Contracting Party, except such persons as may be forbidden admission into its territories or goods of which the importation may be prohibited by law. Persons and goods in transit shall not be subjected to any transit duty, or to any unnecessary delays or restrictions, and shall be given national treatment as regards charges, facilities, and all other matters.

Goods in transit must be entered at the proper customhouse, but they shall be exempt from all customs or other similar duties.

All charges imposed on transport and transit shall be reasonable, having regard to the conditions of the traffic.

ARTICLE XIII

Each of the High Contracting Parties agrees to receive from the other, consular officers in those of its ports, places and cities, where it may be convenient and which are open to consular representatives of any foreign country.

Consular officers of each of the High Contracting Parties shall, after entering upon their duties, enjoy reciprocally in the territories of the other all the rights, privileges, exemptions and immunities which are enjoyed by officers of the same grade of the most favored nation. As official agents, such officers shall be entitled to the high consideration of all officials, national or local, with whom they have official intercourse in the state which receives them.

The Government of each of the High Contracting Parties shall furnish free of charge the necessary exequatur of such consular officers of the other as present a regular commission signed by the chief executive of the appointing state and under its great seal; and it shall issue to a subordinate or substitute consular officer duly appointed by an accepted superior consular officer with the approbation of his Government, or by any other competent officer of that Government, such documents as according to the laws of the respective countries shall be requisite for the exercise by the appointee of the consular function. On the exhibition of an exequatur, or other document issued in lieu thereof to such subordinate, such consular officer shall be permitted to enter upon his duties and to enjoy the rights, privileges and immunities granted by this Treaty.

ARTICLE XIV

Consular officers, nationals of the state by which they are appointed, shall be exempt from arrest except when charged with the commission of offenses locally designated as crimes other than misdemeanors and subjecting the individual guilty thereof to punishment. Such officers shall be exempt from military billetings, and from service of any military or naval, administrative or police character whatsoever.

In criminal cases the attendance at the trial by a consular officer as a witness may be demanded by the prosecution or defense. The demand shall be made with all possible regard for the consular dignity and the duties of the office; and there shall be compliance on the part of the consular officer.

Consular officers shall be subject to the jurisdiction of the courts in the state which receives them in civil cases, subject to the proviso, however, that when the officer is a national of the state which appoints him and is engaged in no private occupation for gain, his testimony shall be taken orally or in writing at his residence or office and with due regard for his convenience. The officer should, however, voluntarily give his

testimony at the trial whenever it is possible to do so without serious interference with his official duties.

ARTICLE XV

Consular officers, including employees in a consulate, nationals of the State by which they are appointed other than those engaged in private occupations for gain within the State where they exercise their functions shall be exempt from all taxes, National, State, Provincial and Municipal, levied upon their persons or upon their property, except taxes levied on account of the possession or ownership of immovable property situated in, or income derived from sources within the territories of the State within which they exercise their functions. All consular officers and employees, nationals of the State appointing them, shall be exempt from the payment of taxes on the salary, fees or wages received by them in compensation for their consular services.

Lands and buildings situated in the territories of either High Contracting Party, of which the other High Contracting Party is the legal or equitable owner and which are used exclusively for diplomatic or consular purposes by that owner, shall be exempt from taxation of every kind, National, State, Provincial and Municipal, other than assessments levied for services or local public improvements by which the premises are benefited.

ARTICLE XVI

Consular officers may place over the outer door of their respective offices the arms of their State with an appropriate inscription designating the official office. Such officers may also hoist the flag of their country on their offices including those situated in the capitals of the two countries. They may likewise hoist such flag over any boat or vessel employed in the exercise of the consular function.

The consular offices and archives shall at all times be inviolable. They shall under no circumstances be subject to invasion by any authorities of any character within the country where such offices are located. Nor shall the authorities under any pretext make any examination or seizure of papers or other property deposited within a consular office. Consular offices shall not be used as places of asylum. No consular officer shall be required to produce official archives in court or testify as to their contents.

Upon the death, incapacity, or absence of a consular officer having no subordinate consular officer at his post, secretaries or chancellors, whose official character may have previously been made known to the government of the State where the consular function was exercised, may temporarily exercise the consular function of the deceased or incapacitated or absent consular officer; and while so acting shall enjoy all the rights, prerogatives and immunities granted to the incumbent.

ARTICLE XVII

Consular officers, nationals of the State by which they are appointed, may, within their respective consular district, address the authorities, National, State, Provincial or Municipal, for the purpose of protecting their countrymen in the enjoyment of their rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the proper authorities to grant redress or to accord protection may justify interposition through the diplomatic channel, and in the absence of a diplomatic representative, a consul general or the consular officer stationed at the capital may apply directly to the government of the country.

ARTICLE XVIII

Consular officers may, in pursuance of the laws of their own country, take, at any appropriate place within their respective districts, the depositions of any occupants of vessels of their own country, or of any national of, or of any person having permanent residence within the territories of, their own country. Such officers may draw up, attest, certify and authenticate unilateral acts, deeds, and testamentary dispositions of their countrymen, and also contracts to which a countryman is a party. They may draw up, attest, certify and authenticate written instruments of any kind purporting to express or embody the conveyance or encumbrance of property of any kind within the territory of the State by which such officers are appointed, and unilateral acts, deeds, testamentary dispositions and contracts relating to property situated, or business to be transacted, within the territories of the State by which they are appointed, embracing unilateral acts, deeds, testamentary dispositions or agreements executed solely by nationals of the State within which such officers exercise their functions.

Instruments and documents thus executed and copies and translations thereof, when duly authenticated under his official seal by the consular officer, shall be received as evidence in the territories of the contracting parties as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn by and executed before a notary or other public officer duly authorized in the country by which the consular officer was appointed; provided, always that such documents shall have been drawn and executed in conformity to the laws and regulations of the country where they are designed to take effect.

ARTICLE XIX

In the case of the death of a national of either High Contracting Party in the territory of the other without having in the territory of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the State of which the deceased was a national of the fact of his death, in order that necessary information may be forwarded to the parties interested.

In case of the death of a national of either of the High Contracting Parties without will or testament, in the territory of the other High Contracting Party, the consular officer of the State of which the deceased was a national and within whose district the deceased made his home at the time of death, shall, so far as the laws of the country permit and pending the appointment of an administrator and until letters of administration have been granted, be deemed qualified to take charge of the property left by the decedent for the preservation and protection of the same. Such consular officer shall have the right to be appointed as administrator within the discretion of a tribunal or other agency controlling the administration of estates provided the laws of the place where the estate is administered so permit.

Whenever a consular officer accepts the office of administrator of the estate of a deceased countryman, he subjects himself as such to the jurisdiction of the tribunal or other agency making the appointment for all necessary purposes to the same extent as the national of the country where he was appointed.

ARTICLE XX

A consular officer of either High Contracting Party may in behalf of his non-resident countrymen collect and receipt for their distributive shares derived from estates in process of probate or accruing under the provisions of so-called Workmen's Compensation Laws or other like statutes, for transmission through channels prescribed by his Government to the proper distributees.

ARTICLE XXI

Each of the High Contracting Parties agrees to permit the entry free of all duty and without examination of any kind, of all furniture, equipment and supplies intended for official use in the consular offices of the other, and to extend to such consular officers of the other and their families and suites as are its nationals, the privilege of entry free of duty of their personal or household effects actually in use which accompany such consular officers, their families or suites, or which arrive shortly thereafter, provided, nevertheless, that no article, the importation of which is prohibited by the law of either of the High Contracting Parties, may be brought into its territories.

It is understood, however, that this privilege shall not be extended to consular officers who are engaged in any private occupation for gain in the countries to which they are accredited, save with respect to governmental supplies.

ARTICLE XXII

Subject to any limitation or exception hereinabove set forth, or hereafter to be agreed upon, the territories of the High Contracting Parties to which the provisions of this Treaty extend shall be understood to comprise all areas of land, water, and air over which the Parties claim and exercise dominion as sovereign thereof, except the Panama Canal Zone.

ARTICLE XXIII

Nothing in the present Treaty shall be construed to limit or restrict in any way the rights, privileges and advantages accorded to the United States or its nationals or to Austria or its nationals by the Treaty between the United States and Austria establishing friendly relations, concluded on August 24, 1921.

ARTICLE XXIV

The present Treaty shall remain in full force for the term of six years from the date of the exchange of ratifications, on which date it shall begin to take effect in all of its provisions.

If within one year before the expiration of the aforesaid period of six years neither High Contracting Party notifies to the other an intention of modifying, by change or omission, any of the provisions of any of the articles in this Treaty or of terminating it upon the expiration of the aforesaid period, the Treaty shall remain in full force and effect after the aforesaid period and until one year from such a time as either of the High Contracting Parties shall have notified to the other an intention of modifying or terminating the Treaty.

ARTICLE XXV

The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at Vienna as soon as possible.

IN WITNESS WHEREOF the respective plenipotentiaries have signed the same and have affixed their seals hereto.

DONE in duplicate in the English and German languages at Vienna, this 19th day of June 1928.

[SEAL.] ALBERT HENRY WASHBURN.
[SEAL.] SEIPEL.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive B, Seventieth Congress, second session, a treaty of friendship, commerce, and consular rights with Austria, signed at Vienna on June 19, 1928, subject to the following reservation and understanding to be set forth in an exchange of notes between the high contracting parties so as to make it plain that this condition is understood and accepted by each of them:

That the sixth paragraph of Article VII shall remain in force for 12 months from the date of exchange of ratification, and, if not then terminated on 90 days' previous notice, shall remain in force until either of the high contracting parties shall enact legislation inconsistent therewith, when the same shall automatically lapse at the end of 60 days from such enactment, and on such lapse each high contracting party shall enjoy all the rights which it would have possessed had such paragraph not been embraced in this treaty.

REGULATING TARIFF RELATIONS WITH REPUBLIC OF CHINA

In executive session this day the following treaty was ratified and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

To the Senate:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith a treaty regulating tariff relations between the United States and China, signed at Peiping (Peking) on July 25, 1928.

This treaty, which is an evidence of the desire of the United States to deal justly with the Chinese Nation, was negotiated and signed by virtue of full powers issued by me. It is the first treaty entered into by the Nationalist Government of the Republic of China. It provides that the principle of complete national tariff autonomy shall apply in the tariff relations between the United States and China, in place of the provisions of existing treaties, and that in connection therewith neither country shall discriminate against the other.

I am in entire sympathy with the principles involved and the treaty has my unqualified approval.

The attention of the Senate is invited to the accompanying report of the Secretary of State, with inclosures, wherein the course of events leading to the negotiation and signature of the treaty is reviewed. The views of the Secretary of State have my full concurrence.

CALVIN COOLIDGE.

THE WHITE HOUSE, *December 8, 1928.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view, if his judgment approve thereof, to its transmission to the Senate to receive the advice and consent of that body to ratification, a treaty regulating tariff relations between the United States and China, which was signed on behalf of the United States by the American Minister at Peiping (Peking) and on the part of the Nationalist Government of the Republic of China by the Minister of Finance of that Government, on July 25, 1928.

The terms of existing treaties between the United States and China, which were concluded prior to the Treaty of Washington of February 6, 1922, provide for a Chinese tariff on imports and exports of 5 per cent ad valorem or for specific duties computed on the basis of an ad valorem rate of 5 per cent. These treaties also provide for the issuance by China of drawback certificates for the return of duties, and they fix the rates at which China may collect transit dues and tonnage dues.

The treaty of Washington of February 6, 1922, relating to the revision of the Chinese customs tariff, to which the United States, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands, and Portugal are signatories, and Denmark, Norway, Spain, and Sweden have adhered, provided for a conference of the interested powers to revise the tariff provisions of existing treaties with China and to authorize the levying of surtaxes on dutiable goods imported into or exported from China. That treaty was ratified by the last one of the signatory powers on July 20, 1925.

Shortly before that time, I informed the American minister at Peking that this Government believed that the powers concerned should expedite preparations for holding the special tariff conference and that this conference should not only carry out the stipulations of the Washington treaty but should also make recommendations with a view to granting complete tariff autonomy to China. The tariff conference met at Peking on October 26, 1925, and the delegates of the United States had full powers to negotiate a new treaty recognizing tariff autonomy for China. On November 19, 1925, there was adopted a resolution which affirmed the right of China to enjoy tariff autonomy and which envisaged the going into effect of the Chinese national tariff law on January 1, 1929. Unfortunately this conference was forced to adjourn on account of civil conflict in China, without carrying out its program.

In my statement made public on January 27, 1927, a copy of which is attached, there was affirmed again this Government's readiness to conclude a treaty recognizing the tariff autonomy of China as soon as there should emerge in China a situation in which it would be possible for the Chinese to appoint representatives with whom representatives of the United States could enter upon treaty negotiations. When, after the military activities of last spring, the Nationalist forces came into occupation at Peking, such a situation arose for the first time since the inconclusive and forced adjournment of the Peking tariff conference, and it became possible to negotiate a treaty.

This treaty relates to the regulation of tariff relations between the United States and China. It abrogates the provisions of existing treaties between the two countries which relate to rates of duty on imports and exports of merchandise, drawbacks, transit dues, and tonnage dues. The two countries agree that the principle of complete national tariff autonomy shall apply between them and that neither shall discriminate against the other in the field of tariffs. The underlying principles of national autonomy and equality of treatment are those that apply generally among independent nations.

Copies of the existing treaties containing the provisions affected by the new treaty are inclosed.

It is believed that by the signing of this treaty a benefit has been conferred upon all concerned, in that, while safeguarding American interests and doing no injury to the interests of any other country, the way has been pointed and a model has been provided for a procedure whereby the powers may relinquish their so-called "control" over China's tariff. It is believed, moreover, that this action is in conformity with the traditional American policy of friendship toward the Chinese nation.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 1, 1928.

TREATY REGULATING TARIFF RELATIONS BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CHINA

The United States of America and the Republic of China, both being animated by an earnest desire to maintain the good relations which happily subsist between the two countries, and wishing to extend and consolidate the commercial intercourse between them, have, for the purpose of negotiating a treaty designed to facilitate these objects, named as their Plenipotentiaries:—

The President of the United States of America:
J. V. A. MacMurray, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to China;
and the Government Council of the Nationalist Government of the Republic of China:
T. V. Soong, Minister of Finance of the Nationalist Government of the Republic of China;

who, having met and duly exchanged their full powers, which have been found to be in proper form, have agreed upon the following treaty between the two countries:

ARTICLE I

All provisions which appear in treaties hitherto concluded and in force between the United States of America and China relating to rates of duty on imports and exports of merchandise, drawbacks, transit dues and tonnage dues in China shall be annulled and become inoperative, and the principle of complete national tariff autonomy shall apply subject, however, to the condition that each of the High Contracting Parties shall enjoy in the territories of the other with respect to the above specified and any related matters treatment in no way discriminatory as compared with the treatment accorded to any other country.

The nationals of neither of the High Contracting Parties shall be compelled under any pretext whatever to pay within

the territories of the other Party any duties, internal charges or taxes upon their importations and exportations other or higher than those paid by nationals of the country or by nationals of any other country.

The above provisions shall become effective on January 1, 1929, provided that the exchange of ratifications hereinafter provided shall have taken place by that date; otherwise, at a date four months subsequent to such exchange of ratifications.

ARTICLE II

The English and Chinese texts of this Treaty have been carefully compared and verified; but, in the event of there being a difference of meaning between the two, the sense as expressed in the English text shall be held to prevail.

This treaty shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods, and the ratifications shall be exchanged in Washington as soon as possible.

In testimony whereof, we, the undersigned, by virtue of our respective powers have signed this Treaty in duplicate in the English and Chinese languages and have affixed our respective seals.

Done at Peiping, the 25th day of July, 1928, corresponding to the 25th day of the 7th month of the 17th year of the Republic of China.

[SEAL] J. V. A. MACMURRAY
[SEAL] T. V. SOONG

NOMINATIONS

Executive nominations received by the Senate February 11, 1929

MEMBERS OF THE FEDERAL RADIO COMMISSION

Ira E. Robinson, of West Virginia, for a term of two years, expiring February 23, 1931.

Arthur Batcheller, of Massachusetts, for a term of three years, expiring February 23, 1932.

Harold A. Lafount, of Utah, for a term of four years, expiring February 23, 1933.

Eugene O. Sykes, of Mississippi, for a term of five years, expiring February 23, 1934.

Cyril M. Jansky, jr., of Minnesota, for a term of six years, expiring February 23, 1935.

POSTMASTERS

ALABAMA

Frances A. Brewer to be postmaster at Childersburg, Ala., in place of F. A. Brewer. Incumbent's commission expired January 27, 1929.

John H. Lynn to be postmaster at Summerdale, Ala., in place of J. H. Lynn. Incumbent's commission expired January 27, 1929.

ARKANSAS

Flippen W. Whitner to be postmaster at Wabbaseka, Ark., in place of R. E. Jeter. Incumbent's commission expired May 26, 1928.

CALIFORNIA

Nellys R. Squier to be postmaster at Butte City, Calif., in place of N. R. Squier. Incumbent's commission expires February 23, 1929.

Pliny M. Arnold to be postmaster at Carlsbad, Calif., in place of P. M. Arnold. Incumbent's commission expires February 21, 1929.

John A. Thompson to be postmaster at Cloverdale, Calif., in place of J. A. Thompson. Incumbent's commission expires February 17, 1929.

Denver C. Jamerson to be postmaster at Cottonwood, Calif., in place of D. C. Jamerson. Incumbent's commission expires February 21, 1929.

Claude C. Hayes to be postmaster at Salida, Calif., in place of C. C. Hayes. Incumbent's commission expires February 21, 1929.

John J. West to be postmaster at Willows, Calif., in place of J. J. West. Incumbent's commission expires February 17, 1929.

GEORGIA

Walker M. Cobb to be postmaster at Carrollton, Ga., in place of W. M. Cobb. Incumbent's commission expired January 10, 1929.

IDAHO

Edgar H. Taylor to be postmaster at Juliaetta, Idaho, in place of E. H. Taylor. Incumbent's commission expires February 21, 1929.

ILLINOIS

Otto C. Striegel to be postmaster at Litchfield, Ill., in place of R. T. Husband, deceased.

Don A. Spurr to be postmaster at Wilmington, Ill., in place of D. A. Spurr. Incumbent's commission expired November 8, 1925.

IOWA

Arthur M. Burnside to be postmaster at Boone, Iowa, in place of A. M. Burnside. Incumbent's commission expires February 20, 1929.

Arthur M. Michaelson to be postmaster at Roland, Iowa, in place of A. M. Michaelson. Incumbent's commission expires February 20, 1929.

Boyd B. Wade to be postmaster at Woodward, Iowa, in place of B. B. Wade. Incumbent's commission expires February 21, 1929.

KANSAS

Axel F. Holmgren to be postmaster at Lincolnville, Kans., in place of A. F. Holmgren. Incumbent's commission expires February 20, 1929.

LOUISIANA

Joseph C. Ballay to be postmaster at Buras, La., in place of J. C. Ballay. Incumbent's commission expires February 21, 1929.

MARYLAND

Carolyn M. Stuart to be postmaster at Brentwood, Md., in place of C. M. Stuart. Incumbent's commission expires February 20, 1929.

Roland M. White to be postmaster at Princess Anne, Md., in place of R. M. White. Incumbent's commission expires February 21, 1929.

MASSACHUSETTS

Albin K. Parker to be postmaster at Norwood, Mass., in place of A. K. Parker. Incumbent's commission expired December 17, 1928.

MICHIGAN

Edward Keisu to be postmaster at Calumet, Mich., in place of J. J. Ellis, jr., deceased.

Charles J. Larson to be postmaster at Ironwood, Mich., in place of C. J. Larson. Incumbent's commission expires February 21, 1929.

MINNESOTA

Elias A. Quale to be postmaster at Clarkfield, Minn., in place of E. A. Quale. Incumbent's commission expired April 15, 1928.

Nels E. Berg to be postmaster at Cokato, Minn., in place of N. E. Berg. Incumbent's commission expired December 19, 1928.

MISSISSIPPI

Finley B. Hewes to be postmaster at Gulfport, Miss., in place of F. B. Hewes. Incumbent's commission expires February 17, 1929.

MONTANA

Ovid S. Draper to be postmaster at Bonner, Mont., in place of O. S. Draper. Incumbent's commission expires February 21, 1929.

NEBRASKA

Maurice S. Groat to be postmaster at Inavale, Nebr., in place of M. S. Groat. Incumbent's commission expires February 21, 1929.

NEW JERSEY

William G. Wallis to be postmaster at Florence, N. J., in place of W. G. Wallis. Incumbent's commission expires February 21, 1929.

NORTH CAROLINA

James P. Turnley to be postmaster at Cameron, N. C., in place of J. P. Turnley. Incumbent's commission expired January 31, 1929.

OHIO

William E. Pangburn to be postmaster at Felicity, Ohio, in place of W. E. Pangburn. Incumbent's commission expires February 20, 1929.

PENNSYLVANIA

Frank C. Weber to be postmaster at Ambler, Pa., in place of J. A. Buchanan, removed.

Eliza J. Willhide to be postmaster at East McKeesport, Pa., in place of C. W. Bennett, deceased.

Hobart M. Lord to be postmaster at Hastings, Pa., in place of H. M. Lord. Incumbent's commission expires February 20, 1929.

Luther W. Gehrig to be postmaster at Milton, Pa., in place of G. W. Correy, sr. Incumbent's commission expired January 8, 1927.

SOUTH CAROLINA

Ellen M. Williamson to be postmaster at Norway, S. C., in place of E. M. Williamson. Incumbent's commission expires February 21, 1929.

Herbert O. Jones to be postmaster at Salley, S. C., in place of H. O. Jones. Incumbent's commission expires February 21, 1929.

SOUTH DAKOTA

Louis W. Carter to be postmaster at Highmore, S. Dak., in place of L. W. Carter. Incumbent's commission expired February 1, 1928.

WEST VIRGINIA

Elmer O. Bowyer to be postmaster at Dunden, W. Va., in place of J. V. Hinshelwood, resigned.

Thomas A. Jones to be postmaster at Mount Hope, W. Va., in place of C. H. Forst. Incumbent's commission expired January 2, 1929.

John H. Shay to be postmaster at Star City, W. Va., in place of J. H. Shay. Incumbent's commission expires February 23, 1929.

WISCONSIN

Earle R. Adamson to be postmaster at Belleville, Wis., in place of E. R. Adamson. Incumbent's commission expires February 20, 1929.

Arthur G. Besse to be postmaster at Butternut, Wis., in place of A. G. Besse. Incumbent's commission expires February 20, 1929.

Thomas D. Morris to be postmaster at Cambria, Wis., in place of T. D. Morris. Incumbent's commission expires February 20, 1929.

Hjalmar M. Johnson to be postmaster at Eau Claire, Wis., in place of H. M. Johnson. Incumbent's commission expires February 17, 1929.

Samuel P. Van Dyke to be postmaster at Kilbourn, Wis., in place of S. P. Van Dyke. Incumbent's commission expired January 10, 1929.

Robert W. Brown to be postmaster at Lakemills, Wis., in place of R. W. Brown. Incumbent's commission expires February 20, 1929.

Leo E. Butenhoff to be postmaster at Markesan, Wis., in place of L. E. Butenhoff. Incumbent's commission expires February 20, 1929.

John A. Dysland to be postmaster at Mount Horeb, Wis., in place of J. A. Dysland. Incumbent's commission expires February 21, 1929.

Carl C. Martin to be postmaster at New Lisbon, Wis., in place of C. C. Martin. Incumbent's commission expires February 20, 1929.

Arthur E. Schmidt to be postmaster at Pittsville, Wis., in place of M. I. Werner, removed.

Edward B. Shanks to be postmaster at Portage, Wis., in place of E. B. Shanks. Incumbent's commission expires February 20, 1929.

Herbert Hopkins to be postmaster at Randolph, Wis., in place of Herbert Hopkins. Incumbent's commission expires February 20, 1929.

Jessie M. McGeorge to be postmaster at Stone Lake, Wis., in place of J. M. McGeorge. Incumbent's commission expires February 20, 1929.

Arthur Heins to be postmaster at Tigerton, Wis., in place of Arthur Heins. Incumbent's commission expires February 20, 1929.

Louis A. Meininger to be postmaster at Waukesha, Wis., in place of L. A. Meininger. Incumbent's commission expires February 21, 1929.

Robert R. Porter to be postmaster at Wheeler, Wis., in place of R. R. Porter. Incumbent's commission expires February 21, 1929.

WYOMING

Harry J. Thompson to be postmaster at Parco, Wyo., in place of H. J. Thompson. Incumbent's commission expires February 20, 1929.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 11, 1929

UNITED STATES DISTRICT JUDGE

James J. Lenihan for appointment as judge of the District Court of the Canal Zone.

PROMOTIONS IN THE NAVY

MARINE CORPS

Wendell C. Neville to be Major General Commandant.
Albert W. Paul to be captain.
Veryl H. Dartt to be first lieutenant.
Robert J. Straub to be first lieutenant.
Lester S. Hamel to be second lieutenant.

POSTMASTERS

ALABAMA

Madison D. Majors, Georgiana.
William H. McCalman, Vinemont.

ILLINOIS

Raymond J. Murphy, De Land.
Charles W. Faulstich, Staunton.

KANSAS

Clyde O. Brown, jr., Centralia.
William L. Pettijohn, Hoyt.

MISSISSIPPI

Albert S. Johnston, jr., Carthage.
James M. Thames, Decatur.

NEVADA

Julia G. Pangburn, Jarbidge.
Mildred Robison, Overton.

NEW HAMPSHIRE

Blanche W. Drew, Intervale.

NORTH CAROLINA

Roscoe L. Nicholson, Brevard.
Rudolph E. Walters, North Wilkesboro.
Travis N. Harris, Troy.
Joe L. Kelly, Watha.
Thomas L. Green, Waynesville.

OHIO

Harriett E. Craig, Neffs.

WEST VIRGINIA

Ernest L. Head, Jenkinjones.
Leslie F. Fagert, Paden City.

HOUSE OF REPRESENTATIVES

MONDAY, *February 11, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

As we begin to serve the common cause of our country, we thank Thee, blessed Lord God, that we may put our hands in Thine. Teach us that neither learning, wealth, nor glory can make up for a sensitive conscientiousness. Accept our praise for this day and the prospects of this week; may we not pass through them sad nor disconsolate, but happy in our work and glad to serve somebody and our homeland. Oh make it good and great; maintain its honor and its righteousness for God and man. Its foundations were laid amid the glad chantings of earth's immortals. Its final glories will be revealed when love and law shall sing together and the voices of the multitude shall become the music of the spheres. Hasten the day, Father. Amen.

The journal of the proceedings of Saturday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H. R. 56. An act to authorize the Postmaster General to issue receipts to senders for ordinary mail of any character, and to fix the fees chargeable therefor;

H. R. 58. An act to authorize the assignment of railway postal clerks and substitute railways postal clerks to temporary employment as substitute sea-post clerks;

H. R. 132. An act authorizing the erection of a sanitary fireproof hospital at the National Home for Disabled Volunteer Soldiers at Dayton, Ohio;

H. R. 496. An act authorizing an appropriation for development of potash jointly by the Department of Agriculture and the Department of Commerce by improved methods of recovering potash from deposits in the United States;

H. R. 967. An act for the relief of George J. Illichevsky;

H. R. 1939. An act for the relief of James M. Thomas;

H. R. 2492. An act to extend the benefits of the United States employees' compensation act of September 7, 1916, to John L. Jenifer, a former employee of the Government Printing Office, Washington, D. C.;

H. R. 3949. An act for the relief of Frank F. Moore;

H. R. 3967. An act for the relief of the next of kin of Edgar C. Bryon;

H. R. 4267. An act for the relief of Ernest J. Hiscock;

H. R. 4776. An act for the relief of Dr. Stanley R. Teachout;
H. R. 5713. An act to permit certain warrant officers to count all active service rendered under temporary appointments as warrant or commissioned officers in the regular Navy, or as warrant or commissioned officers in the United States Naval Reserve Force, for purpose of promotion to chief warrant rank;
H. R. 5780. An act to provide for the further carrying out of the award of the National War Labor Board, of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co., Bethlehem, Pa.;
H. R. 6865. An act to prescribe more definitely the rates of compensation payable to steamships of United States registry for transportation of foreign mails;
H. R. 7392. An act for the relief of John I. Fitzgerald;
H. R. 8807. An act for the relief of James O. Williams;
H. R. 8901. An act to amend and further extend the benefits of the act approved March 3, 1925, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes";
H. R. 8968. An act to allow credit in the accounts of William A. Schoenfeld;
H. R. 9716. An act for the relief of Charles H. Salley;
H. R. 9943. An act for the relief of Sawyer Motor Co;
H. R. 10015. An act authorizing the promotion on the retired list of the Navy of Herschel Paul Cook, lieutenant, junior grade;
H. R. 10327. An act for the relief of Charles J. Hunt;
H. R. 10624. An act for the relief of William J. Casey;
H. R. 10760. An act to authorize the settlement of the indebtedness of the Hellenic Republic to the United States of America and of the differences arising out of the tripartite loan agreement of February 10, 1918;
H. R. 10913. An act to compensate Tailbird & Jenkins for balance due on contracts with Navy Department dated March 20 and October 9, 1919;
H. R. 11289. An act for the relief of Katherina Kautz and Fred G. Kautz, heirs of the estate of Christian F. Kautz, deceased;
H. R. 11616. An act to authorize alterations and repairs to certain naval vessels;
H. R. 11749. An act for the relief of H. A. Russell;
H. R. 12007. An act for the relief of Mr. and Mrs. Peter J. Egan;
H. R. 12322. An act to quiet title and possession with respect to certain lands in Faulkner County, Ark.;
H. R. 12347. An act granting all right, title, and interest of the United States to the piece or parcel of land known as the Cuartel lot to the city of Monterey, Calif.;
H. R. 12415. An act to grant freedom of postage in the United States domestic service to the correspondence of the members of the Diplomatic Corps and consuls of the countries of the Pan American Postal Union stationed in the United States;
H. R. 12520. An act for the relief of the Nez Perce Tribe of Indians;
H. R. 12607. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of Naval Post 110 of the American Legion the bell of the battleship *Connecticut;*
H. R. 12711. An act for the relief of certain members of a trail crew employed by the Forest Service;
H. R. 12714. An act for the relief of the Rocky Ford National Bank, Rocky Ford, Colo.;
H. R. 12898. An act to extend the collect-on-delivery service and limits of indemnity to sealed domestic mail on which the first-class rate of postage is paid;
H. R. 13428. An act for the relief of Mackenzie Memorial Hospital and German-American Hospital and Lau Ye Kun, all of Tientsin, China;
H. R. 13449. An act to provide for the promotion of clerks and general mechanics in the motor-vehicle service;
H. R. 13450. An act to provide for the promotion of clerks, general mechanics, driver mechanics, and garagemen drivers in the motor-vehicle service;
H. R. 13451. An act to authorize the Postmaster General to hire vehicles from letter carriers for use in service;
H. R. 13565. An act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved July 3, 1926;
H. R. 13692. An act authorizing the Coos (Kowes) Bay, Lower Umpqua (Kalawatset), and Siuslaw Tribes of Indians of the State of Oregon to present their claims to the Court of Claims;
H. R. 13899. An act authorizing the Secretary of the Interior to issue patents for lands held under color of title;
H. R. 13977. An act authorizing the Secretary of the Interior to settle claims by agreement arising under operation of Indian irrigation projects;
H. R. 14458. An act authorizing the Rio Grande del Norte Investment Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near San Benito, Tex.;
H. R. 14572. An act for the relief of William D. Ghrist;
H. R. 15004. An act for the relief of Florence P. Hampton;
H. R. 15005. An act authorizing the Donna Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Donna, Tex.;
H. R. 15006. An act authorizing the Los Indios Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Los Indios, Tex.;
H. R. 15039. An act for the relief of Winston W. Davis;
H. R. 15069. An act authorizing the Rio Grande City-Camargo Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Rio Grande City, Tex.;
H. R. 15092. An act to authorize an appropriation to pay half the cost of a bridge near the Soboba Indian Reservation, Calif.;
H. R. 15279. An act for the relief of the family of Wang Erh-Ko;
H. R. 15328. An act to authorize the exchange of 18 sections of Government land for an equal value of State land located in Box Elder County, Utah, for experiments in sheep growing, and for other purposes;
H. R. 15523. An act authorizing representatives of the several States to make certain inspections and to investigate State sanitary and health regulations and school attendance on Indian reservations, Indian tribal lands, and Indian allotments;
H. R. 15968. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn.;
H. R. 16129. An act to provide for the acquisition of a site and the construction thereon and equipment of buildings and appurtenances for the Coast Guard Academy;
H. R. 16527. An act to authorize the Secretary of the Interior to purchase land for the Alabama and Coushatta Indians of Texas, subject to certain mineral and timber interests;
H. J. Res. 153. Joint resolution for the contribution of the United States in the plans of the organization of the International Society for the Exploration of the Arctic Regions by Means of the Airship;
H. J. Res. 304. Joint resolution providing for the observance and commemoration of the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski, and establishing a commission to be known as the United States Pulaski Sesquicentennial Commission; and
H. J. Res. 343. Joint resolution authorizing an extension of time within which suits may be instituted on behalf of the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to June 30, 1931, and for other purposes.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 3955. An act for the relief of the C. Tisdall Co., Herbert W. Smith, Newman Bros., Thomas J. Murphy Co., formerly Edward A. Brown Co., and Giles P. Dunn, jr.;
H. R. 4258. An act to authorize credit in the disbursing accounts of certain officers of the Army of the United States and for the settlement of individual claims approved by the War Department;
H. R. 5491. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes," approved July 12, 1921;
H. R. 7166. An act to allow credit in the accounts of disbursing officers of the Army of the United States on account of refunds made to purchasers of surplus war supplies';
H. R. 7244. An act for the relief of Mary Martin Harrison;
H. R. 8736. An act to provide for the inspection of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss.;
H. R. 9737. An act for the relief of Herman C. Davis;
H. R. 11064. An act for the relief of F. Stanley Millichamp;
H. R. 11360. An act to authorize the Secretary of the Interior to convey or transfer certain water rights in connection with the Boise reclamation project;
H. R. 11510. An act for the relief of Montana State College;
H. R. 11698. An act conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *W. I. Radcliffe v.* The United States, and for other purposes;

H. R. 11699. An act conferring jurisdiction upon the United States Court for the Southern District of New York to hear and determine the claim of the owner of the French auxiliary bark *Quevilly v.* The United States, and for other purposes;

H. R. 13251. An act to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes;

H. R. 13795. An act for recognition of meritorious service performed by Lieut. Commander Edward Ellsberg, Lieut. Henry Hartley, and Boatswain Richard E. Hawes;

H. R. 13825. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 15732. An act making an additional grant of lands for a miners' hospital for disabled miners of the State of Utah, and for other purposes;

H. R. 16422. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes;

H. R. 16500. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 16522. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 432. An act for the relief of Martin E. Riley;

S. 1109. An act for the relief of Little Rock College, Little Rock, Ark.;

S. 1979. An act for the relief of the Union Shipping & Trading Co. (Ltd.);

S. 2409. An act to amend section 1223 of the Revised Statutes of the United States;

S. 4250. An act for the relief of David E. Jones;

S. 4815. An act for the relief of members of the crew of the transport *Antilles;*

S. 4819. An act for the relief of Roy M. Lisso, liquidating trustee of the Pelican Laundry (Ltd.);

S. 4841. An act establishing a fund for the propagation of salmon in the Columbia River district;

S. 4938. An act granting war-risk insurance to the estate of Herbert Toll;

S. 4964. An act to authorize the erection of a suitable statue of Maj. Gen. George W. Goethals within the Canal Zone;

S. 4981. An act to include in the credit for time served allowed substitute clerks in first and second class post offices and letter carriers in the city delivery service time served as special-delivery messengers.

S. 5040. An act to amend the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925;

S. 5127. An act to carry into effect the twelfth article of the treaty between the United States and the Loyal Shawnee Indians, proclaimed October 14, 1868;

S. 5221. An act for the relief of Cary Dawson;

S. 5255. An act for the relief of present and former postmasters and acting postmasters, and for other purposes;

S. 5270. An act to authorize the Secretary of War to donate a bronze cannon to the city of Phoenix, Ariz.;

S. 5302. An act to amend the second paragraph of section 4 of the Federal farm loan act, as amended;

S. 5326. An act for the relief of Jessie L. Kinsey;

S. 5361. An act for the relief of Bertha Hanson;

S. 5443. An act to enable the Postmaster General to make contracts for the transportation of mails by air from island possessions to the United States to foreign countries and to the United States and between such island possessions, and to authorize him to make contracts with private individuals and corporations for the conveyance of mails by air in foreign countries;

S. 5453. An act authorizing the payment of Government life insurance to Etta Pearce Fulper;

S. 5465. An act authorizing V. Calvin Trice, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Choptank River at a point at or near Cambridge, Md.;

S. 5474. An act authorizing the Director of the Census to collect and publish certain additional cotton statistics;

S. 5544. An act to increase the membership of the National Advisory Committee for Aeronautics;

S. 5550. An act to authorize the purchase by the Secretary of Commerce of a site, and the construction and equipment of a building thereon, for use as a constant frequency monitoring radio station, and for other purposes;

S. 5573. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Nebraska, and Wyoming with respect to the division and apportionment of the waters of the North Platte River and other streams in which such States are jointly interested;

S. 5621. An act to repeal paragraphs 127 and 128 of the act entitled "An act to discontinue certain reports now required by law to be made to Congress," approved May 29, 1928;

S. 5684. An act to amend the War Finance Corporation act approved April 5, 1918, as amended, to provide for the liquidation of the assets and the winding up of the affairs of the War Finance Corporation after April 4, 1929, and for other purposes;

S. J. Res. 58. Joint resolution to relieve Elizabeth Robins Pennell from necessity of providing a surety on her bond for the benefit of the United States as residuary legatee and remainderman under the will of Joseph Pennell;

S. J. Res. 206. Joint resolution to authorize the President of the United States to appoint a Yellowstone National Park Boundary Commission to inspect the areas involved in the proposed adjustment of the southeast, south, and southwest boundaries of the Yellowstone National Park; and

S. J. Res. 213. Joint resolution to provide for extending the time in which the United States Supreme Court Building Commission shall report to Congress.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 10374) entitled "An act for the acquisition of lands for an addition to the Beal Nursery at East Tawas, Mich.," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McNARY, Mr. CAPPER, and Mr. SMITH to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15386) entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes."

ELECTORS FOR PRESIDENT AND VICE PRESIDENT, STATE OF IDAHO

The SPEAKER. The Chair lays before the House the following communication.

The Clerk read as follows:

DEPARTMENT OF STATE,
Washington, February 9, 1929.

The honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith, in pursuance of the provisions of the act of Congress approved May 29, 1928, an authenticated copy of the certificate of the final ascertainment of electors for President and Vice President, appointed in the State of Idaho at the election held therein on the 6th day of November, 1928, which you are requested to substitute for the certificate sent to you on December 15, 1928.

I have the honor to be, sir, your obedient servant,
For the Secretary of State:
TYLER DENNETT,
Chief, Division of Publications.

WAR DEPARTMENT APPROPRIATION BILL

Mr. BARBOUR. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 15712, the War Department appropriation bill, with Senate amendments, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from California asks unanimous consent to take from the Speaker's table the bill H. R. 15712, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

An act (H. R. 15712) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes.

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the committee something relative to this. I understand in the Senate several claims have been attached to this regular appropriation bill.

Mr. BARBOUR. There has been one of considerable importance attached, and I think possibly a few others—minor claims.

Mr. SNELL. Will the gentleman give us any information as to how he plans to handle that matter? I do not want to

make a definite objection in reference to this matter going to conference, but it is a very important matter and many seem very much opposed to having a private claim added to a regular appropriation bill.

Mr. BARBOUR. I understand this particular claim is covered by a bill which passed the House and Senate and now is in conference and the House agreed to the payment of a certain amount. I have talked with the chairman of the Committee on War Claims with reference to this matter and told him I did not believe the House conferees would want to agree on a larger amount than carried in the House bill without bringing the matter back to the House.

Mr. SNELL. I think that is a fair statement.

Mr. CRAMTON. The conferees will be obliged to bring it back to the House because it is not within their jurisdiction, being legislation.

Mr. BARBOUR. We would have to bring it back.

Mr. CRAMTON. Whatever the amount, it would have to be brought back.

Mr. UNDERHILL. Will the gentleman yield?

Mr. BARBOUR. I will.

Mr. UNDERHILL. I would like to ask for information if the House has not already acted on this matter and it has passed the House and had gone over to the Senate in the amount of $50,000?

Mr. STRONG of Kansas. Yes, sir; with a 10 per cent attorney's fee clause added.

Mr. UNDERHILL. Now, why should they write that appropriation into a general appropriation bill when they had before them the same proposition practically that there would be if the appropriation were not made?

Mr. BARBOUR. I have not been able to think of any good reason for that.

Mr. LaGUARDIA. Will not the record show that there is a statement in the Senate committee now to the effect that the person interested is satisfied with the House provision, and in all likelihood will not receive one cent more, even if the full amount in the Senate bill is carried?

Mr. UNDERHILL. The gentleman from Massachusetts is only interested to prevent any other body writing into an appropriation bill claims bills on which the House has acted or refused to act.

Mr. McKEOWN. Reserving the right to object, Mr. Speaker, I will state to the gentleman that it is true the claim has been reduced from the original amount. A former Senator from New York, Senator Wadsworth, who examined the claim, said it was just and ought to be paid, and that they took advantage of the claimant and refused to pay it. Senator Wadsworth examined the claim and said it was an honest claim and ought to be paid in full. The Senator from Pennsylvania put it on the bill.

Mr. LaGUARDIA. The judgment of either of those gentlemen is not binding on the House.

Mr. McKEOWN. Yes; and neither are you infallible.

Mr. STRONG of Kansas. This bill passed the Senate and came over to the House, where it was amended by reducing the amount to $50,000, with a 10 per cent clause for attorneys' fees. That was in the last session. Along about the 24th of November, 1928, before this session convened, the claimant went to the Committee on Claims of the Senate and filed a written statement to the effect that he was satisfied with the amount of $50,000 provided in the House amendment and would accept it. From that date the controversy has not been concerning the amount the claimant wants, but concerning the amount that the attorneys will receive.

Mr. MILLER. What is the attorney's fee?

Mr. STRONG of Kansas. In the bill passed by the Senate for $142,500 the attorney's fee would be $57,000, as the attorney has a contract for 40 per cent. On Saturday the claimant came into my office without invitation and stated that he was very much afraid that in the controversy over the attorney's fee Congress would adjourn without giving him anything, and he said he would file a statement with my committee. Let me read it:

WASHINGTON, D. C., *February 9, 1929.*

This is to evidence that I, the undersigned, John W. Stockett, having signed an agreement before the Senate Committee on Claims about two months ago, to accept the House amendments to Senate bill 2319 in full and satisfactory settlement of my claim against the United States for use of patented breech and firing mechanisms used in heavy ordnance, do hereby state that it is my purpose and I hereby agree that out of said amount of $50,000 I will pay to Jerry South, who has been my attorney since April, 1927, the sum of $5,000, which is in accordance with the House amendment, and to the estate of Walter F. Rogers, the attorney who represented me in my suit with the Government during 20 years, from 1907 to 1927, an additional $5,000, which will leave me $40,000.

I feel that this is a just and fair settlement to myself and my attorneys.

JOHN W. STOCKETT.

Mrs. ELBERTA J. WHEELER.

Now, it seems to me in the face of the fact that the claimant is willing to accept the House amendment, and accept it as a just settlement and pay the attorneys these fees, $5,000 each, we ought to insist upon it and save the Government $82,500.

Mr. McKEOWN. I am not interested in the attorneys' fees or in this man, but the record shows that this man is entitled to the amount of his claim. Senator Wadsworth went over it, and the man's house was about to be sold over his head, and he comes here and on account of his poverty is obliged to accept a smaller figure. He ought to have the proper amount of money due him.

Mr. STRONG of Kansas. The gentleman has been misinformed. The claimant has not been urged or even asked to accept a smaller figure. He has acted on his own judgment. The Supreme Court affirmed the decision of the Court of Claims which decided against the claimant. The War Department in letters addressed to the Speaker of this House in 1907, in 1909, and in 1910 recommended but $20,000, which claimant admitted before the Claims Committee of this House he would consider a fair, square compensation. Here we propose to give the claimant $50,000, and he, of course, is satisfied with it.

Mr. McKEOWN. I suppose he would have to be satisfied with anything.

Mr. STRONG of Kansas. I would like to have an understanding with the gentleman having this bill in charge, to the effect that no agreement with the Senate conferees will be made different from the amendments by the House on this claim without our having a right to vote on it.

Mr. BARBOUR. It will have to come back to the House for a vote anyway.

Mr. HASTINGS. Mr. Speaker, will the gentleman permit an interruption there?

Mr. BARBOUR. Yes.

Mr. HASTINGS. Apropos of this amendment, I was interested in another amendment a few days ago, where we could not get a definite understanding about bringing the question back to the House for a vote on it.

Mr. BARBOUR. This is only one of 61 questions raised in this bill.

Mr. BANKHEAD. Inasmuch as the matter has been referred to the gentleman from Oklahoma [Mr. HASTINGS], namely, the failure to bring back to the House another appropriation bill which has been in conference, I would like to ask the leader on that side as to whether he has any information as to when the conferees will report on the first deficiency bill now pending?

Mr. TILSON. I am unable to inform the gentleman, except to say that when there is an agreement for the conferees to report to the House they will doubtless report it.

Mr. CHALMERS. Mr. Speaker, let us have the regular order.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. BANKHEAD. While we have this matter up, I may say that the statement of the gentleman from Connecticut was not entirely conclusive. I want to ask the gentleman, who will be one of the conferees, if he has any assurance that a conference report will be made on that bill?

Mr. CRAMTON. I will say to the gentleman that if the conferees on the part of the Senate maintain their attitude, it is uncertain when the conference report will be made.

Mr. BANKHEAD. I will ask the gentleman categorically if it is not a fact that the conferees on the part of the House have agreed not to report back a conference?

Mr. CRAMTON. It takes a great deal of courage to ask that question but not much to answer it. [Laughter.] I will say that there is no such agreement.

Mr. GARNER of Texas. Does not the gentleman know it to be a fact that it has already been agreed between gentlemen having charge of the appropriation bill that you will include the other items in the new deficiency bill? Is not that understood?

Mr. CRAMTON. No; there is no such understanding.

Mr. GARNER of Texas. Does the gentleman mean to say that has not been discussed?

Mr. CRAMTON. It is always understood, I will say to the gentleman—and I do not think we need to have any specific understanding—that the majority of the Appropriations Committee—and ordinarily we have the support of the minority in that—are going to endeavor to handle appropriation bills in a way not to embarrass the business of the Government.

Mr. GARNER of Texas. But is not that the understanding, that you are going to include the items now in the urgent deficiency bill in the general deficiency bill?

Mr. CRAMTON. We will cross all of these bridges when we reach them.

The SPEAKER. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I certainly hope the Appropriations Committee conferees will oppose the Stockett amendment in order to protect the integrity of this House. When a bill passes the Senate and passes the House and conferees have been appointed by the House, it is presumptuous for the body at the other end of the Capitol to incorporate it in an appropriation bill. Let the conferees appointed by the House from the War Claims Committee thrash the Stockett bill out with the Senate conferees. [Applause.]

Mr. CRAMTON. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. CRAMTON. As I now understand the situation, the gentleman from California has assured the House that he will not agree to the Stockett amendment without bringing it back to the House, but he has not assured the House—and, as I understand it, has not been asked to assure the House—that if the Senate desires to recede he will not accept that recession. As I understand, if the Senate desires to recede on that amendment, the House conferees are prepared to join with them.

Mr. BARBOUR. Join with the Senate conferees?

Mr. CRAMTON. Yes; and accept their recession.

Mr. BARBOUR. Oh, yes.

Mr. CRAMTON. Therefore it is a much different situation than was before the House the other day when the deficiency bill was under consideration, which the gentlemen have been speaking about.

Mr. BARBOUR. I believe it would meet with the entire approval of the House if we did that.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. The Chair appoints the following conferees: Messrs. BARBOUR, CLAGUE, TABER, HARRISON, and COLLINS.

AGRICULTURAL APPROPRIATION BILL

Mr. DICKINSON of Iowa. Mr. Speaker, I call up the conference report on H. R. 15386, making appropriations for the Department of Agriculture, for the fiscal year ending June 30, 1930, and for other purposes.

The SPEAKER. The gentleman from Iowa calls up a conference report, which the Clerk will report.

Mr. DICKINSON of Iowa. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

Mr. EDWARDS. Mr. Speaker, reserving the right to object, this is the agricultural appropriation bill?

Mr. DICKINSON of Iowa. Yes.

Mr. EDWARDS. What was done with the item with reference to pecans?

Mr. DICKINSON of Iowa. Under the Bureau of Plant Industry $10,000 was allowed for research with reference to diseases of pecans but the amendment under the Bureau of Soils for $10,000 was not allowed, for the reason that $10,000 for research work on soils, as far as pecans are concerned, would not be of any use, the reason for that being that they are raised in so many localities that it will take a larger amount. I think there is rather a mutual understanding that next year a program will be put on for soil and chemical research in the production of pecans that will cover the pecan area.

Mr. EDWARDS. May I ask the gentleman with reference to the naval stores item?

Mr. DICKINSON of Iowa. With reference to the naval stores item, an increase of $12,000 was allowed.

Mr. EDWARDS. What about the phony peach item?

Mr. DICKINSON of Iowa. That was agreed to in a total of $100,000.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15386) making appropriations for the Department of Agriculture, for the fiscal year ending June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 19, 21, 22, 24, 27, 28, 29, 30, 31, 35, 40, 44, 47, 48, 52, 57, 66, and 68.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 32, 37, 39, 43, 46, 54, 55, 58, 59, 60, 61, 62, 63, 65, 69, and 70, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: On page 13 of the bill, in line 25, strike out "$11,728,390" and insert "$12,008,390"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,120,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,153,400"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$353,780"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,533,070"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,133,070"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$831,200"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$810,920"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,234,731"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,960,343"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,646,200"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,541,280"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,024,280"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$32,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,630,075"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,089,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$204,000"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,882,670"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$396,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$663,273"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,163,566"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$1,429,166"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$2,325,800"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$2,633,500"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the the sum proposed insert: "$144,511,554"; and the Senate agree to the same.

The committee of conference have not agreed on amendment numbered 15.

L. J. DICKINSON,
E. H. WASON,
JOHN W. SUMMERS,
J. P. BUCHANAN,
JOHN N. SANDLIN,
Managers on the part of the House.

CHAS. L. MCNARY,
W. L. JONES,
HENRY W. KEYES,
LEE S. OVERMAN,
WM. J. HARRIS,
JOHN B. KENDRICK,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15386) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference reports as to each of such amendments, namely:

EXTENSION SERVICE

On No. 6: Appropriates $1,580,000 for cooperative agricultural extension work, as proposed by the Senate, instead of $1,300,000, as proposed by the House.

WEATHER BUREAU

On No. 12: Appropriates $5,000 for marine information for the Pacific, as proposed by the Senate, and $5,000 for investigations of weather in relation to forest fires, instead of $10,000, as proposed by the Senate.

BUREAU OF ANIMAL INDUSTRY

On No. 14: Appropriates $5,280 for investigations concerning the liver fluke, as proposed by the Senate, and strikes out the appropriation of $10,000, proposed by the Senate, for poultry diseases.

BUREAU OF PLANT INDUSTRY

On No. 19: Strikes out $10,000 provided by the Senate for investigations to study the effect of the length of day on plant growth.

On Nos. 20 and 21: Appropriates $5,000 for investigations concerning foot-rot disease of wheat, as proposed by the Senate, and strikes out $7,500 provided by the Senate for investigations in cooperation with the Utah Agricultural Experiment Station.

On No. 22: Strikes out the word "peanuts."

On No. 23: Appropriates, as proposed by the Senate, $10,000 for boron-resistant root stock for citrus and other orchard fruits, $85,000 for eradication of the phony disease of peaches, $10,000 additional for bulb diseases, $10,000 additional for pecan cultural and disease investigation, $15,000 for nut research in the Northwest, and $20,000 for improvement of seed potatoes; appropriates $7,500, instead of $10,000, as proposed by the Senate, for investigation of perennial canker of fruit trees in the Wenatchee Valley; and strikes out $5,000 provided by the Senate for black-walnut investigations in the East and $10,000 provided by the Senate for investigations concerning peanuts.

On No. 24: Strikes out $10,000 provided by the Senate for investigation of foreign plants suitable for planting in arid and semiarid regions of the United States.

FOREST SERVICE

On Nos. 28, 29, and 30: Strikes out the increase of $25,000 provided by the Senate for additional fire protection in the national forests of California.

On No. 31: Strikes out the increase of $20,000 provided by the Senate in the appropriation for silvicultural, dendrological, and other experiments and investigations.

On No. 32: Appropriates $10,000, as proposed by the Senate, for investigations concerning the making of paper from the wood of pine trees.

On No. 34: Appropriates $2,000,000, instead of $1,900,000, as proposed by the House, and $3,000,000, as proposed by the Senate, for the acquisition of additional forest lands.

BUREAU OF CHEMISTRY AND SOILS

On No. 37: Appropriates $7,500, as proposed by the Senate, for scientific research concerning honey.

On No. 38: Appropriates $32,000, instead of $20,000, as proposed by the House, and $42,000, as proposed by the Senate, for naval-stores investigations.

On No. 39: Inserts a title.

On No. 40: Strikes out $10,000 provided by the Senate for soil-fertility investigations in reference to the pecan.

BUREAU OF ENTOMOLOGY

On No. 44: Strikes out $5,000 provided by the Senate for investigation concerning red spiders and other enemies of plumosus ferns.

On No. 45: Provides an increase of $10,000, instead of $35,000, as proposed by the Senate, for forest-insect studies.

On No. 46: Corrects a title.

On No. 47: Strikes out $5,000 provided by the Senate for investigations of insect pests affecting the hides of reindeer in Alaska.

On No. 48: Strikes out $12,500 provided by the Senate for bee-culture investigations.

BUREAU OF BIOLOGICAL SURVEY

On No. 51: Appropriates $5,000, instead of $8,000, as proposed by the Senate, for predatory-animal work in Alaska.

On No. 52: Strikes out $5,487 provided by the Senate for a woodcock survey.

BUREAU OF AGRICULTURAL ECONOMICS

On No. 58: Appropriates $8,967, as proposed by the Senate, for preliminary survey of the problems connected with cotton from the irrigated sections of the Southwest.

On No. 59: Appropriates $20,000, as proposed by the Senate, for market inspection of tobacco.

On No. 60: Appropriates an additional amount of $77,260, as proposed by the Senate, for leased-wire market news service.

On No. 62: Appropriates $150,000, as proposed by the Senate, for operation of Center Market.

PLANT QUARANTINE AND CONTROL ADMINISTRATION

On No. 65: Appropriates $15,000, as proposed by the Senate, for control of the phony peach disease.

On No. 66: Strikes out $25,000 provided by the Senate for inspection of nursery stock while in transit.

SPECIAL LEAF-HOPPER RESEARCH

On No. 70: Appropriates $230,000, as proposed by the Senate, for special leaf-hopper research.

On Nos. 7, 10, 11, 13, 16, 17, 18, 25, 26, 27, 33, 35, 36, 41, 42, 49, 50, 53, 56, 57, 61, 63, 64, 67, 68, and 71 correct totals.

On Nos. 1, 2, 3, 4, 5, 8, 9, 43, 46, 54, 55, and 69 are corrections of form.

IN DISAGREEMENT

The committee of conference has not agreed to the following Senate amendment:

On No. 15: Authorizing the Secretary of Agriculture to charge and collect fees for the inspection of brands appearing upon livestock subject to the provisions of the packers and stockyards act.

L. J. DICKINSON,
E. H. WASON,
JOHN W. SUMMERS,
J. P. BUCHANAN,
JOHN N. SANDLIN,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the amendment in disagreement.

The Clerk read as follows:

Amendment No. 15: Page 25, line 5, after the word "jurisdiction," insert the following: "(15): *Provided further,* That the Secretary of Agriculture may, whenever necessary, authorize the charging and collection from owners of a reasonable fee for the inspection of brands appearing upon livestock subject to the provisions of the said act for the purpose of determining the ownership of such livestock."

Mr. DICKINSON of Iowa. Mr. Speaker, I move to recede and concur in the Senate amendment with an amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Iowa moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. DICKINSON of Iowa moves that the House recede from its disagreement to the amendment of the Senate No. 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert: "*Provided further,* That the Secretary of Agriculture may, whenever necessary, authorize the charging and collection from owners of a reasonable fee for the inspection of brands appearing upon livestock subject to the provisions of the said act for the purpose of determining the ownership of such livestock: *Provided further,* That such fee shall not be imposed except upon written request made to the Secretary of Agriculture by the Board of Livestock Commissioners or duly organized livestock association of the States from which such livestock have originated or been shipped to market."

The SPEAKER. The question is on the motion of the gentleman from Iowa to concur in the Senate amendment with the amendment just reported.

Mr. ABERNETHY. May I ask the gentleman a question? As I understand, the conference accepted the amendment of Senator OVERMAN, increasing the amount as to bulb pests.

Mr. DICKINSON of Iowa. It did.

The motion was agreed to.

Mr. DICKINSON of Iowa. Mr. Speaker, I ask unanimous consent to insert in the RECORD a tabulated statement showing the adjustment of the items in this bill as between the House and the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The matter referred to follows:

AGRICULTURAL APPROPRIATION BILL

Statement of Senate amendments involving appropriations, showing amounts appropriated by the House and Senate, respectively, the amount finally agreed upon, together with the increases over the House figure or the reductions under the Senate figure

Amendment No.	Subject	Appropriated by House	Appropriated by Senate	Amount agreed upon	Increase, agreed amount, above House figure	Decrease, agreed amount, under Senate figure
6	Cooperative agricultural extension work	$1,300,000	$1,580,000	$1,580,000	$280,000	
12	Marine weather information for Pacific		5,000	5,000	5,000	
	Weather investigations in relation to forest fires		10,000	5,000	5,000	$5,000
14	Diseases of animals:					
	Liver fluke investigations		5,280	5,280	5,280	
	Poultry disease investigations (additional)		10,000			10,000
19	Studies of effect of length of day on plant growth		10,000			10,000
20	Foot-rot disease of wheat investigations		5,000	5,000	5,000	
	Cereal investigations in cooperation with Utah Agricultural Experiment Station		7,500			7,500
23	Horticultural crops and diseases:					
	Boron resistant root stock for citrus and other orchard fruits		10,000	10,000	10,000	
	Eradication of the phony disease of peaches		85,000	85,000	85,000	
	Bulb diseases (additional)		10,000	10,000	10,000	
	Pecan cultural and disease investigation (additional)		10,000	10,000	10,000	
	Nut research in the Northwest		15,000	15,000	15,000	
	Black walnut investigations in the East		5,000			5,000
	Investigation of perennial canker of fruit trees in the Wenatchee Valley		10,000	7,500	7,500	2,500
	Improvement of seed potatoes		20,000	20,000	20,000	
	Peanut investigations		10,000			10,000
24	Investigation of foreign plants suitable for planting in arid and semiarid regions of the United States		10,000			10,000
28	Additional fire protection in the national forests of California		25,000			25,000
31	Additional for silvicultural, dendrological, and other experiments and investigations		20,000			20,000
32	Investigations concerning the making of paper from the wood of pine trees		10,000	10,000	10,000	
34	Acquisition of additional forest lands	1,900,000	3,000,000	2,000,000	100,000	1,000,000
37	Honey investigations		7,500	7,500	7,500	
38	Naval stores investigations	20,000	42,000	32,000	12,000	10,000
40	Soil fertility investigations in reference to the pecan		10,000			10,000
44	Investigations of red spider and other enemies of the plumosus fern		5,000			5,000
45	Forest insects	194,000	229,000	204,000	10,000	25,000
47	Investigation of insect pests affecting the hides of Alaska reindeer		5,000			5,000
48	Bee culture investigations	54,400	66,900	54,400		12,500
51	Predatory animal work in Alaska		8,000	5,000	5,000	3,000
52	Woodcock survey		5,487			5,487
58	Preliminary survey of problems connected with cotton from the irrigated sections of the Southwest		8,967	8,967	8,967	
59	Inspection tobacco intended for market		20,000	20,000	20,000	
60	Leased wire market news service (additional)		77,260	77,260	77,260	
62	Center Market, operation of, fiscal year 1930		150,000	150,000	150,000	
65	Control of the phony peach disease		15,000	15,000	15,000	
66	Inspection of nursery stock while in transit		25,000			25,000
70	Special leaf-hopper research		230,000	230,000	230,000	
	Total	3,468,400	5,777,894	4,571,907	1,103,507	1,205,987

JOHN J. CAMPBELL

Mr. MORIN. Mr. Speaker, by direction of the Committee on Military Affairs, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7409) for the relief of John J. Campbell and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendment was agreed to.

ARMY HOUSING BILL

Mr. MORIN. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. JAMES], a member of the Military Affairs Committee, who is unable to be present on account of illness, may be permitted to extend his remarks in the RECORD on the bill H. R. 15825, the Army housing bill.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Michigan may extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. JAMES. Mr. Speaker, under date of May 16, 1928, I introduced H. R. 13825, providing for Army housing. The bill was unanimously reported out of the House Military Affairs Committee on May 21, 1928, and passed the House unanimously on May 28, 1928.

The report on the bill reads as follows:

[H. Rept. No. 1793, 70th Cong., 1st sess.]

AUTHORIZING APPROPRIATIONS FOR CONSTRUCTION AT MILITARY POSTS

Mr. FROTHINGHAM, from the Committee on Military Affairs, submitted the following report (to accompany H. R. 13825):

The Committee on Military Affairs, to whom was referred the bill (H. R. 13825) to authorize appropriations for construction at military posts, and for other purposes, introduced by Mr. JAMES, having considered the same, report thereon with the recommendation that it do pass.

This bill carries on the Army housing program which has been in the course of development since the original authorization in 1926. This bill provides authorization for additional housing as follows: 448 officers, 526 noncommissioned officers, 2,814 enlisted men, 526 patients in hospitals, 142 nurses.

The stations covered in this bill have practically all of them been visited by the chairman of the subcommittee on real estate and construction, Mr. JAMES, during the past year.

Previous authorizations under the present Army housing program carried a total of $37,239,359, which provides housing for the following: 717 officers, 771 noncommissioned officers, 27,394 enlisted men, 1,077 patients in hospitals.

The following letter from the Secretary of War shows that the bill meets the approval of the War Department and that its provisions are not in conflict with the financial program of the President. The detailed statement referred to in the letter from the Secretary of War is appended and immediately follows the letter:

WAR DEPARTMENT,
Washington, D. C., May 18, 1928.

Hon. JOHN M. MORIN,
Chairman Committee on Military Affairs,
House of Representatives.

DEAR MR. MORIN: In compliance with your request of May 16, 1928, I am pleased to submit the following report on H. R. 13825:

The subject of the proposed legislation is a bill to authorize appropriations for construction at military posts, and for other purposes.

This construction has not been previously authorized, and it is desired that it be authorized at this time so that the items may be included in the estimates for the War Department appropriation bill for the fiscal year 1931.

This construction relates to the permanent housing of Army personnel at the stations listed in the bill. Much of this construction is made necessary in meeting the needs of the Air Corps under the 5-year program as authorized by the act of July 2, 1926.

It is estimated that the total cost of the bill, if enacted into law, will be $15,066,260.

If any additional information is desired from the War Department, I shall be pleased to furnish it.

A detailed statement showing just what the bill will accomplish at each station is attached hereto and made a part of this report.

If the Committee on Military Affairs wishes to have hearings on the proposed legislation, the following-named officers are designated to appear before your committee: Maj. Gen. C. P. Summerall, Chief of Staff; Maj. Gen. B. Frank Cheatham, the Quartermaster General; Maj. Gen. J. E. Fechet, Chief of Air Corps.

The proposed legislation has been submitted to the Director of the Bureau of the Budget, who states that it is not in conflict with the financial program of the President.

Sincerely yours,

DWIGHT F. DAVIS,
Secretary of War.

Albrook Field, Panama

For dispensary	$30,000

Congress has previously authorized the following construction at this station:

For barracks to accommodate 650 enlisted men	$560,000
For quarters to accommodate 111 married noncommissioned officers	539,000
For quarters to accommodate 77 officers	778,000

No permanent quarters existed at this station prior to the inauguration of the Army housing program by the last Congress.

This is a new flying field and the funds authorized by the last Congress will provide for the first permanent construction.

Corundu, Panama

For barracks to accommodate 500 enlisted men	$357,500

This is a new station and the funds authorized in this bill will provide for the first permanent construction.

France Field, Panama

For barracks to accommodate 528 enlisted men	$360,000
For quarters to accommodate 45 married noncommissioned officers	324,000
For quarters to accommodate 40 officers	427,200
For a dispensary	30,000

The last Congress authorized the following construction at this field:

For quarters to accommodate 10 officers	$73,000
For quarters to accommodate 12 married noncommissioned officers	66,000

This is a new flying field and the funds authorized by the last Congress provide for the first permanent construction.

Schofield Barracks, Hawaiian Department

For quarters to accommodate 15 married noncommissioned officers	$100,000
For quarters to accommodate 27 officers	300,000

Under the present housing program, Congress has previously authorized the following construction at this station:

For barracks to accommodate 1,150 enlisted men	$830,000
For quarters to accommodate 28 married noncommissioned officers	72,000
For a hospital of 400 beds, which will complete hospitalization requirements at this station	900,000

The permanent quarters at this station prior to the inauguration of the Army housing program by the last Congress accommodated 7,000 enlisted men, 38 noncommissioned officers, and 275 officers.

Wheeler Field, Hawaiian Department

For quarters to accommodate 32 married noncommissioned officers	$111,600
For quarters to accommodate 10 officers	150,000
For a dispensary	40,000

The present Congress has previously authorized the following construction at this station:

For barracks to accommodate 1,000 enlisted men	$504,000
For 96 sets of noncommissioned officers' quarters	300,000
For 110 sets of officers' quarters	666,000

This is a new flying field and the funds authorized above will complete the barracks, quarters, and hospitalization requirements.

San Juan, P. R.

For alteration of barracks to accommodate 135 enlisted men	$10,000
For quarters to accommodate 5 married noncommissioned officers	30,000
For quarters to accommodate 7 officers	100,000
For alteration of hospital	10,000

The present Congress previously authorized the following construction at this station:

For barracks to accommodate 135 enlisted men	$10,000
For 16 sets of officers' quarters	140,000

The permanent quarters at this station prior to the inauguration of the Army housing program by the last Congress accommodated 1,006 enlisted men, 4 noncommissioned officers, 6 officers.

Aberdeen Proving Ground, Md.

For a hospital to accommodate 12 patients	$60,000

The garrison at this station will be 42 officers and 300 enlisted men. There are two noncommissioned officers and eight privates, Medical Department, assigned to duty at this arsenal. The amount authorized in this bill will complete hospital requirements and make provision for the medical enlisted personnel.

Fort Benjamin Harrison, Ind.

For quarters to accommodate 8 married noncommissioned officers	$54,000
For a service club	50,000

The present Congress has previously authorized:

For barracks to accommodate 447 enlisted men and for a motion-picture theater $400,000

No construction was authorized at this station by the last Congress.

The permanent quarters at this station prior to the inauguration of the Army housing program by the last Congress accommodated 900 enlisted men, 8 noncommissioned officers, and 48 officers.

Fort Benning, Ga.

For quarters to accommodate 80 married noncommissioned officers $526,000
For quarters to accommodate 8 officers 114,000
For a dispensary 60,000

Under the present Army housing program, Congress has previously authorized the following construction at this station:

For barracks to accommodate 2,485 enlisted men $1,490,000
For 22 sets of noncommissioned officers' quarters 130,000
For 20 sets of officers' quarters 370,000
To complete hospital for 250 patients 315,000
For quarters to accommodate 24 nurses 65,000

These amounts will complete the hospital and nurses' quarters.

The permanent quarters at this station prior to the inauguration of the Army housing program by the last Congress, accommodated 10 noncommissioned officers, 71 officers, 102 patients in hospital.

Bolling Field, Washington, D. C.

The bill authorizes the Secretary of War to acquire at a cost not to exceed $666,000 real estate adjacent to Bolling Field for the extension and development of said flying field.

The last Congress authorized the following new construction at this field:

For barracks to accommodate 240 enlisted men $240,000

This is a new flying field, and the funds authorized by the last Congress provided for the first permanent construction.

Fort Bragg, N. C.

For quarters to accommodate 20 married noncommissioned officers $144,000
For quarters to accommodate 25 nurses 60,000
For quarters to accommodate 33 officers 496,000
For a hospital ward to accommodate 30 patients 100,000

Under the present Army housing program Congress has previously authorized:

For barracks to accommodate 1,440 enlisted men $1,118,000
For quarters to accommodate 26 noncommissioned officers 147,000
For quarters to accommodate 23 officers 284,000

No permanent quarters existed at this station prior to the inauguration of the Army housing program by the last Congress. The funds authorized above provide the first permanent construction.

Carlisle Barracks, Pa.

For a mess hall and kitchen $110,000

No construction was authorized at this station since the inauguration of the Army housing program by the last Congress.

The permanent quarters at this station accommodate 449 enlisted men, 3 noncommissioned officers, 36 officers.

Crissy Field, Calif.

For barracks to accommodate 165 enlisted men $158,400
For quarters to accommodate 20 married noncommissioned officers 144,000
For quarters to accommodate 10 officers 150,000

No construction was authorized at this station since the inauguration of the Army housing program by the last Congress.

The permanent quarters at this station accommodate 200 enlisted men, 11 noncommissioned officers, 31 officers.

Camp Devens, Mass.

For quarters to accommodate 5 married noncommissioned officers $36,000
For quarters to accommodate 11 officers 164,000

Under the present Army housing program Congress has previously authorized:

For barracks to accommodate 970 enlisted men $800,000
For quarters to accommodate 16 noncommissioned officers 100,000
For quarters to accommodate 12 officers 150,000
For a hospital of 105 beds 400,000

The above authorizations will complete barracks, noncommissioned officers' quarters, and hospital requirements.

No permanent quarters existed at this station prior to the inauguration of the Army housing program by the last Congress.

Fort Douglas, Utah

For quarters to accommodate 8 married noncommissioned officers $54,000
For quarters to accommodate 6 officers 75,000

This completes noncommissioned officers' and officers' quarters requirements.

No construction was authorized at this station since the inauguration of the Army housing program by the last Congress.

The permanent quarters at this station accommodate 1,269 enlisted men, 12 noncommissioned officers, 40 officers.

Erie ordnance depot, Ohio

For a hospital to accommodate 15 patients $75,000

This station has a garrison of 3 officers and 50 enlisted men. It adjoins Camp Perry, Ohio, which is used for the national rifle matches and as a training center. The amount authorized above will satisfy the hospital requirements of the proving ground, it will provide housing for the medical enlisted personnel, and will permit of the treatment in hospital of the seriously sick and injured at the camps during the summer. The slightly ill can be treated in tents pitched in the hospital yard and administered from the hospital.

The last Congress authorized the following construction:

For barracks to accommodate 50 enlisted men $47,000

This completes the barrack requirements.

Fort Humphreys, Va.

For quarters to accommodate 42 married noncommissioned officers $274,000

Under the present housing program Congress has previously authorized the following construction at this station:

For barracks to accommodate 935 enlisted men $740,000
For quarters to accommodate 30 married noncommissioned officers 180,000

The above amounts will complete the barrack and noncommissioned officers' quarters requirements at this station.

This is a new station and the funds authorized by the last Congress provided for the first permanent construction.

Fort Jay, N. Y.

For a hospital to accommodate 100 patients $400,000

Under the present housing program, Congress has previously authorized the following construction at this station:

For barracks to accommodate 1,571 enlisted men $1,686,000

This will complete the barrack and hospital requirements of Fort Jay.

The permanent quarters at this station prior to the inauguration of the housing program by the last Congress accommodated 46 noncommissioned officers, 100 officers.

Langley Field, Va.

For barracks to accommodate 798 enlisted men $764,160
For quarters to accommodate 30 married noncommissioned officers 216,000
For quarters to accommodate 32 officers 480,000
For a hospital to accommodate 55 patients 175,000
For sea wall and fill 200,000

The present Congress has previously authorized the following construction at this station:

For 50 sets of noncommissioned officers' quarters $300,000

No construction was authorized at this station by the last Congress.

The permanent quarters at this flying field prior to the inauguration of the Army housing program by the last Congress accommodated 132 enlisted men, 5 noncommissioned officers, 87 officers.

Fort Leavenworth, Kans.

For a hospital ward to accommodate 22 patients $75,000

This completes hospital requirements at Fort Leavenworth.

No new construction has been authorized at this station since the inauguration of the Army housing program by the last Congress.

The permanent quarters of this station accommodated 951 enlisted men, 52 noncommissioned officers, 375 officers.

Fort Leonard Wood (Camp Meade), Md.

For quarters to accommodate 7 married noncommissioned officers $50,000
For quarters to accommodate 17 nurses 40,000
For quarters to accommodate 14 officers 210,000

Under the present Army housing program Congress has previously authorized the following construction at this station:

For barracks to accommodate 1,242 enlisted men $1,010,000
For quarters to accommodate 25 married noncommissioned officers 150,000
For quarters to accommodate 20 officers 250,000
For a hospital to accommodate 65 patients 300,000

This is a new station and the funds authorized by the last Congress provided for the first permanent construction.

Letterman General Hospital, California

For a hospital ward to accommodate 150 patients $150,000

The present Congress has previously authorized the following construction:

For quarters to accommodate 18 nurses $70,000
For a hospital of 24 beds 50,000

No construction was authorized at this hospital by the last Congress.

The permanent quarters at this station prior to the inauguration of the Army housing program by the last Congress accommodated 6 noncommissioned officers, 9 officers, and 750 patients.

Fort Lewis, Wash.

For quarters to accommodate 14 married noncommissioned officers	$93,000
For quarters to accommodate 15 officers	215,000

Under the present Army housing program Congress has previously authorized the following new construction at Camp Lewis:

For barracks to accommodate 2,083 enlisted men	$1,650,000
For quarters to accommodate 16 married noncommissioned officers	98,000
For quarters to accommodate 10 officers	122,000
For quarters to accommodate 9 nurses	32,000
For a hospital to accommodate 87 patients	350,000

This will complete the barrack, hospital, and nurses' quarters requirements at this station. This is a new station, and the funds authorized by the last Congress provided the first permanent construction.

March Field, Calif.

For quarters to accommodate 14 married noncommissioned officers	$100,800
For a hospital to accommodate 45 patients	150,000

Under the present Army housing program Congress has previously authorized the following construction at this flying field:

For barracks to accommodate 688 men	$550,000
For quarters to accommodate 25 married noncommissioned officers	150,000
For quarters to accommodate 60 officers	750,000

This will complete the barrack requirements at this field. This is a new flying field, and the funds authorized by the last Congress provide the first permanent construction.

Marshall Field, Kans.

For barracks to accommodate 132 enlisted men	$125,500
For quarters to accommodate 20 married noncommissioned officers	144,000
For quarters to accommodate 20 officers	300,000

This is a new flying field, and the funds here authorized provide the first permanent construction.

Maxwell Field, Ala.

For quarters to accommodate 20 officers	$300,000

The last Congress authorized the following construction at this station:

For barracks to accommodate 162 enlisted men	$130,000
For quarters to accommodate 13 married noncommissioned officers	70,000
For quarters to accommodate 4 officers	40,000

This is a new flying field, and the funds authorized by the last Congress provided the first permanent construction.

Camp McClellan, Ala.

For a hospital to accommodate 30 patients	$100,000

Under the present Army housing program, Congress has previously authorized:

For barracks to accommodate 349 enlisted men	$300,000
For quarters to accommodate 7 married noncommissioned officers	48,000
For quarters to accommodate 18 officers	225,000

This will complete the hospital and officers' quarters at this camp.

This is a new station and the funds authorized by the last Congress provided for the first permanent construction.

Mitchell Field, N. Y.

For quarters to accommodate 30 married noncommissioned officers	$216,000
For quarters to accommodate 44 officers	660,000
For a hospital to accommodate 36 patients	150,000

Under the present Army housing program Congress has previously authorized the following construction at this flying field:

For barracks to accommodate 705 enlisted men	$567,000
For quarters to accommodate 20 married noncommissioned officers	120,000

This will complete the barracks and hospital at this field. This is a new station and the funds authorized by the last Congress provided the first permanent construction.

Fort Monmouth, N. J.

For quarters to accommodate 15 married noncommissioned officers	$100,000
For quarters to accommodate 18 officers	250,000

Under the present Army housing program Congress has previously authorized the following construction at this station:

For barracks to accommodate 860 enlisted men	$555,000
For quarters to accommodate 2 married noncommissioned officers	15,000
For quarters to accommodate 34 officers	422,000
For a hospital of 27 beds	100,000

This will complete the barrack and hospital requirements.

This is a new station and the funds authorized by the last Congress provided for the first permanent construction.

Fort Monroe, Va.

For quarters to accommodate 15 officers	$200,000

The present Congress has previously authorized:

For quarters to accommodate 21 officers	$268,000

No construction at this station was authorized by the last Congress.

The permanent quarters at Fort Monroe, prior to the inauguration of the Army housing program by this last Congress, accommodated 1,234 enlisted men, 81 noncommissioned officers, 119 officers.

Camp Normoyle, Tex.

For barracks to accommodate 206 enlisted men	$180,000

This is a new station, and the funds above authorized will provide the first permanent construction.

Plattsburg Barracks, N. Y.

For barracks to accommodate 54 enlisted men	$45,000
For addition to hospital for 12 patients	55,000

This completes the hospital requirements at this station. No construction was authorized here by the last Congress. The permanent quarters at this station prior to the inauguration of the Army housing program by the last Congress accommodated 910 enlisted men, 22 noncommissioned officers, 43 officers, 36 patients in the hospital.

Raritan Arsenal, N. J.

For quarters to accommodate 7 married noncommissioned officers	$42,000
For a hospital to accommodate 10 patients	50,000

The military strength at this station is 287. There are one noncommissioned officer and six privates of the Medical Department assigned to duty here. The amount authorized above will complete hospital requirements and will give appropriate housing for the medical enlisted personnel.

This is a new station, and the funds authorized in this bill will provide the first permanent quarters.

Fort Riley, Kans.

For quarters to accommodate 15 officers	$200,000

Under the present Army housing program, Congress has previously authorized new construction at this station as follows:

For quarters to accommodate 21 married noncommissioned officers	$125,000
For quarters to accommodate 26 officers	323,000

This will complete the noncommissioned officers' quarters requirements at this station.

The permanent quarters at Fort Riley prior to the inauguration of the Army housing program by the last Congress accommodated 2,319 enlisted men, 54 noncommissioned officers, 132 officers.

Rockwell Field, Calif.

For quarters to accommodate 15 married noncommissioned officers	$108,000
For quarters to accommodate 10 officers	150,000

The last Congress authorized the following construction at this station:

For barracks to accommodate 240 enlisted men	$240,000
For quarters to accommodate 13 married noncommissioned officers	78,000
For quarters to accommodate 20 officers	200,000

The permanent quarters at this flying field prior to the inauguration of the Army housing program by the last Congress accommodated 4 officers, 46 patients in the hospital.

Fort Sam Houston, Tex.

For quarters to accommodate 23 married noncommissioned officers	$150,000
For quarters to accommodate 18 officers	250,000

Under the present housing program Congress has previously authorized new construction at this station as follows:

For barracks to accommodate 2,679 enlisted men	$2,170,000
For a post signal communication central building	30,000

The permanent quarters at this station prior to the inauguration of the Army housing program by the last Congress accommodated 2,732 enlisted men, 22 noncommissioned officers, and 145 officers.

San Antonio Primary Training School, San Antonio, Tex.

For quarters to accommodate 34 noncommissioned officers	$61,200
For quarters to accommodate 44 officers	600,000
For the completion of the hospital	50,000

Under the present Army housing program Congress has previously authorized the following construction at this station:

For barracks to accommodate 225 enlisted men	$180,950
For 90 sets of noncommissioned officers' quarters	540,000
For 100 sets of officers' quarters	1,250,000
For barracks to accommodate 875 enlisted men	700,000
For 90 sets of noncommissioned officers' quarters	540,000
For 82 sets of officers' quarters	1,020,000
For a hospital of 76 beds	150,000
For a magazine (explosive)	15,000
For a quartermaster warehouse	90,000
For a garage for Government transportation	80,000
For a quartermaster maintenance building	20,000
For a fire house	15,000
For a guardhouse	30,000
For a post exchange	45,000
For a theater and gymnasium	60,000
For an incinerator	5,000
For railroad spur and tracks	39,700
For telephone and telegraph lines in conduit	68,375

For a bakery	$10,000
For a chapel and school	50,000
For an enlisted men's club	60,000
For an officers' mess	60,000

This is a new station, and the funds authorized above by the present Congress provide the first permanent construction.

Selfridge Field, Mich.

For quarters to accommodate 32 married noncommissioned officers	$230,400
For quarters to accommodate 31 officers	465,000

Under the present Army housing program, Congress has previously authorized the following construction at this flying field:

For barracks to accommodate 725 enlisted men	$570,000
For quarters to accommodate 46 married noncommissioned officers	280,000
For quarters to accommodate 26 officers	322,000
For a hospital of 30 beds	100,000

This completes barrack and hospital requirements of this station. This is a new flying field and the funds authorized by the last Congress provided the first permanent construction.

Fort Slocum, N. Y.

For barracks to accommodate 215 enlisted men	$180,000

Under the present Army housing program, Congress has previously authorized new construction at this station as follows:

For barracks to accommodate 310 enlisted men	$246,000
For quarters to accommodate 4 officers	54,000

The permanent construction at this post prior to the inauguration of the Army housing program by the last Congress accommodated 1,389 enlisted men, 8 noncommissioned officers, 32 officers.

Fort Snelling, Minn.

For quarters to accommodate 4 officers	$54,500

This completes the officers' quarters requirements at this station.

No construction was authorized at this station by the last Congress.

The permanent quarters at Fort Snelling prior to the inauguration of the Army housing program by the last Congress accommodated 1,501 enlisted men, 45 noncommissioned officers, 59 officers.

Fort Wadsworth, N. Y.

For barracks to accommodate 56 enlisted men	$50,000
For quarters to accommodate 5 married noncommissioned officers	30,000

Under the present Army housing program, Congress has previously authorized the following construction at this station:

For barracks to accommodate 661 enlisted men	$535,000

The permanent construction at this post prior to the inauguration of the Army housing program by the last Congress accommodated 18 noncommissioned officers, 14 officers.

Walter Reed General Hospital, Army Medical Center, Washington, D. C.

For quarters to accommodate 95 nurses	$300,000

Under the present Army housing program, Congress has previously authorized the following new construction at this station:

For quarters to accommodate 95 nurses	$300,000
For continuation of work on new hospital	310,000

The permanent quarters at this station prior to the inauguration of the Army housing program by the last Congress accommodated 225 enlisted men, 2 noncommissioned officers, 17 officers.

The Senate has stricken out all after the enacting clause and added items contained in other House bills to it, as well as adding one or two other items.

The following items are the same as passed the House on May 21 last:

Albrook Field, Canal Zone: Dispensary, $30,000.

Corundu, Canal Zone: Barracks, $357,500.

France Field, Canal Zone: Barracks, $360,000; noncommissioned officers' quarters, $324,000; officers' quarters, $427,200; dispensary, $30,000.

Schofield Barracks, Hawaiian Department: Noncommissioned officers' quarters, $100,000; officers' quarters, $300,000.

Wheeler Field, Hawaiian Department: Noncommissioned officers' quarters, $111,600; officers' quarters, $150,000; dispensary, $40,000.

San Juan, Porto Rico: Barracks, $10,000; noncommissioned officers' quarters, $30,000; officers' quarters, $100,000; hospital, $10,000.

Aberdeen Proving Ground, Md.: Hospital, $60,000.

Fort Benjamin Harrison, Ind.: Noncommissioned officers' quarters, $54,000; service club, $50,000.

Fort Benning, Ga.: Noncommissioned officers' quarters, $526,000; officers' quarters, $114,000; dispensary, $60,000.

Fort Bragg, N. C.: Noncommissioned officers' quarters, $144,000; nurses' quarters, $60,000; officers' quarters, $496,000; hospital, $100,000.

Carlisle Barracks, Pa.: Mess hall and kitchen, $110,000.

Camp Devens, Mass.: Noncommissioned officers' quarters, $36,000; officers' quarters, $164,000.

Fort Douglas, Utah: Noncommissioned officers' quarters, $54,000; officers' quarters, $75,000.

Erie ordnance depot, Ohio: Hospital, $75,000.

Fort Humphreys, Va.: Noncommissioned officers' quarters, $274,000.

Fort Jay, N. Y.: Hospital, $400,000.

Langley Field, Va.: Barracks, $764,160; noncommissioned officers' quarters, $216,000; officers' quarters, $480,000; hospital, $175,000.

Fort Leavenworth, Kans.: Hospital ward, $75,000.

Fort Leonard Wood, Md.: Noncommissioned officers' quarters, $50,000; nurses' quarters, $40,000; officers' quarters, $210,000.

Letterman General Hospital, Calif: Hospital ward, $150,000.

Camp Lewis, Wash.: Noncommissioned officers' quarters, $93,000; officers' quarters, $215,000.

March Field, Calif.: Noncommissioned officers' quarters, $100,800; hospital, $150,000.

Marshall Field, Kans.: Barracks, $125,000; noncommissioned officers' quarters, $144,000; officers' quarters, $300,000.

Maxwell Field, Ala.: Officers' quarters, $300,000.

Camp McClellan, Ala.: Hospital, $100,000.

Mitchel Field, N. Y.: Noncommissioned officers' quarters, $216,000; officers' quarters, $660,000; hospital, $150,000.

Fort Monmouth, N. J.: Noncommissioned officers' quarters, $100,000; officers' quarters, $250,000.

Fort Monroe, Va.: Officers' quarters, $200,000.

Camp Normoyle, Tex.: Barracks, $180,000.

Plattsburg Barracks, N. Y.: Barracks, $45,000; addition to hospital, $55,000.

Raritan Arsenal, N. J.: Noncommissioned officers' quarters, $42,000; hospital, $50,000.

Fort Riley, Kans.: Officers' quarters, $200,000 [distributed in the Senate amendment as follows: Officers' quarters, $50,000; noncommissioned officers' quarters, $114,000; nurses' quarters, $36,000].

Rockwell Field, Calif.: Noncommissioned officers' quarters, $108,000; officers' quarters, $150,000.

Fort Sam Houston, Tex.: Noncommissioned officers' quarters, $150,000; officers' quarters, $250,000.

San Antonio Primary Training School, San Antonio, Tex.: Noncommissioned officers' quarters, $61,200; officers' quarters, $600,000; completion of hospital, $50,000.

Selfridge Field, Mich.: Noncommissioned officers' quarters, $230,400; officers' quarters, $465,000 [in the Senate amendment the item "noncommissioned officers' quarters, $230,400" is changed to "Construction of a sea wall and for necessary fill, $230,400"].

Fort Slocum, N. Y.: Barracks, $180,000.

Fort Snelling, Minn.: Officers' quarters, $54,500.

Fort Wadsworth, N. Y.: Barracks, $50,000; noncommissioned officers' quarters, $30,000.

Walter Reed General Hospital, District of Columbia: Nurses' quarters, $300,000.

SEC. 2. That the Secretary of War is hereby authorized and empowered to acquire by purchase or condemnation real estate adjacent to Bolling Field, Washington, D. C., for extension and development of said flying field; and there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum not to exceed $666,000 for that purpose.

SEC. 3. That there is hereby authorized to be appropriated not to exceed $200,000, to be expended for the construction of a sea wall, and for necessary fill for improvement of landing field at Langley Field, Va., as in the judgment of the Secretary of War may be necessary.

The Senate has also added without amendment the items contained in H. R. 14154, which I introduced on December 3, 1928. The bill was reported out of the House Military Affairs Committee on December 11, 1928, and passed the House unanimously on January 7, 1929.

The report on the bill reads as follows:

[H. Rept. No. 1941, 70th Cong., 2d sess.]

TO AUTHORIZE CONSTRUCTION OF ADDITIONAL UNITS AT THE ARMY MEDICAL CENTER, WASHINGTON, D. C.

Mr. MCSWAIN, from the Committee on Military Affairs, submitted the following report to accompany H. R. 14154:

The Committee on Military Affairs, to which was referred the bill (H. R. 14154) to authorize appropriations for construction at the Army medical center, District of Columbia, and for other purposes, having considered the same, report thereon with the recommendation that it do pass.

This is a measure introduced by Mr. JAMES to authorize the construction of additional units at the Army medical center being established at Walter Reed Hospital, Washington, D. C. The purpose of the appropriation of $890,000 at this time is explained in the letter of the Secretary of War, which is made a part of this report, as follows:

NOVEMBER 8, 1928.

Hon. JOHN M. MORIN,
Chairman Committee on Military Affairs,
House of Representatives.

DEAR MR. MORIN: I submit herewith a draft of bill which I request be introduced in the House of Representatives and enacted into law, as follows:

"A bill to authorize appropriations for construction at the Army medical center, District of Columbia, and for other purposes

"Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $890,000, to be expended for the construction and installation at the Army medical center, District of Columbia, of such buildings, utilities, and appurtenances thereto as may be necessary, as follows: Completion of Army Medical School, $840,000; addition to power plant, $50,000."

The completion of the Army Medical School is an important step in the program for the rehabilitation of the Army medical center. At the present time the following departments of the Army Medical School are housed in temporary buildings: Dental school, veterinary school, school of nursing, school for dietitians, physiotherapy, and occupational therapy aides.

The construction for which authorization is here requested will permit placing all the activities of the Army Medical School in one permanent fireproof building.

The Army appropriation bill for the fiscal year 1921 included an appropriation of $500,000 for Army Medical School construction. At the time this appropriation was made it was understood that this sum was to be expended for the beginning of construction of the school building, which when eventually completed would cost approximately $2,000,000.

This is confirmed by the record of testimony appearing on pages 273 and 274 and on pages 308 and 309 of the hearings before Subcommittee No. 1 of the Committee on Military Affairs, House of Representatives, Sixty-sixth Congress, second session.

The sum of $500,000 appropriated for the fiscal year 1921 was expended for construction of the south wing of the school. To complete the school building the following additional construction is now proposed:

New wing, duplicating existing building as to exterior size and construction	$471,000
Administration section, connecting above wing with existing building	338,000
Exterior work—roads, walks, retaining walls, etc	31,000
Total	840,000

An item of $50,000 is included in this bill for an addition to the power plant, including installation of an additional 1,000-horsepower boiler. This installation is necessary, as the present power plant is inadequate for the expansion at the Army medical center, due to new construction.

If any additional information from the War Department is desired, I shall be pleased to furnish it.

If the Committee on Military Affairs wishes to have hearings on the proposed legislation, the following-named officers are designated to appear before your committee:

Maj. Gen. M. W. Ireland, the Surgeon General.

Brig. Gen. W. E. Horton, Quartermaster Corps.

The proposed legislation has been submitted to the Director of the Bureau of the Budget, who advises that it is not in conflict with the financial program of the President.

A similar letter has been addressed to the chairman of the Committee on Military Affairs of the Senate.

Sincerely yours,

C. B. ROBBINS,
Acting Secretary of War.

The Senate has also added, without amendment, the item contained in H. R. 14152, which I introduced on December 3, 1928, reported out of the House Military Affairs Committee on December 11, 1928, and passed the House unanimously on December 17, 1928.

The report on the bill reads as follows:

[H. Rept. No. 1939, 70th Cong., 2d sess.]

ACQUISITION OF LAND FOR COAST DEFENSE

Mr. BOYLAN, from the Committee on Military Affairs, submitted the following report (to accompany H. R. 14152):

The Committee on Military Affairs, to which was referred the bill (H. R. 14152) to authorize the acquisition of two tracts of land required in connection with the coast defense of the Atlantic seaboard, having considered the same, report thereon with the recommendation that it do pass.

This is a measure introduced by Mr. JAMES at the request of the Secretary of War in order that the War Department might acquire two tracts of land on the Atlantic seaboard deemed necessary in the proper defense of the Atlantic coast. The bill authorizes a sum not to exceed $20,000 for the purchase.

The letter of the Secretary of War explains the matter and is therefore made a part of this report, as follows:

NOVEMBER 24, 1928.

Hon. JOHN M. MORIN,
Chairman Committee on Military Affairs,
House of Representatives.

DEAR MR. MORIN: Inclosed herewith is proposed draft of legislation authorizing the acquisition of two tracts of land required in connection with the coast defense of the Atlantic seaboard.

A secret study of the requirements of the War Department in the defense of the Atlantic seaboard has been in process for the past three years, and a board of officers has made certain recommendations requiring the purchase of two tracts of land, at a cost not to exceed $20,000. Because of the secret nature of this project, the draft of legislation herewith has been prepared allowing of a wide scope of selection. However, the property has been determined upon and recommended by all concerned, and your committee will be furnished with the secret records prepared in this case, if required.

There are no existing laws applicable to the purchase of this land, nor is there an appropriation available.

No changes will be brought about in existing laws by the proposed legislation, and I favor the passage of the legislation because of its urgency.

It is estimated that the total cost of the bill, if enacted into law, will not exceed $20,000.

If any additional information from the War Department is desired, I shall be pleased to furnish it.

If the Committee on Military Affairs wishes to have hearings upon the proposed legislation, the following-named officer is designated to appear before your committee: Brig. Gen. William E. Horton, War Department.

The proposed legislation has been submitted to the Director of the Bureau of the Budget, who advises that it is not in conflict with the financial program of the President.

Sincerely yours,

C. B. ROBBINS,
Acting Secretary of War.

The Senate has also added without amendment the item contained in H. R. 13853, which I introduced on May 17, 1928, at the request of the War Department. Senator DAVID REED, chairman of the Senate Military Affairs Committee, introduced a similar bill in the Senate on the same day. The letters from the Secretary of War read as follows:

MAY 15, 1928.

Hon. JOHN M. MORIN,
Chairman Committee on Military Affairs,
House of Representatives.

DEAR MR. MORIN: I submit the following draft of a bill, which I request be introduced in the House of Representatives and enacted into law:

"A bill to authorize the Secretary of War to sell to the Fishers Island Corporation a tract of land comprising part of the Fort H. G. Wright Military Reservation, N. Y.

"Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to sell, upon such terms and conditions as he considers advisable, to the Fishers Island Corporation or its nominee, a tract of land containing 1⅛ acres, more or less, said tract now forming the extreme northeasterly corner of the Fort H. G. Wright Military Reservation, situate on Fishers Island, in the State of New York, which said tract is no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf, with and to the said the Fishers Island Corporation or its nominee, any and all contracts, conveyances, or other instruments necessary to effectuate such sale; the proceeds of the sale of the property hereinbefore designated to be deposited in the Treasury to the credit of the fund known as the military posts construction fund: *Provided,* That the Secretary of War shall have the said tract surveyed and appraised at the expense of the Fishers Island Corporation: *And provided further,* That the Secretary of War shall not sell said tract for a less consideration than the appraised value hereinbefore referred to."

There is no existing law authorizing the disposal of the land described in the proposed bill.

The land in question is no longer required for military purposes and the Fishers Island Corporation has expressed a desire to purchase the land in order to straighten out a dangerous curve in the main road leading up the island.

If any additional information from the War Department is desired, I shall be pleased to furnish it.

If the Committee on Military Affairs wishes to have hearings upon the proposed legislation, Brig. Gen. William E. Horton, Quartermaster Corps, is designated to appear before that committee.

A similar letter has been addressed to the chairman Committee on Military Affairs, United States Senate.

Sincerely yours,

C. B. ROBBINS,
Acting Secretary of War.

JANUARY 26, 1929.

Hon. JOHN M. MORIN,
Chairman Committee on Military Affairs,
House of Representatives.

DEAR MR. MORIN: I am pleased to comply with your telephonic request of January 23, 1929, for certain additional information relative to H. R. 13853, which is a bill to authorize the sale of 1½ acres, more or less, of the Fort H. G. Wright Military Reservation.

The land in question is desired to straighten out a dangerous curve in the main road of the island. It is at the opposite side of the reservation from the utilities, fortifications, and fire-control station. Because of its location and negligible size and in view of the improvement to be made in the road, I am of the opinion that its alienation will work no disadvantage to the reservation.

No valuation can be placed upon the land at this time. The bill in question provides for an appraisement of the land at the expense of the Fishers Island Corporation.

The Fishers Island Corporation is a development or holding company which owns a large amount of the island and some of the principal improvements.

If any additional information from the War Department is desired, I shall be pleased to furnish it.

Sincerely yours,

DWIGHT F. DAVIS,
Secretary of War.

The Senate has also added, without amendment, the item in H. R. 14156, which I introduced on December 3, 1928, reported out by the House Military Affairs Committee on December 11, 1928, and passed the House unanimously on January 24, 1929.

The report on the bill reads as follows:

[H. Rept. No. 1943, 70th Cong., 2d sess.]

CANNON-POWDER BLENDING UNIT, PICATINNY ARSENAL

Mr. WAINWRIGHT, from the Committee on Military Affairs, submitted the following report (to accompany H. R. 14156):

The Committee on Military Affairs, to which was referred the bill (H. R. 14156) to authorize an appropriation for the construction of a cannon-powder blending unit at Picatinny Arsenal, Dover, N. J., having considered the same, report thereon with the recommendation that it do pass.

This legislation is necessary because of a fire at Picatinny Arsenal, Dover, N. J., on July 31, 1928, as explained in the letter of the Secretary of War, which is made a part of this report, as follows:

NOVEMBER 21, 1928.

Hon. JOHN M. MORIN,
Chairman Committee on Military Affairs,
House of Representatives.

MY DEAR MR. MORIN: I submit herewith a draft of a bill which I request be introduced in the House and enacted into law.

The object of the proposed legislation is to authorize an appropriation for the construction of a cannon-powder blending unit at the Picatinny Arsenal, Dover, N. J.

The facts with reference to this bill are as follows:

The cannon-powder blending unit at Picatinny Arsenal, Dover, N. J., was totally destroyed by fire on July 31, 1928. This was the only cannon-powder blender operated by and under the control of the Army.

Picatinny Arsenal requires at all times a blender of sufficient size to blend large lots of powder. Manufacturing orders on hand and placed with that arsenal require the use of such a blender in filling orders for propellant charges and complete rounds of ammunition of all calibers up to and including the 16-inch gun. The operations of the blender are necessary for the proper blending of new lots of powder, reblending of old lots of bulk powder manufactured in former years which are to be made up into charges, and which powder has not been blended within a period of one year, and for the proportional blending of very large lots of powder where same is necessary in the production of rounds of the same kind to meet current needs. The blender is an essential part of a powder factory. The experience gained by operating the blender is as important as other manufacturing operations in making powder. It is necessary that provision for such a blender, capable of handling large lots of powder, be made at this time in order that the manufacture of powder may be complete in one operation at this arsenal.

It is desired that in the construction of the blending unit there be used metal and noninflammable material throughout; also that a sprinkler system be installed. In the construction of the blender advantage will be taken of experience gained during the war and in recent years, so that the blender as finally erected will embody the latest improved features as to safety and economy of operation. This will tend to reduce the possibility of loss of the blender in case of fire.

The construction of this blender was not contemplated with the funds appropriated under "Rehabilitation of Picatinny Arsenal," as the unit at that time was in satisfactory condition. No funds under the rahibilitation program can be diverted to this project. The funds here requested are believed to be the minimum with which a satisfactory blender, having a capacity equal to that required by the rehabilitation program, can be rebuilt.

If any additional information from the War Department is desired, I shall be pleased to furnish it.

If the Committee on Military Affairs wishes to have hearings on the proposed legislation, the following-named officers are designated to appear before your committee: Maj. Gen. C. C. Williams, Chief of Ordnance; Maj. T. J. Smith, Ordnance Department; Maj. Charles R. Baxter, Ordnance Department.

The replacement of this blender is urgent and should be undertaken with the least possible delay. Favorable action by the Congress on this bill at an early date, to permit the appropriation of funds at the coming short session, will be appreciated.

A similar letter has been addressed to the chairman of the Committee on Military Affairs of the United States Senate.

The proposed legislation has been submitted to the Director of the Bureau of the Budget, who advises that it is not in conflict with the financial program of the President.

Sincerely yours,

DWIGHT F. DAVIS,
Secretary of War.

The Senate has also added, without amendment, the items contained in H. R. 16503, which I introduced on January 22, 1929. The bill was favorably reported unanimously by the House Military Affairs Committee on January 25, 1929.

The report reads as follows:

[H. Rept. No. 2338, 70th Cong., 2d sess.]

APPROPRIATIONS FOR CONSTRUCTION OF MILITARY POSTS

Mr. FISHER, from the Committee on Military Affairs, submitted the following report (to accompany H. R. 16503):

The Committee on Military Affairs, to whom was referred the bill (H. R. 16503) to authorize appropriations for construction at military posts, and for other purposes, introduced by Mr. James, having considered the same, report thereon with the recommendation that it do pass.

A complete explanation of this measure is carried in a letter of the Secretary of War and in a statement of construction required at military posts. The letter and statement are therefore made a part of this report, as follows:

JANUARY 25, 1929.

Hon. JOHN M. MORIN,
Chairman Committee on Military Affairs,
House of Representatives, Washington, D. C.

DEAR MR. MORIN: There have been prepared and are inclosed herewith—

(a) Draft of proposed legislation for authorization of Air Corps technical construction during the fiscal year 1931 under the 5-year program.

(b) Detailed defense for this construction.

It is requested this bill be introduced in the House of Representatives and enacted into law.

This legislation should be enacted into law for the reasons stated in the detailed defense of each item.

If any additional information from the War Department is desired, I shall be pleased to furnish it.

If the Committee on Military Affairs wishes to have hearings upon the proposed legislation, the following-named officers are designated to appear before your committee:

Assistant Secretary of War Mr. Davison.
Maj. Gen. James E. Fechet, Air Corps.
Maj. Rush B. Lincoln, General Staff.
Maj. Frank M. Kennedy, Air Corps.

The proposed legislation has been submitted to the Director of the Bureau of the Budget, who advises that it is not in conflict with the financial program of the President.

Sincerely yours,

DWIGHT F. DAVIS,
Secretary of War.

An act to authorize appropriations for construction of military posts, and for other purposes

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $5,150,306, to be expended for the construction and installation at military posts of such technical buildings and utilities and appurtenances thereto as may be necessary, as follows:

Panama Canal Department, Albrook Field, concrete runways, $51,000; France Field, gas and oil storage system, $10,000; paint, oil, and dope warehouse and appurtenances to hangar, $13,016; concrete runway from hangars, $52,000; 6-inch gasoline pipe line from Coco Solo, $20,000; bombing range, $3,555; Hawaiian Department, new site, improvement to landing field, $623,000; Wheeler Field, hangars and field shop, $79,000; Boiling Field, D. C., hangars, $90,000; field shop, $60,000; central heating plants, $50,000; parachute and armament building, $15,000; photographic building, $36,000; radio building, $10,000; concrete runways and aprons, $53,700; Bowman Field, Louis-

ville, Ky., hangar, $50,000; radio, photographic, and shops, $20,000; operations and administration building, $20,000; gas and oil storage system, $5,000; concrete runways, $13,000; Dryden, Tex., gasoline and oil storage system, $2,821; operations building, $5,000; Duncan Field, San Antonio, Tex., hangars and depot shop building, $220,000; oil-reclamation house, $13,000; Fairfield Air Depot, Fairfield, Ohio, hangars, $120,000; headquarters building, $40,000; central heating plant, $20,000; paint, oil, and dope warehouses, $20,000; Fort Leavenworth, Kans., completion of hangar, field shop, headquarters building, $35,000; central heating plants, $20,000; Langley Field, Va., hangars, $524,590; field warehouse, $100,000; headquarters and operations building, $80,000; photo, radio, parachute, and armament buildings, $76,000; central heating plants, $100,000; gas and oil storage system, $10,000; paint, oil, and dope warehouse, $5,000; improvement of landing field, $85,000; concrete runways, $122,098; Lordsburg, N. Mex., operations building, $5,000; gas and oil storage system, $2,821; March Field, Riverside, Calif., hangars, field shops, field warehouse, $75,000; gasoline and oil storage system, $10,000; concrete runways, $104,000; Marshall Field, Fort Riley, Kans., completion of hangars, shops, and technical buildings, $55,000; central heating plant, $30,000; Air Corps Tactical School, Maxwell Field, Montgomery, Ala., hangars, $210,500; field shop, $19,000; field warehouse, $60,000; armament and parachute building, $5,000; concrete runways, $50,000; gas and oil storage system, $5,000; Mitchel Field, Long Island, N. Y., hangars, field shops, field warehouse, $141,000; armament and parachute building, $5,000; central heating plants, $75,000; Randolph Field, Tex., hangars, $220,000; field shops, $38,000; concrete runways, $232,500; Rockwell Field, Calif., hangars and field warehouse, $45,000; field shop, $100,000; construction of concrete runways, $50,000; Selfridge Field, Mich., hangars and field shop, $122,000; central heating plants, $60,000; concrete runways, $51,000; Shreveport, La. (attack wing), hangars, $200,000; field shop, $50,000; field warehouse, $45,000; headquarters and operations buildings, $85,000; radio, parachute, and armament buildings, $25,000; gas and oil storage system, $10,000; improvement to landing field, $85,000; Tucson, Ariz., operations building, $5,000; concrete floor in hangar, $1,705.

DEFENSE OF FISCAL YEAR 1931 AIR CORPS TECHNICAL CONSTRUCTION

PANAMA CANAL DEPARTMENT

Albrook Field

Concrete runways	$51,000

Fifty-one thousand dollars will be required to build the necessary concrete runways and warming-up line for this new station.

The above funds will complete all technical requirements for this station.

France Field

Gas and oil storage system	$10,000
Paint, oil, and dope warehouse and appurtenances to hangars	13,016
Concrete runway from hangars	52,000
6-inch gasoline pipe line from Coco Solo	20,000
Bombing range	3,555
Total	98,571

Ten thousand dollars is necessary for the installation of a permanent gas and oil storage system for service gas in the vicinity of the hangar line at this field. No such system is in existence at this station at the present time.

Ten thousand dollars is necessary to provide the necessary depot paint, oil, and dope warehouse at this station. At the present time there is no adequate building provided for the storage of these very inflammable and volatile supplies. Three thousand and sixteen dollars is required for appurtenances to hangars.

Fifty-two thousand dollars is required for the concrete runways and warming-up line. There is no such installation at this station at present.

Twenty thousand dollars will be required for replacement of one 50,000-gallon gasoline storage unit destroyed by fire in April, 1925, and to install a 6-inch pipe line connecting with the Navy's present pipe line to facilitate the discharge of gasoline from tank steamers into the gasoline holders at this field. At the present time a 4-inch line is in use which greatly delays the unloading of these tankers. This 4-inch line, however, will be retained as an emergency line.

There is no bombing range at this station. Three thousand five hundred and fifty-five dollars will clear sufficient land to provide the required range.

The above funds will complete all technical requirements for this station.

HAWAIIAN DEPARTMENT

New site

Improvement to landing field:	
For tract A	$515,000
For tract B	108,000
Total	623,000

The above amount will provide for the necessary improvement to the anding field at this new site. Dredging and grading will have to be completed before occupancy of this field and before any technical buildings or housing can be constructed.

Wheeler Field

Hangars and field shop	$79,000

Seventy-nine thousand dollars will be required to increase these hangars to the proper size to accommodate the increased number of planes being assigned to tactical units and to provide fireproof ceilings for these buildings.

This will complete all the required Air Corps technical construction for this station.

Bolling Field, D. C.

Hangars	$90,000
Field shop	60,000
Central heating plants	50,000
Parachute and armament building	15,000
Photographic building	36,000
Radio building	10,000
Concrete runways and aprons	53,700
Total	314,700

Ninety thousand dollars is required for the additional bays and fireproof ceilings necessary for the four hangars authorized for construction at this station. The increased number of planes provided for tactical units require this increase in size of hangars. The above amount will also provide the necessary heating installation for these technical buildings.

This field is to be moved to a new site and the additional technical buildings listed above will be required at this new station.

Fifty-three thousand seven hundred dollars will be required for the necessary concrete runways and aprons and warming-up lines for this post at its new location.

The above funds will complete all technical requirements for this station.

Bowman Field, Louisville, Ky.

Hangar	$50,000
Radio, photographic, and shops	20,000
Operations and administration building	20,000
Gas and oil storage	5,000
Concrete runways	13,000
Total	108,000

Bowman Field, Louisville, Ky., has been under lease which terminated July 1, 1928, as an airdrome for reserve training. It has now been take over by the city of Louisville as a municipal airport and the property has been enlarged. The location of permanent buildings as now contemplated by the present owners is such as to require dismantling the present buildings owned by the Air Corps. These buildings are temporary structures and the new ones contemplated will have to correspond to the architecture of the other buildings owned by the airport. Unless money is made available to put up new buildings for the Air Corps, its activities will have to be abandoned at that station. The new lease will be arranged to run for 20 years which will be the approximate life of the Government buildings contemplated.

Dryden, Tex.

Gasoline and oil storage system	$2,821
Operations building	5,000
Total	7,821

This is a border airdrome located on airways route with no buildings other than a hangar. These installations are required for proper servicing of planes and proper operation of airways.

Duncan Field, San Antonio, Tex.

Hangars and depot shop building	$220,000
Oil reclamation house	13,000
Total	233,000

Twenty thousand dollars will be required to increase the two hangars, authorized for this station to the required size and to include the installation of the necessary fireproof ceilings in these buildings. Two hundred thousand dollars will be required to complete the shop building which will have to be of sufficient size to handle the needs of the new Air Corps training center as well as other activities located in this depot area, which will be double the size of the present shop building authorized for Fairfield.

There is no building provided for oil reclamation; $13,000 will provide for the necessary construction.

Fifty thousand dollars will be included in next fiscal year to complete total required Air Corps construction at this station.

Fairfield air depot, Fairfield, Ohio

Hangars	$120,000
Headquarters building	40,000
Central heating plant	20,000
Paint, oil, and dope warehouses	20,000
Total	200,000

One hundred and twenty thousand dollars will provide the two additional new hangars required for this depot, also the necessary funds to provide additional ceiling for the hangar already authorized and for the necessary heating installation for these hangars.

The present headquarters building is located in one end of a warehouse. It is necessary to provide a separate building for this post.

The heating plants existing are temporary and inadequate. The paint, oil, and dope warehouses are required for the isolated storage of these highly inflammable materials.

The above-mentioned construction, together with other construction Congress has authorized, will provide all technical buildings to accommodate the 5-year program.

Fort Leavenworth, Kans.

Completion of hangar, field shop, headquarters building	$35,000
Central heating plants	20,000
Total	55,000

Thirty-five thousand dollars will be necessary for the installation of a fireproof ceiling and additional bays in existing hangar building and for the completion of the necessary ceiling and partitions in shop building; also for the necessary heating installations in these technical buildings.

Twenty thousand dollars is necessary for heating plant to properly heat the Air Corps technical buildings located at this post. The location of the flying field is so far removed from the post proper that it is impossible to utilize the Fort Leavenworth heating installation. The severity of the winters in this locality required that an adequate heating plant be installed at the flying field.

This completes authorizations for all technical buildings required at this post.

Langley Field, Va.

Hangars	$524,590
Field warehouse	100,000
Headquarters and operations building	80,000
Photo, radio, parachute, and armament buildings	76,000
Central heating plants	100,000
Gas and oil storage system	10,000
Paint, oil, and dope warehouse	5,000
Concrete runways	122,098
Improvement of landing field	85,000
Total	1,102,688

Five hundred twenty-four thousand five hundred and ninety dollars will provide eight new hangars for this station, and $100,000 for the necessary heating installation for technical buildings. The new layout of this field requires the relocation of the hangar line. All existing hangar material will be utilized for construction of additional shops, etc.

The above amount will also provide sufficient funds for the completion of two hangars which are now being erected and appurtenances to seaplane hangar No. 64.

Two permanent warehouses are now available at this field, and, with the $100,000 which is provided above, sufficient Air Corps warehouse space will be provided for the increased size of this command.

There is no permanent photographic building on this field. These activities are now carried on in temporary war-time structures and in a portion of the headquarters building; similarly, in the parachute department no adequate building is now available, this activity being carried on in a temporary building. The radio activity will be so increased in this command as to necessitate an increase in the present installation. The above amount of $76,000 will accommodate these activities as contemplated in the 5-year program.

The present heating plants are of a temporary nature and will be inadequate for the expansion contemplated under the 5-year program. There is no segregated building at this post for the storage of paints, oils, and dopes. These very inflammable materials must be stored in a separate building; therefore, proper storage facilities are required.

One hundred twenty-two thousand and ninety-eight dollars will be required for constructing the necessary runways and warming-up line for the bombardment and pursuit groups which will be located at this station. The location of the brigade at this field has required the relocation of the hangar line which in turn requires a complete new installation of concrete runways.

Eighty-five thousand dollars is required for necessary improvements and extensions to landing field to provide required area for the increased flying activities incident to increased size of this command due to the 5-year program.

This will complete all technical buildings at this station except two hangars and the completion of concrete aprons and warming-up line. The above requirements will be included in a later bill.

Lordsburg, N. Mex.

Operations building	$5,000
Gas and oil storage system	2,821
Total	7,821

This is a border airdrome located on airways route with no buildings other than a hangar. These installations are required for proper servicing of planes and proper operation of airways.

March Field, Riverside, Calif.

Hangars, field shops, and field warehouse	$75,000
Gasoline and oil storage system	10,000
Concrete runways	104,000
Total	189,000

Seventy-five thousand dollars will provide for the necessary increase in size of hangars and for the installation of the necessary ceilings for these buildings, and for the necessary ceilings and partitions in the field shops and field warehouse.

The present system of gas and oil storage is of war-time construction and is inadequate for the contemplated needs of this post; $10,000 will provide an adequate system.

One hundred and four thousand dollars is required for the necessary concrete runways and warming-up line for this new station. No runways exist at the present time for the new hangars. The above funds will complete technical requirements for this field.

Marshall Field, Fort Riley, Kans.

Completion of hangars, shops, and technical buildings	$55,000
Central heating plant	30,000
Total	85,000

Fifty-five thousand dollars is required for necessary increase in bays to accommodate the increased number of planes to be provided this tactical organization and for the necessary installation of fireproof ceilings and for the required heating installation for technical buildings at this post.

Thirty thousand dollars is required for heating plant at this post. With this activity located on a new area of the reservation this new installation will become necessary.

This completes authorizations for all technical buildings required at this post.

Maxwell Field, Montgomery, Ala.—Air Corps Tactical School

Hangars	$210,500
Field shop	19,000
Field warehouse	60,000
Armament and parachute building	5,000
Concrete runways	50,000
Gas and oil storage system	5,000
Total	349,500

The amount of $210,500 will provide four hangars, which is the number required to house the airplanes allotted for the Air Corps Tactical School, and to complete one hangar for which funds have already been authorized.

Eighty-one thousand dollars is already authorized for Maxwell Field for field shop; $19,000 will be required to complete necessary partitions and ceiling for this building.

One permanent field warehouse is required, and $60,000 will be sufficient to erect this building.

One armament and parachute building: $10,000 nas been authorized for Maxwell Field and an additional $5,000 is required to provide a building of sufficient size to take care of this activity for both the tactical school and the observation squadron.

With the location of the tactical school at Maxwell Field it will be necessary to provide runways and warming-up lines; $50,000 will provide for this requirement.

Five thousand dollars has been provided for gas and oil storage system for the observation squadron at Maxwell Field, and an additional $5,000 is required for Air Corps tactical school at this station.

These funds will complete all technical buildings required at this station with exception of the required heating installation.

Mitchell Field, Long Island, N. Y.

Hangars, field shops, field warehouse	$141,000
Armament and parachute building	5,000
Central heating plants	75,000
Total	221,000

One hundred and forty-one thousand dollars will provide for the necessary increases in the size of hangars for this field and for the installation of permanent fireproof ceilings in these buildings; also for the necessary interior partitions and ceilings for shops and warehouse; also for the necessary heating installations for these buildings.

Ten thousand dollars has been authorized for armament and parachute building and $5,000 will be required to provide adequate space in this building for the size of this command.

The existing heating plants at this post are temporary in nature and inadequate against the severe climatic conditions of this locality. Adequate permanent installations are required; $75,000 will cover this item.

The above funds will complete all technical requirements for this station.

Randolph Field, Tex.

Hangars	$220,000
Field shops	38,000
Concrete runways	232,500
Total	490,500

Two hundred and twenty thousand dollars will be required for the necessary additional bays and fireproof ceilings for these buildings. The increased size of these hangars is incident to increase in number of airplanes to be provided at this station.

Thirty-eight thousand dollars is required for necessary installation of partitions and fireproof ceilings in these new buildings.

Two hundred and thirty-two thousand five hundred dollars is required for necessary concrete runways and warming-up lines for this new station.

The above technical construction will complete the requirements of the first two units for this new station.

Rockwell Field, Calif.

Hangars and field warehouse	$45,000
Field shop	100,000
Construction of concrete runways	50,000
Total	195,000

Forty thousand dollars will be required for additional bays necessary and for fireproof ceilings in the four hangars authorized for construction at this station. The additional number of planes authorized for tactical units require this increase in size of hangars; $5,000 is required for completion of field warehouse for the installation of necessary partitions and fireproof ceiling.

One hundred thousand dollars is required for field shop in order to provide necessary repair and maintenance facilities for this station.

Fifty thousand dollars is required for concrete runways and warming-up lines for this field. There are no runways at this field at the present time.

The above technical buildings will complete those required for the tactical units located at Rockwell Field.

Selfridge Field, Mich.

Hangars and field shop	$122,000
Central heating plants	60,000
Concrete runways	51,000
Total	233,000

One hundred and twenty-two thousand dollars is required to provide additional bays and fireproof ceilings for the six hangars which have been authorized for construction at this station and will provide necessary permanent fireproof ceiling and partitions for field shop building, and will provide necessary heating installation for these buildings.

The heating installations now existing at this post are of a temporary nature and inadequate. The climatic conditions in this locality make it necessary to provide proper heating installations which can be accomplished for $60,000.

Fifty-one thousand dollars is required to provide the necessary concrete runways and warming-up line for this station.

The above funds will complete all technical requirements for this station.

Shreveport, La. (attack wing)

Hangars	$200,000
Field shop	50,000
Field warehouse	45,000
Headquarters and operations buildings	85,000
Radio, parachute, and armament buildings	25,000
Gas and oil storage	10,000
Improvement to landing field	85,000
Total	500,000

This is a new site, and there are no existing buildings available. The above construction will provide sufficient technical buildings for the location of one group of the attack wing at this station. The technical buildings for the second group of this wing will be included in the next fiscal year.

Tucson, Ariz.

Operations building	$5,000
Concrete floor in hangar	1,705
Total	6,705

This is a border airdrome located on airways route, with no buildings other than a hangar. These installations are required for proper servicing of planes and proper operation of airways.

The Senate has also added the items contained in H. R. 16502, which I introduced on January 22, 1929. The bill was favorably reported unanimously by the House Military Affairs Committee on January 25, 1929.

The report reads as follows:

[H. Rept. No. 2237, 70th Cong., 2d sess.]

APPROPRIATIONS FOR CONSTRUCTION OF MILITARY POSTS IN PORTO RICO

Mr. REECE, from the Committee on Military Affairs, submitted the following report (to accompany H. R. 16502):

The Committee on Military Affairs, to whom was referred the bill (H. R. 16502) to authorize appropriations for construction at military posts in Porto Rico, and for other purposes, introduced by Mr. JAMES, having considered the same, report thereon with the recommendation that it do pass.

This is a measure to permit the expenditure of approximately $1,500,000 for construction at military posts in Porto Rico. Gen. Ewing E. Booth, of the War Department, in a statement to the committee explained the necessity for the legislation. He stated the property of the War Department in Porto Rico had been in unsatisfactory condition for some years.

The hurricane which swept over Porto Rico on September 13, 1928, did extensive damage to the Army posts in San Juan and Henry Barracks. Many families of both officers and enlisted men were rendered homeless by the hurricane, and it was necessary to quarter them temporarily with other families in the remaining habitable but overcrowded buildings. As a temporary expedient the companies at Henry Barracks and one company at San Juan are now living under canvas.

Even prior to the date of the hurricane the housing situation at these two Army posts was very unsatisfactory. There was a shortage of permanent shelter. Certain barracks and all but eight officers' quarters and four noncommissioned officers' quarters were entirely inadequate and unsuitable from every point of view. There has already been legislation enacted to begin the housing program at these posts. The bill will provide for the complete repair of the damage sustained at these posts by the hurricane and will also complete the Army housing program in Porto Rico.

The letters of the Secretary of War on the measure are made a part of this report, as follows:

WAR DEPARTMENT,
Washington, D. C., January 18, 1929.

Hon. JOHN M. MORIN,
Chairman Committee on Military Affairs,
House of Representatives.

DEAR MR. MORIN: I submit herewith a draft of bill which I request be introduced in the House of Representatives and enacted into law, as follows:

"A bill to authorize appropriations for construction at military posts, and for other purposes

"*Be it enacted, etc.*, That there is hereby authorized to be appropriated not to exceed $1,471,850, to be expended for the construction and installation at military posts, of such buildings, utilities, and appurtenances thereto as may be necessary, as follows:

"San Juan, P. R.: Barracks, $134,000; noncommissioned officers' quarters, $89,000; officers' quarters, $296,250; nurses' quarters, $36,000; headquarters building, $20,000; chapel, $20,000; recreation hall, $10,000; storehouse, $15,000; garage and repair shop, $40,000; stables, $40,000; hay and forage shed, $3,000; wagon shed, $6,000; incinerator, $5,000; flagstaff, $500.

"Henry Barracks, Porto Rico: Barracks, $352,000; noncommissioned officers' quarters, $39,600; officers' quarters, $192,500; hospital, $35,000; stables, $24,000; hay and forage shed, $3,000; wagon shed, $4,000; guardhouse, $10,000; post exchange, $10,000; chapel, $20,000; headquarters building, $15,000; recreation hall, $10,000; storehouse, $15,000; maintenance building, $7,500; fire house, $7,500; bakery, $12,000."

The construction for which authorization is here requested is urgently needed for the proper rehabilitation of the posts of San Juan and Henry Barracks, which suffered extensive damage in the hurricane of September 13, 1928. Even prior to that date the housing situation at these stations was very unsatisfactory. There was a shortage of permanent shelter. Certain barracks and all but eight officers' quarters and four noncommissioned officers' quarters were entirely inadequate and unsuitable from every point of view. As a result of the destruction caused by the hurricane living conditions became deplorable. Many families of both officers and enlisted men were rendered homeless, and it was necessary to quarter them temporarily with other families in the remaining habitable but overcrowded buildings. As a temporary expedient, the companies at Henry Barracks and the service company at San Juan are now living under canvas.

The legislation requested above is to complete the housing of troops stationed in Porto Rico, and does not include any construction now authorized or pending. Therefore the total housing requirements consist of the construction now requested, together with the following items already under congressional consideration.

(a) In the 1930 Budget (authorized in act, Public No. 518, approved April 26, 1928):

Officers' quarters	$140,000
Barracks	10,000

(b) In H. R. 13825 (a pending authorization bill):

Barracks	10,000
Hospital	10,000
Noncommissioned officers' quarters	30,000
Officers' quarters	100,000

If any additional information from the War Department is desired, I shall be pleased to furnish it.

If the Committee on Military Affairs wishes to have hearings on the proposed legislation, the following-named officer is designated to appear before your committee: Brig. Gen. W. E. Horton, Quartermaster Corps.

The proposed legislation has been submitted to the Director of the Bureau of the Budget, who advises that it is not in conflict with the financial program of the President.

Sincerely yours,

DWIGHT F. DAVIS, *Secretary of War.*

WAR DEPARTMENT,
Washington, D. C., January 21, 1929.

Hon. JOHN M. MORIN,
Chairman Committee on Military Affairs,
House of Representatives.

DEAR MR. MORIN: In connection with my letter of January 18, 1929, submitting the draft of legislation which would authorize appropriations for construction at military posts in Porto Rico, it is desired to invite attention to the following important facts connected therewith:

Should this legislation pass it would not only remedy very unsatisfactory housing conditions for the troops in Porto Rico but would also assist in alleviating the acute economic situation in Porto Rico through the employment of labor and purchase of supplies in connection with the proposed construction.

In this connection it is hoped that consideration will be given this additional reason for the construction as, both from a political and military point of view, it is regarded as of vital importance that the authorization receive favorable consideration.

Sincerely yours,

DWIGHT F. DAVIS, *Secretary of War.*

The only amendment to this bill (H. R. 16502) made by the Senate is that they omit the word "San Juan" in line 7, page 1, of the bill.

The Senate also added, without amendment, the items contained in H. R. 16355, which I introduced on January 17, 1929. The bill was favorably reported, unanimously, by the House Military Affairs Committee on January 25, 1929.

The report reads as follows:

[H. Rept. No. 2243, 70th Cong., 2d sess.]

APPROPRIATION FOR CONSTRUCTION AT MILITARY POSTS

Mr. WAINWRIGHT, from the Committee on Military Affairs, submitted the following report to accompany H. R. 16355.

The Committee on Military Affairs, to whom was referred the bill (H. R. 16355) to authorize appropriations for construction at military posts, and for other purposes, introduced by Mr. JAMES, having considered the same report thereon with the recommendation that it do pass.

The purpose of the bill is clearly set forth in the following letter of the Secretary of War, which is therefore made a part of this report, as follows:

WAR DEPARTMENT,
Washington, D. C., January 25, 1929.

Hon. JOHN M. MORIN,
Chairman Committee on Military Affairs,
House of Representatives.

DEAR MR. MORIN: I request that legislation reading as follows be introduced in the House of Representatives and enacted into law:

"A bill to authorize appropriations for construction at military posts, and for other purposes

"*Be it enacted, etc.*, That there is hereby authorized to be appropriated not to exceed $220,000 to be expended for the construction and installation at military posts of such buildings and utilities and appurtenances thereto as may be necessary, as follows: Maxwell Field, Ala., barracks, $178,000; noncommissioned officers' quarters, $42,000.

"SEC. 2. That there is hereby authorized to be appropriated not to exceed $347,536, to be expended for the construction and installation at military posts of such technical buildings and utilities and appurtenances thereto as may be necessary, as follows: Selfridge Field, Mich., improvement of landing field, $125,000; Shreveport, La., improvement of landing field, $50,000; Maxwell Field, Ala., school building, $100,000; Boston Airport, East Boston, Mass., moving and reerecting technical buildings, $15,000; Fort Crockett, Tex., night-flying lighting system, $3,775; runways, $10,775; Hawaiian Department, air bases, $22,000; Chicago Municipal Airport, Chicago, Ill., completion of hangar, $20,986."

This legislation should be enacted into law for the reasons stated in the attached letter addressed to the chairman Committee on Military Affairs, United States Senate, as supplemented by the hearings before your committee on January 23, 1929.

If any additional information is desired, I shall be pleased to furnish it.

If the Committee on Military Affairs wishes to have hearings upon the proposed legislation, the following-named officers are designated to appear before your committee: Assistant Secretary of War (Mr. Davison); Maj. Gen. J. E. Fechet, Chief of Air Corps; Maj. Rush B. Lincoln, General Staff; Maj. Frank M. Kennedy, Air Corps.

The proposed legislation has been submitted to the Director of the Bureau of the Budget, who advises that it is not in conflict with the financial program of the President.

Sincerely yours,

DWIGHT F. DAVIS, *Secretary of War.*

JANUARY 22, 1929.

Hon. DAVID A. REED,
Chairman Committee on Military Affairs,
United States Senate.

DEAR SENATOR REED: In addition to the amendments to the general housing bill, H. R. 13825, which I requested in my letter of January 5, 1929, I request that the following section be added thereto:

"SEC. —. That there is hereby authorized to be appropriated not to exceed $220,000 to be expended for the construction and installation at military posts of such buildings and utilities and appurtenances thereto as may be necessary, as follows: Maxwell Field, Ala., barracks, $178,000; noncommissioned officers' quarters, $42,000.

That there is hereby authorized to be appropriated not to exceed $347,536, to be expended for the construction and installation at military posts of such technical buildings and utilities and appurtenances thereto as may be necessary, as follows: Selfridge Field, Mich., improvement of landing field, $120,000; Shreveport, La., improvement of landing field, $50,000; Maxwell Field, Ala., school building, $100,000; Boston Airport, East Boston, Mass., moving and reerecting technical buildings, $15,000; Fort Crockett, Tex., night-flying lighting system, $3,770; runways, $10,775; Hawaiian Department, air bases, $22,000; Chicago Municipal Airport, Chicago, Ill., completion of hangar, $20,926.

The necessity for the above legislation is covered in the following statement:

Selfridge Field

Improvement of landing field $125,000

The landing field at this station has always been in bad condition and is getting much worse due to the way in which it was originally constructed. Part of this land was a timbered swamp. When it was originally built during the war the trees were cut down and covered up with dirt. The old logs are rotting, leaving large holes in the field, which cause considerable damage. Part of the field is below the level of the lake and during the spring weather or in heavy rains it becomes covered with water and so saturated with moisture as to prevent flying from the field for periods of from two to four weeks at a time. It is contemplated putting in a complete drainage system which will drain the undersurface water into a large sump, where it will be pumped into the lake. The total cost of this project is estimated to be $175,000, of which $50,000 will be made available in the fiscal year 1930 appropriation bill.

This is in addition to the $230,400 requested in my letter of January 5, 1929, which was to cover the construction of the sea wall and for the necessary fill for improvement of the building area of the field; this amount, $125,000, being required for the drainage system on the flying field.

Shreveport, La.

Improvement of landing field $50,000

Decision has recently been made to transfer the attack wing consisting of an attack group and a pursuit group to Shreveport, La., to be located on approximately 20,000 acres of ground which is to be donated by the citizens of that city. It takes from one to two years to get a turf on a landing field. That part of the donated property which is to be used as a landing field is a series of cotton fields. It is desired to have funds available so that next winter when the cotton crops have been removed the property can be graded and sowed with Bermuda grass and thus permit this grass to grow for about a year or a year and a half before the field is actually in use as a flying station. None of this money will be spent on the property until it has been accepted by the Secretary of War in fee simple and is under the complete ownership of the Government.

Maxwell Field, Ala.

School building	$100,000
Barracks	170,000
Noncommissioned officers' quarters	42,000

Decision has been made to move the Tactical School from Langley Field to Maxwell Field. No school building is available at that station nor is there any other building that can be used for that purpose. It is necessary to expend this sum of money and build a school building for the Tactical School.

There is only one set of barracks at the station, which are now being used by the observation squadron stationed there. It is necessary to have barracks and noncommissioned officers' quarters for the Tactical School detachment which will be moved from Langley Field to Maxwell Field.

Boston Airport, East Boston, Mass.

Moving and reerecting technical buildings $15,000

When the Air Corps established its station at Boston Airport the buildings were erected in the middle of the field. This station has recently been turned over to the city of Boston for development as a municipal airport. This development requires that all buildings be erected on the edge of the field so that the whole of the field can be used in landing and taking off of airplanes. It is necessary for the Air Corps to dismantle its buildings and to reerect these temporary build-

ings at such site as is mutually agreed upon between the War Department and the municipal airport. These are temporary buildings, but it will cost approximately $15,000 to reerect them.

Fort Crockett, Tex.

Night-flying lighting system $3,775
Runways 10,775

The Air Corps will be compelled to continue its activities at Fort Crockett, Tex., for another four or five years. The tactical operations at this station require that night lighting equipment be made available so that planes can take off and land at night. It is contemplated putting in a minimum amount of equipment, of which about 75 per cent can be salvaged and moved to a new station when Fort Crockett is abandoned.

This station is partly filled ground and is very soggy and wet, resulting in deep holes occurring in the warming-up line from the blasts of the propellers. In order to prevent damage to propellers and tail skids when airplanes are taxiing, it is necessary to establish hard-surfaced warming-up lines and runways at this station.

Hawaiian Department

Establishment of air bases $22,000

The defense system of the Hawaiian Department requires airplanes to operate to and from the various islands of the Hawaiian group. It is necessary that auxiliary landing fields be established at these stations, together with some permanent equipment in the form of a small storage building, etc., to provide for planes when they land at the various islands.

This money is to be expended for developing the three additional air bases required.

Chicago Municipal Airport

Completion of hangar $20,986

In the fiscal year 1928 a hangar was erected at Chicago Municipal Airport for housing planes of the Sixth Corps Area headquarters. The only place available was on leased ground at Chicago Municipal Airport. This hangar was completed as much as possible with the funds available at the time, but it is necessary in order to properly protect planes, equipment, and supplies, to build an office, storeroom, and shops; to ceil the buildings; to complete the floor, which at the present time covers only one-half of the building; to take one end and replace it with a fireproof, hollow-tile wall, and to provide heating equipment for the hangar.

The estimated cost of this was slightly over $23,000 but the amount was reduced to $20,986, and it is believed the work can be accomplished satisfactorily for this sum of money.

These authorizations will not necessitate any immediate appropriation of additional funds as the Appropriation Committee is being requested to enact legislation making available for expenditure for the above purposes and at the above places, the sum of $567,536 by transferring the funds from other appropriations as follows: $230,000 now carried in the fiscal year 1930 War Department appropriation bill for expenditure of Chanute Field, Ill., for barracks, $190,000; officers' quarters, $70,000; $347,536 from the sum of $1,736,619 appropriated by the War Department appropriation act, fiscal year 1929 (Pub. 181, 70th Cong., approved March 23, 1928), for the improvement of stations, hangars, and gas plants for the Regular Army, and for such other marking and fuel-supply stations and temporary shelter as may be necessary. This will be in lieu of the following items included thereunder, which are not considered to be urgent this year and some of which will not be required for reappropriation. The following are the items, with explanation of each:

Fort Crockett, Tex.

Dope and paint house and lean-to for boiler room $10,775

At the time the estimates were made for this item it was considered that the dope and paint house would be urgently needed at that station. Since that time conditions at the field have made it more advisable to spend this amount of money on hard-surfaced warming-up lines in front of the hangars. The work that would be carried on in this building if it were constructed can, to a large extent, be carried on in the new aero-repair building being constructed at Fort Crockett or at the nearest depot. Serious damage is occurring to planes at Fort Crockett as a result of the failure to have hard-surfaced runways to warm up the engines and to taxi the plane along.

No request will be made for reappropriation of this amount for the dope and paint shop at Fort Crockett, Tex.

Hawaiian Department

Steel hangar $39,500

This hangar was scheduled for erection at Luke Field. Due to the probability that the Air Corps will move its activities to the new site known as "Tracts A and B," reducing the hangar requirements at Luke Field. It is not considered advisable or necessary to erect permanent buildings at this station.

It is not believed that it will ever be necessary to ask for a reappropriation of this item for a hangar at Luke Field.

Middletown Air Depot

Concrete floors in warehouse $38,500

The latest plans for construction at Middletown Air Depot do not require the use of this warehouse in such a manner as to need concrete floors.

It is not contemplated that it will be necessary to ask for a reappropriation of those funds.

San Antonio Air Depot

Instrument house, engine repair, and cleaning building $5,497

This is a building that was constructed from funds fiscal year 1928.

It will not be necessary to ask for reappropriation of these funds.

Selfridge Field

Ceiling and walling hangars $3,264

These funds are not needed at the present time at Selfridge Field and reappropriation will not be requested.

Hangars $185,000

Two hundred and thirty-seven thousand dollars is now appropriated for construction of hangars at Selfridge Field. The hangars now in existence at that station it is believed can be kept in service another four or five years and it is more advisable to use these funds for purposes specified in attached authorization bill.

It will be necessary to later request a reappropriation of this amount in order to build the hangars required at that station to replace the old temporary buildings now in existence there.

March Field

Radio and school building $80,000

The radio building was constructed from funds available in fiscal year 1928. The location of the school at March Field is temporary and will eventually be moved to Randolph Field. The construction of a school building is not needed.

Night-flying lighting system $15,000

This item was constructed from funds available in fiscal year 1928.

It will not be necessary to request the reappropriation of the above amounts for March Field.

Chanute Field

Barracks $150,000
Officers' quarters 70,000

The above amounts are included in the estimates of the War Department for fiscal year 1930. The question of retaining the technical school at Chanute Field has not been decided, but is held in abeyance until after the completion of the 5-year building program. Until such decision is made this office recommends that permanent construction of this sort be not initiated at Chanute Field. The money is very much needed at Maxwell Field in order to provide barracks and noncommissioned officers' quarters for the personnel of the tactical school, which is scheduled to be moved to Maxwell Field as soon after July 1, 1929, as housing construction can be provided.

These funds would have to be appropriated for the tactical school, whether it remains at Langley Field or is moved to Maxwell Field, and reappropriation will be required for the technical school at Chanute Field, or such other station as it will be eventually placed when this decision has been made.

If any additional information from the War Department is desired, I shall be pleased to furnish it.

If the Committee on Military Affairs wishes to have hearings on the proposed legislation, the following-named officers are designated to appear before your committee: Maj. Gen. J. E. Fecket, Chief of Air Corps; Brig. Gen. William E. Horton, assistant to the Quartermaster General.

The proposed legislation has been submitted to the Director of the Bureau of the Budget, who advises that it is not in conflict with the financial program of the President.

Sincerely yours,

DWIGHT F. DAVIS,
Secretary of War.

The Senate also added, without amendment, the item in H. R. 13931, which I introduced on May 21, 1928, and which was favorably reported, unanimously, by the House Military Affairs Committee on January 18, 1929.

The report reads as follows:

[H. Rept. No. 2138, 70th Cong., 2d sess.]

BUILDING FOR RADIO AND COMMUNICATION CENTER, BOLLING FIELD, D. C.

Mr. WAINWRIGHT, from the Committee on Military Affairs, submitted the following report to accompany H. R. 13931:

The Committee on Military Affairs to which was referred the bill (H. R. 13931) to authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field, D. C., having considered the same, report thereon with the recommendation that it do pass with the following amendment:

Page 1, line 6, change the period to a comma and add "or at a point on a military reservation in the vicinity of the District of Columbia to be selected by the Secretary of War."

The reason for the enactment of this legislation, as amended by the committee, is set forth in detail in the following letters from the Secretary of War, which are attached hereto and made a part of this report, as follows:

DECEMBER 8, 1928.

Hon. JOHN M. MORIN,
Chairman Committee on Military Affairs,
House of Representatives.

DEAR MR. MORIN: On May 15, 1928, I forwarded a draft of the following bill and requested that it be introduced in the House of Representatives and enacted into law:

"A bill to authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field, D. C.

"*Be it enacted, etc.*, That there is hereby authorized to be appropriated not to exceed $30,000, to be expended for the construction of a building for a radio and communication center at Bolling Field, D. C."

My former letter explained the need of such a building, but as a result of further study and new developments in the way of antennae of a type which would be classed as flying hazards it is no longer deemed desirable to erect this building at Bolling Field, as Fort Myer or some other military reservation near the District of Columbia is believed to be more desirable.

In view of these changed conditions it is now requested that the bill in question be amended by your committee, in whose hands it now is, to read as follows:

"A bill to authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field, D. C.

"*Be it enacted, etc.*, That there is hereby authorized to be appropriated not to exceed $30,000, to be expended for the construction of a building for a radio and communication center at Bolling Field, D. C., or at a point on a military reservation in the vicinity of the District of Columbia to be selected by the Secretary of War."

A similar letter and request has been addressed to the chairman Committee on Military Affairs of the Senate.

Sincerely yours,

C. B. ROBBINS,
Acting Secretary of War.

MAY 15, 1928.

Hon. JOHN M. MORIN,
Chairman Committee on Military Affairs,
House of Representatives.

DEAR MR. MORIN: I submit herewith the following draft of a bill which I request be introduced in the House of Representatives and enacted into law:

"A bill to authorize an appropriation for the construction of a building for a radio and communication center at Bolling Field, D. C.

"*Be it enacted, etc.*, That there is hereby authorized to be appropriated not to exceed $30,000, to be expended for the construction of a building for a radio and communication center at Bolling Field, D. C."

At present the lack of sufficient space at a central point necessitates the location of radio transmitters of the War Department at four points, viz, Annapolis, Md.; Arlington, Va.; Washington Barracks, D. C.; Washington Navy Yard. Two additional high-frequency radio transmitters will also have to be cared for by August, 1929. Additional housing facilities will be necessary as there is not sufficient space for their installation, nor is there a suitable building at any of the above-mentioned points in which adequate accommodations can be provided.

It is desired to centralize in this proposed building all radio transmitters and communication installations of the Signal Corps and the Air Corps in the District of Columbia. By centralization it will reduce the expense for control lines and the maintenance personnel will be reduced from 18 to 3 men.

If any additional information from the War Department is desired, I shall be pleased to furnish it.

If the Committee on Military Affairs wishes to have hearings upon the proposed legislation, the following-named officer is designated to appear before your committee: Lieut. Col. J. E. Hemphill, Signal Corps.

The proposed legislation has been submitted to the Director of the Bureau of the Budget, who advises that it is not in conflict with the financial program of the President.

A similar letter has been addressed to the chairman of the Committee on Military Affairs of the Senate.

Sincerely yours,

C. B. ROBBINS,
Acting Secretary of War.

The Senate also added, without amendment, the item in H. R. 14155, which I introduced on December 3, 1928, reported unanimously by the House Military Affairs Committee on December 11, 1928, and passed the House unanimously on January 7, 1929.

The report reads as follows:

[H. Rept. No. 1942, 70th Cong., 2d sess.]

APPROPRIATION FOR CONSTRUCTION AT MILITARY POSTS

Mr. FISHER, from the Committee on Military Affairs, submitted the following report (to accompany H. R. 14155):

The Committee on Military Affairs, to which was referred the bill (H. R. 14155) to authorize appropriations for construction at military posts, and for other purposes, having considered the same, report thereon with the recommendation that it do pass.

The purpose of this measure, introduced by Mr. JAMES, is explained in the letter of the Secretary of War, which is made a part of this report, as follows:

NOVEMBER 8, 1928.

Hon. JOHN M. MORIN,
Chairman Committee on Military Affairs,
House of Representatives.

DEAR MR. MORIN: I submit herewith draft of bill which I request be introduced in the House of Representatives and enacted into law, as follows:

"A bill to authorize appropriations for construction at military posts, and for other purposes

"*Be it enacted, etc.*, That there is hereby authorized to be appropriated $49,000 for the construction and installation in the Philippine Department of a signal depot warehouse, with such utilities and appurtenances thereto as in the judgment of the Secretary of War may be necessary."

There are no provisions of existing law applicable to this bill.

A signal depot is badly needed at Manila to serve the Philippine Department. Signal Corps equipment of great value is now scattered through six old buildings, entirely inadequate and unsuitable for the purpose. This equipment is of a delicate nature, expensive in character, and susceptible to rapid deterioration in a tropical climate. It is, therefore, of the utmost importance that it be properly protected from the elements.

It is estimated that the total cost of the bill will not exceed $49,000.

If any additional information from the War Department is desired, I shall be pleased to furnish it.

If the Committee on Military Affairs wishes to have hearings upon the proposed legislation, the following-named officer is designated to appear before your committee: Maj. Gen. George S. Gibbs, chief signal officer.

The proposed legislation has been submitted to the Director of the Bureau of the Budget, who advises that it is not in conflict with the financial program of the President.

A similar letter has been addressed to the chairman of the Committee on Military Affairs of the Senate.

Sincerely yours,

C. B. ROBBINS,
Acting Secretary of War.

The Senate also added, without amendment, the item contained in H. R. 13693, introduced by Mr. DREWRY on May 11, 1928, favorably reported to the House by the House Military Affairs Committee on January 18, 1929, and passed the House unanimously on February 4, 1929.

The report reads as follows:

[H. Rept. No. 2137, 70th Cong., 2d sess.]

TRANSFER PORTION OF CAMP LEE MILITARY RESERVATION TO PETERSBURG NATIONAL MILITARY PARK

Mr. FISHER, from the Committee on Military Affairs, submitted the following report (to accompany H. R. 13693):

The Committee on Military Affairs, to which was referred the bill (H. R. 13693) to authorize the Secretary of War to transfer a portion of the Camp Lee Military Reservation to the Petersburg National Military Park, having considered the same, report thereon with the recommendation that it do pass.

The reason for the enactment of this legislation is set forth in detail in the favorable report of the War Department; therefore that report is made a part of this report, as follows:

MAY 25, 1928.

Hon. JOHN M. MORIN,
Chairman Committee on Military Affairs,
House of Representatives.

DEAR MR. MORIN: In compliance with your request of May 14, 1928, I am pleased to submit the following report on H. R. 13693:

The subject of the proposed legislation is to authorize the Secretary of War to transfer a portion of the Camp Lee Military Reservation to the Petersburg National Military Park.

The applicable provision of existing law on this subject appears in act approved July 3, 1926 (Public 467, 69th Cong.), H. R. 7817 (44 Stat. 822), which act establishes a national military park at the battle fields of the siege of Petersburg, Va. No changes will be brought about in existing law by the proposed legislation.

The purpose of the legislation is to authorize the Secretary of War to transfer to the Petersburg National Military Park portions of the Camp Lee Military Reservation as, in his discretion, are of such historical and military importance as to warrant their preservation by inclusion in the national military park. A preliminary study indicates that two of the most important historical points in the Campaign of Petersburg are located on the Camp Lee Military Reservation. The metes and bounds of the areas which should be transferred can not be accurately determined without a detailed survey and further historical research.

The War Department has requested Congress to enact legislation authorizing the sale of the Camp Lee Military Reservation when no longer needed for military purposes. I understand that H. R. 11953, a bill to accomplish that purpose, passed the House of Representatives on May 7, 1928, and has been referred to the Military Affairs Committee of the Senate. I do not believe that the transfer of such portions of Camp Lee as may be required in connection with the establishment of the park would materially reduce the value of the property as a whole, but, on the other hand, might result in an increase in the value of lands adjoining the areas included in the park. If these tracts are allowed to pass into private hands it is very probable that such earthworks and trenches as still exist would be destroyed.

For the foregoing reason I recommend the passage of H. R. 13693.

If any additional information from the War Department is desired, I shall be pleased to furnish it.

If the Committee on Military Affairs wishes to have hearings upon the proposed legislation, the following-named officer is designated to appear before your committee: Brig. Gen. William E. Horton, Quartermaster Corps.

Sincerely yours, DWIGHT F. DAVIS, *Secretary of War.*

The new items added by the Senate are as follows:

Walter Reed General Hospital, District of Columbia: Observation, tuberculosis, and infectious disease wards, and a laboratory and morgue, and the reconstruction of the third floor of the main building into an operating room, and for the necessary corridors, roads, walks, grading, utilities, and appurtenances thereto, $90,000; chapel, $12,000.

Fort D. A. Russell, Wyo.: Officers' quarters, $112,000; barracks, $40,000.

The items for Walter Reed Hospital were added at the request of the Secretary of War, Mr. Davis, as per letter written to Senator REED, which reads as follows:

WAR DEPARTMENT,
Washington, January 17, 1929.

Hon. DAVID A. REED,
Chairman Committee on Military Affairs,
United States Senate.

DEAR SENATOR REED: In addition to the amendments to the general housing bill (H. R. 13825), which I requested in my letter of January 5, 1929, and the additional amendment pertaining to Air Corps stations requested in subsequent letter, I request that there be added at the end of section 1 of that bill as part of the item pertaining to Walter Reed General Hospital which now reads, "Walter Reed General Hospital, District of Columbia: Nurses' quarters, $300,000," add "observation, tuberculosis, and infectious-disease wards and a laboratory and morgue and the reconstruction of the third floor of the main building into an operating room, and for the necessary corridors, roads, walks, grading, utilities, and appurtenances thereto, $90,000."

The necessity for the increase of $90,000 over the appropriations already made for this construction is that the lowest bid for the work was $1,098,595, while the balance available is only $1,066,880, which deficit will require $31,715 more before the contract can be let for the work.

In addition to the $31,715 the further sum of $58,285 will be required for the payment of salaries, and cost of inspection $15,000; miscellaneous items of work, including replacement of utilities connecting up new with old work, $20,000, and contingencies, $23,285. The small sum of only 2 per cent of the amount involved is set aside for contingencies which is considered none too large, particularly as the remodeling of the existing main building will be included in the contract and it is impossible to make an accurate estimate in advance of what conditions will be found when the old existing installations are torn out.

If any further information from the War Department is desired by your committee I shall be pleased to furnish it.

If the Committee on Military Affairs wishes to have hearings on the proposed legislation, I have designated Maj. Gen. Merritte W. Ireland, Surgeon General, and Col. Louis H. Bash, Quartermaster Corps, to appear before your committee.

The proposed legislation has been submitted to the Director of the Bureau of the Budget who advises that it is not in conflict with the financial program of the President.

Sincerely yours,

DWIGHT F. DAVIS, *Secretary of War.*

The reason for the addition of the items for Fort D. A. Russell are, according to the Senate report on the bill, as follows:

FORT D. A. RUSSELL, WYO.

The authorization for appropriation of $112,000 for officers' quarters is considered necessary due to the fact that it is apparent that there are not now sufficient quarters to accommodate the officers authorized for this post. Of 133 officers authorized, there is a general average of 17 bachelor officers for whom quarters are available, leaving 116 married officers to be accommodated in 107 sets of quarters available. It is proposed to build two 2-story brick officers' 4-set apartments.

A new barrack building is believed necessary at this post due to the very crowded conditions existing, Companies I and L of the Twentieth Infantry being superimposed on Companies K and M, respectively, of the same regiment, as well as the Quartermaster detachment on Service Company, First Infantry, and the Headquarters Company, Fourth Brigade on Company F, First Infantry.

When the bill was before the Senate on February 9, 1929, the following item was added upon amendment of Senator CARL HAYDEN, of Arizona:

Yuma $5,000

The reason given by Senator HAYDEN is as follows (p. 3274, CONGRESSIONAL RECORD, February 9, 1929):

Mr. HAYDEN. Mr. President, by the act of Congress approved May 29, 1926, there has been set aside near Yuma, Ariz., 160 acres of land for an aviation field, but there is no building upon it. The land was reserved with the understanding that the field was to be leveled and made available for use by the board of supervisors of Yuma County. The act provides that the air port is reserved for use by the War Department at any time. I visited that field last summer and it is now a bare, level piece of ground entirely suitable for aviation purposes. Yuma is halfway between Tucson and Los Angeles and military airplanes frequently stop there. Authorization should be made for the construction of a building at a limit of cost of $5,000.

I ask to include as a part of my remarks a copy of the act to which I have referred, and direct particular attention to the last paragraph thereof.

The PRESIDING OFFICER. Without objection, it is so ordered.

The act referred to is as follows:

[Public, No. 314, 69th Cong.]

An act (H. R. 7911) to authorize the exchange of certain public lands and the establishment of an aviation field near Yuma, Ariz.

Be it enacted, etc., That in order that the entire southeast quarter of section 9, township 9, south of range 23, west of the Gila and Salt River meridian, Arizona, may be reserved for a public aviation field, the Secretary of the Interior is hereby authorized to issue unrestricted patent for any public land in said section 9 in exchange for the east half of the southeast quarter and the northwest quarter of the southeast quarter of said section 9.

SEC. 2. That upon the exchange being completed, the entire southeast quarter of said section 9 shall be reserved as a public field for the landing and taking off of aircraft of all descriptions: *Provided*, That the board of supervisors of Yuma County, Ariz., shall by resolution agree to assume the expense of clearing and maintaining the field, and that the following conditions are agreed to:

That operators of Government-owned aircraft shall always have free and unrestricted use of said field; that rules and regulations governing the operation of aircraft upon said field shall include and coincide with rules and regulations prescribed and promulgated by the War Department; that Government departments and agencies operating aircraft shall have the right to erect and install upon said land such structures and improvements as the heads of such departments and agencies may deem advisable, including facilities for maintaining supplies of fuel, oil, and other materials for operating aircraft; that in case of emergency, or in the event that it shall be deemed advisable by the Secretary of War, the War Department may assume absolute control of the management and operation of said field.

Approved May 29, 1926.

PENSIONS

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 16522) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Senate amendments were agreed to.

MRS. MYRTLE BROWN SHELY

Mr. PERKINS. Mr. Speaker, by direction of the Committee on Accounts, I present a privileged resolution from that committee.

The SPEAKER. The gentleman from New Jersey presents a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That there shall be paid, out of the contingent fund of the House, to Mrs. Myrtle Brown Shely, widow of James W. Shely, late an employee of the House, an amount equal to six months' compensation and an additional amount not exceeding $250 to defray funeral expenses and last illness of the said James W. Shely.

The resolution was agreed to.

JOHN M'LANE

Mr. PERKINS. Mr. Speaker, I present another privileged resolution.

The Clerk read as follows:

House Resolution 309

Resolved, That there shall be paid, out of the contingent fund of the House, to Mary McLane, dependent sister of John McLane, late an employee of the House, a sum equal to six months' salary and an additional sum of $250 to cover the funeral expenses and the expenses of his last illness.

The resolution was agreed to.

WILLIAM H. MILLER

Mr. PERKINS. Mr. Speaker, I present another privileged resolution.

The Clerk read as follows:

House Resolution 282

Resolved, That there shall be paid, out of the contingent fund of the House, to Paul L. Miller, son of William H. Miller, late an employee of the House, an amount equal to six months' compensation and an additional amount not exceeding $250 to defray funeral expenses and last illness of the said William H. Miller.

The resolution was agreed to.

JOHN C. BURNS

Mr. PERKINS. Mr. Speaker, I present a further privileged resolution.

The Clerk read as follows:

House Resolution 306

Resolved, That there shall be paid, out of the contingent fund of the House, to Lillian Burns, widow of John C. Burns, late an employee of the House, a sum equal to six months' salary and an additional sum of $250 to cover the funeral expenses and the expenses of his last illness.

The resolution was agreed to.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On February 5, 1929:

H. R. 14920. An act granting the consent of Congress to the State of Wisconsin to construct, maintain, and operate a free highway bridge across the Rock River at or near Center Avenue, Janesville, Rock County, Wis.;

On February 6, 1929:

H. R. 6864. An act to authorize the Postmaster General to require steamship companies to carry the mail when tendered; and

H. R. 12404. An act authorizing erection of a memorial to Maj. Gen. Henry A. Greene at Fort Lewis, Wash.

On February 7, 1929:

H. R. 12113. An act providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain also within such State; and

H. R. 13507. An act to amend section 3 of Public Act No. 230 (37 Stat. L. p. 194).

On February 8, 1929:

H. R. 7200. An act to amend section 321 of the Penal Code; and

H. R. 14151. An act to provide for establishment of a Coast Guard station at or near the mouth of the Quillayute River in the State of Washington.

On February 9, 1929:

H. R. 10774. An act for the relief of the Carlisle Commission Co.; and

H. R. 16035. An act to extend the time for completing the construction of the bridge across Port Washington Narrows, within the city of Bremerton, State of Washington.

ABRAHAM LINCOLN

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing a speech by Emanuel Hertz on Abraham Lincoln.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. McFADDEN. Mr. Speaker, under leave granted me to extend my remarks in the RECORD, I insert the following speech:

ABRAHAM LINCOLN: WHAT MIGHT HAVE BEEN—LET HIS CONTEMPORARIES TESTIFY

By Emanuel Hertz

Has it ever occurred to historians of the Civil War period what might have happened in that crucial epoch if certain events had not transpired, if certain policies had not been pursued by the Southern States, if certain of their leaders had decided upon different courses? What would have happened if there had been no secession and the southern legislators elected to the Federal Congress had remained in their posts in the Senate and House of Representatives, determined more than ever to continue the fight in the same forum—always in accordance with law? What would have happened if Robert E. Lee had accepted the tendered commission of becoming commander in chief of the Federal Armies? What would have happened if South Carolina had just simply ignored Major Anderson at Fort Sumter instead of opening fire and thus making a military hero and martyr out of him?

What, in short, would have happened if the South had said, as she might have: "The electorate has spoken, Lincoln is President. We agree. But we elected a practically unanimous delegation to the Senate and House of Representatives. Our governors are Democrats and champions of State's rights, the Chief Justice of the Supreme Court and a majority of the occupants of that bench sympathize with the South. Let us wait and see how President Lincoln will hold to his oath just registered, to support the Constitution. The Democratic Senators and Congressmen from the North and our Representatives in both Houses will easily outvote any measure which looks to war between the sections—that must not be."

In the final analysis it is the House of Representatives which declares war, which votes supplies and appropriations to maintain the Government, to maintain an army and navy. Lincoln's Cabinet, too, as constructed, could have been relied upon to advocate the maintenance of the status quo. The money power, the bankers, the merchants, the manufacturers, too, would have been slow to advocate and support war, or any measure that might lead to war. And what is more, the slim phalanx in Congress, which half-heartedly supported Lincoln in 1861, was almost completely wiped out in the election of 1862. Has it ever occurred to anyone what would have been the result of this stalemate? How would Lincoln have proceeded to put in force his plans for gradual emancipation? Stephens, Jefferson Davis, Benjamin, Yancey, and a host of other southern leaders, all able and resourceful legislators and jurists, would have talked any such plan to death and the Supreme Court would have stood by them, if any radical legislation had been attempted.

Had Lincoln tried to appoint new judges in order to procure a reargument and a modification, when death or resignation created a vacancy, the Senate could have certainly defeated any candidate but a choice satisfactory to them. Chase certainly would have never been confirmed. The Southern States could have proceeded with any peaceful program they desired, and how could anyone have interfered with them? In the meanwhile they could have solidified their hostile factions never too far apart on any vital question; they could have controlled the admission of new States; they could have carved 10 more States out of what is now Texas, New Mexico, Arizona, and Oklahoma.

What would have happened if Lee had accepted the commission tendered him by Lincoln? If he had had the vision to decide as did General Thomas, for example, also a Virginian and as able a soldier as either side produced, the charge of incompetence which resulted in the dismissal of McClellan, Burnside, and Hooker, and others, could certainly never have been brought against him. He would have remained. His theory of war, his genius as a strategist might have ended all opposition promptly. His views might have prevailed with the South—long before emancipation matured or was even thought of—or deemed feasible. Lincoln would have been in a blind alley once more—his great talents, his abundant abilities would have never come to fruition. With peace promptly restored on almost any terms, the problems of slavery would have hardly interfered with the restoration of peace in the Union. It was Lincoln's paramount duty to save the Union, so he said, and in a manner which permitted of no qualification. If he had saved it Lee, not Lincoln, would have been elected in 1864, and

would have been groomed for the Presidency two years before election, and in the interim would have paralyzed all of Lincoln's efforts to alleviate the condition of the slave.

Up to that time a vast majority were concerned solely with the maintenance of the Union. What, with men like Stonewall Jackson and Stephens and the Johnstons and Lee in places of power, could the small group of Abolitionists and Republicans have accomplished against such an unconquerable phalanx of legislators from the South, aided by men like Seymour and Greeley and Vallandigham and Robert C. Winthrop from the North—to mention but a few—and then Douglas, the noblest Roman of them all, might have survived and might have again been the leader.

In the meanwhile, the small Army and negligible Navy would have remained small and negligible. And the urge for peace, the longing for continued prosperity would have prevented and made ridiculous the continuation of the abolitionist propaganda. An entire world, up to that moment, looked on askance and could have said: "We have given Lincoln and his associates every opportunity to put their promises, contained in their platform, into practice. What have they done? Why continue them in office when the historic party of Jefferson and of Jackson is ready and willing and able—as she has often demonstrated—to lead the Government along the paths of peace? Out with these adventurers, these makers of empty promises which were never intended to be kept and which we now see were made knowing that they could not be kept or performed."

And in the interim, an impatient electorate would have been impatiently waiting for Lincoln's next move. The crowd, often called the people, want action after a new inauguration and they want it speedily—or they lose faith. They want something more than merely the change in the personnel of the officeholders.

What about Lincoln's solution of the "house divided" doctrine? How is the Supreme Court to be coerced into changing its position in the Dred Scott case? What has become of the "irrepressible conflict" of which Seward had so much to say? Was it all for the purpose of turning out the harmless Buchanan administration? Was it all for the purpose of transferring Lincoln from Springfield to Washington? And yet, just that would have happened if the South had simply watched and waited and simply countered every move by legal and constitutional means.

History would have but repeated itself. After a period of discussion of some 20 years the people became tired and submitted to the compromise of 1850. Now, after an even more tiresome discussion and hotly contested elections of 1856 and 1860, they would have gladly submitted to any reasonable compromise, and Lincoln and Seward and all the rest with them would have been swept from their moorings. It is true what we now good-naturedly call the uncompromising reformers would have continued to agitate, but they would have had but little success with the leaders of the Republican Party definitely arrayed against them.

These and many more possibilities—and they were more than possibilities—would have been definitely in the way of emancipation or even of the slightest modification of the status of the slave. And Lincoln's position in Washington, with the country, with the Republican Party, with his own followers in the North, would have become impossible and untenable. It was well-nigh intolerable as it was, in spite of all these blunders on the part of the South. The load and burden he bore during the war would have been as nothing compared to the impasse with which he would have been confronted had the South not been the impatient aggressor, had the South stuck to its guns under the Constitution, had they resorted to and relied on this course for the maintenance of their rights and the preservation of the legislation then on the statue books. Strange that this plausible hypothesis has received so little attention from anyone; all assume that what happened was the only thing that could have happened. But such a theory assumes the total absence of a well-organized party in the South and outside of South Carolina—in almost every State—to maintain the Union at all hazards.

It is only after this theory is developed and well thought out—and followed out to its ultimate results—that we begin to understand what was going on in Lincoln's mind from that fateful election day in November until the hour of his inauguration. Every moment was fraught with strange possibilities. He knew the men and measures of the southern leaders. He had read and studied and mastered all they said. He corresponded with some of them and attempted to influence them; read his correspondence with Alexander H. Stephens—easily the foremost man in the South. He had tried to ascertain whither they were drifting, what was in prospect, and how he could meet any and all emergencies. He corresponded with his few friends in Washington—in the Senate, in the House of Representatives—and warned against hasty legislation which was prepared to sacrifice all that had been won, intended to conciliate the South.

What went on in his mind no one knew. He confided in no one. He walked in silence; he thought out these problems in his own way. He learned gradually what sort of men had come to the surface on this wave of Republican victories in the Northern States. He conferred with some of them: Weed, Seward, Curtin, Trumbull, Chase, Morton, Arnold, Washburn, Andrew, Todd, and a few others—most of them either skeptical or openly hostile; some few loyal—with all these he spoke and took their measure and tried to allocate all these into his scheme of coping with the impending emergency, whatever it should turn out to be.

He continued to read the leading southern papers in order to be prepared if the threats made should be carried out; he continued to keep himself informed in order to anticipate rashness and attempt to frustrate it, by what he said in his inaugural.

Was ever any other similar address awaited like this one? Was ever so much dependent on an inaugural as was on this one? Was ever ruler of a great people placed in a similar fateful position as was Lincoln on that day? He suddenly appeared in Washington. "The President in mufti," shouted his enemies. He paid no attention to this outcry. He was not going to confuse and divert the issues more than they were, by inviting a riot on his passage through hostile territory. As he subsequently said, "One war at a time," he now said, "One problem at a time."

He was in Washington some days before inauguration. And what happened? One would imagine that everyone who came near him counseled him to be firm, to do all he could for the preservation of the Union. Nothing could be further from the fact. Delegation after delegation which called on him advised and urged either peace at any price or the making of cowardly and disgraceful terms with the southern leaders who were bent on the dissolution of the Union. Most of the prominent men had some hostile criticism to make. To some his advent to Washington was disgraceful, undignified; to others his personal appearance was objectionable. They did not like his clothes, his yarns, his manner of speech. To still others his refusal to heed advice on appointments and the prompt announcement of policy were a cause of bitter complaint. Wendell Phillips expected him to free the slaves as his first official act, and denounced him for not doing so, even more bitterly than the leaders of the South did for his belief in ultimate extinction of their peculiar institution.

The question which presents itself at this late day is, How many friends did Lincoln really have when he reached Washington? How many of that great throng cared for him or for his policies as announced on this inauguration day of 1861? How many on the platform surrounding him—with the exception of Douglas, who loyally placed himself at Lincoln's disposal, David Davis, and a few others—were there rallying around him on whom this new President could lean and rely? Every report of the time to be found in biography, autobiography, letter, or speech began with the familiar legend how all were disappointed with his appearance, his bearing, his conversation, his reception; and then the whole feminine world was bent on teaching Mary Todd, his wife, that there was no place for her in aristocratic circles in Washington, then, as now, a southern city with a southern background. Even the foreign representatives and newspapermen found very little which they could admire. Sneering at the Lincolns was the order of the day. And sneer they did, as their journals testify to this very day. Some of them, like the Prince of Wales, were witnessing what they believed was the dissolution of the Union.

And Lincoln was never more alone than during these first weeks in Washington. True, the candidates for office were there—this line, unending, was always in evidence and simply helped to wear out the giant frame of the sad President. Even Seward, on whom he began to lean, even Seward lost faith in Lincoln, and within a month after the inauguration wrote the foolish memorandum—first about bringing on a universal war and then the one about supplanting him. Another man of smaller mental caliber would have crushed Seward by publishing either or both of these peculiar state papers, but not so Lincoln. His plans were mature, and this little-statured man, who had many good qualities and had a great following, was needed in his plan to save the Union. So Lincoln declined to notice the insult and pocketed the disloyal screeds of his premier—premier in name only, for on every important occasion Lincoln was his own foreign secretary, his own premier.

Who but Lincoln would have tolerated the open hostility and arrogance of a Chase, the almost coarse treatment of Stanton, or the open and studied insolence of a McClellan? Who but Lincoln would have endured the condescending demeanor of a Sumner, the haughty manner of Thad Stephens? A President in our own day made short shrift of similar and far more able opponents in his party. No other man could have tolerated a Cabinet so unruly, so critical, so contemptuous of their leader as did Lincoln. Cabinets, with few exceptions, have been harmonious political families, chosen for the purpose of carrying out the policies of their leader. A Jefferson would resign because of a clash with Hamilton, and the older Adams would dismiss a number of disloyal members, a Wilson would unceremoniously dismiss a Lansing, but that was all. It remained for Lincoln, in addition to all other troubles he had, to have imposed upon himself by conditions which even he could not control, the most arrogant Cabinet in the history of the Presidency. And yet this was the only Cabinet possible for the time being. In 1864 he could accept the oft-tendered resignation of Chase and replace him with Fessenden; but that was impossible at the outset of his administration.

Given this situation, which confronted Lincoln from all sides—at home and abroad, in the South as well as in the North, for his political opponents never for a moment stopped plotting and scheming and planning his downfall—and add to this the situation in his Cabinet, his own official family; and take up the entire list of historians who on top of all this attempt to belittle him and his achievement. The book called the Real Lincoln, the best exponent of this class of detracting and destructive criticism, has gone through many editions; and as the printed word, particularly in book form, earnestly and plausibly advanced, has considerable influence, why is it not time for some definite steps to be taken in order that the whole unvarnished truth be told at last?

The ordinary biography will not do. Before we reach the meat of the matter, before the climax of that great life is reached, we become exhausted with a wilderness of useless facts and deductions as to his genealogy—the wanderings and rovings of his pioneer ancestors. We are called upon to study the names, the lives, the tribulations of seven generations of Lincolns, from the day they left England until Abraham opened his law office in Springfield. And then follows the minute history of his law practice, his partners, his clients, his clerks, his trials, his trips on the circuit, a perfect Odyssey of frontier and pioneer experiences which slowly came through his law office.

Humanity owes as much to Lincoln as it does to Napoleon, or to any of the much-described and documented earls and dukes and kings of England—certainly as much as to Frederick the Great of Prussia or Peter the Great of Russia—both called great for different reasons than the reason we call Lincoln great. We have a sympathetic and systematic life of Napoleon—Professor Masson's great series is a monument of historical research, and it is but one of a series of similar works about the Little Corporal. Would anyone care to see and read of Napoleon's campaigns, the works are here in abundance. Would anyone care to make a study of Napoleon and his marshals, the proper works are on hand, and any library is supplied with all you care to see. Napoleon, the legislator and the protagonist of the Code Napoleon, it is to be had. Even his private life, the medallic and the pictorial life, and the thousand and one occasions in his hectic existence, down to The Last Phase, by Lord Rosebery, have been meticulously gathered and accumulated, described, and preserved. Even his final resting place is the glory of France—lovingly prepared and given by an adoring country. And what did he bring France, besides tears and ruin?

What a contrast is our attitude toward Lincoln—from the moment when all that was earthly of him was confined to mother earth in Springfield our treatment of him has been shameful. The grotesque monument which finally, after scandalous failures, was reared over his grave, was the result of procrastination and delay, which was a disgrace to his State and a profanation of his name. His place in history, his biographers, his historians, his monographers, have been about as successful as have those who undertook to rear his monument in Springfield. Of course, our generation has begun to atone for the long neglect, thanks to St. Gaudens and his school of sculptors, and Healey and the new school of painters, of etchers, of engravers, and of photographers and others.

But on the historical and literary side the work has remained undone, or at best only partly done, and all that is done is done in a hurry. Here and there a publisher wants a book on Lincoln, and the manuscript must be in the publisher's hands by such and such a day. How unfair, how unscientific, how unworthy of that great name! One is constantly pestered with the question, "What is a good life of Lincoln?" Those who really know something of the problem can not answer. There is no definitive life of Lincoln, either short or long. One is a wilderness of historical facts, the history of battles and campaigns of the Civil War, covering the entire period and incidentally connecting Lincoln with some of the facts, and that imperfectly and inadequately. The others are briefed upon facts prepared by others or are a condensation or rehashing of so-called existing biographies or works dealing with certain phases of Lincoln or events of the period, with a little eulogy thrown in. At best we must suggest to those who are interested certain works covering certain periods, and even those are few, inept, and incomplete.

The great Lincoln-Douglas joint debate—a unique event in our democracy—has never received full and adequate treatment to this very day; the Lincoln administration, his great adventure, has not yet found its historian. Lincoln's diplomacy has remained a sealed book; Lincoln's influence on the military conduct of the Civil War has not been written, and was for the first time touched upon by two English military men—Generals Ballard and Maurice. Lincoln and his two Congresses is an interesting subject to be written by some one who cares to read the Congressional Globe and the lives and works of the legislators of the period. Lincoln's letters have never been gathered and properly treated, aside from two or three which have been fairly worn to tatters by oft-repeated and much quotation. And Lincoln wrote more than these two or three so constantly quoted.

And so we might go on throughout the entire life of this strange being and always find ourselves at the end of the path—undiscovered, unexplored, unfamiliar beyond a certain point.

It goes without saying that the man who appeared in Washington in March, 1861, ready to take the presidential oath of office, was no ordinary man. No other Chief Executive who came from the governor's office of his native State, from the Speaker's chair, or from the Senate was ever better prepared than was Lincoln to assume the burdens of his office. No man, before or after him, simplified his task and stripped from it all misleading entanglements as did Lincoln. He had but one problem, and that was to maintain and preserve the Union. All else was secondary and of minor importance. He knew that governments are conducted by a hierarchy of inherited undersecretaries, experts, bookkeepers, paymasters, statisticians, and abided by that. He himself only had one absorbing problem. That one problem with him had been uppermost in his mind for 20 years. He had studied it in all its many hues and phases and came to a definite conclusion. His philosophy and utterances on the subject of 1848 and 1858 and 1864 were the same. On that subject he never changed.

On the other hand he had acquainted himself with all the available literature on the subject of how our Constitution was evolved and finally framed, how our Union was born, how the States were hedged in and protected and formed into one indissoluble, indestructible Union—peopled by a free and independent citizenry—with some who were not free at the time but were ultimately to become free—as he demonstrated that slavery in a civilized, God-fearing country was doomed to ultimate extinction. Law, religion, honesty, decency, fair dealing, were against perpetuation of the hateful institution. He did not permit himself to be deflected from his course, either by idealist, by politician, by dreamer, by secessionist. He reasoned out his philosophy of life—demonstrated its soundness, defended it from every stage and rostrum for 30 years—and when called to the position of power, was ready to enforce it. No one after 1858 ever attempted to convince Lincoln of the error of his theory. No such attempt is recorded. No one denied his conclusions or their soundness; attempts were made to prevent their execution and enforcement—by methods which resulted in war. But those who brought on the war admired his fortitude, his fairness, his leadership. Read, among others, Judah P. Benjamin's scathing contrast of the courage of Lincoln and of the mental gymnastic of the shifting Douglas. His utterances were quoted as perfect specimens of reasoning and perfect diction.

And yet this man was alone. He was ever forcing the hands of the time server, of the charlatan, of the misinformed. And with such material he was compelled to build the mental catapult which was to destroy treason. For it was the idea behind the Army, not the Army itself, which conquered treason. With such sides he was forced to organize an army and build a navy, everyone questioning, doubting, criticising, faultfinding, hampering.

This great mind broke down all opposition and called into being a great army and giant navy. He did have the loyal assistance of Welles and Fox, and with a patience and a vision almost akin to divination he marshaled about him a military organization which carried his matures plans into execution. This Army and Navy demonstrated to a doubting world that Lincoln's statement was true, that this Union is one, that slavery was doomed to ultimate extinction, that all men were created equal—others talked and dreamed and hoped—and Lincoln, in the face of difficulties that never confronted another ruler, carried these ideas into execution and embedded them in the rock of the Constitution, always instrumental in admitting and reconstructing the additional States needed for ratification of the constitutional amendments. And while doing this one need not imagine that the foreign affairs of the Nation had not his closest attention; that he had delegated the feeding and clothing, of munitioning his Army and recasting his Navy to others. No! No! A thousand times no! He himself superintended Seward's work and guided his pen when world-war encirclement threatened the Union, and when the two or three important diplomatic events cropped up in the foreign office; Stanton was hardly ever rid of his perpetual companion and visitor in the War Office—ever reading dispatches, ever sending dispatches, ever guiding spineless commanders, ever discovering brilliant soldiers, captains, generals, and instantly replacing the halt, the lame, the decrepit, the stupid, by the newly discovered soldier who fights. Oh, what a really great work can be written of Lincoln in the War Office, Lincoln in the hospitals, Lincoln and the war correspondents, Lincoln and his secretaries, and Lincoln and his telegraphers. And who but Lincoln was called upon by the Attorney General, when momentous questions came up for argument and decision? The question of habeas corpus, or the usurpation by generals in the field of powers belonging to the President? Who but Lincoln was ever called upon to unravel and disentangle the troublesome questions before Congress? He was watching every wheel, every piston, every cog in the complicated machinery of government, and succeeded and did this work in a manner as though that was all he was called upon to do.

He was his own publicity department. Greeley and Bennett, and Medill and Weed, and the other newspapermen of his day, came to do his bidding, as did Stanton and Seward and Welles. A hostile press was transformed at the end into a mighty instrument for good, and carried out Lincoln's purposes. Practically all the great newspapers of the day had become Lincoln organs of publicity.

He was his own contact man with the pulpits of every denomination. He never named one class of preachers or spiritual leaders, but mentioned all the others—the Methodists were most numerous and therefore did most, but so did all the others in proportion to their numbers. The different nationalities who had just come to these shores received the same generous treatment at his hands; he overlooked no one class of citizens—the Irish, the German, the Hungarian, the Slav—he needed them all. And doing all these things, this one solitary individual in the White House was kept busy beyond endurance by thousands of problems of every conceivable nature—an entire saga, an epic, with thousands of cantos, can and will some day be written about his dealings with his fellow man, with the soldier, with his mother, with the wife, the sister, and with all who came within his ken—for the thousands of acts of charity, of mercy, and of help to his fellow man. I know no man in our, or in any other history, who has displayed such amazing vision in dealing with many stupendous and wholly novel problems vital to the endurance of the Union; nor do I know of any other leader who, possessing the idealism of Lincoln, has also had his power of translating ideals into successful practice.

Is the life and are the acts and achievements of this colossus in human form to be condensed into so many pages? Are they to be condensed into so many volumes? Justice, history cry out against such a procedure. An entire world demands all, wants to know all that made up the achievements of this man of destiny, this advocate who practiced for 20 years, who thought and prepared and wrote the epic of the Union, who fought for it, who won its birthright and established it for all time to come, who committed to paper and into the State papers of the Union more wisdom, more genuine philosophy of life than any other American. This remarkable man whose spirit leads his people to-day as he in the flesh led them in the days of their great travail—is this man to be cheated of his birthright? Is this man's life story to be abridged, to be edited and revised—by whom? And are we thus to be denied his full heritage? Who is there so bold as to undertake so nefarious a task? America, the world, young and old, want all he said, all he did, and all that was said of him; and then let posterity judge, let the historians of the future synchronize these innumerable facts and draw the lasting conclusions and lessons and render the final verdict, based upon all the facts.

Senators and Congressmen of this day—and there are quite a number—students of Lincoln, have both spoken eloquently of Lincoln. Why should not they inaugurate such a movement by legislative appropriation at the next session of Congress, an appropriation which should have for its purpose the collecting of all that remains unpublished of the life and works of Abraham Lincoln, in conjunction with what has been collected? Why could not Congress inaugurate its deliberations every two years by a modest appropriation for continuing the gathering and publishing of all available material wherewith to prepare a complete edition of Lincoln's life and works? It has been done for others—Van Buren, Calhoun, Chase, and others.

Such a work for the man of the ages would immortalize the movers of such a resolution and would, in part at least, atone for the prolonged and disgracefully long drawn out discussion and unfair and unreasonable delay in the same forum when the granting of the small pension to the wife of the Emancipator came up for action, after being repeatedly shelved and pigeonholed.

In that Capitol—which stood an unfinished structure so ominous in its portents of dissolution of the embattled Union when Lincoln first appeared upon the scene, and which but for his life's work would never have been completed as the final home of the government of a reunited people—in that Capitol should that work of rehabilitation of the Lincoln who lived and loved, who suffered and succeeded, who guided and guarded, who planned and plodded and pleaded—who inspired the embattled warriors of the Union—begin. The Government which looks after the seacoast, the forests, the rivers, the mines, the fisheries, the bridges, the monuments, the oil preserves, the game laws should look after its own soul. Too long, alas, has this work waited and languished and been taken up by all except by those whose duty it is to do it.

Every man who came into Lincoln's life, every case he tried, should be followed up and recorded before it is too late. Every letter he wrote, every speech he delivered and which found its way into the press of the day should give up its Lincoln treasure. Every family of Cabinet officer, war governor, justice of the Supreme Court, Senator, or Congressman, or contemporary or foreign visitor who came in contact with Lincoln, should contribute a share in furnishing the letters he wrote to their sires. The Congressional Globe is ready, the newspaper files accessible—they have not yet entirely fallen apart—the records, such as have not been stolen, or lost, or mislaid, or borrowed in perpetuity, or locked up, are here—and now the board of editors and writers and compilers should be chosen so as to do the thorough, the complete, the definitive work. So much was done for Jefferson Davis by Dr. Dunbar Rowland. If more can not be done, less must not be done.

Who will lead? Who will avail himself of this privilege of opening the undiscovered world of Lincoln lore, Lincoln letters, Lincoln papers, Lincoln recollections, Lincoln anecdotes, Lincoln's pardons, Lincoln's commissions, Lincoln's surveys, Lincoln's written cards, Lincoln's passes, Lincoln's indorsements, Lincoln's photographs, Lincoln's legal papers, Lincoln's opinions, Lincoln's briefs, Lincoln's receipts, Lincoln's pleadings, and Lincoln's records—when all these shall have been gathered and made available—in addition to Lincoln's portraits and Lincoln's photographs which have been collected and are available; then will the real, humane, noble American be given to this and to succeeding generations, in all its almost superhuman manifestations, and that gentle spirit will then be at rest, for he will be seen and understood from every angle; his every act explained and understood, his words appreciated, and the many perplexing questions with which we are now confronted will be answered fully, completely, and comprehensive. And an entire world will come to know the real Lincoln as he lived, as he battled for the right, and as he fell when he had won the battle for the right, and as he will appear to us in that rarefied atmosphere where neither cant nor hypocrisy nor slander can reach or influence our judgment of him, for when that work is done Abraham Lincoln will stand revealed in all his great simplicities, even as Abraham and Moses stand revealed against a horizon of 30 centuries, even as Socrates stands revealed over a vista of over 20 centuries, even as Savonarola stands revealed rising from the ashes of his funeral pyre on the Plaza Veccio in Florence, even as Luther stands revealed, and we can almost hear the sounds of his hammer blows nailing his theses upon the church door of his native city; so will our own Abraham Lincoln take his place as the last of those lantern bearers of humanity, the greatest of these ambassadors of God. There he stood, adamant and unchangeable, like Luther he could not do otherwise and receive the approval of all succeeding generations for having breathed the breath of life into a meaningless, and until then a lifeless Declaration of Independence, which up to that day had been in existence, but into which Abraham Lincoln for the first time breathed the breath of life and illuminated the very words in the great declaration, which he made the living, virile, vibrating God-given charter of human liberties which it now is and which it will remain for all succeeding ages.

PENSIONS

Mr. W. T. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House bill 16500, granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, with Senate amendments, and agree to the Senate amendments.

The SPEAKER. The Clerk will read the title to the bill and the Senate amendments.

The Clerk read the title to the bill and the Senate amendments.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to.

ASSESSMENT AND COLLECTION OF TAXES IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, this being District of Columbia day, I call up the bill S. 4441, relating to the collection and assessment of taxes in the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted, etc., That the remedies provided in the act of July 1, 1902, for the collection of taxes on tangible personal property, shall be available also for the collection of taxes on intangible property.

In addition to the statutory remedies, all common-law and all equitable remedies shall also be available, either separately or concurrently with statutory remedies, as may be deemed advisable, for the collection of all taxes and special assessments of any kind whatsoever.

SEC. 2. Where real estate is levied upon for the nonpayment of personal taxes of any kind, and the best price offered at an auction sale is not sufficient to pay taxes, interest, and penalties, said real estate may be sold under decree of the equity court as provided by law.

SEC. 3. From and after the close of the current calendar year, motor vehicles taxable by the District of Columbia shall be assessed at their value as of January 1, each year, by the board of personal tax appraisers, subject to revision on appeal by the board of personal tax appeals, at the rate fixed for the taxation of other tangible personal property for the fiscal year ending the following June 30. The first assessment made under this section shall be at one-half such rate, to cover only the period from the following July 1 to December 31. The tax so assessed shall constitute the personal-property tax on such vehicles for the ensuing calendar year, and no motor-vehicle registration tag for any tax year shall be issued for motor vehicles subject to taxation on January 1 each year by the District of Columbia until the amount of such tax has been paid in full: *Provided*, That this section shall not apply to motor vehicles constituting the stock in trade of dealers, which shall be taxed as now provided by law. The Commissioners of the District of Columbia shall make such rules and regulations as may be necessary or desirable to enforce the provisions of this section.

SEC. 4. Section 2 of the act of Congress of July 3, 1926, entitled "An act to amend sections 5 and 6 of the act of Congress making appropriations to provide for the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes," be, and the same is hereby, amended so as to read as follows:

"SEC. 2. Any person maintaining a place of abode in the District of Columbia on the 1st day of July of a taxable year, and for the three months prior thereto, shall be considered as a resident for the purpose of assessment on intangible property wherever located, unless evidence shall be submitted to the assessor of the District of Columbia, satisfactory to him, that such intangible personal property or the income thereof is taxed to said person in some other jurisdiction, or that the assets of a corporation or association represented by shares or certificates constituting such intangible personal property are taxed by the State in which such corporation or association is chartered or organized and in which such person has a legal residence, in lieu of a tax upon such shares or certificates: *Provided*, That Cabinet officers and persons in the service of the United States Government elected for a definite term of office shall not be considered as residents of the District of Columbia for the purposes of this section."

SEC. 5. Section 5 of the said act of 1926 is hereby amended to read as follows:

"SEC. 5. Real-estate taxes and personal taxes of all kinds, excepting the tax on motor vehicles as herein provided, shall hereafter be payable semiannually in equal installments in the months of September and March. If either of said installments on real or personal property shall not be paid within the months when the same is due, said installments shall thereupon be in arrears and delinquent, and there shall be added and collected with said tax a penalty of 1 per cent per month upon the amount thereof for the period of such delinquency, and such installment or installments, with the penalties thereon, shall constitute a delinquent tax to be collected in the manner now provided by law.

"If any person neglects or refuses to file a return of personal property as required by law, and the assessor certifies to the Board of Commissioners that, in his opinion, the best information obtainable does not afford a satisfactory basis for assessment, the Board of Commissioners may, by petition to the Supreme Court of the District of Columbia for mandamus against such person, compel the filing of a sworn return, and in such case the court shall require the person at fault to pay all expenses of the proceeding."

SEC. 6. Section 6 of the said act of 1926 is hereby amended to read as follows:

"SEC. 6. That returns of all property other than automobiles shall be made in the month of July in the fiscal year in which the assessment is levied and the value of such property shall be made as of the first day of that month except that merchants shall continue to return their average stock in trade as provided in said act of 1902: *Provided*, That this section shall be effective on July 1, 1929."

SEC. 7. Section 7 of the said act of 1902 is hereby amended to read as follows: "That the Board of Personal Tax Appeals shall meet on the first Monday of September of each year and continue in session until the first Monday in March of the following year, or until such time as their work shall have been completed."

SEC. 8. That all acts or parts of acts inconsistent herewith are hereby repealed.

With the following committee amendments:

Page 5, section 6, line 3, after the word "that," insert the words "beginning July 1, 1930."

Page 5, section 6, line 3, after the word "all," insert the word "property."

Page 5, section 6, line 9, strike out the words "on July 1" and insert the words "during March" in lieu thereof.

Mr. BLANTON. Will the gentleman yield?

Mr. ZIHLMAN. I yield to the gentleman.

Mr. BLANTON. This being a bill merely to give the District of Columbia better machinery for the collection of the taxes, something that every State has or should have, it has the unanimous support of the committee?

Mr. ZIHLMAN. It has. If no one desires to speak, I move the previous question.

The previous question was ordered.

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADDITIONAL METHOD OF COLLECTING TAXES IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (S. 3178) providing for an additional method for collecting taxes in the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted, etc., That whenever any real estate in the District of Columbia has been or shall hereafter be sold for nonpayment of taxes or assessments of any kind whatsoever and shall have been bought in by the District of Columbia, and more than two years shall have elapsed since such bidding in, and the same has not been redeemed in the manner and on the terms provided by law, the Commissioners of the District of Columbia may, in the name of and on behalf of the District of Columbia, apply to the Supreme Court of the District of Columbia, sitting in equity, for the purpose of enforcing such tax lien by the said District of Columbia on the aforesaid property; and up to the time of the sale hereinafter provided for, such property may be redeemed by the owner thereof by the payment of the taxes and all legal penalties and costs thereon and such other costs as the court may deem proper.

Upon the proof in such suit of the failure of the owner or owners of the property to redeem it as provided by law, the court shall, without unreasonable delay, decree the sale of said property to satisfy the taxes, assessments, penalties, costs, and interest due the District of Columbia and the costs of the suit, and said sale shall be by the collector of taxes or his deputy, at public auction in front of said premises after advertisement of said sale for 10 consecutive days in some daily newspaper of general circulation published in the District of Columbia: *Provided*, That if it shall appear that there were substantial defects in any tax sale, no part of the penalties and charges incidental to such sales shall be collectible. All persons interested in the property or entitled to redeem from such tax sale, shall be made parties thereto, and the proceeds from such judicial sale shall be applicable to the payment of the aggregate taxes, penalties, costs, including costs of such public advertising and sale, and interest due to the District of Columbia and the payment of costs of such suit. In no such case shall there be any allowance by the court for attorney's fees or trustees' commission.

No sale shall be made, unless by express order of the court, for an amount less than such aggregate taxes, interest, and costs of suit, including advertising and sale. Any surplus received from such sale over said amounts shall be paid by the collector of taxes into court to abide its further order for payment to the person or persons in equity entitled to receive it, if they shall be known. On confirmation of the sale by the court the court shall cause to be issued to the purchaser when he shall have paid the purchase money and complied with the terms of sale a deed to be executed by the clerk of the court which shall have the effect to convey to the purchaser all the right, title, and estate of all parties defendant, whether proceeded against as known or unknown.

Publication may be substituted for personal service upon any defendants not personally served by the marshall, whether known or unknown, by advertisement in some daily newspaper published in the District of Columbia at least once a week for three successive weeks, the first of such advertisements to appear at least three weeks before any petition shall be filed, and such costs of publication shall be lawful charges and be included in the costs of suit.

SEC. 2. That all acts or parts of acts inconsistent herewith are hereby repealed.

Mr. ZIHLMAN. Mr. Speaker, this bill is legislation proposed and reported as a result of the suggestions on the part of members of the Committee on Appropriations of the two Houses. The bill has been drafted after a study of the situation by the District assessor and the District auditor and the corporation counsel. I think the report fully explains the bill.

Mr. BLANTON. This is a unanimous report from the committee?

Mr. ZIHLMAN. Yes; and I move the previous question on the bill.

The previous question was ordered.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MUNICIPAL CENTER, DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (H. R. 16274) to provide for the establishment of a municipal center in the District of Columbia, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

Mr. BLANTON. Why does not the gentleman go into the committee and take up all of these other measures?

Mr. UNDERHILL. Let us get through with this first.

Mr. BLANTON. I believe there is no objection to it, although I think we can save time by going into the committee now. There is an understanding that we will take this up first in the committee. We can approve it in the committee and lay it aside and go ahead if there is no objection.

Mr. SIMMONS. Oh, we can pass the bill while we are arguing about it here.

Mr. SCHAFER. Mr. Speaker, reserving the right to object, is the committee going to call up Senate bill 3936, which will practically legalize the practice of many incompetent chiropractors, osteopaths, and others who are now practicing in the District?

Mr. ZIHLMAN. We have a number of matters affecting the District about which there is no controversy. As chairman of the committee I am trying to get those out of the way first.

Mr. TILSON. I think we better get rid of the bills to which there is no objection.

Mr. BLANTON. I shall not object.

Mr. SCHAFER. Mr. Speaker, I reserve the right to object until I find out how far down on the gentleman's calendar this medical bill is?

Mr. ZIHLMAN. It is very near to the bottom.

Mr. SCHAFER. And it will not be taken up——

Mr. ZIHLMAN. Not until late this afternoon.

Mr. BLANTON. Oh, there is a program as long as the gentleman's arm.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland that the bill be considered in the House as in Committee of the Whole?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to acquire by purchase, condemnation, or otherwise, all of squares numbered 490 and 533, in the District of Columbia, including buildings and other structures thereon, as a site for a municipal center, and to construct thereon necessary buildings to house municipal activities: *Provided*, That the Commissioners of the District of Columbia are hereby authorized to close and vacate such portions of streets and alleys as lie between or within such squares, as in the judgment of said commissioners may be necessary, and the portions of such streets and alleys so closed and vacated shall thereupon become parts of such site: *Provided further*, That if this property or any part thereof shall be condemned, the Commissioners of the District of Columbia shall be entitled to enter immediately into the possession of any such property for which an award shall have been made by paying the amount of such award into the registry of the Supreme Court of the District of Columbia.

SEC. 2. That there is hereby authorized to be appropriated, payable in like manner as other appropriations for the expenses of the government of the District of Columbia, such sums as may be necessary to carry out the provisions of this act, including not to exceed $10,000 for the employment, by contract or otherwise, of architectural and other professional services, as approved by the commissioners and without reference to the classification act of 1923, as amended.

With the following committee amendment:

Page 1, line 6, strike out "490 and 533" and insert in lieu thereof "490, 491, 533, and reservation 10."

Mr. BLACK of Texas. Mr. Speaker, I move to strike out the last word. The bill as originally drawn provided for the purchase of squares 490 and 533. The amendment will add square 491 and reservation 10. May I inquire if the Commissioners of the District favor the purchase of all of these four squares?

Mr. ZIHLMAN. Mr. Speaker, I shall defer to the gentleman from Massachusetts [Mr. UNDERHILL], who has been very much interested in this legislation.

Mr. UNDERHILL. Mr. Speaker, the commissioners asked for the two squares in the first place, with the idea in mind that they would do for their present needs. The situation is this: The two squares which they propose to take are back of Pennsylvania Avenue, beyond the north side of the Avenue, and that leaves two squares on the Avenue itself right between this municipal development and the Federal development on the south side of the Avenue. Those two squares in four or five years would cost more than the total purchase price of the four squares to-day because of this development, and the natural increase in the valuation of the land. When the amendment was offered in the House the commissioners took the stand that although they would not oppose it they still would not advocate it. As a matter of good business policy on the part of Congress, the committee thought it would be advisable to take the whole four at the present time and at the present price, rather than to pay in four or five years from now twice as much as the whole four squares would cost to-day.

Mr. BLACK of Texas. As I understand the location of this property, it would include the very commodious building that is owned by the Ford Motor Co.?

Mr. UNDERHILL. Yes; it would.

Mr. ZIHLMAN. It would; but the committee had in mind that this valuable property could be leased to private individuals or corporations until such time as there would be need for it for municipal development. It would be short-sighted policy to purchase the two squares back on John Marshall Place and Judiciary Square and allow these two squares to remain between the Government's holdings on the south side of the Avenue and Judiciary Square on the north. It is better that the District Commissioners secure title to this property now, and lease it until such time as there is need for it.

Mr. BLACK of Texas. This will involve a rather large expenditure of money, and it occurred to me that the District Commissioners, as representatives of the District, should be consulted about a matter of this kind.

Mr. ZIHLMAN. The District Commissioners originally prepared plans for these four squares. The National Capital Park and Planning Commission added one square additional to the west; but the committee, in considering the matter, having the commissioners before them and the municipal architect, with the original plans, felt it would be a short-sighted policy not to purchase the entire four squares at this time.

The District Commissioners felt that they were more or less bound by the recommendation of the Budget, which only recommended two squares, but I am informed the gentleman from Nebraska, chairman of the Subcommittee on Appropriations, has had a talk with some official of the Budget and the President, and there is no real opposition to the acquisition of the four squares with the idea of leasing such property as not now needed until it is needed by the municipal center.

Mr. BLACK of Texas. Another inquiry I would like to propound. As I understand the cost of these four squares is $4,000,000.

Mr. ZIHLMAN. No; it is more than that.

Mr. UNDERHILL. The estimated cost of the two squares was $2,600,000, and the other squares on Pennsylvania Avenue, the estimated cost is about $6,000,000, or perhaps a little rising of that. Ten years' interest at 4 per cent on the amount that would be obliged to be expended, $1,800,000, the annual increase in the valuation of those two squares——

The SPEAKER. The time of the gentleman has expired.

Mr. BLACK of Texas. I would ask for five minutes additional.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERHILL. It is estimated by everybody that such increase would bring it close to about $12,000,000.

Mr. BLACK of Texas. The gentleman says the total estimate of cost is about $12,000,000. May I inquire the total assessed valuation——

Mr. SIMMONS. Six million dollars.

Mr. ZIHLMAN. I will say what it is——

Mr. BLACK of Texas. I would like to know how much it is.

Mr. ZIHLMAN. I will give the information. The assessment of this property is approximately $4,000,000. The estimate by purchase under condemnation is based upon 150 per cent of the assessed value, and would be $6,400,000.

Mr. BLACK of Texas. That was the information I wanted. It is my view that the committee bringing in legislation of that kind ought to fix a maximum of one and one-half of the assessed valuation, and that would give ample opportunity to exceed the assessor's figures where it has to be done.

Mr. ZIHLMAN. I might say that the Appropriations Committee in making appropriations available for various playgrounds, recreational centers, school sites have almost uniformly fixed it at 125 per cent.

Mr. BLACK of Texas. This fixes none at all. I am convinced that certain property situated in the so-called triangle south of Pennsylvania Avenue is being sold to the Government at an excessive price.

Mr. ZIHLMAN. It is only an authorization.

Mr. SIMMONS. They have been paying excessive values, without doubt, but I do not think we can apply a limitation here successfully.

Mr. ZIHLMAN. Mr. Speaker, I move the previous question on the bill and all amendments thereto.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

CHILDREN'S TUBERCULOSIS SANATORIUM

Mr. ZIHLMAN. Mr. Speaker, I call up House bill 13752, Union Calendar No. 733, providing authorization for a children's tuberculosis sanatorium, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Maryland calls up the bill H. R. 13752, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 13752) to provide for the construction of a children's tuberculosis sanatorium.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and to cause to be constructed thereon, in accordance with plans and specifications approved by such commissioners, suitable buildings and structures for use as a children's tuberculosis sanatorium, including necessary approaches and roadways, heating and ventilating apparatus, furniture, equipment, and accessories.

SEC. 2. There is authorized to be appropriated the sum of $500,000, or so much thereof as may be necessary, to carry out the provisions of this act.

With a Senate amendment as follows:

Page 2, line 3, after the word "act," insert the words "to be appropriated in like manner as other appropriations for the District of Columbia."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

CONSIDERATION OF DISTRICT BUSINESS

Mr. ZIHLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of District business on the Union Calendar.

The SPEAKER. The gentleman from Maryland moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of District business.

Mr. ZIHLMAN. And pending that motion, Mr. Speaker, I desire to ask unanimous consent that general debate on these bills be limited to three hours, one half to be controlled by the gentleman from Texas [Mr. BLANTON] and the other half by myself.

Mr. HOLADAY. Reserving the right to object, Mr. Speaker, does that apply to all bills

Mr. ZIHLMAN. All bills on the Union Calendar.

The SPEAKER. The Chair understands that the time for general debate shall be limited to three hours for all of these bills.

Mr. BLANTON. Some of the bills are not controversial, and there will be no debate on them at all in all probability.

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, suppose that a bill on which the gentleman from Maryland and the gentleman from Texas are agreed is taken up: Are you going to have all of the time controlled by those who favor the bill?

Mr. ZIHLMAN. I will say to the gentleman that personally I shall be very glad to yield to him such time as he may desire on any of these bills.

Mr. SCHAFER. I may desire to have some time on the medical bill.

Mr. HOLADAY. Reserving further the right to object, Mr. Speaker, it is possible we may find ourselves in a position where most of the three hours shall be consumed on one or two bills, and no time left for the others.

Mr. ZIHLMAN. I think it is possible.

Mr. HOLADAY. Mr. Speaker, I shall have to object.

Mr. BLANTON. We can handle the bills more expeditiously this way than in any other way.

Mr. SCHAFER. I think I shall have to object, because if we are going to allow only three hours for all the bills we may not have any time to discuss the medical bill.

BATHING POOLS IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of House bill 5758; and pending that motion, I ask unanimous consent that the general debate be limited to 30 minutes, one-half to be controlled by the gentleman from Texas and one-half by myself.

Mr. BLANTON. Unless you can have a general agreement on all of them, let us go into Committee of the Whole.

Mr. ZIHLMAN. If we go into the Committee of the Whole House on the state of the Union and the debate is unlimited, the entire day can be taken up in the discussion of the Burlingame case, for example.

Mr. HOLADAY. I am not greatly interested in this particular bill.

Mr. BLANTON. How much time would the gentleman want?

Mr. HOLADAY. That depends upon developments.

Mr. SCHAFER. May I ask if the gentleman has a bill on the calendar relating to Captain Burlingame?

Mr. ZIHLMAN. I understand he has asked that he be suspended and that the commissioners have suspended him pending a hearing. I am trying to avoid taking up that case by endeavoring to reach a general agreement.

The SPEAKER. The gentleman from Maryland moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5758; and pending that, he asks unanimous consent that the general debate be limited to 30 minutes, one half to be controlled by himself and the other half by the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. I object to that.

The SPEAKER. The question is an agreeing to the motion of the gentleman from Maryland.

The motion was agreed to.

The SPEAKER. The gentleman from Wisconsin [Mr. SCHAFER] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5758, with Mr. SCHAFER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5758, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act for the establishment of artificial bathing pools or beaches in the District of Columbia," approved May 4, 1926 (44 Stat. 394), is hereby amended and reenacted so as to read as follows:

SECTION 1. That the Director of Public Buildings and Public Parks of the National Capital be, and he is hereby, authorized and directed to locate and construct in the District of Columbia, subject to the approval of the National Capital Park and Planning Commission, and after consultation with the Commission of Fine Arts, as appropriations shall be provided therefor, artificial bathing pools or beaches, not exceeding 12 in number, with suitable buildings, shower baths, lockers, provisions for the use of filtered water, purification of the water, and all things necessary for the proper conduct of such pools or beaches, and to conduct and maintain the same. The cost of construction of any of these pools or beaches, with buildings and equipment, shall not exceed $200,000 each, and the appropriation of the sums necessary for the purposes named is hereby authorized.

SEC. 2. The Director of Public Buildings and Public Parks of the National Capital may, in the interest of economy and good administration, with the consent of the Commissioners of the District of Columbia, transfer, for such period as he shall determine, to said commissioners the possession, control, and maintenance of any of said bathing pools or beaches. Otherwise they shall be operated and maintained by the said Director of Public Buildings and Public Parks, and in either case the official conducting any bathing pool or beach is hereby authorized to charge and collect a reasonable fee for the use and enjoyment of such pool or beach, and to use the fund arising therefrom to cover the expense of operation thereof, and such minor repairs as are incident thereto. An accurate account of such receipts and expenditures shall be made of record, and receipts in excess of expenditures may be expended upon improvement of the property or facilities.

The CHAIRMAN. The gentleman from Maryland is recognized for one hour.

Mr. ZIHLMAN. Mr. Chairman, this bill carries an authorization for the construction of bathing pools in connection with the playgrounds and recreational centers of the District of Columbia. In 1926 the House passed a bill, which became a

law, authorizing the construction of two large bathing pools, one for white and one for colored, and authorized the appropriation of $345,000 for the construction of these two pools. The bill provided that the pools should be built on land owned by the Federal Government and that the sites of the pools should be approved by the Fine Arts Commission and the National Capital Park and Planning Commission. After consultation with the chairman of the Committee on Appropriations, the late distinguished chairman, Mr. Madden, the Park and Planning Commission recommended that instead of building two large pools, which would result in the congestion of traffic and other difficulties, that a number of smaller pools be constructed at various playgrounds and recreational centers. In accordance with that policy two pools were constructed at a cost of approximately $75,000 each, or a total of $150,000. The purpose of this bill is to authorize from time to time the construction of additional bathing facilities in connection with the playgrounds and recreational centers.

When this bill was before the House on the Unanimous Consent Calendar, some objection was made to it on the ground that there was too large a number authorized. I said at that time I was perfectly willing to modify the bill and authorize a lesser number, and then some objection was made to the cost of the pools. I will state now that when we reach that section of the bill I will offer an amendment authorizing six instead of twelve and limiting the cost to $150,000 instead of $200,000 per pool.

Mr. BLANTON. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. BLANTON. The gentleman knows the local opposition to this bill?

Mr. ZIHLMAN. No; I do not.

Mr. BLANTON. Can the gentleman state that the proposed locations of these two pools are satisfactory to all the citizens of Washington?

Mr. ZIHLMAN. The pools are not located.

Mr. BLANTON. But the gentleman has an idea where they are going to be located?

Mr. ZIHLMAN. No; I do not have any idea. The pools will be built at various times on the recommendation of the National Capital Park and Planning Commission and with, of course, the sanction of the Committee on Appropriations, which makes the money available. I have not any idea about their location.

Mr. BLANTON. The gentleman knows about the happenings concerning bathing pools in the District of Columbia within the last six years and the animosity it created among certain citizens?

Mr. ZIHLMAN. I will state to the gentleman that there has been opposition to the construction of the two bathing pools authorized, in various parts of the city, but to my mind that opposition is not well founded, and the people are entitled to this recreation and these facilities, which are given to people in every other large city of the country.

Mr. BLANTON. If we were to put one of these pools out here in Maryland——

Mr. ZIHLMAN. I would have no objection.

Mr. BLANTON. The Marylanders would be just like the Virginians; they would be objecting, would they not?

Mr. ZIHLMAN. I did not know there had been any objection from Virginia, but I will state that we would welcome this expenditure out in Maryland. Mr. Chairman, I reserve the balance of my time.

Mr. BLANTON. Mr. Chairman, I ask recognition in opposition to the bill.

The CHAIRMAN. The gentleman from Texas is recognized for one hour.

Mr. BLANTON. Mr. Chairman and gentlemen, I want to use this opportunity to discuss a question that should interest every citizen of the District who believes in law and order, and likewise every such person in the United States. Washington is the Nation's Capital. It belongs to the people of the United States. They come here from every State all through the year to see their Capital. When they come here they place their lives and such personal property as they bring with them in the hands of the law-enforcing officers of the city while they are in Washington. It is highly necessary that in the Nation's Capital there should be law enforcement. There should be law-enforcing officers who believe in the law, who obey the law, and who are not afraid to enforce it. There is no enforcement of law in Washington that can be depended upon and there has not been for several years.

I want to give you just a little chronological history on the subject. You will remember that when the District Committee, through certain of its members, was trying to clean up the park police force here all sorts of scandals developed. At that time I thought the park police force ought to be abolished, but I have come to the conclusion that I was wrong; that the park police force, now cleaned up, and controlled by this Government through our officers in the Army, is the only real safeguard this Government has for its property and for the life and welfare of the employees who work in the Federal Government. In cleaning up that park police force there was a splendid young officer, who was an ex-service man and who did his bit during the World War, that helped us. He rendered valuable and material aid to us, and our committee was instrumental in cleaning up that park police force at that time. But there were retaliations and recriminations against this young officer because they found out he had assisted the committee. They made life so miserable for him in the park police force that he was about to quit, and I got the Civil Service Commission to order his transfer to the Metropolitan force and got the commissioners to approve it. He was made an officer in the Metropolitan police force, but the resentment followed him there. They tried to put him down at the bottom instead of giving him his prestige and standing in the force.

I had to appeal his case to the Hon. J. R. McCarl, the Comptroller General of the United States, in order to get his rights, and General McCarl ordered the commissioners to restore this young officer to his proper rank and his proper salary, and they were compelled to do it.

Then the question came up about doing some cleaning up in the Metropolitan police force, and the Gibson committee was duly organized to do this work. It is mean work, it is unpleasant work, but I want to say to my friend from Vermont, Colonel GIBSON, that the people of this Nation owe him a debt of gratitude for the hard work he has done. [Applause.]

Oh, an effort has been made to intimidate him. His life has been threatened. He has been threatened with being framed this way and that way; threatened that they might frame him with some woman, but they could not carry that idea out, because in such respect he is above suspicion. Then they threatened to put a case of liquor in his car some time and have him caught with it; but he was unafraid and they could not stop him with that. Then they threatened to run him down with an automobile, and they could not intimidate the Colonel with that; and I take my hat off to him. He has done splendid, noble work for this District. [Applause.]

But we were cleaning up the Metropolitan police force. We had found a man here who came before our committee and told us without any hesitation that he had had a truck built in Philadelphia with a special secret compartment in it that carried 150 gallons of whisky that you could not find unless you knew the secret springs that opened the compartment, and he said:

> I had that truck built to bring liquor into the city of Washington. It is my truck, and these two men I have had here have brought load after load, under police protection, from the city of Philadelphia, the city of Cumberland, the city of Baltimore, and various other cities, to Washington; and they have had police protection for months in all of these cities and in Washington.
>
> They have never been molested—

He said—

> until the other morning when they were coming in here on a certain street, as is always done, at 5 o'clock in the morning, when a policeman in uniform hijacked them and took their whisky and their truck away from them.

And after stealing their liquor, he returned their truck.

We brought this truck up to the House Office Building and we sent for the commissioners. We had the commissioners and their Superintendent of Police Hesse present to inspect this truck and to hear these three men testify under oath that they had brought this stuff in here time and time again and that this policeman, Taylor, had hijacked them and had taken their whisky away; and to our great surprise, neither the superintendent of police nor the commissioners did one single thing about that case. We said, "Messrs. Commissioners, here is this truck. Under the law it should be confiscated to the Government. Here it is, we turn it over to you." In less than 24 hours they had turned that truck back to this bootlegger that had had it built in order to violate the law.

Then what happened? They suspected that this young officer had been giving us information; the same young man who had helped us to clean up the park force. I heard immediately that there were two officers here, who had been reported to us as running speak-easies across the street from one of the police stations, who were preparing to frame this young officer because they thought he had given them away.

I went down to that police precinct and told the captain and all the men assembled just what I had heard and called the names of these two officers, Schenk and Hunt, and I said, "You

shall not frame him under any such circumstances if I can help it"; but in less than five days they had 12 charges lodged against this young officer.

You will remember you thought I was dabbling with mighty little business when I went down to see that this young officer had a square deal. Why, it was a question that involved the integrity of law enforcement in the Nation's Capital that was actuating me, and wholly without remuneration I went down there and defended him, and upon those 12 charges, on framed-up testimony, he was finally acquitted upon 10 of them, and convicted, finally, upon only 2.

But before he was tried I went to your three commissioners and I laid the cards on the table. I said, "Gentlemen, there is a move here in this District to frame an honest, fearless, young police officer who has helped the committee. I ask you to hear this case yourselves and decide the matter, which is your right under the regulations of this District."

They said that they would not do that, and, instead of letting him be tried by the regular board, they sent down there two special hand-picked captains to try him, men who were not members of the police trial board.

One of them was this officer we are now investigating, Capt. Guy E. Burlingame, and he was one of the men who sat on the board, and I want you to note the testimony, which I am going to show you in a few minutes, where he told a friend of his he had been ordered by the headquarters of the police to convict this young officer. And on 2 of the 12 charges Staples was convicted—the most ridiculous charges you ever heard of. One was that nearly a year before, he had attacked a young girl named Virginia Everhart.

This young girl came before this trial board and said:

> I never knew this man until this case came up; I never saw the man; but this policeman, Hunt, came to me and tried to get me to swear out an affidavit against him, and I would not do it.

She showed absolutely that it was a frame up, and yet the commissioners convicted him in sustaining the verdict.

The other charge was about two weeks before, that he had made an attack on another party, with underworld witnesses testifying against him. We showed that on that very day the attack was alleged to have taken place this young officer Staples went under the knife on an operating table in the Naval Hospital. The doctors testified that he was there a week on his back, unable to move. And yet, in spite of all that, Burlingame and the commissioners convicted him and got him off the force.

As Burlingame stated to a friend, they would teach policemen that they could not report matters to Congressmen or Senators. They got rid of him. If he goes to the devil, it would not surprise me at all; because when you let an officer who is trying to do right, and has a wife and three children and has been a service man, fighting for his country, and then let the law go against him, turn him down in disgrace, and an entire police force try to ruin him, God knows what will become of him. Usually he will go to the dogs.

I believe he was honest and honorable and rendered splendid service to Washington and the committee until the commissioners kicked him off the force.

Now, what has happened to Taylor, the one who hijacked the truck? He has been convicted, and it took a special guard to protect the district attorney who prosecuted him. What became of Schenk, the man who was the framer of this good officer? He is now a fugitive from justice. You saw where he shot a man up in New Jersey, and every policeman in Washington is now hunting for him. He had to be kicked off the force; that is what happened to him.

What about Burlingame? I want to show you what the Gibson committee says about him. The Gibson committee, by unanimous consent, voted—every member of the committee present and voting for this report—listen to what the Gibson committee says. This is the committee report Chairman GIBSON wrote the commissioners:

FEBRUARY 7, 1929.

The Hon. PROCTOR L. DOUGHERTY,
President Board of Commissioners, Washington, D. C.

DEAR MR. DOUGHERTY: This will acknowledge your letter of the 6th instant inclosing a copy of the report with recommendations made to the commissioners by the major and superintendent of police under date of February 5, 1929, regarding Capt. Guy E. Burlingame, of the Metropolitan police force.

You state no further action could be taken until Mrs. Blalock appears before the proper authorities as a complaining witness.

I am directed by the unanimous vote of the subcommittee to reply thereto as follows:

The purpose of the subcommittee is to be helpful to the regularly constituted authorities of the District, and all of our inquiries have been undertaken solely in that spirit. We can not, however, refrain from making suggestions and calling attention to the situation in respect to the case of Captain Burlingame.

The chairman has no knowledge whatsoever as to the whereabouts of the complainant. I have to-day made inquiry of each member of the subcommittee who could possibly know where she is, and each have stated that they have no knowledge; so, in respect to her appearance, we are confronted with a situation over which we have no control.

We respectfully call your attention to the fact that on January 30 we furnished you with authentic photostats of the following documents:

1. Check for $2,500 drawn on her account in the National Bank of Washington, signed by Helen F. Blalock, payable to the order of Guy E. Burlingame, purporting to be indorsed on the back by Guy E. Burlingame, a captain in your Metropolitan police force, and showing he had this money paid to him January 28, 1928, through the Riggs National Bank.

2. Receipt purporting to be signed by said Guy E. Burlingame acknowledging the payment to him of $700 by Mrs. Helen F. Blalock, reciting that the money was withdrawn from her account in the Perpetual Building Association.

3. Receipt purporting to be signed by said Guy E. Burlingame, dated June 14, 1928, acknowledging the payment to him of $8,700 by Mrs. Helen F. Blalock, reciting that this money was withdrawn from her account in the Perpetual Building Association.

4. Said withdrawal receipt, furnished us by said bank, same being one of its regular blanks, signed by said Helen F. Blalock, with notation thereon that check for the $8,700 be made to Guy E. Burlingame, and same purporting to be indorsed on the back by said Guy E. Burlingame.

5. The check of said association, furnished to us by said bank, making said $8,700 payable to the order of said Guy E. Burlingame, and same purporting to be indorsed on its back by Guy E. Burlingame, and also on its back showing certification by the Riggs National Bank as to the genuineness of his signature, and showing also that the bank when paying it required said Burlingame to again indorse his signature under said certificate of the Riggs National Bank.

6. Receipt purporting to be signed by said Guy E. Burlingame acknowledging the payment to him of $135 by said Mrs. Helen F. Blalock on June 14, 1928.

7. Receipt signed with pen, purporting to be in the handwriting of said Guy E. Burlingame, signed "G. E. Burlingame," acknowledging the payment to him of $500 by Mrs. Helen F. Blalock.

8. Typewritten receipt signed with pen, purporting to be the signature of said Guy E. Burlingame, acknowledging payment to him of $500 by Mrs. Helen F. Blalock.

9. Receipt signed with pen, purporting to be in the handwriting of Guy E. Burlingame, signed "G. E. Burlingame," acknowledging the payment to him of $245.14 by Mrs. Helen F. Blalock.

10. Typewritten receipt, signed with pen, purporting to be the signature of said Guy E. Burlingame, acknowledging the payment to him of $245.14 by Mrs. Helen F. Blalock.

11. Certification signed with pen, purporting to be the signature of said Guy E. Burlingame, on December 19, 1927, acknowledging that he had no claims whatever against Mrs. Helen F. Blalock or her property; with receipt attached written with pen, purporting to be in the handwriting of said Guy E. Burlingame, acknowledging the payment to him of $500.40 by Mrs. Helen F. Blalock.

12. Another receipt dated October 26, 1927, purporting to be signed by said Capt. Guy E. Burlingame, acknowledging payment by Mrs. Helen F. Blalock.

13. Check for $500.40 signed by Helen F. Blalock, drawn on her account in the National Bank of Washington, payable to the order of said Guy E. Burlingame, and indorsed on back by said Guy E. Burlingame, and showing payment to him by said bank.

14. Large envelope, identical with those officially used by captains in police precincts, upon which is written:

"Private papers, property of Mrs. Helen F. Blalock, No. 1504 Seventh Street NW. (second floor).

"Put in safe at No. 2 police station for protection against fire, etc.

"Will be called for by Mrs. Blalock, who has a card signed by myself.

"GUY E. BURLINGAME,
"Captain Second Precinct."

The above signature written with a pen by said Guy E. Burlingame.

15. The said card, authorizing the delivery of the above package to Mrs. Helen F. Blalock, signed with pen, purporting to be in the handwriting of said Guy E. Burlingame, and stating that the key to his safe would be found "upon my key ring, next to the patrol-box key," with "Captain No. 2" under his signature.

16. Waiver and release purporting to be signed by said Guy E. Burlingame, dated December 4, 1928, acknowledging that he had no claims against the fixtures in Mrs. Blalock's store building at 613 H Street NE., which her delinquent tenant had turned over to her for $500 unpaid back rent.

17. Two-page typewritten letter, dated September 26, 1927, beginning "My dear Helen" and signed "Daddy," under which is the signature with a pen, signed by said Guy E. Burlingame, which letter alone unexplained should cause his suspension from the force.

All 17 of the foregoing purport to be signed by Guy E. Burlingame, and we are convinced that handwriting experts would tell you they were signed by Capt. Guy E. Burlingame, and that all of the typewritten documents were written on the same typewriter. Citizens in the District certainly will agree that no policeman, whether private or high official, who would write the letter last mentioned in (17) should continue on the Metropolitan police force pending investigation.

The foregoing were introduced before our committee in the presence of said Guy E. Burlingame, Major Hesse, and his assistant, Superintendent Pratt. Captain Burlingame was then advised that if he denied signing any of the above they would be withdrawn immediately. He made no denial whatever. He refused to answer any questions from a member of the committee. Realizing that he could thus claim immunity, the committee did not try to compel him to answer when such answers might incriminate him. He was, however, offered an opportunity to make a statement, yet he did not deny signing any of said documents.

We can not come to any other conclusion than that the last-mentioned letter alone, proven to be signed by Captain Burlingame and unexplained as it is, would justify you in taking immediate action on the matter of conduct unbecoming a member of the Metropolitan police force. Your action is in no way dependent upon criminal investigation that may be made by the district attorney and the court. The letter is sufficient to entitle you to an explanation as a condition precedent to the active continuance of Captain Burlingame over a precinct.

In addition to the foregoing, we furnished you also with an authentic copy of the affidavit of Mrs. Helen F. Blalock, who under oath stated that Capt. Guy E. Burlingame had signed and written the above; that he had ruined her life; that he was seeking to get her jewelry and property; that he had threatened her with death, and had also threatened the life of a Congressman; that through fear of him she was compelled to leave her home in Washington, where she was born; and that she believed he would do her harm if she came back. This affidavit belongs to the files of this committee. Any of you may inspect it. Your corporation counsel, Judge W. W. Bride, carefully compared your copy with the original, and he knows your copy is correct.

We also furnished you with authentic photostats of numerous other letters, cards, slips, and envelopes, all of which we believe experts could convince you were written by Capt. Guy E. Burlingame.

Your superintendent of police accepted this situation as one of the commonplace routine events. As to whether Captain Burlingame has been called upon to make explanation of the checks, receipts of large sums of money, and business transactions with the complainant and which constitute one of the chief claims, the record will disclose. But we believe we are safe in saying that no such demand has been made by the major and superintendent of the Metropolitan police. That portion of her complaint remains without action.

We are now furnishing you with the following authentic photostats of additional evidence, to wit:

1. Letter dated September 8, 1927, signed by Guy E. Burlingame, written to Mrs. Blalock, with exhibit attached.

2. Letter addressed "Helen" and signed "Heartsore," with attached envelope, which envelope now sent is the one in which this letter was placed in the box of Mrs. Blalock, same being addressed to Mrs. Helen F. Blalock with a pen, purported to be in the handwriting of Capt. Guy E. Burlingame. In photostating this letter the operator by mistake attached the wrong envelope to it when it was sent to you before, and its correct envelope is now sent you. Attached to this letter is a photostat of a post office registry card, showing that Capt. Guy E. Burlingame received the parcel-post package containing his clothes, which, in his above letter, he mentioned had been sent back to him by Mrs. Blalock.

3. Letter dated March 1, 1927, addressed "My Wonderful Baby Girl" and signed "Your Loving Daddy," with attached envelope postmarked same date, March 1, 1927, which envelope is addressed in what purports to be the handwriting of said Capt. Guy E. Burlingame, with pen and ink, and addressed to Mrs. Helen F. Blalock at her address.

We are also inclosing you authentic photostats of a document signed by W. K. Reeve, a reputable builder here, witnessed by Burlingame, who signs this one "G. E. Burlingame," which corroborates Mrs. Blalock. You will remember that on the receipts where Burlingame merely signed his name "G. E. Burlingame" she claims she made him also sign "Guy E. Burlingame" right underneath before she paid him the money he wanted; also an agreement between Mrs. Blalock and the Chemical Paper Co., witnessed by Burlingame, who signed his name "Guy E. Burlingame"; also various envelopes, some purporting to be in the handwriting of Guy E. Burlingame.

All of these documents, corroborated by the records of the aforementioned banks and business concerns, the typewriter style of cards, envelopes, and stationery such as used at precinct No. 2, all indicate that Burlingame wrote the letters sent you addressed to Mrs. Blalock, and that such action unexplained constitutes "conduct unbecoming an officer."

Our desire in this matter is to see that the rights of the people of the District are safeguarded; that they have the protection of the best police force in the world; that law and order be maintained here on a plane higher than in any other municipality of the country so that it may become an example for all others. The rank and file of the force are honest and conscientious in the performance of their duties. When the utility of one of their superiors is impaired it is for the good of the whole force that such action be taken as will maintain the entire personnel upon a high efficiency basis.

We have no desire to advise any action that will fail of full justice to any accused. His constitutional rights will be protected. At the same time we ask that the rights of the people of the District be safeguarded.

The subcommittee must finish its work in a short time. We do not desire to leave the police situation in the air. To do so would be unfair to all concerned. We shall do our best to arrive at a solution and beg of you the hearty cooperation of the District government to that end.

We do not intend in this case that justice shall fail either to the people of the District or to the accused officer. Charges of the kind made should be speedily resolved either for or against the accused.

In our opinion Captain Burlingame should be suspended pending investigation. Suspension does not pass on his guilt.

With personal regards, I remain, sincerely yours,

E. W. GIBSON,

Chairman of the Subcommittee of the District of Columbia Committee of the House of Representatives Making a Survey of the Government of the District.

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SIMMONS. It is evident from the general facts stated regarding this case that the presence of Mrs. Blalock as a witness is important, if not necessary. As I understand the facts, the gentleman from Texas [Mr. BLANTON] is the last man connected with this case who knew of her whereabouts. Would the gentleman mind telling the House if he has any information now as to where Mrs. Blalock is?

Mr. BLANTON. Mr. Chairman, at a time in Texas when I had two children sick with the flu in my home, and two more sick in a hospital off at school, and after I had just recently helped bury a near relative, there came to Abilene, where I live, this poor woman from Washington, insisting that I see her at once. At first I refused to do that. Before I left Washington she had tried to get me to see her here and I would not do it. I did not have the time. I had given enough of my time to District matters. She told me such a pitiful story in Abilene, Tex., that I wired to your chairman of the so-called Gibson committee, the gentleman from Vermont [Mr. GIBSON], and asked him if he knew of her story, as she said she had told it to him, and if he believed her. He wired me back that he did know of her story and did believe her and asked me to get a statement from her for use before the committee. I then heard her, and at the insistence of Colonel GIBSON in a second telegram I finally persuaded her to make an affidavit for the use of the committee, which she did. She then said that she did not know where she would go. She wanted to find out the district of some Congressman who was not afraid to protect a constituent's rights. She said, "I know that you are going out of Congress, and I want to go to the district of some man who is not afraid to protect me in my rights." I said, "I know of a man. You go to CLAUDE HUDSPETH's district in El Paso; he is not afraid of the devil." [Applause and laughter.] She said that she would go to El Paso.

Then I saw that I was getting my friend HUDSPETH into trouble, and I talked her out of it. I said, "Do not go there, because it is on the Mexican border, and an enemy of yours could get a Mexican peon thug to knock you in the head for $10, down there on the border." I talked her out of that. When she left Abilene she said, "I am going to locate somewhere; I do not know where yet, but I will let you know, because I want you to collect and send me my rent money; I am out of money now, and I will let you know." Since then I have gotten a very short communication from her, sent in such a way that it gives me no address whatever, and although I have tried to find her I have not been able to do so. She has been absolutely afraid of her life to such an extent that she will not even give me her address. Her tenant here has given me a check for her rent and I have had that since January 30, and I can not even send it to her. If I knew her address I would send it to her immediately, as I know she needs it. I do not know her address, and I have not seen her since she left Abilene, Tex.

Mr. SIMMONS. One further question. The gentleman then has no information that could be used by either the Department

of Justice or the District officials in attempting to locate her?

Mr. BLANTON. Mr. Collins, assistant district attorney, and I are working shoulder to shoulder in the matter, and we are good friends. I have absolute confidence in him and I have confidence in Mr. Rover, with whom I have had conferences, and we are working along lines to the best interests of the people. I have no confidence in Hesse or his police department while controlled by him. He talks about furnishing protection to this woman—his police protection. That is the last thing on earth that she wants. What she wants is protection from his police, and not his protection.

Mr. SIMMONS. Mr. Chairman, will the gentleman yield further?

Mr. BLANTON. And whenever I can get in communication with her I think I can assure the House that Mr. Collins and the Department of Justice will see to it that she gets protection. That is one reason I have taken the floor this afternoon, using the opportunity it gives me to have this RECORD go into the States, and I hope that it will be brought to the attention of this good woman, and that even though she can not get protection from Hesse and his bunch, she can from our Department of Justice and our Government, and that it will give her protection night and day if she will come back. I want to say that I urge her to come back and put herself in charge of the Department of Justice.

And now I must go on. I want you to see what this woman swears to, a woman who was raised in the city of Washington, who was born here, who is a citizen of the Government, but who is afraid to come to her home, afraid of one high police official, and the record shows that she has reason to be afraid.

Look here at what I called the commissioners' attention to when I submitted the brief in that young officer's case. This is a copy of the brief which I filed with them on April 20, 1928, nearly a year ago. Notice what I told them then about Captain Burlingame, whom they had sent down there as a hand-picked trial board to frame this young policeman. I said in that brief that "during the said trial it was reported to the appellant's counsel that the appellant had no chance of acquittal, as the chairman had said that he was a loyal friend of Fenning's, and he now had a chance to get even with the man who forced him out of office, and that Burlingame would never acquit Staples, because he was receiving weekly"—from whom? Did I give a lot of anonymous letters to them? No; I gave the names. I said "because Burlingame is receiving weekly from Sam Beard, Frank McCormack, Eddy Killeen, and Vic Syos"—oh, just ask Mr. GIBSON about these men and what he knows about their violating the law here under police protection, and he has learned it through his Gibson committee.

A MEMBER. Receiving what?

Mr. BLANTON. He was receiving weekly pay for protection, "one of whom was paying Burlingame $300 per month." That is the information I gave the commissioners nearly a year ago, and I asked the commissioners to reopen that case and try it de novo, which they had a right to do, and I assured them personally that I would bring evidence there that would satisfy them that this was the case, but they would not do it, and they kicked that poor policeman out on such framed-up, flimsy evidence that had been overturned by witness after witness in that trial.

And I showed by every big officer in that department that this young officer had the best of reputation, that he was fearless, honest, diligent, energetic, and had more arrests than any man on the force. They turned that down and kicked him out and kept Burlingame, and that without giving me an opportunity to press those facts before them.

A distinguished gentleman at the other end of the Capitol knew what he was talking about when he said he did not have so much confidence in the commissioners. If I were the President of the United States, I would kick them out of office, lock, stock, and barrel. I would put in some men in their place who would enforce the law. I want to show what this poor woman swore to before the officer in Texas. Will the Clerk read her affidavit in my time?

The CHAIRMAN. Without objection, the Clerk will read. There was no objection.

The Clerk read as follows:

AFFIDAVIT OF MRS. HELEN BLALOCK

The STATE OF TEXAS,

County of Taylor:

I, (Mrs.) Helen F. Blalock, of Washington, D. C., being duly sworn, upon oath, state: At the insistence of Congressman ERNEST W. GIBSON and Congressman THOMAS L. BLANTON, chairman and ranking minority member, respectively, of the Gibson subcommittee, investigating affairs in the District of Columbia, that I relate the treatment accorded me by Capt. Guy E. Burlingame, of the Metropolitan police force, I have decided to tell said committee what I know, in order to obviate my being forced to return to Washington to appear personally before said committee, this statement to supplement that partial evidence I have already given before said committee.

I left Washington because I believed Captain Burlingame would take my life, and he would have caused me to lose all of my property there on January 15, 1929, if I hadn't succeeded in getting Congressman BLANTON to have extended for me loans of $7,000 and $210 accrued interest, and $1,045.66 that was due and payable on said January 15, 1929, same being first and second trusts against my property on H Street NE., and I also left there because life was simply unbearable with said Captain Burlingame continually annoying, harassing, browbeating, threatening, and dominating me and my property, which for two years he has been deliberately planning to take from me.

Said Capt. Guy Burlingame found out that I had some money and two pieces of valuable property in Washington, and that I was a licensed palmist, and he began to call on me in a social way, pretending to be desperately in love with me, and forcing his attentions upon me. I finally learned that he was a married man, and when I upbraided him about it, he said his wife was dying with cancer, and that I couldn't get along in Washington without his friendship and protection, as I couldn't get a license without his help, and that I would be constantly molested and put out of business without his help.

I simply loathed him, and I lived in constant dread and fear of him, and I did everything within my power to stop him from coming to see me. He forced me to give him a key to my apartments, and he would come there at any time of night or day that suited him, and through threats and intimidations harassed me until I was a nervous wreck.

I stopped him many times and demanded that he stay away, and he would write me ardent messages of love and affection. The letters, and slips, and cards, all written on his same typewriter, and some unsigned, and some signed "Heartsore," and some "Your broken-hearted Daddy," and some, "Your loving Daddy," and others in various ways, were all written by Capt. Guy E. Burlingame and sent to me urging me to let him come back. He rang me up so much on the telephone that I had to have it disconnected. He simply wrecked and ruined my life. When I intimated that I would go away from Washington where he couldn't bother me, he said he had means of finding me anywhere, and that through his police connections he would have me worried and molested anywhere I went so that I would have to come back to Washington, as I couldn't live anywhere else.

He insisted on buying things for me, and then he would take my money to pay for it. He would pay my taxes for me and then take my money to cover it. He would make the contracts for the repair of my buildings, and then I would give him the money to pay for it. He gave me a diamond ring. I didn't want it. I told him it would not fit. He took it off and had it made smaller, and he returned it in the box it was in when I turned it over to Congressman GIBSON, of Vermont, as I had heard rumors that one was taken in a raid. He cashed and kept the money on the check for $2,500 I gave him January 7, 1928, on the National Bank of Washington. He withdrew and kept the $8,700, which on June 16, 1928, he drew from my account, "Series No. 50 148," with the Perpetual Building Association at Eleventh and E Streets NW. He received and kept the $700 withdrawn on December 17, 1927, and the $699 withdrawn on December 19, 1927, from my account, Series No. 48 1364 in the said Perpetual Building Association. For months he has kept me from getting a tenant in my H Street property, thinking I would not be able to extend the loans against it on January 15, 1929, and he has suggested to me that I make a will in his favor, and several times he suggested that I commit suicide.

During the time he sat on the trial board in the Staples case, after each session, he would come to my apartments sometime during the night and tell me about it; during the first four days he said that even if the headquarters were demanding his conviction, he wasn't going to convict Staples on the ridiculous evidence of negro bootleggers and prostitutes, but toward the end of the trial he stated to me that he had decided to convict Staples, in order to stop policemen from reporting police matters to Congressmen. When I asked him if he wasn't ashamed to convict an innocent man he said that he was going to make Washington policemen afraid to tell anything to Congressmen and Senators, and his conviction had been demanded by headquarters. He said that BLANTON was continually dabbling in Washington affairs and ought to be killed.

When he kept bothering me and made my life miserable, I told him that if he didn't let me alone, and stay away from my apartment, I was going to let Congressman BLANTON and his committee know about how he had mistreated me. He said that if I ever made his affairs public "he and I would go to hell together," he intimating that he would shoot us both, and he said that "Congressman BLANTON would get his, if he didn't let Washington affairs alone." Several times he wanted me to promise him that I would marry him just as soon as his wife died, but I told him I wouldn't do it.

I know that Capt. Guy E. Burlingame will kill me if I live in Washington, and I can't return there, as his forced attentions upon me are simply unbearable. I have thus been forced to move away from my home city where I was born, in order to have any peace of mind, and

to escape him. I am a widow with no one to protect me, and he has simply ruined my life for two years. I know how insincere and false his protestations of love for me were, and how unfaithful he was to his wife, and how he was prostituting his official power for his own selfish gain, and I couldn't stand for him to be around me.

I have considerable jewelry which was given to me by my husband during our married life, among which are two valuable diamond rings and a valuable diamond necklace with 11 diamonds in it. He wanted me to let him keep this jewelry and my other valuables in his safe at precinct No. 2, saying they would be safe from fire, but I wouldn't let him keep them. I knew that he was after my jewelry, for he had begged me to let him have my diamond necklace, but I wouldn't do it. He told me that he would keep my valuables for me in a sealed envelope marked as my property which he would put in his safe, and later I found out that he had been keeping large sums of his own money in his safe in similar large brown envelopes marked on the outside as my property, and sealed with a seal that had 1504 on it, which was the number of my apartments on Seventh Street. At one time he opened one of these envelopes, that was thus sealed and marked as my property, and he counted out $14,000 that was in it in bills of the denomination of $1,000 and $500 each, and I thus found out that he was hiding out in this way large sums of his own money. From time to time he would present me with an envelope containing large sums of bills stating that it was a gift from him to me, but I refused to accept any gift from him, because I knew he was simply trying to get me in his power and get hold of all my property. I returned to Captain Burlingame everything that he ever gave me, and have refused to keep anything that he ever gave me. For one Christmas present he tried to get me to accept $1,500 in bills that he gave me, but I wouldn't accept it. I knew he was doing this simply to get me to let him have my property.

All I want is for Capt. Guy E. Burlingame to let me alone and to let my property alone. I would not have told about this treatment of me if said members of the Gibson committee had not insisted that I do so, claiming that they were entitled to know about same in their congressional investigation of affairs in Washington, for I am afraid of Captain Burlingame and know that he will cause me injury if he can. If I had not gone to Congressman BLANTON and implored him to help me save my property, and if he hadn't arranged extension of my loans by telegraph, I would have lost all of my property that I possess, for I am simply stripped of all money and ready cash by reason of Captain Burlingame's wrongful treatment of me.

HELEN F. BLALOCK.

Sworn to and subscribed by the said Helen F. Blalock before me on this the 19th day of January, A. D. 1929, she having carefully read over her above statement (two pages) before signing, and having approved it as true and correct. Given under my hand and seal of office this January 19, 1929, at Abilene, Tex.

[SEAL.] FLORENCE CLIFTON,
Notary Public in and for Taylor County, Tex.

(My commission expires June 30, 1929.)

Mr. BLANTON. She called my attention, gentlemen, to the fact that in there where she said she disconnected her telephone she did not mean that she had the company take it out, but that she took the receiver down off the hook so that no one could call her, and kept it that way. She called attention to the fact that where she said she had given back everything she called attention to the fact of the ring she turned over to Colonel GIBSON and which we finally turned over to the Department of Justice. I arranged by telegraph with a realtor here to take up the first trust of $7,000 and accrued interest and a second trust of $1,045 in a bank down here. Both were taken up, because they were past due, and the property would have been sold January 15 if it had not been renewed. I arranged by telegraph with a bank to take up a diamond necklace she had pawned with one of the money sharks, which was worth easily $2,500, so a jeweler said, and I had it returned to her, it being a necklace which she had received from her husband during her married life, and that would have been lost if it had not been recovered for her. She had two other fine diamond rings her husband had given her.

I have no interest whatever in this woman. Since I have been in public life when poor people have appealed to me, or people who are helpless, I am just as quick to help them as I am those who are mighty and in authority. It is the poor people who really need help. It is the helpless people who need help most. This woman is a palmist, yet I want to say this to you. There is not a man on this floor but who, if she were to tell you her story as she told it to me in the presence of my office force in Texas, but in whose eyes she would bring tears and you would feel sorry for her and would have helped her as I did, and because I have done it, the newspapers here have continually "jabbed" and attacked me.

The CHAIRMAN. The time of the gentleman from Texas has expired. The gentleman from Texas has consumed one hour.

Mr. BLANTON. I wonder if my colleagues would not give me 10 minutes more. I ask unanimous consent to proceed for 10 minutes more.

Mr. ZIHLMAN. Reserving the right to object, Mr. Chairman, may I ask the gentleman does he understand that Captain Burlingame asked to be suspended and he was suspended to-day?

Mr. BLANTON. After the commissioners refused to suspend him, after they had twice refused to do it, and after the distinguished Senator from Arkansas, who means business and gave him to understand what was going to happen, he comes in to-day and begs leave to be suspended.

Mr. ZIHLMAN. The gentleman has already consumed an hour. If he gets 10 minutes more, will he finish in that time?

Mr. BLANTON. Yes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for 10 minutes more. Is there objection?

There was no objection.

Mr. BLANTON. The newspapers have been jabbing me instead of trying to help me benefit the people here. They are jabbing me all the time. The Post came out in an editorial this morning attacking the Senate amendment. I hope you gentlemen here will not permit that Senate amendment to go out of the bill. What you ought to do would be to add to it and waive points of order and attach an amendment to the amendment which would say that "not a commissioner or a superintendent of police who had acquiesced in this kind of a situation ought ever to draw another dollar of the people's money from the Treasury." [Applause.]

This man has had a hearing on the question of conduct unbecoming an officer. What does an officer owe to the people? The highest of good faith. Before I made one of these documents public I had this man brought before our committee, and in came his friend Major Hesse and his assistant, Mr. Superintendent Pratt, and a bevy of officers, to protect and shield him. I made a statement to him that if in the introduction of these matters he denied having signed a single one of them I would withdraw that document. Then when he refused to make a statement I read document after document, and I said, "Mr. Officer, if you deny having signed any one of these I will not put them in." Not a denial did he make. He refused to make a statement.

That action in itself was enough to warrant the commissioners in suspending him. Then when they would not do it, Mr. Chairman GIBSON sent them a list of all this evidence, where 21 documents are signed by Guy E. Burlingame with a pen. And the commissioners would not suspend him. When they would not do it, at the other end of the Capitol a distinguished Senator called him to time, and now he comes in and begs to be suspended.

That is a condition that needs to be cleaned up. You Republicans will not stand for that any more than we Democrats do. We are all together on this proposition. I am one of those Democrats who have an abiding faith in the courage of the present occupant of the White House. I have always appreciated his courage, which he manifested in Boston in the great police strike there. He took the bull by the horns and protected the people. I have confidence in his courage and his sense of strict duty to the people. I think it is still possessed by the present occupant of the White House, and I think he will now take the bull by the horns and say that no such police officer shall receive money of the people in the Treasury derived from taxation.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HUDSPETH. This evidence that you have just mentioned you read before your committee?

Mr. BLANTON. Yes.

Mr. HUDSPETH. Did you read to the committee the affidavit of the woman?

Mr. BLANTON. Yes. I read it to his face, and he made no denial of it. Here is one check she gave him. Everyone at the District Building knows his signature. This check is for $2,500 that I read to him. I stated, "If you did not indorse it when you got the money, I will withdraw it." Here is a receipt for $8,700 in cash he gave her. This poor woman says that when he signed "G. E. Burlingame" she made him sign "Guy E. Burlingame" right under it, which was the form of signature he usually made at other times. Here are other checks and documents that he signed, lots of them, and these numerous letters, at least 15 of them. Any one of them ought to have caused the commissioners to kick him off the force. Instead of that the commissioners sent him a kind little note. They said, "Please, Mr. Burlingame, if you choose to make any statement, you can

do so." He replied that he did not want to make a statement. And the commissioners let him alone.

Mr. ALMON. What was the total amount of money involved?

Mr. BLANTON. I have not had access yet to an adding machine. [Laughter.] It is reported that this man is worth anywhere from $300,000 to $500,000, and he came on the force a poor man without anything.

Mr. HUDSPETH. How long ago?

Mr. BLANTON. About 30 years ago. He is rich now, and he has money in great big chunks hid out all over the city.

I ask unanimous consent, Mr. Chairman, to add to my remarks a copy of his police record. Is there any objection to that?

Mr. JOHNSON of Washington. Reserving the right to object—and I may not object—is this man going to be given an opportunity at any time or any place to face his accusers?

Mr. BLANTON. I will tell you what I would not do if I were that woman, as defenseless as she is. I would not come back here except under the protection of the Department of Justice. Every policeman in Washington is hunting her now. What would they do? It would be worse than an inquisition. The very minute she reached here on a train they would grab her and subject her to torment like that which a Chinaman received some time ago, as you will recall.

Mr. JOHNSON of Washington. I have received no reply as to whether this man under suspension is to be entitled to face his accusers. If I do not receive such a reply, I shall object to putting anything else in, to let the gentleman get the right to put in anything in addition to what has been heard by the Members. So I object.

Mr. BLANTON. Would not the gentleman like to hear the official police record of this officer?

The CHAIRMAN. Objection is heard.

Mr. BLANTON. I will say to my friend that I did not intend to speak further at this Congress, but I will get the time to read this police record later.

Mr. JOHNSON of Washington. That is all right. The gentleman is master of his own procedure.

Mr. BLANTON. Because I know how to do it under the rules.

Mr. WINGO. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WINGO. As I understood the gentleman, he charged that this man was receiving so much from McCormick and a lot of these other gamblers?

Mr. BLANTON. That is the report that came to me and that now comes to us.

Mr. WINGO. Has the gentleman witnesses as to that?

Mr. BLANTON. I had witnesses at that time, and those witnesses would have gone down there and faced Burlingame before the commissioners, but I do not know whether they would do it now or not, because every policeman who testified at the trial of that young officer has been hamstrung by the department and practically every one of them has been kicked off of the force.

Mr. WINGO. Why were not those witnesses taken before the grand jury, where Burlingame would have been indicted, if you could prove that McCormick was paying him $300 a month and you had witnesses who would testify to that fact, in which event it would not be necessary to bring Mrs. Blalock here.

Mr. BLANTON. I will state to my friend that at that very time and at that very hearing, when we had that truck up, we had reliable policemen who testified that the foreman of the grand jury, Mr. McQuade, had come to them and kept officers from serving warrants against gamblers. They openly charged him with that, and they were reliable policemen, policemen who were testified to be the best on the force. And it was at McQuade's brother-in-law's house that all of these frame-up affidavits against Staples were drawn up, these affidavits against this young policeman; it was at McQuade's brother-in-law's house that was done, and we had a policeman, an inspector and a captain, who all lied about it when we asked them where it was, but finally admitted it after we had to bring in a number of witnesses to prove it.

Mr. BRAND of Georgia. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. BRAND of Georgia. Suppose the grand jury should have heard all of this evidence and found a bill of indictment against Burlingame, what hope would the gentleman have of finding a petit jury in this District that would convict him?

Mr. BLANTON. I am doing everything I can to locate this woman, and I promise Congress this: That if I locate her I will get her to come back here, but it will be under the protection of the Department of Justice. I promise that. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired. If there is no further time desired in general debate, the Clerk will read the bill for amendment.

The Clerk read as follows:

SECTION. 1. That the Director of Public Buildings and Public Parks of the National Capital be, and he is hereby, authorized and directed to locate and construct in the District of Columbia, subject to the approval of the National Capital Park and Planning Commission, and after consultation with the Commission of Fine Arts, as appropriations shall be provided therefor, artificial bathing pools or beaches, not exceeding 12 in number, with suitable buildings, shower baths, lockers, provisions for the use of filtered water, purification of the water, and all things necessary for the proper conduct of such pools or beaches, and to conduct and maintain the same. The cost of construction of any of these pools or beaches, with buildings and equipment, shall not exceed $200,000 each, and the appropriation of the sums necessary for the purposes named is hereby authorized.

Mr. ZIHLMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ZIHLMAN: Page 2, line 5, strike out the word "twelve" and insert in lieu thereof the word "six."

The amendment was agreed to.

Mr. ZIHLMAN. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Maryland offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ZIHLMAN: Page 2, line 11, strike out the figures "$200,000" and insert in lieu thereof the figures "$150,000."

The amendment was agreed to.

Mr. SIMMONS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SIMMONS: Page 2, line 12, after the word "authorized," strike out the period, insert a comma, and add the following: "to be paid in like manner as other appropriations for the expenses of the government of the District of Columbia."

The amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. SIMMONS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SIMMONS: Page 2, line 23, after the word "beach," strike out the remainder of the paragraph and insert in lieu thereof the following: "such fees to be paid weekly to the collector of taxes of the District of Columbia for deposit in the Treasury to the credit of the District of Columbia."

The amendment was agreed to.

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SCHAFER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 5758) amending the act approved May 4, 1926, providing for the construction and maintenance of bathing pools or beaches in the District of Columbia, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. ZIHLMAN. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is now on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

FREE TEXTBOOKS

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (H. R. 12739) to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia, and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Maryland asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

Mr. BANKHEAD. Mr. Speaker, I shall have to object to that request.

Mr. ZIHLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12739; and pending that, I ask unanimous consent that general debate on this bill be limited to 30 minutes, one-half to be controlled by the ranking minority member and one-half by myself.

The SPEAKER. The gentleman from Maryland moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12739; and pending that, asks unanimous consent that general debate be limited to 30 minutes, one-half to be controlled by himself and one-half by the ranking minority Member. Is there objection?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12739, with Mr. LEAVITT in the chair.

The Clerk read the title of the bill.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. BANKHEAD. Mr. Chairman, this is a rather important bill and I think we ought to have it read.

The CHAIRMAN. Objection is heard. The Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Board of Education of the District of Columbia shall provide pupils of elementary schools, junior high schools, and senior high schools of the District of Columbia free of charge with the use of all textbooks, supplemental books, and other necessary educational books and supplies.

SEC. 2. That all books purchased by the Board of Education shall be held as property of the District of Columbia and shall be loaned to pupils under such conditions as the Board of Education may prescribe.

SEC. 3. That parents and guardians of pupils shall be responsible for all books loaned to the children in their charge and shall be held liable for the full price of every such book destroyed, lost, or so damaged as to be made unfit for use by other pupils.

SEC. 4. That the Board of Education shall purchase for use in the public schools only such books and supplies as shall have been duly recommended by the superintendent of schools and formally approved by the Board of Education.

SEC. 5. That the Board of Education, in its discretion, is authorized to make exchange or to sell books or other educational supplies which are no longer desired for school use.

SEC. 6. That the Board of Education is authorized to provide for the necessary expenses of purchase, distribution, care, and preservation of said textbooks, supplementary books, and educational supplies out of money appropriated under the authority of this act.

SEC. 7. That this act shall take effect from the date of its passage.

Mr. ZIHLMAN. Mr. Chairman, the purpose of this legislation is to provide books and educational supplies free of charge to pupils in the high schools of the District of Columbia. Existing law provides that these facilities and free textbooks shall be furnished to children in the elementary schools, but not to children in the junior high schools or the senior high schools of the District of Columbia.

It is estimated that the total cost to the District government will be $242,000 for the first year and $100,000 a year thereafter. This bill was urged before your committee by the Teachers' Association of the District, and has the indorsement of the American Federation of Teachers.

The furnishing of textbooks to the pupils of all schools is mandatory in the States of Arizona, Maryland, Nevada, Rhode Island, California, Massachusetts, Maine, New Hampshire, Texas, Montana, New Jersey, Wyoming, Nebraska, Pennsylvania, and Delaware, except for the city of Wilmington, where these books are furnished by the local board of education.

Mr. LAGUARDIA. Will not the gentleman add that New York City furnishes free textbooks to scholars in all the grades of the schools?

Mr. ZIHLMAN. I will be very pleased to add that city as one of the cities that furnishes free textbooks and free educational supplies to the pupils of that city.

I sincerely hope that the bill will pass.

Mr. BLACK of Texas. Will the gentleman from Maryland yield for an observation?

Mr. ZIHLMAN. I will be pleased to yield.

Mr. BLACK of Texas. The State of Texas, which I represent in part, has had similar legislation for the last several years, and I want to bear testimony at this point that it seems to meet with universal satisfaction and approval of the people, and I do not think our State would consider for a moment going back to the old method. I also want to state that this bill meets with my hearty approval. I think the District of Columbia ought to have it, and I believe it is a forward step advancing the cause of education in the District.

Mr. ZIHLMAN. I am very glad to have that contribution.

Mr. McCORMACK. Will the gentleman yield?

Mr. ZIHLMAN. I will be pleased to yield.

Mr. McCORMACK. I would like to find out whether or not the law relating to the elementary schools places the same responsibility upon the parents as will be placed upon them under section 3 of this bill.

Mr. ZIHLMAN. I could not answer without consulting the law, but I presume it does.

Mr. McCORMACK. The only observation I want to make is that it seems to me if we lend books we should not place the responsibility upon the parents of reimbursing for any damage that might be done by the children.

Mr. ZIHLMAN. I think that is a necessary precaution.

Mr. LAGUARDIA. In reply to that statement, if that is not the situation now, it will be true hereafter.

Mr. ZIHLMAN. Yes.

Mr. KETCHAM. Will the gentleman yield?

Mr. ZIHLMAN. I yield to the gentleman from Michigan.

Mr. KETCHAM. I understood the gentleman to say in his opening statement that existing law provided that the books are supplied for the children in the so-called elementary grades but are not provided for the pupils in the junior high or the senior high; is that correct?

Mr. ZIHLMAN. That is correct.

Mr. KETCHAM. Of course, the gentleman is aware that the classification of schools into junior high schools and senior high schools is comparatively recent. Is it the fact that under the old classification children up to and including the eighth grade did not have these books supplied to them? The gentleman understands, of course, that the classification of most junior high schools now takes in what are known as grades 7, 8, and 9, and I was wondering whether that was clearly set out and I want to ask the gentleman to make a statement covering that point. It just occurred to me that under the general law, if it were written a great many years ago, providing for the supplying of free textbooks for pupils in the elementary grades, that would include pupils in the grades up to and including the eighth grade.

Mr. ZIHLMAN. Yes; it does. That is my understanding of the regulations or the law here. Up to and including the eighth grade the books are furnished free and after the eighth grade the books must be purchased by the pupils.

Mr. KETCHAM. Then the bill we have under consideration now simply adds that free books shall be provided for those coming under the old classification of high schools, namely, beginning with the ninth grade and including the tenth, eleventh, and twelfth grades?

Mr. ZIHLMAN. That is correct.

Mr. HALL of Indiana. Will the gentleman yield?

Mr. ZIHLMAN. I yield.

Mr. HALL of Indiana. I think it would clear matters to say that there is no general definition of the junior high school. Different schools in different sections group different classes under that head. I think here in the District, where we have certain classes designated as the junior high school, it takes in the eighth and ninth grades. This bill will extend it throughout the whole and make unnecessary a definition of the junior high school.

Mr. BLACK of Texas. I would like to ask the gentleman a question. There has been some complaint about children attending the District schools who live outside of the District. Personally I have taken the ground that they should be allowed to attend, but I doubt if the District ought to furnish free schoolbooks to those pupils. Has the gentleman given any thought to that matter, of the District buying books for children who live outside the District?

Mr. ZIHLMAN. I have not given that any thought at all.

The CHAIRMAN. If there is not further discussion, the Clerk will read the bill.

Mr. BANKHEAD. Mr. Chairman, the time for debate was given to the gentleman from Maryland and the ranking member of the District Committee. The ranking member of the District Committee has stepped out a few minutes for lunch, but there are two or three questions that have occurred to me that I would like to ask about the bill for my own information. I notice in the first section it provides for purchasing supplemental books and other educational books, "and supplies." What is the significance of "supplies"—what does that cover?

Mr. ZIHLMAN. I suppose that means the usual supplies to school children, such as pencils, copybooks, and so forth.

Mr. BANKHEAD. Is the purchase price for these books taken out of the District funds, or does a portion of it come out of the lump sum?

Mr. ZIHLMAN. That is according to the way you figure it. As the gentleman knows, Congress has made an appropriation of $9,000,000 in a lump sum for the District. This bill provides that the expenses shall be paid as other appropriations for the District of Columbia. If the House and Senate appropriates a lump sum of $9,000,000, it seems to me that it would not make much difference whether the purchase is charged against that sum or not; it would make no difference in the appropriation.

Mr. BANKHEAD. Then, as a matter of fact, a part of the money for the purchase of the schoolbooks does come out of the Federal Treasury?

Mr. ZIHLMAN. That depends entirely on the method of computation.

Mr. BANKHEAD. I thought the chairman might give me some direct information. I query whether it is entirely equitable for the taxpayers in other parts of the country to have to make a contribution toward the school books for children in the District of Columbia.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. ZIHLMAN. I yield.

Mr. COLE of Iowa. Are these books handed down from one class to another?

Mr. ZIHLMAN. That is my understanding.

Mr. COLE of Iowa. Is there any provision in the bill as to their being fumigated?

Mr. ZIHLMAN. The bill says nothing about it.

Mr. COLE of Iowa. They ought to be fumigated.

Mr. LAGUARDIA. That will be taken care of through the Health Department. That is the case in my city.

The CHAIRMAN. If there is no further discussion, the Clerk will read the bill for amendments.

The Clerk read the bill for amendment.

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House, with the recommendation that it do pass.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. LEAVITT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12739 and had reported the same back without amendment, with the recommendation that the bill do pass.

Mr. ZIHLMAN. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

VACATING ALLEY BETWEEN LOTS 16 AND 17, SQUARE 1083, DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (S. 3771) vacating the alley between lots 16 and 17, square 1083, District of Columbia, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Maryland calls up the bill S. 3771, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The gentleman asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

Mr. BANKHEAD. Mr. Speaker, I object.

Mr. ZIHLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3771; and pending that motion I ask unanimous consent that general debate be limited to 30 minutes, one-half to be controlled by the ranking minority member of the committee and one-half by myself.

The SPEAKER. The gentleman from Maryland moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3771; and pending that, asks unanimous consent that general debate be limited to 30 minutes, one-half to be controlled by himself and one-half by the ranking minority member of the committee. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I ask the gentleman also to add to his request that debate be limited to the subject matter of the bill.

Mr. ZIHLMAN. I shall be very glad to add that to my request.

The SPEAKER. And that debate be limited to the subject matter of the bill.

Mr. BANKHEAD. Why that limitation?

Mr. LAGUARDIA. This is a very important bill.

Mr. BANKHEAD. But some gentleman may have observations on a matter of general public interest that he may desire to make. It may be that this is the only opportunity he might be able to have this session.

Mr. LAGUARDIA. I shall not insist on my limitation, but it is an important bill.

The SPEAKER. The gentleman from Maryland asks unanimous consent that general debate be limited to 30 minutes, one-half to be controlled by himself, and one-half by the ranking minority member of the committee. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Maryland that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3771.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3771, with Mr. LEAVITT in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to close, vacate, and abandon so much of the 15-foot public alley in square 1083 as lies between lots 16 and 17; same to revert in equal proportion to the abutting lots.

Mr. ZIHLMAN. Mr. Chairman, this bill authorizes the District commissioners to vacate a portion of an alley shown on the highway plats, but not actually opened or existent. The commissioners deem the actual opening of the alley inadvisable because of the differences in street grades, which would necessitate expensive retaining walls if the alley should be opened. I ask that the bill be read for amendment.

The CHAIRMAN. If there is no further time desired for general debate, the Clerk will read the bill for amendment.

The Clerk again read the bill.

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House without amendment, with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEAVITT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 3771, and directed him to report the same back to the House without amendment, with the recommendation that it do pass.

Mr. ZIHLMAN. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FREE OPERATORS' PERMITS TO ENLISTED MEN

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (S. 1281) to amend section 7 (a) of the act of March 3, 1925 (43 Stat. 1119), as amended by section 2 of the act of July 3, 1926 (44 Stat. 812), so as to provide operators' permits free of cost to enlisted men of the Army, Navy, Marine Corps, and Coast Guard operating Government-owned vehicles in the District of Columbia, on the Union Calendar, and ask unanimous consent that it be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Maryland calls up the bill S. 1281, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 7 (a) of the act known as the "District of Columbia traffic act, 1925," approved March 3, 1925 (43 Stat. 1119), as amended by section 2 of the act of July 3, 1926 (44 Stat. 812), be, and the same is hereby, amended by adding at the end thereof the following proviso: *"Provided*, That enlisted men of the Army, Navy, Marine Corps, and Coast Guard shall be issued, without charge, a permit to operate Government-owned vehicles, upon the presentation of a certificate from their commanding officers to the effect that they are assigned to operate a Government vehicle and are qualified to drive, and upon proving to the satisfaction of the director of traffic that they are familiar with the traffic regulations of the District of Columbia."

With the following committee amendment:

Page 2, line 4, after the word "vehicles," insert "while engaged in official business."

The committee amendment was agreed to; and the bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

TEACHERS' SALARY ACT

Mr. ZIHLMAN. Mr. Speaker, I call up the bill (H. R. 12956) to amend certain sections of the teachers' salary act, approved June 4, 1924, and for other purposes.

The Clerk read the title of the bill.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following quoted provisions of Article I, covering salary class 2, teachers in junior high schools, are hereby repealed:

"CLASS 2.—TEACHERS IN JUNIOR HIGH SCHOOLS

"A teacher in the junior high schools who possesses the eligibility requirements of teachers in the elementary schools and who in addition has met the higher eligibility requirements established by the Board of Education for teachers in junior high schools shall be paid in accordance with the following schedules:

"A teacher in the junior high schools who possesses the eligibility requirements of teachers in the senior high and normal schools shall be paid in accordance with the following schedules," so that the salary schedules, as amended, shall read as follows:

"CLASS 2.—TEACHERS IN JUNIOR HIGH SCHOOLS

"Group A: A basic salary of $1,600 per year, with an annual increase in salary of $100 for eight years, or until a maximum salary of $2,400 per year is reached.

"Group B: A basic salary of $2,500 per year, with an annual increase in salary of $100 for three years, or until a maximum salary of $2,800 per year is reached.

"Group C: A basic salary of $1,800 per year, with an annual increase in salary of $100 for 10 years, or until a maximum salary of $2,800 per year is reached.

"Group D: A basic salary of $2,900 per year, with an annual increase in salary of $100 for three years, or until a maximum salary of $3,200 per year is reached."

SEC. 2. That the Board of Education is hereby authorized to establish the eligibility requirements and prescribe such methods of appointment or promotion for teachers in the junior high schools as it may deem proper, subject to provisions of law covering such matters now in effect or which may hereafter be enacted.

SEC. 3. That the following provision of section 9 of Article V of the act of June 4, 1924, *"Provided further*, That no person who has not received for at least one year the maximum salary of Group A in any class, or Group C of class 2 shall be eligible for promotion to Group B of any class or Group D of class 2," shall not apply during the fiscal year 1928 to the teachers affected by the provisions of paragraph (d) of section 6 of the same act.

SEC. 4. Amend paragraph (q) of section 6 of Article IV by adding the following:

"Provided further, That in the case of trade teachers in regularly organized trade schools the Board of Education is authorized to credit approved experience in the trades in the same manner and to the same extent as though it were experience in teaching."

SEC. 5. That this act shall take effect on its passage.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WOMAN'S BUREAU, METROPOLITAN POLICE DEPARTMENT

Mr. ZIHLMAN. Mr. Speaker, I call up the bill H. R. 6664, on the Union Calendar No. 239.

The SPEAKER. The gentleman from Maryland calls up a bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 6664) to establish a woman's bureau in the Metropolitan Police Department of the District of Columbia, and for other purposes.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair will state the parliamentary situation in reference to this bill as he understands it. On last March 26 the bill was being considered in the House as in the Committee of the Whole House on the state of the Union by unanimous consent. A number of committee amendments had been offered and are now pending. The Chair thinks the consent hitherto granted would prevail during the consideration of the bill at this time, so the bill is called up to be considered in the House as in Committee of the Whole House on the state of the Union.

Mr. BLANTON. The proceedings thus far are still applicable to the bill?

The SPEAKER. Yes. The question is on agreeing to the committee amendments offered at that time.

Mr. HOLADAY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOLADAY. Has the time passed when I can offer an amendment to section 1?

The SPEAKER. No; that will come later, after the committee amendments are disposed of.

Mr. HOLADAY. It has never been offered, though.

The SPEAKER. Does the gentleman desire to offer his amendment to a committee amendment, or is it a separate amendment?

Mr. HOLADAY. No; it is to the bill proper.

The SPEAKER. The House will first dispose of the committee amendments. The Clerk will report the committee amendments now pending.

The Clerk read as follows:

Page 1, line 5, strike out the words "to consist" and insert the words "in charge."

The committee amendment was agreed to.

The Clerk read as follows:

Page 1, lines 5 and 6, strike out the words "with the rank of assistant superintendent."

The question was taken, and the committee amendment was agreed to.

The Clerk read as follows:

Page 1, lines 7 and 8, strike out the words "with the rank of captain."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 1, line 9, after the word "and," insert "not more than."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 1, lines 9 and 10, strike out the words "six of whom shall be between the ages of 35 and 45."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 2, line 2, strike out all of lines 2, 3, 4, 5, 6, and line 7 down to and including the word "members" and insert "any policemen who may from time to time be detailed to the woman's bureau."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 2, line 9, after the word "director," insert "while so detailed."

The question was taken, and the amendment was agreed to.

Mr. HOLADAY. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, lines 8 and 9, strike out "one case supervisor; three patrol supervisors."

Mr. HOLADAY. Mr. Speaker, the woman's bureau at the present time consists of a force of 23, I believe. This bill is establishing the bureau as a matter of law where at the present time it is provided for only under police regulation. The bill provides for a director, for an assistant director, and this bill attempts to provide for one case superintendent and three patrol supervisors. I am of the opinion that these positions are unnecessary because you are getting more directors, assistants, supervisors, patrol officers, and so forth, than you will have privates, and after these provisions are written into law it will mean added appropriations in the years to come. If at any time it becomes necessary to have these additional positions, they can be provided for under general regulations.

Mr. ZIHLMAN. Mr. Speaker, I will accept the amendment.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. HOLADAY].

The amendment was agreed to.

The SPEAKER. The Clerk will report the other committee amendments.

The Clerk read as follows:

Page 2, line 20, strike out the figure "(1)."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 21, after the word "be," strike out all of line 21, lines 22, 23, 24, 25, and on down to and including line 5 on page 3, and insert "in accordance with the United States civil-service standards existing January 1, 1928."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 3, strike out lines 8 to 12, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 3, line 13, strike out the letter "(c)" and insert the letter "(b)."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 3, line 13, strike out the words "except as otherwise provided in this act."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 3, line 15, strike out the word "same" and after the word "rules" strike out the word "and" and after the word "and" where it occurs the second time strike out the words "to the same."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 3, line 15, strike out the word "as" and strike out all of lines 16, 17, and 18, and insert "prescribed in the Manual of the Metropolitan Police Department as adopted by the commissioners' order of October 5, 1923, effective December 1, 1923, with amendments to September 15, 1926."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 3, line 22, after the word "and" strike out the word "they."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 4, line 5, strike out the words "annual salaries of the."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 4, line 6, after the word "shall" strike out the words "be as follows: The director, the assistant director, and the private shall."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 4, line 9, after the word "rank," strike out the remainder of the paragraph.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 4, line 12, strike out, after "SEC. 4," all of line 12 down to and including line 20 and insert "The purpose and functions of the woman's bureau shall be in accordance with the Manual of the Metropolitan Police Department as adopted by the commissioners' order of October 5, 1923, effective December 1, 1923, with amendments to September 15, 1926."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 5, line 5, after the word "act," strike out the comma and all the remainder of the paragraph down to and including the word "*Provided*," in line 14.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Page 5, line 22, after the word "States," strike out the comma and the remainder of line 22 and all of line 23 and insert "such clerical force."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

REGULATION OF THE PRACTICE OF THE HEALING ART IN THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up Senate bill 3936, to regulate the practice of the healing art and to protect the public health in the District of Columbia, which is on the House Calendar.

The SPEAKER. The gentleman from Maryland calls up Senate bill 3936, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That for the purpose of this act the following words and phrases have the meanings assigned to them, respectively, except where the context otherwise requires:

(a) "Disease" means any blemish, defect, deformity, infirmity, disorder, disease, or injury of the human body or mind, and pregnancy, and the effects of any of them.

(b) "The healing art" means the art of detecting or attempting to detect the presence of any disease; of determining or attempting to determine the nature and state of any disease, if present; of preventing, relieving, correcting, or curing, or of attempting to prevent, relieve, correct, or cure any disease; of safeguarding or attempting to safeguard the life of any woman and infant through pregnancy and parturition; and of doing or attempting to do any of the acts enumerated above: *Provided*, That for the purposes of this act the term "the healing art" does not include—

(1) Dentistry as defined in an act entitled "An act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto," approved June 6, 1892, as amended by acts approved June 7, 1924, and March 4, 1927; nor

(2) Podiatry as defined in an act entitled "An act to regulate the practice of podiatry in the District of Columbia," approved May 23, 1918; nor

(3) Optometry as defined in an act entitled "An act to regulate the practice of optometry in the District of Columbia," approved May 28, 1924; nor

(4) Pharmacy as defined in an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906, as amended by an act approved March 4, 1924; nor

(5) Nursing as defined in an act entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia," approved February 9, 1907.

(c) "To practice" means to do or to attempt to do, or to hold oneself out or to allow oneself to be held out as ready to do, any act enumerated in subsection (b) of this section as constituting a part of

the healing art, for a fee, gift, or reward, or in anticipation of any fee, gift, or reward, whether tangible or intangible.

(d) "Commission" means the commission on licensure to practice the healing art, created by this act.

(e) "Board" means a board of examiners created by this act.

(f) "Drugless healing" means any system of healing that does not resort to the use of drugs, medicine, or operative surgery for the prevention, relief, or cure of any disease.

(g) "School" means any school, college, or university.

SEC. 2. No person shall practice the healing art in the District of Columbia who is not (a) licensed so to do, or (b) if exempted from licensure under section 42 of this act, then duly registered.

SEC. 3. No person shall practice the healing art in the District of Columbia otherwise than in accordance with the terms of his license or of his registration, as the case may be.

SEC. 4. There is hereby created a commission on licensure to practice the healing art in the District of Columbia, consisting of the president of the Board of Commissioners of the District of Columbia, the United States Commissioner of Education, the United States district attorney for the District of Columbia, the superintendent of public schools of the District of Columbia, and the health officer of the District of Columbia, each ex officio. The commission shall elect a president and a vice president. The health officer shall be the secretary and treasurer of the commission. The commission shall make and from time to time may alter such rules as it deems necessary for the conduct of its business and for the execution and enforcement of the provisions of this act. It shall adopt a common seal, and from time to time alter the same as to it seems proper. The courts shall take judicial notice of such seal.

SEC. 5. The commission shall establish minimum standards of preprofessional and professional education in the healing art and may establish minimum standards for hospitals for interne training. It may determine whether preprofessional and professional schools, and whether hospitals, attain such standards. It shall keep a record of its investigations and determinations with respect to all schools and hospitals and shall approve and enter in a proper register every school and every hospital attaining the prescribed standard or which had attained such standard during its existence. The commission may redetermine from time to time the standing of any school or hospital and may revise its register accordingly. The commission shall give no credit for any certificate, diploma, or degree emanating from any school, and it may refuse to give any credit for any certificate or diploma emanating from any hospital not duly registered as provided by this act: *Provided*, That this requirement as to registration shall not apply in the case of persons applying for license on years of practice under the provisions of section 24 of this act.

SEC. 6. The commission shall receive, number consecutively, and record all applications presented in due form for licenses and for registration; but such applications may be classified according to their respective purposes and numbered consecutively and registered according to the several classes thus established. If the commission finds that an applicant is entitled to a license by virtue of an outstanding license to practice medicine and surgery in the District of Columbia or by virtue of years of practice, under the provisions of section 24 of this act, or by virtue of reciprocity, under the provisions of section 25, it shall issue to him a license accordingly. If the commission finds that an applicant has submitted satisfactory proof of age, moral character, preprofessional education, professional education, and, if required by the commission, of hospital training, but must be subjected to an examination to determine his professional fitness, under section 26, it shall certify him to the proper examining board for that purpose; and upon receipt of a report from any such board, satisfactory to the commission, showing that the applicant has passed such an examination, the commission, being of the opinion that the applicant is in all other respects legally qualified, shall issue to him a license to practice the healing art in the manner described in his application and as authorized by law in whatever class the commission shall find him qualified to so practice.

SEC. 7. The commission may (a) appoint, suspend, and remove such examiners, counsel, clerks, inspectors, and other officers and employees as may be authorized by law; (b) enter into contracts for the use and occupancy of such quarters as may be necessary for its purposes; but the Commissioners of the District of Columbia are hereby authorized to furnish such quarters, without cost to the commission, if the necessary space is available in any building under their control; and (c) buy such supplies as may be necessary for its work and for the execution and enforcement of this act: *Provided*, That the commission incurs no indebtedness in excess of money actually available.

SEC. 8. The commission shall appoint boards of examiners as follows: (a) A board of examiners in the basic sciences; (b) a board of examiners in medicine and osteopathy; and (c) a board of examiners in chiropractic. The commission shall appoint (d) a board of examiners in midwifery; and (e) such other boards of examiners in drugless healing as are necessary under the provisions of this act. The board of examiners in the basic sciences and the board of examiners in medicine and osteopathy shall each consist of five members. Boards of examiners in midwifery and boards of examiners in drugless healing may consist of three to five members, as the commission deems proper. No examiner shall be appointed for a term longer than five years, and all appointments shall be made so that the term of one member of each board shall expire on the 31st day of December of each year. The commission shall appoint no person as a member of any such board who is not a citizen of the United States and who has not been a resident of the District of Columbia for at least three years immediately preceding his appointment. The commission may appoint as members of such boards persons employed in the service of the Federal Government and of the government of the District of Columbia; and persons so employed may accept such appointment and may receive such compensation for their services as examiners as may be provided by law and by the regulations of the commission. A member of any board is not debarred by such membership from employment under the Federal Government or the government of the District of Columbia not inconsistent with the discharge of his duties as a member of such board.

SEC. 9. Each examining board shall elect a chairman and a secretary and may make such rules regarding the discharge of its duties as the commission may approve. Each board shall conduct examinations and make reports as required by law and by the rules of the commission.

SEC. 10. The commission shall appoint the several members of the board of examiners in the basic sciences so that there will be on said board at all times one or more members capable of determining whether applicants have or have not a sufficient knowledge of the sciences of anatomy, physiology, chemistry, bacteriology, and pathology to enable such applicants to understand and to apply such sciences in the study and practice of the healing art. No member of the board of examiners in the basic sciences shall teach or practice the healing art while serving in that capacity.

SEC. 11. The commission shall refer to the board of examiners in the basic sciences every applicant for a license to practice the healing art in the District of Columbia, except those entitled to licenses by virtue of licenses to practice medicine and surgery in the District of Columbia outstanding at the time of the approval of this act, or by virtue of years of practice of osteopathy or some form of drugless healing in the District of Columbia at that time, for determination of the applicant's ability to understand and to apply the sciences of anatomy, physiology, chemistry, bacteriology, and pathology to the study and practice of the healing art. The commission shall refer such applicants so that the board of examiners in the basic sciences and any member of that board shall not know the method of practice the applicant has studied or the method of practice he intends to follow. The board of examiners in the basic sciences may examine any applicant referred to it, but it may accept in lieu of examination proof that the applicant has passed, before a board of examiners in the basic sciences, by whatsoever name it may be known, or before any examining or licensing board in the healing art as that art is hereinbefore defined, of any State, Territory, or other jurisdiction under the United States, or of any foreign country, an examination in anatomy, physiology, chemistry, bacteriology, and pathology, as comprehensive and as exhaustive as that required in the District of Columbia under authority of this act. The board of examiners in the basic sciences shall report its findings to the commission. An applicant who is reported by the board as qualified in the sciences of anatomy, physiology, chemistry, bacteriology, and pathology, but who is not entitled to a license to practice the healing art, without examination, shall be certified by the commission to the board of examiners in medicine and osteopathy, or a board of examiners in drugless healing, as the case may be, for determination of his professional fitness. An applicant who is reported by the board as qualified in said sciences and who is entitled to a license by reciprocity, without examination, shall thereupon be given such a license. The commission shall issue no license to practice the healing art to any person who has not been reported by the board of examiners in the basic sciences as qualified in the sciences of anatomy, physiology, chemistry, bacteriology, and pathology, except to such persons as are entitled to licenses by virtue of licenses to practice medicine and surgery in the District of Columbia outstanding at the time of the approval of this act and by virtue of years of practice of osteopathy or some form of drugless healing in said district prior to approval of this act, and except to applicants for licenses to practice midwifery.

SEC. 12. The commission shall appoint as members of the board of examiners in medicine and osteopathy persons who have been graduated with the degree of doctor of medicine, doctor of osteopathy, or some equivalent degree by a school registered under this act and who have taught or practiced, or taught and practiced, medicine and surgery or osteopathy for not less than five consecutive years, the last three of which, at least, immediately preceding their respective appointments, have been in the District of Columbia.

The board of examiners in medicine and osteopathy shall be composed of four practitioners of medicine and surgery, one of whom shall be an adherent of the homeopathic school, and an osteopath. The degrees doctor of medicine and doctor of osteopathy shall be accorded the same rights and privileges under governmental regulations. They shall examine into the qualifications of all persons referred to them who desire to

practice medicine and osteopathy. The questions propounded to such applicants shall be identical in every respect; with the exception of questions in the practice of medicine and practice of osteopathy which shall be propounded to applicants of these respective schools only, as the case may be, and the replies shall be examined and graded by the member or members of the board representing such schools of practice.

The board of examiners in medicine and osteopathy shall certify to the commission applicants whom they have found qualified to be licensed to practice medicine and surgery, or osteopathy and surgery, as the case may be.

SEC. 13. The commission shall refer to the board of examiners in medicine and osteopathy every applicant for a license to practice the healing art who does not intend and in his application agree to limit his practice to some named drugless method of healing and who is not entitled to a license without examination: *Provided*, That no applicant shall be certified to the board of examiners in medicine and osteopathy for examination who has not been reported by the board of examiners in the basic sciences as qualified in the sciences of anatomy, physiology, chemistry, bacteriology, and pathology.

SEC. 14. On petition of five or more adherents of any drugless method of healing, the commission shall appoint a board of examiners to determine the fitness of applicants for licenses to practice the healing art in the District of Columbia according to that method. Every such petitioner, at the time of signing the petition, shall have practiced the healing art in some manner, not necessarily in the manner described in the petition, for not less than five consecutive years immediately preceding, in the District of Columbia. The petition shall define the method of healing for which an examining board is desired, so as clearly to differentiate that method from the unrestricted practice of the healing art. The petition shall show as nearly as may be the number of schools teaching the method of healing described in it, and shall show the nature and extent of the facilities available for the education and training of practitioners of that method. It shall supply such other information as the commission may designate. The petition shall be sworn to by each of the petitioners to the best of his knowledge and belief.

Upon the filing of proper petition for the appointment of an examining board to determine the qualifications of applicants for licenses to practice according to the method of healing defined in the petition, the commission shall by resolution provide for the appointment of such a board and define exactly the method of practice to be covered by it and to be pursued by applicants licensed after examination by it. After the adoption of any such resolution the commission shall from time to time appoint boards to examine such applicants as may apply for licenses to practice the method of healing defined in such resolution. The commission shall appoint as members of any such board persons of good repute who have been graduated with some degree appropriate to the method of practice that the appointee has followed or intends to follow, by some school registered under this act, and who have somewhere taught or practiced, or taught and practiced, the method of healing defined in the resolution for not less than five years immediately preceding their respective appointments, under authority of licenses empowering them so to do. In making such appointments, however, the commission shall give preference, when circumstances permit and other things are equal, to persons who have taught or practiced, or taught and practiced, the healing art according to the method defined in the resolution, in the District of Columbia, under licenses authorizing them so to do, for not less than three years immediately preceding their respective appointments: *Provided*, That any adherent of a method of healing for which the commission has provided a board of examiners, who has been graduated with an appropriate degree by some school representative of that method, who has practiced according to that system in the District of Columbia for not less than five consecutive years immediately preceding the approval of this act, and who is entitled to a license, without examination, by virtue of the provisions of section 24 of this act, is eligible for appointment as a member of that board.

SEC. 15. The commission shall refer to the appropriate board of examiners in drugless healing every applicant for a license to practice the healing art according to any method of drugless healing defined by the commission, who intends and in his application agrees to limit his practice to the system so defined, for determination of the applicant's fitness so to practice, and who is not entitled to a license to practice without examination: *Provided*, That no applicant shall be certified to any board of examiners in drugless healing who has not been reported by the board of examiners in the basic sciences as qualified in the sciences of anatomy, physiology, chemistry, bacteriology, and pathology.

SEC. 16. The commission may appoint, from time to time, as it deems expedient, a board of examiners in midwifery, consisting of not less than three and not more than five persons, who have practiced the healing art in the District of Columbia for not less than three years immediately preceding their respective appointments, under authority of licenses authorizing them so to practice. Appointments to such boards shall be made for such terms as the commission deems proper. The commission may abolish any such board at any time.

SEC. 17. The commission shall refer to a board of examiners in midwifery every applicant for a license to practice midwifery who intends and in her application agrees to limit her practice to the care of women during normal pregnancy and parturition, in so far as the licentiate is able to determine whether pregnancy and parturition are normal in any particular case, for determination of the applicant's fitness so to practice, and who is not entitled to a license by virtue of an outstanding license to practice midwifery in the District of Columbia in force at the date of the approval of this act.

SEC. 18. Examinations shall be held by the board of examiners in medicine and osteopathy, the boards of examiners in drugless healing, and the board of examiners in midwifery, beginning on the second Monday in January and July of each year and at such other times as the commission may by rule or by special order determine. Examinations shall be held by the board of examiners in the basic sciences at such times as the commission may by rule or by special order determine, having due relation to the dates of the examinations held by the board of examiners in medicine and osteopathy and the boards of examiners in drugless healing. The commission shall publish notice of the time and place of each examination and of other pertinent information concerning it, not less than 30 days before the first day of each such examination, in one or more newspapers of local circulation and, except in so far as relates to examinations for licenses to practice midwifery, in one or more medical or osteopathic journals of national circulation; and if there be any board or boards of examiners in drugless healing, then in a journal or journals, if there be any, of national circulation, representing a method or methods of healing corresponding to the method or methods represented by such board or boards.

SEC. 19. The commission shall by rule prescribe the nature and extent of the examinations to be conducted by each of the examining boards. All applicants examined by the board of examiners in the basic sciences shall be subjected to the same examination and rated on the same scale, as nearly as may be. All applicants, except applicants for licenses to practice midwifery, shall be subjected to the same examination and rated on the same scale, by the respective examining boards to which they are referred by the commission, in the diagnosis and prevention of communicable disease. Every examination shall be in writing, in the English language, but each shall be supplemented, if practicable, by laboratory and clinical tests and, if the commission deems proper, may be supplemented by oral examinations. Every examination shall be conducted, so far as the character of the examination permits, so that no examining board and no member thereof shall know the identity of the person examined. In any one examination by any one board the questions propounded to and the problems set for each applicant shall be as nearly the same as the character of the examination will permit. As a guide for determining whether an applicant has or has not passed, the commission shall fix by rule a uniform standard for all applicants, except that the commission may fix maximum credits to be allowed for such experience as the applicant may have had as a licensed practitioner and in the discretion of the commission may require an applicant claiming any such credit to be subjected to clinical and laboratory tests to demonstrate what credit he shall be allowed, if any. The general rules formulated by the commission to govern examinations may be modified with respect to examinations conducted by the board of examiners in the basic sciences and by boards of examiners in midwifery, in so far as the nature and function of the examinations conducted by those boards require. Except as hereinbefore stated, all examinations shall conform as nearly as may be to a uniform standard, to the end that every licensed practitioner of the healing art in the District of Columbia may conform so far as may be possible to a single uniform standard of professional fitness.

SEC. 20. The board of examiners in the basic sciences, the board of examiners in medicine and osteopathy, and each board of examiners in drugless healing before which any applicant is to appear at the next ensuing examination, shall submit to the commission, not less than 10 days before each examination, such questions as may be required by the rules of the commission governing examinations. The commission shall cause the questions so submitted to be prepared for distribution and to be distributed in the course of the examination at appropriate times; but from the questions submitted by the several examining boards in the diagnosis and prevention of communicable diseases, the commission shall select the questions to be used, and if the commission deems proper may revise and supplement such questions, and shall submit to all applicants appearing at any one examination the identical questions with respect to the subject named.

SEC. 21. The commission shall provide the place or places and all necessary facilities for examinations, including such supervisors or proctors as the commission deems necessary. The commission shall assign to each applicant a number under which his examination shall be conducted, with a view to the concealment of the identity of the examinee from the examiner, so far as may be practicable. The supervisor or proctor designated by the commission shall collect all examination papers and deliver them or cause them to be delivered to the several examiners who are to examine them. Each examining board shall, as speedily as possible, examine all applicants referred to it and report its findings to the commission. All reports of written examinations shall be made under the numbers of the several examinees and not under their names; but each board shall report to the commission, under the names

of the several examinees, the results of the clinical and laboratory tests and of the oral examination, if any, to which the examinee has been subjected. The written and the oral examination and the clinical and the laboratory tests shall each be rated on a basis of 100, and the reports of the several boards of examiners shall be made accordingly. The relative weight to be given to each, the passing grade, and the weight to be allowed for experience shall be fixed by the commission by regulations. The final standing of each applicant shall be determined by the commission in accordance therewith.

SEC. 22. The commission shall carefully consider the reports of the board of examiners in the basic sciences and of the examining board by which any applicant has been examined purporting to show the qualifications of the applicant. If the commission is satisfied that the applicant is qualified to practice the healing art in accordance with law and within the limits fixed by his application, the commission shall issue to him a license attesting that fact and authorizing him so to practice in whatever class of practice the commission has found him qualified, so long as that license is unsuspended and unrevoked. All reports of examining boards and all questions to and answers by applicants in written examinations shall be open to inspection by any person who shows to the satisfaction of the commission that he has some proper interest in them. All examination papers shall be preserved by the commission for a period of not less than two years. The commission shall record all licenses in a book kept for that purpose, which shall be duly indexed. Licenses shall be consecutively numbered, except that licenses of different classes may be numbered and recorded in separate series. Licenses shall show on their faces the class of practice for which they are issued, and licentiates shall display the same prominently in their offices at all times.

SEC. 23. Any person desiring to practice the healing art in the District of Columbia shall apply to the commission, in writing, for authority so to do. The application shall be in such form and accompanied by such evidence of the qualifications of the applicant as the commission requires. Each application shall show whether the applicant (a) seeks a license (1) on the basis of a license to practice medicine and surgery in the District of Columbia, under section 24 of this act; (2) on the basis of years of practice, under section 24; (3) on the basis of reciprocity, under section 25; or (4) on the basis of examination, under section 26; or (b) seeks registration as a person exempted from licensure, under section 42. Each application shall be accompanied by a fee, as follows: For a license on the basis of a license to practice medicine and surgery in the District of Columbia, a fee of $1; on the basis of years of practice in the District of Columbia, a fee of $25; for a license on the basis of reciprocity, a fee of $50; for certification of applications for license by reciprocity in other jurisdictions, a fee of $10; for a license on the basis of examination, a fee of $25; for registration as a person exempted from license, a fee of $1; but physicians and surgeons of the United States Army, Navy, and Public Health Service, and medical officers in any other branch of the Federal Government whatsoever, and practitioners of the healing art residing within and licensed by States bordering on the District of Columbia, who do not maintain an office or appoint places where patients may be met within the District of Columbia, applying for registration as persons exempted from licensure in the District of Columbia, shall not be required to pay any fee in connection with any such application. The commission may, on showing of any adequate cause, refund to an applicant for a license on the basis of examination any or all of the fee paid by him, prior to the reference of his application to an examining board for consideration, and thereafter if the applicant is by reason of sickness or other adequate cause prevented from entering the examination, the commission may refund not more than 50 per cent of such fee. An applicant for a license by reciprocity who fails to establish his right to such a license, and an applicant for registration as a person exempted from licensure who fails to establish his right to such registration, may be repaid by the commission not to exceed 80 per cent of the amount deposited by him with his application.

SEC. 24. Every person licensed to practice medicine and surgery or to practice midwifery in the District of Columbia under the provisions of an act entitled "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia," as approved June 3, 1896, as amended, who desires to continue so to practice after this act becomes effective, shall apply for a license so to do. As soon as practicable after the approval of this act the commission shall by publication give notice of this requirement in one or more newspapers of general circulation in the District of Columbia and in one or more medical journals of national circulation. Application for such relicensing shall be made within 90 days after the publication of such notice. A licentiate who within the time thus limited applies for relicensing may continue to practice until the commission has acted on his application and granted to him a new license, if he be entitled thereto. A licentiate who fails to make application for relicensing within the time thus limited, but who later makes such application, shall not practice until after a new license, if the commission finds him entitled thereto, has been issued to him. After five years after the approval of this act the commission shall issue no license to practice the healing art in the District of Columbia on the basis of a license to practice medicine and surgery or to practice midwifery, in the District of Columbia, in force on the date of its approval. Every license issued under the provisions of this section shall show whether the licentiate was licensed in the first instance on the basis of a diploma and of registration without examination, or on the basis of examination, and shall show the date of such original registration, if there be any, and of such original license.

Any person who was engaged in the practice of osteopathy in the District of Columbia on or before January 1, 1928, may deliver to the commission, within 90 days after the approval of this act, a written application for a license to practice osteopathy and surgery in the District of Columbia, together with satisfactory proof that the applicant is not less than 21 years of age and of good moral character, and had previously obtained a diploma from some legally incorporated school or college of osteopathy, and had been actively engaged in the practice of osteopathy for the past 10 years, or had previously obtained a diploma from some legally incorporated college of osteopathy whose requirements were equal to those recognized by the American Osteopathic Association.

When the commission is satisfied as to the qualifications of the applicant as aforesaid, it shall issue to him a license to practice osteopathy and surgery: *Provided*, That the commission may, in its discretion, issue to such applicants licenses to practice osteopathy only, which licenses shall not permit the practice of surgery unless they satisfy the commission that they have had adequate clinical facilities at their respective colleges of graduation, or by hospital work, to enable them to practice surgery. Each license so to do shall show that it was issued on the basis of years of practice in the District of Columbia and without examination.

Any person who was engaged in the practice of chiropractic in the District of Columbia on or before January 1, 1928, may deliver to the commission, within 90 days after the approval of this act, a written application for license to practice chiropractic in the District of Columbia, together with satisfactory proof that the applicant is not less than 21 years of age and of good moral character, and had previously obtained a diploma from some legally chartered or incorporated and duly established school or college of chiropractic and was actually engaged in the practice of chiropractic in said District on January 1, 1928.

When the commission is satisfied as to the qualifications of the applicant as aforesaid, it shall issue to him a license to practice chiropractic. Each license so to do shall show that it was issued on the basis of actual practice in the District of Columbia without examination.

Any person who has been engaged in the practice of the healing art as defined in this act, in the District of Columbia on or before January 1, 1928, according to any other drugless method of healing, who has been graduated with a degree appropriate to the system of drugless healing that he has practiced by a legally chartered or incorporated and duly established school, and who desires to continue so to practice, shall within 90 days after the approval of this act submit proof, satisfactory to the commission, of such date of practice and of graduation, of the fact that he is not less than 21 years of age and of good moral character, and of the name, character, and limits of the method of healing practiced by him. When the commission is satisfied as to the qualifications of the applicant as aforesaid, it shall issue to the applicant a license to practice the healing art in accordance with the system described by the applicant, if recognized by the commission as a named system of drugless healing, which shall be clearly defined and limited in the license so as to distinguish it from all other systems of practice. A license issued in any such case shall show that it was issued on the basis of years of practice and not on the basis of examination.

SEC. 25. An applicant who desires to obtain a license without examination, by virtue of a license issued to him by a State, Territory, or other jurisdiction forming a part of the United States, or by a foreign country, shall submit proof, satisfactory to the commission, that he is not less than 21 years of age and is of good moral character; that he was licensed to practice the healing art in the jurisdiction whence he comes under conditions that at that time would have enabled him to obtain a license to practice the healing art in the District of Columbia, or to have obtained a license under the provisions of this act were it then in force; that he practiced the healing art under authority of said license for not less than two consecutive years immediately preceding the date of his application, and that he intends, if licensed by the commission, to practice in the District of Columbia. The applicant shall submit, also, proof that the licensing agency of the jurisdiction whence he comes or desires to come grants, without examination, to licentiates of the District of Columbia of the same class, licenses to practice the healing art within its jurisdiction. When the commission is satisfied as to the qualifications of the applicant as aforesaid and as to the readiness of the licensing agency of the jurisdiction whence the applicant comes to license, without examination, licentiates of the licensing agency of the District of Columbia of the same class, the commission shall issue to the applicant a license to practice the healing art corresponding in scope as nearly as may be to the license issued to him by the jurisdiction whence he comes: *Provided*, That an applicant who has been examined under authority of the commission and who has failed, shall not thereafter be licensed by the commission by virtue of reciprocity with another jurisdiction.

SEC. 26. Each applicant for a license to practice the healing art, to be issued after examination, shall submit with his application proof satisfactory to the commission that he is not less than 21 years of age; that he is of good moral character; that he has had not less than 2 years of preprofessional education and training in a college or university acceptable to the commission before entering on the study of the healing art; that he has studied the healing art through not less that four graded courses of not less than nine months each, in a professional school or schools registered under this act, and has been graduated by such a school with the degree of doctor of medicine, doctor of osteopathy, or some equivalent degree; and, if required by the commission, that he has had not less than one year of training in a hospital registered by the commission under this act: *Provided*, That an applicant who has had the education and training required above, in preprofessional and professional schools, but whose graduation has been deferred by the professional school he last attended until after he has completed his training in a registered hospital, may be admitted to examination; but no license shall be issued to any such applicant until after he has been graduated from a registered school: *Provided further*, That an applicant for a license to be issued after examination who was graduated before the approval of this act by a school registered under this act may, if otherwise qualified, be admitted to examination upon proof by the applicant of such preprofessional and professional education and training, and of such graduation, as were required by the laws of the District of Columbia regulating the practice of medicine and surgery at the time of such graduation: *Provided further*, That an applicant for a license to practice osteopathy and surgery who has been graduated as aforesaid prior to December 31, 1930, shall be examined and licensed on showing that he was graduated by a high school acceptable to the commission before he entered on the study of osteopathy and that he in all other respects is qualified as aforesaid for examination: *And provided further*, That an applicant for a license to practice drugless healing, who has been graduated before December 31, 1935, may be admitted to examination on proof that before entering on the study of drugless healing he was graduated by a high school acceptable to the commission, and that he in all other respects is qualified as aforesaid for examination, and was graduated by a school registered under this act, teaching the method of healing that he intends to follow, with a degree appropriate to that method of healing, after not less than three graded courses of resident study and training of at least six months each. After December 31, 1935, every such applicant shall be required to submit before he is referred to an examining board for examination, evidence of not less than two years' education in a college acceptable to the commission and not less than four graded resident courses of professional study of not less than nine months each, in the same manner and to the same extent as are required for other applicants for licenses to practice the healing art.

An applicant for a license to practice midwifery shall submit proof, satisfactory to the commission, that before beginning the study of midwifery she had been graduated by a high school acceptable to the commission and thereafter studied midwifery in a school of midwifery registered under this act, for at least two graded courses of six months each, including attendance of not less than 25 cases of labor, and was duly graduated by that school.

SEC. 27. The Supreme Court of the District of Columbia, sitting as a court of equity, may suspend or revoke any license issued and any registration effected under this act, upon evidence showing to the satisfaction of the court that the licentiate or registrant, as the case may be, has been guilty of misconduct or is professionally incapacitated.

Proceedings looking toward the suspension or revocation of a license or registration shall be begun by petition filed in the Supreme Court of the District of Columbia in the name of the Commission on Licensure to Practice the Healing Art, or of the Commissioners of the District of Columbia, or of the major and superintendent of police of said District, and shall be verified by oath. Proceedings shall be conducted according to the ordinary rules of equity practice and such supplementary rules as said court may deem expedient to carry into effect the purpose and intent of this act; and said court is hereby authorized to make such supplementary rules. An appeal may be taken from the decision of the Supreme Court of the District of Columbia to the Court of Appeals of said District. Any such appeal on behalf of the commission or of the Commissioners of the District of Columbia or of the major and superintendent of police of said District may be filed without bond. The Supreme Court of the District of Columbia may determine whether a license or registration shall be suspended or be revoked, and if such license is to be suspended said court may determine the duration of such suspension and the conditions under which such suspension shall terminate.

SEC. 28. No person shall file or attempt to file with the commission any statement, diploma, certificate, credential, or other evidence when he knows, or when he might by reasonable diligence ascertain, that it is false and misleading.

SEC. 29. No person who has been referred by the commission to an examining board for examination and to whom has been assigned by the commission a number under which to write and deliver his answers in connection with the written examination shall disclose to any examiner, or permit to be disclosed to any examiner, the number so assigned, or in any other avoidable manner enable the examiner to determine the identity of the applicant whose papers he is examining.

SEC. 30. No person shall allow any other person to impersonate him in any manner whatsoever, in obtaining or attempting to obtain any certificate, license, or registration.

SEC. 31. No person shall disclose, directly or indirectly, to an applicant for a license, in advance of any examination or test to which the applicant is to be subjected, any question to be propounded to the applicant or any test to which he is to be subjected. No applicant for a certificate, license, or registration under this act, and no other person whosoever shall procure or undertake to procure any such disclosure.

SEC. 32. No person licensed or registered under this act shall allow any other person to impersonate him in connection with practice under any such license or registration.

SEC. 33. No person shall impersonate a person licensed or registered under this act in connection with the practice of the healing art under such license or registration.

SEC. 34. No person shall alter or forge, or attempt to alter or forge, any diploma or other evidence of graduation in the healing art, or any certificate or evidence of any kind, with the intent that it shall be used to evade the provisions of this act.

SEC. 35. No person shall alter or forge, or attempt to alter or forge, any license or evidence of registration, or counterfeit the seal of the commission, or make any counterfeit impression of that seal.

SEC. 36. No person having any office or duty to perform with respect to the licensing or registration of applicants for licenses and for registration under the provisions of this act shall knowingly rate unfairly or give any unauthorized advantage to, or impose any unfair disadvantages on, any such applicant.

SEC. 37. Any person who swears or affirms to the truth of any matter or opinion that he knows to be false, for the purpose of evading, hindering, or impeding the purposes of this act is guilty of perjury. Any person who swears or affirms falsely, outside of the District of Columbia, if his oath or affirmation be delivered to the commission in said District shall be guilty of perjury in said District and shall be tried and punished under the laws thereof.

SEC. 38. The commission may refuse to license or to register any person for any cause that in the judgment of the commission would, under the provisions of section 27 of this act, authorize the Supreme Court of the District of Columbia to suspend or revoke a license or registration, if issued or granted. Before the commission refuses to license or register any applicant for any cause under the provisions of this section, it shall give that applicant an opportunity to be heard in person or by attorney, and to produce witnesses on his behalf. Witnesses may be produced on behalf of the commission and on behalf of any interested person. The attendance and testimony of witnesses may be compelled by subpœna issued by the Supreme Court of the District of Columbia, and said court is hereby authorized to issue and to enforce such subpœnas, on petition of the commission. Any person failing or refusing, without just cause, to appear and testify in response to any such subpœna, or in any way obstructing the course of any hearing to which he has been subpœnaed, is guilty of contempt of court and may be punished as other persons guilty of contempt of court are punished. Any member of the commission may administer oaths at any such hearing. On the petition of any applicant to whom a license or registration has been denied by the commission by virtue of this section, the action of the commission may be reviewed by the Supreme Court of the District of Columbia on a writ of certiorari, subject to appeal to the Court of Appeals of the District of Columbia, in the same manner as appeals are taken in similar cases.

SEC. 39. Any person violating the provisions of this act shall upon conviction thereof be punished by a fine of not more than $100 or by imprisonment for not more than 90 days, or by both such fine and imprisonment, in the discretion of the court.

SEC. 40. If a person licensed or registered under the provisions of this act be convicted in the Supreme Court of the District of Columbia of any felony, the court, without further hearing or procedure, may suspend for such time and under such conditions as it deems proper, or may revoke, the license or registration of the defendant, in addition to imposing any other penalty provided by law. An appeal by the defendant in any such case from the conviction of the offense shall act as a supersedeas to the judgment of the court suspending or revoking his license or registration.

SEC. 41. The unlawful practice of the healing art may be enjoined by the Supreme Court of the District of Columbia, sitting as a court of equity, on petition by the commission, or by the Commissioners of the District of Columbia, or by the major and superintendent of police of this District; but no such proceeding shall be entertained in advance of the conviction of the person sought to be enjoined, of violation of the provisions of this act. In any such proceeding it shall not be necessary to show that any person is individually injured by the act or acts complained of. No injunction, either temporary or permanent, shall be granted until after final trial and final judgment on the merits of the case, nor until after a hearing is had on the petition. If on the trial it is shown that the respondent has been unlawfully practicing the heal-

ing art the court shall perpetually enjoin him from so practicing or continuing to practice, unless and until he has been duly licensed so to do. Procedure in such cases shall be the same as in any other injunction suit, as nearly as may be. The remedy by injunction given hereby is in addition to criminal prosecution and punishment based thereon, and not in lieu thereof. Such cases shall be advanced for trial on the docket of the trial court, and shall be advanced and tried in the appellate court, in the same manner and under the same law and regulations as apply to other suits for injunction.

SEC. 42. The provisions of this act forbidding the practice of the healing art without a license shall not apply (a) to commissioned surgeons of the United States Army, Navy, or Public Health Service, or to medical officers in any other branch of the Federal Government whatsoever, in the discharge of their official duties; nor (b) to practitioners of the healing art duly licensed to practice their respective callings in States or Territories, or in jurisdictions under the control of the Federal Government, or in foreign countries, and actually called from such States, Territories, jurisdictions, or countries, in consultation, to visit specified patients in the District of Columbia or to give demonstrations or clinics under the auspices and for the members of an incorporated organization made up of licensed practitioners of the healing art in the District of Columbia; nor (c) to practitioners licensed to practice their respective callings in States and Territories, and in other jurisdictions forming a part of the United States, or in foreign countries, and called from such States, Territories, jurisdictions, or countries to visit, on their own behalf and not in consultation, specified patients in the District of Columbia: *Provided*, That all practitioners claiming exemption under the provisions of this section, except those called into the District of Columbia on consultations only, shall file with the commission, in such manner as the commission may prescribe, evidence of their right to such exemption. Upon proof of that right, to the satisfaction of the commission, the commission shall enter the name of the applicant in a register kept for that purpose and shall issue to the applicant a certificate in evidence of such registration.

SEC. 43. The provisions of this act shall not be construed to apply to (a) the treatment of any case of actual emergency; or (b) to the practice of massage, or dietetics, or the use of hygienic measures, for the relief of disease or to the practice of any other form of physiotherapy for the relief of disease, or to the practice of X-ray or laboratory technicians, under the direction of a person licensed to practice the healing art in the District of Columbia: *Provided*, That clinical and radiographic laboratories in operation within the District of Columbia January 1, 1928, may continue to so operate under the provisions of this act; or (c) to the use of ordinary hygienic, dietetic, or domestic remedies: *Provided*, That such use is not in violation of the provisions of sections 1 and 2 of this act; or (d) to persons treating human ailments by prayer or spiritual means, as an exercise or enjoyment of religious freedom: *Provided*, That the laws, rules, and regulations relating to communicable diseases and sanitary matters are not violated; or (e) to the sale, manufacture, or advertising of drugs and medicines: *Provided*, That the vendor, maker, or advertiser, refrains from any attempt to diagnose: *Provided*, That it shall not be necessary to negative any of the aforesaid exemptions in any prosecution brought under this act, but the burden of proof of any such exemption shall be on the defendant.

SEC. 44. All money payable under the provisions of this act shall be paid to the collector of taxes of the District of Columbia and be by him deposited as a special fund to the credit of the commission. The commission shall pay from such fund all of the expenses of carrying this act into effect, except such as may be incident to criminal prosecutions and to supervision and investigation with a view to criminal prosecution, the cost of which shall be paid from appropriations in the same manner as the expenses of other criminal prosecutions and supervisory work and investigations incident thereto are paid. Payments by the commission shall be made by check, signed by the president and treasurer of the commission. Members of the several examining boards and all officers and employees of the commission shall be paid at such rates as the commission deems proper.

SEC. 45. As soon as practicable after the approval of this act the Board of Medical Supervisors of the District of Columbia, the Board of Medical Examiners of said District, the Board of Homeopathic Medical Examiners, and the Board of Eclectic Medical Examiners shall deliver to the Commission on Licensure to Practice the Healing Art in the District of Columbia all records and property in their possession, respectively. The Board of Medical Supervisors of the District of Columbia shall transfer to said commission all money remaining to the credit of said board after the payment in full of all outstanding obligations against it; and the money so transferred may be used by the commission to defray the expenses of carrying this act into effect in the same manner as other money coming into the custody of the commission is used for that purpose.

SEC. 46. It shall be the duty of the Commissioners of the District of Columbia and of the major and superintendent of police of said District to enforce the provisions of this act. Criminal prosecution shall be conducted by the United States district attorney for the District of Columbia. Proceedings looking toward the suspension or revocation of licenses or registration and toward the issue of injunctions, under the provisions of this act, shall be conducted by said United States district attorney when instituted on behalf of the commission, and by the corporation counsel for the District of Columbia when instituted on behalf of the commissioners of said District or by the major and superintendent of police of said District.

SEC. 47. The commission shall report annually to Congress, on the first Monday in December, its proceedings under the provisions of this act during the next preceding fiscal year, with recommendations for such further legislation as may be necessary to protect the people of the District of Columbia from ignorance and quackery in the practice of the healing art in said District.

SEC. 48. This act may be cited as the "Healing arts practice act, District of Columbia, 1928."

SEC. 49. Matters pending before the Board of Medical Supervisors of the District of Columbia at the time of the approval of this act shall be disposed of by the commission in accordance with the provisions of this act, unless in the judgment of the commission it would be unjust or oppressive so to do; any matter, which in the judgment of the commission, it would be unjust or oppressive so to dispose of, may be disposed of by the commission, in so far as may be practicable, in accordance with the provisions of the law in force when the matter first came before the Board of Medical Supervisors. Criminal prosecutions may be instituted and, if instituted at the time of the approval of this act, may be continued, and penalties may be imposed, under the provisions of the law in force at the time of the alleged offense, notwithstanding the passage of this act. Except as provided above, all laws contrary to this act or inconsistent therewith are hereby repealed.

During the reading of the bill the following occurred:

Mr. BLANTON. Mr. Speaker, will the Chair permit a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. BLANTON. There are several Members here who say they want to speak on this bill. They overlooked the time for asking to be recognized and their only chance now would be to move to strike out the last word. Is not that correct?

The SPEAKER. This is a House Calendar bill. The gentleman from Maryland, in charge of the bill, is entitled to one hour, during which he can move the previous question.

Mr. BLANTON. Then they would have to be yielded time by the gentleman from Maryland?

Mr. ZIHLMAN. I will yield time. Mr. Speaker, I ask unanimous consent that the further reading of the bill be dispensed with. It is a very long bill.

Mr. SCHAFER. Mr. Speaker, I do not think we should rush through a bill of this importance.

Mr. TILSON. Mr. Speaker, this is the only chance for reading the bill, is it not? It will not be read again.

The SPEAKER. Unless consent is granted the bill must be read in its entirety.

Mr. TILSON. If it is not read in its entirety now, it will not be read at all. It will not be read for amendment under the 5-minute rule as Union Calendar bills are read, so if it is to be read at all it must be read now.

Mr. JOHNSON of Texas. If it is not to be read for amendment under the 5-minute rule, when would it be proper to offer an amendment?

Mr. TILSON. When the gentleman from Maryland yields the floor, yields for the purpose of permitting an amendment to be offered, or when the previous question which he will probably demand is refused, will be the only opportunity for amending the bill.

The SPEAKER. Amendments are not in order until the bill is completely read.

The Clerk concluded the reading of the bill.

The SPEAKER. The gentleman from Maryland is recognized for one hour.

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentlewoman from Kentucky [Mrs. LANGLEY] for the purpose of offering an amendment.

The SPEAKER. Does the gentleman yield the floor?

Mr. ZIHLMAN. No; I do not.

The SPEAKER. The gentleman can not yield for the purpose of permitting a Member to offer an amendment unless he desires to yield his right to the floor.

Mr. ZIHLMAN. Mr. Speaker, a parliamentary inquiry. May I ask whether under the rules it is in order to yield five minutes to the gentlewoman from Kentucky in order to permit her to speak on her amendment?

Mr. BANKHEAD. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. BANKHEAD. Mr. Speaker, there are two amendments, as I understand it, which the gentleman from Maryland has very kindly consented to have offered. I would like to ask if it would be proper to ask unanimous consent that the gentleman

from Maryland yield five minutes to the gentlewoman from Kentucky and five minutes to the gentleman from Texas [Mr. JOHNSON] for the purpose of offering amendments without losing the floor?

The SPEAKER. The Chair thinks that could be done by unanimous consent.

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland, in charge of the bill, may be permitted to yield five minutes to the gentlewoman from Kentucky [Mrs. LANGLEY] and five minutes to the gentleman from Texas [Mr. JOHNSON] for the purpose of offering amendments to the bill without losing the floor.

Mr. LETTS. Will the gentleman include in his request that I be given an opportunity to present two amendments which I have?

Mr. BANKHEAD. I did not have that in mind. Has the gentleman from Iowa consulted with the chairman of the committee about that?

Mr. LETTS. I have.

Mr. BANKHEAD. Is it agreeable to the chairman?

Mr. ZIHLMAN. I will say to the gentleman from Alabama that the amendments proposed by the gentleman are lengthy. This is a technical subject, with which I am not very familiar, and I can not take the responsibility of saying that those amendments are acceptable to the committee.

Mr. BANKHEAD. I want to state that so far as I know there is no general opposition to this bill and no disposition to preclude a decision to-day.

Mr. LETTS. I will say to the gentleman from Maryland that I would be satisfied with two minutes.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the gentleman from Maryland may yield five minutes to the gentlewoman from Kentucky and five minutes to the gentleman from Texas to offer amendments without yielding the floor.

Mr. BANKHEAD. And five minutes to the gentleman from Iowa.

The SPEAKER. And five minutes to the gentleman from Iowa. Is there objection?

There was no objection.

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentlewoman from Kentucky [Mrs. LANGLEY].

Mrs. LANGLEY. Mr. Speaker, I offer an amendment which I send to the Clerk's desk.

The SPEAKER. The gentlewoman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mrs. LANGLEY: After the word "chiropractic," page 7, line 6, insert a semicolon and the following: "And (d) a board of examiners in naturopathy."

Mrs. LANGLEY. Mr. Speaker and colleagues, on behalf of this amendment and in explanation of it I would like to state that these naturopathists are a group of medical men and women who are engaged in healing through nature's way. They serve their patients with hot-oil rubs and hot salts and violet rays, and besides this, use fruit and vegetable diets, a very simple treatment. A naturopath studies the basic sciences, anatomy, physiology, chemistry, neurology, pathology, and chiropractic adjustments, comprising a course of three years and nine months each. Generally, an additional clinical course is taken.

I personally have known many who have been helped wonderfully by this treatment. I feel that in justice to them, as they were not present when this bill was prepared, it would be proper to allow them the privilege of having a board of examiners appointed to see if they are proper to operate in the District of Columbia. [Applause.]

The SPEAKER. The question is on agreeing to the amendment of the gentlewoman from Kentucky.

The question was taken; and on a division (demanded by Mr. SCHAFER) there were—ayes 31, noes 19.

So the amendment was agreed to.

Mr. ZIHLMAN. Mr. Speaker, a parliamentary inquiry. Is it correct that all of these amendments, under the unanimous consent just granted, must be offered and voted upon now without any debate?

The SPEAKER. The gentleman, of course, has control of the time for debate.

Mr. LAGUARDIA. The gentleman wanted to yield time to me on the amendment just adopted.

Mr. ZIHLMAN. Mr. Speaker, I would like to yield at this time 10 minutes to the gentleman from West Virginia [Mr. BOWMAN], who is the chairman of the subcommittee that reported the legislation, and then have the amendment of the gentleman from Texas [Mr. JOHNSON] offered afterwards, if that is permissible.

The SPEAKER. The gentleman from Maryland is in complete control of the situation.

Mr. ZIHLMAN. I yield 10 minutes to the gentleman from West Virginia [Mr. BOWMAN], chairman of the subcommittee that reported this proposed legislation.

Mr. BOWMAN. Mr. Speaker and Members of the House, in the consideration of the bill (S. 3936) it is necessary that we have the historical background of this proposed legislation.

In 1819, by an act of Congress, the Medical Society of the District of Columbia was incorporated. This act was amended by Congress in 1838. In 1870 the Homeopathic Medical Society was incorporated, and in 1893 the Eclectic Medical Society was incorporated. Both of these societies were incorporated by act of Congress. In 1896 the Congress of the United States passed a composite medical bill placing all of these various medical interests and professions under one supervisory board, with three subboards to deal with the special professions regulated by the board.

However, this last-named act failed to include a definition of medicine and surgery, and in a later decision by the Supreme Court of the District of Columbia the court restricted the application of that particular act to those prescribing medicine and employing operative surgery.

This decision of the supreme court opened the floodgates to the District of Columbia and permitted every man and woman who did not employ operative surgery and did not prescribe drugs to come into the District of Columbia and practice their own professions of various cults of the healing art. This is the reason that the District of Columbia is fertile ground for diploma mills. There are no laws regulating this appalling condition; and, consequently, unscrupulous drugless healers set up their own institutions and graduate their own members and permit them to practice upon the people in the District of Columbia without legal restraint. The Congress of the United States is responsible for this deplorable condition.

The bill under consideration is in nowise discriminatory. It is most lenient in all its provisions. It offers no objections to any method of the healing art; but it does exact from every practitioner of every art of healing such qualifications as will protect the public from medical quacks and professional charlatans. It defends no cult, nor does it offer any criticism of the various methods of the healing art; but it does demand that all methods of the healing art in the District of Columbia shall be ministered by competent and experienced practitioners. It advocates no one profession. It seeks to bring all the various cults and arts of healing within the jurisdiction of just laws and prevents the practicing of fraud and deception upon more than 500,000 people in the District of Columbia.

This bill is a composite bill. It was introduced in the United States Senate by Senator COPELAND, and a similar bill was introduced in the House of Representatives by myself. The bill in the Senate passed with a minor amendment, and subsequently it came to the House of Representatives, at the beginning of the second session of the Seventieth Congress, and was referred to the District of Columbia Committee of the House, which committee reported the bill unanimously.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BOWMAN. I yield.

Mr. LAGUARDIA. If the gentleman is proud of his bill, he ought to defend it and not permit such an amendment as was just enacted.

Mr. BOWMAN. Let me say to the gentleman from New York that that amendment was due entirely to a misunderstanding. The chairman of the District Committee and myself both interpreted the ruling of the Chair to be that all amendments should be introduced at once before voting on them.

Mr. LAGUARDIA. It does not help the bill any now.

Mr. BOWMAN. This bill provides a commission on licensure. It is a committee to license candidates for practice of the healing art in the District of Columbia. It provides that that commission shall be composed of the president of the board of commissioners, the United States Commissioner of Education, the United States district attorney of the District of Columbia, the superintendent of public schools, and the health officer of the District of Columbia.

When a party makes application to practice the healing art in the District of Columbia he must make application to this commission on licensure. This commission refers him to the board of examiners in the basic sciences, which board determines the applicant's fitness and qualifications in the basic sciences of anatomy, physiology, chemistry, bacteriology, pathology, and also his qualifications for diagnosing diseases and methods of effecting and perfecting quarantine against

contagion. The applicant is then passed for examination and qualification before a board dealing with his particular method of the healing art.

Mr. SIROVICH. Will the gentleman yield?

Mr. BOWMAN. I yield.

Mr. SIROVICH. Will the gentleman let me know if the academic qualifications of the men and women are the same as the practicing physician?

Mr. BOWMAN. Yes; that is the very object of the bill. It is to require all of those who expect to practice the healing art in the District of Columbia to be well versed in the basic sciences.

Mr. SIROVICH. The gentleman does not answer my question. My question is, When a man completes the study of medicine he has to have certain academic qualifications before the law permits him to practice. Will the same qualifications that are applied to the man or woman that wants to study be applied to the others?

Mr. BOWMAN. They will after 1935.

Mr. SIROVICH. You are going to open the floodgates to them until then?

Mr. BOWMAN. All the floodgates are now open to unscrupulous and incompetent practitioners because of the lack of law.

Mr. SCHAFER. Will the gentleman yield?

Mr. BOWMAN. I yield.

Mr. SCHAFER. Why not amend the bill so that you will discontinue the practice of these 60-day diploma-mill practitioners? Why give them a status by enacting this bill?

Mr. BOWMAN. If other practitioners can qualify under the bill on the same identical basis of the medical profession, why not let them? You can not say that there is no virtue in chiropractics.

The SPEAKER. The Chair desires to say that occupants of the gallery should not manifest their approval or disapproval.

Mr. ANDRESEN. Several boards are provided for in section 8. Will the personnel of those boards be practitioners here?

Mr. BOWMAN. Yes. In other words, before anyone can take this examination before the board of chiropractic examiners, which board regulates the rules of that particular profession in the healing art, it will be necessary for him to pass and show his qualifications in the basic sciences just as every physician or doctor is required to do. It is manifestly unfair to the chiropractor, the naturopath, or any other profession of the healing arts to go before a board of medical supervisors and pass an examination on the methods and systems in which they have been trained and schooled.

The SPEAKER. The time of the gentleman from West Virginia has expired.

Mr. ZIHLMAN. Mr. Speaker, I yield five additional minutes to the gentleman from West Virginia.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. BOWMAN. Yes.

Mr. ABERNETHY. And what happens between now and 1935 in the District?

Mr. BOWMAN. If this bill passes within 90 days after its passage, every practicing physician, whether he is a medical man, an osteopath, or a chiropractor, or what not, must submit his application to the commission on licensure, and then he must show before the committee of his own profession his qualification for practicing the method which he advocates.

Mr. LINTHICUM. Suppose a chiropractor submits an application, who is to examine him? Will he be examined by chiropractors or by medical doctors?

Mr. BOWMAN. By chiropractors, after he has qualified under the basic sciences.

Mr. W. T. FITZGERALD. Is not this examining board to be composed of one chiropractor, one osteopath, one medical man, and one literary man?

Mr. BOWMAN. Is the gentleman talking about the commission on licensure?

Mr. W. T. FITZGERALD. Yes. What will constitute that?

Mr. BOWMAN. That is definitely established by this act. It provides that the president of the board of commissioners, United States Commissioner of Education, United States district attorney for the District of Columbia, the superintendent of schools, and the health officer of the District of Columbia shall compose that board. This bill is practically generous.

Mr. SIROVICH. Mr. Speaker, will the gentleman yield?

Mr. BOWMAN. Yes.

Mr. SIROVICH. Will the gentleman please tell me what medical knowledge the president of the Board of Education has, or the district attorney, or these others he mentions? Would the gentleman like to have doctors appointed to investigate lawyers?

Mr. BOWMAN. If the gentleman had read this bill, he would understand this board has nothing to do with the examination, that this board is simply a supervisory board. It is a board of control, and, consequently, when a party makes application for a license to practice the healing art in the District of Columbia he is certified to the committee on basic sciences, and upon a proper certificate from the basic science committee the board is then ready to act upon his application provided he successfully passes the tests of the examining board of his own professional methods.

Mr SCHAFER. Who makes appointments to this board that conducts the examination and passes on the qualifications of the different cults?

Mr. BOWMAN. The committee in licensure.

Mr. SCHAFER. There are no medical officers on that committee. Does not the gentleman think that when you select examining boards you should have somebody on the committee that does the selecting who has knowledge of the work that these examining boards are to perform—that is, knowledge of chiropractic or medicine?

Mr. BOWMAN. No; because this committee on licensure has nothing to do with the various methods or professions. It is simply created as a supervisory commission, and, consequently, when an applicant makes application for the right to practice medicine in the District of Columbia, he presents his application to this commission, and the commission, after satisfactory proofs of his qualifications in the basic sciences, refers him to a separate and distinct committee of medical men—I am not talking about the medical profession—for further examination in the profession he wishes to follow.

The SPEAKER. The time of the gentleman from West Virginia has again expired.

Mr. ZIHLMAN. Mr. Speaker, how much time has been consumed?

The SPEAKER. The gentleman has consumed 20 minutes.

Mr. ZIHLMAN. I yield five minutes more to the gentleman from West Virginia.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. BOWMAN. Yes.

Mr. LINTHICUM. We have a very good chiropractic law in Maryland. Suppose one of our men who is qualified under our law comes down here and asks the privilege of practicing?

Mr. BOWMAN. Reciprocity is provided in the bill.

Mr. DALLINGER. Mr. Speaker, will the gentleman yield?

Mr. BOWMAN. Yes.

Mr. DALLINGER. Inadvertently is there not a contradiction in this bill? In section 2 it is provided that no person shall practice the healing art who is not licensed or exempted by section 42. In section 43 certain exemptions are made. Should you not add section 43 in line 24, on page 3?

Mr. BOWMAN. Mr. Speaker, I hardly think the gentleman's suggestion is pertinent. However, I shall not object to an amendment of that nature, if a mistake has been made.

Mr. DALLINGER. I do not see how the massage and the Christian Science people who are exempted in section 43 can practice under section 42. It is intended apparently to exempt them, but in section 2 it is provided that no one shall practice unless exempted in section 42, and then under section 43 the massage people and the Christian Scientists are mentioned as being exempted. In order to have the bill consistent, it seems to me in section 2 you ought to add also section 43.

Mr. BOWMAN. Under the circumstances I shall not object to an amendment of that character if there has been a mistake.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. BOWMAN. Yes.

Mr. LAGUARDIA. Would a chiropractor have to qualify in the basic sciences of anatomy, physiology, chemistry, bacteriology, and pathology?

Mr. BOWMAN. Absolutely.

Mr. LAGUARDIA. And this will prevent a chiropractor from prescribing medicine and performing operations with an instrument?

Mr. BOWMAN. Yes.

Mr. LAGUARDIA. That is specifically provided?

Mr. BOWMAN. Yes.

Mr. CROSSER. Mr. Speaker, will the gentleman yield?

Mr. BOWMAN. Yes.

Mr. CROSSER. I understand the gentleman to say that this committee on licensure is nothing more than a receiving board. What does the language in section 5 mean—

> The commission shall establish minimum standards of preprofessional and professional education in the healing art.

If you give me that power, I can disqualify anyone I see fit, if I make the standards to suit myself.

Mr. BOWMAN. That is very true.

Mr. CROSSER. In the last analysis this is to give them the right to practice their——

Mr. BOWMAN. Possibly that is so, but there ought to be some power in the District of Columbia to prevent and prohibit——

Mr. CROSSER. It is a very dangerous power to give people who have no scientific knowledge.

Mr. IRWIN. Will the gentleman yield?

Mr. BOWMAN. I will.

Mr. IRWIN. Is it not a fact at the present time in the District of Columbia there is no restriction on people coming in—blacksmiths, plumbers, or anybody else—and practice some cult?

Mr. BOWMAN. There are no restrictions whatever.

Gentlemen, just a few years ago there was a certain school of a recognized cult organized in the District of Columbia which graduated 30 graduates in three days. These doctors are parading themselves in the District of Columbia as doctors, physicians, and surgeons, and when any member of your family is sick or you are sick, you are expected to call in some one who is responsible, some one with experience, some one who can diagnose your symptoms, and tell you what is wrong.

Mr. ABERNETHY. And this is an attempt to regulate that crowd.

Mr. BOWMAN. Absolutely.

Mr. SCHAFER. Will the gentleman yield?

Mr. BOWMAN. I will.

Mr. SCHAFER. Can the gentleman point out the provision in this law whereby these quack doctors can be eliminated?

Mr. BOWMAN. Certainly. Every one of them within 90 days after the passage of this law must make application to this board or commission of licensure in order to be relicensed. They must pass the rigid requirements of the bill.

The SPEAKER. The time of the gentleman has again expired.

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Speaker, this bill is not perfection but it is much better than anything at present in the District of Columbia. It is an absolute necessity for the protection of the people of the District of Columbia and the stranger within our gates. I realize this because I have had a more heart-rending, harrowing experience, probably, than any other Member of this body. A year ago about this time my daughter and little grandchild came here to visit me for one week. The day after her arrival the little girl, who had been apparently well and enjoying good health, was stricken with a convulsion.

The frantic mother rushed to the telephone and called for a doctor. A doctor was summoned by the telephone operator and responded promptly to the call. The child went from one convulsion to another, and I saw the doctor injecting some kind of a drug into that child. I knew that was wrong, though I had no knowledge of medicine or surgery. I immediately made inquiry for the best children's doctor I could get and was referred to a specialist by one of our colleagues in the city of Washington. The doctor first called diagnosed the case as congestion of the bowels. He maintained all that was needed was an enema and a dose of castor oil. The child specialist examined the child eight hours later and declared that she had spinal meningitis. If I had not had friends in Washington to whom I could appeal for advice that little child would no longer be in the land of the living, because 24 hours under wrong treatment she would have died.

That child is worthy of an experiment, if it be an experiment. Those of you who have no more knowledge of medical practice or surgery than I and have criticized or ridiculed this bill tell me, What have you got to offer that is better?

The State of Massachusetts, when I was a member of the legislature 25 years ago, went through this very experience. We had to make concessions at that time. New York had to go through a similar experience. They could not get perfection at once, but in those two States now any one of you can be sure that medical treatment will be afforded by an expert practitioner in his profession and not a man called doctor who has little or no knowledge or experience in medical or surgical science.

Gentlemen, it has been the habit of this House, I am sorry to say, in the last eight years to discredit the Committee on the District of Columbia. We are no better and no worse than all the rest of you; we are doing the best we can for the District, and you ought to help instead of throwing obstacles in our way when we present proposed legislation affecting the health and life of yourself, your family, and your constituents—those you love and those you know.

Mr. LAGUARDIA. The gentleman wants to resist amendments intended to perfect the bill.

Mr. UNDERHILL. Oh, the amendment might not have been adopted if it had not been for the misunderstanding. I was ready to take the floor. Some of you, if you have friends interested in sun worship, could get them exemption if you had an able, popular, charming, and delightful lady to present the amendment, but if some mere man should present it I doubt if it would have had so nearly unanimous a reception.

Mr. PEERY. Mr. Speaker, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. PEERY. Has this bill the indorsement of the Medical Society?

Mr. UNDERHILL. Yes. It has the indorsement of all the medical societies. It has the indorsement of the finest physicians that it was ever my privilege to meet.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. ABERNETHY. I am just wondering if we are not letting too many in. There are 43.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. UNDERHILL. May I have just a few minutes more?

Mr. ZIHLMAN. I yield to the gentleman three additional minutes.

Mr. UNDERHILL. This bill, as I have tried to explain, is a compromise. All legislation is a species of compromise. We had to compromise in order to get anything.

Mr. ABERNETHY. How many are in?

Mr. UNDERHILL. I do not know. But I do know this: This bill takes care of the future. We have got to stumble along perhaps for a while under the same intolerable conditions that have existed for too long.

Mr. ABERNETHY. We have got one here, called "blood washer." How about that?

Mr. UNDERHILL. This bill is as near perfect as we can get it. I urge you to refuse all amendments that may be offered on the floor, send this bill to the Senate, and let it become a law, because otherwise you postpone again legislation of great moment and make it more difficult to secure necessary protection for the District.

Mr. W. T. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. W. T. FITZGERALD. Of course we want to be careful what we do. The bill is not as satisfactory as could be desired, as many medical men here will testify. We have a similar bill in Ohio. This is a bill that constitutes a seed, a nucleus, a germ that will produce and provide for something better hereafter.

Mr. UNDERHILL. I hope you gentlemen will take advice from a professional medical Member.

Mr. W. T. FITZGERALD. This bill is not perfect, but it is as perfect as we can put over.

Mr. SCHAFER. What part of the bill will prevent from practicing such a fake doctor as was mentioned by the gentleman from Massachusetts [Mr. UNDERHILL]?

Mr. UNDERHILL. What have you to offer in place of this?

Mr. SCHAFER. He would be legalized because he had been practicing, and he would be declared qualified as one having passed the examination.

Mr. UNDERHILL. He would not come in under that at all.

Mr. ZIHLMAN. Mr. Speaker, under the unanimous-consent agreement, I yield five minutes to the gentleman from Texas [Mr. JOHNSON] for the purpose of offering an amendment which he desires to offer.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Texas: Page 38, line 12, after the letters "dom" and before the colon, insert "or by the clystertory treatment."

Mr. JOHNSON of Texas. Mr. Speaker, the clystertory treatment which this amendment would permit to be practiced in the District of Columbia was originated by a most estimable lady, Mrs. Emma H. Townsend, who lives in Corsicana, Tex., my home city. She has lived there for many years and for more than 25 years has successfully used this method of treatment.

No drugs or medicines of any kind are used; as the word implies, it consists in the main of internal baths. Nothing is done that could be harmful to those who are treated by this method. I understand that thousands of persons have been materially benefited by its use.

The method has been recognized in other States, and Mrs. Townsend has received commendation from eminent medical men in different parts of the United States.

Mr. UNDERHILL. Will the gentleman yield?

Mr. JOHNSON of Texas. Yes.

Mr. UNDERHILL. That was the very treatment prescribed by a fake doctor for my granddaughter.

Mr. JOHNSON of Texas. I yield for a question but not for a speech.

Mr. UNDERHILL. I was going to ask the gentleman if that doctor lives in the gentleman's district.

Mr. JOHNSON of Texas. The only person in my district who practices this treatment is Mrs. Townsend, and she is a lady of very high standing. There is a lady who lives in the District of Columbia who practices this method, and she learned it from Mrs. Townsend when she lived in Corsicana many years ago.

Mr. W. T. FITZGERALD. Will the gentleman yield?

Mr. JOHNSON of Texas. Yes.

Mr. W. T. FITZGERALD. That treatment is used by every physician and every family in the United States.

Mr. JOHNSON of Texas. The Townsend method is more effective than that of the ordinary treatment of this kind, but if the gentleman is right, then why deny the right to this lady of using it, when she has used it successfully in saving life?

Mr. W. T. FITZGERALD. The bill does not deny that right.

Mr. JOHNSON of Texas. Well, this makes it clear that she has that right. She may have it anyway, but this removes all doubt as to the right to use this means of treatment.

Mr. SIROVICH. Will the gentleman yield?

Mr. JOHNSON of Texas. Yes.

Mr. SIROVICH. The gentleman just made the statement that it could not do any harm. Suppose a child was suffering from intussusception and she did what the gentleman says. What does the gentleman think would happen?

Mr. JOHNSON of Texas. I am not familiar with the medical terms used by the gentleman, but in my judgment the child would die anyway if it had a disease like that. [Laughter.]

Mr. SIROVICH. I think the gentleman ought to know more about these things before he undertakes to testify.

Mr. JOHNSON of Texas. I am not a medical expert or a physician, and my knowledge of medical terms is limited.

Mr. BANKHEAD. Will the gentleman yield?

Mr. JOHNSON of Texas. Yes.

Mr. BANKHEAD. Do I understand that the gentleman from Texas has had personal knowledge with reference to the effect of this treatment?

Mr. JOHNSON of Texas. I have this knowledge as to a member of my household, my little girl, who was sick for quite a while some years ago. Mrs. Townsend gave her this method of treatment and I think she was greatly benefited by it.

Mr. BANKHEAD. And what the gentleman has said is based on a rather large practice in the vicinity of the gentleman's home?

Mr. JOHNSON of Texas. Yes. It has been practiced by Mrs. Townsend for many years.

Mr. BANKHEAD. With success?

Mr. JOHNSON of Texas. Yes.

Mr. BOWMAN. Will the gentleman yield?

Mr. JOHNSON of Texas. Yes.

Mr. BOWMAN. How many practitioners does this cover?

Mr. JOHNSON of Texas. I could not inform the gentleman about that.

Mr. BOWMAN. How many does the gentleman think?

Mr. JOHNSON of Texas. I am not personally acquainted with the practitioners, but I know the originator, Mrs. Townsend, and I know of one party, Miss Davis, who is practicing it in the District of Columbia, but I do not know the others.

Mr. ALMON. Will the gentleman yield?

Mr. JOHNSON of Texas. Yes.

Mr. ALMON. I want to say that Miss Susan L. Davis is a most estimable lady.

Mr. JOHNSON of Texas. She comes from the gentleman's district in Alabama.

Mr. ALMON. She has restored to health and happiness thousands and thousands of men and women, and I have never heard of a single complaint against her treatment. This amendment ought to be adopted, and I hope my friends will vote for it.

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. LETTS], who desires to offer an amendment.

The SPEAKER. The Chair thinks that before the gentleman from Iowa offers his amendment a vote should be had on the amendment just presented.

The question was taken; and on a division (demanded by Mr. ZIHLMAN) there were—ayes 40, noes 26.

So the amendment was agreed to.

Mr. ZIHLMAN. Mr. Speaker, I now yield five minutes to the gentleman from Iowa.

Mr. LETTS. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LETTS: Page 25, following line 9, strike out lines 10 to 20 and insert the following:

"Any person who was engaged in the practice of chiropractic in the District of Columbia on or before January 1, 1928, may deliver to the commission, within 90 days after the approval of this act, a written application for a license to practice chiropractic in the District of Columbia, together with satisfactory proof that the applicant is not less than 21 years of age and of good moral character, and had previously obtained a diploma from some legally incorporated school or college of chiropractic, and had been actively engaged in the practice of chiropractic for the past 10 years, or had previously obtained a diploma from some legally incorporated school or college of chiropractic recognized by the International Congress of Chiropractic Examining Boards."

Mr. LETTS. Mr. Speaker, I offer another amendment.

The SPEAKER. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LETTS: On page 28, following line 4, insert the following:

"An applicant who desires to obtain a license to practice chiropractic without examination, by virtue of a license issued to him by a State, Territory, or other jurisdiction forming a part of the United States, who shall submit proof that he has already obtained a license under an examining board recognized by the International Congress of Chiropractic Examining Boards, shall also be entitled thereby to a license to practice chiropractic in the District of Columbia.

Mr. LETTS. Mr. Speaker, these amendments are designed to insure a better service to the public on the part of those who practice chiropractic. There are now about 30 States that have legally constituted chiropractic examining boards. They have formed themselves into a voluntary association known as the International College of Chiropractic Examining Boards. The deliberations of this congress are conducted by the duly accredited representatives of the various State boards and the purpose back of the movement is to tighten up this thing so that those who hold themselves out to practice chiropractic shall be qualified by suitable education in some accredited institution.

So the amendments I have offered simply relate to the manner of obtaining licenses here in the District of Columbia based upon service, which is made in this amendment 10 years where there is no diploma and where there is no license from another State, and provides that where a license from some other State or Territory is relied upon, it must come from some State that has an accredited licensing board.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. LETTS. Yes. I yield to the gentleman from Maryland.

Mr. LINTHICUM. Are not these, substantially, the same rights that are now given to the osteopaths under the bill?

Mr. LETTS. I believe it to be exactly so.

Mr. ANDRESEN rose.

Mr. BOWMAN. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER. The gentleman is not entitled to the floor except by the consent of the gentleman from Maryland [Mr. ZIHLMAN].

Mr. ZIHLMAN. Mr. Speaker, I yield two additional minutes to the gentleman from Iowa [Mr. LETTS].

Mr. LETTS. I yield to the gentleman from Minnesota.

Mr. ANDRESEN. Do I understand that if a person has practiced in the District for 10 years, but has no diploma, he will be entitled to practice chiropractic?

Mr. LETTS. Yes; and I think, perhaps, if he can show that he has practiced chiropractic anywhere.

Mr. ANDRESEN. But if he has a diploma and has practiced here for one year, then he may practice under the provisions of the gentleman's amendment?

Mr. LETTS. Yes; but my amendment would require that the diploma must come from some accredited school, some school that is recognized by the International College.

Mr. UNDERHILL. Will the gentleman yield to listen to this language in the bill?

Mr. LETTS. I yield.

Mr. UNDERHILL (reading):

Any person who was engaged in the practice of chiropractic in the District of Columbia on or before January 1, 1928, may deliver to the commission, within 90 days after the approval of this act, a written application for license to practice chiropractic in the District of Columbia, together with satisfactory proof that the applicant is not less than 21 years of age and of good moral character, and had previously obtained a diploma from some legally chartered or incorporated and duly established school or college of chiropractic and was actually engaged in the practice of chiropractic in said District on January 1, 1928.

The gentleman's amendment is in this section word for word.

Mr. LINTHICUM. That refers to the application and not the right to practice. That provides that the application must state that but does not give him the right to practice.

Mr. LETTS. No; that is not the language of my amendment. I think the gentleman will see that I am not injuring the bill. I think I am making it a better bill.

Mr. BOWMAN. Will the gentleman yield?

Mr. LETTS. Yes; I yield to the gentleman from West Virginia.

Mr. BOWMAN. Does the gentleman understand that the Chiropractic Society of the District of Columbia has approved this bill?

Mr. LETTS. I understand they have approved it. I also have been led to understand that they would be glad to have this further safeguard which I am seeking to put in the bill, which will tend to insure a better and a more intelligent service on the part of those who will hereafter practice chiropractic in the District of Columbia.

The SPEAKER. The time of the gentleman from Iowa has expired.

The question is on the amendment offered by the gentleman from Iowa [Mr. LETTS].

The question was taken; and on a division (demanded by Mr. LINTHICUM) there were 17 ayes and 19 noes.

So the amendment was rejected.

Mr. ZIHLMAN. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. SIROVICH].

Mr. SIROVICH. Mr. Speaker, ladies, and gentlemen, if you analyze the history of medicine from ancient down to modern times, you will invariably find the name of some great doctor who has contributed his genius to the betterment of humanity.

As you call the roll of the benefactors of mankind there in panoramic fashion before you, you will be dazzled by the scientific genius of names that have become immortal through the ages. Where are there names in any line of endeavor that are comparable to Hippocrates, the founder of medicine; to his great disciple, Galen; to the genius of Maimonides; to the brilliant William Harvey, the discoverer of the circulation of the blood; to that great public benefator, Edward Jenner, who discovered the principle of vaccination; and above all, to William Morton, who gave the benefits of anaesthesia to mankind.

In the hall of fame where men pay their tribute and homage to genius and talent, where are there names that can match in glory, accomplishment, and fame that wizard of the nineteenth century, Pasteur, or the brilliancy of Germany's great biochemist, Ehrlich, or the magnificent contribution of the great English Lord Lister on the principle of sepsis that has saved so many millions of lives throughout the world?

On the heavenly canopy that looks over America, the land of liberty and opportunity, there shines in resplendant glory the genius of four great Americans: Dr. Alexis Carrel, the winner of the Nobel Prize; the brilliancy of Nippon's favorite son, Hideyo Noguchi; Dr. Simon Flexner, the illustrious director of the Rockefeller Institute; and last but not least, the martyred Dr. Louis Goldberger, the distinguished scientist who from the microscope of science forced nature to reveal the secrets and mystery that surrounded the causation of pellagra, and paid the penalty of this triumphal success with his own death. [Applause.]

If this bill that is now before the House permits ignorant, illiterate people to be licensed by the Congress of the United States to practice medicine without any preliminary education or culture or training, the lives of these great scientists will have been spent in vain.

Mr. Speaker, ladies, and gentlemen, I am in favor of letting anyone practice any cult they may be interested in, provided they have the same qualifications in education and in culture that a regular medical man must possess in every State of the Union in order to practice medicine.

Let these men and women be conversant with every branch of scientific medicine and then after they have obtained their doctor's degree, let them practice any specialty or cult they may be interested in. I contend that there is not a treatment that any disciple of any cult is interested in that can not be found in the armamenterium of modern, scientific medicine.

Through the enactment of this bill you will open the floodgates of the District of Columbia up to the year 1935 to an army of half-baked quacks who will fill the cemeteries of Washington with innocent victims of whom you men who vote for the bill will be the undertakers.

Mr. SCHAFER. Will the gentleman yield?

Mr. SIROVICH. Not now; a little later. The amendments that have been introduced to this bill that would license all these charletans, pretenders, quacks, and half-baked theorists who are obsessed with the delusion that they can cure all the ills of humanity through enemas, through blood washing, through air, through water, through electricity, through the sun and moon and planets, and the rubbing of oil is a sad and tragic commentary to me and to the intelligence of the membership of this historic forum.

Mr. HOLADAY. Mr. Speaker, will the gentleman yield for a question?

Mr. SIROVICH. I yield to the distinguished gentleman.

Mr. HOLADAY. Under this bill, it will be possible to appoint 45 different boards for various sects or cults mentioned on page 5 of the report. Can the gentleman give us some information with reference to those various cults?

Mr. SIROVICH. Will the gentleman just read them off to me. I just came in from New York and have not had a chance to even read the bill.

Mr. ABERNETHY. One of them is called blood washers.

Mr. SIROVICH. What else.

Mr. HOLADAY. I can not read them. But I will hand the report to the gentleman.

Mr. SIROVICH. I shall take them as they come along. Since I arrived I have not had time to read the bill. I don't know all of its provisions. First we have here aerotherapy. That apparently appertains to that sect or cult that deals with nature's air. If we take a person suffering with tuberculosis and expose him to nature's sunshine and air that would be aerotherapy. Do we need to license a cult man and have him charge us for that advice? Every medical man besides using medical science utilizes the forces of nature to help sickness of every kind.

Next we come to astral healers. The astral healers are disciples of the ancient sunworshippers of Persia who gazed at the stars, the sun, and the moon and utilized the heat rays and energy of the sun for the benefit of the body. Every scientific doctor utilizes heat of every kind and light of every kind for the benefit of the maimed, the sick, and the crippled.

Then in the fourth group we find biodynamochromatic therapy and hydrotherapy.

Mr. DOUGLASS of Massachusetts. And what is that?

Mr. SIROVICH. Biodynamochromatic therapy apparently means the utilization of the dynamic forms of color to influence sickness in the life of man.

In many hospitals of the country different colors are used to paint the rooms. The contention of the disciples of this cult is that colors play an important part in the life and emotions of human beings.

Hydrotherapy means the utilization of water, hot or cold, in the treatment of every kind of disease.

Mr. ANDRESEN. Mr. Speaker, will the gentleman yield?

I take it that the gentleman is against the bill. The gentleman has referred to quack doctors. As I understand it, this bill will stop those doctors from practicing, because they can not secure licenses.

Mr. LAGUARDIA. Yes, but it will legalize a lot of fakers.

Mr. ANDRESEN. Not unless they come within the qualifications of the board.

Mr. SIROVICH. This bill will legalize all these charletans and give them a chance to enter until the bill goes into effect in 1935.

Mr. ANDRESEN. The gentleman has not read the bill, I think.

Mr. SIROVICH. I stated before that I just arrived from New York and have had no time to familiarize myself completely with all its details.

Mr. UNDERHILL. Mr. Speaker, the gentleman is familiar with the New York law, is he not?

Mr. SIROVICH. I am. By the way, I notice that among the many cults that will be permitted to practice in the District of Columbia are the Coueists. This distinguished group are followers of the genial Coue of France, who came here a decade ago determined to cure every malady and sickness with which the human body is heir to by repeating nine times "Every day in every way I am getting better and better." [Laughter.]

Mr. Speaker, ladies, and gentlemen, were I to characterize my impressions of these 45 different cults that are seeking to be licensed to practice and impose upon the intelligence of innocent citizens of the District of Columbia, I could not characterize them any better than by telling a story I would like to narrate to the distinguished membership of this House.

The famous and brilliant Charles Darwin, one of the greatest biologists in the world, once had a group of students who were determined to fool the professor, so they brought to him an insect they had made up, which was composed of the body of a beetle, with the wings of a butterfly, with the legs af a caterpillar, and with the eyes and head of a bee, and they said to him, "Professor, we caught this insect in the woods this morning. Would you please be kind enough to let us know the name of this bug?" Professor Darwin gazed at this unusual insect that was before him, and, after deliberating and meditating for a moment, he said to the spokesman of this group, "Did this bug hum when you caught it?" Whereupon the excited student said "Yes." Thereupon the distinguished Darwin said, "Then it must be a humbug." [Laughter and applause.]

Mr. Speaker, ladies, and gentlemen, I desire to characterize all these cults that are seeking an opportunity to live upon the citizenship of the District of Columbia as nothing else but humbugs.

As a fellow of the American College of Surgeons, as a member of the American Medical Association, as a graduate of the College of Physicians and Surgeons of Columbia University, as superintendent of the Peoples Hospital of New York City, and as one who glories in the accomplishments and achievements that medicine and surgery have conferred upon suffering humanity, and in the name of those martyrs of scientific medicine who gave their lives upon the altar of science that mankind might be happier and better for their having lived, I protest against opening the door to men and women who are incapacitated by training, by culture, and by education to practice upon innocent children and unsuspecting citizens of the District of Columbia. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. SIROVICH. May I have some additional time?

Mr. ZIHLMAN. I will say to the gentleman he has had 10 minutes, and he has not yet said whether he is for or against the bill.

Mr. SIROVICH. Very well.

Mr. ZIHLMAN. Mr. Speaker, I offer a perfecting amendment to the bill.

The SPEAKER. The Clerk will report the amendment.

The Clerk read, as follows:

Mr. ZIHLMAN offers a committee amendment: Page 3, line 24, after the word "under," strike out the words "section 42," and insert "section 42 or 43."

The question was taken, and the amendment was agreed to.

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER. Mr. Speaker, I am opposed to this bill. I raised objection to the unanimous-consent request for the consideration of Senator COPELAND's bill (S. 3592) in the closing hours of the last session of Congress. The bill now under consideration is almost identical with S. 3592. This bill if enacted will recognize and give standing to improperly trained and diploma-mill practitioners who are now practicing. They will make application for a license which will be given by a board appointed by a commission composed almost entirely of laymen who do not have medical qualifications. The proponents of the bill have stated that members of the medical profession are in favor of its enactment. I read from the Journal of the American Medical Association of March 17, 1928, page 853, an editorial absolutely opposed to Senator COPELAND's bill (S. 3592), which is practically identical with the bill we are now considering. I hope I have sufficient time to read the entire editorial:

A VICIOUS MEDICAL PRACTICE BILL

Osteopathic surgeon generals of the Army, Navy, and Public Health Service are a possibility if a bill (S. 3592) introduced in Congress by Senator COPELAND, March 10, becomes a law. The bill provides that "the degrees doctor of medicine and doctor of osteopathy shall be accorded the same rights and privileges under governmental regulations." There is no indication that this mandate is to be limited in its operation to the government of the District of Columbia, although the rest of the bill is so limited. If the bill is enacted, it may be, and no doubt will be, construed to put osteopaths on the same basis as doctors of medicine throughout the entire Federal Government service.

Both Senator COPELAND's present bill and the earlier bill introduced by him at the instance of the Medical Society of the District of Columbia (S. 3107) are fundamentally unsound. They undertake to authorize and regulate matters that they do not accurately define. Both bills recognize the practice of osteopathy as something distinct from the practice of medicine and from the practice of drugless healing, but neither gives indication as to what the distinctions are. If the proponents of this legislation do not know the distinctions or fail to state them, how are law enforcement officers and the courts to find out what Congress intends by such legislation?

The recent Copeland bill undertakes not only to regulate the practice of a cult which is undefined even by its own devotees, but also to authorize and regulate the practice of an innumerable category of other cults, so-called drugless healers, who, under this bill, obviously need not be drugless at all. "Drugless healing," according to the bill, is "any system of healing that teaches that disease may be prevented, relieved, or cured without the use of drugs, medicine, or operative surgery." Any five or more adherents of any so-called drugless method of healing may, as a matter of right, demand that an official, permanent board of examiners be appointed, if this bill becomes a law, to represent and give dignity to each and every system of "drugless healing" they elect to cover by a petition. The only limitation on the official recognition of any such system is that the petitioners must differentiate it from the unrestricted practice of the healing art; it may include surgery and the use of any and all drugs, if its proponents can find any one element of unrestricted practice that they are willing to forego.

All of the elaborate provisions of Senator COPELAND's bill for the protection of the public against fraud and ignorance in the treatment of disease are thrown to the four winds when it comes to the diagnosis of disease and its treatment by prayer or spiritual means, or by hygienic, dietetic, or domestic remedies. Any person is at liberty to engage in the business of treating disease by any or all of these agencies. He need not submit evidence to anyone as to age or moral character. He need not have affiliation with any organized religious body. He is not called on for evidence of professional or spiritual ability. He is not asked to tell how, in order to adapt his curative treatment to the needs of his patients, he diagnoses the diseases from which they suffer. He asks leave or license from no one, he registers nowhere; he simply opens an office or hires a hall, advertises his business by signs or otherwise, and proceeds to collect from the gullible public whatever he can for his services.

Limitations of space prevent a discussion of other glaring defects in the pending legislation, such as those relating to the licensing of osteopaths to use drugs and to practice surgery, to the issue of licenses by reciprocity, and to the refusal, suspension, and revocation of licenses. What has been said, however, is probably sufficient to show the undesirability of the enactment of any such legislation. The District of Columbia is the seat of the National Capital, but its people have no voice in Congress to influence legislation there. Its legislators are elected by the people of the United States outside of the District of Columbia, and are responsible and responsive to those who elect them. All of this has been forcibly pointed out by the Medical Society of the District of Columbia in its recent appeals to the State associations for the support of its legislative program. All of it applies with equal force now, when the medical profession of the entire country should unite in an appeal to Congress to dissuade it from the enactment of any of the bills that are now pending to regulate the practice of the healing art, of osteopathy, of chiropractic, or of naturopathy in the District of Columbia.

The problem of the District of Columbia is the problem of the entire United States. Legislation by Congress is inevitably reflected in legislation in the individual States. Physicians are protecting their own people when they urge their representatives in Congress to defeat such vicious legislation.

Mr. BOWMAN. Mr. Speaker, will the gentleman yield?

Mr. SCHAFER. Yes; I yield.

Mr. BOWMAN. What is the situation now?

Mr. SCHAFER. If you want satisfactory legislation, do not pass a bill which will put the graduates of schools with a 60-day course, diploma mill, and other unqualified fakers in the same category with those who have devoted years in preparation and study in reputable institutions of learning. If this bill is enacted, the unqualified and fakers now practicing will automatically be given a license. There are a great many osteopaths and chiropractors who have had considerable training and knowledge of medicine, who are opposed to this bill because it will raise fakers to their own high standard.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. SCHAFER. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting the entire editorial.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ZIHLMAN. Mr. Chairman, the evils complained of by the gentleman from Wisconsin prevail here now, with all these

alleged professors of the healing art and healing cults practicing here without any regulation whatever.

The committee has been called upon to pass several bills governing each branch of the so-called healing art, and the bill before us is the best bill we could get under the circumstances, and covers the general subject of regulation of all branches of medicine and the healing art.

The Medical Society of the District of Columbia, composed of reputable physicians, have approved this legislation, not because it is all that they want but because it is the best they could get under the circumstances.

This bill is sponsored by the senior Senator from New York and it is a step in the right direction.

The situation here is such that regulation is imperatively needed, and the committee feels that it should be enacted at this session of Congress.

Mr. Speaker, I move the previous question.

MESSAGE FROM THE PRESIDENT—FLOOD CONTROL (H. DOC. NO. 573)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, was referred to the Committee on Flood Control and ordered to be printed:

To the Congress of the United States:

I am transmitting herewith for the information of the Congress communications from the Secretary of Agriculture dated June 4, 1928, and February 9, 1929, submitting reports with reference to the relation of forestry to the control of floods in the Mississippi Valley. These reports have been prepared in compliance with the provision contained in section 10 of the act of Congress approved May 15, 1928, for the control of floods on the Mississippi River and its tributaries, and for other purposes.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 11, 1929.*

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

H. J. Res. 356. Joint resolution to authorize the exchange of certain public lands in the State of Utah, and for other purposes; and

H. J. Res. 398. Joint resolution to extend the period of time in which the Secretary of the Interior shall withhold his approval of the adjustment of Northern Pacific land grants, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1271) entitled "An act to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement, and for other purposes."

The message also announced that the Senate insists upon its amendments to the bill (H. R. 15712) entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. REED of Pennsylvania, Mr. WARREN, Mr. JONES, Mr. HARRIS, and Mr. FLETCHER to be the conferees on the part of the Senate.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. J. Res. 213. Joint resolution to provide for extending the time in which the United States Supreme Court Building Commission shall report to Congress; to the Committee on Public Buildings and Grounds.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 12032. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

H. R. 13097. An act for the relief of Thomas W. Moore; and

H. R. 14479. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Mayesville, Ky., and Aberdeen, Ohio.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 4560. An act authorizing Elisha N. Goodsell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain between a point at or near Rouses Point, N. Y., and a point at or near Alburgh, Vt.;

S. 5301. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on Tennessee Highway No. 9 in Cocke County, Tenn.; and

S. 5377. An act granting the consent of Congress to the Pittsburgh & West Virginia Railway Co. to construct, maintain, and operate a railroad bridge across the Monongahela River.

REGULATION OF THE PRACTICE OF THE HEALING ART IN THE DISTRICT OF COLUMBIA

The SPEAKER. The gentleman from Maryland [Mr. ZIHLMAN] moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

Mr. SIROVICH. Mr. Speaker, I move to recommit the bill to the Committee on the District of Columbia.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SIROVICH. Yes, sir.

The SPEAKER. The Clerk will report the motion of the gentleman from New York.

The Clerk read as follows:

Mr. SIROVICH moves to recommit the bill to the Committee on the District of Columbia.

The SPEAKER. The question is on agreeing to the motion to recommit.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. SCHAFER. Mr. Speaker, I demand a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 7, noes 67.

So the motion to recommit was rejected.

The SPEAKER. The question is, Shall the bill pass?

Mr. CROSSER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Ohio makes the point of order that there is no quorum present. The Chair will count.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 1 minute p. m.) the House adjourned until to-morrow, Tuesday, February 12, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, February 12, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Silk and silk goods, February 12.
Papers and books, February 13, 14.
Sundries, February 15, 18, 19.

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency appropriation bill.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, Executive communications were taken from the Speaker's table and referred as follows:

818. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of State for the fiscal year 1929 amounting to $77,781; also a draft of proposed legislation affecting an existing appropriation (H. Doc. No. 570); to the Committee on Appropriations and ordered to be printed.

819. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the fiscal year 1929 to remain available until June 30, 1930, for the Department of Agriculture for additional necessary expenses connected with investigations, experiments, and demonstrations relating to insects affecting man and animals, $12,000, and insects affecting tropical and subtropical plants, $6,000; in all, $18,000 (H. Doc. No. 571); to the Committee on Appropriations and ordered to be printed.

820. A communication from the President of the United States, transmitting supplemental and deficiency estimates of appropriations for the Department of the Interior for the fiscal years 1926 and 1927, $7,229.15; for the fiscal year 1928, $77,491; and for the fiscal years 1929 and 1930, $21,029,176.10, amounting to $21,115,896.23; proposed authorizations for expenditures of Indian tribal funds amounting to $56,438.24; together with drafts of proposed legislation affecting existing appropriations (H. Doc. No. 572); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McLEOD: Committee on the District of Columbia. S. 4087. An act authorizing the use of certain land owned by the United States in the District of Columbia for street purposes; without amendment (Rept. No. 2462). Referred to the Committee of the Whole House on the state of the Union.

Mr. GLYNN: Committee on Military Affairs. H. R. 11916. A bill to provide for the care and preservation of certain land and monuments in the Washington Parish Burial Ground (Congressional Cemetery); without amendment (Rept. No. 2463). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 16658. A bill to amend sections 116, 118, and 126 of the Judicial Code, as amended, to divide the eighth judicial circuit of the United States, and to create a tenth judicial circuit; without amendment (Rept. No. 2464). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. PERKINS: Committee on Accounts. H. Res. 304. A resolution to pay Mrs. Myrtle Brown Shely, widow of James W. Shely, late an employee of the House, an amount equal to six months' compensation and an additional amount not exceeding $250 to defray funeral expenses and last illness of the said James W. Shely (Rept. No. 2454). Ordered printed.

Mr. PERKINS: Committee on Accounts. H. Res. 309. A resolution to pay Mary McLane, dependent sister of John McLane, six months' salary and funeral expenses (Rept. No. 2455). Ordered printed.

Mr. PERKINS: Committee on Accounts. H. Res. 282. A resolution to pay Paul L. Miller, son of William H. Miller, late an employee of the House, an amount equal to six months of his compensation and an additional $250 for funeral expenses (Rept. No. 2456). Ordered printed.

Mr. PERKINS: Committee on Accounts. H. Res. 306. A resolution to pay Lillian Burns, widow of John C. Burns, six months' salary and funeral expenses (Rept. No. 2457). Ordered printed.

Mr. WARE: Committee on Claims. H. R. 12255. A bill for the relief of Hunter W. Booker, H. H. Holt, and Annie V. Groome, administratrix of the estate of Nelson S. Groome, deceased; with an amendment (Rept. No. 2458). Referred to the Committee of the Whole House.

Mr. BOX: Committee on Claims. H. R. 13869. A bill for the relief of John Wesley Clark; with an amendment (Rept. No. 2459). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims. H. R. 9933. A bill for the relief of Wynona A. Dixon; without amendment (Rept. No. 2460). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims. H. R. 11339. A bill for the relief of the estate of C. C. Spiller, deceased; without amendment (Rept. No. 2461). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 16513) granting an increase of pension to Lucy E. Gettig, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SNELL: A bill (H. R. 17020) to extend the times for commencing and completing the construction of a bridge across Lake Champlain at or near Rouses Point, N. Y.; to the Committee on Interstate and Foreign Commerce.

By Mr. MANSFIELD: A bill (H. R. 17021) authorizing removal, relocation, and reconstruction of the Saluria Coast Guard station on the Texas coast to a point more adaptable to Coast Guard purposes in the vicinity of Pass Cavallo; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS: A bill (H. R. 17022) providing for the sale of the remainder of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. BRIGHAM: A bill (H. R. 17023) to extend the time for completing the construction of a bridge across Lake Champlain at or near East Alburg, Vt.; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLIGAN: A bill (H. R. 17024) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Carondelet, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. McLEOD: A bill (H. R. 17025) to provide for the election of a Delegate in Congress from the District of Columbia; to the Committee on the Judiciary.

By Mr. EDWARDS: A bill (H. R. 17026) granting a part of the Federal building site at Savannah, Ga., to the city of Savannah for street purposes; to the Committee on Public Buildings and Grounds.

By ROY G. FITZGERALD: A bill (H. R. 17027) to authorize an appropriation for the American group of the Interparliamentary Union; to the Committee on Foreign Affairs.

By Mr. ZIHLMAN: A bill (H. R. 17028) to amend paragraphs (C) and (D) of section 9, and paragraphs (A) and (B) of section 10 of the act of Congress entitled "An act to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes," approved March 3, 1925; to the Committee on the District of Columbia.

Also, a bill (H. R. 17029) to amend section 8 of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes," approved March 4, 1913, as amended; to the Committee on the District of Columbia.

By Mr. CONNERY: A bill (H. R. 17030) to incorporate the National Yeomen F; to the Committee on the District of Columbia.

By Mr. JOHNSON of Washington: A bill (H. R. 17031) establishing a fund for the propagation of salmon in the Columbia River district; to the Committee on the Merchant Marine and Fisheries.

By Mr. HUGHES: A bill (H. R. 17032) to authorize the erection of a Veterans' Bureau hospital in the State of West Virginia; to the Committee on World War Veterans' Legislation.

By Mr. DEMPSEY: Joint resolution (H. J. Res. 411) to extend the provisions of section 19 of the rivers and harbors act approved March 3, 1899, to the navigable waters of the Virgin Islands; to the Committee on Rivers and Harbors.

By Mr. PORTER: Joint resolution (H. J. Res. 412) amending section 1 of the joint resolution entitled "Joint resolution to prohibit the exportation of arms or munitions of war from the United States to certain countries, and for other purposes," of January 31, 1922; to the Committee on Foreign Affairs.

By Mr. SPROUL of Kansas: Joint resolution (H. J. Res. 413) providing for an investigation of certain activities of oil refining, manufacturing, sales organizations, and organizations for the regulating of business which, while lawful, per se, in fact appear to be promoting, encouraging, and aiding the unlawful manufacture, sale, distribution, and possession of intoxicating beverages prohibited by the national prohibition act; to the Committee on Interstate and Foreign Commerce.

By Mr. BRAND of Georgia: Joint resolution (H. J. Res. 414) to authorize an investigation of loans made by certain Federal reserve banks, and for other purposes; to the Committee on Rules.

By Mr. FISH: Joint resolution (H. J. Res. 415) concerning the settlement of international disputes through mediation or

arbitration, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GRAHAM: Resolution (H. Res. 314) for the consideration of H. R. 16658, to amend sections 116, 118, and 126 of the Judicial Code, as amended, to divide the eighth judicial circuit of the United States, and to create a tenth judicial circuit; to the Committee on Rules.

By Mr. GARRETT of Tennessee: Resolution (H. Res. 315) providing for a legislative clerk to the minority leader of the House of Representatives; to the Committee on Accounts.

By Mr. CAMPBELL: Resolution (H. Res. 316) providing for an assistant clerk to the Committee on Enrolled Bills; to the Committee on Accounts.

By Mr. JOHNSON of Washington: Resolution (H. Res. 317) to provide for the services of an assistant clerk to the Committee on Immigration and Naturalization; to the Committee on Accounts.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. O'CONNELL: Memorial of the State of Oregon, favoring the passage of Senate bill with reference to the Deschutes project in central Oregon; to the Committee on Irrigation and Reclamation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARENTZ: A bill (H. R. 17033) for the relief of the State of Nevada; to the Committee on the Judiciary.

By Mr. BRIGGS: A bill (H. R. 17034) for the relief of James Albert Couch; to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 17035) granting a pension to Louisiana J. Swearingen; to the Committee on Invalid Pensions.

By Mr. CLANCY: A bill (H. R. 17036) for the relief of Carl Raymond N. Larson; to the Committee on Naval Affairs.

By Mr. CLARKE: A bill (H. R. 17037) granting an increase of pension to Lucy E. Stanton; to the Committee on Invalid Pensions.

By Mr. DOUGLAS of Arizona: A bill (H. R. 17038) for the relief of John W. Adair; to the Committee on Claims.

By Mr. ROY G. FITZGERALD: A bill (H. R. 17039) granting a pension to Allen Gregg; to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 17040) granting an increase of pension to Mary E. Howard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17041) granting a pension to Marcia A. C. Brown; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 17042) for the relief of William Fenwick Howey; to the Committee on Claims.

By Mr. LOZIER: A bill (H. R. 17043) granting a pension to Joseph Vanderpool; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 17044) granting an increase of pension to Catherine Hannah; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 17045) granting a pension to Malissa A. Pitts; to the Committee on Invalid Pensions.

By Mr. MORROW: A bill (H. R. 17046) granting an increase of pension to Roman L. Baca; to the Committee on Pensions.

By Mr. REECE: A bill (H. R. 17047) granting a pension to Robert Hopson; to the Committee on Pensions.

Also, a bill (H. R. 17048) granting an increase of pension to James H. Russell; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 17049) granting an increase of pension to Mary J. Kimbell; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 17050) for the relief of certain persons of Schenley, Pa., who suffered damage to their property as a result of erosion of a dam on the Allegheny River; to the Committee on Claims.

By Mr. SWICK: A bill (H. R. 17051) granting an increase of pension to Hannah S. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17052) granting an increase of pension to Elizabeth Wimer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10065. By Mr. BLOOM: Petition of the House of Representatives of the State of Oregon, the senate jointly concurring therein, urging favorable consideration of Senate bill 1186, whereby the Deschutes project in Oregon will be considered for construction and a vast area of fertile land be made productive, and thereby add to the wealth of the State; to the Committee on Irrigation and Reclamation.

10066. Also, petition of persons protesting against the enactment of the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

10067. By Mr. CANNON: Petition of Henry W. C. Block, Archbishop John J. Glennon, Rabbi Samuel Sale, Hon. Richard Bartholdt, and others, urging Congress to adjust war-time seizures; to the Committee on Ways and Means.

10068. By Mr. CULLEN: Petition of New York State League of Fish, Game, and Forest Clubs, urging enactment of legislation that will convey outright or for nominal consideration the tract of land located at Camp Upton, Long Island, to the government of New York State in the conservation department, to be developed into a fish and game refuge of great value to future generations through the system now operative under the New York State Conservation Commission; to the Committee on the Public Lands.

10069. Also, petition of the members of the Gen. Henry W. Lawton Camp, No. 21, Department of New York, United Spanish War Veterans, urging favorable consideration of House bill 14676, granting pensions and increase of pensions to certain soldiers, sailors, marines, and nurses of the war with Spain, the Philippine insurrection, or the China relief expedition; to the Committee on Military Affairs.

10070. Also, petition of the National Knitted Outerwear Association, opposing any partial revision which will unbalance the business outlook, substitute uncertainty for confidence, and result in postponing the general revision so necessary at this time; to the Committee on Ways and Means.

10071. By Mr. DOMINICK: Petition of the principal, faculty, and students of Greenwood City School, Greenwood, S. C., with 587 present, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10072. By Mr. GARBER: Petition of the State of Oregon, Hal E. Hoss, secretary, in support of legislation for the reclamation of lands in Oregon, known as the Deschutes project; to the Committee on Irrigation and Reclamation.

10073. Also, petition of William C. Woodward, M. C., LL. M., director bureau of legal medicine and legislation, American Medical Association, in opposition to the enactment of House bill 14070, a bill to provide a child welfare extension service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

10074. By Mr. GOLDSBOROUGH: Petition of 51 citizens of Perryville, Md., urging enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10075. Also, petition of 11 citizens of Rowlandville, Md., and vicinity, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10076. Also, petition of 43 citizens of Rising Sun, Md., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10077. Also, petition of 40 citizens of Cecil County, Md., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10078. Also, petition of 15 citizens of North East, Md., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10079. Also, petition of 18 citizens of Elkton, Md., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10080. By Mr. JOHNSON of Washington: Petition of the State Woman's Christian Temperance Union, 320 delegates in convention in Mount Vernon, with petition sent from Vancouver, Wash., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10081. By Mr. KORELL: Memorial of the State Legislature of Oregon, urging favorable consideration pending legislation whereby the Deschutes project in Oregon will be considered for construction and a vast amount of fertile land be made productive; to the Committee on Irrigation and Reclamation.

10082. By Mr. McCORMACK: Petition of Anne Carven, 34 Centre Street, Dorchester, Mass., protesting against enactment of the Newton maternity bill and the equal rights bill; to the Committee on Interstate and Foreign Commerce.

10083. By Mr. MENGES: Petition of 20 citizens of Hanover, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10084. Also, petition of the Presbyterian Church, Stewartstown, Pa., with a membership of 329, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10085. By Mr. MURPHY: Petition of the minister, board of trustees, and 200 members of the First Presbyterian Church, Salineville, Ohio, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10086. By Mr. O'CONNELL: Petition of Henry W. C. Block, St. Louis, Mo., and other citizens, with reference in the settlement of claims of former enemies to any property turned over to the Alien Property Custodian; to the Committee on Ways and Means.

10087. By Mr. POU: Petition of the members of the Liberty and Silver City Methodist Protestant Churches, in joint session at Silver City, 230 present, earnestly petitioning the passage of the Lankford Sunday rest bill for the District of Columbia; to the Committee on the District of Columbia.

10088. By Mr. ROBINSON of Iowa: Resolution unanimously adopted by Lodge No. 1482, Brotherhood of Maintenance of Way Employees of the Chicago Great Western Railroad, of Dubuque, Iowa, and signed by the president, J. G. Radden, and the secretary, J. E. Walker; to the Committee on Interstate and Foreign Commerce .

10089. By Mr. ROWBOTTOM: Petition of 35 citizens of Pierceton, Ind., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10090. By Mr. VINCENT of Michigan: Petition of the pastor of Henderson-Oakley Methodist Episcopal Church and 47 others, of Henderson, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10091. Also, petition of seven members of the Grace Presbyterian Church, of Saginaw, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10092. Also, petition of 21 members of the Methodist Episcopal Church of Saranac, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10093. Also, petition of 23 members of the Methodist Episcopal Church of Breckenridge, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10094. Also, petition of 40 members of the Evangelical Church of Eureka, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

10095. Also, petition of 23 members of the First Methodist Episcopal Church of Corunna, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

10096. Also, petition of 16 members of the First Presbyterian Church of St. Louis, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R 78), or similar measures; to the Committee on the District of Columbia.

10097. Also, petition of 50 members of the First Baptist Church of St. Johns, Mich., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

10098. By Mr. WEAVER: Petition of M. V. Moore & Co., Asheville, N. C., with 2,000 present, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

10099. Also, petition of the Western North Carolina Conference of the Methodist Episcopal Church, with Bishop Frank Silver in charge, and 358 present, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

11100. By Mr. WYANT: Petition of W. H. Cooper, New Kensington, Pa., protesting against House bill 13452, a bill to amend the copyright act; to the Committee on Patents.

11101. Also, petition of L. S. LaForte Music Co., Monessen, opposing House bill 13452, a bill to amend the copyright act; to the Committee on Patents.

11102. Also, petition of Robert Winter, Irwin, Pa., opposing House bill 13452, a bill to amend the copyright act; to the Committee on Patents.

11103. Also, petition of Branch 894, National Association of Letter Carriers, Vandergrift, Pa., favoring passage of Senate bill 3281; to the Committee on the Post Office and Post Roads.

SENATE

TUESDAY, *February 12, 1929*

(Legislative day of Monday, February 11, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed the bill (S. 3771) vacating the alley between lots 16 and 17, square 1083, District of Columbia.

The message also announced that the House had passed the bill (S. 1281) to amend section 7 (a) of the act of March 3, 1925 (43 Stat. 1119), as amended by section 2 of the act of July 3, 1926 (44 Stat. 812), so as to provide operators' permits free of cost to enlisted men of the Army, Navy, Marine Corps, and Coast Guard operating Government-owned vehicles in the District of Columbia, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 4441) to amend the laws relating to assessment and collection of taxes in the District of Columbia, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15386) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes, and that the House had receded from its disagreement to the amendment of the Senate numbered 15 to the

bill, and concurred therein with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 5758. An act amending the act approved May 4, 1926, providing for the construction and maintenance of bathing pools or beaches in the District of Columbia;

H. R. 6664. An act to establish a woman's bureau in the Metropolitan Police Department of the District of Columbia, and for other purposes;

H. R. 12739. An act to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia;

H. R. 13752. An act to provide for the construction of a children's tuberculosis sanatorium; and

H. R. 16274. An act to provide for the establishment of a municipal center in the District of Columbia.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 4560. An act authorizing Elisha N. Goodsell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain between a point at or near Rouses Point, N. Y., and a point at or near Alburgh, Vt.:

S. 5301. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on Tennessee Highway No. 9 in Cocke County, Tenn.; and

S. 5377. An act granting the consent of Congress to the Pittsburgh & West Virginia Railway Co. to construct, maintain, and operate a railroad bridge across the Monongahela River.

CANALIZING OF OHIO RIVER

Mr. JONES. From the Committee on Commerce I report back favorably without amendment House Concurrent Resolution 51, and I call the attention of the Senator from Ohio [Mr. FESS] to it.

Mr. FESS. I ask unanimous consent for the present consideration of the concurrent resolution.

The VICE PRESIDENT. Is there objection to the request of the Senator from Ohio?

The concurrent resolution was read and considered by unanimous consent, as follows:

Whereas the completion of the canalizing of the Ohio River from Pittsburgh, Pa., to Cairo, Ill., represents an achievement of great importance in the development of the inland waterways of the United States; and

Whereas the Congress of the United States has by legislation contributed to the realization of this project; and

Whereas a celebration commemorating the accomplishment of this great improvement is to be held October 15 to 20, 1929, at which officials of the United States and of the States adjoining the Ohio River will attend; and

Whereas it is fitting that the Congress of the United States be represented at such celebration: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That a committee consisting of three Members of the Senate to be appointed by the President of the Senate and three Members of the House of Representatives to be appointed by the Speaker of the House of Representatives shall represent the Congress of the United States at the celebration of the completion of the canalizing of the Ohio River from Pittsburgh, Pa., to Cairo, Ill., to be held October 15 to 20, 1929. The members of such committee shall be paid their actual expenses, one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives.

The concurrent resolution was agreed to.

The preamble was agreed to.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Bruce	Edwards	Hale
Barkley	Burton	Fess	Harris
Bayard	Capper	Frazier	Harrison
Bingham	Caraway	George	Hastings
Black	Copeland	Gerry	Hayden
Blaine	Couzens	Gillett	Heflin
Blease	Curtis	Glass	Johnson
Borah	Dale	Glenn	Jones
Bratton	Deneen	Goff	Kendrick
Brookhart	Dill	Gould	Keyes
Broussard	Edge	Greene	King
McNary	Pine	Smith	Tyson
Mayfield	Pittman	Smoot	Vandenberg
Moses	Ransdell	Steck	Wagner
Neely	Reed, Pa.	Steiwer	Walsh, Mass.
Norbeck	Robinson, Ark.	Stephens	Walsh, Mont.
Norris	Schall	Swanson	Warren
Nye	Sheppard	Thomas, Idaho	Waterman
Oddie	Shipstead	Thomas, Okla.	Watson
Overman	Shortridge	Trammell	Wheeler
Phipps	Simmons	Tydings	

Mr. NORRIS. I desire to announce that my colleague [Mr. HOWELL] is absent on account of illness. I ask that this announcement may stand for the day.

Mr. BLAINE. I wish to announce that my colleague the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably detained from the Senate. I will let this announcement stand for the day.

Mr. GERRY. The senior Senator from Florida [Mr. FLETCHER] is necessarily detained from the Senate.

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present.

ABRAHAM LINCOLN

Mr. SMOOT. Mr. President, 120 years ago to-day Abraham Lincoln was born in a log cabin 3 miles south of the present site of Hodgenville, Ky. On a rude and rough couch, sheltered by a primitive cabin with dirt floor, one small door and a still smaller window, Nancy Lincoln, a wilderness mother, gave birth to an American savior.

I have no doubt the angels sang as they sang eighteen hundred and more years before under the stars of Bethlehem. But no one heard the angels in that solitude of Kentucky where Lincoln was born.

It is striking strange that in that same year, 1809, many great characters now in the world's hall of fame were born. Darwin, the naturalist and investigator; Poe, the tragic poet; Mendelssohn, the master of music; Tennyson, England's poet laureate; Gladstone, the British Premier and statesman; Holmes, the essayist and philosopher, were all born in that same eventful year.

It may be mere chance, it may be a part of the Divine plan, that five of our Presidents were born in log cabins—Lincoln, William Henry Harrison, Jackson, Fillmore, and Garfield. God emphasizes the profound truth that real greatness is born in humility and nurtured in solitude.

Artists have invoked their genius and imagination in painting the Nativity in the galleries of the world, imperishable works of art. The nativity of Lincoln is chiseled in the memories and hearts of a grateful people. We have dedicated many monuments, temples, and shrines to Lincoln, but such works of man have no sympathy, no voices. The only imperishable shrine to our matchless President is the picture of his nativity in the soul of the nation he saved.

The nativity of the Christ was in humble Bethlehem. The nativity of Abraham Lincoln was in the wilderness of Kentucky, which Boone called "dark and bloody ground."

Jefferson was just closing his second term as President. Napoleon had recently sold Louisiana to the United States, adding rich domains which the child of Kentucky later saved to the Union.

Seven months before Lincoln was born a child named Jefferson Davis came into the world in a cabin less than a hundred miles from the spot made historic by the nativity of Lincoln. A strange coincidence. The secrets of the Almighty, concealed in those two humble events, were not revealed to the world for half a century or more.

Was it a part of God's purposes or blind chance that the careers of these two men, so long divergent, should come together in a mighty struggle? Davis moved to the Southland and slavery; Lincoln found an abode in Illinois and freedom.

The first Lincoln Highway began in this modest cabin abode in Kentucky. It ran across Indiana to Illinois. It continued on to Chicago, the metropolis of the Middle West, thence to the Capital of the Nation, back to Springfield, Ill., its terminus.

On that highway trod a marked man, tall and gaunt, with a sad yet a strong face, a face radiant with the inspiration of a great soul. Like a soldier of the cross, impelled by a force he could not resist, he walked to his doom, and finally was carried over the last few miles of a highway wet with a nation's tears to the peace he longed for.

The Lincoln birthplace cabin, like him who was born there, has had a strange and almost sad history. In the early sixties, shortly after Lincoln's first election as President, it was purchased and moved a mile and a half away from its original location, where it remained until 1894, when it again changed hands and was moved back to its original site on the Lincoln farm.

It was taken down and shipped to the Nashville Centennial. Later it was exhibited in Central Park, New York; then at the Buffalo Exposition in 1901. In 1906 it was purchased by the Lincoln Farm Association and sent to Louisville, Ky., for exhibition. It remained there until 1909 when President Roosevelt laid the corner stone of the present Memorial Building, when it was placed therein upon completion and dedication of the memorial by President Taft November 9, 1911. The Lincoln Farm Association property comprised a tract of land of 110½ acres, about 2 miles south of Hodgenville, Ky.

April 12, 1916, Congress accepted a deed of gift or conveyance from the association to the United States of America of the land, the homestead, and the log cabin, together with an endowment fund of $50,000. The gift was on condition that the land and buildings thereon shall be forever dedicated to the purpose of a national park or reservation, the United States agreeing to protect and preserve it.

Private citizens and a private organization saved the homestead and cabin of Lincoln from exploitation and dedicated them for public purposes. The United States has pledged itself to protect and preserve them. This pledge should be kept.

Of all the shrines erected to the memory of the martyred Lincoln, this birthplace is the choicest of all. It marks the greatest miracle of the Republic. It is a symbol of the hopes of every boy struggling to attain an honorable career. It is a Mecca where the children of the Republic may gather and take courage from the story of a man, reading from a few books in a rude cabin by the light of a fire of pine knots, who became the leading actor in the greatest drama of America, if not of all history.

Little new can be told of Lincoln's public career, yet much more can be said of the place of his nativity, now happily made a shrine under the care of the Government. No monument, no temple, not even the glorious memorial in Washington, can convey to this and future generations a more eloquent tribute to the majesty of Abraham Lincoln than the humble cabin in which he was born.

The log cabin and the Washington memorial are striking proofs of the possibilities of a great soul traveling under Divine inspiration and guidance. The babe in the wilderness is now the immortal figure in the stately edifice on the banks of the Potomac. Behold, the cabin and the memorial are sacred shrines!

The birthplace of Lincoln is dedicated to peace; yet Lincoln was not for peace at any price. He was ready to fight for human freedom and a united Nation. He was not a pacifist and would not be a pacifist if alive to-day. National honor and national defense were the keynotes of his whole life.

Even now in the picture of the rescued log cabin and grounds and edifice we can see armed hosts gathering and hear Lincoln's appeal:

> We are not enemies, but friends.

We can read again in letters of gold his message:

> My paramount object in this struggle is to save the Union.

And after the war from his second inaugural address:

> With malice toward none, with charity for all, with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

If Lincoln was prepared to fight to save the Nation and to sacrifice blood and treasure to that end, how much more willing should we of this generation be to defend and preserve the Nation he saved. The name of Lincoln is a synonym for nationalism and national defense.

Finally, the reliance of Lincoln upon Divine Providence, as taught him in the humble cabin, should teach us that only as we rely on the unseen forces of the universe, and harmonize our public activities with the Divine plan, can we hope to attain success in solving the many new and serious problems before us.

The Psalmist said:

> I will lift up mine eyes unto the hills from whence cometh my help.

Lincoln lifted his eyes unto the hills and gathered strength and wisdom. He believed in the spiritual forces of the universe.

No one can ignore these tremendously powerful forces we call spiritual. They are not found in treatises on politics or political economy, or in the statistics of trade and commerce; yet they are present and constitute an important factor in the modern problem of government and human welfare. Like all the silent forces of nature, they are the most powerful.

After the lapse of 120 years, we feel with profound solemnity and mighty power, the spiritual influence that flows from the birthplace of Abraham Lincoln.

God gave us Lincoln.

Let us not fail to give Him thanks for that gift.

Mr. BRUCE. Mr. President, may I ask the Senator from Utah whether there is any reason to hope that the democratic spirit of Mr. Lincoln, and his ideas about equal justice to all men, will enter into the composition of the tariff that the Senator from Utah is now so active in helping to frame?

Mr. SMOOT. I will say to the Senator that I sincerely hope so.

THE BOSTON POSTMASTERSHIP

Mr. BRUCE. Mr. President, I desire to have read by the clerk, if there is no objection, a communication from Mr. William C. Deming, president of the United States Civil Service Commission, with respect to the Gow postmastership case, which was the subject of some observations by the Senator from Massachusetts [Mr. WALSH] a few days ago.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the clerk will read, as requested.

The Chief Clerk read as follows:

THE BOSTON POSTMASTERSHIP

By William C. Deming, president United States Civil Service Commission

So much has been printed during the past few weeks regarding the examination for the Boston postmastership in a fragmentary way that must result in misunderstanding, that the Civil Service Commission feels that it is due the citizens of Boston, as well as the commission itself, that a clear explanation of the situation be made. New England had much to do with the passage of the civil service law of 1883, and its present supporters of the merit system are legion.

NOT IN CLASSIFIED SERVICE

First, it should be understood that postmastership at first, second, and third class offices are not classified under the civil service law. The law governing provides a 4-year term for postmasters at offices of these classes and that appointment shall be made through nomination by the President and confirmation by the Senate. By Executive order, the Civil Service Commission is required to hold an open competitive examination for postmaster when requested by the Postmaster General to do so. The commission has no control over vacancies and it is not the business of the commission to reason why when it is asked by the Post Office Department to announce an examination.

The Executive order requires the commission to certify to the Postmaster General the names of the highest three eligibles resulting from the competition. Any one of these three may be selected for nomination. When the commission certifies the eligibles to the department its duty ends under the terms of the Executive order.

Obviously it is not practicable or desirable to judge the qualifications of applicants for an important administrative job, such as the postmastership at Boston, through a written question-and-answer test in an examination room. Years of experience in conducting postmaster examinations has justified the commission's plan of testing applicants for postmasterships through careful consideration of their business training and experience, their achievement, their educational background, and their character, as determined by the most searching personal inquiry.

UNUSUAL CARE EXERCISED

Knowing from newspaper reports before the examination was announced that the selection of the Boston postmaster would be a matter of unusual interest, the commission made plans to have the investigation made in Boston with even more than the care and thoroughness usually exercised in such cases. It selected as its own representative Mr. J. H. Weiss for two reasons: First, because he is one of the best investigators on the commission's staff; and, secondly, because Mr. Weiss never had been in Boston and knew nothing about the conditions of the Boston postmastership. He could conduct the investigation with an open mind.

The Post Office Department gave the commission its choice of its inspectors to collaborate in the investigation. Post Office Inspector John W. Johnson was decided upon because of his known ability and fairness as an investigator.

Mr. Weiss and Mr. Johnson were in absolute accord as to the best qualified three men among the 13 applicants for the postmastership at Boston. They were also in perfect agreement as to their relative qualifications, placing Charles R. Gow first, Roland M. Baker second, and Herman Hormel third.

The men who make the investigation, however, do not rate the applicants. They simply gather the evidence by taking the testimony of representative business and professional men and women of the community. Mr. Weiss and Mr. Johnson spent two weeks on the work in Boston.

RATINGS ASSIGNED

The rating of the applicants for the Boston postmastership was made by five expert examiners in the office of the commission. All of

these, and afterwards the chief of the examining division and the chief examiner, and finally the commission itself, agreed without question that Gow, Baker, and Hormel were the best qualified three among the 13 applicants and should be rated in the order named.

Colonel Gow stood out among the applicants with the prominence of a straw hat in December. His business experience and educational qualifications were exceptional. Further, in the two weeks' investigation, not a single criticism was made regarding his business ability, educational qualifications, or character. He outranked Mr. Baker because of his superior early educational advantages and of his broader business and civic experience. The customary addition of five points for military service was included in his rating.

Mr. Baker suffered somewhat from disturbed conditions in the Boston post office, which had caused the Post Office Department to reduce the efficiency standing of the office during Mr. Baker's incumbency from good to fair. The report of the investigation of Mr. Weiss and Mr. Johnson comprises hundreds of pages of testimony, a large part of it having to do with Mr. Baker's administration of the office. Nevertheless, the commission gave Mr. Baker the benefit of every doubt and rated him higher than it did eight years ago, by giving him credit for his additional experience. The resulting ratings were: Gow, 89.20; Baker, 82.20; and Hormel, 72.

SENATOR WALSH'S COMMENT

The newspapers have reported the debate in the Senate attending the confirmation of Colonel Gow's nomination. Senator DAVID I. WALSH, familiar with all the circumstances, criticized, not the Civil Service Commission, but the anomalous conditions which permit political manipulation of postmaster appointments in spite of the requirement of open competitive examinations. Senator WALSH said: "I am not criticizing the Civil Service Commission. I am objecting to the absence of real civil-service methods. We now have only the name without the substance of civil service * * *. I am not challenging the examination."

The Civil Service Commission announces postmaster examinations, and all other examinations, in good faith and conducts them impartially. It has no interest whatever in any individual or in the politics of any individual. It is interested only in the qualifications of the applicants. It is in no way responsible for advance statements that a certain person has been selected for a postmastership. It can not prevent such statements. It can merely perform to the best of its ability the part assigned to it in the selection of postmasters under the Executive order. Regardless of the wishes of any politician or political party no one can be appointed as a result of examination unless he is among the three certified as eligible.

Since 1883 the Civil Service Commission has examined millions of applicants. If there were any "hocus-pocus" in its work, the Civil Service Commission would not have lasted six months. It has lived 46 years and its responsibilities are regularly increased by both Congress and the Presidents.

Mr. GILLETT subsequently said: Mr. President, I knew nothing of the letter that has just been read to the Senate about the Boston post office until I heard it read to-day; but it gives me an opportunity as a matter of justice, I think, to make a correction of what I said the other day when that subject was before the Senate which otherwise I probably would not have done.

Complaint has been made to me from home that I was not fair to the acting postmaster at Boston in one or two particulars. I stated that he had registered as a Republican two years ago. I find that I was mistaken, and that it was four years ago that he became a Republican. Moreover, complaint was made that I charged that he had used the post office as a political engine. That is denied. I know nothing of it personally, and very likely he himself was not responsible in that way. It is natural, inasmuch as Boston is an overwhelmingly Democratic city, that the main part of the subordinate officials in that post office should be Democrats; and there is a strong feeling, at any rate, among the Republicans in Boston that the office has been used as a headquarters for Democratic activities.

Now I want to say just one word as to the effect of this letter. It seems to me that, while undoubtedly there is to-day much to be complained of in the conduct of the civil service, and neither this administration nor any administration can always live up strictly to the theory of the civil service, yet this very case demonstrates the great advance that has been made; for before the civil service law was in effect Mr. Baker, who was appointed by President Wilson, would five years ago have been summarily turned out of office, and a Republican would have been appointed in his place. Instead, he was permitted to continue for five years more; and now no favorite of the Republican organization is selected to take his place, but under this administration a man is selected who, as this letter shows, by fair and impartial examination, was proved to stand higher in executive ability and efficiency than Mr. Baker; and although there was another active Republican politician who was the third on the list, and might have been chosen, yet the administration chose the man who stood at the head of the list—something that certainly would not have happened before the civil service law was passed.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the secretary of the United States Civil Service Commission, transmitting, pursuant to law, a schedule of useless papers on the files of the commission in Washington not needed in the transaction of public business and having no permanent value or historic interest, and asking for action looking toward their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. DALE and Mr. MCKELLAR members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate resolutions adopted by the State Senate of Massachusetts, requesting Congress to take action for the repeal of the eighteenth amendment to the Constitution of the United States, known as the prohibition amendment, which were referred to the Committee on the Judiciary.

(See resolutions printed in full when presented on the 9th instant by Mr. WALSH of Massachusetts, page 3115 of the RECORD.)

Mr. BURTON presented a petition of sundry citizens of Columbiana County, Ohio, praying that action be deferred in the matter of the enactment of the cruiser construction bill, which was ordered to lie on the table.

Mr. SHIPSTEAD presented the following concurrent resolution of the Legislature of the State of Minnesota, which was referred to the Committee on Finance:

A concurrent resolution memorializing the President of the United States and the Congress of the United States that it is the sense of the members of the Minnesota Legislature that an adequate agricultural tariff be enacted at the earliest possible date

Whereas the prices of agricultural commodities are not on a parity with prices of other products and especially with the prices of those commodities which farmers must buy; and

Whereas there are competitive agricultural products imported that represent the product of 1,000,000 American farms; and

Whereas these importations are directly depressing the prices of farm crops: Now, therefore, be it

Resolved by the House of Representatives of the State of Minnesota (the Senate concurring), That we favor the readjustment of tariff schedules affecting agricultural commodities so that the American farmer will be placed on a parity with those engaged in other industries and which will insure for him the full benefit of the American market for his products and will give him the average cost of production based on American standards of living; and be it further

Resolved, That we urge action on this matter in the present session of Congress or in a special session to be called for the consideration of emergency agricultural tariff and general agricultural relief legislation; and be it further

Resolved, That the secretary of state of the State of Minnesota be instructed to send a copy of this resolution to the President of the United States, President-elect Herbert Hoover, the Speaker of the House, the Vice President of the United States, to the Ways and Means Committee of the House of Representatives, and to each Member in Congress from the State of Minnesota.

Mr. SMOOT presented the following concurrent resolution of the Legislature of the State of Utah, which was referred to the Committee on Finance:

Senate Concurrent Resolution 1 (by Mr. Welling), memorializing Congress to enact legislation to prevent discrimination against American farmers in the production of sugar beets and to provide an adequate tariff on sugar

Be it resolved by the Legislature of the State of Utah (the governor concurring therein):

Whereas by reason of the enormous increase in the production of sugar throughout the world, the price of domestic beet sugar has been forced down to an unreasonably low basis and to a point where the farmer's interests in the industry is in serious jeopardy; and

Whereas the growing of sugar beets is one of the most valuable assets the farmers of Utah have had, not only in a financial sense but as a factor in keeping up the fertility of the soil by crop rotation; and

Whereas the by-product of the sugar beet enters very largely into the farm economy of all our beet-growing districts as a material aid to the dairy and livestock business; and

Whereas the loss of these various beneficial results would be exceedingly harmful to every phase of the agricultural life of Utah; and

Whereas the general business interests of the State are greatly benefited by the annual proceeds from the sugar-beet crop, and any detriment to the industry will be felt by every business interest of the State of Utah; and

Whereas a large amount of sugar is coming into this country from the Philippines, Hawaii, Porto Rico, and Cuba, where the cost of living is very much lower than in the United States; and

Whereas this sugar from the Philippines, Hawaii, and Porto Rico comes in free of duty and that from Cuba under a preferential rate: Therefore be it

Resolved, That the serious situation of the beet-sugar industry be brought to the attention of the Congress of the United States, so that the American market may be safeguarded by an adequate tariff on sugar, for the American farmer.

This act shall take effect upon approval.

Mr. SMOOT also presented the following concurrent resolutions of the Legislature of the State of Utah, which were referred to the Committee on Post Offices and Post Roads:

Senate Concurrent Resolution 2 (by Mr. Ryan), memorializing Congress to pass and the President to approve at this session H. R. 14665, by Mr. COLTON, as amended

Be it resolved by the Legislature of the State of Utah (the governor concurring therein):

Whereas there is now pending before the Seventieth Congress, second session, H. R. 14665, by Mr. COLTON, as amended, entitled "A bill to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes"; and

Whereas the purpose of said H. R. 14665, as amended, is to authorize the appropriation, out of any money in the Treasury not otherwise appropriated, for the construction of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations:

The sum of $3,500,000 for the fiscal year ending June 30, 1929;

The sum of $3,500,000 for the fiscal year ending June 30, 1930;

The sum of $3,500,000 for the fiscal year ending June 30, 1931; and

Whereas, the State of Utah is one of the public-land States to which the passage of the above bill would be only simple justice on the part of the Federal Government, as that parent Government is the actual owner of about 72 per cent of the total area of this State; and

Whereas study of the progress of road construction in the public-land States develops the absolute necessity of the above appropriations, these studies showing that under present appropriations the Federal-aid system should be completed in less than 10 years, while it will require approximately 40 years to complete the forest-highway system; and

Whereas the purpose of said legislation is more quickly to aid in closing important gaps in the main system of highways within and across the State of Utah, largely across public domain and Government reserves, and thus to aid in the early completion of an adequate system of highways interstate in character: Now, therefore, be it

Resolved, That the Legislature of the State of Utah, the governor concurring, hereby recommends the prompt passage of H. R. 14665, by Mr. COLTON, as amended, at this session of Congress, in order that the construction of roads as therein provided may be undertaken at once and their completion expedited.

Mr. NORRIS presented the following resolution adopted by the House of Representatives of the State of Nebraska, which was referred to the Committee on Indian Affairs:

Resolution of Federal appropriation for survey, improvement, construction, and maintenance of a road on the Omaha and Winnebago Indian Reservation in the State of Nebraska

PREAMBLE

Whereas section 318a, chapter 8, title 25, United States Code (compact edition), provides as follows:

"Appropriations are hereby authorized out of any money in the Treasury not otherwise appropriated for material, equipment, supervision, and engineering, and the employment of Indian labor in the survey, improvement, construction, and maintenance of Indian reservation roads not eligible to Government aid under chapter 1 of title 23 and for which no other appropriation is available, under such rules and regulations as may be prescribed by the Secretary of the Interior"; and

Whereas the construction of a road beginning at a point near the village of Decatur, Burt County, Nebr., thence running in a northwesterly direction to Macy, Thurston County, Nebr.; thence to the Winnebago Agency; and thence to the village of Winnebago, Thurston County, Nebr., is necessary for convenient transportation to, from, and through northeastern Nebraska; and

Whereas the proposed road above described is situated entirely within the limits of the Omaha and Winnebago Reservation of Nebraska and is not such an Indian reservation road as to be eligible to Government aid under chapter 1, title 23, United States Code (compact edition), and for that reason an appropriation of money from the United States Treasury is not available, save and except under the provisions of section 318a, chapter 8, title 25, United States Code (compact edition), as aforesaid: Therefore be it

Resolved by the House of Representatives of the State of Nebraska:

First. That it is the sense of the House of Representatives of the State of Nebraska that an appropriation be, as soon as can conveniently be done, authorized out of any money in the Treasury of the United States not otherwise appropriated, for material, equipment, supervision, and engineering; for the survey, improvement, construction, and maintenance of a road beginning at a point near Decatur, Burt County, Nebr.; thence running in a northwesterly direction to Macy, Thurston County, Nebr.; thence to the Winnebago Agency; and thence to the village of Winnebago, Thurston County, Nebr.; all of which road above described is situated entirely within the limits of the Omaha and Winnebago Reservation in the State of Nebraska.

Second. That the chief clerk of the House of Representatives of the State of Nebraska, be, and hereby is, directed forthwith to transmit copies of this resolution, properly authenticated, to the House of Representatives and to the Senate of the United States and to the several Members of said bodies representing the State of Nebraska therein and to the Secretary of the Interior of the United States.

C. G. CAMPBELL,
C. A. VALDER.

STATE OF NEBRASKA, FORTY-FIFTH SESSION,
HOUSE OF REPRESENTATIVES,
Lincoln, Nebr., February 8, 1929.

I hereby certify that the foregoing resolution was adopted by unanimous vote of the house of representatives of this State.

FRANK P. CARRICK,
Chief Clerk of the House.

Mr. NORRIS also presented the following resolution adopted by the House of Representatives of the State of Nebraska, which was referred to the Committee on Military Affairs:

REUNION OF BLUE AND GRAY

Resolution and memorial petitioning the Congress of the United States to enact into law House bill 14461, Seventieth Congress, second session, which provides for a joint reunion of the surviving veterans of the war of 1861 to 1865, to be held in the city of Washington in the year 1929, and to authorize the appropriation of sufficient money from the United States Treasury to pay the expenses of such joint reunion, and to provide for a commission to carry into effect the provisions of said act

PREAMBLE

Whereas Mr. L. D. Richards, of Fremont, Nebr., who was a soldier of the Union for four years during the Civil War, and other survivors of that war in Nebraska have long had in contemplation that there should be a final reunion of the veterans of that great war in the city of Washington; and

Whereas such a reunion of the "Blue and Gray" would accomplish the result of wiping out the last remaining trace of bitterness, if any shall remain, between the sections of our country once at war, but now happily united; and

Whereas House bill 14461, now pending before the Seventieth Congress, second session, of the United States in Washington, will make, if enacted into law, such joint reunion possible; and

Whereas the passage of said bill through our National Congress will make the hope and prayer of every veteran of the Civil War come true that such joint reunion be held and accomplished while he shall still be upon the earth to witness it with his own eyes: Therefore be it

Resolved by the House of Representatives of the State of Nebraska:

First. That we urge the Congress of the United States forthwith to enact House bill 14461 into law.

Second. That the chief clerk of the house of representatives be, and hereby is, directed to transmit copies of this resolution, properly authenticated, to the Senate and to the House of Representatives of the United States and to the several Members of said bodies representing the State of Nebraska therein, and to the President of the United States.

G. W. O'MALLEY,
S. C. WALDRON,
CARSON RUSSELL,
T. L. DAVIS,
R. C. REGAN,
W. H. O'GARA,
MAX ADAMS.

STATE OF NEBRASKA, FORTY-FIFTH SESSION,
HOUSE OF REPRESENTATIVES,
Lincoln, Nebr., February 8, 1929.

I hereby certify that the foregoing resolution was adopted by unanimous vote of the house of representatives of this State.

FRANK P. CARRICK,
Chief Clerk of the House.

FAILURES OF JOINT-STOCK LAND BANKS

Mr. WALSH of Montana. Mr. President, I have a communication from a banker at Casper, Wyo., whom I do not know, accompanied by an advertisement appearing in the Wall Street Journal giving information of the failure of seven Federal joint-stock land banks in the Middle West. The information was startling in character to me. I ask that the letter, with the advertisement, may be incorporated in the RECORD, and then referred to the Committee on Banking and Currency.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and, without objection, the letter and the advertisement will be printed in the RECORD, and referred to the Committee on Banking and Currency.

The matter referred to is as follows:

WYOMING TRUST CO. OF CASPER,
Casper, Wyo., February 6, 1929.

Hon. THOMAS J. WALSH,
Senate Chamber, Washington, D. C.

DEAR MR. WALSH: We inclose herewith page 15 of the Wall Street Journal of January 30, 1929. It contains a notice to all bondholders of the Kansas City Joint Stock Land Bank to send in their claims to the receiver.

Possibly you are familiar with this whole matter. However, we can not refrain from respectfully calling it to your attention. The collapse of a number of joint-stock land banks over the country has been so disastrous to investors that we certainly should have a valiant champion to plead our cause.

The joint-stock land banks are a part of the Government rural-credit structure. Morally, if not legally, the Government is primarily responsible both for the inception and the successful management of these institutions. The Government itself first announced the bonds of the joint-stock land banks to the public. The Government has made these issues eligible for the security of funds of the Postal Savings Bank in its elected depositories. Following the lead of the Government, many of the States have made these bonds eligible to secure public deposits.

We feel that the general investing public has been grossly deceived in the Government's attitude in this matter. This bank has suffered a considerable loss thereby. Either the Government should make good the delinquency of its "foster child" or at least conduct an investigation that would hunt out and properly punish the parties guilty of such gross incompetence, graft, and downright dishonesty.

We have no license or right to address you in this matter and certainly have hesitated to do so. Our only excuse is that we are well assured of your clean-cut and definite policy of searching out shady matters of this kind.

Respectfully yours,

R. C. CATHER, *Vice President.*

[From the Wall Street Journal, Wednesday morning, January 30, 1929]

Notice to bondholders and all others having claims against the Kansas City Joint Stock Land Bank, of Kansas City, Mo.; Liberty Joint Stock Land Bank, of Kansas City, Mo.; Liberty Joint Stock Land Bank, of Salina, Kans.; Bankers' Joint Stock Land Bank, of Boonville, Mo.; Liberty Central Joint Stock Land Bank, of St. Louis, Mo.; Missouri Joint Stock Land Bank, of Kansas City, Mo.; and Wichita Joint Stock Land Bank, of Wichita, Kans.

Whereas, on the 4th day of May, 1927, by order of the Federal Farm Loan Board, under and in pursuance of the provisions of section 29 of the Federal farm loan act, as amended, the Kansas City Joint Stock Land Bank, of Kansas City, Mo., was declared insolvent and placed in the hands of a receiver appointed therefor by the Federal Farm Loan Board; and

Whereas H. M. Langworthy is now duly qualified and acting as such receiver; and

Whereas the corporate name and title of the Liberty Joint Stock Land Bank, of Salina, Kans., was by authority of an order of the Federal Farm Loan Board dated March 14, 1922, changed to the corporate name and title of Liberty Joint Stock Land Bank, of Kansas City, Mo.; and the corporate name and title of the Liberty Joint Stock Land Bank, of Kansas City, Mo., was, by authority of an order of the Federal Farm Loan Board dated May 18, 1922, changed to the corporate name and title of Kansas City Joint Stock Land Bank, of Kansas City, Mo.; and

Whereas prior to May 4, 1927, under the provisions of the Federal farm loan act, the Kansas City Joint Stock Land Bank, of Kansas City, Mo., acquired the assets and assumed the liabilities of the Bankers' Joint Stock Land Bank, of Boonville, Mo.; the Liberty Central Joint Stock Land Bank, of St. Louis, Mo.; the Missouri Joint Stock Land Bank, of Kansas City, Mo.; and the Wichita Joint Stock Land Bank, of Wichita, Kans.; and

Whereas the receiver has been authorized and instructed by the Federal Farm Loan Board to give all bondholders and other creditors notice to file their claims as hereinafter set forth:

Now, therefore, notice is hereby given that all persons having claims against said Kansas City Joint Stock Land Bank, of Kansas City, Mo.; Liberty Joint Stock Land Bank, of Kansas City, Mo.; Liberty Joint Stock Land Bank, of Salina, Kans.; Bankers' Joint Stock Land Bank, of Boonville, Mo.; Liberty Central Joint Stock Land Bank, of St. Louis, Mo.; Missouri Joint Stock Land Bank of Kansas City, Mo.; and the Wichita Joint Stock Land Bank, of Wichita, Kans., including all owners of bonds issued by said banks, shall present their claims thereon to H. M. Langworthy, receiver of Kansas City Joint Stock Land Bank, of Kansas City, Mo. All claims, including those of bondholders, to share in the general assets of the bank must be filed with the receiver on or before the 31st day of May, 1929, or they may be disallowed.

Bondholders in proving their claims must deliver their bonds to the receiver. Forms for the delivery of bonds and proof of claims may be obtained from the receiver. In requesting forms, the bondholders should state whether he holds registered bonds or coupon bonds, or both.

Dated December 1, 1928.

H. M. LANGWORTHY,
Receiver Kansas City Joint Stock Land Bank, of Kansas City, Mo.

(Address H. M. Langworthy, receiver Kansas City Joint Stock Land Bank, Land Bank Building, Kansas City, Mo.)

REPORTS OF COMMITTEES

Mr. ODDIE, from the Committee on Naval Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3981) for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy (Rept. No. 1716);

A bill (H. R. 12502) for the relief of John H. and Avie D. Mathison, parents of Charles W. Mathison, deceased (Rept. No. 1717);

A bill (H. R. 13658) for the relief of Hugh Anthony McGuigan (Rept. No. 1718); and

A bill (H. R. 13721) for the relief of Edwin I. Chatcuff (Rept. No. 1719).

Mr. ASHURST, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 5581) to amend the act entitled "An act authorizing the paving of the Federal strip known as International Street adjacent to Nogales, Ariz.," approved May 16, 1928, reported it with an amendment and submitted a report (No. 1720) thereon.

Mr. GERRY, from the Committee on Naval Affairs, to which was referred the bill (H. R. 9009) for the relief of Francis Leo Shea, reported it without amendment and submitted a report (No. 1721) thereon.

Mr. BLACK, from the Committee on Claims, to which was referred the bill (S. 2986) for the relief of Francis J. McDonald, reported it with an amendment and submitted a report (No. 1722) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 5091) for the relief of Edward C. Dunlap, reported it without amendment and submitted a report (No. 1723) thereon.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on this calendar day that committee presented to the President of the United States the following enrolled bills:

S. 4560. An act authorizing Elisha N. Goodsell, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Lake Champlain between a point at or near Rouses Point, N. Y., and a point at or near Alburgh, Vt.;

S. 5301. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the French Broad River on Tennessee Highway No. 9 in Cocke County, Tenn.; and

S. 5377. An act granting the consent of Congress to the Pittsburgh & West Virginia Railway Co. to construct, maintain, and operate a railroad bridge across the Monongahela River.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BLAINE (for Mr. LA FOLLETTE):

A bill (S. 5780) granting an increase of pension to Harriet Comfort; to the Committee on Pensions.

By Mr. GOFF:

A bill (S. 5781) to provide an appropriation for the payment of claims of persons who suffered damages from deaths, personal injuries, or property loss due to an airplane accident at Langin Field, Moundsville, W. Va., July 10, 1921 (with an accompanying paper); to the Committee on Claims.

By Mr. SHIPSTEAD:

A bill (S. 5783) to amend the World War veterans' act, 1924, as amended; to the Committee on Finance.

By Mr. TYDINGS (for Mr. HAWES):

A bill (S. 5784) granting an increase of pension to Martha C. Taylor (with accompanying papers); to the Committee on Pensions.

By Mr. BROOKHART:

A bill (S. 5785) to establish a board of civil service appeals and to amend an act entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field service," approved March 4, 1923 (ch. 265, 42 Stat. 1488), and for other purposes; and

A bill (S. 5786) regarding hours of labor of certain watchmen, building guards, firemen, and engineers in the custodial service; to the Committee on Civil Service.

Mr. HEFLIN. I introduce a bill which was introduced once before by my former colleague, Senator Underwood. I ask that it be referred to the Committee on Claims.

The VICE PRESIDENT. The bill will be so referred.

By Mr. HEFLIN:

A bill (S. 5787) for the relief of the estate of C. C. Spiller, deceased; to the Committee on Claims.

By Mr. OVERMAN:

A bill (S. 5788) granting a pension to Mary C. Von Ezdorf; to the Committee on Pensions.

WORLD WAR VETERANS' INSURANCE

Mr. BRATTON. Mr. President, on May 29, 1928, an act was approved fixing a period of limitation within which a veteran of the World War might institute a suit involving a controversy between himself and the Veterans' Bureau arising from an insurance contract or other written contract. That act provided a twofold period, one being that the cause should be instituted within six years after it arose, and the other within one year after the act was approved, whichever was the later date; so that the 1-year period will expire on May 29 of this year.

I introduce a bill, Mr. President, designed to extend the 1-year period thus fixed to May 29, 1930. That is the only change proposed to be made in the law. I call attention to that because I may offer the bill as an amendment to some other bill later in the session. I think it will give rise to no controversy when it is tendered, and will correct what may be an obvious injustice to worthy ex-service men having just cause for litigation with the bureau.

The bill (S. 5782) to amend section 19 of the World War veterans' act, 1924, as amended, was read twice by its title and referred to the Committee on Finance.

OPEN EXECUTIVE SESSIONS

Mr. ROBINSON of Arkansas. I submit a proposed amendment, in the nature of a substitute, to the resolution (S. Res. 322) submitted by the Senator from Washington [Mr. JONES]. I ask that it be printed and also printed in the RECORD and that it lie on the table.

The amendment was ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

Hereafter all business in the Senate shall be transacted in open session, unless the Senate in open session by a majority vote shall determine that a particular nomination, treaty, or other matter, shall be considered in closed executive session, in which case all subsequent proceedings with respect to said nomination, treaty, or other matter shall be kept secret.

Provided, That the injunction of secrecy as to the whole or any part of proceedings in closed executive session may be removed on motion adopted by a majority vote of the Senate in closed executive session.

Anything in the rules of the Senate inconsistent with the foregoing is hereby repealed.

FREE TEXTBOOKS FOR DISTRICT PUBLIC-SCHOOL PUPILS

Mr. HEFLIN. I ask that the amendments I offered on yesterday to the bill (S. 3902) to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia, may be submitted as intended to be proposed by me to House bill 12739, providing free textbooks in the District of Columbia schools, and so forth, and that the amendments be referred to the Committee on the District of Columbia, that committee having considered and reported the Senate bill.

The VICE PRESIDENT. Without objection, the amendments will be so referred.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 5758. An act amending the act approved May 4, 1926, providing for the construction and maintenance of bathing pools or beaches in the District of Columbia;

H. R. 6664. An act to establish a woman's bureau in the Metropolitan Police Department of the District of Columbia, and for other purposes;

H. R. 12739. An act to provide books and educational supplies free of charge to pupils of the public schools of the District of Columbia;

H. R. 13752. An act to provide for the construction of a children's tuberculosis sanatorium; and

H. R. 16274. An act to provide for the establishment of a municipal center in the District of Columbia.

RESERVE BANK RATES

Mr. SHIPSTEAD. I ask unanimous consent to submit a resolution and ask that it be read.

The VICE PRESIDENT. Without objection, the resolution will be read.

The resolution (S. Res. 327) was read, as follows:

Resolved, (a) That the Federal Reserve Board be respectfully requested to report to the Senate as early as possible any information it may possess concerning any agreements or understandings, if any, made by any Federal reserve bank or any officer of any Federal reserve bank or the Federal Reserve Board, with the Bank of England, Bank of France, or any other foreign bank or foreign acceptance corporation relative to the raising or lowering of the Federal reserve bank rates since January 1, 1924, and report to the Senate the ostensible or admitted reasons given, if any, for such agreements or understandings.

(b) If such agreements were made and were effectuated, what, in the opinion of the board, was the resulting effect upon the international shipments of gold.

(c) What, in the opinion of the board, was the resulting effect upon the pyramiding of bank credit and the general credit structure, speculation, and the price of stocks and bonds, commodity prices, including agriculture.

(d) What information, if any, does the board possess in regard to the amount of foreign money or credit represented in the call-loan report of the New York bank clearings within the last year.

Resolved, That the Federal Reserve Board be respectfully requested to give the Senate any other information and such suggestions as, in their opinion, may be helpful to enact legislation for the purpose of stabilizing the international exchange, the domestic price level, and the value of the dollar as a medium of exchange.

Mr. SHIPSTEAD. Mr. President, I should like to have immediate consideration of this resolution if there is no objection. It is merely a resolution asking for information for the use of the Senate for the purpose of framing legislation. If there is objection, of course, the resolution will go over.

Mr. SMOOT. Mr. President, I could hardly gather the full intent of the resolution by simply hearing it read. I ask that it go over.

Mr. SHIPSTEAD. Very well.

The VICE PRESIDENT. The resolution will go over, under the rule.

LAW OF AERIAL NAVIGATION (S. DOC. NO. 221)

Mr. NORRIS. Mr. President, about the middle of December last there was held in this city an International Civil Aeronautics Conference. The Department of Justice was represented in that conference by one of the attorneys of that department, Mr. E. E. Danly. After the conference Mr. Danly, at the request of the Attorney General, wrote a memorandum upon the subject of the law of aerial navigation. Since that is new, and the first article of its kind, I believe, that has been written by any official of the Government, it will be exceedingly interesting not only to attorneys but to people generally. I therefore desire to give it the widest possible publication; and I ask unanimous consent that this article by Mr. Danly be printed in the RECORD, and also as a Senate document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[Memorandum for the Attorney General]

THE LAW OF AERIAL NAVIGATION

By E. E. Danly, attorney, the Department of Justice

As you know, by your assignment, I attended the sessions of the International Civil Aeronautics Conference held in Washington December 12 to 14, 1928, as a representative of the Department of Justice. Delegates were present from 40 countries. The forenoons of the convention days were given over to plenary sessions and during the afternoons subsessions were held for the discussion in more detail of different matters relating to aviation. One of these subsessions was devoted to a discussion of the law of aerial navigation, and I have thought it proper to very briefly state what seemed to me to be the general conclusions reached in the discussion. Since substantial progress in aviation has been made only within the past few years many of the legal problems are necessarily new and the conclusions reached were therefore not entirely definite. I am merely stating what seemed to be the prevailing views.

The development of the means of aerial navigation has suddenly opened a new territory to human access and made available a new field of commerce. Coincident with the occupancy and use of the new territory there has become necessary, as always it must, a statement and understanding of the rights incident to the occupancy and use. These rights naturally group themselves into two classes—first, the rights of states (the term being used in the international sense) in their relationship to other states and the nationals of other states; and, second, the rights between a state and its subjects and among its subjects.

I. AERONAUTICS IN INTERNATIONAL LAW

As might be expected, the advent of aerial navigation gave rise to conflicting views as to what principles should prevail in international relationships—whether there should be a freedom of air space somewhat similar to the freedom of the high seas or whether each state should possess a sovereignty, qualified or exclusive, over the air spaces above its domain. Between the year 1900 and the outbreak of the Great War three views had the support of adherents: First, there were those who held that the air not being susceptible of possession and subjection was therefore not subject to the exercise of the powers of sovereignty; second, others held that the state had certain rights in the air spaces above its territory which, however, did not amount to positive and exclusive rights of sovereignty; third, another group adhered to the view that each state possessed an exclusive and unlimited sovereignty over the air space supervening over its territory.

The principle of state sovereignty over air spaces was asserted in legislative enactments in Great Britain in 1911 and 1915, and was made the basis of an agreement between France and Germany in 1913. In Russia a ministerial decree was issued in 1913 forbidding the passage of aircraft of other countries over its western border. This decree was slightly modified upon a reciprocity basis. Different interpretations were placed upon these expressions and thus at the time of the beginning of the Great War considerable difference of opinion and confusion existed as to what doctrine should prevail.

Immediately after the outbreak of the war Switzerland proclaimed her neutrality and informed the belligerent powers that no foreign aircraft would be permitted to fly over Swiss territory. Passage of aircraft over her territory was later characterized by Switzerland in protests submitted to the offending governments as violations of her sovereignty. Other neutral powers followed this lead with similar declarations. No belligerent lodged a protest against the attitude taken by these states and that attitude gained the support of custom and public opinion. The principle, thus strengthened, has since had almost universal approval in international conventions and in the legislative enactments of most states, including the United States.

With the acceptance of the principle of state sovereignty it at once became apparent that unless the privilege of innocent passage was accorded by each state to the nationals of other states aerial communication between states could not be had. No law existed under which a right of such innocent passage could be claimed. The principle of aerial sovereignty born of international custom observed during the war was silent on the point of innocent passage, and it became necessary that there should be some manifestation of the granting of this necessary privilege. This manifestation took the form of group action in two important instances, and in the form of bilateral treaties in a great many instances. The first of the important group actions was the Air Navigation Convention of October 13, 1919, held in Paris. Twenty-eight states, including those which entered the compact at its inception and those which have since joined, have ratified this treaty. The United States signed the convention but has not ratified it. The doctrine that each state has complete and exclusive sovereignty over the air spaces above its territory was accepted by the states joining the convention as fundamental, and it became a basis upon which the joint agreement was predicated. The convention was prompted by the fact that the contracting parties recognized the progress of aerial navigation and that the establishment of rules of universal application was desirable. In the convention each contracting state undertook to accord in time of peace freedom of innocent passage above its territory to the aircraft of other contracting parties, provided the conditions of the convention were observed. The second important example of group action was the Habana convention, dated February 20, 1928, which was signed by 20 Latin-American States and by the United States. This convention has not been ratified by any of the states party to it unless such ratification has taken place very recently. It has not been ratified by the United States. In the Habana convention a substantial part of the rules relating to navigation of the air was adopted, in many instances, in the identical language used in the Paris convention. The principle of state sovereignty was recognized and the contracting parties accorded to each other the privilege of innocent passage.

More than 500 bilateral treaties regulating the conduct of international air navigation and prescribing the conditions upon which freedom of innocent passage has been accorded by each of the contracting parties to the national aircraft of the other have been made. In addition to this many states have passed domestic legislation covering navigation of the air over their territories in which the principle of air sovereignty is accepted, and in none of this legislaton can there be found provisions denying the freedom of innocent passage to the aircraft of other states on peaceful mission.

Since freedom of innocent passage is an accorded privilege it may be exercised only in compliance with such conditions as may be imposed. The conditions usually imposed relate to safeguarding the interest of the state flown over, designating the frontier points of entry and departure, designating places where they may or shall land in case the course is not a transstate flight, transporting of material by which the danger to life and property is enhanced, the prohibiting the carrying of photographic apparatus except under restrictions requiring that suitable nationality and identification marks be displayed on the craft, reserving the right to visit and inspect alien aircraft, requiring that the craft be airworthy and manned by competent crew, requiring that the provisions of the immigration laws be met, and many other things.

These general rules of conduct applying to international air navigation have arisen largely as the result of an almost universal acceptance of the doctrine of state sovereignty and the recognition of the necessity of permitting freedom of innocent passage to national aircraft of sister states in time of peace. As time goes on and these principles receive support from continued application and recognition they, and others, probably will make for themselves a definite place in the law of nations.

II. DOMESTIC LAW OF AERONAUTICS

The field of law as applied to aeronautics as an industry is very broad and covers a large number of phases. The question of state sovereignty over air space raises a fundamental problem in the consideration of the law of aviation as applied within a given state, for the right of the state to control navigation of the air space over its territory is dependent on the existence of such sovereignty. As has been stated, it is now generally conceded that such sovereignty exists. Much of the domestic legislation on the subject presupposes the existence of such sovereignty and the existence of the right to control and regulate the use of the air spaces.

Another fundamental problem, one which applies more directly to private law than to public law, is the question of the ownership of the air spaces. Here we find ourselves confronted with the ancient maxim that the owner of the ground owns to the center of the earth and the air space to the heavens above. If this principle were to obtain without qualification as a fundamental principle of law every flight of an airplane over property owned by another would constitute a trespass and render the trespasser liable for such damage, if any, as might be proven, and a repetition of such trespass might be enjoined. The American Bar Association has urged upon the states the passage of uniform air law granting a legal right of flight over all privately owned property, and this law has been adopted by many states. It is to be noted that the principle of law above referred to was adopted at a time when it was unimportant who owned the air spaces above reasonable heights, and there is a general feeling among the leaders of the bar that the courts will gradually recede from their former position and that the question of trespass will be obviated. An indication of this trend of legal thought appears in the case of Johnson *v.* Curtiss Northwest Airplane Co. et al., which was tried in a district court of Minnesota and not reported, in which Judge James C. Michael made the following comment:

"Condemnation of air lanes is not feasible, because aircraft can not adhere strictly to a defined course.

"Common-law rules are sufficiently flexible to adapt themselves to new conditions arising out of modern progress, and it is within the legitimate province of the courts to so construe and apply them.

"The air, so far as it is in direct relation to the comfort and enjoyment of the land, is appurtenant to the land, and no less the subject of protection than the land itself, but when, as here, the air is to be considered at an altitude of 2,000 feet or more, to contend that it is a part of the realty, as affecting the right of air navigation, is only a legal fiction, devoid of substantial merit. Under the most technical application of the rule, air flights at such an altitude can amount to no more than instantaneous, constructive trespass. Modern progress and great public interest should not be blocked by unnecessary legal refinements.

"Failure to sustain the plaintiff's contention relative to upper air trespass does not deprive him of any substantial rights or militate against his appropriate and adequate remedies for recovery of damages and injunctive relief in cases of actual trespass or the commission of a nuisance * * *."

It may therefore be said that the legal right of flight over private property is supported by Federal statute, the statutes of many States, by court decisions, and by the predominating opinion of the members of the bar generally.

In the United States, where we have 48 States, each with a limited independent sovereignty of its own, there are additional problems. In 1926, when Congress passed the regulatory act, it committed the administration of the act to the Secretary of Commerce. Power of Congress over this subject is derived from the commerce clause of the Constitution and its application must, therefore, be limited to the regulation of aircraft engaged in interstate or foreign commerce. The Secretary of

Commerce is authorized to and has made regulations requiring the registration of airplanes, establishing rules of flight, fixing a standard of efficiency for aircraft, and covering many other phases of the industry. As stated above, the regulatory measures which have been so adopted by many of the States conform in many particulars to that adopted in the Federal act. An effort is now being made to unify the State enactments as much as possible.

On the question of liability of the transport company to passengers or to the owners of freight being transported there are few, if any, decisions. The discussion at the conference indicated that the transport companies have assumed that they would be liable for such losses and have protected themselves by insurance. The premium rates of the insurance companies are based upon the assumption that the liability is actual and they have not contested the question. Liability to the passenger where he is an adult and otherwise competent to contract is usually released in advance, but there may be some doubt whether such a release would be effectual where the transport company is a common carrier with established routes and schedules and holds itself out to carry anyone for a stipulated compensation. There is also doubt as to whether the passenger could by waiver release the transport company from liability to the members of his family in favor of whom liability might otherwise exist.

On the whole, the view generally held was that liability of an owner and/or operator of aircraft for damages occuring through his fault or neglect to the persons and property of others is based upon, and will be determined by, the ordinary and familiar rules of law applicable generally to liability for damages from such cause. This, also, is a risk which the insurance companies assume, and neither the transport company nor insurance companies have resisted liability in the courts.

Doubtless, cases will arise at an early date, at which these questions of liability will be determined. Since attending the conference my attention was attracted to a press report of a case in Chicago, in which an aviator was held liable for damages done by him in flight to an automobile belonging to the plaintiff.

In this short memorandum I have attempted to speak of some of the questions which were discussed at the conference. There are, of course, a great many legal propositions involved in the industry which did not have special application to aviation as an industry, and these questions are therefore omitted. Navigation of the air is in its infancy. In the discussions at the conference the belief was expressed that as the industry is developed a field of law of corresponding importance will be opened.

COMPACTS BETWEEN NEW MEXICO AND OKLAHOMA, ETC.

The VICE PRESIDENT. The Chair lays before the Senate a message from the House of Representatives, and calls it to the attention of the Senator from Colorado [Mr. PHIPPS].

The legislative clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 9, 1929.

Resolved, That the House disagrees to the amendment of the Senate to the bill (H. R. 6496) granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested.

Mr. PHIPPS. Mr. President, there are in all five bills covering practically the same purpose. The Senate struck from those bills one line of the House language which limited the choice of a Federal representative to an employee of the Department of the Interior.

Our Committee on Irrigation and Reclamation feel that we should have a conference. I therefore move that the Senate insist upon its amendment and ask for a conference with the House of Representatives, and that the Chair appoint the conferees on the part of the Senate. If that motion is agreed to, I shall ask the same action on all five of these bills.

Mr. BRATTON. Mr. President, I understand from the chairman of the committee that the committee expressed a desire at its meeting this morning for a conference on these so-called compact bills.

Mr. PHIPPS. That is correct.

Mr. BRATTON. In deference to the committee, I shall not oppose the motion of its chairman; but it seems to me the point at issue is insignificant as compared with the importance of the legislation. I therefore express the hope that an early conference will be had, and an agreement regarding the bills reached, in order that their passage at the present session of the Congress may not be jeopardized.

Mr. PHIPPS. That is the desire of our Committee on Irrigation and Reclamation.

The VICE PRESIDENT. The question is on the motion of the Senator from Colorado.

The motion was agreed to; and the Vice President appointed Mr. PHIPPS, Mr. JONES, and Mr. SHEPPARD conferees on the part of the Senate.

The VICE PRESIDENT. Without objection, the same order will be entered in connection with all the bills.

The bills referred to are as follows:

H. R. 6497. An act granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested;

H. R. 6499. An act granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested;

H. R. 7024. An act granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers and all other streams in which such States are jointly interested; and

H. R. 7025. An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested.

LANDS IN BOX ELDER COUNTY, UTAH

Mr. KING. Mr. President, on Saturday last House bill 15328 was passed. It was a bill originating in the House, introduced by Representative LEATHERWOOD, of the State of Utah. It dealt with an exchange of lands owned by the State for lands owned by the Government.

Before the same committee, the Public Lands Committee of the Senate, was another bill which provided for the exchange of lands for the purpose of enlarging or consolidating the migratory-bird refuge in Utah. The lands were in the same county. When House bill 15328 was called up for consideration by the Senator from New Mexico [Mr. BRATTON], a member of the committee, he was under the impression, as was I, that it was another bill, one dealing with the bird refuge instead of the bill offered by the Representative from Utah [Mr. LEATHERWOOD].

Not understanding the situation, we made a statement with reference to the bill which was not quite accurate. I therefore move that the vote by which that bill was passed be reconsidered, in order that we may state the facts accurately.

Mr. CARAWAY. Mr. President, will that displace the unfinished business?

Mr. KING. I ask unanimous consent that it do not displace the unfinished business.

The VICE PRESIDENT. The motion should be to request the return of the bill from the House of Representatives.

Mr. SMOOT. I hope my colleague will not ask for that now. Is there anything wrong with the bill?

Mr. KING. Not a thing.

Mr. SMOOT. Then why reconsider the vote by which it was passed?

Mr. KING. I would not want the RECORD to stand showing that the Senator from New Mexico and myself obtained the consideration of a bill upon an inaccurate statement. That is the only reason I have for speaking about the matter. Just as soon as the motion to reconsider was carried, I was going to ask that the bill be considered by the Senate and passed, because there is no objection to it; but I want the RECORD to show the facts.

Mr. SMOOT. Did the Senator from New Mexico report that bill or did I report it?

Mr. KING. The Senator from New Mexico reported it.

Mr. BRATTON. Mr. President, I reported the bill on behalf of the committee, it went to the calendar, and was reached in due course last Saturday.

Mr. SMOOT. I remember it now.

Mr. BRATTON. The junior Senator from Utah is slightly inaccurate in saying that the bill was called up at my request. It was reached upon the calendar in regular course. During the consideration of the bill, and in making an explanation of it, in response to the inquiry of the Senator from Washington [Mr. JONES], the junior Senator from Utah as well as myself made some observations which applied to another bill instead of the one we were then considering.

Mr. SMOOT. Would not the statements which have been made now by the two Senators correct the situation just as well as having the bill returned?

Mr. KING. Mr. President, I would not want to lie under the imputation of having secured the passage of a bill by an inaccurate statement, even though every Senator wanted the bill

passed. I felt it to be my duty, and I am sure the Senator from New Mexico feels the same way, to invite the Senate's attention to the matter, and to have the bill restored to the same status in which it then was, and then to ask that it be passed.

Mr. SMOOT. I have no objection to having it come back, if there is any feeling about it at all.

Mr. KING. There is no feeling, except a desire to be accurate, and not to take advantage of any Senator.

Mr. SMOOT. I have no objection.

Mr. BRATTON. I thought, and I think the junior Senator from Utah believed, that the bill we were then considering was the one which the senior Senator from Utah reported to the Senate yesterday and asked to have considered. That bill was discussed in the committee; I understood that I was to report it, and thought that I had done so until yesterday, when I learned from the clerk of the committee that instead of my reporting it it had been handed to the senior Senator from Utah and was presented by him yesterday and was passed.

Mr. SMOOT. That is true.

Mr. BRATTON. So that the junior Senator from Utah and I acted in the utmost good faith, but we were discussing one bill when another one was actually pending.

Mr. SMOOT. I have no objection.

The VICE PRESIDENT. Does the junior Senator from Utah desire to move that the bill be returned from the House?

Mr. KING. I did not know that it had left the Senate. I had supposed we could act upon it this morning.

The VICE PRESIDENT. The bill went over to the House. Does the Senator desire to have the bill recalled from the House?

Mr. KING. I will ask the Senator from Washington [Mr. JONES] whether, with this explanation, I having stated to the Senate accurately what the facts are, he desires the bill recalled in order that the motion to reconsider may be affirmatively acted upon, and then the bill be taken up and passed again?

Mr. JONES. No, Mr. President; I intended to say that I was absolutely satisfied of the good intentions of both Senators. I know that neither one of them attempted to deceive me or the Senate. So I think it would be well just to allow the bill to remain in the House, and the committee of the House will make any corrections it thinks wise to make.

Mr. KING. I am entirely satisfied. I did not want the Senate to think we took advantage of them to secure the passage of a bill.

Mr. BRATTON. Mr. President, with that understanding I do not ask that the bill be recalled, but having reported it and having discussed it on the floor, I should want the situation thoroughly understood by every Member of the Senate if the bill is to remain in its present status.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 3955) for the relief of the C. Tisdall Co., Herbert W. Smith, Newman Bros., Thomas J. Murphy Co., formerly Edward A. Brown Co., and Giles P. Dunn, jr.

The message also announced that the House had agreed to the amendments of the Senate to each of the following bills:

H. R. 4258. An act to authorize credit in the disbursing accounts of certain officers of the Army of the United States and for the settlement of individual claims approved by the War Department; and

H. R. 7166. An act to allow credit in the accounts of disbursing officers of the Army of the United States on account of refunds made to purchasers of surplus war supplies.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16422) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SIMMONS, Mr. HOLADAY, and Mr. GRIFFIN were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8736) to provide for the inspection of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss., requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORIN, Mr. JAMES, and Mr. MCSWAIN were appointed managers on the part of the House.

APPROPRIATIONS FOR THE DISTRICT OF COLUMBIA

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 16422) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BINGHAM. I move that the Senate insist on its amendments, agree to the conference requested by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. BINGHAM, Mr. PHIPPS, Mr. JONES, Mr. GLASS, and Mr. KENDRICK conferees on the part of the Senate.

BATTLE FIELDS OF BRICES CROSS ROADS AND TUPELO, MISS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8736) to provide for the inspection of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. REED of Pennsylvania. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. REED of Pennsylvania, Mr. GREENE, and Mr. FLETCHER conferees on the part of the Senate.

AGRICULTURAL DEPARTMENT APPROPRIATIONS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives receding from its disagreement to the amendment of the Senate numbered 15 to the bill (H. R. 15386) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes, and in lieu of the matter inserted by said amendment inserting a colon and the following additional proviso:

Provided further, That the Secretary of Agriculture may, whenever necessary, authorize the charging and collection from owners of a reasonable fee for the inspection of brands appearing upon livestock subject to the provisions of the said act for the purpose of determining the ownership of such livestock: *Provided further,* That such fee shall not be imposed except upon written request made to the Secretary of Agriculture by the board of livestock commissioners, or duly organized livestock association of the States from which such livestock have originated or been shipped to market.

Mr. MCNARY. I move that the Senate concur in the House amendment to Senate amendment numbered 15.

The motion was agreed to.

THE BOSTON POSTMASTERSHIP

Mr. WALSH of Massachusetts. Mr. President, I have been trying to get the floor since my colleague made some comments with reference to the Boston postmastership. I feel that I should not allow what he has said to go unchallenged, particularly with reference to his assertion that as managed by the present postmaster the office has been used for Democratic activities.

The present postmaster at Boston is a Republican. He was appointed against the opposition of the Democratic leaders of Boston, and President Wilson selected him as the highest on a civil-service list, after an exhaustive examination as to the qualifications of some 75 candidates. The Democratic organization thought that a Democrat ought to have the appointment in that city, but Mr. Baker being first upon the list——

Mr. GILLETT. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the junior Senator from Massachusetts yield to his colleague?

Mr. WALSH of Massachusetts. I yield.

Mr. GILLETT. The Senator does not mean to indicate that Mr. Baker was at that time a Republican, does he?

Mr. WALSH of Massachusetts. I certainly intended to indicate that he was not a Democrat.

Mr. GILLETT. I want to say that I did not think he was a Republican; I supposed he was a Democrat.

Mr. WALSH of Massachusetts. I was the Democratic Senator from Massachusetts at the time and was not in favor of his appointment. I did vote to confirm him, because his was the highest name upon the civil-service list. I think I had some opportunity of determining, as the Democratic Senator from Massachusetts at that time, as to whether Mr. Baker was a

Democrat or not. I believe he was supposed to possess independent views, but he is a Republican. He supported the Republican candidate for the Senate in the last election. He supported the Republican candidate for the Senate two years ago, when I was a candidate, and one of the most frequent charges I heard preferred in that campaign was that the postmaster was allowing the post office to be used to promote the election of the then chairman of the Republican National Committee and the Republican candidate for Senator.

I do not know Mr. Baker; I think I have talked to him not more than five minutes in the entire time he has been postmaster at Boston. I have had a good deal of correspondence with him, and I do not mind making reference to a personal fact, if I may be pardoned, that Mr. Baker has again and again, publicly and privately, approved of the consistent course I have taken in insisting that promotions in the post office be based upon length of service and upon merit.

I do not hesitate to defy anybody to produce one scintilla of evidence of influence that I have tried to use, by letter or in person, with Mr. Baker or any other postmaster, except in an insistence that efficiency and seniority alone be considered in making promotions.

Boston is a Democratic city, as my colleague has properly said, and there are Democrats and Republicans in the Postal Service; but to say that Democrats in the Postal Service of Boston have violated their civil-service obligations and participated in politics, is a reflection upon the alertness of the Republican leadership, who could have preferred charges and eliminated from the Postal Service any Democrat who was active, if there have been such.

This is all propaganda to find an excuse for removing Mr. Baker, who is to be removed from the postmastership of Boston because he has not been an active Republican, because he has not used his office for the promotion of Republican ends.

I did call attention the other day to the character of the civil-service examinations for postmasters, and I did it for this reason: That I find an impression throughout this country about the matter which is not justified by the facts. Letters repeatedly come to me and other Senators inquiring about the civil-service character of these examinations for postmasterships and as to the extent that civil service controls these appointments. I find a great many people believe it is an honest, sincere real civil-service examination and test; I find a great many people believe that postmasterships are under the classified civil service of the country. I call attention to this Boston postmastership situation for the purpose of giving evidence to the people of Boston and the country of what really does take place in the matter of the appointment of postmasters.

I challenge any Senator here to contradict the fact that these steps are followed in the appointment of every postmaster in this country to-day: First, the politicians of the dominant party meet and decide whom they would like to have for postmaster. That is just what they did in the Boston situation. Their work was not discreet enough, however. They announced their intention in the papers. They told of their trips to the White House. They gave interviews at the White House as to the fact that they were here for the selection of a man for postmaster. They named the man they are going to nominate; the man who was later named. All this before any examination at all or before any talk of an examination. They even went so far as to ask the President for an Executive order doing away with the examination, and, to his credit, he refused to do that. I challenge anybody here to deny the fact that the first step taken in the selection of a postmaster is for the politicians to suggest and urge somebody to apply to take the examination when the announcement is made of an examination.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield.

Mr. NORRIS. I am exceedingly interested in this discussion, not because I have any interest in the Boston postmastership but because of the general principle involved in the matter. One thing I do not understand in the Senator's attitude, which I wish he would explain, is this: Assuming these things which the Senator has narrated to be true, and of course I do assume them to be true, how can he still say that the Civil Service Commission is not at fault? Whose fault is it? Where is the trouble? Who has violated the spirit of the law?

Mr. WALSH of Massachusetts. The trouble is that the executive department has not placed these appointments under the classified civil service. There would have been less abuses if President Harding and President Coolidge had pursued the policy President Wilson followed of naming the first man on the list after the investigations of candidates by the Civil Service Commission.

Mr. NORRIS. I agree with that; still, the fact remains that these politicians were successful in so maneuvering that the man they wanted secured the office under the guise of having passed the civil-service examination. It seems to me either the civil service must be at fault or somebody is.

Mr. WALSH of Massachusetts. The Senator knows that the Civil Service Commission does only 50 per cent of the examination; the Post Office Department does the other 50 per cent. Has the Senator found a civil-service spirit in the appointment of postmasters in the Post Office Department of the Government?

Mr. NORRIS. Yes; I have in some instances, and I have found the same thing the Senator has called attention to where that spirit did not exist. I think a great many of the appointments are made absolutely on the square, but there are a great many made where the officials resort to some method, some maneuver behind closed doors, by which the spirit of the law is violated.

Mr. WALSH of Massachusetts. I rather agree with the Senator, and I do not want to be understood as stating that all appointments made to postmasterships are not made on real merit, and with a purpose to carry out the real spirit of the civil service law. Much depends upon the recommendation of the Senator or Congressman and the influences that actuate him. The present method invites political influence. What I am trying to point out is the usual method of procedure, and I say it is, first, the selection of a local man whom the politicians propose to back for the office; next, an examination, an examination which is an inquiry by an inspector of the civil service and one from the Post Office Department in the community where the applicants live among leading citizens as to their qualifications, together with a rating based on information as to the applicant's business experience.

I have on my desk now letters from men who were among the 14. I think that is about the number of applicants, who applied for examination who say that no one ever called upon the persons whom they named as references who could vouch for them. In fact, there has been no rating made except of 3. The other 11 or more applicants are branded as men who are not capable of being considered seriously for the job as postmaster. Under such circumstances there is certain to be criticism of the method of investigation and rating.

Mr. NORRIS. If they did not call on those men does it not follow that some one is derelict in duty and is not that some one the Civil Service Commission who ought to have called on them?

Mr. WALSH of Massachusetts. Every person who applied in good faith ought to have had all of his qualifications considered and ought to have been given a rating as were those three men who were marked for their qualifications.

I have referred to the second step, namely, the kind of examination given. Then comes the actual political influence. Three names are submitted to the President and the one selected is invariably the man recommended to the Postmaster General by the Congressman from the district where the post office is located.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Montana?

Mr. WALSH of Massachusetts. I yield.

Mr. WALSH of Montana. That is the case invariably even though the man highest on the list is an ex-service man. Cases of that kind have repeatedly been submitted to the Committee on Post Offices and Post Roads without any result whatever.

Mr. WALSH of Massachusetts. The Senator from South Carolina [Mr. BLEASE] suggests that in his experience he has found that the politicians always succeed in naming one of the three whose names have been submitted to the Civil Service Commission.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Kansas?

Mr. WALSH of Massachusetts. I yield.

Mr. CURTIS. I should like to say, if the Senator from Montana [Mr. WALSH] insists on his statement, that the Senators from Kansas always give preference to ex-service men, no matter where they stand on the list.

Mr. WALSH of Montana. Of course, the Senator from Kansas does, but the Senator from Kansas does not control these matters. The nomination comes to the Senate from the President of the United States. It goes to the Committee on Post Offices and Post Roads. I have myself presented to that committee the case that I spoke of, of the man standing highest on the list of the three that took the examination, and despite my appeal for the appointment of the man standing on the highest list, he being an ex-service man, I was unable to secure his appointment, and I was unable to secure the rejection of the nomination by the committee.

Mr. CURTIS. The Senators from Kansas previously had the appointments from two districts in which they were called upon to make recommendations. We now make recommendations in only one district. It has been our rule always to recommend an ex-service man, even if he was third on the list, and he has been appointed.

Mr. WALSH of Massachusetts. I have no doubt the Senator has done so. But that is not what I complain about at all. What I assert is that the nomination is finally made upon the recommendations of the representatives in Congress of the dominant party without regard to the fact that the applicant stands highest on the list is an ex-service man, or whether he is third or first in the rating.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Utah?

Mr. WALSH of Massachusetts. I yield.

Mr. SMOOT. I have only one appointment as postmaster in which I take any interest whatever and that is the appointment in my home town. I want to say to the Senator from Montana that the names of the three highest on the list were submitted to me. I took the highest, notwithstanding the fact that my own brother stood second. I recommended the man who obtained the highest rating.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. WALSH of Massachusetts. I yield.

Mr. NORRIS. If we are going to have civil service in the appointment of postmasters why should the department submit anything to the Senator from Kansas or the Senator from Montana or the Senator from Utah? Why should they be allowed to select postmasters? Why should their recommendations prevail, especially in towns remote from their home town, where they do not have, and can not have, any personal knowledge of the character and fitness of the applicant? Why should they be allowed to name the postmaster? What I am complaining about is the pretended civil service as applied to postmasters. Let us either go back to the old pie-counter system and let the victors have the spoils, or let us stop the deception and let the civil-service system prevail.

Mr. WHEELER. The Senator does not think we are away from the pie counter, does he?

Mr. NORRIS. I had been away from it so long I do not know what it looks like. I doubt if I would recognize it if I should see it again.

I am not referring to any party. I am not referring to any organization. I think it has been the same all the way through. I concede that the present plan is better than the old system. Assuming that it is better, assuming that the examination is fair, which it is not always, in my judgment, though perhaps in the majority of cases it is, but even where it is fair, the politicians seem to have some way of affecting even the examination itself. But assuming it is on the square, three names are selected and the department submits those names to somebody. If it is a Republican administration and a Republican district and the Congressman is in good standing with the administration, the list is submitted to him, and if he is not in good standing the list is submitted to the Senator, as the Senator from Kansas [Mr. CURTIS] said it used to be in his case with reference to two districts, but that now he and his colleague have only one postmastership. Why should it be submitted to them, and yet we in the same breath proclaim that we are appointing postmasters on merit?

Mr. WALSH of Massachusetts. The Senator from Nebraska has stated exactly my grievance. I assert that we are not appointing postmasters on merit but upon political influence under an appearance of civil service.

Mr. NORRIS. In the State of Montana the Republican national committeeman handles the patronage. If we had a Democratic national administration and there was a Republican representing a certain district, the matter would be submitted to a Democratic Senator or, in some cases, to the Democratic national committeeman.

Mr. WALSH of Montana. The Senator is in error about that.

Mr. NORRIS. I hope so, but I have been through the mill too often not to know something about it.

Mr. WALSH of Montana. The Senator from Massachusetts can give some very definite information about that phase of the matter. I recall distinctly that when the postmaster was appointed by President Wilson, he was the man who stood highest upon the list. President Wilson was determined that the civil service rules should apply and, despite the protest of the then Senator from Massachusetts, the Republican who stood highest upon the list was appointed by President Wilson.

Mr. NORRIS. I do not dispute that. As I said, there are a good many of them appointed absolutely on the square, but I know of my own personal knowledge that under the Democratic administration the same thing happened. They demanded a new examination where they did not get on the preferred list any of the men they wanted, and they swept it aside and had another examination and kept on until they got their man on the list and then they had him appointed. I know the same thing has happened under the present administration in many instances where I have personal knowledge of the results.

The thing I am complaining about is, why do we pretend and why does any administration pretend that it is appointing postmasters purely on merit, when they are connected with the machines and the bosses and the political leaders who in one way or another so often get their way in spite of any civil service rule or any civil service law.

Mr. WALSH of Massachusetts. Under the classified civil service it is a violation of regulations for a public official to inquire into the politics of any of the three persons whose names are submitted to him from which to make an appointment. Under the classified civil service law no man can be removed from office without a hearing. In the matter of the appointment of postmasters, every Senator knows that the Congressman or Senator is consulted and party politics do enter into the selection of one of the three names certified. Politics is the important consideration. We also know that when a postmaster's term expires he is not given a hearing, but is removed if the appointing power sees fit to do it, and another postmaster appointed in his stead.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Montana?

Mr. WALSH of Massachusetts. I yield.

Mr. WHEELER. I want to say to the Senator that on yesterday I received a letter from the postmaster at Crosby, N. Dak., saying that because of the fact that he had been active in politics during the last campaign he had been suspended. He was a Republican. It happened, however, that he was not active on behalf of the Republican National Committee and had issued some statement saying that he would not support some of the candidates running for office on the Republican ticket. He was simply suspended from office and the Congressman from his district wrote him a letter telling him that he regretted exceedingly, but that he had been suspended and they would have to appoint another man.

In the city of Butte they are trying to put out of office the postmaster because of the fact that he was not active enough in politics in the last campaign. He kept entirely out of politics and because of that fact he is to have his official head chopped off.

Mr. WALSH of Massachusetts. That is what happened to Mr. Baker in Boston.

Now, Mr. President, I want to close what I have to say and I am sorry the discussion had been protracted. My only purpose in discussing the subject originally and in discussing it this morning was to clarify if possible in the public mind the real method of selecting postmasters and to remove the impression that genuine civil service is controlling. I do not know that I want to be put in the position of being critical of the Republican administration for pursuing the methods which they are pursuing. That is not my purpose in this discussion. My purpose is to show that it is party politics and that it is not classified civil service; but that politics does enter into the question and is the dominant feature and practice in the appointment of these postmasters and that the public who have the notion that postmasters are under general civil-service regulations are far from possessing the actual knowledge.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Maryland?

Mr. WALSH of Massachusetts. I yield.

Mr. BRUCE. I would like to ask the Senator whether, when Mr. Baker was first appointed all the other persons on the eligible list were or were not Republicans.

Mr. WALSH of Massachusetts. When Mr. Baker was first appointed I think the number of candidates was 75 or 80, and I should say, roughly speaking, that 50 per cent were Democrats and 50 per cent were Republicans.

Mr. BRUCE. But the eligible list was made up of three persons.

Mr. WALSH of Massachusetts. No; not at that time. Only one, the highest, was certified. At that time President Wilson

issued an Executive order confining his choice to the first on the certified list, and Mr. Baker was at the head of the list.

Mr. BRUCE. Afterwards the eligible list of three was created?

Mr. WALSH of Massachusetts. By Mr. Harding when he became President.

Mr. BRUCE. I think, of course, the whole trouble is that the postmasterships are not brought under the full operation of the civil-service system or the Federal merit system of appointment. But when the Senator has concluded I want to say a little about the letter from the president of the Civil Service Commission which was read at the desk this morning, because I do not think anything could more completely vindicate the exercise of judgment by a public servant than that letter does.

Mr. WALSH of Massachusetts. I have nothing further to say upon the matter under discussion except again to point out as I have tried to do in my brief discussion the fact that the selection of the present postmaster in Boston was originated through political influence, and the man who was finally named was selected by the Republican organization of Massachusetts, that it was they who came to Washington and got the President to order another examination and that the result of that examination was that Mr. Gow was first on the eligible list and was named to the office.

If the Civil Service Commission wants to preserve its prestige and retain public confidence in the civil-service system, it will urge the disassociation of itself from joint examinations that are certain to be suspected of political intriguing, and it should lose no opportunity to impress upon the public that the selections of postmasters is only a veneer of the civil-service system.

INVESTIGATION BY COMMITTEE ON INDIAN AFFAIRS

Mr. BROOKHART obtained the floor.

Mr. WALSH of Montana. Mr. President, I have been endeavoring for an hour to secure recognition to offer something for the RECORD. Will the Senator from Iowa yield to me for that purpose?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Montana?

Mr. BROOKHART. I gladly yield to the Senator.

Mr. WALSH of Montana. Mr. President, the Committee on Indian Affairs has for some time been investigating the administration of the laws in relation to the Indians. The work has been interrupted by reason of the fact that the funds allotted to the committee for the investigation have been exhausted. Application for additional funds has been made and the matter is pending and has been pending, as I understand, for some considerable time before the Committee to Audit and Control the Contingent Expenses of the Senate.

I have here a letter from an intelligent and competent Indian in my State—I think, perhaps, the most intelligent and competent of the Indians who come to Washington occasionally—who discusses the matters relating to the investigation. I ask that his letter may be incorporated in the RECORD.

The PRESIDING OFFICER. Without objection, the letter will be incorporated in the RECORD.

The letter is as follows:

LODGE GRASS, MONT., *February 5, 1929.*

Hon. T. J. WALSH,
Washington, D. C.

DEAR SENATOR: I have been reading the printed hearings which you sent me, and I want to tell you that the testimony submitted to the Senate committee in California and elswhere is shocking and certainly merits the immediate attention of fearless champions like yourself.

The testimony of ex-Superintendent Hoffman, of Los Angeles, on page 631, explaining that Mr. Meritt, of the Indian Office, instructed him privately "to take care of" a Mr. Rye, his brother-in-law, who was always drunk, etc., and who later, in spite of Mr. Meritt's instructions, caused his dismissal, and himself as a matter of reprisal was transferred to some ungodly place in Utah, which he didn't and wouldn't accept, and resigned.

It is the same old story. Those in authority at Washington consider the Indian Bureau established for the protection of their friends and relatives in the service instead of the Indians themselves.

The evidence gathered by the Senate itself is now before Congress. I wonder if any one of the courageous champions there will feel impelled to rise in righteous indignation and in the Halls of Congress raise a protesting voice and in defense of the Indian ring forth a demand for a searching inquiry and house cleaning of the Indian Bureau and the removal of employees who may be indicted.

The civil service has in many ways been a cloak to shield such scoundrels as has been uncovered in the hearings. I have often, in this connection, wished I were a Member of Congress and had the privileges of the floor and were able to bring there matters as I should like to the attention of Congress and the country. I certainly would see to it that the Indian Bureau at least exerted itself in honest effort at relief for the Indians and such testimony as that gathered by the Senate were impossible.

All we at home can do is to appeal to you, our representatives in Congress, to act; and if you refuse, then, of course, we are rendered helpless and must continue to absorb the abuses testified to before your committee until such time as Members of Congress feel disposed to rise in our defense.

I shall be pleased to have your opinion upon this matter, and, better yet, a bitter speech in the Senate condemning those responsible for the existence of such abuses and evils.

Your friend,

ROBT. YELLOWTAIL.

You are at liberty to use this letter as an exhibit if you choose in the RECORD to record and explain my personal views.

R. Y.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the junior Senator from Montana?

Mr. BROOKHART. I do.

Mr. WHEELER. Mr. President, I merely wish to say a word with reference to the investigation of Indian affairs, and I shall have something further to say upon the matter later on.

I have been receiving inquiries from various parts of the country, and particularly from Montana, as to whether or not the investigation was to continue. Let me say to my colleagues that a studied effort has been made to stop this investigation. Only the other day I received a clipping from one of the newspapers stating that a joint resolution would be introduced providing that an investigation into the Indian affairs should be conducted by a committee consisting of two members of the Appropriations Committee of the Senate, two members of the Committee on Indian Affairs of the Senate, two members of the Committee on Indian Affairs of the House, and two members of the Appropriations Committee of the House. This, of course, was for the purpose of stopping the present investigation. Then shortly after the investigation by the Senate committee was inaugurated, the Commissioner of Indian Affairs appeared before the committee and made charges against a member of the committee itself, thereby seeking to stop the investigation. Then, again, we found, if you please, that in the case of an investigation being conducted by a grand jury the chairman of the Republican National Committee taking the matter up with the Attorney General of the United States and seeking to stop that investigation. So from the very beginning, every time that we have attempted to investigate the administration of the Indian Bureau something has intervened to try to stop it.

I do not think that the Committee to Audit and Control the Contingent Expenses of the Senate is seeking to stop this investigation. A preliminary investigation was made during the summer covering a number of reservations throughout the country. Reports have come from special investigators, which I have had occasion in the last day or so to examine, and those reports, in some instances, revealed things that were going on on various reservations which to me were startling. I wish to say that, in my judgment, the Committee to Audit and Control the Contingent Expenses of the Senate will be doing a serious injury to themselves as well as to the Indians of this country if this investigation shall not be allowed to proceed.

I desire to say further that, so far as I am personally concerned, when the investigation was ordered I asked the committee not to put me on the subcommittee because of the fact that I did not have time and did not want to go on the committee, but they insisted on my being on the committee. I was not able to take an active part in the work of the committee during the summer because of the campaign that was under way, but since that time I have had occasion to go into some of the things that have been reported to the committee, but have not been made public. If the reports of the investigators as to the conditions on the reservations in some of the States are true, then the Congress of the United States ought to know it, so that some remedy may be provided and such practices may be ended. I, therefore, hope that the Committee to Audit and Control the Contingent Expenses of the Senate will within the next day or so report the resolution to the Senate. Unless it does so, I feel that the chairman of the Committee on Indian Affairs ought to take some action to move to discharge the Committee to Audit and Control the Contingent Expenses of the Senate from the further consideration of the matter.

In the first place, I do not think the Committee to Audit and Control the Contingent Expenses of the Senate ought to have anything to say relative to the merits of an investigation. I do not think they ought to say whether we ought to go into

this kind of an investigation or ought to have this or some other kind of an investigation. That ought to be left to the judgment of the committee itself that is conducting the investigation. So I, for one, shall protest against the action of the Committee to Audit and Control the Contingent Expenses of the Senate if it seeks longer to stifle the efforts of the Committee on Indian Affairs in this matter.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. BLEASE in the chair). Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. BROOKHART. I do.

Mr. NORRIS. Mr. President, I think we have all read accounts of what has been going on and what the investigation of the Indian Affairs Committee has brought out.

I think we have been startled and shocked at some of the things which it is openly announced have taken place. For instance, the Secretary of the Interior—I do not know whether the present Secretary of the Interior or the one whom he succeeded—made a request of the Attorney General for the cessation of an investigation before a grand jury in regard to some of the matters which the committee has been investigating, and pursuant to that request that investigation was called off and the grand jury was discharged.

Mr. WHEELER. That is correct.

Mr. NORRIS. Was it the Secretary of the Interior preceding the present incumbent who made that request, or had he gone out of office?

Mr. WHEELER. My recollection is that it was the Secretary of the Interior preceding the present incumbent. He had either just gone out of office or was just going out of office.

Mr. NORRIS. In either case, Mr. President, it was such an interference with the ordinary course of justice as ought not to be tolerated. From what has already been disclosed, it seems to me that this investigation ought not to be throttled. I have been wondering for some time why some member of the committee has not made a motion to discharge the Committee to Audit and Control the Contingent Expenses of the Senate from the further consideration of the matter. The rules of the Senate provide an easy method. A motion to discharge is a privileged motion; if objected to, it will have to lie over for one day; but it is privileged; and then, if it is carried by the Senate, it discharges the committee and puts the matter on the calendar, just the same as though the committee had reported it without recommendation. The Committee to Audit and Control the Contingent Expenses of the Senate ought not to hold up an investigation; it is not the province of the committee to do so.

Mr. WHEELER. Mr. President, I wish to say to the Senator from Nebraska that if the Committee to Audit and Control the Contingent Expenses of the Senate shall seek to hold it up and shall not give the investigating committee the money with which to carry on its work, I propose to stand upon the floor of the Senate so long as I am able to stand here and read into the RECORD from day to day the evidence which has been collected by the investigators so that it will get to the country. We have not as yet given it to the public because of the fact that the committee itself wanted an opportunity to ascertain and check up most carefully the truth of some of the statements which have been made. For instance, one statement was made to me that seems almost unbelievable with reference to what has been going on in the case of one of the reservations in my own State, where it is charged the superintendent is running his own sheep on the reservation of which he is superintendent.

Mr. NORRIS. On the Indian reservation?

Mr. WHEELER. On the Indian reservation.

As I have said, we have not made that public because we wanted to make a more careful check, but when we consider the large number of reservations throughout the country and the large number of Indians involved, and likewise the amount of money involved, it must be realized that the investigation is going to take a long time if it is to be conducted thoroughly.

Mr. NORRIS. Mr. President, when the charge is so seriously made and when the evidence already adduced indicates that there is something in the charge, it seems to me that the Senate would be derelict in its duty if it shut off an investigation concerning matters affecting the rights and the legal status of the Indians who are our wards. We ought not to rest under that kind of an imputation.

I have no personal knowledge of the matters being investigated except what I have read in the newspapers as to what has already been brought out by the investigation, but the disclosures so far make it perfectly clear, it seems to me, that the investigation ought not to be throttled. While I am not a member of the committee which has the investigation in charge, it seems to me it is the duty of that committee to do everything in its power to see to it that the investigation shall not be throttled, and then put the responsibility on the Senate by submitting a report and letting the Senate pass on the question.

SALE OF COTTON AND GRAIN IN FUTURE MARKETS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1093) to prevent the sale of cotton and grain in future markets.

Mr. BROOKHART. Mr. President, I desire to discuss at some length the bill under consideration and also collateral matters related to it in reference to speculation in the United States.

On yesterday we heard a very peculiar argument. The Senator from South Carolina [Mr. SMITH] and the Senator from Louisiana [Mr. RANSDELL] both advanced the theory that the cotton farmers of the South would be subject to the ravages of the big wolves of monopoly if the cotton and grain exchanges were curtailed, and as a remedy for that situation, feeling that this pack of wolves that would combine against the farmers was too powerful for them to withstand, they proposed also to turn loose on the farmer the coyotes of speculation, thinking, perhaps, that the farmers would come out better if they had two packs to fight instead of one. So far as I am concerned, I am for shooting all the wolves. The Senator from South Carolina and the Senator from Louisiana did not want to take a shot at the little coyotes—the speculators—because they said there were bigger wolves over on the other side of the hill.

I can not see the force of that argument. If speculation is wrong, I am for striking at it whenever I get an opportunity. If monopoly, if a combination to beat down the farmers' prices is wrong, I am for striking at that. I concede that if this bill should pass, that would not be the end of legislation necessary to protect the cotton farmers of the United States. I concede that it would be necessary to pass a bill to erect some other system of machinery to take its place; but is that any reason why we should hesitate to take the first step?

If we could pass a law that would stop this speculation now, then in the extra session that is soon to follow we could pass a law to take care affirmatively of the marketing of farm products, and thus solve the whole problem. Perhaps, if this law is not passed, we may be able to do that in the general farm bill that will be proposed at that time. I hope such is the fact.

Mr. President, I desire now to call attention to some of the things that agriculture has had to meet; and all the publicity going out even from our own Agricultural Department is to the effect that the condition of agriculture is getting better all the time. I have here some of their bulletins issued away back in 1928, and I have a bulletin of December 22 from the Business Conditions Weekly, by the Alexander Hamilton Institute, taken from the reports of the Agricultural Department. They say:

Slight gain in farm income.

Every bulletin they put out shows a gain or an improvement of some kind. Every statement the Agricultural Department makes is on the boosters' side, as though the farmers are about to reach the stage of prosperity. In the Washington Post of Sunday, February 10, there was a long statement again from the Agricultural Department; and it is said in that statement that the 1929 gross income of all the agricultural producers from both livestock and crops is forecast at about $12,500,000,000, an increase of approximately $250,000,000.

The headlines of this paper say:

Agricultural prosperity to continue during 1929.

And those are the figures upon which the big headlines are based.

Now, Mr. President, I want to call your attention to what $250,000,000 means to the farmers of the United States. There are 12,000,000 farmers—that is, men who make a hand on the farms of the United States—12,000,000 of them. That does not count the women and children who also work the year around on those farms. Divide 12,000,000 into $250,000,000, and you get a little bit less than $21 each. So this gigantic added "prosperity" to the farmers of the United States amounts to less than $21 per farmer; and when they need six or seven hundred dollars each to be equally prosperous even with the laboring people of the country—who are not getting their share of the national income, either—you can see at once that a little $21 increase does not bring any prosperity of any sort to the farmers of the United States.

Then, again, this article from the Agricultural Department shows a little farther down that in 1921 farm produce was worth but 69 cents in terms of the purchasing power of the dollar in 1914. In other words, in 1921 the dollar was down to 69 cents. To-day, this article says, on the same basis of value the purchasing power of the crop dollar is only a fraction under 93 cents. Therefore, while the farmer's dollar is still

7 cents below what it was in 1914, that fact is cited as an instance of commercial prosperity.

If you should reduce the dollar of any other business by even 7 cents, it would have a serious effect upon that business; but how is that 7 cents obtained? By comparing with the condition of the farmer in 1914, before the war; and his condition then was far from satisfactory. Probably 15 or 20 cents more ought to be taken off his dollar at that time in order truly to represent the condition of the farmer as compared with other business in 1914, and that would leave his dollar now at less than 80 cents.

Mr. SMITH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. BROOKHART. I yield to the Senator.

Mr. SMITH. Is this comparison as to the purchasing power of the agricultural dollar made with the purchasing power of the industries generally, or with the purchasing power at some previous time?

Mr. BROOKHART. It is made with the year 1914, according to the claim of the Secretary of Agriculture.

Mr. SMITH. Has the Senator any information or any data to show the purchasing power of his so-called dollar now as compared with the purchasing power of the other industries of even date?

Mr. BROOKHART. There is an index system of that kind, and the method of the Secretary of Agriculture in making that index has been severely criticized by some experts. I did not intend to go into that technical discussion to-day. However, I do desire to call attention to the fact that the farmer's condition in 1914 was not satisfactory, and I am going to quote some high authority upon that proposition. Here it is:

> In my mind most agricultural discussions go wrong because of two false premises. The first is that agriculture is one industry. It is a dozen distinct industries incapable of the same organization. The second false premise is that rehabilitation will be complete when it has reached a point comparable with pre-war.

That is, 1914.

> Agriculture was not upon a satisfactory basis before the war. The abandoned farms of the Northeast bear their own testimony. Generally there was but little profit in mid-west agriculture for many years except that derived from the slow increases in farm land values. Even of more importance is the great advance in standards of living of all occupations since the war. Some branches of agriculture have greatly recovered, but taken as a whole it is not keeping pace with the onward march in other industries.

That is from the acceptance speech of Herbert Hoover when he was nominated for President of the United States. Therefore I want to say to you that this 93-cent dollar of the farmer is based upon a false premise to start with. It ought to be based upon his equal rights with other industries, his cost of production with a cooperative profit. Instead of that, it is based upon the arbitrary date of 1914, which Mr. Hoover and everybody familiar with the situation know was not fair to the farmers of the United States.

Mr. NORBECK. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. BROOKHART. I yield.

Mr. NORBECK. Is it not a fact that in the accounting to arrive at the dollar value the department uses the price that the farmer receives for his grain, but they do not use the price that he pays for machinery? They use the wholesale prices of what he consumes, but the retail prices of what he sells, and that is how they get up to the 93 cents.

Mr. BROOKHART. I understand that the system is subject to some such criticisms. I have not made the technical analysis of that point; but the Senator from South Carolina mentioned the same proposition a few moments ago.

Mr. President, I want to call attention to the fact that the Department of Agriculture, which ought to be out fighting for the farmers of the United States, is out as an advance agent for the prosperity of Wall Street instead all the time. That is what I mean by this comparison.

Again, in this same article they point out that—

> Borrowed money probably will cost the farmer more in 1929 than it did in 1928, due to the high money rates enforced by the phenomenal industrial expansion and stock-market turnover in the last five years.

That is distinctly to the disadvantage of the farmers of the United States. If interest rates are to go higher because of stock speculation in New York, it means an added cost of production to the farmers of the whole country. There is no doubt about that situation. So, instead of advertising agriculture as in better conditions, the Department of Agriculture ought to be pointing out the facts that are injuring and bringing the farmer to this worse condition.

I get the reports from the referees in bankruptcy all the time. Bankruptcies are not declining among agriculture. They have increased a thousand per cent since 1910, and they are increasing more and more all the time. This little $21 that was added to the average income of the working farmers of the United States is not enough over what they received before to pay their interest rates and save them from foreclosure and from bankruptcy.

One of the most important phases of this credit question that is involved in the bill now under consideration is the question of speculation. I wish now to discuss the question of speculation particularly in reference to the Federal reserve bank and the Federal reserve law.

In this short discussion it is impossible to treat of anything but the most important points of the Federal reserve law and the most far-reaching acts in its administration. There is no doubt that the great purpose of the framers of the law was to mobilize the surplus credit of the country for legitimate purposes and remove it from speculation. This purpose is clearly outlined in President Wilson's message in which he said:

> We must have a currency, not rigid as now, but readily, elastically responsive to sound credit, the expanding and contracting credits of every-day transactions, the normal ebb and flow of personal and corporate dealings. Our banking laws must mobilize reserves; must not permit the concentration anywhere in a few hands of the monetary resources of the country or their use for speculative purposes in such volume as to hinder or impede or stand in the way of other more legitimate, more fruitful uses. And the control of the system of banking and of issue which our new laws are to set up must be public, not private; must be vested in the Government itself, so that the banks may be the instruments, not the masters, of business and of individual enterprise and initiative. (CONGRESSIONAL RECORD, vol. 50, 63d Cong., 1st sess., p. 4643.)

It is even more emphatically expressed in the presentation of the bill to the House by Senator GLASS, in which he said:

> The whole fight of the great bankers is to drive us from our firm resolve to break down the artificial connection between the banking business of this country and the stock speculative operations at the money centers. The monetary commission, with more discretion than courage, absolutely evaded the problem; but the Banking and Currency Committee of the House has gone to the very root of this gigantic evil and in this bill proposes to cut the cancer out. Under existing law we have permitted banks to pyramid credit upon credit and to call these credits reserves. It is a misnomer; they are not reserves. And when financial troubles come and the country banks call for their money with which to pay their creditors they find it all invested in stock-gambling operations. There is suspension of payment and the whole system breaks down under the strain, causing widespread confusion and almost inconceivable damage. (CONGRESSIONAL RECORD, vol. 50, 63d Cong., 1st sess., p. 4648.)

Again he said:

> The avowed purpose of this bill is to cure this evil.

Of what evil does the Senator from Virginia speak when he is presenting this bill for the consideration of the Congress of the United States, an evil which he calls a cancer? It is this evil of speculation. He said:

> The avowed purpose of this bill is to cure this evil; to withdraw the reserve funds of the country from the congested money centers and to make them readily available for business uses in the various sections of the country to which they belong. This we propose to do cautiously, without any shock to the existing arrangement, graduating the operation to prevalent conditions, and extending it over a period of 36 months. This affords ample time to the reserve and central reserve city banks to adjust themselves to the reserve requirements of the new system. Out of abundant precaution we have actually given them a longer time than the best practical bankers of the country have said was needed. But, Mr. Chairman, the plaint of these gentlemen is not as to time but as to fact. They do not want existing arrangements disturbed; they desire to perpetuate a fictitious, unscientific system, sanctioned by law but condemned by experience, and bitterly offensive to the American people—a system which everybody knows encourages and promotes the worst description of stock gambling. The real opposition to this bill is not as to Government control, upon which we shall never yield; it is not as to the capital subscription required, which is precisely that of the Aldrich scheme unanimously indorsed by the American Bankers' Association; it is not as to the 5 per cent dividend allowed member banks, the exact limit prescribed in the Aldrich bill; it is not as to compulsory membership, which was

provided in another way in the Aldrich scheme; it is not as to the bond-refunding proposition, infinitely simpler and less expensive than the Aldrich device. It is none of these things, Mr. Chairman, that vexes the big bankers. It is the loss of profits derived from a system which makes them the legal custodians of all the reserve funds of the country, $240,000,000 of which funds, on the 24th day of November, 1912, they had put into the maelstrom of Wall Street stock operations. (CONGRESSIONAL RECORD, vol. 50, 63d Cong., 1st sess., p. 4648.)

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. BROOKHART. I yield.

Mr. SHIPSTEAD. What is the Senator reading?

Mr. BROOKHART. I am quoting from Senator GLASS's speech in the House of Representatives when he presented the Federal reserve act, as chairman of the House Committee on Banking and Currency.

Mr. SHIPSTEAD. The cancer about which he spoke has now grown to about five billion?

Mr. BROOKHART. Over six billion.

Mr. SHIPSTEAD. If the Senator will permit me, the remedy was evidently worse than the original disease.

Mr. BROOKHART. It has grown very greatly, as we will see.

From these statements of such high authority it is quite evident that the cancer of speculation was to be cut out of American business by this new Federal reserve law. If it failed in this, it failed in its primary purpose. I will first answer the fact as to this failure.

I do not quite understand what the figure of two hundred and forty millions used by Senator GLASS refers to, as the total brokers' loans at that time, according to the evidence taken by the Pujo committee, were seven hundred and sixty-six millions. I think that $766,000,000 is the figure for fair comparison with the present figure, rather than the $240,000,000 quoted by Senator GLASS in his speech. This was a vast sum of the people's savings, and to call it a cancer was fully justified. To operate upon it and cut it out was unquestionably demanded. But what has come of the Federal reserve law operation? During the past few months these same stock-gambling loans have run over $6,000,000,000. The cancer is now nine times as large as before the operation.

Mr. SHIPSTEAD. Mr. President, does the Senator think that inflation of the stock market is out of proportion with the inflation of the general credit structure in the United States at this time?

Mr. BROOKHART. Very greatly out of proportion, but not as to agriculture.

Mr. SHIPSTEAD. Does not the Senator think that the agricultural sections of the country are highly inflated?

Mr. BROOKHART. We shall see. I have some figures to show what I think about that.

Mr. SHIPSTEAD. Does not the Senator think that the real-estate credit throughout the country is inflated?

Mr. BROOKHART. While these stock values were piled up so high in Wall Street real estate went down $20,000,000,000.

Mr. SHIPSTEAD. That is very interesting. I did not know that inflation had started in real estate.

Mr. BROOKHART. The Senator is very sarcastic at times.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. BROOKHART. I yield.

Mr. HEFLIN. Did the Senator read the statement made by Mr. Thomas A. Edison yesterday in regard to the wild gambling orgy in New York, in which he said that if that thing went on long enough it would produce a panic?

Mr. BROOKHART. With that idea I am in full accord. I think Mr. Thomas A. Edison and Mr. Henry Ford both have some very definite and reliable ideas on that question.

Mr. HEFLIN. One other question in connection with that I want to ask the Senator. Some of these strange doctors of finance are already stating that there is too much money in circulation in the United States. The Senator does not agree with that view, does he?

Mr. BROOKHART. I agree that there is too much in Wall Street.

Mr. HEFLIN. I agree with the Senator in that, but there is not enough in the body of business.

Mr. BROOKHART. There is far from enough in the general business of the country.

Mr. SHIPSTEAD. Mr. President, will the Senator yield for a moment?

Mr. BROOKHART. I yield.

Mr. SHIPSTEAD. Can the Senator say how much money there is now of all kinds in the United States—gold, Federal reserve notes, national-bank notes, greenbacks, and silver certificates, actual money?

Mr. BROOKHART. I had those figures, but do not recall them at the present moment. I will get them for the Senator.

Mr. SHIPSTEAD. Approximately what is the amount?

Mr. BROOKHART. I have not put as much emphasis upon the actual amount of money in my discussion of this question as upon the amount of credit in use and the control of that credit.

Mr. SHIPSTEAD. The Senator is right; there is very little money in the country compared with the credit.

Mr. BROOKHART. Very little compared with the credit.

Mr. SHIPSTEAD. The Senator understands that when people talk about there being too much money in the country, they mean credit.

Mr. BROOKHART. They mean credit, I think.

Mr. President, if these brokers' loans were $766,000,000 in 1912, and if that sum was a cancer that threatened the life of this country, the present sum of six and a third billion dollars means, as I have said, that the cancer is nine times as large as it was. Therefore, upon the question of the primary purpose of the Federal reserve law, as expressed by its authors themselves, it is the most colossal failure in all legislative history.

Why has this law not only failed of its greatest purpose to reduce speculative loans but has actually multiplied the evil manyfold? The answer to this question is found in the law itself, and to understand it we must make a study of the fundamentals of the reserve-bank idea and of its fundamental purposes.

What is a reserve bank? What should it do for its member banks? What should it do for the public? Stripped of all camouflage and of all technical terms, a reserve bank does but two simple and fundamental things for its member banks.

First. The member bank has a surplus of funds which is more than its local demand, more than it can lend for a time to its regular customers. It would like to redeposit these surplus funds in its reserve bank for a few days or a few months with the right to recall them at any time when needed at home. It would also like to get a small return on these redeposits or bank balances. This I will call the redeposit business of the reserve bank, and it ought to be the biggest item of reserve-bank business.

Second. The member bank may be short of funds. The farmers are buying feeder cattle, the merchants are increasing their stocks, or the manufacturers are buying raw materials. For a time they are asking more credit than the local bank can furnish from its own deposits. This is a legitimate and sound demand. The local or member bank would like to borrow from its reserve bank for a short time and take care of the needs of its regular customers. It will therefore send some of its paper to the reserve bank for sale by rediscount and use the money to meet these demands. This I call the rediscount business of the reserve bank.

These two things—the redeposit business and the rediscount business—are the only two fundamental things a reserve bank can do for its members. They are the same two things that the member bank does for its individual customers. All your bank does for you is to receive your deposits for a rate of interest when you have a surplus and to lend you money for a higher rate of interest when you are short. That is all a reserve bank does for its member banks.

Now, what are the fundamental services of a reserve bank for the public good? They may be included in four propositions:

First. The reserve bank should furnish an elastic currency to meet the fluctuating demands of legitimate business. So far as the member banks are concerned, it only enables the reserve to do its two things for them more surely, to wit, to receive redeposits and to make rediscounts.

Second. Some things are too big for a member bank. The reserve bank should mobilize surplus credit and finance these big things, like financing the war. Legitimately done, this is a public service.

Third. The greatest service a reserve bank can do for the public is to make a more efficient use of the credit supply of the country and thereby under the law of supply and demand reduce the interest rates to the people at large. For instance, Iowa may be selling her crops and have a temporary surplus. She would like to redeposit in the reserve bank and get a rate of interest temporarily until it can be properly invested at home. At the same time Massachusetts may be buying raw materials and would like to rediscount her paper at a little higher rate of interest in the reserve bank to make these purchases. The reserve bank can therefore do a service to both States. This balancing of cross demands is going on all the time. Its proper functioning makes a much more efficient use of the credit supply, and the natural law would reduce interest rates at large.

Fourth. The reserve bank, with its large reservoir of mobilized credit surplus, can prevent panics.

I now want to inquire if this law and its administration have met these requirements and to point out wherein they have failed.

As to redeposits of member banks, the law requires that the reserves shall be redeposited in the Federal reserve, but without any interest rate. The reserves are only a part of the surplus funds of the member banks. The law permits that all of the surplus may be redeposited in the reserve banks, but no interest rate can be paid. This situation gives the New York banks a virtual monopoly of all that portion of the redeposits of member banks above the reserves required by law. They can put on an interest rate and fix it themselves and take all of this vast item of reserve-bank business away from the Federal reserve. This they have done. They are getting a vast sum of these redeposits at 1¾ to 2 per cent and lending to speculation until recently at an average of about 4 per cent, while the farmers of the country are paying an average of more than 8 per cent on their bank loans to produce the food of life. Recently stupendous speculation has greatly increased call rates. That is the cancer that was operated upon in the Federal reserve law by denying speculative loans the rediscount privilege in the Federal reserve banks. But what does a stock gambler care for an operation like this when the same law drives the redeposits of the country into his bank at an initial rate of 1¾ to 2 per cent? He has a better chance to get all the money he wants in his stock-gambling game at a low rate of interest if his bank can get redeposits at 1¾ or 2 per cent than if his bank were permitted to rediscount his paper at 3½ or 4 per cent. It is this provision of the law that has raised brokers' loans to the vast sum of about $6,000,000,000, mostly at a low rate of interest, and at the same time starved agricultural and business credit with a high rate of interest. The blame is upon the law rather than upon its administration.

For a moment I wish especially to discuss the present high rate on call loans. That rate went to 12 per cent. In view of the demonstration I have here given of so many and such vast sources of credit at a low rate of interest, it is ominous when the rate on speculative loans goes up to 12 per cent. It means that speculation is reaching somewhat of a desperate stage. They had $3,000,000,000 and more on an average all the time since 1920, at an average rate of less than 4 per cent, and now under present conditions they have been forced to borrow more and to pay as high as 12 per cent. That means a desperate condition in the stock market. That is a forerunner of panic and of disturbance of the worst kind.

There is some criticism of the Federal reserve system, both as to the law and its administration in reference to agricultural paper on the rediscount side of its business, but I pass that over and also pass the question of elastic currency and financing the war, but I challenge the law emphatically upon the question of lowering interest rates.

I obtained a book from the Federal Reserve Board entitled "Questions and Answers on the Federal Reserve System." On page 135 the question is asked, "Why is interest not paid on the reserve balance carried with the Federal reserve bank?" The answer is as follows:

> Because it is wrong in principle and would defeat one of the most important objects for which the Federal reserve system was established; namely, "to afford means of rediscounting commercial paper." If a Federal reserve bank were compelled to use at all times a large percentage of its resources to purchase paper in the open market for the purpose of earning interest to be paid to member banks on their reserve deposits, it is manifest that this would absorb funds to such a degree as to leave it without adequate resources to meet the needs of its member banks in case of sudden emergency or for heavy seasonal requirements.
>
> Moreover, even if this were not the case, member banks would probably lose far more than they would gain if Federal reserve banks should pay them interest on their reserve deposits. The reserve deposits held by all Federal reserve banks amount to approximately $2,200,000,000. The payment of interest at 2 per cent on this amount would require the Federal reserve banks to keep invested at all times at least $1,100,000,000 at 4 per cent for this purpose. If this sum were invested by the reserve banks in Government securities it would not only dissipate the reserves as above specified but would have the effect of increasing the supply of credit to such an extent as to force down interest rates. If the amount were used in the open market in the purchase of bankers' acceptances and bills of exchange, it would come in direct competition with member banks and by increasing the supply of credit would likewise tend to force down interest rates under ordinary conditions, and the loss to member banks on all their loans would doubtless far exceed the income they would derive from the 2 per cent interest on reserve deposits. (Questions and Answers on the Federal Reserve System, pp. 135–136.)

The first paragraph of this answer is untenable because the assets acquired by investing these funds to earn interest to pay upon the deposits of member banks might easily be made a basis of Federal reserve notes in sufficient amounts to meet all "sudden emergencies" or "heavy seasonal demands" for rediscounts.

The second paragraph of the answer is the plain and the whole truth. Let us analyze it. I have already pointed out that the greatest purpose of a reserve system, so far as the service to the general public is concerned, is to make a more efficient use of the credit supply and thereby reduce the interest rate generally. If it does not accomplish this great purpose, but on the other hand maintains high interest rates on the public while collecting a vast credit surplus for speculation at a low rate of interest, it is a menace to the general welfare and would better be abolished. The second paragraph of the answer shows plainly that interest is not paid on redeposits for the express reason that it would then be necessary to invest the funds to earn this interest, thus release other funds and increase the credit supply and lower the interest rate generally. This would benefit the public but might reduce bank earnings, which are many times the rate of farm capital earnings, hence it must not be done. This law is for the bankers and not for the farmers or manufacturers. Therefore the Federal reserve system describes itself in this answer as a money trust that extort a high rate of interest from the public at large, and outside the answer the facts show that it furnishes a vast reservoir of credit to speculation at a low rate of interest. Now it has overdone itself and raised the interest rate on speculation, too.

The last proposition is, Does the Federal reserve prevent panics? It has been widely heralded and eloquently proclaimed for possessing this great virtue. Let us examine the facts. Prior to 1920 it encouraged investment and was the most potent agency for promoting inflation. It was on the bull side of the market. It was, perhaps, the latter part of 1919 or the early part of 1920 that big finance decided this inflation had reached its peak. Plans were subtly laid long in advance for a deflation. Big business was getting ready to take the bear side of the market. The Federal reserve system joined the movement.

At this point I want to digress to say that a reserve bank has no right ever to adopt a deflation policy. Such a policy is always an economic crime. It has a perfect right to prevent inflation, but having encouraged inflation and approved the rediscounts and loans by which it was done, and then to turn around and call those loans and destroy the enterprises they had created and time it all to wreck agriculture is an economic crime beyond description. Yet that was substantially what was done by the financial crowd with the aid and assistance of the Federal Reserve Board.

The formal meeting at which it was all considered was on May 18, 1920. The Federal Reserve Board, the council, and the class A directors were present. I do not claim it was all planned and decided at this meeting.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. BROOKHART. Certainly.

Mr. CURTIS. If the Senator had read the report of the board he would have found that they began considering the question several months before, I think some time in December or January.

Mr. BROOKHART. I think the Senator is correct.

It had been fully considered and perhaps finally decided in the highest financial circles perhaps months before. This meeting was only a formal expression of the financial decree of our invisible government.

Governor Harding made his deflation speech. In it he used the following language:

> Thus the directors of Federal reserve banks are clearly within their rights when they say to any member bank, "You have gone far enough; we are familiar with your condition; you have got more than your share, and we want you to reduce; we can not let you have any more." (Federal Reserve Board conference, minutes; S. Doc. No. 310, 67th Cong., Feb. 24, 1923, p. 8.)

In this he was even suggesting the form of language a Federal reserve bank should use to require a member bank to reduce its loans. Much else to the same effect was said, although Governor Harding did mention certain needs of the cattle business. However, this was in random talk and not in the formal speech nor in the formal resolution approving the speech. This resolution of approval was passed by a unanimous vote. It approved a general policy of deflation which I denounce as economically criminal at any time. At the same time in view of this action,

it passed another amazing resolution. While it was planning a general deflation, which would especially hit agriculture, it passed this other resolution to send a committee to the Interstate Commerce Commission and urge an immediate increase of railroad rates. It would deflate the farmers and general business, and inflate the railroads at the same time.

It did not stop with these proceedings which were made public. It considered a secret policy of applying economic force by raising the discount rate. The discount rate was already up to 6 per cent, an extortionate rate that ought to be prohibited by law. But this conference considered raising it to 7 per cent, and one unmitigated fool even suggested 8 per cent. Following this meeting some of the reserve banks actually raised it to 7 per cent. However, these facts were sealed up in secrecy, and at the close of the meeting Governor Harding gave the following instructions:

> I would suggest, gentlemen, that you be careful not to give out anything about any discussion of discount rates. That is one thing there ought not to be any previous discussion about, because it disturbs everybody, and if people think rates are going to be advanced there will be an immediate rush to get into the banks before the rates are put up, and the policy of the Reserve Board is that that is one thing we never discuss with the newspaper man. If he comes in and wants to know if the board has considered any rates, or is likely to do anything about any rates, some remark is made about the weather or something else and we tell him we can not discuss rates at all, and I think we are all agreed it would be very ill-advised to give out any impression that any general overruling of rates was discussed at this conference. (Federal Reserve Board conference, minutes; S. Doc. 310, 67th Cong., p. 62.)

Publicity was given out as to Governor Harding's speech and the resolution for higher railroad rates, but the matter of raising discount rates was kept secret so far as the general public was concerned. It was not secret as to big business. Perhaps it had been dictated by big business. One packing company whose banker was in that meeting immediately went out for a $60,000,000 loan and sold its paper at 8 per cent to get the money. Others did likewise a little later, and some were floating their loans before the meeting was held.

The defenders of the Federal Reserve Board say there was no deflation. What if the board and conference did talk about deflation—it was not done. The Federal reserve loans were increased and the country further inflated. This is a fact, and it is a double economic crime. Having decided upon deflation, they turned about and further inflated, which would enable those informed as to the situation to secure their loans and prepare for the crash that was coming. Perhaps part of this inflation was due to the demand for crop movement, but certainly a great part of it was due to this illicit purpose to help big business.

By and by all was ready, and in October, when all the crops were matured and the year's work of the farmer was ready for market, they came out into the open. Public meetings were held in all of the agricultural States. A representative of the Chicago Federal Reserve Bank held four of these meetings in Iowa. I attended the last one, at Ottumwa. He told us our loan allotment was $36,000,000 for the State; that they had been very kind to us and loaned us ninety-one millions, or fifty-five millions over our allotment. But he said the time had come when the people entitled to this credit wanted it, and we must, therefore, sell some of our crops and reduce these loans. I asked him who made this thirty-six million allotment to Iowa, and he did not know. Neither have I ever been able to find anybody who did know. Iowa had a crop at prices then prevailing worth more than a billion dollars. Three times the amount of loans we had would have been a low allotment. But there was no allotment. The figures announced were a straw man set up to have some excuse to call our loans down to that amount.

And they did call the loans. The bankers sent for the farmers, told them their loans must be reduced, and under threat of suit forced them to dump their crops and livestock into the market. Governor Harding's random remark about protecting livestock went for nothing. The market broke all along the line. There never was such a panic in prices of farm products in all the history of agriculture. In Iowa corn went down from $1.75 to about 27 cents per bushel, and all other farm prices went down in proportion. The Manufacturers Record says farm lands and the two crops of 1920 and 1921 were deflated in the whole sum of $32,000,000,000 and other business only eighteen billions. This means that agriculture was deflated about six times as much in proportion as other business, and that was little business. The Federal reserve bank had saved Wall Street from panic, but it handed the farmers the greatest panic in all their history. Big business was informed and protected itself by huge loans, made easy by illicit inflation even after deflation had been proclaimed.

The only big business man of whom I know who did not get the tip was Henry Ford. He was called about the same time the farmers were called. He owed $75,000,000 and the banks wanted the money. There was no other money to be had because all the loose credit had been gathered in by the big ones who got the tips; deflation was now on in dead earnest, and no new loans were being made. Even Ford was in danger of a great suit. Then the wise bankers went out from New York to see him. They offered to form a syndicate and take care of him, but on condition that he allow them to put an auditor in his business. Ford wanted none of their auditors in his business, and sent them back to New York on the first train. Ford then organized a little Wall Street all his own. He shipped his cars out to his dealers all over the country and required them to pay or get out of the Ford business. They went to the local banks and begged for credit to save their business. It was granted, and in a few days Ford had his $75,000,000 and a good many millions more. This took credit away from the farmers which might have been used to hold the crops and stop the price panic, but it saved the jitneys. In the same way the huge loans to the big packers, big oil and other interests absorbed the farmer's own savings and sent him to bankruptcy, while big business continued in prosperity.

It was an autocratic thing Ford did, but I can forgive him for two reasons: First, he was fighting for his life against the enemies of the farmers and laboring people; and second, I hope the farmers and laboring people will learn the same lesson out of this transaction that Henry Ford has learned. Look at his statements now. You will not find that item, "Bills payable, $75,000,000." Instead you will find an item something like "Cash on hand, $300,000,000." Henry Ford has become his own banker. Never again will he trust the life of his great business to loans in a credit system controlled in New York high finance. Neither will the farmers or the laboring people ever again enjoy a just share of our prosperity until they become their own bankers in a cooperative banking system, with reserve bank and all under their own control. We are the only civilized country in the world that by law prohibits such a system. The question is then asked, How did the engineers and others organize a cooperative bank if it is prohibited by law? They did not organize such a bank. There was no law to permit it even. They organized a regular national bank. They were forced by law to join the Federal reserve when in fact they preferred a cooperative reserve of their own. They have operated under partially cooperative by-laws, but news dispatches say they have recently abandoned even that. In spite of all these handicaps they have been a great success.

The farmers deposit far more in the commercial banking system than is ever loaned back to agriculture. Labor deposits many times more than is ever loaned back to labor. These greatest elements of our people who believe in the cooperative principle are entitled to as many privileges and as great encouragement for a cooperative banking system under the law as the commercial interests have for a commercial system. Under the laws as they now exist, both State and national, the commercial idea has the monopoly. Iowa but recently authorized cooperative banks, but no provision was made for a reserve bank. Nebraska has authorized them in general terms, but they are not defined in the law. Other States have credit union laws, but they do not contemplate a system, and become mere feeders for the commercial system.

In conclusion I desire to quote Myron T. Herrick, our ambassador to France, and one of the greatest bankers in our country, upon these propositions:

> There are no Federal or State laws in the United States under which the farmers might organize themselves into systems with credit societies as the basic units. (Rural Credits, by Myron T. Herrick, p. 479.)
>
> The machinery for credit in the United States is defective and inadequate from the point of view of agriculture. There is plenty of money, it is true, for well-to-do farmers who are able to meet all requirements imposed by the lender, but there are no means whatever for granting long-time loans, no arrangements, except in a few local and special cases, for promoting the movement of the people back to the land, no outside sources for short-time credit, nor any system whereby agriculture may have first use, as it should, of the wealth it creates for financing itself. (Rural Credits, p. 5.)
>
> But the figures (farm debts) have grown rapidly within the last 20 years and show that the debt is increasing at an accelerating rate and that farmers are paying a higher rate of interest than is justified by the security which they can offer. (Rural Credits, p. 6.)
>
> Furthermore, the shortest period needed for agriculture is too long for the banks, and so the 90-day paper of the merchant gets the preference over the 6-month or 1-year paper of the farmer. As a result, the

major portion of the farmers' credit is not bankable under the present system, and only a comparatively small amount of their paper reaches the outside world. Consequently, when they wish to realize upon their credit to its fullest extent, the farmers must pay a premium for the risk incurred, besides the highest interest charged in their immediate vicinity. A new system to be added to the old is necessary to rectify this trouble also, in spite of the powers recently granted to national banks by the Federal reserve act of 1913. (Rural Credits, p. 8.)

Agricultural wealth and production in the United States are greater than in any other country. The figures are stupendous. In 1910 farm property was valued at $40,991,449,090, of which $28,475,674,169 was in land. If this capital were mobilized the credit needs of farmers could be supplied for all time to come. The annual returns were $8,417,000,000. This is more than sufficient to finance a banking system for the exclusive use of the farmers. Mobilization can be accomplished, however, only through institutions capable of lengthening the period of loans, allowing repayment by amortization, and able to make heavy and constant sales of debentures issued against the mortgages taken. As regards short-term credit, the best banking system ever devised for enabling farmers to utilize their own funds and revenues for their own purpose is a cooperative system. (Rural Credits, p. 9.)

In addition to a complete and independent cooperative system, there is much to be done to remove the evils of the Federal reserve system.

I have introduced a series of bills to accomplish this purpose. One would prohibit any bank from making a speculative loan in the same terms that the law prohibits the Federal reserve banks from rediscounting such a loan. Why should a speculative loan be outlawed in the reserve bank for rediscount and at the same time legalized as an original loan by the member bank? It should be outlawed all along the line. It is preposterous to claim that the Government of the United States or of the various States should be called upon to furnish a banking system to sustain an institution of stock gamblers.

Another bill would prohibit one ordinary bank from paying another ordinary bank for redeposits and turn this item of reserve-bank business into the reserve banks. It would require the reserve bank to pay 2 per cent interest rate. This would increase the volume of reserve-bank business very greatly. On this increased volume it would never need to charge over 3 per cent on rediscounts and perhaps could make a profit at even a lower rate; so this bill fixes the rediscount rate by law at 3 per cent, and takes away from the Federal Reserve Board the power of affecting prices and business by raising and lowering the discount rate. That is a power too great to be intrusted to any board. The Congress of the United States itself is the only board representing all the people that should exercise such power. The right to do so is as old as the English law. It is simply fixing a usury rate and that has always been done. If the rediscount rate is fixed at 3 per cent, the ordinary bank can lend to farmers, laborers, and ordinary business at 5 per cent, and this bill fixes the general usury rate for loans of that character at 5 per cent. This gives the people the advantage of lowering the general interest rate by efficient use of surplus funds in a reserve banking system.

These provisions have been criticized by the statement that they would drive all the business into the State banks. I have anticipated that argument and offered another bill to require the State banks to comply with the same rules or be denied the use of the United States mails and the privileges of interstate commerce. This would put all the banks under the same system of rules. Unless something of the kind is done we are now headed for the greatest panic in the history of the world. The recent action of the Federal Reserve Board, while in the right direction is powerless to actually stop this fabulous bubble of stock inflation. Perhaps it has gone too far already to be stopped by anything but a panic. In conclusion, I want to ask: Shall the Congress of the United States remain an impotent onlooker in this ruthless destruction of the prosperity of the great masses of our people?

Mr. CAPPER obtained the floor.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Wyoming?

Mr. CAPPER. I do.

INDEPENDENT OFFICES APPROPRIATIONS—CONFERENCE REPORT

Mr. WARREN. I desire to present a conference report. I send it to the desk and move its adoption.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16301) making appropriations for the executive office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1930, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 8, 10, and 19.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 11, 12, 13, 14, 15, 16, 17, 18, and 20, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert "$123,520"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows:

"Hereafter the Chief of the Bureau of Efficiency shall certify annually to the Bureau of the Budget, along with his estimates of appropriations for the ensuing year, a statement of the amount of the savings which he estimates have been effected in the various bureaus and offices of the Government, including the District of Columbia, as a result of the surveys and recommendations made by the Bureau of Efficiency in cooperation with the bureau or office involved during the previous fiscal year; and the Bureau of the Budget shall, upon the request of any appropriation committee of the House or Senate, supply such committee with a statement of the reductions or adjustments of appropriations effected or proposed to be made in the appropriations for the respective bureaus or offices as a result of such surveys by the Bureau of Efficiency."

And the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$541,445,740"; and the Senate agree to the same.

F. E. WARREN,
REED SMOOT,
W. L. JONES,
LEE S. OVERMAN,
CARTER GLASS,
Managers on the part of the Senate.

EDWARD H. WASON,
JOHN W. SUMMERS,
JOHN C. ALLEN,
THOMAS H. CULLEN,
FRED M. VINSON,
Managers on the part of the House.

The PRESIDING OFFICER. The question in on agreeing to the conference report.

The report was agreed to.

Mr. CAPPER. Mr. President——

Mr. SHIPSTEAD. Mr. President, was that the conference report on the independent offices appropriation bill?

The PRESIDING OFFICER. It was.

Mr. SHIPSTEAD. With all due respect, I ask a reconsideration of the vote by which it was agreed to.

Mr. WARREN. I do not know why the Senator asks for a reconsideration. I waited all day that he might be here, and of course when the day has been largely spent in waiting I presented the report.

Mr. SHIPSTEAD. There was not a quorum call. I was called out of the Chamber. I have been waiting all day for this report to come before the Senate.

Mr. WARREN. The Senator did not wait. To accommodate him, I have sat here all day. I assumed, of course, that he was here or had tired and left the Chamber. I did not take any advantage of him. I waited until the Senator who had the floor for some hours had finished his remarks.

The PRESIDING OFFICER. The Senator from Minnesota moves that the vote whereby the conference report was agreed to be reconsidered. [Putting the question.] The Chair is in doubt. All those in favor of a reconsideration will rise and stand until they are counted.

Mr. WARREN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. SMITH. Mr. President, a parliamentary inquiry. We are now voting on the direct question of a reconsideration, so that those in favor of a reconsideration will vote "yea"?

The PRESIDING OFFICER. That is correct.

The roll call was concluded.

Mr. BRATTON. I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. I do not know how he would vote upon this question, and I therefore withhold my vote. If at liberty to vote, I should vote "yea."

Mr. FESS (after having voted in the negative). I have a pair with the senior Senator from Tennessee [Mr. MCKELLAR]. I transfer that pair to the junior Senator from Rhode Island [Mr. METCALF], and will let my vote stand.

Mr. WAGNER. I desire to announce that my colleague [Mr. COPELAND] is detained on official business.

Mr. JONES. I have been requested to announce the following pairs:

The Senator from Idaho [Mr. THOMAS] with the Senator from Maryland [Mr. TYDINGS];

The Senator from Kentucky [Mr. SACKETT] with the Senator from Florida [Mr. FLETCHER];

The Senator from Oregon [Mr. STEIWER] with the Senator from New York [Mr. COPELAND];

The Senator from Vermont [Mr. GREENE] with the Senator from Utah [Mr. KING]; and

The Senator from New Mexico [Mr. LARRAZOLO] with the Senator from Florida [Mr. TRAMMELL].

Mr. GERRY. I desire to announce that the Senator from Nevada [Mr. PITTMAN], the Senator from Oklahoma [Mr. THOMAS], the Senator from Florida [Mr. TRAMMELL], the Senator from New Jersey [Mr. EDWARDS], and the Senator from Maryland [Mr. TYDINGS] are necessarily detained on official business.

I also desire to announce that the Senator from Florida [Mr. FLETCHER] is unavoidably detained from the Senate. I will let this announcement stand for the day.

The result was announced—yeas 39, nays 27, as follows:

YEAS—39

Barkley	Frazier	Neely	Smith
Bayard	George	Norbeck	Steck
Black	Gerry	Norris	Stephens
Blaine	Harris	Nye	Swanson
Borah	Harrison	Pine	Tyson
Brookhart	Hayden	Ransdell	Wagner
Bruce	Heflin	Robinson, Ark.	Walsh, Mass.
Capper	McMaster	Schall	Walsh, Mont.
Couzens	McNary	Sheppard	Wheeler
Dill	Mayfield	Shipstead	

NAYS—27

Bingham	Fess	Hastings	Shortridge
Blease	Gillett	Jones	Simmons
Broussard	Glass	Keyes	Smoot
Burton	Glenn	Oddie	Vandenberg
Curtis	Goff	Overman	Warren
Deneen	Gould	Phipps	Watson
Edge	Hale	Reed, Pa.	

NOT VOTING—29

Ashurst	Hawes	McLean	Thomas, Idaho
Bratton	Howell	Metcalf	Thomas, Okla.
Caraway	Johnson	Moses	Trammell
Copeland	Kendrick	Pittman	Tydings
Dale	King	Reed, Mo.	Waterman
Edwards	La Follette	Robinson, Ind.	
Fletcher	Larrazolo	Sackett	
Greene	McKellar	Steiwer	

So the motion to reconsider was agreed to.

The VICE PRESIDENT. The conference report is before the Senate for consideration.

Mr. SHIPSTEAD. Mr. President, I would not have asked for a reconsideration of the vote by which the conference report was agreed to if I had not thought that the Senate ought to give some consideration to an item that had been included three times in appropriation bills by the Senate and three times taken out by a conference committee. I do not want to be understood as finding any fault with any of the conferees. However, I think it is only just to say that I think their action has possibly been based upon a lack of information.

When the appropriation bill was before the Senate an amendment was adopted, as follows:

On page 39, line 6, insert the following:

"No part of the sums appropriated in this act shall be used to maintain the Sea Service Bureau."

It is to that item, which has been taken out of the bill by the conference committee that I respectfully call the attention of the Senate and the members of the conference committee on the part of the Senate.

It has been claimed that this item must be provided for by special legislation if the Sea Service Bureau is to be abolished. I want to direct attention to the fact that the Sea Service Bureau has never been created by law. It is an outgrowth or remnant of a rule adopted by the Shipping Board in time of war, when they established the so-called recruiting service for the merchant marine.

It has been said that it is necessary to maintain this Sea Service Bureau in order to recruit men for the sea service in Shipping Board vessels and privately owned vessels flying the flag of the United States. I want to point out that they are rendering a service which the law says shall be rendered by shipping commissioners provided for by law, appointed by the Department of Commerce, appropriated for in the regular appropriation bills for the Department of Commerce as provided for by law.

The section of the navigation laws of the United States of 1927 prescribing the duties of shipping commissioners or shipping officers reads as follows:

The general duties of a shipping commissioner shall be:

First. To afford facilities for engaging seamen by keeping a register of their names and characters.

Second. To superintend their engagement and discharge in manner prescribed by law.

Third. To provide means for securing the presence on board at the proper times of men who are so engaged.

Fourth. To facilitate the making of apprenticeships to the sea service.

Fifth. To perform such other duties relating to merchant seamen or merchant ships as are now or may hereafter be required by law.

In any port in which no shipping commissioner shall have been appointed, the whole or any part of the business of a shipping commissioner shall be conducted by the collector or deputy collector of customs of such port, and in respect of such business such customhouse shall be deemed a shipping office, and the collector or deputy collector of customs to whom such business shall be committed shall for all purposes be deemed a shipping commissioner within the meaning of this title.

I might say that these shipping commissioners are in every seaport in the United States where there is shipping.

That is the law defining some of the duties of the shipping commissioners. The law also provides a penalty to be imposed upon any individual who performs the duties conferred upon shipping commissioners, and that is work that is being done by the Sea Service Bureau. This is the penalty:

Any person other than a commissioner under this title who shall perform, or attempt to perform, either directly or indirectly, the duties which are by this title set forth as pertaining to a shipping commissioner, shall be liable to a penalty of not more than $500.

So here we have an employment agency provided by law, appropriated for properly by law, and administered according to law. In addition to the shipping commissioners the Government of the United States, through the Department of Labor, operates something like 205 employment agencies in 176 cities of the United States. So, if the charge is made that the shipping commissioners provided by law, whose business it is to recruit men for the sea service, can not do all of this work, we have already another governmental agency, as I have said, operating 205 employment offices in 176 cities, which can aid the shipping commissioners in this recruiting service.

However, if that were the only work and the only purpose of the Sea Service Bureau, they would automatically be deprived by law of that duty. The laws of the United States provide a penalty for any person other than a shipping commissioner performing this service. This service bureau has had other functions to perform.

I have here a statement that has been sent out—I am not sure whether by the Shipping Board or by the Sea Service Bureau—stating how it was created. It says:

The recruiting service of the United States Shipping Board was authorized by the United States Shipping Board on May 29, 1917.

The purpose of this service was to recruit and train deck officers, engineers, seamen, firemen, cooks, and messmen to constitute all-American crews for the rapidly growing American merchant marine.

Later we find this paragraph:

With the increasing number of graduates from the recruiting service training schools and ships the United States Shipping Board decided that it was necessary to establish a bureau to place these graduates, and on July 8, 1917, authorization was given by the United States Shipping Board to establish a department whose functions are indicated by its title, the Sea Service Bureau.

That is how it was created. In the seventh paragraph of this report we find this:

Shortly after the armistice was signed the work of the recruiting service was gradually eliminated, the schools were closed and the training program aboard training ship was abandoned, but the work of the Sea Service Bureau was just as important after the signing of the armistice, as the United States Shipping Board vessels were in operation and had to be supplied with competent crews.

That is the excuse given for the continuance of the Sea Service Bureau. In other words, by consent of the Shipping Board, the work of this bureau was continued.

I find from this report that one of the important duties of the Sea Service Bureau is to keep what is called a deferred list of men who make their living at sea. It is called the "deferred list"; in the parlance of the street it is called the "black list." In the last paragraph of this report, which is dated January 25, 1928, I find this:

> We have on our deferred list at the present time 1,125 seamen whose names appear there on account of being physically unfit for sea duty, and 1,885 seamen who have been placed there for various offenses such as putting emery in the bearings, assaulting officers with intent to kill, stealing ships' property, smuggling, desertion, and incompetency. To let these men go unpunished would be a detriment to our effort to build up an efficient and loyal personnel on our merchant ships.

Here we find that the Sea Service Bureau has taken upon itself the duty of punishing men who have assaulted officers with intent to kill, stolen ships' property, smuggled, deserted, or shown themselves to be incompetent, by putting them on the deferred list. They are, then, performing the duty of courts of the United States. That duty has been conferred upon the courts by acts of Congress. Penalties are prescribed for these offenses, and the Criminal Code prescribes how men who commit these crimes shall be punished. The law does not say it is within the duty or province of the Sea Service Bureau to punish these men. The Shipping Board's own report shows that instead of going to the courts to punish them, they put them on a black list.

Section 294 of chapter 12 of the Criminal Code of the United States provides:

> Whoever, being a seaman, lays violent hands upon his commander, thereby to hinder and prevent his fighting in defense of his vessel or the goods intrusted to him, is a pirate, and shall be imprisoned for life.

I submit, Mr. President, that when men commit crimes like that, it is the duty of the master of the vessel on which they happen to be, or the shipping commissioner, or any other individual, to see that the law takes its course and that the men get the punishment prescribed by law.

Section 301 of the same code provides:

> Whoever, not being an owner, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, willfully and corruptly casts away or otherwise destroys any vessel of the United States to which he belongs, or, willfully, with intent to destroy the same, sets fire to any such vessel, or otherwise attempts the destruction thereof, shall be imprisoned not more than 10 years.

It has been claimed that another duty of the Sea Service Bureau is to induce American citizens to go to sea, and so improve the service; and they claim that they have done that.

They are supposed to have been rendering the service which Captain Fried said was so important. He said the trouble with the American merchant marine is that they do not get the right kind of men to go to sea. I submit that the history of the Sea Service Bureau shows why so many American citizens will not go to sea.

In order that Senators may know how successfully their recruiting of American citizens has been, I desire to read some figures from a report issued by the Commissioner of Immigration at Ellis Island, dated January 7, 1929. On the first of the last three trips of the steamer *Leviathan* there were 495 aliens and 538 American citizens employed. On the second of the last three trips there were 462 aliens and 529 American citizens. On the last of the three last trips before this report was made there were 453 aliens and 537 American citizens. In this era of unemployment in the United States American citizens can not get work.

On the *President Roosevelt* there were 90 aliens on the first of the last three trips made before this report was rendered, and 143 American citizens in the crew. On the second of the last three trips she carried 98 aliens and 126 American citizens, and on the last of the three trips 91 aliens and 133 American citizens.

On the *President Harding* on the first of the last three trips made before the report was rendered there were 90 aliens and 132 American citizens. On the second of the last three trips there were 91 aliens and 131 American citizens. On the third of the last three trips before this report there were 84 aliens and 137 American citizens.

The steamer *America*, the boat which saved the officers and crew of the *Florida*, on the last two trips prior to the rendering of this report, carried 305 aliens and 231 American citizens and 261 aliens and 208 American citizens, respectively.

The *George Washington*, on the first of the last three trips before this report, carried 410 aliens and 219 American citizens. On the second of the three trips referred to she carried 409 aliens and 223 American citizens. On the last of the three trips she carried 297 aliens and 202 American citizens.

Mr. President, if the Senate will permit me, I want to go back to the black list. I have here an original letter signed with the original signature of the assistant director of the recruiting service of the Sea Service Bureau, "E. D. Warner, United States Shipping Board, interoffice memorandum, dated June 8, 1921," and reading as follows:

> From E. D. Warner, assistant director recruiting service.
> To all agents and subagents, Sea Service Bureau.
> Subject: J. Slatgher, oiler, steamship *Ripon*.
>
> This is to advise you that J. Slatgher, late oiler of steamship *Ripon*, is not again to be employed upon Shipping Board vessels.
>
> E. D. Warner.

I have here another letter signed by W. P. Seymour, assistant to the director of industrial relations in charge of recruiting service, dated December 17, 1925. The letterhead is that of the United States Shipping Board at Washington. This is directed to Mr. Andrew Furuseth, president International Seamen's Union, Washington, D. C., and reads:

> Dear Sir: Replying to yours of the 15th instant, inclosing a letter from Mr. Rammussen, of New York, I am glad to advise that Mr. John Olson's name has been removed from our deferred list on the 15th instant and Mr. Rammussen was notified to this effect.

Here is an official notification that his name has been taken from the black list.

I have here a copy of a letter from the port captain, Mr. Nicholson, of Mobile, Ala.:

> *To All Masters:*
>
> It is requested that in the future if you have any trouble with your crew or if you find any agitators amongst them, please submit full report to this office, to enable us to place any trouble makers or undesirable on the black list. It is also requested that extreme care should be taken in marking crew discharges upon completion of the voyage. If any member of the crew violate any of the rules of your vessel, you will see that he is given a poor discharge.
>
> Yours very truly,
>
> Waterman Steamship Corporation,
> N. Nicholson, *Port Captain.*

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER (Mr. Bratton in the chair). Does the Senator from Minnesota yield to the Senator from California?

Mr. SHIPSTEAD. I yield.

Mr. SHORTRIDGE. Would it disturb the Senator if I asked him a question?

Mr. SHIPSTEAD. Not at all.

Mr. SHORTRIDGE. Am I to understand the Senator's position to be that this service set up by the Shipping Board is performing duties which the law casts on the shipping commissioners?

Mr. SHIPSTEAD. Yes.

Mr. SHORTRIDGE. Wherefore the argument is that they are performing duties in direct violation of the statute in respect of the shipping commissioners?

Mr. SHIPSTEAD. That is correct. The Senator evidently was not here when I began my remarks. I read the statute describing the duties of the shipping commissioners.

To show what the courts of the United States think of the black list, let me read an item from the Seattle Post-Intelligencer of December 18, 1925. A man was blacklisted and sued the steamship company for damages. The court awarded him damages. Here is a newspaper report of the case headed—

> Blacklisted man wins out.

Mr. SHORTRIDGE. The suit was brought against a private corporation?

Mr. SHIPSTEAD. Oh, yes.

> Portland, Oreg., December 17, 1925.—That Ralph Johnson, longshoreman, had suffered damages as the result of a conspiracy among eight employers along the water front to prevent his employment, was the jury's interpretation of his complaint, tried in Circuit Judge L. P. Hewitt's court. A verdict to-day awarded Johnson $4,500.
>
> The suit alleged conspiracy among employers on the water front to blacklist any man discharged by any other employer and to keep his name off the list used at the hiring hall.
>
> When originally filed, the suit named some 30 firms as defendants, but motions of nonsuit were granted all except the Oregon Stevedoring Co., the Pacific Steamship Co., the McCormick Steamship Co., the Lukenbach Steamship Co., the W. J. Jones & Sons, stevedores; Brown & McCabe, Kerr, Gifford & Co., and Balfour Guthrie & Co.

I read that to show what the courts of the United States think of the black list. That the Government of the United

States should appropriate money out of the Public Treasury to support an organization which by its own statement admits that it has a list of men and sends that list out to the shipping commissioners, sea-service agents, the agencies of the organization, telling them not to hire the men on that list, seems to me an unusual procedure for the Government of the United States to pursue.

I am quite confident the conferees did not have all this information when they permitted this provision to be taken out of the bill. I hope that they will go back into conference and insist, upon the part of the Senate, that the provision which was placed in the bill by the Senate on three different occasions and thrown out in conference shall remain in the present bill, and that they will be able to get the conferees to agree to remove this accretion, this appendix, and that is what it is, which has grown up as the result of a very useful service that was rendered during the war, but in time of peace the Congress of the United States has provided other ways for performing the service.

I have here a list of the appropriations that are made through the Department of Commerce appropriation bill for the maintenance of the shipping commissioners who are to do this work. They totaled $304,840, being segregated as follows: In the District of Columbia, $73,440; measurement of vessels, $5,600; enforcement of navigation laws, $92,320; preventing overcrowding of passenger vessels, $18,840; clerk hire, $105,860; contingent expenses, $10,780.

I submit, Mr. President, that if this work can not all be done by the shipping commissioners the law ought to be amended removing the penalty which it is prescribed shall be imposed upon any other individual who performs that service, and we can so amend the law that the 205 Federal employment offices in the United States can do the recruiting service of the Shipping Board for the American merchant marine. It has been claimed that the Sea Service Bureau trains seamen to go to sea. If there is anyone who can show me that they are training any seamen I shall be very glad to have the information. The laws of the United States prescribe that the shipping commissioners shall prescribe the facilities for seamen apprentices to learn the seafaring trade.

Mr. President, with all due respect to the chairman of the conferees and his fellow conferees, I move that the bill be sent back to conference and that the Senate conferees be instructed——

Mr. CURTIS. Mr. President, I think the motion is not necessary. The question comes on the adoption or rejection of the report.

Mr. SHIPSTEAD. I stand corrected.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. SHIPSTEAD. The Senator from California [Mr. SHORTRIDGE] has asked me to read the item. I have the amendment here, I can not find it, but the essence of the amendment adopted by the Senate provides that none of these funds shall be used to maintain the Sea Service Bureau. Now, I yield to the Senator from Utah if he desires to ask me a question.

Mr. SMOOT. No; I wish to take the floor in my own right.

Mr. SHIPSTEAD. Very well.

Mr. SMOOT. Mr. President, as the Senator from Minnesota has said, this is the third time that the Senate has accepted this amendment on the appropriation bill, but it has always been accepted with the statement that it would be taken to conference and if the conferees on the part of the House would agree to it the conferees on the part of the Senate would be perfectly willing to have it remain in the bill, although I have often said—and I repeat—this is not the way to reach the object sought. If there is a desire to make a change in the law, a bill for that purpose should be introduced and considered and acted upon. In that proper legislative way any change desired in the program could be brought about.

The Senator must know that the shipping commissioners can not do the work performed by the Sea Service Bureau. They have to have an agency to perform the work, and if the Sea Service Bureau were now abolished there would be nothing to take its place, and, so far as that activity is concerned, we would be at sea.

If the Senator and those who believe with him desire a change brought about the proper way to proceed, as I have said, is to introduce a bill, setting forth the changes to be made, and affording ample time so that there may be no interference at all with the selection of seamen.

As to whether what the amendment proposes is the proper thing to do I would perhaps agree after studying the whole question—and I am going to study it—agree that it is. I have told the friend who brought the information to the Senator from Minnesota and who has also talked to me about it that before the next appropriation bill for this purpose shall be considered, if it is desired that something be done about this matter, a bill should be introduced either here or in the House, but preferably in the Senate, so that the question may be thoroughly threshed out and the terms of the bill itself may specifically provide the duties which shall be performed by each agency, and also provide the amount of money which shall be expended for the service and let the appropriation go directly to that service. To adopt the course proposed by the Senator from Minnesota would result in confusion. Only this morning I was talking to the friend to whom reference has been made along the same line, and I told him that is what ought to be done. I think it is the only proper way to reach the object sought to be attained, rather than to adopt the amendment now and to abolish the Sea Service Bureau without providing anything to take its place. I hope that the Senate will act along that line.

Mr. COUZENS. Mr. President, I should like to ask the Senator a question.

Mr. SMOOT. I yield.

Mr. COUZENS. Even if we should take the action proposed, the present appropriation would be effective until the 1st of July, and the bureau would be able to operate until that time.

Mr. SMOOT. Certainly.

Mr. COUZENS. So that they would have all the time between now and the 1st of July in which to readjust their employment service.

Mr. SMOOT. I doubt whether that could be done. They would not know exactly what character of legislation would be enacted; they would not know what the provisions of the law would be, and there would be involved the need of adjusting matters in the meantime and perhaps readjusting it subsequently.

Mr. COUZENS. Is it not true that the statute already provides that the shipping commissioners must do this work?

Mr. SMOOT. They are doing it indirectly now.

Mr. COUZENS. They can continue to do it directly by other means than the present seamen's bureau.

Mr. SMOOT. I doubt if anything would be gained by that.

Mr. COUZENS. That is the question before the Senate.

Mr. SMOOT. I think the conference report ought to be agreed to, and then in the meantime Senators who are interested in the question can prepare a bill definitely setting forth just what is desired that the commissioners shall do and provide means directly for that work.

Mr. SHIPSTEAD. The law already so provides.

Mr. SMOOT. I know what the law says.

Mr. SHIPSTEAD. The Senator was not here when I read the law.

Mr. SMOOT. I know what the law is. It confers the power upon the commissioners. I would go further; I would say exactly what their duties under the law shall be, and then there could not be any evasion of it, if it can be said that there is any evasion now. In my opinion, they are simply performing through an agency the work that Congress intended that they should perform.

Mr. COUZENS. There is no provision in the law for them to turn over that duty to some other bureau or agency.

Mr. SMOOT. In the appropriations which we enact for the support of various commissions we do not specify the duties of all the employees under those commissions. We never have done that in any legislation. In this particular case, however, I am perfectly willing to see it done; and I will support legislation that will go so far as to provide just what the duties shall be and specify them by law. I think that is the proper way to proceed in this instance.

Mr. SHIPSTEAD. Mr. President, with all due respect to the Senator from Utah, I do not see how we can abolish by law an office that has not been created by law. If this bureau had been created by definite legislative enactment, we could remedy the situation by repealing that law; but the only way we can eliminate this duplication of service is by specifically prohibiting by law the use of the funds to carry on the services of this organization.

As a matter of fact, when the La Follette Seaman's Act was passed, a specific provision of that law put the so-called "crimp" out of business. It was intended that he should be put out of business by law. He was performing the service which the law said shall be performed by the shipping commissioners; but by a simple ruling the Shipping Board there has been created an organization that has taken the place of the "crimp."

Mr. WARREN. Of what?

Mr. SHIPSTEAD. Of the "crimp."

Mr. WARREN. How does the Senator make that out?

Mr. SHIPSTEAD. Before the passage of the seaman's act certain individuals who had offices around shipping centers in various ports would hire seamen for masters of vessels. The

law provides that masters of vessels may hire the crew. So there is plenty of opportunity for men to go to sea and obtain employment at sea without maintaining an organization that is operating contrary to law and performing duties that the law says shall be performed by other officers.

Mr. WARREN. If the law is being continuously broken, why does not the Government through its proper officers prosecute those who may be violating the law?

Mr. SHIPSTEAD. I do not know. Does the Senator refer to men who violate the Criminal Code of the United States?

Mr. WARREN. I refer to anyone who may break the law. Violators of the law are open to prosecution.

Mr. SHIPSTEAD. I read the provisions of the Penal Code and the penalty which the law says shall be visited on those who perform the duties which under the law are required to be performed by the shipping commissioners. Why that law is not enforced I do not know.

Mr. WARREN. It is rather singular that a law would be continuously disobeyed for years.

Mr. SHIPSTEAD. It is not the only law that is disobeyed. What I am trying to do is to stop the appropriation under which the violation of the law occurs.

Mr. WARREN. I understand that the Senator wants to stop entirely the appropriation of approximately $550,000,000.

Mr. SHIPSTEAD. Oh, no.

Mr. WARREN. That amount, approximately, is carried by the bill.

Mr. SHIPSTEAD. The Senator does me an injustice. I am not trying to do that. I thought I was following the usual procedure prescribed by the rules of the Senate.

Mr. WARREN. That is correct.

Mr. SHIPSTEAD. I assumed I was speaking within my rights.

Mr. WARREN. Nobody is objecting to the Senator's doing so.

Mr. SHIPSTEAD. I assumed I was proceeding in a perfectly regular way under the rules. It is not my intention to act in any other manner. I am sure the Senator is laboring under a misapprehension if he thinks I have any intention of jeopardizing the passage of the bill. I have no such intention at all.

Mr. WARREN. Mr. President, if the Senator has finished, let me say that this is a matter affecting the ships owned by the Government which are under the guidance and management of the Shipping Board. According to the reports which come to me, the Shipping Board is doing its duty. On the routes established the Shipping Board is running vessels to points all over the world. Those ships cost many thousands of dollars a day to operate, and when a ship is going to some far-away port of the world the Shipping Board can hardly afford to delay obtaining men to operate them.

Mr. President, on account of my physical condition at present—of my throat—I am not able to say very much, but I think this service is now being conducted in a manner that is perfectly legitimate. I ask to have read the statement which I send to the desk in order that Senators may benefit from the information contained therein.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

UNITED STATES SHIPPING BOARD,
OFFICE OF THE CHAIRMAN,
Washington, February 5, 1929.

Hon. FRANCIS E. WARREN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In reference to H. R. 16301, independent offices appropriation bill, which is now in conference, carrying amendment by Senator SHIPSTEAD, as follows:

Page 39, line 6, insert the following: "No part of the sums appropriated in this act shall be used to maintain the Sea Service Bureau."

I beg to inclose herewith statements giving complete information on the activities of our Sea Service Bureau. Such information is ample proof that we must maintain a Sea Service Bureau if we are going to have an efficient American personnel on our ships.

If there is any further information that you desire, let me know by telephone or otherwise and I will see that it is promptly furnished.

Yours very truly,

T. V. O'CONNOR, *Chairman.*

UNITED STATES SHIPPING BOARD SEA SERVICE BUREAU

The sea-service section of the United States Shipping Board is not doing the work that is assigned by law to the United States Shipping Commissioners of the Department of Commerce; nor is there a duplication of work.

The United States Shipping Commissioners are appointed by an act of Congress to supervise the engagement and proper treatment of seamen in the merchant service and to enforce laws for the seamen's protection. They attend to the signing of the ships' articles, which is a legal instrument in writing, specifying the terms of the contract between the owners and the seamen who ship aboard a vessel. They also attend to the discharge of the seamen and the payment of their wages when the contract has been fulfilled.

The sea-service section does not infringe upon nor duplicate in any way the above duties of the United States Shipping Commissioners. It is the specialized duty of the sea-service section to supply competent American seamen who are physically fit to man our ships. A sea-service office is maintained at the various ports and is a place where the men may wait until assigned to a ship. In the sea-service office the men do not register, nor are they shipped in turn, but rather the American seamen holding the best discharges from previous ships, and physically qualified, are given the preference. By physically qualified is meant that each seaman must pass a physical examination prior to being placed aboard ship.

A complete record is kept of each seaman shipped. Such record will show the seaman's name, address, nationality, next of kin, conduct, character, ability, and physical condition, and a complete record of his previous service.

The sea-service section makes no discrimination against the seaman on account of affiliation or nonaffiliation with any labor organization. It makes no regulations governing the work of seamen. It carries out a policy not to employ a seaman who has caused trouble and expense to our ships in foreign ports, for example, by being absent without leave, failure to join the ship, disobedience of orders at sea, destroying ship's property, or smuggling. It is necessary in the interest of an efficient merchant marine to take some disciplinary action when a seaman is guilty of the above offenses, consequently he is in some cases denied employment on our vessels.

In the manning of vessels of the United States Shipping Board Merchant Fleet Corporation, the following order of preference is carried out:

DECK AND ENGINE DEPARTMENTS

1. American citizens.
2. Natives of the Philippine Islands. (To be given preference in employment next to American citizens, by reason of owing allegiance to the United States Government as guardian of the Philippine Islands.)
3. Aliens holding "intention" papers. (Failure of aliens who declare their intentions to become citizens to acquire full citizenship as soon as entitled to same under the law, will place such aliens in the fourth class.)
4. Aliens eligible to citizenship.

STEWARD'S DEPARTMENT

1. Chief stewards should be American citizens, whenever practicable.
2. American citizens should be employed wherever practicable, Filipinos next in order of preference.
3. Other members of the steward's department to be selected to best meet the requirements of the particular service in which the vessel is engaged.

The abolishment of the sea-service section would effect no saving in appropriations, as a similar activity would have to be carried on, and would probably be handled with the same organization as the sea-service section now has, and the same amount of money would necessarily be expended in carrying on the work.

UNITED STATES SHIPPING BOARD,
Sea Service Bureau.

SEAMEN ON SHIPPING BOARD VESSELS

It has been unjustly charged that the seamen employed on Shipping Board vessels are incompetent.

Your attention is drawn to the record of the crews of Shipping Board vessels who have made heroic rescues at sea. These crews were all supplied by the sea-service section of the Shipping Board.

It is obviously unfair to the gallant American seamen employed on these ships to attempt to minimize their efficiency by making statements that they are incompetent, after they have proved to the world that they are not only equal to but are even more efficient than foreign seamen, especially when foreign nations have recognized their heroic conduct, devotion to duty, and valor under the most trying conditions in the following well-known disasters at sea:

The rescue of the Italian steamship *Ignazio Florio* by the steamship *President Harding* on October 19, 1925.

Deck department:	
Americans	32
Alien	1
Engine department:	
Americans	46
Alien	1

The rescue of the Norwegian steamship *Elven* by the steamship *American Trader* on October 27, 1925.

Steamship *American Trader* 100 per cent American crew.

The rescue of the British schooner *Spencer Lake* by the steamship *Ogontz* on January 15, 1926.

Deck department:	
Americans	9
Aliens	2

Engine department:
Americans 10
Alien 1

The rescue of the British steamship *Antinoe* by the steamship *President Roosevelt* on January 23, 1926.

Deck department:
Americans 29
Alien 1
Engine department:
Americans 45
Alien 1

The rescue of the French schooner *Muguet* by the steamship *West Harcuvar* on February 5, 1926.

Deck department:
Americans 9
Aliens 2
Engine department:
Americans 6
Aliens 2

The rescue of the Norwegian steamship *Pinto* by the steamship *Casper* on February 11, 1926.

Deck department:
Americans 10
Aliens 2
Engine department:
Americans 11
Aliens 0

The rescue of the Dutch tanker *Silvanus* by the steamship *Topa Topa* on April 8, 1926.

Deck department:
Americans 10
Aliens 2
Engine department:
Americans 11
Aliens 0

The rescue of the French schooner *Borce* by the steamship *Aquarius* on May 30, 1927

Deck department:
Americans 10
Aliens 2
Engine department:
Americans 8
Aliens 0

The rescue of the Italian steamship *Elipoli* by the steamship *Bibbco* on June 14, 1926:

Deck department:
Americans 10
Aliens 2
Engine department:
Americans 11
Aliens 0

Steamship *Vincent:* Went to assistance of French barkentine *Sylvana*, transferred in heavy sea provisions and gear, and took off injured seamen, October 5, 1928:

Deck department:
Americans 12
Aliens 0
Engine department:
Americans 8
Aliens 0

Rescue of 84 members of the crew and 41 passengers of the British steamship *Vestris* by steamship *American Shipper* on November 12, 1928.

Steamship *American Shipper*, 100 per cent American crew.

Steamship *McKeesport:* Went to assistance of Greek steamship *Alexandria*, which was disabled at sea, and towed same to safe harbor, on November 20, 1928.

Steamship *McKeesport*, 100 per cent American crew.

Steamship *Carlton:* Went to assistance of the British steamship *Tabora* and towed same to safe harbor, November 27, 1928.

Steamship *Carlton*, 100 per cent American crew.

Rescue of the crew of the American schooner *Jas. W. M. Hall*, on December 7, 1928, by the steamship *West Ekonk*.

Steamship *West Ekonk*, 100 per cent American crew.

The latest chapter in this splendid list of rescues was enacted on January 23, 1929, when, in a boisterous sea, 700 miles from shore, 32 members of the crew of the Italian freighter *Florida* were saved from a watery grave by the United States Shipping Board steamship *America*, under Capt. George Fried. Of the 79 sailors in the *America's* deck department, 76 were American citizens and the remaining 3 had taken out their first papers. The lifeboat crew which performed this heroic feat were all American citizens, placed aboard the ship by the sea-service section of the Shipping Board.

The above record speaks for itself and should definitely silence those who seek to impeach the efficiency and gallantry of American seamen placed on Shipping Board vessels by the sea-service section.

UNITED STATES SHIPPING BOARD,
Sea Service Section.

The PRESIDING OFFICER (Mr. BRATTON in the chair). The question is on agreeing to the conference report.

Mr. SHIPSTEAD. Mr. President, the figures that I gave on citizenship of crews employed were furnished by the immigration commissioner. The figures just read were given by the Shipping Board.

Mr. WARREN. Mr. President, does the Senator doubt the accuracy of this report?

Mr. SHIPSTEAD. No; I do not doubt it.

I observe that the Shipping Board refer to the employees as deck hands. There are other employees than deck hands. The immigration commissioner gives the figures of the entire crew.

Mr. WARREN. I will wait for the Senator to finish.

Mr. SHIPSTEAD. I thank the Senator. I do not want to delay him unnecessarily.

The report of the Shipping Board just read states, among other things, that one of the chief duties of the Sea Service Bureau is to see that the papers are properly signed when a seaman is engaged to go to sea. The navigation laws of the United States on that matter say that an agreement containing the following particulars shall be made by the master with the seaman and signed before the shipping commissioner:

First. The nature and, as far as practicable, the duration of the intended voyage or engagement and the port or country at which the voyage is to terminate.

Second. The number and description of the crew, specifying their respective employments.

Third. The time at which each seaman is to be on board to begin work.

Fourth. The capacity in which each seaman is to serve.

Fifth. The amount of wages which each seaman is to receive.

Sixth. A scale of the provisions which are to be furnished to each seaman.

Seventh. Any regulations as to conduct on board and as to fines, short allowances of provisions, or other lawful punishments for misconduct, which may be sanctioned by Congress or authorized by the Secretary of Commerce, not contrary to or not otherwise provided for by law, which the parties agree to adopt.

Eighth. Any stipulations in reference to allotment of wages, or other matters not contrary to law.

The following rules shall be observed with respect to agreements:

First. Every agreement, except such as are otherwise specially provided for, shall be signed by each seaman in the presence of a shipping commissioner.

Second. When the crew is first engaged, the agreement shall be signed in duplicate——

Mr. WARREN. Mr. President, do I understand that every seaman must sign in the presence of the commissioner? Will the Sentaor please read that language again?

Mr. SHIPSTEAD (reading):

When the crew is first engaged, the agreement shall be signed in duplicate, and one part shall be retained by the shipping commissioner and the other part shall contain a special place or form for the description and signatures of persons engaged subsequently to the first departure of the ship, and shall be delivered to the master.

Mr. SHORTRIDGE. Mr. President, the Senator from Wyoming asked that the Senator from Minnesota read again that part of the statute as to signing in the presence of the commissioner.

Mr. SHIPSTEAD. It says that the duty of the commissioner——

Mr. WARREN. Yes; of the commissioner. He must be in all of these ports, of course.

Mr. SHIPSTEAD. Every shipping port has a shipping commissioner.

Mr. SHORTRIDGE. Will the Senator read that portion again?

Mr. SHIPSTEAD. The Senator evidently thinks I refer to some commissioner down here in Washington. The law provides for numerous shipping commissioners. They are in every port——

Mr. WARREN. I thank the Senator for the information. I do not wish to discuss the matter.

Mr. SHIPSTEAD. And where there is no shipping commissioner, the law provides that the customs collector shall perform the duties of the shipping commissioner. After prohibiting any other person from performing the duties of shipping commissioner, there is a qualification as follows:

Nothing in this title, however, shall prevent the owner or consignee or master of any vessel, except vessels bound from a port in the United States to any foreign port, other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the Republic of Mexico, and vessels of the burden of 75 tons or upward bound from a port on the Atlantic to a port on the Pacific, or vice versa, from performing himself, so far as his vessel is concerned, the duties of shipping commissioner under this title.

In other words, the master himself has the right under the law to hire his crew.

The shipping laws of the United States provide penalties for men who are guilty of smuggling and of assaulting an officer, and provide that the courts shall prescribe the penalty if the

men are found guilty. This Sea Service Bureau takes it upon itself to punish such men. I want to read the penal code from the Navigation Laws of 1917, on page 64:

Sixth. For assaulting any master or mate, by imprisonment for not more than two years.

Eighth. * * * For any act of smuggling for which he is convicted and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage, and the whole or any part of his wages may be retained in satisfaction or on account of such liability, and he shall be liable to imprisonment for a period of not more than 12 months.

I ask, Mr. President, that the clerk read a copy of an affidavit signed by an American-born citizen that may throw some light upon the subject.

The PRESIDING OFFICER. Without objection, the Secretary will read, as requested.

The Chief Clerk read as follows:

SAN FRANCISCO, CALIF., *April 22, 1924.*

I, H. J. Everitt, born at St. Paul, Minn., on June 14, 1887, shipped on the steamer *Hanover* (American) at New Orleans as boatswain on or about the 5th of September for a trip to Manila, P. I., and other eastern ports and back to the United States.

At Ilo Ilo, P. I., I got left behind, the ship proceeding to Manila without me. I endeavored to reach the ship there, paying my own passage from Ilo Ilo to Manila, but on reaching there found she had left for the United States.

I thereupon applied to the regular United States shipping commissioner, who supplies men for vessels going to the States and elsewhere with men (seamen), for a chance on board some American vessel in order to get back to my native country, and he said that he would not ship any American seaman on any American ship until all the Filipinos had been shipped out or provided with jobs.

Myself and 29 other American seamen were then forced to apply to the Governor General of the Philippine Islands, and we were sent as destitute seamen on the U. S. transport *Thomas* on the 24th of March, 1924, arriving at San Francisco, Calif., on April 21, 1924.

H. J. EVERITT.

Witness:

JOHN F. WALSH.
EDWARD TAYLOR.
(His X mark.)

Subscribed and sworn to before me this 22d day of April, 1924.

ANNE F. HASTY,
Notary Public, City and County of San Francisco, State of California.

(My commission expires September 20, 1927.)

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. SMOOT. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BROUSSARD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. BROUSSARD. What is the question upon which we are about to vote?

The PRESIDING OFFICER. The question is on agreeing to the conference report on the independent offices appropriation bill.

Mr. SMITH. It is a direct vote on adopting the report of the conference committee, and those in favor of adopting the report will vote in the affirmative.

The PRESIDING OFFICER. That is correct.

The VICE PRESIDENT resumed the chair.

The VICE PRESIDENT. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. In his absence, not knowing how he would vote, I withhold my vote.

Mr. FESS (when his name was called). I have a pair with the senior Senator from Tennessee [Mr. MCKELLAR], which I transfer to the junior Senator from Rhode Island [Mr. METCALF] and vote "yea."

Mr. GLASS (when his name was called). I have a pair with the senior Senator from Connecticut [Mr. MCLEAN]. I have been told that he would vote on this question as I intend to vote, and therefore I vote. I vote "yea."

The roll call was concluded.

Mr. COPELAND. I desire to announce that my colleague [Mr. WAGNER] is necessarily detained by official business.

Mr. GERRY. I wish to announce that the Senator from Mississippi [Mr. HARRISON], the Senator from Arizona [Mr. HAYDEN], the Senator from Alabama [Mr. BLACK], and the Senator from Mississippi [Mr. STEPHENS] are detained on official business. I also desire to announce the following general pairs:

The Senator from Mississippi [Mr. HARRISON] with the Senator from Oregon [Mr. STEIWER].

Mr. REED of Pennsylvania. I have a general pair with the Senator from Delaware [Mr. BAYARD], but I am advised that if present he would vote as I intend to vote, and therefore I vote "yea."

The result was announced—yeas 53, nays 11, as follows:

YEAS—53

Bingham	George	Moses	Smoot
Blease	Gerry	Norbeck	Steck
Broussard	Gillett	Oddie	Thomas, Idaho
Bruce	Glass	Overman	Thomas, Okla.
Burton	Glenn	Phipps	Tydings
Capper	Goff	Pine	Tyson
Caraway	Hale	Ransdell	Vandenberg
Copeland	Harris	Reed, Pa.	Walsh, Mass.
Couzens	Hastings	Robinson, Ark.	Warren
Curtis	Heflin	Schall	Waterman
Deneen	Jones	Sheppard	Watson
Edge	Keyes	Shortridge	
Edwards	McNary	Simmons	
Fess	Mayfield	Smith	

NAYS—11

Blaine	Frazier	Norris	Walsh, Mont.
Brookhart	McMaster	Nye	Wheeler
Dill	Neely	Shipstead	

NOT VOTING—31

Ashurst	Gould	King	Robinson, Ind.
Barkley	Greene	La Follette	Sackett
Bayard	Harrison	Larrazolo	Steiwer
Black	Hawes	McKellar	Stephens
Borah	Hayden	McLean	Swanson
Bratton	Howell	Metcalf	Trammell
Dale	Johnson	Pittman	Wagner
Fletcher	Kendrick	Reed, Mo.	

So the report was agreed to.

SALE OF COTTON AND GRAIN IN FUTURE MARKETS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1093) to prevent the sale of cotton and grain in future markets.

Mr. CAPPER. Mr. President, the measure under discussion, Senate bill 1093, to prevent the sale of cotton and grain in future markets, is regarded by many as an extremely drastic measure. Perhaps it is. But it is designed and drawn to remedy a very serious, and, from an economic viewpoint, a very dangerous situation; I am tempted to say a very wicked situation.

It is that situation, especially as it affects the grain grower, that I propose to discuss for a few minutes. There are others who can speak with much more familiarity of the cotton market situation. I will not attempt to go into that.

The grain market gamblers cost the farmers of my home State of Kansas something like $75,000,000 in three months last summer. Kansans pay less than twice that much in Federal, State, and local taxes during the year. And here in three short months we have the spectacle of grain gamblers on the Chicago Board of Trade mulcting the wheat growers of Kansas of $75,000,000 through a legalized gambling device, in a gambling game in which the wheat grower neither draws cards nor is allowed to shoot dice—he only furnishes stakes in the game, and no matter who among the gamblers wins, the grower loses. It is an economic crime, a business blunder, and legislative inanity, to allow this condition to continue.

Mr. President, here is what happens when the farmers of my State ship a load of wheat to the market. It is placed on the market, and at the same time there is placed another load of fictitious wheat, paper wheat, imaginary wheat, "gamblers' chips" wheat—but this fictitious wheat, this paper wheat, this imaginary wheat, this wheat that consists of the gamblers' chips only, competes with his in the market. Then—and here is the irony of that situation—the law of supply and demand is allowed to work. And it works to the detriment and toward the ruin of the grower.

On that market there is the actual wheat delivered by the grower, wheat that has been produced from the ground, wheat that can be ground into flour and later be baked into bread. But there is also this imaginary wheat, millions and millions of bushels of "paper wheat" that never was produced, never can be ground into flour, never can be baked into bread. But it helps to constitute the "supply" of wheat on that market. Of course, when the supply is made to appear millions and millions of bushels greater than it really is, and the trading is done on the basis of what it appears to be instead of on the basis of what it is, then the inexorable law of supply and demand sends the price tumbling downward.

Mr. President, I am not drawing on my imagination when I state this. It actually happens every year at the time when the wheat grower is marketing his crops.

I could paint another picture. Let me state it differently. I could show another photograph, taken of what actually happens later. After the wheat has passed from the farmers hands, the wheels and pulleys and magnets and other mechanism under the gamblers' table are reversed. In the place of the fictitious supply of wheat, the grain gamblers manipulate the futures market so that there is a fictitious demand for the actual wheat. And again the inexorable law of supply and demand is allowed to work.

The gamblers' dice are loaded both ways. From farm to market the wheat competes with millions of bushels of imaginary wheat and the market is driven downward. Then, as I said before, the wheels and pulleys and magnets and mechanism under the table are reversed. From market to consumer the actual demand for wheat competes with an imaginary supply and the market is forced downward.

It is time that the boards of trade were made to exercise their legitimate function in the marketing of grain and wheat, and not allowed to function largely as a paradise for gamblers and a bottomless pit for producers and consumers.

Mr. President, we may consider the measure now before the Senate a drastic one. It is drastic. But the situation is so serious that it requires a drastic remedy. It is quite probable that the measure now before us goes beyond what is needed. I have introduced a measure, S. 3575, designed to correct the evil without destroying the usefulness of the futures market, which I believe has legitimate functions in marketing. But as my bill has not been placed before the Senate for action, and as I believe action is needed, I intend to support the pending measure. And, Mr. President, I believe it is only fair to state that in my judgment, unless action is taken to place some restriction on the gambling on the boards of trade, we will see such a drastic measure as that proposed in the bill now under consideration enacted into law.

As I said, it is not my intention to discuss what happens to the cotton grower in the cotton market. But before closing these brief remarks it is my intention to cite what happened to the wheat growers of my own State and of the other wheat-growing States on the Chicago Board of Trade last summer.

There was what is known as a "bear raid" on the futures market last May. It should be known as a "bare-faced steal" rather than a "bear raid."

July wheat closed at $1.70½ on April 1. Then the "bear raid" started. In the first three days of May alone in the Chicago market the July futures transaction were respectively 97,400,000 bushels, 90,300,000 bushels, and 93,700,000 bushels, a total for the three days of nearly twice as much as the actual amount of wheat raised last year in Kansas, the premier wheat State.

That trading did not represent trading in actual nor prospective wheat. It was trading in "paper-chips" wheat. But the paper chips were placed in the game as of equal value with the corresponding amount of prospective actual wheat, and the market went down and down and down. The bears were winning. And by the time the actual wheat was on the market the grower found that the gay gamblers had gambled away most of his prospective profits.

Starting at $1.70½ a bushel on April 30, by July 23 the price of July wheat had been hammered down to $1.18½, a loss of 52 cents a bushel, or of nearly $75,000,000 on the 1928 crop to the farmers of Kansas alone.

Naturally the gamblers took advantage of all the technical conditions in the market, especially the ancient stunt of "touching off" stop-loss orders placed behind their orders by the optimistic chaps who were hoping for an advance.

And they made full use, too, of bearish propaganda. Finally there was a thorough "shaking out" of the last of the "longs," who had bought at above $1.30.

Consequently, day after day, the situation was graphically put by the Wall Street Journal. In commenting on one day's operations in the grain pit, that authority said:

> General selling pressure met demoralized buying power.

In other words, there was no actual market.

Mr. President, I am wondering if there is anyone left who will have the hardihood to pull that timeworn shibboleth about the wheat market responding solely to the "law of supply and demand." That explanation had whiskers on it long before the present generation of grain gamblers was born. These whiskers were considerably elongated by the operations of 1928.

What is the use of prattling about the law of supply and demand when a bunch of grain gamblers can create an artificial "supply" of 100,000,000 bushels of wheat overnight and have it counted in the market as an actual 100,000,000 bushels of wheat? And a few months later, when the wheat is out of the growers' hands, can create an artificial "demand" of unnumbered millions of bushels and have that count as an actual demand?

And yet, Mr. President, I have heard it seriously argued that any measures for farm relief should contain a proviso that if there is a surplus beyond domestic demands created, the wheat grower should not be entitled to that relief, because he has created an extra supply.

Our exportable surplus of wheat runs about 200,000,000 bushels annually. The board of trade speculators can create an equal "paper surplus" in less than three days and have it counted on the market as a real surplus.

Mr. President, as I said before, the bill the Senate now is considering may be regarded as drastic. But if the grain growers and the cotton growers do not get some protection against these grain gamblers no measure will be considered too drastic.

There is not, in my opinion, much objection on the part of the wheat growers to ordinary hedging transactions, as in many cases these are of real value to the local elevators that buy the farmers' grain.

But it is time that gamblers should be eliminated from control of the market and futures operations limited to legitimate hedging transactions. That is all that is asked in my own measure, S. 3575, limiting single traders in wheat and corn to 1,000,000 bushels daily. I hope to get action on this bill by this body in the not far distant future.

The farmers are not alone in their demands for protection against the grain gamblers, Mr. President. Next to the farmers, the millers are the most interested in curbing undue speculation in wheat. At their annual convention in Chicago last May the Millers' National Federation adopted the following resolution:

> Whereas the recent vast expansion of trading in wheat futures, with resulting frequent wide fluctuations in prices upon which transactions in actual wheat and its products are based, indicates a renewal of professional speculation similar to that of 1924–25: Therefore be it
>
> *Resolved*, That the fullest knowledge of daily trading operations and the status of future trading markets being essential to the proper conduct of hedging, we again request the United States Department of Agriculture to publish daily, in segregated form, for each grain and active future, the volume of trading and the open contracts in all contract markets.

Before closing I want to refer back to another actual happening as detailed in an official report. Previously I made reference to what happened last summer. It may be remembered there was a similar happening in 1925. On June 26, 1926, the grain futures administration of the United States Department of Agriculture presented a report to the Senate on wheat-price fluctuations in the early part of 1925. This was in response to Senate Resolution 222, Sixty-ninth Congress, and the report was printed as Senate Document No. 135.

The following brief statement is from the summary and conclusions of the report:

> Most of the wide and erratic price fluctuations that occurred in wheat futures at Chicago during the early part of 1925 were largely artificial and were caused primarily, either directly or indirectly, by heavy trading on the part of a limited number of professional speculators. Some of the speculators, and especially those operating first on one side and then on the other, were able to take advantage of the technical conditions of the market by forcing prices into stop-loss orders or to a point of exhausted margins. These large-scale buying and selling operations completely disrupted the market and resulted in abnormal fluctuations, which were felt in every other large grain market in the world.

The law of supply and demand was not on the job during this period, it seems. But the professional "speculators"—a society term for grain gamblers—were on the job. It will be recalled that the wheat market broke 60 cents a bushel in three months that spring, after a "bull" market—where the law of supply and demand was a joke—the preceding December.

Also, before closing I want to call to your attention the record part of the statement made by Dr. J. W. T. Duvel, chief of the grain futures administration of the Department of Agriculture, before the Texas Grain Dealers' Association at Galveston in May, 1928, relative to the trading in wheat futures on the Chicago Board of Trade:

> During the 2-year period from January, 1925, to December, 1926, there were 71 days on which one or more persons either bought or sold net 2,000,000 bushels or more. In 82 per cent of the cases prices moved in accordance with these heavy purchases or sales. There were several days on which the trading by a single individual amounted to more than 10 per cent of the day's business in the dominant future.
>
> At one time two traders held over 30 per cent of the aggregate of the open commitments in the dominant future, which at that time was the

December. This was at a time when wheat was moving freely from the farms.

You will naturally conclude, as we have always been taught to believe, that these two traders were supporting the market and thereby rendering a valuable service to agriculture and to the grain and milling interests by carrying the weight of the hedges. Unfortunately, however, they were on the short side of the market.

The biggest professional "speculators"—society term for grain gamblers—were on the short side of the market. By their heavy selling they were depressing the price of the farmers' wheat—and Congress has been shaking a puzzled head over farm relief and the problem of the exportable surplus. Here we have a "paper surplus" many times larger throughout the year than the actual exportable surplus and exercising a controlling effect on the market.

Mr. President, the producers have appealed time and again to those in control of the grain exchanges to eliminate these evils, but they continue to ignore our demands for markets honestly and fairly conducted. I insist, therefore, that it is the duty of Congress, the plain and urgent duty of Congress, to relieve the grain and cotton growers of the deadweight of the uncontrolled gambling in futures. We should have honest, free, and open markets subject to the laws of supply and demand. It should be made unlawful for the speculators who grow rich by gambling in mythical contracts affecting farm products and foodstuffs to sell grain or cotton which they do not possess, have no prospects of possession, which they do not intend to deliver and can not be made to deliver. They are trading in contracts that can not be enforced when they sell short. It means inadequate returns to the farmer for his products while the consumers pay higher prices for their foodstuffs.

As the farmers, through the Department of Agriculture information services, through the increasing knowledge of markets and world market conditions they obtain through these services, by reading the bulletins, by reading the market pages, by radio, by increasing general education, become thoroughly familiar with the bunco game that has been and is being worked on them, I for one would not blame them if they revolt instead of merely complain and grumble.

Mr. President, I am going to vote for the pending measure by Mr. CARAWAY, although frankly I admit it probably goes further than is either necessary or wise. But until we get a square deal in the big grain markets I shall vote for every measure which seems to me headed in the right direction toward controlling trading in futures or proposes to eliminate this reckless orgy of gambling in the necessities of life. This is farm relief of the most practical character.

Mr. SMITH. Mr. President, this a matter of such far-reaching importance and fraught with such consequences that I do not think we are prepared, at least I am not prepared, to take immediate action. I am not prepared this afternoon to discuss the matter as I hope to have the privilege of discussing it before we shall finally dispose of it.

But in view of what the Senator from Kansas [Mr. CAPPER] has said about unlimited speculation, I want to ask him if he does not think, in the present comparatively helpless condition in which the wheat grower and cotton grower finds himself as to having any voice at all in the fixing of the price of the thing he sells, that if the grain market as now constituted and the cotton market as now constituted were regulated as nearly as may be to prevent the effect of purely artificial purchase and sale, would not that be better than to restrict the grain grower and the cotton grower to the miller of wheat and the manufacturer of cotton?

When I take the floor in my own time I shall attempt to describe the hedging feature as I have known it in the cotton market, and the purchase and the sale of such contracts as affect the welfare of the grower; but I am asking the Senator from Kansas if he does not believe that within certain bounds the carrying of hedges, the price of which in the case of wheat is guaranteed by the board of trade, as I understand, and by the cotton exchange in the case of cotton, is an absolute benefit to the wheat grower and the cotton grower?

Mr. CAPPER. Mr. President, I have no doubt that some system of regulation could be adopted that would greatly improve the present system. However, I can not get it out of my mind that the whole future-trading program is based on a false premise; that it is not sound at bottom.

Mr. SMITH. It would be on a false premise if the producers of our staple crops in this country were not on an uneconomic basis fundamentally. I presume the majority of the wheat growers in the West, like our cotton growers, have got to sell; they have no voice in the market; and the ultimate handler of the product is the miller at home or abroad. That is also true as to cotton. It stands to reason that if we pit the unorganized farmers against the organized millers and manufacturers and give the farmer no recourse but to sell to the latter, we have put them at the mercy of those who always want to pay the very lowest possible price for the product they purchase.

Mr. FRAZIER. Mr. President——

The PRESIDING OFFICER (Mr. BLEASE in the chair). Does the Senator from South Carolina yield to the Senator from North Dakota?

Mr. SMITH. Yes.

Mr. FRAZIER. At the present time the farmer is not only pitted against the organized millers and others but he is also pitted against the organized gamblers who manipulate the market.

Mr. SMITH. The Senator from North Dakota has made a statement that perhaps involves the very essence of this discussion. He knows that the speculator—let us call him that——

Mr. CARAWAY. The gambler; let us call him that.

Mr. SMITH. I will use my own terminology for the present. Senators know that the element of profit is the thing that causes me as a farmer to make the cotton; it is the element of profit—the hope for profit—that causes the mill to buy my cotton; and it is the same urge that causes the man to sell who has it or the man to buy who has not got it.

Let me use an illustration. Let us say that the mills have a 30 or 60 day supply of cotton. I have some cotton to sell. The mills, however, do not care to buy. Cotton is traded in on the New York Cotton Exchange or the New Orleans Cotton Exchange. If I am shut out from the market, I go to the bank to borrow. The bank will only lend a certain percentage of the value of the cotton, subject to the fluctuations that are incident to all kinds of trading which is not managed by an individual or a monopoly.

A broker comes in and says, "You have a thousand bales of cotton to sell?" "Yes." "I have an order from the mill; I myself have no use for the cotton; but I can sell a thousand bales right now," let us say at 20 cents a pound, basis middling New York. Mark you, the board of trade in Chicago and the New York Cotton Exchange guarantee that price on the day of the maturity of the contract. I may sell for immediate delivery or for the delivery month, which at the present time would be May. Let us see what happens: The broker takes that contract for 1,000 bales, basis middling, at 20 cents a pound, to the bank. The bank recognizes that there is an obligation on the part of the exchange at the maturity of that contract to take that cotton at that price if it shall be tendered and to guarantee that price, to insure that price.

Mr. BROOKHART. Mr. President, will the Senator from South Carolina yield to me?

Mr. SMITH. Let me complete this statement. The broker comes to me and says, "I will give you $100,000 for your thousand bales of cotton." The bank immediately advances the $100,000, less the interest. That cotton is stored. If it goes to 25 cents a pound, the one holding the contract can ship it at maturity at 20 cents and collect the difference; if it drops to 19 cents, he is guaranteed a price of 20 cents. The man who bought that cotton in New York, however, may never see a bale of it; he may have bought it purely as a temporary investment.

Mr. WHEELER. As a speculation.

Mr. SMITH. The Senator may call it what he pleases; but the broker has given me actual cash and has given me a market for that number of bales of cotton for which the price was guaranteed, regardless of the mills or anybody else. There are hundreds of such brokers scattered throughout the country, and believing that cotton or wheat is intrinsically worth the price at which it is quoted on the board they purchase it or sell it, and give me, the farmer, who has no power, who has no resource, a market for my product during 365 years in the year.

I grant that the element of gambling and speculation have heretofore been rife in the cotton exchanges just as was the case on the New York Stock Market.

Mr. BROOKHART. Let me ask the Senator a question.

Mr. SMITH. I wish to carry this thought out. The only concern that I have in all this matter is this: I recognize that the fundamental difficulty with agriculture is that it has no reserve fund.

Mr. BROOKHART. Does the Senator mean by that that the farmer can not borrow money on the cotton when he holds it himself?

Mr. SMITH. He can borrow a certain amount, but he is guaranteed nothing. He can borrow within 50 or 60 per cent of its normal value. However, that is not the point I am making.

Mr. BROOKHART. But how much can the speculator or gambler borrow under the plan the Senator has just outlined?

Mr. SMITH. He does not have to borrow anything. He sells on the exchange and the price is guaranteed for the given day.

Mr. BROOKHART. Somebody who buys it has to borrow something, and how much can he borrow? Somebody has got to have some money somewhere along the line.

Mr. SMITH. It is the same as when an owner insures his house; he can borrow the full amount of the insurance. I am talking about insuring the price on a given day.

Mr. BROOKHART. The farmer can only get 50 or 60 per cent, but the gambler of Wall Street can get 100 per cent.

Mr. SMITH. If the farmer were as conversant with hedging as is the ordinary broker and made sufficient cotton to fill a contract he could protect his sale at every hour if he was willing to take the current price, but he is not in the position to do that. Some of them only make 2 bales; others of them only make 10.

Mr. BROOKHART. It looks to me as if the Senator were describing a first-class conspiracy between the miller and the broker and the banker and the whole outfit to rob the farmer.

Mr. SMITH. I am not describing any conspiracy amongst any group of men. I am taking an actual condition that exists. I who make my living out of the cotton field have no interest so far as cotton is concerned except in trying to get something approximating its value, and I know——

Mr. BROOKHART. Does the Senator claim that he has got anything approximating the value through the cotton exchange sales which he has described? Does the Senator claim that he has had that in the past?

Mr. SMITH. It is the only influence, the only power that I know of——

Mr. BROOKHART. I am asking has the Senator actually got anything like the value of which he has been speaking?

Mr. SMITH. I think I have gotten more out of it than I would had I been restricted to sell my product to the man who manufactures it.

Mr. BROOKHART. But still the Senator does not say he has obtained the value out of it that he was entitled to receive.

Mr. SMITH. I do not think I have, but I know I would have obtained a plagued sight less if I had been restricted to the man who manufactures it, because the man who buys my cotton buys it in the hope that the price may go up, and when he has bought a certain amount he is using his influence to put it up, and every man who has any to sell gets the advantage, but when the producers are restricted in their sales to the combined manufacturers, who are small in number, those producers, disorganized, without any reserve fund back of them, are at the mercy of the purchasers. The manufacturers buy the cotton when they please, at the price which they please to pay, and no one intervenes between them and the helpless farmer.

Mr. COPELAND. Mr President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from New York?

Mr. SMITH. I yield.

Mr. COPELAND. I should like to ask the Senator a question. Is it not true that certain abuses which were complained of relative to the New York Cotton Exchange, particularly, have been corrected, so that the complaints which were made in the past are now largely obsolete?

Mr. SMITH. They have of late instituted reforms. I might as well state here and now, Mr. President, as I have stated elsewhere, that we had an investigation last year that lasted for approximately 90 days. In that investigation it was made manifest that there were certain abuses which have been recited in part by the Senator from Kansas.

In my opinion, we exhausted all the facts; the abuses were pointed out, and a bill was drafted which, according to the growers of cotton, the mill people, and all those interested in cotton, practically provided remedies for the evils which were manifest. In the interim between the adjournment of the last session of Congress and the meeting of the present session the New York Cotton Exchange, of their own motion, adopted practically every single one of those reforms which we stated were essential, to wit, that there should be a restriction of the amount of cotton purchased or sold in any one month—and that was easily worked out according to the law of averages—that would approximate about the number of hedges which would be essential to take care of and distribute the load of cotton as it came in, that there should not be transferred from one month to another month certain holdings for the purpose of artificially affecting the market——

Mr. BROOKHART. If the Senator will yield I wish to find out something more about this hedging business. Let us take an illustration of just how it is done. Suppose the Senator had a thousand bales of cotton; how would he operate to hedge on that?

Mr. SMITH. So far as hedging is concerned, a hedge is where a mill has an order for a certain amount of goods and notifies its broker that it will take so many bales in a given month to fill that order. The broker immediately, let us say, buys a contract for that amount of cotton. He is not going to take up the cotton on the exchange, but he wants to insure that price that day.

Let us say that cotton that day is 20 cents a pound, and he buys that contract.

Mr. BROOKHART. Does he put up the whole value, or just a margin?

Mr. SMITH. Let us see what he does. The Senator has asked about a hedge, and I want to show him what he does.

Mr. BROOKHART. All right.

Mr. SMITH. He buys a contract for a thousand bales of cotton, let us say. He buys it at 20 cents a pound. When the time comes for him to buy the actual spots, cotton has gone up to 21 cents a pound. He has bought at 20. If New York, or the market, or the broker that has sold him, or the speculator or gambler or whatever you call him, were forced to deliver that cotton, he would have to pay 21 cents for it, because he bought it at 20 cents, and cotton has gone to 21; and if he were forced to specific fulfillment of the contract he would have to pay 21.

Mr. BROOKHART. He would have to go out and buy the cotton at 21 cents?

Mr. SMITH. At 21 cents; but what he does is to say to the man who bought the contract, "You go out in the market and buy it at 21 cents a pound. I will give you the difference between 20 and 21, which is $5 a bale." He just sends in that amount, and he pays the contract, furnishes the money up to 21 cents.

Mr. BROOOKHART. Suppose cotton goes down?

Mr. SMITH. All right; if cotton goes down, the man who bought it at 20 cents now gets it at 19 cents. He is due $5 a bale to the fellow to whom he sold it at 20 cents; but he gets it $5 a bale cheaper. The mill gives him 20 cents, and that is $5 a bale more than he had to pay for it; so he takes that $5 and sends it to the broker, and the thing is canceled. So if it goes up, the other fellow pays him. The mill pays him 20 cents, because the mill is obligated to take it at 20 cents. The mill takes it at 20 cents; he had to pay 21, but the broker that sold it to him has to make good the $5. If it goes down to 19, the mill gives him 20; he gave only 19 for it, and he is protected.

Mr. BROOKHART. How much did he put up—what proportion of the amount?

Mr. SMITH. The mill put it all up. The mill buys the cotton.

Mr. BROOKHART. The mill does not buy any cotton until it is ready to use it.

Mr. SMITH. Oh, no; but he has insured the price to the day of purchase. Then the mill furnishes him $100 a bale.

Mr. BROOKHART. How much would he put up on a bale of cotton? Let us take one bale.

Mr. SMITH. Why, when he buys the contract he simply pays the brokerage fees; and he may be called upon in the meantime to put up what they call a margin. That is, if it goes down a cent a pound, he just puts up that much. If he has bought the cotton, and it goes up, he does not put up anything; the other fellow puts it up; but if it goes down he puts up, because he will have to make the difference good; but when the mill buys at 20 cents the mill has given him $5 more than he had to pay for the cotton.

Mr. BROOKHART. But the mill will buy at the lower price.

Mr. SMITH. Oh, no.

Mr. BROOKHART. It will not pay the higher price if cotton has gone down.

Mr. SMITH. I see that the Senator does not understand hedging.

Mr. BROOKHART. I certainly do not.

Mr. SMITH. The Senator must assume that he is incapable of doing what a thousand others have done, and I know he does not want to do that; and he can not laugh away a fact.

A mill man says to me, "I want a thousand bales of cotton. What is the market to-day?" I say, "Twenty cents a pound." "All right," he says; "book me for October at 20 cents a pound." I immediately purchase in New York a contract for a thousand bales of cotton at 20 cents a pound. The mill man says, "When you come to deliver the cotton I will pay you 20 cents a pound." In the meantime, cotton has gone up to 21 cents.

Mr. BROOKHART. I understand that perfectly.

Mr. SMITH. All right. No money at all has changed hands yet. It is not necessary because I have simply got an option, and it is up to me to fill it. The mill is going to give me 20 cents.

If cotton goes down to 19 cents a pound, I can go out and buy it at 19. I am due New York, or the broker that sold it to me, $5; but the mill gives me the $5, because I have bought it at 19

and delivered it to the mill at 20, and I take the extra $5 and send it to my broker.

On the other hand, if it goes up, he is due me $5, for he said he would deliver to me at 20 cents, and I go out on the market and buy it at 21 cents, and he makes good the $5; so that the 20 cents is hedged, guaranteed.

Mr. BROOKHART. As the Senator figures that out, it is "heads I win and tails you lose"?

Mr. SMITH. Oh, no! Nobody loses at all except the man that took the option, the broker, or me.

Mr. BROOKHART. I see that the Senator has figured it all out from the standpoint of the millman and not from the standpoint of the farmer at all.

Mr. SMITH. I am figuring it out from the standpoint of the farmer when the millman comes to buy my cotton. How in the name of heaven could he come and buy my cotton to-day if he could not fix and guarantee the price?

Mr. BROOKHART. The Senator says——

Mr. SMITH. Let me ask the Senator this question, since he seems to know all about it: Would he go on the open market and buy cotton to-day at 20 cents or wheat at $1.50 a bushel if he did not own it at the time and obligate himself to deliver it three or four months from now?

Mr. BROOKHART. If I had wheat to sell, I would agree to do it; but you could not get me on that gambler's market.

Mr. COPELAND. Mr. President, let me ask the Senator what would happen to the small flour-mill man, the man who mills only a hundred barrels of flour a day or 200 barrels of flour a day, if he were not permitted to hedge?

Mr. SMITH. Mr. President, I really believe that under the present conditions of the millman and the farmer if you destroyed the power to hedge, the power to guarantee the price——

Mr. BROOKHART. I would not destroy the power to hedge without destroying the whole gambling game. I would not do that alone.

Mr. SMITH. The Senator has been here long enough and he has been in the world long enough to know that we can not legislate for exceptions. We have to legislate for a rule; and I am here to find out what is needed and try my best to do the greatest good to the crowd that is helpless. These evils will creep in, and it is our duty to try to minimize them as much as possible; but in order to eliminate an incidental evil, or a partial evil, or an evil that accompanies a great good, I do not believe in burning down the house to get rid of rats. I will try to kill the rats and keep the house.

Mr. BROOKHART. Whether or not that ought to be done would depend on the house and the rats, of course.

Mr. COPELAND. Mr. President, if the Senator will permit me to enlarge a little bit on the matter of the small miller, the small miller is very much needed to take care of the crops that are troubling the Senator from Iowa.

Mr. BROOKHART. Mr. President, the small miller is a thing of the past in Iowa. We used to have them, but the milling trust cleaned them all out.

Mr. COPELAND. There are small millers in other parts of the world. Of course Iowa has become such an enormous State now that they do things on a large scale.

Mr. BROOKHART. No; they do all our milling up in Minneapolis or over at Buffalo. The milling trust got all our mills. I can show you the wrecks of three or four of them in my own county. The board of trade and the gambling business helped them do it.

Mr. COPELAND. Wall Street, I suppose.

Mr. SMITH. Does the Senator really mean to say that he is willing now to restrict the farmer to the mill people?

Mr. BROOKHART. No.

Mr. SMITH. What is the Senator going to do then?

Mr. BROOKHART. I am going to give the farmer a chance to control his own market.

Mr. SMITH. When?

Mr. BROOKHART. I want to do it in the extra session of Congress, but I am willing to get rid of these gamblers right now.

Mr. COPELAND. The Senator is going to restrict the small miller and destroy him unless this system is permitted to continue, because it will all be in the hands——

Mr. BROOKHART. If the Senator will just listen a minute, I can tell him about the Coppock mill in Washington County, Iowa, about the Brighton mill in Washington County, Iowa, and about the Kalona mill in Washington County, Iowa, all of them big, fine mills in their day, and all of them wrecked by the same system that the Senator is defending here right now.

Mr. SMITH. Mr. President, I do not want this to be a controversial matter. I want us to get down to the facts. What is the Senator going to substitute? Is he willing now to wipe out all the market places as they are now constituted and leave the wheat grower and the cotton grower to the purchases of the millers and manufacturers?

Mr. BROOKHART. No; I am not going to stop at wiping out these gamblers. I am going to set up a new machine that will give the farmer a square deal.

Mr. SMITH. The Senator tried to set it up here in the McNary-Haugen bill, did he not?

Mr. BROOKHART. No; I did not. I offered a substitute for that bill that would have set up something.

Mr. SMITH. What became of the substitute?

Mr. BROOKHART. There were 5 votes for it. There are going to be more the next time we vote. I think the Senator himself will vote for it the next time.

Mr. SMITH. I want the Senator to understand that I say here and now that all this legislation that we are attempting to pass is a mere palliative, trying to do the best we can for the helpless grower under the circumstances. I believe that every honest man in this body will try to vote to do him the most good and the least harm; but unless we give him equality of bargaining power in the market place, somebody has to be some sort of a substitute for him in that market place.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. COPELAND. The Senator had started to tell us how the New York Cotton Exchange had reformed its methods, and because of the reformation that the complaints had become obsolete.

Mr. SMITH. I will read some of them.

Mr. WHEELER. Mr. President, let me ask the Senator a question.

Mr. RANSDELL. Will not the Senator explain that without letting anybody interrupt him?

Mr. WHEELER. I simply wish to ask the Senator whether he is for the Vinson bill, the House amendment to the bill?

Mr. SMITH. I am for my own bill. I believe it is the best one.

Mr. WHEELER. Where is it?

Mr. SMITH. I have it right here in my hand.

Mr. WHEELER. Has it ever been reported out?

Mr. SMITH. It has been reported out and is on the calendar; and the reason why I did not push it was on account of what I thought was an honest effort on the part of the exchange to meet what we had demanded, either on their own motion or in legislation.

Mr. COPELAND. There are honest efforts, then, occasionally, on the part of the New York Cotton Exchange?

Mr. SMITH. Oh, Mr. President, I would not be willing to dub every man who buys and sells cotton, even the speculator, as being without principle. I think a good many of them are pretty high-class fellows.

Mr. BROOKHART. We have always heard of honest gamblers, have we not? That is an old saying.

Mr. COPELAND. There are some in New York.

Mr. BROOKHART. Plenty of them.

Mr. SMITH. Mr. President, I have never claimed for myself a monopoly of the virtues of mankind. I take my share along with all the rest of them. I presume the same motives that actuate most of us here actuate the other fellow. I am not going to stand here as the censor morem of men who are out making a living, as I am trying to do.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Georgia?

Mr. HARRIS. I thought the Senator had concluded.

Mr. SMITH. No; I want to answer specifically the question that the Senator from New York asked. We pointed out these specific things that we thought needed reformation.

Mr. COPELAND. That is, in a conference?

Mr. SMITH. That was the result of this investigation last year. It was made manifest that certain reforms were essential. As I said, we went into the subject exhaustively. The Senator from Louisiana [Mr. RANSDELL] and the Senator from Alabama [Mr. HEFLIN] were in constant attendance, and these facts were dug up and made manifest, and I drafted that bill in conference with these men.

Mr. COPELAND. If the Senator will pardon me, the facts, the abuses that existed, were outlined and made clear and presented to this conference, and as a result of the conference certain reforms were effected?

Mr. SMITH. Yes; the abuses were indicated; and these men at the next meeting of their board, or in a meeting of their board, incorporated these reforms into their rules and by-laws; and I thought it was nothing but fair to give them an opportunity to see how they would work out, because I am frank to state that there are some of them as to which neither I nor anybody else can determine what will be the practical result.

Mr. President, right in this connection let me call your attention to what occurred while I was chairman of the Interstate Commerce Committee. A very enthusiastic reformer came in to see me one day and said he believed the solution of the whole freight transportation problem was the establishment of a mileage basis for freight; that any man could understand that it cost more to carry a given tonnage a hundred miles than to carry it 10 miles. I think a man could go out amongst those unsophisticated in the transportation problem and convince anybody that it was highway robbery for railroads to carry feight a thousand miles for the same rate for which they would carry it 500 miles. Yet if that principle were applied generally the whole commercial system and the whole mercantile system and trading system of America would be disrupted.

We have a postage rate of 2 cents for carrying a letter either to San Francisco or carrying it merely up the street. The necessities of organized business demand that we have certain systems that will take care of the situation, and no arbitrary rule is going to work, no matter how beautiful the theory. The same thing is applicable in the matter of trading.

Mr. BROOKHART. Mr. President, in regard to the railroad-rate question, I want to ask the Senator if the discrimination in rates did not build up the big centers at the expense of the country districts?

Mr. SMITH. I do not doubt that.

Mr. COPELAND. Mr. President, I hope the Senator will not be diverted from the question at issue. The Senator has brought out the fact that there were certain abuses, and the Senator himself was so interested that he prepared a bill, but as a result of conferences the abuses which did exist have been done away with.

Mr. SMITH. As far as the exchange can do so by their rules.

Mr. COPELAND. Therefore there is at this moment no reason for legislation, provided faith is kept by the stock exchange people. Will not the Senator enlarge upon that, and not be diverted from it?

Mr. CARAWAY. Mr. President, will the Senator yield to me a moment?

Mr. SMITH. I yield.

Mr. CARAWAY. The Senator from New York voted against legislation of that kind before the evils were corrected. If he knows now that they did exist, why was it that he supported them then?

Mr. COPELAND. To what bill does the Senator refer?

Mr. CARAWAY. The Senator voted against this bill.

Mr. COPELAND. The Caraway bill?

Mr. CARAWAY. Yes.

Mr. COPELAND. I am going to vote against it again, too.

Mr. CARAWAY. Of course, everybody knew that.

Mr. SMITH. Mr. President, I do not think this is germane, for this reason: The effect of some of the abuses we knew, but the causes we did not know and they were brought out. We specifically named them as we went along, and I incorporated them in a bill and, with the exception of two, the New York Cotton Exchange have incorporated them all in their by-laws. I have no reason to impeach their faith or their good intent, and if they will faithfully carry out what they have incorporated I see no reason why, in accord with what looks like a fair deal, they should not be allowed at least a time to demonstrate two things—the practicability of the things we suggest and their good faith in carrying them out.

Mr. WHEELER. Mr. President, will the Senator yield for just a question?

Mr. SMITH. Yes; I yield.

Mr. WHEELER. How does the Senator's bill differ from the Vinson bill? I do not know; I am asking for information.

Mr. SMITH. In large part they are identical when it comes to an amendment of the existing law, the cotton futures act. In my bill I have not been as liberal in the granting of power to the Agricultural Department as Mr. VINSON has been in his.

Mr. WHEELER. In what respect?

Mr. SMITH. There are numerous instances. His conforms more, perhaps, to what is known as the grain grading act, which was repudiated here this afternoon by the Senator from Kansas [Mr. CAPPER], than mine does. My bill amends the present law in the particulars in which the investigation of last year indicated it needed amending. The two bills are here, and I would be glad to have Senators take them and compare them. In their amendatory aspect they are about identical, but when it comes to the question of the delegation of power to the Department of Agriculture his goes further than mine.

Mr. WHEELER. I was going to say to the Senator that if his bill is not more effective than the present law so far as wheat is concerned, it would not be very effective.

Mr. SMITH. I think every Senator from the cotton-growing States will readily admit that the act of which I had the honor of being the original author, known as the cotton futures act—and I shall take some time before this discussion is over to show how it works—did result in a tremendous improvement in the marketing of cotton. Of course, as time went on, other evils grew up, and we have amended the act from time to time. I propose now to amend it again, hoping to minimize as far as possible the evils inherent in every business transaction, and more pronouncedly so, perhaps, in the raising and selling of cotton.

The Senate must recollect that 60 per cent of the American cotton crop is sold and converted abroad. Populations aggregating hundreds of millions of people use American cotton. It goes into thousands of industries with which very few of us perhaps are acquainted. I have been informed of the fact, and I expect it will be news, that airplane propellers are made out of compressed cotton. The tensile strength resists the terrible centrifugal force essential to pull an airplane. It goes into the construction of almost all of the manufactured articles that need great tensile strength, and it does not easily yield to erosion. It does not deteriorate like other fibers, so that it is of universal use. Hence it invites speculation, and were the farmers who produce it sufficiently wealthy to hold it in their grasp and demand its value, nobody knows what the price of cotton would be.

It is that I have been working for since I have been in the Senate, to try to ameliorate the marketing conditions under which we, on the farm, have to live, hoping some time to have the body politic recognize that something has to be done to put the agricultural interests of this country on an equality with the purchaser of agricultural products in the market places. I am not going to vote to destroy a system which, in my opinion, is helpful as compared with what it would be if the farmer were left alone to the mercy of those who convert his products into the finished goods.

Mr. President, when we consider that five to six ounces of the simplest weave in cotton textiles known to the manufacturing world brings from $10 to $15 a pound in the simple finished article like a shirt, while the raw material out of which it is made brings from 15 to 18 cents a pound; when we consider that it takes 12 months of the most laborious toil to produce that pound, and perhaps 12 minutes to produce the five ounces, one $15, the other 15 cents; when we consider that $12 is charged for about a pound and a half of cowhide in the shape of a pair of shoes, it taking less than a day, perhaps, to complete the article, and that the steer from which the hide comes brings 3 cents a pound, and that it takes three years to raise the steer, as against an hour or an hour and a half to make the shoes; about $12 a pound for one, three cents a pound for the other, three years to raise the pound of the raw material, and three hours to make the finished article; there seems to be a margin somewhere for reformation, and how to bring it about is the question.

Does the man who is getting the $12 voluntarily come in and say, "The profit is so great I am not going to charge it"? In the case of the shoe manufacturer, if he is making that profit, he has the power to meet the board of directors and say, "The man who raised the hide is entitled to more." Does he do it? The man who spins the shirt has the power to step out and say, "Our profits are greater. Let us raise the price to the farmer. We can get that much. Why not encourage the farmer?" He does not do it. But the man who thinks that the intrinsic value of the thing the shirt is made out of is worth more is trying to make an investment, and we give him a chance to go on the exchange and try it, and the man who produces the raw material should be given the power, either by legislation or by the formation of a corporation or cooperation, the power to say, "All right; when you come to sell me the finished article you charge me everything, every cent of overhead, plus your profit. When you come to buy my product, you deduct everything. You do not pay the freight, and under the cotton contract the world over, the 50–50 contract, you take out cost, insurance, freight, and 6 per cent for tare. You do not even pay the farmer for the bag and ties."

Mr. FRAZIER. Mr. President, I am at a loss to know how the Senator from South Carolina justifies this system he is standing up for and defending so eloquently here to-day, the system controlling the production of shoes, which is comparatively the same system as that of the gamblers in cotton and wheat.

Mr. SMITH. I am talking about the man who converts them. Why does he not voluntarily divide his profits? The only way we get even 15 to 18 cents a pound is because somebody gets in there and says, "You are not able to name your price. We will buy the product and risk it, to see if we can not get something."

Mr. FRAZIER. I had the privilege of sitting with the distinguished Senator from South Carolina as chairman of the subcommittee that heard the complaints regarding the abuses on the cotton exchange. It was demonstrated there, I think, beyond any question of doubt, that one cotton brokerage firm down in the South made more money in cornering the cotton market than did all the farmers of the Southern States of the United States make in raising cotton in 10 years' time.

Mr. SMITH. Suppose they did; what does that prove?

Mr. FRAZIER. It proves that the gambling in cotton held down the price of the farmer and everything that farmers use in the South, just the same as it does with everything of the farmers in the North.

Mr. SMITH. All right; suppose we had not had it and we had had to sell to the mills; has the Senator any idea what we would have received?

Mr. FRAZIER. It would not have been any worse.

Mr. SMITH. Suppose millions of people go in and buy for a rise while others are trying to depress the price. They take the place of the farmer and the mill man. The bulls and the bears illustrate the fight between the well-organized forces in the market place. They have practically the same resources and they fight that battle. When the bulls have put the price up they want to get the benefit of it, but when we restrict those helpless producers to the organized manufacturer God knows what will happen.

Mr. FRAZIER. The Senator speaks about bulls and bears putting the market up and down, but the statistics show that the men who are bulls one day are bears the next day, and vice versa.

Mr. SMITH. Yes; but there is always a bull for every bear.

Mr. FRAZIER. And they are not working for the interests of the farmer by any means.

Mr. SMITH. No; and the farmer is not working for their interest. We are all working for our own interests

> The good old rule
> Sufficeth them, the simple plan,
> That they should take who have the power,
> And they should keep who can.

I am not asking for any philanthrophy, but I am saying that under the conditions as they exist now, until the farmers can be organized and hold the value of their products in their own hands, somebody somewhere has got to stand between the farmer and the manufacturer either of their wheat or of their cotton.

Mr. BROOKHART. Somebody ought to do that, I think, but let me ask the Senator a question on that point. Referring to the people who are pretending to stand between them now, is it not a fact that the reason why they can buy all the cotton on the exchange is because they control the credits and can get whatever money is necessary to handle it in that way?

Mr. SMITH. I am not going to allow any of those questions, and the attitude which some Senators assume, to put me in the position of defending unholy gambling and brutal hammering of the market. It was for that reason that I introduced and was fortunate enough to have passed the first cotton futures act. It was for that reason that from time to time I have introduced bills to amend that act. It was for that reason that I brought in the bill which has been anticipated by the exchange and the proposed reforms incorporated. What I want ultimately, though I doubt if it ever comes, is to see the agriculturists of the country realize the power that is inherent in them and in their possession and in their vocation, and combine together to exact from the world that wears their goods and consumes their food a just return to those who clothe and feed the world. But until we do get that result I do not propose to discard the only modicum of relief that the farmer has at all, because I see the evil of trying to remedy it by precipitating a greater evil.

Mr. BROOKHART. I think I am in agreement with the Senator's final conclusion, but standing in the way of that is this gambling system, as well as the monopoly system of the millers. I do not believe we are ever going to get our rights by surrendering to either one of them.

Mr. SMITH. There again is that expression "surrender." I do not consider it anything like a surrender if we intelligently try to make the market place as nearly righteous as it can be, when those who produce the raw material have no voice in it at all. It is turned over entirely to the second degree. The man who makes the wheat never prices a bushel. The man who makes the cotton never prices a pound. Until we get a system by which we can substitute a better plan for what we have, it is absolutely suicidal to destroy what we have.

Mr. BROOKHART. Let us begin by hitting the first blow at the gamblers.

Mr. CARAWAY. Mr. President, I wish to submit a unanimous-consent agreement with reference to limiting debate. I ask unanimous consent that, beginning to-morrow at 4 o'clock, no Senator may speak more than once or longer than 20 minutes upon the bill or any amendment that may be pending thereto.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request submitted by the Senator from Arkansas?

Mr. SMITH. Mr. President, I have heard several Senators say they want to speak on the measure. I would like to suggest to the Senator that, as the hour is now late, he let the proposal go over until to-morrow. So far as I am concerned, I am perfectly willing that the debate shall be brought to as speedy a close as possible, but I would suggest that to-morrow, when we have a more full attendance, he bring the matter up again. I would not like to have it acted upon this evening.

Mr. COPELAND. Mr. President, what was the request?

The PRESIDING OFFICER. The clerk will state the unanimous-consent request.

The CHIEF CLERK. The Senator from Arkansas [Mr. CARAWAY] asks unanimous consent that beginning at 4 o'clock on the calendar day of February 13, 1929, no Senator may speak more than once or longer than 20 minutes on the bill S. 1093 or any amendment that may be pending thereto.

Mr. COPELAND. What objection is there to that proposal?

Mr. SMITH. As I said, several Senators have indicated their intention to speak on the measure. They want an opportunity to address the Senate on the question, and I merely suggested that action on the proposed unanimous-consent agreement be deferred until to-morrow.

Mr. CARAWAY. Very well, Mr. President. To-morrow immediately after the convening of the Senate I shall submit the request.

Mr. SMITH. That is all right.

MESSAGE FROM THE HOUSE—ENROLLED BILLS

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions:

S. 1271. An act to more effectively meet the obligations of the United States under the migratory-bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds, and authorizing appropriations for the establishment of such areas, their maintenance and improvement, and for other purposes;

S. 3178. An act to provide an additional method for collecting taxes in the District of Columbia, and for other purposes;

H. R. 56. An act to authorize the Postmaster General to issue receipts to senders for ordinary mail of any character, and to fix the fees chargeable therefor;

H. R. 58. An act to authorize the assignment of railway postal clerks and substitute railways postal clerks to temporary employment as substitute sea-post clerks;

H. R. 132. An act authorizing the erection of a sanitary fireproof hospital at the National Home for Disabled Volunteer Soldiers at Dayton, Ohio;

H. R. 496. An act authorizing an appropriation for development of potash jointly by the Department of Agriculture and the Department of Commerce by improved methods of recovering potash from deposits in the United States;

H. R. 967. An act for the relief of George J. Illichevsky;

H. R. 1939. An act for the relief of James M. Thomas;

H. R. 2492. An act to extend the benefits of the United States employees' compensation act of September 7, 1916, to John L. Jenifer, a former employee of the Government Printing Office, Washington, D. C.;

H. R. 3949. An act for the relief of Frank F. Moore;

H. R. 3967. An act for the relief of the next of kin of Edgar C. Bryon;

H. R. 4267. An act for the relief of Ernest J. Hiscock;

H. R. 4776. An act for the relief of Dr. Stanley R. Teachout;

H. R. 5713. An act to permit certain warrant officers to count all active service rendered under temporary appointments as warrant or commissioned officers in the regular Navy, or as warrant or commissioned officers in the United States Naval Reserve Force, for purpose of promotion to chief warrant rank;

H. R. 5780. An act to provide for the further carrying out of the award of the National War Labor Board, of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co., Bethlehem, Pa.;

H. R. 6865. An act to prescribe more definitely the rates of compensation payable to steamships of United States registry for transportation of foreign mails;

H. R. 7392. An act for the relief of John I. Fitzgerald;

H. R. 7409. An act for the relief of John J. Campbell;

H. R. 8807. An act for the relief of James O. Williams;

H. R. 8901. An act to amend and further extend the benefits of the act approved March 3, 1925, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes";

H. R. 8968. An act to allow credit in the accounts of William A. Schoenfeld;

H. R. 9716. An act for the relief of Charles H. Salley;

H. R. 9943. An act for the relief of Sawyer Motor Co.;

H. R. 10015. An act authorizing the promotion on the retired list of the Navy of Herschel Paul Cook, lieutenant, junior grade;

H. R. 10327. An act for the relief of Charles J. Hunt;

H. R. 10624. An act for the relief of William J. Casey;

H. R. 10760. An act to authorize the settlement of the indebtedness of the Hellenic Republic to the United States of America and of the differences arising out of the tripartite loan agreement of February 10, 1918;

H. R. 10913. An act to compensate Tailbird & Jenkins for balance due on contracts with Navy Department dated March 20 and October 9, 1919;

H. R. 11289. An act for the relief of Katherina Kautz and Fred G. Kautz, heirs of the estate of Christian F. Kautz, deceased;

H. R. 11616. An act to authorize alteration and repairs to certain naval vessels;

H. R. 11749. An act for the relief of H. A. Russell;

H. R. 12007. An act for the relief of Mr. and Mrs. Peter J. Egan;

H. R. 12322. An act to quiet title and possession with respect to certain lands in Faulkner County, Ark.;

H. R. 12347. An act granting all right, title, and interest of the United States to the piece or parcel of land known as the Cuartel lot to the city of Monterey, Calif.;

H. R. 12415. An act to grant freedom of postage in the United States domestic service to the correspondence of the members of the diplomatic corps and consuls of the countries of the Pan American Postal Union stationed in the United States;

H. R. 12520. An act for the relief of the Nez Perce Tribe of Indians;

H. R. 12607. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of Naval Post 139 of the American Legion the bell of the battleship *Connecticut*;

H. R. 12711. An act for the relief of certain members of a trail crew employed by the Forest Service;

H. R. 12714. An act for the relief of the Rocky Ford National Bank, Rocky Ford, Colo.;

H. R. 12898. An act to extend the collect-on-delivery service and limits of indemnity to sealed domestic mail on which the first-class rate of postage is paid;

H. R. 13428. An act for the relief of Mackenzie Memorial Hospital and German-American Hospital and Lau Ye Kun, all of Tientsin, China;

H. R. 13449. An act to provide for the promotion of clerks and general mechanics in the motor-vehicle service;

H. R. 13450. An act to provide for the promotion of clerks, general mechanics, driver mechanics, and garagemen drivers in the motor-vehicle service;

H. R. 13451. An act to authorize the Postmaster General to hire vehicles from letter carriers for use in service;

H. R. 13505. An act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved July 3, 1926;

H. R. 13692. An act for the relief of the Coos (Kowes) Bay, Lower Umpqua (Kalawatset), and Siuslaw Tribes of Indians of the State of Oregon to present their claims to the Court of Claims;

H. R. 13886. An act authorizing the Secretary of the Interior to issue patents for lands held under color of title;

H. R. 13977. An act authorizing the Secretary of the Interior to settle claims by agreement arising under operation of Indian irrigation projects;

H. R. 14458. An act authorizing the Rio Grande del Norte Investment Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near San Benito, Tex.;

H. R. 14572. An act for the relief of William D. Christ;

H. R. 15004. An act for the relief of Fleetwood P. Hampton;

H. R. 15006. An act authorizing the Indian Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Indian, Tex.;

H. R. 15009. An act authorizing the Los Indios Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Los Indios, Tex.;

H. R. 15020. An act for the relief of Winston W. Steele;

H. R. 15069. An act authorizing the Rio Grande City-Camargo Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Rio Grande City, Tex.;

H. R. 15082. An act to authorize an appropriation to pay half the cost of a bridge near the Soboba Indian Reservation, Calif.;

H. R. 15219. An act for the relief of the family of Wang Erh-Ko;

H. R. 15228. An act to authorize the exchange of 32 sections of Government land for an equal value of State land located in Box Elder County, Utah, for experiments in sheep growing, and for other purposes;

H. R. 15522. An act authorizing representatives of the several States to make certain inspections and to investigate State sanitary and health regulations and school attendance on Indian reservations, Indian tribal lands, and Indian allotments;

H. R. 15668. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn.;

H. R. 16129. An act to provide for the acquisition of a site and the construction thereon and equipment of buildings and appurtenances for the Coast Guard Academy;

H. R. 16527. An act to authorize the Secretary of the Interior to purchase land for the Alabama and Coushatta Indians of Texas, subject to certain mineral and timber interests;

H. J. Res. 153. Joint resolution for the contribution of the United States in the plans of the organization of the International Society for the Exploration of the Arctic Regions by Means of the Airship;

H. J. Res. 306. Joint resolution providing for the observance and commemoration of the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski, and establishing a commission to be known as the United States Pulaski Sesquicentennial Commission;

H. J. Res. 347. Joint resolution authorizing an extension of time within which suits may be instituted on behalf of the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to June 30, 1930, and for other purposes;

H. J. Res. 356. Joint resolution to authorize the exchange of certain public lands in the State of Utah, and for other purposes; and

H. J. Res. 398. Joint resolution to extend the period of time in which the Secretary of the Interior shall withhold his approval of the adjustment of Northern Pacific land grants, and for other purposes.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and the Senate (at 1 o'clock and 10 minutes p. m.) took a recess until to-morrow, Wednesday, February 13, 1929, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 12 (legislative day of February 11), 1929

UNITED STATES DISTRICT JUDGE

Guy L. Fake to be United States district judge, district of New Jersey.

POSTMASTERS

CALIFORNIA

Wesley A. Hill, Hayvalu.
Eugene L. Ely, Kentfield.
Edna M. Sheridan, Monte Rio.
William R. Cregan, Oceanside.

COLORADO

Patrick H. Gallagher, Windsor.

ALABAMA
Edward A. Moore, Uniontown.
Lucy H. Patrick, Montgomery.
William W. Partlow, Opelika.

ARIZONA
Paul G. Smith, Douglas.

ARKANSAS
Edgar G. Hartsell, Bald Knob.
Elizabeth C. Hall, Wynne.

COLORADO
Irving B. Hexter, Salida.

FLORIDA
Marion D. Brown, Dunnellon.
Elizabeth A. Lyons, Miami Shores.

GEORGIA
Daniel A. Crisp, Americus.
Clint C. Shields, Dixie.
John H. Dent, Sparta.

ILLINOIS
Joseph H. Kennedy, Bloomington.
Lucien Oakley, Marion.
H. H. Hanson, Metropolis.
Edgar J. Nevens, New Boston.
Nicholas A. Claus, South Chicago.

INDIANA
David H. Whitehill, Shelbyville.
Edward Nash, West Terre Haute.

KENTUCKY
Bruce W. Black, Beaver.

TEXAS
Maurice Pipkin, Wichita.

HOUSE OF REPRESENTATIVES

TUESDAY, *February 11, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, Thou Eternal Spirit, Thou hast laid the foundations of heaven and earth and secured their wide expanse and majesty. Forever shall our prayer and praise go up unto Thee for the deeds of blessing Thou hast done. Bless with Thy presence the proceedings of this hour, and the passion of this purpose. Allow consecration, contentment, and peace to abide over every day. We are now reminded of the many sons who have been born out of the service of the Republic, men who could bear the strain and criticism, men who could combine dissent and loyalty, and men who could build upon the ruined walls resulting on the horizon of our country. O God, Thy providence has brought to this hour the ship of state and permitted her anchorage to be cast into the international waters of amity and honor. We thank Thee for the flag and for what it means—emblem of fraternity, equality, and liberty. May it ever shine in heaven's blue to represent all the States united now and forever. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

INDEPENDENT OFFICES APPROPRIATION BILL—CONFERENCE REPORT

Mr. WILSON. Mr. Speaker, I present a conference report on the bill (H. R. 15601) making appropriations for the Executive Office and various independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1930, and for other purposes, for printing under the rule.

INSPECTION OF THE BATTLE FIELD OF PALO ALTO, CAMERON, TEX., AND BATTLE FIELD OF RESACA DE LA PALMA, CAMERON, TEX.

Mr. MORIN. Mr. Speaker, by direction of the Committee on Military Affairs, I ask unanimous consent to take from the Speaker's table H. R. 278, a bill to provide for the inspection of the battle field of Palo Alto, Tex., and the battle field of Resaca de la Palma, Tex., disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table House bill 278, with Senate amendments, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Chair appoints the following conferees: Messrs. MORIN, MAAS, and McSWAIN.

CONSERVATION OF WILDLIFE, GAME, AND FISH

Mr. MORIN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 15585) to authorize appropriations for the construction of certain roads and trails in the States, and for other purposes, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table House bill 15585, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, while I am not opposed to the amendments in this bill that might be considered as authorizing amendments, it was a unanimous-consent bill authorizing the building of certain roads in the States. Are the buildings contained in the bill and I have a question about the bill. On the other hand, building the roads, this bill would be the proper bill to consider. Is only $500 would be the proper bill to consider. I may not object. I hope the conferees will be sure that the buildings are in accordance with the bill.

Mr. MORIN. I will call the conferees' attention to the gentleman's suggestion.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, can any appropriation for Governors Island be in this bill?

Mr. MORIN. I think not.

Mr. LAGUARDIA. Mr. Speaker, I object.

INCREASE OF CERTAIN APPROPRIATIONS

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 16422, the Deficiency Appropriation bill, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to take from the Speaker's table House bill 16422, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. GRIFFIN. Mr. Speaker, reserving the right to object, I want to address an inquiry to my colleague, the chairman of the subcommittee. Have we any assurance of any understanding that certain of the amendments that were put in this bill by the Senate will come back to the House? For instance, the lump-sum appropriation for one and the amendment striking out the provision made by the House Appropriations Committee for the reservation as a decker airfield for examination for bachelor officers' quarters?

Mr. SIMMONS. As I have explained to the gentleman on those amendments, in some form, will have to come back to the House, either the Senate receding, the House receding, or receding with amendments. I can not give the gentleman any assurance about what will be done in conference, as the gentleman well knows.

Mr. GRIFFIN. I expect, of course, that the House conferees will not recede. The only question is if the House conferees do not recede whether the House conferees will bring the amendment back to be considered by the House.

Mr. SIMMONS. I am assuming that the gentleman from New York [Mr. GRIFFIN] will be one of the conferees on the part of the House.

Mr. GRIFFIN. I am glad to.

Mr. SIMMONS. But I can give the gentleman no assurance except those given under the rules of the House. I have no way of anticipating what may happen to the amendments in conference.

Mr. BLANTON. Mr. Speaker, I reserve the right to object. If the gentleman from New York is through, I would like to know the attitude of the gentleman from New York [Mr. GRIFFIN], and I am hopeful that his attitude is not to be one that is going to take up the time of the conferees with respect to the lump-sum appropriation. That is a matter that has been fought out here time and time again, but I would like to ask the gentleman if he will give us a chance to be heard on the House floor before there is any recession on the Caraway amendment?

H. R. 6865. An act to prescribe more definitely the rates of compensation payable to steamships of United States registry for transportation of foreign mails;

H. R. 7392. An act for the relief of John I. Fitzgerald;

H. R. 7409. An act for the relief of John J. Campbell;

H. R. 8807. An act for the relief of James O. Williams;

H. R. 8901. An act to amend and further extend the benefits of the act approved March 3, 1925, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes";

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H. R. 9716. An act for the relief of Charles H. Salley;

H. R. 9943. An act for the relief of Sawyer Motor Co.;

H. R. 10015. An act authorizing the promotion on the retired list of the Navy of Herschel Paul Cook, lieutenant, junior grade;

H. R. 10327. An act for the relief of Charles J. Hunt;

H. R. 10624. An act for the relief of William J. Casey;

H. R. 10760. An act to authorize the settlement of the indebtedness of the Hellenic Republic to the United States of America and of the differences arising out of the tripartite loan agreement of February 10, 1918;

H. R. 10913. An act to compensate Tailbird & Jenkins for balance due on contracts with Navy Department dated March 20 and October 9, 1919;

H. R. 11289. An act for the relief of Katherina Kautz and Fred G. Kautz, heirs of the estate of Christian F. Kautz, deceased;

H. R. 11616. An act to authorize alteration and repairs to certain naval vessels;

H. R. 11749. An act for the relief of H. A. Russell;

H. R. 12007. An act for the relief of Mr. and Mrs. Peter J. Egan;

H. R. 12322. An act to quiet title and possession with respect to certain lands in Faulkner County, Ark.;

H. R. 12347. An act granting all right, title, and interest of the United States to the piece or parcel of land known as the Cuartel lot to the city of Monterey, Calif.;

H. R. 12415. An act to grant freedom of postage in the United States domestic service to the correspondence of the members of the diplomatic corps and consuls of the countries of the Pen American Postal Union stationed in the United States;

H. R. 12520. An act for the relief of the Nez Perce Tribe of Indians;

H. R. 12607. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of Naval Post 110 of the American Legion the bell of the battleship *Connecticut;*

H. R. 12711. An act for the relief of certain members of a trail crew employed by the Forest Service;

H. R. 12714. An act for the relief of the Rocky Ford National Bank, Rocky Ford, Colo.;

H. R. 12898. An act to extend the collect-on-delivery service and limits of indemnity to sealed domestic mail on which the first-class rate of postage is paid;

H. R. 13428. An act for the relief of Mackenzie Memorial Hospital and German-American Hospital and Lau Ye Kun, all of Tientsin, China;

H. R. 13449. An act to provide for the promotion of clerks and general merchanics in the motor-vehicle service;

H. R. 13450. An act to provide for the promotion of clerks, general mechanics, driver mechanics, and garagemen drivers in the motor-vehicle service;

H. R. 13451. An act to authorize the Postmaster General to hire vehicles from letter carriers for use in service;

H. R. 13565. An act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved July 3, 1926;

H. R. 13692. An act for the relief of the Coos (Kowes) Bay, Lower Umpqua (Kalawatset), and Siuslaw Tribes of Indians of the State of Oregon to present their claims to the Court of Claims;

H. R. 13899. An act authorizing the Secretary of the Interior to issue patents for lands held under color of title;

H. R. 13977. An act authorizing the Secretary of the Interior to settle claims by agreement arising under operation of Indian irrigation projects;

H. R. 14458. An act authorizing the Rio Grande del Norte Investment Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near San Benito, Tex.;

H. R. 14572. An act for the relief of William D. Ghrist;

H. R. 15004. An act for the relief of Florence P. Hampton;

H. R. 15005. An act authorizing the Donna Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Donna, Tex.;

H. R. 15006. An act authorizing the Los Indios Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Los Indios, Tex.;

H. R. 15039. An act for the relief of Winston W. Davis;

H. R. 15069. An act authorizing the Rio Grande City-Camargo Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Rio Grande City, Tex.;

H. R. 15092. An act to authorize an appropriation to pay half the cost of a bridge near the Soboba Indian Reservation, Calif.;

H. R. 15279. An act for the relief of the family of Wang Erh-Ko;

H. R. 15328. An act to authorize the exchange of 18 sections of Government land for an equal value of State land located in Box Elder County, Utah, for experiments in sheep growing, and for other purposes;

H. R. 15523. An act authorizing representatives of the several States to make certain inspections and to investigate State sanitary and health regulations and school attendance on Indian reservations, Indian tribal lands, and Indian allotments;

H. R. 15968. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn.;

H. R. 16129. An act to provide for the acquisition of a site and the construction thereon and equipment of buildings and appurtenances for the Coast Guard Academy;

H. R. 16527. An act to authorize the Secretary of the Interior to purchase land for the Alabama and Coushatta Indians of Texas, subject to certain mineral and timber interests;

H. J. Res. 153. Joint resolution for the contribution of the United States in the plans of the organization of the International Society for the Exploration of the Arctic Regions by Means of the Airship;

H. J. Res. 304. Joint resolution providing for the observance and commemoration of the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski, and establishing a commission to be known as the United States Pulaski Sesquicentennial Commission;

H. J. Res. 343. Joint resolution authorizing an extension of time within which suits may be instituted on behalf of the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to June 30, 1930, and for other purposes;

H. J. Res. 356. Joint resolution to authorize the exchange of certain public lands in the State of Utah, and for other purposes; and

H. J. Res. 398. Joint resolution to extend the period of time in which the Secretary of the Interior shall withhold his approval of the adjustment of Northern Pacific land grants, and for other purposes.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and the Senate (at 5 o'clock and 10 minutes p. m.) took a recess until to-morrow, Wednesday, February 13, 1929, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 12 (legislative day of February 11), 1929

UNITED STATES DISTRICT JUDGE

Guy L. Fake to be United States district judge, district of New Jersey.

POSTMASTERS

CALIFORNIA

Wesley A. Hill, Eureka.
Eugene L. Ely, Kentfield.
Edna M. Sheridan, Monte Rio.
William R. Cregar, Oceanside.

COLORADO

Patrick H. Gallagher, Windsor.

ILLINOIS

Edwin A. Mead, Hebron.
Lucy H. Renich, Woodstock.
William W. Harmon, Xenia.

MICHIGAN

Fred G. Scott, Bergland.

MINNESOTA

Edwin O. Benthagen, Borup.
Elizabeth C. Bahr, Waconia.

MISSISSIPPI

Finley B. Hewes, Gulfport.

MISSOURI

Martha T. Russell, Bertrand.
Elizabeth E. Letton, Mindenmines.

NEBRASKA

Dorothy Keefer, Johnstown.
Cyril Svoboda, Prague.
John R. Bolte, Snyder.

NEW JERSEY

Joseph B. Kronenberg, Bernardsville.
Lester Quigley, Manville.
E. F. Benners, Moorestown.
Charles J. Newman, Newfoundland.
Nicholas A. Chasse, South Orange.

PENNSYLVANIA

David R. Whitehill, Strattanville.
Eleanor Niland, West Brownsville.

TENNESSEE

Homer W. Black, Bolivar.

TEXAS

Maurine Folbre, Wickett.

HOUSE OF REPRESENTATIVES

TUESDAY, *February 12, 1929*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, Thou Eternal Spirit, Thou hast laid the foundations of heaven and earth and reared their walls in strength and glory. Forever shall our prayer and praise go up and forever let the tides of blessing come down. Beget within us the spirit of gratitude, the joy of forgiveness, and the passion of high purpose. Allow comradeship, refreshment, and peace to bless our lives to-day. We are now reminded of the mighty sons who have been born out of the arteries of the Republic, men who could bear the strain and criticism, men who could calm the fears and soothe a distracted land, men who could hush to peace the troubled waters seething on the horizon of our country. O God, Thy providence has brought to this hour the ship of state and permitted its anchor to be cast into the international waters of safety and honor. We thank Thee for the flag and for what it teaches—emblem of fraternity, equality, and liberty. May its stars shining on heaven's blue forever represent all the States united now and forever. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

INDEPENDENT OFFICES APPROPRIATION BILL—CONFERENCE REPORT

Mr. WASON. Mr. Speaker, I present a conference report on the bill (H. R. 16301) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1930, and for other purposes, for printing under the rule.

INSPECTION OF THE BATTLE FIELDS OF BRICES CROSSROADS, MISS., AND TUPELO, MISS.

Mr. MORIN. Mr. Speaker, by direction of the Committee on Military Affairs, I ask unanimous consent to take from the Speaker's table H. R. 8736, a bill to provide for the inspection of the battle field of Brices Crossroads, Miss., and the battle field of Tupelo, or Harrisburg, Miss., disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table House bill 8736, with Senate amendments, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Chair appoints the following conferees: Messrs. MORIN, JAMES, and MCSWAIN.

CONSTRUCTION AT MILITARY POSTS

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 13825, a bill to authorize appropriations for construction at military posts, and for other purposes, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table House bill 13825, with a Senate amendment, disagree to the Senate amendment, and ask for a conference. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, which I do not intend to do, there was one amendment put in this bill that might be regarded as a minor amendment, but is not necessarily so. It was an amendment authorizing a building to be erected on the aviation field at Yuma, Ariz. If that building is exclusively for the purposes of the Army, then it is quite in harmony with the bill, and I have no question about it. On the other hand, if it is a building that is for general use, then for us to erect such a building at Yuma—although the cost is only $5,000—would be the first step in a program that would cost a good many million dollars. I hope the conferees will give study to that and before agreeing to that building will be sure that it is exclusively for Army use.

Mr. MORIN. I will call the conferees' attention to the gentleman's suggestion.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, does this bill contain any appropriation for Governors Island?

Mr. MORIN. I think it does, but I am not sure.

Mr. LAGUARDIA. Mr. Speaker, I object.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 16422, the District of Columbia appropriation bill, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to take from the Speaker's table House bill 16422, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. GRIFFIN. Mr. Speaker, reserving the right to object, I want to address an inquiry to my colleague, the chairman of the subcommittee. Have we any assurance or any understanding that certain of the amendments that were put in this bill by the Senate will come back to the House? For instance, the lump-sum appropriation for one and the amendment striking out the provision made by the House Appropriations Committee or the reservation as to teachers eligible for examination for teachers' licenses?

Mr. SIMMONS. As I have explained to the gentleman all of those amendments, in some form, will have to come back to the House, either the Senate receding, the House receding, or receding with amendments. I can give the gentleman no assurance about what will be done in conference, as the gentleman well knows.

Mr. GRIFFIN. I expect, of course, that the House conferees will not recede. The only question is if the House conferees do not recede whether the House conferees will bring the amendments back to be considered by the House.

Mr. SIMMONS. I am assuming that the gentleman from New York [Mr. GRIFFIN] will be one of the conferees on the part of the House.

Mr. GRIFFIN. I am, too.

Mr. SIMMONS. But I can give the gentleman no assurances except those given under the rules of the House. I have no way of anticipating what may happen to the amendments in conference.

Mr. BLANTON. Mr. Speaker, I reserve the right to object, if the gentleman from New York is through. We, of course, know the attitude of the gentleman from New York [Mr. GRIFFIN], and I am hopeful that that attitude is not the one that is going to be taken by the other conferees with respect to the lump-sum appropriation. That is a matter that has been fought out here time and time again; but I would like to ask the gentleman if he will give us a chance to be heard on it in the House before there is any recession on the Caraway amendment?

Mr. SIMMONS. I will give no assurances as to what is going to happen in the conference or what action we may take on that or on any other amendment. I do not think we should be asked to do that.

Mr. BLANTON. I am not asking that. I am asking that when the gentleman brings the matter back to the House that he give us a chance to be heard on it. He must bring that back to the House under the rules, but the gentleman could come back and move the previous question and not give us a chance to be heard on it at all. I think the gentleman should give us a chance to be heard on that amendment before moving the previous question.

Mr. SIMMONS. I think the gentleman ought to permit us to go to conference without being bound beforehand.

Mr. BLANTON. I have never refused, except in support of my party, to send a bill to conference, but we do want a chance to be heard a little before the gentleman moves the previous question.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. I would like to have an answer from the gentleman.

Mr. SIMMONS. I take it if there is any amendment that the House desires to discuss we can have a reasonable time to do it. There are some amendments that have been thrashed out repeatedly in the House, such as the fiscal relations amendment, on which the attitude of the House is well known and fixed.

Mr. BLANTON. I am with the gentleman on the fiscal relations matter in spite of my friend, the gentleman from New York.

Mr. GRIFFIN. Further reserving the right to object, I hope the gentleman from Texas, for the reason he happens to be in favor of it, will not at the same time be in favor of shutting off debate.

Mr. BLANTON. No, no.

Mr. GRIFFIN. This is a matter, so far as I can see, that is still open to debate. Some water has gone over the dam since it was considered in the House, and I think there is room for a little discussion in view of what has transpired in the Senate, and it seems to me when that proposition comes back to the House, we ought to have an opportunity to have some discussion of it, and that is the only object I have in making my request.

Mr. TILSON. Will the gentleman from Nebraska yield?

Mr. SIMMONS. Yes, sir.

Mr. TILSON. It seems to me there is no reason to fear that reasonable debate will not be allowed on any amendment. The attitude of the gentleman from Nebraska [Mr. SIMMONS] is pretty well known on this bill and also his attitude toward the House in bringing back conference reports. So I think that the gentleman need not fear any difficulty in securing time for reasonable debate.

Mr. GRIFFIN. The gentleman from Connecticut has given an assurance that is not warranted by past experience. Last year, when the bill came back to the House, the gentleman will recall that the previous question was moved and there was no opportunity given for discussion. I could not even get two minutes on the bill. I think the precedent established last year ought not to be followed this year and that is my reason for addressing this inquiry to the gentleman now.

Mr. TILSON. There has been no disposition during the present session to unreasonably restrict debate on conference reports.

Mr. CRAMTON. Mr. Speaker, if the gentleman will yield, of course, it would make a good deal of difference, I suppose, how long drawn out the conference may be.

Mr. GRIFFIN. Of course.

Mr. CRAMTON. If it is held until the last day of the session, it would not be possible to give as much time for debate as it would be if the report came in sooner.

Mr. GRIFFIN. That is true.

Mr. SIMMONS. The gentleman from New York will recall that the matter on which we had a vote last year was a matter that had been thoroughly discussed in the House when the bill was in its original form, a matter upon which the House had all the information that was available, and the House was operating then under the stress of time, and in compliance with the request or the suggestion of the leaders on both sides of the House that there was no need for debate and that the House had matters it wanted to act upon, I did move the previous question last year.

Mr. GRIFFIN. Then I take it the gentleman is not in the same inexorable mood that he was in last year.

Mr. SIMMONS. We will meet that situation when we come to it.

Mr. SCHAFER. Will the gentleman yield?

Mr. SIMMONS. Yes, sir.

Mr. SCHAFER. The gentleman does not intend, I presume, to bring a conference report back to the House and have unlimited debate on the so-called Burlingame amendment, which was discussed at length yesterday?

Mr. SIMMONS. As I have said, we will cross that bridge when we come to it. I do not know in what shape the bill will come back from the conference, and I do not know what the condition may be in the House at that time. The House has it in its power to vote down the previous question of it wants to.

Mr. LAGUARDIA. The distinguished gentleman from Wisconsin was in the chair at the time of the discussion of the Burlingame matter.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. SIMMONS, HOLADAY, and GRIFFIN.

LEGISLATIVE APPROPRIATION BILL

Mr. WELSH of Pennsylvania, from the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 17053), making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes, which was read the first and second time, referred to the Union Calendar and ordered printed.

Mr. SANDLIN reserved all points of order.

ORDER OF BUSINESS

Mr. SNELL, from the Committee on Rules, presented a privileged report for printing in the RECORD.

The report contained the following resolution:

House Resolution 318

Resolved, That upon the adoption of this resolution the Committee on Immigration and Naturalization shall have one legislative day for the consideration of the following bills:

H. R. 16927. A bill to clarify the law relating to the temporary admission of aliens to the United States.

H. R. 16926. A bill granting preference within the quota to certain aliens trained and skilled in a particular art, craft, technique, business, or science.

S. 5094. A bill making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law.

That after general debate on each bill, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the bill, each bill shall be read for amendment under the 5-minute rule. In the case of the bill (S. 5094) it shall be in order to consider without the intervention of the point of order, as provided in clause 7 of Rule XVI, the committee amendment recommended by the Committee on Immigration and Naturalization now in the bill, and such committee amendment for the purpose of amendment shall be considered under the 5-minute rule as an original bill. At the conclusion of the reading of each bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on each bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Referred to the calendar and ordered printed.

ADDITIONAL LAND GRANTS FOR MINERS' HOSPITALS IN UTAH AND ARIZONA

Mr. COLTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 15732) making an additional grant of land for a miners' hospital for disabled miners of the State of Utah, and for other purposes, and agree to the Senate amendment.

The SPEAKER. The gentleman from Utah asks unanimous consent to take the bill H. R. 15732 from the Speaker's table and concur in the Senate amendment. Is there objection?

Mr. CRAMTON. Reserving the right to object, the House passed the bill with a grant of 50,000 acres of land to the State of Utah on the plea that the enabling act of the State of Utah provided for certain grants, and that the grant for the mining hospital was a little out of line with other grants contemplated by the enabling act. Now, the Senate amendment appropriates for a grant of 50,000 acres for the State of Arizona. There is no information before the Congress as to what the situation is or to what extent it is justified. The only statement made in behalf of it is of a character that would warrant a similar grant to every western State.

The amendment is not germane to the bill that went to the Senate. I do not know whether I would favor such a grant

for Arizona if it came before Congress in a way to make it possible to consider whether it was justified. I shall be obliged to object to this amendment being concurred in because it is not a matter that we have had any information about or any opportunity to investigate.

Mr. COLTON. Mr. Speaker, may I explain that I have made personal investigation, and that the conditions in Arizona are almost identical with those of Utah, except that the fund realized from the grant is very much smaller than it is in Utah. I hope the gentleman will not object. Arizona has not been a State as long as has Utah, which accounts in a measure for the fund being smaller, but Arizona needs this additional grant.

Mr. CRAMTON. The proper parliamentary procedure would be for the gentleman from Arizona to introduce a bill, let it go to the committee of which the gentleman from Utah is chairman, and from the gentleman's position it is certain it would be assured of very fair consideration, and leave the House a chance to consider it. I have heretofore opposed this adding of important amendments in the Senate that were not germane to House bills, and I shall feel obliged in this case to adhere to that policy and object to the agreement to this amendment.

Mr. DOUGLAS of Arizona. Will the gentleman yield to hear a statement from me?

Mr. CRAMTON. I yield.

Mr. DOUGLAS of Arizona. When the bill passed the House and was referred to the proper committee in the Senate, the point was made that the situation in Arizona was identically the same as that in Utah; that the original land grant under the enabling act for the Territories of Utah and Arizona were practically identical with respect to acreages of land given for various purposes. In the second place, that the mining industry in Arizona occupied as important, if not a more important, position among the industries of Arizona than the mining industry in Utah; that the number of disabled miners in Arizona was as great, if not greater, than in the State of Utah. The Senate committee having considered the facts with respect to the amendment approved of it and the Senate passed the bill as the Senate Committee on Public Lands and Surveys had reported it.

Those are the facts. The enabling act of Arizona was similar to the enabling act of the State of Utah. It was out of line, as Utah was out of line with the other grants given the State for other purposes. It is a fact that the mining industry is by far the largest industry in Arizona. The development of Arizona was due largely to the development of its mineral deposits. I think that if it is legitimate to grant 50,000 acres additional to the State of Utah for the purposes of taking care of disabled miners it is equally just and equally right to make an additional grant of 50,000 acres to the State of Arizona for the same purpose.

Mr. KNUTSON. Will the gentleman yield?

Mr. DOUGLAS of Arizona. I yield.

Mr. KNUTSON. The question has been asked as to the attitude of the Secretary of the Interior. He makes no opposition?

Mr. COLTON. The Secretary of the Interior interposes no objection to the passage of this measure with the amendment.

Mr. DOUGLAS of Arizona. So I understand.

Mr. CRAMTON. Mr. Speaker, there is a regular way for all these facts to be brought to the attention of Congress. Nothing is more dangerous than to permit the other legislative body to get the habit of adding important nongermane amendments to House bills. Here is a bill whose title only says that it is to give some lands to the State of Utah; yet we find that there is an item with 50,000 acres to be given to the State of Arizona. There has been no notice to the House of that, and I just happen to read the RECORD enough to know the situation. I am obliged to object to it.

Mr. DOUGLAS of Arizona. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. DOUGLAS of Arizona. For the purpose of asking the gentleman a question with respect to parliamentary procedure, I am not sufficiently well acquainted with parliamentary procedure to have information of my own, but is there any way in which the unanimous-consent request of the gentleman from Utah [Mr. COLTON] might be withdrawn and the bill as passed by the Senate, as amended, referred to the Committee on the Public Lands of the House for appropriate action by that committee, and be then brought out on the floor of the House?

Mr. CRAMTON. Mr. Speaker, I am willing only to make this one suggestion to the gentleman. I have already made it. If he will introduce a bill, then we will get a report from the department and we will have a chance to consider the matter on its merits.

The SPEAKER. Objection is heard.

NATIONAL SOLDIERS' CEMETERY, GETTYSBURG, PA.

Mr. MENGES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein an historical sketch compiled by Myron H. Bent, the Washington correspondent of the Brooklyn Daily Times, of the laying out of the National Soldiers' Cemetery at Gettysburg. Mr. William Saunders, a landscape-garden expert, who was an employee of the Department of Agriculture, in 1863 was engaged by Judge David Wills, of Gettysburg, who was the projector and promoter of the national cemetery, with the approval of Governor Curtin, to lay out the cemetery. Mr. Saunders, as I understand it, has never been paid for the work that he has done. I am not asking for an appropriation to pay him now. I simply want to incorporate an historical sketch of his work in the RECORD in order that it might be preserved and handed down to posterity. It is a magnificent piece of work and its merit should be recognized and perpetuated. The cemetery is owned by the Federal Government.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MENGES. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

SKETCH OF THE LAYING OUT OF THE NATIONAL SOLDIERS' CEMETERY AT GETTYSBURG, PA.

By Myron H. Brent, Washington correspondent Brooklyn Daily Times

Had it not been for two men, possibly one, the immortal Gettysburg address of Abraham Lincoln, which, with the famous speech of Pericles, ranks among the most eloquent contributions to English literature, might never have been written or delivered. Various accounts are given as to when the Great Emancipator wrote this epic, comparable in grandeur and majesty with the Psalms—whether on the train to Gettysburg or in his room the night before the event—but it is doubtful if the true story of how it happened to be written at all has been told, or if so, it will bear being retold on this Lincoln anniversary. How did the occasion arise?

Two men are mainly responsible for it. One is David Wills, a lawyer and judge of Gettysburg, and the other is William Saunders, an architectural landscape gardener of Scotland, who came to this country in 1848, at the age of 26. After the great Battle of Gettysburg on July 1, 2, and 3, 1863, the high point of the war, with its terrible slaughter of Union men under General Meade and Confederates under General Lee, vast numbers of the former were left only partially or improperly buried. Judge Wills conceived the idea of a national cemetery on the famous battle field and communicated it to Governor Curtin, of Pennsylvania, who was favorably impressed with it, and authorized Judge Wills to proceed to develop the plan and carry it out.

William Saunders had come from Philadelphia in 1862, having first lived at New Haven, Conn., after coming to this country. At the time he was employed in the Department of Agriculture at Washington as landscape gardener and superintendent of grounds. Mr. Saunders had evidently made some reputation in this country along his line of work at Philadelphia and Baltimore, which is probably responsible for the fact that he was sought out to design, plan, and lay out the beautiful grounds at Gettysburg known as the Soldiers' National Cemetery. Visitors to Gettysburg always comment upon the symmetry and beauty of design of the spot where brave men sleep who struggled there "that government of the people, by the people, for the people might not perish from the earth," and who "have hallowed it beyond our poor power to add or detract."

Mr. Saunders died in 1900, but has a daughter living in Washington who has been employed in the Department of Agriculture for many years. Among her father's effects is a sort of autobiography in which her father noted incidents and events in his active and useful life. Not the least of these is the interesting account of his part in fashioning the national cemetery at Gettysburg, with a statement of how it all came about. He knew President Lincoln well, to whom he showed his plan, and he sat on the platform near him when he delivered his never-to-be-forgotten speech that is known by every schoolboy. The story is best told in his own words:

"About six weeks after the battle I received a letter from David Wills, of Gettysburg, acting as agent for Governor Curtin, asking me to meet him at that place for the purpose of consulting upon the selection of a site and land for a cemetery to be used for the interment of soldiers who fell in that battle. The letter, not being addressed only to Washington, did not come into my possession until about three weeks after and as it called for immediate action, I wrote to Mr. Willis, told him of the situation, and asked if it would be too late now. He answered at once to come on.

"When I reached there I found that Mr. Wills had purchased property. I was pleased with the site, but saw that it was angular, and its front on the Baltimore Pike was only about 150 feet. I therefore told Mr. Wills to get more ground, extending the front line and

straightening out other lines, which was speedily done, adding about 5 acres more to the cemetery and simplifying its outlines.

"On this my first visit I studied the ground thoroughly and thought of various methods of treatment. It occurred to me—and I felt it all important under any plan—that the remains of the soldiers from each State should be laid together in a group. In fact, I had examined the ground before suggesting an addition to it and had employed an evening considering how best to arrange for interments. The surface was somewhat undulating, some high or elevated points, but others low and inferior in comparison, so that in distributing the interments by States some would, of necessity, be placed in the lower portions and thus an apparently unjust discrimination might be inferred. I ultimately concluded that a central point on the highest reach of the ground be designated for a monument, and a semicircular arrangement made, so that the appropriation for each State would be a part of a common center and the position of each lot would be relatively of equal importance.

"The ground was marked out in parallels 12 feet in width, thus giving a length of about 7 feet for the interments and 5 feet of pathway between the next parallel. On the inner circle of each a heavy line of granite curbing was placed. This made a continuous circle of gravestones, as it were. About 2½ feet was marked on these stones, the width for each interment, and the name carved on the granite at its head. These blocks showed 10 inches above the surface of the ground and show a width of 10 inches on their upper surface or face. The name, company, and regiment being carved in the granite opposite each interment, secured a simple and impressive arrangement, combined with permanence and durability.

"Having made rude drawings and measurements as to the space required for this plan, I went over the field and was convinced that more space would be required at this particular point to enable this plan to be carried out. Then the question of adding to it by further purchases of land was conceded, and ultimately some 5 acres of an adjoining apple orchard were procured, which allowed the plan to be carried out.

"Having secured such measurements and survey of the ground as would enable me to formulate a plan or design for the entire space, I hastened to Washington and commenced to make the plan. I do not now recall the exact sequence of events, but everything was hurried to get at work and remove bodies which were scattered over the battle field and in danger of obliteration, as the farmers were anxious to plow for crops.

"I employed a friend and surveyor, James S. Townsend, to go to Gettysburg, and with others procure a list of the dead and the State they came from, so as to help me in the disposition of plan of interments. This took some time. I also sent him a copy of the plan, and he proceeded to set that portion out, so as to provide for removal of bodies at as early a day as was possible. The work of exhuming the bodies was commenced on the 27th day of October (1863), but it was so protracted by ungenial weather during the winter that it was not finished until well on in March (1864). The number of bodies ultimately found exceeded the original calculations, and this also retarded the finish of the operations, and caused continual alterations in the detail of the plan, as it had to be extended to meet these additions to certain of the States. This, however, was only a matter of apportionment and did not alter the idea of the plan. The working sketch was in the hands of the surveyor, who was pushing the work, especially that part for the interments.

"A few days before the dedication of the grounds, President Lincoln sent word to me that he desired me to call at his office on the evening of the 17th (November), and take with me the plan of the cemetery. I was on hand at the appointed time, and spread the plan on his office table. He took much interest in it, asked about its surroundings, about Culp's Hill, Round Top, etc., and seemed familiar with the topography of the place, although he had never been there. He was much pleased with the method of the graves, said it differed from the ordinary cemetery, and, after I had explained the reasons, said it was an admirable and benefiting arrangement. He asked me if I was going up to Gettysburg to-morrow. I told him that I intended to be there and take up the plan. He replied, 'Well, I may see you on the train.'

"I went up on the 18th, but I think now that I did not go on the train he went on; I went on an earlier train. On reaching Gettysburg I found every place crowded; could not get any hotel or boarding house. In fact there were not many hotels in the town. I spent the night in the parlor of an acquaintance, along with quite a crowd, and if we slept at all we did so sitting in chairs. Next morning—the 19th—the town was all excitement, and all faces were turned toward the cemetery.

"About noon Edward Everett ascended the platform and commenced his oration, which was well received, although his detailed account of the battle was lengthy, and I think some considered it tiresome. I should suppose that he spoke for nearly two hours. I was sitting on the platform near to President Lincoln, only Gen. O. O. Howard between me and the President, and was only a few feet from him when he delivered his memorable address.

"After Mr. Everett had finished his oration, the following hymn, composed by Mr. B. B. French, of Washington, a gentleman I knew well, was beautifully sung by a quartet from Baltimore. It was very impressive:

"'Tis holy ground—
The spot where, in their graves,
We place our country's braves,
Who fell in freedom's holy cause,
Fighting for liberties and laws;
Let tears abound.

"Here let them rest;
And summer's heat and winter's cold
Shall glow and freeze above this mould—
A thousand years shall pass away—
A nation still shall mourn this clay,
Which now is blest.

"Here, where they fell,
Oft shall the widow's tear be shed,
Oft shall fond parents mourn their dead;
The orphan here shall kneel and weep,
And maidens, where their lovers sleep,
Their woes shall tell.

"Great God in Heaven!
Shall all this sacred blood be shed?
Shall we thus mourn our glorious dead?
Oh, shall the end be wrath and woe
The knell of freedom's overthrow,
A country riven?

"It will not be!
We trust, O God, Thy gracious powers
To aid us in our darkest hours,
This be our prayer—'O Father, save
A people's freedom from its grave,
All praise to Thee.'"

The story of how the address was received has been many times told. Either the great audience did not fully grasp its meaning and significance or else it was overawed by its sublimity, for the applause while generous was not great. There was one man who grasped its significance, and that was Edward Everett, who immediately told the President that his speech would long be remembered after his own had been forgotten. President Lincoln stayed the night before at the brick home of Judge Wills, on the main street of Gettysburg, and the window of his room is still marked with an X, and it is shown to visitors. But two daily papers the morning after the dedication carried President Lincoln's speech. The New York Tribune merely stated that "the President made a few extemporaneous remarks."

Mr. Saunders continues his narrative:

"It was then that President Lincoln spoke.

"The project of this cemetery was started by David Wills of Gettysburg. Soon after the battle he found bodies scattered over the fields, some of them but rudely buried, the farmers plowing over graves and seemingly careless about the dead. Mr. Wills wrote to Governor Curtin and suggested that the State of Pennsylvania should see to it that the dead should be better cared for. Governor Curtin promptly and strongly took up the matter, and authorized Mr. Wills to communicate with the governors of other States whose troops participated in the battle, asking for their sanction to remove the dead at the expense of Pennsylvania. This proposition was not favorably entertained, as each State wanted to share the expense. A convention of governors was convened at Altoona, and among other proceedings it was agreed to employ me to furnish a plan for the improvement of the cemetery grounds. Hence the letter of Lawyer Wills to me as above mentioned. Who brought up my name to this convention I never found, as I was not aware of any of the governors knowing me.

"The making of roadways and planting trees and shrubs were executed by contract, and were done in a satisfactory manner. Twenty years after the planting I visited the cemetery and marked many of the trees for removal, as the groups were too thick. By this time the cemetery had been turned over to the General Government. For several years, I can not recall how many, the cemetery was controlled by commissioners, one from each of the States concerned, appointed by the governors of the respective States. It was ultimately turned over to the Government and was placed in control of the Quartermaster General of the United States Army. This officer, considering that it was essential to do something in the cemetery, planted a lot of shrubbery in the lawns, or open grass spaces, which destroyed the beauty of the grounds; but this was in keeping with the performances of military officers, who, as a general thing, are very destitute of artistic taste in anything. Up to that time the plan of the planting had developed so that the design was apparent. A friend of mine, who had participated in a Fourth of July celebration at Gettysburg, and not knowing that I had ever had anything to do with it, told me that if I wanted to see an exquisite example of landscape gardening I should visit the cemetery grounds. I said to him that I had designed these grounds for that especial purpose.

"The plan contemplated no conspicuous headstones at any of the graves. All were to be treated alike and be of uniform simplicity. As time went on, military companies sent headstones, some of them quite elaborate, requesting them to be set at the head of certain graves. After a time, and after several of such stones had been received, the subject of their distribution was referred to me. I decided that they should be grouped in a portion of the grounds which I designated, which was done, and thus saved the uniformity and simplicity of the plan. On my plan when submitted I titled it, 'Soldiers' National Cemetery,' which was discussed by the commissioners, and they agreed that the name was quite applicable, and it was adopted."

What follows from the autobiography of Mr. Saunders seems hardly credible. It is almost unbelievable that one who had evolved and carried out such a harmonious and beautiful design could go entirely unrewarded. In addition to much labor there was considerable expense connected with it, and the author never received one cent from any source for all his talent, pains, and labor. He says:

"At a meeting of the commissioners held at Harrisburg, December 17, 1863, the following resolutions were passed:

"'On motion of Mr. Alfred Coit, of Connecticut, the plans and designs of the Soldiers' National Cemetery as laid out by Mr. William Saunders were adopted by the convention. A motion was made by Mr. Coit returning thanks to Mr. Saunders for the designs and drawings furnished gratuitously for the Soldiers' National Cemetery at Gettysburg, Pa., which was unanimously adopted.

"'On motion of Mr. Brown, of Ohio:

"'*Resolved*, That Mr. William Saunders be authorized to furnish 40 photos of the plan of the Soldiers' National Cemetery for the use of the States having soldiers buried therein, which was adopted.'

"The last resolution meant more work for me. In order to get good photographs I had to make a new copy of the plan, for all the other copies were more or less colored, and a good photo could not be made from them. Making a new copy was tedious, and I worked on it nights and Sundays. I ultimately procured the number desired and dispatched them to the various States. I do not think that I ever received a cent of remuneration for this work so flippantly resolved. The commissioners never seemed to have any treasury to draw from, and although I sent in the photographer's bill, I had to pay it. Mr. Edward Everett wrote to me that he was desirous of having a plan of the cemetery made, so that it could be folded in a pamphlet with his oration. This I also prepared for the engraver on so small a scale that I strained my eyes considerably, and it took me considerable time, but I finished it and made a good job of it. For all this drawing, planning, and time and money expended I never had any acknowledgment except that mentioned in the above resolutions passed at a private meeting, as stated."

Mr. Saunders, at the request of General Grant, when President, designed the memorial grounds of the Lincoln tomb at Springfield. He continued with the Department of Agriculture many years as landscape gardener and established the arboretum. He directed the planting of 300,000 trees in Washington. He was master of the National Grange the first six years of its life and was one of its founders. Many years previous to its founding in 1867 he conceived the idea and wrote for publication an article suggesting and outlining such an institution. He was a man of vision and talent, and his handiwork is seen throughout the country.

It would seem a fitting time at this Lincoln anniversary for Congress to prove that republics are not ungrateful and pass a bill to establish an appropriate marker or tablet to the memory of William Saunders in the Soldiers' National Cemetery at Gettysburg, briefly reciting the facts above mentioned. It is a recognition already too long delayed. One who conceived and designed such a beautiful spot and furnished the setting for the delivery of one of the world's masterpieces of English prose ought not to go unrewarded, unhonored, and unsung. Without David Wills and William Saunders the world might have been deprived of one of its brightest gems in literature.

RELIEF OF C. TISDALL CO. AND OTHERS

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 3955, for the relief of the C. Tisdall Co., Herbert W. Smith, Newman Bros., Thomas J. Murphy Co., formerly Edward A. Brown Co., and Giles P. Dunn, jr., with Senate amendments thereto, and agree to the Senate amendments.

The SPEAKER. The gentleman from Kansas asks unanimous consent to take from the Speaker's table the bill H. R. 3955, with Senate amendments thereto, and agree to the Senate amendments. The Clerk will report the bill and the Senate amendments.

The Clerk reported the title of the bill and the Senate amendments.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

AUTHORIZING CREDIT IN DISBURSING ACCOUNTS OF CERTAIN ARMY OFFICERS

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 4258 to authorize credit in the disbursing of certain officers of the Army of the United States and for the settlement of individual claims approved by the War Department, with Senate amendments thereto, and agree to the Senate amendments.

The SPEAKER. The gentleman from Kansas asks unanimous consent to take from the Speaker's table the bill H. R. 4258, with Senate amendments thereto, and agree to the Senate amendments. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill and the Senate amendments.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, is this a House bill?

Mr. STRONG of Kansas. Yes.

Mr. LAGUARDIA. And was passed by the House?

Mr. STRONG of Kansas. Yes. The amendments reduced the amount of the credit to these various officers.

Mr. SCHAFER. Mr. Speaker, reserving the right to object, why are they making this reduction?

Mr. STRONG of Kansas. It was some bookkeeping account with the War Department. The War Department has approved the reduction. It is a bill that I introduced at the request of the War Department, and I have no information regarding its sale. The War Department has advised me that the changes are satisfactory.

The SPEAKER. Is there objection to the request of the gentleman from Kansas.

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

CREDITS IN ACCOUNTS OF CERTAIN ARMY OFFICERS ON ACCOUNT OF SURPLUS WAR SUPPLIES

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 7166, to allow credit in the accounts of disbursing officers of the Army of the United States on account of refunds made to purchasers of surplus war supplies, with Senate amendments thereto, and agree to the Senate amendments.

The SPEAKER. The gentleman from Kansas asks unanimous consent to take from the Speaker's table the bill H. R. 7166, with Senate amendments thereto, and agree to the Senate amendments. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill and the Senate amendments.

The SPEAKER. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, what is the scope of these Senate amendments?

Mr. STRONG of Kansas. It speaks for itself. I introduced these bills at the request of the War Department and they advised me that the Senate amendments are satisfactory.

The question was taken and the amendments were agreed to.

REGULATION OF THE PRACTICE OF THE HEALING ART IN THE DISTRICT OF COLUMBIA

Mr. TILSON. Mr. Speaker, I ask that the unfinished business coming over from yesterday be taken up.

The SPEAKER. When the House adjourned yesterday the bill (S. 3936) had passed to the stage of the third reading. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 3936) an act to regulate the practice of the healing art and to protect the public health in the District of Columbia.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the bill was passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LINCOLN'S GETTYSBURG ADDRESS

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. MOORE]. [Applause.]

Mr. MOORE of Ohio. Mr. Speaker, it will be remembered that Lincoln's Gettysburg Address was delivered at Gettysburg, Pa., on the occasion of the dedication of the national cemetery, November 19, 1863, and is admitted to be one of the greatest orations of all time. [Reading:]

Fourscore and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle field of that war. We have come to dedicate a portion of that field as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

But, in a larger sense, we can not dedicate—we can not consecrate—we can not hallow—this ground. The brave men, living and dead, who struggled here have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this Nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth.

[Applause.]

THE WASHINGTON POST

Mr. BELL. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. BELL. Mr. Speaker and fellow Members, the following was taken from the Sunday's Washington Post:

There are two reasons why Congress doesn't give the people what they want: (1) It doesn't know what they want, and (2) the people don't know what they want.

"Washington is the mightiest name on earth—long since mightiest in the cause of civil liberty, still mightiest in moral reformation. On that name no eulogy is expected. It can not be. To add brightness to the sun or glory to the name of Washington is alike impossible. Let none attempt it. In solemn awe pronounce the name, and in its naked deathless splendor leave it shining on." (Abraham Lincoln.)

The Washington Post is the greatest in all the land and country, if bigotry and self-opinionated positions are to be taken as our guide. On it no eulogy is expected; to add intelligence to its columns or reverence to its name would culminate in a pitfall. Let no one attempt! In solemn awe let us pronounce its name. In its naked, cumbrous groveling—let it carry on. [Applause.]

RELIEF OF FARMERS, STORM AND FLOOD STRICKEN AREAS OF SOUTHEASTERN UNITED STATES

Mr. SNELL. Mr. Speaker, I call up House Resolution 312, a privileged resolution from the Committee on Rules.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 312

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. J. Res. 182, for the relief of farmers in the storm and flood stricken areas of southeastern United States. That after general debate, which shall be confined to the Senate joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the Senate joint resolution, the Senate joint resolution shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the Senate joint resolution for amendment the committee shall arise and report the Senate joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the Senate joint resolution and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, this resolution has for its purpose the immediate consideration of Senate Joint Resolution 182. The purpose of the Senate joint resolution is to authorize the Federal Government to loan $6,000,000 to the farmers in the stricken areas known as the South Atlantic States. While the resolution itself says "southeastern part of the United States," we find on account of a technical ruling by the Comptroller General's department that this designation does not cover all the States to which we desire to extend this relief; therefore the chairman of the Agricultural Committee will offer an amendment striking out "southeastern" and substituting "South Atlantic," which will cover all the States in the storm area. While personally I have never agreed with the principle embodied in this kind of loans, yet, notwithstanding, the House of Representatives and the Congress has authorized these loans on five former occasions. It authorized similar loans in 1921, 1922, 1924, 1926, and last year in 1928, although the provisions of the authorization of the last bill were not carried out on account of the failure of the appropriation bill to pass the Senate.

Thus you see bills of this character are not without precedent.

This bill provides for loaning as high as $2,000 to one man and not over $8 per acre on cotton and tobacco. As far as the Committee on Rules is concerned, this resolution comes as a unanimous report, and I understand no discussion on that report is desired at this time.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. CRISP. Under this the loans are to be made subject to such rules and regulations as the Secretary of Agriculture may prescribe and subject to the limitations on the amount that can be loaned to anyone on a crop?

Mr. SNELL. Yes; there are limitations, and the loans are to be made under supervision of the Department of Agriculture.

Mr. ALLGOOD. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Certainly.

Mr. ALLGOOD. To what extent have these farmer loans been repaid heretofore?

Mr. SNELL. They have varied from 40 to 79 per cent; but on the average about 70 per cent of the farmers' loans have been paid up to the present time. I am informed by the Secretary of Agriculture that very little more will be collected on those loans.

Mr. MOORE of Virginia. May I inquire of the gentleman what States are to be included?

Mr. SNELL. The South Atlantic States. I understand that includes from Virginia down.

Mr. MOORE of Virginia. To what sections of the Union did the former loans apply?

Mr. SNELL. There were two in the Northwest, one in the Southwest, and another one down in the Florida region.

Mr. DEAL. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Certainly.

Mr. DEAL. Does the gentleman feel that because precedents have been established making loans of this kind the House is justified in continuing to do so?

Mr. SNELL. I have explained already that so far as I am personally concerned I have always been opposed to the principle of these loans, but the majority of the House thinks otherwise, and, of course, the majority rules. I still think the principle is wrong and we ought not to do it.

Mr. DEAL. Does the gentleman think it constitutional?

Mr. SNELL. I am not prepared to discuss that, and I do not know whether it makes any difference or not at this time, for we do not always follow the Constitution in matters of this kind.

Mr. DEAL. Does it make any difference with the gentleman whether we violate the Constitution or not?

Mr. SNELL. You might raise the constitutional question, and there would be probably just as many on one side as on the other. I notice one thing, and that is that each of the Representatives from those States that want the relief says that they are prohibited by their State constitutions from enacting such legislation in behalf of their farmers.

Mr. DEAL. I understood he said that Virginia would probably be included in these loans. I am one of the Representatives from Virginia, and I want to say that I believe it would be unconstitutional; and so far as I am concerned, I shall vote against this kind of legislation, as I always have done heretofore.

Mr. SNELL. I am in accord with the gentleman from Virginia.

Mr. WILLIAMS of Illinois. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Certainly.

Mr. WILLIAMS of Illinois. As a member of the Committee on Agriculture, I may say that I do not think that Virginia was mentioned as having suffered any damages in this storm.

Mr. SNELL. I do not know as it is parliamentary or not, but a Senator from the State of Virginia came over here and said it was absolutely essential that Virginia be included in this resolution. That was the reason we agreed to insert the language "South Atlantic States."

Mr. WILLIAMS of Illinois. So far as the Committee on Agriculture is concerned, there is no evidence that this storm visited any part of the State of Virginia, as I remember.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Certainly.

Mr. MICHENER. Can the gentleman tell us when these respective loans were repaid?

Mr. SNELL. I shall be glad to include that information in the extension of my remarks.

On loan of 1921 to Northwest, up to January 1, 1929, 69.3 per cent had been paid.

On loan of 1922 to Northwest, up to January 1, 1929, 76.8 per cent had been paid.

On loan to New Mexico, 1924, 65.4 per cent have been paid.

On Florida loan, 1926, there has been paid 40.6 per cent.

There will be very little more collected on any of these loans.

Now, Mr. Speaker, if there are no further questions, I move the previous question on the resolution.

Mr. DEAL. May I ask the gentleman what were the damages in the State of Virginia, as stated by the Senator or Representative?

Mr. SNELL. I can not go into detail as to what the Senator said, but he said it was necessary to do this for Virginia to take advantage of these loans.

Mr. DEAL. I have no evidence or knowledge of such a statement.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. BANKHEAD. Was the gentleman referring to some Senator from Virginia who came before the Committee on Rules?

Mr. SNELL. No; he came over afterwards, and said there was a mistake in the language of the original resolution as it was drawn, and asked to have that amendment made.

Mr. BANKHEAD. I have no information that such a representation was made.

Mr. SNELL. I saw no reason for not allowing Virginia to take advantage of it, if it was so desired, and that is the reason for suggestion of the amendment.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate Joint Resolution 182.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate Joint Resolution 182. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Kansas [Mr. HOCH] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of Senate Joint Resolution 182, with Mr. HOCH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of Senate Joint Resolution 182, which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. J. Res. 182) for the relief of farmers in the storm and flood stricken areas of southeastern United States

Resolved, etc., That the Secretary of Agriculture is hereby authorized, for the crop of 1929, to make advances or loans to farmers and fruit growers in the storm and flood stricken areas of the southeastern United States where he shall find that an emergency for such assistance exists for the purchase of seed of cotton, corn, legumes, nursery stock, and vegetables crops, feed for work stock, and fertilizer, and, when necessary, to procure such seed, feed, and fertilizers and sell the same to such farmers. Such advances, loans, or sales shall be made upon such terms and conditions and subject to such regulations as the Secretary of Agriculture shall prescribe, including an agreement by each farmer to use the seed and fertilizer thus obtained by him for crop production. A first lien on the crop to be produced from seed and fertilizer obtained through a loan, advance, or sale made under this section shall, in the discretion of the Secretary of Agriculture, be deemed sufficient security therefor. The total amount of such advances, loans, or sales to any one farmer shall not exceed the sum of $3,000. All such advances or loans shall be made through such agencies as the Secretary of Agriculture may designate. For carrying out the purposes of this resolution, including all expenses and charges incurred in so doing, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $15,000,000 to be immediately available: *Provided*, That any person who shall knowingly make any material false representation for the purpose of obtaining an advance, loan, or sale under this resolution, shall, upon conviction thereof, be punished by a fine of not exceeding $1,000, or by imprisonment not exceeding six months, or both.

With committee amendments as follows:

Page 2, line 9, strike out "the total amount of such advances, loans, or sales to any one farmer shall not exceed the sum of $3,000" and insert "in the case of land planted or to be planted in cotton, no loan or advance for or sale of seed and fertilizer shall exceed $8 per acre, and in the case of land planted or to be planted in other crops, no loan or advance for or sale of seed and fertilizer shall exceed $3 per acre. No loan, advance, or sale under this resolution shall, in any event, exceed $2,000 to any one person."

On page 2, line 18, after the word "such," strike out "advances or loans" and insert "advances, loans, and sales."

On page 2, line 24, after the word "of," strike out "$15,000,000" and insert "$6,000,000."

The CHAIRMAN. The rule provides for one hour of debate, to be equally divided between those favoring and those opposing the resolution. The Chair would like to inquire if any member of the committee desires to oppose this measure? If not, the Chair recognizes the gentleman from Iowa [Mr. HAUGEN].

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Illinois [Mr. WILLIAMS].

Mr. DEAL. Did I understand the Chair to ask if there was any member of the committee who was opposed to the resolution?

The CHAIRMAN. Yes; the Chair asked that question.

Mr. DEAL. Mr. Chairman, I want to say I am opposed to it.

The CHAIRMAN. The Chair will recognize the gentleman, if he is opposed to the resolution. The Chair now recognizes the gentleman from Illinois [Mr. WILLIAMS].

Mr. WILLIAMS of Illinois. Mr. Chairman, ladies, and gentlemen of the committee, while there is no apparent opposition to this joint resolution it is probably proper that a statement should be made to the committee briefly outlining the facts justifying the introduction of the resolution.

As a member of the Committee on Agriculture I heard the testimony of witnesses who appeared from Georgia, Florida, South Carolina, and North Carolina, as to the terrible disaster that overtook large sections of these States in the storm of September last. It was one of the most destructive visitations of this kind that has ever befallen any section of our country. Thousands of people were drowned; great sections of fine agricultural lands were overflowed; growing crops were utterly destroyed in large areas; livestock was washed away and drowned; and farm implements, houses, and all kinds of improvements on farms were destroyed. The evidence showed that the people in large areas will not be able, without assistance, to plant a crop this year, and unless this assistance is granted to them hundreds of thousands of people will have to leave their homes and go to other parts of the country to make a living for themselves and their families.

Like the gentleman from New York [Mr. SNELL], when the proposition first came up in 1924, of making direct loans out of the Federal Treasury in matters of this kind, I was inclined to the opinion that it was not a wise thing to do, and that it was not a proper function of the Government to make direct loans to its citizens out of the Federal Treasury; but that policy has been adopted and we made loans similar to this to the stricken farmers of the Northwest, and on four or five occasions since that time similar loans have been authorized. Therefore, it seems to me it would be a grievous wrong to the splendid people in this section to our common country, who have suffered so much and who are in such dire distress, to refuse at this time to follow the precedents that have been set in the past. It may be that in the future Congress may reconsider its policy of making these loans, which would be a proper thing to do if a majority of the Congress decided it should be done.

Mr. TILSON. Will the gentleman yield?

Mr. WILLIAMS of Illinois. Certainly.

Mr. TILSON. Can the gentleman state, from his experience or from knowledge otherwise gained, what has been the effect of previous acts of this character, where we have made loans in this way? Have they proved to be beneficial to the farmers and, if so, have the loans been repaid, as a rule? What has been the result of the experience of the past?

Mr. WILLIAMS of Illinois. Of all the loans that have been made—and I think there have been five—the amount repaid to the Government has averaged, on all the loans, about 70 per cent, and the effect of these loans has been to enable the farmers in large sections of the country, who otherwise would have been driven from their homes and perhaps into other avocations, to get a new start, to reestablish their homes and to continue on the farms. [Applause.] This loan of six million is to be made under rules prescribed by the Secretary of Agriculture. A first lien is to be taken by the Government on the crops to be produced in the next year, and no doubt a very large proportion of

these loans will be returned to the Treasury of the United States.

Mr. ABERNETHY. Will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. ABERNETHY. I want to say, as one member of the committee and representing the State of North Carolina, that we appreciate very highly the gentleman's attitude, and I think I can assure the gentleman and the Congress that as far as our State is concerned, instead of 70 per cent of these loans being repaid, practically 90 per cent will be repaid. I want to thank the gentleman, the Rules Committee, and the Congress for being so liberal with us in this matter.

Mr. WILLIAMS of Illinois. The estimate I made of 70 per cent was based on our experience in former loans. If we make this loan and make it now, it will give renewed encouragement to hundreds of thousands of fine American citizens to go back on their farms, to rebuild their homes, and to plant and harvest a crop. I think that if all the members of this committee could have heard the testimony that we heard before the Committee on Agriculture and the statements made by Members of the House and Senate from this section of the country before the Rules Committee, that not a single Member of this House would be opposed to this resolution.

Mr. FULMER. Will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. FULMER. May I state to the gentleman also that Doctor Long, at the head of the Extension Service, made a cross-country financial survey and brought the real facts before the committee as to the situation in connection with this case?

Mr. WILLIAMS of Illinois. The Committee on Agriculture had the absolute facts about the terrible loss of life, the destruction of property, and the utter hopelessness and helplessness of hundreds of thousands of American citizens to relieve themselves without this assistance.

Mr. LINTHICUM. Will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. LINTHICUM. I want to ask the gentleman this question: When these loans are made, is there any record to show that such a loan has been made as a notice to subsequent creditors?

Mr. WILLIAMS of Illinois. I will say to the gentleman from Maryland that I am not personally familiar with the rules of the department making these loans, but the interests of the Government are safeguarded in every way possible.

Mr. LINTHICUM. The idea I have in mind is that a man usually borrows money on his crop; and if he is also borrowing from the Government, then the man who lends him additional money on his crop ought to have some notice of this obligation.

Mr. WILLIAMS of Illinois. The law provides that the loan from the Government shall be a first lien on the crop, and, of course, that is notice to everybody.

Mr. FULMER. When it is recorded.

Mr. LINTHICUM. When it is recorded it would be notice.

Mr. WILLIAMS of Illinois. Yes.

Mr. HASTINGS. Of course, it would have to be filed and not recorded.

Mr. WILLIAMS of Illinois. Certainly.

Mr. HASTINGS. And that is notice to everyone else. I would like to ask the gentleman a question, if I may.

Mr. WILLIAMS of Illinois. I yield to the gentleman.

Mr. HASTINGS. This is a unanimous report from the Committee on Agriculture?

Mr. WILLIAMS of Illinois. A unanimous report from the Committee on Agriculture and a unanimous report from the Committee on Rules.

Mr. IRWIN. Will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. IRWIN. Does the gentleman know what the precedent is in reference to loans made heretofore as to the rate of interest and the time of payment? I understand this bill gives the Secretary of Agriculture the right to promulgate these rules.

Mr. WILLIAMS of Illinois. Yes.

Mr. IRWIN. Can the gentleman enlighten the committee with reference to what was done in respect of the former loans to farmers, as to the matter of rates and time of loan?

Mr. WILLIAMS of Illinois. Reasonable time, of course, is given. The time would have to be long enough to mature the crops. The rate of interest in all of these loans has been as much or more than the rate that the Government pays on money it borrows.

Mr. KADING. Will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. KADING. I understood the gentleman to say that our past experience in connection with loans of this kind indicates that about 70 per cent of the money is repaid to the Government?

Mr. WILLIAMS of Illinois. Yes.

Mr. KADING. I understood the gentleman from New York [Mr. SNELL] to say that it was from 40 per cent to 70 per cent. Has the gentleman any definite information about that?

Mr. WILLIAMS of Illinois. I think it runs from about 42 per cent to 80 per cent, and the general average is around 70 per cent with respect to all the loans.

Mr. KADING. Does the gentleman know whether the reason the full amount of these loans has not been repaid is because of a failure of the security or neglect to enforce the security of the Government?

Mr. WILLIAMS of Illinois. No; it has been through no fault on the part of the Government, but there were a great many instances where farmers who borrowed money, especially in the Northwest, made a total failure in the production of the crop for which they had borrowed the money and therefore were not able to make the payment. Of course, the Government runs that chance.

Mr. BRAND of Georgia. Will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. BRAND of Georgia. I desire to submit, partly in answer to the question of the gentleman from Wisconsin [Mr. KADING], that the failure to pay in full, in my judgment and from what I know from the evidence submitted to the Banking and Currency Committee, was due to the deflation policy of 1920, which broke the West and the South both.

Mr. WILLIAMS of Illinois. Of course, the failure to collect a good many of these loans made in the Northwest was on account of subsequent crop failures in that section of the country.

Mr. LARSEN. There will still be other collections made there.

Mr. WILLIAMS of Illinois. Yes.

Mr. RAMSEYER. Will the gentleman yield?

Mr. WILLIAMS of Illinois. Yes.

Mr. RAMSEYER. I notice the purpose for which this money can be used is to lend to the farmers who wish to buy seeds?

Mr. WILLIAMS of Illinois. Seeds and fertilizer, and in some cases equipment.

Mr. RAMSEYER. What does that include?

Mr. WILLIAMS of Illinois. Take, for instance, the State of South Carolina. It is just as necessary to have fertilizer in that State to make a crop of cotton or tobacco as it is to have the seed.

Mr. RAMSEYER. What does the gentleman mean by "equipment"?

Mr. WILLIAMS of Illinois. I, perhaps, ought not to have used that term. The main purposes are seed and fertilizer.

Mr. RAMSEYER. The purpose of the bills heretofore passed was limited to seed.

Mr. WILLIAMS of Illinois. Yes.

Mr. RAMSEYER. So the scope of this bill is larger than previous bills.

Mr. WILLIAMS of Illinois. It may be to some extent, but I think the bill is drawn along the lines of previous bills and it is drawn to meet the requirements of the people who need the money.

Mr. RAMSEYER. But this bill does include the purchase of fertilizer.

Mr. WILLIAMS of Illinois. Yes.

Mr. RAMSEYER. While the other bills included only seed.

Mr. WILLIAMS of Illinois. Yes.

Mr. RAMSEYER. I just wanted to know.

Mr. WILLIAMS of Illinois. Of course where fertilizer is absolutely required, seed would be worthless unless they had the fertilizer, and I wish to say further, in closing——

Mr. RAMSEYER. When the gentleman talks about "absolute requirements," a farmer might have to have a plow or might have to have a team.

Mr. WILLIAMS of Illinois. Of course that is true.

Mr. BRAND of Georgia. Will the gentleman yield to me again for a minute?

Mr. WILLIAMS of Illinois. Yes.

Mr. BRAND of Georgia. We can not produce any crops in the section of country that is taken care of by this bill without the use of fertilizer.

Mr. WILLIAMS of Illinois. This resolution is justified in every way under former precedents of the House in coming to the relief of distressed and stricken sections of the country and is necessary because of the absolute helplessness of these people to help themselves. [Applause.]

Mr. KADING. Will the gentleman yield for one more question?

Mr. WILLIAMS of Illinois. Yes.

Mr. KADING. As long as this legislation provides for the farmers purchasing fertilizer and provides for a lien upon the crop, would we not start out right at the beginning without any prospect of any security for the repayment of this money where the party purchases fertilizer?

Mr. WILLIAMS of Illinois. No; I will say to the gentleman there is a limitation placed on the amount per acre that can be loaned and the amount is smaller than what is usually required for seed and fertilizer. That is safeguarded. [Applause.]

Mr. HAUGEN. Mr. Chairman, if there is any opposition to the bill, I would be pleased to hear from the opposition.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. DEAL].

Mr. DEAL. Mr. Chairman and gentlemen of the House, I am rather surprised and amazed. I feel shocked that Representatives from the Southern States should come here to-day and ask for the passage of such legislation as this. It is entirely inconsistent with the principles for which we have always stood, and it seems to me it is a breakdown on the part of our party in sustaining the principles as laid down in our Constitution. I know that it provokes a smile from some of my colleagues that we should even refer to the Constitution, because we have already changed the Constitution by establishing precedents—the modern way of changing fundamental principles. I do not wish to reflect unduly on any person. My own Democratic colleagues or gentlemen on this side of the House, but in my district, and in some portions of the South during the past campaign, the argument was used that Republicans should be elected to Congress in Democratic districts for the reason that we could then get something.

The Democrats have failed to get something, but if you would only elect a Republican we might get something.

I am wondering, because some of our Southern States fell for that idea, if our Republican friends are not offering this as a gesture for our southern districts to remain in the Republican ranks. Can it be possible that this is another indirect method of purchasing votes for a political party? I do not make that charge.

Mr. WILLIAMS of Illinois. Will the gentleman yield?

Mr. DEAL. Yes.

Mr. WILLIAMS of Illinois. Was that the issue in the gentleman's campaign? [Laughter.]

Mr. DEAL. Yes; it was an issue.

Mr. WILLIAMS of Illinois. Then we can understand how the result happened. [Laughter.]

Mr. DEAL. That was an issue, and I agree that the gentleman from Illinois is getting a chance to make good for his party.

My point is that there is no justification in the Constitution of the United States that will warrant any such legislation as this. The Federal Government ought not to be in the loan business.

Mr. LINTHICUM. Can it not be done under the general welfare clause?

Mr. DEAL. That is the only possible clause in the Constitution as an excuse for passing such legislation. This is to apply to a few individuals and not for the general welfare. My friend from North Carolina, in support of the resolution, states that the people in his State would at least return 90 per cent of the money loaned to them. Is that a warrant for a violation of the Constitution, the fundamental law of the country?

Why, my friends, we might as well go out and propose to loan to every individual, whenever he has a fire or when the roof is blown off his barn, money from the United States Treasury. If we are going to resort to this sort of legislation where will the end be? What will become of the Federal Treasury—the fundamental principles upon which all of the South has so long been proud of and upheld and sustained?

I shall oppose the bill because I do not believe that I have the right under my oath of office to support such legislation. I never have voted for this kind of legislation and probably I never will.

The CHAIRMAN. If there is no further request for time, the Clerk will read the bill for amendment.

The Clerk read the bill for amendment.

Mr. BLAND. Mr. Chairman, I rise to propound an inquiry to the chairman of the committee. I have understood that this was going to include tobacco, and if it is there ought to be an amendment as to acreage.

Mr. HAUGEN. I was about to offer an amendment. Mr. Chairman, I offer the following amendment to the committee amendment.

The Clerk read as follows:

Page 2, line 12, after the word "cotton," insert the words "or tobacco."

The CHAIRMAN. The question is on the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

Mr. HAUGEN rose.

The CHAIRMAN. Does the gentleman from Iowa propose to offer another amendment to the committee amendment?

Mr. HAUGEN. No.

The CHAIRMAN. The question is on the committee amendment as amended.

The committee amendment as amended was agreed to.

Mr. HAUGEN. Mr. Chairman, there are other committee amendments.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 18, after the word "such," strike out the words "advances or loans" and insert "advances, loans, and sales."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 24, strike out "$15,000,000" and insert "$6,000,000."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. HAUGEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. HAUGEN: Page 1, line 6, after the word "the," strike out "southeastern United" and insert "South Atlantic."

Mr. STEAGALL. Mr. Chairman, I offer the following amendment as a substitute for the amendment offered by the gentleman from Iowa. This will make it so clear that it can be readily understood.

The Clerk read as follows:

Substitute by Mr. STEAGALL for the amendment offered by Mr. HAUGEN: Page 1, lines 5 and 6, after the word "of," strike out "the southeastern United States" and insert "Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama."

Mr. STEAGALL. Mr. Chairman, the original language of the resolution applies to the southeastern United States. The question was raised as to what construction would be placed upon that language by the Comptroller General, and it was thought that the language should be changed so as to be made specific. I have offered a substitute which I am sure is acceptable to the chairman of the committee, the gentleman from Iowa [Mr. HAUGEN], which names the particular States to which the appropriation shall apply. The States named in the substitute are Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama, and these are the States contemplated in the legislation offered by the committee. The substitute makes the provisions of the resolution specific instead of leaving the matter open for construction.

Mr. HAUGEN. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Alabama to the amendment offered by the gentleman from Iowa.

The amendment to the amendment in the nature of a substitute was agreed to.

The CHAIRMAN. The question now is on the amendment as amended by the substitute.

The amendment was agreed to.

Mr. HAUGEN. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Page 1, line 8, after the word "cotton," add "tobacco."

The CHAIRMAN. The question is on the agreeing to the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

Mr. FISH. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. FISH: Page 1, line 6, after the word "Alabama" in the amendment just adopted, insert "and in Orange County, N. Y., but not in excess of $25,000."

Mr. FISH. Mr. Chairman, the amendment that I propose is consistent with the purposes of the bill and seeks to permit the use of loans to the farmers of the black-dirt section of Orange County, N. Y., to buy seeds, as their crops have been destroyed

by floods for two years in succession and they have no credit left to buy seeds for this year's planting. Hearings were held before the Committee on Agriculture, and at that time it was suggested that I offer this amendment to the pending bill.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. ABERNETHY. If we agree to the gentleman's amendment, will he forego speaking on the bill?

Mr. FISH. Certainly, I will, with much pleasure. [Cries of "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. FISH) there were—ayes 44, noes 30.

So the amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, I want to offer an amendment to the amendment, to authorize an appropriation of $5,000 for Cowlitz County, in the State of Washington, where there were very heavy floods, and I would like to speak to that amendment.

The CHAIRMAN. The gentleman will kindly send his amendment to the desk.

Mr. DOWELL. Mr. Chairman, I reserve the point of order on that.

Mr. STEAGALL. Mr. Chairman, I make the point of order that the amendment is not offered in a proper way. The gentleman must send his amendment in writing to the desk.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to address the committee for three minutes.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to address the committee for three minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Chairman, I am quite willing to withdraw the amendment, which was offered to call further attention to the amendment of the gentleman from New York [Mr. FISH], which has just been adopted, thoughtlessly I think. The committee is considering a Senate bill reported from the House committee with certain amendments. How easily that bill can be made unacceptable to the other body, or, for that matter, this body.

I am in fact favorable to this legislation, but I am sorry to see thrust upon it an amendment which helps some particular county only. The amendment which I undertook to offer was for the purpose of directing attention to a situation that might arise. Local amendments might be offered by dozens and be germane.

Personally, I believe that as the people of the United States begin to recognize the rapid growth of its population, and the strain and the stress of its people in various areas, and the necessity at times that certain things for internal aid and internal improvement shall be done by the Federal Government that are too big for any one State. I think as the years go by we will cease to recognize State lines so much in internal improvements, and take care of our people everywhere for the general good. All of the recent 50-50 Federal aid laws indicate that. I expect to see the day come when the Federal Government will assist the States of the southeast United States—the old South—in terracing their lands, to prevent erosion, and why not? It is our population that we are trying to take care of, and it is ever increasing. We get the example in such things as Muscle Shoals, Boulder Dam, the St. Lawrence River, the Columbia River Basin project, the Mississippi River flood control, and other great projects, and also in the intercoastal canal proposition from Texas to Maine. I hope the desire upon the part of all Members who study this question will be to vision the whole United States and not make legislation by counties.

I undertook to defeat the amendment. I have nothing personal in the matter. Mr. Chairman, I withdraw the amendment offered by me.

Mr. DEAL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. DEAL: Page 2, line 9, after the word "therefor," insert "that the funds authorized to be loaned shall apply to any State or county in the Union in which disaster may occur."

Mr. DEAL. Mr. Chairman, I have offered this amendment with the idea that to some extent it might bring these proposed loans under the general welfare clause.

Mr. ABERNETHY. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The point of order comes too late.

Mr. DEAL. Some gentlemen have declared that it is necessary to have this legislation because the constitution in their own States prohibit them from extending the aid to their citizens, but they are willing to come to the Congress of the United States and have the Congress violate the Constitution of the United States while they refuse to violate the constitutions of their own States, a position so entirely inconsistent and, to my mind, unreasonable that it prompted me to offer this amendment so that the benefits proposed may be for the public welfare and not for localities or individuals. Let every person in every State and every county in the United States participate in the benefit, if there by any, by making it apply to all. Even so, I can find no warrant in the Constitution for such legislation. No one seems to claim that there is any; the only justification claimed is that we have heretofore enacted similar legislation—on the theory, perhaps, that precedent plus two wrongs make a right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was rejected.

Mr. HAUGEN. Mr. Chairman, I move to amend the title so as to conform to the text.

The CHAIRMAN. That must be done in the House. If there are no further amendments——

Mr. ROWBOTTOM. Mr. Chairman, I have a perfecting amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

At the end of the last amendment insert: "$5,000 for Posey County, Ind."

Mr. EDWARDS. Mr. Chairman, I make the point of order it is not germane.

The CHAIRMAN. The Chair overrules the point of order. The question is on agreeing to the amendment.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. JOHNSON of Washington) there were—ayes 5, noes 49.

So the amendment was rejected.

The CHAIRMAN. Under the rule the committee automatically rises.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOCH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration Senate Joint Resolution 182, had directed him to report the resolution back with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The SPEAKER. Under the rule the previous question is ordered. Is a separate vote demanded on any amendment?

Mr. WILLIAMS of Illinois. I demand a separate vote on the Fish amendment.

Mr. DOWELL. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 24]

Anthony	Davenport	Kindred	Reed, Ark.
Bacon	Davey	King	Reed, N. Y.
Beck, Pa.	Dicksteln	Kunz	Reid, Ill.
Beedy	Douglass, Mass.	Kvale	Robsion, Ky.
Begg	Doutrich	Lampert	Sears, Fla.
Black, N. Y.	Doyle	Leatherwood	Sears, Nebr.
Black, Tex.	Drewry	Leech	Shallenberger
Bloom	Fitzpatrick	McClintic	Somers, N. Y.
Boies	Fort	McMillan	Spearing
Brigham	Fulbright	Magrady	Stedman
Britten	Gilbert	Mansfield	Stevenson
Bushong	Golder	Mead	Stobbs
Carew	Graham	Merritt	Strother
Carley	Griest	Mooney	Sullivan
Casey	Guyer	Moore, N. J.	Sumners, Tex.
Celler	Hale	Moorman	Temple
Chase	Hammer	Murphy	Tillman
Cole, Md.	Harrison	Nelson, Wis.	Timberlake
Combs	Houston, Del.	Norton, N. J.	Tinkham
Connally, Tex.	Igoe	Oliver, N. Y.	Underwood
Connolly, Pa.	James	Palmer	Vinson, Ky.
Cooper, Ohio	Kahn	Palmisano	White, Kans.
Crowther	Kemp	Parker	Wolfenden
Curry	Kendall	Porter	Wurzbach
Darrow	Kent	Purnell	Yates

The SPEAKER. Three hundred and thirty-three Members are present, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. A separate vote has been demanded on the amendment offered by the gentleman from New York [Mr. FISH]. The question is on agreeing to that amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

Mr. HAUGEN. Mr. Speaker, I move to amend the title.

The SPEAKER. Without objection, the title will be amended.

There was no objection.

A motion to reconsider the vote whereby the Senate joint resolution was passed was laid on the table.

LEGISLATIVE APPROPRIATION BILL

Mr. WELSH of Pennsylvania. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17053, the legislative appropriation bill for the fiscal year ending June 30, 1930; and pending that, I ask that the time be not limited, but placed at the disposal of the gentleman from Louisiana [Mr. SANDLIN] and myself.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17053, the legislative appropriation bill; and pending that, asks unanimous consent that the general debate be not limited but be equally divided between himself and the gentleman from Louisiana [Mr. SANDLIN]. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the legislative bill.

The motion was agreed to.

The SPEAKER. The gentleman from New York [Mr. SNELL] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17053, with Mr. SNELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17053, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 17053) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930.

Mr. WELSH of Pennsylvania. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. WELSH of Pennsylvania. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. CLARKE].

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. CLARKE. Mr. Chairman, When I first got the news that the Federal Reserve was again mussing around in waters beyond its depth there came flashing through my mind the familiar quotation "How long, O Lord, how long?" And now cometh a resolution from the Senate asking the Federal Reserve to recommend remedies for the prevention of speculation. I don't believe the blind can lead the blind.

American people have proverbially short memories and they are as fickle in their moods as some grand opera tenor or mezzo-soprano; but I just can not forget that there are a lot of tragedies in amateur finance that have followed some of the policies of the Federal Reserve. We seem to have forgotten about the deflation period they brought about at the close of the war, and one of the big chiefs, Peake, who was the advocate and leader, reappeared as the farm leader with the McNary-Haugen equalization fee on his collar and $750,000 in his pocket, according to the papers, as a contribution from the Democratic National Committee, in order to prove to the farmers of the Middle West—many of whom he had ruined by his deflation policies, that he was still their leader. Time and again this little body of political appointees, called the Federal Reserve, dependent for their appointment too largely upon service to party rather than on outstanding ability in economics and financial problems, have gone far afield with their patent-medicine policies to cure evils it was not their function to cure.

We are all on some sucker list. It may not be stocks or bonds or real estate. It may not be oils or mines or patents. But somewhere along the line all the children of all the ages have had to have their fingers burned in order to teach them that speculation has its travails, has its worries, its trials and its tribulations; that along the financial ocean of speculation are the multitude of wrecks who have pursued the goddess of fortune. But you can not cure by legislation or by the exercise of arbitrary power by Government bureaucracies a tendency ingrained in all of us. Morals can not be legislated into people, and certainly no bureaucratic agency of government is going to kill the speculative bug that is inherent in all of us. Go to the surrogate courts and see the line of good-for-nothing stocks that have been exchanged for hard-earned money, sometimes from people of alleged smartness, bankers, lawyers, because they had been hypnotized into believing they were smarter than somebody else at his own game, and that the good Lord was going to give them something for nothing. Even the mail of Senators and Congressmen demonstrates they are on somebody's sucker list. If the Federal Reserve can continue to exercise arbitrary power and influence the ups and downs of the market, it is the greatest get-rich body in its possibilities in the world.

Of course, the Government must do everything possible to protect its people, but if it was the duty of the Federal Reserve to intrude in Wall Street, it was also its duty to stop the speculation in Florida real estate that has left its trail of hardship for multitudes and the boom in Texas real estate and oil; and all along the line one false step necessarily follows another until the tragic end. We all abhor gambling in principle, and yet are willing to take a chance on many things that the cold, hard-reasoning processes and bitter experience warn us against.

I believe the Government and we in Congress have erred in creating too many of these ultraaristocratic bureaucracies; that our States have supinely yielded of their powers, and have been recreant in their duties through blue sky laws and through vigilance of public servants in preventing frauds and making every issue of stock pass the searching scrutiny of fearless public servants; but their inactivity does not justify the superactivity of a politically appointed board, not even the Federal Reserve. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SANDLIN. Mr. Chairman, I yield 20 minutes to the gentleman from Oklahoma [Mr. HOWARD].

The CHAIRMAN. The gentleman from Oklahoma is recognized for 20 minutes.

Mr. HOWARD of Oklahoma. Mr. Chairman and members of the committee, during the Seventieth Congress I have been a member of one of the most important committees of this House—the Committee on Indian Affairs. That committee has about finished its work for this Congress, and I want to say that through a 6-year membership in the House and through many years of observation and study of the Indian question, I think the record of that committee during this Congress equals, if not excels, the work of the Committee on Indian Affairs of the House in any Congress concerning which I have had information.

During this Congress I have represented in the House as many Indians, if not more Indian people, than any other Member of the Congress. In the district which I represent there live Cherokees, Osages, Pawnees, Quapaws, Creeks, Senecas, Wyandottes, Delawares, Shawnees, and others in smaller number representing other tribes. I have lived among the American Indians in Oklahoma for the last 40 years. I have been their neighbor. I have tried to be their friend.

But, Members of the House, there is throughout the land too great a misunderstanding as to the American Indian. To many people, when a question of Indian legislation or Indian interest is under consideration, the Indian as they see him is a human being sitting in a tepee somewhere, smoking a pipe and waiting for rations and a per capita payment.

As to the Indians of Oklahoma, let me say to the House and to the people that that is entirely a wrong impression. In every case where they have had proper opportunity they have made good. The Indians of Oklahoma have been and are amongst our very best citizens.

They are not as a whole a people who are sitting around waiting for per capita payments or who are looking for annuities from the Government. They have played an important part in building up the great State of Oklahoma, occupying positions in the judiciary, positions in the State government, and making themselves felt in the Halls of Congress, on this side of the Capitol through Mr. CARTER and Mr. HASTINGS, and over in the Senate through Senator Owen. But with all that, Mr. Chairman, there has been, to my mind, one neglect of the Indian, to which I am going to call attention.

Before doing so, however, I want to refer again to my remarks about the great work that was done in this Congress by the

Committee on Indian Affairs. We have, in the legislation which has been given study and which has been presented to this House, provided additional and necessary means, so far as the limits would permit, of taking care of the education of the Indian. We have provided for greater care of his health and we have undertaken, where necessary, to throw more provisions around the protection of his property. All of these things the Congress should be commended for. But, Mr. Chairman and gentlemen of the committee, in the last few months there has been given much study to the Indian question throughout the country, and it has been discovered that while we have done all these things for the Indian we have overlooked one thing necessary for the emancipation and for the betterment of the American Indian, and that thing is this: That while we have been taking care of his health, while we have been taking care of his education, and while we have been protecting his property we have not taken steps, either through the action of Congress or the Bureau of Indian Affairs, to find employment for the unemployed Indian of America and thus help him through his own labor and efforts to better his condition and make himself self-sustaining. So with that idea in mind I am to-day introducing a bill providing that there shall be immediately instituted in the Bureau of Indian Affairs a system, particularly applied to that bureau, for seeking and finding employment for the Indian and placing the Indian wards of the Government in employment, where they will not only be benefited by the remuneration received from that employment but by the conditions that come about from being placed in touch, so to speak, with the outer world. In that connection I want to ask the Clerk, if I may have the permission, to read in my time an editorial appearing in the Washington Post of this date.

The CHAIRMAN. Without objection, the Clerk will read the editorial.

There was no objection.

The Clerk read as follows:

LET THE INDIANS WORK

If there is any one thing that the American heart would rather do than another, it seems that thing is to bleed because of the plight of the red man. Now and again some accuser appears to point the finger of condemnation at the Government because some one has been told out West that weevils were found in the flour at an Indian agency, or that some son of a proud chieftain has been required to hoe potatoes on an Indian boarding school farm for two whole hours right out in the sun. The self-appointed guardians of the Indians hasten to seize their snickersnees and battle to avenge these outrages.

But occasionally one appears to speak of the Indian in terms of practical common sense. In Sunday's Post appeared an article by William Atherton Du Puy, in which, as an Indian commentator, he seems to have spoken quite out of character. He introduces an idea heretofore quite foreign to the Indian idyl. He suggests that the red man go to work.

It has been shown, it seems, that the mass of Indians are tragically poor. They live in hovels on isolated reservations, are insufficiently nourished, and, consequently, unable to resist disease. Health conditions are bad, and the death rate is high. The reformers blame the Government. They cry for more doctors and more hospitals. They quite miss the fundamentals of the case, according to Mr. Du Puy. They do not seem to appreciate the fact that the Indian's plight is caused by poverty, and that the only permanent remedy lies in alleviating the poverty. The way to banish poverty in the case of the Indian is exactly the same as in the case of the white man, the Chinaman, or the Negro. It is to give him work to do at which he can earn a competence.

The Indian on the reservation is idle. His old manner of life is gone, and few reservations offer him an opportunity to earn a living. It is out in a workaday world which cries for skilled and unskilled labor that opportunity lies. It is in working that any individual has his best opportunity. There is a job for every Indian in America. If Indian emotionalists would concentrate on establishing these wards of the Government as wage earners, they would right most of the Indians' wrongs and solve the Indian problem.

Mr. HOWARD of Oklahoma. Mr. Chairman and gentlemen of the committee, I want to commend for your study the article by Mr. Du Puy referred to, and, in addition to that, I want to say that I agree with the editorial just read. Of course, I do not admit, and it is not true, that the Indian will not work if he has an opportunity. The Indian, so far as working is concerned, is an individual who is awaiting the opportunity to work. But what is the condition, Mr. Chairman and gentlemen of the committee, as to that? His former environments and his former treatment by the Government in issuing rations and per capita payments have so placed him that, unlike others, he has not been accustomed to seeking employment. He is timid in approaching employers; and while he is anxious to work, he needs the helping hand that my bill provides for him in order that he may secure employment.

Now, what is the further situation? In the district I represent we have two Indian schools. These schools are maintained by the Government, and may I say here that none of the charges that have been heralded over the country relative to the treatment of the Indians in Indian schools are true, so far as those schools are concerned.

Mr. HUDSON. Will the gentleman yield?

Mr. HOWARD of Oklahoma. Yes.

Mr. HUDSON. And that statement is practically true of the Indian schools the country over, is it not?

Mr. HOWARD of Oklahoma. So far as my knowledge goes. But what are we doing? Go to these schools and you will find bright-faced boys and girls who have been brought out of their homes by the Government for the purpose of training and educating them. The girls are trained in domestic science work and other lines, and the boys are trained in some of the trades, in farming, dairying, and other things of that kind. When they reach a certain age, what happens? They go out of school; they have that timidity which does not permit them to approach employers in order to secure work, so that many of them go back to the places from whence they came, with their education and their training being of little benefit to them.

Now, what do I propose in this bill? I propose that we make an appropriation of $25,000 and that it be spent in Oklahoma, where the Indian is in a position that he can be handled in this way, that we use this money for the purpose of hiring experienced persons to go amongst the employers and seek employment for these Indian wards. As illustrative, the railroads employ many men in lines of work that these Indians could do, no doubt, were their attention called to the situation. Many of them could be placed on railroad and other public work, taking the place of Mexicans now imported into this country for that purpose. In addition, it is highly probable that many places could be found for them, both boys and girls, upon the farms, where they could be further trained and beneficial to their employers. Many of the girls come out of the schools partially equipped for rendering valuable service, not only in the home but in industry, and would prove valuable employees if only given an opportunity. No doubt there are many employers in Oklahoma and elsewhere who would give these people a chance were their attention only called to it by some one vested with the power to bring the employer and employee together. This system has worked to mutual benefit and to the benefit of all through Government and State employment agencies now being maintained. Of course, it may be argued that these people could benefit by the agencies already established. This they might do to some extent, but under conditions that exist it is my opinion that a separate and distinct agency, looking only after the interest of these Indians, would be more beneficial and is necessary.

Mr. O'CONNELL. Will the gentleman yield?

Mr. HOWARD of Oklahoma. Yes.

Mr. O'CONNELL. About how many Indian boys and girls would be served by this legislation?

Mr. HOWARD of Oklahoma. Well, there are in Oklahoma about 13,000 restricted Indians. The Indian families are about the average, so that the gentleman can figure that himself. In the school at Wyandotte there are 256 boys and girls at this time, and in the school at Pawnee, in my district, there are about 157 on the roll.

Mr. GARBER. Will the gentleman yield?

Mr. HOWARD of Oklahoma. Yes.

Mr. GARBER. The gentleman's bill, as I understand it, would afford the follow up of assistance that is essential in permitting them to get into the life current of actual business?

Mr. HOWARD of Oklahoma. Yes. If I may answer the gentleman, I would do with them just exactly as Oklahoma does with her orphan-home children, where we have agents continually finding homes and employment for those children as they are discharged from the homes.

Mr. GARBER. The gentleman is perfectly right in that position.

Mr. HUDSON. Will the gentleman yield?

Mr. HOWARD of Oklahoma. Yes.

Mr. HUDSON. The gentleman knows my sympathy with the Indians. I am wondering if there has been any percentage, be the percentage small or large, that have gone out from these schools into homes or into business, or have they had any opportunity at all in that regard.

Mr. HOWARD of Oklahoma. I may say to the gentleman that if there has been one I do not know of it. But let me say further to the gentleman——

Mr. HUDSON. Let me follow that practical question with another question. If that is true, how will the overhead supervision filter them out into the various walks of life?

Mr. HOWARD of Oklahoma. By finding places for them; by going to the homes, going to the farmers, going to the employers of labor, and pointing out they are in need of employment and asking them to give them a try out.

Mr. GARBER. Just like the employment agencies throughout the country do for the white people?

Mr. HOWARD of Oklahoma. Yes; and supervise it so as to keep in touch with the Indians. I may say to the gentleman from Michigan [Mr. HUDSON] that the main trouble the Indian has in seeking employment is that he has not been in the habit of doing that and is handicapped by not knowing where to seek employment and in the lack of knowledge as to the proper way in which to present his case to an employer.

Let me say further there are hundreds of Indians in Oklahoma who, when necessity has forced them, have gone out to work and when they did work have made good and faithful employees. I think a step of this kind, which would put them in the workaday world and connect them with commerce and trade, is a greater step than any we have ever taken through issuing them rations or per capita payments.

Mr. HUDSON. Will the gentleman yield further?

Mr. HOWARD of Oklahoma. Yes.

Mr. HUDSON. I apprehend there is much merit in what the gentleman is presenting, for with respect to the Indian school at Mount Pleasant, I know it is true that the boys and girls come there and get the technique of domestic science and other similar work and the technique of mechanics, but invariably they go back without making any contribution and without filtering themselves into the life of the community. If this plan of the gentleman can succeed, it will be a great forward step in the handling of the Indian problem.

Mr. HOWARD of Oklahoma. May I say to the gentleman that what he says is also true of orphan homes or other institutions of that kind, where the children are educated within the home. They do not mingle with the outside world and too often, when they are turned out, a lack of knowledge of the world makes them failures in the world.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. SANDLIN. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. HOWARD of Oklahoma. Mr. Chairman and gentlemen of the committee, in addition to the argument I have tried to make relative to the necessity of finding employment for these Indians, I want to call attention to some excerpts relative to the question in a recent report made by the American Institute for Government Research. In commenting on the necessity of finding employment for the Indian wards of the Government the report said:

> A specialist in vocational guidance and placement to aid Indians to find employment in white communities is very necessary and is recommended.

Then, in addition to that, and in commenting on it further, they said:

> The Indian Service must seek to find suitable employment off the reservation for Indians who have no real chance there or who desire to seek other employment. In some instances, as in the Navajo country, the situation can be met in part by securing them more land; but, in general, the solution lies in an intelligent employment service. In developing an employment service the Indian Office will have to supply the motive force and the directing brains and in some jurisdictions full-time employment workers, but much can be achieved through establishment of cooperative relationships with existing labor-placing organizations. Fortunately—and I want to impress this upon you—the evidence tends to show that the Indians make good workers in industrial pursuits. Their main difficulty lies in making the initial contacts and in pressing for recognition and advancement.

Then, further commenting, it says:

> The Indian Service must attempt to place the Indians who leave school and help them to become established in productive enterprises, either on the reservation or in white communities. It must be prepared to enter in cooperative arrangements with employers, so that boys and girls shall have opportunity to gain experience in commercial employment while still having some official connection with the school.

Mr. Chairman and gentlemen of the committee, it is to carry out these recommendations that I have introduced in the Congress a bill authorizing an appropriation of $25,000 for the coming fiscal year to carry on this experiment, and if it is a good thing, make it permanent, extending its operations to all Indian wards of the Government.

The necessity exists. It is recommended by everyone who has given study to the question, and I press and urge, in the name of our duty to the American Indian as his guardian, that legislation which I have introduced and am asking for be given the right of way and the Indians be given that consideration, the need of which I have pointed out, to which he is entitled and which is necessary. [Applause.]

Mr. WELSH of Pennsylvania. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. HUDSON].

Mr. HUDSON. Mr. Chairman and gentlemen of the committee, I have asked this time this afternoon to discuss for a little while what is known as the Dale retirement bill, or Senate 1727.

This bill was reported out of the Committee on the Civil Service to the House on May 10, 1928. It received a unanimous report from that committee. On May 23, 1928, the Rules Committee reported out a rule for its consideration, and I understand that report was unanimous.

That was May 23, 1928, not quite a year ago, and yet that rule is still in suspension before this Congress. The other day we considered and passed a bill known as the Norbeck game refuge bill, a bill that provided for the expenditure of $75,000, then $200,000, then $600,000, and the fourth year $1,000,000, and the fifth year $1,000,000. I was in favor of that legislation. There evidently was a great demand for it all over the country. It was to provide a refuge for the birds of this country.

This Senate bill is a refuge bill for human kind, and while perhaps we are not flooded with letters of men and women, men who write "While I very seldom shoot, although I own a gun, I am for the bill," it is not forced to our attention by sportsmen all over the country and by women organizations and by clubs, yet it is brought to our attention by those who have been confronted with this the urgent need of legislation by hundreds and thousands of men and women who have served their lifetime as servants of this great people. They are out now in the eventide of their life upon the bare hills of necessity.

This is a measure not for a game refuge that will provide better hunting for men of leisure, a bill to propagate song birds, but one which will preserve in the hearts of women and men their songs in their late life.

Mr. O'CONNELL. Will the gentleman yield?

Mr. HUDSON. I yield.

Mr. O'CONNELL. Is it true that this legislation is refused action by the House because of a protest of the Director of the Budget and the President of the United States?

Mr. HUDSON. I can not say as to that; I have not heard any such report.

Mr. GARNER of Texas. Then how does the gentleman account for the fact that although this is a unanimous report from the committee, and a unanimous report from the Rules Committee, that the rule has been held up since last May? Who held it up?

Mr. HUDSON. I would like to turn about and ask the gentleman that question.

Mr. GARNER of Texas. My understanding is that the President of the United States is holding up this bill. The gentleman says he has heard no such report?

Mr. HUDSON. Let me answer the question. I do not believe it is true.

Mr. GARNER of Texas. And again I ask the gentleman, who is holding it up?

Mr. HUDSON. I do not know that there is anybody holding it up.

Mr. O'CONNELL. Perhaps the chairman of the Rules Committee could tell the gentleman.

Mr. HUDSON. I want before touching that matter, to discuss the legislation. Is it a matter of gratuity? Are we looking upon it in the same attitude of mind that we might look upon legislation that my colleague from Oklahoma just addressed you about, or my colleague from Minnesota [Mr. KNUTSON] who might come in and ask for a gratuity for certain groups of Indians? The bill before us, the bill that the Rules Committee reported out, is a matter of justice to the employees of the Federal Government in the years that are past and the years that are to come.

I want to say to my colleagues this afternoon that when the retirement legislation was enacted it was not as a gratuity to the employees, but as a matter of economy, efficiency, and a money-saving measure to the American Government. I do not think any one of us will question that.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. HUDSON. Just a moment. If that is true, I ask my colleagues on this side of the House why we can not have a right to vote upon the question before us. I am not within the inner circle of the steering committee. I follow them because I believe in their judgment and wisdom, but I believe the time has come—while there may have been some reason for withholding action on the rule up to this time, I believe the time has come when that action is no longer justifiable and we ought to have the rule brought before us and the legislation taken under consideration. [Applause.]

I thought that would meet with applause on that side. I am not trying to convert you; I am trying to convert this side. [Laughter.]

Mr. WOODRUFF. Will the gentleman yield?

Mr. HUDSON. I yield.

Mr. WOODRUFF. I think every member of the Rules Committee is enthusiastically for the bill. I wonder if my colleague is confident that if the House and the Senate unanimously passed this bill it would become a law?

Mr. HUDSON. I feel it would.

Mr. WOODRUFF. The gentleman does not feel very certain about that, does he?

Mr. HUDSON. I have no reason to feel otherwise.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. HUDSON. Yes; if it will help any to pass this proposition.

Mr. BLANTON. Is it not a fact that when the Rules Committee votes a rule out, it is the duty of the chairman of that committee to bring that rule on the floor in a reasonable time? Is not that a fact under the rules of the House?

Mr. HUDSON. I am not going to say what the duties of the chairman of the Rules Committee are.

Mr. BLANTON. We have the chairman of the Rules Committee now in a place where he can not talk.

Mr. HUDSON. He is a gentleman of wisdom and of skill and of diplomacy. I apprehend that he will bring the rule out when he feels it is time to do it.

Mr. BLANTON. Why not answer the question. Is it not his duty to bring that rule out within a reasonable time?

Mr. WOODRUFF. It certainly is not his duty to bring it out on the floor if he feels that by so doing he will defeat the purpose of the bill.

Mr. BLANTON. The gentleman will remember what Phil. Campbell did when he pocketed several rules. The gentleman will remember what the Kansas Republicans did to him at the next election.

Mr. WOODRUFF. Yes; and I do not deny but that the Kansas Republicans were justified in their action, but, on the other hand, I will say to my friend from Texas, that the reason for withholding that resolution, in my opinion, is not the reason for not reporting the rule under consideration.

Mr. GARNER of Texas. Mr. Chairman, will the gentleman yield?

Mr. HUDSON. Certainly.

Mr. GARNER of Texas. Let me ask the gentleman from Michigan [Mr. WOODRUFF] what is the reason?

Mr. WOODRUFF. I can give only my personal opinion.

Mr. GARNER of Texas. And what is that?

Mr. WOODRUFF. I imagine that I agree with my friend from Texas on that, that there is some question in the minds of those interested in this legislation as to whether or not it would meet with the approval of the gentleman at the other end of Pennsylvania Avenue.

Mr. GARNER of Texas. Then, after the Congress has had a unanimous report from one committee and a unanimous report from the Committee on Rules, and word is then sent from the other end of the Avenue that the gentleman there will not approve it, Congress must refrain from going further with the legislation? Is that the policy that is to obtain, so far as the other end of the Avenue is concerned?

Mr. HUDSON. I would not think that that would be the policy, but if it were it would appear to be a wise policy.

Mr. BLANTON. Oh, we have been known to pass bills over vetoes.

Mr. GARNER of Texas. And that is the reason the gentleman does not get anywhere, because he acquiesces in whatever is done by the leaders of his party, whether they be right or wrong.

Mr. HUDSON. The country seems to think that we have gone along wisely, and they have intrusted the reins of government to our party for another eight years. I can not yield any further.

I apprehend, Mr. Chairman and members of the committee, that the Committee on Rules and the steering committee have acted wisely up to this time, with the great pressure of legislation upon the committee, with the view of the whole legislative program before it, which no one individual Member has.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. HUDSON. In just a moment. They act within wisdom as to the time when legislation, no matter how meritorious, shall be brought before the House. I am not criticizing the Rules Committee nor the steering committee of this House for not having brought the legislation before us up to this time. I do not want to be placed in that attitude. I am here this afternoon to study the merits of the question, and I say that I believe now the time has come when we ought to have a chance to consider the legislation. I yield to the gentleman from Wisconsin.

Mr. SCHAFER. The gentleman indicated that the House should follow the Chief Executive. Why not advocate the abolition of Congress and save the people a good many hundreds of thousands of dollars, if Congress is to be only a rubber stamp for the man at the other end of the Avenue?

Mr. HUDSON. If Congress can save the people any more millions of dollars than the titular head of the party has saved them, it will do a good job.

Mr. BOYLAN. Mr. Chairman, will the gentleman yield?

Mr. HUDSON. Yes.

Mr. BOYLAN. I am in sympathy with the gentleman's attitude, but I would like to use my sympathy in a more practical way. I ask the gentleman to suggest a plan whereby we can get this legislation before the House. If he will, we will be happy to cooperate with him over here.

Mr. HUDSON. I am sure the gentleman from New York knows a plan whereby it can be gotten before the House as well as does the gentleman from Michigan.

Mr. BOYLAN. But I yield to the gentleman from Michigan on account of seniority of service and greater experience, and I am willing to follow him.

Mr. HUDSON. And the gentleman may have an opportunity possibly to do that. I hope he will, when the vote is cast, anyway, and I am sure he will.

I want to discuss for a moment just what this means. We are thinking about a drain upon the Treasury of the United States in this, but as I said a moment ago, this legislation is a matter of justice. We entered into this agreement providing for retirement at a certain age, because we said that we might save on the expenditure of the Government.

And if that is true, then we have all the more obligation to see that the retirement amount at the time of retirement is not starvation alms.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WELSH of Pennsylvania. I yield the gentleman five additional minutes.

Mr. HUDSON. This retirement proposition is very clear to anyone who will study it for a few minutes and pay no attention to statements which cloud the issue and have no basis in fact.

In January, 1925, the Government actuary, Mr. McCoy, in quoting from the report of the board of actuaries made this statement:

> The total salaries of those retired was $15,825,000. The total expenditures for new employees, promotions, and annuities was $14,945,000, which would leave a saving to the Government of $880,000, even if they had paid the entire cost of the retirement.

Now, bear in mind that during this year the employees contributed $17,000,000 and you can see the tremendous profit to the Government.

This ratio still holds good.

The so-called increase of 1926 was borne entirely by the employees.

We thought we did a very good thing. We patted ourselves on the back and said, "We have increased the retirement sum," and then turned around and said, "You come across with an additional 1 per cent deduction from your salary," and the people in the employ of the departments of the Government paid the increase and not the Government.

Mr. O'CONNELL. The gentleman states the exact fact.

Mr. HUDSON. The increase from 2½ to 3½ per cent in the deductions from the salaries of the employees not only paid the entire cost of the so-called "liberalization" but reduced the Government's liability by some $29,000 a year.

The real facts are that the longer this retirement legislation is held up the more money the Government loses.

I want to insert here a statement of various municipal retirement laws:

In the following comparison it will be noted that the systems are all contributory, except that of Detroit, Mich., which is noncontributory. Five out of the eight cities listed have voluntary retirement at age 60, two at age 55, and one with no stipulated age requirement.

Pittsburgh, Pa., has voluntary retirement at age 60, with 20 years' service requirement.

The maximum annuity is $1,200, and the contribution of the employee is 2½ per cent of his salary, or a maximum of $6 a month.

In Boston there is compulsory retirement at age 70, with voluntary at age 60, with no stipulated service requirement. The maximum annuity, after 15 years' service, is one-half of the average salary received during the last five years. The minimum annuity after 15 years' service is $480.

The employee's contribution is 4 per cent of salary.

Baltimore, Md., has a system similar to that of Boston.

San Francisco has voluntary retirement at ages 60 and 62, with 30 years and 10 years' service, respectively.

The minimum annuity is $450.

The employee's contribution, based on age and sex, varies from 2.87 per cent of salary to a little over 6 per cent.

In Chicago the retirement age is 55, with at least 10 years' service.

The maximum annuity is $1,800.

The employee contributes 3.25 per cent of salary.

In Philadelphia the voluntary retirement age is 60, with 20 years' service requirement.

The maximum annuity is $1,200.

The employee's contribution is 4 per cent, with maximum of $4 a month.

New York City's new retirement law, enacted April 7, 1928, allows voluntary retirement at age 55 years; there is compulsory retirement at age 70.

The employee contributes from 3 to 8 per cent, according to group, age, and sex. The service requirement is 20 years.

Detroit, Mich., has a system which is noncontributory. The city pays the entire expense. There is a service requirement of 25 years, with no stipulated age. However, if an employee has reached the age of 70 years he may retire, provided he has had 15 years' service.

The maximum annuity is $900.

There is no contribution by employee.

I bring to your attention also the retirement systems of a few out of the many private banking and industrial concerns who have adequate retirement systems.

Bankers Trust Co., of New York, have voluntary retirement at age 60 after 15 years' service. The maximum annuity is $5,000. Employee's contribution is 3 per cent of salary.

The First National Bank, of New York, has a similar system, the employees contributing 5 per cent of their salaries.

Speyer & Co., New York, allow voluntary retirement at age 60 with a service requirement of 25 years. The annuity is 75 per cent of salary for the past 10 years and the contribution of the employee is 2 and 3 per cent.

The Guaranty Trust Co. has a voluntary retirement at age of 65 after 15 years' service; or no age after 45 years' service. The maximum annuity is $5,000. The contribution of the employee is from 2 per cent to 35/50 of average pay the last three years.

The Prudential Life Insurance Co. allows retirement at age 65 after 25 years' service. The annuity is $150 a month, and the employee contributes 1 per cent of his average pay for the last 10 years.

Morris & Co. allow voluntary retirement at age 55 after 15 years' service. The annuity is 2½ per cent of final salary, the contribution of employees being 3 per cent of salary received.

The Union Trust Co., New York, has voluntary retirement at age 65 after 20 years' service. The maximum annuity is $5,000, the employee's contribution being 1 per cent of average salary for five consecutive years of highest pay.

The First National Bank of Chicago allows optional retirement at age 60 after 15 years' service, the employee's contribution being 3 per cent of salary. The annuity is 33/50 of salary.

Fairbanks, Morse & Co. have voluntary retirement at age 60 with 20 years' service requirement. There is a maximum annuity of $4,000. Employee contributes 3 per cent of salary.

Hibbard, Spencer, Bartlett & Co. allow retirement at age 65 after 15 years' service, with a maximum annuity of $1,500. The employee contributes 3 per cent of salary.

The American Telephone & Telegraph Co. have voluntary retirement at ages 60 and 55 with 30 and 25 years of service required. The minimum annuity is $360. There is no contribution by employees.

The Western Electric Co. has a similar system.

The Consolidated Gas Co., New York, allows retirement at age 50 or over after 25 years' service, and the annuity is from 20 to 60 per cent of salary. There is no contribution by employees.

The Niagara Falls Light & Power Co. has voluntary retirement at age 65, with 10 years' service. The annuity is $1,000. There is no contribution by the employees.

The Southern California Edison Co. allows retirement at age 60, with 20 years' service. The minimum annuity is $300. There is no contribution by the employees.

Butler Bros. have retirement age of 60 after 20 years' service, with maximum annuity of $1,000. The employee does not contribute.

The Commonwealth Edison Co. retires at ages 55, 60, and 65, with 30, 15, and 5 years' service requirements, respectively. The maximum annuity is $5,000. There is no contribution by the employee.

The United Cigar Stores retire at age 60 after 25 years' service. Maximum annuity is $200 a month. The employee does not contribute.

The Otis Elevator Co. retires at age 60, with 20 years' service, with a maximum annuity of $125 a month. The American Smelting & Refining Co. has a similar system, with maximum annuity of $3,000.

Swift & Co., the Western Union Telegraph Co., Procter & Gamble all retire at age 60, with 25 years' service, 20 years, and no stipulated service requirement, respectively. Procter & Gamble's maximum annuity is $1,800. There is no contribution by employee.

The Westinghouse Airbrake Co. have voluntary retirement at age 65, with no stipulated service requirement. The maximum annuity is $100 a month. The employee does not contribute.

The Equitable Life Insurance Co. retires at age 65, with 10 years' service. The maximum annuity is $3,600.

The Cleveland Cliffs Iron Co. allow retirement at age 60, with 25 years' service. The annuity is $1,200. Employees contribute 1 per cent of salary received for the last 10 years.

The Wilson Packing Co. has a retirement age of 55 after 20 years' service. The maximum annuity is $5,000, and the employees contribute 2 per cent of salary.

The Crabe Co. allows voluntary retirements at age 60 after 20 years' service. The maximum annuity is $125 a month. Employees contribute 2 per cent of salary received for last five years.

The Murphy Varnish Co. has voluntary retirement at age 60 after 20 years' service. The maximum annuity is $2,400, and the employee contributes 2 per cent of average salary for last 10 years.

The total amount of money contributed, plus earned interest, by the civil-service employees to the retirement fund from the date the law became effective to June 30, 1928, was $155,099,256.96.

The total disbursements from the retirement fund on account of annuities and refunds from the date the law became effective until June 30, 1928, was $73,032,110.76.

Up to July 1, 1928, all disbursements from the retirement fund were from the moneys contributed by the employees.

For the present fiscal year ending June 30, 1929, the employees will contribute $25,932,000, and the earned interest on the fund for the present fiscal year will be $4,042,670, or a total contribution on the part of the employees of $29,974,670.

The United States Government has contributed to the fund in the present fiscal year $19,950,000, so the total receipts for the present fiscal year will be $49,924,670.

The estimated disbursements from that fund for the present fiscal year will be $17,996,000.

The net gain in the retirement fund during the present fiscal year would therefore be $31,928,670.

The total actual cash reserve on June 30, 1929, would be $113,995,816.20.

I want to come back to the fact that the time is rapidly slipping away. Three weeks left and there are hundreds of thousands of these men and women who have served and served faithfully and to whom you say, "Step aside," and they are trying to live on less than an average of $700 a year. You pay house rent, pay taxes upon a little home, if you should be so fortunate enough to get one, and buy bread and clothes, why there is nothing left. What does it mean if we pass this? It means but a small amount added to the cost, probably figuring up to a million dollars or a little more. If we can vote away two or three millions dollars to buy cut-over lands for the benefit of conservation we can afford to expend a million dollars for the conservation of human life. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HUDSON. I will ask for two minutes.

Mr. WELSH of Pennsylvania. I yield the gentleman two additional minutes.

Mr. SNELL. Will the gentleman yield?

Mr. HUDSON. I will.

Mr. SNELL. Do I understand the gentleman to say it will only cost an average of $1,000,000 on the part of the Government if we pass the retirement bill?

Mr. HUDSON. Probably a little over a million dollars if we make the step-up $100.

Mr. SNELL. The present bill step-up is $200.

Mr. HUDSON. The average in yearly pay is slightly more than $700, and the legislation provided would not bring an increase of $100.

Mr. SNELL. The gentleman does not agree with the statement put out by his own committee that it would cost probably $10,000,000 a year?

Mr. HUDSON. No; I would not agree to that. The fact of the matter is that——

Mr. SNELL. I am discussing the facts put out by the gentleman's committee.

Mr. HUDSON. No; I am not on the Civil Service Committee now. The facts are with the present interest if the Government had begun to pay its share of cost of the retirement proposition at the beginning the interest on the fund would pay all the expense of the annuity.

Mr. SNELL. We have to pay the interest some day.

Mr. HUDSON. You have a balance at 30 years.

Mr. SNELL. Does not the gentleman believe we should get the information as to the retirement fund out of the actuaries of the insurance companies? Where are we to go unless we take those statements?

Mr. HUDSON. It has been proven over and over again that the estimates brought by the actuaries before the committee were so far above actual expenditures that they were not worthy of whole-hearted consideration.

Mr. SNELL. I am glad to know that that has been proved.

Mr. HUDSON. That has been proved by the figures given.

Mr. SNELL. But I did not know of any place where I could get information from others as to where they have got the information. It seems to me your committee ought to have done it. Your statement does not harmonize with the statement made to the public by the committee.

Mr. HUDSON. I do not want to take the time to read those figures, but the fact of the matter is——

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HUDSON. Just one minute more to answer the question of the gentleman from New York.

Mr. WELSH of Pennsylvania. I yield to the gentleman one minute more.

Mr. HUDSON. The actuaries made the estimate, for instance, that it would take $4,178,500 of expenditures for the first year. As a matter of fact it cost $2,000,000. If you take that as a basis there is not much reliability as to how their estimates work out. In order to answer questions that might have been asked by the Committee of the Whole, I have placed the discussion in the form of questions and answers, and will insert them in connection with my remarks. They are as follows:

Q. What is the accrued liability which the actuaries mention in their estimates as a Government cost?—A. It is the amount drawn from the fund by the retired employees who have not had an opportunity to pay into the fund for 30 years.

Q. Then it is a constantly decreasing liability?—A. Yes.

Q. What is the amount at present?—A. 3.7 per cent.

Q. How long will this continue?—A. Until the law has been in effect 30 years.

Q. Is there an offset for this?—A. Yes; the Efficiency Bureau estimates the saving to the Government through increased efficiency of about 6 per cent.

Q. Then this is a money-saving investment for the Government?—A. Yes.

Q. What will be the cost to the Government after the accrued liability is disposed of?—A. 1.18 per cent.

Q. And the cost to the employees?—A. 3.5 per cent.

Q. Will the saving of 5 or 6 per cent because of increased efficiency continue?—A. Yes.

Q. Then for an investment of 1.18 per cent the Government saves 5 or 6 per cent?—A. Yes.

Q. Do you believe it will ever cost the Government 1.18 per cent?—A. No; because more than one-half of all employees ask for extensions, and that practically eliminates the Government cost.

Q. Do you really believe the Government will really save money in passing this bill?—A. I do.

Q. What will be the total cost at the present time?—A. The Pension Office, which administers the fund, estimates it would raise the average annuity from $733, at present, to slightly more than $800. Even estimating a $100 increase, the cost would not be large. There are 15,000 now on the retired list, and a $100 increase would mean a total cost of $1,500,000.

Q. Out of the fund?—A. Yes.

Q. The Government about one-fourth and the employees three-fourths?—A. Approximately.

Q. Since the retirement has been in operation since May 22, 1920, has there been any information compiled by any bureau of the Government as to the benefits derived on account of the retirement law?—A. Yes. The Civil Service Commission made a report on this in August, 1922, which bears testimony from heads of substantially all departments of the service. This testimony shows a very big improvement in the service.

Q. How many employees come under the retirement law?—A. About 400,000.

Q. If this bill becomes law, would it be necessary to make an extra appropriation at this time?—A. No. There was no appropriation made for seven years after the present law went into effect. At that time there was in the retirement fund many times the amount estimated by the actuaries. I believe enough is being appropriated at the present time to more than take care of this bill. Of course, we need a bill which is what many are fond of referring to as "actuarily sound." We also need sound actuaries.

Q. How much is there in the retirement fund now?—A. More than $100,000,000.

Q. How much do the contributions of the employees amount to annually?—A. More than $28,000,000—contributions and interest.

I want now to make this final appeal. If it is worth while for this great Government to go out and build 15 more cruisers for peace, it is worth while to go out and spend $2,000,000, or even $5,000,000, in order that there may be peace in the hearts and lives of these women and men whom we have separated from their employment. [Applause.]

Mr. WELSH of Pennsylvania. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no quorum present. The gentleman from New York [Mr. SIROVICH] was promised to be recognized.

The CHAIRMAN. The gentleman from Texas makes the point of no quorum.

Mr. BLANTON. Mr. Chairman, now that other Members have come in, I will withdraw my point of order.

The CHAIRMAN (Mr. SNELL). The gentleman from New York is recognized for 10 minutes.

Mr. LAGUARDIA. Mr. Chairman and members of the committee, at times it becomes necessary for a Member of the House to invoke the machinery provided in the rules of the House to ascertain whether or not a judge of the Federal court has been guilty of crimes and misdemeanors to warrant his impeachment. We have a situation in the southern district of New York so bad that it has shocked both the bench and the bar; so bad that it is reflecting on the integrity of that court; and unless we have an investigation either to ascertain the truth of these charges or otherwise, the people of that district will lose confidence in that court.

With the permission of the House I will read the resolution which I am now introducing:

House Resolution 320

Whereas it appears that there have been grave irregularities in connection with the administration of justice by Francis A. Winslow, a Federal judge in and for the southern district of New York; and

Whereas there have recently appeared in the public press news articles showing the repeated appointments and favors received by one Marcus Helfand, an attorney in New York City, and that an intimate friendship has grown up between the said Judge Francis A. Winslow and the said Marcus Helfand, and that the said judge has been the willing recipient of favors, tokens, and other considerations from the said Helfand; and

Whereas many members of the bar in New York claim that in order to receive favorable action in cases they have before said Judge Winslow they must retain said Marcus Helfand as coattorney or special counsel because of his influence with said Judge Winslow, pointing to the almost unbroken line of favorable rulings and decisions he has obtained, all of which have given rise to the general rumor and impression among members of the bar and the public of unjudicial, unfair, and improper conduct on the part of the said Judge Winslow; and

Whereas the said Judge Winslow has made repeated appointments of a small group of men to receiverships and special masters, which group in turn appoints to other positions persons closely associated with said Judge Winslow either by ties of marriage, previous business relationship, or personal favor, constituting said group into a ring which, through its commonly known connections and influence with said Judge Winslow has harassed legitimate business and has depleted with excessive expenses and fees, all approved by said Judge Winslow, bankrupt estates, thereby preventing legitimate creditors from obtaining their just distributive share of the estate, all of which seems to be known among the members of the bar and the public in said southern district of New York; and

Whereas included in this ring is one David Steinhardt, indicted for shortage in his accounts as receiver and for larceny and who is now a fugitive from justice, who was repeatedly appointed by the said Francis A. Winslow as receiver, notwithstanding that he had not properly accounted in many estates previously intrusted to him by the said Judge Winslow; and

Whereas in many bankruptcy proceedings the said Judge Francis A. Winslow was improperly influenced by the said Marcus Helfand and other members of his favored group and ruled improperly by reason of such influence to the detriment of creditors and the proper administration of justice; and——

Mr. BANKHEAD. Mr. Chairman, may I interrupt the gentleman right there?

Mr. LAGUARDIA. I would rather finish reading this first.

Mr. BANKHEAD. Is the gentleman now offering this as formal charges of impeachment?

Mr. LAGUARDIA. No. That is why I asked leave to read it.

Mr. BANKHEAD. I just wanted to ascertain the gentleman's attitude. He said he was now offering articles of impeachment. I do not think that can be done in Committee of the Whole.

Mr. LAGUARDIA. I am reading my resolution calling for an investigation, for the information of the House. My resolution continues:

Whereas there has been severe criticism of the conduct of said Judge Winslow upon the bench, this criticism including the harassing of attorneys, the intimidation of witnesses, the conduct of a case in such a manner as to prejudice a jury in favor of one of the parties, the refusal to permit the stenographer to make a complete record of the case, and of altering the record after the stenographer has made a transcript, all of which tending to the miscarriage of justice and conduct reprehensible in a judicial officer; and

Whereas there has been frequent criticism of the manner in which said Judge Winslow has handled cases affecting large corporations, especially his action in the Interborough Rapid Transit 7-cent fare case, when he signed an order restraining the State courts from considering this matter, the order being signed at his home in another city than that in which the court for the southern district of New York was located or the city where the actions were to be heard, without an opportunity of familiarizing himself with all of the facts in the case and before he could have had an opportunity to ascertain the merits of the application for the said order and being signed at night only a few hours before the State court was to hear argument, and being signed after the district judge before whom the matter properly came had refused to consider the application for an injunction; and

Whereas prompted by improper motives and considerations, among which was the sudden appearance as special counsel of the aforesaid Marcus Helfand after the completion of the trial and solely for the purpose of obtaining special consideration and favor, the said Judge Winslow imposed an unusually light sentence of 30 days in the city jail on one Walter Gutterson, convicted of having used the mails in a scheme to defraud; and the said mild sentence having ostensibly been justified in open court on a promise of restitution to the extent of $100,000 to the several persons, victims of the fraud, while the said Judge Winslow then and there denied the motion of the assistant district attorney to make such light sentence conditioned on the actual restitution of the money to the victims of the fraud; and

Whereas the said Judge Winslow improperly and for other improper considerations so conducted the trial of a certain criminal case as to prejudice the jury against the Government of the United States prosecuting said case, so interjected himself in the examination of witnesses as to intimidate the witnesses or to confuse the issues, so abused and harassed the assistant district attorney charged with the trial of the case as to discredit him entirely to the jury, all with the improper purpose and intent of obtaining a verdict of acquittal for the said defendants then on trial before him; and

Whereas one Meyer Kaplan has stated that he obtained a suspension of sentence and was placed on probation by said Judge Winslow through improper and unlawful methods, and that he was finally committed to Atlanta Penitentiary by the said Judge Winslow because he was unable or failed to complete an arrangement made by and with the said Judge Winslow; and

Whereas the said Judge Winslow has knowledge of the said statement, charge, and accusation made by the said Meyer Kaplan since his release from Atlanta, but has taken no action to make the said Meyer Kaplan answerable in contempt proceedings or otherwise: Therefore be it

Resolved, That the Committee on the Judiciary of the House be, and is hereby, instructed to proceed immediately with an investigation of the conduct of Judge Francis A. Winslow in relation to his conduct in office, to the charges herein alleged, and of such other facts concerning the said Judge Francis A. Winslow as may be presented to said committee which may prove his unfitness for office.

The committee is authorized to call upon the Department of Justice for its assistance and cooperation in the conduct of this inquiry.

The committee is instructed to inquire fully into the whole nature and extent of the allegations made covering Judge Francis A. Winslow.

The committee is instructed, after its investigation, to report the result of its findings to the House, together with recommendation of exoneration, condemnation, or impeachment.

For the purpose of completing this investigation, the Committee on the Judiciary is authorized to appoint a subcommittee of such size as it may determine, which shall have, while so employed, all the power in respect to this investigation and process as is possessed by the whole committee, and such subcommittee is authorized to conduct its hearings while the House is in session.

The committee shall have power to send for persons and papers and administer oaths and shall have the right to report at any time.

Mr. MICHENER. Mr. Chairman, will the gentleman yield there?

Mr. LAGUARDIA. Yes.

Mr. MICHENER. Why does not the gentleman formally impeach the judge if the gentleman believes the things stated in his resolution are true?

Mr. LAGUARDIA. The answer is very simple. Because the gentleman, as my colleague knows, has not himself the power to issue subpœnas or to hear witnesses. In order to obtain all of the facts necessary to formulate proper articles of impeachment it is necessary for the Committee on the Judiciary to make a preliminary investigation.

Mr. MICHENER. My purpose in asking the question is this: That the regular procedure, as the gentleman well knows, in the House is for a Member of this body to arise upon the floor and impeach a judge against whom charges are made if the Member has sufficient faith in the charges to warrant him in doing so.

Mr. LAGUARDIA. The gentleman is in error as to that. The gentleman was a member of the Judiciary Committee which considered a resolution exactly like mine in the case of Judge English. I am following the precedent established in that case. The gentleman is also familiar with the fact that when I did follow the formal method of impeachment in the Cooper case, the gentleman himself suggested that it might have been better had I followed the procedure in the English case.

Mr. MICHENER. I beg to differ with the gentleman. I call the gentleman's attention to the fact that the English case was a departure from all precedents; that it was debated in the committee, as the gentleman knows, for a long time, and debated in the House as to whether or not the House should establish the precedent of setting up investigating committees to investigate Federal judges throughout the country whenever there was anything suspicious against them.

Mr. LAGUARDIA. Thomas Jefferson said—and the condition here is exactly as it was at that time—that the machinery for removing a judge is so cumbersome that such serious charges must be established as to make that machinery practically useless. Now, the gentleman knows that when you have an entire bar demoralized, when you have this feeling current that there are miscarriages of justice; that a judge is acting improperly; and when you have an almost prima facie case established, yet a Member of Congress is absolutely helpless. He has not the power of issuing subpœnas. Why, not only myself but my colleague from New York [Mr. SIROVICH] has been working on this case for several weeks. Statements were made to our colleague [Mr. SIROVICH], in his presence and in the presence of an assistant district attorney, which are the basis of one of the allegations and charges in my resolution, and the gentleman from New York [Mr. SIROVICH], understanding that in a matter of this kind there should be no political lines, has frankly stated that he is willing to cooperate with me or any other Member of the House in bringing all of these facts before the committee. It is a duty imposed upon us which we can not escape. I admit it is unpleasant and it is distasteful; but we can not sit here, coming from the district in which these conditions are charged to exist, without taking the action I am taking at this time.

Mr. MICHENER. My suggestion to the gentleman would be that if he has sufficient faith in the charges which he has enumerated that he formally impeach this judge; then automatically the impeaching procedure would be started, and an investigation would necessarily follow.

The committee doing the investigating would have all of the authority, whereas if the procedure which the gentleman is now suggesting is followed, the matter goes to the committee, the committee makes a preliminary investigation—which the gentleman undoubtedly has already made—to determine whether or not, as a matter of fact, there is reasonable cause to believe something is wrong. Then the committee must report back to the House.

Mr. LAGUARDIA. The gentleman has had too much experience to talk that way.

Mr. MICHENER. I have been through it several times.

Mr. LAGUARDIA. The gentleman knows that if it had not been for the investigation made in the English case, made possible by means of a like resolution, it never would have been possible to get all of the facts to formulate proper articles of impeachment. No one could do more than I have done or more than the gentleman from New York [Mr. SIROVICH] has done up to date in getting these facts into sufficient shape to present them to the committee, and then the committee can make a preliminary investigation, come back to the House, and get the

authority necessary to send out subpœnas and bring the witnesses in. The gentleman knows that no member of the bar is safe in testifying unless he does so under a subpœna. The gentleman from Michigan must know it is impossible to go into the court and get all of the records necessary to establish the allegations contained in my charges.

Mr. MICHENER. The committee is not going to have anything before it that the gentleman does not have. The only difference is that in the one case the gentleman, knowing the facts and representing the district and people primarily affected, assumes the responsibility of setting that machinery in motion on the floor of the House, while in the other way he does not. I do not believe that the House should establish further precedent that might result in demands to investigate every complaint against Federal judges without the responsibility of a Member back of the investigation.

Now, I say to the gentleman that if the things which he has suggested are true, is the gentleman afraid of the responsibility of setting the machinery for proper investigation in motion?

Mr. LAGUARDIA. The gentleman is not afraid of any responsibility, and the gentleman from Michigan knows the gentleman from New York well enough to know he is not afraid, but the gentleman is lawyer enough to know he must proceed in a careful and orderly manner. I know that the witnesses we require in order to draft proper articles of impeachment in this case can only be brought here by the power of subpœna in the committee; and, on the other hand, I want to be absolutely fair. I want to give this judge the same opportunity we would give any other individual. This will give him an opportunity to come in and submit any evidence he may desire, and will not submit him to the terrible tragedy of an impeachment if it is not necessary.

Mr. MICHENER. Just a word there.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. LAGUARDIA. I yield.

Mr. BLANTON. I will cite the gentleman a recent case that supports his position, and that is where a resolution authorized the committee to go into West Virginia and investigate a West Virginia judge; and in that case they found out that impeachment was not necessary.

Mr. LAGUARDIA. Yes.

Mr. BLANTON. And I want to say to the gentleman from New York that the resolution which he is introducing goes to the committee of the gentleman from Michigan [Mr. MICHENER] and the gentleman's Judiciary Committee is to pass on whether or not it shall be brought before the House, and his committee can pass upon its sufficiency, so it occurs to me that the gentleman from New York is wholly within his rights.

Mr. LAGUARDIA. And following the custom established and preferred by the House.

Mr. BLANTON. But why does not the gentleman from New York provide further in his resolution that this subcommittee can make the investigation during the interim between the two sessions?

Mr. LAGUARDIA. I have provided here that they can sit when the House is in session.

Mr. BLANTON. But why does not the gentleman provide that they can sit during the interim? This House adjourns in about a fortnight and why does not the gentleman provide that the subcommittee may sit during the interim?

Mr. LAGUARDIA. That was done in the English case.

Mr. MICHENER. That requires a joint resolution.

Mr. BLANTON. That is the kind of resolution the gentleman should introduce.

Mr. MICHENER. That is possibly true.

Mr. LAGUARDIA. It has to be brought back to the House anyway, and the committee——

Mr. BLANTON. And the committee can then change it.

Mr. LAGUARDIA. Yes. That is one of the details, and I want to leave the details to the committee.

Mr. MICHENER. Will the gentleman yield further for an observation?

Mr. LAGUARDIA. Certainly.

Mr. MICHENER. I am not opposing the investigation. I think if what the gentleman has said is true, there should be an investigation; but I am adhering to what I think the gentleman knows—because the gentleman has been on at least one of these committees with me—is the best procedure in the long run. I am insisting on a procedure which will in the long run be shorter.

Mr. LAGUARDIA. Oh, no.

Mr. MICHENER. Because the committee to be appointed now is not an impeachment committee, it is merely a preliminary investigating committee in order to determine whether or not articles of impeachment should be presented or whether or not this man should be impeached. If there is to be an investigation let that investigation be full and complete, based upon specific charges vouched for by a Member of this body.

Mr. LAGUARDIA. I may say to the gentleman that the tendency of the times and the preference of this House is to follow this procedure, unless, of course, you have the commission of a felony that can establish the proof immediately or the improper conduct is of such a nature that you have tangible and ready proof of it; but otherwise we can not permit the impression to remain in the southern district of New York that these conditions exist. We must either establish them or else certify that these conditions do not exist. I pray and hope the latter may be the case. [Applause.]

I now introduce my resolution.

Mr. SANDLIN. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. SIROVICH].

Mr. SIROVICH. Mr. Chairman and colleagues, in my entire career of public life of almost 25 years it has been my mission always to help everyone. I have been appointed by three different governors and mayors of New York on social, philanthropic, and humane legislation. So I have no axes to grind and have no desire to harm or to injure any person. I am no reformer, nor am I a crusader.

Almost five or six weeks ago the New York World brought to my attention certain conditions that exist in the Federal courts of the southern district of New York. I began to investigate these conditions personally, and then a case was presented to me through the New York World and investigated by the New York American and Journal and other papers in our great metropolitan city.

When these facts were presented to me I went over to see United States district attorney, Mr. Tuttle, and presented some of these facts to him for investigation. I have the greatest admiration for Mr. Tuttle and his chief assistant, Mr. Mintzer, in their desire to go to the bottom of this case; but high and above everything else I realize that justice must be done even to the accused judge, so I went to the chief judge of the Federal court, Judge John Knox, about five days ago, and I told him of a case that was presented to me by several New York newspapers and looked exceptionally suspicious to me in every conceivable way, and he sent for Judge Thatcher, of the Federal court, and after being together for three hours, it was their opinion that this case should be presented to Judge Winslow himself, and I concurred, because I have the greatest respect for every judge, and I think, in fairness to this accused judge, he should have the right to know the nature of the charges that are made against him. Judge Knox called me up on the phone this last Sunday and said that he spoke to Judge Winslow and Judge Winslow denied every charge alleged against him.

And so in fairness to Judge Winslow I think the resolution introduced by my colleague from New York [Mr. LA GUARDIA] calling for an investigation is fair, because if the committee determines that the judge was innocent, then he has every right to have the people of the city of New York pay tribute to his honesty and acknowledge the injustice done to his name and reputation; but, if on the other hand, the committee thinks there is something wrong, it is their duty to go on with an investigation.

And so let me tell you the nature of the case I presented to Judge Knox to tell to Judge Winslow. This case was worked out by the New York World and other papers. I am going to present it to you as a drama, being a dramatist myself. I will present the story in five acts.

Act 1 reveals Meyer Kaplan, graduate of New York University and Columbia Law School. After two years' work for an outside agency he engages in business for himself between the years 1914 and 1921. He is very prosperous, and in the year 1921 does a business of almost $4,000,000. Due to readjustment following the war, he finds it absolutely necessary to liquidate his business. He owed to various banks in New York City $1,500,000. He pays off all his obligations to the banks and his creditors, and then finds himself in bankruptcy, charged with concealing assets. The case is tried before Judge Knox and the jury acquits Meyer Kaplan.

In the course of this litigation Kaplan accuses the law partner of Assistant United States District Attorney Abraham Solomon of having the case dismissed if he would pay $1,500. This charge, called to the attention of former United States District Attorney Hayward, caused deep prejudice and bitterness between Solomon and Kaplan. As Kaplan leaves the court, Solomon vows that he will "get Kaplan some time later." This is the end of the first act.

The second act: After two years, Meyer Kaplan is now engaged in the real-estate business in Brooklyn, buying and selling property. He is very prosperous. He has a brother, Abe Kaplan, who for 10 years has been the owner of a delicatessen store in the Bronx. Because the neighborhood has changed, he

determined to go into the plumbing business in Brooklyn in partnership with a man by the name of Smythe. Abe Kaplan requested his brother Meyer Kaplan to lend him $10,000, which he put into the business of Smythe & Kaplan. After four months Smythe and Kaplan can not get along together. Kaplan charged Smythe with intoxication and neglect of business and offered either to be bought out or to buy Smythe out. Smythe allows Abe Kaplan to take $10,000 worth of accounts receivable, and thereupon Abe Kaplan leaves the business and returns $10,000 to his brother, Meyer Kaplan, who had loaned the money to him originally to enter the business. Five months later, Smythe, on account of neglect of business, is put into bankruptcy by his creditors. The total liabilities are $15,000.

The case comes up before Judge Garvin, in the Federal court of Brooklyn. Meyer Kaplan makes an agreement with the judge that, although he is not morally or legally guilty of any violation of the law in having had his brother repay to him $10,000 he had advanced as a loan, he will pay back from his personal resources $15,000 worth of liabilities to every creditor in the concern. I understand the judge agreed to this settlement. All the business that was transacted by this concern took place in Brooklyn. The following day one of the attorneys for the creditors talked to Abraham Solomon, formerly assistant United States district attorney, who immediately has Meyer Kaplan, Abe Kaplan, and Smythe adjudged in bankruptcy and has them arrested for conspiracy to conceal assets. The case is tried before Judge Ross; and because Meyer Kaplan, on the advice of his attorney, did not take the witness stand on account of the former bankruptcy case in 1921, the jury found him guilty, and he was sentenced by Judge Ross, with his brother, to 18 months in Atlanta Penitentiary and a fine of $2,500 each. This is the end of the second act.

The third act: The case is appealed to the circuit court of appeals, and by a vote of 2 to 1 the decision was affirmed. On a writ of certiorari, the United States Supreme Court upheld the decision of the lower court.

A plea was made to President Coolidge for Executive clemency. Some of the most distinguished men recommended clemency, including the new district attorney, Buckner, and his assistant, William Millard, who reviewed the testimony in the previous case. But Executive clemency was refused. And so we have the ending of the third act.

The fourth act: Thereupon Meyer Kaplan and Abe Kaplan submitted a motion to Judge Francis A. Winslow to be placed on probation under authority granted by a recent act of Congress which applied to their case. This motion was argued before Judge Winslow on April 26, 1926, and decision was reserved.

A few days later Marcus Helfand called one of the former attorneys of Meyer Kaplan, in the person of Mr. Halpern, on the phone and requested an interview. During this interview Helfand declared to Halpern, and later to Kaplan, that if Kaplan wanted a decision on the motion in his favor it would cost him $10,000. Helfand contended that he was very influential with the judge, was constantly being appointed receiver and special master in bankruptcy cases, and that he would guarantee results. All in all, Kaplan and Halpern saw Helfand at least 20 times. Days passed by and weeks passed by, but no decision came. Finally Helfand requested Halpern and Kaplan and a man by the name of Frank Drucker, who was Helfand's manager, to be present at Thirty-third Street and Park Avenue and they would see him with Judge Winslow go to dinner in the Vanderbilt Hotel. At 6 o'clock that night the three were present, and lo and behold, Judge Winslow and Helfand emerged from the same automobile arm in arm and entered the Hotel Vanderbilt, where they remained until at least 8 o'clock, and then departed.

The following day Kaplan and his attorney visited Helfand, and Kaplan was advised that unless immediate consideration was given to the case he would not be paroled and would be sent to prison. And as another indication of his influence with Judge Winslow he said:

> To-night I am going to see a show opening at the Winter Garden with Judge Winslow. You will see me there sitting with him in the first row. If you don't bring your money along, I am through with the case. You can find me during the intermission between the first and second acts.

Kaplan bargained with Helfand and said he could only raise $5,000. And then Helfand advised him to bring the money along with him, and he could assure himself he and the judge were together. In company with his attorney, Kaplan went over to the Winter Garden that night, but did not see Helfand and the judge during the intermission because the place was too crowded. About 11 o'clock the show was finished and it was raining cats and dogs, so the people were crowded into the lobby. Then Kaplan finally beheld Helfand and Judge Winslow walking out together. Helfand observed Kaplan and his attorney and, leaving the judge, came over to them and said, "Have you got the money?" Thereupon Kaplan replied, "What about the judge in the case?" and Helfand remarked that everything would be all right. Kaplan gave to Helfand $5,000 in cash, and was told by Helfand to see him next day in his office, and then went back to the judge and entered an automobile and went away, and Kaplan and his lawyer departed.

The following day Kaplan visited Helfand with his attorney and was told that everything would be well, provided he would give the other $5,000 after he would be paroled, which Kaplan agreed to. Thereupon Kaplan recommended the name of former United States District Attorney J. Arthur Adler as probation officer. A week or so later Judge Winslow granted the motion placing Kaplan and his brother on parole for the full term of their sentence under the probation of Mr. Adler. This is the end of act 4.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. The gentleman will break the continuity of my statement.

Mr. BLANTON. I just wanted to know whether you have a bar association in New York?

Mr. SIROVICH. I do not know what kind of a bar association the gentleman means.

Mr. BLANTON. I mean one that would attend to that kind of a lawyer.

Mr. SIROVICH. That will come in time. Now, we begin the fifth act. Meyer Kaplan moved over to Freeport and engaged in a partnership with a man by the name of Tongonaky and formed the Sun Ray Lumber Co., of which Tongonaky was president and Kaplan treasurer. This company engaged in the business of building houses on the lots of other people and took in return first and second mortgages for their work. After they were in business for some time a dispute arose between Kaplan and Tongonaky, and Tongonaky instituted a proceeding before Judge Farber for a receivership in equity, which the court, after listening to the testimony, denied. A few days later Tongonaky secured a receiver in equity in the Federal court. Kaplan accused his partner of having diverted funds of mortgages for his personal use, and because of this discord and dissension Kaplan instituted proceedings for disbarment of Tongonaky, which I understand has been approved by the bar committee of Nassau County. Thereupon Tongonaky appeared before Judge Winslow and accused Kaplan of being crooked and corrupt in his business.

Kaplan had been on parole for almost 17 months and a week, had regularly reported to his probation officer, had had no complaint filed against him, and so Judge Winslow discharged Probation Officer Adler and put in his place a man by the name of Daley, and called upon Assistant United States District Attorney Mintzer to issue a warrant for the arrest of Kaplan.

During the 17 months that he was on parole Kaplan contends that Helfand was constantly calling upon him to give the balance of $5,000 in which he was in default. Kaplan refused to give this money, and thereupon Helfand said: "The judge will fix you."

When Kaplan was arrested and brought before Judge Winslow neither he nor his attorney was given an opportunity to speak, but Judge Winslow is reported in newspapers to have remarked:

> You are the most brazen criminal I have ever had before me. You haven't the slightest idea of what it means to be on probation.

And thereupon Kaplan was sentenced to serve the full 18 months in Atlanta.

The next day Kaplan was in the Tombs, and while there Kaplan contends that Helfand visited him and said:

> Had you paid the balance of $5,000 this would never have happened. I am awful sorry that the judge went to this extreme.

It might interest the membership of this House to know that the name of this show that opened in the Winter Garden on May 18 was the Great Temptation, and that the report from the Weather Bureau shows that on that night it began to drizzle about 6 o'clock or thereafter and then stopped and that it rained in torrents after 10.30 p. m.

It might also be interesting to find out if the name of Helfand is on the blotter of the Tombs the day after Kaplan was sentenced to serve his 18 months in the Atlanta prison.

An incident that is interesting so far as this case is concerned is that Judge Winslow and Helfand, after the parole was granted to Kaplan, took a trip to Europe in July on the Hamburg-American Line, and their cabins were very near each other.

I am indebted to the New York American and Journal for supplying me with the above facts.

Mr. Chairman and fellow Members, I have no malice, no ill will, no prejudice toward any human being in the world, and none toward Judge Winslow. These charges have been bandied about in New York, and in justice and fairness to Judge Wins-

low he is entitled to his day in court. For the love and respect that I entertain for judges, wherever they may be found in our country, I sincerely believe the charges in the resolution submitted by Congressman LAGUARDIA should be thoroughly investigated.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SIROVICH. Mr. Chairman, I would prefer to have any gentleman ask me any question he desires.

Mr. SANDLIN. How much time does the gentleman want?

Mr. SIROVICH. I want to finish with this.

Mr. SANDLIN. I yield to the gentleman two minutes.

The CHAIRMAN. The gentleman from New York is recognized for two minutes more.

Mr. SIROVICH. After listening to the distinguished gentleman from Michigan [Mr. MICHENER], than whom no fairer man is found in this House, I think a committee should investigate this case and find out whether there is any merit in it, and if there is no merit in this case I would be among the first to get up on the floor of the House and ask that Judge Winslow be exonerated in fairness to him and all the other Federal judges on the bench. We owe it to them and to this House, I think, that this investigation should go on.

I wish to take this opportunity to thank you, gentlemen, for your kindness in listening to me.

Mr. TAYLOR of Tennessee. Mr. Chairman, will the gentleman yield there?

Mr. SIROVICH. Yes.

Mr. TAYLOR of Tennessee. The judge the gentleman mentioned a moment ago was Judge Ross.

Mr. SIROVICH. Yes; Judge Ross. I am glad to stand corrected. [Applause.]

The CHAIRMAN. The gentleman from New York yields back one minute of his time.

Mr. WELSH of Pennsylvania. Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. WAINWRIGHT].

The CHAIRMAN. The gentleman from New York is recognized for two minutes.

Mr. WAINWRIGHT. Mr. Chairman and members of the committee, I, too, feel in regard to the statements made on the floor here concerning a man with whom I am well acquainted, that this resolution should be adopted, that some means must be provided or method afforded to enable Judge Winslow to clear his fair name of the serious reflections upon his judicial conduct which have been made here to-day. I have known him for 30 years. He is a respected citizen and resident of my county of Westchester, which is included in the southern district of New York. For several terms he was district attorney of that county. He was one of the leaders of its bar, highly respected, intrusted with every kind of legal and other responsibility and trust. It would come as a great shock to the citizens of my county to have charges of this kind made against a man in whom they have had such great confidence for so many years. We all know that, dealing with some of the elements of society that all judges deal with, they sometimes are subjected to unfortunate situations.

Personally, I am entirely unfamiliar with these charges and have no knowledge of the facts, but, knowing Judge Winslow as I have for so many years, it would take more than the statements made here on the floor to persuade me that these charges are well founded or that the circumstances referred to are not subject to satisfactory explanation.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. WAINWRIGHT. Yes.

Mr. MICHENER. Does the gentleman know whether these charges are being investigated at the present time by the Department of Justice?

Mr. WAINWRIGHT. I am not able to answer that question.

Mr. MICHENER. And if the charges have been made and are being investigated by the Department of Justice in an orderly manner, without publicity, would the gentleman feel that this man should be investigated by the Congress unless some one in Congress was able to assume responsibility of following up the due procedure of impeachment?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WELSH of Pennsylvania. I yield to the gentleman one minute more.

The CHAIRMAN. The gentleman from New York is recognized for one minute more.

Mr. WAINWRIGHT. I will say in reply to the question of my friend that this is all, in a sense, new to me. Of course, I have seen suggestions of this kind in the papers, but I am not familiar with the charges or the facts. But if what the gentleman from Michigan suggests is being done, if there is a method or means by which these charges can be investigated by the Department of Justice, it would probably answer the purpose in order that finally the matter might come before the Congress in an orderly manner for final disposition.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. SANDLIN. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Texas is recognized for 20 minutes.

Mr. BLANTON. Mr. Chairman and members of the committee, I agree with what the gentleman from New York [Mr. WAINWRIGHT] has said, that this judge could have taken dinner with this man Kaplan; he could have gone to this opening show at the Winter Garden with him; he could have gone abroad on the same boat; and he could have been seen in Habana with him. And yet at the same time he could have been innocent of any wrongdoing. It all depends on whether or not Kaplan was telling the truth on him.

I think the gentleman from New York [Mr. WAINWRIGHT] is correct in saying that this judge would want a hearing and would want the Committee on the Judiciary to investigate the matter, and I hope that the resolution will pass in such a way that a subcommittee can go to New York, which is a 5-hour ride from Washington, to investigate the matter in the interim between the two sessions. It ought to be investigated in behalf of the judge himself and in behalf of the people.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I regret I have not the time.

If it has not been done, it is evident that they have a very lax bar association in the city of New York. In my State a lawyer could not get away with that kind of business.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield there?

Mr. BLANTON. No. The gentleman can get time later.

I want to complete what I tried to do yesterday. I offered yesterday, in connection with a matter that is being investigated, to put before the people of Washington and the Congress the police record of Capt. Guy E. Burlingame, who says in response to the serious charges, "I offer my 33 years on the police force as an excuse for what is charged against me." Here is his official police record.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. No; I can not. I wrote to the commissioners and received the following:

(Office of the President of the Board, Proctor L. Dougherty)
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, February 11, 1929.

Hon. THOMAS L. BLANTON,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Replying to your request of the 9th instant I am attaching hereto a copy of the police record of Capt. Guy E. Burlingame, of the police force.

Very truly yours,

PROCTOR L. DOUGHERTY,
Commissioner District of Columbia.

From this record I read the following charges that have been made against him since he has been a member of the force, and I will say in passing that this police record will compare favorably in the number of complaints against him with the police record of some of the greatest crooks that infest Washington.

[From official police record of Capt. Guy E. Burlingame. Files of Metropolitan police department, Washington, D. C.]

Date appointed, March 13, 1896.

Civil condition: Wife and one child.

Complaints and disciplinary action: 12–23–96. Tried gross neglect of duty. Fined $10.

That was within a few months after his appointment.

2–1–99. W. M. Johnson complains of his conduct. No action.

4–23–99. C. G. Rollinger complains of persecution. No action.

8–14–99. Clipping from paper makes statement re assault on C. Howard. No action taken.

5–17–01. Reported in an anonymous letter re meeting a young lady. His conduct found all right.

6–29–02. C. E. Tribby complains of his conduct. No action.

2–23–03. B. Smith complains of his conduct. No action taken.

5–7–03. Tried neglect of duty. Fined $10.

10–10–04. Daisy A. Wylie complains of his conduct. No action.

10–19–04. Martha Johnson complains re the arrest of her sons. No action taken.

2–27–05. Annie Williams complains of his conduct. No action.

5–9–05. Nellie V. Owens complains of his conduct. No action.

6–17–06. H. English re to his complaint against Burlingame.

9–9–07. Tried violation Par. 9, Sec. 37 & #49. Not guilty.

12–4–07. Dr. T. J. McConnell complains of his intimacy with his wife. Burlingame says he may have been indiscreet.

12–30–14. Swingle & Swingle complain to alleged false arrest. Investigated and filed.

8–14–20. Report in matter of playing cards with F. Bauer and citizens.

4–21–21. Reprimanded and cautioned for taking possession of an automobile.

7–25–23. J. E. Carr complains of his conduct.

3–17–25. Ida Williams complains of his conduct. Investigated. Filed.

7–1–25. Promoted to captain.

7–12–25. Ralph E. Harris complains of statements made by officer in trial of case derogatory to character of Mrs. Harris. Investigated by Capt. Reilly who reports complaint not well founded. Papers ordered filed without prejudice to officer.

12–7–25. Reprimanded and warned by major and superintendent for directing squad to enter State of Maryland, etc.

Mr. SCHAFER. Will the gentleman yield for a short question?

Mr. BLANTON. I am sorry I can not yield. After the distinguished gentleman from Wisconsin allowed the Speaker on yesterday to embalm him in the Speaker's chair during important business I can not yield to him any further.

Mr. SCHAFER. I will say the gentleman is afraid to yield.

Mr. BLANTON. No; and I do not yield on that. I have proved to the gentleman from Wisconsin so many times that I am not afraid of him that he knows it better than I can describe it.

Mr. SCHAFER. Will the gentleman yield for a short question?

Mr. BLANTON. No; I do not yield at all. Now, here is what the chief of police, the major and superintendent of the Metropolitan police, testifies under oath before the Gibson committee concerning Captain Burlingame. Questioned by Mr. GIBSON, here is what he said about him just recently:

He is the best roughneck policeman we have. He smashes them. A little while ago, when they would not give him any warrants for illegal possession, or he could not get a sale, he went into the house, smashed everything in the house, and threw everybody into the street.

That is what the major says about him, when the district attorney's office would not give him a warrant. What does he care about a warrant? He goes in and smashes things and kicks everybody into the street. That is what the police major says about him.

I want you gentlemen who are interested in law enforcement in your Nation's Capital to write down to Mr. Dougherty, the commissioner of police, and have him send you the police record of all of the high police officials down there. Get the police record of Inspector Pratt, the assistant superintendent; get the police record of Inspector Brown; get the police record of Inspector Shelby, and read them over like I read this one, and you will see why your law enforcement has failed in the District of Columbia.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. I am sorry but I can not yield.

Mr. WOODRUFF. Will the gentleman yield to me for a question?

Mr. BLANTON. I will yield to the gentleman from Michigan because I know he is helpful.

Mr. WOODRUFF. I would like to ask the gentleman if it is his opinion, after reading that record, that it is necessary for a police officer to qualify as a lady's man before he attains high office in the Metropolitan police department?

Mr. BLANTON. I want to say to my friend, the gentleman from Michigan [Mr. WOODRUFF], when all these women have come into the police department, whose names I have read here, and have complained about this man, why is it that marked across the complaints are the words "no action"?

Mr. WOODRUFF. That is what prompted my question.

Mr. BLANTON. No action!

Mr. O'CONNELL. Yes; there was action—they promoted him to captain.

Mr. BLANTON. Why, the commissioners and the major-superintendent seem to be the only people in Washington or in the District Building who do not know of the Burlingame work escapades, and who do not know of the Burlingame escapades for the past several years out at the corner of G and Sixth Streets NE.

Mr. ABERNETHY. Tell us about them.

Mr. BLANTON. I wish I had the time to tell you about them.

Let me read you about some specific matters that have come to the chairman of your committee, Colonel GIBSON. The writer says that if his name were known his life would not be worth 15 cents in Chinese money. [Laughter.]

He says:

Hon. Representative GIBSON,

House of Representatives, Washington, D. C.

SIR: All the near-beer bars in Washington, D. C., which have been in business since the city of Washington, D. C., went dry have police protection, the money is paid weekly and daily to the captain of each police station and they give Major Hesse his part of the loot. When the vice squad start out to make raids upon the fellow——

Mr. SCHAFER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Mr. Chairman, I do not yield for a parliamentary inquiry.

Mr. SCHAFER. Mr. Chairman, I make the point of order that the gentleman is not in order. The gentleman is not supposed to read from a paper in the House except by unanimous consent.

Mr. BLANTON. Oh, the gentleman is mistaken about that. The gentleman ought to learn the rules, Mr. Chairman.

The CHAIRMAN. The gentleman will proceed in order.

Mr. BLANTON. John, I yield to you. What is it you want, John. [Laughter.]

Mr. SCHAFER. Is it not a fact that when the gentleman was acting as attorney for Mr. Staples before the trial board and one of the members of the board was objected to and Captain Burlingame's name was submitted as a member of the trial board the gentleman from Texas approved of the selection of Captain Burlingame?

Mr. BLANTON. Oh, Captain Burlingame was hand picked.

Mr. SCHAFER. That does not answer the question. It will be borne out by the records of the trial board.

Mr. BLANTON. I do not yield for that. Just be seated. [Laughter.]

Mr. SCHAFER. And when——

Mr. BLANTON. Mr. Chairman, I do not yield any further.

Mr. SCHAFER. Just one more question.

Mr. BLANTON. No; I do not yield any further—be seated.

The CHAIRMAN. The gentleman from Texas refuses to yield further.

Mr. BLANTON. Captain Burlingame was not a member of the trial board and neither was the other captain that was sent there. They were hand picked and sent down there by headquarters to convict this young fellow, just like the new board that will try Captain Burlingame will be hand picked.

Mr. SCHAFER rose.

Mr. BLANTON. I do not yield any further now.

They will be hand picked, and I will tell you why. Did you know that one of the leading lawyers, who represented Fenning in that famous case here, who, all through that hearing before the Judiciary Committee, sat there and defended him, one of the leading lawyers here, was a partner of Mr. Taliaferro, who was made commissioner, and when the Gibson committee forced Fenning to resign and get out, and when the Gibson committee showed the contracts that Commissioner Rudolph had with the District government enriching himself and his own firm by reason of such contracts, we forced him to get out——

Mr. SCHAFER. Will the gentleman yield on the Fenning matter?

Mr. BLANTON. No; I do not yield any further.

Why, these two commissioners, Dougherty and Taliaferro, were appointed in their places. That is the reason you have an 8-cent car fare here in the District of Columbia, with 65,000 little school children paying an 8-cent car fare every day, with the holders of the street-railway stocks making fortunes, with the stock having gone up 300 and 400 and even 500 per cent within the last few years; it is because of this association, and this is the reason you can not get anything down there in the District Building.

Let me read this letter further. Now, John, do not interrupt me further.

Mr. SCHAFER. Will the gentleman answer one further question?

Mr. BLANTON. No. I do not want to yield any more now; that is enough.

The CHAIRMAN. The gentleman declines to yield.

Mr. SCHAFER. I will be fair. I will not insist on my point of order.

Mr. BLANTON. I am not going to let you put anything in my remarks I do not want in there. [Laughter.] I quote further from this communication addressed to Chairman GIBSON:

When the vice squad start out to make raids upon the fellow who has not bought police protection, all of the individuals who have police-bought protection are phoned a message about the vice squad being on their way to their neighborhood. When they get this message, they hide all the whisky and stop selling until the excitement is over.

Go up to 1421 P Street NW., Dutton's Buffet, he sells whisky seven days per week from 7 a. m. to midnight; then also watch 1429 P Street NW., stand in front of these two places and watch and you will see they own P Street; also watch 1427 P Street NW., and see the gambling going on there all day. These two bars do a land-office business. See this for yourself.

See Hughey Lawley, full-fledged bar on G Street between Sixth and Seventh Streets NW. He pays the first precinct $15 every morning the minute he opens the door for business and $15 more when he closes.

I could mention 50 more places if necessary.

When you investigate the P Street places watch how many police go into these two places and get their drinks and their lunch at Dutton's.

Are we going to sit still, we Representatives of the people, and allow this to go in the Nation's Capital? I know how Harry [Mr. WURZBACH of Texas] feels about this kind of business, because Harry is the one Republican Representative in Congress from Texas, who has denounced the practice of his political managers down there in selling post offices in my State. [Applause.]

Why, Harry knows about this investigation that is going on now by a Senate committee with regard to Texas post offices being sold, and Harry knows that the investigation shows that over $200,000 in notes was given the Republican organization in Texas, 80 per cent of which was given by Federal officeholders; is not that so, Harry?

Mr. SCHAFER. Mr. Chairman, I make the point of order that the gentleman from Texas is violating the rules of the House by mentioning in debate an individual Member of the House by name.

Mr. BLANTON. Well, he does not care.

Mr. SCHAFER. But I do, and I insist that the gentleman from Texas comply with the rules of the House when talking about anonymous communications.

The CHAIRMAN. The Chair sustains the point of order and the gentleman will proceed in order.

Mr. BLANTON. Mr. Chairman, now that the embalmed Member from Wisconsin [Mr. SCHAFER] has made his point of order, and since the distinguished gentleman from Texas [Mr. WURZBACH], who is affectionately known by his friends as "Harry," does not object, I will proceed with my speech. [Laughter.]

Mr. Chairman, I have about concluded. What are you Members of Congress going to do about this police situation in the District? Are you not going to have it cleaned up? [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. WELSH of Pennsylvania. Mr. Chairman, I yield to the gentleman from Wyoming [Mr. WINTER] 30 minutes.

Mr. WINTER. Mr. Chairman, during the last three years I have addressed the House on three separate occasions regarding the public lands and resources. The first of these addresses was on February 17, 1926, and entitled "The Public Lands"; the second was on January 11, 1927, entitled "The Public Land States and the Federal Government"; the third was on February 21, 1928, entitled "States or Provinces?" In these presentations I reviewed our acquisitions of territory, the international treaties under which they were acquired, the ordinances of 1787 in connection with the cessions by the separate Colonies and States, the compacts with the States, the constitutional provisions regarding territory, and the decisions of the United States Supreme Court.

There were therein quoted at length extracts from debates in the Senate in the Twentieth Congress, first session, January 28, 1828, and for a considerable period running to 1836, expressing the views of many Senators and a formal report of the Senate Public Lands Committee in 1832.

These debates strongly presented the theory that under the Constitution, and the treaties, and the ordinances each new State upon admission gained the full sovereignty, jurisdiction, and ownership of all the soil and resources within its boundaries. The Senate Public Lands Committee report of 1832 presented the reasons for and advocated the ceding back to the States then admitted and to new States when admitted, all the territory and natural resources within their borders. Neither of these propositions were adopted. The East, with its great preponderance of voting power, refused them. At that time Ohio, Indiana, Illinois, Missouri, and Kentucky were urging the rights of the then West.

I reviewed the theory of trusteeship, which was adopted, under which the Government was to hold the legal title as trustee and as quickly as feasible dispose of the lands to the people, thus eventually substituting private ownership and full jurisdiction, including taxation, of and by the States. This was accomplished in due course as to all States east of the Rocky Mountains, and they now have come into such conditions and powers.

As to the States from the mountains to the Pacific, attention was called to the radical change in the general policy and the departure from original and long-followed methods and purposes beginning, in the main, in 1898 whereby reservations were made of Indian lands, national parks, national monuments, power sites and reservoirs, mineral leasing areas, naval oil reserves, and forest lands, all to the extent of approximately 220,000,000 acres; leaving at this time 193,847,240 acres of unreserved and unappropriated public domain.

It was pointed out that 97 per cent of this public land was in the 11 Western States; that the total of the reserved and unreserved public lands, aggregating approximately 414,000,000 acres out of a total of 760,049,600 acres in those States, comprises on an average 55 per cent of the area of each of said States, and that this major part of the soil and resources of said State were nontaxable.

If we take the average ratio of valuations of real property and improvements of exempted to taxed property in the 11 public-land States, we find according to the official report of 1922, the figure to be 38.79 as compared to the average ratio in the nonpublic-land States of 11.45. Yet the public-land States while having the burden and obligation of jurisdiction, maintenance of law and order, spread of education and road building, do not derive one cent by way of taxation from this large, Federal-controlled portion of their total valuation.

Notwithstanding the payment back to the States from which the proceeds of lands and resources are derived of a portion of such proceeds, amounting to 25 per cent of receipts from the forest reserves, with an added 10 per cent devoted to roads, and 37½ per cent of the royalties coming to the Government under the mineral leasing act, there is universal dissatisfaction in the Western States because of the inadequacy of this return from their resources and because of the American spirit of independence which demands, regardless of material return, full recognition of these States with complete independence and sovereignty on an equality with the original States, as provided in the international treaties, the ordinances of 1787 reenacted by Congress after the adoption of the Constitution, 1789, and the cessions from the States of their territory to the United States.

Under these documents, and indeed under the Constitution, the great purpose was the building up of new, independent, sovereign States, which were to be admitted on equal terms with the original 13 States. The theory was that lands should pass to private ownership as rapidly as possible, so that the new States might come into full sovereignty without delay in order that all States might be equal.

That this was the original, right, and American method of handling the new territory acquired from time to time is evidenced among many sources by the following quotation from the Encyclopædia Britannica, eleventh edition, volume 27, page 684, paragraphs 78, 79, 80, 81, and 82:

TERRITORIAL CESSIONS

78. Congress and its committees had already begun to declare that it was impossible to carry on a government efficiently under the articles. Its expostulations were to be continued for several years before they were heard. In the meantime it did not neglect the great subject which concerned the essence of nationality—the western territory. Virginia had made a first offer to cede her claims, but it was not accepted. A committee of Congress now made a report (1782) maintaining the validity of the rights which New York had transferred to Congress; and in the next year Virginia made an acceptable offer. Her deed was accepted (March 1, 1784); the other claimant States followed, and Congress, which was not authorized by the articles to hold or govern territory, became the sovereign of a tract of some 430,000 square miles, covering all the country between the Atlantic tier of States and the Mississippi River, from the British possessions nearly to the Gulf of Mexico.

TERRITORIAL GOVERNMENT

79. In this territory Congress had now on its hands the same question of colonial government in which the British Parliament had so signally failed. The manner in which Congress dealt with it has made the United States the country that it is. The leading feature of its plan was the erection, as rapidly as possible, of States, similar in powers to the original States. The power of Congress over the Territories was to be theoretically absolute, but it was to be exerted in encouraging the development of thorough self-government, and in granting it as fast as the settlers should become capable of exercising it. Copied in succeeding acts for the organization of Territories, and still controlling the spirit of such acts, the ordinance of 1787 (July 13, 1787) is the foundation of almost everything which makes the modern American system peculiar.

80. The preliminary plan of Congress was reported by a committee of which Thomas Jefferson (q. v.) was chairman, and was adopted by Congress on the 23d of April, 1784. It provided for the erection of 17 States, north and south of the Ohio, with some odd names, such as Sylvania, Assenisipia, Metropotamia, Polypotamia, and Pelisipia. These States were forever to be a part of the United States, and to have republican governments. The provision, "After the year 1800 there shall be neither slavery nor involuntary servitude in any of the said States, other than in the punishment of crimes whereof the party shall have been duly convicted," represented Jefferson's feeling on this subject, but was lost for want of seven States in its favor.

81. The final plan of 1787 was reported by a committee of which Nathan Dane, of Massachusetts, was chairman. The prohibition of slavery was made perpetual, and a fugitive slave clause was added. The ordinance covered only the territory north of the Ohio, and provided for not less than three nor more than five States. Ohio, Indiana, Illinois, Michigan, and Wisconsin have been the resultant States. At first Congress was to appoint the governor, secretary, judges, and militia generals, and the governor and judges were, until the organization of a legislature, to make laws subjected to the veto of Congress. When the population reached 5,000 free male adult inhabitants the Territory was to have an assembly of its own, to consist of the governor, a legislative council of five, selected by Congress from 10 nominations by the lower house, and a lower house of representatives of one delegate for every 500 free male inhabitants. (When the total number should reach 25, the legislature itself was to have the power of regulating the number and proportion. Property qualifications were prescribed for electors, representatives, and members of the council.) This assembly was to choose a delegate to sit, but not to vote in Congress, and was to make laws not repugnant to "the principles and articles" established and declared in the ordinance. These were as follows: The new States or Territories were to maintain freedom of worship, the benefits of the writ of habeas corpus, trial by jury, proportionate representation, bail, moderate fines and punishments, and the preservation of liberty, property, and private contracts; they were to encourage education and keep faith with the Indians; they were to remain forever a part of the United States; and they were not to interfere with the disposal of the soil by the United States, or to tax the lands of the United States, or to tax any citizen of the United States for the use of the navigable waters leading into the Mississippi or St. Lawrence Rivers. These articles were to be unalterable unless by mutual consent of a State and the United States. The transformation of the Territory, with its limited government, into a State, with all the powers of an original State, was promised by Congress, as soon as the population should reach 60,000 free inhabitants, or, under certain conditions, before that time.

82. The Constitution, which was adopted almost immediately afterwards, provided merely (Art. IV, par. 3) that "Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States," and that "new States may be admitted by the Congress into this Union." Opinions have varied as to the force of the ordinance of 1787. The southern school of writers have been inclined to consider it ultra vires and void; and they adduce the fact that the new Congress under the Constitution thought it necessary to reenact the ordinance (August 7, 1789). The opposite school have inclined to hold the ordinance as still in force. Even as to the territorial provision of the Constitution, opinions have varied.

Again I emphasize the thought which should be constantly borne in mind, that after proceeds of the public lands had been devoted to the payment and extinction of the debts of the original States, incurred for the Revolutionary War, which fulfilled the obligation of the "common benefit of all the people," that thereafter the sole and only purpose of the trusteeship of the Government of the public lands was to as expeditiously as possible transfer them to private ownership so that the only other stated object in the treaties and cessions, to wit, raising up of new, independent, and sovereign States, might be effected.

The benefit of the public-land trusteeship and disposition manifestly was originally intended to be to the people inhabitating the area of each new State and thus assist in the upbuilding of such State. If these benefits from the proceeds of the public lands in each new State were to be disseminated and spread out to the people of all of the States, it is obvious that the one great, explicit, and expressed object of the Government trusteeship, to wit, the upbuilding of new States out of these areas, would be retarded instead of accelerated and great values diverted which they could never regain.

The great fundamental policy which was to work out the complete sovereignty of each State over all of the lands within its borders was rapid transfer into private or State ownership. This great policy and purpose has been violated and set aside by the immense reservations and withdrawals in each of the public-land States on the literal theory of the benefit of all the people of the United States to an extent which now amounts to more than 220,000,000 acres, 30 per cent of the total area of the present public-land States.

Mr. ALLGOOD. Will the gentleman yield?

Mr. WINTER. Yes.

Mr. ALLGOOD. Is there any homestead land now subject to entry in the Western States?

Mr. WINTER. Yes; I will reach that in just a moment.

To that extent the complete sovereignty of these States, which was eventually, if not upon admission, to be brought about by transfer from the Federal Government to private or State ownership, has been utterly defeated.

Unless there be a change of policy and law by the Congress of the United States with reference to these great reservations, the States are and always will be denied complete control, which they have a right to expect as equal members of the Union. These reservations will remain a government within a government in each one of these States. This was never contemplated by the Constitution or the founders of this Nation, and is in fact prohibited by the Constitution.

I will insert as a part of my remarks at the conclusion statistics from the 1928 report of the Secretary of the Interior and tabulations derived from statistics showing the disposition of all of the area of continental United States, exclusive of Alaska.

As to the reserved and withdrawn areas, excluding and excepting only the national parks, it is manifest that justice, equity, equality, and dignity for these States require that ultimately all should be ceded to the States wherein they lie. The theory that the Western States can not intelligently and wisely administer these areas, for example, the forest reserves is based on the delinquencies and wastefulness of the States to the eastward, which had their resources and their opportunity, and in some cases, as States, misused and abused their rights. This constitutes no reason why the same right which they enjoyed should be denied to the Western States. The self-respect and sovereign right of these public-domain States must demand and continue to urge that they shall not be discriminated against and excepted from the general rule, which has been applied to all States from the Atlantic coast to the Rocky Mountains, of eventual, complete sovereignty over all of their areas.

In my judgment, it was never within the purview of the decision of the United States Supreme Court, when it held that the power "to dispose of" included the power "to reserve," that such reservations and withholding from the States should ever be extended to these enormous and unreasonable proportions. The area already permanently reserved goes far beyond anything that was contemplated 30 years ago by either the courts or the Congress. It is an unreasonable, excessive, and therefore unauthorized and unjust exercise of the power of the Congress to reserve.

Only 45 per cent of the area of the 11 Western States has come into State and private ownership. About 10 per cent went to the State. Perhaps 40 per cent, on an average, is now in private ownership. Practically all of the benefit of the $590,847,240 received by the Government from the public lands has gone to the other States. By these immense reservations the Western States are barred to that extent from proceeds from sales in the future. It is even sought to stop the sale, homesteading, and settling of the present vacant and unreserved lands by placing them under a regulation and lease system and repealing the 640-acre act, which is the only act under which, in view of their character, they could be taken up.

We did not share in the past because of our youth, being the last group of States admitted. Shortly after admission the policy of great reservations began, and the reservation of mineral rights from homesteads. We are not to share therefore in the future, as there will be no lands sold. Thus we have been and are practically outside of the limits of even the doctrine which has been imposed that the public lands were "for the benefit of all the people." While we are included in "all the people," the policy was stopped just at the time we would have participated in a small part of the benefits of the total. One billion acres were disposed of, and the benefits went almost entirely to the States east of the Rocky Mountains. Then disposition ceased and reservations were made of 30 per cent of the remaining area; and now it is sought to cease disposition of all the remainder, 25 per cent of the area of each State, figuring the average. We were too early and we are too late. Something should be done in the face of this unjust and anomalous policy and condition.

If these permanent reservations are to be forever retained by the United States, then why is it not just that those States from whose areas they are taken for all the people should have recompense for their value, or an annual return for their use, based on the value of that use, in view of the loss to those States of development and taxation? Let it be understood that in the national parks no development can ever take place. Let it be equally understood that agricultural and mining development, while legally and technically possible, has practically ceased and will not be resumed on the 149,596,379

acres of forest reserves in these Western States, and that the small proportion coming back to the States of the proceeds of grazing fees and annual timber sales is wholly inadequate to make up for the loss; likewise the small return from royalties from Federal water-power sites; and that the royalties devoted to the reclamation fund are not repayments to the West but loans which must be repaid.

The total area in acres of the forest reserves in the mainland, Territories, and possessions is 184,463,819. The total area in acres on the mainland, exclusive of Alaska, is 163,066,062. The total area in acres in the nonpublic-land States, purchased in the main from private ownership, is 13,403,633. The total area in acres in the 11 public-land States reserved from the public domain is 149,596,379. The net area of the national forests in the United States proper, exclusive of private property within their exterior lines, is 135,533,824 acres.

Senator STEIWER, of Oregon, has introduced a resolution (S. J. Res. 203) for the appointment of a joint committee to study the public domain and the national forests and recommend a legislative policy in relation thereto. I trust the resolution will pass. It will be a definite beginning of the change of policy we are seeking.

In this connection, and to support my statement of deep-seated unrest and dissatisfaction of the West with respect to the present policy as to the public lands and resources, I quote one of a great number of editorials and articles. This is from the Portland Oregonian of the issue of January 26, 1929:

THE WEST'S RIGHT TO EQUALITY

Adjustment of the relations of the Federal and State Governments with regard to public land, as proposed by Senator STEIWER, is necessary to the full development of the 11 Western States and to their full equality with the other States. Half to four-fifths of the area of the Western States is withheld from their sovereignty. That fact places them in a position inferior to that of other States. Reservation from sale of vast areas held as national forests, power sites, national monuments, or under lease to production of coal, oil, and other nonmetallic minerals threatens to perpetuate this situation. Payment to the States of part of the revenue from this reserved land emphasizes the inferior position of the Western States, for the sums thus paid have the appearance of doles graciously given by a superior to an inferior. The Western States resent the suggestion of inferiority and claim as a right the disposal of the land within their borders.

The ground of that claim has been stated by Representative WINTER, of Wyoming. He said in a speech at Lander, Wyo., some time ago:

"In every international treaty under which the various areas were acquired it was expressly stipulated, as it was in the ordinances of 1887, that separate, independent States should eventually be organized and that they should be admitted into the Union on equal terms with the original thirteen States. It is manifest that there can not be complete and equal sovereignty, as was provided in international treaties and the Constitution, unless ultimately if not upon admission the power of the Federal Government over the land that comprises the State ceases and that of the State in jurisdiction, authority, and taxation completely attaches."

This principle was set aside in 1834, when Congress rejected a proposal to cede the public land to the States wherein it lay and resolved to continue Federal control after the Territories became States. But it termed the Government a trustee and stated that "the lands were to be administered for the benefit of the States in which the lands were located and sold into private ownership as rapidly as possible." This purpose was perverted to mean "for the benefit of the people of all the States." The public land of the East, South, and Middle West passed into private ownership and has become subject to the sovereign power of the States, but the Government still holds a large proportion of the area of the 11 Western States.

So long as the policy of gradual transfer of public land to private hands was followed, the Western States were willing to await the day when the public domain would cease to be, when their entire area would become subject to their taxation and other laws and when the Government would wind up its trusteeship. But conservation effected a complete change of policy. It decrees that public land shall be administered as the property of the Nation for the welfare of the Nation, not as a trust for the individual States. By setting aside national forests and by requiring that power sites and mineral land be leased, not sold, the Federal Government assumes the position of a landlord who has resolved to hold his great estate in perpetuity, making the State only half masters of their territory and consoling them with a fraction of the revenue. Insult is added to injury when the Eastern States, which have squandered their own magnificent patrimony, justify this policy by the charge that the West has looted the public domain.

The West is not content to remain indefinitely but half ruler in its own house. It will not submit to administration of half its area by the prodigal East, which has wasted its own landed wealth and now proposes to practice frugality on that of the West. The West's retort to the charge of looting is that whatever misdeeds of that character have been done were the result of land laws passed by the East and South in ignorance of western conditions. Having shown their incompetence in this manner, the East and South propose to subject the West to it indefinitely by perpetuating Federal control through a swarm of bureaucrats.

No departure from conservation of natural resources is contemplated. The West is fully convinced of the wisdom of that policy. The spectacle of the slaughtered forests of the East and Middle West is an eloquent argument. But the West contends that it has the right to full sovereignty over all its lands and that it is competent, in exercise of that right, to follow out the conservation policy with due regard for the welfare of each State and of the United States. The senatorial inquiry proposed by Senator STEIWER should be held to determine the rights and equities involved and to devise a plan by which the public land may be transferred to the States and by which conservation may be practiced on land of every class. The Western States know they must live on their natural wealth and are not likely to destroy it.

I now desire to discuss and confine this presentation to the status and disposition of the unreserved and unappropriated public domain, amounting to 193,847,240 acres, 97 per cent of which is in the 11 Western States, and which constitutes approximately 25 per cent of their total area. They are now open, as they have been since 1862, to homesteading. A serious effort is being made under the recommendation of the Department of the Interior, representing only the national and Federal viewpoint, to repeal the homestead law under which they are being taken and settled, to wit, the 640-acre grazing homestead act.

In lieu of this it is sought to substitute a perpetual Government landlordism in the form of a regulation and fee permit or lease system. If successful, this would clearly defeat and make impossible forever the execution of the government's solemn trust to the people of these later States and abandon a century-long policy of this Government. It would destroy the possibility of settlement, development, and taxation and complete State sovereignty of 25 per cent more of their area in addition to the 30 per cent now permanently reserved. This would perpetuate for all time the Federal Government in control of the greater part of the area and value of property and resources in each of these States.

It is incredible that such a proposition should receive serious consideration. It is contrary to the genius of our American system of Government. It is a violation of the purposes of our forefathers and of the Constitution.

The unreserved public lands should be disposed of by the Federal Government to private ownership as to the surface by again enlarging the homestead area from 640 acres to 1,280 acres, or by direct sales of surface rights in limited amounts not exceeding 2,560; or cession to the States wherein the lands are located of the surface and mineral rights. I favor this last plan and have introduced H. R. 477 to this end. I now wish to present herewith the manner and effect of ownership and administration of these public-land areas by the States. I have already disposed of the suggestion that, because some of the older States are alleged to have wasted their mineral, forest, and swamp lands, therefore, the Western States should not have the same right as enjoyed by all of the States east of the Rocky Mountain Range.

In the first place I call attention to the fact that Texas has retained and administered all of her public lands and resources and that she eventually worked out a good sale or lease system. I recall that Michigan, Wisconsin, Minnesota, Missouri, and Oklahoma have made good use of the mineral rights and resources that they were permitted to retain or their citizens to acquire patent for without mineral reservations. It is an unwarranted reflection upon the Western States that they can not or will not conserve and wisely use their own resources. I have every faith in the intelligence, integrity, and wisdom of the people of the Western States. Federal control has not been infallible.

It has been said that this course would stop the Federal reclamation policy, and therefore and thereby harm the development of the arid West, because the fund would be deprived of the receipts from royalties coming to the Federal Government through the mineral leasing act, 52½ per cent of which goes under the law, to the reclamation fund. In answer, let me say, first, that the 15,825,539 acres withdrawn for ultimate reclamation development by virtue of that withdrawal is not a part of the unreserved and unappropriated public domain and would not, therefore, be ceded to the States if cession were made. In the second place, while it is true that future payments into the fund from the sale of public lands and royalties under the

leasing act would cease and the States would receive such receipts direct under their own laws and provisions, there is a reclamation revolving fund now approaching $200,000,000 which will remain.

The great projects, such as the Boulder Dam and the Columbia River Basin, are not to be financed and never can be from the reclamation fund. This fund will continue to revolve and be replenished by repayments by the settlers upon the projects under their contracts. Last year they repaid over $5,000,000. These payments will be increased under their contracts. With the settlement of vacant areas and the completion and settlement of present authorized projects, these repayments will approximate eight to ten million dollars annually. With these annual repayments, the Federal reclamation policy can proceed.

It has been said that if the Federal Government parts with the remaining public lands and they come thus into the possession and control of the States, this would stop the homestead policy, and thus interfere with the settlement of these States. Passing over the inconsistency of this argument by those who would expressly repeal the 640-acre grazing homestead act, on the contrary, I assert that these separate States will each be able to create and maintain a homestead policy of their own which will be better suited to their separate needs and bring greater benefits to all concerned than the present Federal homestead act. Some States desire to have the area of the grazing homestead remain at 640 acres; some desire to increase it to 1,280; some have adopted resolutions, by their legislatures, in view of the character of the remaining lands, the best having been taken, asking Congress to increase the area to four sections, or 2,560 acres. The representatives of some States desire to administer the public domain under a regulation and fee permit or lease plan. The present Federal homestead law is rigid and applies alike to every State, regardless of its special conditions. If owned by the States, each State could adopt the policy best suited to its lands and needs. The greater number of the Western States will, in my judgment, inaugurate and maintain, if these lands are ceded to the States, a better homestead system than now prevails or can prevail under a uniform or any Federal law.

The States, once the ownership of the public lands is returned to them, can take the following courses:

First, they can preserve all the present free range, which is now being threatened with extinction by powerful interests, Federal agencies, and the Department of the Interior.

Second, they can create, maintain, and administer a better homestead law than the one now in force.

Third, they can sell such areas in such limited amounts for such reasonable prices as will best subserve the State and the livestock industry.

Fourth, they can lease for nominal or low rates until sales are made.

Fifth, they can retain title to all minerals in all these lands and lease for mineral purposes under a royalty system. The rate of royalty would be governed by the best interests of the State and the mining industry, keeping in mind the encouragement of prospecting and development. Inasmuch as the State now receives back from the Federal Government only 37½ per cent of the royalties collected, the State could fix a lower royalty and encourage the mining industry and make possible mineral development, which otherwise could not take place, by reducing the royalty materially below the amount now required by the Federal Government and still receive for the State treasury a far greater amount than under the present system, because they would receive 100 per cent of such royalty, reduced only by the cost of administration.

The added proceeds from these sources of public land sales and leases of grazing and mineral rights would provide a fund whereby, if it was desired, the State could build reclamation projects and thus hasten the general development.

It has been suggested that cession to the States of the public lands would change the policy from the benefit of all the people to the people of these particular States wherein the lands are located. I have heretofore shown that the people of the States of each area were and are the rightful beneficiaries of the lands and resources within their borders; that it is not just that the States east of the Rocky Mountains should come into possession of all of their lands or resources, either to the State or to private ownership; and that the same privileges or rights should be withheld as is now done and further proposed as to the States from the Rocky Mountains to the Pacific.

But, further, I hold that the common benefit of all of the people of all the States, from the public lands and resources, would in fact be best subserved, as was originally intended, by the building up of well-populated, strong, prosperous States where these areas are; that these States would help to feed the Nation; that they would create markets for billions of dollars annually for the products of the States to the eastward and add to the wealth, the security, and the greatness of the common country, as a whole; and that this course would in the long run best redound to the "benefit of all the people" of all the States.

Mr. ALLGOOD. Will the gentleman yield again?

Mr. WINTER. I yield.

Mr. ALLGOOD. Are they taking up many of the homesteads now?

Mr. WINTER. Yes; they took up 3,300,000 acres last year.

Mr. ALLGOOD. How many acres more are open to entry?

Mr. WINTER. If the movement to which I have just referred is unsuccessful, and the homestead law is left as it is, there is still an area of 190,000,000 acres subject to homestead.

Mr. ALLGOOD. At the rate that it is being taken up it would last for 40 or 50 years?

Mr. WINTER. Yes.

It can not be denied that the policy of conservation, regulation, and reservations adopted by the Congress during the last 30 years constituted a radical change of policy, subjecting the Western States to reservations, deprivations, regulations, restrictions, limitations, fees, charges, and royalties, to which the States from the Atlantic to the Rockies were never subjected.

Mr. ALLGOOD. Will the gentleman yield again?

Mr. WINTER. Yes; I yield.

Mr. ALLGOOD. When the Western States were admitted to the Union, were these reservations in the enabling act?

Mr. WINTER. No; they were not. In certain States the enabling act provided that the United States hold the title and the States would not interfere with the primary disposal of the land. Otherwise, there were no limitations of any kind as to the administration of the land in the Constitution or enabling act.

Mr. ALLGOOD. These reservations were made by act of Congress?

Mr. WINTER. Yes.

Mr. ALLGOOD. Since the States were admitted to the Union?

Mr. WINTER. Yes. The great bulk of them have been made since the States were created and admitted to the Union.

These immense reservations are attempted to be justified under the policy of conservation. There is no real conservation necessary or accomplished except that of the forests. The Western States know more of the facts and conditions and have a better-founded appreciation of true conservation than those who live at a distance from the things to be conserved. The Western States are in direct contact with the forest areas and know better than anyone else the value of the forests in the conservation of rainfall and snowfall to regulate and restrain the floods and retain the waters for irrigation and reclamation. As to coal, oil, gas, oil shale, sodium, phosphate, and potash, these things need development and use rather than to be locked up under the extreme theory of conservation. Every American farm from the Rockies to the Atlantic Ocean is in growing need of the three great elements of fertilizer, phosphate, potash, and nitrate. The imposition of royalties defer the day when these essentials can be profitably produced. Our coal, oil, and iron are inexhaustible. Coal and oil shale both furnish or will furnish untold quantities of gas and upward of 100,000,000,000 barrels of crude oil according to the report of the United States Geological Survey and of the Secretary of the Interior.

I therefore hold that conservation in its true sense will be upheld by the States if these lands and resources are ceded to them, and that there is no justification in the policy of conservation or on any other ground for longer withholding from these States the lands and resources within them. This is true of both the reserved and unreserved areas, but I again call attention to the fact that the present movement to cede the remaining public lands to the State where located refer not to the parks, the forest reserves, and the other reservations which I have enumerated but to the vacant, unreserved, and unappropriated public domain.

All of these lands, both reserved and unreserved domain, are of great potential value, running into billions of dollars. It will, of course, require many hundreds of millions of dollars of private capital and many decades to develop their mineral

resources so as to make return to the Government or to the States through fees and royalties. The Government or the States can not and should not go into Government ownership and operation.

The power lies in Congress and in Congress only. There is no possibility of recourse to the courts. The theory strongly debated and presented in the Senate of the United States from 1826 to 1836, and never successfully answered, that under the international treaties, the ordinances of 1787, the cessions by the original States, and the Constitution, that every State upon admission came into full ownership, possession, dominion, and jurisdiction, for all purposes, can not be advanced in the courts for want of jurisdiction where the provisions of an international treaty are concerned. Therefore, the only way in which justice and equity can be done is for Congress to change its laws and policies and now finally terminate the trusteeship which it has now been administering for more than a century, and make these States, at least to the extent of the remainder of the public domain, in truth and in fact sovereign and equal to the other States of the Union.

I am well aware that the Supreme Court has held in a strict legal sense that these States have been admitted on an equal basis and are fully sovereign when they are granted, as they have been, full political equality and representation in the Congress and the Government; and that the phrase "admitted on equal terms with the original thirteen States" means political equality and does not apply to the soil and land; but from the standpoint of equity it is obvious that States which do not have ownership control and the power of taxation over more than one-half of their areas and the resources contained therein, are not on an equal footing with other States which have come into such full jurisdiction and dominion.

The fact that west of the Mississippi the territory was acquired by purchase, and therefore the title went direct to the United States instead of by cession from the States as it was of the area east of the Mississippi, should not and does not change the fundamental plan and genius of the American system of erecting new States with the same powers as the original States. There should not be two different bases and policies with respect to the relation of States to the Federal Government and their development. The Federal Government has received back its purchase price outlay of $62,200,000 and $520,000,000 in addition, the total receipts being $590,000,000.

The average price per acre paid by the United States for the 1,112,619,280 acres in the United States proper secured by purchase was 5 cents. The price per acre paid for the 378,165,760 acres constituting Alaska was 0.019 cent. The average price paid for all, including Alaska, was 0.042. For the approximately 1,100,000,000 acres which the United States has disposed of it has received an average of nearly 55 cents per acre.

A State can not develop as it should unless its soil and resources come eventually, if not upon admission, into private ownership or State ownership, and thus to private control and development. The international treaties under which these purchased areas were acquired contained the same express provisions regarding the building of new sovereign States upon an equality with the original States, as were provided in the ordinances of 1787 and the cessions from the States of the area east of the Mississippi. Again, the original States retained great areas of public land within their final boundaries which they sold and applied the proceeds to State development.

I realize that if these lands and the resources are ever ceded to the Western States, it must be done by the votes in the Congress of the United States, coming from the States east of the Rocky Mountains. The arid States of the mountainous West have less than 35 Representatives in this House out of a total of 435. We can not demand and force our claims upon you. We feel that if this object is ever attained it will be by virtue of knowledge, information, education, argument, and persuasion. I know of no stronger force or method than to appeal to your intelligence, your sense of fairness, justice, and equity. I am certain that when you have the time and the opportunity to give to this question your full and fair consideration you will come to the conclusion that we are right in our position. No group of States in this Union, however large and powerful, will, when once convinced of the justice of these claims, refuse them.

On the filing of the memorial of the Legislature of Wyoming to the Congress asking for the cession of the remaining public lands in that State, the following editorial appeared in the Washington Post:

WYOMING STARTS A MOVEMENT

On February 17 the Governor of Wyoming signed a resolution adopted by the legislature of that State which may bring about a decided change in the control of public lands.

In a series of preambles which are predicated upon an exhaustive search of decisions of the courts and administrative acts Wyoming sets forth reasons, which seem to be based upon a sound foundation, why the public lands, not only in that State but in all the other so-called public-land States, should be turned over to the States for disposition so that they may be developed and made to contribute a share of the cost of local government.

The Commonwealths which will doubtless join with the petitioner in this instance are Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Montana, Nevada, California, Oregon, and Washington. * * * * * * Wyoming appeals to the other States named in its memorial to join with her in a memorial to Congress to turn over all the unappropriated and unreserved lands for such disposition as the legislature may deem most advantageous for the general welfare. With this end in view Wyoming has invited the others to meet in convention in some convenient place when the best means to securing congressional compliance may be discussed.

If the proposed convention is assembled and the 11 States named get together, their 22 Senators and 33 Representatives in the next Congress are likely to accomplish the result aimed at. * * *

The Western States are not looking for a great gift. The cession of these lands and their minerals would not mean sudden available wealth. They want and would have, if lands and resources were ceded to them, the opportunity to work out by the capital and brain and skill and brawn of the investor, the capitalist, the employer, the farmer, and laborer, their industrial and agricultural development.

The claims and basic equities of the States have been recognized partially in numerous acts of Congress: In the reclamation act, the Federal water power act, in the forest reserve act, in the mineral leasing act. This is but a part. They are entitled to the whole.

We have been forced by virtue of this anomalous condition of vast areas owned and controlled by the Federal Government within our borders to come to Congress with many requests for aid. We have been humiliated by this necessity and often unjustly denied. Give us our lands and resources, as you have had yours, and we shall cease to importune Congress for financial and other aid to develop our States. The relation, as it were, of guardian and ward and the consequent doling out of appropriations for various purposes for which we must beg is not compatible with the dignity of the rights of sovereign States in this Union. We are not, and ought not to be, in a class of provinces or dependencies. We ought not to be compelled to remain in the attitude of suppliants asking for annual support or gratuities, allowances, doles, or gifts. We claim the status of sovereign States and the right to develop. Return us our lands and resources and we would disdain to seek from the hands of Congress one dollar of Federal aid for any purpose which does not apply equally to all the States. We will be gratified and delighted when that day comes, as it must come, when, standing on an equality with all the rest of the States of the Union, we shall take part in and ask only to be participants and beneficiaries of those things which come to all of the States of the Union by reason of the general and national policy of internal improvements.

Higher and greater and vastly more important than lands and resources, income, taxation, development, and material prosperity is the principle that under the Constitution we have the right to stand and must become and remain equal and sovereign in a nation of sovereign States. [Applause.]

Table showing the source of our acquisitions, exclusive of our island possessions, the dates, the price, number of acres, and the price per acre:

Source	Date	Price	Price per acre	Number of acres
British treaty	1783			570, 966, 400
Louisiana purchase from France	1803	$15, 000, 000	$0. 028	529, 911, 680
Florida purchase from Spain	1819	5, 000, 000	.14	46, 144, 640
Texas annexation	1845			249, 066, 240
British treaty, Oregon	1846			183, 386, 240
Mexican treaty, Mexican cession	1848	15, 000, 000	.044	338, 680, 960
Gadsden purchase, Mexico	1853	10, 000, 000	.52	18, 988, 800
Total acreage of United States proper				1, 937, 144, 960
Alaska purchase from Russia	1867	7, 200, 000	.019	378, 165, 760
Total acreage including Alaska				2, 315, 310, 720

GENERAL LAND OFFICE TABLE 1.—*Statistics relating to the disposition of the public domain*

AREA OF STATES AND TERRITORIES

[Based upon careful joint calculations made in the General Land Office, the Geological Survey, and the Bureau of the Census]

State or Territory	Land surface		Water surface		Total areas	
	Sq. miles	*Acres*	*Sq. miles*	*Acres*	*Sq. miles*	*Acres*
Alabama	51,279	32,818,560	719	460,160	51,998	33,278,720
Arizona	113,810	72,838,400	146	93,440	113,956	72,931,840
Arkansas	52,525	33,616,000	810	518,400	53,335	34,134,400
California	155,652	99,617,280	2,645	1,692,800	158,297	101,310,080
Colorado	103,658	66,341,120	290	185,600	103,948	66,526,720
Connecticut	4,820	3,084,800	145	92,800	4,965	3,177,600
Delaware	1,965	1,257,600	405	259,200	2,370	1,516,800
District of Columbia	62	39,680	8	5,120	70	44,800
Florida	54,861	35,111,040	3,805	2,435,200	58,666	37,546,240
Georgia	58,725	37,584,000	540	345,600	59,265	37,929,600
Idaho	83,354	53,346,560	534	341,760	83,888	53,688,320
Illinois	56,043	35,867,520	622	398,080	56,665	36,265,600
Indiana	36,045	23,068,800	309	197,760	36,354	23,266,560
Iowa	55,586	35,575,040	561	359,040	56,147	35,934,080
Kansas	81,774	52,335,360	384	245,760	82,158	52,581,120
Kentucky	40,181	25,715,840	417	266,880	40,598	25,982,720
Louisiana	45,409	29,061,760	3,097	1,982,080	48,506	31,043,840
Maine	29,895	19,132,800	3,145	2,012,800	33,040	21,145,600
Maryland	9,941	6,362,240	2,386	1,527,040	12,327	7,889,280
Massachusetts	8,039	5,144,960	227	145,280	8,266	5,290,240
Michigan	57,480	36,787,200	500	320,000	57,980	37,107,200
Minnesota	80,858	51,749,120	3,824	2,447,360	84,682	54,196,480
Mississippi	46,362	29,671,680	503	321,920	46,865	29,993,600
Missouri	68,727	43,985,280	693	443,520	69,420	44,428,800
Montana	146,201	93,568,640	796	509,440	146,997	94,078,080
Nebraska	76,808	49,157,120	712	455,680	77,520	49,612,800
Nevada	109,821	70,285,440	869	556,160	110,690	70,841,600
New Hampshire	9,031	5,779,840	310	198,400	9,341	5,978,240
New Jersey	7,514	4,803,960	710	454,400	8,224	5,263,360
New Mexico	122,503	78,401,920	131	83,840	122,634	78,485,760
New York	47,654	30,498,560	1,550	992,000	49,204	31,490,560
North Carolina	48,740	31,193,600	3,686	2,359,040	52,426	33,552,640
North Dakota	70,183	44,917,120	654	418,560	70,837	45,335,680
Ohio	40,740	26,073,600	300	192,000	41,040	26,265,600
Oklahoma	69,414	44,424,960	643	411,520	70,057	44,836,480
Oregon	95,607	61,188,480	1,092	698,880	96,699	61,887,360
Pennsylvania	44,832	28,692,480	294	188,160	45,126	28,880,640
Rhode Island	1,067	682,880	181	115,840	1,248	798,720
South Carolina	30,495	19,516,800	494	316,160	30,989	19,832,960
South Dakota	76,868	49,195,520	747	478,080	77,615	49,673,600
Tennessee	41,687	26,679,680	335	214,400	42,022	26,894,080
Texas	262,398	167,934,720	3,498	2,238,720	265,896	170,173,440
Utah	82,184	52,597,760	2,806	1,795,840	84,990	54,393,600
Vermont	9,124	5,839,360	440	281,600	9,564	6,120,960
Virginia	40,262	25,767,680	2,365	1,513,600	42,627	27,281,280
Washington	66,836	42,775,040	2,291	1,466,240	69,127	44,241,280
West Virginia	24,022	15,374,080	148	94,720	24,170	15,468,800
Wisconsin	55,256	35,363,840	810	518,400	56,066	35,882,240
Wyoming	97,594	62,460,160	320	204,800	97,914	62,664,960
	2,973,892	1,903,290,880	52,897	33,854,080	3,026,789	1,937,144,960
Alaska					590,884	378,165,760
Guam					206	131,840
Hawaii					6,406	4,099,840
Canal Zone					549	351,360
Philippine Islands					114,400	73,216,000
Porto Rico [1]					3,435	2,198,400
American Samoa					75	48,000
Virgin Islands					133	85,120
Total					3,742,877	2,395,441,280

[1] Including adjacent islands.

Owing to their location adjoining the Great Lakes, the States enumerated below contain approximately an additional number of square miles as follows: Illinois, 1,674 square miles of Lake Michigan; Indiana, 230 square miles of Lake Michigan; Michigan, 16,653 square miles of Lake Superior, 12,922 square miles of Lake Michigan, 9,925 square miles of Lake Huron, and 460 square miles of Lakes St. Clair and Erie; Minnesota, 2,514 square miles of Lake Superior; New York, 3,140 square miles of Lakes Ontario and Erie; Ohio, 3,443 square miles of Lake Erie; Pennsylvania, 891 square miles of Lake Erie; Wisconsin, 2,378 square miles of Lake Superior and 7,500 square miles of Lake Michigan.

In addition to the water areas noted above, California claims jurisdiction over all Pacific waters lying within 3 English miles of her coast; Oregon claims jurisdiction over a similar strip of the Pacific Ocean 1 marine league in width between latitude 42° north and the mouth of the Columbia River, and Texas claims jurisdiction over a strip of Gulf waters 3 leagues in width adjacent to her coast and between the Rio Grande and the Sabine Rivers.

Disposition of public domain, exclusive of Alaska

	Acres
Land area of the United States	1,903,290,880
Area of the original States	200,374,400
District of Columbia	39,680
Kentucky	25,715,840
Maine	19,132,800
Tennessee	26,679,680
Texas	167,934,720
Vermont	5,839,360
West Virginia	15,374,080
Connecticut and Virginia reserves in Ohio	8,004,800
Reserves and withdrawals:	
Indian reservations	69,286,650
National forests (net area)	135,533,824
National parks	7,605,701
National monuments	2,356,026
Naval oil reserves	77,730
Power-site reserves	2,497,558
Carey Act segregations	1,935,647
Stock driveways withdrawn	9,208,453
Reserves and withdrawals—Continued.	
Reclamation lands withdrawn	15,825,539
Miscellaneous reservations, including water reserves, reservoir sites, Indian power reserves, etc	2,353,552
Total cash dispositions, including commuted homesteads, timber and stone, coal, mineral, and desert entries	317,353,234
Final homestead entries	230,558,230
Lands patented or certified to States and corporations for railroad and military wagon-road purposes	37,802,903
Corporation railroad grants	93,676,386
Wagon-road grants	3,296,618
Land and scrip granted to States for educational and other purposes	181,362,248
Final timber-culture entries	9,856,104
Lands located with military bounty land warrants (estimated)	64,000,000
Private land claims (approximate)	32,000,000
Miscellaneous dispositions (estimated)	478,883
Unperfected entries	23,282,994
Unreserved and unappropriated	193,847,240
Total	1,903,290,880

GENERAL LAND OFFICE TABLE 21.—*Aggregate cash receipts from the disposal of public and Indian lands from May 20, 1785, to June 30, 1928*

Fiscal year	Cash sale	Amount of fees and commissions	Receipts, leasing act, Feb. 25, 1920	Receipts from sales of Indian lands	Miscellaneous receipts	Aggregate receipts from all sources
May 20, 1785, to June 30, 1880						$208,059,657.14
1881	$3,534,550.98	$860,833.65		$1,006,691.63	$6,727.90	5,408,804.16
1882	6,628,775.92	1,124,531.15		634,617.22	6,591.75	8,394,516.04
1883	9,657,032.28	1,423,329.10		625,404.27	8,118.05	11,713,883.70
1884	10,304,582.49	1,536,410.58		938,137.26	10,274.76	12,789,405.09
1885	6,223,926.74	1,452,188.06		933,483.52	8,821.86	8,628,420.18
1886	5,757,891.06	1,654,876.25		1,607,729.63	10,587.49	9,031,084.34
1887	9,246,321.33	1,537,600.39		1,484,302.30	20,784.85	12,289,008.87
1888	11,203,071.95	1,498,000.05		821,113.77	24,951.65	13,547,137.42
1889	8,018,254.50	1,251,971.23		389,524.72	26,150.89	9,685,901.34
1890	6,349,174.24	1,121,696.07		293,962.30	16,585.00	7,780,517.61
1891	4,160,099.07	944,938.65		318,333.42	5,849.00	5,429,220.14
1892	3,322,865.01	1,064,865.26		456,681.84	15,757.58	4,860,109.69
1893	3,193,280.64	998,184.65		284,752.65	3,516.20	4,479,734.14
1894	1,653,080.71	1,021,295.08		91,981.03	1,557.50	2,767,824.32
1895	1,116,090.07	750,710.59		149,879.48	16,773.89	2,033,454.03
1896	1,053,905.59	793,557.82		214,700.42	44,197.84	2,106,361.67
1897	917,911.19	678,469.55		438,716.31	52,834.23	2,087,931.28
1898	1,291,076.10	853,265.50		100,317.49	33,336.09	2,277,995.18
1899	1,703,988.32	890,702.17		442,913.73	32,533.12	3,070,137.34
1900	2,899,731.83	1,157,081.03		239,769.39	83,175.85	4,379,758.10
1901	2,968,542.86	1,340,894.29		585,661.27	79,062.37	4,972,160.79
1902	4,139,268.47	1,740,820.18		258,666.68	93,171.85	6,261,927.18
1903	8,960,471.18	1,597,147.48		308,939.14	158,185.85	11,024,743.65
1904	7,445,902.84	1,349,990.89		333,757.62	153,690.63	9,283,341.98
1905	4,849,766.06	1,286,621.93		791,807.67	89,615.72	7,017,811.38
1906	4,885,988.82	1,642,488.56		967,532.50	89,514.02	7,585,523.90
1907	7,728,114.30	1,819,159.21		1,892,805.70	113,098.79	11,553,178.00
1908	9,760,570.19	1,731,883.57		997,972.52	225,283.18	12,715,709.45
1909	7,698,337.03	1,536,890.67		2,334,885.47	330,136.61	12,216,415.39
1910	6,342,744.75	2,028,892.35		2,037,551.68	1,054,735.28	11,463,924.06
1911	5,783,693.39	1,461,514.30		2,822,600.71	[1] 1,022,119.20	11,089,927.60
1912	5,437,502.07	1,234,216.47		2,284,538.37	[1] 1,016,791.09	9,973,048.00
1913	2,746,546.52	1,540,994.15		2,118,469.34	[1] 549,494.80	6,955,504.81
1914	2,650,761.84	1,654,085.02		1,844,802.77	47,677.90	6,148,367.63
1915	2,331,368.44	1,581,805.48		1,556,630.97	28,386.01	5,304,948.20
1916	1,769,860.33	1,660,933.33		1,972,299.49	41,468.44	5,444,561.59
1917	1,935,954.53	1,641,860.14		2,445,429.64	126,386.23	6,149,630.54
1918	2,050,575.58	1,160,350.88		1,935,773.73	285,127.47	5,431,827.66
1919	1,464,718.99	1,194,472.10		1,387,781.74	256,701.33	4,303,674.16
1920	1,990,764.16	1,587,060.79		2,063,186.06	490,765.40	6,131,776.41
1921	1,546,705.72	1,715,193.52	$9,725,977.31	903,371.93	616,951.88	14,508,197.36
1922	906,544.59	1,125,547.93	8,799,468.17	545,711.91	407,423.12	11,784,695.72
1923	645,505.61	828,897.84	7,580,035.57	473,001.68	173,007.02	10,700,447.72
1924	551,339.06	684,650.98	13,631,840.72	359,088.97	1,146,084.31	16,373,004.04
1925	638,396.13	563,767.14	8,278,708.62	337,090.46	948,232.24	10,766,194.59
1926	733,648.39	434,585.65	8,384,718.76	805,983.75	1,055,103.91	11,414,040.46
1927	612,132.72	495,604.70	6,669,585.81	620,694.66	803,679.36	9,201,697.25
1928	389,569.57	447,419.61	4,677,277.16	372,031.95	824,156.55	6,710,454.84
Total						593,324,284.72

[1] Includes reclamation water-right charges.

GENERAL LAND OFFICE TABLE 24.—*Payments to States from receipts under the mineral leasing act of February 25, 1920, from the passage of the act to June 30, 1928*

State	1921–1924	1925	1926	1927	1928	Total
Alabama	$32,047.50	$345.00	$345.00	$586.76	$1,138.54	$34,462.80
California	2,001,375.57	377,136.96	433,475.44	445,601.48	521,319.18	3,778,908.63
Colorado	22,413.40	26,647.03	31,531.94	40,867.46	34,918.75	156,378.58
Idaho	140.08		370.36	736.19	930.90	2,177.53
Louisiana	1,126.77	379.48	350.06	5,330.94	1,461.61	8,648.86
Montana	296,504.16	59,908.51	98,482.97	70,832.76	44,651.39	570,379.79
Nevada		270.00	861.43	540.00	548.64	1,920.07
New Mexico	2,949.55	1,302.85	6,539.01	5,771.91	9,688.23	26,251.55
North Dakota	6,665.80	2,691.88	3,453.05	2,904.18	12,277.55	27,992.46
South Dakota	45.87	63.06	94.37	7.06	15.00	225.36
Utah	39,721.51	10,027.43	12,311.93	12,905.95	21,705.52	96,672.34
Washington	5,437.28	1,149.56	637.12	939.11	1,491.32	9,654.39
Wyoming	9,140,101.05	2,980,536.61	2,584,388.31	1,911,665.78	1,102,534.13	17,719,225.88
Total	11,548,528.54	3,460,458.37	3,172,540.99	2,498,689.58	1,752,680.76	22,432,898.24

GENERAL LAND OFFICE TABLE 25.—*Receipts under the mineral leasing act of February 25, 1920, from the passage of the act to June 30, 1928*

State	1921–1924	1925	1926	1927	1928	Total
Alabama	$85,460.00	$920.00	$920.00	$1,564.70	$3,036.10	$91,900.80
California	12,620,144.97	1,037,007.05	1,092,492.65	1,194,085.61	1,389,800.40	17,333,530.68
Colorado	59,918.21	71,284.73	94,418.49	109,046.73	96,839.41	431,507.57
Idaho	373.54		923.62	1,963.16	2,482.41	5,742.73
Louisiana	3,142.14	925.31	882.73	14,215.85	3,897.63	23,063.66
Montana	739,107.50	172,684.19	249,690.59	188,807.36	119,070.36	1,469,450.00
Nevada		720.00	1,497.15	1,440.00	1,463.05	5,120.20
New Mexico	7,865.44	3,474.26	17,437.35	15,391.77	25,835.27	70,004.09
North Dakota	17,775.45	8,136.01	8,630.37	7,744.47	32,740.14	75,026.44
South Dakota	122.32	168.15	251.66	18.83	40.00	600.96
Utah	105,195.03	26,821.99	32,749.62	34,870.58	58,081.38	257,718.60
Washington	14,155.93	3,065.49	1,698.98	2,504.28	3,976.86	25,401.54
Wyoming	26,084,061.24	6,953,501.44	6,883,125.55	5,097,775.42	2,940,091.00	47,958,554.65
Total	39,737,321.77	8,278,708.62	8,384,718.76	6,669,518.76	[1] 4,677,354.01	67,747,621.92

[1] This is the amount actually covered in the Treasury during the year and differs by $76.85 from the other tables on account of moneys applied in one year and deposited in another.

GENERAL LAND OFFICE TABLE 32.—*Area of vacant, unappropriated, and unreserved public lands*[1]

State	Areas in acres		
	Surveyed	Unsurveyed	Total
Arizona	9,473,000	8,726,100	18,199,100
Arkansas	218,911		218,911
California	14,662,147	5,759,936	20,422,083
Colorado	6,907,931	809,190	7,717,121
Florida	4,282	7,224	11,506
Idaho	8,812,472	1,952,385	10,764,857
Minnesota	214,340		214,340
Montana	6,980,238	212,080	7,192,318
Nebraska	28,623		28,623
Nevada	31,449,940	22,429,018	53,878,958
New Mexico	15,617,800	1,251,800	16,869,600
North Dakota	126,474		126,474
Oregon	13,331,292	92,411	13,423,703
South Dakota	396,200		396,200
Utah	13,501,694	12,493,262	25,994,956
Washington	861,935	15,986	877,921
Wyoming	16,729,273	781,296	17,510,569
Grand total	139,316,552	54,530,688	193,847,240

[1] Circular No. 1159, Vacant Public Lands, can be had on application to the Commissioner of the General Land Office, Washington, D. C., which shows by States, land districts, and counties the areas of vacant unappropriated, and unreserved public land, surveyed and unsurveyed, with a brief statement of their character.

GENERAL LAND OFFICE TABLE 20.—*Estimated area of existing national forests, June 30, 1928 (a little over 86 per cent is public)*

	Acres
Alabama	198,385
Alaska	21,397,757
Arizona	12,267,044
Arkansas	1,690,224
California	23,990,601
Colorado	14,758,499
Florida	620,228
Georgia	672,094
Idaho	20,648,230
Illinois	10,710
Maine	115,558
Michigan	209,172
Minnesota	1,966,804
Montana	19,110,845
Nebraska	207,129
Nevada	5,246,406
New Hampshire	870,554
New Mexico	9,915,383
North Carolina	1,690,252
Oklahoma	61,640
Oregon	15,533,917
Pennsylvania	762,536
Porto Rico	65,950
South Carolina	137,216
South Dakota	1,266,325
Tennessee	876,056
Utah	7,993,665
Virginia	1,241,929
Washington	11,298,941
West Virginia	806,921
Wyoming	8,732,848
Total area	184,463,819
Area added to national forests during year	927,235
Area excluded from national forests during year	461,522
Area within temporary forest withdrawals June 30, 1928	206,079
Area of existing national forests June 30, 1927	183,938,106
Area of existing national forests June 30, 1928	184,463,819

Mr. SANDLIN. Mr. Chairman, I yield now to the gentleman from Texas [Mr. Box].

Mr. BOX. Mr. Chairman, I have introduced in the House and have had pending for some years what is now H. R. 6465, applying the quota restrictions of the immigration law to Mexico and American countries. The State Senate of the State of Arizona recently passed, as I am informed, by unanimous vote, a resolution memorializing the Congress to enact the law. I ask unanimous consent to extend my remarks by having a copy of that resolution printed in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

Mr. BOX. Mr. Chairman, under leave to extend my remarks in the RECORD, I include the following resolutions:

NINTH LEGISLATURE, REGULAR SESSION,
STATE OF ARIZONA.

Senate Memorial 1 (introduced by Mr. Ross) memorializing the Congress of the United States to enact the provisions of H. R. 6465, Seventieth Congress, first session, known as the Box bill, thereby restricting immigration from the Republic of Mexico into the United States of America

To the Congress of the United States of America:

Your memorialist, the Ninth Legislature of the State of Arizona, in regular session, respectfully represent that there is now pending before the Congress of the United States a bill (H. R. 6465, 70th Cong., 1st sess.) known as the Box bill, which restricts immigration from the Republic of Mexico into the United States of America; that in the past years there has been legislation enacted by the United States limiting the number of persons which might come to the country, and fixing quota of any one nation in any one year. That law has solved many of the problems with which this country is confronted, and has resulted in very material gain to the working people of this country; has helped to maintain the standard of living of the laboring classes, and demonstrates that it was the proper solution of the situation which confronts us.

Your memorialist further represent that there is at the present time in the United States of America approximately 3,000,000 people who are citizens and descendants of citizens of the Republic of Mexico. This large number of people are engaging in work of a character that competes with American men and women, and of a class of work in which we have an ample supply of laborers at home. This creates an oversupply and works a hardship on our own citizens.

It is a further fact that in this State of Arizona an attempt was made some years ago to require that 80 per cent of the workingmen in any industry should be citizens of the United States. This law was held unconstitutional by the Supreme Court of the United States; whereas, on the other hand, in the Republic of Mexico a similar requirement of that law, in respect to the number of native-born citizens who must be engaged in any industry, is upheld and enforced, thus creating inequality in the law and conditions under which the citizens of the respective countries labor.

Experience has taught that whenever a large number of citizens of a foreign nation come into the United States of America to serve a temporary need of a seasonal demand for labor, such laborers are recruited from the poorer class, and make impossible the maintaining of the American standard of living. They are willing to and do work for an amount of money inadequate to properly support, rear, and educate their children. They are sources of infectious, communicable diseases, and usually after such labor has been performed they often become public charges and are a menace to the health of the country, a strain on the hospitals, charities, and other institutions of our country. It has been the experience in the State of Arizona that, instead of it ever being an economic benefit in industry, it has resulted in a governmental responsibility far outweighing any benefit that might be derived temporarily by filling such labor needs.

It is our conclusion that the policy of not restricting immigration to the country is wrong, and no good sound argument can be offered to justify an exception: Therefore be it

Resolved, That the Senate of the Ninth State Legislature of the State of Arizona favors the maintenance of the basic provisions of the immigration act of 1924, and urges upon the Congress of the United States the enactment into law of H. R. 6465, first session of the Seventieth Congress, commonly known as the "Box bill," making the quota provisions thereof applicable to Mexico, Cuba, Canada, and the countries of continental America and adjacent islands; and your memorialist will ever pray; be it further

Resolved, That a copy of this memorial, properly engrossed, be transmitted to the Hon. JOHN C. Box, and to each of the members of the Committee on Immigration and Naturalization of the House of Representatives, Washington, D. C.

Adopted January 31, 1929.

Mr. SANDLIN. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. PATTERSON].

Mr. PATTERSON. Mr. Chairman, ladies and gentlemen of the committee, to my way of thinking, to-day should be one of deep significance to us all. One hundred and twenty years ago this the 12th of February there was born out in the great State of Kentucky, at that time mostly wilderness and considered the Far West, a child who was, I believe, marked by the Eternal God to serve the Nation in his own great hour.

Many great men and women were born in the year 1809, but this character, who was born in poverty, reared amidst hardships, schooled in the forest and the prairies under the everlasting elements, and who experienced one heartbreak after another, transcends them all. Gladstone was great, Emerson as a nineteenth century philosopher ranks first, but this great character stands alone. He has no peer. He is preeminent in a class by himself.

Abraham Lincoln passed across the horizon of the nineteenth century and left not only a great heritage to mankind, but so changed the social status of the whole world that he has been termed by a critical and able foreign writer as one among a half dozen of the greatest men of all time.

The efforts of the searchers and critics of the years have acted on his life like the rubbing of a precious stone, for they have made it shine with more luster. In fact, he was a real diamond and not an imitation. Needless to say, he never compromised with the wrong and had a firm belief in the final triumph of the right under God. He has embodied in his life as nearly as

anyone the great injunctions of the Master to love one's enemies and to love one's neighbor as himself.

Probably the most severely criticized public man of any time or any country, yet he endured and exemplified nothing but kindness and love. In conformity with the great commandment, he was reviléd and reviled not.

Notwithstanding all that has been said and written about him, we stand too close to him, even now, to see the real man as he was and properly evaluate his greatness. When we stand near the foot of a great mountain, we can not see it as it is, but can only see a rough gorge or two on the sides, with a few trickling streams, interspersed with foliage here and there. Only when we recede does the eye take in the mountain from base to peak and see it in all of its grandeur of outline as it goes up from the brown fields through its evergreen timber region to the perpetual snow of its summit. So it is even to-day with our Lincoln; we stand near him and only see him partly, but as time passes and the ages roll on his life will stand out in all its beauty and splendor and new and more sublime phases of his character will open up as a heritage to humanity and as a succor to those seeking liberty and freedom.

No President except him ever said or could have said with the same force, "With charity for all and with malice toward none," because it came as a direct inspiration from God.

His phrase "Bind up the wounds" included his whole life philosophy, for he had spent it in trying to bind up wounds of others.

A great patriot, a great Executive, a great statesman, a great literary figure, but he was greatest of all in love and charity, for his great heart went out in deep compassion to the humble and the distressed of all the world.

Although—as Whitman so beautifully said in his poem "O Captain! My Captain!"—his pulse is still to-day and his body lies fallen cold and dead, his spirit lives, and we feel that we can hear it speak to us to-day, paraphrasing those immortal words which have been so beautifully and appropriately read to us by the gentleman from Ohio, that we, reaching from every hearthstone and every fireside altar in the land to the sacred foundation of the Nation's Capital, reconsecrate ourselves to those ideals and rededicate ourselves to the task that is before us; that we carry on under God the liberty and freedom of that country for which he gave his all. [Applause.]

[From the Wetumpka Herald, Wetumpka, Ala., February 7, 1929]

ABRAHAM LINCOLN

"Now he belongs to the ages," muttered Secretary Stanton, when the great spirit of Abraham Lincoln had left its earthly abode. Probably the speaker himself, even in that moment of prophetic insight, failed to realize the great truth in these simple words.

To-day a statue of Abraham Lincoln occupies a prominent place before the House of Parliament in England. One of the greatest and most successful plays of recent times was written by an Englishman—John Drinkwater—and devoted exclusively to certain phases of Abraham Lincoln's career. Spanish thinkers, French historians, German scholars, and intellectual leaders everywhere unite to-day in venerating Lincoln as one of the finest characters and one of the ablest men who ever trod the face of this earth.

Several thousand books have been written devoted to his career, and yet within the past two years two new, great Lincoln biographies have appeared and met with generous popular response. The American schoolboy has Lincoln set before him as an example from the time when he first begins to read. The Chinese or Hindu scholar studies the emancipator's career and finds it a great source of inspiration.

How may we account for the vastness of this fame—the growth of this Lincoln legend, if one would so term it? His rise from an humble log cabin on the prairie to the White House may account for it in part. But there have been many other similar careers in our own country and in other lands. His humanitarian and tolerant attitude toward the suffering and errors of common people accounts for it still more. But that is not the whole story, either. The character of Lincoln is loved by ordinary folks everywhere, but the ability and power of this same man is respected by statesmen.

He put his bitter political opponents in his Cabinet because of his high regard for their ability. He heeded their advice in all matters and then decided everything for himself. He hated war, but he led his Nation into war for the preservation of a principle. He fought the seceding States vigorously, but never exhibited anything but kindness and sympathy toward southern people in their hour of trial and trouble.

Lincoln never compromised with what he regarded as a great principle for the sake of temporary advantage. He was always sympathetic toward the weak and afflicted but powerful to the strong and arrogant. He was both a kindly man and a heroic figure—a rare combination in the entire history of the world.

The Lincoln legend may well be preserved, and even embellished for succeeding generations, for nowhere may there be found a better ideal of statesmanship.

STANZA VI OF ODE RECITED AT THE HARVARD COMMEMORATION, JULY 21, 1865

By James Russell Lowell

Such was he, our Martyr-Chief,
Whom late the Nation he had led,
With ashes on her head,
Wept with the passion of an angry grief:
Forgive me, if from present things I turn
To speak what in my heart will beat and burn,
And hang my wreath on his world-honored urn.
Nature, they say, doth dote,
And can not make a man
Save on some worn-out plan,
Repeating us by rote:
For him her Old World moulds aside she threw,
And, choosing sweet clay from the breast
Of the unexhausted West,
With stuff untainted shaped a hero new,
Wise, steadfast in the strength of God, and true.
How beautiful to see
Once more a shepherd of mankind indeed,
Who loved his charge, but never loved to lead;
One whose meek flock the people joyed to be,
Not lured by any cheat of birth,
But by his clear-grained human worth,
And brave old wisdom of sincerity!
They knew that outward grace is dust;
They could not choose but trust
In that sure-footed mind's unfaltering skill,
And supple-tempered will
That bent like perfect steel to spring again and thrust.
His was no lonely mountain peak of mind,
Thrusting to thin air o'er our cloudy bars,
A sea mark now, now lost in vapors blind.
Broad prairie rather, genial, level lined,
Fruitful and friendly for all human kind,
Yet also nigh to heaven and loved of loftiest stars.
Nothing of Europe here,
Or, then, of Europe fronting mornward still,
Ere any names of Serf and Peer
Could Nature's equal scheme deface
And thwart her genial will;
Here was a type of the true elder race,
And one of Plutarch's men talked with us face to face.
I praise him not; it were too late;
And some innative weakness there must be
In him who condescends to victory
Such as the Present gives, and can not wait,
Safe in himself as in a fate.
So always firmly he:
He knew to bide his time,
And can his fame abide,
Still patient in his simple faith sublime,
Till the wise years decide.
Great captains, with their guns and drums,
Disturb our judgment for the hour,
But at last silence comes;
These all are gone, and, standing like a tower,
Our children shall behold his fame,
The kindly-earnest, brave, foreseeing man,
Sagacious, patient, dreading praise, not blame,
New birth of our new soil, the first American.

Mr. SANDLIN. Mr. Chairman, I yield now to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Chairman, as a result of the recent bad break in the stock market resolutions have been offered in the House and Senate proposing an investigation of loans made by several Federal reserve banks and amendments have been introduced to the Federal reserve act, as amended. The purpose of these resolutions, and the proposed amendments to the Federal reserve act, is apparently to hold investigations and hearings which will be instrumental in bringing out information that may be used by the Congress to write such legislation that will prevent the Federal Reserve Board from using its powers to artificially raise or lower the markets in securities. Investigations and hearings while sometimes irritating to the public as a result of a misunderstanding of their nature and purpose are productive in the way of bringing out information that may serve as a basis for legislation which tends to promote the general welfare. The investigations made by the Banking Committee when Congressman Arsene Pujo, of Louisiana, was its chairman, undoubtedly paved the way for the introduction and passage subsequently of the Federal reserve act. This act has not been a cure-all but through its provisions a stabilization was effected without which we could not have financed our

World War operations which necessitated the expenditure of amounts so huge as to stagger the imagination even when emotionalism had lifted us so high as to almost remove our feet from the ground.

The act has not been a panacea for all our ills, though in time it may bring about results not yet achieved but which were in the minds of many of its sponsors and creators, many of whom hoped that the system would make for that supply of money and credit in each of the financial regions brought into existence so as to make for the development of business and the profitable movement of our commodities, agricultural and commercial. This purpose has been temporarily frustrated in a measure by reason of the fact that investors and speculators in securities have been willing to pay a higher rate for the use of money, particularly in New York, that as a consequence has attracted millions and millions of dollars which a great many students of finance hold would otherwise have remained in different sections of the Union making for banking funds that could be and would be invested in real trade, the movement of agricultural products and manufactured articles and commodities.

As a result of a number of causes and factors New York has an enormous banking capital. Rivers of gold flow from every part of the United States into this vast reservoir. Transportation rates making for stupendous sums all flow with clocklike regularity to New York. Insurance rates, life and fire, to a large extent flow in the same direction. These funds have to be invested in order to make them productive, for their trustees can not ignore the Biblical suggestion of increase and bury their talents. Every bank in the United States carries a part of its reserve in New York banks. These reserves, plus their own resources and deposits, combined with the surplus funds of the great insurance companies and corporations that have their domicile in the magnificent city which is Rome and Babylon put together, make it stand out as the colossus of the financial world. It is not quite two years ago since the newspapers of the country carried a news item that more than 50,000 persons had journeyed to New York solely for the purpose of speculating in the securities listed in the stock exchange of the Goliath city of the world.

There are some things, Mr. Chairman, however, which should be approached cautiously from the legislative standpoint. No one sympathizes more with the unfortunate fool who plunges into a speculation in hopes of winning that fortune that will enable him to provide his family with the luxuries which an insatiable modern civilization apparently demands. I sympathize with the man or woman blinded by enthusiasm and the hopeful view of a prospect that will fade out of the picture and leave him and her unheeded, alone with death sweeping down on their failures, and even their faith overthrown. In every generation apparently since the dawn of civilization many, too many poor fools, men and women, have stood at the dying of the day with their work all around them bent, broken, and ruined as a result of a blind enthusiasm and a heedless attitude toward the obvious principles and factors of human existence. Tens of thousands of men and women bought land at fabulous prices in Florida, when a single moment of thought would have convinced them that there was no crop, however bountiful that might be raised upon it, which would pay a fractional part of the taxes that are as inevitable as death when that land was in the rural part of the State; and no urban development, however great, could make for a return that would during the course of a lifetime even pay for a part of the payment of the thoroughfare upon which abutted their property when in towns and cities, actual or in prospect. It is saddening to reflect that there are only too many who come into the world in every generation who are doomed to see slip from their hands the prize which they have for a moment apparently grasped and whose youth and old age have never produced a prosperous flower in its branches. And yet the world could not afford, notwithstanding the tragedies of speculation and investment, to stem that wonderful tide which has made for a development of natural resources and the opulent growth of a stupendous civilization paling into insignificance the glory that was of Greece, the grandeur that was of Rome. The value of Milton's immortal Paradise Lost is in its wonderful setting forth of the wisdom that lies in moderation in all things. As a result of education, which is constantly making progress among all people, soon or late strength of character will come that will protect in a measure people from playing the part of fools that rush in where angels fear to tread.

A civilization that has produced so many school houses, libraries, and newspapers which are the crowning glory of our educational system will ultimately but inevitably make for a saner process on the part of those who if left uncontrolled by such wisdom would continue to feed themselves to the maw of Moloch.

Success in amassing a competence is achieved most generally by hard work. When won in any other way its triumphs are not lasting and its laurels are likely to fade and wither overnight. These are my own observations with respect to the financial system which makes for victims as well as for beneficiaries. Apparently there is good and evil in all things. Some philosophers have asserted there is good in evil and evil in good. While we sympathize with the vanquished the thought must come to those who have given any attention to the subject that governmental interference might bring about a condition immeasurably worse than that which results from an orgy of speculation. It is better to suffer the ills and sorrows of an outrage fortune than to fly to those which we know not of and that we may not be able to endure.

We live in a world governed by law, ceaseless in its operation and irresistible in its effects. Inanimate as well as animate nature is controlled by it with a certainty that is mathematical. Money moves for investment looking to an increase in accordance with a mandate more powerful and fixed than that of the Book which orders man to go forth and increase and multiply. It obeys that law as yieldingly as does matter the laws of gravitation, and just as surely as the earth revolves on its axis and plunges through its orbit, and just as remorselessly, unconsciously as it were, but always pursuing and observing the law of its existence

With all the sentimentalities probably against it, that movement carried more than $11,000,000,000 abroad since the war, and exclusive of our Government war and after the war loans many publicists thought our own country offered investment opportunities superior to the public utilities, municipal, and State requirements and necessities of European countries; but that thought thundered from the fortresses of American liberty and power, the editorial rooms of the great dailies and magazines, did not disturb the movement for a moment and did not switch it from its path by the fraction of an inch. And again, by way of a return to the regular narration of the subject, the raising or lowering of the rate of discount does not have any substantial effect on stemming the tide of speculation. Superficially it may appear appealing, but as a matter of fact the interest involved is of no consequence to the speculator or gambler if you will, though it may be of some concern to the professional scalpers, whose operations are inconsequential when contrasted with the enormous movement that takes place apparently periodically and sporadically but really always as a result of an accumulation by those born to take a chance. The ineradicable tendencies of man must be wisely regulated through education and not prohibited by legislation which will not only fail of its purpose but may lead to results far more pernicious than the ill sought to be cured.

In a multitude of counsellors there is much wisdom. This is substantially, if not accurately, the statement that may be found in that Book which expresses the crystallization of the wisdom of the ages. I am in receipt of a letter from a man who has played out a great part in the grand drama of life. His stage has been the great Mississippi Valley, and in that valley he has done noble things, not dreamed them all the day long. As a torchbearer he lighted the way for those who had eyes to see that a proper flood-control plan and system would make for an opulence and a splendor in the Mississippi Valley far surpassing that of the Nile, the Tigris, and the Euphrates. He was an earnest, sincere advocate of flood control when it was difficult to secure the attention of the people to that great problem. He cares not for fame, but hopes and looks for results. He is a writer, journalist, and economist. He is known to the students of waterways from St. Paul to New Orleans and from the ramparts of the Rocky Mountains to the crest of the Alleghenies. I refer to Walter Parker, who has written me his views, which I think will prove of interest to the people of this country and particularly to those among whom he has labored so long and affectionately. With no other thought in his mind than of advancing their welfare, and knowing that the reward of one duty well performed is the power to do another, he has written me the following letter, conveying views with which I may not be entirely in accord with, but which I am sure are worthy of the consideration of his countrymen:

> In all probability Congress is hearing from home from stock traders who have lost a lot of money during the past two days as a direct result of the gratuitous attack on the market by the Federal Reserve Board.
>
> Here are some side lights on the situation which may prove of value to you:

There is actual delivery of the stocks traded in on the floor of the New York Stock Exchange, and 100 per cent in cash of the purchase price is paid within 24 hours after the sale and purchase.

Such transactions constitute simply a transfer of actual bona fide owners, the new owner carrying the investment in full in place of the old owner who secures the price thereof in cash.

The volume of daily stock transactions now constitutes a smaller percentage of the total issues outstanding than was formerly the case when the daily turnover was much smaller.

The total amount of brokers' loans represents a smaller percentage of the national interest in stocks than formerly. To-day literally millions of individuals own the common stocks of the great enterprises of the country, whereas a few years ago such stocks were held by a relatively few thousand individuals.

In a broad sense there are two ways for the investor to get the benefit of the increment being produced as the country grows and develops—lands and common stocks.

Lands are not a liquid investment. They are more easily bought than sold.

Anyway, a large percentage of the total increment capable of being produced by the land in the United States has already been realized. Immigration restriction is a factor in slowing down the ability of land to develop additional increment. The increase in the population of the country will slow down somewhat.

In the larger aspect, business development not only has not encountered such a check, but on the contrary is discovering new economies and new opportunities for larger net profits. Consolidations, chain stores, partial payments, new markets at home and abroad—the great war brought new desires, new experiences, new demands to many backward people throughout the world.

The common stock of the great enterprises of the United States constitutes the ownership of such enterprises. To the common stock comes not only the net earnings but the increment. Such stock when properly margined supplies the very best known collateral for call loans. It is instantly salable at the full market value in cash, through the stock exchange.

In the very recent past many of America's business volume standards have changed.

During and after the war the United States oversold to the remainder of the world and in payment drew in most of the money and securities held abroad. Before the war English investors held about $5,000,000,000 worth of American investments. Most of these found their way back to the United States in exchange for needed war material and merchandise.

The United States has become a lender instead of a borrower of money abroad.

More and more the United States requires overseas markets for its surplus manufactures.

Every share of stock bought, whether it be held for 1 minute or 10 years before being sold to some one else, and whether it be paid for in cash in full by the buyer, or paid for in part and the remaining cash being obtained through a bank time loan or a broker's call loan, is a share carried by some one in some enterprise which actually or prospectively is engaged in some form of labor employing, resource developing work.

South America, Africa, Russia have greater natural resources than has the United States. But they lack the means of financing great enterprises for the development of their natural resources. Consequently their populations do not enjoy genuine economic ease.

In the United States rapid means of communication, the willingness of underwriters to underwrite great enterprises because of the readiness first of temporary and finally of permanent investors to relieve the underwriters, so that they can reengage in further undertakings, the very liquid character of finance, and the present-day desire of the public at large to participate in such enterprises through common-stock ownership, plus natural resources, give the United States opportunities for development, expansion, and wealth building not known in any other country. Hence our great prosperity and economic ease.

Stock trading is merely a part of the whole.

Open trading will effect a proper balance for itself.

There is now a greater economic need and use for call loans than formerly. Quite naturally the higher call-loan interest rates are the more money from all the world will naturally flow to the call-loan market. Conversely the lower the call-money interest rate the less money will be attracted by the call-money market.

Normally, no money seeks profitable use in the call-money market except such moneys as can not be loaned on time—reserves which must at all times be subject to call.

In the South industrial enterprise is now looking up. We will need literally billions of dollars for new factories, smooth roads, new transportation, municipal improvements and the like. The larger economic development of the South depends on the ability to secure financing on the grand scale.

An open and untrammeled market for stocks and securities is essential. We can not hope to finance the new South and its requirements in the old way of peddling local stocks to local investors.

No man is under compulsion to buy investment stocks, but not infrequently owners are compelled to sell. Therefore an untrammeled market for stocks is in the public interest.

There is an immutable economic law which assures an ultimate balance in the stock market if that market be left free to conform to that law.

Very truly,

WALTER PARKER.

Mr. WELSH of Pennsylvania. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17053, the legislative appropriation bill, and had come to no resolution thereon.

LEAVES OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. KVALE, at the request of Mr. SELVIG, indefinitely, on account of illness.

Mr. KING, at the request of Mr. DENISON, indefinitely, on account of serious illness.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 51. Concurrent resolution to appoint a committee from the Senate and House to represent the Congress of the United States at the celebration of the completion of the canalizing of the Ohio River from Pittsburgh, Pa., to Cairo, Ill., October 15 to 20, 1929.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 6496) granting the consent of Congress to compacts or agreements between the States of New Mexico and Oklahoma with respect to the division and apportionment of the waters of the Cimarron River and all other streams in which such States are jointly interested, disagreed to by the House, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PHIPPS, Mr. JONES, and Mr. SHEPPARD to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 6497) granting the consent of Congress to compacts or agreements between the States of New Mexico, Oklahoma, and Texas with respect to the division and apportionment of the waters of the Rio Grande, Pecos, and Canadian or Red Rivers, and all other streams in which such States are jointly interested, disagreed to by the House; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PHIPPS, Mr. JONES, and Mr. SHEPPARD to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 6499) granting the consent of Congress to compacts or agreements between the States of New Mexico and Arizona with respect to the division and apportionment of the waters of the Gila and San Francisco Rivers and all other streams in which such States are jointly interested, disagreed to by the House; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PHIPPS, Mr. JONES, and Mr. SHEPPARD to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 7024) granting the consent of Congress to compacts or agreements between the States of Colorado and New Mexico with respect to the division and apportionment of the waters of the Rio Grande, San Juan, and Las Animas Rivers and all other streams in which such States are jointly interested, disagreed to by the House; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PHIPPS, Mr. JONES, and Mr. SHEPPARD to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 7025) entitled "An act granting the consent of Congress to compacts or agreements between the States of Colorado, Oklahoma, and Kansas with respect to the division and apportionment of the waters of the Arkansas River and all other streams in which such States are jointly interested," disagreed to by the House; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PHIPPS, Mr. JONES, and Mr. SHEPPARD to be the conferees on the part of the Senate.

The message also announced that the Vice President had appointed Mr. DALE and Mr. MCKELLAR members of the joint select committee provided for in the act of February 16, 1889,

as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the United States Civil Service Commission.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 16422) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1930, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BINGHAM, Mr. PHIPPS, Mr. JONES, Mr. GLASS, and Mr. KENDRICK to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 8736) entitled "An act to provide for the inspection of the battle field of Brices Cross Roads, Miss., and the battle field of Tupelo, or Harrisburg, Miss., disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. REED of Pennsylvania, Mr. GREENE, and Mr. FLETCHER to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House of Representatives to the amendment of the Senate, numbered 15, to the bill (H. R. 15386) entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16301) entitled "An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1930, and for other purposes."

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2206. An act to amend section 260 of the Judicial Code, as amended; to the Committee on the Judiciary.

S. 3001. An act to revise the north, northeast, and east boundaries of the Yellowstone National Park in the States of Montana and Wyoming, and for other purposes; to the Committee on the Public Lands.

S. 3100. An act to facilitate and simplify the work of the Department of Agriculture in certain cases; to the Committee on Agriculture.

S. 3233. An act for the relief of Harry E. Good, administrator de bonis non of the estate of Ephraim N. Good, deceased; to the Committee on Claims.

S. 4964. An act to authorize the erection of a suitable statue of Maj. Gen. George W. Goethals within the Canal Zone; to the Committee on Interstate and Foreign Commerce.

S. 5543. An act to establish the Grand Teton National Park in the State of Wyoming, and for other purposes; to the Committee on the Public Lands.

S. J. Res. 196. Joint resolution authorizing and requesting the President of the United States to take steps in an effort to protect citizens of the United States in their equitable titles to land embraced in territory to be transferred from the State of Oklahoma to the State of Texas and from the State of Texas to the State of Oklahoma as per decree of the Supreme Court of the United States in the case of Oklahoma *v.* Texas (1926, 272 U. S. 21, p. 38), and to give the consent of Congress to said States to enter into a compact with each other and with the United States relating to such subject matter; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 56. An act to authorize the Postmaster General to issue receipts to senders for ordinary mail of any character, and to fix the fees chargeable therefor;

H. R. 58. An act to authorize the assignment of railway postal clerks and substitute railway postal clerks to temporary employment as substitute sea-post clerks;

H. R. 132. An act authorizing the erection of a sanitary fireproof hospital at the National Home for Disabled Volunteer Soldiers at Dayton, Ohio;

H. R. 496. An act authorizing an appropriation for development of potash jointly by the Department of Agriculture and the Department of Commerce by improved methods of recovering potash from deposits in the United States;

H. R. 967. An act for the relief of George H. Illichevsky;

H. R. 1939. An act for the relief of James M. Thomas;

H. R. 2492. An act to extend the benefits of the United States employees' compensation act of September 7, 1916, to John L. Jenifer, a former employee of the Government Printing Office, Washington, D. C.;

H. R. 3949. An act for the relief of Frank F. Moore;

H. R. 3967. An act for the relief of the next of kin of Edgar C. Bryon;

H. R. 4267. An act for the relief of Ernest H. Hiscock;

H. R. 4776. An act for the relief of Dr. Stanley R. Teachout;

H. R. 5713. An act to permit certain warrant officers to count all active service rendered under temporary appointments as warrant or commissioned officers in the regular Navy, or as warrant or commissioned officers in the United States Naval Reserve Force for the purpose of promotion to chief warrant rank;

H. R. 5780. An act to provide for the further carrying out of the award of the National War Labor Board, of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co., Bethlehem, Pa.;

H. R. 6865. An act to prescribe more definitely the rates of compensation payable to steamships of United States registry for transportation of foreign mails;

H. R. 7392. An act for the relief of John I. Fitzgerald;

H. R. 7409. An act for the relief of John J. Campbell;

H. R. 8807. An act for the relief of James O. Williams;

H. R. 8901. An act to amend and further extend the benefits of the act approved March 3, 1925, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes";

H. R. 8968. An act to allow credit in the accounts of William A. Schoenfeld;

H. R. 9716. An act for the relief of Charles H. Salley;

H. R. 9943. An act for the relief of Sawyer Motor Co.;

H. R. 10015. An act authorizing the promotion on the retired list of the Navy of Herschel Paul Cook, lieutenant, junior grade;

H. R. 10327. An act for the relief of Charles J. Hunt;

H. R. 10624. An act for the relief of William J. Casey;

H. R. 10760. An act to authorize the settlement of the indebtedness of the Hellenic Republic to the United States of America and of the differences arising out of the tripartite loan agreement of February 10, 1918;

H. R. 10913. An act to compensate Talbird & Jenkins for balance due on contracts with Navy Department dated March 20 and October 9, 1919;

H. R. 11289. An act for the relief of Katherina Kautz and Fred G. Kautz, heirs of the estate of Christian F. Kautz, deceased;

H. R. 11616. An act to authorize alterations and repairs to certain naval vessels;

H. R. 11749. An act for the relief of H. A. Russell;

H. R. 12007. An act for the relief of Mr. and Mrs. Peter J. Egan;

H. R. 12322. An act to quiet title and possession with respect to certain lands in Faulkner County, Ark.;

H. R. 12347. An act granting all right, title, and interest of the United States to the piece or parcel of land known as the Cuartel lot to the city of Monterey, Calif.;

H. R. 12415. An act to grant freedom of postage in the United States domestic service to the correspondence of the members of the diplomatic corps and consuls of the countries of the Pan American Postal Union stationed in the United States;

H. R. 12520. An act for the relief of the Nez Perce Tribe of Indians;

H. R. 12607. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of Naval Post 110 of the American Legion the bell of the battleship *Connecticut;*

H. R. 12711. An act for the relief of certain members of a trail crew employed by the Forest Service;

H. R. 12714. An act for the relief of the Rocky Ford National Bank, Rocky Ford, Colo.;

H. R. 12898. An act to extend the collect-on-delivery service and limits of indemnity to sealed domestic mail on which the first-class rate of postage is paid;

H. R. 13428. An act for the relief of Mackenzie Memorial Hospital and German-American Hospital and Lau Yc Kun, all of Tientsin, China;

H. R. 13449. An act to provide for the promotion of clerks and general mechanics in the motor-vehicle service;

H. R. 13450. An act to provide for the promotion of clerks, general mechanics, driver mechanics, and garage men drivers in the motor-vehicle service;

H. R. 13451. An act to authorize the Postmaster General to hire vehicles from letter carriers for use in service;

H. R. 13565. An act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved July 3, 1926;

H. R. 13692. An act authorizing the Coos (Kowes) Bay, Lower Umpqua (Kalawatset), and Siuslaw Tribes of Indians of the State of Oregon to present their claims to the Court of Claims;

H. R. 13899. An act authorizing the Secretary of the Interior to issue patents for lands held under color of title;

H. R. 13977. An act authorizing the Secretary of the Interior to settle claims by agreement arising under operation of Indian irrigation projects;

H. R. 14458. An act authorizing the Rio Grande del Norte Investment Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near San Benito, Tex.;

H. R. 14572. An act for the relief of William D. Ghrist;

H. R. 15004. An act for the relief of Florence P. Hampton;

H. R. 15005. An act authorizing the Donna Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Donna, Tex.;

H. R. 15006. An act authorizing the Los Indios Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Los Indios, Tex.;

H. R. 15039. An act for the relief of Winston W. Davis;

H. R. 15069. An act authorizing the Rio Grande City Camargo Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Rio Grande City, Tex.;

H. R. 15092. An act to authorize an appropriation to pay half the cost of a bridge near the Soboba Indian Reservation, Calif.;

H. R. 15279. An act for the relief of the family of Wang Erh-Ko;

H. R. 15328. An act to authorize the exchange of 18 sections of Government land for an equal value of State land located in Box Elder County, Utah, for experiments in sheep growing, and for other purposes;

H. R. 15523. An act authorizing representatives of the several States to make certain inspections and to investigate State sanitary and health regulations and school attendance on Indian reservations, Indian tribal lands, and Indian allotments;

H. R. 15968. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn.;

H. R. 16129. An act to provide for the acquisition of a site and the construction thereon and equipment of buildings and appurtenances for the Coast Guard Academy;

H. R. 16527. An act to authorize the Secretary of the Interior to purchase land for the Alabama and Coushatta Indians of Texas, subject to certain mineral and timber interests;

H. J. Res. 153. Joint resolution for the contribution of the United States in the plans of the organization of the International Society for the Exploration of the Arctic Regions by Means of the Airship;

H. J. Res. 304. Joint resolution providing for the observance and commemoration of the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski, and establishing a commission to be known as the United States Pulaski Sesquicentennial Commission;

H. J. Res. 343. Joint resolution authorizing an extension of time within which suits may be instituted on behalf of the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to June 30, 1930, and for other purposes;

H. J. Res. 356. Joint resolution to authorize the exchange of certain public lands in the State of Utah, and for other purposes; and

H. J. Res. 398. Joint resolution to extend the period of time in which the Secretary of the Interior shall withhold his approval of the adjustment of Northern Pacific land grants, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1271. An act to more effectively meet the obligations of the United States under the migratory-bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds, and authorizing appropriations for the establishment of such areas, their maintenance and improvement, and for other purposes; and

S. 3178. An act to provide an additional method for collecting taxes in the District of Columbia, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President for his approval bills of the House of the following titles:

H. R. 12032. An act to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended;

H. R. 13097. An act for the relief of Thomas W. Moore; and

H. R. 14479. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio.

SPEECH OF HON. CHARLES L. ABERNETHY

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a speech by my distinguished colleague from North Carolina, Mr. ABERNETHY, delivered over the radio at Station WJSV, Washington, D. C., February 9.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech delivered by Hon. CHARLES L. ABERNETHY, of North Carolina, over radio station WJSV, Washington, D. C., on the subject of farm relief:

FARM RELIEF

On January 25, 1929, I spoke over this station to a radio audience on the question of farm-relief legislation. At that time I urged that it was necessary for western and southern Members of Congress to unite if we expected any substantial relief in the way of legislation for the benefit of the farmers.

The first session of the Seventieth Congress adjourned with no relief. The second session of this Congress will adjourn the 4th of March without any legislation being enacted for the benefit of the farmer.

It is not my purpose to do more than to give the situation as it is, so that the responsibility may be placed where it properly belongs for this delay in granting the relief for agriculture.

At the last session of Congress the farm leaders of the country very generally backed what was known as the McNary-Haugen bill. This bill, with its equalization fee and price-fixing provisions, sought to raise the prices of agricultural products so as to put them on a parity with the manufactured articles. By this legislation it was sought to place agriculture along with other businesses favored by law, such as manufacturers, railroads, and the like, which by legislative favor get at least reasonable returns on their investments. We were told, and I, as one Member of Congress, believed it, that if the McNary-Haugen bill was written into law the price level of agricultural products would be placed on a parity with manufactured articles which are favored by the tariff. Our farm leaders in Congress told us that the tariff would not substantially benefit the farmer. Mr. Coolidge, Mr. Hoover, and other Republican leaders opposed the McNary-Haugen bill because they said it was not sound economically. Mr. Coolidge vetoed the bill after advising with Mr. Hoover. We did not have enough votes in Congress to override the presidential veto.

The campaign of last fall came on and the farm revolt of the West against the Republican administration failed to materialize and the farm vote of the West went to Mr. Hoover.

When this Congress met in December our former farm leaders in Congress announced that they would forego the "equalization fee" provisions of the farm bill Mr. Coolidge recommended to Congress to give the farmers of the country relief at this session of Congress with a bill substantially the McNary-Haugen bill without the "equalization fee." The advice of the "silent statesman" fell on deaf ears in so far as the majority party leadership of this Congress was concerned.

We are advised by the majority party leadership that we should wait for the new Moses to lead depressed agriculture out from under bondage. That it is necessary to call the Congress in extraordinary session—to relieve the farmer—but at the same time to relieve the manufacturer by increasing tariff benefits.

As a result we are nearing the close of the present session of Congress with no efforts being made by the responsible leadership in Congress to give any aid to the farmer. Now, we are to await our new President and a new Congress in extra session. The farmer is promised relief at the extra session, but he must take his relief along with the manufacturer.

Our Ways and Means Committee of the House is holding daily hearings preparatory to an upward revision of the tariff. Every interest in the country now favored by the tariff is urging Congress to favor them by increasing tariff duties. We find our farm organizations appearing before the Ways and Means Committee urging that farm products also be favored by tariff duties.

The representative of the National Grange, appearing before the Ways and Means Committee, made this significant statement:

"Forty years ago we enunciated the policy of tariff for all or tariff for none."

The hearings before the Ways and Means Committee have taken a wide scope. The consumer has not been heard from to any appreciable extent. Many manufacturers have been heard to complain against placing a tariff on raw products.

The newly elected President has called the chairman of the Finance Committee of the Senate—the great exponent of high-tariff rates—to the balmy waters of the land of sunshine, flowers, and sail fishing, and the press intimates that the new leader has cautioned that we should be careful not to put too high a tariff wall around our country, for fear of retaliation on the part of foreign countries which buy our surplus agricultural products.

International bankers of this country overloaded with securities of foreign countries will probably be heard from later in respect to this general raising of tariff rates; possibly the consumer after the deviltment is all done, and it is too late to make any changes, may protest.

I am frank to confess to my farmer friends who are listening in to-night that the outlook does not seem encouraging, as I see it.

It is to be assumed that the extra session of Congress will put some of the agricultural products on the protective tariff lists. Whether this will give to the farmers any appreciable benefit as a whole is a debatable question.

Such a tariff expert as Representative CORDELL HULL, of Tennessee, in a statement before the Ways and Means Committee, a few day ago, gave the figures that such staple crops as corn, wheat, oats, barley, rye, buckwheat, cotton, cottonseed, hay, and tobacco derive nominal tariff benefits or none at all. That about 19 truck products, a majority but not all of which do derive more or less tariff benefits. That of the 360,000,000 acres planted in the United States of all crops in 1928, that 334,347,000 acres of the value of $7,170,330,000 derived either nominal tariff benefits or none at all, and that 5,422,970 acres of truck crops of the value of $443,144,000 derived more or less tariff benefits.

So, after all, the great promised boon of the high protective tariff may not be so helpful to the farmer as a whole.

But in the outset of my remarks I promised that I would give you the facts and let you be the judge as to where the responsibility belonged for the failure of farm relief up to the present time.

I am devoutly praying that the promised relief will come with the ushering in of Mr. Hoover and his new administration. Ever since I have been in Congress I have voted and worked for farm relief. I expect to continue to do everything I can to this end.

And now a word to my North Carolina friends. Each and every one of you, I am sure, are proud that you live in such a great State. No matter what happens here in Congress, our State is still going to keep up the rapid pace of progress we have made and are making.

It certainly makes me feel proud when I am almost daily asked how it is that North Carolina has become the second State in the Union in the payment of Federal taxes. The record that we have made in the building of good roads, schools, industrial enterprises, and in all lines has brought us to the forefront.

I can only promise you that I shall strive faithfully to uphold the ideals of my great State as a Member of Congress.

Thanking you one and all who are listening in to-night, and especially my friends in North Carolina and of my own district and home town, including my son and daughter, I bid you good night.

ADJOURNMENT

Mr. WELSH of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 58 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 13, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, February 13, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON WAYS AND MEANS

(10 a. m. and 2 p. m.)

Tariff hearings as follows:

SCHEDULES

Papers and books, February 13, 14.
Sundries, February 15, 18, 19.

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency appropriation bill.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10.30 a. m.)

To amend the act entitled "An act authorizing the paving of the Federal strip known as International Street adjacent to Nogales, Ariz.," approved May 16, 1928 (H. R. 16661).

To provide for extending the time in which the United States Supreme Court Building Commission shall report to Congress (H. J. Res. 405).

For the acquisition, establishment, and development of the George Washington Memorial Parkway along the Potomac from Mount Vernon and Fort Washington to the Great Falls, and to provide for the acquisition of lands in the District of Columbia and the States of Maryland and Virginia requisite to the comprehensive park, parkway, and playground system of the National Capital (H. R. 15524).

COMMITTEE ON THE PUBLIC LANDS

(10 a. m.)

To revise the boundary of the Yellowstone National Park in the States of Montana and Wyoming (S. 3001).

To authorize the President of the United States to appoint a Yellowstone National Park boundary commission to inspect the areas involved in the proposed adjustment of the southeast, south, and southwest boundaries of the Yellowstone National Park (S. J. Res. 206).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Proposing to amend the Constitution of the United States to exclude aliens in counting the whole number of persons in each State for apportionment of Representatives among the several States (H. J. Res. 102).

Proposing an amendment to the Constitution of the United States (H. J. Res. 351).

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

To authorize the participation by the United States in the Interparliamentary Union (H. J. Res. 387).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

821. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Treasury Department for the fiscal year 1930, for public building projects authorized by the act of May 25, 1926, as amended by the act of February 24, 1928, $9,210,500 (H. Doc. No. 574); to the Committee on Appropriations and ordered to be printed.

822. A letter from the secretary of the United States Civil Service Commission, transmitting schedule of papers in the office of the United States Civil Service Commission which have no permanent or historical interest and which may be destroyed; to the Committee on Disposition of Useless Executive Papers.

823. A letter from the secretary of the American Academy of Arts and Letters, transmitting report of its activities during the year ending December 31, 1928; to the Committee on the Library.

824. A communication from the President of the United States, transmitting records of judgments rendered against the Government by the United States district courts, as submitted by the Attorney General through the Secretary of the Treasury, amounting to $24,085.58 (H. Doc. No. 575); to the Committee on Appropriations and ordered to be printed.

825. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of Commerce for the fiscal year ending June 30, 1930, amounting to $1,040 (H. Doc. No. 576); to the Committee on Appropriations and ordered to be printed.

826. A communication from the President of the United States, transmitting records of judgments rendered against the Government by the United States district courts, under the public vessels act, as submitted by the Attorney General through the Secretary of the Treasury; in all, $6,679.80 (H. Doc. No. 577); to the Committee on Appropriations and ordered to be printed.

827. A communication from the President of the United States, transmitting schedule covering certain claims allowed by the General Accounting Office, as shown by certificates of settlement transmitted to the Treasury Department for payment, in the sum of $433.92 (H. Doc. No. 578); to the Committee on Appropriations and ordered to be printed.

828. A communication from the President of the United States, transmitting records of judgments rendered against the Government by the United States district courts, as submitted by the Attorney General through the Secretary of the Treasury, amounting to $131,766.38 (H. Doc. No. 579); to the Committee on Appropriations and ordered to be printed.

829. A communication from the President of the United States, transmitting communication from the Comptroller General of the United States certifying to the Treasury Depart-

ment a claim for $7,000, payable from the appropriation "Expenses of regulating immigration, 1925" (H. Doc. No. 580); to the Committee on Appropriations and ordered to be printed.

830. A communication from the President of the United States, transmitting list of judgments rendered by the Court of Claims, which have been submitted by the Attorney General through the Secretary of the Treasury and require an appropriation for their payment amounting to $3,509,891.58 (H. Doc. No. 581); to the Committee on Appropriations and ordered to be printed.

831. A communication from the President of the United States, transmitting schedules of claims amounting to $237,076.40, allowed by various divisions of the General Accounting Office, as covered by certificates of settlement under appropriations the balance of which have been carried to the surplus fund under the provisions of section 5 of the act of June 30, 1874 (18 Stat. 110) (H. Doc. No. 582); to the Committee on Appropriations and ordered to be printed.

832. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of channel from the mouth of Linkhorn River or Bay through the Narrows, Broad Bay, Long Creek, Lynnhaven Inlet, Va.; to the Committee on Rivers and Harbors.

833. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Post Office Department for the fiscal year 1929, pertaining to the Rural Delivery Service, $250,000 (H. Doc. No. 583); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WELCH of California: Committee on Appropriations. H. R. 17053. A bill making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes; without amendment (Rept. No. 2465). Referred to the Committee of the Whole House on the state of the Union.

Mr. SNELL: Committee on Rules. H. Res. 318. A resolution providing for the consideration of H. R. 16927, H. R. 16926, and S. 5094, bills amending laws affecting aliens; without amendment (Rept. No. 2467). Referred to the House Calendar.

Mr. FOSS: Committee on the Post Office and Post Roads. H. R. 11476. A bill to authorize the Postmaster General to impose demurrage charges on undelivered collect-on-delivery parcels; without amendment (Rept. No. 2468). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEMPSEY: Committee on Rivers and Harbors. H. J. Res. 411. A joint resolution to extend the provisions of section 19 of the rivers and harbors act approved March 3, 1899, to the navigable waters of the Virgin Islands; with amendment (Rept. No. 2469). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 13465. A bill for the relief of Thomas T. Gessler; with an amendment (Rept. No. 2470). Referred to the Committee of the Whole House.

Mr. MILLER: Committee on Naval Affairs. H. R. 13959. A bill for the relief of Lieut. David O. Bowman, Medical Corps, United States Navy; with an amendment (Rept. No. 2471). Referred to the Committee of the Whole House.

Mr. BURDICK: Committee on Naval Affairs. H. R. 15190. A bill granting six months' pay to Annie Bruce; without amendment (Rept. No. 2472). Referred to the Committee of the Whole House.

Mr. TATGENHORST: Committee on Naval Affairs. H. R. 16901. A bill for the relief of Capt. John H. Merriam, Supply Corps, United States Navy; without amendment (Rept. No. 2473). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WELSH of Pennsylvania: A bill (H. R. 17053) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. ARENTZ: A bill (H. R. 17054) for the relief of Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. BRITTEN: A bill (H. R. 17055) to authorize the Secretary of the Navy to lease the United States naval destroyer and submarine base, Squantum, Mass.; to the Committee on Military Affairs.

By Mr. MENGES: A bill (H. R. 17056) to authorize the erection of a marker in the Gettysburg National Cemetery to the memory of William Saunders; to the Committee on Military Affairs.

By Mr. MORROW: A bill (H. R. 17057) authorizing a per capita payment to the Mescalero Apache Indians of New Mexico from their tribal funds held in trust by the United States; to the Committee on Indian Affairs.

By Mr. WAINWRIGHT: A bill (H. R. 17058) to increase the efficiency of the Medical Department of the Regular Army; to the Committee on Military Affairs.

By Mr. WILLIAMSON: A bill (H. R. 17059) making an appropriation for the Rapid City (S. Dak.) Industrial Indian School; to the Committee on Appropriations.

By Mr. HOCH: A bill (H. R. 17060) to readjust the commissioned personnel of the Coast Guard, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of South Dakota: A bill (H. R. 17061) to increase the efficiency of the Veterinary Corps of the Regular Army; to the Committee on Military Affairs.

By Mr. SCHNEIDER: A bill (H. R. 17062) to provide for the conveyance of Deer Island and Virgin Island, in Wheeler Lake, Oconto County, Wis., to the county of Oconto, State of Wisconsin, and for other purposes; to the Committee on the Public Lands.

By Mr. PORTER: Joint resolution (H. J. Res. 416) amending section 1 of the joint resolution entitled "Joint resolution to prohibit the exportation of arms or munitions of war from the United States to certain countries, and for other purposes," of January 31, 1922; to the Committee on Foreign Affairs.

By Mr. DYER: Resolution (H. Res. 319) for commemorative exercises and addresses on March 2, 1929, on the life, character, and public service of Carl Schurz; to the Committee on Rules.

By Mr. LaGUARDIA: Resolution (H. Res. 320) to investigate the conduct of Federal Judge Francis A. Winslow, of the southern district of New York, in relation to his conduct in office; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. BOX: Memorial by the Senate of the State of Arizona to the Congress of the United States of America asking for the enactment of the provisions of H. R. 6465, known as the Box bill, restricting immigration from the Republic of Mexico; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOYLAN: A bill (H. R. 17063) for the relief of Nora Bowden; to the Committee on Claims.

By Mr. CANFIELD: A bill (H. R. 17064) granting an increase of pension to Laura McWilliams; to the Committee on Invalid Pensions.

By Mr. COHEN: A bill (H. R. 17065) providing for a survey of certain land upon Governors Island, N. Y., and waters adjoining thereto, and for other purposes; to the Committee on Military Affairs.

By Mr. FENN: A bill (H. R. 17066) granting a pension to Carrie R. Jackson; to the Committee on Invalid Pensions.

By Mr. WILLIAM E. HULL: A bill (H. R. 17067) granting an increase of pension to Charlottie E. Rockhold; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 17068) to carry out the findings of the Court of Claims in the case of Joseph G. Grissom; to the Committee on War Claims.

By Mr. MORIN: A bill (H. R. 17069) to authorize the appointment of Arthur J. Hanlon as a major in the United States Army and to place him immediately on the retired list; to the Committee on Military Affairs.

By Mr. PARKER: A bill (H. R. 17070) granting an increase of pension to Catherine Lavery; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 17071) granting an increase of pension to Susie P. Van Nostrand; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 17072) authorizing the President to order John W. Daily before a retiring board for a hearing of his case and upon the findings of such board determine whether or not he be placed on the retired list with the

rank and pay held by him at the time of his resignation; to the Committee on Military Affairs.

By Mr. SPROUL of Illinois: A bill (H. R. 17073) for the relief of Mary J. Dee; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

11104. By Mr. BOYLAN: Resolution adopted by New York Holstein-Friesian Association, at their annual convention, asking Congress to protect the dairy industry; to the Committee on Ways and Means.

11105. Also, resolution adopted by board of trustees of the Foreign Language Information Service, urging Congress to permit aliens who entered the United States before July 1, 1924, but of whose admission there is no record, to regularize their status in the United States and to obtain the certificate of arrival required for naturalization; to the Committee on Immigration and Naturalization.

11106. Also, resolution adopted by National Council of Reserve Officers' Association of the United States, indorsing the passage of bills introduced by Senator TYDINGS and Congressmen JOHNSON, McLEOD, and CLANCY to confer a Congressional Medal of Honor on Capt. Eddie Rickenbacker; to the Committee on Military Affairs.

11107. Also, petition of Shoe Leather Dealers Association of New York, protesting against any change in present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

11108. By Mr. CARLEY: Petition of J. M. Bartels Co., of New York, protesting admission of foreign stamps, etc., free; to the Committee on Ways and Means.

11109. By Mr. COCHRAN of Pennsylvania: Petition of the Central Presbyterian Church, over 300 members, Mercer, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

11110. Also, petition of 11 members of the Woman's Missionary Society of Scrubgrass Presbyterian Church, at Emlenton, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

11111. Also, petition of 243 members of the Presbyterian Church, of West Middlesex, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

11112. Also, petition of 701 citizens of Grove City, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

11113. Also, petition of the Woman's Christian Temperance Union, 24 members, of Springboro, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

11114. Also, petition of the Woman's Christian Temperance Union, 95 members, of Mercer, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11115. Also, petition of 230 members of the First United Presbyterian Church, of Mercer, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11116. Also, petition of Alexander Hutchison, commander, and other members of J. W. Campbell Camp, No. 69, United Spanish War Veterans, Grove City, Pa., urging the passage of the Knutson bill (H. R. 14676); to the Committee on Pensions.

11117. Also, petition of 826 citizens of the twenty-eighth congressional district of Pennsylvania, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11118. By Mr. CONNERY: Resolution of Edgemakers Independent Union, Local No. 1, Lynn, Mass.; to the Committee on Ways and Means.

11119. By Mr. COOPER of Wisconsin: Petition of 175 members of the Presbyterian Church, Racine, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11120. Also, petition of 400 members of the First Presbyterian Church of Waukesha, Wis., urging the enactment of the Lankford bill for a Sunday rest law for the District of Columbia; to the Committee on the District of Columbia.

11121. Also, petition of 80 members of West Side Presbyterian Church, Beloit, Wis., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11122. By Mr. CULKIN: Petition of Daughters of Union Veterans, Tent No. 61, of Fulton, N. Y., urging support of pension bill known as Senate bill 4559, to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, etc.; to the Committee on Invalid Pensions.

11123. By Mr. FRENCH: Petition of 63 citizens of Washington County, Idaho, protesting against the enactment of any Sunday observance bill; to the Committee on the District of Columbia.

11124. Also, petition of 139 citizens of Gem County, Idaho, protesting against enactment of the Lankford Sunday bill or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

11125. Also, petition of 18 citizens of Payette and Canyon Counties, Idaho, protesting against enactment of the Lankford Sunday bill or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

11126. By Mr. GARBER: Petition of certain residents of Kay County, Okla., in support of legislation for increase in tariff duties on farm products; to the Committee on Ways and Means.

11127. By Mr. GRIEST: Petition of 253 members of the Marietta Presbyterian Church, Marietta, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

11128. Also, petition of 19 citizens of Lancaster County, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

11129. By Mr. McCORMACK: Petition of Helen T. Brosnahan, 23 Westcott Street, Dorchester, Mass., protesting against the Newton maternity bill and the equal rights amendment; to the Committee on Interstate and Foreign Commerce.

11130. By Mr. McDUFFIE: Petition of E. H. Britten and 45 other residents of Mobile, Ala., opposing any change in the present tariff on hides and leather used for the manufacture of shoes; to the Committee on Ways and Means.

11131. By Mr. MOONEY: Petition of sundry citizens of Cleveland, Ohio, protesting House bill 78, the Sunday observance bill; to the Committee on the District of Columbia.

11132. By Mr. MURPHY: Petition of P. A. Flaherty, 4673 Jefferson Street, Bellaire, Ohio, and four other signers, protesting against the Lankford Sunday bill; to the Committee on the District of Columbia.

11133. By Mr. O'CONNELL: Petition of the New York Holstein-Friesian Association, favoring an increase of tariff duties for the dairy industry; to the Committee on Ways and Means.

11134. Also, petition of M. H. Birge & Sons Co., Buffalo, N. Y., favoring a substantial increase of duty on wall paper; to the Committee on Ways and Means.

11135. By Mr. O'CONNOR of New York: Resolution adopted by the board of trustees of the Foreign Language Information Service, urging legislation permitting aliens who entered the United States before July 1, 1924, but of whose admission there is no record, and who are not for any cause subject to deportation, to regularize their status in the United States and to obtain the certificate of arrival required for naturalization; to the Committee on Immigration and Naturalization.

11136. By Mr. PERKINS: Petition of J. P. Crittenden, 174 Upper Boulevard, Ridgewood, N. J., protesting against action of Federal Reserve Board; to the Committee on Banking and Currency.

11137. By Mr. PRATT: Petition of Henry Hudson, mayor of Hudson, Columbia County, N. Y., urging enactment into law of House bill 78, known as the Lankford Sunday rest bill for the District of Columbia; to the Committee on the District of Columbia.

11138. By Mr. QUAYLE: Petition of National Knitted Outerwear Association of New York City, opposing any partial revision which will unbalance the business outlook, substitute uncertainty for confidence, and result in postponing the general revision so necessary at this time; to the Committee on Ways and Means.

11139. Also, petition of New York Band Instrument Co. (Inc.), of New York City, protesting against the passage of House bill 13452 as bringing serious consequences adversely affecting the entire talking-machine industry; to the Committee on Patents.

11140. Also, petition of New York State Fish, Game, and Forest League, favoring the development of Camp Upton, Long Island, N. Y., into a fish and game refuge; to the Committee on Agriculture.

11141. Also, petition of National Boot and Shoe Manufacturers' Association, of Boston, Mass., favoring the Payne-Aldrich tariff bill; to the Committee on Ways and Means.

11142. Also, petition of the Arabol Manufacturing Co., of New York City, protesting against any duty upon tapioca and sago; to the Committee on Ways and Means.

11143. Also, petition of New York Holstein-Fresian Association, urging better protection of our dairy industry by adequate increase of existing tariff on milk, cream, cheese, butter, and other dairy products; to the Committee on Ways and Means.

11144. Also, petition of Foreign Language Information Service, of New York City, favoring House bill 349 as amended in the Senate to include the subject matter contained in House bill 13793; to the Committee on Immigration and Naturalization.

11145. Also, petition of M. H. Birge & Sons Co., of Buffalo, N. Y., urging a substantial increase in the duty upon wall paper; to the Committee on Ways and Means.

11146. By Mr. STRONG of Pennsylvania: Petition of citizens of Reynoldsville, Pa., opposed to any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

11147. By Mr. THOMPSON: Petition of citizens of Paulding, Ohio, urging the passage of House bill 14676, known as the Knutson bill, to increase pensions of certain veterans of the war with Spain; to the Committee on Pensions.

11148. By Mr. TREADWAY: Petition of the North Adams Corps of the Salvation Army, Adams, Mass., with a membership of 150, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11149. By Mr. VINCENT of Iowa: Petition from the Theodore Roosevelt High School, Des Moines, Iowa, urging favorable consideration be given to the Norbeck refuge bill (S. 1271); to the Committee on Agriculture.

11150. By Mr. WELCH of California: Petition of United Spanish War Veterans, department of California, requesting the enactment of House bill 14676; to the Committee on Pensions.

11151. By Mr. WOLVERTON: Petition of 28 citizens of Camden County, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

11152. Also, petition of 108 citizens of Williamstown, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford Sunday rest bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

11153. Also, petition of 145 citizens of Paulsboro, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

11154. Also, petition of 31 citizens of Centerton, N. J., and vicinity, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11155. Also, petition of 60 citizens of Bridgeport, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford Sunday rest bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11156. Also, petition of 230 citizens of Mantua, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11157. Also, petition of 30 citizens of Elmer, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11158. Also, petition of 45 citizens of Woodbury, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11159. Also, petition of 75 citizens of Gibbsboro, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11160. Also, petition of 36 citizens of Newfield, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11161. Also, petition of 13 citizens of Paulsboro, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11162. Also, petition of 15 citizens of Woodstown, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11163. Also, petition of 67 citizens of Stratford, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11164. Also, petition of 225 citizens of Camden, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11165. Also, petition of 47 citizens of Atco, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11166. Also, petition of 79 citizens of the town of Blackwood, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11167. Also, petition of 155 citizens of Collingswood, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11168. Also, petition of 88 citizens of Penns Grove and vicinity, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11169. Also, petition of 58 citizens of Thorofare and vicinity, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11170. Also, petition of 105 citizens of Westville, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

11171. Also, petition of 26 citizens of New Freedom, N. J., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

